

# COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue  
Weston, WV 26452  
Phone: (304)269-8200  
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**COMMISSIONERS:**  
**AGNES G. QUEEN**  
President  
**PATRICK D. BOYLE**  
Commissioner  
**THOMAS V. FEALY**  
Commissioner

**LEWIS COUNTY COMMISSION**  
**110 CENTER AVENUE, 2nd FLOOR**  
**WESTON, WV 26452**  
**AMENDED**  
**MEETING AGENDA**  
**Monday, November 2, 2015**

## SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

1. 10:00 AM **Call Meeting to Order** (*action required*)
2. 10:05 AM **T. Chad Kelley, Lewis County Assessor**  
RE: Exonerations, Consolidations, Apportionments  
Draft copies will be available for review upon request  
Thursday, October 29, 2015. (*action required*)

## APPOINTMENTS

3. 10:10 AM **Oath of Office for Jason Scott Carey**  
RE: The Lewis County Commission approved the hiring of Jason Scott Carey as a Deputy Sheriff for the Lewis County Sheriff's Department on October 26, 2015. The oath of office will be administered. (*action required*)
4. 10:20 AM **Chris Richards, Lewis County Convention and Visitor's Bureau**  
RE: Quarterly Report of activities by the Lewis County Convention and Visitor's Bureau for July, August and September, 2015.  
(*information only*)
5. 10:30 AM **Gary Hall, President, Lewis County Fire Board**  
RE: The Lewis County Fire Board requested the Lewis County Commission allow a fire levy to be placed on the 2015 primary ballot at the October 19, 2015 meeting. This issue was tabled by the County Commission until the Fire Board could discuss the levy with the City of Weston and its relationship to their municipal fire fee. The Lewis County Fire Board met with the City of Weston. A report will be given and consideration of placement of the levy on the 2015 primary ballot is requested. (*action required*)

## CORRESPONDENCE

6. **Upshur County Commission Meeting Agendas:** Upshur County Commission Agendas for Thursday, October 29, 2015 and a special meeting at 6 PM on the same date (*information only*)
7. **West Virginia Public Service Commission Quarterly Disbursement of Wireless E911 Fees:** Disbursement of Wireless (cellular) Emergency 911 Subscriber Fees for Lewis County for the months of July, August and September, 2015 in the amount of \$109,653.84 (*information only*)
8. **Lewis County Park Board of Directors Agenda and Meeting Minutes:** Agenda for the October 26, 2015 meeting and minutes from the September 21, 2015 meeting of Lewis County Board of Parks and Recreation (*information only*)
9. **Jane Lew Public Service District Meeting Minutes:** Regular Meeting Minutes for the September 10, 2015 Jane Lew Public Service District Meeting (*information only*)
10. **Distribution of Magistrate Court Surplus:** In accordance with West Virginia Code §50-3-4, the State of West Virginia remits \$120.88 to the Lewis County Magistrate Court Fund. This distribution is based on the West Virginia Code §50-3-4c(1) that requires collections in excess of \$15,000.00 per magistrate to be distributed by a state formula to counties that do not exceed such cash collections. (*information only*)

## BUSINESS

11. **Board(s) and Committee(s) Reports:** Reports from any board(s) or committee(s) Attended including: Fire Board Special Meeting, County Commissioners Association Regional Roundtable, Community Action, Budget Work Session, Park Board, Region 7 Planning and Development Council, Building Commission, Ambulance Authority. (*information only*)
12. **Lewis County Economic Development Authority Report:** Report of activities of the Lewis County Economic Development Authority by Director Mike Herron (*information only*)
13. **Timesheets and Leave Requests** (*action required*)
  - a) Lucinda A. Whetsell                      September 2015 monthly time sheet
  - b) Michael Herron                              September 2015 monthly time sheet)

