

A G E N D A
PRESTON COUNTY COMMISSION
JANUARY 16, 2024
9:30 A.M.

Call to order by President and Pledge of Allegiance

Roll call of Commissioners

Recognition of Public

Review of Bills

Assessor's Office

Tax Correction List – None

Apportionments – None

Recognition of Scheduled Appointments -

9:31 a.m. Duane Hamilton, OEM/E911 – Budget Revisions
9:35 a.m. Connie Ervin, Assessor – Employee Hire

Approval of Minutes – December 19, 2023

Estate Settlements List – January 2, 2024 thru January 5, 2024
ESTATE NAME: **ELMER GLENN RIGGLEMAN**
ESTATE NAME: **DOROTHY L. SANDERS**

Proceedings in Vacation/Clerk's Fiduciary Report – January 4, 2024 through January 10, 2024

Fiduciary Commissioner Report – None

Old Business – Consideration and/or action

A. Engagement Letter for Everhart, Brown & Devall LC – Bretz School

New Business – Consideration and/or action

OEM Central Garage Report – consideration and/or action -

County Administrator's Report – Consideration and/or action

- A. County Commission Meeting next week
 - i. Rescheduled to Wednesday, January 24 at 9:30am
- B. Facilities Update
 - i. Sheriff's Office
 - ii. Courthouse Evacuation Drill
- C. Kingwood Volunteer Fire Department Letter of Support
- D. Budget Revisions
- 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., January 16, 2024 in the County Commission Meeting room.

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

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

Commissioner Stone made a motion to approve the budget revision in the amount of \$11,499.42 for repairs to car #35. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith 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 **Deputy Director: Justin Wolfe**

January 16, 2024

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

Re: BUDGET REVISION

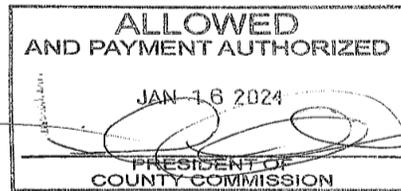
Increase: 001-382-005 \$11,499.42

Increase: 001-717-217-05 \$11,499.42

Reason: Repairs for PCSO #35

Thank You,

Duane Hamilton



RESOLUTION

At a regular session of the county commission, held (Month, day and year) January 16, 2024 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 16, of the General County Fund, a copy of which is entered as part of this record.

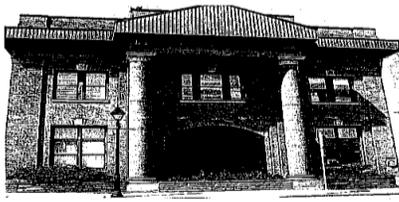
The adoption of the foregoing resolution having been moved by Commissioner Thomas, and duly seconded by Commissioner Stone the vote thereon was as follows:

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.

9:35 a.m. Connie Ervin, Assessor – Employee Hire

Commissioner Thomas moved to approve the employment of Christina Lilly in the Assessor’s Office to be effective January 22, 2024, to be paid from the General County Fund with a salary of \$30,000/yr. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried. (See attached.)



Connie R. Ervin
Assessor
Preston County

January, 16, 2024

Don Smith, President
Preston County Commission
106 W. Main St.
Kingwood WV 26537

Dear Commission:

I respectfully submit the name, Christina Lilly, to be considered for employment. Upon approval, Christina will begin work January 22, 2024 and be paid from the General County Fund. She will be paid at a salary rate of \$30,000 with benefits. Contingent upon a three-month probationary period, the position will become permanent on April 22, 2024.

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

Sincerely,

Connie R. Ervin
Assessor

Cc Crystal Bolyard, Payroll Clerk



Approval of Minutes – December 19, 2023

Commissioner Thomas moved to approve the Minutes of December 19, 2023. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried.

Estate Settlements – December 28, 2023 thru December 28, 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 01/02/2024 thru 01/05/2024 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 16, 2024.

- ESTATE NUMBER: **4141**
- SETTLEMENT TYPE: Report of Receipts, Disbursements and Distribution; Affidavit
- SETTLEMENT RECORDED: January 05, 2024
- ESTATE NAME: **ELMER GLENN RIGGLEMAN**
- EXECUTRIX: **KIMBERLY DAWN DUNAWAY**
- ESTATE NUMBER: **4346**
- SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
- SETTLEMENT RECORDED: January 02, 2024
- ESTATE NAME: **DOROTHY L. SANDERS**
- EXECUTOR: **JAN WOLFE**

Subscribed and sworn to before me on 01/10/2024.

