

**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 Tuesday, July 16, 2013.

At an earlier date came Donna Jo Hull and Donald George Markley, Jr., children of Mary Jo Markley, deceased, and presented and offered for probate a paper writing bearing date the 16th day of September, 2012, purporting to be the Last Will and Testament of their said decedent.

And, it appearing to the Clerk, that the said decedent, at the time of her death, had known place of residence in the County of Lewis, State of West Virginia, and it further appearing to the Clerk that the said paper writing was wholly in one handwriting, thereupon came Linda Hicks and Kim Gum, they being of legal age, who after being first duly sworn, did depose and say that they were well acquainted with the handwriting of the said Mary Jo Markley, deceased. Then, the witnesses examined the document and did further and severally depose and say that they verily believe that the writing and signature of the said instrument and every part thereof is in the proper and genuine handwriting of the said Mary Jo Markley, deceased.

The said Will being thus proved, is admitted to probate and ordered to be recorded and filed 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 Tuesday, July 16, 2013.

WHEREAS, Mary Jo Markley, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Donna Jo Hull and Donald George Markley, Jr. as Co-Executrix and Co-Executor thereof and requested that no bond be required of them as such Co-Executrix and Co-Executor. THEREUPON, personally appeared the said Donna Jo Hull and Donald George Markley, Jr. and qualified as Co- Executrix and Co-Executor of the Will of Mary Jo Markley, deceased, by taking the oath prescribed by law.

It is stated by said Co- Executrix and Co-Executor that Mary Jo Markley, departed this life on the 30th day of June, 2013, aged seventy-six 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 Thursday, July 18, 2013.

This day came Helen Dolores Paugh, wife of Otto V. Paugh, deceased and presented and offered for probate a paper writing bearing date the 23rd day of October, 1980, 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 James M. Ellis, Betty Faye Gum and William S. Heaster. The said affidavit set forth the fact that the said Otto V. Paugh, 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 James M. Ellis, Betty Faye Gum and William S. Heaster 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, July 18, 2013.

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

It is stated by said Executrix that Otto V. Paugh departed this life on the 7th day of May, 2013, aged ninety-one 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, July 19, 2013.

At an earlier date come Jani D. Jones, daughter of Willa Jean Walton, deceased, and presented and offered for probate a paper writing bearing no date, purporting to be the Last Will and Testament of said decedent.

And, it appearing to the Clerk, that the said decedent, at the time of death, had a known place of resident in the County of Lewis, State of West Virginia, and further appearing to the Clerk that the said paper writing was not witnessed or notarized, and thereupon came Linda Hicks and Mary Miller, they being of legal age, who after being first duly sworn, did depose and say that they were well acquainted with the handwriting of the said Willa Jean Walton, deceased. Then, the witnesses examined the document and did further and severally depose and say that they verily believe that the writing and signature of the said instrument and every part thereof is in the proper and genuine handwriting of the said Willa Jean Walton, deceased.

The said Will being thus proved, is admitted to probate and ordered to be recorded and filed 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 Lewis, in the recess of said Commission on Friday, July 19, 2013.

Willa Jean Walton, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Jani D. Jones as Executrix thereof and requested that no bond be required of her as such Executrix. THEREUPON, personally appeared the said Jani D. Jones and qualified as Executrix of the Will of Willa Jean Walton, deceased, by taking the oath prescribed by law.

It is stated by said Executrix that Willa Jean Walton departed this life on the 23rd day of June, 2013, aged eighty years.

Attest:

 Clerk

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 22, 2013**

Commission sat pursuant to adjournment of Monday, July 22, 2013.

PRESENT: Honorable Patrick D. Boyle, President, Agnes G. Queen, Commissioner, with Thomas V. Fealy, Commissioner being absent.

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

IN RE: TAX EXONERATIONS

Upon application of the following, approved by the Prosecuting Attorney, it appears that they were erroneously assessed and should therefore be, released the following amounts, as so ordered. Upon motion of Agnes G. Queen, second by Patrick D. Boyle, motion passing, the following amounts were released.

Terry Turner	\$ 183.68	Bradley W. or Amy L. Foster	\$ 48.76
Ruth A. Pratt	\$ 4.84	Burnie or Floda Mowery	\$ 31.86
New York State Comptroller - 2008	\$ 26.50	New York State Comptroller - 2009	\$ 16.36
New York State Comptroller - 2010	\$ 4.44	New York State Comptroller - 2011	\$ 16.82
New York State Comptroller - 2012	\$ 4.60	New York State Comptroller - 2013	\$ 4.60
Old National Bank of Martinsburg	\$ 4.60		

IN RE: PROBATING THE LAST WILL AND TESTAMENT OF
JOHN F. RAINES, DECEASED

This day came Charles T. Raines, son of John F. Raines, deceased, and presented and offered for probate a paper writing bearing date the 23rd day of May, 2005, purporting to be the Last Will and Testament of John F. Raines, deceased

