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 17th day of August, 2017 at 1:30 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

PUBLIC COMMENT: None.

MINUTES:
Commissioner Scott moved to approve the minutes from the regular meeting that was held on August 3, 2017, as submitted.
All yes – Motion passed unanimously

REPORTS:
Erin Golden, Director of North Central Community Corrections, appeared before the Commission. She said there are currently 105 participants on the program and the program has saved the County $233,964.25 in regional jail bills so far this year.

CORRESPONDENCE:
Commissioner Taylor said the Commission is thinking of adopting a new logo for the County. He passed around a picture for everyone to look at.

ANNOUNCEMENTS:
Commissioner Taylor announced that the next meeting will be held on September 7, 2017 at 1:30 p.m.
Commissioner See announced that the DEP will be taking tires at Leslie Brothers on Friday August 25, 2017 from 8:00 to 5:00 and Saturday August 26, 2017 at Tygart Valley Transfer in Dailey from 9:00 to 5:00. They will take up to ten tires. He said last year they took about 6 tractor trailer loads out from here.

ITEMS FOR DISCUSSION/ACTION:
CONSIDER FUNDING REQUEST FROM THE HOMELESS SHELTER FOR ASSISTANCE IN GENERAL UPKEEP TO SHELTER (See attached letter)
Commissioner Taylor said the Commission received a request back in July from the homeless shelter asking for assistance. They lost a grant that provided monies for items such as utilities, food and building maintenance. He said Charleston has over 1,000 people that are homeless and there is probably some here too. Commissioner See moved to approve the funding request from the Randolph County Homeless Shelter in the amount of $2,000.00 and that is to come out of Courthouse Contractual funds. Commissioner Scott said he is very impressed with their program, they do great work.
All yes – Motion passed unanimously

CONSIDER FUNDING REQUEST FOR COMPLETION OF SIGNAGE AND LIGHTING PROJECT FOR RANDOLPH COUNTY WELCOME SIGNS
Commissioner Scott said about three weeks ago he received a phone call from someone that back about 15 years ago was instrumental in getting the large welcome to Randolph County sign they have out on Corridor H. He told Commissioner Scott it was in need of repair and asked if it was possible for that sign to have lighting. He also told Commissioner Scott that there were five other signs made but never put up. The Commission was not aware that those signs existed. He said the Commissioners contacted a contractor and asked what it would cost to repair the existing sign and install the other five signs and have lighting put on all of them. The quote they received was for $11,200.00. The new signs will be placed at all the major entrances coming into the County. Commissioner Scott moved to allow up to $12,000.00 to repair, install and light the Welcome to Randolph County signs. The work is to be done by Tim Harris of Appalachian Signs and it is to be taken out of Hotel/Motel Tax funds.
All yes – Motion passed unanimously

CONSIDER FUNDING REQUEST APPROVAL FOR CAPITAL CAMPAIGN AT ELKINS PUBLIC LIBRARY
Commissioner Scott said the person was not able to come to speak on this today so it will be tabled until another meeting.

CONSIDER APPROVAL OF EMERGENCY REPAIRS TO THE COURTHOUSE ROOF
Commissioner Taylor said there is a pretty serious problem with a water leak right where you go into the Jury room in the courtroom of the courthouse. There is damage to the walls and ceiling. The temporary repairs that were done are not working. There is only one contractor in the State that can do this type of work and that is Forbes Copperwork, LLC out of Lewisburg, WV. That part of the roof will be brand new. The cost of this emergency repair is $60,000.00 and that is over the limit and would need to be put out for bid but in an emergency situation they can overgo that. Commissioner Scott said he is worried that if it doesn’t get repaired now it will fall down on someone. Prosecuting Attorney, Michael Parker said in light of the facts and circumstances he thinks it qualifies as an emergency situation. Commissioner Scott moved to approve the emergency repairs to the courthouse roof in the amount of $60,000.00 and that is to be taken out of courthouse capital improvement funds.
All yes – Motion passed unanimously

CONSIDER APPROVAL OF NORTH CENTRAL COMMUNITY CORRECTIONS GRANT  (See attached copy)
Erin Golden, Director of North Central Community Corrections, appeared before the Commission. She said the program was approved for their grant and it is going to be the same amount as last year which is $140,000.00. She said the cash match from the County will be $60,000.00. She gave the Commissioners a handout which shows what the money will be used for. Commissioner See moved to approve the signing of the
North Central Community Corrections grant in the amount of $140,000.00 from the State
and $60,000.00 cash match from the County.
All yes – Motion passed unanimously

