

STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:

A regular meeting of the Buckhannon City Council was held on Thursday, November 18, 2021, at 7:00pm in City Hall. The following were in attendance (GTM – GoToMeeting):

Mayor	Robbie Skinner	Present
City Recorder	Randy Sanders	Present
Council Member	Pam Bucklew	Present
Council Member	Shelia Lewis-Sines	Present
Council Member	Jack Reger	Present
Council Member	CJ Rylands	Present
Council Member	David Thomas	Present
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
City Attorney	Tom O'Neill	Present
BPD	Chief Matthew Gregory	Present
Director of Public Works	Jerry Arnold	Present
Channel 3	Dennis Cortes	Present
Channel 3	Rodney Irvin	Present
MyBuckhannon.com	Katie Kuba	Present
MyBuckhannon.com	Beth Broschart	Absent
Record Delta	Macie Queen	Present

Guests: Tammy Reger; Heather Schneider; Eric Bee; Laura Meese; John Antolini; Carol Meese; Bonnie Riffle; John Waltz; Erica Klie Kolenich; Lieutenant Doug Loudin; Sergeant Tom Posey; Sergeant Mark Stewart; Sergeant Will Courtney,; Sergeant Darin Hissam; Sergeant Marshall O'Connor; Patrolman First Class Angel McCauley; Tim Smith; Matt Reese; Jewel Fisher; David Rowan; Evelyn Syski; Vito Syski; Andi Cartier; Allen Nash; and, Caiden Cowger.

To participate in a City Council meeting participants were invited to contact us at 304-472-1651 for the GoToMeeting link/access.

***City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Thursday, November 18, 2021***

- A. Call to Order**
 - A.1 Moment of Silence
 - A.2 Pledge to the Flag of the United States of America
- B. Recognized Guests**
 - B.1 Seth Hoffman-Raven Rock Networks
 - B.2 John Waltz-Chairperson of the Colonial Theatre Board
- C. Department & Board Reports**
 - C.1 Public Works Director- Jerry Arnold
 - C.2 Finance Director- Amberle Jenkins
 - C.3 Police Chief- Matthew Gregory
 - C.4 City Attorney- Tom O'Neill
- D. Correspondence & Information**
 - D.1 Letter from Colonial Arts Center RE: Managing Director Position
 - D.2 Letter from David McCauley-Gift Supporting to SYCC Capital Campaign
 - D.3 Thank you Letter from Almost Heaven BBQ RE: Spooktacular Event Sponsorship
 - D.4 Notice of Fire Civil Service Commission Accepting Applications for Position of Probationary Firefighter
 - D.5 Proclamation-Small Business Saturday
- E. Consent Agenda**
 - E.1 Approval of Minutes -Regular Meeting 10/21/2021 & 11/04/2021 & Special 11/15/2021
 - E.2 Approval of Building and Wiring Permits
 - E.3 Approval of Payment of the Bills
- F. Strategic Issues for Discussion and/or Vote**
 - F.1 Discussion/Possible Vote Upgrading City Hall's Internet Connect to Fiber
 - F.2 Approval to Begin the Search Process for the Full-Time Position of the Managing Director for the Colonial Arts Center
 - F.3 Approval to Authorize Letter of Support for A&O Railroad Consolidated Rail Infrastructure & Safety Improvement Grant Application
 - F.4 Easement-Community Bank-Alley
 - F.5 Approval to Accept the Revision to Section 9.07 of the Rules & Regulations of the Firemen's Civil Service Commission
 - F.6 Approval M.O.U. Catholic Diocese of Wheeling RE: Property Exchange at bottom of St. Joseph Hill
 - F.7 Approval to Accept UCC Resolution to Allocating \$15,000.00 to COB for Fire Response within the First Service Zone
 - F.8 Approval of Agreement between Owner and Engineer for Professional Services-On Call Engineering Services
- G. Comments and Announcements**
 - G.1 Pamela Bucklew
 - G.2 C J Rylands
 - G.3 David Thomas
 - G.4 Jack Reger
 - G.5 Shelia Lewis-Sines
 - G.6 Randall Sanders
- H. Mayor's Comments and Announcements**

I. Adjournment

Posted 11/15/2021

Next Regular Scheduled City Council Meeting Thursday, December 2, 2021

A. Call to Order - Mayor Robbie Skinner called the regular meeting of the Buckhannon City Council for Thursday, November 18, 2021, to order and asked that all who are scheduled, or have requested, to address Council keep their remarks within a 2 - 3 minute time period to help get through a busy agenda. He then asked all to join him in a Moment of Silence and led all those in attendance in the Pledge to the Flag of the United States of America.

B. Recognized Guests

B.1 Seth Hoffman-Raven Rock Networks - Mayor Skinner recognized Seth Hoffman of Raven Rock Networks and City Assistant Recorder & Director of Finance Amberle Jenkins who discussed upgrading City Hall's internet connection to fiber. Mrs. Jenkins explained that she had been approached by one of our internet providers to explore this option. She explained that it would be much more costly but she indicated it would be much more efficient for conducting the City's business. She then turned the presentation over to Seth Hoffman of Raven Rock Networks who both advises and provides the City with much of its IT network infrastructure. Mr. Hoffman provided a more technical overview of the difference the upgrade would provide the City's IT infrastructure including opening up new opportunities to use technology that we are limited from using with the current internet speeds and capabilities. He also noted that both he and Mrs. Jenkins were asking for competitive bids from the four area providers of fiber and so far they have heard for two of them. A Q&A with Council members took place regarding the possible upgrade.

Motion to bring F.1 Discussion/Possible Vote Upgrading City Hall's Internet Connect to Fiber to the table was made by Thomas/Reger. Motion carried.

Council Member Rylands ask if there would be a charge for Mr. Hoffman to assist in obtaining quotes and Mr. Hoffman noted that he already serves as the Network Administrator for the City so it's all part of his current service. Recorder Sanders asked if Council would prefer to provide an authorization for Mrs. Jenkins and Mr. Hoffman to accept the best proposal or for them bring the proposals back to Council for consideration. The consensus was to bring the proposal back to Council for review.

Motion to allow Amberle Jenkins and Seth Hoffman to ask for proposals from all area Fiber Internet providers and bring the results back to City Council for review and possible acceptance of a plan was made by Sanders/Rylands. Motion carried.

B.2 John Waltz-Chairperson of the Colonial Theatre Board - Mayor Skinner recognized the Chairperson of the Colonial Arts Center Board, John Waltz who also introduced Vice-Chairperson of the Colonial Arts Center Board, Erika Kolenich. Mr. Waltz first thanked the City Council for their overwhelming support of the Colonial Arts Center thus far. He then provided an updated of what has been happening with the Colonial Arts Center including the recent return to construction activity by an outside contractor; the exhibits that have taken place within the CAC's MIB Art Gallery, that is being managed by ART26201, and the need for the beginning the search for "Managing Director" of the Colonial Arts Center. Mr. Waltz turned the presentation over to Erika Kolenich who explained that while the Center won't be fully operational until spring of 2022, the Board believes there are several directives necessary for the Managing Director to accomplish in the lead-up to that time. She noted the letter that had been presented to Council for this meeting and the reasons listed within it for hiring a Managing Director. Some of the more important needs will include creating a presence on social media (website); working with local Civic Organizations through in-person meetings and presentations; working with partner organizations and arts entities such as ART26201, Upshur Arts Alliance, Buckhannon Community Theatre, Camera Club, Upshur County Schools; the execution and management of a Community Arts Calendar to ensure robust programming and collaboration; exploration of grants and fundraising opportunities (many priority deadlines in March); the development of a budget; facility management plans; the booking of arts offerings at launch to ensure a successful early stage of use; and to coordinate with the Upshur County Board of Education position and collaboration on educational opportunities and use of the teaching spaces and studios.

Motion to bring F.2 Approval to Begin the Search Process for the Full-Time Position of the Managing Director for the Colonial Arts Center to the table was made by Rylands/Bucklew. Motion carried.

Discussion by Council members took place with opening comments of congratulations and support by Council Member Rylands and Recorder Sanders. Council member Bucklew asked what the difference was between this position and the position being filled by the Upshur County Board of

Education. Mr. Waltz explained the difference in that the Upshur County Board of Education position will be focused on educational opportunities and programs for Upshur County students while the Managing Director for the Colonial Arts Center (CAC) will be responsible for the entire management of the facility including making sure that the educational opportunities and programs for the local students had everything it needs to be successful. Council member Lewis-Sines asked if it was possible to use volunteers to do the work necessary to get the CAC closer to being open so that the taxpayers of the City could see what we were operating and why we would need a full time employee, such as a Managing Director. Mr. Waltz and Mrs. Kolenich both explained that by having a full time Managing Director the CAC sooner rather than later would most likely save money as we would have the appropriate infrastructure in place to provide a better chance of financial success for the CAC. Council member Thomas expressed a desire for the City Council to convene a Revenue/Expense Committee meeting to determine a percentage of the City Sales Tax revenue to fund this position and the CAC in general.

Motion to table the decision on F.2 Approval to Begin the Search Process for the Full-Time Position of the Managing Director for the Colonial Arts Center was made by Lewis-Sines/Thomas.

Discussion took place with Mr. Thomas explaining that the reason he was supporting the motion was to give the City Council time to convene a Revenue/Expense Committee meeting to determine a percentage of the City Sales Tax revenue to fund this position and the CAC in general. He stated that he was in support of the CAC but wanted to take the time to determine a specific percentage of the sales tax revenue to use for the CAC. Mr. Rylands, Mrs. Bucklew and Recorder Sanders all questioned why we should postpone the decision since the City Council has provided support for this project all along. It was noted that it was the job of the City Council to determine how to pay for the specific operations of the CAC. Mr. Sanders pointed out that we have had great success with contributions from corporate partners such as First Energy along with financial support from the State Of West Virginia, specifically the WV Department of Arts & Humanities. He stated that he would be very disappointed to now simply table a decision such as this after accepting all those thousands of dollars of support. Mr. Waltz followed by confirming that in all of the applications for grants and financial support the position of a professional Managing Director has been mentioned.

Mayor Skinner called for the question concerning the motion to table the decision on F.2 Approval to Begin the Search Process for the Full-Time Position of the Managing Director for the Colonial Arts Center, which was made by Lewis-Sines/Thomas. Motion failed with only Mrs. Lewis-Sines voting Yea and all remaining members voting Nay.

Mrs. Lewis-Sines asked to speak and noted that she loved the arts and appreciated the work that had been done thus far on the CAC project but she wished that the project could be finished before we hire any employees so that we could show the taxpayers what we had. Mr. Waltz acknowledged that he understood what she was saying but that the CAC Board had approached the City Council in July with the discussion of hiring a Managing Director, for the reasons pointed out in the letter that is in today's Council packet, and had been given the support of the City Council to include that in developing a plan of action for the CAC as a Board. Mrs. Lewis-Sines pointed out that she was not a part of the City Council at that time.

Motion to approve F.2 Approval to Begin the Search Process for the Full-Time Position of the Managing Director for the Colonial Arts Center was made by Sanders/Reger.

Discussion was requested by Council Member Thomas who again requested that City Council convene a Revenue/Expense Committee meeting to determine a percentage of the City Sales Tax revenue to fund this position and the CAC.

Mayor Skinner called for the question concerning the motion to approve F.2 Approval to Begin the Search Process for the Full-Time Position of the Managing Director for the Colonial Arts Center, which was made by Sanders/Reger. Motion carried with all members voting Yea except Mrs. Lewis-Sines who voted Nay.

Laura Meese - Laura Meese requested to speak to the City Council and was recognized by Mayor Skinner. Ms. Meese asked to approach the Council bench and was granted the request by Mayor Skinner, after which she presented Council members with a bouquet of flowers and loaf of bread. She then addressed City Council noting that she was a teacher at Buckhannon-Upshur High School (BUHS) and that this year, BUHS has experienced a high number of sexuality and gender identity bullying. She assured the Council that it is considered to be a serious concern by the Student Services Department and that we could check with them for more information. She noted that the City had try to pass a non-discriminatory ordinance in that past that failed. She would like to know

how it could be brought back to Council for review and possible action. She feels that there are members and leaders of the community that provide commentary that incites violence against her children, i.e., students of BUHS. Council Member Rylands noted that a Supreme Court ruling on this matter has passed, since the City considered the ordinance, which addresses the non-discriminatory issues she was referencing. Ms. Meese stated that the State of West Virginia was doing the opposite. She again requested some sort of declaration from the City Council for her students that might keep some of them from killing themselves. She further stated that certain members of City Council were at fault for promoting the problems at her school; that some members of local law enforcement were at fault because they agreed with the bullies; and that the Board of Education had been in direct contact with certain members of the City Council; but, the administration at BUHS was working hard to help her students who were struggling.

