

STATE OF WEST VIRGINIA

RANDOLPH COUNTY COMMISSION SS:

At a regular session of the County Commission in and for the aforesaid County and State, at the James F. Cain Court House Annex, on the 19th day of August, 2021 at 1:30 p.m.

Present: Randolph County Commissioner, David Kesling. Present by phone was Randolph County Commission President, Mark Scott. Randolph County Commissioner Chris See was absent.

Meeting called to order by Commissioner Kesling

PUBLIC COMMENT:

Larry Serrett, Mayor of Mill Creek, appeared before the Commission. He said he was at the meeting two weeks ago to try to get some funding for the water project in Mill Creek. He said he also spoke to Mark Scott about it when he came to last town council meeting. He said he is trying every means he can to get help with funding. He has called Senator Manchin's Office and also Todd Gunner with Senator Capito's Office. He said so far they have received no help. He said they are still looking for any help they can get to get this project done. Commissioner Scott asked if they had a final figure for the project. Mr. Serrett said no, but they know the tank will cost \$900,000.00. Commissioner Scott said he has reached out to the WVEA and the USDA and is having conversations with them now and once they get a final figure they will see if they can get another package together to present to them. He said he has also been working with Region 7 on this project. Mr. Serrett said they have been working to get this done for 11 years now.

Phil Hudok appeared before the Commission. He said he was there to speak on the response to COVID. He said the CDC has quietly withdrawn the PCR test because they cannot decipher if it the seasonal flu or COVID. He said that brings to question as to why they said last year that the seasonal flu disappeared which is something that has never happened in the past. He said the second thing is the Nuremberg Code (See copy attached). He said the voluntary consent of the human subject is absolutely essential. He said this is a medical experiment and they cannot tell you anything about the vaccine. He said at the Green Bank Observatory if you do not take the vaccine by September you will be fired. He said that violates international law. He said on KDKA news it said that President Biden will announce that all nursing homes and all nursing home staff must be vaccinated or they will lose Medicaid and Medicare. He said that is coercion and that violates the Nuremberg Code. He said we are back on mask mandates and he has the CDC conclusion that there is no evidence that face masks are effective. He said the CDC's own data shows that masks are not effective. He also showed a box of face masks and it says right on there that these masks will not provide protection from COVID-19. He also discussed a workplace mental health institute handout about being in an abusive relationship. He said we are knowingly damaging our children with requiring them to wear a mask. He said if he is called to be a substitute teacher he would be very uncomfortable doing that if anyone is required to wear a mask.

Richard Debias appeared before the Commission. He said he has been coming to the Commission meetings about getting bodycams for the Deputies. He wanted to tell Mark Scott he is glad he is better. He said when he first got hurt he called all the representatives in the County and State for help but no one helped him. He wanted to thank Mark Scott for at least listening to him every time he called or texted him. He said Sheriff Elbon also talked to him and listened to him and he appreciated that.

MINUTES:

Commissioner Scott moved to approve the minutes from the regular meeting that was held on August 5, 2021, as submitted. All yes – Motion passed unanimously

Commissioner Scott moved to approve the minutes from the special meeting that was held on August 9, 2021, as submitted. All yes – Motion passed unanimously

REPORTS: None

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Kesling announced that the next regular meeting will be held on September 6, 2021 at 1:30 p.m.

ITEMS FOR DISCUSSION/ACTION:

INFORMATIONAL PRESENTATION AND FUNDING REQUEST FROM THE MOUNTAIN STATE FOREST FESTIVAL

Commissioner Scott said Robbie Morris was not able to attend today and asked if this item could be put off for a couple of weeks. Commissioner Scott moved to table this item. All yes – Motion passed

INFORMATIONAL PRESENTATION AND FUNDING REQUEST FROM NORTHERN WEST VIRGINIA CENTER FOR INDEPENDENT LIVING

Brenda Dasher appeared before the Commission. She said she works for the Northern WV Center for Independent Living. She said she brought with her today Jeannie Keener who is one of their consumers who is deaf. She said Jeannie has a hard time keeping up with things such as this meeting without an interpreter. She said the pandemic has been really hard on Jeannie because she reads lips and with people wearing masks she can't do that. Ms. Dasher thanked the Commission for their support for several years now. She said they started this non-profit organization in 1992. The main office is in Morgantown and Ms. Dasher works in a satellite office in Elkins. She said they have devices in their office for people to come look at and check out and purchase if they find it fits their needs. She said a lot of their clients do not have internet so with the funding they received they were able to buy tablets and hot spots for them. Jeannie Keener said that this agency has helped her to get to doctor's appointments and Brenda Dasher has been going with her to those appointments to help her because she can't read lips of people wearing masks. She said Brenda also helped her in getting Cochlear implants to be able to hear some. Jeannie said she personally thanks the Commission for the funding. Commissioner Scott said he would like to wait until Chris See gets back and they can sit down and look at the budget. Commissioner Scott moved to table this item until the next meeting. All yes – Motion passed unanimously