CONSIDER APPROVAL OF INTERNS TO NORTH CENTRAL COMMUNITY
CORRECTIONS
(See attached letter)
Erin Golden, Director of North Central Community Corrections, appeared before the
Commission. She said Davis and Elkins College contacted her and asked if her office
could host another intern. She said the person she would like to have as an unpaid intern
in her office is Ashley Day. She would like her to start on August 22, 2017 and it would
be for a 120 day fall semester. This would be with no benefits. Commissioner See said
we have done this in the past. Commissioner See moved to approve the internship of
Ashley Day in the North Central Community Corrections office.
All yes – Motion passed unanimously

CONSIDER APPROVAL OF NEW HIRE IN THE PROSECUTORS OFFICE
(See attached letter)
Randolph County Prosecuting Attorney, Michael Parker, appeared before the
Commission. He said he has an opening in his office and he advertised for the position
and received several applications. He said one stood out and that was Tessa Ware. She
currently works at the law firm of McNeer, Highland, McMinn and Varner and has
significant experience in the legal field. He said a background check was done and
everything came back fine. He would like to hire her as a Circuit Court Coordinator with
an effective date of August 21, 2017 and with a starting salary of $31,000.00. This will
be a full time benefited position and she will be placed on a 90 day probationary period.
Commissioner Scott moved to approve the hiring of Tessa Ware in the Randolph County
Prosecuting Attorney’s office, as submitted.
All yes – Motion passed unanimously

CONSIDER APPROVAL OF POLL WORKERS FOR THE OCTOBER 7, 2017
SPECIAL ELECTION
Randolph County Clerk, Brenda Wiseman, appeared before the Commission. She
submitted the list of names from the Democrat executive committee and the Republican
executive committee of the poll workers for the October 7, 2017 special election. She
said they had a hard time but they finally got all the slots filled. She said if any of those
people would call off then her office will have to find people to fill in because as of now
they do not have any alternates on the lists.
Commissioner See moved to approve the poll workers for the October 7, 2017 special
election, as submitted.
All yes – Motion passed unanimously

CONSIDER APPROVING THE APPOINTMENT OF THE SHERIFF OF RANDOLPH
COUNTY OVER THE ESTATE OF VINCENT J. MARINO
(See attached letter)
Randolph County Clerk, Brenda Wiseman, said this is an estate that we have had a
hearing about before. The person that got appointed over this estate has passed away and
no one else in the family wishes to be appointed. Attorney Jefferson Triplett has spoken
to the Sheriff about this already and gave him some information about it.
Commissioner Scott moved to approve the appointment of the Sheriff of Randolph
County as Administrator of the estate of Vincent J. Marino, Sr.
All yes – Motion passed unanimously

CONSIDER APPOINTMENT OF NEW FIDUCIARY COMMISSIONER FOR
RANDOLPH COUNTY (See letters attached)
Randolph County Clerk, Brenda Wiseman said that due to the resignation of Thomas R.
Ross, II as fiduciary commissioner there is an opening for that position. She said she
asked several attorneys that come into her office if they would be interested and if so to
please submit a letter to her. She said most of them told her they were too busy to do it.
She said the only one they received a letter of interest from was John J. Wallace, IV. She
said there really needs to be one appointed soon because there are a lot of estates that are
on hold until we get someone appointed.
Commissioner Scott moved to approve the appointment of John J. Wallace, IV as
Fiduciary Commissioner of Randolph County.
All yes – Motion passed unanimously

CONSIDER APPROVAL OF A TEMPORARY BEER PERMIT FOR FALL GUN
BASH FOR THE BEVERLY FIRE DEPARTMENT
Commissioner Taylor said he spoke to Chief Pritt from the Beverly Fire Department and
he told Commissioner Taylor that they were informed by the ABC commission that they
have to get a temporary beer license for the fall gun bash. Commissioner Taylor said this
is like the one that they sign for the Old Timers Reunion every year. Commissioner See
moved to approve the signing of a letter that the Commission has no objections for a
temporary beer permit for the fall gun bash for the Beverly Fire Department on
September 16, 2017.
All yes – Motion passed unanimously

