

**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 23, 2013.

This day came John R. Reel, husband of Irma Marie Reel, deceased, and signed an affidavit requesting that Verna E. Heater be appointed as Administratrix of the personal estate of his said decedent. Upon, consideration of which, the Clerk is of the opinion to and doth hereby appoint the said Verna E. Heater as such Administratrix.

THEREFORE, Verna E. Heater as principal together with Paul J. Heater, Jr. as her surety, entered into and acknowledged a bond in the penalty of One Thousand (\$1,000.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Verna E. Heater qualified as Administratrix of the personal estate of Irma Marie Reel, deceased, by taking the oath prescribed by law.

It is stated by said Administratrix that Irma Marie Reel departed this life on the 25th day of June, 2013, aged fifty-two 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 Tuesday, July 23, 2013.

This day came the family of Shirley Ann Dever, deceased, and presented and offered for probate a paper writing bearing date the 3rd day of June, 1985, 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 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 Cathy R. Taylor, Harold E. Bailey, Jr. and Irene M. Taylor. The said affidavit set forth the fact that the said Shirley Ann Dever, 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 Cathy R. Taylor, Harold E. Bailey, Jr. and Irene M. Taylor 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
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 23, 2013.

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

It is stated by said Executor that Shirley Ann Dever departed this life on the 8th day of July, 2013, aged seventy-eight 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 Thursday, July 25, 2013.

This day came Anthony D. Westfall, son of Dulin G. Westfall, deceased, and moved the Clerk that he be appointed Administrator of the personal estate of his said decedent. Upon consideration of which, the Clerk is of the opinion to and doth hereby appoint the said Anthony D. Westfall as such Administrator.

And it further appearing to the Clerk that the said decedent, at the time of his death, had a known place of residence in the County of Bernalillo, State of New Mexico, who at the time of death owned Real Estate in Lewis County, West Virginia; and

THEREFORE, Anthony D. Westfall as principal together with Western Surety Company as his Surety, entered into and acknowledged a bond in the penalty of One thousand (\$1,000.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Anthony D. Westfall qualified as Administrator of the personal estate of Dulin G. Westfall, deceased, by taking the oath prescribed by law.

It is stated by said Administratrix that Dulin G. Westfall departed this life on the 2nd day of September, 2005, aged eighty-nine years.

Attest:

 Clerk

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, JULY 29, 2013**

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

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

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 Thomas V. Fealy, second by Agnes G. Queen, motion passing, the following amounts were released.

William R. Lovett - 2009	\$ 185.84	William R. Lovett - 2010	\$ 177.08
William Lovett - 2011	\$ 177.80	William R. Lovett - 2012	\$ 183.68
William R. Lovett - 2013	\$ 183.68	John Thomas Vincent	\$ 82.10
Ethel Jane Harman	\$ 18.60	Barbara Ann Gandee	\$ 233.68

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Commission Agenda** – A copy of the agenda for the July 25th, 2013 Upshur County Commission meeting. Commission discussed a meeting between Upshur and Lewis County Commissions on the Lewis Upshur Dog Pound.
2. **West Virginia Division of Highways Statewide Transportation Improvement Program Update** – Notification was received of modifications to the WV Division of Highways Statewide Transportation Improvement Program that identifies expenditures for the federal fiscal years 2013 – 2018. The construction of a non-motor trail in the Haleville area of Lewis County is a new addition for proposed funding and was discussed. It was noted that this was a City of Weston Project.

IN RE: QUARTERLY REPORT OF MOUNTAIN LAKE CONVENTION AND VISITORS BUREAU

Elaine Massey, Executive Director of the Mountain Lakes Convention and Visitors Bureau presented a quarterly report detailing marketing efforts, funding requests, community outreach, operations, minutes and financial reports. A copy is available for viewing in the county clerk's office upon request.

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

3. **Lewis/Upshur Local Emergency Planning committee Meeting Agenda, Minutes and Financial Report** – The meeting agenda for the July 17, 2013 Lewis/Upshur Local Emergency Planning Committee Meeting, minutes from the June 18, 2013 meeting and June 2013 financial report was filed for review. No comments.
4. **Suddenlink Communications Cable Franchise Fee Remittance** – Suddenlink Communications remittance of April, May and June 2013 cable franchise fee in the amount of \$1,444.22 was reported. No comments.

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5. **Notification of Appointment to Lewis/Gilmer Solid Waste Authority** – Notification that Ms. Rachel Poling of Horner has been appointed to the Lewis/Gilmer Solid Waste Authority. Her term will expire June 30, 2017. No comments.
6. **West Virginia State Auditor's Office Report on Applying Agreed-Upon Procedures for the Lewis County Magistrate Court** – The West Virginia State Auditor's Office has issued a report on applying agreed-upon procedures for the Lewis county Magistrate Court for the period ending December 31, 2012. Suggestions for improving operations include: segregation of duties, modification of software used by the magistrate court to better serve the court, installation of a credit card system, checks written from the magistrate court account should have more than one signature, and documentation of all citations by a magistrate that the defendant has been advised of his/her rights. Comments were that this was an information only notification and the commission has no jurisdiction over the magistrate court or clerk, they are under the State Supreme Court.
7. **Correspondence from Prosecuting Attorney Michael Smith regarding the Lewis County Commission demolition order of property located on Homewood Hills Road** – A copy of the letter sent to the property owners notifying them that since the County Commission imposed a \$10.00 per day penalty until their property on Homewood Hills Road is demolished there has been no action. Notification was given that the next step would be for the County Commission to pursue the matter in Circuit Court unless it is settled immediately. He requests the property owners contact him to discuss the matter. A copy of the letter is on file in the county clerk's office and available upon request.

