

STATE OF WEST VIRGINIA
RANDOLPH COUNTY COMMISSION SS:

At a regular session of the Randolph County Commission in and for the aforesaid County and State, at the James F. Cain Courthouse Annex, on the 6th day of April, 2017 at 12:30 p.m.

PRESENT: Michael Taylor, President of the Randolph County Commission and Chris See and Mark Scott, Commissioners thereof.

Meeting called to order by Commissioner Taylor

12:30 – Consider/approval of Special Fiduciary Commissioners recommendation on the estate of Roger G. Fussell

Present were Special Fiduciary Commissioner, Heather Weese, John Wallace representing the estate of Roger G. Fussell and Harry Smith representing Joann Fussell who was also present.

Heather Weese spoke first and said that there were some issues that were brought before her as special fiduciary commissioner. She said there were two debts taken out before Mr. Fussell's death that is an issue and there are objections to the estate appraisal of some of the real estate. Ms. Weese said the Commissioners were provided a copy of the ruling that she made regarding each of these issue. She went through each one and advised the Commission of the reason she ruled in the way she did.

John Wallace spoke next and said he disagreed with Heather on this. He said just because Mr. Fussell endorsed the back of a check doesn't mean anything and the life insurance that Joann Fussell received paid the debt so why should she get money again. He said it got paid from Mr. Fussell's money. He also said the appraisals issue is that the appraisal has to be made for fair market value at date of death not on the date the appraiser was hired to appraise the property.

Harry Smith spoke next and said for the Commission to please take note that Heather Weese did a very comprehensive opinion of this case and she gave a lot of thought to this and he feels it is a very fair and accurate report. He said the signing of the checks is a clear trail that the money Joann Fussell borrowed went directly to Mr. Fussell and he was making the payments until he got sick and passed away. He said the life insurance is irrelevant. That was not his money it was her money and she was entitled to it no matter what. There was no double dipping as Mr. Wallace thinks. Mr. Smith said the appraisals were done by using comps comparable to the date of death market values. Mr. Smith gave the Commissioners copies of similar cases and they were marked exhibits 1 -2 -3.

All three Commissioners discussed the issue and Commissioner Scott asked if the life insurance policy was taken out well before the loan? Heather Weese said she did not check the date.

Commissioner Taylor said they would take it under consideration and would make a decision at the next County Commission meeting on April 20, 2017 at 1:30 p.m.

1:30 P.M.

PUBLIC COMMENT: None

MINUTES:

Commissioner Scott moved to approve the minutes from the regular meeting that was held on March 16, 2017, as submitted.

All yes – Motion passed unanimously

REPORTS:

Sheriff Brady reported that they only have until April 28th to get a new deputy into the academy with the classes to start in June. He said they have 8 candidates right now who have passed everything so far and they will be doing interviews soon and will be hiring one.

County Clerk, Brenda Wiseman reported that Diane Jackson will be retiring from the County Clerk's Office effective April 14, 2017. She said Diane will be missed and was a great employee and was always dependable. She will be placing an ad in the paper for a replacement soon.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Taylor announced that the next meeting will be held on April 20, 2017 at 1:30 p.m.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER/APPROVE MINOR MODIFICATIONS TO THE RICH MOUNTAIN TOWER LEASE AGREEMENT

911/OEM Director, Cindy Hart appeared before the Commission. She said when the parties came in from Texas to sign the lease they had some questions. She said the landowners requested that if the taxes go up then the monthly lease would go up. She said the lease is \$300.00 per month right now and if the taxes go up 5% then the monthly payment would go up 5%. Commissioner See moved to approve the lease agreement with the minor modifications, as submitted.

All yes – Motion passed unanimously

CONSIDER FUNDING REQUEST FROM THE ELKINS RANDOLPH COUNTY CHAMBER OF COMMERCE FOR THE FIREWORKS DISPLAY FOR THE 4TH OF JULY (See attached copy)