Mayor Skinner offered the following information - in May of this year our City Council issued a proclamation celebrating diversity in our community and that he would provide a copy for her classroom. We also already have a resolution that addresses the issue and he will be happy to provide the same to Ms. Meese, which she accepted. The presentation ended when Council member Thomas began to address Ms. Meese, who declined to hear his comments and left the Council Chambers.

John Antolini - John Antolini requested to speak to the City Council and was recognized by Mayor Skinner. Mr. Antolini read from a prepared statement referring to some people going after certain members of the community such as gays and lesbians, Muslims, Catholics, and to the clothing that we wear and our health. He concluded that someone should speak up against this type of behavior.

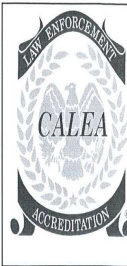
C. Department & Board Reports

Without objection, Mayor Skinner asked that we first recognize Police Chief Matthew Gregory for his presentation.

C.3 Police Chief- Matthew Gregory - Chief Gregory thanked the City Council and asked that the following statement be entered into the minutes, which he also presented to Council:



Buckhannon Police Department
CALEA Accreditation
2017 - 2021



In the summer of 2017, the Buckhannon Police Department began exploring the concept of professional accreditation through the Commission on Accreditation for Law Enforcement Agencies. During this initial process, we met with other agencies who were then in the process themselves. In addition, we attended our first national CALEA conference which was held in Jacksonville, FL in November 2017. It was at this point that I learned the full scope of not only the accreditation process itself, but also what it meant to be accredited by CALEA and to seek professional excellence.

At the conclusion of this conference, I immediately knew that this was a desirable path to take the Buckhannon Police Department on as I knew that holding ourselves to the standards and ideals of CALEA was not only rising to the level of service that the community deserves, but also, these ideals, these professional standards set forth by CALEA are quite simply, the right thing to do. From that point, the police department got to work. After familiarizing myself with over 400 CALEA standards themselves and learning the intricacies of the process, the first step was to formally register with CALEA as a candidate agency. This was done on April 13, 2018. At this point, the full CALEA accreditation process was opened up to us and initial assessment for accreditation began.

There were several initial steps to be taken right from the outset. Among these were activities like subscribing to PowerDMS (which is the records software utilized by CALEA for accreditations), reading the CALEA Guide to Successful Accreditation Management, accessing the most current CALEA Law Enforcement standards manual and establishing the police department's corresponding accreditation assessment that worked in tandem with this manual. Additionally, at this time, I also filed an Agency Profile Questionnaire and held a meeting and review of this with our CALEA Regional Program Manager.

It was also at the very beginning of this process that we formed the CALEA Policy Review Committee. This committee was tasked with working with the police department to review the policies and procedures of the agency to ensure that each of these were in compliance with the CALEA standards. From that point and for the remainder of 2018, the committee met on a regular, at least monthly basis to review the time-sensitive standards (or those standards that

required action on the part of the police department at specific intervals). These standards included policies on things like property and evidence management, use of force, pursuits, training, communications, critical incidents, etc.

As this process continued, we attended our second CALEA conference which was held in Grand Rapids, MI in July 2018. It was at this conference where I fully began to understand the accreditation process a great deal more. I began to meet with PowerDMS associates to learn the applications of the software itself, as well as the various functions of this program. I also met with various vendors in our exploration of different solutions to achieving compliance with standards like human resources management and employee training. In fact, it was after this conference that the police department absorbed two more software programs into our operations. Guardian Tracking was acquired to assist with everything from employee evaluations and the establishment of a personnel early intervention program to assistance with supervisory reviews of pursuits and uses of force as well as recognition of employee performance. Also acquired at this time was a program known as PoliceOne Academy, which allowed the police department to access thousands of pre-established trainings on a host of topics ranging from Mental Health, Ethics, and Bias-based profiling training to tactics and officer safety. The PoliceOne Academy also allowed us to establish our own courses that focused on many topics including an internal use of force policy review, supervisory policy trainings, the Handle with Care Program as well as a training on the Accreditation process itself.

In addition to the meetings with the CALEA policy review committee and establishing various software solutions, I also began to meet with the Parkersburg Police Department, who at the time was the only CALEA accredited agency in the state of West Virginia. Through this dialogue, I learned of Parkersburg's policies and procedures and studied their CALEA assessment to learn what types of proofs they were using to prove compliance with the standards. I also spoke to them of their experiences with the CALEA process itself and how to prepare for and respond to each of the components of accreditation.

As 2018 moved into 2019, the focus of the policy review committee shifted to police department policy compliance with non-time sensitive standards. The committee continued to meet at least monthly all throughout this year. All along the way as I prepared the various police department policies for CALEA compliance, I would review our old policies and would compare them to the standards. Additionally, I would also compare our procedures to those of Parkersburg's, as well as many other police departments that we were able to gain sample policies from. Throughout this process, thousands of pages of policy documents were reviewed.

Along with continued policy development, the proofing process also began throughout 2019. As I learned from the conferences and the various CALEA manuals, accreditation is a two-fold process. The first is ensuring that the agency has a policy that complies with each CALEA standard and in some circumstances, such as the case with bulleted standards, the policy must comply with each and every bullet. The second part of the accreditation process is to ensure that there is a proof that proves through the agencies actions and operations that they are

in fact complying with the policy and by extension, the CALEA standard. Again, in the case of bulleted standards, there must be a proof for each and every bullet. Proofs can come from such things as police offense and investigation reports, body camera video footage, administrative human resources and training reports, etc. By the end of 2019, the Buckhannon Police Department had a full 543-page policy and procedure manual that was in compliance with each of the CALEA standards. Also, a full year of proofs had been uploaded into PowerDMS.

Throughout 2020, the goal of the initial assessment was to continue gathering a full year of proofs for 2020 as well as fine tuning the assessment itself in preparation for our reviews, which were anticipated for early 2021. To accomplish this, I worked with our CALEA Regional Program Manager as well as an Accreditation Support Network comprised of numerous agencies from throughout Virginia (this did not exist in West Virginia as again, there was only one CALEA accredited agency in the state). Through this networking, I was able to partner with five different Virginia agencies where they conducted a mock assessment of all of the police department's CALEA files. This process took about a week and afterward, I had received fourteen pages of constructive criticism. This invaluable information allowed me to spend the next three months fine tuning the assessment to the point to where I felt comfortable enough to file a CEO Request for Initial Assessment from CALEA. At this point, the police department had made over 1,400 attachments to PowerDMS including both policies and proofs to show compliance with the standards. Once the request for assessment was received, I was notified that our web-based assessment would occur in late February 2021 and our on-site assessment would occur on April 5 and 6, 2021, where each of these attachments would be reviewed to determine our fitness for accreditation.

As reported on earlier, these assessments went remarkably well for the police department where we received very good comments and was awarded Full Accreditation with zero conditions after each of the reviews. This included an evaluation made by four different CALEA assessors, as well as the conducting of a Public Hearing and the allowance of a public comment section as part of the evaluation process.

So what does all of this mean? Why go through all of this effort? Is the reason for all of this work just to have a fancy certificate to hang on the wall?

These are all questions I have heard on many different occasions and the answer is quite simple. I have said this many times before and it is a saying that I picked up early on in my CALEA journey, a saying which itself is worth repeating several times over. Accreditation is not about the destination, but about the journey itself. It is an ongoing pathway to professional excellence, because at the end of the day and what lies at the very core of what we do as police officers, the standards of CALEA are the right thing to do. These professional ideals are what the citizens whom we serve and protect deserve as it ensures that our values of integrity, professionalism, respect, fairness, compassion and being community-oriented are upheld on a daily basis.

By extension of this, our members of the Buckhannon Police Department, including our sworn and non-sworn personnel as well as our VIPS volunteers, are to be commended for being part of this process. Throughout the cycle of initial assessment, the police department held regular meetings where not only the CALEA process itself was discussed, but also the practices and procedures to ensure adherence to the CALEA principles was developed and implemented. Our personnel and our volunteers have been very integral during this process as they have stepped into and embraced each of these professional principles.

To honor this achievement, the Buckhannon Police Department has commissioned the Police Star medal and the CALEA achievement ribbon. The Police Star medal is awarded to the sworn and non-sworn personnel of the Buckhannon Police Department for outstanding achievement in embracing the CALEA process and on a daily basis, working toward and adhering to the CALEA principles. The CALEA achievement ribbon is awarded to all personnel of the Buckhannon Police Department, both sworn, non-sworn, and volunteer, for being part of the CALEA process and for being a member of an accredited law enforcement agency through initial assessment and at the time of accreditation. These honors bestowed upon our members acknowledge their commitment to professional excellence and the acceptance that doing the right thing is a journey that is taken every day.

Chief Gregory then asked that Mayor Skinner and Council Member CJ Rylands to join him in presenting the Police Star medal and the CALEA achievement ribbon to the sworn and non-sworn personnel present. Mayor Skinner took the opportunity to acknowledge the efforts put forth by Council Member CJ Rylands in bringing the CALEA program to the City's attention and working towards the implementation of the program.

Chief Gregory then read the final paragraph of his statement: *“To honor this achievement, the Buckhannon Police Department has commissioned the Police Star medal and the CALEA achievement ribbon. The Police Star medal is awarded to the sworn and non-sworn personnel of the Buckhannon Police Department for outstanding achievement in embracing the CALEA process and on a daily basis, working toward and adhering to the CALEA principles. The CALEA achievement ribbon is awarded to all personnel of the Buckhannon Police Department, both sworn, non-sworn, and volunteer, for being part of the CALEA process and for being a member of an accredited law enforcement agency through initial assessment and at the time of accreditation. These honors bestowed upon our members acknowledge their commitment to professional excellence and the acceptance that doing the right thing is a journey that is taken every day.”*

With that the Chief asked the following to come forward and accept their Police Star medal and the CALEA achievement ribbon: Lieutenant Doug Loudin, Sergeant Tom Posey, Sergeant Mark Stewart, Sergeant Will Courtney, Sergeant Darin Hissam, Sergeant Marshall O'Connor, Patrolman First Class Angel McCauley, and Administrative Assistant Tim Smith.



Mayor Skinner, Chief Gregory, and Council Member Rylands then presented the following members of the VIPS with a CALEA Pins - Assistant Coordinator Jewel Fisher, Assistant Coordinator David Rowan, Evelyn Syski, Vito Syski, Andi Cartier, and Allen Nash.

Chief Gregory concluded by presenting Certificates of Appreciation to the following who assisted with the CALEA Accreditation by serving on the CALEA Policy Review Committee - Mayor Robbie Skinner, City Recorder Randy Sanders, Council Member CJ Rylands, Assistant Recorder & Director of Finance Amberle Jenkins, and City Attorney Tom O'Neill.



C.1 Public Works Director - Jerry Arnold - Jerry Arnold addressed the City Council by noting that he did not have a formal report. He did inform Council that both he and Mayor Skinner have been in contact with Cooper Asphalt concerning the fact that they have not completed the scheduled paving for the season. Cooper Asphalt did assure both Mr. Arnold and Mayor Skinner that they would finish Lincoln Street and hopefully Spring Street before the end of the year. Mr. Arnold recognized Matt Reese with the A & O Railroad Consolidated Rail Company.

Motion to bring F.3 Approval to Authorize Letter of Support for A&O Railroad Consolidated Rail Infrastructure & Safety Improvement Grant Application to the table was made by Thomas/Bucklew. Motion carried.

Mr. Reese then provided an overview of the proposed grant application to make some necessary repairs to the rail infrastructure. He requested that the City of Buckhannon provide a Letter of Support for the grant.

Motion to approve the Letter of Support for A&O Railroad Consolidated Rail Infrastructure & Safety Improvement Grant Application was made by Thomas/Reger. Motion carried.

