

# COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue  
Weston WV 26452  
Phone:( 304)269-8200  
FAX: (304)269-2416  
Email:lewiscountycommission@lewiscountywv.org  
Website: lewiscountywv.org



**COMMISSIONERS:**  
Rod Wyman, President  
Agnes Queen, Commissioner  
Patrick Boyle, Commissioner

**LEWIS COUNTY COMMISSION**  
110 Center Avenue, 2nd Floor  
Weston, WV 26452  
Meeting Agenda  
Tuesday, April 21, 2020

## **SPECIAL MEETING:**

**THE LEWIS COUNTY COMMISSION WILL MEET AT 9:50 AM**  
**TO SET THE LEVY RATES FOR FISCAL YEAR 2021**

### **SILENT MEDITATION AND PLEDGE OF ALLEGIANCE**

1. 10:00 AM            **Call Meeting to Order**
2. 10:05 AM            **John Breen, Lewis County Assessor**  
**RE: Exonerations, Consolidations, Apportionments**  
Draft copies will be available for review on Friday, April 17, 2020  
(*action required*)

### **APPOINTMENTS**

3. 10:10 AM            **Allison Farrell, Esquire**  
**RE: Removal of Executrix of the Estate of Lawrence Heater**  
Ms. Farrell, representing Billy Heater, has requested the executrix of the estate of Lawrence Heater be removed due to the inability to properly execute the estate.  
(*action required*)

### **CORRESPONDENCE**

4. **Upshur County Commission Meeting Agenda:** The April 16, 2020 Upshur County Commission Meeting Agenda is presented for review. (*information only*)
5. **Public Service Commission of West Virginia Wireless E911 Subscriber Fee Disbursement:** The Public Service Commission of West Virginia had disbursed Lewis County's E911 (wireless) subscriber fees for January, February and March, 2020 in the amount of \$152,359.23. Last Quarter the county received \$147,488.79. (*information only*)
6. **Lewis Gilmer E911 Monthly Report :** The Lewis Gilmer E911 monthly report of calls and disposition is presented for review. (*information only*)

### **BUSINESS**

7. **Board(s) and Committee(s) Reports:** Coronavirus Conference Calls. (*information only*)

8. **Retirement Resignation of Lewis County Animal Control Officer:** Lewis County Animal Control Officer, John Snyder tenders his retirement resignation effective May 17, 2020. The commission will consider acceptance of this resignation. If accepted, the county commission will be asked to advertise for this position. *(action required)*
9. **Lewis County Park Request to Hire Seasonal Maintenance Employee:** Lewis County Park Director Josh Hinchman requests to hire Joshua Lockhart as a season maintenance employee. *(action required)*
10. **Resolution for Land and Water Conservation Fund Grant for the Lewis County Park:** The Lewis County Commission is asked to sign a resolution to apply for a Land and Water Conservation Grant in the amount of \$80,000.00 to do concrete and tile at the Lewis County Pool. *(action required)*
11. **Request to Advertise for Seasonal Park/Pool Employees:** Lewis County Park and Recreation Director Josh Hinchman requests permission to advertise for seasonal park/pool employees. The hiring of these individuals will be subject to relaxation of COVID 19 restrictions. *(action required)*
12. **Time Sheets and Leave Requests:** None

#### **ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:**

13. **Actions of the Clerk:** County Clerk Cynthia S. Rowan presents actions of the clerk in recess of the county commission for approval. Draft copies will be available for review upon request Friday, April 17, 2020. *(action required)*
14. **Approval of Estates:** County Clerk Cynthia S. Rowan presents the estates ready for settlement to the Lewis County Commission for approval. Draft copies will be available for review upon request Friday, April 17, 2020. *(action required)*
15. **Presentation by the County Clerk of the Orders of Prior Meeting(s):** The Lewis County Clerk presents the Orders (minutes) of previous Lewis County Commission meeting(s) for approval. Draft copies will be available for review upon request Friday, April 17, 2020. *(action required)*
16. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, April 17, 2020. *(action required)*

#### **ADJOURNMENT:**

17. **With no further action being required by the Lewis County Commission the meeting will be adjourned.** *(action required)*

#### **LEWIS COUNTY COMMISSION MEETING MANAGEMENT**

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Agenda Items may require an executive session.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.
- Roberts Rules of Order is utilized as a guide only. The Commission controls meeting management, discussion and input.
- Commissioners may participate and vote via conference call if two(2) commissioners are in attendance.

