

A G E N D A
PRESTON COUNTY COMMISSION
JANUARY 2, 2024
9:30 A.M.

Call to order by President and Pledge of Allegiance

Roll call of Commissioners

Election of President

Date and Time of County Commission Meetings –

- **Tuesday – 9:30 a.m.**
If the Tuesday is a holiday, the county commission will meet on the Wednesday following the holiday.
- **Notice of Meeting** – Agendas available to the public at the close of business two days prior to meeting date. All Notices of Meeting are posted on the door at the County Commission Meeting Room and in the rear of the Annex, 106 West Main Street, Suite 202, Kingwood, West Virginia 26537.

Legal Holidays – Courthouse and Courthouse Annex Closing 2024 – see attachment

Meeting Procedures – see attachment

Hours of Operation of Annex – Monday - 8:30 a.m. – 5:30 p.m.
Tuesday – Friday - 8:30 a.m. - 4:30 p.m.

Hours of Operation of Courthouse – 8:30 a.m. – 4:30 p.m.

Appoint/Re-Appoint Commissioner to Boards/Committee

911 Advisory Committee – Samantha Stone
Local Emergency Planning Commission (LEPC) – Samantha Stone
Preston County FEMA Board – Hunter Thomas
Preston County Economic Development Authority Board of Directors – Samantha Stone
Solid Waste Authority Board of Directors – Don Smith
Regional VI Planning and Development Council – Don Smith
Farmland Protection Board – Samantha Stone
Workforce West Virginia Board of Directors – Hunter Thomas
Community Corrections Board of Directors – Don Smith
Greater Morgantown Convention & Visitors Bureau – Don Smith
Extension Service Committee – Hunter Thomas

Recognition of Public

Review of Bills

Assessor’s Office

Tax Correction List – None

Apportionments – None

Recognition of Scheduled Appointments -

9:35 a.m. Hunter Mullens, Mullens & Mullens – Distribution of Opioid Settlement Money
9:40 a.m. Jay Shay, Prosecuting Attorney – Employee Hire
9:45 a.m. Paul Pritt, Sheriff – Employee Hire

Approval of Minutes - December 12, 2023

Estate Settlements List – December 18, 2023 thru December 18, 2023
ESTATE NAME: MELVIN LESTER GOLDEN
ESTATE NAME: DONALD EUGENE PLUM

Proceedings in Vacation/Clerk’s Fiduciary Report – December 15, 2023 through December 27, 2023

Fiduciary Commissioner Report – None

Old Business – Consideration and/or action

New Business – Consideration and/or action

A. Resignation of Peggy Pase from the Solid Waste Authority

OEM Central Garage Report – consideration and/or action -

County Coordinator’s Report – Consideration and/or action

A. County Commission Meeting Schedule for January and February 2024

B. Budget Revisions

C. 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., January 2, 2024 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.

Election of President

Commissioner Stone moved to elect Don Smith as President for the 2024 year of the Preston County Commission. Commissioner Thomas seconded the motion. Discussion called for. Commissioner Stone noted last year, at the statutory meeting at the beginning of the year, it was decided to rotate the term of President and this will be the first of a two-year term. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried.

Commissioner Smith thanked Commissioner Stone for the excellent job and hard work that she has done over the last couple years as President.

Date and Time County Commission Meetings -

•Tuesday – 9:30 a.m.

If the Tuesday is a holiday, the county commission will meet on the Wednesday following the holiday.

Commissioner Thomas moved to approve the date and time of the county commission meetings for Tuesdays at 9:30 a.m., if there’s conflict on Tuesday, the meeting will be moved to Wednesday. Commissioner Stone seconded the motion. A roll call vote was taken Commissioners Thomas, Stone and Smith voting yes. Motion carried.

•Notice of Meeting –

Agendas available to the public at the close of business two days prior to meeting date. All Notices of Meeting are posted on the door at the County Commission Meeting Room and in the rear of the Annex, 106 West Main Street, Suite 202, Kingwood, West Virginia 26537.

Commissioner Thomas made a motion to approve the Notice of Meetings. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioner Thomas, Stone and Smith voting yes. Motion carried.

Legal Holidays – Courthouse and Courthouse Annex Closings 2024

Commissioner Stone made a motion to approve the list of legal holidays for the Courthouse and the Courthouse Annex for the 2024 year. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried. (See attached.)