Linda Huggins
Clerk of the Preston County Commission

By

Tammy Johnson
Deputy Clerk/Probate

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

Proceedings in Vacation – January 4, 2024 through January 10, 2024

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 January 4, 2024 thru January 10, 2024 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, January 4, 2024, through Wednesday, January 10, 2024

The County Commission of Preston County this 16th day of January, 2024, 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, January 4, 2024, the following matters were disposed of in the presence of the Clerk:

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

BERNARD K. SHEPARD, who was named in the last will and testament of **CAROLYN S. SHEPARD**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

On, Friday, January 5, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **CURTIS DARWIN DALTON, SR.**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

GRETA JUANITA DALTON, who was named in the last will and testament of **CURTIS DARWIN DALTON SR.**, deceased, as ADMINISTRATOR thereof, qualified as such. No bond was required.

On, Monday, January 8, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **KITTY LOU HILL**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

VICKIE L. JENKINS, who was named in the last will and testament of **KITTY LOU HILL**, deceased, as CO EXECUTRIX thereof, qualified as such. No bond was required.

MARK W. HILL, who was named in the last will and testament of **KITTY LOU HILL**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

A duly exemplified copy of the last will and testament of **VINCENT LEE SMITH**, deceased, a late resident of Lenawee Co., MI, was admitted to record and an Ancillary Affidavit Testate was filed.

CHRISTINA NASSER was named AFFIANT thereof, qualified as such. No bond was required.

On, Tuesday, January 9, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament and first codicil of **EDMUND ANTHONY HODGKINS**, deceased, was probated in Solemn Form and proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

GEORGE ERIC CHILDERS, who was named in the last will and testament and codicil of **EDMUND ANTHONY HODGKINS**, deceased, as EXECUTOR 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, **DEANNA L. LIVELY** was appointed and qualified as CO ADMINISTRATRIX of the estate of **DENVER RAY CRAMER**, deceased. Bond was 5,000.00.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **ROSE MARY LAWSON** was appointed and qualified as CO ADMINISTRATRIX of the estate of **DENVER RAY CRAMER**, deceased. Bond was 5,000.00.

On, Wednesday, January 10, 2024, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **BETTY JANE LAWSON**, 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 filed.

LARRY O. LAWSON was named SUCCESSOR thereof, qualified as such. No bond was required.

Subscribed and sworn to before me on 01/10/2024.

Linda Huggins
Clerk of the Preston County Commission

By

Tammy Johnson
Deputy Clerk/Probate

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

Fiduciary Commissioner Report – None

Old Business- Consideration and/or action -

A. Engagement Letter for Everhart, Brown & Devall LC – Bretz School

Commissioner Thomas moved to approve the engagement letter with Everhart, Brown & DeVall LC for the Bretz School as has been presented. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas, Stone and Smith voting yes. Motion carried. (See attached.)

EVERHART, BROWN, & DEVALL LC
ATTORNEYS AND COUNSELORS AT LAW
303 E. MAIN STREET
P.O. BOX 516
KINGWOOD, WEST VIRGINIA
26537-0516

L. F. EVERHART (1876-1962)
FRANK B. EVERHART (1912-2000)
CHARLES H. BROWN (1924-2019)

DAVID P. BROWN
OLIVIA S. HARRIS DEVALL

OF COUNSEL
ANN E. SNYDER (RETIRED)

(304) 329-0421
(304) 329-1075
FAX (304) 329-0422

January 10, 2024

County Commission of
Preston County, West Virginia
106 W. Main St.
Kingwood, WV 26537

RE: Record Room Research on Preston County Real Estate listed on Exhibit "A"

ENGAGEMENT LETTER

This document has been prepared in duplicate both copies to be considered originals

Dear Commissioners:

This is to confirm our agreement for me to serve as legal counsel for the County Commission of Preston County, West Virginia, regarding record room research and ownership questions of certain tracts of real estate believed to be owned by the County Commission of Preston County, West Virginia, as shown on the attached Exhibit "A". As part of my representation, I shall perform the following services:

- Performing record room research on the tract of real estate involved in this engagement letter;
- Provide legal representation, advice, and recommendations in conjunction with the services necessary;

The County Commission of Preston County, West Virginia, shall be designated hereinafter as the "Client", and the law firm of Everhart, Brown, & DeVall LC, by David P. Brown, Attorney at Law, shall be herein designated as the "Attorney."