CONSIDER ACCEPTANCE OF A GRANT FROM THE PUBLIC SAFETY
COMMISSION FOR TOWER PROJECT (See attached copy)
911/OEM Director Cindy Hart appeared before the Commission. She said she applied
for a grant about 18 months ago for a radio communications upgrade. She said this
application had to go through a lot of hands for approval. She said she was just notified
that the grant was approved in the amount of $747,342.50 from the Public Service
Commission. This will be used to erect a new tower, all new equipment, new radios and
antennas. Commissioner See moved to approve the signing of the grant agreement, as
submitted.
All yes – Motion passed unanimously

CONSIDER TAKING ACTION REGARDING PERSONNEL MATTER/COMPLAINT
FROM A 911/OEM EMPLOYEE, MAY LEAD TO EXECUTIVE SESSION
Commissioner See moved to go into executive session pursuant to WV Code 6-9A.
All yes – Motion passed unanimously
2:57 pm — Commissioner Taylor said we are coming back into regular session with no action taken in executive session.

Commissioner Scott moved to retain the law firm of Marshall, Dennehy, Coleman, Warner and Goggins to investigate and make recommendations to the County Commission regarding a personnel complaint.
All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:
Commissioner Scott moved to approve the 4 final settlements/annual accountings, as submitted.
Cynthia Ester Balducci
Bradford Lee Rainey
Ocie Rosier
Philip W. Ware
All yes – Motion passed unanimously

BUDGET REVISION:
(See attached copy)
Commissioner See moved to approve the one state budget revision, as submitted.
Commissioner See voted yes
Commissioner Taylor voted yes
Commissioner Scott voted yes
Motion passed unanimously

INCREASE IN ASSESSMENT:
Commissioner Scott moved to approve the one increase in assessment, 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 See 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: __________________________
July 11, 2017

Randolph County Commission
ATTN: Donna Haddix
4 Randolph Ave.
Elkins, WV 26241

Re: Budget Request

Dear Commissioners:

I am writing to request $2,000 from the Randolph County Commission to use for operational costs at the Randolph County Homeless Shelter. The request for these funds comes as a result of our losing a grant for FY 2018 that provided monies for items such as utilities, food and building maintenance.

The shelter is open 24 hours per day, seven days per week, 365 days per year to assist individuals who do not have a place to live. We not only provide shelter, but all clients receive case management services and three meals per day. The case manager meets with each client and develops a service plan, which is tailored to their individual situation. Our aim is to prepare the client to obtain and maintain permanent housing.

If you should have questions, or need additional information, please feel free to contact me at 636-5193.

Sincerely,

Cindy Judisch
Manager
Randolph Co. Homeless Shelter

Believing in your success!
# Randolph County

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## Cash Match Formula

$140,000.00 \times 0.70 = $60,000.00
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August 17, 2017

Randolph County Commission
2 Randolph Ave
Elkins WV 26241

Dear Commissioners,

This is a letter is a request for the approval of Ashley Day to complete an internship with North Central Community Corrections during the fall term through D&E College. This is a non-paid/ non-benefited positions. The internship will begin on August 22, 2017 and require her to complete 120 hours for the semester. Please contact our office with any question, concerns or any assistance that we could be to your program.

Sincerely,

Erin N. Golden
Executive Director
North Central Community Corrections
August 17, 2017

Randolph County Commission
2 Randolph Ave.
Elkins, WV 26241

RE: Hiring of Tessa M. Ware as Circuit Court Coordinator

Dear Randolph County Commissioners:

As you are aware, the Randolph County Prosecuting Attorney’s Office has a vacant position for a court coordinator, for which we advertised in the paper and received numerous resumes. After reviewing the resumes and the respective qualifications of each of the candidates, I am requesting that the Randolph County Commission approve the hiring of Tessa M. Ware as Circuit Court Coordinator. If approved, Mrs. Ware will begin work on August 21, 2017, at a salary of $31,000.00 per year along with a full-time benefits package. Consistent with county policy, Mrs. Ware would be hired pursuant to a 90-day probationary period.

Should you have any questions or concerns, please do not hesitate to contact me at your convenience. I thank you for your time and attention to this matter.

Very truly yours,

Michael W. Parker

MWP:seg
TRIPLETT & TRIPLETT, L.C.

