

A G E N D A
PRESTON COUNTY COMMISSION
APRIL 26, 2023
9:30 A.M.

Call to order by President and Pledge of Allegiance.

Roll call of Commissioners.

Recognition of Public.

Review of Bills.

Assessor's Office

Tax Correction List – None

Apportionments – None

Recognition of Scheduled Appointments

9:31 a.m. Jay Shay, Prosecuting Attorney, Employee Hire
9:35 a.m. Amy DeBerry, Kingwood Water Works – ARPA Change Request
9:40 a.m. Kevin Stiles, Parks and Recreation – ARPA Agreement Signing
9:43 a.m. Connie Ervin, Assessor – Employee Hire

Approval of Minutes – April 4, 2023 and April 11, 2023

Estate Settlements List – April 10, 2023 thru April 10, 2023

ESTATE NAME: **RONALD W. GUTSHALL**

Proceedings in Vacation/Clerk's Fiduciary Report – April 13, 2023 through April 19, 2023

Fiduciary Commissioner Report – None.

Old Business – Consideration and/or action

A. EMS Ordinance Discussion

New Business – Consideration and/or action

A. Public Defender Corporation Board re-appointment for Betsy Castle - three-year term effective July 1, 2023, and expiring June 30, 2026

Facility Manager's Report – Consideration and/or action

A. Sheriff's Department Roof/Flood Update
B. Courthouse Repointing & Sealing
C. Assessor's Office Air Quality Update
D. Update on Family Court Reconfiguration - Court Security Grant

County Coordinator's Report – Consideration and/or action

A. 2023-24 Budget approval notification
B. Approve purchase of camera and recorder for family court waiting area
C. Deed - Preston County Parks and Recreations
D. Deed – Preston Memorial Hospital
E. Request Special Session – May 3, 2023 – Website , Email Provider and electronic payment
F. Update on ARPA Annual Report
G. Rescind motion on March 28, 2023, regarding demo of Wrestling Barn
H. Mini-Grant Application – North Preston Farmers' Club
I. Budget Revisions
J. Miscellaneous Correspondence

Personnel Matters- Consideration and/or action

Legal Matters- Consideration and/or action

Information

A. Miscellaneous Correspondence

Commissioners' Comments

STATE OF WEST VIRGINIA, COUNTY OF PRESTON, Ss:

The Preston County Commission met in Regular Session at 9:30 a.m., April 26, 2023 in the County Commission Meeting room.

The meeting was called to order by President Samantha Stone who invited those present to join in the Pledge of Allegiance.

Commissioner Stone then declared the following Commissioners present: Don Smith, Hunter Thomas and Samantha Stone.

Also, present was County Coordinator Joe Hauger and County Clerk Linda Huggins.

The following persons registered their attendance during the meeting:

Kathy Plum – PCN&J	Nichole Goff	Amy DeBerry-KWW
Deanna Lively	Joe Larue	Connie Ervin-Assessor
Phyllis Royce	Arlene McElroy	Mayor John J Guillot
Pam Thomas-KAMP	Kurtis Dellicker	Jim Savage-VVA977
Kevin Stiles-KP&R	Robbie Baylor	Bill Benson-VVA977
Jay Shay-Prosecuting Atty.		

No one registered prior to the meeting to address the Commission.

Review of Bills

Commissioner Thomas moved to approve the bills as they have been properly presented and reviewed. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Assessor’s Office – Consideration and/or action

Tax Correction List – None

Apportionments - None

Recognition of Scheduled Appointments –

9:31 a.m. Jay Shay, Prosecuting Attorney, Employee Hire

Mr. Shay asked for the advice and consent to hire Andrew Tyler Reseter as a replacement for Assistant Prosecuting Aaron Yoho who resigned his current position effective April 14, 2023.

Commissioner Thomas moved to approve the hiring of Andrew Tyler Reseter as Assistant Prosecutor with an annual salary of \$72K for the Prosecuting Attorney’s Office beginning May 15, 2023. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached).

**Preston County Prosecuting Attorney
James E. Shay, Jr.**

Anne M. Armstrong
Chief Assistant Prosecuting Attorney

Assistant Prosecuting Attorneys
Megan M. Fields
Aaron P. Yoho

Victim Advocate
Stacy Greaser



Office Administrator
Sarabeth Bolinger

Legal Assistants
Tara Beasley
Amy Bolyard

April 14, 2023

Hon. Samantha Stone, President
Preston County Commission
106 W. Main St., Suite 202
Kingwood, WV 26537

RE: Filling APA Position

Honorable Commissioners:

As you are likely aware, Mr. Aaron Yoho has resigned from his position of Assistant Prosecuting Attorney in my office effective today. Pursuant to West Virginia Code §7-7-7(a), I have the power to appoint and employ an Assistant Prosecuting Attorney to assist me in the discharge of my official duties for and during my term of office with the advice and consent of the County Commission.