## ACTIONS, ORDERS AND PAYMENT OF EXPENDITURES:

14. **Actions of the Clerk:** County Clerk Cynthia S. Rowan presents actions of the clerk in recess of the county commission for approval. Draft copies will be available for review upon request Thursday, October 29, 2015.
15. **Presentation by County Clerk of the Orders of Prior Meeting(s) for consideration.** Draft copies will be available for review upon request Thursday, October 29, 2015. (*action required*)
16. **Expenses for the current period presented for consideration of payment.** Draft copies will be available for review upon request Thursday, October 29, 2015. (*action required*)

## ADJOURNMENT:

17. **With no further action being required by the Lewis County Commission, the meeting will be adjourned.** (*action required*)

**LEWIS COUNTY COMMISSION  
MEETING MANAGEMENT**

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.

*Roberts Rules of Order is utilized as a guide only. The Commission controls meeting management, discussion and input.*

**OATH OF OFFICE AND CERTIFICATE**

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**STATE OF WEST VIRGINIA**

**COUNTY OF LEWIS, TO-WIT:**

*I, **JASON SCOTT CAREY**, do solemnly swear that I will support the  
Constitution of the United States and the Constitution of the State of West Virginia,  
and that I will faithfully discharge the duties of serving as a*

***DEPUTY FOR THE LEWIS COUNTY SHERIFF'S DEPARTMENT***

*to the best of my skill and judgment, SO HELP ME GOD.*

*Signature* \_\_\_\_\_

*Subscribed and sworn to before the Lewis County Commission in said County and  
State, this 2ND day of November, 2015.*

\_\_\_\_\_  
*Agnes Queen, President  
Lewis County Commission*

*Attest:* \_\_\_\_\_  
*Cynthia S. Rowan  
Lewis County Clerk*

## AGREEMENT

**THIS AGREEMENT** entered into this 2<sup>nd</sup> day of November, 2015, by and between the **COUNTY COMMISSION OF LEWIS COUNTY, WEST VIRGINIA**, hereinafter referred to as **COUNTY**; the **SHERIFF OF LEWIS COUNTY, WEST VIRGINIA**, hereinafter referred to as **SHERIFF** and Jason Scott Carey, hereinafter referred to as **DEPUTY**.

**WHEREAS**, the **DEPUTY** has been recently hired as a Deputy Sheriff for Lewis County, West Virginia and

**WHEREAS**, the **DEPUTY** has not yet been certified but will be required to attend and complete training at the West Virginia State Police Academy in order to achieve certification as a police officer, and

**WHEREAS**, the parties desire to reduce to writing certain reimbursement provisions of the **DEPUTY'S** employment arrangement.

**NOW THEREFORE WITNESSETH**, that for and in consideration of the promises and conditions herein set forth, the parties do agree as follows:

1. The **SHERIFF** shall make the necessary arrangements to schedule the **DEPUTY** to attend the soonest possible training course provided by the West Virginia State Police Academy in order to achieve certification as a police officer in this State.
2. The **DEPUTY** agrees to attend said training when scheduled and to successfully complete the course of training and to acquire the necessary certification. The **DEPUTY** understands and agrees that successful completion of the training program and achievement of certification are a critical aspect of the employment of the **DEPUTY**. In fact, if the **DEPUTY** does not complete the training and achieve certification his/her employment would be terminated

since certification is required by State Law in order for the **DEPUTY** to continue to serve as a police officer.

