

**REGULAR SESSION**

**March 27, 2017  
9:30 A.M.**

**STATE OF WEST VIRGINIA, COUNTY OF PRESTON, Ss:**

The Preston County Commission met in Regular Session at 9:30 a.m., March 27, 2017, in the County Commission Meeting Room.

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

President Jennings then declared the following Commissioners present: Dave Price, Don Smith and Craig Jennings.

Also present were Dianna Hartman, County Clerk's Office and Kathy Mace, Administrator/Grant Writer.

The following persons registered their attendance during the meeting:

Connie Ervin  
Chris Rice  
Theresa Marthey  
Kathy Plum  
Linda Huggins

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

Commissioner Smith moved to authorize payment of all properly presented and approved invoices. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Commissioner Smith moved to approve the Preston County Tax Correction List dated March 27, 2017, in the amount of \$406.06 as presented and explained by Assessor Connie Ervin,

Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

There were no Notices of Apportionment for Jointly Owned Motor Vehicles, Consolidations of Land or County Court Splits presented.

President Jennings recognized Kathy Mace for the Administrator's report.

Ms. Mace advised that Notice of Approval of the Levy Estimate (budget) for 2017 -2018 has been received from the State Auditor's Office.

Ms. Mace told Commissioners that she has received correspondence from Paul Brake, Morgantown City Manager, who is requesting that Preston County join the City of Morgantown and Monongalia County on a jointly filed petition per a Federal Communications Commission procedure allowing "orphan" communities to request to have the out-of-market stations treated as in-market. This would apply to both satellite and cable providers.

Mr. Brake suggests that entities pool resources to hire a Washington D.C. attorney who focuses specifically in advocating for local governments before the FCC. The costs would be known up front and the attorney's fees would be based split proportionally on the number of viewers in each of the two counties and the City of Morgantown.

Commissioner Smith replied that he doesn't believe Preston County should pay an attorney to collect and submit data that has already been done by our county.

Commissioner Smith moved to reschedule the April 17 County Commission meeting to April 18, the date mandated to officially set the 2017-2018 levy rates. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Commissioner Price moved to approve the request of CASA to place a pinwheel garden in front of the Court House in honor of Child Abuse Prevention month., setting the pinwheels up on April 3 and taking them down on April 27. Commissioner Smith seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Price, Smith and Jennings voting yes. Motion carried.

Commissioner Smith moved to approve the following Resolution for a Litter Control Grant Application. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

**RESOLUTION AUTHORIZING AN APPLICATION FOR  
A MATCHING FUND GRANT FOR LITTER CONTROL**

Whereas, the County Commissioners recognize(s) the existence of a litter problem within the boundaries of Preston County, and

Whereas, the West Virginia Litter Control Program of 1985 provides matching grants of "litter control funds" through the West Virginia Department of Environmental Protection for the purpose of establishing local litter control programs, and

Whereas, having reviewed and considered West Virginia Administrative Regulations, Department of Environmental Protection, Series 6 and 7.

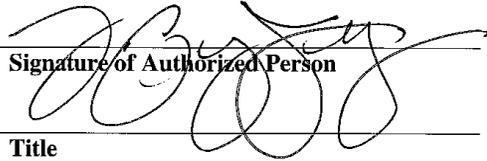
Be it resolved that the County Commissioners

Hereby endorse(s) and support(s) such a program for Preston County as is indicated in the attached application and

Hereby authorize(s) Preston County Commission to plan, budget, and apply for a grant that, if approved, will be used to fund said program being in accord with the regulations governing use and expenditure of said funds.

Adopted on: \_\_\_\_\_

Date

  
Signature of Authorized Person

Title

President Jennings recognized Stacy Greaser, of VOCA, who presented and read aloud a Proclamation she requested Commissioners to adopt.

