

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY**  
**REGULAR**  
**SESSION: MONDAY, JULY 30, 2012**

Commission sat pursuant to adjournment of Monday, July 23, 2012.  
 PRESENT: Honorable Patrick D. Boyle, President and Thomas V. Fealy and Agnes G. Queen, Commissioners.  
 The foregoing proceedings of this Commission were approved and signed by the President.

**IN RE: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES**

The Assessor of Lewis County, having filed a notice of apportionment of jointly owned motor vehicles of Daniel Funovitz and Nancy Funovitz for individual taxation, was approved upon motion of Thomas V. Fealy, second by Agnes G. Queen. A Certified Copy was delivered to the Sheriff of Lewis County by Mary Lou Myers, Clerk.

**NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES**

WEST VIRGINIA CODE § 11-5-14

PTD 11/99

STATE OF WEST VIRGINIA

COUNTY OF Lewis

Thomas Boyle, Assessor of Lewis County, having been presented with a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, do hereby apportion the assessment of the taxes for Tax Year 2012 owed on jointly owned motor vehicles involved in the divorce order and awarded exclusively to be titled, one or more in the name of the husband and one or more in the name of the wife as follows:

**SECTION I:**

Ticket Number: 305224 District: 09 Ticket Total: 54.46 2650/

NAME 1: Funovitz, Daniel PO Box 2451 Beckham WV

Make	Model	Year	Vehicle Identification #	Assessed Value	Class	Rate	Taxes Due
Jeep	CJ5	1976	Jeep CJ5	250	4	.023368	5.84
Toy.	4 Run	1989	JT4V6379K00035	250	4	.023368	5.84
SUBTOTAL 1							11.70

NAME 2: Funovitz, Nancy 2 Forest Ct. Weston WV 26452

Make	Model	Year	Vehicle Identification #	Assessed Value	Class	Rate	Taxes Due
Sedon	Iron	2003	1980952F43216208	1830	4	.023368	42.76
SUBTOTAL 2							42.76

**OTHER PERSONAL PROPERTY OWNED JOINTLY**

Description	Class	Rate	Taxes Due
SUBTOTAL 3			
SAME AS FACE AMOUNT OF TICKET TOTAL = GRAND TOTAL			54.46

**SECTION II:**

Filed with the County Commission this 23 day of July, 2012

A. Clark  
 Assessor

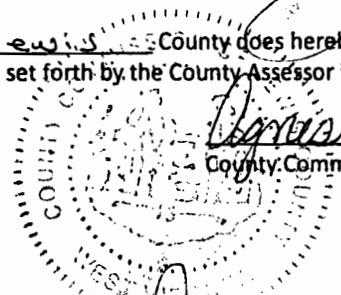
**SECTION III:**

The County Commission of Lewis County does hereby order the apportionment of the assessment of taxes as determined and set forth by the County Assessor in Section I of this notice.

Thomas V. Fealy  
 County Commissioner

Thomas V. Fealy  
 County Commissioner

Agnes G. Queen  
 County Commissioner



**SECTION IV:**

Certified to the Sheriff this 30th day of July, 2012

Mary Lou Myers  
 Clerk of the County Commission

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
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IN RE: HACKERS CREEK DESCENDANTS 30<sup>TH</sup> ANNIVERSARY RESOLUTION

The following Resolution was approved for signature upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous:

**RESOLUTION**

**Recognizing the 30<sup>th</sup> Anniversary of the founding of the Hacker's Creek Pioneer Descendants, Inc., and the organization's establishment of the Central West Virginia Genealogy and History Library and Museum in the former Horner School in the Horner community.**

*Whereas*, 82 persons came together on October 10, 1982, at the Broad Run Baptist Church in the Lightburn community of Lewis County for the purpose of preserving the genealogy and history of Central West Virginia and, especially the pioneering families of the Hacker's Creek watershed;

*Whereas*, the HCPD has established their mission to conserve, preserve, protect, display and make available the history, culture, and artifacts of the Central West Virginia area to anyone interested in their own personal history (and their family history) or the area's culture and history;

