

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF THE MEETING HELD FEBRUARY 21, 1985

PRESENT: PRESIDENT PRO TEM, HOLMES R. SHAVER
COMMISSIONER, LEWIS E. GUINN

At this point in time Commission President Dexter L. Buckley, Jr., is still in the hospital recuperating from surgery.

Today Chief Deputy Hoffman came before the Commission to advise them that the Sheriff's Department is advertising that they are accepting bids for pharmaceutical supplies for the inmates incarcerated in the Wood County Correctional Center. He told the Commission he would keep them advised as to the response received from the advertisement.

Next came Mary Rader Director of the Wood County Planning Commission. She presented to the Commission a copy of the Salvage Yard Ordinance which the Planning Commission approved after the Public Hearing held at the regular monthly meeting of the Planning Commission on January 30, 1985. The County Commission adopted said Ordinance by a motion made by Commissioner Guinn, seconded and made unanimous by President Pro Tem Shaver. Copies of the Ordinance are available in the County Administrator's Office.

A hearing was held today in regard to the Ethel Marie Fenton Queen Estate. Legal Counsel for the Estate is Gerald Townsend, present. Attorney Dennis Lewis representing Warren C. and Mary Fenton, was present and stated that his clients had basically three complaints concerning the Estate. Mr. and Mrs. Fenton are named beneficiaries in Mrs. Queen's will. The first complaint is that Mr. Lewis' clients feel that Mrs. Queen may have been incompetent at the time she made a gift of approximately 775 shares of Fenton Art Glass stock to Robert C. Fenton, III, who is also the Executor of the Estate. The second complaint is that when an audit was made of the estate the IRS pulled the stock back into the

estate and the taxes were paid from the estate. Mr. and Mrs. Warren Fenton feel they should have been consulted in this matter. The third complaint is that they feel the attorneys and executor's fees were too high.

In response, Mr. Townsend stated that Mrs. Queen had started the proper procedures for paying the Federal Gift Tax over a year prior to her death. The attorney doing the work for her however, did not complete the work for reasons unknown. He told the Commission that the taxes would have to come from her estate one way or the other and that the beneficiaries really would not be affected either way. Had she paid the taxes while she was living they would have come from her personal assets thus reduce what was left for the estate, or they would be taken directly from the estate, which is what actually happened. The two taxes involved, the Federal Gift Tax and the Federal Estate Tax, are both figured on the same rate, so it is Mr. Townsends contention that it would not have changed the outcome of the estate either way it was handled. This estate was taken before a Fiduciary Commissioner, Mr. George Shedan, who was also present. He said he had made his ruling, which is on record and file with the Probate office, but he would be glad to answer any questions the County Commission might have. He stated that in his opinion, the County Commission does not have jurisdiction concerning the competency of a deceased individual. This would be a matter to be taken before the Circuit Court. Mr. Shedan stated that it was mentioned that the Fenton's did not agree with the appraisal of the stock. The appraisals were done by the proper authorities and the IRS accepted them. He also said he felt the attorneys fees and the executor's fees were in line under the circumstances.

At this point the Commission told both parties they would like to

continue this matter 'o give their legal counsel an opportunity to review the case. Both parties agreed and a hearing date was set for March 11, 1985, at 2:00 p.m. The Commission will give its ruling at that time.

It was brought to the Commission's attention by Judge Handlan's office that someone has been bothering certain items in elected officials offices; i.e. coffee, cookies, candy, etc. After looking into the matter it was discovered that certain night maintenance personnel were responsible. A memorandum will be issued stating that if this continues, it will be cause for dismissal.

The Commission today interviewed five persons for the position of Community Development Specialist. The interviews will continue on Monday.

Having no further appointments or business, the Commission adjourned at noon.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY


PRESIDENT PRO TEM, HOLMES R. SHAVER


COMMISSIONER, LEWIS E. GUINN