

A G E N D A
PRESTON COUNTY COMMISSION
DECEMBER 19, 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- Funk, Scott Personal Property 2023
Shrout, Timothy L Sr Personal Property 2023
Sypolt, Audra Personal Property 2022

Apportionments - Shaffer, Jennifer L & Christopher 2022
Shaffer, Jennifer L & Christopher 2023

Recognition of Scheduled Appointments –

9:31 a.m. Preston County EMS Association – Request for Funding for Training and 501C4

9:35 a.m. Justin Wolfe and Duane Hamilton, OEM-E911 –

A. Approval EMPG Award Document

B. Overtime Policy

C. Employee Hire

9:40 a.m. Melissa Hardy, Chief Tax Deputy - Adjustments for Financial Statements

Approval of Minutes – December 5, 2023

Estate Settlements List – December 5, 2023 thru December 7, 2023

ESTATE NAME: MARY ADA AUVIL

ESTATE NAME: CLAUDIA B. CLARK

ESTATE NAME: AIMEE BETH GUTHRIE

ESTATE NAME: RUFUS JACKSON LEWIS AKA RUFUS JACKSON LEWIS SR.

ESTATE NAME: LAWRENCE THOMAS MURPHY JR.

Proceedings in Vacation/Clerk's Fiduciary Report – December 7, 2023 through December 13, 2023

Fiduciary Commissioner Report – None

Old Business – Consideration and/or action –

A. Per-Diem Policy

B. County Vehicle Policy

C. Taxable Employee Benefits Policy

D. Engagement Letter for Everhart, Brown & Devall LC - Research County Real Estate

New Business – Consideration and/or action –

OEM Central Garage Report – Consideration and/or action –

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

A. December 26, 2023 Regular Session Meeting Canceled

B. ARPA Fund Request Preston Co Parks and Rec-WV Northern Rail-Trail Linear Park

C. Facilities Updates

a. Sheriff's Office

D. Budget Revisions

a. Equipment Purchases—Snow Blower and Lawn Mower

E. 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., December 19, 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 County Clerk Linda Huggins.

The following persons registered their attendance during the meeting:

- | | |
|-------------------------------|-----------------------|
| Jacob Martin – WV News, PCN&J | Connie Ervin-Assessor |
| Nichole Larew | Deanna Lively |
| Cannon Wadsworth-GST | Mary Rodeheaver |
| Duane Hamilton | Justin R. Wolfe |
| Stephanie Lowdermilk | Melissa Hardy |
| Kelly Fike | Clark Nicklow |
| Tonya Myers | Thomas Mitter |
| Susan Mitter | Jason Rodeheaver |
| Todd Nestor | Charles Cline |
| Sheriff Paul Pritt | |

Review of Bills

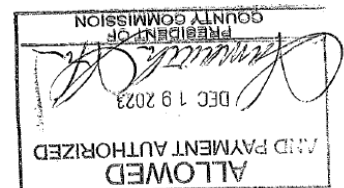
Commissioner Thomas made a motion to pay the bills that have been properly presented and reviewed. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

**Assessor’s Office -
Tax Correction List –**

Commissioner Smith made a motion to approve the Tax Correction List dtd December 19, 2023 in the amount of \$810.22 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
December 19, 2023

DIST	NAME	DESCRIPTION	REASON FOR EXONERATION	TICKET#	ACCT #	AMOUNT	YR	APPR	DENI
11	FUNK SCOTT M	Personal Property	Clerical Error - Did not own 19 GMC July 1, 2022	310840	00247151	\$ 714.30	2023		
02	SHROUT TIMOTHY L SR	Personal Property	Taxpayer Error - Reported 12 Niss in error	303263	0130468	\$ 51.54	2023		
17	SYPOLT AUDRA	Personal Property	Taxpayer Error - Reported 05 GMC in error	312978	00242200	\$ 44.38	2022		



Connie R. Ervin

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

Jay Shay

 Jay Shay, PROSECUTING ATTORNEY
 (received notice)

TOTAL: \$ 810.22

**Apportionments – Shaffer, Jennifer L & Christopher 2022
 Shaffer, Jennifer L. & Christopher 2023**

Commissioner Smith made a motion to approve the apportionments presented by the Assessor in the names of Jennifer L. and Christopher Shaffer for years 2022 and 2023. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

Recognition of Scheduled Appointments –

9:31 a.m. Preston County EMS Association – Request for Funding for Training and 501C4

Kelly Fike was recognized with a request for funding in the amount of \$7,000 for training for 10 EMT students for classes beginning January 16, 2024.

Commissioner Thomas noted each student signs a contract, which obligates them to work in the county for a year. If they leave, they have to pay it back, if they don't test or pass the test, they are required to pay it back.

After some discussion, a recess, phone calls and additional discussion Commissioner Smith made a motion to pay funds in the amount of \$7,000, out of contingencies, to the EMS Association for training and for the funds to be reimbursed once said funds are received from the state. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

The request of funds for the 501C4 was tabled for clarification.

9:35 a.m. Justin Wolfe and Duane Hamilton, OEM-E911 –

A. Approval EMPG Award Document

Commissioner Thomas made a motion to approve the EMPG Award Documents in the amount of \$44,736.00 and authorize the President of the County Commission to sign the document. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached.)

**State of West Virginia
Emergency Management Division**

FY 2021 Emergency Management Performance Grant Award

CFDA Number 97.042	Federal Grant Award EMP-2021-EP-00001	OASIS-GG Document ID GRNT2300001152
Subgrant Period From: 1/1/2021 To: 12/31/2021	Subgrant # 21-EMPG-39	Major Program: EMPGLO Program: EMPGLOC Program Period: LO2021

Subgrantee Name and Address Preston County Commission 106 W MAIN ST STE 202 KINGWOOD WV 26537	FEIN 55-6000384
	UEI XCNKL4BYEAD5
	OASIS ID 212200

TOTAL GRANT AWARD	\$ 44736
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By signing and accepting this award, the subgrantee agrees to comply with all conditions and assurances included in the application. I certify that this project will be implemented as described in the application.

Subgrantee Authorized Official: *Kamauke Stone*

Title: Preston County Commission President Date: 12/19/2023

Emergency Management Program Certification

The attached application has been reviewed and the proposed project and expenditures fall within all state and federal guidelines which govern the Emergency Management Performance Grant program, and sufficient funds exist to make this award.

EMPG Grant Representative _____ Date _____

I hereby authorize the awarding of funds to support the project as described in the attached application.

HSSAA Director _____ Date _____

B. Overtime Policy

Commissioner Smith made a motion to approve the policy change for Call-Ins for OEM/E-911. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas, and Stone voting yes. Motion carried. (See attached.)

Call-In Policy

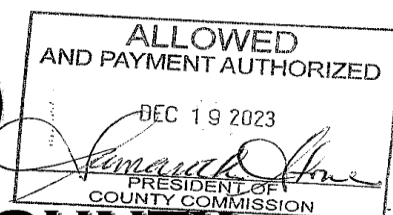
Policy:

When responding to a call-in as described below, an employee will be given a minimum of four hours work at double their regular job rate, to cover the shift or task they were called in for. All hours physically worked, will be used in the computation of weekly overtime. Applicable shift premiums (Double Time) will be included for call-in pay. All Call-In Shifts pertaining to this policy must be authorized by the requesting management official.

A "call-in" is defined as an unscheduled request made by an appropriate management official for an hourly employee to return to the employment location (Preston County E-911 Center) to fill unforeseen emergency even staffing or shift that was not scheduled, due to an acute sickness or immediate family emergency that could not be scheduled. These situations usually give the employee being called in, less than 4 hours or less notice to be at their place of work to fill the needed coverage. Requests to come in for these types of situations can be voluntary or mandated.

C. Employee hire

Commissioner Smith made a motion to approve the employee hire of Adam Clarkson as a Regular Part-Time Public Safety Dispatcher for Preston County E-911 at \$17/hr. effective immediately. 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 E-911 Communication Center

300 Rich Wolfe Dr.
Kingwood, WV 26537
Phone: 1-304-329-1855
Fax: 1-304-329-2530

Director: Duane Hamilton

Asst. Director: Justin Wolfe

December 19, 2023

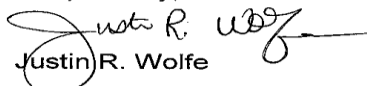
Preston County Commission
106 W. Main St., Suite 202
Kingwood, WV 26537

Re: New Hire

I am requesting approval to hire Adam M. Clarkson as a Regular Part-Time 911 Public-Safety Dispatcher for Preston County E-911, effective immediately.

Upon your approval, Mr. Clarkson will start at \$17/hr., with benefits.

Respectfully,


Justin R. Wolfe

9:40 a.m. Melissa Hardy, Chief Tax Deputy – Adjustments for Financial Statements

Ms. Hardy presented a copy of the Sheriff’s final settlement indicating that the cash accounts that her and Mary Rodeheaver, Bookkeeper balanced on are correct. She noted the only problem that there would be is on the tax side, which has no bearing on the commission budget.

She said there were miscellaneous revenues that were not classified, as to where they go, but the balances for June 30, 2023 are correct and there are no adjustments needed at this time.

Approval of Minutes – December 5, 2023

Commissioner Thomas made a motion to approve the Minutes of December 5, 2023. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Estate Settlements – December 5, 2023 thru December 7, 2023

Commissioner Thomas moved that the proceeding estate settlements and/or waivers thereof, having 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 12/05/2023 thru 12/07/2023 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, December 19, 2023.

- ESTATE NUMBER: **4678**
 SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
 SETTLEMENT RECORDED: December 07, 2023
 ESTATE NAME: **MARY ADA AUVIL**
 ADMINISTRATRIX: KATHY M. BLEDSOE
- ESTATE NUMBER: **4049**
 SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
 SETTLEMENT RECORDED: December 05, 2023
 ESTATE NAME: **CLAUDIA B. CLARK**
 CO EXECUTRIX: TERESA L. BARNES
 CO EXECUTOR: JEFFERY A. CLARK
 ATTORNEY: JOSHUA S. ROGERS
 DINSMORE & SHOHL LLP
 215 DON KNOTTS BLVD. STE. 310
 MORGANTOWN, WV 26501-6734
 FIDUCIARY COMMISSIONER: OLIVIA S. DEVALL
 P.O. BOX 516
 KINGWOOD, WV 26537-0516
- ESTATE NUMBER: **3243**
 SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
 SETTLEMENT RECORDED: December 07, 2023
 ESTATE NAME: **AIMEE BETH GUTHRIE**
 ADMINISTRATOR DBN: ALVIN LOYD GUTHRIE
 ATTORNEY: JOSHUA ROGERS
 DINSMORE & SHOHL PLLC
 215 DON KNOTTS BLVD.
 STE. 310
 MORGANTOWN, WV 26501-0113
- ESTATE NUMBER: **3319**
 SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
 SETTLEMENT RECORDED: December 05, 2023
 ESTATE NAME: **RUFUS JACKSON LEWIS AKA RUFUS JACKSON LEWIS SR.**
 EXECUTRIX: BERNICE JOYCE CRAWFORD
 ATTORNEY: HERMAN D. LANTZ, ATTORNEY AT LAW
 LANTZ LAW OFFICE
 518 7TH ST.
 MOUNDSVILLE, WV 26041-2127
 FIDUCIARY COMMISSIONER: OLIVIA S. DEVALL
 P.O. BOX 516
 KINGWOOD, WV 26537-0516
- ESTATE NUMBER: **4677**
 SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
 SETTLEMENT RECORDED: December 05, 2023
 ESTATE NAME: **LAWRENCE THOMAS MURPHY JR.**
 EXECUTOR: WILLIAM EDWARD MURPHY

Subscribed and sworn to before me on 12/13/2023.

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/Clerk's Fiduciary Report – December 7, 2023 thru December 13, 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 December 7, 2023 thru December 13, 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, December 7, 2023, through Wednesday, December 13, 2023

The County Commission of Preston County this 19th day of December, 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, December 7, 2023, the following matters were disposed of in the presence of the Clerk:

The said estate of **NANCY GARBART FRIEND, AKA NANCY JANE FRIEND**, deceased was referred to **OLIVIA DEVALL**, a FIDUCIARY COMMISSIONER for the Preston County Commission, for settlement thereof.

On, Friday, December 8, 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, **BRENDA L. MCGUINN** was appointed and qualified as ADMINISTRATRIX of the estate of **MARK EDWARD READD**, deceased. Bond was 75,000.00.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **JOHN RICHARD HEIS** was appointed and qualified as ADMINISTRATOR of the estate of **ERMA GRACE HEIS**, deceased. Bond was 10,000.00.

More than 60 days since the date of death or the surviving spouse or heir, upon a motion, **ROBERT JOSEPH SUMMERS, SR.** was appointed and qualified as SUCCESSOR of the Intestate Small Estate Affidavit of **ROBERT JOSEPH SUMMERS, JR.**, deceased. No bond was required.

On, Monday, December 11, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **ROY W. BARKER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record and a Small Estate Affidavit Testate was file.

MICHAEL A. BARKER was named SUCCESSOR thereof, qualified as such. No bond was required.

On, Tuesday, December 12, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **SHIRLEY ANN SHAHAN**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

ANGELA DAWN CHAPPELL CELEY, who was named in the last will and testament of **SHIRLEY ANN SHAHAN**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

Subscribed and sworn to before me on 12/13/2023.

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, Thomas and Stone voting yes. Motion carried.

Fiduciary Commissioner Report – None

Old Business- Consideration and/or action

A. Per-Diem Policy

Commissioner Smith made a motion to approve the Per-Diem Policy. Commissioner Stone seconded the motion. Discussion called for. Commissioner Stone says the policy is good but needs something added for clarity. Commissioner Smith suggested adding a statement to it for the department head or elected official to sign off as to whether the person is authorized to receive the per-diem. Commissioner Stone noted that if any changes need to be made, they can go back and amend the motion. A roll call vote was taken with Commissioners Smith, Stone and Thomas voting yes. Motion carried. Commissioner Smith amended his motion to add the per-diem policy take effect January 1, 2024.

B. County Vehicle Policy

The commissioners, EMS, OEM/E911, and sheriff's department discussed the county vehicle policy.

A county vehicle policy will bring the county into compliance with Federal IRS Regulations to protect the county and employees when it pertains to anything that has to do with county vehicles. The only exemption to this policy is law enforcement, because it's part of their job and everyone else would be subject to pay fringe benefits.

Other discussions included: whether transport officers, utility officers and OEM/E911 are exempt from the County Vehicle Policy, who has arresting powers, transparency of the policy itself, the description of marked/modified vehicles covered under the IRS document, how the fringe benefit works and how it's reported,

C. Taxable Employee Benefits Policy

There was discussion of polo shirts, uniforms, hats and boots and who they belong to as it pertains to the proposed fringe benefit policy.

A work session was suggested for Thursday, January 4, 2024 at 9:30 a.m. with elected officials and department heads to work on the policies. Any approval of county vehicle and taxable employee benefits, will be tabled until the January 16, 2024 meeting.

D. Engagement Letter for Everhart, Brown & Devall LC-Research County Real Estate

Commissioner Smith explained his deed search findings regarding the piece of property, formally known as the Bretz School, as on December 10, 1984 in deed book 516/607 the Preston County Board of Education deeded the property over to the Preston County Commission. On December 17, 1984, in deed book 516/610 the Preston County Commission deeded the property over to the Bretz Community Association. No action was taken at this time.

New Business – Consideration and/or action

OEM Central Garage Report – Consideration and/or action - None

County Administrator's Report-Consideration and/or action

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

A. December 26, 2023 Regular Session Meeting Cancelled

B. ARPA Fund Request Preston Co Parks and Rec-WV Northern Rail-Trail Linear Park

Commissioner Smith moved to release funds to the Preston County Parks and Recreation in the amount of \$7,950 of the previously allotted ARPA money for a survey of the Tunnelton Section of the trail. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

Commissioner Smith moved to release funding and authorize the President to sign the receipt request in the amount of \$20,495 for the construction of the Trailside Activity Stations on the Northern Rail-Trail Linear Park. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

C. Facilities Updates

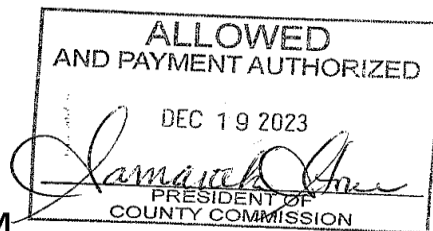
a. Sheriff's Office

- Fire alarm is set; dry system is up and active
- Flooring on second floor hallway to be completed this week
- Stairs to be started closer to the end of this week
- Epoxy is 80% complete downstairs; to be completed this week

D. Budget Revisions

a. Equipment Purchases – Snow Blower and Lawn Mower

Commissioner Thomas moved to approve the budget revision in the amount of \$8,000 from contingencies to the equipment line item as Nate Raybeck, Administrator has presented. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached.)



MEMORANDUM
Preston County Commission

Date: December 19, 2023
 To: Bookkeeping
 From: Nate Raybeck, Administration
 Subject: Budget Revision – New Mower and New Snow Blower

DECREASE	001-699-999-99 (Contingencies)	\$8,000
INCREASE	001-420-459 (Equipment)	\$8,000

RESOLUTION

At a regular session of the county commission, held (Month, day and year) December 19, 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 14, 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 Thomas, and duly seconded by Commissioner Smith the vote thereon was as follows:

Yes or No
 Yes or No
 Yes 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.

E. Miscellaneous Correspondence

A letter was received from the County Administrator of Monongalia County notifying the commissioners of a meeting of Region IV, the WV First Foundation on Thursday, January 25, 2024 at 9:30 a.m. at the Monongalia County Center, 270 Mylan Park Lane, Morgantown, WV.

R E C E S S

The commission went into recess to obtain additional information regarding what the EMS money coming from the state could be used for. See Recognition of Scheduled Appointments for the 9:31 a.m. for a motion made for the Preston County EMS Association to receive funds.

Personnel Matters – Consideration and/or action

Legal Matters - Consideration and/or action

Information -

A. Miscellaneous Correspondence

Commissioners' Comment

At 11:47 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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12/19/2023