I have conducted a search for a replacement and am pleased to say that Mr. Andrew Tyler Reseter, Esq. has accepted my offer of employment as an Assistant Prosecuting Attorney. Mr. Reseter is currently engaged in the private practice of law. I first met him in 2017 when I went into private practice. Mr. Reseter is an excellent attorney and will fit in well in my office. I would Mr. Reseter to be approved as my new Assistant Prosecutor effective May 15, 2023 at the salary of \$72,000.00 per year as follows:

Employee Name	Employee Title	FLSA status	Wages \$/hour	Annual Salary	Wages \$/month
Andrew Tyler Reseter	Assistant Prosecutor	exempt	N/A	\$72,000.00	\$6,000.00

I am asking that the Commission place me on the agenda for the April 25, 2023 meeting for acceptance of this proposal.

Best regards,

A handwritten signature in black ink, appearing to read "James E. Shay, Jr.".

James E. Shay, Jr., Esq.,
Prosecuting Attorney

cc: Kathy Mace, Interim County Coordinator
Crystal Bolyard, Payroll

106 W. Main Street, Room 201 | Kingwood, WV 26537 | Phone: (304) 329-1885 | Fax: (304) 329-0372

9:35 a.m. Amy DeBerry, Kingwood Water Works – ARPA Change Request

President Stone recognized Amy DeBerry from Kingwood Water Works stating that a letter was sent advising that a change may be needed to the original ARPA Agreement but at this time the change is not necessary.

She introduced Robbie Baylor, Executive Director of the EDA, who explained that when they submit projects, they have to go thru the WV Infrastructure Jobs and Development (IJDC) and they are also subject to review by the Public Service Commission.

For Congressional funding that was received, she has to provide them a list of funds that are already in place and every place that they submitted for the clarifier covers project, they noted that the county commission ARPA funds money was in place for the project and doesn't feel like they can withdraw the money from the account because it has been repeatedly stated that the money is available. Therefore, no changes are needed at this time.

She further stated when the project was submitted to IJDC the clarifying covers are part of that project but the overall project that was submitted was over \$5M so they accounted for that money in what was submitted.

9:40 a.m. Kevin Stiles, Parks and Recreation – ARPA Agreement Signing

President Stone recognized Kevin Stiles Director of Kingwood Parks and Recreation and Mayor John Jean Guillot with an ARPA Agreement signing for the purpose of the repair/replacement of the Craig Civic Center ceiling in the amount of \$91,400.00 (See attached.)

PRESTON COUNTY COMMISSION

Samantha Stone, President
Don Smith, Commissioner
Hunter Thomas, Commissioner



April 25, 2023

Kingwood Parks and Recreation
Kevin Stiles, Director
311 Tunnelton Street
Kingwood, West Virginia 26537

Congratulations on your award of local America Recovery Plan Funds to be used for the sole purpose of Craig Civic Center ceiling repair/replacement.

The Award Notice lists the Award ID Number and Project Name, ARPA Project Name and Program Name. Please include this information when submitting correspondence that you may have with us regarding this program. Please keep this notice handy so you can reference throughout project completion.

If this project is receiving funding from any other source(s), such as grants or other state, federal or private programs, you must comply with all the requirements required by those entities as well as requirements set forth by the Funding Assistance Agreement with the Preston County Commission.

If you have any questions or need assistance, please don't hesitate to call the office at 304-329-1805 or email Joseph Hauger at jhauger@prestoncountywv.gov.

Sincerely,

Samantha Stone, President
On behalf of the Preston County Commission

Preston County Courthouse Annex • 106 West Main Street, Suite 202, Kingwood, West Virginia 26537
Phone (304)329.1805 • Fax (304)329.3192 • TDD (304)329.0652
www.prestoncountywv.gov



PRESTON COUNTY COMMISSION
AMERICAN RESCUE PLAN ACT (ARPA)
FUNDING AWARD

Notification Date: April 25, 2023

Recipient Name and Address:
Kingwood Parks and Recreation
311 Tunnelton St.
Kingwood, West Virginia 26537

F.E.I.N: 55-0531668

Award ID Number: 22 PC SLFRP 0020

Project Name: Craig Civic Center ceiling repair/replacement

ARPA Project Name: Kingwood Parks and Recreation (SLFRF)

Program Name: American Rescue Plan Act (ARPA)

COPY OF ORIGINAL AGREEMENT IS ON FILE IN THE OFFICE OF
THE PRESTON COUNTY COMMISSION AND IS AVAILABLE FOR INSPECTION

MAXIMUM AMOUNT APPROVED:
\$91,400.00

AUTHORIZED SIGNATURE

Samantha Stone, President
Preston County Commission

4, 26, 2023
Date

Payment Advice: Release of Funds is contingent on completion and submission of all required documentation. All project funds secured from sources other than PCC are the responsibility of Kingwood Parks and Recreation.