3. During the period of time that the **DEPUTY** will be attending said training academy, the **COUNTY** agrees to pay to the **DEPUTY** the salary as established for a non-certified deputy by the **COUNTY**; any benefits directly connected to said salary as provided in the personnel policies of the **COUNTY** or applicable Civil Service Rules; tuition and fees for said Academy; and travel expenses directly related to attendance at the Academy.
4. The **DEPUTY** agrees that he/she will successfully complete the training program and will achieve certification as a law enforcement officer in West Virginia.
5. The **DEPUTY** further agrees that he/she will continue employment as a **DEPUTY** for the **COUNTY** for a period of at least one year following his/her completion of the training program and his/her certification as a police officer.
6. The **DEPUTY** agrees that should he/she quit the program before completion of the certification or fail to achieve certification, then in that event he/she shall reimburse the **COUNTY** for all expenses incurred by the **COUNTY** of the total compensation including, but not limit to for wages, benefits, tuition, fees, and travel expenses during the training process. Further, in accordance with the provisions of West Virginia Code §30-29-8, if the **DEPUTY** for the **COUNTY** voluntarily discontinues employment prior to one year after he/she has achieved certification, then in that event he/she shall reimburse the **COUNTY** for the pro rata portion of the wages, benefits, tuition, fees and expenses incurred equal to that part of such year that he/she has chosen not to remain employed as a deputy sheriff for the **COUNTY**.
7. The **DEPUTY** agrees that the reimbursements set forth in Paragraph 6 above shall be paid in full no later than six months following the discontinuation of employment as a **DEPUTY**.

8. All of the parties hereto understand and agree that this is the total agreement with regard to the issue of reimbursement of training expenses related to the initial achievement of certification as a police officer in this State.

**AGREED** to this the 2nd day of November 2015.

**COUNTY COMMISSION of LEWIS  
COUNTY, WEST VIRGINIA**

\_\_\_\_\_  
**DEPUTY**

**BY** \_\_\_\_\_  
**PRESIDENT, Lewis County Commission**

\_\_\_\_\_  
**COMMISSIONER of Lewis County**

\_\_\_\_\_  
**COMMISSIONER of Lewis County**

**BY** \_\_\_\_\_  
**SHERIFF, Lewis County**

## Upshur County Commission Agenda

Location of Meeting: Upshur County Courthouse Annex  
Date of Meeting: October 29, 2015

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:  
• October 22, 2015

### Items for Discussion / Action / Approval:

1. Approval and signature of American Fidelity Assurance Company Adoption Agreement for amended and restated Section 125 Flexible Benefit Plan.
2. Approval of James W. Curry Advisory Board Bylaws. Approved by the Board on September 23, 2015.
3. Correspondence from Nina Monroe, Manager of Adrian Public Service District, recommending the reappointment of Philip Petroski to the Adrian Public Service District Board of Directors for another six year term. The current term is set to expire October 31, 2015.
4. Correspondence from Virgil D. Miller announcing his resignation as Chief Deputy for the Upshur County Sheriff's Office, effective November 6, 2015.
5. Correspondence from Rodney Rolenson, Project Director, 26<sup>th</sup> Judicial Circuit Community Corrections, requesting the employment of Virgil D. Miller, as case aid, at the pay wage rate of \$10.07 per hour, effective November 15, 2015. Upon approval, Mr. Miller will work one thousand four hundred eighty-nine (1,489) hours per year.
6. Approval of Lewis-Upshur Animal Control Facility Volunteer, Caysie Irving.
7. Correspondence from Carla G. Waldo, BIPP facilitator and parent educator, regarding her position with the 26<sup>th</sup> Judicial Circuit Community Corrections Day Report Center.  
*Item may lead to Executive Session per WV Code §6-9A-4*  
*(A) Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or*
8. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from Terri Jo Bennett, Addressing and Mapping Coordinator, to Guy Derico enclosing the completed "Road Name Removal Petition" and corrected copy of the "Proof of Physical Address" application.
2. Correspondence from David H. Coffman, Sheriff of Upshur County, announcing an hourly wage increase of \$1.00 per hour for Sharon Hosaflook, effective Sunday, November 1, 2015. Upon approval, Ms. Hosaflook's pay wage rate will increase from \$11.76 per hour to \$12.76 an hour.
3. Correspondence from David H. Coffman, Sheriff of Upshur County, announcing an hourly wage increase of \$1.00 per hour for Lesa Lipscomb, effective Sunday, November 1, 2015. Upon approval, Ms. Lipscomb's pay wage rate will increase from \$11.00 per hour to \$12.00 an hour.
4. Correspondence from David H. Coffman, Sheriff of Upshur County, announcing an hourly wage increase of \$1.00 per hour for Laura Page, effective Sunday, November 1, 2015. Upon approval, Ms. Page's pay wage rate will increase from \$11.66 per hour to \$12.66 an hour.
5. Dominion Transmission, Inc. Project Update: October 2015 – Supply Header Project
6. Dominion Transmission, Inc. Project Update: October 2015 – Atlantic Coast Pipeline
7. Lewis-Upshur Animal Control Facility Adoption Financial Transaction – 9/1/15 – 9/30/15
8. James W. Curry Public Library Calendar of Events – October 2015
9. Upshur County Family Resource Network Newsletter – October 2015
10. Agendas and/or Notice of Meetings
  - Upshur County Fire Board, Inc. October 20, 2015
11. Meeting Minutes
  - 26<sup>th</sup> Judicial Community Corrections March 9, 2015
  - 26<sup>th</sup> Judicial Community Corrections – Special Meeting March 19, 2015
  - 26<sup>th</sup> Judicial Community Corrections April 13, 2015
  - 26<sup>th</sup> Judicial Community Corrections May 11, 2015
  - Upshur County Fire Board September 15, 2015
  - Lewis/Upshur LEPC September 16, 2015
  - Upshur County Fire Board-Special Meeting September 21, 2015
  - 26<sup>th</sup> Judicial Community Corrections October 5, 2015
12. Meetings
  - 11/05/15 7:00 p.m. Banks District VFD
  - 11/05/15 7:00 p.m. Selbyville VFD
  - 11/03/15 6:00 p.m. Hodgesville PSD
  - 11/03/15 5:30 p.m. Elkins Road PSD
  - 11/11/15 12:00 p.m. Upshur County Senior Center Board
  - 11/11/15 1:30 p.m. Upshur County Conventions & Visitors Bureau – UCDA Office
  - 11/11/15 6:00 p.m. Upshur County Citizens Corp - CERT