Commissioner Smith moved to adopt the following VOCA Proclamation as presented by Ms. Greaser. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

# PROCLAMATION

## PRESTON COUNTY COMMISSION

WHEREAS, Americans are the victims of more than 26 million crimes each year, and crime can touch the lives of anyone regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status; and

WHEREAS, crime can leave a lasting physical, emotional, or financial impact on people of all ages and abilities, and of all economic, racial and social backgrounds; and

WHEREAS, the entire community has a role to play;

WHEREAS, incorporating communities' existing experts and trusted sources of support into efforts to fully serve survivors will develop a criminal justice system response that is truly accessible and appropriate for all victims of crime;

WHEREAS, with the full weight of their community and victim service providers behind them, survivors will feel empowered to face their grief, loss, fear, anger and shame, without fear of judgment and will feel understood and worthy of support;

WHEREAS, National Crime Victims' Rights Week, April 2-8, 2017, is an opportune time to commit to ensuring that all victims of crime – even those who are challenging to reach or serve – are offered culturally and linguistically accessible and appropriate services in the aftermath of the crime; and

WHEREAS, the Preston County Victim Advocate requests the Preston County Commission recognize April 2, 2017 through April 8, 2017 as National Crime Victim's Rights Week; and

WHEREAS, the office of the Preston County Prosecuting Attorney and the Preston County Victim Advocate ask that public support and assistance continue not only this week, but throughout the year as these offices join with RDVIC, other Preston County officials and supporters as they continue to work toward a society where all women, children and men have the right to live in peace, free from violence and exploitation; and

NOW, THEREFORE, WE, as the Preston County Commission, do hereby proclaim the week of April 2, 2017 through April 8, 2017, as

### **National Crime Victims' Rights Week**

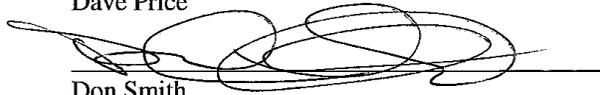
And reaffirm this County's commitment to creating a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and

We recognize the rights all victims are guaranteed and we pledge our continued support in Preston County and we commend this proclamation to all citizens.

IN TESTIMONY WHEREOF WE, have hereunto set our hand and caused the Seal of the County of Preston to be affixed this 27<sup>th</sup> day of March in the year Two Thousand Seventeen.

  
T. Craig Jennings

  
Dave Price

  
Don Smith

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Under Old Business, Commissioner Smith moved to dispense with the reading in open court of the minutes of the County Commission meeting held on March 13, 2017, and to approve

the same as presented. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Ms. Hartman advised that Commissioners have been furnished, by e-mail, copies of the minutes from the March 20, 2017, County Commission meeting.

President Jennings recognized Assessor Connie Ervin who presented and explained budget revisions needed in her office.

Commissioner Smith moved to approve the following budget revisions as requested by Assessor Ervin:

Decrease	001-406-103	by	\$ 500.
Increase	001-406-341	by	\$ 500.

Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

Mrs. Ervin told Commissioners that the Assessor's Office is in need of new filing cabinets and a monitor magnifier. Total amount needed for these items is \$3,050. and she requested funding from the Commission in this amount. She would like to have these in place before high traffic begins on July 1, 2017.

Commissioners suggested that she look into computer storing of some of these records as it appears that with additional filing cabinets, space will soon become a problem. Also they asked Mrs. Ervin to research her budget to see if some funds are available to assist with the purchase of some cabinets.

Mrs. Ervin told Commissioners that after reviewing the budget for 2017 -2018 she has discovered that no money was appropriated to fill the vacancies left in the last two years. Therefore, she is requesting an additional amount for overtime in the 2017-2018 budget to supplement the hours necessary to perform the office duties. She requested that the overtime line item in the Assessor's budget be increased from \$1,500. To \$5,000.

Commissioners will consider Mrs. Ervin's request for additional money when final figures from the current budget are known.

Under New Business, Commissioner Smith moved to dispense with the reading in open court of the proceedings of the Clerk of this Commission, having been no exceptions or objections filed thereto. Commissioner Price seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Smith, Price and Jennings voting yes. Motion carried.

## United States of America



State of West Virginia

County of Preston, ss:

## Clerk's Fiduciary Report

Estate from Wednesday, March 15, 2017, through Wednesday, March 22, 2017

**The County Commission of Preston County this 27<sup>th</sup> day of March, 2017, 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, Wednesday, March 15, 2017, 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, DAVID W. BOLYARD, JR. was appointed and qualified as ADMINISTRATOR of the estate of RONALD D. BOYD, SR., deceased. Bond was 10,000.00.**

**The said estate of WILLIAM ROY MOATS, deceased was referred to SHEILA K. WILLIAMS ATTORNEY AT LAW, a FIDUCIARY COMMISSIONER for the Preston County, for settlement thereof.**

On, Friday, March 17, 2017, 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, MARGARET J. BOREING was appointed and qualified as ADMINISTRATRIX of the estate of MYRIEL J. BOREING, deceased. Bond was 1,000.00.**

**The last will and testament of BETTY J. BOWMAR, deceased, was proved by the affidavit of the attesting**

witnesses and the same was admitted to probate and record.