FUNDING ASSISTANCE CONTRACT AGREEMENT

BETWEEN THE

**PRESTON COUNTY COMMISSION
AND
KINGWOOD PARKS AND RECREATION**

This **AGREEMENT** is entered into this 25th day of April, 2023, by the President of the Preston County Commission ("PCC") and the Director of Kingwood Parks and Recreation, for and on behalf of Kingwood Parks and Recreation (the "Recipient").

WHEREAS, PCC is the administrator of a special revenue account created in the Treasury of the County of Preston known as the America Rescue Plan Fund (the "Fund")

WHEREAS, the Recipient has made application to the PCC for project funding assistance to be provided from the Fund;

WHEREAS, PCC has determined that the application meets the United States Department of the Treasury Coronavirus State & Local Fiscal Recovery Funds (SLFRF Final Rule) as an eligible project.

NOW, THEREFORE, the Parties mutually agree as follows:

The Recipient agrees to comply with the all applicable federal and state laws, rules regulations and policies promulgated thereunder.

The Recipient shall do, perform and carry out in a satisfactory and proper manner as determined by the PCC all duties, tasks and functions necessary to implement the project submitted under the **Preston County Commission Infrastructure Funding - Under American Rescue Plan. Exhibit A (PCC ARPA Application)**

The Recipient will commence its duties under this Agreement on or about April 25, 2023 and shall continue such duties until completed or no later than April 30, 2024. The terms of this Agreement may only be extended or modified by the mutual written agreement of the Parties.

In consideration of the project scope of Craig Civic Center ceiling repair/replacement described in the application to be made by the Recipient, the sum of up to **\$91,400.00** (the "Funding Assistance Amount") shall be obligated by PCC as cost sharing funds. Said amount shall be deemed to be the maximum compensation to be received unless the Parties enter into a written amendment to this Agreement.

It is the understanding of the Parties that PCC by joining in the Agreement does not pledge, or promise to pledge, to pay all the compensation hereunder from General Funds of the Treasury of the County of Preston.

To be eligible for any and all payment(s) of the funding assistance amount the Recipient shall: (1) have a Purchase Order (PO) approved by the PCC for each and every purchase before any fund will be released. In order for a PO to be issued, an itemized invoice must be provided. Itemized invoice must include vendor's name, all contact information and a detailed list of items being purchased. PCC requires that the Recipient provide, for each vendor receiving ARPA funds, a Statement of Assurance that the vendor has all license(s) and or permit(s) required to do business in the State of West Virginia. **Exhibit B**

PCC shall make payment on received POs on a quarterly schedule based upon enactment of this Agreement.

Recipient shall submit a quarterly report detailing all expenditures from all sources to PCC during the terms of this Agreement. In the quarterly report, Recipient must provide Proof of Payment; copy of the PO issued to PCC; copy of the invoice with PC number; copy of executive payment. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Four of this Agreement and said compensation will be extended only if written approval of modification is signed by the parties. Also, the Recipient shall submit a final report within thirty (30) days of the project completion. The final report shall reflect actual costs, from all funding sources incurred. **Exhibit c**

The Recipient hereby represents that it possesses the legal authority to enter into this Agreement and has attached hereto and made a part hereof; an original resolution, motion or similar action which was clearly adopted or passed by the Recipient's governing body; and further that it has directed and authorized an official representative to act in connection with this Agreement.

The Recipient and partners participating in the project that is receiving funds agrees to comply with all requirements specified in this Agreement and the **American Rescue Plan Act-State and Local Fiscal Recovery**. The Recipient agrees that if it and/or any partners participating in the project that is receiving funds, fails to comply with any of the mentioned required under this Agreement, Kingwood Parks and Recreation will be obligated to return all funding received from PCC.

Recipient agrees any wages paid by contractors must meet any governing West Virginia Department of Labor regulations.

If the Recipient fails to fulfill in a necessary and proper manner any obligations under this Agreement for any reason, PCC may cancel or suspend this Agreement upon written notice. These obligations include submission of all required progress reports as described by the 20th day of the month following the end of each quarter of the project's timeline. If the recipient does not submit one (1) or more progress reports, the project may be considered for defunding at the next meeting of the PCC.

The Recipient agrees to submit a written request for modification prior to changing any budget line item. All such changes, including work to occur and amount of compensation, shall be mutually agreed upon by the Parties in writing.

The Recipient agrees any cost overruns incurred in conjunction with the completion of the project funded, wholly or in part, will be the responsibility of the recipient. Any changes or upgrades to a funded project that have not been approved by the PCC are the responsibility of the recipient.

