

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
RECESS
SESSION:**

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Wednesday, January 9, 2013.

Dale Lee Williams appeared at a former date and presented and offered for probate a paper writing bearing date the 5th day of July, 2010, purporting to be the Last Will and Testament of Patty Williams, deceased.

And, it appearing to the Clerk that the said decedent, at the time of her 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 Harriett E. Williams and Lisa A. Bennett. The said affidavit set forth the fact that the said Patty Williams, the Testatrix, signed and declared the said paper writing as and for her Last Will and Testament in their presence and at the time thereof, the said Testatrix was of sound mind and disposing memory and over the age of eighteen. And, at the request of the said Testatrix, they, the said Harriett E. Williams and Lisa A. Bennett signed their names to said paper writing in the presence of the said Testatrix 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.

Attest:

 Clerk

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Wednesday, January 9, 2013.

WHEREAS, Patty Williams, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Dale Lee Williams and Vicki Jo Williams Spicer as Co- Executor and Co-Executrix thereof and requested that no bond be required of them as such Co-Executor & Co-Executrix. Whereas, the said Vicki Jo Williams Spicer declined to serve as such Executrix of the Estate of Patty Williams, deceased. THEREUPON, personally appeared the said Dale Lee Williams and qualified as Executor of the Will of Patty Williams, deceased, by taking the oath prescribed by law.

It is stated by said Executor that Patty Williams departed this life on the 18th day of December, 2012, aged eighty-one years.

Attest:

 Clerk

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SESSION:**

State of West Virginia;
County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Wednesday, January 9, 2013.

This day came John W. Carroll, son of Florence L. Carroll, deceased, and presented and offered for probate a paper writing bearing date the 10th day of May, 1974, purporting to be the Last Will and Testament of his said decedent.

And it appearing to the Clerk that the said decedent, at the time of her death, had a known place of residence in the County of Lewis, State of West Virginia, and it further appearing that the paper writing had attached thereto, an affidavit signed by Deloras E. Cussins and Linda Rollins. The said affidavit set forth the fact that the said Florence L. Carroll, the Testatrix, signed and declared the said paper writing as and for her Last Will and Testament in their presence and at the time thereof, the said Testatrix was of sound mind and disposing memory and over the age of eighteen. And, at the request of the said Testatrix, they, the said Deloras E. Cussins and Linda Rollins signed their names to said paper writing in the presence of the said Testatrix 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.

It is stated by the said John W. Carroll that Florence L. Carroll departed this life on the 29th day of December, 2012, aged eighty-four years

Attest:

 Clerk

State of West Virginia;
County of Lewis, To-Wit;

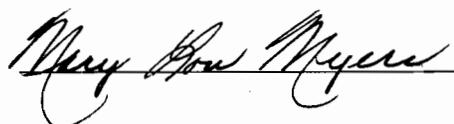
In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Friday, January 11, 2013.

Judy Elizabeth DeGarmo appeared at a former date and presented and offered for probate a paper writing bearing date the 26th day of June, 2006, purporting to be the Last Will and Testament of Athlea Janet Coulter, deceased.

And, it appearing to the Clerk that the said decedent, at the time of her 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 Samuel J. Losh and Stephen P. Carroll. The said affidavit set forth the fact that the said Athlea Janet Coulter, the Testatrix, signed and declared the said paper writing as and for her Last Will and Testament in their presence and at the time thereof, the said Testatrix was of sound mind and disposing memory and over the age of eighteen. And, at the request of the said Testatrix, they, the said Samuel J. Losh and Stephen P. Carroll signed their names to said paper writing in the presence of the said Testatrix 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.

Attest:

 Clerk

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
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SESSION:**

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Friday, January 11, 2013.

WHEREAS, Athlea Janet Coulter, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Judy Elizabeth DeGarmo as Executrix thereof and requested that no bond be required of her as such Executrix. THEREUPON, personally appeared the said Judy Elizabeth DeGarmo and qualified as Executrix of the Will of Athlea Janet Coulter, deceased, by taking the oath prescribed by law.

It is stated by said Executrix that Athlea Janet Coulter departed this life on the 5th day of December, 2012, aged ninety-four years.

