

Commission sat pursuant to adjournment of Friday, February 8, 2013, sitting as a Board of Equalization and Review.

PRESENT: Honorable Patrick D. Boyle, President, Thomas V. Fealy and Agnes G. Queen, Commissioners

The foregoing proceedings of this Commission were approved and signed by the President.

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Sheriff's Vehicle Report** – January, 2013 report of mileage and maintenance for the Sheriff's Department fleet. It was noted that Deputy Browning was now driving the Dodge Ram and its mileage was 70,000.
2. **Upshur County Commission Agenda** – A copy of the Upshur County Commission for February 7, 2013 was filed. It was noted that Community Corrections had approved an intern. The Community Corrections meeting is tonight in Buckhannon.
3. **Community Corrections February 11, 2013 meeting Agenda** – Number of clients for Lewis County is good.
4. **Notification of Grant Award from West Virginia Records Management Program** – Notification that the Lewis County Circuit Clerk has received a \$10,000.00 grant award from the West Virginia Records Management Program to purchase scanners (\$7,255.00) and overtime for staff to begin scanning order books (\$2,745).
5. **Thank you from Senator Sam Cann** – Note of appreciation from Senator Sam Cann following his recent visit to the Commission.
6. **Cable Franchise Fee from SuddenLink**–Notification of cable franchise fee remittance from SuddenLink for October, November, and December, 2012. Total remitted \$1,360.92.
7. **Update on Meeting with City of Weston regarding closure of School Drive** – The Lewis County Commission attended the Weston City Council Meeting, Monday, February 4, 2013 and requested a portion of School Drive be closed. Closed area is 2,596 square feet from Bank Street to the southern corner of the Lewis County Courthouse. The roadway will remain open for entry from First Street to allow access to an adjacent property and the parking areas of the Lewis County Courthouse and Judicial Annex. The City Council approved this request. Plat attached. County Clerk Mary Lou Myers requested a closure order. Mr. Hogan said the city attorney will furnish the order to be recorded.

IN RE: BOARD AND COMMITTEE REPORTS

Commissioner Agnes G. Queen attended the Legislative Reception. It was a very nice event. Commissioners Queen, Fealy and Boyle attend the Board of Equalization and Review and there were no appointments.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, FEBRUARY 11, 2013**

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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;

Charles Stanley Barton, Administrator, Affidavit of Personal Representative,  
Unadministered Estate of Linda Kay Barton, deceased.

Betty Bender, Executrix, Affidavit of Personal Representative,  
Unadministered Estate of Clarence Edwin Brown, 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:

Donald J. Finster and Paul W. Finster, Co-Executors, Waiver of Settlement of the  
Fiduciary Account of the Estate of Wilbur B. Finster, deceased.

IN RE: SURPLUS DECLARATION OF 2004 DURANGO

Sheriff Adam Gissy submitted a request to declare the 2004 Durango, Vin ID 1992 surplus. On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous, to declare the 2004 Durango surplus. Cindy Whetsel, County Administrator was directed to notify the different agencies that the Durango would be available.

IN RE: HIRING OF JAMES CLEVINGER, CHIEF SECURITY OFFICER

Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to hire James Clevenger as the Chief Security Officer at the annual rate of \$36,500.00 to start at March 1, 2013. The Commission directed separate line items in the 424 account so that the security funds can be kept separate.

IN RE: MOUNTAIN LAKES CONVENTION AND VISITORS BUREAU, QUARTERLY REPORT

Elaine Massey, Executive Director for the Mountain Lakes Convention and Visitors Bureau gave her quarterly report. A full copy of the report is filed in the County Clerk's office.

IN RE: ADDITIONAL FUNDING REQUEST FROM THE LEWIS/UPSHUR/BRAXTON  
COMMUNITY CORRECTION PROGRAM

The Lewis/Upshur/Braxton Community Correction Program requested an additional \$9,176.43 for additional counseling services for the 2012-2013 fiscal year. Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve additional funding request in the amount of \$9,176.43. The additional funds will be taken from contingency fund and transferred to 001-731-567.0.

