

**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:**  
Agnes Queen, President  
Rod Wyman, Commissioner  
Bobby Stewart, Commissioner

**LEWIS COUNTY COMMISSION  
110 CENTER AVENUE, 2ND FLOOR  
WESTON, WV 26452  
AGENDA  
TUESDAY, MARCH 22, 2022**

**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, March 18, 2022.  
*(action required)*

**APPOINTMENTS**

3. 10:10 AM **John Williams**  
**RE:** Mr. Williams will speak to the Lewis County Commission regarding reorganization after COVID. *(information only)*
4. 10:20 AM **Samantha Ribiero Matos**  
**Autism Awareness Month Proclamation**  
**RE:** The Lewis County Commission will be asked to execute a proclamation in support of Autism Awareness Month. *(action required)*
5. 10:30 AM **Senator Patrick Martin and Delegate Adam Burkhammer**  
**RE:** Senator Martin and Delegate Burkhammer will present checks to the six Lewis County Volunteer Fire Departments. *(action required)*
6. 10:40 AM **Lewis County Emergency Ambulance Service**  
**RE:** The Lewis County Emergency Ambulance Service will ask the Lewis County Commission to consider an ordinance imposing an ambulance service fee. *(action required)*

## CORRESPONDENCE

7. **Upshur County Commission Meeting Agenda:** The Upshur County Commission March 17, 2022 meeting agenda is presented for review. *(information only)*
8. **Remittance of Public Utility and IRP Fees:** Lewis County has received \$292,019.64 in Public Utilities Tax and IRP Truck Fees for the period of 1/18/22 to 2/11/22. The general county portion is \$94,863.25. The prior period the county received \$13,636.41 with the general county portion being \$4,429.82. *(information only)*
9. **Lewis County Magistrate Court Report on Applying Agreed-Upon Procedures:** The West Virginia State Auditor has issued the report on applying agreed-upon procedures for the Lewis County Magistrate Court for the period ending December 31, 2020. The following deficiencies were noted: Reporting to Tax Commissioner for failure to pay fines and costs; Unsatisfied judgments reporting; Restitution collected in dismissed case; Assessment of Court costs on deferred proceedings; Docket codes incorrect; Failure to issue worthless check warrants in a timely manner; segregation of duties; Receipting process; Adjustments and corrections of documentation; Checks need more than one signature. *(information only)*

## BUSINESS

10. **Boards and Committee Report(s):** Reports by Commissioners of any board(s) or committee(s) attended including: Lewis County Chamber of Commerce; Benedum Airport Authority; Lewis County Park Board; Lewis County Firefighters Association. *(information only)*
11. **Resignation of Lewis County Deputy Sheriff:** Lewis County Deputy Sheriff Corey Matheny has tendered his resignation effective March 31, 2022. The Lewis County Commission is asked to approve this resignation. *(action required)*
12. **Consideration of Cancellation of March 29, 2022 Meeting:** The Lewis County Commission will be asked to consider cancellation of the March 29, 2022 meeting. *(action required)*
13. **Request for Removal of an Executor of an Estate:** Mary K. Sutton requests Mark Reed, Attorney be removed as the executor of the Estate of Emery L. and Charlotte C. Byrd due to inactivity. *(action required)*
14. **Approval of the Fiscal Year 2023 Levy Estimate (Budget):** The Lewis County Commission will consider approval of the Fiscal Year 2023 Levy Estimate (Budget) for the county. *(action required)*
15. **Timesheet and Leave Requests:** The Lewis County Commission is asked to approve the following timesheets/leave requests: *(action required)* **NONE**

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

15. **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, March 18, 2022. *(action required)*
16. **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, March 18, 2022. *(action required)*
17. **Presentation by the County Clerk of the Orders of the 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, March 18, 2022. *(action required)*

**18. Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, March 18, 2022.*(action required)*

**ADJOURNMENT:**

**19.** 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. e
- 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.
- Open discussion by Commission unless executive session is motioned per WV Code sS6-9A-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.
- At any time during the meeting the need for the County Commission to enter an executive session may be present.

**Roberts Rules of Order is utilized as a guide only.**

AUTISM AWARENESS MONTH & WORLD AUTISM  
AWARENESS DAY



**WHEREAS**, autism spectrum disorder is a neurological and developmental disorder that affects communication and behavior; and

**WHEREAS**, autism is an urgent public health crisis that demands support from all levels of government; and

**WHEREAS**, symptoms of autism may present themselves in a variety of combinations, and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand and nonverbal communication; and

**WHEREAS**, the Centers for Disease Control and Prevention reports that one in 44 school-aged children have been identified with autism spectrum disorder; and

**WHEREAS**, West Virginia is committed to ensuring that people living with autism have access to lifelong care and services needed to pursue their full potential and happiness; and

**WHEREAS**, the Lewis County Commission is honored to take part in the annual observance of Autism Awareness Month and World Autism Day in the hope that it will lead to a better understanding of the disorder;

**NOW, THEREFORE**, the Lewis County Commission does hereby recognize April 2022 as Autism Awareness Month and April 2, 2022 as World Autism Awareness Day in Lewis County. West Virginia, and we call this observance to the attention of all our citizens.