If for any reason funds received by PCC are suspended or terminated in whole or in part, funding for this Agreement shall cease.

Funding assistance may be made dependent upon the Recipient's ability to demonstrate that total project funds have been secured from alternate funding sources where necessary.

The Parties agree that notice shall be given by personal service, or mailed by certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:

Preston County Commission
106 W. Main Street, Suite 202
Kingwood, West Virginia 26537

Kingwood Parks and Recreation
311 Tunnelton Street
Kingwood, West Virginia 26537

The Recipient shall hold and save PCC and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages sustained by any persons or property resulting in whole or part from the negligent performance or omission of any employee, agent or representative of the Recipient or partners of the Recipient for this project.

Neither this Agreement nor any provision hereof may be amended, modified, waived, discharged or terminated orally, except by an instrument in writing signed by the Parties hereto. The provisions of this Agreement shall be binding upon the successors and assigns of each of the Parties.

This agreement shall be governed by and construed in accordance with laws and policies of Preston County Commission; of the State of West Virginia; and the United States Treasury.

The Parties hereby agree that in the event one or more portions of this Agreement shall be declared to be invalid by appropriate authority, the remaining provisions of this Agreement shall continue in full force and effect.

This Agreement may be executed in any number of counterparts by the Parties, and all such counterparts taken together shall constitute a single instrument.

IN WITNESS WHEREOF, the Parties attach their signatures representing that each is acting with full authority.



Signature
President, Samantha Stone
Preston County Commission

4, 26, 2023
Date



Signature
Director, Kevin Stiles
Kingwood Parks and Recreation

4, 26, 2023
Date



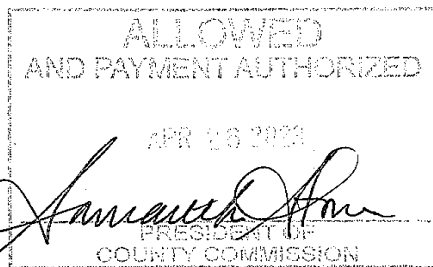
9:43 a.m. Connie Ervin, Assessor – Employee Hire

Commissioner Thomas moved to approve Dixon, Kimberly to begin employment in the Assessor’s Office on May 8, 2023 and be paid from the Assessor’s Valuation Fund. She will be paid a yearly salary of \$36,800 with full benefits and become a permanent employee on May 8, 2023. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached.)



**Connie R. Ervin
Assessor
Preston County**

April 20, 2023



Samantha Stone, President
Preston County Commission
106 W. Main St.
Kingwood WV 26537

Dear Commission:

I respectfully submit to the commission the name, Dixon, Kimberly to begin employment in the Assessor’s Office on May 8, 2023 and be paid from the Assessor’s Valuation Fund. She will be paid a yearly salary of \$36,800 with full benefits. She will become a permanent employee on May 8, 2023.

If you have any questions regarding the hiring of Kim Dixon, please do not hesitate to contact me.

Sincerely,

Connie R. Ervin
Assessor

C Christal Bolyard, Payroll Clerk

Approval of Minutes – April 4, 2023 and April 11, 2023

Commissioner Thomas moved to approve the minutes of April 4, 2023 and April 11, 2023. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Estate Settlements – April 10, 2023 thru April 10, 2023

Commissioner Thomas moved that the foregoing estate settlement and/or waivers thereof, having been filed for a period of the (10) days prior to the commencements of this term and there being no exceptions or objections filed thereto, be approved, and confirmed. (See attached)

United States of America



State of West Virginia

County of Preston, ss:

Settlement List

Notice is hereby given that the following estate(s) have been submitted for settlement from 04/10/2023 thru 04/10/2023 in the Preston County Clerk's Office at 106 West Main Street, Suite 103, Kingwood, WV 26537-1131. For approval by the Preston County Commission on Wednesday, April 26, 2023.

ESTATE NUMBER: **4363**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: April 10, 2023
ESTATE NAME: **RONALD W. GUTSHALL**
EXECUTOR: RONALD LEE GUTSHALL

Subscribed and sworn to before me on 04/20/2023.

Handwritten signature of Linda Huggins in cursive.

Linda Huggins
Clerk of the Preston County Commission

By Handwritten signature of Tammy Johnson in cursive.