Hoy A. Ferguson, President of the Elkins Randolph County Chamber of Commerce, appeared before the Commission. He said he was there to request a donation of \$5,000.00 for the 4th of July celebration and \$3,500.00 for the Chamber operations. Commissioner Taylor said the \$3,500.00 is already in the County budget for them. Mr. Ferguson said the Fireworks display is going to be on Saturday July 1st and they are working with D& E College and Beverly Volunteer Fire Department on it. He said there will not be a Mountain State Street Machines display this year. He said they have an

eroding volunteer base and it really doesn't fit into the mission of the Chamber of Commerce. Commissioner See moved to approve the funding request for the Elkins Randolph County Chamber of Commerce in the amount of \$5,000.00 for the 4th of July fireworks and that is to be taken out of Hotel/Motel Tax funds.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF RANDOLPH COUNTY SHERIFF'S OFFICE TO DONATE THE USED 2006 DODGE DURANGO SLT TO THE WV STATE RAIL AUTHORITY (See copy attached)

Commissioner Scott said this is a request from the people at the rail yard to the Sheriff regarding a 2006 Dodge Durango SLT that he is no longer using. Commissioner Scott said the wheelbase of this particular vehicle can be used to drive on the rails. Sheriff Brady said this vehicle was decommissioned several months ago and is in need of some repairs so he has no objection to this request. Commissioner Scott said the State Rail Authority will pay for the repairs. Commissioner Scott moved to donate the 2006 Dodge Durango SLT to the West Virginia Department of Transportation State Rail Authority.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF MONIES FOR A GRANT MATCH FOR THE KUMP EDUCATION CENTER'S APPLICATION WITH THE WV HISTORIC PRESERVATION OFFICE FOR THE ELECTRICAL UPGRADE (See copy attached)

Commissioner Scott moved to approve \$1,000.00 to the Kump Education Center out of Hotel/Motel Tax to help with the electrical upgrades.

All yes – Motion passed unanimously

CONSIDER FUNDING REQUEST FROM TYGART VALLEY FAIRS AND FESTIVALS FOR ANNUAL MOTHER'S DAY CELEBRATION (See copy attached)

Dennis Defibaugh appeared on behalf of the Tygarts Valley Fairs and Festivals. He said he was there requesting funding for the Mothers day events in Mill Creek. He said events will begin on May 6th and continue through May 14th. Commissioner Scott moved to approve a funding request in the amount of \$4,000.00 and that is to be taken out of Hotel/Motel Tax funds.

All yes – Motion passed unanimously

CONSIDER APPROVAL TO PURCHASE SOFTWARE NEEDED FOR THE COLLECTION OF FIRE FEES

Commissioner Taylor said the Commission and the Sheriff's Office have been working on getting the fire fee underway. He said part of that is to get the computer system up and running to collect the fire fees. He said the County will pay for it up front but then the money will come back to them from fees that are collected. Commissioner Scott said they have been talking with Software Solutions and Global Science and Technology. He said Software Solutions had the best offer. Commissioner Scott moved to approve the quote of \$13,674.50 from Software Solutions for the software needed for the collection of the fire fee.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF NEW HIRE FOR THE WVU EXTENSION OFFICE AS PROGRAM ASSISTANT (See copy attached)

Extension Agent Amanda Johnson appeared before the Commission. She said that Gloria Collett retired back in June and they have decided to hire a program assistant to fill her position which is slightly different than what Gloria did. They have advertised for the position and have conducted interviews and have chosen Nicole Dickson. The beginning salary will be \$22,500.00 and it will be a full time position with full benefits. The money is already in the budget to cover this.

Commissioner Scott moved to approve the hiring of Nicole Dickson as a program assistant for the WVU Extension Office with a starting salary of \$22,500.00 with full benefits and with an effective date of hire being April 17, 2017.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF AGREEMENT BETWEEN THE RANDOLPH COUNTY COMMISSION AND THE RANDOLPH COUNTY HUMANE SOCIETY (See copy attached)

Commissioner Taylor said over the past several years we have had an agreement with the Randolph County Humane Society. He said the agreement outlines how many animals they can take there and so forth. He said the Commission contributes \$80,000.00 a year to the Humane Society.

Commissioner See moved to approve the agreement, as submitted.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF APPOINTMENT TO THE ELKINS-RANDOLPH COUNTY LIBRARY BOARD

Commissioner Taylor said this item is being held over until the next meeting.

