

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
Patrick Boyle, Commissioner
Agnes Queen, Commissioner

LEWIS COUNTY COMMISSION

110 Center Avenue, 2nd Floor

Weston, WV 26452

Meeting Agenda

Tuesday, July 28, 2020

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, July 24, 2020
(*action required*)

APPOINTMENTS

3. 10:10 AM **RE: Hiring of Full Time Animal Control Officer Position**
The Lewis County Commission conducted interviews for the position of full time Animal Control Officer. The County Commission will consider hiring Robert Michael Francis for this position. If approved, the oath of office will be administered. His start date will be August 1, 2020. (*action required*)

CORRESPONDENCE

4. **Upshur County Commission Meeting Agenda:** The July 23, 2020 Upshur County Commission Meeting Agenda is presented for review. (*information only*)
5. **Lewis County Park and Recreation Board Meeting Agenda and Minutes:** The Lewis County Park and Recreation Board Agenda for the July 27, 2020 meeting and the minutes of the June 22, 2020 meeting are presented for review. (*information only*)
6. **Regional Jail Partial Operations Fund Disbursement:** Lewis County is in receipt of the Fiscal Year 2021 Regional Jail Partial Operations Fund Distribution in the amount of \$42,367.69. Last year the county received \$53,645.39. (*information only*)
7. **25% Coal Severance Tax Distribution:** Lewis County has received the 25% Coal Severance Tax distribution for the last quarter of FY 2020 in the amount of \$5,174.35. The third quarter of 2020 the county received \$7,141.53. (*information only*)

BUSINESS

8. **Board and Committee Reports:** The Lewis County Commission will report on the following board and committee meetings: COVID 19 meetings and conference calls; Lewis County Park Board; Work Session for FY 2021 budget; Region VII Planning and Development Council. *(information only)*
9. **Fiscal Year 2021 Budget Revision #1:** The Lewis County Commission is asked to execute budget revision #1 for the Fiscal Year 2021 budget. This incorporates the unencumbered funds from Fiscal Year 2020 into the current year budget. *(action required)*
10. **Memorandum of Understanding for the Southern Lewis Tower Project:** The Lewis County Commission is asked to execute a Memorandum of Understanding with the Lewis County Economic Development Authority to allow the authority to procure a broadband provider to lease tower space. *(action required)*
11. **Consideration of Cancellation of the August 3, 2020 Lewis County Commission Meeting:** The Lewis County Commission will be attending the mandatory West Virginia State Auditor and County Commissioner's Association of West Virginia annual meeting on August 2 through August 4, 2020. The Commission will consider cancellation of the August 3, 2020 meeting due to lack of quorum. *(action required)*
12. **Time Sheets and Leave Requests:** *(action required)*
 - a. Rick Stout Annual Leave

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, July 24, 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, July 24, 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, July 24, 2020. *(action required)*
16. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, July 24, 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 or by request to the Upshur County Commission Office at 304-472-0535

Location: Upshur County Courthouse Annex
If you prefer to participate by telephone, please dial 1-717-275-8940 or 1-712-832-8330
Access Code: 898 8882 to enter the conference call

Date of Meeting: July 23, 2020

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• July 16, 2020

Items for Discussion / Action / Approval:

1. Approval for Terry B. Cutright, President, to execute any and all documents necessary for the Promissory Note and Business Loan Modification Agreement between the Upshur County Commission, Buckhannon Upshur Airport Authority and Community Bank. The outstanding principal balance as of June 26, 2020 was sixty-six thousand one hundred eighty-three dollars and thirty-seven cents (\$66,183.37). The maturity date will be extended from July 14, 2020 to July 14, 2021. *
2. Approval and signature of the Land Use Covenant for the Brownfield site located at 76 Youth Camp Road. This is an environmental covenant executed pursuant to the Voluntary Remediation and Redevelopment Act and the Uniform Environmental Covenants Act to restrict the activities on, and uses of, the property. *
3. Correspondence from Dustin Zickefoose, Assessor, requesting for the 2013 Ford Escape (VIN 5324), previously purchased by the Assessors Valuation Fund, to be sold to the Board of Education for \$1 per WV Code §7-3-3 (2)(5). The vehicle will be used for the Prevention Resource Officer Program. *
4. Correspondence from David H. Coffman, Upshur County Sheriff, requesting the employment of Austin W. Nestor for the position of Deputy Sheriff. Upon approval, Mr. Nestor will begin employment on August 9, 2020 at the starting pay rate of \$17.50 per hour. Upon completion of the WV State Police Academy, his rate of pay will be increased to \$18.73 per hour, provided that his completion is within the current fiscal year. *
Item may lead to Executive Session per WV Code §6-9A-4
5. 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. Frontier Communications Corporation, et al. – Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Debtors and Related Voting and Objection Deadlines
2. Correspondence from Governor Jim Justice announcing the Community Corrections program grant award in the amount of \$161,500 to be utilized for the continued operation of the community corrections program in Upshur and Lewis Counties.
3. Upshur County Building Permits for June, 2020
4. Upshur County Sheriff's Financial Statement for the Period Ending June 2020
5. Upshur County Solid Waste Authority Financial Report Fiscal Year 2020
6. NACo Prescription Drug Discount Card Program breakdown from 2005 to May, 2020
7. Correspondence from Steven B. Nanners, on behalf of the Civil Service Board, certifying three candidates for the vacant Deputy Sheriff position. * Under separate cover
Item may lead to Executive Session per WV Code §6-9A-4 (A)
8. Lewis-Upshur Animal Control Facility Reports for the months of June, 2020
 - Adoption Financial Transactions
 - Cat Report
 - Animal Report
 - Animal Control/Humane Officer Animal Report
9. Upshur County E911 Communication Reports – June, 2020 Under separate cover
 - Monthly Department Summary Report
 - Monthly Wrecker Report
 - YTD Wrecker Report
10. Appointments Needed or Upcoming:
 - Upshur County Fire Board, Inc. (Linn Baxa – 6-30-2020) – Fire Association Representative
 - Hodgesville PSD (Roger Ward – 8-5-2020)
 - Elkins Road PSD (Larry Heater – 9-30-2020)
 - Upshur County Solid Waste Authority (Mary L. Gower – 6-30-2020) --- Conservation District
 - Buckhannon-Upshur Parks & Recreation Advisory Board (Brett Robinson – 6-30-2020) – BOE

****If you are interested in serving on an Upshur County board, please submit your letter of interest to the Commission Office at 91 W. Main St., Suite 101, Buckhannon, WV 26201 or trperry@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment. ****

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

Tabled Items

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

Next Regular Meeting of the Upshur County Commission
August 6, 2020 --- 9:00 a.m.
Upshur County Courthouse Annex

The regularly scheduled Commission Meeting on July 30, 2020 has been CANCELLED

LEWIS COUNTY PARKS AND RECREATION AGENDA

Monday, July 27, 2020 @ 6:00 pm at the Lewis County Park

- 1) Call to Order**
- 2) Reading of the Minutes**
- 3) Treasurer's Report**
- 4) Public Comment**
- 5) Director's Report**
- 6) Old and Unfinished Business**
- 7) New Business**
- 8) Adjourn**

MINUTES OF THE LEWIS COUNTY PARK BOARD OF DIRECTORS

Meeting Date of June 22, 2020

Present: Barbara Paugh, Vice President, Betty Hill, Treasurer, Josie Britton, Secretary, Josh Hinchman, Director, Richard Messenger, Member, Heather Fluharty, Member, Barbara Tucker, Member, Shirley Taylor, Member, Glen Brown, Member, Agnes Queen, County Commission, and Rod Wyman, County Commission

The meeting was called to order by Vice President Barbara Paugh. Minutes from the previous meeting(February 24, 2020) were approved by Richard Messenger, seconded by Barbara Tucker.

Betty Hill went over the treasurer's report. There were no questions or concerns with the given information. The report was approved by Richard Messenger, seconded by Shirley Taylor.

There was no public comment.

Josh Hinchman gave the director's report next.

* Due to Covid-19 and having to close the Park for the past several months, there was \$10,062.00 refunded to patrons for pool parties and pavilion rentals. Even though the Governor allowed pools to finally open, the guidelines were too strict to provide quality service to the public, so the pool will remain closed for the 2020 season. The Park, however, will reopen for the public to use under specific guidelines. Signage will be placed throughout the Park with these guidelines. As part of the Park opening, there needs to be daily sanitizing completed by the staff. Currently, there are three 20 hour employees and only two 40 hour employees. Josh requested to hire one more employee in

order to be able to keep up with the sanitization. All present agreed to hire one more employee.