- 11/11/15 7:30 p.m. Warren District VFD
- 11/12/15 1:00 p.m. Adrian PSD
- 11/12/15 3:00 p.m. Tennerton PSD
- 11/12/15 4:00 p.m. Upshur County Safe Sites & Structures Ordinance Board
- 11/12/15 7:30 p.m. Buckhannon VFD
- 11/12/15 4:00 p.m. Buckhannon Upshur Airport Authority--meeting held at Airport
- 11/09/15 12:00 p.m. Upshur County Family Resource Network
- 11/09/15 4:30 p.m. Upshur County Solid Waste Authority
- 11/09/15 6:00 p.m. Buckhannon-Upshur Recreational Park Advisory Board
- 11/16/15 6:00 p.m. Lewis-Upshur Community Corrections Board -- Lewis County
- 11/02/15 6:00 p.m. Lewis-Upshur Community Corrections Board – Special Meeting
- 11/04/15 6:00 p.m. Buckhannon River Watershed Association
- 11/17/15 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development
- 11/10/15 7:30 p.m. Adrian VFD
- 11/18/15 7:00 p.m. Ellamore VFD
- 11/18/15 12:00 p.m. Lewis Upshur LEPC --- Lewis location
- 11/15/15 6:30 p.m. Upshur County Youth Camp Board
- 11/17/15 6:30 p.m. Upshur County Fire Board
- 11/18/15 7:00 a.m. Upshur County Development Authority
- 11/04/15 7:00 a.m. Upshur County Development Authority – Exec. Board
- 11/15/15 6:00 p.m. Washington District VFD
- 11/16/15 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 11/17/15 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 11/17/15 4:00 p.m. Upshur County Public Library Board
- 11/26/15 4:00 p.m. Upshur County Farmland Protection Board – CANCELLED
- 11/30/15 12:00 p.m. Upshur County Farmland Protection Board – Committee Meeting
- 11/30/15 2:00 p.m. Upshur County Farmland Protection Board – Special Meeting
- 11/25/15 10:00 a.m. James W. Curry Advisory Board
- TBA 6:00 p.m. Upshur County Fire Fighters Association
- 11/19/15 6:00 p.m. Buckhannon-Upshur Board of Health