Attest:

 Clerk

State of West Virginia

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Friday, January 11, 2013.

This day came Pamela J. Gibson, heir of Charles Dalius Brumley, deceased, and moved the Clerk that she be appointed Administratrix of the personal estate of her said decedent, since thirty days have lapsed and no person having qualified for the said estate, the Clerk is of the opinion to and doth hereby appoint the said Pamela J. Gibson as such Administratrix.

THEREFORE, Pamela J. Gibson as principal together with Western Surety Company as her surety, entered into an acknowledged a bond in the penalty of Twenty-Five Thousand (\$25,000.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Pamela J. Gibson qualified as Administratrix of the personal estate of Charles Dalius Brumley, deceased, by taking the oath prescribed by law.

It is stated by said Administratrix that Charles Dalius Brumley departed this on the 10th day of August, 2012, aged seventy-five years.

Attest:

 Clerk

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
RECESS
SESSION:**

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Friday, January 11, 2013.

This day came Norma Jean Stalnaker, sister of Dale H. Beachler, Jr., deceased, and filed an affidavit signed by Celia M. Beachler, heir of said decedent, requesting that she be appointed as such Administratrix of her said decedent. Upon, consideration of which, the Clerk is of the opinion to and doth hereby appoint the said Norma Jean Stalnaker as such Administratrix.

THEREFORE, Norma Jean Stalnaker as principal together with Edwin L. Stalnaker as her surety, entered into an acknowledged a bond in the penalty of Twelve Thousand (\$12,000.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Norma Jean Stalnaker qualified as Administratrix of the personal estate of Dale H. Beachler, Jr., deceased, by taking the oath prescribed by law.

It is stated by said Administratrix that Dale H. Beachler, Jr. departed this life on the 4th day of January, 2013, aged seventy-three years.

Attest:

 Clerk

Commission sat pursuant to adjournment of Monday, January 7, 2013.
PRESENT: Thomas V. Fealy and Agnes G. Queen, Commissioners, with the Honorable
Patrick D. Boyle, President being absent.
The foregoing proceedings of this Commission were approved and signed by the
Acting President.

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Sheriff's Vehicle Report** – report filed, no comments.
2. **Upshur County Commission Agenda** – A copy of the Upshur County Commission for January 10, 2013 was filed. Community Corrections meeting was noted. It was noted that the Upshur County Commission is proposing to increase the 911 fees.
3. **Lewis E-911 Addressing report** – no comments
4. **Gilmer E-911 Addressing report** – no comments
5. **Lewis Gilmer E-911 Dispatch Data for 2012** – no comments
6. **Lewis County Convention and Visitor's Bureau December 4th meeting minutes and January 8, 2013 meeting agenda** – no comments
7. **Notification of "Our Children, Our Future" Community Planning Meeting Scheduled for January 2013 and "Kids and Families Day" at the WV State Legislature, February 26, 2013** – Commissioner Agnes G. Queen plans to attend.
8. **Central Regional Jail Invoice for December 2012** – invoice submitted. Commissioner Thomas V. Fealy commented that the invoice was down from the prior month. County Administrator Cindy Whetsell commented that this was the last bill before the decrease in cost takes effect.
9. **Lewis County Animal Control for December 2012 and Report for Full Year of 2012** – reports submitted. County Administrator Cindy Whetsell reported that a request for a new generator for the dog pound would be on next week's agenda.
10. **Sheriff's Monthly Settlement** – report submitted. No comments.
11. **Lewis/Upshur/Braxton Community Corrections Agenda January 14, 2013** – agenda submitted. County Administrator Cindy Whetsell commented that the commissioners did not need to attend the Community Corrections meeting. She informed the commission that there was a misinformation about the relocation of the Day Report office in Lewis County. She informed them that the director would be involved in any decision on relocation.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JANUARY 14, 2013**

IN RE: BOARD AND COMMITTEE REPORTS

Agnes G. Queen reported attending a walk thru of the new annex building. Everything is looking very good.