IN RE: JANITORIAL SERVICES FOR JUDICIAL ANNEX AND BUILDINGS

Lucinda Whetsell, County Administrator reported that after reviewing the bids for the janitorial services, only one bid complied with bid requirements, Sunshine Commercial (Shelley Griffith) at \$5,500.00 per month. After a consultation with Mr. Rick Stout, Ms. Barbara Winans and Lucinda Whetsell it was decided to ask the commission to hire a new employee to clean. On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to advertise for new hire for the janitorial staff at the rate of \$24,000.00 with benefits. The new employee will have a start date of August 16, 2013. At recommendation of Lucinda Whetsell, because of resistance to after-hours cleaning, commission agreed that employees will be furnished with cleaning supplies to clean their own desks.

IN RE: REIMBURSEMENT OF COURT SECURITY GRANT 12-CS-10

The following reimbursement was approved for signature on the Grant #12-CS-10 in the amount of \$182,294.31 for the payment of court security equipment and closure of said grant upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous.

IN RE: REIMBURSEMENT OF 2010 HOMELAND SECURITY GRANT 10SHS51

The following reimbursement was approved for signature on the Grant #10SHS51 in the amount of \$23,400.00 for the payment of 24 radios for OEM and EMS and closure of said grant upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous.

ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
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IN RE: BUDGET REVISION - FY 2013/2014
GENERAL COUNTY (001) REVISION #01

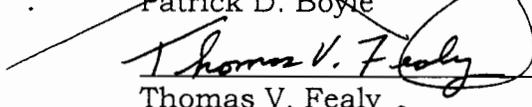
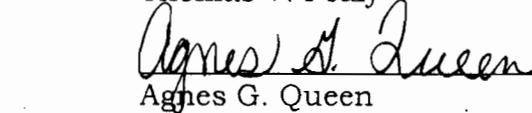
Budget Resolution

At a regular session of the County Commission, held **July 29, 2013**, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate Budget of the **GENERAL COUNTY FUND, FY 2013/2014**, 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 _____ **Thomas V. Fealy**, and duly seconded by ~~Agnes G. Queen~~ _____ 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.

ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
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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
2013/2014

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 CITY 26452 ZIP CODE

County
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	2,172,571	2,655,602		4,828,173
382	Reimbursements (External Sources)	68,006	245		68,251
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

2,655,847

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
403	Circuit Clerk	287,634	3,620		291,254
408	Statewide Computer Network	47,328	4,000		51,328
424	Courthouse	1,456,363	1,021,575		2,477,938
427	Microfilm	12,500	100,008		112,508
428	Data Processing	12,500	120,989		133,489
431	Economic Development	90,162	245		90,407
443	State Grants		298,662		298,662
699	Contingencies	796,526	265,560		1,062,086
715	Ambulance Authority	30,000	25,000		55,000
716	Dog Warden/Humane Society	109,321	15,000		124,321
728	Local Law Enforcement Grant	48,703	2,855		51,558
	#N/A				

NET INCREASE/(DECREASE) Expenditures

2,655,847

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

[Handwritten Signature]
 AUTHORIZED SIGNATURE OF ENTITY
 APPROVAL DATE: 7-29-13

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
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EXPENDITURES (CONT'D)

Lewis County Commission

LGSD: BR030810 Lewis County Commission

CONTROL NUMBER 2013/2014

1

1

BUDGET REVISION REQUEST-SUPPLEMENT

		FY		FUND	REV#
ACCOUNT	ACCOUNT	PREVIOUSLY			REVISED
NUMBER	CATEGORY	APPROVED AMOUNT	INCREASE	DECREASE	AMOUNT
957	Family Law Master	7,500	6,936		14,436
987	Courthouse	500,000	791,397		1,291,397
NET INCREASE/(DECREASE) Expenditures (this page)					798,333

IN RE: OATH OF OFFICE LINDA FOX LEWIS COUNTY BOARD OF HEALTH

Linda Fox being appointed to the Lewis County Board of Health by motion of Agnes G. Queen, seconded by Thomas V. Fealy, vote unanimous, appeared before the commission to take her oath of office. Oath of office was given by President Patrick D. Boyle. Oath of Office is recorded in Oath of Office Book 2 Page 133.

IN RE: ANNEX UPDATE

Lucinda Whetsell, County Administrator presented to the commission for approval a memo referencing "Parking for Lewis County Government Complex." Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve memo as presented to be distributed to all employees. A copy of the memo is available by request in the county clerk's office.

