

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
MEETING AGENDA
TUESDAY, AUGUST 29, 2023**

SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

- 1. 10:00 AM** **Call Meeting to Order** (*action required*)
- 2. 10:05 AM** **John Breen, Lewis County Assessor**
RE: Exonerations, Consolidations, Apportionments
Draft copies will be available for review two business days prior to the meeting date. (*action required*)

APPOINTMENTS:

No Appointments Scheduled

CORRESPONDENCE & INFORMATION:

- 3. Upshur County Commission Meeting Agenda:** The August 24, 2023 Upshur County Commission agenda is presented for review. (*information only*)
- 4. State Auditor Distribution of Public Utilities Tax and IRP Taxes:** The WV State Auditor's Office has remitted the June 27, 2023 – July 6, 2023 distribution of Public Utilities and IRP Truck Taxes in the amount of \$49,793.52. The general county portion is \$16,023.82, the total county portion for the previous term was \$18,743.71. The general county portion for July, 2022 was \$18,861.58. (*information only*)
- 5. Board(s) and Committee(s) Reports:** Commission will give reports on any Board(s) or committee(s) meeting attended including: Arts & Culture Community Development, Ribbon cutting ceremony for the Mountain State Fair, Hubcap, Lewis – Upshur Gateway Community, Broadband meeting, Lewis County Park Board, etc. (*information only*)

BUSINESS:

- 6. Lewis-Gilmer E-911 Letter of Resignation:** Nicole Berkovsky, probationary telecommunicator, has submitted a letter of resignation with an effective date of August 22, 2023. *(action required)*
- 7. Lewis-Gilmer E-911 Letter of Resignation:** Benjamin Holden, telecommunicator/supervisor, has submitted a letter of resignation with an effective date of August 21, 2023. *(action required)*
- 8. Election Systems & Software:** Commission will consider an invoice for Election Systems & Software in the amount of \$9,180.00. The service contract will include extended warranty with annual Maintenance, firmware license, firmware express vote and express vote extended warranty. *(action required)*
- 9. Lewis County Park:** The Commission will consider a temporary end of season pay increase for the Lewis County Park lifeguards and pool aides. The pay increase will be triple the current base pay for weekends only until the pool closes for the season. *(action required)*
- 10. WV State Auditor's Office Invoice:** The Commission will consider an invoice in the amount of \$10,040.00 for the calendar year 2021 Lewis County Magistrate Court Audit. *(action required)*
- 11. Time Sheets and Leave Requests:** Sherry Rogers Annual Leave, Sick Leave

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

- 12. 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 two business days prior to the meeting date. *(action required)*
- 13. 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 two business days prior to the meeting date. *(action required)*
- 14. 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 two business days prior to the meeting date. *(action required)*
- 15. Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request two business days prior to the meeting date. *(action required)*

ADJOURNMENT:

- 16. 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 up to 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.

Additional Notices

August 29, 2023 11:30am	Work Session - Brownsfield Grant Updates and review of current potential sites
August 29, 2023 1:00 pm	Work Session - Budget Meeting The Lewis County Commission will hold a budget work session to review the county's overall budget.
August 29, 2023 1:00 pm	Work Session – Safe Sites and Structures Discussion of Board structure
September 5, 2023	Lewis County Commission Meeting Canceled

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: August 24, 2023
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• August 10, 2023
- 9:30 a.m. Review and evaluate statements of qualifications, performance data and other material submitted by interested firms for the capital improvement project located at James W. Curry Park in French Creek, WV.
- 9:45 a.m. Nelson Sayre – Discuss noise complaint and implementation of a Noise Ordinance outside of Corporate limits.

Items for Discussion / Action / Approval:

1. Approval and signature of a Federal Aviation Administration Outlay Report and Request for Reimbursement for Construction Programs – Request No. 1 - in the amount of sixty-four thousand eight hundred twenty-one dollars and four cents (\$64,821.04) for an Airport Improvement Program Project at the Upshur County Regional Airport.
* [Pages 4-19](#)
2. Consider recommendation to execute a contract with Micrologic, based upon their lowest bid, to complete a camera upgrade and expansion project for the Upshur County Board of Education funded by the FY22 Community Oriented Policing Services (COPS) Grant. Bids were previously opened during the Commission Meeting held June 15, 2023. *
3. Approval and signature of a Construction Contract with Senseig Contacting, LLC to build a 24'x36'x10' building at the Upshur County Youth Camp costing sixteen thousand dollars (\$16,000). * [Pages 20-22](#)
4. Request on behalf of Upshur County CEOS to use the Courthouse steps/plaza for a fall mini fair/membership drive on September 8, 2023. A Certificate of Liability Insurance has been provided. * [Pages 23-24](#)
5. Consider resignation of employee. *
Item may lead to Executive Session per WV Code §6-9A-4 A [Under separate cover](#)
6. Approval of Lewis-Upshur Animal Control Facility Volunteer, Samye Householder. * [Under separate cover](#)
7. 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. Public Hearing Notice to consider evidence related to the possible closure of an unused travel way in the Buckhannon District of Upshur County. Page 25
2. Correspondence from Eastern Gas Transmission and Storage, a Berkshire Hathaway Energy Company, providing natural gas transportation and storage safety information. Page 26-27
3. Correspondence from Joseph Armstrong, Administrative Director for the Supreme Court of Appeals and Chairperson for the West Virginia Court Security Board, informing the Commission of their approval of a Court Security Grant award in the amount of \$42,412.00 for the purpose of enhancing the county's court security. Page 28
4. Correspondence from John B. McCuskey, WV State Auditor, announcing a schedule for the 2023 State Auditor's Training Seminar for County and Municipal Boards and Authorities. Page 29-31
5. Upshur County Building & Floodplain Permits for the month of July, 2023. Page 32-33
6. Lewis-Upshur Animal Control Facility Reports for the month of July, 2023
 - Revenue Report Page 34
 - Account of Animals Report Page 35
 - Animal Control/Humane Officer Animal Report Page 36
7. Public Notices:
 - a) Newsletters and/or Event Notifications:
 - Children's Festival September 16, 2023 Page 37
 - b) Agendas and/or Notice of Meetings:
 - Upshur County Youth Camp July 20, 2023 Page 38
 - Upshur County Community Corrections August 14, 2023 Page 39
 - Buckhannon-Upshur Airport Authority August 14, 2023 Page 40
 - Upshur County Fire Board August 15, 2023 Page 41
 - City Council of Buckhannon August 17, 2023 Page 42
 - Buckhannon-Upshur Airport Authority
 - Special Meeting August 25, 2023 Page 43
 - Upshur County Extension Service
 - Special Meeting August 29, 2023 Page 44
 - Meeting Minutes:
 - Lewis-Upshur LEPC April 10, 2023 Pages 45-46
 - Adrian Public Service District - Board Meeting June 1, 2023 Page 47
 - Upshur County Fire Board June 20, 2023 Page 48
 - Adrian Public Service District – Project Meeting June 21, 2023 Page 49
 - Adrian Public Service District – Board Meeting July 6, 2023 Page 50
 - Upshur County Solid Waste Authority July 10, 2023 Pages 51-52
 - Elkins Road Public Service District July 11, 2023 Pages 53-54
 - Upshur County Safe Structures and Sites July 13, 2023 Pages 55-56
 - Upshur County Fire Board July 18, 2023 Page 57
 - Adrian Public Service District – Board Meeting July 19, 2023 Pages 58-59
 - Upshur County Youth Camp July 20, 2023 Pages 60-61
 - c) Meetings: *Dates and times of monthly board meetings are viewable at: <http://cms4.revize.com/revize/upshurwv/calendar.php>

or go to www.upshurcounty.org and click on the board meetings calendar box on the main page.

8. Appointments Needed or Upcoming:

- None

****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 chughes@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 31, 2023 --- 9:00 a.m.
Upshur County Courthouse Annex



State of West Virginia

Office of the State Auditor
County Collections Division
State Capitol Building 1, Suite W-118
1900 Kanawha Boulevard, East
Charleston, West Virginia 25303

John B. McCuskey
State Auditor and
Commissioner of Delinquent
and Nonentered Lands

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

July 26, 2023

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

AUG 6 2023
19485

Dear Sheriff & Treasurer:

You will be receiving a check in the amount of \$49,793.52 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 06/27/2023 to 07/06/2023.

Please keep the following breakdown for your records:

	Public Utilities Tax	IRP Trucks Fee	Total
2016 County Current Expense	0.07	0.00	0.07
2016 County Excess Levy	0.01	0.00	0.01
2016 School Current	0.10	0.00	0.10
2016 School Excess Levy	0.05	0.00	0.05
2017 County Current Expense	0.05	0.00	0.05
2017 School Current	0.07	0.00	0.07
2017 School Excess Levy	0.04	0.00	0.04
2018 County Current Expense	0.01	0.00	0.01
2018 School Current	0.01	0.00	0.01
2018 School Excess Levy	0.01	0.00	0.01
2020 County Current Expense	0.00	0.00	0.00
2020 School Current	0.00	0.00	0.00
2020 School Excess Levy	0.00	0.00	0.00
2022 County Current Expense	151.59	0.00	151.59
2022 School Current	205.65	0.00	205.65
2022 School Excess Levy	109.40	0.00	109.40
2023 County Current Expense	0.00	16,023.82	16,023.82
2023 School Current	0.00	21,738.60	21,738.60
2023 School Excess Levy	0.00	11,564.04	11,564.04
Totals	\$467.06	49,326.46	\$49,793.52



State of West Virginia

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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) 558-2251, Extension 2183.

Sincerely,

A handwritten signature in black ink that reads "John B. McCuskey".

