

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 Court House Annex, on the 5th day of November, 2015 at 1:30 P.M.

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

Meeting called to order by Commissioner Taylor

PUBLIC COMMENT: None

MINUTES:

Commissioner Johns moved to approve the minutes from the last meeting that was held on October 22, 2015, as submitted.

All yes – Motion passed unanimously

REPORTS:

Prosecuting Attorney, Michael Parker reported that the grand jury convened on October 26th and 27th and indicted 34 individuals. Commissioner Taylor thanked Mr. Parker for helping to monitor the regional jail bill, as was discussed at the last meeting. The last time they checked it amounted to about \$16,000.00 in savings to the County.

Curt Gainer, Director of the Randolph County Emergency Squad, reported that they had been very busy, but everything was running smooth.

CORRESPONDENCE: None

ANNOUNCEMENTS:

County Clerk, Brenda Wiseman announced that early voting for the special school board levy election ended yesterday at 4:30 p.m. There were a total of 2,017 people that voted early, which was a good turnout. She announced that Saturday November 7, 2015 will be Election Day and anyone that didn't vote early can go to their regular polling place on Saturday from 6:30 a.m. to 7:30 p.m. to cast their vote. The results will be announced at the courthouse on election night after the polls close and everyone is welcome to come to that. The canvass of the election results will be on Friday November 13, 2015 at 10:00 in the meeting room, and it is open to the public as well.

Commissioner Taylor announced that the courthouse will be closed on Wednesday November 11, 2015 in honor of Veteran's Day. He also announced that there will be a Veteran's Day Parade on Saturday at 10:00 in downtown Elkins.

Lynn Phillips was present from Governor's Tomblins office. Mr. Phillips said he was there to hear the report on Carter-Roag. He said the Governor is always interested in jobs and coal within the State.

ITEMS FOR DISCUSSION/ACTION:

RANDOLPH COUNTY DEVELOPMENT AUTHORITY DIRECTOR, ROBBIE MORRIS TO GIVE UPDATE/REPORT REGARDING CARTER-ROAG COAL LAYOFFS

Robbie Morris appeared before the Commission. He said last week Carter-Roag Coal Company, a subsidiary of United Coal, issued a warning notice to the State, and their employees, of their intention to lay off 170 plus employees of the mine on December 25, 2015, which would be 60 days from the time of the notice. He said they want to help with the situation any way that they can. He said when they were notified his first call was to Workforce West Virginia office for dislocated employees. They will dispatch a rapid response team to come and have representatives from the unemployment division that will help employees fill out their unemployment compensation paperwork and answer any questions, there will also be representatives there from the job search division to attempt to help all of the laid off miners to find other employment elsewhere. There will also be representatives there to talk about job retraining programs that are available. He said he has had some conversations with the Company and they are working very hard to try to keep the mine open. Mr. Morris said the Randolph County Development Authority stands ready to help in any way they possibly can to preserve all or as many jobs as they possibly can not only for Randolph County but the whole region. There are more employees than just in Randolph County that will be affected. Commissioner Taylor said the Commission will do whatever they can to help facilitate saving the jobs and the business here in Randolph County. Commissioner Johns said she appreciates everything Robbie is doing. Commissioner See said hopefully they can keep it open.

CONSIDER FUNDING REQUEST FROM TYGART'S VALLEY FAIRS AND FESTIVALS FOR ANNUAL CHRISTMAS DINNER (See letter attached)

Sharon Mallow, Treasurer of Tygart's Valley Fairs and Festivals, appeared before the Commission. She said they didn't do a corn roast this year because the corn didn't turn out. She said they had their Mother's Day Celebration and their expenses for that were close to \$10,000.00. She said any help the Commission could give them for the Christmas Dinner would be greatly appreciated. She said everything they do is free to the public. She said they will be inviting all of the coal miners and their families. They usually do 375 to 500 dinners every year and they deliver meals to the people who can't get out. Mrs. Mallow said they even help people with funeral expenses and with paying electric bills in the winter if they don't have the money.

Commissioner Johns moved to give Tygart's Valley Fairs and Festivals \$5,000.00 to help with the Christmas Dinner and that is to come out of Hotel/Motel Tax.