November 18, 2021

The Honorable Pete Buttigieg
Secretary, United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Appalachian and Ohio Railroad, Inc.'s Consolidated Rail Infrastructure and Safety Improvement Grant Application

Dear Secretary Buttigieg:

As Mayor of The City of Buckhannon, I am writing to express my support for the Appalachian and Ohio Railroad, Inc.'s ("A&O") Application for a Consolidated Rail Infrastructure and Safety Improvement Grant ("CRISI Grant") to Improve the Safety, Efficiency, and Reliability of Freight Rail in Rural West Virginia. A&O is seeking a CRISI Grant to install a new broken rail detection system ("BRDS") on the entire 42-mile signaled portion¹ of the A&O mainline (the "Line") to continue operations (the "Project"), using a combination of federal funding and A&O funding as part of a true public-private partnership. The anticipated cost of the Project is \$2,488,960.00. However, the Project's cost is small in comparison to the private and public benefits to be realized from the Project. Moreover, A&O is pledging to contribute \$871,136.00 (a 35% match) towards the completion of the Project.

A&O, a Class III shortline railroad, has served West Virginia, by providing freight transportation, since 2005. A&O operates over 158 miles of track in rural West Virginia and transports over 15,000 carloads annually.² A&O provides rail transportation throughout rural West Virginia and the United States through its connection to its Class I partner, CSXT. A&O is the exclusive operator over its track and provides the sole rail service to fourteen (14) local West Virginia industries, including a lumber yard, railroad tie facility, rail-truck transloading facility, coal mines, and other industries. If A&O is unable to install the BRDS and continue to operate it would sever the access of local West Virginia shippers, communities, and customers to the U.S. and worldwide marketplace.

Cessation of operations by A&O will cause those shippers, communities, and customers served by A&O to move their heavy freight with trucks. The additional trucks will increase road congestion, traffic-related injuries, pavement deterioration, and emissions. Trucks are simply not a viable option as they are inefficient, strain highway infrastructure, and are incapable of accessing raw materials in remote areas, without building new roads. Ultimately, the Project will avoid truck congestion and slow pavement deterioration on State and NHS highways.

A&O simply cannot fund the \$2,488,960.00 million Project entirely and still meet its other obligations, while also setting aside money to maintain the Project once completed. However, SNR is fully committed to

¹ On October 25, 2021, the Federal Railroad Administration approved A&O and CSX Transportation, Inc.'s ("CSXT") block signal application, subject to the condition that the BRDS be installed on the entire 42 mile signaled portion of the Line.

² A&O has freight operations in rural West Virginia. The focus of the Project is installing the BRDS on the signaled portion of the Line extending from Grafton, West Virginia to Buckhannon, West Virginia. This will significantly enhance the safety of operations along the Line, which connects freight to the national rail network. The Project will reduce truck congestion and slow pavement deterioration on State and NHS highways.

contributing \$871,136.00 towards the Project (a 35% match) to ensure that the Line continues to help drive economic growth in the region for all industries and A&O seeks \$1,617,824.00 (approximately 65%) in FY 2021 CRISI (Rural) funds. More important, once the BRDS is installed, A&O is fully committed to maintaining the Line and is setting aside reserves to ensure the Line remains an engine for continued economic growth in the region.

Lastly, the Project is fully consistent with the objectives of Congress in passing the act that provides for CRISI Grants, which includes investing in projects designed to improve railroad safety, efficiency, and reliability. This Project also specifically addresses the Administration’s goals of addressing climate change; deploying innovative railroad safety technology; and, utilizing transportation investments to drive the economy. The Project as proposed involves implementing BRDS and eliminating technology that could be comprised by trespassers. Upon completion of the Project, A&O dispatchers will be alerted to any portions of track removed by trespassers, and further because the technology is underground the safety system cannot be destroyed by the actions of trespassers. The Project will allow freight operations to continue over the 158-mile Line, benefit local industry, facilitate efficient and safe freight transportation, and enhance the safety of operations while supporting the continued economic growth of the entire region. Accordingly, I am asking that the Department of Transportation give thorough consideration to selecting the Project for a CRISI Grant. Please feel free to contact me should have any additional questions, or if you need further information.

Sincerely,
Robert N. Skinner, III
Mayor, City of Buckhannon

Mr. Arnold also announced that the Street Department would be putting up Christmas decor up in the downtown area the following week.

C.2 Finance Director - Amberle Jenkins – Amby Jenkins provided the following report:

Amby report 11-18-21

Balances in the Enterprise Funds October 31, 2021			
Waste Collection Board	mm/cking	\$908,989	cd/sav \$58,536.
Plus a letter of credit for \$64,000			
Water Board	mm/cking	\$368,568	work/capital \$871,842
Sanitary Board	mm/cking	\$556,232	work/capital \$457,076
Storm water Fund	mm/cking	\$76,160.	

With the assistance of Mr. Trent, the financial statements are ready to present to these Boards next month.

The Mayor and I will be closing on the financing of the new fire truck in about one week. The truck should be ready for delivery within four weeks.

We are finishing up the employment procedures for the two new firefighters who will begin work the week after next. They are Maria Potter and Shane Jenkins.

Council interviewed candidates for the position of probationary police officer and voted to hire two of those candidates. The preliminary steps in the hiring process has started and will take a few weeks before they can begin working under the training phase of employment.

C.4 City Attorney- Tom O’Neill - Mr. O’Neill did not have a formal report for Council but he did comment on the discussion involving the non-discrimination policy that was referenced earlier and that, in his opinion, that type of ordinance is not deemed legal by West Virginia code (§8-12-5). A Q&A took place regarding the public statement portion of the City Council meetings and Mr. O’Neill noted that it was just that; a period that the public may make comments and statements. It is not a question and answer period and it is an optional part of the meeting. His opinion is for Council Members to not respond to the comments unless it is part of the meeting’s agenda.

D. Correspondence & Information – The Mayor reviewed the following with Council:

D.1 Letter from Colonial Arts Center RE: Managing Director Position



Dear Mayor Skinner and City Council,

The Colonial Arts Center Board would like to recommend launching the search for “Managing Director” of the Colonial Arts Center immediately. The position and thorough job description were previously and enthusiastically approved by Council in July of 2021 as a full-time, benefitted employee. We anticipate the Colonial Arts Center to be in operation by late spring of 2022.

Though the Theatre operations won’t begin fully until spring, the Board believes there are several directives necessary for the Managing Director to accomplish in the lead-up to that time. A partial list includes:

- Launching the Colonial Arts Center web page, building up followers and traffic, and fleshing out content for the site
- Interfacing with local Civic Organizations through in-person meetings and presentations
- Meetings with partner organizations and arts entities such as ART26201, Upshur Arts Alliance, Buckhannon Community Theatre, Camera Club, Upshur County Schools, and other local and regional arts entities for volunteer coordination and programming
- Execution and management of a Community Arts Calendar to ensure robust programming and collaboration
- Exploration of grants and fundraising opportunities (many priority deadlines in March). Development of a budget including exploration and execution of revenue streams.
- Development of facility management plans, refinement of user applications and agreements, and marketing and communication to all audiences regarding use of the space and process
- Attraction and booking of arts offerings at launch to ensure a successful early stage of use
- Coordination with the Upshur County Board of Education position and collaboration on educational opportunities and use of the teaching spaces and studios

In addition, the Colonial Arts Center Board has also carefully examined salaries and similar positions in the City, County, region, and specifically among arts entities with similar size and scope. Most salaries in these positions outside of city centers averaged base salaries of \$55,000-\$70,000, often with lesser responsibilities. We continue to recommend a salary of \$44,000-47,000 for this position, scaled to our region, as an ideal starting place to finding a talented Managing Director capable of executing the ambitious vision for the Colonial Arts Center. This position has broad possibility for economic development and to improve quality of life for our community.

We ask Council for their approval to begin the search process of this previously approved full-time position and are thankful for the enthusiasm and creativity we have experienced with our City leadership so far in this process.

Respectfully,

John Waltz
Chair of the Colonial Arts Center Board

D.2 Letter from David McCauley-Gift Supporting to SYCC Capital Campaign

David W. McCauley
10 Meade Street
Buckhannon, WV 26201
mccauley@wvwc.edu
tel. (304) 472-3028

November 12, 2021

Buckhannon City Council
City Hall
70 East Main Street
Buckhannon, WV 26201

RE: Stockert Youth & Community Center Capital Campaign – gift

Dear Council members:

I am beyond pleased to learn of our City’s intention to now acquire the Cuppari property located adjacent to our SYCC real estate holdings, including the recently acquired Knights of Pythias lot. This will permit the most preferred placement of the new auditorium/gymnasium.

To evidence my continued support of this amazing project while also honoring my seven grandchildren, I’m enclosing my latest contribution to help out with seed money for our forthcoming building project. Keep up the great work!

As I know all of you appreciate, our children, and indeed our entire community- continue to count on you to further along this amazing project. Let’s continue to work hard together to figure out a way to build our awesome new building sooner than later!

If there is anything else I can do to further help you facilitate exploring and realizing the necessary funding to break ground, please let me know. We can do this together!

Very truly yours,

David W. McCauley

✓ Enclosure – check - \$100

Cc: Amby Jenkins
Jerry Arnold
SYCC Board of Directors

D.3 Thank you Letter from Almost Heaven BBQ RE: Spooktacular Event Sponsorship

Fwd: BBQ Bash

1 message

Amberle Jenkins <amby.jenkins@buckhannonwv.org>

Thu, Nov 11, 2021 at 9:31 AM

Reply-To: amby.j@buckhannonwv.org

To: Teresa Summers <teresa.summers@buckhannonwv.org>, Robbie Skinner <robbie_skinner@buckhannonwv.org>

fyi - thank you from BBQ

----- Forwarded message -----

From: **Jody Light** <almostheavenbbqbash@gmail.com>

Date: Wed, Nov 10, 2021 at 4:27 PM

Subject: BBQ Bash Invoice

To: amby.jenkins@buckhannonwv.org <amby.jenkins@buckhannonwv.org>

Hi Amby,

Per our discussions, attached is the invoice for the City's very generous sponsorship of our Oct. 30th "Spooktacular Backyard BBQ Bash" ... a great success with 12 teams (we really needed 15 financially) that travelled here from 5 states to compete ... and all had glowing words about the event and the City and everyone's friendliness, so we gained 3-4 new teams for future events!

Thanks again for all you do! I'll be sending a formal Thank you letter to Council for the next meeting!

Jody

D.4 Notice of Fire Civil Service Commission Accepting Applications for Position of Probationary Firefighter

Notice Fire Civil Service Commission City of Buckhannon, West Virginia

Notice is hereby given that the Fire Civil Service Commission of the City of Buckhannon will receive applications for competitive examination to create a "List of Eligibles" for the position of probationary firefighter in the Fire Department of the City of Buckhannon, subject to the following requirements:

- (1). Applicants must be at least eighteen (18) years of age and comply with §8-15-17 of the W. Va. Code.
- (2). Applicants must have a high school diploma or its equivalent.
- (3). Applicants must be West Virginia approved Firefighter 1, IFSAC or Pro Board Certified. A copy of the certification must be submitted with the application.
- (4). Applicants must comply with all other laws, rules and regulations as prescribed in writing by the Code of the State of West Virginia and by the Fire Civil Service Commission of Buckhannon, West Virginia. Copies of the current written rules and regulations of said Commission is available for inspection by any member of the public at the City Recorder's Office, 70 East Main Street, Buckhannon, West Virginia, during regular business hours.

All applications must be received by the Commission at City Hall; or alternatively be postmarked, addressed to the Fire Civil Service Commission, 70 East Main Street, Buckhannon, WV 26201, **no later than 4:30 p.m. or postmarked by 12:00 midnight on January 10, 2022.** Details may also be found on the City of Buckhannon website —www.buckhannonwv.org

Application forms may be obtained by contacting the City Recorder's Office, City Hall, 70 East Main Street, Buckhannon, WV 26201 or calling 304-472-1651 to have it emailed, faxed or mailed. Applicants must pass the physical agility test and a written competitive examination. Successful candidates that may be hired are subject to residency requirements. Applicants must also pass a criminal background check and drug test.