CONSIDER RECOMMENDATION OF FIDUCIARY COMMISSIONER ON THE ESTATE OF VALLEY KENNETH ROY (See copy attached)

Commissioner Taylor said the Commission received a letter from Fiduciary Commissioner, Jennifer Morgan regarding the estate of Valley Kenneth Roy. She was appointed Fiduciary Commissioner over this estate after the prior Fiduciary Commissioner, David Wilmoth was appointed Circuit Court Judge. Mrs. Morgan has been trying to clean up the files and this is an old estate from back in 2001. She discovered in her research that the Administratrix has passed away. She is asking the Commission to appoint the Sheriff of Randolph County to finish the estate.

Commissioner Scott moved to approve the recommendation of Fiduciary Commissioner, Jennifer Morgan and have the Sheriff of Randolph County appointed as Administrator to finish the estate of Valley Kenneth Roy.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF USDA FOREST SERVICE GRANT AGREEMENT WITH THE RANDOLPH COUNTY SHERIFF'S OFFICE

Sheriff Brady appeared before the Commission. He said this is an annual agreement that the Sheriff's Office does with the Forest Service. He said this is for the deputies to patrol the parks and areas in the county where people camp and party in the summer months. He

said the deputies work overtime and they get paid by the County up front and then the Forest Service reimburses them for it. The total amount of the grant agreement is \$3,358.15.

Commissioner Scott moved to approve the agreement, as submitted.

All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:

Commissioner Scott moved to approve the 14 final settlements/annual accountings, as submitted.

Richard Franklin Simmons

John B. Lane, Sr.

Richard Kent Pingley

Charles D. Wamsley

Doris Evelyn Dean

Mary V. Campbell

Barbara Joan Cochran

Margaret Ellen Channell

James Wray Stump

Annamae Ruth Harris

Kimberly Grimes

David Michael Carr

Ronald Joseph Notoris

Vicki Lynn Arbogast

All yes – Motion passed unanimously

BUDGET REVISION: (See attached copy)

Commissioner Scott moved to approve the one in house budget revision, as submitted.

All yes – Motion passed unanimously

ERRONEOUS ASSESSMENTS/DIVISIONS OF PROPERTY:

Commissioner Scott moved to approve the erroneous assessments/divisions of property, as submitted.

All yes - Motion passed unanimously

PAYMENT OF BILLS:

Commissioner Scott moved to pay the bills, as submitted.

All yes - Motion passed unanimously

ADJOURN THE MEETING:

Commissioner See moved to adjourn the meeting.

All yes - Motion passed unanimously

Attest: _____

*OK
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April 6th, 2017

Randolph County Commission
4 Randolph Avenue, #102
Elkins, WV 26241.

Dear Commissioners,

On Behalf of The Elkins Randolph County Chamber of Commerce, please accept this as the Chamber's formal request for financial assistance for the upcoming fiscal year. Currently, the Chamber is requesting funding in the following amounts.

\$3,500-Chamber Operations
\$5,000-Fourth of July Fireworks

The economic impact of the Chamber is significant. It provides educational and networking opportunities to the county's business community among other programs. We pledge to be fiscally responsible with the funds allocated to us and use the contribution to help build the financial strength of the county's business community. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Hoy A. Ferguson
President
Elkins Randolph County Chamber of Commerce



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TS

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
State Rail Authority

120 Water Plant Drive, Moorefield, West Virginia 26836
(304) 538-2305 • FAX: (304) 538-7474

Jim Justice
Governor

Thomas J. Smith, P.E.
Cabinet Secretary

March 22, 2017

Mark Brady, Randolph County Sheriff
32 Randolph Avenue
Suite 201
Elkins, WV 26241

Re: 2006 Dodge Durango SLT

Dear Sheriff Brady:

It is my understanding that the Randolph County Sheriff's Department would like to donate a 2006 Dodge Durango SLT with police package to the WV State Rail Authority. The SRA would be happy to accept this donation. We will in turn, lease the vehicle to our operator, the Durbin and Greenbrier Valley Railroad, for use on our state-owned railroads under lease to the DGVR.