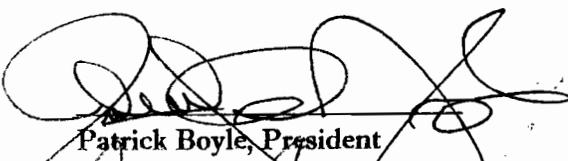
*Whereas*, the HCPD provides library resources and educational programs to various groups, including but not limited to students of all ages (from pre-kindergarten to elder persons), Boy Scouts, Girl Scouts, 4-H Clubs, heritage societies and community service organizations;

*Whereas*, the HCPD works closely with other genealogy and historical societies, governmental entities both within and without the state, etc., but especially those in places to and from which great numbers of our pioneering families migrated; and

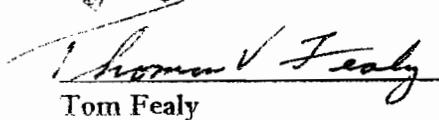
*Whereas*, the HCPD publishes quarterly journals exploring and preserving the unique history of the region and distributes these to members and other entities throughout West Virginia and her 49 sister states; and

*Whereas*, the HCPD's outreach draws several hundred visitors to Lewis County annually, resulting in increased revenue for the county's historic sites, motels, restaurants and other businesses,

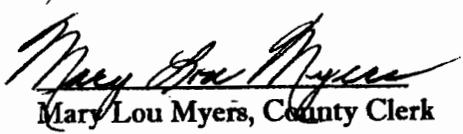
**The Lewis County Commission, this 30<sup>th</sup> day of July 2012, names the week of August 6-12, 2012, as History & Genealogy Week in Lewis County and recognizes August 9-12, 2012, as the 30<sup>th</sup> Anniversary Gathering of the Hacker's Creek Pioneer Descendants, Inc.**

  
Patrick Boyle, President

  
Agnes Queen

  
Tom Fealy



  
Mary Lou Myers, County Clerk

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IN RE: PROSECUTING ATTORNEY, EXECUTIVE SESSION LITIGATION (6-9A-4)

Gary Morris, Prosecuting Attorney, scheduled Executive Session with the Commission to discuss Litigation according to 6-9A-4, President Patrick Boyle called for Executive Session upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous at 10:48 A.M. Discussion was held and Commission returned from Executive Session into Regular Session at 10:55 A.M.

IN RE: GRANT #11 JAG 06, ON SITE REVIEW

An on-site program review of Grant #11 JAG 06 was completed by Sara E. Miller, Justice Programs Monitor, on May 15, 2012. Overall, grantee is in compliance with the terms and conditions of the grant. The grantee submits the required monthly reports and financial documents in a timely manner and was able to demonstrate sufficient progress on the goals and objectives of the grant. The next monitoring period will be performed in nine (9) months.

IN RE: LEWIS COUNTY CVB AGENDA & MINUTES

Chris Richards of Lewis County CVB presented the commission the minutes of the June 5, 2012 Meeting and also the Agenda for the meeting to be held in July, 2012. The next meeting of the Board of Directors will be August 7, 2012.

IN RE: REPORT OF RECEIPTS & DISBURSEMENTS OF FORFEITED PROPERTY –  
PROSECUTING ATTORNEY

G. W. Morris, II, Prosecuting Attorney, filed a true, correct and complete report of receipts and disbursements of forfeited property pursuant to the provisions of Chapter 60A, Article 7, Section 707 of the Code of West Virginia. Previous Balance \$2,961.29, with interest at \$0.74 making total receipts at \$2,962.03

IN RE: DEPARTMENTAL CONCERNS, HUMANE OFFICER

County Clerk, Mary Lou Myers, filed a letter from Sheriff Gissy advising the assignment of Deputy Hoskins as designated Humane Officer. In addition the WV State Code designates that the sheriff and all deputies will act as Humane Officers and each deputy will work in said capacity. Said notification in recorded in Miscellaneous Record Book: 15 Page: 256.