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 paper writing had attached thereto, an affidavit signed by Joan L. Riffle and Tina M. McHenry. The said affidavit set forth the fact that the said John F. Raines, 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 Joan L. Riffle and Tina M. McHenry 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 CHARLES T. RAINES, EXECUTOR OF THE WILL OF
JOHN F. RAINES, DECEASED

WHEREAS, John F. Raines, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Ada B. Raines as Executrix thereof and requested that no bond be required of her as such Executrix. Whereas, the said Ada B. Raines appeared and declined to serve as such Executrix. The Will further named Charles T. Raines as Executor thereof with no bond required of her. THEREUPON, personally appeared the said Charles T. Raines and qualified as Executor of the Will of John F. Raines, deceased, by taking the oath prescribed by law.

It is stated by said Executor that John F. Raines departed this life on the 17th day of July, 2013, aged eighty-four years.

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 22, 2013**

IN RE: BUDGET REVISION - APPROVED

The following Budget Revision was this day approved by the WV State Auditor, Local Government Services Division, for FY 2013/2014 COAL SEVERANCE (002) Revision #01

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)

CONTROL NUMBER

2013/2014

FY

2

FUND

1

REV. NO.

1 of 1

PG. OF NO.

Lewis County Commission

GOVERNMENT ENTITY

Person To Contact Regarding

Budget Revision: **Debra A. Hull**

Phone: **304-269-8215**

Fax: **304-269-8202**

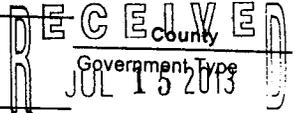
PO Box 87

STREET OR PO BOX

Weston

CITY

26452
ZIP CODE



Glen B. Gainer, III
WV State Auditor

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance	10,000	1,519		11,519
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

1,519

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	40,010	1,519		41,529
	#N/A				

NET INCREASE/(DECREASE) Expenditures

1,519

APPROVED BY THE STATE AUDITOR

BY: *Ora Ash/Karen* 7/15/2013
Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

7-15-13

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 22, 2013**

IN RE: PROBATING THE LAST WILL AND TESTAMENT AND CODICIL OF
SHIRLEY B. FULKS, DECEASED

This day came Paul Michael Fulks and Melody Lu Fulks Bennett, children of Shirley B. Fulks, deceased, and presented and offered for probate a paper writing bearing date the 23rd day of September, 2005, purporting to be the Last Will and Testament of their said decedent.

And it appearing to the Commission 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 Kellie Carpenter and Nadine Lenney. The said affidavit set forth the fact that the said Shirley B. Fulks, 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 Kellie Carpenter and Nadine Lenney both 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.

And, also presented and offered for probate a paper writing bearing date 23rd day of December, 2005, purporting to be Codicil No. 1 to the Last Will and Testament of Shirley B. Fulks, deceased.

And, it further appearing that the said paper writing had attached thereto, an affidavit subscribed by the attesting witnesses thereto, namely Sandra K. Parker and Kellie J. Carpenter. The said affidavit set forth the fact that the said Shirley B. Fulks, the Testatrix, signed and declared the said paper writing as and for a Codicil to 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 years. And, at the request of the said Testatrix, they, the Sandra K. Parker and Kellie J. Carpenter both 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 and codicil being thus proved, is admitted to probate and ordered to be filed and recorded as directed by law.

IN RE: QUALIFICATION OF PAUL MICHAEL FULKS AND MELODY LU FULKS BENNETT,
CO-EXECUTOR AND CO-EXECUTRIX OF THE WILL OF SHIRLEY B. FULKS, DECEASED

WHEREAS, Shirley B. Fulks, whose Last Will and Testament and Codicil was this day fully proved, probated and admitted to record, therein named Paul Preston Fulks as Executor thereof and requested that no bond be required of him as such Executor. Whereas, the said Paul Preston Fulks has since departed this life. The Will further named Paul Michael Fulks and Melody Lu Fulks Bennett as Co-Executor and Co-Executrix thereof and requested that no bond be required of them as such Co-Executor and Co-Executrix. THEREUPON, personally appeared the said Paul Michael Fulks and Melody Lu Fulks Bennett and qualified as Co-Executor and Co-Executrix of the Will and Codicil of Shirley B. Fulks, deceased, by taking the oath prescribed by law.

It is stated by said Co-Executor and Co-Executrix that Shirley B. Fulks departed this life on the 8th day of July, 2013, aged ninety-two years.