13. Appointments Needed or Upcoming:

- Upshur County Fire Board (Vacant Position – 6-30-16) --- 1<sup>st</sup> District Community Representative
- Upshur County Farmland Preservation Board (Vacant Position – 06-30-15) – At large – Non Farming

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Upshur County Commercial Dog Breeding Operations, Upshur County Commercial Dog Breeder Permit Application and WV Commercial Breeder Biannual Checklist (tabled 9-3-2015)

Next Regular Meeting of the Upshur County Commission

November 5, 2015 --- 9:00 a.m.

Upshur County Courthouse Annex

**\*\*ATTENTION\*\*** Special Meeting of the Upshur County Commission

October 29, 2015 – 6:00 p.m.

Upshur County Circuit Courtroom

**Upshur County Commission  
Special Meeting Agenda  
Joint Session with City Council of Buckhannon**

Location of Meeting: Upshur County Courthouse Annex  
Date of Meeting: October 29, 2015  
Time of Meeting: 6:00 p.m.

1. Discussion regarding transportation opportunities – West Virginia Wesleyan College
2. Continued discussion regarding employment of a joint City/County grant writer
3. Discussion regarding funding for the Lewis-Upshur Animal Control Facility

**Next Regular Meeting of the Upshur County Commission  
November 5, 2015 --- 09:00 a.m.  
Upshur County Courthouse Annex**

# Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323

Phone: (304) 340-0300

Fax: (304) 340-0325



October 20, 2015

Lewis County Commission  
110 Center Avenue  
Weston, WV 26452

SUBJECT: Disbursement of Wireless E-911 Subscriber Fees

Dear County Commissioner:

A check in the amount of \$109,653.84 representing a disbursement of Wireless E-911 subscriber fees will be mailed directly from the West Virginia State Auditor's Office. This amount is your County's share of the fees remitted to the Public Service Commission for the months of July, August, and September 2015. The next disbursement will be in three months.

I can be reached at our toll-free number, 1-800-344-511, Extension 364, or direct at 304-340-0364, should you have any questions about the disbursement calculation or about the fees in general.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Mitchell".

Sandra Mitchell  
Budget & Finance Manager

SM:kp

# **LEWIS COUNTY PARKS AND RECREATION AGENDA**

**Monday, October 26, 2015 at 6:00 pm at the Courthouse**

- 1) Call to Order**
  
- 2) Reading of the Minutes**
  
- 3) Treasurer's Report**
  
- 4) Public Comment**
  
- 5) Director's Report**
  
- 6) Old and Unfinished Business**
  
- 7) New Business**
  
- 8) Adjourn**

**If you are unable to attend, please contact Gene Edwards, at 304-269-4836**

# **LEWIS COUNTY PARK BOARD OF DIRECTORS**

**Minutes of the Meeting of September 21, 2015**

**Present: Gene Edwards, President, Barbara Paugh, Vice President, Betty Hill, Treasurer, Shirley Taylor, Secretary, Alyce Henry, John Shaffer, Park Director, and Tom Alkire.**

**According to the By-Laws, Article I Sec 3 "There was not a Quorum present to conduct the meeting"**

**Betty Hill presented a Treasurer's Report.**

**John Shaffer praised Gene Edwards and Betty Hill for their time given to the Park and the Park business. He also reported the work done on paving and on the walking trail. John purchased 15 new chairs for the Pool.**

**Tom Alkire reported work on the walking trail, drain lines placed, gravel for the walking trail. Pot holes will be filled, the Pool is drained. The light at he Tennis court is broken and needs replaced.**