Randy Sanders, City Recorder
City of Buckhannon, WV

Publish Dates 11/16/21, 11/23/21
Posted 11-9-21

D.5 Proclamation-Small Business Saturday

PROCLAMATION

Small Business Saturday

Whereas, the small business sector contributes significantly to the framework of the United States economy and, in Buckhannon, small businesses (having 100 or fewer employees) comprise 98 percent of all businesses and employ more than half of the City's private sector workforce; and

Whereas, the owners and operators of small businesses foster economic growth through the creation of jobs and the production of goods and services for people across State of West Virginia and around the

globe; these businesses also represent a base of manufacturing and exporting for U.S. products and services; and

Whereas, working toward a new era of progress and competitiveness through investments in small businesses, Buckhannon supports these businesses as a critical component of restoring and rebuilding a healthy economy, as the perseverance, hard work, and resourcefulness of small business owners form the foundation of our prosperity and success; and

Whereas, during these economically-challenging times, small businesses are critical to our nation’s recovery and growth as a significant source of revenue and new private sector jobs and, historically, small businesses create the vast majority of net new jobs coming out of a recession, often hiring when larger companies are continuing to downsize; and

Whereas, with the 2021 Holiday shopping season upon us, the period from Black Friday to Cyber Monday is one of the busiest times of the year for retailers, and **Saturday, November 27, 2021** is being observed across the country as “**Small Business Saturday**,” celebrating the entrepreneurial spirit of small business owners, and highlighting the resourcefulness, ingenuity, and innovativeness of these individuals who are a key force in driving the economy of our state and nation; and

Whereas, Buckhannon’s small business owners have realized success through their vision, hard work, and commitment to operating a business daily, and their efforts are critical to building a better Buckhannon today and in the future and, therefore, it is fitting that we join in this initiative and show support for small business owners, recognizing their valuable role and contributions to our economy and our lives;

Now, Therefore, I, Robert Neal Skinner, III, Mayor of the City of Buckhannon, do hereby recognize **November 27, 2021** as **SMALL BUSINESS SATURDAY** in the City of Buckhannon and encourage the continued support and development of our small business sector.

Given under my hand and the Seal of the City of Buckhannon, this 18^h day of November in the year Two Thousand Twenty-One.

Robert Neal Skinner, III,

E. Consent Agenda

E.1 Approval of Minutes -Regular Meeting 10/21/2021 & 11/04/2021 & Special 11/15/2021

E.2 Approval of Building and Wiring Permits



City Council Report Building, Electrical, Demolition Permits

11/1/2021 - 11/18/2021													
Permit #	Applicant Name	Applicant Address	Primary Contractor	Description	Project Cost	Total Fees	Electrical Property Type	Asbestos Inspection	Zoning Approval Date	Historic Property	Flood Zone Area	Flood Zone /Elevation Certificate	FEMA Accessory Use
Group: Building													
75359	PATRICK PASTERICK	108 ALLMAN AVE		DRYWALL	750.00	\$15.00					Zone AE	Yes- Elevation Cert. Not Required	
75358	DREAMLAND CARPETS	10 N FLORIDA ST	WAGNER SERVICES	CONSTRUCT INTERIOR WALLS	2,000.00	\$19.00				Yes	Zone AE	Yes- Elevation Cert. Not Required	
75357	KROSHUS MANAGEMENT	40 COLLEGE AVE	TRADEWORX	RE-ROOF, SHINGLE OVER SHINGLE; DRYWALL & FLOORING	10,000.00	\$85.00		Yes -If yes attach report				No	
75350	GARY EVANS	14 CHANCERY ST	ALL ABOUT GLASS LLC	RUBBER SEALANT OVER METAL ROOF	3,000.00	\$28.50		No		Yes		No	
75349	ROGER GREGORY	12 PARK ST	GROGGS HEATING & AIR CONDITION	REPLACEMENT WINDOWS	6,000.00	\$66.00				No		No	
75347	EVELYN HINKLE	52 SMITHFIELD ST		GRAVEL PARKING AREA IN REAR 2 SPACES : per V. Smith owner must maintain paper alley and not Track mud onto city streets	999.00	\$10.00			11/10/2021	Yes		No	
75346	JOSEPH WARNER	176 FAYETTE ST		ENCLOSING EXISTING CARPORT W/ CONCRETE	500.00	\$30.00			11/10/2021	No		No	

				FLOOR									
75345	MAYFAIR HOTELS, LLC DBA COMFORT INN	1 COMMERCE BLVD		TILE, CARPET, FLOORING, LIGHT FIXTURES, INSIDE RENOVATIONS - 62 ROOMS & HALLWAY (APPROX \$1000 PER ROOM)	62,000.00	\$403.00			11/10/2021	No		No	
75344	Lewis Upshur Community Corrections	85 W MAIN ST	SUNSET GRAPHICS	SIGNAGE 32"X38" & FENCE 6' FOR LAW ENFORCEMENT PURPOSES	13,650.00	\$116.03			11/8/2021	Yes	Zone AE	Yes-Elevation Cert. Not Required	
75343	Leigh Enterprises for Reta Ostrowske	11 Henry St	SUPERIOR ENVIROMENTAL	Garage Re-Roof Shingles	4,000.00	\$44.00		Yes -If yes attach report		No	Zone AE	Yes-Elevation Cert. Not Required	
75342	A-1 GENERAL FOR MARILYN KEITH	21 BOGGESS ST	A 1 GENERAL CONTRACTING DBA MARINOS CONSTRUCTION	RE-ROOF REMOVING SHINGLES	7,800.00	\$85.80		Yes -If yes attach report		No		No	No
75341	TRESEA CRITES -T CRITES RENTAL	15 HENRY ST LOT 4 - TRAILER		INSIDE REMODEL	1,000.00	\$15.00				No	Zone AE	Yes-Elevation Cert. Not Required	
75340	Jerry Cochran for Brooke Hess		JERRY COCHRAN WV HOME PRO LLC	DRYWALL & FLOORING IN KITCHEN & LIVING ROOM due to fire damage	8,000.00	\$88.00				No		No	
75339	ARGO BOOKS ABIGAIL BENJAMIN	6 N SPRING ST	THE SIGN GUY	SIGNAGE & WINDOW LOGO	350.00	\$15.00			10/18/2021	Yes		No	
75338	GREG KITTLE FOR BUCKHANNON HOUSING AUTHORITY		KITTLE EXCAVATION INC	REPAIRING EXISTING CONCRETE SIDEWALKS	25,000.00	\$187.50				No		No	
75337	SETH HOFFMAN	111 RANDOLPH ST	J&J CONCRETE, LLC	FOUNDATION REPAIR REROOF BACK ROOM	8,500.00	\$93.50		Yes -If yes attach report		No	Zone AE	Yes-Elevation Cert. Not Required	
75335	Core Environmental Services, Inc	3960 WILLIAM FLINN HWY STE 100	SELECT EXCAVATING SERVICES LLC	Environmental Remediation, Soil Excavation	0.00				10/27/2021	Yes	Zone AE	Yes-Elevation Cert. Not Required	
75334	Chris Henline	8 Cooper St	David L Beckner	Mold Remediation, Inside Repairs, Roof Repairs & Underlayment due to water leak	2,500.00	\$27.50		Yes -If yes attach report		No	Zone AE	Yes-Elevation Cert. Not Required	
					\$156,049.00	\$1,328.83							
Group Total: 18													
Group: Demolition													
75360	JERRY HENDERSON	54 FIFTH STREET		RAZING STRUCTURE/HOUSE	0.00	\$20.00		Yes -If yes attach report		No	Zone AE	Yes-Elevation Cert. Not Required	
75351	Wayne Lowther Baxters LLC	296 Morton Ave	S&S DITCH & HOE SERVICES	Razing structure & outbuilding	0.00	\$20.00		Yes -If yes attach report		No		No	
75348	CHAPEL HILL CHURCH FOR BRAD LINCICOME	106 RANDOLPH ST		RAZING STRUCTURE	0.00	\$20.00		Yes -If yes attach report		No		No	
						\$60.00							
Group Total: 3													
Group: Electrical													
75361	LET THERE BE LIGHT, LLC	2082 OLD ELKINS RD	LET THERE BE LIGHT, LLC	REPLACING 200A OVERHEAD SVC	900.00	\$100.00	B2 Single Family Residential (500 sq ft)						
75356	CITY OF	WATER	MOUNTAIN	CONTRACT #9	150,564.00	\$0.00	A			No		No	
	BUCKHANNON	TREATMENT PLANT	STATE ELECTRICAL CONTRACTORS LLC	INSTALLATION & SECURING EMERGENCY POWER GENERATOR			Commercial Property						
75355	CITY OF BUCKHANNON	WOOD/RITCHIE ST LIFT STATION	MOUNTAIN STATE ELECTRICAL CONTRACTORS LLC	CONTACT #8 INSTALLATION & SECURING EMERGENCY POWER GENERATOR	33,940.00	\$0.00	A Commercial Property			No	Zone AE	Yes -If yes attach report	
75354	CITY OF BUCKHANNON	ELIAS ST LIFT STATION	MOUNTAIN STATE ELECTRICAL CONTRACTORS LLC	CONTRACT #6 INSTALLATION & SECURING EMERGENCY POWER GENERATOR	53,906.00	\$0.00	A Commercial Property			No	Zone AE	Yes -If yes attach report	
75353	CITY OF BUCKHANNON	EAST MAIN ST LIFT STATION	MOUNTAIN STATE ELECTRICAL CONTRACTORS LLC	CONTACT #5 INSTALLATION & SECURING EMERGENCY POWER GENERATOR	36,330.00	\$0.00	A Commercial Property			Yes	Zone AE	Yes -If yes attach report	
75352	CITY OF BUCKHANNON	BROOKE ST LIFT STATION	MOUNTAIN STATE ELECTRICAL CONTRACTORS LLC	CONTRACT #4 INSTALLATION & SECURING EMERGENCY POWER GENERATOR	45,272.00	\$0.00	A Commercial Property			No	Zone AE	Yes -If yes attach report	
					\$320,912.00	\$100.00							
Group Total: 6													
					\$476,961.00	\$1,488.83							
Total Records: 27													
11/18/2021													

E.3 Approval of Payment of the Bills

NOVEMBER 1-15 2021 GENERAL FUND PAYMENT OF BILLS

- \$1,000.00** – BUCKHANNON CHAMBER OF COMMERCE– BUSINESS WOMAN OF THE YEAR SPONSORSHIP
- \$2,000.00** – ALMOST HEAVEN BBQ BASH INC – OCT 31ST BBQ CONTEST SPONSORSHIP
- \$5,883.00** – WESTFIELD FLOOD INS – FLOOD INS 3 BUILDINGS AT 395 MUDLICK RD
- \$9,150.00** – POTESTA & ASSOCIATES – FEMA & CITY LOTS SURVEYS
- \$60,000.00** – CONSOLIDATED PUBLIC WORKS BD – FY 2021-22 BUDGET CONTRIBUTION
- \$35,000.00** – CONSOLIDATED PUBLIC WORKS BD – FY 2021-22 BUDGET CEMETERY MOWING
- \$2,514.15**– BRUFFEY TRUCKING – STONE & SAND FOR CONCRETE
- \$14,623.87** – CENTRAL SUPPLY – SCREED JOINT & CONCRETE FOR SPRING STREET PROJECT
- \$10,335.00** – RDR ENERGY – 60 YDS CONCRETE FOR SPRING STREET PROJECT
- \$3,624.52** – ARGOS USA LLC – BULK CEMENT FOR MIXING TRUCK FOR MULTIPLE PROJECTS
- \$1,600.00** – A&A SAFETY – YELLOW PAINT FOR CURBS
- \$6,076.50** – BOYD CO. – EXCAVATOR RENTAL TEAR DOWN BULIDINGS
- \$1,450.00** – LOUDIN INSURANCE – ARTWORK INSURANCE WITH MARKEL
- \$28,151.59** – COMMERCIAL BUILDERS – CONSTRUCTION LABOR AT THEATRE
- \$2,706.02** – BUCKHANNON UTILITY BOARDS – CLEAN UP OF 65 E MAIN STREET
- \$1,000.00** - CATHERINE CUPPARI – EARNEST MONEY FOR PROPERTY PURCHASE CORP DISTRICT MAP 4 PARCEL 361 & 363
- \$1,835.00** – WESTFIELD FLOOD INS – PUBLIC SAFETY COMPLEX BLDG FLOOD INS

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DISBURSEMENT 11-01-21 TO 11-15-21

