

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

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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 Thursday, June 6, 2013.

This day came Shirley Fisher Simmons, wife of Ralph C. Simmons, deceased, and presented and offered for probate a paper writing bearing date the 29th day of March, 2011, purporting to be the Last Will and Testament of her said decedent.

And, it appearing to the Clerk 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 Hunter Simmons and Timothy Spangler, Jr. The said affidavit set forth the fact that the said Ralph C. Simmons, 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 Hunter Simmons and Timothy Spangler, Jr. 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.

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 Thursday, June 6, 2013.

WHEREAS, Ralph C. Simmons whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Shirley Fisher Simmons as Executrix thereof and requested that no bond be required of her as such Executrix. THEREUPON, personally appeared the said Shirley Fisher Simmons and qualified as Executrix of the Will of Ralph C. Simmons, deceased, by taking the oath prescribed by law.

It is stated by said Executrix that Ralph C. Simmons departed this life on the 27th day of May, 2013, aged ninety-eight years.

Attest:

 Clerk

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, JUNE 10, 2013**

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Commission sat pursuant to adjournment of Monday, June 3, 2013.

PRESENT: Honorable 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. **Upshur County Commission Agenda** – A copy of the Upshur County Commission Agenda for June 6, 2013 was filed.

**IN RE: BOARD AND COMMITTEE REPORTS**

Commissioner Agnes G. Queen attended the McCann's Run Community Neighborhood Watch meeting. Sheriff Adam Gissy was in attendance to report on the drug arrests last week.

Commissioner Queen also attended the Region 7 meeting. Office space rental was discussed. The current building had been sold and the new owner raised the rent. After discussion an agreement was reached between Region 7 and the new owner.

Commissioner Queen attended the grand opening of the Flooring Liquidator.

**IN RE: REAPPOINTMENT OF JOHN HERSMAN AND KENNY REED TO THE LEWIS COUNTY SAFE STRUCTURES AND SITES ENFORCEMENT AGENCY**

Commission approved the requested reappointment of John Hersman and Kenny Reed to the Lewis County Safe Structures and Sites Enforcement Agency upon motion of Agnes G. Queen, second by Thomas V. Fealy, motion passing. The present term expires June 30, 2013.

**IN RE: ANNEX UPDATE**

County Administrator Lucinda Whetsell updated the commission on the annex. Silling and March Weston met and should have substantial completion within one week. The contractor should be out of the building by July 4. Paoli, furniture supplier by Supreme Court will have the standard furniture delivered by July 12 and the custom pieces delivered on the July 27<sup>th</sup>. August 1, 2013 is the new move in date. System training will be week of July 15 thru July 19. July 15 and 16 will be mechanical training and Wednesday will be security training.

**IN RE: EDA UPDATE**

Michael Herron, EDA Director reported that the contract will be awarded in the commission meeting in two weeks for the Bloody Run Water Project. Alum Fork and Laurel Lick water projects are going forward. 67% of the funding is from Abandon Mine Land. These projects have been transferred to Shane Whitehair, Region 7. Mr. Herron reported that the LED Grant was approved. He is working on Corr H development grants. The EDA board meeting is the 26<sup>th</sup>. The will be working on updating by laws and membership requirements. Mr. Herron was glad to report that the unemployment rate for Lewis County was down again for the second month. The rate is 5.4%. Mr. Herron is working on a revenue source for the EDA.

ORDERS --- BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, JUNE 10, 2013

IN RE: BUDGET REVISION - FY 2012/2013  
GENERAL COUNTY (001) REVISION #06

**Budget Resolution**

At a regular session of the County Commission, held **June 10, 2013**, 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 **6 (Six)**, 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)

<u>Not Present</u>	yes	no
Patrick D. Boyle		
<u>Thomas V. Fealy</u>	<input checked="" type="radio"/>	no
Thomas V. Fealy		
<u>Agnes G. Queen</u>	<input checked="" type="radio"/>	no
Agnes G. Queen		

**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.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, JUNE 10, 2013**

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

**6**

REV. NO.

**1 of 1**

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

CITY

26452

ZIP CODE

County

Government Type

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
309	Hotel Occupancy Tax	550,000	125,000		675,000
324	Other Grants	66,611	1,500		68,111
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

126,500

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
408	Statewide Computer Network	44,025	4,700		48,725
699	Contingencies	1,096,928		5,010	1,091,918
729	Local Law Enforcement Grant	20,429	1,810		22,239
900	Parks & Recreation	269,630	50,000		319,630
911	Visitor's Bureau	275,000	62,500		337,500
916	Library	55,000	12,500		67,500
	#N/A				

**NET INCREASE/(DECREASE) Expenditures**

126,500

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

*Thomas V. Freely (acting)* 6/10/13  
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, JUNE 10, 2013