Attorney shall bill at his hourly rate of \$200.00 per hour, and shall be compensated at that hourly rate for any services. Client shall be sent monthly invoices specifying services provided and the amount thereof. All invoices are payable within thirty (30) days unless Attorney makes other arrangements. Attorney reserves the right to suspend his services should Client fail to make timely

payment. Attorney represents to client that the total time estimate for this engagement would be 5-7 hours, and shall be completed by March 15, 2024.

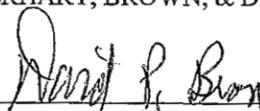
In addition to the hourly rate, Client shall be required to reimburse Attorney for all expenditures, such as, but not limited to, copy costs, postage, etc., and which costs shall be billed on the monthly billing statements as set forth herein.

Attorney accepts the engagement to perform record room research and legal research regarding any ownership interests of client in the tract of real estate found on Exhibit "A" attached hereto. Attorney shall report to client in accordance with their requests. Either party hereto shall have the right to rescind this agreement at any time; and in any such event, attorney shall receive compensation for work completed to date, and client shall remain liable for work, costs, fees, and expenses incurred up to the time of termination.

If the foregoing correctly sets forth the terms of our agreement, please so indicate by signing and returning the enclosed copy of this letter in the envelope provided.

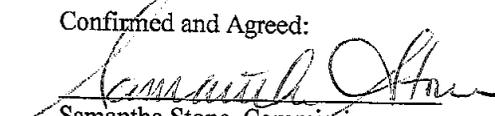
Very truly yours,

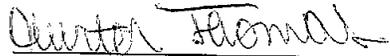
EVERHART, BROWN, & DEVALL LC

By: 
David P. Brown

DPB/kh

Confirmed and Agreed:


Samantha Stone, Commissioner


Hunter Thomas, Commissioner


Don Smith, Commissioner

Date: 1/16/2024

Everhart, Brown, & DeVall LC

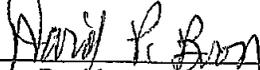
By: 
David P. Brown

Exhibit "A"

Preston County Tracts of Real Estate

1. Bretz School, Valley District, Map 30, Parcel 69

New Business – Consideration and/or action – None

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

County Coordinator's Report-Consideration and/or action

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

- A. County Commission Meeting next week
 - i. Rescheduled to Wednesday, January 24 at 9:30 a.m.
- B. Facilities Update
 - i. Sheriff's Office

All plaster and primer work are complete and the remaining trim work, painting and work on the down stairs flooring is expected to be complete by the end of January.
Still working with Panhandle to get a timeline for the electrical boxes from Edison.
 - ii. Courthouse Evacuation Drill

On Friday, there was an unannounced evacuation drill in the courthouse. At this time, it was discovered that there was an issue with the paging alert system. A meeting has been scheduled with Euclid, the phone service provider, this week to get a resolution to the issue.
- C. Kingwood Volunteer Fire Department Letter of Support

Commissioner Stone made a motion to approve the Letter of Support for the Kingwood Volunteer Fire Department to be engaged in the Federal Surplus Property Program and authorize the President to sign. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Stone, Thomas and Smith voting yes. Motion carried. (See attached.)

PRESTON COUNTY COMMISSION

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



January 16, 2024

Mr. Gregory Clay WVSASP
2700 Charles Avenue
Dunbar, WV 25064

Dear Mr. Clay:

Please be advised that the Kingwood Volunteer Fire Department provides an essential public service to the citizens of Preston County. The Kingwood Volunteer Fire Department is a critical part of Preston County's safety program and is considered instrumental to the County Commission's efforts to providing public services to the people of Preston County.

The Preston County Commission supports the Kingwood Volunteer Fire Department in their efforts to participate in the Federal Surplus Property Program administered by your office. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Smith", is written over a horizontal line.

Don Smith
President of the Preston County Commission

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

D. Budget Revisions –

See budget revisions presented under the 9:31a.m. Recognition of Scheduled Appointments with Duane Hamilton, OEM/E911.

E. Miscellaneous Correspondence

- Work session today with PCP&R at 11:00 a.m.
- Special Session Thursday, January 18, 2024 at 9:30 a.m. for vehicle/fringe benefits
- Summit Meeting Wednesday, January 17, 2024 from 6-8 p.m.

Personnel Matters – Consideration and/or action
Legal Matters - Consideration and/or action

Information

A. Miscellaneous Correspondence

Commissioners Comments

At 9:52 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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01/16/2024