Attest: \_\_\_\_\_

Cynthia Rowan, Lewis County Clerk

\_\_\_\_\_

Agnes Queen, President

\_\_\_\_\_

Rod Wyman, Commissioner

\_\_\_\_\_

Bobby Stewart, Commissioner

# WEST VIRGINIA CODE

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CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

## CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

Article 14E

All Articles

Article 16

ARTICLE 15. EMERGENCY AMBULANCE SERVICE ACT OF 1975.

### **§7-15-17. Imposition and collection of special emergency ambulance service fee by county commission.**



A county commission may, by ordinance, impose upon and collect from the users of emergency ambulance service within the county a special service fee, which shall be known as the "special emergency ambulance service fee." The proceeds from the imposition and collection of any special service fee shall be deposited in a special fund and used only to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county. The proceeds may be used to pay for, in whole or in part, the establishment, maintenance and operation of an authority, as provided for in this article: Provided, That an ambulance company or authority receiving funds from the special emergency ambulance fees collected pursuant to this section may not be precluded from making nonemergency transports.

Previous [§7-15-16. Competitive bids; publication of solicitation for sealed bids.](#)

### **§7-15-17. Imposition and collection of special emergency ambulance service fee by county commission.**

Next [§7-15-18. Article constitutes complete authority; liberal construction; severability.](#)



## 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: Upshur County Courthouse Annex  
If you prefer to participate by telephone, please dial 1-408-650-3123 Access Code: 272 564 045 to enter the conference call

Date of Meeting: March 17, 2022

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:  
• March 3, 2022\*

9:15 a.m. David W. Bolyard Jr - Take Back Our Community Presentation

9:30 a.m. Request for Employment of Stephen C. Wykoff as part-time DHSEM Director. This position is not to exceed 1039 hours per calendar year, however weekly hours will vary significantly due to emergencies and trainings. (Swearing In) \*

*Item may lead to Executive Session per WV Code §6-9A-4*

*Under separate cover*

10:00 a.m. Allen Staggers, Allegheny Highlands Chapter Board Chair and Allen Nash, Blood Donor Ambassador and Disaster Response Volunteer- Presentation of Proclamation declaring March as Red Cross Month.

### Items for Discussion / Action / Approval:

1. Correspondence from Jennifer K. Bennett, on behalf of the Splashers Buckhannon Swim Club, requesting use of the Upshur County Pool for swim practice and home swim meets during the 2022 pool season. A Certificate of Insurance will be provided and the Club is able to pay \$50 for each home meet to cover the expense of a lifeguard. Upon approval, payment will be made after July 7<sup>th</sup> upon receipt of an invoice from the Office of the Upshur County Commission. In addition, the Splashers are requesting a discount for an end of year team pool party. \*
2. Correspondence from Craig D. Presar, WVU Extension Agent, requesting use of the large pavilion June 28<sup>th</sup>, 29<sup>th</sup>, and 30<sup>th</sup>, free of charge. The Upshur County Extension Service plans to host a 4-H Cloverbud Day Camp and anticipates that 25 area youth will be in attendance. In addition to the aforementioned request, Mr. Presar is also requesting to utilize the pool for one hour each afternoon and for the pool entry fees for the camp participants and registered staff to be waived. \*
3. Correspondence from Kasey Baisden, Principal, French Creek Elementary School requesting a monetary donation or donation for their school carnival basket to be held April 24, 2022. \*
4. Review Confidential Attorney-Client Privileged Communication regarding the WV Opioid Discovery and Verification of Interrogatory Answers - Approval and Signature of Verification and Resolution regarding the same. \*

*Item may lead to Executive Session per WV Code §6-9A-4*

5. Consideration and approval of Amendment #1 to the Administrative Agreement between the Upshur County Commission and the Region VII Planning & Development Council for the Elkins Road PSD Water Project.\*
6. Approval of poll workers and emergency ballot commissioners for the May 10, 2022 Primary Election.\*
7. Correspondence from Joseph A. Tenney, Chairman of the Tennerton Public Service District, requesting the acceptance of Mike Hyre's resignation and the appointment of Robert Heater to Mr. Hyre's unexpired term to the Tennerton Public Service District Board. Upon Approval Mr. Heater's term would expire July 31, 2027.\*
8. Correspondence from Jacob Mills, resident of Upshur County, WV, expressing an interest in serving on the Upshur County Parks and Recreation Board. \*
9. Correspondence from Steve Wykoff expressing interest in serving on the Enhanced Emergency Telephone Advisory Board.\*
10. Approval of advertisement for Lifeguards, Admission Workers, Concession Stand Workers and Assistant Managers for the 2022 season at the Buckhannon-Upshur Recreational Park Facility. The temporary positions will commence mid-May and continue through mid-August. Applications must be received on or before the close of business on Friday, April 29, 2022. \*
11. Approval of Lewis-Upshur Animal Control Facility Volunteers Daisy Posey and Travis Kelley. \*  
*Under separate cover*
12. 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, Remote Work Request(s).