**LEGAL HOLIDAYS – COURTHOUSE AND
COURTHOUSE ANNEX CLOSING
2024**

January 15, 2024	Monday	Martin Luther King Jr. Day
February 19, 2024	Monday	President’s Day
May 14, 2024	Tuesday	Primary Election Day
May 27, 2024	Monday	Memorial Day
June 20, 2024	Thursday	West Virginia Day
July 4, 2024	Thursday	Independence Day
September 2, 2024	Monday	Labor Day
September 27, 2024	Friday	Buckwheat Festival
October 14, 2024	Monday	Columbus Day
November 5, 2024	Tuesday	General Election Day
November 11, 2024	Monday	Veteran’s Day
November 28, 2024	Thursday	Thanksgiving Day
November 29, 2024	Friday	Lincoln’s Day
December 25, 2024	Wednesday	Christmas Day
January 1, 2025	Monday	2025 New Year’s Day

All additional days declared by the Governor as special observance will be observed at the discretion of the County Commission.

The above schedule of holidays approved on motion by Commissioner Stone Seconded by Commissioner Thomas and carried by a 3 majority vote this 2nd day of January 2024.

Meeting Procedures

Commissioner Thomas made a motion to adhere to the meeting procedures as has been presented with no changes being made this year. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried. (See attached.)

Meeting Procedures

A. Generally

Commission meetings shall be conducted in an organized and lawful manner. Although the meeting may be held in an informal atmosphere, it is the responsibility of each Commissioner to observe the procedures of the Commission and to respect the rights and integrity of fellow Commissioners and persons appearing before the Commission. Items of discussion shall be limited to the question at hand.

B. The Open Governmental Proceedings Act

The Commission will comply with the West Virginia Open Governmental Proceedings Act – W.VA. CODE §6-9A-1 et seq. The Commission encourages the public to attend its meetings and is open to the public's views about the various issues that the Commission has presented to it. Nevertheless, the Commission is committed to holding its meetings in a lawful manner and asks members of the public to act respectfully to the Commission and members of the public.

C. Presiding Officer

The President of the Commission shall preside and be responsible for controlling the meeting, maintaining order, and ensuring that each member has an opportunity to express his/her views. The President shall have the right to make and second motions, to vote on all questions before the Commission, to speak on motions before the Commission, and to rule on disputes concerning Commission procedures.

D. Procedures for Meetings

The Commission's meetings shall be conducted in conformity with Robert's Rules of Order. The President shall rule on any issues of parliamentary procedure. (It should be appreciated that the Commission when acting in specific statutory situations may have a controlling procedure set forth by statute. Examples of this are when acting as the Board of Equalization and Review or the Board of Canvassers. In those cases, the President shall act in conformity with the appropriate legislation.)

E. Procedure for Public Speaking

Whenever a member of the public wishes to address the Commission at one of its meetings, that person may ask to be placed on the agenda three days prior to the meeting date. The person must state specifically the nature of their comments and they will be allocated no more than 10 minutes to address the Commission. A member of the public may ask to speak at a meeting without advance notice by signing up prior to the meeting being called to order. That person, when recognized by the Commission President, will be given three (3) minutes to speak. Anytime during a Commission meeting the President has the right to determine if comments made by a speaker are out of order and may request that person stop.

Hours of Operation of Annex – Monday – 8:30 a.m. – 5:30 p.m.

Tuesday – Friday – 8:30 a.m. – 4:30 p.m.

Commissioner Stone moved to keep the Hours of Operation of the Annex the same as noted above. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried.

Hours of Operation of Courthouse – 8:30 a.m. – 4:30 p.m.

Commissioner Stone moved to approve the Hours of Operation for the Courthouse as noted above. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried.

Appoint/Re-Appoint Commissioner to Boards/Committee

Commissioner Stone made a motion to reappoint the Commissioners to the Boards/Committees that they served on for 2023 for the new 2024 year. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)

Commission Committees 2024

911 Advisory Committee – Samantha Stone
Local Emergency Planning Commission (LEPC) – Samantha Stone
Preston County FEMA Board – Hunter Thomas
Preston County EDA Board of Directors – Samantha Stone
Solid Waste Authority Board of Directors – Don Smith
Regional VI Planning and Development Council – Don Smith
Farmland Protection Board – Samantha Stone
Workforce West Virginia Board of Directors – Hunter Thomas
Community Corrections Board of Directors – Don Smith
Greater Morgantown Convention & Visitors Bureau – Don Smith
Extension Service Committee – Hunter Thomas

Recognition of Public

Also, present was County Administrator Nate Raybeck and Assessor Connie Ervin.