Tammy Johnson
Deputy Clerk/Probate

Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Proceedings in Vacation – April 13, 2023 through April 19, 2023

Under **New Business** Commissioner Smith moved to dispense with the reading in open court of the Proceedings of the Clerk of this Commission, had in vacation on April 13, 2023 thru April 19, 2023 inclusive, and to approve and confirm the same as presented by the County Clerk, there having been no exception or objections filed thereto. (See attachment)

United States of America



State of West Virginia

County of Preston, ss:

Clerk's Fiduciary Report

Estate from Thursday, April 13, 2023, through Wednesday, April 19, 2023

The County Commission of Preston County this 26th day of April, 2023, proceeded to examine the report of the Clerk of the Commission of the Fiduciary and Probate matters had before her during the vacation of the Commission, and it appearing to the Commission that all of the proceedings had therefore ordered that the said report and matters thereto contained be and the same is hereby ratified and confirmed. Said report is in words and figures as follows, to-wit:

On, Thursday, April 13, 2023, the following matters were disposed of in the presence of the Clerk:

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **PATRICIA WOTRING** was appointed and qualified as ADMINISTRATRIX of the estate of **MARY ELLEN SHAVER**, deceased. Bond was 300,000.00.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **STEVEN E. HARRISON** was appointed and qualified as SUCCESSOR of the Small Estate Affidavit of **HEATHER LYNN HARRISON**, deceased. No bond was required.

On, Monday, April 17, 2023, the following matters were disposed of in the presence of the Clerk:

The said estate of **CATHY S. MESSENGER**, deceased was referred to **OLIVIA DEVALL**, a FIDUCIARY COMMISSIONER for the Preston County Commission, for settlement thereof.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **JOHN NOLAN** was appointed and qualified as SUCCESSOR of the Small Estate Affidavit of **THOMAS EARL DONALDSON**, deceased. No bond was required.

The said estate of **NICOLAS JOE GUTHRIE**, deceased was referred to **WOODROW E. TURNER**, a FIDUCIARY COMMISSIONER for the Preston County Commission, for settlement thereof.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **BRENDA MYERS** was appointed and qualified as SUCCESSOR of the Small Estate Affidavit of **CAROLE H. BEVERIDGE**, deceased. No bond was required.

The last will and testament of **MARTHA LUCILLE GRIMM**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

PATRICIA LYNN GRIMM, who was named in the last will and testament of **MARTHA LUCILLE GRIMM**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

On, Tuesday, April 18, 2023, the following matters were disposed of in the presence of the Clerk:

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **PATRICIA L. CATHELL** was appointed and qualified as ADMINISTRATRIX of the estate of **GORDON B. CATHELL**, deceased. No bond was required.

The last will and testament of **PHILLIP S. HARDESTY**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

EDWARD L. HARDESTY, who was named in the last will and testament of **PHILLIP S. HARDESTY**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

Subscribed and sworn to before me on 04/20/2023.

Linda Huggins
Clerk of the Preston County Commission

By

Tammy Johnson
Deputy Clerk/Probate

Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

Fiduciary Commissioner Report – none

Old Business- Consideration and/or action -

- A. EMS Ordinance Discussion – Commission Thomas noted they are working on service contracts and anticipate a work session soon.

New Business- Consideration and/or action –

- A. Public Defender Corporation Board re-appointment for Betsy Castle – three-year term effective July 1, 2023 and expiring June 30, 2026

Commissioner Smith moved to reappoint Betsy Castle to the Public Defender Corporation Board three-year term effective July 1, 2023 and expiring June 30, 2026. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.



PUBLIC DEFENDER CORPORATION
18th JUDICIAL CIRCUIT
PRESTON COUNTY



SAMUEL P. HESS, Esq.
Public Defender

Garden Towers
202 Tunnelton St., Suite 303
Kingwood, WV 26537

ERIC D. HOUSEHOLDER, Esq.
Assistant Defender

RICHARD M. GUTMANN, Esq.
Assistant Defender

Telephone: (304) 329-0830
Fax: (304) 329-3631

March 1, 2023

Preston County Commission
Samantha Stone, President
106 Main Street, Suite 202
Kingwood, WV 26537

Dear Ms. Stone:

The Preston County Commission appointed Betsy Castle to serve a three-year term as a board member for the Public Defender Corporation, 18th Judicial Circuit.

The term for Betsy Castle will expire on June 30, 2023.

Ms. Castle has stated she would like to be re-appointed as a board member for the Public Defender Corporation. Therefore, on behalf of the Public Defender Corporation’s office, I ask that the Preston County Commission re-appoint Betsy Castle for a three-year term, effective July 01, 2023 through June 30, 2026.

I would like to thank you in advance for your consideration of this request. Please inform this office of the re-appointment.

Sincerely,

Samuel P. Hess
Public Defender

SPH/jls
cc: Betsy Castle

Facility Manager’s Report – Consideration and/or action

- A. Sheriff’s Department Roof/Flood Update

- Roof - The roof is finished. The final payment for the roof is in the bill box today to be paid.
- Sheriff’s Office/Flood Update – Joe and Kathy Mace are in contact with Panhandle about every day. On Friday they will have a schedule of when the rebuild will start.