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 22, 2013**

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Commission Agenda** – A copy of the agenda for the July 18th, 2013 Upshur County Commission meeting. It was noted that the Region VII Planning & Development Council will meet 07/22/13 at 6:00 P.M.
2. **Lewis County Parks & Recreation Board** – Agenda for the July 15th, 2013 Meeting. No Comments.
3. **County Commissioners Association Annual Meeting** – The Annual Meeting with the WV State Auditor's Mandatory Training will be held August 4-August 7th, 2013, at Stonewall Resort. Commission will not have a meeting on August 5th, 2013, but will resume the Regular Meeting scheduled for August 12, 2013, at 10:00 A.M.
4. **Lewis County Hazardous Material Response Team Procedures & By-Laws** – Copies of the Lewis County Hazardous Material Response Team Procedures and By-Laws as amended July 15, 2013 were provided for review to the Commission to be approved at a later meeting.
5. **Lewis County Fire Board Treasurer's Report**– Treasurer's Report dated July 1, 2013, showing balance of General Checking Account balance of \$17,163.19 and also the balance of each of the five fire departments.
6. **Lewis County Regional Jail Invoice for June, 2013** – The Regional Jail Invoice for June 2013 was sent to the Prosecutor for review. The June Invoice was \$16,348.00 more than the May Invoice. The number of Inmate Days being 1288. With expectation of further activity, the Commission added extra revenue to the 2013-2014 budget.
7. **Sheriff's Monthly Settlement** – The monthly settlement, reconciliation of account was presented to the Commission for review by the Sheriff.

IN RE: LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY
BLOODY RUN WATER PROJECT CONTRACT

Michael Herron, Economic Dev. Director, presented the Contract between the Lewis County Economic Development Authority and Little Mountain Pipeline, LLC for approval by the Commission. Commission, upon motion of Agnes G. Queen, second by Patrick D. Boyle, motion passing, approved the contract for signature, with same being recorded in Miscellaneous Record Book: 15 Page:697.

IN RE: LEWIS COUNTY ECONOMIC DEVELOPMENT REPORT

Michael Herron, Economic Dev. Director, advised Commission of ongoing Transition, Mr. Herron attend the groundbreaking of a new section of Corridor H that is 75% completed with the remaining 25% costing eight hundred million to one billion. The state of West Virginia has committed 40 million a year to the project and will take years to complete unless federal funding is received.

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 22, 2013**

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;

Larry D. Kennedy, Executor, Affidavit of Personal Representative,
Unadministered Estate of Harold G. Kennedy, deceased.

Frederick Dixon Law, Executor, Affidavit of Personal Representative,
Unadministered Estate of Norma Lou Wimer Law, 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:

W. T. Weber, Jr., Ancillary Administrator, cta, Waiver of Accounting and Final Settlement of the Fiduciary Account of the Estate of Alexander M. Mahood, deceased.

IN RE: ANIMAL CONTROL OFFICERS FIREARM REPLACEMENT

The Lewis County Sheriff's Department will be replacing service weapons that have exceeded their useful life. The weapons for the Animal Control Officers have previously been purchased at the same time as Law Enforcement is replacing their weapons. The estimated total to replace two firearms and holsters will not exceed \$1,250.00. The purchase for two firearms with holster not to exceed \$1,250.00 was approved upon motion of Agnes G. Queen, second by Patrick D. Boyle, motion passing.

IN RE: MARY HELEN HINTER ESTATE, FIDUCIARY COMMISSIONER DECLINES

Whereas, the estate of Mary Helen Hinter, deceased, was re-referred to W. T. Weber, Jr., Fiduciary Commissioner, for determination of accounting dispute on July 15th, 2013, and

WHEREUPON, this day, County Clerk Mary Lou Myers, presented a letter from Mr. Weber declining to serve as Fiduciary Commissioner stating a conflict, including, but not limited to, ex parte communication by a beneficiary and the history of this case prior to the reference of this case.

THEREUPON, Commission accepted the request of Mr. Weber to decline the reference and referred the estate of Mary Helen Hinter, deceased, to Charles C. Hathaway, Fiduciary Commissioner, upon motion of Agnes G. Queen, second by Patrick D. Boyle, motion passing.

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 22, 2013**

IN RE: MINI GRANT FOR JANE LEW VOLUNTEER FIRE DEPARTMENT

The following Mini Grant Application from the Jane Lew Volunteer Fire Auxiliary in the amount of \$1,000.00 was approved upon motion of Agnes G. Queen, second by Patrick D. Boyle, motion passing.

Lewis County Commission Mini-Grant Application

Entity or group requesting aid: Jane Lew Vol. Fire Aux.