NANCY E. KISNER, who was named in the last will and testament of BETTY J. BOWMAR, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

On, Monday, March 20, 2017, the following matters were disposed of in the presence of the Clerk:

The last will and testament of GERALD L. MORRIS, deceased, was proved by the affidavit of the attesting

witnesses and the same was admitted to probate and record.

SHELLY A. SHIMKO DUNLAP, who was named in the last will and testament of GERALD L. MORRIS, deceased, as ANCILLARY ADMINISTRATOR thereof, qualified as such. No bond was required.

On, Tuesday, March 21, 2017, the following matters were disposed of in the presence of the Clerk:

The last will and testament of FLORA MARGARET SCHOLLAR, deceased, was proved by the affidavit of the

attesting witnesses and the same was admitted to probate and record.

CHARLES W. SCHOLLAR, JR, who was named in the last will and testament of FLORA MARGARET SCHOLLAR, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

The said estate of GRACE V. SHEETS, deceased was referred to WOODROW E TURNER ATTORNEY AT LAW, a FIDUCIARY COMMISSIONER for the Preston County, for settlement thereof.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, RANDY HUGGINS was appointed and qualified as ADMINISTRATOR of the estate of LOUVILLA PAULINE MIGLIACCIO, deceased. Bond was 1,000.00.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, JENNIFER EVERLY was appointed and qualified as ADMINISTRATOR of the estate of JOHN ASHLEY CURRY SR, deceased. Bond was 54,000.00.

On, Wednesday, March 22, 2017, 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, ROBERT P. LARUE was appointed and qualified as ADMINISTRATOR of the estate of LISA D. LARUE, deceased. Bond was 500.00.

The last will and testament of ELINOR S. BISHOP, deceased, was proved by the affidavit of the attesting

witnesses and the same was admitted to probate and record.

CONNIE RAYE ERVIN, who was named in the last will and testament of ELINOR S. BISHOP, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

Subscribed and sworn to

before me on 3/27/2017



Linda Huggins  
Clerk of the Preston County  
Commission

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 03/13/2017 thru 03/17/2017 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 Monday, March 27, 2017.

ESTATE NUMBER: 2331  
ESTATE NAME: CLARENCE JUNE ADAMS, JR., AKA JUNIOR ADAMS  
ADMINISTRATRIX JOYCE M. ADAMS  
SETTLEMENT: REPORT OF RECEIPTS DISBURSEMENTS AND DISTRIBUTION; AFFIDAVIT  
FILED: 3/13/2017

ESTATE NUMBER: 2590  
ESTATE NAME: PHYLLIS JEAN COLLINS, AKA PHYLLIS J. SISLER COLLINS  
EXECUTRIX AMANDA DAWN SISLER MCCOMBIE DEBARR  
SETTLEMENT: AFFIDAVIT AND WAIVER OF FINAL SETTLEMENT  
FILED: 3/17/2017

ESTATE NUMBER: 1676  
ESTATE NAME: DORIS ENGELS  
ADMINISTRATOR KEVIN J. ENGELS  
SETTLEMENT: AFFIDAVIT AND WAIVER OF FINAL SETTLEMENT  
FILED: 3/16/2017

ESTATE NUMBER: 2240  
ESTATE NAME: JERRY LEE SYPOLT  
ADMINISTRATOR DAVID W. BOLYARD, JR.  
SETTLEMENT: REPORT OF RECEIPTS DISBURSEMENTS AND DISTRIBUTION; AFFIDAVIT  
FILED: 3/15/2017

on 3/22/2017

Subscribed and sworn to before me

*Linda Huggins*

**Linda Huggins  
Clerk of the Preston County  
Commission**

Commissioner Price moved that the foregoing estate settlements and/or waivers thereof, having been filed for a period of ten (10) days prior to the commencement of this term and there being no exceptions or objections filed thereto, be approved and confirmed. Commissioner Smith seconded the motion. Discussion called for. Question called for. A roll call vote was taken with Commissioners Price, Smith and Jennings voting yes. Motion carried.

There were no Fiduciary Commissioner Reports presented.

Commissioners discussed appointments needed to the Region VI Planning and Development Council with none being made today.

There being no further business to come before the Commission, President Jennings declared the meeting adjourned at 10:13 a.m.

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Commissioner

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Commissioner

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Commissioner

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