He said Panhandle has to have all their bids in and all the contractors lined up and then they'll present a contract to the commission.

- Bathroom – near the holding cell, under the steps at the sheriff's office needs fixed. Joe, Cecil and Danny will do the work and hope to have it done by next week.

This information was also relayed to the Sheriff's Office staff and calls have been placed and messages left with the sheriff.

B. Courthouse Repointing & Sealing

The Court Street side should be finished this week. A large area on top of the chimney was exposed to the weather and the architect decided to cover that up today and secure the screen. The Price Street side is the only side left to do.

C. Assessor's Office Air Quality Update

They are trying to run the fans more but keep the temperature constant. Will begin monitoring the levels to deter any problems.

D. Update on Family Court Reconfiguration – Court Security Grant

Upgrade is going along very nicely. The wall is built, painting today and should be finished this week.

County Coordinator's Report - Consideration and/or action

President Stone recognized Joe Hauger with the Coordinator's Report

A. 2023-2024 Budget approval notification

Received word from the auditor's office that the Levy Estimate (Budget) for the 2023-2024 FY has been approved. (See attached.)



State of West Virginia
John B. McCuskey
State Auditor

Office of the State Auditor
Local Government Services
200 West Main Street
Clarksburg, West Virginia 26301

Toll Free: (877) 982-9148
Telephone: (304) 627-2415
Fax: (304) 340-5090
www.wvsao.gov

April 19, 2023

**NOTICE OF APPROVAL OF THE LEVY ESTIMATE
(BUDGET)**

To: Preston County Commission

In accordance with the provisions of Chapter 11, Article 8, of the West Virginia Code, as amended, the State Auditor of West Virginia hereby approves your Levy Estimate (Budget) for the fiscal year beginning July 1, 2023.

I find that any levy rates to be imposed in excess of those prescribed by the West Virginia Constitution were legally authorized by a vote of the people.

If you have any questions, please do not hesitate to contact me at 304-627-2415 or 1-877-982-9148 extension 5114, Shellie Humphrey extension 5119, Tiffany Hess extension 5118 or Rebecca Clise extension 5101.


Sincerely,
John B. McCuskey
WV State Auditor

Handwritten signature of Ora L. Ash in black ink.

By: Ora L. Ash,
Deputy State Auditor
Local Government Services

B. Approve purchase of camera and recorder for family court waiting area

Last week the commission authorized in the court house security project in family court the budget modification for a camera. A different form was presented that required an updated signature. (See attached.)



SYSTEM MODIFICATION AUTHORIZATION

Monitronics International, Inc. (the "Company"), 1661 Old Philadelphia Pike, Suite A Lancaster, PA 17602. Call 877-877-0345.

DATE 4/14/2023 CUSTOMER # 83360 CONTRACT # 21226 JOB/Work Order # _____

SITE NAME: Preston County Courthouse
 SITE ADDRESS: 106 W Main St Ste 301 Kingwood, WV 26537
 BILLING NAME: Preston County Commission
 BILLING ADDRESS: 106 W Main St Ste 202 Kingwood, WV 26537

You are hereby authorized to perform the following specifically described system modification:

Sale Install Lease Equipment Sale Only Repair Service T&M (indicate plan type)
 Inspection Service _____

Estimated Installation Start Date 4/14/2023 Estimated Installation Completion Date 4/28/2023

ADDITIONAL CHARGE FOR ABOVE MODIFICATION: \$ 2,863.67 plus applicable sales tax. Customer P.O.# _____

Installation Fee: (a) \$ 2,863.67 Upon Signing this Agreement Deposit Amount: \$ 0.00
 (b) \$ 0.00 Additional Per Month for the service(s) listed below;

The Customer agrees to pay the Company the above charges. This System Modification Authorization modifies the original agreement between the Company and the Customer (the "Agreement"). All of the terms and conditions of the Agreement remain in full force and effect, except to the extent specifically modified by this System Modification Authorization.