Agnes G. Queen and Cindy Whetsell attended a meeting in Charleston with the State Supreme Court, Steve Canterbury. The Court has approved some "bells and whistles" for the annex.

Agnes G. Queen and Cindy Whetsell also attended a conference call with the attorneys for case against the WV American Water Company. All of the counties involved in the case were against the WV American Water Company proposal.

Agnes G. Queen reported attending a meeting with the EDA search committee. The advertisement should be going out soon. Applications will be taken thru February 15. They are hoping to have a director hired by March 16th.

Cindy Whetsell reported that the West Fork Conservation Dinner had been cancelled.

**IN RE: LETTER TO T. CHAD KELLEY, ASSESSOR AND WV STATE TAX
DEPARTMENT FOR CORRECTIONS TO PROPERTY TAX BOOKS**

Upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote passing, to approve signing of a letter to T. Chad Kelley, Lewis County Assessor and the WV State Tax Department, Minerals and Industry Division per WV Code 11-3-24, to work on Lewis County property tax books during the month of February 2013 and to correct errors in name, description, and valuation of property to comply with the provisions set forth in the above referenced code. No assessments shall be increased without proper notice as required by Code and a list of all changes shall be provided to the Lewis County Commission during the Board of Equalization and Review for their approval.

IN RE: ADVERTISEMENT OF MAINTENANCE POSITION

Cindy Whetsell, County Administrator presented to the commission a sample advertisement and job description for the vacated maintenance position. Upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote passing to accept advertisement and job description as presented.

IN RE: EMPLOYEES MILEAGE REIMBURSEMENT RATE

Cindy Whetsell presented to the commission an IRS announcement dated December 9, 2011, on mileage rate increases effective January 1, 2012. After discussion, commission approved an increase from \$0.51 to \$0.55 per mile effective immediately, upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote passing.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
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**IN RE: REQUEST FROM UPSHUR COUNTY TO PURCHASE A GENERATOR FOR LEWIS
UPSHUR ANIMAL CONTROL FACILITY**

Cindy Whetsell presented a request from Upshur County Commission to purchase a generator for the Lewis Upshur Animal Control Facility. Ms. Whetsell requested the item be table until she had a chance to communicate with Mr. Parker on an alternative purchase. Upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote passing to table item.

IN RE: LEWIS COUNTY JUDICIAL ANNEX UPDATE

Cindy Whetsell, County Administrator reported she had received complaints from the City of Weston on mud on the streets. March Westin had ordered a brush to help clean the mud from the street and parking lot. Mary Lou Myers, County Clerk, informed commission that the brush had arrived and been used. The City also complained of a sink hole in Bank Alley. March Westin investigated this complaint and found out this was an on going sink hole, but in an effort to be a good neighbor had put gravel in the hole. The water leak at the intersection of School Drive and First Street was caused from an 85 year old pipe and not from construction of the annex.

Ms. Whetsell also informed the commission of the need to present to the Weston City Council the plat and legal description for the closing of a portion of School Drive. Upon motion of Agnes G. Queen, second by Thomas V. Fealy to present documents for closing a portion of School Drive to the Weston City Council on February 4, 2013, vote passing.

IN RE: LAMBING SEASON ADVERTISEMENT

Cindy Whetsell, County Administrator asked the commission if they wanted to advertise about tying dogs up during lambing season. Ms. Whetsell said it was not a requirement by code. It was decided to do public service announcement in lieu of an advertisement.

IN RE: LEWIS COUNTY EDA UPDATE

Bruce Lloyd advised the commission that the Bloody Run Water project was moving forward. There had been a conference call with the attorneys on the WV Water Company law suit. The hiring of a new director was advancing. Commissioner Queen informed Mr. Lloyd that the director's office would be painted and some repairs made.

IN RE: BUDGET WORK SESSION

The County Commission met with the following: Michael Smith, Prosecuting Attorney, John Hinzman, Circuit Clerk, Chad Kelley, Assessor, Mary Lou Myers, County Clerk, Bill Rowan, OEM/911 Director and Cindy Whetsell, Administrator for a six (6) month review of budgets. All budgets were in good shape and no problems were reported.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
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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;

Lawrence M. Chapman, Executor, Affidavit of Personal Representative,
Unadministered Estate of Dale W. Chapman, deceased.