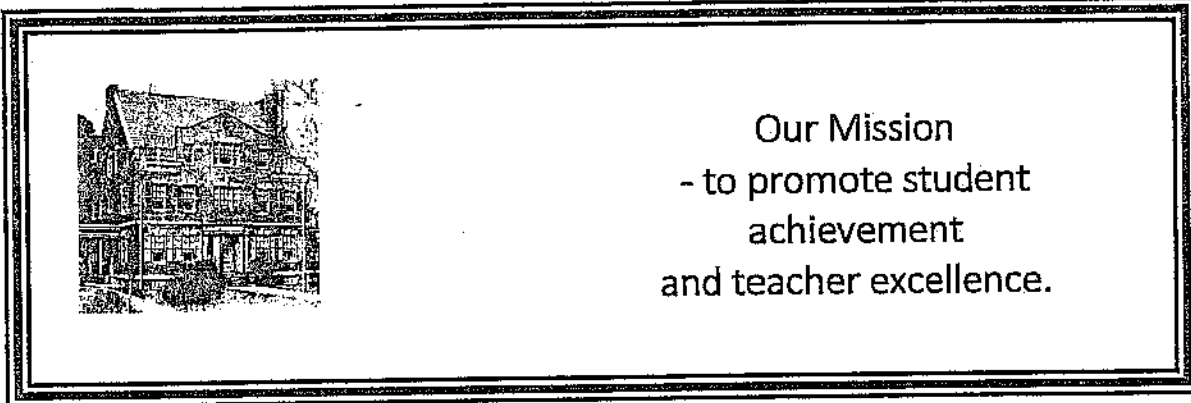
If you would be so kind as to send a letter back to me, stating you are donating the vehicle to the SRA and provide me with the VIN, I would appreciate it.

Sincerely,

Cindy Butler

Cindy Butler, Director
WV State Rail Authority

*\$1000-
Hotel #116*



March 10, 2017

Commissioner Mark Scott
Randolph County Commission
4 Randolph Avenue
Elkins, West Virginia 26241

Dear Commissioner Scott,

Kump Education Center is applying to the West Virginia Historic Preservation Office for funding to pay for an electrical upgrade at the Historic Kump House. This \$25,200 project will bring our 93-year-old wiring up to current electoral code. This Development Grant requires a 50/50 match; therefore, we must raise \$12,600 to match the grant.

Our new multiuse classroom lends itself well to a variety of learning activities. In 2016 Elkins Middle School students monitored our wetland water with test tubes and thermometers. YMCA Summer Day Campers simulated flower pollination, made awesome static electricity, and maneuvered NASA Robots. In the fall Girl Scouts met at the community garden pumpkin patch, and high school debaters took on a college team.

The Kump Education Center Board appreciated support from the Randolph County Commission in 2015 helping to pay for our ADA accessible restroom. Now handicapped students are able to use our ground floor classroom and outdoor learning areas.

Thank you for your support for Kump Education Center and all you do to make our county a better place to live and work.

Sincerely,
Heather R. Biola

Heather R. Biola, Kump Center Executive Director
KUMP EDUCATION CENTER P.O. BOX 1106

ELKINS, WV 26241

Tygarts Valley Fairs & Festivals Committee

PO Box 472

Mill Creek, WV 26280

304-642-0227

FEIN # 271199473

Handwritten:
\$2000
Hated/Matted
Tay

April 6, 2017

Honorable Commissioners,

Our group has held several free events in the past that have brought the community together to fellowship and enjoy themselves with their families and friends, including several Mother's Day events, Corn Roast, Fall Festival, Christmas Parade and Christmas Dinner.

Your contribution will be used to help fund 2017 Mother's Day Week and future Summer Events and expenses.

Our request today is \$ 6000.00

Thank you,


Nick Taylor
Chair

Attached: Financial report.

Tygarts Valley Fairs & Festivals Events Report

Mothers Day Celebration 2017 Estimated expenses

\$ 1,000.00	Advertising
\$ 1,200.00	Broughtons
\$ 800.00	Schools (\$200 each)
\$ 1,000.00	2 - \$500 scholarships for TVHS Seniors
\$ 75.00	Rennix flowers (carnations for Mothers)
\$ 800.00	Mother's Day Breakfast
\$ 1,000.00	Honorary Mothers & Grandmothers Dinner (includes Gifts)
\$ 300.00	<u>Family Fun Night</u>
\$ 6,175.00	

Our balance in checking account is:

1-Apr-17 \$ 3642.65 with \$ 1519.55 designated to Project Play

We are in the process of purchasing a new portable sound system.
We have been given an estimate of \$1000.00