Customer-Provided Equipment. In order to provide installation or repair service, Company may require the use of certain tools or equipment (such as lifts, tow motors, bucket trucks, scaffolding, etc.). It is Company's standard practice to secure the tools and equipment required to complete each installation or repair service, which may include renting tools or equipment, to the extent necessary. Customer is responsible for all costs associated with procuring and renting such equipment as set forth in a Statement of Work. Customer may request that Company use any tool or equipment of Customer ("Customer-Provided Equipment"), however, Company is in no way obligated to use any Customer-Provided Equipment. In the event Company agrees to use any Customer-Provided Equipment, Customer shall be solely responsible for providing the Customer-Provided Equipment as agreed between Customer and Company. Customer represents and warrants that any Customer-Provided Equipment is in good working order, up to date on all required maintenance, can be safely operated, and is current on any and all required inspections. Customer further represents the Customer-Provided Equipment will be made available to Company, without restriction, at the time and place as agreed between Customer and Company. Company has no responsibility for the condition or repair of any Customer-Provided Equipment and is not responsible or liable for any loss, impairment, or condition of the Customer-Provided Equipment. Should Company determine, in its sole and exclusive discretion, that any Customer-Provided Equipment is unsafe, unavailable, or otherwise not appropriate for or able to fulfill the necessary function, Company may immediately halt the installation or repair service and require Customer to reschedule to a later date. In addition to all fees and charges associated with the originally-scheduled appointment, Customer will be responsible for any additional fees or charges incurred as a result of rescheduling.

CUSTOMER SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS COMPANY, ITS REPRESENTATIVES, EMPLOYEES, CONTRACTORS, AND AFFILIATES FROM ANY AGAINST ANY AND ALL CLAIMS, ACTIONS PROCEEDINGS, LOSSES, PENALTIES, DAMAGES, COSTS AND EXPENSES (INCLUDING BUT NOT LIMITED TO REASONABLE ATTORNEYS' FEES) ARISING OUT OF OR IN CONNECTION WITH COMPANY'S USE OF ANY CUSTOMER-PROVIDED EQUIPMENT. The foregoing indemnification is in addition to and shall not limit any other indemnification set forth in the Agreement.

CUSTOMER UNDERSTANDS THAT COMPANY SHALL PERFORM THE WORK AND/OR SERVICES IN ACCORDANCE WITH THE INSTRUCTIONS PROVIDED BY CUSTOMER AS OUTLINED HEREIN. IT IS CUSTOMER'S RESPONSIBILITY TO PROMPTLY NOTIFY COMPANY OF ANY CHANGES OR UPDATES IN THE INSTRUCTIONS CONTAINED HEREIN, INCLUDING ANY CONDITION, INFORMATION, OR OTHER CHANGE TO CUSTOMER'S SYSTEM, SITE, OR CIRCUMSTANCE WHICH MAY HAVE AN EFFECT ON COMPANY'S PERFORMANCE OF THE MONITORING SERVICES. ANY CHANGES OR UPDATES SHALL BECOME EFFECTIVE ONLY WHEN REDUCED TO WRITING AND SIGNED BY BOTH PARTIES.

Date 4/21/2023 Customer's Signature [Signature]
 Sales Representative: Frank Danko Date 4/14/2023

Authorized Company Representative: [Signature]

Monitronics International Inc. dba Brinks Home Security, P.O. Box 814530, Dallas, TX 75381; AL: AL St. Lic. #0009; AR: Regulated by: Dept. of Arkansas State Police, 1 State Police Plaza Dr., Little Rock, AR 72209, 501-618-8600, CMPY-0002746, CMPY-0000574; AZ: 18004-0; Not a licensed contractor; CA: ACO7788; DE: 98-91, CSRSL-0068; FL: EG13000628; GA: LVA206124; IL: 127.000918; KY: Louisville: 921 MD: 107-2123; MI: 625 Kenmoor Ave. SE, Suite 301, Grand Rapids, MI 49546; 3601207720; NC: 2692-CSA; NJ: Burglar Alarm Business License Number 34BF0065700; NM 396144; NY: Licensed by the N.Y.S Department of State- 12000330663; OH: 53.89.1885 OK: AC-41502; OR: 7055; PA: PA133864; RI: 4813; SC: BAC.13659, FAC.13659, TN: 448, 2289, 2287; TX: B07727, ACR-1937157; UT 297872-6501; VA: 11-15156, 2705179325; WA: EC BRINKHS823LL, CC BRINKHS820K5; WV: WV060670.

SCOPE OF SYSTEM:

Parts	Description	Quantity
	NVR, 16CH,12TB, WALL, ADVANCED, NDA	1.00
	CAMERA, 4MP, 2.8-12MM, DOME, ADVANCED, NDA	1.00

While here, Mr. Frank Danko- Sales Representative from Monitronics, made a suggestion to purchase a rack to set computer hardware on in the basement of the sheriff's department. He gave a price of \$1,266.27 for the cost of a rack.

The commissioners gave the go ahead to move forward with the purchase. No formal motion was made.

C. Deed – Preston County Parks and Recreation

The survey has been completed on the parcel of county property near the hospital for the Preston County Parks and Recreation to go ahead and develop 8.123 AC for Wade's World of Wonder with the consideration to be the maintenance and upkeep of the parcel.

For the Preston Memorial Hospital deed, (D) below, they are cutting the corner across the road, .921 AC more or less, to clean-up the property lines in consideration of an easement for ingress and egress.

