

**A G E N D A**  
**PRESTON COUNTY COMMISSION**  
**AUGUST 29, 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- Heasley Keith A & Kelly A, Real Estate; Valley Farm Products Inc, Personal Property Apportionments -**

**Recognition of Scheduled Appointments –**

9:31 a.m. Connie Ervin, Assessor – New Hire  
9:35 a.m. Jay Shay, Prosecuting Attorney - Order Addressing Monthly Financial Statement  
9:40 a.m. Kasey Sawyer, Community Correction – Introduce New Case Manger  
9:45 a.m. The Preston County Deputy Sheriff's Association – Member Concerns  
9:50 a.m. Justin Wolfe, Central Garage – Budget Revision  
9:55 a.m. Linda Huggins, County Clerk – Budget Revision – Approval

**Approval of Minutes – August 8, 10, 2023**

**Estate Settlements List – August 15, 2023 thru August 17, 2023**

ESTATE NAME: **WILLIAM N. COOL**  
ESTATE NAME: **DALE EUGENE MULLENAX**  
ESTATE NAME: **CHESTER A. ROTH**  
ESTATE NAME: **LORI JEAN WYMAN**

**Proceedings in Vacation/Clerk's Fiduciary Report – August 17, 2023 through August 23, 2023**

**Fiduciary Commissioner Report –**

**Motion to Approve Fiduciary Commissioner Recommendation/Order – August 29, 2023**

Estate of Daniel Aaron Wolfe – dated August 8, 2023 filed by Woodrow E. Turner, Fiduciary Commissioner

**Old Business – Consideration and/or action**

A. Blue Star Memorial Placement

**New Business – Consideration and/or action**

A. Employee Hire - Custodian, Tanya Pratt  
B. EMS Salary Enhancement Fund Application  
C. Application to use Preston County Courthouse Lawn – Preston Problems and Struggles Support Group  
D. Salary Adjustments - Custodian, Billie Gower  
E. Salary Adjustment - County Administrator, Nathan Raybeck  
F. Preston County Courthouse Reconfiguration

**Facility Manager's Report – Consideration and/or action**

**County Administrator's Report – Consideration and/or action**

A. Budget Revision, Salary Adjustment  
B. Discussion of Maintenance Contracts  
C. Miscellaneous Correspondence

**Personnel Matters- Consideration and/or action**

A. Executive Session

**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., August 29, 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.

**Recognition of Public**

Also, present was Administrator Nathan Raybeck and Assessor Connie Ervin.

The following persons registered their attendance during the meeting:

Jennifer Graham – DP	Deanna Lively	Justin Wolfe-OEM/911
J.G. Rodeheaver	Mary Rodeheaver	Ryan Pauley
Charles Cline	Curtis T. Stiles	Phyllis Royce
Arlene McElroy	Samuel Hess	Justin Knotts
Tonya Myers	Thomas Mitter	Judge Steve Shaffer
Griffen P. Haun	Brandon Hovatter	William McNair
Mark Lewis	Melissa Hardy	Mike Marley
Allen Stockett	Erik Mace	Ryan Deal
Susan Mitter	Ryan Hess-Mills Group	Stephen DeNeui-Mills Group

No one registered their attendance prior to the meeting to address the Commission:

**Review of Bills**

Commissioner Thomas moved to pay the bills that 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**

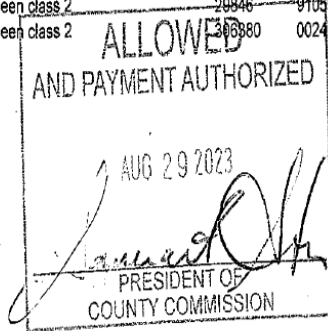
**Tax Correction List – Heasley Keith A & Kelly A, Real Estate; Valley Farm Products Inc., Personal Property**

Commissioner Smith made a motion to approve the Tax Correction List dtd August 29, 2023 in the amount of \$1,162.26 as presented by the Assessor. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)

**TAX CORRECTION LIST**

August 29, 2023

DIST	NAME	DESCRIPTION	REASON FOR EXONERATION	TICKET#	ACCT#	AMOUNT	YR	APPR	DENI
02	HEASLEY KEITH A & KELLY A	Real Estate	Clerical Error - Should have been class 2	29846	0105595	\$ 903.42	2023		
05	VALLEY FARM PRODUCTS INC	Personal Property	Clerical Error - Should have been class 2	306380	00247323	\$ 258.84	2023		



*Connie R. Ervin*  
 \_\_\_\_\_  
 Connie R. Ervin, ASSESSOR  
 (submitted for the taxpayer by)

TOTAL: \$ 1,162.26

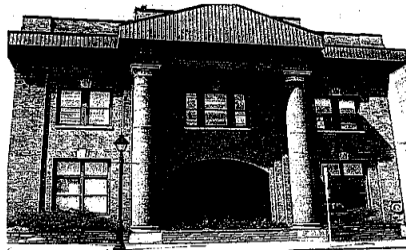
*Jay Shay*  
 \_\_\_\_\_  
 Jay Shay, PROSECUTING ATTORNEY  
 (received notice)

**Apportionments –none**

**Recognition of Scheduled Appointments –**

9:31 a.m. Connie Ervin, Assessor – New Hire

Commissioner Thomas made a motion to approve the employment of Lori Rankin to begin work September 5, 2023 and be paid from the General County Fund at a rate of \$14.42 per hour as a salary position with benefits contingent upon a three-month probationary period, the position will become permanent on December 4, 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**

August 29, 2023

ALLOWED  
AND PAYMENT AUTHORIZED

AUG 29 2023

*Samantha Stone*  
PRESIDENT OF  
COUNTY COMMISSION

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

Dear Commission:

I respectfully submit the name, Lori Rankin., to be considered for employment. Upon approval, Ms. Rankin will begin work on September 5, 2023 and be paid from the General County Fund. She will be paid at a rate of \$14.42 per hour as a salary position paid with benefits. Contingent upon a three-month probationary period, the position will become permanent on December 4, 2023.

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

Sincerely,

*Connie R. Ervin*

Connie R. Ervin  
Assessor

Cc Chrystal Bolyard, Payroll Clerk

<http://preston.wvassessor.com>  
106 W. Main Street, Suite 101 Kingwood, WV 26537  
Phone-(304) 329-1220 Fax (304) 329-1643

9:35 a.m. Jay Shay, Prosecuting Attorney – Order Addressing Monthly Financial Statement

Prosecuting Attorney, Jay Shay was unable to attend the meeting. Commissioner Thomas spoke on his behalf to say there has been some misunderstanding on the Order but it's not going to affect anything in the past with the Sheriff's Tax Office but just guarantees that we go about it the right way in the future.

Commissioner Stone noted that the tax office is making great strides to correct things and they want to be in compliance and are working towards that.

Commissioner Thomas moved to proceed with the Order that Jay Shay, the Prosecuting Attorney, prepared addressing Financial Statements in the Sheriff's Tax Office. Commissioner Smith seconded the motion. Discussion called for.

There was discussion between the Commissioners and Melissa Hardy, Chief Tax Deputy, regarding what the Order actually says and the purpose of the Order?

Commissioner Thomas noted it was a guarantee that the County is protected if something in the future was to happen.

Ms. Hardy asked if there was a timeline or deadline when things have to be produced?

Mr. Raybeck stated the auditor’s recommendation and/or suggestion was the 10<sup>th</sup> and it was the exact same order that was presented on May 5<sup>th</sup>.

Ms. Hardy said that was why she was asking because nothing was presented and she doesn’t know what she’s supposed to be producing. She understands this is going forward and has nothing to do with prior but stated current would be affected because she can’t get prior.

Commissioner Thomas changed his motion from (to proceed) to (to begin) the order as stated and noted Mr. Shay would have to present the official letter. With no other comments or discussion, a roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

No official document was presented for signature.

9:40 a.m. Kasey Sawyer, Community Correction – Introduce New Case Manager

President Stone recognized Kasey Sawyer, from Community Corrections, with a request for the approval to hire Matthew Chase as a new Case Manager with a start date of September 1, 2023.

Commissioner Thomas moved to approve the hire of Matthew Chase in the Community Corrections Office as a Case Manager starting September 1, 2023. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached.)

159 PLAZA COURT, SUITE N  
KINGWOOD, WV 26537  
(304) 329-0937 PHONE  
(304) 329-0937 FAX



KASEY SAWYER  
PROGRAM COORDINATOR  
LORI LAMBERT  
TREATMENT SPECIALIST  
SHAY HUFFMAN, CASE MANAGER  
DIANNA MOLLOHAN, ADMIN ASSISTANT

August 29, 2023

To whom it may concern:

Preston County Community Corrections Program has offered a full-time Case Manager position to Matthew Chase upon the approval of the Preston County Commission. Mr. Chase’s first day as the Case Manager at the Preston County Community Corrections Program office will be on September 1, 2023. His salary is set at \$40,000 per year, and will be grant funded.

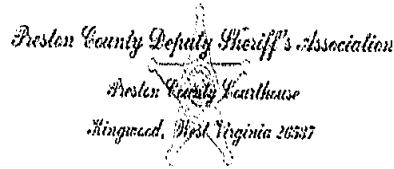
Sincerely,

*Kasey D. Sawyer*  
Kasey D. Sawyer MSW, LSW

ALLOWED  
AND PAYMENT AUTHORIZED  
AUG 22 2023  
*Samantha R. Stone*  
PRESIDENT OF  
COUNTY COMMISSION

9:45 a.m. The Preston County Deputy Sheriff's Association – Member Concerns

Deputy Mitter addressed the Preston County Commission with the following concerns from the Preston County Deputy Sheriff's Association. (See attached.)



To: Preston County Commission  
From: Preston County Deputy Sheriff's Association

We, the Preston County Deputy Sheriff's Association members are concerned about several situations affecting the day-to-day work environment of the members of this association. We feel the Preston County Commission has been advised of these issues in the past and the Commission has failed to grasp the importance of correcting these situations.

Recently deputies received a two percent cost of living pay increase, however, the cost of medical insurance went up 15.6 percent. This caused deputies to lose money from their take home pay. This also affected the court security and other administrative staff that supports the Preston County Sheriff's Office.

The Preston County Sheriff's Office is struggling to recruit well qualified applicants. On average, the starting salary for a deputy in a class 1 county, in West Virginia, is \$40,943. This is \$4,943 more than the starting pay of a Preston County Deputy Sheriff. The Monongalia County Sheriff's Office recently advertised a starting salary of \$50,800. The Taylor County Sheriff's Office starting pay has just been raised to \$48,000. This, coupled with the fact that numerous municipalities, including Kingwood PD, in the area also offer similar pay it is difficult if not impossible to fill positions.

With the cost of living dramatically increasing, anyone looking to choose law enforcement as a career will continue to leave Preston County.

The Preston County Sheriff's Office is also losing deputies with many years of experience to law enforcement agencies who are paying a livable salary, and in some cases offering sign on bonuses. The Preston County Sheriff's Office cannot continue to adequately serve this community when experienced deputies are leaving in order to better provide for themselves and their families.

Recruiting has become a serious issue for this office. Ten years ago we would average 15 to 20 applicants for a deputy sheriff position. Currently, we are only able to attract 1 to 2 applicants per testing cycle. Typically, the end result is that there is rarely an applicant that can meet the hiring standards due to a limited pool of applicants. Currently this office is understaffed with more departures expected within the current year.

We currently have Deputy Sheriff's positions that we are unable to fill. This leads to staffing issues and Officers being overworked to ensure schedule coverage. In the next seven years, not including expected losses to higher paying agencies, there will be six deputies able to retire. Preston County is simply not hiring and retaining enough deputies to effectively serve this community.

The Preston County Deputy Sheriff's Association is also concerned about the salaries the Preston County Court Security personnel are receiving. The county is losing security personnel to jobs that are paying more money. In the next few years, the Preston County court system will be expanding. The county cannot fill open positions now, what will happen when more security is needed?

The last raise of any significance was in November of 2019. At that time the Commission agreed to give deputies a \$5,000 pay raise. Of this, \$2500 dollars was given with the promise of an increase to the \$5000 over the next three years. This increase never occurred.

It appears Preston County has \$3,250,212 in funds from the federal government from the American Rescue Plan. Under the recommended guiding principles, that money can be used for premium pay for essential workers. Why can that money not be used to increase the pay for deputies in Preston County? With the knowledge of this information, the Preston County Deputy Sheriff's Association request a detailed budget from 2022 showing where every dime has gone in the county, to include federal covid funds. Also, what money if any was not spent during that year and where it is now.

We would also like to address the physical state of the Preston County Sheriff's Office building. As the Preston County Commission knows, on December 27, 2022, seven hundred thousand gallons of water flowed from the top floor of the building all the way to the basement. There has been very little progress made to provide deputies with an adequate work environment. The Preston County Sheriff's Office has one room to work from. There are 17 deputies, 1 secretary, 1 sheriff, and court security personnel that work from this one room. The sheriff has been gracious enough to give up his office so that others can have a place to work from. The Preston County Commission has not allowed a contractor to come in the building to work continuously since the flood happened. When the contractor is actively working, deputies and staff are having to work with the noise of construction, saw dust in the air, and fumes of floor glue.

There is still mold present in the building. There is construction equipment and construction materials laying in the floor where staff and deputies have to work.

There are various electrical components hanging free from the walls, and are still in use. Deputy Sheriff Association members were told the electrical system would have to completely be rewired to include the breaker box. During the flood with all the water lying on the floors, none of the breakers tripped to stop electrical current. Also, during clean up from the flood, places were found where there were electrical burns in the insulation, electrical junction boxes with so many wires running into the box that a cover could not be placed on the box, and wiring and light bulbs from the construction of the jail portion of the building still connected to electric supply.

At this point in time, there are walls being covered with plaster. How and when will the upgrade of the electrical system in the Preston County Sheriff's Office building be started and completed?

We were told the fire suppression system would have to be installed in the original portion of the building to meet current standards. At this point ceilings are being replaced, and no work has been done to install a fire suppression system or in any way bring our offices up to code.

The Preston County Sheriff's Office building will be 100 years old in a few years. Why is this building not being brought up to code? If the electrical and fire suppression system are not attended to, we are afraid someone will be hurt or possibly killed.

In conclusion, we the Preston County Deputy Sheriff's Association formally and respectfully bring these concerns before you and request your attention to help us care for our community we serve.

Jessamitter  
K.D. [Signature]  
M. [Signature]  
C.R. [Signature]  
D.L. [Signature]  
W.S. [Signature]  
G.C. [Signature]

Ryan [Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

Michael [Signature]  
J.G. [Signature]  
[Signature]

# WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 -  
Charleston, WV 25305



August 21, 2023

Preston County Commission  
**Attention: Samantha Stone, President**  
106 W. Main Street, Suite 202  
Kingwood, WV 26537

Dear President Stone:

The West Virginia Division of Labor's State OSHA Program has received an anonymous complaint regarding potential imminent and serious safety and health hazards located throughout the **Preston County Sheriff's Department**.

Employees have been expected to remain working within this building after a 700,000-gallon water leak (from the top floor to the basement level) after a frozen water line ruptured. There has been some renovation that has ceased at least three (3) times since December 2022, and the construction and renovation has created additional hazards.

The complaint involved imminent and serious safety and health hazards related to struck-by, caught-in-between, and fall hazards associated with the following:

- (1) Unstable walking-working surfaces regarding floor capacity, floor holes including two (2) employees reportedly falling through the sub-floor prior to any renovations being completed.
- (2) Blocked and/or restricted exit access, exit-egress, and exits less than 28in. in width to employees from construction materials being stored.
- (3) Electrical and Fire Hazards associated with:
  - a. Unguarded and exposed live electrical parts greater than 50V such as unguarded junction boxes, outlets, light switches, etc. to unqualified personnel.
  - b. Unguarded electrical equipment at 50V or greater to unqualified personnel less than 8ft. from the ground.
  - c. Reported evidence of burned insulation discovered during the clean-up process.
- (4) Lack of fire suppression and fire alarm systems in place with a building requiring 50% or more renovation.
- (5) Potential airborne exposure to asbestos fiber from old insulation during clean-up.
- (6) Mold growth and exposure to employees due to a water line break in the top floor, which affected the entire building.

**Applicable OSHA Standards could fall under the following regulations:**

Subpart D 1910.22: Walking Working Surface - General Requirements.

Subpart D 1910.25: Stairway Requirements.

Subpart E: Exit Routes and Emergency Planning under 1910.33- 1910.39; and NFPA 101: Life Safety Code.

Subpart I: Personal Protective Equipment 1910.132 through 1910.140.

Sub-Part J: General Environmental Controls 1910.141: Sanitation.

Subpart L: Fire Protection 1910.155 through 1910.165.

Subpart N: 1910.176: Handling Materials – General.

Sub-Part S – Electrical: 1910.303 through 1910.308.

Sub-Part Z: Toxic and Hazardous Substances 1910.1000: Air Contaminants; and 1910.1001: Asbestos.

Although your facility does not currently fall under the jurisdiction of State OSHA at this time due to Preston County municipality not being opted into State OSHA optional coverage under §21-3A-19: "Optional Coverage by Subdivisions". The West Virginia State OSHA Code § 21-3A-5(a) still states, "Each employer shall furnish to each of his employees' employment and a place of employment which are free from recognized hazards causing or likely to cause death or serious physical harm or serious illness to his employees.". I urge you to research [www.osha.gov](http://www.osha.gov) for possible solutions to resolve the issue in the complaint for the safety and health of your employees.

**Struck-by hazards, caught-in-between, and fall hazard abatement recommendations:**

- (1) Have a qualified person determine the capacity of the walking/working surfaces to ensure the walking/working surfaces are strong enough for the weight exposed.
- (2) For any structural damages determined, barricade around those areas to prevent employees from accessing these areas and falling through until it may be properly assessed and repaired by qualified person(s).
- (3) Clear exit access, exits, and exit egress to at least 28in., or the width of the exit door(s), for safe access/egress to exits in the event of an emergency.
- (4) Electrical equipment shall be guarded to prevent unqualified personnel contacting live electrical wiring at 50V or greater less than 8ft. from the ground.
  - a. Replace outlet covers, light switch covers, and any unguarded or open electrical openings of 50V or greater.
  - b. Have a qualified person make repairs to the electrical equipment.
- (5) Contact the West Virginia State Fire Marshal's Office to determine if fire suppression and fire alarm system is required due to 50% or more renovation of a business occupancy.
  - a. Implement an Emergency Action and Fire Prevention Written Program, and train employees.
- (6) Implement a respiratory protection program including a required annual medical evaluation, respirator fit-testing, and training on the use, care, and storage of

respiratory protection for employees potentially exposed to asbestos and/or mold exposures.

- a. Do not disturb any potential asbestos containing insulation.
- b. Contact a third-party asbestos removal company to remove any asbestos containing materials that may have been disturbed during the water leak.

(7) Black Mold Recommendations for Abatement:

- (1) Determine the water sources and/or other areas, to remove the moisture in the environment.
- (2) Make sure the working areas are well ventilated.
- (3) Use de-humidifiers, and clean often to prevent the build-up of mildew and mold on the de-humidifiers.
- (4) Use fans to assist in the drying process.
- (5) Clean wet items/surfaces with detergent and water.
- (6) Work and egress areas should be cleaned with a damp cloth or mop and a detergent solution.
- (7) Discard all water/mold damaged materials.
- (8) Discard mold damaged materials in plastic bags; discard all porous items that have been wet more than 48 hours.
- (9) Disinfect surfaces with 1/2 cup household bleach in 1 gallon of water.  
CAUTION: Do not mix bleach with cleaning products that contain ammonia.)
- (10) Use NIOSH approved respiratory protection.
- (11) Use hand and eye protection (non-vented goggles).
- (12) Wear long gloves made of material that will protect from chemicals used for surface cleaning.
- (13) Wear protective clothing to prevent contamination and skin contact with Mold and chemicals.
- (14) Set up a decontamination area.
- (15) Re-wet materials with a mist of water to suppress spores, dust, and debris.
- (16) Vacuum areas that are clean and dry with a HEPA vacuum.
- (17) Do not eat, drink, or smoke in work areas.
- (18) Avoid breathing dusts; after working, wash thoroughly, including hair, scalp and nails.

It is also recommended to have a third-party remediation crew to remove the mold (greater than 30 square foot) for thorough remediation after the water exposure has been corrected.

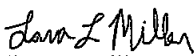
I have provided information from OSHA's website <https://www.osha.gov/mold> , as well as information from the Centers for Disease Control and Prevention regarding mold exposures: <https://www.cdc.gov/mold/default.htm>.

The WV Department of Environmental Protection Agency (<https://dep.wv.gov/dlr/oer/brownfieldsection/LRS%20Program/Pages/default.aspx>); and, the WV Division of Health and Human Resources (DHHR) (<https://oehs.wvdhhr.org/rtia/indoor-air/>) may also be contacted for guidance on proper cleaning and for further abatement assistance related to mold exposures.

**I have also included the Optional Coverage Form for the Preston County municipality.**

Should you have any questions, or need assistance, please contact me at the address in our letterhead, by phone (304) 389-8712, or by email at [lara.l.miller@wv.gov](mailto:lara.l.miller@wv.gov). Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

  
Lara L. Miller, CSP  
Labor Programs Manager  
WV OSHA Program  
WV Division of Labor – Safety Section

After the presentation by Deputy Mitter there was discussion about the work being done on the Sheriff's Department and why some things are done backward, which causes things to have to be redone.

There was also discussion regarding salaries, relocating the deputies, ARPA funds and vacancies.

President Stone said the concerns would be addressed and the information requested would be produced and thanked them for bringing their concerns forward. She said meetings dates will be scheduled soon.



9:50 a.m. Justin Wolfe, Central Garage – Budget Revision

Justin Wolfe – OEM/E911 presented budget revisions needed for the central garage in the amount of \$18,758.00.

This budget revision will be considered later after other budget revisions are presented.

9:55 a.m. Linda Huggins, County Clerk – Budget Revision - Approval

Mary Rodeheaver, Bookkeeper, presented budget revisions needed for the county clerk’s office to assume the prosecutor’s credit on the postage machine.

This budget revision will be considered later after other budget revisions are presented.

### Approval of Minutes – August 8, 10, 2023

Commissioner Thomas made a motion to approve the minutes of August 8, 2023 and August 10, 2023. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

### Estate Settlements – August 15, 2023 thru August 17, 2023

Commissioner Thomas moved that the proceeding estate settlements and/or waivers thereof, having been filed for a period of ten (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 08/15/2023 thru 08/17/2023 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 Tuesday, August 29, 2023.

ESTATE NUMBER: **4252**  
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement  
SETTLEMENT RECORDED: August 16, 2023  
ESTATE NAME: **WILLIAM N. COOL**  
EXECUTRIX: JOYCE A COOL

ESTATE NUMBER: **3469**  
SETTLEMENT TYPE: Report of Receipts, Disbursements and Distribution; Affidavit  
SETTLEMENT RECORDED: August 15, 2023  
ESTATE NAME: **DALE EUGENE MULLENAX**  
ADMINISTRATOR: ROGER M MULLENAX

ESTATE NUMBER: **4253**  
SETTLEMENT TYPE: Report of Receipts, Disbursements and Distribution; Affidavit  
SETTLEMENT RECORDED: August 17, 2023  
ESTATE NAME: **CHESTER A. ROTH**  
EXECUTRIX: KRISTY LEE KNOTTS

ESTATE NUMBER: **4053**  
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement  
SETTLEMENT RECORDED: August 16, 2023  
ESTATE NAME: **LORI JEAN WYMAN**  
CO ADMINISTRATRIX: ALEAH K. WYMAN  
CO ADMINISTRATRIX: LAURYN J. WYMAN

Subscribed and sworn to before me on 08/23/2023.

*Linda Huggins*

Linda Huggins  
Clerk of the Preston County Commission

By *Tammy Johnson*

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 – August 17, 2023 thru August 23, 2023**

Commissioner Smith moved to dispense with the reading in open court of the Proceedings of the Clerk of this Commission, had in vacation on August 17, 2023 thru August 23, 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**

**Estates from Thursday, August 17, 2023, through Wednesday, August 23, 2023**

The County Commission of Preston County this 29<sup>th</sup> day of August, 2023 day 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, August 17, 2023, the following matters were disposed of in the presence of the Clerk:**

The last will and testament of **LAWRENCE THOMAS MURPHY, JR.**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

**WILLIAM EDWARD MURPHY**, who was named in the last will and testament of **LAWRENCE THOMAS MURPHY, JR.**, deceased, as **EXECUTOR** thereof, qualified as such. No bond was required.

**On, Friday, August 18, 2023, the following matters were disposed of in the presence of the Clerk:**

The last will and testament of **BEATRICE MARIE BEVER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

**ROBERTA P. KNOTTS**, who was named in the last will and testament of **BEATRICE MARIE BEVER**, deceased, as **EXECUTRIX** thereof, qualified as such. No bond was required.

The last will and testament of **ROBERT L. BAYLOR**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

**JENNIFER J. RICHMAN**, who was named in the last will and testament of **ROBERT L. BAYLOR**, deceased, as **EXECUTRIX** thereof, qualified as such. No bond was required.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **TYLER EDWARD WILT** was appointed and qualified as **ADMINISTRATOR** of the estate of **PAMELA L. WILT**, deceased. No bond was required.

**On, Monday, August 21, 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, **DELMAR RINGER** was appointed and qualified as **ADMINISTRATOR** of the estate of **TAMMY RENEE TALLEY**, deceased. Bond was 25,000.00.

The last will and testament of **NANCY MAY RADABAUGH AKA NANCY MAE RADABAUGH**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

**STACEY KOONTZ MARBELLA**, who was named in the last will and testament of **NANCY MAY RADABAUGH AKA NANCY MAE RADABAUGH**, deceased, as **EXECUTRIX** thereof, qualified as such. No bond was required.

**On, Tuesday, August 22, 2023, the following matters were disposed of in the presence of the Clerk:**

The original last will and testament of **MAXINE A. FIELD**, deceased, a late resident of **MARQUETTE CO., WI**, was admitted to record and an Ancillary Affidavit Testate was filed.

**BARBARA J. STEUCK** was named **AFFIANT** thereof, qualified as such. No bond was required.

Subscribed and sworn to before me on 08/23/2023.

*Linda Huggins*

Linda Huggins  
Clerk of the Preston County Commission

By *Tammy Johnson*  
Tammy Johnson  
Deputy Clerk/Probate

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

**Motion to Approve Fiduciary Commissioner recommendation/Order – August 29, 2023**

Estate of Daniel Aaron Wolfe – dated August 8, 2023 filed by Woodrow E. Turner, Fiduciary Commissioner

**MOTION TO APPROVE FIDUCIARY COMMISSIONER RECOMMENDATIONS/ORDER,**

AUGUST 29, 2023.

(Retain one copy for minutes; return completed copy to Clerk with original settlements)

It was moved by Commissioner Thomas that the following Fiduciary Commissioner Report and Recommendations/Order be approved and confirmed, having no Objections filed thereto.

**Estate of Daniel Aaron Wolfe** - dated August 8, 2023 filed by Woodrow E. Turner, Fiduciary Commissioner.

Said motion was seconded by Commissioner Smith.

Discussion called for. Question called for. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

**Old Business- Consideration and/or action**

A. Blue Star Memorial Placement

Representatives from the Cranberry Garden Club came to the commission office on Friday and stated that the Blue Star Memorial, which is a tribute to military personnel, is being made in Kentucky at this time and will be ready to ship soon and asked where the memorial would be placed on the courthouse lawn. Commissioner Thomas noted the memorial is 7ft tall and weighs 700 lbs.

There was discussion and a decision to speak with Joe Larue and look over the original plans drawn up to see where it was to be placed to make sure it doesn't interfere with anything else.

**New Business – Consideration and/or action**

A. Employee Hire – Custodian, Tanya Pratt

Commissioner Smith made a motion to approve the hire of Tanya Pratt. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)

PRESTON COUNTY COMMISSION



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

August 29, 2023

Re: New Hire—Tanya Pratt, Custodian

Effective September 5, 2023, Tanya Pratt will begin her employment with the Preston County Commission as a Custodian. Tanya is subject to a sixty (60) day probationary period in which she will be a full-time non-exempt hourly employee with full benefits and an hourly rate of \$13.26 per hour; upon successful completion of Ms. Pratt's sixty (60) day probationary period, she will move to a full-time non-exempted salaried employee with full benefits at an hourly rate of \$13.51 per hour. Ms. Pratt's salary is paid from 001-420-103.

Sincerely,

Samantha Stone, President

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

B. EMS Salary Enhancement Fund

Commissioner Thomas moved to approve the EMS Salary Enhancement Application and authorize all three commissioners of the Preston County Commission to sign. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached.)

64CSR116

**APPENDIX A 64CSR116. County Questionnaire.**

Responding County Name Preston County Date Completed 8/28/2023

County Demographics	
2020 County Population <u>34,216</u>	County Fiscal Year Beginning Month <u>July</u>
Current Population Estimate <u>34,172</u>	Presence of EMS Specific Levy <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u> <input type="checkbox"/>
If Yes, list the formal name of the EMS levy as listed on ballots <u>NA</u>	
If Yes, when was levy last renewed or enacted (if on first election cycle) <u>NA</u>	
List your county's overall levy rate versus the state maximum rate as a percentage <u>100%</u>	
Are there cities, towns, or municipalities in the county who will have budget excesses this FY? <u>Yes</u> <input type="checkbox"/> <u>No</u> <input checked="" type="checkbox"/>	
**Please include the most recent, voter approved levy order or special fee order as addendum**	

Ambulance Response Information	
Total 911 request for ambulance service for last calendar year <u>4,148</u>	
Total number of WV Licensed Ambulance Transporting Agencies in county <u>5</u>	Total number of Active EMS Personnel <u>80</u>
Total EMVO <u>16</u>	Total EMT <u>49</u>
Total Advanced-EMT <u>0</u>	Total Paramedic <u>15</u>
Current New Hire Pay Rates (annual)	
EMVO \$ <u>17.18</u>	EMT \$ <u>21.13</u>
Advanced-EMT \$ <u>0.00</u>	Paramedic \$ <u>30.99</u>
Are/Is the agency(ies) serving your county "short staffed" <u>X</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, indicate the number of positions in each category that your county is short (Dedicated to 911 response only)	
Total EMVO <u>5</u>	Total EMT <u>25</u>
Total Advanced-EMT <u>0</u>	Total Paramedic <u>17</u>

Of Contiguous Counties (include out-of-state) to you, list the starting annual salaries for EMS positions.

County Name	EMVO Annual	EMT Annual	A-EMT Annual	Paramedic
\$	\$	\$	\$	\$
\$	\$	\$	\$	\$
\$	\$	\$	\$	\$
\$	\$	\$	\$	\$
\$	\$	\$	\$	\$

**Crisis Response Team**

Does your county have an organized Crisis Response Team specifically geared toward first responders including, but not limited to, EMS?  Yes  No

If Yes, number of team members currently trained and deployable NA

If No, Do you have plans to implement a Crisis Response Team?  Yes  No

If Yes, Date team will be operational NA Team Liaison Name NA  
 Cell                     

\*\*Please list each additional team members and their contact information individually as an addendum\*\*

County Commission Signatures		
<p>Name <u>Jamarell Anne</u> County Commission President</p> <p>Street <u>1878 McKinney Court Rd</u> City <u>Martinsville</u>, WV Zip <u>26157</u> Phone: <u>                    </u> Cell <u>304-692-8054</u></p>	<p>Name <u>Quintin Thomas</u> County Commissioner</p> <p>Street <u>2113 North Preston</u> City <u>Waynesville</u>, WV Zip <u>26052</u> Phone: <u>304-379-4510</u> Cell <u>304-692-7085</u></p>	<p>Name <u>                    </u> County Commissioner</p> <p>Street <u>879 E. Middle Rd</u> City <u>Kingwood</u>, WV Zip <u>26537</u> Phone: <u>                    </u> Cell <u>304-282-9734</u></p>

C. Application to use Preston County Courthouse Lawn – Preston Problems and Struggles Support Group

Commissioner Thomas moved to approve the Application to use the Preston County Courthouse Lawn from Preston Problems and Struggles for overdose awareness August 31, 2023 from 7-9 p.m. and authorize the President to sign. 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 COMMISSION**

**Application to use Preston County Courthouse Lawn**

Must be submitted 15 days prior to the event date

Name of Organization Preston Problem and Struggles

Address 115 Beverly Street  
Kingwood WVA 26537

Describe Event \*\* overdose awareness

(submit additional sheet if needed)

\*\* Depending on the type of event being held and the length of the event your organization may be required to show proof of liability insurance. If Proof of Insurance is required it must be submitted to the County Commission at least 7 days prior to the date of the event

Date(s) and time(s) of event August 31, 2023 7:00pm-9:00pm

Do you want to ring the bell?  yes  
 no

Contact Person Name Robin Leggett  
Address 576 met2 Hollow Rd  
Tunnelton WVA 26444  
Phone (540) 247 - 2073 (best number to reach you)  
Email address TheTree4guys5@yahoo.com

Robin Leggett  
Signature of Authorized Person for Organization

8-24-23  
Date

CO-operator  
Title

**APPROVAL**

Jamarell Anne  
Preston County Commission, President

8/28/2023  
Date

**WAIVER OF LIABILITY**

Must be submitted to Preston County Commission 15 days prior to the event date

The Preston Problems and Struggles, accepts full  
**name of organization**  
responsibility and liability for the Overdose awareness event  
**name of event**  
held August 31, 2023  
**date(s) and time(s)**

on the Preston County Courthouse lawn.

Therefore, the Preston Problems and Struggles  
**name of organization**

will hold the Preston County Commission harmless from any liability.

Robin Leggett  
**Signature of Authorized Person for Organization**  
Co-operator  
**Title**

8-24-23  
**Date**

D. Salary Adjustments – Custodian, Billie Gower

Commissioner Thomas moved to approve the hourly pay increase for Billie Gower from \$13.26 to \$13.51 per hour. 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 COMMISSION

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

August 29, 2023



Re: Salary Change—Billie Gower

Effective September 1, 2023, the hourly rate of Custodian Billie Gower will increase from \$13.26 per hour to \$13.51 per hour. The position of Custodian a full-time position with benefits and is non-exempt position. Ms. Gower’s salary is paid from 001-420-103.

Sincerely,

Samantha Stone  
Samantha Stone, President

E. Salary Adjustments – County Administrator, Nathan Raybeck

Commissioner Thomas moved to approve the salary increase for County Administrator, Nathan Raybeck, which would be an increase to \$70,000 per year. This is a full-time position with benefits and is an exempt position. 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 COMMISSION

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



August 29, 2023

Re: Salary Change—Nathan Raybeck

Effective September 1, 2023, the annual salary of County Administrator Nathan Raybeck will be \$70,000. The County Administrator is a full-time position with benefits and is an exempt position. Dr. Raybeck's salary is paid from 001-401-103.

Sincerely,

A handwritten signature in cursive script that reads "Samantha Stone".

Samantha Stone, President

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](http://www.prestoncountywv.gov)

F. Preston County Courthouse Reconfiguration

Judge Steven Shaffer, Ryan Hess and Steven DeNeui from The Mills Group, presented illustrations and plans for the Preston County Courthouse Reconfiguration in preparation of the new second Circuit Court Judge that is anticipated to begin January 1, 2025.

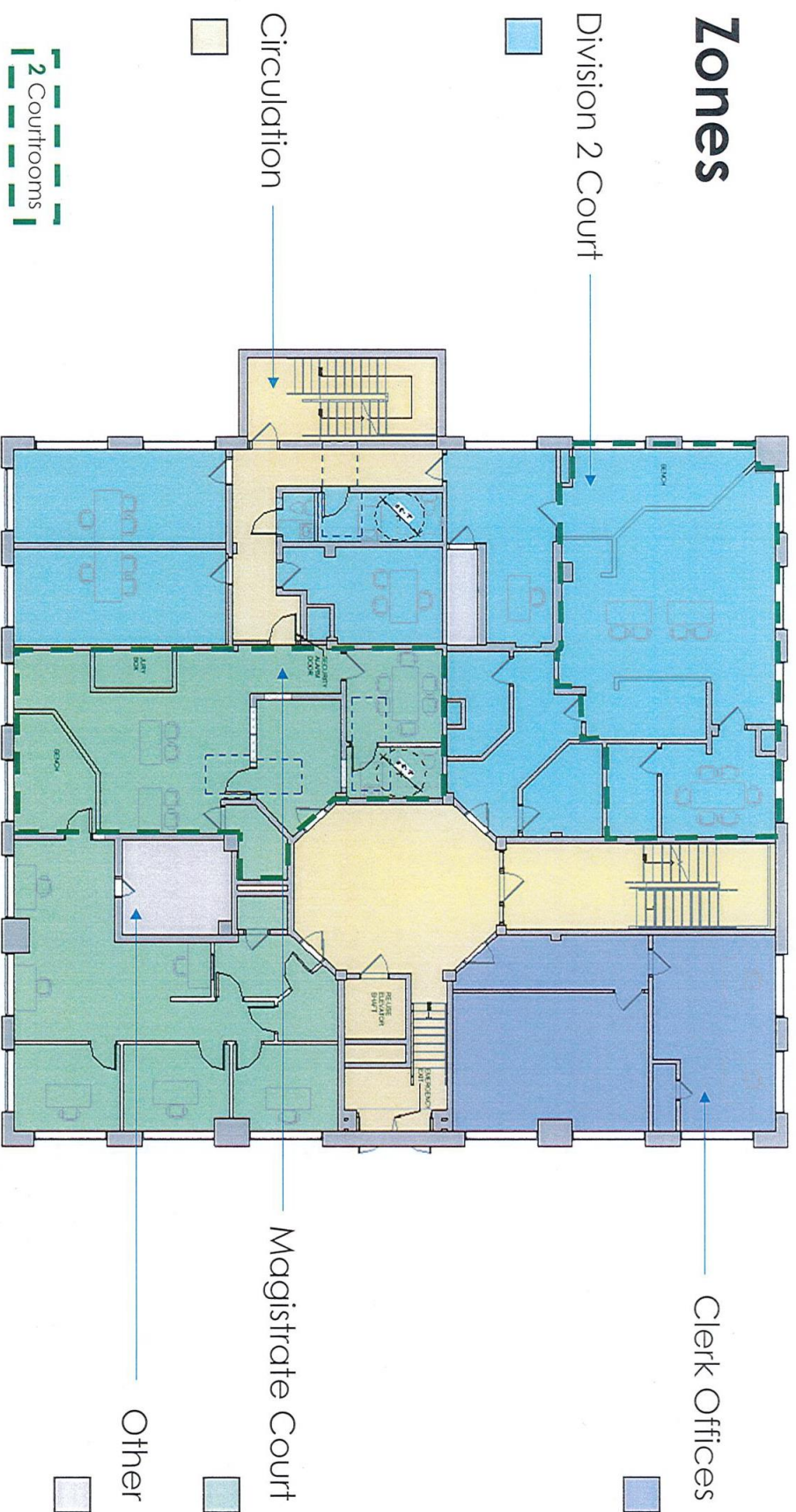
Commissioner Thomas moved to approve the Preston County Courthouse reconfiguration plans pending Supreme Court and SHPO approval. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached.)







# Zones

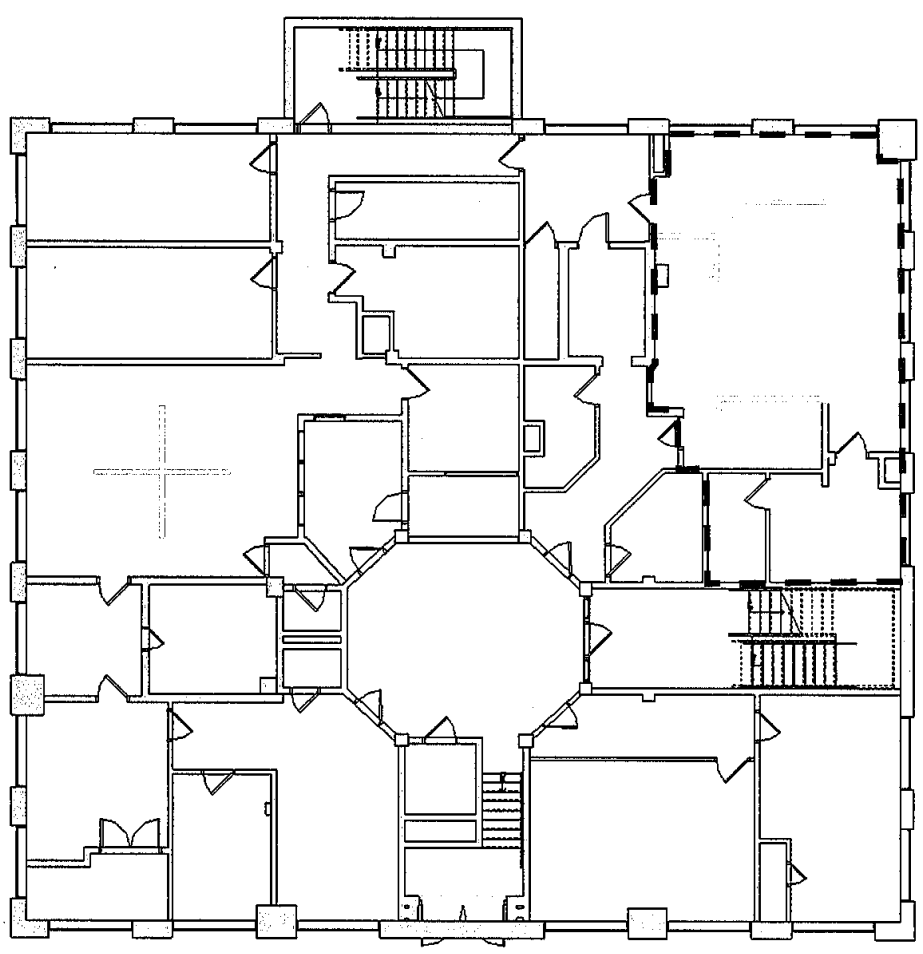


Preston County Courthouse 2<sup>nd</sup> Floor  
Concept 8/29/2023

# Existing 2nd Floor

Existing walls

Courtroom



Preston County Courthouse 2nd Floor  
Concept 8/29/2023



**County Administrator's Report-Consideration and/or action**

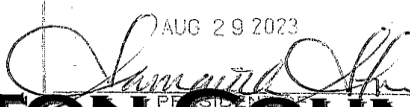
President Stone recognized Nate Raybeck with the County Administrator's Report.

**A. Budget Revision, Salary Adjustments**

Commissioner Smith made a motion to approve all the budgets that have been presented. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached).

AND PAYMENT AUTHORIZED

AUG 29 2023



**PRESTON COUNTY**  
**E-911 Communication Center**  
 300 Rich Wolfe Dr.  
 Kingwood, WV 26537  
 Phone: 1-304-329-1855  
 Fax: 1-304-329-2530

<b>Director: Duane Hamilton</b>	<b>Deputy Director: Justin Wolfe</b>
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August 29, 2023

To: Preston County Commission  
106 W Main St, Suite 202  
Kingwood, WV 26537

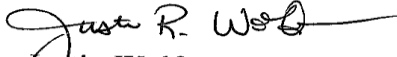
Re: BUDGET REVISION

Increase: 001-382-005 \$18,758.00

Increase: 001-717-217-01 \$18,758.00

Reason: Revenue for PCSO 33, for uplift  
Cost

Thank You,

  
Justin Wolfe

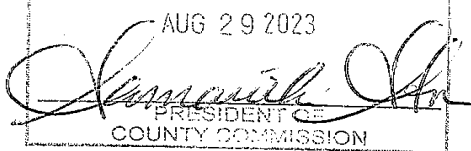
Preston County Clerk  
Linda Huggins

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

August 29, 2023  
Re: Budget Revisions

**ALLOWED**  
AND PAYMENT AUTHORIZED

AUG 29 2023



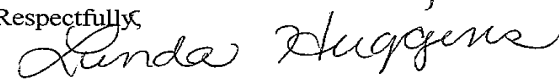
PRESIDENT OF  
COUNTY COMMISSION

Dear Commissioners,

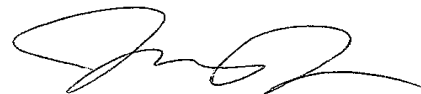
I am respectfully requesting your approval of the following Budget Revision.  
I am submitting money from my postage line item to be transferred to the Prosecuting Attorney's Postage line item.

Their office will no longer be using the postage machine located in the Annex. .

Decrease	001-402-21800	County Clerk Postage	\$481.00
Increase	001-405-21800	Prosecutor Postage	\$481.00

Respectfully,  


Linda Huggins, County Clerk







MEMORANDUM

Preston County Commission **ALLOWED**

AND PAYMENT AUTHORIZED

Date: August 29, 2023  
To: Bookkeeping  
From: Nate Raybeck, Administration  
Subject: Budget Revision – Salary Revision

AUG 29 2023  
*Samantha Stone*  
PRESIDENT OF  
COUNTY COMMISSION

Decrease	001-699-999-99 (Contingencies)	\$14,092
Decrease.	001-401-109 (Extra Help)	\$14,000
Increase	001-401-103 (Salaries)	\$25,000
Increase	001-401-104 (FICA)	\$842
Increase	001-401-106 (Retirement)	\$2,250

RESOLUTION

At a regular session of the county commission, held (Month, day and year) August 29, 2023 the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of PRESTON. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 6, of the General County Fund, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Commissioner Smith, and duly seconded by Commissioner Thomas the vote thereon was as follows:

<u>Don Smith</u>	<u>Yes</u> or No
<u>Hunter Thomas</u>	<u>Yes</u> or No
<u>Samantha Stone</u>	<u>Yes</u> or No

WHEREUPON, President Stone, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the County Clerk is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

## B. Discussion of Maintenance Contracts

Mr. Raybeck explained in light of the information provided to the public given the changing status in the facilities manager position to facilities supervisor the commission is looking at other contracts to supplement the HVAC area. Three bids were submitted to the commission: EMCOR in the amount of \$19,023.07, CASTO at \$9,156.00 – which requires a multi-year contract for 3 years and H.E. Neumann at \$9,250.00.

A recommendation was made to go with H.E. Neumann but there will be more discussion held in the near future.

## C. Miscellaneous Correspondence

Mr. Raybeck presented a letter from the WV Courthouse Facilities Improvement Authority with their approval to accept the time extension request for the 20<sup>th</sup> cycle grant award to be extended until March 1, 2024.

Commissioner Smith moved to approve this and authorize the President to sign. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)



WEST VIRGINIA  
COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY  
2003 QUARRIER STREET  
CHARLESTON, WV 25311

L. D. EGNOR  
CHAIRMAN EMERITUS

JOSEPH M. ALONGI  
CHAIRMAN

Change Order

Preston County Commission  
106 W. Main Street  
Kingwood, WV 26537  
Attn: Samantha Stone, President

Re: 20<sup>th</sup> cycle CFIA Grant Project: 20cycPrest2023

Dear President Stone:

The WV Courthouse Facilities Improvement Authority Board of Directors held a meeting on Monday, August 21, 2023. At that time the Board considered your request for a time extension for your 20<sup>th</sup> cycle grant award. Your time extension request for this project was approved. Your contract date is now extended until March 1, 2024. The other items in your original contract remain unchanged and in effect.

Please be advised that quarterly progress reports must be submitted, as well as submitting a progress report with any reimbursement request. The quarterly reports are due by the 20<sup>th</sup> of the month following the end of each quarter. No more than three reimbursement requests are allowed to be submitted per grant. In addition, upon submitting a final request for reimbursement, please include a progress report and a project completion report. Feel free to call me at (304) 558-5435 if you have any further questions on this matter.

Respectfully yours,

Handwritten signature of Melissa K. Smith in cursive.

Melissa K. Smith  
Executive Director

Handwritten signature of Samantha Stone in cursive.

Samantha Stone  
Commission President

**Personnel Matters – Consideration and/or action**

A. Executive Session

**Legal Matters - Consideration and/or action**

**Information**

A. Miscellaneous Correspondence

**Commissioners' Comment**

At 10:45 a.m. there being no further business to come before the Commission, President Stone declared the Regular Session adjourned.

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*Commissioner*

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*Commissioner*

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*Commissioner*

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08/29/2023