## Upshur County Commission Meeting Agenda

Agenda packets are available electronically at [http://www.upshurcounty.org/agenda\\_and\\_minutes/index.php](http://www.upshurcounty.org/agenda_and_minutes/index.php) or by request to the Upshur County Commission Office at 304-472-0535

- Location: Meeting will be held telephonically due to COVID-19. Please dial 1-800-719-6100 (toll free) or 1-717-275-8940 Access Code: 898 8882 to enter the conference call
- Date of Meeting: April 16, 2020
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:  
• April 2, 2020
- 9:15 a.m. Proclamation and Certificate of Recognition in honor of National Public Safety Telecommunicators Week
- 9:30 a.m. Discuss operations of the Upshur County Recreational Park during the 2020 season
- 10:00 a.m. Attorneys Clayton Fitzsimmons and Mark Colantonio of Fitzsimmons Law Firm PLLC -- Update on pending opioid litigation via conference call  
*Item may lead to Executive Session per WV Code §6-9A-4*
- 11:00 a.m. Teleconference with Elected Officials to further discuss continued operations as they relate to COVID 19

### Items for Discussion / Action / Approval:

1. Approval of the Revised 2020 Calendar Year Holidays/Hours of Operation. The revisions are due to the postponement of the Primary Election and the cancellation of the Strawberry Festival. \*
2. Correspondence from Rich Clemens, on behalf of the Rotary Club of Buckhannon-Upshur, requesting permission to place a sign on the Courthouse property. The sign expresses gratitude to healthcare workers and first responders during this difficult time. Upon approval, the Rotary Club will assume all costs associated with the project and will maintain/remove the signs as directed. \*
3. Correspondence from Laura B. Meadows, Upshur County Convention and Visitors Bureau Executive Director, announcing the upcoming term expiration of the Commission's representative on the Board and requesting for the appointment of a new representative. Upon approval, the new representative's term will begin on July 1, 2020 and expire on June 30, 2023. \*
4. Correspondence from Jason Keeling, Executive Director of the American Red Cross Allegheny Highlands Chapter, requesting a donation in the amount of \$2,500 to aid in their effort to assist the community. \*
5. Approval and signature of a Section 125 Flexible Benefit Plan Amendment for Flexible Spending Accounts (FSAs), effective upon execution. The plan will be amended to include changes in the definition of medical expenses related to the Coronavirus Aid, Relief, and Economic Security Act (CARES

Act). The Section 125 Plan Amendment allows the employee to pay for certain qualified medical expenses on a pre-tax basis using their FSA cards. \*

6. Review and signature of WV Association of Counties Group Self Insurance Risk Pool Coversheet to Member Agreement. The total annual contribution including workers' compensation is \$179,562. \*
7. Correspondence from Sheriff David H. Coffman announcing the termination of Kelly Pugh, Law Enforcement Administrative Assistant, effective March 16, 2020. \*  
*Item may lead to Executive Session per WV Code §6-9A-4*
8. Correspondence from Cheyenne Troxell, Program Director for Community Corrections, requesting to increase Andrew Pinkney's rate of pay to \$35 per hour, effective immediately. As agreed, Mr. Pinkney has achieved his ADC Counseling certification. \*  
*Item may lead to Executive Session per WV Code §6-9A-4*
9. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

**For Your Information:**

**(Certain Items May Require Discussion, Action and/or Approval by the Commission)**

1. Correspondence from Brad Ayers, Senior Director of Government Affairs for Suddenlink by Altice USA, notifying the Commission that effective April 21, 2020, the Company will offer new tiered video packages for all new and existing business customers. All existing video pricing will be unaffected.
2. Upshur County Fire Board, Inc. Cumulative Financial Reports FY20 – July 1, 2019 through April 11, 2020
3. U.S. EPA Brownfields Quarterly Progress Report for period January 1, 2020 through March 31, 2020
4. Upshur County E911 Communication Reports – March, 2020
  - Monthly Department Summary Report
  - Monthly Wrecker Report
  - YTD Wrecker Report
5. Appointments Needed or Upcoming:

Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: [http://www.upshurcounty.org/agenda\\_and\\_minutes/index.php](http://www.upshurcounty.org/agenda_and_minutes/index.php)

**Tabled Items**

**(Certain Items May Require Discussion, Action and/or Approval by the Commission)**

1. Chapman Case Number 101118-01 (Warren Tax District – Tax Map 6B Parcel Number 11)

**The Regular Meetings of the Upshur County Commission are CANCELLED until further notice  
A Special Meeting will take place Tuesday, April 21, 2020 at 9 a.m. via teleconference**

# Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323



Phone: (304) 340-0300  
Fax: (304) 340-0325

April 6, 2020

Lewis County Commission  
110 Center Avenue  
Weston, WV 26452

SUBJECT: Disbursement of Wireless E-911 Subscriber Fees

Dear County Commissioner:

A check in the amount of \$152,359.23 representing a disbursement of Wireless E-911 subscriber fees will be mailed directly from the West Virginia State Auditor's Office. This amount is your County's share of the fees remitted to the Public Service Commission for the months of January, February, and March 2020. The next disbursement will be in three months.