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:

Joseph T. Carney, Executor, Receipts and Disbursements of the
Fiduciary Account of the Estate of Mary Gertrude Sleigh, deceased

IN RE: SETTLEMENT OF ACCOUNTS FOR CHARLES C. HATHAWAY,
FIDUCIARY COMMISSIONER

Charles C. Hathaway, Fiduciary Commissioner, having filed with the Clerk of this Commission during the month of January, 2013, and at least ten (10) days prior to this date, the following Settlement of Accounts, which have been made by him, advertised and otherwise handled in accordance with the Statutes; and there having been no objections thereto, the same hereby confirmed:

Alice Regina Morrison, Executrix, Receipts and Disbursements and Final Settlement of
the Fiduciary Account of the Estate of Julia Justine Fallon, deceased.

IN RE: REFERRING THE ESTATE OF CLAYTON A. WOOFER, DECEASED,
TO W. T. WEBER, JR., FIDUCIARY COMMISSIONER

WHEREAS, the appraisalment of Clayton A. Woofter, deceased, was this day filed; and
WHEREAS, the estate of said Clayton A. Woofter, deceased, exceeded the sum of (\$100,000.00)
Dollars and more than one heir; and

THEREFORE, the estate of Clayton A. Woofter, deceased, is hereby referred to W. T.
Weber, Jr., Fiduciary Commissioner.

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:

7286	United Bankcard Center	01/14/2013	895.46
7287	Guttman Oil Company	01/14/2013	33.87
	E-911	TOTAL	929.33

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
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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:

69322	United Bankcard Center	01/14/2013	15,653.62
69324	City of Weston	01/14/2013	900.00
69325	Companion Life	01/14/2013	106.00
69326	Dick Griffin & Company	01/14/2013	75.00
69327	Dominion Hope	01/14/2013	1,260.48
69328	Elite Cleaners	01/14/2013	240.60
69329	Guttman Oil Company	01/14/2013	917.38
69330	Randy Harris	01/14/2013	640.00
69331	Lewis County Park	01/14/2013	11,269.84
69332	LC Conven. & Visitors Bur	01/14/2013	10,836.38
69333	Louis Bennett Pub.Library	01/14/2013	4,334.55
69334	Miller Communications Inc	01/14/2013	300.00
69335	Mt Lake Convention &	01/14/2013	10,836.38
69336	Premier Construction Grp	01/14/2013	237,504.00
69337	Prescription Pest Control	01/14/2013	185.00
69338	Ramsey Insurance Serv,Inc	01/14/2013	55.00
69339	WV Reg.Jail&Corr.FacAuth	01/14/2013	28,840.80
69340	Software Systems, Inc.	01/14/2013	53.00
69341	Town of Jane Lew	01/14/2013	6,068.37
69342	Travelers	01/14/2013	40,382.00
69343	Weston Masonic Cemetery	01/14/2013	85.00
69344	WV Pros. Attorneys' Assoc	01/14/2013	400.00
69345	WV Tax Deputies Assoc.	01/14/2013	25.00
	GENERAL COUNTY	TOTAL	370,968.40

DOG AND KENNEL CLAIMS

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

2515	United Bankcard Center	01/14/2013	1,014.65
2516	Utility Boards	01/14/2013	34.98
	DOG AND KENNEL	TOTAL	1,049.63

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
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ASSESSOR VALUATION CLAIMS

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

2783	United Bankcard Center	01/14/2013	7,669.95
	ASSESSOR VAL	TOTAL	7,669.95

MAGISTRATE COURT CLAIMS

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

1865	General County Fund	01/14/2013	1,520.00
	MAGISTRATE COURT	TOTAL	1,520.00

IN RE: CHECKS RECEIVED

WV, State of	\$237,504.00
Michael Gissy	2.00
Dog & Kennel	330.00
LC Emerg. Ambul. Serv.	25,135.53

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

ORDERED, That this Commission doth now adjourn until Tuesday, January 22, 2013.



ACTING PRESIDENT