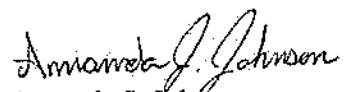
April 4, 2017

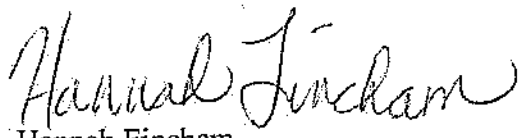
Randolph County Commission
4 Randolph Ave. #102
Elkins, WV 26241

Dear Randolph County Commissioners:

The West Virginia University Extension Service Randolph County is recommending Nicole Dickson for approval for the position of 4-H Program Assistant. Ms. Dickson was selected as the top candidate after going through an extensive evaluation process. Resume and cover letters were scored and the top four candidates were invited to be interviewed, in which the top two were selected. References were completed for the top two candidates and this committee is recommending Ms. Dickson for approval based on her education, work experience, and positive references. We are recommending hiring for 37.5 hours per week at a salary of \$22,500, and to include benefits.

Sincerely,


Amanda J. Johnson
Extension Agent
4-H and Youth Development
WVU Extension Service


Hannah Fincham
Extension Agent
Families and Health
WVU Extension Service

APR 11 2017


**Memorandum of Understanding
between
Randolph County Commission
and
Randolph County Humane Society**

The Randolph County Commission (hereinafter "RCC") enters into agreement with the Randolph County Humane Society (hereinafter "RCHS") wherein the RCHS is authorized to handle, care for, put up for adoption, or euthanize animals collected by the Randolph County Animal Control Officer (hereinafter "ACO"). The president of the RCC and the president of the Board of Directors of RCHS are authorized to sign and execute this agreement for such services and consideration.

The following covenants shall apply:

1. The RCHS will accept up to a total of twenty-five (25) animals per week with no more than five animals (5) in one day. All animals will count as one (1). The exception is that a litter (3 months or less of age) of up to four animals will count as one (1). (Example: a mother with four babies age three months or less counts as two animals.)
2. Priority will always be given to animals brought to RCHS by the ACO, however, we will not euthanize animals already in our care in order to make space to accommodate RCC/ACO animals.
3. The RCHS is a private, non-profit organization. With the exception of Item #1 above, RCHS bears sole discretion on matters of acceptance or euthanization of animals placed in its care and cannot be compelled by any outside entity to accept or to euthanize any animal.
4. The RCHS will provide board and reasonable veterinary costs to all animals in its care.
5. RCHS will handle reclaims for stray pets brought in by the ACO. All stray animals will be kept a minimum of five (5) days unless illness or extreme behavior requires that other measures be taken. At the discretion of the RCHS, following the five-day holding period, the disposition of the animal is at the RCHS' discretion whether it be made available for adoption, sent to rescue, or euthanized.
6. The RCC will be responsible for providing for disposal of animals euthanized at the RCHS shelter.
7. Pets surrendered by the owner to the ACO must have documentation completed with owner signature, address, and phone number. Otherwise these animals must be kept the minimum five days.
8. The RCC shall work toward the maximum collection of dog taxes and work with the RCHS to promote pet sterilization to help reduce the number of unwanted dogs and cats in Randolph County.
9. RCHS will spay/neuter all animals prior to adoption.
10. RCHS will continue, as funds allow, to provide outreach services through its Compassion in Action program, which provides emergency pet food assistance to Randolph County residents, straw for outside animals in inclement weather, low-income spay/neuter assistance, and other services as identified with an effort toward keeping pets in homes.
11. It shall be understood by both RCHS and RCC and their representatives that humane principles and best practices are utilized, promoted and encouraged.

Legal Cases

- 12. The ACO shall complete bond documentation as appropriate on all animal seizures and provide chain of custody documentation to the RCHS and RCC. The RCHS will send a courtesy email to the RCC confirming custody of legal cases upon acceptance of the animal(s). The RCHS non-negotiable rate for each such bond shall be \$10.00 per day per animal.
- 13. Legal cases will be exempt from the formula detailed in Item 1 above, and acceptance based on current shelter capacity will be negotiated on a case-by-case basis. If bond is not applied on legal cases, RCHS will bill the RCC at the rate of \$10.00 per animal per day beginning with the day an animal is delivered to RCHS until such time as the court determines the disposition of the case.
- 14. All legal cases must be evaluated by a veterinarian prior to being brought to RCHS, and those veterinary costs are the responsibility of the RCC.
- 15. The RCHS will be kept informed on all legal cases either directly or through RCHS's designated legal counsel.