IN RE: BUDGET REVISION - FY 2012/2013  
COAL SEVERANCE (002) REVISION #02

**Budget Resolution**

At a regular session of the County Commission, held **June 10, 2013**, the following order was made and entered:

**SUBJECT:** The revision of the Levy Estimate Budget of the **Coal Severance 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 **02 (two)**, 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)

<u>Not Present</u>	yes	no
Patrick D. Boyle		
<u>Thomas V. Fealy</u>	(yes)	no
Thomas V. Fealy		
<u>Agnes G. Queen</u>	(yes)	no
Agnes G. Queen		

**WHEREUPON**, Agnes G. Queen, 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.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY**  
**REGULAR**  
**SESSION: MONDAY, JUNE 10, 2013**

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  
**2**  
 FUND  
**2**  
 REV. NO.  
**1 of 1**  
 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  
 CITY  
 26452  
 ZIP CODE

County  
 Government Type

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Coal Severance Tax	30,000	25,100		55,100
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 25,100

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
712	Communication Center	46,104	25,100		71,204
	#N/A				

**NET INCREASE/(DECREASE) Expenditures** 25,100

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

*X. Thomas V. Fisher (Auditor)* 6/10/13  
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, JUNE 10, 2013**

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**IN RE: LEAVE REQUESTS APPROVED**

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

Barbara Winans      Annual (June 21, 27, 28, July 5, 2013) Sick (June 7, 2013 4 hours)  
Garry L. Demoss      Annual (June 13 and 14, 2013)

**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:

Archie Ell Bennett, Executor, Waiver of Settlement of the Fiduciary Account of the Estate of Dorothy Jeanette (Clem) Bennett, 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:

69673	United Bankcard Center	06/10/2013	25,437.68
69675	AJ-Allegheny Systems	06/10/2013	450.00
69676	Biser's Radio Service	06/10/2013	1,368.00
69677	Cantrell Cleaning	06/10/2013	380.00
69678	James D. Clevenger	06/10/2013	137.50
69679	Mary Lou Myers, Clerk	06/10/2013	33.00
69680	CSSI, Inc.	06/10/2013	1,447.00
69681	Daxton Irving	06/10/2013	667.00
69682	Dominion Hope	06/10/2013	23.62
69683	Fire Chasers Fire EquipCo	06/10/2013	572.69
69684	Guttman Oil Company	06/10/2013	1,253.07
69685	Randy Harris	06/10/2013	640.00
69686	Lewis County Building	06/10/2013	27,060.00
69699 <del>69687</del>	Lewis Co 4-H Foundation Camp	06/10/2013	1,000.00
69688	Mon Power	06/10/2013	3,738.69
69689	Mountaineer Military Muse	06/10/2013	16.63
69690	Prescription Pest Control	06/10/2013	165.00
69691	Sam's Club	06/10/2013	47.70
69692	Software Systems, Inc.	06/10/2013	1,178.50
69693	Weston Storage, Inc.	06/10/2013	420.00
69694	WV American Water Company	06/10/2013	76.66
	GENERAL COUNTY	TOTAL	66,112.74

**ORDERS - - BOARD OF COMMISSIONERS, LEWIS COUNTY**  
**REGULAR**  
**SESSION: MONDAY, JUNE 10, 2013**

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:

2815	United Bankcard Center	06/10/2013	12,377.76
2816	Timothy C. Kelley	06/10/2013	154.00
	ASSESSOR VAL	TOTAL	12,531.76

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:

7393	United Bankcard Center	06/10/2013	5,640.89
7394	Dominion Hope	06/10/2013	22.53
7395	Miller Communications Inc	06/10/2013	1,351.75
7396	Prescription Pest Control	06/10/2013	50.00
7397	Roush Electric	06/10/2013	2,372.25
7398	Total Maintenance Solutio	06/10/2013	180.00
7399	WHAW Radio	06/10/2013	247.50
7400	WVRW Radio	06/10/2013	247.50
	E-911	TOTAL	10,112.42

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:

2530	United Bankcard Center	06/10/2013	598.44
	DOG AND KENNEL	TOTAL	598.44

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:

1882	General County Fund	06/10/2013	1,520.00
1883	Michael Gissy	06/10/2013	24.95
	MAGISTRATE COURT	TOTAL	1,544.95

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY**  
**REGULAR**  
**SESSION: MONDAY, JUNE 10, 2013**

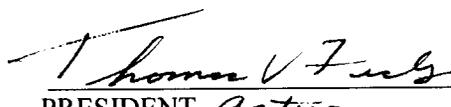
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## IN RE: CHECKS RECEIVED

WV, State of	\$1,486.57	Lewis County Park	\$6,813.15
LC Emerg. Ambul. Serv.	18,810.36	Maria Adams	15.00
XTO Energy, Inc.	15.00		

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 until Monday, June 17, 2013.

  
\_\_\_\_\_  
PRESIDENT *Acting*