GEORGE R. TRIPLETT
JEFFERSON L. TRIPLETT

Attorneys At Law
317 Henry Avenue
P.O. Box 1365
Elkins, WV 26241

OFFICE: 304-636-7335
FAX: 304-636-8776

July 17, 2017

Sheriff Mark Brady
Randolph County Sheriff Department
PO Box 1338
Elkins WV 26241

RE:  The Estate of Vincent J. Marino, Sr. date of death: September 18, 2013

Dear Sheriff Brady:

I am writing to follow-up on our recent meeting, during which we discussed the status of the Estate of Vincent J. Marino, who passed away in September 2013. The Estate has not yet settled. Mr. Marino’s son, John V. Marino qualified as Executor of the Estate in the spring of 2016 and served in that capacity until he died unexpectedly in December 2016. At this point, no one has stepped forward to qualify to serve as the fiduciary for this Estate. Also, I spoke with my client, Joseph E. Marino, and none of his children or family members is willing or able to serve in this capacity.

Therefore, it appears that you, as the Sheriff, would be in the best position to serve as the Administrator of the Estate of Vincent J. Marino. I request, on behalf of Joseph E. Marino, that you take steps to be appointed to serve in this capacity.

I will be happy to answer any questions or provide you with any information you need, in preparation for your appointment. Thank you.

Very Truly Yours,

Jefferson L. Triplet
Attorney At Law

JLT/pen
cc: Brenda Wiseman, County Clerk
June 12, 2017

Brenda Wiseman  
Randolph County Clerk  
Re: Fiduciary Commissioner  

Dear Brenda:

Due to reasons of health, I find that I am unable to perform the duties of Fiduciary Commissioner. Accordingly, I hereby tender my resignation as Fiduciary Commissioner and deliver to you the following files pertaining to pending matters which have been assigned to me:

1. Bledsoe, Anna Madge
2. Bodkins, Lapel Clark
3. Brown, Thomas L.
4. Calain, Betty J.
5. Cappadony, Virginia Ruth
6. Coberly, Betty Rae
7. Corcoran, James Dale
8. Cottrell, Roger Melvin, Jr.
9. Howell, Mary Joyce
10. Isner, J. Herman
11. Kiess, Freda M.
12. Kissmeyer, Glenn G.
13. Kovach, Arnold
14. Levenson, Hurian James
15. Lewis, Jeanette J.
16. Lewis, Mary A.
17. Light, Louise
18. Montoney, Dorothy Rose
19. Nicholson, Viola Mae
20. Phares, Nora E.
21. Poe, Gertrude M.
22. Pritt, Thaddeus McClellan II
23. Scott, Harry Ray
24. Shepherd, Robert Landis
25. Siewert, Terry Emil
26. Stalnaker, Charles W.
27. Stalnaker, Dorothy D.
28. Taylor, Danny
29. Wamsley, Richard Harper
30. Wingfield, Josephine
31. Yokum, Virginia Agnes

ANNUAL ACCOUNTING FILES
1. Thomas Davis Lee
2. Irene M. Hamilton Charitable Trust
3. James H. Fitzwater Charitable Trust
4. Ethel Paugh Randolph County Cancer Society Trust
5. W. A. Keller Scholarship Trust
6. F. J. Pennington Davis Cemetery Trust
7. Leona Riggelman Nine Charitable Trust
8. Evelyn B. Howard Charitable Trust

Thank you for having given me the opportunity to serve as Fiduciary Commissioner.

Sincerely,

\[ \text{Signature} \]

Thomas R. Ross II

Enclosures
TRR/bms
The Honorable Brenda Wiseman  
Randolph County Clerk  
2 Randolph Avenue  
Elkins, WV 26241  
Via Hand Delivery  

RE: Fiduciary Commissioner  

Dear Ms. Wiseman,  

I understand Mr. Ross is retiring from the practice of law, thereby leaving a vacancy for fiduciary commissioner in Randolph County. Please accept this letter as a statement of my interest in the vacant position. I would like to be considered to take Mr. Ross’ place. Thank you.  

Sincerely yours,  

John J. Wallace, IV
Public Service Commission of West Virginia
Post Office Box 812, Charleston, West Virginia 25323

GRANT AGREEMENT

This Grant Agreement is entered into on the 13th day of August, 2017 between the Public Service Commission of West Virginia, Grantor, and Randolph County, Grantee.