I can be reached at our toll-free number, 1-800-344-511, Extension 364, or direct at 304-340-0364, should you have any questions about the disbursement calculation or about the fees in general.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Mitchell".

Sandra Mitchell  
Budget & Finance Manager

SM:kp





2020 LEWIS-GILMER E-911 TELETYPE REPORT

		JAN.	FEB.	MAR.	APR.	MAY.	JUN.	JULY.	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL
LEWIS COUNTY	10-27	433	379	352										1164
	10-28	407	419	286										1112
	III & CIB	211	180	147										538
	OTHER	41	22	35										98
	DVP	53	60	59										172
CITY	10-27	132	114	89										335
	10-28	104	66	77										247
	III & CIB	14	12	6										32
	OTHER	15	17	6										38
	DVP	11	9	10										30
STATE	10-27	163	126	95										384
	10-28	107	90	68										265
	III & CIB	57	37	34										128
	OTHER	18	6	1										25
	DVP	16	21	2										39
DNR	10-27	18	17	9										44
	10-28	21	8	5										34
	III & CIB	6	0	1										7
	OTHER	2	0	0										2
	DVP	4	6	5										15
PROSECUTOR	10-27	22	14	10										46
	10-28	0	0	1										1
	III & CIB	95	36	41										172
	OTHER	0	0	0										0
	DVP	0	0	0										0
PROBATION	10-27	6	3	5										14
	10-28	1	0	0										1
	III & CIB	21	13	15										49
	OTHER	4	7	8										19
	DVP	0	6	2										8
SWJS PARK	10-27	0	0	4										4
	10-28	0	0	0										0
	III & CIB	0	0	3										3
	OTHER	0	0	0										0
	DVP	0	0	0										0
FAMILY COURT	III & CIB	0	0	0										0
DAY REPORT	10-27	16	4	8										28
	10-28	0	0	0										0
	III & CIB	27	4	11										42
	OTHER	57	14	22										93
	DVP	0	0	0										0
													TOTAL TRANSACTIONS	5189

2020 LEWIS-GILMER E-911 TELETYPE REPORT

GILMER		JAN.	FEB.	MAR.	APR.	MAY.	JUN.	JULY.	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL
COUNTY	10-27	37	35	29										101
	10-28	29	22	21										72
	III & CIB	55	65	39										159
	OTHER	0	0	0										0
	DVP/WAR	2	2	1										5
CITY	10-27	58	77	30										165
	10-28	44	64	16										124
	III & CIB	16	10	13										39
	OTHER	3	0	6										9
	DVP/WAR	11	12	3										26
STATE	10-27	92	91	61										244
	10-28	63	70	37										170
	III & CIB	33	21	24										78
	OTHER	3	1	2										6
	DVP/WAR	19	34	16										69
DNR	10-27	0	0	0										0
	10-28	2	1	0										3
	III & CIB	0	0	0										0
	OTHER	0	0	0										0
	DVP/WAR	0	0	1										1
PROSECUTOR	10-27	3	0	0										3
	10-28	0	0	0										0
	III & CIB	8	11	4										23
	OTHER	6	0	0										6
	DVP/WAR	0	0	0										0
CAMPUS	10-27	8	9	1										18
	10-28	88	12	2										102
	III & CIB	10	4	0										14
	OTHER	0	0	0										0
	DVP/WAR	0	0	0										0

Total Transactions 1437

April 13, 2020

Lewis County Commission  
110 Center Avenue  
Weston, Wv 26452

To whom it may concern:

I would like to inform you that, due to circumstances beyond my control related to my accident in November 2019, I will be retiring from my position as Lewis County Animal Control Officer effective as of May 17, 2020.

Thank you for the opportunities for professional and personal development that you have provided me over the years. I have truly enjoyed serving and working with the people of Lewis County throughout my tenure. If I can be of any assistance during this transition, please let me know.

It has been a pleasure to serve the county.

Sincerely,



John J. Snyder

## Request to hire employee

From: jhinchman@lewiscountywv.org (jhinchman@lewiscountywv.org)

To: cindywhetsell@yahoo.com; lewiscountycommission@lewiscountywv.org; chaught@lewiscountywv.org

Date: Thursday, April 9, 2020, 02:43 PM EDT

To Lewis County Commission:

Lewis County Park is requesting to rehire a seasonal maintenance employee starting on Thursday April 16, 2020. Joshua Lockhart at the rate of pay of \$9.00 an hour.