1. Address: P.O. Box 44 Jane Lew WV 26378

2. Phone#: 304-884-7231

3. Home, address and phone number (work and home) of person responsible for filing any report for this grant: work 304-439-0023 304-884-6558

Entity address: 1369 McWhorter Rd Jane Lew WV 26378

5. Amount of aid requested: 1000.00 Date: 6-18-2013

6. Name of Project: Jane Lew Firemans Festival

7. Briefly state your need:
monies for porta-potties for festival

8. How will this project help Lewis County: Convenience while visiting Firemans Festival

9. Anticipated date of project completion: Sept. 3, 2013

10. Have you **requested** funds from other sources for this project? Yes ___ No X

Please List : N/A
N/A

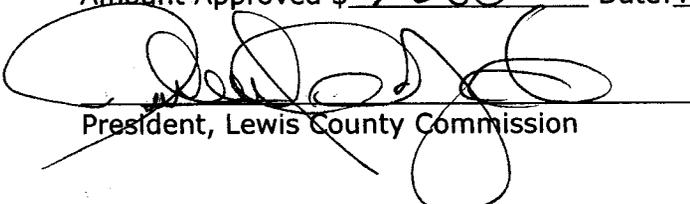
11. Have you **received** any other funds? if so, please list: N/A

12. Does your organization have an annual audit? Y Financial Statement?: Y

13. Are you NON-PROFIT? Yes Y No ___

FOR COMMISSION USE ONLY

Amount Approved \$ 1000 Date: 7-22-13 Order Book 67 Page # 647


President, Lewis County Commission

7-22-13
Date

IN RE: COMMUNITY CORRECTIONS REQUEST FOR DISTRIBUTION OF FUNDING

Micah Harris, Program Director, Lewis, Upshur, and Braxton Community Corrections, filed a letter requesting the distribution of \$19,242.85 for Lewis County. The request was included in the Lewis County's cash match for Lewis County. The request was included in the budget and upon motion of Agnes G. Queen, second by Patrick D. Boyle, the request was approved for payment.

IN RE: APPROVAL OF LEAVE DONATION PROGRAM

Sample guidelines for creating a leave donation program for Lewis County Employees was presented for review by the Commission. Two versions were presented, one for donated leave used at its dollar value established at the time, and another for donated leave on a day to day equal conversion. After discussion, was approved upon motion of Agnes G. Queen, second by Patrick D. Boyle, motion passing.

IN RE: BOARD AND COMMITTEE REPORTS

Commissioner Queen reported of attending the Lewis County Park Board Meeting. All is going well, pool parties are sold out for the year with a waiting list if any cancellations. Commissioner Queen also attended the Lewis County Fair, seems to have done well, attendance up from last year. Had a lot of out of county visitors and from different states attending. She also wanted to thank the five (5) people for their endless effort in setting up fair activities.

Commissioner Boyle along with Commission Queen also attended the Lewis County Fire Association Meeting. Fire Department training ongoing and viewed the new Haz-Mat equipment and suits purchased from funds donated by the commission.

Lucinda Whetsell, Administrator, having been requested by the county Commissioner's Association of WV to serve on a committee to establish a list of required reporting and duties counties will be required to provide under the new Affordable Health Care Act reported on the progress. In the past week, this group has met four times with different entities in an effort to provide a check list of responsibilities and time lines for county governments. This is a very complex task and there are many different interpretations of the AHCA. The County Commissioner's Association of WV will be providing a brief overview at the annual meeting August 5, 2013. The Association plans to have detailed regional work sessions at a later date.

IN RE: UPDATE ON NEW ANNEX

Lucinda Whetsell, Administrator, advised she and Commissioner Queen did a walk thru with contractors. There are still minor issues to address, mostly cosmetic. Land Scaping ongoing with remainder of plants to arrive today.

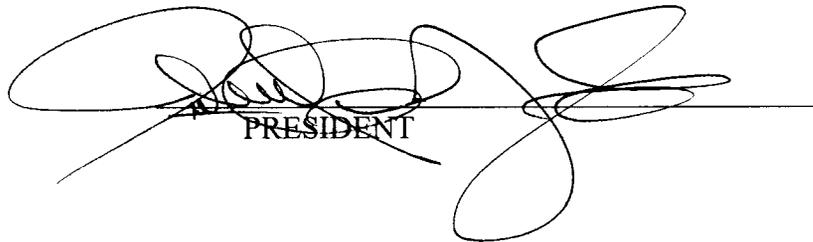
**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 22, 2013**

IN RE: CHECKS RECEIVED

LC Development Auth.	\$3,848.33	WV, State of	\$1,666.63
LC Development Auth.	3,903.39	WV, State of	330.64
WV, State of	109,449.49	Lewis County Park	16,414.18
LC Emerg. Amb. Serv.	32,346.50	Lewis County Park	14,859.39

The minutes of this meeting were approved upon motion of Agnes G. Queen, second by Patrick D. Boyle, vote unanimous.

ORDERED, That this Commission doth now adjourn until Monday, July 29, 2013.



PRESIDENT