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
MAYOR'S OFFICE	RECORD-DELTA NEWSPAPER	409-220-00	MAYOR'S LEGAL PUBLIC	PLANNING COMM MTG LEGAL 16	13.48
	ENCOVA INSURANCE	409-226-00	MAYOR'S INSURANCE &	WCB1005474 10/4/21 TO 11/1	4.84
	WV PUBLIC EMPLOYEES INSURANC	409-105-00	MAYOR'S INSURANCE	GF NOV INS PREMIUM	1,058.00
		409-105-00	MAYOR'S INSURANCE	GF NOV 2021 RETIREE'S SUBS	232.00
	PITNEY BOWES	409-341-00	MAYOR'S SUPPLIES & M	LEASE 9/16/21-12/15/21	661.03
	BUCKHANNON CHAMBER OF COMMER	409-341-00	MAYOR'S SUPPLIES & M	2022 MEMBERSHIP FEE	496.00
		409-341-05	EVENT/FIREWORK EXPEN	BUSINESS WOMAN OF YEAR SPN	1,000.00
	ALMOST HEAVEN BBQ BASH, INC.	409-341-05	EVENT/FIREWORK EXPEN	BBQ CONTEST 10/31/21 SPONS	2,000.00
	PAYROLL ACCOUNT (ALL DEPTS)	409-341-00	MAYOR'S SUPPLIES & M	OCT 2021 AA FEES	204.55
	COLLECTION ACCOUNT	409-341-00	MAYOR'S SUPPLIES & M	OCT 2021 CC FEES	1,059.40
	INTERNAL REVENUE SERVICE	409-104-00	MAYOR'S F.I.C.A.	FICA WITHHELD AND MATCHED	43.03
		409-104-00	MAYOR'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	10.07
	DATAMAX CORPORATION	409-341-00	MAYOR'S SUPPLIES & M	OCT 2021 CITY LIC COLLECTI	232.50
	MICHAEL W. ASH	409-341-00	MAYOR'S SUPPLIES & M	FEMA SUB MUDLICK PROP	1,200.00
	**PAYROLL EXPENSES			11/01/2021 - 11/15/2021	705.53
				TOTAL:	8,920.43
COUNCIL	ENCOVA INSURANCE	410-226-00	COUNCIL INSURANCE (P	WCB1005474 10/4/21 TO 11/1	0.27
	UPSHUR COUNTY COMMISSION	410-460-00	CAT CONTROL EXPENSE	6 CATS TRAPPED IN SEP 2021	60.00
	INTERNAL REVENUE SERVICE	410-104-00	COUNCIL'S F.I.C.A.	FICA WITHHELD AND MATCHED	1.25
		410-104-00	COUNCIL'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	0.29
	TRAVELERS INSURANCE	410-226-00	COUNCIL INSURANCE (P	INS PREM AUTO LIAB NOV 202	344.35
	**PAYROLL EXPENSES			11/01/2021 - 11/15/2021	20.00
				TOTAL:	426.16
RECORDER	LOUDIN INSURANCE AGENCY INC	411-226-00	INSURANCE/COMPENSATI	SURETY BOND FOR ASST RECOR	175.00
	ENCOVA INSURANCE	411-226-00	INSURANCE/COMPENSATI	WCB1005474 10/4/21 TO 11/1	0.27
				TOTAL:	175.27
TREASURER	ENCOVA INSURANCE	413-226-00	TREASURER'S INSURANC	WCB1005474 10/4/21 TO 11/1	1.00
	WV PUBLIC EMPLOYEES INSURANC	413-105-00	TREASURER'S GROUP IN	GF NOV INS PREMIUM	2.00
		413-105-00	TREASURER'S GROUP IN	GF NOV 2021 RETIREE'S SUBS	116.00
	DAVID L HOWELL CPA	413-224-00	AUDIT	1ST BILLING 2020-21 AUDIT	696.75
	INTERNAL REVENUE SERVICE	413-104-00	TREASURER'S F.I.C.A.	FICA WITHHELD AND MATCHED	19.42
		413-104-00	TREASURER'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	4.54
	**PAYROLL EXPENSES			11/01/2021 - 11/15/2021	313.18
				TOTAL:	1,152.89
COURT	ENCOVA INSURANCE	416-226-00	POLICE JUDGE INS BON	WCB1005474 10/4/21 TO 11/1	0.61
				TOTAL:	0.61
CITY ATTORNEY	ENCOVA INSURANCE	417-226-00	CITY ATTORNEY INS UN	WCB1005474 10/4/21 TO 11/1	1.06
	INTERNAL REVENUE SERVICE	417-104-00	CITY ATTORNEY FICA	FICA WITHHELD AND MATCHED	32.47

11-17-2021 03:56 PM

DISBURSEMENT 11-01-21 TO 11-15-21

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT	
CITY ENGINEER	**PAYROLL EXPENSES	417-104-00	CITY ATTORNEY FICA	MEDICARE WITHHELD & MATCHED 11/01/2021 - 11/15/2021	7.59	
				TOTAL:	523.73	
					564.85	
	ASSOCIATION OF STATE FLOODPLAIN INTERNAL REVENUE SERVICE	420-221-00	ENGINEER TRAINING	2022 ASFPM RENEWAL DUES	165.00	
		420-104-00	CITY ENGINEER FICA TAX	FICA WITHHELD AND MATCHED	48.53	
		420-104-00	CITY ENGINEER FICA TAX	MEDICARE WITHHELD & MATCHED 11/01/2021 - 11/15/2021	11.35	
	**PAYROLL EXPENSES				775.22	
				TOTAL:	1,000.11	
	HOUSING	BOYD COMPANY	436-354-00	HOUSING ENFORCEMENT	EXC RENT- TEAR DOWN BLDGS	1,000.00
				TOTAL:	1,000.00	
ZONING	ENCOVA INSURANCE	437-226-00	ZONING INSURANCE & BENEFIT	WCB1005474 10/4/21 TO 11/1	70.14	
	WV PUBLIC EMPLOYEES INSURANCE	437-105-00	ZONING HEALTH INSURANCE	GF NOV INS PREMIUM	203.00	
		437-105-00	ZONING HEALTH INSURANCE	GF NOV 2021 RETIREE'S SUBS	116.00	
	VINCENT SMITH	437-214-00	TRAVEL EXPENSE	CODE ENF MILEAGE OCT 2021	100.24	
	INTERNAL REVENUE SERVICE	437-104-00	ZONING F.I.C.A.	FICA WITHHELD AND MATCHED	88.67	
		437-104-00	ZONING F.I.C.A.	MEDICARE WITHHELD & MATCHED 11/01/2021 - 11/15/2021	20.74	
	**PAYROLL EXPENSES				1,430.15	
				TOTAL:	2,028.94	
	DATA PROCESSING	RAVEN ROCK NETWORKS INC	439-230-00	DATA PROCESSING	INCODE SERVER ASSISTANCE	31.88
		439-230-00	DATA PROCESSING	IT SERVICE CONTRACT NOV 21	212.50	
	TYLER TECHNOLOGIES INC	439-230-00	DATA PROCESSING	MAINT BAR CODE SCANNER ANN	181.57	
		439-230-00	DATA PROCESSING	PROJECT ACCTING TRAINING	65.00	
	SUDDENLINK	439-230-00	DATA PROCESSING	CITY HALL INTERNET NOV 202	32.11	
				TOTAL:	523.06	
CITY HALL	RITE-WAY HEATING & PLUMBING	440-216-00	CITY HALL MAINTENANCE	SHOWER HEADS; TAPE	16.17	
	ENCOVA INSURANCE	440-226-00	CITY HALL INSURANCE	WCB1005474 10/4/21 TO 11/1	66.11	
	WV PUBLIC EMPLOYEES INSURANCE	440-105-00	CITY HALL JANITOR SERVICE	GF NOV INS PREMIUM	133.75	
		440-105-00	CITY HALL JANITOR SERVICE	GF NOV 2021 RETIREE'S SUBS	116.00	
	MOUNTAINEER GAS COMPANY	440-213-00	CITY HALL UTILITIES	269245-314199 1 S-FLORIDA	33.70	
	CRITES ELECTRICAL INC	440-216-00	CITY HALL MAINTENANCE	BALLAST FOR LIGHTS CITY H	75.30	
	DODSON BROS EXTERMINATING CO	440-216-00	CITY HALL MAINTENANCE	NOV 2021 PEST INSPECT CITY	31.00	
	WALMART STORES INC -BUCKHAMM	440-341-00	CITY HALL SUPPLIES	SUPP FOR CITY HALL	39.63	
	INTERNAL REVENUE SERVICE	440-104-00	CITY HALL FICA	FICA WITHHELD AND MATCHED	77.01	
		440-104-00	CITY HALL FICA	MEDICARE WITHHELD & MATCHED 11/01/2021 - 11/15/2021	18.01	
	**PAYROLL EXPENSES				1,256.78	
				TOTAL:	1,863.46	
	POLICE	ENCOVA INSURANCE	700-226-00	POLICE DEPT. INSURANCE	WCB1005474 10/4/21 TO 11/1	1,158.81
		WV PUBLIC EMPLOYEES INSURANCE	700-105-00	POLICE DEPT. GROUP INSURANCE	GF NOV INS PREMIUM	4,757.00
		700-105-00	POLICE DEPT. GROUP INSURANCE	GF NOV 2021 RETIREE'S SUBS	1,160.00	
JENKINS FORD INC		700-343-00	POLICE DEPT. AUTO SUPPLY	OIL CHG & INSPECT CAR 5	90.31	
		700-343-00	POLICE DEPT. AUTO SUPPLY	FIX HEADLIGHTS CAR 8	115.00	
STATE TREASURER CVR LET RJ		700-341-04	CVR-LET-RJ FEES EXPENSE	OCT 2021 COURT FEES	148.00	
TOSHIBA FINANCIAL SERVICES		700-341-00	POLICE DEPT. MAT & SUPPLIES	POLICE DEPT COPIER LEASE N	143.97	
ENTERPRISE FM TRUST		700-459-00	POLICE DEPT. NEW EQUIPMENT	22HZS3 2017 INTERCEPTOR PY	2,176.56	
		700-459-00	POLICE DEPT. NEW EQUIPMENT	22HZSX 2017 INTERCEPTOR PY	777.40	
		700-459-00	POLICE DEPT. NEW EQUIPMENT	22SFZ4 2018 INTERCEPTOR PY	916.92	
		700-459-00	POLICE DEPT. NEW EQUIPMENT	22SFZ7 2018 INTERCEPTOR PY	916.92	
		700-459-00	POLICE DEPT. NEW EQUIPMENT	22SC22 2018 INTERCEPTOR PY	910.59	

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DISBURSEMENT 11-01-21 TO 11-15-21