Joshua Hinchman  
Director  
Lewis Co Park

# COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue

Weston WV 26452

Phone: (304) 269-8200

Fax: (304) 269-2416

Email: [lewiscountycommission@lewiscountywv.org](mailto:lewiscountycommission@lewiscountywv.org)

Website: [lewiscountywv.org](http://lewiscountywv.org)



**COMMISSIONERS:**  
Rod Wyman, President  
Patrick Boyle, Commissioner  
Agnes Queen, Commissioner

## RESOLUTION of the LEWIS COUNTY COMMISSION, WEST VIRGINIA

Authorizing the submission of a

### LAND AND WATER CONSERVATION FUND Grant Application

**WHEREAS**, the Lewis County Commission is the land owner of the Lewis County Park situated on 257 Smith Run Road in Weston, West Virginia;

**WHEREAS**, the Lewis County Park Board is the direct management agency for the Lewis County Park;

**WHEREAS**, the Lewis County Park Board desires to apply for a grant from the West Virginia Development Office, the liaison agency for the National Park Service and its Land and Water Conservation Fund program;

**WHEREAS**, the Lewis County Park Board has set aside \$80,000 of cash in its Capital Improvement account as matching funds for this project.

**WHEREAS**, the Lewis County Commission through its Lewis County Park Board agree to abide by all rules and regulation pertaining to the Land and Water Conservation Fund Program and to operate and maintain the proposed facility for public use under the requirements of the Land and Water Conservation Funds should this project received Federal funding assistance.

**NOW, THEREFORE, BE IT RESOLVED** that the Lewis County Commission hereby authorizes the Lewis County Park Board to submit an application to the State of West Virginia requesting funding from the *Land and Water Conservation Fund* through the State's West Virginia Development Office, the liaison office for the National Park Service, which is the source of the grant funding, for the resurfacing of the swimming pool at the Lewis County Park. In addition, the Lewis County Commission authorizes Joshua Hinchman, the Director of Lewis County Park to sign any and all documents which accompany or are part of this application and any document necessary for the completion of the project should it receive National Park Service approval.

**ADOPTED BY** the Lewis County Commission at its meeting held on the 21<sup>st</sup> day of April, 2020.

Lewis County Commission

Attested by:  
Lewis County Clerk

By: \_\_\_\_\_  
Roderick B Wyman, Commission President

By: \_\_\_\_\_  
Cynthia S. Rowan

**Application for Federal Assistance SF-424**

<b>* 1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	<b>* 2. Type of Application:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	<b>* If Revision, select appropriate letter(s):</b> _____ <b>* Other (Specify):</b> _____
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<b>* 3. Date Received:</b> 04/08/2020	<b>4. Applicant Identifier:</b> _____
--	--

<b>5a. Federal Entity Identifier:</b> _____	<b>5b. Federal Award Identifier:</b> _____
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**State Use Only:**

<b>6. Date Received by State:</b> _____	<b>7. State Application Identifier:</b> _____
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**8. APPLICANT INFORMATION:**

<b>* a. Legal Name:</b> Lewis County Commission	
<b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 556000338	<b>* c. Organizational DUNS:</b> 8034180450000

**d. Address:**

<b>* Street1:</b>	110 Center Ave
<b>Street2:</b>	_____
<b>* City:</b>	Weston
<b>County/Parish:</b>	Lewis County
<b>* State:</b>	WV: West Virginia
<b>Province:</b>	_____
<b>* Country:</b>	USA: UNITED STATES
<b>* Zip / Postal Code:</b>	26452-1964

**e. Organizational Unit:**

<b>Department Name:</b> _____	<b>Division Name:</b> _____
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**f. Name and contact information of person to be contacted on matters involving this application:**

<b>Prefix:</b> Mr.	<b>* First Name:</b> Joshua
<b>Middle Name:</b> _____	
<b>* Last Name:</b> Hinchman	
<b>Suffix:</b> _____	

<b>Title:</b> Director
------------------------

<b>Organizational Affiliation:</b> Lewis County Parks and Recreation
---

<b>* Telephone Number:</b> 304-269-6599	<b>Fax Number:</b> _____
---	--------------------------

<b>* Email:</b> jhinchman@lewiscountywv.org
---

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

**Type of Applicant 2: Select Applicant Type:**

**Type of Applicant 3: Select Applicant Type:**

**\* Other (specify):**

**\* 10. Name of Federal Agency:**

National Park Service

**11. Catalog of Federal Domestic Assistance Number:**

15.916

**CFDA Title:**

Outdoor Recreation Acquisition, Development, and Planning

**\* 12. Funding Opportunity Number:**

**\* Title:**

Land and Water Conservation Fund State and Local Assistance Program

**13. Competition Identification Number:**

**Title:**

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

This project proposes to refinish the concrete plaster and tile in the shell of the pool at the Lewis County Park on Smith Run Road near Weston, WV.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="90,000.00"/>
* b. Applicant	<input type="text" value="90,000.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="180,000.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on  .
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes  No

If "Yes", provide explanation and attach

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:

\* Date Signed: