

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 G. QUEEN
Commissioner
BOBBY STEWART
Commissioner

110 Center Avenue, 2nd Floor
Weston, WV 26452
September 21, 2021
Meeting Agenda

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, September 17, 2021.
(action required)

APPOINTMENTS

- 3. 10:10 AM** **Ray Smith, Executive Director**
Lewis County Chamber of Commerce
RE: Overview of the Lewis County Chamber of Commerce. Notification that the by-laws have been changed to allow an ex-officio member of the County Commission to serve on the Chamber of Commerce. The Lewis County Commission will be asked to consider an appointment to this ex-officio position.
(action required)
- 4. 10:25 AM** **Opening of Bids for Land Survey**
RE: The Lewis County Commission will open the bids received for a land survey at 476 US Highway 19N, Weston, WV 26452. This is the former Ballard Chevrolet location now owned by the county. *(action required)*
- 5. 11:00 AM** **Dorothy Keen Estate Hearing**
RE: The Lewis County Commission will conduct a hearing on the Estate of Dorothy Keen. Objections have been filed asking for the Executrix of the estate to be removed and to have the final settlement denied. *(action required)*

CORRESPONDENCE

6. **Upshur County Commission Meeting Agenda:** The Upshur County Commission September 16, 2021 meeting agenda is presented for review. *(information only)*
7. **Public Utility and IRP Tax Receipt:** Lewis County has received the July 20, 2021 to August 10, 2021 Public Utility and IRP Taxes in the amount of \$109,410.94. The county's portion of \$35,542.45. Last month \$58,068.17 was received with \$18,863.57 being the general county portion. *(information only)*

BUSINESS

8. **Board(s) and Committee(s) Reports:** The Lewis County Commission will give report(s) on any board(s) or committee(s) meetings attended including, but not limited to: COVID 19 Conference Calls; Lewis Upshur Local Emergency Planning Commission; National Association of Counties Conference Calls; WV Brownfields Conference; Lewis County Firefighter's Association; WV Economic Development Conference. *(information only)*
9. **Change in Lewis County Personnel Policy for Employees Hired after July 1, 2018:** The Lewis County Commission will consider amending the Lewis County Personnel Policy Manual to state that all employees hired after July 1, 2028 will be given 40 hours of annual leave upon hire. This leave has no cash value during the first year of employment. There will be no change in accrual rates. *(action required)*
10. **Employee Leave Requests:** The Lewis County Commission is asked to approve the following employee leave requests: *(action required)*
 - a) David Reed Annual Leave

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

11. **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, September 17, 2021. *(action required)*
12. **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, September 17, 2021. *(action required)*
13. **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, September 17, 2021. *(action required)*
14. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, September 17, 2021. *(action required)*

ADJOURNMENT:

15. **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.

THE LEWIS COUNTY COMMISSION IS ACCEPTING REQUESTS FOR PROPOSAL TO PROVIDE A LAND SURVEY FOR PROPERTY LOCATED AT 476 US HWY 19N, WESTON, WV 26452. THE COMPLETE RFP CAN BE OBTAINED FROM THE LEWIS COUNTY COMMISSION, 110 CENTER AVENUE, WESTON, WV 26452, PHONE: 304-269-8200. THE DEADLINE FOR QUESTIONS IS FRIDAY SEPTEMBER 10, 2021 AND THE DEADLINE FOR SUBMISSION IS BY NOON, FRIDAY, SEPTEMBER 17, 2021.

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PATRICK D. BOYLE
Commissioner

LEWIS COUNTY COMMISSION REQUEST FOR PROPOSAL LAND SURVEY

Article 1 General Provisions

1.1 Time

- 1.1.1 Subject to any limitations stated in this proposal the specified land survey shall be completed and the drawings and reports delivered to the owner, Lewis County Commission, within 30 calendar days after written authorization to proceed is received, barring circumstances beyond the Surveyor's control that force a delay. In such instance, the Surveyor will inform the Owner of the cause of the delay.

1.2 Compensation

- 1.2.1 The surveyor shall attach the lump sum fee or rate and price schedule information or both to this proposal. The cost of the Land Survey (including the furnishing of all materials, surveying equipment and computers, labor and any required insurance) shall be based upon a stipulated sum for all services based on this proposal, with adjustments to the stipulated sum being computed in accordance with the Surveyor's attached rate schedule if changes in the work are authorized.

1.3 Billing and Payment

- 1.3.1 Billing for the survey shall be to the Owner at 110 Center Avenue, Weston, Weston, WV 26452.
1.3.2 Payment to be made in full to the Surveyor provided work is complete in accordance with the provisions stated herein, and subject to the approval of the Owner or its agent.

1.4 Insurance

- 1.4.1 The Surveyor shall provide and maintain insurance coverage for claims under Worker's Compensation Acts, claims for damages because of bodily injury, including personal injury, sickness or disease or death of employees or of any person, and from claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom. The Surveyor's proposal shall state the coverages and limits of liability of professional liability insurance that will be maintained for protection from claims arising out of the performance of professional services. Certificates of Insurance evidencing the above coverages shall be presented with proposal.

1.5 Protection of Property

1.5.1 The Surveyor shall contact the Owner for information regarding the site and shall take all reasonable precautions to prevent damage to property, visible and concealed, and shall reasonably restore the site to the condition existing prior to the Surveyor's entry, including, but not limited to, repair of lawn and plantings.

1.6 Qualifications

1.6.1 All services shall be performed by qualified personnel under the supervision of a professional licensed or otherwise qualified by the state to practice land surveying, and the documents submitted shall bear the Surveyor's seal and statement to that effect.

1.7 Use of Surveyor's Drawings

1.7.1 It is understood that the Owner, or an agent on the Owner's behalf, may reproduce the Surveyor's drawings without modification and distribute the prints in connection with the use or disposition of the property without incurring obligation for additional compensation to the Surveyor. The original drawings shall remain the property of the Surveyor.

1.8 Accuracy Standards

1.8.1 Precision of the survey shall be based on the positional accuracy concept. The Surveyor shall recommend in the proposal positional accuracy limits and error of closure limits for the property being surveyed.

Article 2

Property Information Provided by Owner

2.1 Legal Description

Survey to be provided on 1.589 acres District 04 Map 3 Parcel 79 located in Freeman's Creek District of Lewis County. The address of the Property is 476 US Highway 19N, Weston, West Virginia, 26452.

2.2 Common Description

The address of the Property is 476 US Highway 19N, Weston, West Virginia, 26452. The property is owned by the Lewis County Commission but is commonly known as the former Ballard Chevrolet.

2.3 Property Lines and Access

2.3.1 The Owner has title to the property and the right of entry for this survey. The Surveyor shall contact Cindy Whetsell, Lewis County Administrator, Lewis County Commission, 110 Center Avenue, Weston, WV 26452, Phone 304-269-8200 to schedule site access and make necessary arrangements.

Article 3

Drawing Requirements

Requirements for land survey drawings are as indicated below:

3.1 Drawings shall note all dimensions and elevations in imperial units at 1"-30 scale.

3.2 Drawing sheets shall be trim size 30X42 with left edge binding edge and borders

3.3 Drawings shall show North arrow and locate magnetic North

- 3.4 Drawings shall include legend of symbols and abbreviations used on the drawings.
- 3.5 Spot elevations on paving or other hard surfaces shall be to the nearest .01 foot; on other surfaces to the nearest .10 foot.
- 3.6 Boundary and topographic information, where both are required, shall be on the same drawing unless otherwise requested by the Owner or agent of the owner.
- 3.7 Stated elevation datum on each drawing shall use National Vertical Geodetic Datum (NVDG) 1929 and give location benchmark used.
- 3.8 Furnish to the owner or it's agent one reproducible transparency and three prints of each drawing. The Surveyor shall sign and seal each drawing and shall state to the best of the Surveyor's knowledge, information and belief, all information thereon is true and accurately shown. The Survey shall furnish an electric format of the Survey and amenities layered according to acceptable CAD standards.

Article 4
Land (Boundary) Survey Requirements

Survey requirements shall be established as:

- 4.1 Show boundary lines, giving length and bearing (including reference or basis) on each straight line, interior angles, radius, point of tangency and length of curved lines. Unless otherwise prohibited by law, where no monument exists, set permanent iron pin monument or other suitable permanent monument at property corners; drive pin adequately into ground to prevent movement and mark with wooden stake; state on the drawings whether corners were found or set and describe each.
- 4.2 Furnish a legal description that conforms to the record title boundaries. Prior to making this survey and insofar as is possible, the Surveyor shall acquire data including, but not limited to, deeds, maps, certificates or abstracts of the title, section line and other boundary line locations in the vicinity. Reconcile any discrepancies between the survey and the recorded legal description.
- 4.3 Note identity, jurisdiction and width of adjoining streets and highways, width and type of pavement. Identify street monuments and show distance to the nearest intersection.
- 4.4 Plot location of structures on the property. Dimension to property liens and other buildings. Note vacant parcels as dimension perimeters in feet and in inches to the nearest ½ inch.
- 4.5 Show encroachments, including cornices, belt courses etc., either way across property line.
- 4.6 Describe fences and walls and locate them with respect to property lines.
- 4.7 Show recorded or otherwise known easements and rights-of-way and identify owners (holders)
- 4.8 Note planned rights-of-way and the nature of each.
- 4.9 Show individual lot lines and lot block numbers; show street numbers of buildings if available.
- 4.10 Show zoning of property. If more than one zone, show the extent of each. Show zoning of adjacent property and property across the street(s) or highway(s).
- 4.11 Give names and owners of adjacent property.

Article 5

Topographical Survey Requirements

All lines of levels shall be checked by separate check level lines or on previous turning points or benchmarks. Topographical survey requirements shall be established as indicated below.

- 5.1 A minimum of one permanent benchmark on site for each four acres and a description of elevation to the nearest .01 foot.
- 5.2 Contours at 2 foot intervals; error shall not exceed one-half contour interval.
- 5.3 Floor elevation and elevations at each entrance of buildings on the property.
- 5.4 Utility information. The following information is to be shown based on record information and on surface evidence. Inadequate record data requiring the survey to employ techniques of subsurface exploration to locate utilities will be an additional service subject to Owner approval.
 - Location, size, depth and pressure of water and gas mains, central steam and other utilities including, but not limited to, buried tanks and septic fields serving, or on the property.
 - Location of fire hydrants available to the property and the size of the main serving each.
 - Location, elevation and characteristics of power, cable television, street lighting, traffic control facilities and communications systems above and below grade.
 - Location, size, depth and direction of flow of sanitary sewers, combination sewers, storm drains and culvers serving, or on the property; location of catch basins and manholes, and inverts of pipe at each.
- 5.5 Location of trees 6" and over (caliper three feet above ground); locate within one foot tolerance and identify species in English and botanical terms.

**Article 6
Submission of Proposal**

By signing the document, the Land Surveyor represents that all appropriate attachments and addition have been made and that any proposed deviations from the requirement of the Owner's request have been clearly identified.

LAND SURVEYOR

PROPOSAL DATE

(Printed name and title)

**Article 7
Acceptance of Proposal**

By signing this document, the Owner accepts the Land Surveyor's proposal, including all attachments listed that henceforth shall form the Agreement between the Owner and the Land Surveyor.

OWNER

ACCEPTANCE DATE

(Printed name and title)

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 1-408-650-3123 Access Code: 272 564 045 to enter the conference call

Date of Meeting: September 16, 2021

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• September 9, 2021

9:30 a.m. Dr. Sara Stankus, Superintendent of Upshur County Schools – School Bond Presentation

Items for Discussion / Action / Approval:

1. Reading and approval of a Proclamation declaring September, 2021 as National Preparedness Month in Upshur County. *
2. Approval of "Request for Proposals" for janitorial services for various Commission owned properties. A mandatory pre-bid conference will be held on Monday, October 4, 2021 at 2:00 pm. Sealed bids must be received no later than 4:00 pm on Wednesday, October 13, 2021 at the Administrative Annex located at 91 W. Main Street, Suite 101. Proposals received by the deadline will be publicly opened, reviewed and read aloud by the Commission at 9:30 am on Thursday, October 14, 2021. *
3. Correspondence from Governor Jim Justice announcing the STOP Violence Against Women Act (VAWA) grant award in the amount of \$23,332. Approval and signature of Contract Agreement, Resolution, Certifications, Revised Standard and Federal Conditions and Assurances and Certifications. *
4. Approval of SMIC renewal quote in the amount of \$235.50 for volunteer accident medical insurance for term period October 20, 2021 to October 20, 2022. *
5. Correspondence from Robert Hinton announcing his resignation from the Upshur County Development Association Board of Directors, effective September 10, 2021. *
6. Adoption of a Resolution Authorizing the Execution of a Unanimous Written Consent In lieu of Annual Meeting of the Shareholders for the Upshur County Development Association. This consent designates all three members of the Board, including the Director of the Upshur County Development Authority, until the next annual meeting. *
7. Correspondence from Joseph Tenney, Tennerton PSD Chairman, announcing the resignation of Board member Elmer Tenney and requesting the appointment of Michael Hyre, effective immediately. Upon approval, this term will end on July 31, 2027. *

8. Correspondence from Sheriff Virgil D. Miller requesting the transfer of Timothy Bennett from fill-in Court Security Officer to part-time Court Security Officer, effective September 27, 2021. *
Item may lead to Executive Session per WV Code §6-9A-4 Under separate cover
9. Correspondence from Sheriff Virgil D. Miller requesting the employment of Megan A. Bailey as Tax Deputy, effective October 4, 2021. *
Item may lead to Executive Session per WV Code §6-9A-4 Under separate cover
10. 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. Correspondence from Russell Rollyson, Senior Deputy State Auditor, County Collections Division of the WV State Auditor's Office, enclosing a list of properties that will be offered for sale on September 28, 2021.
2. Upshur County Building Permits for the month of August 2021
3. Appointments Needed or Upcoming:
 - Upshur County Fire Board (7/1/2021-6/30/2024) – Fire Association Representative
 - Upshur County Farmland Protection Board (7/1/21-6/30/25) – Farm Bureau Representative
 - Upshur County Fire Board (unexpired term 6/30/22) – Community Representative – 1st Mag. District
 - Wes-Mon-Ty Resource Conservation & Development (7/1/2021 – 6/30/2023) -- County Commission
 - Safe Sites & Structures Enforcement Agency (6/30/2022) – Community Representative

****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)

1. Ty Landis, Youth Environmental Club – Presentation of proposed amphitheater renovation project at the Upshur County Recreational Park (tabled 7/29/21) *
2. Bid award – COPS Grant #2020-SVWX-0033 Notification System Upgrade Project (tabled 8/12/21)

Next Regular Meeting of the Upshur County Commission
September 23, 2021 --- 9:00 a.m.
Upshur County Courthouse Annex

The Upshur County Commission will meet as the Board of Assessment Appeals on October 1, 2021 beginning at 9 a.m.



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 I, 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

8/24/2021

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 \$109,410.94 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 7/20/2021 to 8/10/2021.

Please keep the following breakdown for your records:

	Public Utilities Tax	IRP Trucks Fee	Total
2020 County Current Expense	2.02	0.00	2.02
2020 School Current	2.73	0.00	2.73
2020 School Excess Levy	1.45	0.00	1.45
2021 County Current Expense	33,882.17	1,658.26	35,540.43
2021 School Current	45,965.98	2,249.66	48,215.64
2021 School Excess Levy	24,451.94	1,196.73	25,648.67
Totals	104,306.29	5,104.65	109,410.94

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,

John B. McCuskey
State Auditor

JBM/pu