Commissioner Thomas moved to approve the deeds and authorize the President of the County Commission to sign. Commissioners Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

To view this deed between the Preston County Commission and Preston County Parks and Recreation go to Preston County Clerk Document Inquiry and view Instrument #21635405 or Bk 859 Pg 725.

D. Deed – Preston Memorial Hospital

To view this deed between the Preston County Commission and Preston Memorial Hospital go to Preston County Clerk Document Inquiry and view Instrument #21635404 or Bk 859 Pg 721.

E. Request Special Session – May 3, 2023 – Website, Email Provider and electronic payment

The meeting on May 3, 2023 will begin at 9:00 a.m. in the commission room.

F. Update on ARPA Annual Report

Completed the ARPA reporting this is required for the 2023 year and all the numbers matched up.

Mr. Hauger stated the commission obligated just over \$6.1M, including the LEAD Projects, and there have been payouts of \$2.41M so far. Have had several with completed funding and have a few completed projects. Most are due to be completed in 2024.

G. Rescind motion on March 28, 2023, regarding demo of Wrestling Barn

Previously the commission committed funding for the demolition of the wrestling barn and committed to donating the wrestling barn property

Prosecuting Attorney Jay Shay pointed out that there needed to be some value for the transfer of land. His recommendation to fix this is to deed the property for the wrestling barn to the Mat Club in consideration for them handling the demolition.

Commissioner Thomas moved to rescind the motion of March 28, 2023 to fund the demolition of the county Wrestling Barn, not to exceed the lowest bid of \$30,000. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Commissioner Thomas moved to rescind the motion of March 21, 2023 to donate 1.08 acres of county property, where the Wrestling Barn is located, to the Preston County Mat Club. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Commissioner Thomas moved to deed 1.08 acres of county property, where the Wrestling Barn is located, to the Preston County Mat Club, for the consideration of the Mat Club demolishing the Wrestling Barn. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioner Thomas, Smith and Stone voting yes. Motion carried.

H. Mini-Grant Application – North Preston Farmers' Club

Commissioner Thomas excused himself and abstained from any conversation due to multiple conflicts.

Phyllis Royce and Arlene McElroy explained they have a contractor willing to paint their building for \$4,500, that includes one coat of paint. They need another coat of paint to give the building a good second coat to maintain the building. They need an additional six 5-gallon buckets of paint at a cost of \$426.00 per bucket. The ladies offered to match whatever the commission could give. Their request is for \$5,000.

Commissioner Stone asked the ladies to reach out to the state legislatures and/or house of delegates to see if there's any funding available for them for this project.

The subject will be placed on the agenda for next week's meeting.

I. Budget Revisions

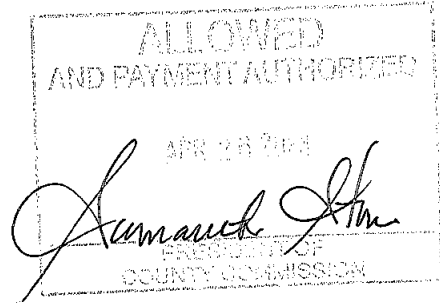
Joe Hauger presented budget revisions needed for the county clerk's office in the amount of \$2,600.00.

Commissioner Thomas moved to approve the budget revisions as presented for the county clerk in the amount of \$2,600. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached.)

Preston County Clerk
Linda Huggins

To the Honorable Preston County Commission
106 W Main St. Suite 202
Kingwood WV 26537

April 26, 2023
Re: Budget Revisions



Dear Commissioners,
I am respectfully requesting your approval of the following Budget Revision.
I am using the funds to pay for Election Equipment maintenance.

Decrease	001-413 2 2200	Publication	\$2600.00
Increase	001-413-2 1600	Maint & Repair Equipmt	\$2600.00

Respectfully,

Linda Huggins, County Clerk

J. Miscellaneous Correspondence

Received a letter from Judge Shaffer commending Facilities Manager, Joe Larue for the work that he has performed at the courthouse.

Personnel Matters – Consideration and/or action

At 10:23 a.m., Commissioner Stone made a motion to go into Executive Session for personnel. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried.

Those in attendance for the Executive Session: Joe Hauger, Samantha Stone, Don Smith and Hunter Thomas.

EXECUTIVE SESSION

At 10:36 a.m., Commissioner Thomas moved to come out of Executive and reenter open session. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith, and Stone voting yes. Motion carried.

President Stone advised that no action was taken as a result of the Executive Session.

Legal Matters – Consideration and/or action

Information

A. Miscellaneous Correspondence

Commissioners Comments

At 10:37 a.m. there being no further business to come before the Commission, President Stone declared the Regular Session adjourned.

Commissioner

Commissioner

Commissioner

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04/26/2023