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	WV PUBLIC EMPLOYEES INSURANC	750-105-00	STREET DEPT. GROUP I	GF NOV INS PREMIUM	3,386.00
		750-105-00	STREET DEPT. GROUP I	GF NOV 2021 RETIREE'S SUBS	1,160.00
	SCOTT ELECTRIC CORP	750-458-05	STREET DEPT PROJECTS	2" CONDUIT FOR SPRING ST	2,395.25
	NAPA-AMTOWER AUTO SUPPLY	750-343-00	STREET DEPT. AUTO SU	SCREWS FOR S-6	15.12
	CONSOLIDATED PUBLIC WORKS BD	750-215-00	CONTRIBUTION TO FLOW	FY 2021-22 BUDGET	60,000.00
		750-215-00	CONTRIBUTION TO FLOW	FY 2021-22 BUDGET CEMETERY	35,000.00
	LOWES BUSINESS ACCOUNTS	750-341-00	STREET DEPT. MAT & S	AIRLINE SUPPLIES FOR SHOP	102.96
		750-341-00	STREET DEPT. MAT & S	2" RATCHET STRAPS - SHOP	40.76
	BRUFFEY TRUCKING INC	750-458-05	STREET DEPT PROJECTS	STONE & SAND FOR CONCRETE	2,514.15
	CENTRAL SUPPLY CO	750-458-05	STREET DEPT PROJECTS	SCREED JOINT FOR SPRING S	327.79
		750-458-05	STREET DEPT PROJECTS	20YD CONCRETE SPRING	3,635.50
		750-458-05	STREET DEPT PROJECTS	10YD CONCRETE SPRING	1,818.43
		750-458-05	STREET DEPT PROJECTS	20YD CONCRETE SPRING	3,536.86
		750-458-05	STREET DEPT PROJECTS	10YD CONCRETE SPRING	1,768.43
		750-458-05	STREET DEPT PROJECTS	10 YD CONCRETE SPRING	1,768.43
		750-458-05	STREET DEPT PROJECTS	10YD CONCRETE SPRING	1,768.43
		750-341-00	STREET DEPT. MAT & S	2TON BULK BGS FOR SHOP	79.50
		750-459-00	STREET DEPT. CAPITAL	22WCNZ 2019 RAM 1500	903.77
		750-459-00	STREET DEPT. CAPITAL	22WGHW 5500 CHASSIS DUMP T	1,316.75
		750-459-00	STREET DEPT. CAPITAL	23P226 2020 RAM 2500	690.58
		750-459-00	STREET DEPT. CAPITAL	23P47T 2020 RAM 2500	684.15
	SPRINT	750-211-00	STREET DEPT. TELEPHO	ALL DEPT NOV 2021 GEOTAB	250.60
	MOUNTAIN STATE PEST GUARD	750-341-00	STREET DEPT. MAT & S	STREET NOV 2021 PEST CONTR	31.50
	INTERNAL REVENUE SERVICE	750-104-00	STREET DEPT. FICA TA	FICA WITHHELD AND MATCHED	1,184.89
		750-104-00	STREET DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	277.09
	PEOPLES NATURAL GAS	750-213-00	STREET DEPT. UTILITI	STR DEPT MUD LICK GAS 11/1	132.94
	RDR ENERGY RESOURCES LLC	750-458-05	STREET DEPT PROJECTS	60YDS CONCRETE SPRING ST	10,335.00
	ARGOS USA LLC	750-458-05	STREET DEPT PROJECTS	22.94T BULK CEMENT FOR MI	3,624.52
	ROTARY CLUB OF BUCKHANNON-UP	750-341-00	STREET DEPT. MAT & S	EMPLOYEE ROTARY BLOOD SCR	50.00
	HINKLE TRUCKING, INC.	750-458-05	STREET DEPT PROJECTS	HAULING BULK CEMENT	804.30
	A&A SAFETY	750-341-00	STREET DEPT. MAT & S	YELLOW PAINT FOR CURBS	1,600.00
	BOYD COMPANY	750-458-06	PROJECTS STREET DEPT	EXC RENT- TEAR DOWN BLDGS	5,076.50
	WORLD FUEL SERVICES, INC.	750-343-00	STREET DEPT. AUTO SU	STREET FUEL BILL OCT 2021	2,327.12
	TRAVELERS INSURANCE	750-226-00	STREET DEPT. INSURAN	INS PREM AUTO LIAB NOV 202	1,403.48
	**PAYROLL EXPENSES			11/01/2021 - 11/15/2021	19,179.27
				TOTAL:	188,852.84
STREET LIGHTS	MON POWER	751-213-00	STREET LIGHTS	110 087 818 008 MAIN ST	5,174.38
		751-213-00	STREET LIGHTS	110 151 101 430 99 W. MAIN	118.39
				TOTAL:	5,292.77
TRAFFIC SIGNALS & SIGN	MON POWER	752-213-00	TRAFFIC SIGNALS POWE	110 088 985 459 RT. 119	45.47
		752-213-00	TRAFFIC SIGNALS POWE	110088985624 RT. 20 BKN C	52.96
		752-213-00	TRAFFIC SIGNALS POWE	110081822063 W. MAIN ST	9.49
		752-213-00	TRAFFIC SIGNALS POWE	110087174485 S. KANAWHA ST	23.57
		752-213-00	TRAFFIC SIGNALS POWE	110088235830 REGER ST RT 2	46.35
		752-213-00	TRAFFIC SIGNALS POWE	110088820243 MAIN ST	35.09
		752-213-00	TRAFFIC SIGNALS POWE	110080768291 E. MAIN ST	24.45
				TOTAL:	237.38
ARTS-THEATRE	BUCKHANNON UTIL BOARDS	906-450-01	THEATRE BUILDING	THEATRE PROJ WASTE NOV 202	147.41
	MON POWER	906-450-01	THEATRE BUILDING	110122154542 48 E. MAIN ST	102.61
	LOUDIN INSURANCE AGENCY INC	906-450-01	THEATRE BUILDING	ARTWORK INS THRU MARKEL	1,450.00
	HARPER LUMBER & BUILDING SUP	906-450-01	THEATRE BUILDING	MORTAR & ADHESIVE	166.44

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DISBURSEMENT 11-01-21 TO 11-15-21

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
		906-450-01	THEATRE BUILDING	HARDIE BOARD	244.83
		906-450-01	THEATRE BUILDING	DW TAPE & SANDING BL	82.68
		906-450-01	THEATRE BUILDING	HARDIE BOARD FOR THEATER	36.36
		906-450-01	THEATRE BUILDING	DRYWALL SCREWS	27.87
		906-450-01	THEATRE BUILDING	GLASS DRILL BITS	22.48
		906-450-01	THEATRE BUILDING	DRYWALL SCREWS FOR THEATE	93.60
		906-450-01	THEATRE BUILDING	DRYWALL SCREWS FOR THEATE	98.79
		906-450-01	THEATRE BUILDING	268704-483167 48 E. MAIN S	41.28
		906-450-01	THEATRE BUILDING	PAINT FOR THEATRE	194.94
		906-450-01	THEATRE BUILDING	PAINT FOR THEATRE	94.88
	MCCARTY'S SEPTIC SERVICE	906-450-01	THEATRE BUILDING	PORTA POT FOR THEATRE	110.00
	PITTSBURGH WINSUPPLY CORP	906-459-00	THEATRE CAPITAL	SPRINKLER SYS THEATRE	23.95
		906-459-00	THEATRE CAPITAL	SPRINKLER SYS THEATRE	401.76
	COMMERCIAL BUILDERS INC.	906-459-00	THEATRE CAPITAL	CONSTRCTION LABOR THEATRE	28,151.59
		906-450-01	THEATRE BUILDING	473-8987-052821-4 THEATRE	69.72
	FRONTIER			TOTAL:	31,561.19
STOCKERT YOUTH CENTER	BUCKHANNON UTIL BOARDS	907-459-00	CAPITAL OUTLAY	CLEAN UP - KOP HOUSE; CHAS	2,706.02
	RECORD-DELTA NEWSPAPER	907-341-00	MATERIALS & SUPPLIES	AD SYNC FT POSITION	20.06
		907-341-00	MATERIALS & SUPPLIES	AD SYNC FT POSITION	60.00
	A F WENDLING INC	907-341-00	MATERIALS & SUPPLIES	PAPER TOWELS	22.31
	LEAF	907-341-01	OPERATING EXPENSES	COPIER LEASE	191.30
	ENCOVA INSURANCE	907-226-00	INSURANCE & BONDS	WCB1005474 10/4/21 TO 11/1	82.55
	CARTER: LARRY	907-363-00	KARATE CLASS INSTRUC	KARATE INSTRUCTOR OCT 21	88.00
	WV PUBLIC EMPLOYEES INSURANC	907-105-00	GROUP INSURANCE	GF NOV INS PREMIUM	1,637.00
		907-105-00	GROUP INSURANCE	GF NOV 2021 RETIREE'S SUBS	232.00
	CATHERINE CUPPARI	907-459-00	CAPITAL OUTLAY	EARNEST MONEY FOR PROPERTY	1,000.00
	SPRINT	907-211-00	TELEPHONES	ALL DEPT NOV 2021 GEOTAB	57.83
	WALMART STORES INC -BUCKHANN	907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	129.49
		907-361-00	AFTER SCHOOL SUPPLIE	AFTERSCHOOL SNACKS	125.36
		907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SUPPLIES	44.84
		907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	3.96
		907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	43.91
	INTERNAL REVENUE SERVICE	907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	408.23
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHE	95.48
	APRIL E SMALL	907-368-01	ZUMBA	KICKBOXING INSTRCTR OCT21	80.00
	WORLD FUEL SERVICES, INC.	907-216-00	MAINTENANCE	SYN FUEL BILL OCT 2021	369.00
	TRAVELERS INSURANCE	907-226-00	INSURANCE & BONDS	INS PREM AUTO LIAB NOV 202	300.60
	**PAYROLL EXPENSES			11/01/2021 - 11/15/2021	6,584.32
				TOTAL:	14,282.26
CONVENTION CENTER	USDA, RURAL DEVLEOPMENT	910-457-00	CONFERENCE CENTER PA	CONF CENTER NOV 2021	3,351.00
				TOTAL:	3,351.00
PUBLIC SAFETY	WESTFIELD (FLOOD) INSUANCE	976-226-00	SAFETY COMPLEX INSUR	FLOOD INS 22 S FLORIDA ST	1,835.00
	DODSON BROS EXTERMINATING CO	976-216-00	SAFETY COMPLEX MAINT	NOV 2021 PEST INSPECT POLI	45.00
		976-216-00	SAFETY COMPLEX MAINT	NOV 2021 PEST INSPECT FIRE	42.00
	LYNX WV INC	976-213-00	SAFETY COMPLEX UTILI	NOV 2021 PSC INTERNET	150.00
				TOTAL:	2,072.00

Motion to approve the Consent Agenda items to include the Minutes of the Regular Meeting 10/21/2021 as well as E.2 and E.3 was made by Lewis-Sines/Thomas. Motion carried.

F. Strategic Issues for Discussion and/or Vote

F.1 Discussion/Possible Vote Upgrading City Hall's Internet Connect to Fiber - Action taken earlier in the meeting.

F.2 Approval to Begin the Search Process for the Full-Time Position of the Managing Director for the Colonial Arts Center - Action taken earlier in the meeting.

F.3 Approval to Authorize Letter of Support for A&O Railroad Consolidated Rail Infrastructure & Safety Improvement Grant Application - Action taken earlier in the meeting.

F.4 Easement-Community Bank-Alley - City Attorney O'Neill explained the requested easement (see F.4 of the Council packet) and he asked for Council's approval to execute the easement.

Motion to approve the requested easement of the Community Bank Alley was made by Sanders/Rylands. Motion carried.

ENCROACHMENT EASEMENT AGREEMENT

THIS ENCROACHMENT EASEMENT AGREEMENT (this "Agreement") is made and entered into effective as of this ____ day of October, 2021, by and between **THE CITY OF BUCKHANNON**, a municipal corporation located in Upshur County, West Virginia, organized and existing under the laws of the State of West Virginia ("Grantor"), and **COMMUNITY BANK**, a Pennsylvania state bank ("Grantee").

R E C I T A L S :

WHEREAS, Grantor is the owner of that certain 12' alley ("City Alley") situate in the City of Buckhannon, Buckhannon Corporation District, Upshur County, West Virginia, which intersects with WV State Route 20 (South Locust Street) between the Community Bank tract of land (Tax Map 4, Parcel 25, and hereafter the "Community Bank Tract") and the First Presbyterian Church tract of land (Tax Map 4, Parcel 26), all as more particularly shown on the Plat entitled "EXHIBIT FOR COMMUNITY BANK SHOWING BANK BUILDING ENCROACHMENT INTO 12' ALLEY BETWEEN THE LANDS OF COMMUNITY BANK AND TRUSTEES OF PRESBYTERIAN CHURCH", dated August 13, 2021, completed by Thrasher Engineering, attached hereto as Exhibit A and incorporated herein by this reference ("Plat");

WHEREAS, Grantee is the owner of the Community Bank Tract, including the bank building located thereon ("Bank Building");

WHEREAS, a small portion of the southwest part of the Bank Building encroaches upon the City Alley, the specific area of which is identified as "BUILDING ENCROACHING ON 12' UNNAMED ALLEY" on the Plat ("the Encroachment"), and

WHEREAS, Grantor has agreed to grant and convey to Grantee, an easement to keep and maintain the Encroachment in and on the City Alley upon the terms set forth herein;

W I T N E S S E T H :

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, Grantor

does hereby grant and convey unto Grantee, its successors and assigns, an easement to keep and maintain the Encroachment, at its current location in the City Alley, perpetually or for the longest period of time permitted or allowed by applicable law; provided, however, that should the Encroachment be removed from the City Alley, then this Agreement and the rights granted herein shall automatically cease and terminate.