**John Shaffer reported that the fence needs replaced.**

**The next meeting will be Monday October 26, 2015 at 6:00 pm at the Courthouse.**

**Respectfully submitted by Shirley Taylor, Secretary.**

# Minutes of Jane Lew Public Service District

## Regular Meeting                      September 10, 2015

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**Present:** Thomas E. Bailey (Chairman); Oscar R. Mills; Elaine B. Flaxer (Secretary); Nancy E. Gee (General Manager)

**Guests:** Doug Forni P.E. (ThrasherEng);

**Absent:**

1. **Call to Order:** The meeting was called to order by Chairman Bailey at 4:11 p.m. at the Jane Lew Wastewater Classroom.
  
2. **Minutes:** **MOTION:** (Bailey/Mills) to approve attached Minutes of 08/13/15 regular meeting. [Carried Unanimously]
  
3. **General Manager's August Reports (Gee)**
  - A. **WATER:**
    1. **Water Bills (Attached)**  
**MOTION:** (Flaxer/Bailey) to ratify payment of attached list of water invoices for August 2015. [Carried Unanimously]
    2. **Water Treasury Report (Attached)**  
**MOTION:** (Flaxer/Bailey) to approve attached Water Treasury Report for August 2015. [Carried Unanimously]
    3. **Water Adjustments Report (Attached)**  
**MOTION:** (Bailey/Mills) to approve attached Water Adjustments Report for August 2015. [Carried Unanimously]
    4. **Water Purchase, Sales & Loss Report (Attached) –**
      - ✓ 3,593,700 purchased
      - ✓ 3,079,400 sold
      - ✓ 10% unaccounted loss.**MOTION:** (Flaxer/Bailey) to approve attached Water Purchase, Sales & Loss Report for August 2015. [Carried Unanimously]
  5. **Water Preventive Maintenance Report**
    - a) **Lines -**
    - b) **Fire hydrants [57] – weeds killed**
    - c) **Valves [148]**
    - d) **Meters [659] -**
    - e) **Booster Stations [3] – checked weekly; weeds killed.**
    - f) **Tanks [2] -- weeds killed**
    - g) **Office Heating Cooling [1 system]**
    - h) **Vehicles-[1.5]**
    - i) **Generators [2 portable] – exercised**
    - j) **Critical Inventory –**
  6. **Water Repairs Report** – repaired leaks on Main Street; holes repaired at various locations where blacktopping was done; changed out 3 broken meters.
  7. **Water Leak Detection Program** – monthly visual
  8. **Cross Connections/Backflow Prevention Program**– ongoing
  9. **New Non-Project Water Taps** – tap at new PSD Office building
  10. **Other** –

Assignments

- ✓ Install new touch-read meters.

**B. WASTEWATER:**

1. Wastewater Bills (Attached)

**MOTION:** (Flaxer/Bailey) to ratify payment of list of sewer invoices for August 2015. [Carried Unanimously]

2. Wastewater Treasury Report (Attached)

**MOTION:** (Bailey/Mills) to approve sewer Treasury Report for August 2015. [Carried Unanimously]

3. Wastewater Adjustments Report (Attached)

**MOTION:** (Flaxer/Bailey) to approve sewer Adjustments Report for August 2015. [Carried Unanimously]

4. Wastewater Usage & Sales Report (Attached) -

**MOTION:** (Flaxer/Mills) to approve sewer Usage & Sales Report for August 2015. [Carried Unanimously]

5. Wastewater Preventive Maintenance Report (attached)

- a) Lines–
- b) Manholes [594]
- c) Grinder Pumps [46]
- d) Lift Stations [16 total] – checked & amped weekly; weeds killed.
- e) Bar Screen [1] – cleaned weekly
- f) Vehicles – [1.5] -
- g) Generators [5 total] – exercised weekly
- h) Classroom Heating & Cooling [1 system] –
- i) Critical Inventory

6. Wastewater Repairs Report (attached) –

7. I&I Loss & Prevention Report – 3.90 rainfall inches.

8. New Non-Project Sewer Taps – tap at new PSD building

9. Other – poured concrete floor in Draimad building

4. **Announcements:** WVRWA Annual Conference at Snowshoe Mountain Resort September 12-16, 2015. Flaxer, Mills, Gee and Perrine to attend.