IN RE: GIS UPDATE

The City of Weston is unable to locate specific boundaries. They request information recorded in the county regarding any boundary lines and all correspondence recorded regarding the City corporation, as well as, information on the determination of county tax map boundaries. Rather than further delay the project, the City agrees that the current tax maps should be the base used for the GIS system. With the additional information they are requesting, they will work with external agencies to produce an accurate boundary. Mr. Hogan reported that he had the State of Virginia send him a copy of the deed that set up the original city boundaries. He has been able to trace city limits up to the 70's. Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to help the City of Weston get information to get boundaries in line and to go with the tax maps as they are at present for the GIS system.

IN RE: HAZ MAT UPDATE FROM STEVE BYERS

Appearing before the commission, Steve Byers, Coordinator for the Lewis County Haz Mat Team wanted to give an update on the Team. He reported that the team is not functional at this time. The shelf life of the Level A and Level B suits is 5 years. All of the suits have exceeded their shelf life and cannot be used. With the \$11,000.00 budget that the team has it would have been enough to buy suits for one team and training for confined spaces. The team has the equipment but no training for confined space. The team had to replace two suits for the sheriff's department that had come up missing from the Sheriff's trailer. This unexpected cost was \$4,000.00. Mr. Byers asked the commission for an extra \$4,000.00 so his team could be trained in confined spaces. Commission directed Mr. Byers to get on the agenda for next week as no decisions could be made because he was not on the agenda.

IN RE: REQUEST FOR PCARD FOR BRITTANY MILLER, TAX OFFICE

Sheriff Adam Gissy requested a pcard for Brittany Miller, tax deputy with a limit of \$3,000.00. Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve Brittany Miller for a PCard with a limit of \$3,000.00.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, FEBRUARY 11, 2013**

---

IN RE: MAKE IT SHINE DATE SET

Upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous to set the date for the "Make It Shine" clean up date as Saturday, April 13, 2013. The cities of Jane Lew and Weston have agreed to make it a county wide clean up. The "Make it Shine" is a program sponsored by the West Virginia Division of Environmental Protection. "Make it Shine" is a community volunteer litter/clean-up program. The location for the clean up will be decided at a later date.

IN RE: PAYMENT REQUEST PRICETOWN FIRE DEPARTMENT FROM GRANT #G120985

Cindy Whetsell, County Administrator informed the commission that Pricetown Fire Department was requesting reimbursement from the West Virginia Department of Health and Human Resources for Grant #G120985 in the amount of \$1,000.00. No signatures were required.

IN RE: ANNEX UPDATE

Cindy Whetsell, County Administrator reported that the vendors for brick and mortar had been called in to job site because of a variation of color on the mortar. The manufacturer took samples and determined that it was a moisture problem and would correct itself. They directed March Westin to place some samples in a heated environment and see if the problem didn't correct itself. The power company will be hooking up the power to the annex some time this week.

IN RE: LEWIS COUNTY ECONOMICAL DEVELOPMENT ASSOCIATION UPDATE

Commissioner Agnes G. Queen, who is on the EDA Board, reported that the receiving of applications for a new director will close on February 15<sup>th</sup> and reviews of applications will be February 19<sup>th</sup>. Tentative start date for a new director will be March 16<sup>th</sup>.

IN RE: MICHAEL SMITH, PROSECUTING ATTORNEY, LAYOUT OF NEW OFFICES IN  
JUDICIAL ANNEX

Michael Smith, Prosecuting Attorney, appeared before the commission to ask that the layout of offices in the new annex be changed. Mr. Smith stated that privacy was a concern. Commissioner Agnes G. Queen informed Mr. Smith that it would cost \$51,000.00 and add 9 months onto the construction time. After discussion it was decided to use 7 ½ foot dividers and reevaluate after they had moved into the offices to see if the need was still there.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, FEBRUARY 11, 2013**