* The estimated cost to replaster/retille the pool is \$173,000.00. Josh applied for the Land and Water Conservation grant in early May of this year. If approved, it will match our amount 50/50. Agnes Queen and Betty Hill reminded the Board that the Park has over \$600,000.00 in an Aquatic Fund (stemming from the levy) that is specifically to be used for the pool only.

* Josh is also considering purchasing a 4-wheeler to help make some daily projects a little easier.

* Joe Frazier has begun the process of installing the lights around the premises.

* The disc golf project should be completed in a couple of weeks. All of the holes have been dug.

* The stage paneling is done, but the staining needs finished and lighting needs installed.

* The water filling station and the new water fountains are being placed on hold during the pandemic.

* A rough cut is being done on the nature trail.

* There was some minor roof damage to Pavilion 1 due to a wind storm. This has been repaired.

* Plans are to work on the putt putt area this summer, removing crumbling stone and dead foliage.

* The playground areas are in need of new mulch. Josh had quotes from a few different businesses, ranging from \$2,000 to \$2,500.

* Josh would like to purchase a welder to build a new gate for the entrance into the Park from the main road. Last year someone hit the gate with a vehicle and it has not been replaced yet. A welder would allow the Park to do the work in house and would be used for other projects, as well. Barbara Tucker made a motion to purchase a welder up to \$1,000.00 and Barbara Paugh seconded that motion. All were in favor except Glen Brown.

No old or unfinished business was discussed.

There was no new business discussed.

Barbara Paugh adjourned the meeting after determining the Board will meet again on MONDAY, July 27, 2020 at the Lewis County Park at 6 pm.

Respectfully submitted by Josie Britton, Secretary

If unable to attend, please contact Gene Edwards at 304-997-9021

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Subject: Regional Jail Operations Fund
From: afarnsworth@lewiscountywv.org
Date: Fri, Jul 17, 2020 9:55 am
To: "lwhetsell@lewiscountywv.org" <lwhetsell@lewiscountywv.org>

Hi, I just received notice of the Regional Jail Operations Fund Distribution for July, which will be deposited on July 21, 2020. It will be for \$42,367.69. Last year (2019) it was \$53,645.39.
Thanks!

Amanda J. Farnsworth

Assistant Chief Tax Deputy
Lewis County Sheriff's Tax Office
110 Center Avenue
Weston, WV 26452
Phone: (304) 269-8222
Fax: (304) 269-8698

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Subject: Coal Severance Tax
From: afarnsworth@lewiscountywv.org
Date: Thu, Jul 16, 2020 9:21 am
To: "lwhetsell@lewiscountywv.org" <lwhetsell@lewiscountywv.org>

Hi, we just received notice of the 25% coal severance tax. It will be deposited in our account on July 21, 2020. It will be for \$5,174.35. The last one we received was in April 2020 for \$7141.53.
Thanks!

Amanda J. Farnsworth

Assistant Chief Tax Deputy

Lewis County Sheriff's Tax Office

110 Center Avenue

Weston, WV 26452

Phone: (304) 269-8222

Fax: (304) 269-8698

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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
LEWIS COUNTY COMMISSION
AND THE
LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

This agreement, made this ____ day of _____, 2020 by and between the LEWIS COUNTY COMMISSION, herein referred to as the "COUNTY" and the LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY, herein referred to as the "AUTHORITY".

WITNESS THAT:

WHEREAS, the COUNTY has secured a Community Development Block Grant in the amount of \$500,000 to assist with the completion of the Southern Lewis County Broadband project; and

WHEREAS, the COUNTY has executed a contractual agreement by and between the COUNTY and the WV Development Office herein referred to as the "STATE", wherein the rules and regulations governing the disbursement of these funds are set out and mutually agreed upon; and,

NOW THEREFORE BE IT RESOLVED, the parties hereto do mutually agree as follows:

1. For the purposes of this agreement the AUTHORITY must be considered a "sub-recipient" of the COUNTY and, as such, must comply with the contractual requirements set out in the contract between the COUNTY and the STATE;
2. The COUNTY, in compliance with program guidelines established by the WV Development Office, shall establish the necessary files, checking accounts, and bookkeeping procedures necessary to make the CDBG funds available to the AUTHORITY;
3. The COUNTY, as specified within the said program guidelines, has designated the Region VII Planning and Development Council to establish said files, checking accounts, bookkeeping procedures, and other procedures deemed appropriate in order to administer the CDBG funds during the conduct of said project;
4. The AUTHORITY, in cooperation with the COUNTY, shall according to established procedures, bid, solicit, or negotiate for those services necessary to accomplish said project which may include but are not limited to the following: broadband service provider, engineering design, and construction; provided, however, that CDBG funds be obligated and/or expended only for activities identified in the budget contained in the contract by and between the COUNTY and the STATE;

5. The COUNTY agrees that it will be responsible for and that the Region VII Planning and Development Council will assist in completing all administrative duties in connection with program requirements governing the use and disbursement of CDBG funds prior to disbursement to the AUTHORITY;
6. The COUNTY agrees that it will be responsible for and that the Region VII Planning and Development Council will assist in completing all administrative and record keeping duties in connection with program requirements governing the use and disbursement of CDBG funds for all such funds disbursed to the AUTHORITY; provided, however, that the COUNTY and the STATE shall have access to all records concerning such CDBG funds;
7. This agreement shall be null and void upon the mutual consent of both parties; and said dissolution shall be by written proclamation executed by both parties;
8. Legal title to or ownership of all property, including, but not limited to easements, broadband equipment and towers, acquired by virtue of the execution of or performance under this agreement is vested in the AUTHORITY.

If either party terminates this agreement in whole or in part, all work completed and incomplete on this project will become the property of the AUTHORITY and the disposition or completion of incomplete work on the project will become the responsibility of the AUTHORITY.

9. The AUTHORITY shall and does hereby indemnify the COUNTY, and further agrees to save and hold the COUNTY harmless from any and all claims, demands, liabilities, judgments, damages, and any and all other forms of legal liability whatsoever, arising from or in the course of the AUTHORITY'S performance of its rights and obligations hereunder.
10. The parties hereto agree that notice shall be served when mailed certified U.S. Mail to the following addresses:

Lewis County Commission
110 Center Avenue
Weston, WV 26452

Lewis County EDA
110 Center Avenue
Weston, WV 26452

WITNESSETH that the parties hereto have entered their signatures hereafter with each representing to the other that the execution of this agreement is done with full authority and that attached hereto and made a part hereof is a certified copy of a resolution, motion, or similar action of the governing body of each directing and authorizing its official representative to act in connection with this agreement.

President, Lewis County Commission

President, Lewis County EDA

RESOLUTION

WHEREAS, the Lewis County Commission has received a Community Development Block Grant for the Southern Lewis County Broadband project; and

WHEREAS, the Lewis County Economic Development Authority will be collaborating with the County in implementing said project; and

WHEREAS, a Memorandum of Understanding is necessary for the distribution of funds and responsibilities for the projects.

NOW THEREFORE BE IT RESOLVED that the Lewis County Commission, this _____ day of _____, 2020 does hereby approve entering into the Memorandum of Understanding presented this day and hereby authorizes the President of the Lewis County Commission to sign said agreement.

President, Lewis County Commission

ATTEST: _____

July 16, 2020

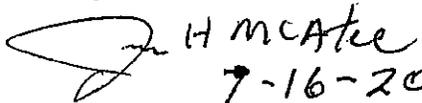
Dear Lewis County Sheriff's Department/Lewis County Commission

Please accept this letter as formal notice of my resignation from my position as Security Officer at the Lewis County Sheriff's Department. My last day of employment will be July 31, 2020.

Thank you for giving me the opportunity to work in this position. I have thoroughly enjoyed working here and appreciate the opportunities you have given me.

If there is anything I can do to help with the transition of my departure, please let me know.

Sincerely,

 J. H. McAtee
7-16-20

James A. McAtee

Lewis County Commission
Commission Employee Vacation/Sick Leave Request Form

I, Rocky E Stout, hereby request the following day(s) off:

List day and date (Ex: Monday, May 2, 2005) for each day off. Please indicate if leave involves any Courthouse holidays.

AUGUST 3 2020 MONDAY (MAYBE)

AUGUST 19 2020 WEDNESDAY

Time off is to be taken from (circle one): Annual Leave Sick Leave Comp Time

Rocky E Stout 07-21-2020
Employee Signature Date

J Whetzel 7-21-2020
Supervisor Signature Date

Commission Approval 7/28/2020
Date