INFORMATIONAL PRESENTATION FROM KELLY COOPER FOR RECREATION CENTER

Kelly Cooper appeared before the Commission. He said he has lived here his whole life and last month he purchased the old skating rink in Beverly, WV which was the Superior Laundry building. He said he called the owner and they worked out a lease deal for the property. He said he wants a place to do batting cages and get girls softball back do some soccer and things like that. He said he is the President of the Non-Profit Organization. He said Amanda Reese and Arden Swecker with the Beverly Historical Society have been helping him out with different things. He said he got a proposal for a heating system for approximately \$3,000.00. He said they had to tear the ceiling down. He said right now he has about \$6,000.00 out of his pocket in it. He said they are working on getting LED lighting. He said to remodel it will probably take \$15,000 to \$20,000. He wants the kids to stay in Randolph County and not have to travel out of County for classes. He said he is asking the Commission for any help they can give him to get this building remodeled. Mr. Cooper said he hasn't received all the paperwork back for becoming a non-profit organization but it should be coming in the next week or so. Commissioner Kesling recommended to hold off on this until the paperwork comes back in and for the other Commissioners to review the quotes that Mr. Cooper provided today. Commissioner Scott moved to table this item for further discussion at a future meeting once all the paperwork is in. All yes – Motion passed unanimously

CONSIDER QUOTE FROM CASTO TECHNICAL FOR 911 CENTER

Commissioner Kesling said they have a quote for \$696.68 from Casto Technical. Commissioner Scott said they recently approved a maintenance agreement with Casto Technical for the 911 Center. He said when they went in they found that the amount of returns was insufficient and the cooling in the kitchen area was not adequate. He said they are putting another return in that will allow the air flow to be

more consistent throughout the building. Commissioner Scott moved to approve this quote as submitted. All yes – Motion passed unanimously

CONSIDER REAPPOINTMENT TO RUSSELL MEMORIAL PUBLIC LIBRARY BOARD

Commissioner Scott moved to reappoint Rachel Rader to the Russell Memorial Public Library Board for another 5 year term. All yes – Motion passed unanimously

CONSIDER APPOINTMENT TO VALLEY HEAD PUBLIC LIBRARY

Commissioner Scott moved to appoint Janice Brady to the Valley Head Public Library Board. All yes – Motion passed unanimously

CONSIDER DONATION TO SEARCH AND RESCUE CLASS

Commissioner Scott said he spoke with Brian Roy who is the one putting this class together and Mr. Roy would like to put a presentation together and come in person to discuss this. Commissioner Scott moved to table this item for a future meeting. All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS

Commissioner Scott moved to approve the final settlements/annual accountings on the 7 following estates, as submitted.

Floyd Hubert Reid

David Wayne Thompson

Sylvia J. Riggleman

Bernice C. McClain

Jimmy Dale White

Donald Russell Pritt

Vilas Dale Stalnaker

All yes – Motion passed unanimously

BUDGET REVISIONS: None

DIVISION OF PROPERTY/ERRONEOUS ASSESSMENTS:

Commissioner Scott moved to approve the divisions of property/ erroneous assessments, as submitted. All yes – Motion passed unanimously

DISTRESSED PROPERTIES:

Commissioner Scott moved to approve the 4 distressed properties. All yes – Motion passed unanimously

FIRE FEE ADJUSTMENTS: None

PAYMENT OF BILLS:

Commissioner Scott moved to pay the bills, as submitted. All yes – Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Kesling moved to adjourn the meeting. All yes – Motion passed unanimously

Attest: _____

Introduction

The judgment by the war crimes tribunal at Nuremberg laid down 10 standards to which physicians must conform when carrying out experiments on human subjects in a new code that is now accepted worldwide.

This judgment established a new standard of ethical medical behaviour for the post World War II human rights era. Amongst other requirements, this document enunciates the requirement of *voluntary informed consent* of the human subject. The principle of voluntary informed consent protects the right of the individual to control his own body.

This code also recognizes that the risk must be weighed against the expected benefit, and that unnecessary pain and suffering must be avoided.

This code recognizes that doctors should avoid actions that injure human patients.

The principles established by this code for medical practice now have been extended into general codes of medical ethics.

The Nuremberg Code (1947)

Permissible Medical Experiments

The great weight of the evidence before us to effect that certain types of medical experiments on human beings, when kept within reasonably well-defined bounds, conform to the ethics of the medical profession generally. The protagonists of the practice of human experimentation justify their views on the basis that such experiments yield results for the good of society that are unprocurable by other methods or means of study. All agree, however, that certain basic principles must be observed in order to satisfy moral, ethical and legal concepts:

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs, or engages in the experiment. It is

a personal duty and responsibility which may not be delegated to another with impunity.

2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results justify the performance of the experiment.
4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
5. No experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability or death.
8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
9. During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he has reached the physical or mental state where continuation of the experiment seems to him to be impossible.
10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him, that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.

For more information see Nuremberg Doctor's Trial, *BMJ* 1996;313(7070):1445-75.