Ms. Whetsell reported that another large delivery of furniture is due in today. She met with Mr. Potts, Silling & Associates, on a roofing issue. Mr. Potts notified March Westin of the issue and directed them to fix it. The stone between the annex and courthouse is completed and looks very nice. There is an issue with the side chairs and Ms. Whetsell said it is a gender specific issue. The back door of the main courthouse will be used for an emergency exit only.

IN RE: EDA UPDATE

Michael Herron, Executive Director for the EDA updated the commission on a pre-construction conference on the Bloody Run Water Project. The project will start August 12, 2013 and end September 30, 2013. Doddridge County PSD is forming and Mr. Herron requested permission to approach them regarding water expansion to the Churchville area. Commission approved the request.

IN RE: LEAVE REQUESTS APPROVED

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

BARBARA WINANS July 30, Annual and July 31, 2-3 hours Comp Time
THOMAS ALKIRE August 14, 15, & 16 – Annual Leave

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
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MISCELLANEOUS CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, GENERAL COUNTY FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

69854	Advanced Alarm Technolog.	07/29/2013	423.72
69855	AJ-Allegheny Systems	07/29/2013	1,200.00
69856	Biser's Radio Service	07/29/2013	23,400.00
69857	Dominion Hope	07/29/2013	30.67
69858	Election Syst.&Sftwar,Inc	07/29/2013	7,212.88
69859	Guttman Oil Company	07/29/2013	913.95
69860	Jane Lew Vol. Fire Dept.	07/29/2013	1,000.00
69861	Miller Communications Inc	07/29/2013	59.37
69862	Diana Posey	07/29/2013	28.60
69863	Ricoh Americas Corporatio	07/29/2013	37.62
69864	Software Systems, Inc.	07/29/2013	472.00
69865	Staples	07/29/2013	101.06
69866	John Stevens	07/29/2013	332.23
69868	Sheriff Upshur County	07/29/2013	19,242.85
69869	U S Bank Equip Finance	07/29/2013	1,508.00
69870	WV American Water Company	07/29/2013	514.91
69872	Frank Turansky IV	07/29/2013	3.70
	General County	Total	56,481.56

E-911 COMMUNICATIONS CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, E-911 COMMUNICATIONS FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

7435	Century Link	07/29/2013	20.31
7436	Guttman Oil Company	07/29/2013	130.17
7437	Verizon Business Services	07/29/2013	150.00
	E-911	Total	300.48

ASSESSOR VALUATION CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, ASSESSOR VALUATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2825	Guttman Oil Company	07/29/2013	90.29
2826	Timothy C. Kelley	07/29/2013	143.00
	Assessor Val	Total	233.29

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
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DOG AND KENNEL CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, DOG AND KENNEL FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2538	Guttman Oil Company	07/29/2013	113.83
	Dog and Kennel	Total	113.83

HOME CONFINEMENT CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, HOME CONFINEMENT FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2391	Sentinel Offender Service	07/29/2013	1,060.30
	Home Confinement	Total	1,060.30

CONCEALED WEAPONS CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, CONCEALED WEAPONS FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

787	Jonathan Chapman	06/28/2013	75.00
788	John Perdue	06/28/2013	300.00
789	United Bank	07/09/2013	362.28
790	United Bank	07/16/2013	81.50
	Concealed Weapons	TOTAL	818.78

BROAD BAND CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, BROAD BAND FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

1032	Premier Construction Group	07/26/2013	211,932.50
	Broadband Tower	TOTAL	211,932.50

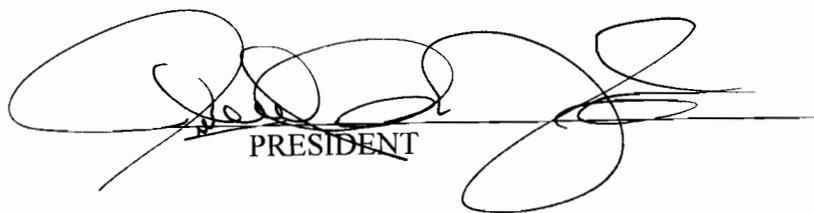
ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
 REGULAR
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IN RE: CHECKS RECEIVED

FirstEnergy	\$334.60	Jane Lew, Town of	\$2.70
WV, State of	270.00	Suddenlink Comm.	1,444.22
WV, State of	2,597.75	WV, State of	2,116.90
Gilmer County Sheriff	93,670.57	Gilmer County Sher.	12.25
Cebridge Telecomm.	78.75	Shentel	2,033.50
ProCom	56.39	Interface Security	1.75
Lumos	953.00	Vonage	131.25
ProCom	60.03	Compliance Sol.	103.25
Compliance Sol., Inc.	234.50	Frontier	1,383.89
Frontier	7,135.21	IDT Corp.	5.25
Granite Telecomm.	225.75	Vonage	129.50
AT&T Corp.	133.00	Mcimetro	8.75
Level 3 Comm., LLC	21.00	MetTel	25.46
Compliance Sol., Inc.	26.25	Weston, City of	3,000.00
Lumos	945.07		

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

ORDERED, That this Commission doth now adjourn until Monday, August 12th, 2013.


 PRESIDENT