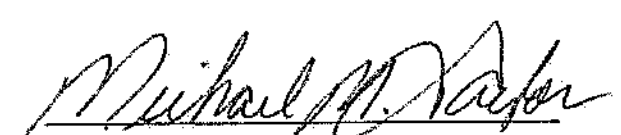
Effective Date

The Memorandum of Understanding shall be in effect from July 1 - June 30 of each year and shall begin on July 1, 2017.

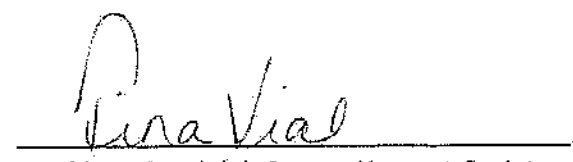
It is agreed by both parties, the RCC and the RCHS, either party hereto may terminate this agreement upon a 60-day written notice.

Remuneration

In support of this Memorandum of Understanding, the RCC agrees to budget to provide financial support to the RCHS in the amount of \$80,000, subject to renegotiation prior to renewal at the beginning of each fiscal year. In the event of a fiscal catastrophe, RCC will, in good faith, pay as much as possible in support. Support shall be paid in equal quarterly installments due October 1, January 1, April 1, and July 1. Once the financial support disbursement has been provided to the RCHS, it is non-revocable and non-refundable. Disbursements due within any 60-day termination notice will be made as scheduled.


 President, Randolph County Commission
 Print name: Michael M. Taylor

Date: 4/6/17


 President, Randolph County Humane Society
 Print name: Tina Vial

Date: March 13, 2017

BUSCH, ZURBUCH & THOMPSON, PLLC

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PARALEGALS:
Jacqueline M. Potts, CP
Lisa S. Severino, CP
Susan I. Rogers, CP

www.bztlaw.com

Sender's email address: jmorgan@bztlaw.com

March 28, 2017

Brenda Wiseman
Randolph County Clerk
Randolph County Courthouse
Elkins, WV 26241

Sheriff Mark Brady
Randolph County Annex
Elkins, WV 26241

Re: Estate of Valley Kenneth Roy

Dear Clerk Wiseman:

Following Fiduciary Commissioner David H. Wilmoth's appointment as Circuit Court Judge, I was appointed his replacement Fiduciary Commissioner over the above referenced estate. I am hereby recommending that the above referenced estate be referred to the Sheriff of Randolph County for completion and closure of the estate. The deadline for claims for the Estate of Valley Kenneth Roy was 2001. Letters from my office regarding the filing of a Final Settlement as well as from the previous Fiduciary Commissioner have gone unanswered by the Administratrix of the Estate, Shirley V. Roy. It has since come to my attention Shirley V. Roy passed away September 25, 2016.

Pursuant to West Virginia Code §44-4-14 subsections (a)-(e), every fiduciary for the estate of a resident decedent shall within five years of appointment as fiduciary make a full and final settlement. Ms. Roy has failed to comply with the five year limitation and therefore it is my recommendation that the above referenced estate be referred to the Sheriff of Randolph County, as Administrator.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Jennifer L. Morgan



Office of the
SHERIFF OF RANDOLPH COUNTY

Law Enforcement
32 Randolph Avenue
Suite 201
Elkins, WV 26241



Tax Office
4 Randolph Avenue
Suite 100
Elkins, WV 26241

Web: rcsowv.org
Phone: (304) 636-2111
Fax (304) 630-0467

Web: wvpropertytaxes.com
Phone: (304) 636-2100
Fax (304) 636-2093

Mark T. Brady, Sheriff

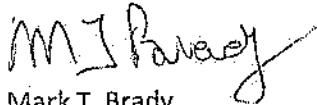
April 5, 2017

Reason: Randolph County Commission In-House Budget Revision Request

The Sheriff's Office would like to request the following in-house budget revisions:

From Account		To Account		Amount
001-404-3-41-00	Sheriff Supplies	001-404-3-48-00	Drug Awareness (HOFNOD)	117.27

Respectfully,



Mark T. Brady
Sheriff of Randolph County, WV

4-6-17
MS moved
MT yes
MS yes
CS yes