5. **Correspondence:**

- a. Letter (08-14-15) from Doug Forni, PE (ThrasherEng) to Greg Zielinski Re: response to request for repairs to be made to road in Zielinski's neighborhood.

~ ~ **OLD BUSINESS** ~ ~

6. **Update: Phase II Sewer Upgrade [09-1043-PSD-42T-PC-PW-CN]** (Gee; Forni and Guests)

- A. New Customer Hookups – 204 to date; circa 89 left
- B. Final Cleanup – no progress; Tri-State not responding
- C. Final Closeout – pending

D. Change Order #10 –

**MOTION:** (Bailey/Flaxer) to authorize Thomas E. Bailey as Chairman to sign Change Order #10 dated 09/10/15 signifying Board approval for Region VII to move \$5,278.22 of Sewer Project funds from Industrial Park Emergency Project back to Sewer Project general fund for purpose of adjustment. [Carried Unanimously]

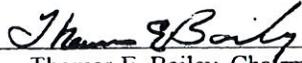
E. Pay Requisition – noneF. Financial Report -G. New Customer Issues – air quality hypotheses being tested7. **Update: Pending Non-Project Extensions and Road Bores (Gee)** none8. **Update: Board Review of PSD Policies and Job Descriptions (Flaxer)** – nothingA. Private Fire Protection PolicyB. Professional Incentives PolicyC. Revise Water Job Descriptions to be consistent with a water PURCHASE entityD. Other9. **Update: Personnel Matters (Gee)** – nothing newA. Office StaffB. Water StaffC. Sewer Staff10. **Update: Lease of Sewer Ground (Gee)** - no news.11. **Update: New Office Building (Gee)** –

- Concrete retaining walls built for new office parking lot;
- Interior painting to be finished by 9/21/15;
- PSD should be ready to move by September 21<sup>st</sup>;
- Back entrance construction still pending. We only have 2 estimates for back entrance: Paul's Construction (\$3,000) and Rinehart Construction (\$3,317.20)

**MOTION:** (Flaxer/Bailey) to authorize the low bidder to build the back entrance. [Carried Unanimously]

## ~ NEW BUSINESS ~

12. **Late Received Agenda Items (Gee)** - none.13. **Adjournment:** The meeting was adjourned by Chairman Bailey at 5:00 p.m.



Thomas E. Bailey, Chairman



Elaine B. Flaxer, Secretary

**Attachments:**

- August '15 Bills Paid (Water/Wastewater)
- August '15 Treasury Reports (Water/Wastewater)
- August '15 Adjustments Reports (Water/Wastewater)
- August '15 Purchase & Sales Reports (Water/Wastewater)
- All correspondence listed on page 2
- Executed copy of Sewer Change Order #10 dated 9/10/15

**E-Copies of Unapproved Minutes Sent to:**

- James V. Kelsh, Attorney
- Dan Ferrell, Phase II Sewer Project Engineer, Thrasher Engineering
- Doug Forni, Thrasher Engineering
- Shane Whitehair, Region VII
- PSD Office
- Board Members

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA



STEVEN D. CANTERBURY  
ADMINISTRATIVE DIRECTOR

ADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0832  
(VOICE) 304/558-0145  
(TTY) 304/558-4219  
(FAX) 304/558-1212  
[www.state.wv.us/wvsca/](http://www.state.wv.us/wvsca/)

October 20, 2015

Lewis County Commission  
110 Center Avenue  
Weston, West Virginia 26452

RE: Magistrate Court Surplus Account

Dear Commissioners Queen, Boyle & Fealy:

In accordance with West Virginia Code §50-3-4, we are pleased to send you the enclosed amount of \$120.88. These proceeds are to be placed in your county magistrate court fund and used in accordance with the provisions of Rule 8 of the Administrative Rules for Magistrate Courts (copy enclosed).