Grantor agrees that the Grantee shall have the right to maintain and repair the Encroachment, but Grantee shall have no right to enlarge or move the Encroachment.

This Agreement is being executed and delivered by the Mayor of Grantor pursuant to a resolution adopted by the City Council of Buckhannon, West Virginia, on the ____ day of _____, 2021, at its regular business meeting, a copy of which is attached hereto as Exhibit B.

The laws of the State of West Virginia, without resort to its conflicts of laws principles, shall govern the validity of this Agreement, the construction of its terms, and the interpretation of the rights, powers, duties, and obligations of the parties upon whom this Agreement shall be binding.

This Agreement sets forth and contains the entire understanding among the parties and supersedes and negates any prior written or oral agreement between them respecting the subject matter of this Agreement. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties to this Agreement relating to the subject matter of this Agreement which are not fully expressed and set forth in this Agreement.

In the event that any one or more of the provisions set forth in this Agreement, or the application thereof, in any circumstance, shall be held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of such provision or provisions in any other circumstance shall not be affected or impaired thereby, and the remaining provisions set forth and contained in this Agreement shall remain in full force and effect and be construed and interpreted as if such invalid, illegal, or unenforceable provision or provisions were never included.

This Agreement, and the covenants and agreements contained herein, shall run with the land and shall be legally binding upon, and inure for the benefit of, Grantor, Grantee and their respective successors and assigns.

This Agreement shall not be amended, altered, enlarged, modified, or changed except by a written instrument executed by the parties, or their respective heirs, personal representatives, successors or assigns.

[SIGNATURE PAGES TO FOLLOW]

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESS the following signature:

GRANTOR:

THE CITY OF BUCKHANNON, a municipal corporation located in Upshur County, West Virginia, organized and existing under the laws of the State of West Virginia

By: _____
Honorable _____, its Mayor

STATE OF WEST VIRGINIA,
COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this the ____ day of _____, 2021, by the Honorable _____, the Mayor of THE CITY OF BUCKHANNON, a municipal corporation located in Upshur County, West Virginia, organized and existing under the laws of the State of West Virginia, for and on behalf of said municipal corporation under authority duly granted.

Notary Public

My commission expires: _____

[S E A L]

WITNESS the following signature:

GRANTEE:

COMMUNITY BANK, a Pennsylvania state bank

By: _____
Name: _____
Title: _____

STATE/Commonwealth of _____,
COUNTY OF _____, to-wit:

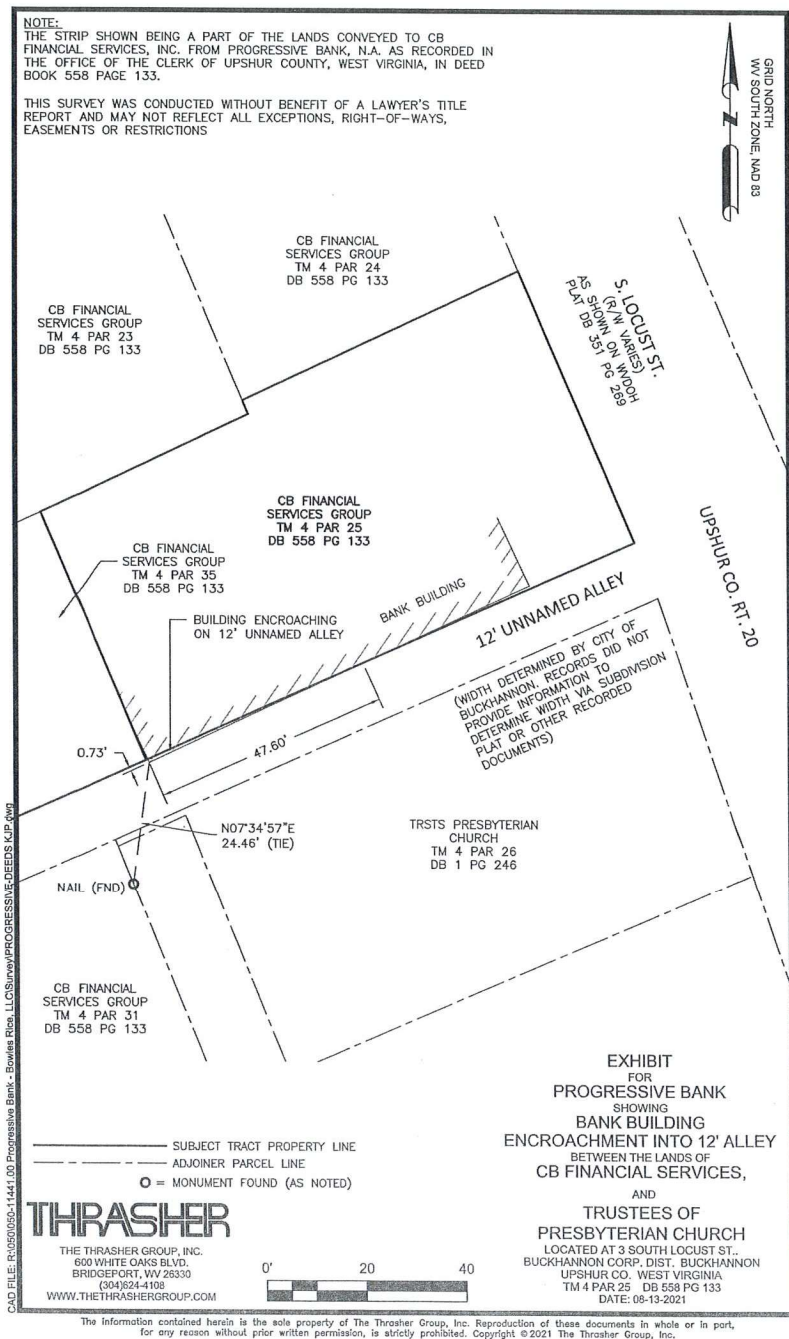
The foregoing instrument was acknowledged before me this the ____ day of _____, 2021, by _____, the _____ of COMMUNITY BANK, a Pennsylvania state bank, for and on behalf of said state bank under authority duly granted.

Notary Public

My commission expires: _____

[S E A L]

This instrument prepared by:
Scott Barnette, Esq.
Bowles Rice LLP
600 Quarrier Street
Charleston, West Virginia 25301



F.5 Approval to Accept the Revision to Section 9.07 of the Rules & Regulations of the Firemen’s Civil Service Commission - Amberle Jenkins explained the request (see F.5 of the Council packet) and asked for Council approval.

Motion to approve the requested revisions to Section 9.07 of the Rules & Regulations of the Firemen’s Civil Service Commission was made by Sanders/Lewis-Sines. Motion carried.

Current Language: 9.07: Chain of command among members of same rank: Seniority shall determine rank, with the member who has accrued the longest continuous service with the department, holding rank with members of the same position with lesser service.

Recommended Change: 9.07: Chain of command among members of same rank: Seniority shall determine rank, with the member who has accrued the longest continuous service *in the specific rank with the department, holding rank with members of the same rank with lesser service.*

F.6 Approval M.O.U. Catholic Diocese of Wheeling RE: Property Exchange at bottom of St. Joseph Hill - City Attorney O’Neill explained the request (see F.6 of the Council packet) and asked for Council approval.

Motion to approve the M.O.U. from the Catholic Diocese of Wheeling RE: Property Exchange at bottom of St. Joseph Hill by Bucklew/Rylands. Motion carried.

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201



Phone: 304.472.1651
TDD: 304.472.9550
Fax: 304.472.0934

November 12, 2021

The Most Reverend Mark E. Brennan
Bishop of the Diocese of Wheeling-Charleston
For the Benefit of the Holy Rosary Catholic Church
34 Franklin Street
Buckhannon, West Virginia 26201

**Re: Memorandum of Understanding
Providing of Investigative Services in
Exchange for a 0.0523-acre Tract of Property**

Dear Bishop Brennan,

Per the conversations from the October 28, 2021 site visit at the Holy Rosary Catholic Church (Church), this Memorandum of Understanding (MOU) is being presented to you for your review and execution based upon the following:

1. The City of Buckhannon (City), via both the Street and Sanitary Sewer Departments, will both provide City personnel and City equipment necessary to investigate and assist in determining the condition of the existing storm sewer drain and discharge line located at the northeast corner of the Holy Rosary Catholic Church, located in Buckhannon, West Virginia. Based on multiple site visits from both the Sanitary Sewer Department and the City Engineer, it appears that the existing storm drain and/or discharge line in question is blocked (plugged) but due to the configuration of the existing storm sewer drain, the Sanitary Sewer Department was unsuccessful in their attempts at both "TV-ing the line" to determine if a blockage condition exists and "rodding the line" with the Sanitary Sewer Department's Vactor RamJet Truck in an attempt for remove any existing blockage(s).
2. In exchange for the City providing the investigative services identified in Item No. 1 above, the Roman Catholic Bishop of the Diocese of Wheeling-Charleston shall convey, by the appropriate legal means, the proposed 0.0523-acre tract of property that is currently part of the existing 0.436-acre tract located at the bottom of Amalia Drive to the City that is owned by the Roman Catholic Bishop of the Diocese of Wheeling-Charleston (a copy of the tract of property is attached to this letter and can be found in Deed Book 363 on Page 737). The proposed 0.0523-acre tract of property is required so that the City can subsequently convey the said tract of property to the West Virginia Department of Transportation – Division of Highways (WVDOH) so that it be incorporated into the WVDOH's roadway system and thus allow for the construction activities associated with the Gateway West Phase III Sidewalk and Lighting Improvement Project to commence.

If you are in agreement with the conditions identified above, please sign and date on the appropriate signature line below. Once the MOU is fully executed, a copy of the MOU will be provided to you for your records.



The Most Reverend Mark E. Brennan
Bishop of the Diocese of Wheeling-Charleston
For the Benefit of the Holy Rosary Catholic Church