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IN RE: DEPARTMENTAL CONCERNS – COPIERS/FAX PROPOSAL

Hart Office Solutions filed a proposal to replace three (3) e-Studio 453 System with a Toshiba e-Studio 506 in the office of the Circuit Clerk and County Clerk. The office of Sheriff, tax office and prosecuting attorney will retain the existing machines. The monthly lease agreement will be \$1,383.00 replacing the previous amount of \$1,528.99. After review and upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous, the proposal was approved for the three (3) replacement machines.

IN RE: DEPARTMENTAL CONCERNS – SHERIFF’S SETTLEMENT

The annual accounting for the fiscal year ending June 30<sup>th</sup>, 2012, was submitted to the Commission by the County Clerk as filed by the Sheriff. With the settlement being completed, the distribution of the sheriff’s settlement fund in the amount of \$15,000.00 was authorized for July 31, 2012 payroll to Sheriff Gissy.

IN RE: DEPARTMENTAL CONCERNS  
GENERAL BUILDING FUND CD

Sheriff Gissy informed the Commission by letter that the General County Building Fund CD on deposit with the Citizens Bank of Weston, WV will mature on August 6, 2012. If not redeemed within ten (10) days from that date, the account will automatically renew with maturity date of August 6, 2014. After discussion, commission advised Sheriff Gissy to rollover for another two years should there not be a penalty for early withdrawal upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous. Should there be a penalty for early withdrawal, the investment time should be for a shorter period of time.

IN RE: DEPARTMENTAL CONCERNS  
DICK GRIFFIN & COMPANY, YEARLY MAINTENANCE AGREEMENT, PROSECUTOR AND  
PROBATION OFFICE PHONE SYSTEM

The system maintenance agreement with Dick Griffin & Company for the Lewis County Prosecutor and Probation Department at 421 River Street, Weston, WV phone system was approved upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous. The maintenance agreement service rate of \$3.00 per port times 22 ports that equal \$66.00 per month and \$792.00 per year. Said Agreement is recorded in Miscellaneous Record Book: #15 Page: 257.

IN RE: BUDGET REVISION - APPROVED

The following Budget Revision was this day approved by the WV State Auditor, Local Government Services Division, for FY 2012/2013 GENERAL COUNTY FUND (001) Revision #01.

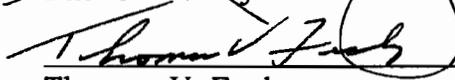
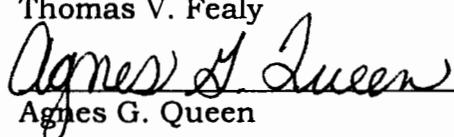
**Budget Resolution**

At a regular session of the County Commission, held **July 30, 2012**, the following order was made and entered:

**SUBJECT:** The revision of the Levy Estimate Budget of the **GENERAL COUNTY FUND, FY 2012/2013**, for the County of **LEWIS**. The following resolution was offered:

**RESOLVED:** That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised **PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS**, as shown on budget revision number **1 (One)**, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Agnes G. Queen, and duly seconded by Thomas V. Fealy the vote thereon was as follows: (circle one)

 _____ Patrick D. Boyle	<input checked="" type="radio"/> yes	no
 _____ Thomas V. Fealy	<input checked="" type="radio"/> yes	no
 _____ Agnes G. Queen	<input checked="" type="radio"/> yes	no

**WHEREUPON**, Patrick D. Boyle, President, declared said resolution duly adopted, and it is therefore **ADJUDGED AND ORDERED** that said resolution be, and the same is, hereby adopted as so stated above, and the President is authorized to affix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

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LGSD BR 1180 (Rev. 2010)

Ora Ash, Director  
West Virginia State Auditor's Office  
200 West Main Street  
Clarksburg, WV 26302  
Phone: 627-2415 ext. 5114  
Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Lewis County Commission  
GOVERNMENT ENTITY

**CONTROL NUMBER**

2012/2013  
FY  
1  
FUND  
1  
REV. NO.  
1 of 2  
PG. OF NO.