All yes – Motion passed unanimously

CONSIDER APPROVAL TO RE-APPROPRIATE FUNDING GIVEN TO
HUTTONSVILLE PUBLIC SERVICE DISTRICT FOR VALLEY BEND WASTE
WATER PROJECT

Commissioner Taylor said back about a year ago the Commission allocated \$5,000 to help Huttonsville PSD repair some drain lines in the Valley Bend area. Some of those repairs have been done and now there is another emergency situation that they need funding for. They are asking us to re appropriate that to purchase some aerators for the pond. Patrick Shreve, Chief Waste Water Operator for Huttonsville PSD appeared along with Louise McAtee before the Commission. Mr. Shreve said they have been having a lot of issues with ammonia nitrogen at the plant and the DEP is coming down on them hard about it. He said they have repaired all of the lines that they have been able to find with the money the County Commission gave them. There is about \$3,500.00 left. He said they are there today to ask permission to use that \$3,500.00 to purchase an aerator to air strip the ammonia out of the water. The aerator is going to cost about \$5,800.00 and they will pay the extra money to get it. Mr. Shreve said if there are any more drain lines that they do find that needs repairs they will still repair them also. Commissioner See moved to approve the re-appropriation of the funding that was previously committed to the Valley Bend waste water project and allow them to use the remaining balance of \$3,500.00 towards the purchase of an aerator on the pond to help remove some pollutants out of there to comply with the order from the DEP.

All yes – Motion passed unanimously

Commissioner Taylor said he would prepare a letter and send it to them for their files in case of an audit.

CONSIDER APPROVAL TO CHANGE CIRCUIT CLERK EMPLOYEES' STATUS FROM TEMPORARY FULL TIME TO REGULAR PART TIME (See letter attached)
Commissioner Taylor said Circuit Clerk, Phil Riggleman, came to the Commission office last week and asked them about this. Commissioner Taylor said that one of Mr. Riggleman's employees has been off on maternity leave and he had enough money in his budget to hire a temporary full time person to help fill in. He is now asking us to change Hailee Primavera's status from temporary full time status to regular part time status when Mrs. Howell returns to work. He would still have enough money in his budget to cover this position.

Commissioner Johns moved to approve the changing of the employment status of Hailee Primavera from temporary full time to regular part time in the Randolph County Circuit Clerk's Office.

All yes – Motion passed unanimously

CONSIDER APPROVAL TO REMOVE THE ADMINISTRATOR ON EACH OF THE ESTATES LISTED: SAMANTHA TREASURE HUDLER AND TIMOTHY S. HUDLER, JR. (See attached copy)

Attorney Frank Bush appeared before the Commission. He said on August 7, 2013 two young children were killed in a horrible car accident. There was one child that survived. The father of the children, Timothy Hudler, Sr. was appointed as Administrator over both estates. In order to file a wrongful death suit an Administrator had to be appointed. There

was a civil action lawsuit filed in Tucker County because that is where the accident occurred. The court awarded \$40,000.00 and everyone agreed that it should go to the remaining surviving child. Mr. Hudler cannot be located now to proceed with this. Mr. Bush has tried to locate him by phone, by going to his residence and by face book to no avail. Mr. Bush said he is here today to ask that Mr. Hudler be removed as the Administrator of both estates and to have someone else appointed so that they can go to the hearing and get this matter resolved. The person he would like to be appointed is the person who has custody of the surviving child. The mother of the child can't be appointed because she is involved in the court case. Discussion followed. Prosecuting Attorney, Michael Parker said that he thinks a notice by publication should be done before proceeding with the removal of the Administrator. Mr. Bush said he will do the publication as soon as possible and come back on the meeting of December 3, 2015. Commissioner Taylor agreed and said the Commission will just take this matter under advisement for now.

CONSIDER ACCEPTANCE OF RESIGNATION OF SHELDON VANCE OF OUR MAINTENANCE DEPARTMENT

Commissioner Taylor said the Commission received a resignation letter from Sheldon Vance of our maintenance department and we need to formally accept his resignation. He has decided to move on and seek other employment and his last day on the job will be November 9, 2015. Commissioner Johns moved to accept the resignation of Sheldon Vance from our maintenance department and his last day will be November 9, 2015. All yes -- Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:

Commissioner Johns moved to approve the thirteen final settlements/annual accountings, as submitted.

Aletha Nell Hoffman
Viola E. Higgins
Georgia Williams
Herman C. Criss
Madeline Derbyshire
Nellie Mae Pettinato
Arlene M. Phares
Daniel Thomas Delauder
Geraldine M. Barkley
Judith Louise Helmick
Paul Edward Channell
Mary Frances Shepler
Mark Polce

All yes -- Motion passed unanimously

BUDGET REVISIONS: (See attached copy)

Commissioner Johns moved to approve the one budget revision, as submitted.

All yes -- Motion passed unanimously

ERRONEOUS ASSESSMENTS/DIVISIONS OF PROPERTY:

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

All yes - Motion passed unanimously

PAYMENT OF BILLS:

Commissioner Johns moved to pay the bills, as submitted.

All yes - Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Johns moved to adjourn the meeting.

All yes - Motion passed unanimously

Attest: _____