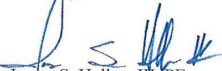
Date

Robert N. Skinner, III – Mayor and Chair
City of Buckhannon

Date

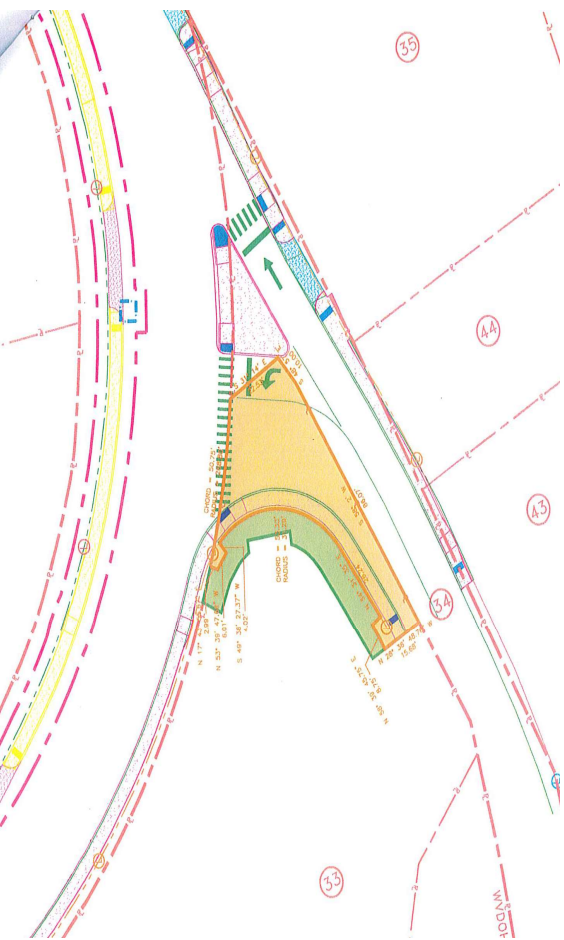
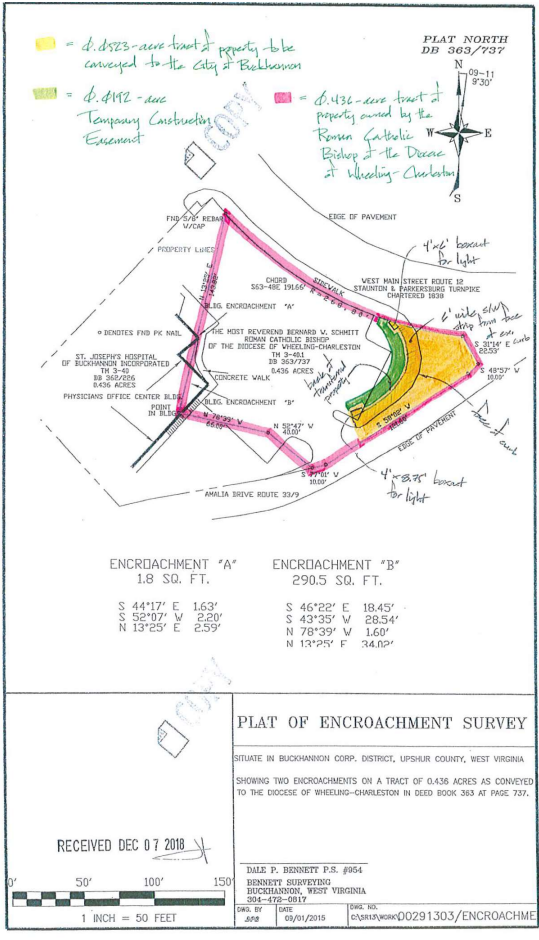
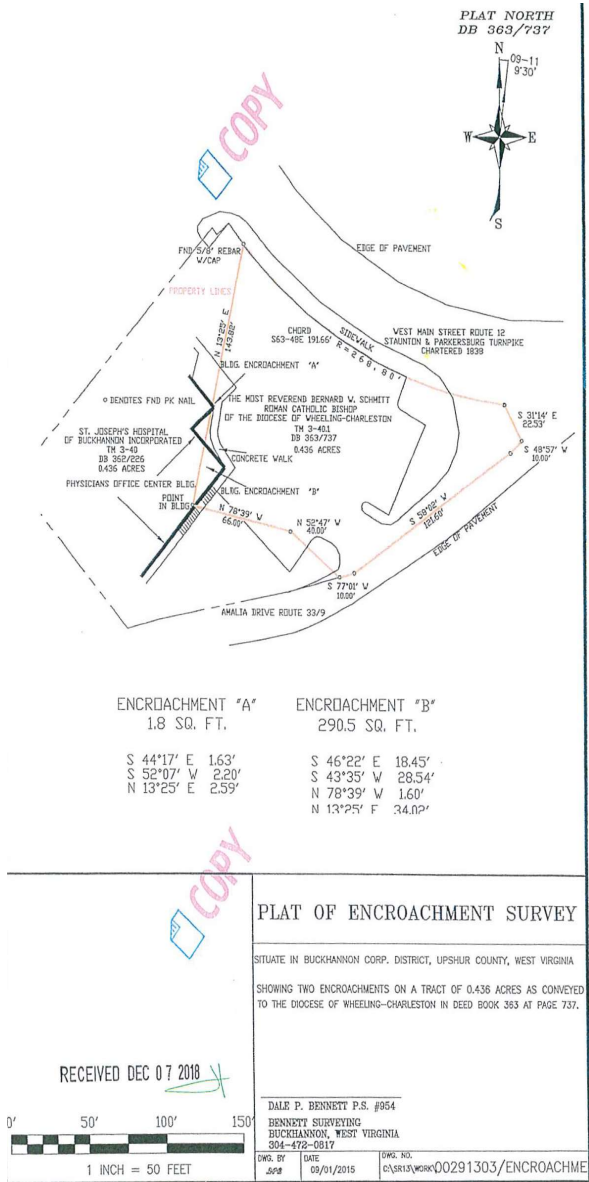
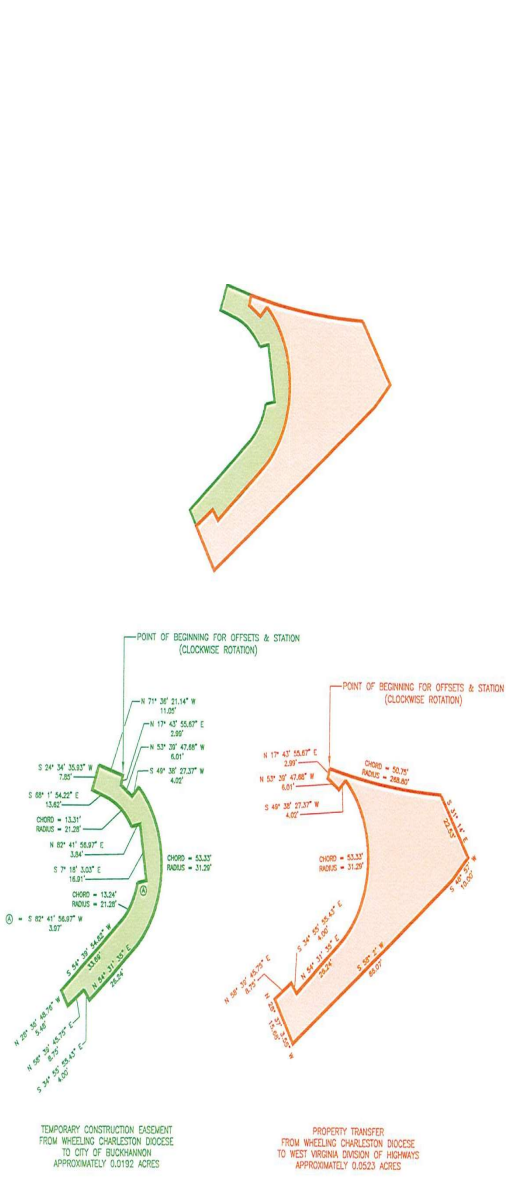
If you have any questions or comments regarding the contents of this letter, please contact me at your convenience at (304) 472-1651, Extension 1006.

Sincerely,


James S. Hollen, III, PE
City Engineer

- Attachments:
1. Exhibit showing the proposed 0.0523-acre tract of property (in orange) to be removed from the existing 0.436-acre tract of property currently owned by the Roman Catholic Bishop of the Diocese of Wheeling-Charleston
 2. Plat of Encroachment Survey dated 9-1-2015 by Bennett Surveying (for reference use)
 3. Plat of Encroachment Survey dated 9-1-2015 by Bennett Surveying with the 0.0523-acre tract (in orange) to be removed from existing 0.436-acre tract of property (outlined in purple)
 4. Partial Site Plan of the Gateway West Phase III Sidewalk and Lighting Improvements overlaid on the 0.436-acre tract of property in question

c: Robert N. Skinner, III – Mayor
Members of the Sanitary Board
Members of the Consolidated Public Works Board
Jerry Arnold – Director of Public Works
Ethan Crosten – Sewer Department Superintendent
Bradley Hawkins – Street Department Superintendent



F.7 Approval to Accept UCC Resolution to Allocating \$15,000.00 to COB for Fire Response within the First Service Zone - Mayor Skinner and City Attorney O'Neill explained the allocation from the Upshur County Commission and Mr. O'Neill advised that as long as Council does not intend to collect a fire fee from the First Service Zone during the upcoming fiscal year there is no conflict in accepting the allocation.

Motion to accept the UCC resolution allocating \$15,000.00 to COB for Fire Response within the First Service Zone was made by Sanders/Thomas. Mr. Thomas noted he still wants us to consider a fire fee from the First Service Zone in the future. Motion carried.

BEFORE THE COUNTY COMMISSION OF
UPSHUR COUNTY, WEST VIRGINIA

A RESOLUTION FOR ALLOCATION OF FUNDS TO
THE CITY OF BUCKHANNON, WEST VIRGINIA

WHEREAS, the Upshur County Commission was the owner of two fire trucks identified as (1) a 1996 Smeal Freightliner Pumper, Vehicle Identification Number 1FV6JLCB6TL682573, and (2) a 2003 Kenworth Pumper, Vehicle Identification Number 2NKMHZ8X33M387293 (the "Property");

WHEREAS, the Property was transferred by Resolution to the Buckhannon Volunteer Fire Department (the "Buckhannon VFD");

WHEREAS, the County Commission historically allocated annually \$15,000.00, including through the fiscal year 2020, to the Buckhannon VFD, following budgetary approval, which amount was used to maintain the Property in addition to the County's fire fee appropriation from the Upshur County Fire Board, Incorporated;

WHEREAS, beginning in the fiscal year 2021, the County Commission will cease to regularly allocate the aforesaid funds from the General County Levy Order to the Buckhannon VFD; and

WHEREAS, following the adoption of this Resolution and beginning in the fiscal year 2021, the County Commission intends to allocate the aforementioned \$15,000.00 to the City of Buckhannon, West Virginia, for fire response within the first due fire service zone, pending annual budgetary approval.

NOW, THEREFORE, IT BE RESOLVED

1. That, beginning in the fiscal year 2021, the County Commission shall cease to regularly allocate the \$15,000.00 from the General County Levy Order to the Buckhannon VFD, which amount was used to maintain the Property in addition to the County's fire fee appropriation from the Upshur County Fire Board, Incorporated;
2. That, beginning in the fiscal year 2021, the County Commission will allocate the aforementioned \$15,000.00 to the City of Buckhannon, West Virginia, for fire response within the first due fire service zone, pending annual budgetary approval; and
3. That any actions heretofore taken by the President of the County Commission with respect to carrying out the purposes of these resolutions are hereby ratified and confirmed.

Adopted at a meeting of the Commission held on the 31st day of October, 2019.


President, Upshur County Commission


Member, Upshur County Commission


Member, Upshur County Commission

F.8 Approval of Agreement between Owner and Engineer for Professional Services-On Call Engineering Services - Mayor Skinner explained the agreement to Council and that he was requesting authorization from Council to execute the agreement.

Motion to approve the agreement between the Owner and Engineer for Professional Services-On Call Engineering Service and to authorize Mayor Skinner to execute the same agreement was made by Thomas/Lewis-Sines. Motion carried. Indexed as City Agreements City A319.

G. **Comments and Announcements**

- **Council Member Bucklew** - Mrs. Bucklew was sorry to see the closure of the Dairy King and the upcoming closure of Anderegg Jewelers. She looks has hopes that those locations will see new business open in the future. She also wished everyone a Happy Thanksgiving.
- **Council Member Rylands** – Mr. Rylands again congratulated Chief Gregory and the Buckhannon Police Department on the achievement of obtaining CALEA accreditation. He wished everyone a Happy Thanksgiving.
- **Council Member Thomas** – Mr. Thomas echoed what both Mrs. Bucklew and Mr. Rylands had said. He also thanked Mr. Rylands for his work with the BPD on the CALEA accreditation. He then recommended that the Mayor call a meeting of the finance committee to review potential uses of the sales tax revenue. He also hopes that the City will look at the first due fire fee and he was happy that we approved the request for Managing Direct of the CAC. He wished everyone a Happy Thanksgiving. He also mentioned that his dog, Abigail, had passed away this past week.
- **Council Member Reger** – Mr. Reger also congratulated Chief Gregory and the Buckhannon Police Department on the achievement of obtaining CALEA accreditation. He extended his condolences to Mr. Thomas and he wished everyone a Happy Thanksgiving.
- **Council Member Lewis-Sines** – Mrs. Lewis-Sines also congratulated Chief Gregory and the Buckhannon Police Department on the achievement of obtaining CALEA accreditation and she wished her husband, Ray Sines, a Happy Birthday and to all a Happy Thanksgiving.
- **City Recorder Sanders** - Mr. Sanders also congratulated Chief Gregory and the Buckhannon Police Department on the achievement of obtaining CALEA accreditation. He noted that when he sees a Buckhannon Police cruiser on the streets he knows that a professional is behind the wheel. He is proud of the Buckhannon community and the citizens of the town for being an inclusive community. He knows that Chief Gregory, Jerry Arnold, Amberle Jenkins operate their respective departments in a way that all people are treated equally and that is how he lives his own life.

H. Mayor’s Comments and Announcements – Mayor Skinner noted that there would not be a Consolidated Public Works meeting next week. He also congratulated Chief Gregory and the Buckhannon Police Department on the achievement of obtaining CALEA accreditation and noted that the City of Buckhannon runs as well as it does because of the men and women who work for the City day in and day out. He is thankful for them and he wished everyone a Happy Thanksgiving.

J. Adjournment

Motion to adjourn at 9:12 PM was made by Thomas/Reger. Motion carried.

Mayor Robert N. Skinner III _____

City Recorder Randall H. Sanders _____