**Person To Contact Regarding**

Budget Revision: Debra A. Hull  
Phone: 304-269-8215  
Fax: 304-269-8202

PO Box 87  
STREET OR PO BOX  
Weston 26452  
CITY ZIP CODE

County  
Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	2,500,000	2,157,686		4,657,686
322	Federal Grants	146,485	831,870		978,355
323	State Grants		355,453		355,453
324	Other Grants	33,786	12,333		46,119
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 3,357,342

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
402	County Clerk	423,749	5,800		429,549
424	Courthouse	1,610,562	372,680		1,983,242
427	Microfilm	126,388	3,271		129,659
428	Data Processing	149,599	1,830		151,429
442	Federal Grants		856,537		856,537
443	State Grants		450,408		450,408
699	Contingencies	812,667	343,679		1,156,346
704	Regional Jail	350,000	100,000		450,000
713	Fire Department	80,000	60,000		140,000
716	Dog Warden/Humana Society	110,297	15,000		125,297
730	Courthouse Security		182,500		182,500
	#N/A				

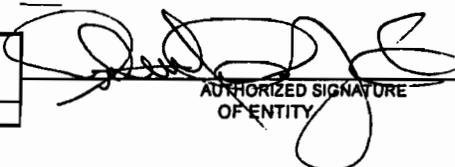
**NET INCREASE/(DECREASE) Expenditures** 3,357,342

731	Community Based Corrections Program	19,862		9,177	10,685
957	Family Law Master	32,044	2,000		34,044
987	Courthouse	151,230	716,194		867,424
990	Other Boards & Authorities	500,000	256,620		756,620

**NET INCREASE/(DECREASE) Expenditures (this page)**

965,637

APPROVED BY THE STATE AUDITOR  
BY: \_\_\_\_\_ Date \_\_\_\_\_  
Director, Local Government Services Division

  
AUTHORIZED SIGNATURE  
OF ENTITY

7-30-12  
APPROVAL  
DATE

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
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IN RE: LEAVE REQUEST APPROVED

The following leave request was approved upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous:

TOM ALKIRE	July 27 <sup>th</sup>	1 Day Comp Time
JOHN SNYDER	July 27 <sup>th</sup>	1 Day Comp Time

IN RE: PROBATING THE LAST WILL AND TESTAMENT OF  
BRANNON H. FOSTER, DECEASED

This day came Gary B. Foster, son of Brannon H. Foster, deceased, and presented and offered for probate a paper writing bearing date the 6<sup>th</sup> day of April, 1998, purporting to be the Last Will and Testament of his said decedent.

And, it appearing to the Commission that the said decedent, at the time of his death, had a known place of residence in the County of Lewis, State of West Virginia, and it further appearing that the said paper writing had attached thereto, an affidavit signed by Heather L. Ellis, Donna S. Wolfe and Bernice M. Linger. The said affidavit set forth the fact that the said Brannon H. Foster, the Testator, signed and declared the said paper writing as and for his Last Will and Testament in their presence and at the time thereof, the said Testator was of sound mind and disposing memory and over the age of eighteen. And, at the request of the said Testator, they, the said Heather L. Ellis, Donna S. Wolfe and Bernice M. Linger signed their names to said paper writing in the presence of the said Testator and in the presence of each other as the attesting witnesses thereto.

The said Will being thus proved, is admitted to probate and ordered to be filed and recorded as directed by law.

IN RE: QUALIFICATION OF GARY B. FOSTER, EXECUTOR, OF THE  
WILL OF BRANNON H. FOSTER, DECEASED

WHEREAS, Brannon H. Foster, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Gary B. Foster as Executor thereof and requested that no bond be required of him as such Executor. THEREUPON, personally appeared the said Gary B. Foster and qualified as Executor of the Will of Brannon H. Foster, deceased, by taking the oath prescribed by law.

It is stated by said Executor that Brannon H. Foster departed this life on the 23rd day of July, 2012, aged eighty-nine years.