In 2000, West Virginia Code §50-3-4(c)(1) was enacted by the Legislature to establish a magistrate court surplus account whereby monies received from counties that exceed collections of \$15,000 per magistrate are distributed to counties that do not exceed such collection totals.

Based on the formula contained in West Virginia Code §50-3-4(c)(1), we have determined that Lewis County is eligible to receive the amount reflected on the enclosed check.

If you have any questions, please contact either Janie Moore, Director of the Division of Magistrate Court Services, or me. Thank you for your attention to this matter.

Sincerely,

  
Steven D. Canterbury  
Administrative Director

enclosure

pc: Chief Judge Jacob E. Reger  
Magistrates Clem & Gissy

## RULE 8. EXPENDITURES FROM MAGISTRATE COURT FUND

A county may appropriate and spend from the magistrate court fund such sums as may be available for providing the following services:

(a) *Bailiff for Magistrate Court.* The county may charge the fund \$35.00 per day for each day a bailiff is needed in magistrate court, and the sheriff may charge the fund \$.15 per mile for transporting prisoners from magistrate court to the county or regional jail. Sums for bailiff services and mileage may properly be charged only after a voucher for the same has been submitted to, and approved by, the chief judge or his designee.

(b) *Magistrate Court Office Rental.*

(1) *Privately Owned Facilities.* The county may charge the fund the actual rental expenses incurred in obtaining office space for the magistrates and their support staff.

(2) *County Owned Facilities.*

(A) *Rate.* The county may charge the fund an annual rate of \$6.00 per square foot, payable in monthly installments, which will include the cost of utilities and the monthly base telephone rate.

(B) *Improvements to Heating and Air-Conditioning.* If the magistrate court system is housed in county-owned buildings and the heating and air-conditioning systems in the space allocated to the magistrate court system are not adequate, the supervising circuit judge may direct the county commission to improve or replace the systems, and may charge the costs, on a pro rata basis, to the fund.

(c) *Utilities and Telephone Service in Magistrate Offices.*

(1) *General.* The county may charge the fund the actual cost for providing utilities and telephone service for the magistrate court system.

(2) *Long-Distance and Paging Expense.* All long-distance calls made on behalf of the magistrate court system may be charged to the fund and are not included in the \$6.00 per square foot rental cost. The cost of paging system for magistrates is considered an extension of the long-distance telephone service, and the cost of the system may be charged to the fund.

(d) *Telephone Service in Magistrates' Homes.* The base monthly telephone bill for telephones in the homes of magistrates is a reimbursable expense to the magistrate, paid by the county and chargeable to the magistrate court fund. The base monthly rate shall include only the cost to lease a basic service telephone on a single private line. Reimbursement may be made for the base monthly charge only, and magistrates may not be reimbursed for long-distance charges, extension telephones, or other ancillary services. Magistrates may be reimbursed only upon completion of a "Certification of Entitlement" stating the telephone number of such personal telephone and affirming that it is a listed number available to the general public. Such "Certification of Entitlement" shall be filed with the Administrative Director of the Supreme Court of Appeals, who shall provide the certification with the signed approval of the Administrative Director to the county commission of each magistrate's county.

(e) *Janitorial Services.* The cost of providing janitorial services and cleaning supplies in either a county-owned or leased building may be charged to the fund.

(f) *Parking.* If parking for the magistrate court staff and the public is otherwise unavailable, then the cost of providing adequate parking spaces for the public and the staff of the magistrate court may be charged to the fund.

(g) *Exceptions.* Whenever unique circumstances justify exceptions to any provision of this rule, such exceptions may be made in writing by the Administrative Director to any county commission.

[Effective July 1, 1988; amended effective January 1, 1989; August 1, 1991; January 1, 1992.]