IN RE: GRANT PAYMENT REQUEST AND CLOSURE #10LEDA0735, PRICETOWN FIRE DEPARTMENT

The following Resolution was approved for signature on the closing of Grant #10LEDA0735 in the amount of \$2,000.00 for Pricetown Fire Department upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous:

**RESOLUTION**

**WHEREAS:** the WV CPGP will grant funds to eligible governments to finance projects, and

**WHEREAS:** the Lewis County Commission desires to obtain such funding, and

**WHEREAS:** the Lewis County Commission does authorize the grant closure of the CPGP for the Pricetown Volunteer Fire Department , and

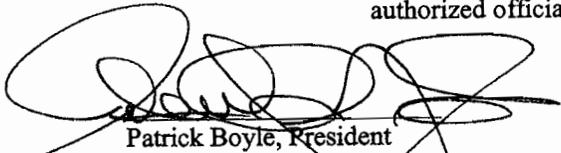
**WHEREAS:** is it necessary for the Lewis County Commission to authorize the grant closure of said funds for the Pricetown Volunteer Fire Department , and

**WHEREAS:** the Lewis County Commission must give assurances that WV CPGP regulations related to grant administration, civil rights, 10% match requirement, and other applicable state and federal laws will be followed, and

**WHEREAS:** the Lewis County Commission must designate an official representative to act in connection with the grant closure and execute all necessary program documents,

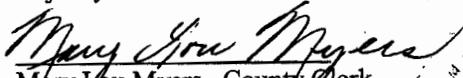
**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Lewis County Commission authorizes the grant closure for Pricetown Volunteer Fire Department , and
2. The Lewis County Commission complied with all laws and regulations pertaining to the program, including the mandated 10% match, and
3. The Lewis County Commission will utilize the funds for the Pricetown Volunteer Fire Department , and
4. Patrick Boyle, President, or Lucinda A. Whetsell, Administrator is designated as the authorized official to act in connection with this grant.

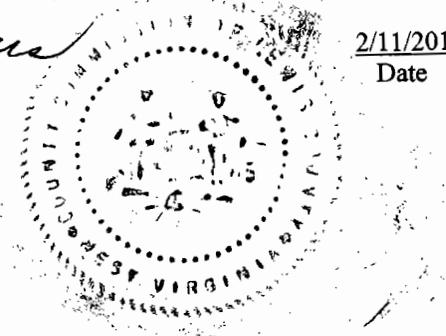
  
 Patrick Boyle, President  
 Lewis County Commission

2/11/2013  
 Date

I, Mary Lou Myers, Clerk, do hereby certify that the above is a true copy of a resolution adopted this date at a meeting of the Commission. I further certify that a quorum of the Commission was present and a majority of its members voted affirmatively for this resolution.

  
 Mary Lou Myers, County Clerk

2/11/2013  
 Date



ORDERS --- BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, FEBRUARY 11, 2013

IN RE: MINI GRANT FOR WV AUCTIONEER ASSOCIATION

Upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous to approve the mini grant application from the WV Auctioneer Association for \$1,000.00 for funds to help with mailings, speaking fees, room cost and breaks for the annual WVAA State Convention.

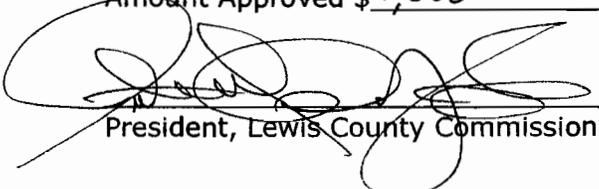
**Lewis County Commission Mini-Grant Application**

Entity or group requesting aid: West Virginia Auctioneers' Association  
Robert Stewart, Jr. President