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IN RE: RECEIPTS AND DISBURSEMENTS

Pursuant to the provisions of Chapter 44, Article 2, Section 1 of the 1981 Code of West Virginia, as amended by the acts of the Legislature, Regular Session, 1985, the following doth hereby declare that the time for filing of CLAIMS has expired; that no known and unpaid CLAIMS exist against said estate; and there having been no objections thereto, the same is hereby confirmed:

Sandra Kay Heater, Executrix, Waiver of Settlement of the  
Fiduciary Account of the Estate of Fred Allen Heater, deceased

IN RE: AFFIDAVIT OF UNADMINISTERED ESTATES

Pursuant to Chapter 44, Article 2, Section 1 (b) of the West Virginia Code as amended, the following doth hereby declare that they are the sole beneficiary of said estate; that the time for filing of CLAIMS has expired; that no known or unpaid CLAIMS exist and there having been no objections thereto, the same is hereby confirmed;

Michael R. Gissy, Sheriff, Administrator, Affidavit of Personal Representative,  
Unadministered Estate of Jane S. Ellison, deceased.

Judith Ann Stutler, Executrix, Affidavit of Personal Representative,  
Unadministered Estate of John Floyd Stutler, deceased.

Donna L. Davis, Executrix, Affidavit of Personal Representative,  
Unadministered Estate of Irene M. Hall, deceased.

Sharon L. Allman, Executrix, Affidavit of Personal Representative,  
Unadministered Estate of George W. Allman, deceased.

MISCELLANEOUS CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, GENERAL COUNTY FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

68776	AFLAC	07/30/2012	514.78
68777	Century Link	07/30/2012	20.31
68778	Guttman Oil Company	07/30/2012	969.18
68779	Mon Power	07/30/2012	2,319.89
68780	WV American Water Company	07/30/2012	75.66
	GENERAL COUNTY	TOTAL	3,899.82

E-911 EMERGENCY COMMUNICATION CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, E-911 EMERGENCY COMMUNICATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

7149	Frontier	07/30/2012	773.39
7150	Frontier	07/30/2012	39.40
7151	Guttman Oil Company	07/30/2012	57.57
	E-911	TOTAL	870.36

ASSESSOR VALUATION CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, ASSESSOR VALUATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2731	Guttman Oil Company	07/30/2012	102.77
	ASSESSOR VAL	TOTAL	102.77

HOME CONFINEMENT CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, HOME CONFINEMENT FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as follows:

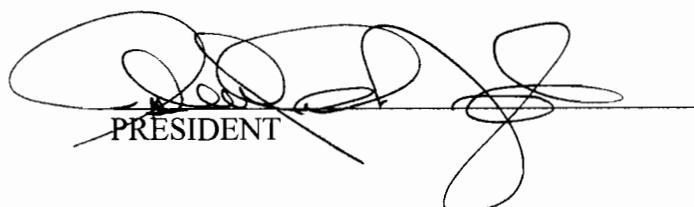
2372	Sentinel Offender Service	07/30/2012	416.30
	HOME CONFINEMENT	TOTAL	416.30

IN RE: CHECKS RECEIVED

WV - State of	2,588.13	WV - State of	\$ 204.50
WV - State of	2,191.16	WV - State of	111,928.35
Lewis County Park	16,167.87	LC Emerg. Ambul. Serv.	20,529.96
Suddenlink	1,360.98	Gilmer County Sheriff	3,736.76
Granite Telecomm.	66.50	Froniter	145.98
Interface Security Syst.	9.25	Lumos	598.36
Cebridge Telecom WV	81.40	Froniter	1,399.17
Lumos	1,148.68	Weston, City of	3,000.00
Compliance Solutions, Inc	322.00	Froniter	7,471.82
Mountain Comm., LLC	72.04	Vonage	131.25
IDT	5.25	AT&T Comm. Of WV	147.00
Granite Telecomm.	220.50	Level 3 Comm., LLC	21.00
Compliance Solutions, Inc	26.25		

The minutes of this meeting were approved upon motion of Agnes G. Queen, second by Thomas V. Fealy, motion passing.

ORDERED, That this Commission doth now adjourn in recess until Monday, August 13th, 2012.

  
 \_\_\_\_\_  
 PRESIDENT