John B. McCuskey
State Auditor

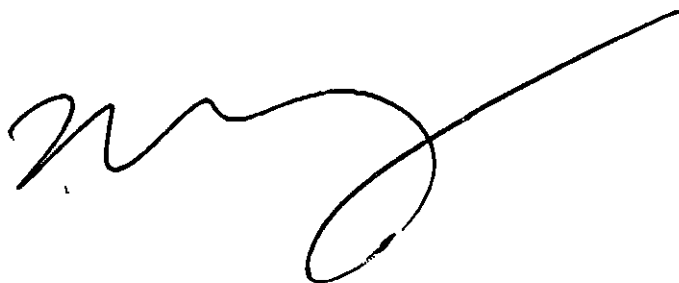
JBM/pu

To whom it may concern,

Due to transportation issues, I must resign my position as a probationary telecommunicator. Effective 08/22/2023. I would like to thank you all for this opportunity and for taking the time to train me, while I was employed. Unfortunately, this seems like the best option for the interest of the company and myself.

Thank you,

Nicole Berkovsky

A handwritten signature in black ink, appearing to be 'Nicole Berkovsky', with a long, sweeping horizontal line extending to the right.

LETTER OF RESIGNATION

Benjamin Holden
941 Cemetery Street
Weston WV, 26452

August 21, 2023

Dear Commissioners,

I am writing this letter to inform you of my intention to resign from my job as a telecommunicator/supervisor at the Lewis-Gilmer E-911 Center. Effective two weeks from today's date of August 21, 2023. If any further information is needed feel free to reach me at 304-641-6992.

I am leaving my position that I have grown to love for better financial opportunities, and a job that will not require me to work sixty plus hours of overtime a month to be able to afford the cost of living. Serving the citizens of Lewis and Gilmer County over the last two and a half years has been more than fulfilling. The county employees that I have had the pleasure of working with have become a second family, which is what I will miss the most.

Thank you,



Benjamin Holden



Election Systems & Software
 6055 Paysphere Circle
 Chicago, IL 60674
 (877) 377-8683



Invoice

Invoice Date 4/17/23
 Order Date 4/17/23
 Customer Number 31335
 Customer's PO No
 Terms of Payment 30 Days Net
 Order Number 153326

COPY

Invoice Number CD2057977
 Election Date
 Page 1 (1)

Invoice Address
 LEWIS COUNTY, WEST VIRGINIA
 LEWIS COUNTY COURTHOUSE
 110 CENTER AVE
 WESTON WV 26452-1964

Delivery Address
 Lewis County, West Virginia
 County Courthouse
 110 Center Ave
 Weston, WV 26452-1964

Invoice for Service Contract: 2845, DS850 (1); ExpVote (27), Lewis County, West Virginia

Sales

Pos	Description	Sales Qty	Unit	Price	Disc %	Tax %	Net Amount USD
1	HMA - DS850 Extended Warranty with Annual Maintenance 01-MAR-23 to 29-FEB-24	1.00	EA	3,900.000	0.00	0.00	3,900.00
2	Firmware License - ExpressVote BMD 01-MAR-23 to 29-FEB-24	27.00	EA	65.000	0.00	0.00	1,755.00
3	Firmware License - DS850 01-MAR-23 to 29-FEB-24	1.00	EA	1,500.000	0.00	0.00	1,500.00
4	HMA - ExpressVote BMD Extended Warranty 01-MAR-23 to 29-FEB-24	27.00	EA	75.000	0.00	0.00	2,025.00

Tracking #:

Sub Total Amount 9,180.00

Total Exclusive Tax 9,180.00

Total Tax 0.00
Invoice Amount 9,180.00

Customer Number	Invoice Number	INVOICE AMOUNT	Election Systems & Software
31335	CD2057977	9,180.00	ABA Routing No: 071000039
			Account No: 5800923558

WV: West Virginia
 PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT. THANK YOU.



INVOICE

Office of the State Auditor

1900 Kanawha Boulevard East
Building 1, Room W-100
Charleston, WV 25305

Lewis County Commission
110 Center Avenue
Weston, WV 26452

Invoice Date 08/15/2023
Invoice Number 22911
Project Number 19066

Fiscal Year: 2021
Audit Type: Agreed Upon
Procedures -
Magistrate Court

Description CY2021 Lewis County Magistrate Court AUP

(Magistrate Court System payable from General School Fund)

Total Contract Amount	\$10,040.00
Total Invoice Amount	\$10,040.00
Total Payments Received	\$0.00
Total Amount Due	\$10,040.00
Invoice Due Date	9/14/2023

Make Check Payable to: WV State Auditor

For Online Payments:

Mail To:

Go To:

WV State Auditor
Attn: Chief Inspector Division
1900 Kanawha Boulevard East
Building 1, Room W-100
Charleston, WV 25305

<https://www.wvsao.gov/ChiefInspector/Default>

Or Call:
304-558-2261 Ext. 2418