1. Address: P.O. Box 524 Bluefield WV 24701
2. Phone#: 304-920-3611 Barbara Blake Ex. Dir.
3. Home, address and phone number (work and home) of person responsible for filing any report for this grant: 71 Auction Drive Jane Lew WV 26378  
884-7595 - 399 Hackers Creek Rd Jane Lew WV 26378
5. Amount of aid requested: 1000<sup>00</sup> Date: 1-22-2013
6. Name of Project: WVAA State Convention
7. Briefly state your need:  
Funds to help with mailings & speaking fees,  
Room cost, breaks
8. How will this project help Lewis County: Out of County & State Visitors  
Coming to event spending money staying over night eating, gas  
and in past some have come back for family vacation time.
9. Anticipated date of project completion: 2-24-13
10. Have you **requested** funds from other sources for this project? Yes  No   
Please List : Mountain Lakes CUB
11. Have you **received** any other funds? if so, please list:  
not yet
12. Does your organization have an annual audit? no Financial Statement?: Treasure Report  
at meetings
13. Are you NON-PROFIT?  Yes  No

**FOR COMMISSION USE ONLY**

Amount Approved \$ 1,000<sup>00</sup> Date: 02/11/13 Order Book 67 Page # 342

  
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President, Lewis County Commission

02/11/13  
\_\_\_\_\_  
Date

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, FEBRUARY 11, 2013**

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:

69387	United Bankcard Center	02/11/2013	16,144.98
69389	AVAYA, Inc	02/11/2013	63.44
69390	Cantrell Cleaning	02/11/2013	380.00
69391	Dominion Hope	02/11/2013	395.43
69392	Guttman Oil Company	02/11/2013	967.87
69393	Randy Harris	02/11/2013	640.00
69394	Lewis County Park	02/11/2013	7,995.65
69395	LC Conven. & Visitors Bur	02/11/2013	7,688.13
69396	Louis Bennett Pub.Library	02/11/2013	3,075.24
69397	Mt Lake Convention &	02/11/2013	7,688.13
69398	Prescription Pest Control	02/11/2013	5.00
69399	Software Systems, Inc.	02/11/2013	895.50
69400	Town of Jane Lew	02/11/2013	4,305.35
69401	WV American Water Company	02/11/2013	73.61
69402	WV State Auditor	02/11/2013	10,450.00
69403	WVU Fire Ser Extension	02/11/2013	500.00
69404	84 Lumber	02/11/2013	186.67
	GENERAL COUNTY	TOTAL	61,455.00

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:

7303	United Bankcard Center	02/11/2013	3,081.43
7304	Custom Signs &Graphix	02/11/2013	4,335.00
7305	Frontier	02/11/2013	22,806.12
7306	Guttman Oil Company	02/11/2013	51.81
7307	Positive Promotions, Inc.	02/11/2013	27.45
7308	Prescription Pest Control	02/11/2013	180.00
7309	Total Maintenance Solutio	02/11/2013	200.00
7310	WV ENHANCED 9-1-1 Council	02/11/2013	750.00
	E-911	TOTAL	31,431.81

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:

2785	United Bankcard Center	02/11/2013	1,901.93
2786	WHAW Radio	02/11/2013	123.75
2787	WOTR Radio	02/11/2013	123.75
2788	WVRW Radio	02/11/2013	123.75
	ASSESSOR VAL	TOTAL	2,273.18

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, FEBRUARY 11, 2013**

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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 of CLAIMS filed for payment as following:

2518	United Bankcard Center	02/11/2013	1,174.07
	DOG AND KENNEL	TOTAL	1,174.07

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:

1867	United Bankcard Center	02/11/2013	100.00
1868	General County Fund	02/11/2013	1,520.00
1869	WV State Auditor	02/11/2013	9,680.00
	MAGISTRATE COURT	TOTAL	11,300.00

IN RE: CHECKS RECEIVED

G. L. Cutlip Trucking, LLc	\$ 15.00	AT&T	\$61.25
Mike Ross, Inc.	17.70	Dog & Kennel	300.00
WV, State of	4,603.00	WV, State of	1,437.57
Weston, City of	1,125.90		

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 Wednesday, February 13, 2013, sitting as a Board of Equalization and Review, for minerals only.

  
PRESIDENT