The following persons registered their attendance during the meeting:

Nichole Larew	Deanna Lively
Jay Shay-Prosecuting Atty.	Jacob Martin
Hunter Mullens-Mullens & Mullens	Jefferson Pan-WBOY-TV
J E Hoard	

No other persons registered before the meeting to address the commission.

Review of Bills

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

Assessor's Office – Consideration and/or action

Tax Correction List - None

Apportionments –None

Recognition of Scheduled Appointments –

9:35 a.m. Hunter Mullens, Mullens & Mullens – Distribution of Opioid Settlement Money

Hunter Mullens from Mullens & Mullens thanked the county commission for their professionalism, working through the long time of litigation. He presented the commission with a check in the amount of \$599,802.64 which represents 24 ½% of what was allocated for Preston County and stated other checks will be coming in the future.

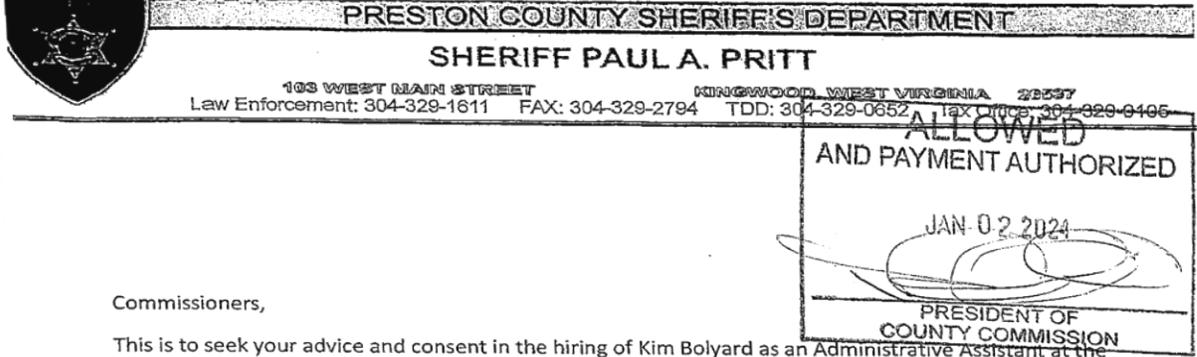
9:40 a.m. Jay Shay, Prosecuting Attorney – Employee Hire

Commissioner Thomas moved to approve the hire of Kristie Hartsell in the Prosecuting Attorney's office with an annual salary of \$37K/yr. or \$20.33/hr., effective January 1, 2024. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried.

9:45 a.m. Paul Pritt, Sheriff – Employee Hire

Commissioner Stone made a motion to hire Kim Bolyard as an Administrative Assistant for the Preston County Sheriff's Office to occupy a full-time position, with benefits, beginning immediately, January 2, 2024. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried. (See attached.)

Sheriff Pritt noted no pay was stated because he will be making some overall adjustments soon.



Commissioners,

This is to seek your advice and consent in the hiring of Kim Bolyard as an Administrative Assistant at the Preston County Sheriff's Office. Ms. Bolyard will occupy a full time position, with benefits, beginning immediately, January 2, 2024.

rule of motion ->

P.A. Pritt

Sheriff P.A. Pritt

Approval of Minutes – December 12, 2023

Commissioner Stone moved to approve the Minutes of December 12, 2023 Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas, and Smith voting yes. Motion carried.

Estate Settlements – December 18, 2023 thru December 18, 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 12/18/2023 thru 12/18/2023 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, January 2, 2024.

- ESTATE NUMBER: **4202**
- SETTLEMENT TYPE: Final Settlement
- SETTLEMENT RECORDED: December 18, 2023
- ESTATE NAME: **MELVIN LESTER GOLDEN**
- CO EXECUTRIX: KAREN WILT
- CO EXECUTRIX: DONNA HEMERICK
- FIDUCIARY COMMISSIONER: WOODROW E. TURNER
- P.O. BOX 585
- KINGWOOD, WV 26537-0585

- ESTATE NUMBER: **4726**
- SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
- SETTLEMENT RECORDED: December 18, 2023
- ESTATE NAME: **DONALD EUGENE PLUM**
- ADMINISTRATRIX: BERNICE M. PLUM

Subscribed and sworn to before me on 12/27/2023.

Linda Huggins

Clerk of the Preston County Commission

By: *Ashley Cole*
Ashley Cole Deputy Clerk

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

Proceedings in Vacation – December 15, 2023 through December 27, 2023

Under **New Business** Commissioner Stone moved to dispense with the reading in open court of the Proceedings of the Clerk of this Commission, had in vacation on December 15, 2023 thru December 27, 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 Friday, December 15, 2023, through Wednesday, December 27, 2023

The County Commission of Preston County this 2nd day of January, 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, Friday, December 15, 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, **HUGH C. MAYNE, JR.** was appointed and qualified as ADMINISTRATOR of the estate of **HUGH C. MAYNE, SR.**, deceased. Bond was 5,000.00.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **MARY ANNE TURNER** was appointed and qualified as ADMINISTRATRIX of the estate of **JOHN BLAKE LIPSCOMB**, deceased. Bond was 10,000.00.

On, Monday, December 18, 2023, the following matters were disposed of in the presence of the Clerk:

A duly Authenticated copy of the Intestate Probate Documents, for **DANIEL BRENT JUDY AKA DANIEL B. JUDY**, deceased, a late resident of BREVARD, FLORIDA, was admitted to record. And an Ancillary Affidavit Intestate was filed. **JERRY W. ALLENDER** was named as AFFIANT.

On, Tuesday, December 19, 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, **DOLLY M. KNOTTS** was appointed and qualified as ADMINISTRATRIX of the estate of **ROY CLARENCE KNOTTS**, deceased. No bond was required.

On, Wednesday, December 20, 2023, the following matters were disposed of in the presence of the Clerk:

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

DANNY BRUCE SHEETS, SR., who was named in the last will and testament of **ALICE MARIE HOVATTER**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

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

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

More than 60 days since the date of death or the surviving spouse or heir, upon a motion, **JANET BROBST** was appointed and qualified as SUCCESSOR of the Small Estate Intestate Affidavit of **MARY FRANCES BOYLES**, deceased. No bond was required.

Subscribed and sworn to before me on 12/27/2023.

Linda Higgins

Clerk of the Preston County Commission

By: *Ashley Cole*
Ashley Cole, Deputy Clerk

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

Fiduciary Commissioner Report – None

Old Business- Consideration and/or action -

New Business – Consideration and/or action –

- A. Resignation of Peggy Pase from the Soldi Waste Authority

Original letter sent in August but was not received. Updated letter received; no action taken.

OEM Central Garage Report – consideration and/or action -

County Coordinator’s Report-Consideration and/or action

President Smith recognized Nate Raybeck with the County Coordinator’s Report.

- A. County Commission Meeting Schedule for January and February 2024

January Meetings

Tuesday, January 2, 2024 at 9:30 a.m.

Tuesday, January 9, 2024 at 9:30 a.m.

Tuesday, January 16, 2024 at 9:30 a.m.

Wednesday, January 24, 2024 at 9:30 a.m.

Tuesday, January 30, 2024 at 9:30 a.m.

February Meetings

Wednesday, February 7, 2024 at **9:00 a.m. (note change in time)**

Tuesday, February 13, 2024 at **9:00 a.m. (note change in time)**

Tuesday, February 20, 2024 at 9:30 a.m.

Tuesday, February 27, 2024 at 9:30 a.m.

Commissioner Thomas moved to approve the adjustments stated above, by the County Administrator, for the January and February meeting schedules. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried.

- B. Budget Revision -none presented

- C. Miscellaneous Correspondence

Personnel Matters – Consideration and/or action

Legal Matters - Consideration and/or action

Information

- A. Miscellaneous Correspondence

Commissioners Comments

Commissioner Stone made a recommendation for some follow-up on the ARPA funding that has already been awarded to make sure the funds will be used by 2026.

At 10:03 a.m. there being no further business to come before the Commission, President Smith declared the Regular Session adjourned.

Commissioner

Commissioner

Commissioner

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01/02/2024