RECITALS

WHEREAS, a grant application was submitted by the Grantee, for the purposes of the acquisition, equipping and/or construction of a wireless tower (the “Project”). The grant application has been reviewed by the Tower Access Assistance Fund Review Committee (TAAFRC), and the TAAFRC has determined that (1) the Project will result in the provision of enhanced 911 wireless coverage in the Project’s coverage area, and (2) the absence of a sufficient number of potential wireless users in the Project’s coverage area prevents adequate funding of the Project without the awarding of a grant from the Wireless Tower Access Assistance Fund, and has recommended to the PSC that the application be approved. It is estimated that the Project’s total costs will be:

$ 747,342.50

THEREFORE, in accordance with the provisions of West Virginia Code § 24-6-6b(b), the Grantor has decided to approve the award of a Grant in an amount of

$ 747,342.50

WHEREAS, the Grantee wishes to accept the Grant upon such terms and conditions as are hereinafter set forth, and as such are stated in the grant application form and supporting documentation, for the purposes of acquiring, equipping and/or constructing the wireless tower (the “Project”) described in Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, this Grant Agreement sets forth the Grantor’s, the Grantee’s and the TAAFRC’s understandings and agreements with regard to the Grant.

NOW, THEREFORE, in consideration of the premises and the mutual agreements hereinafter contained, the Grantor and the Grantee agree as follows:
TERMS

1. The Grantee agrees that it will require the contractor(s) to provide a performance bond(s) and a payment bond(s) covering completion of the project. The Grantee shall submit copies of the bond(s) to the TAAFRC upon receipt.

2. Construction on the project must begin within six months of the proposed beginning construction date and must be completed no more than six months after the proposed ending construction date.

3. All grant money shall be accounted for by the grantee in a separate fund. Upon actual expenditure of grant money, the TAAFRC shall be provided appropriate evidence of payment of invoices and other financial transactions involving grant money. In the event that grant money is not expended as planned, it shall be returned to the Grantor.

4. The Grantee will use the proceeds of the Grant only for the purposes specifically set forth in Exhibit A.


6. The Grantee shall list the Grant in any press release, publication, program bulletin, sign or other public communication that references the Project, including but not limited to any program document distributed in conjunction with any groundbreaking or dedication of the Project.

7. The Grantee agrees to permit reasonable joint use of the tower by other entities as specified in Rule 13.2.a.9. of Public Service Commission's Rules and Regulations Governing Emergency Telephone Service, 150 W. Va. C.F.R. 25. Nothing in this Grant Agreement shall preclude reasonable leasing, at reasonable cost, of tower space by the Grantee, provided that use of tower space shall be free for 1) public safety operations, including 9-1-1, law enforcement, ambulance, rescue and fire fighting and 2) the West Virginia Department of Highways and other state agencies.

8. The Grantee shall comply with all applicable federal and state laws and all rules and regulations issued or imposed by the Grantor or other federal, state or local bodies regarding the design, acquisition, equipping and/or construction of the wireless tower.

9. This Grant Agreement shall be governed by the laws of the State of West Virginia.
10. The Grantor may seek to have a receiver appointed for the Project, as described herein, if the Grantee defaults on any terms of this Grant Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Grant Agreement to be executed by their respective duly authorized officers as of the dated executed below.

GRANTEE
By: [Signature]
Its Chairman or other authorized representative

Date: [Signature]

SEAL

ATTEST

Its Secretary

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA, GRANTOR
By: [Signature]
Its Chairman or other authorized representative

Date: [Signature]

SEAL

ATTEST

Executive Director, Administrative Services Division
Public Service Commission of West Virginia
Grant Agreement: Exhibit A

Project Description

The Project consists of:

(Here provide a detailed description of the project including, but not limited to (1) a description of the tower; (2) location in latitude and longitude as well as a general description of the location in relation to nearby roads, landmarks, etc.; (3) starting and ending date for construction; (4) an itemized and total project cost as contained in the grant application; and (5) other funding sources and amounts.)
DATE: August 17, 2017

DEPARTMENT: Commission

State Budget Revision

THIS IS A REQUEST FOR BUDGET REVISIONS TO COVER EXPENSES FOR CURRENT YEAR: 2017/2018

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8-17-17
CS moved
CS yes
MT yes
MS yes