**For Your Information:**

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

1. Upshur County E911 Communication Reports – February, 2022
  - Monthly Department Summary Report
  - Monthly Wrecker Report
  - YTD Wrecker Report
2. Lewis-Upshur Animal Control Facility Reports for the month of February, 2022
  - Adoption Financial Transactions
  - Cat Report
  - Animal Report
  - Animal Control/Humane Officer Animal Report
3. Upshur County Building & Floodplain Permits for the month of February, 2022
4. Appointments Needed or Upcoming:
  - Buckhannon-Upshur Parks & Recreation Advisory Board (June 30, 2023) – County Commission

*\*\*\*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](mailto: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](http://www.upshurcounty.org/agenda_and_minutes/index.php)

5. Budget Hearing Schedule

The Commission will hold budget hearings at the Upshur County Administrative Annex on the following dates. For a detailed list of meetings, please contact Carrie L. Wallace at [clwallace@upshurcounty.org](mailto:clwallace@upshurcounty.org).

- Monday, March 14<sup>th</sup> beginning at 9:00 a.m.
- Tuesday, March 15<sup>th</sup> beginning at 9:00 a.m.
- Wednesday, March 16<sup>th</sup> beginning at 9:00 a.m.
- Thursday, March 17<sup>th</sup> beginning at 1:00 p.m.
- Friday, March 18<sup>th</sup> beginning at 9:00 a.m.
- Monday, March 21<sup>st</sup> beginning at 1:00 p.m.

Tabled Items

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

Next Regular Meeting of the Upshur County Commission

March 24, 2022 --- 9:00 a.m.

Upshur County Courthouse Annex

**\*\*\*The Commission Meeting scheduled for Thursday, March 31, 2022 is CANCELLED\*\*\***





State of West Virginia

John B. McCuskey

State Auditor and
Commissioner of Delinquent
and Nonentered Lands

Office of the State Auditor
County Collections Division
State Capitol, Building 1, Suite W-118
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Toll Free: (888) 509-6568
Telephone: (304) 558-2262
Fax: (304) 558-4156
www.wvsao.gov

2/25/2022

Honorable David B. Gosa
Sheriff & Treasurer
Lewis County
110 Center Ave
Weston, WV 26452

Dear Sheriff & Treasurer:

You will be receiving a check in the amount of \$292,019.64 in the next few days from the State Auditor's Office representing the Public Utilities Tax and IRP Trucks Ad Valorem Fees collected by this office for the period of 1/18/2022 to 2/11/2022.

Please keep the following breakdown for your records:

Table with 4 columns: Description, Public Utilities Tax, IRP Trucks Fee, Total. Rows include 2021 County Current Expense, 2021 School Current, 2021 School Excess Levy, and Totals.

Any bond money collected is being forwarded to the Municipal Bond Commission for credit.

If this office can be of future assistance, please contact Russell Rollyson at (304) 558-2262.

Sincerely,

Handwritten signature of John B. McCuskey
John B. McCuskey
State Auditor

JBM/pu

2/25/2022

74559



**Deputy C. A. Matheny**  
Lewis County Sheriff's Office  
117 Court Street Room 104  
Weston, WV 26452



Sheriff,

March 14, 2022

I would like to, first and foremost, take this time to thank you for the opportunity given here at the Lewis County Sheriff's Department. I have gained experience through my time here and served it with some of the best Deputies. Although this was a career, I could see myself retiring from, other circumstances have arisen since the beginning of this journey. Unfortunately, after long consideration and stressful thinking, I will have to cut my journey short here at the department. Please except this letter of resignation, as other opportunities have risen to better accommodate me and my family at this time. It's been a pleasure working under your administration and would one day hope to be in the right situation to restart that journey. Once again thank you for your time, your help, and for the opportunity to serve this community. With that, and many nights of considering all options, my last official day will be March 31, 2022.

X

A handwritten signature in blue ink, appearing to read "C. A. Matheny", written over a horizontal line.

Deputy C. A. Matheny

I, Mary K. Sutton heir to and daughter of Emery L and Charlotte C Byrd request that Mark Reed, Attorney of law be removed as executor of my parents' estate and the Sheriff of Lewis County be appointed to handle the estate

Sincerely,  
Mary K. Sutton

STATE OF WEST VIRGINIA  
COUNTY OF LEWIS, TO WIT:

Acknowledged before me this 14<sup>th</sup> day of

March, 2022

by Mary K. Sutton

Terrri Walker Notary Public

My commission expires 4/17/25

