

**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, December 11, 2013.

This day came Patrick Timothy Ammons, son of Roy Ammons, deceased, and presented and offered for probate a paper writing bearing date the 15th day of July, 2011, 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 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 W. T. Weber, Jr. and W. T. Weber, III. The said affidavit set forth the fact that the said Roy Ammons, 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 W. T. Weber, Jr. and W. T. Weber, III 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 Wednesday, December 11, 2013.

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

It is stated by said Executor that Roy Ammons departed this life on the 5th day of December, 2013, aged ninety-four 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, December 12, 2013.

This day came Bertis Clark, cousin of Walter W. Henline, deceased, and presented and offered for probate a paper writing bearing date the 2nd day of September, 2008, 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 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 Stella Wood and Melissa S. Hiner. The said affidavit set forth the fact that the said Walter W. Henline, 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 Stella Wood and Melissa S. Hiner 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:

Mary Lou Myers 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, December 12, 2013.

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

It is stated by said Executor that Walter W. Henline departed this life on the 15th day of December, 2013, aged one hundred and one years.

Attest:

Mary Lou Myers 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 Friday, December 13, 2013.

This day came Arley Michael Norman, son of Wilda Jean Norman Eakles, deceased, and presented and offered for probate a paper writing bearing date the 13th day of February, 2009, 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 said paper writing had attached thereto, an affidavit signed by Stella Wood and Cynthia S. Rowan. The said affidavit set forth the fact that the said Wilda Jean Norman Eakles, 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 Stella Wood and Cynthia S. Rowan 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:

Mary Lou Myers 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, December 13, 2013.

WHEREAS, Wilda Jean Norman Eakles, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Arley Michael Norman as Executor thereof and requested that no bond be required of him as such Executor. THEREUPON, personally appeared the said Arley Michael Norman and qualified as Executor of the Will of Wilda Jean Norman Eakles, deceased, by taking the oath prescribed by law.

It is stated by said Executor that Wilda Jean Norman Eakles departed this life on the 2nd day of December, 2013, aged seventy-five years.

Attest:

Mary Lou Myers Clerk

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, DECEMBER 16, 2013**

Commission sat pursuant to adjournment of Monday, December 9th 2013.

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

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

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Agenda** – A copy of the Upshur County Commission Agenda for December 12, 2013 was filed. Upshur County regional jail bill is close to Lewis County's bill.
2. **Sheriff's Vehicle Report** – A copy of the Sheriff's Vehicle Report for November, 2013 including mileage and maintenance for vehicles in November was filed. The mileage difference between Deputy Holcomb and Deputy Money Penny was questioned. Deputy Money Penny received his vehicle at an earlier date.
3. **Lewis Gilmer County Emergency 911 Addressing Report** – A copy of the E911 Addressing report for November, 2013 was filed. The report details signs installed, meetings attended and addresses requested.
4. **Lewis Gilmer County Emergency 911 Advisory Board** – A copy of the Lewis Gilmer E911 Advisory Board minutes was filed. No Comment.
5. **Lewis Gilmer Emergency 911 Monthly Call Report** – The call report for the Lewis Gilmer Emergency 911 Center for the month of November was filed. The report is by agency received and/or processed.
6. **Lewis County Animal Control Monthly Report**– A copy of the November Lewis County Animal Control report including number of animals picked up, dropped at facility, adopted, euthanized, county collections and Animal Control vehicle mileage was filed.
7. **Lewis County Family Resource Network Meeting** – A copy of the minutes of the November 4, 2013, Lewis County Family Resource Network (FRN) Board meeting, general meeting and acting director's report was filed.
8. **Sheriff's Monthly Settlement** – The Sheriff's Settlement (reconciliation) of accounts for the month of November, 2013 was filed.
9. **West Virginia Regional Jail and Correctional Facility Authority November Invoice** – The November 2013 Lewis County Regional Jail Invoice was filed. 1405 inmate days X \$48.25 per day = \$67,791.25.
10. **Lewis County Judicial Annex** – Lucinda Whetsell, County Administrator informed the commission that a meeting will be scheduled for after the commission meeting on December 23, 2013 with March Westin, ASAP, Silling & Associates and the Lewis County Commission.

IN RE: BOARDS & COMMITTEES REPORTS

Commissioner Agnes G. Queen attended the Alum Bridge Neighborhood Watch meeting. The weather was bad and few attended.

Commissioner Queen and County Administrator Cindy Whetsell attended the Region Seven meeting. A poll of eight attending counties showed that only Doddridge County was giving a half day off for their Christmas Lunch.

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, DECEMBER 16, 2013**

**IN RE: RESOLUTION TO THE GOVERNOR IN SUPPORT OF FUNDING
THE COMPLETION OF CORRIDOR H**

On motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous to approve the resolution to the governor in support of funding the completion of Corridor H.

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
PO Box 466
Weston, WV 26452
Phone: (304)269-8200
Fax: (304)269-2416
Email: lccommission@yahoo.com
Website: lewiscountywv.org



COMMISSIONERS:
PATRICK D. BOYLE
President
AGNES G. QUEEN
Commissioner
THOMAS V. FEALY
Commissioner

RESOLUTION

WHEREAS: the continued growth of Lewis County is vital to the interests of its people, businesses and communities, and

WHEREAS: a recent study conducted suggests the completion of Corridor H by 2020 instead of the current 2036 or after will have an economic impact of at least \$1,254 billion, and

WHEREAS: the construction of Corridor H will have an additional \$800 million economic impact, and

WHEREAS: the completion of Corridor H will give West Virginia access to the Virginia Inland Port, which has double stack rail services to the largest, deepest port in the Eastern United States at Norfolk, and

WHEREAS: Corridor H will be 75 percent complete by next year, and

WHEREAS: with the completion of the next section from Kerens to parsons, Corridor H will be 87 percent complete, and

WHEREAS: Virginia has publicly announced their completion of Corridor H by 2016, and

NOW THEREFORE BE IT RESOLVED that on this the 16th day of December, 2013, that the Lewis County Commission fully supports and urges the State of West Virginia, the Department of Transportation and the Governor of this great state to explore and implement all options to fund the completion of Corridor H from Kerens, West Virginia to Davis, West Virginia.



Patrick Boyle
Patrick Boyle, President
Agnes G. Queen
Agnes G. Queen, Commissioner
Thomas V. Fealy
Thomas V. Fealy, Commissioner

I, Mary Lou Myers, Clerk, do hereby certify that the above is a true copy of a resolution adopted this 16th day of December, 2013 at a meeting of the Lewis County 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
Mary Lou Myers, County Clerk

December 16, 2013
Date

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, DECEMBER 16, 2013**

**IN RE: RESOLUTION TO ESTABLISH BOUNDARIES AND COVENANTS FOR A LAND AND
WATER CONSERVATION FUND**

On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve the resolution to establish boundaries and covenants for a land and water conservation fund on property owned by the Lewis County Commission being utilized as the Lewis County Park.

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
PO Box 466
Weston, WV 26452
Phone: (304)269-8200
Fax: (304)269-2416
Email: lccommission@yahoo.com
Website: lewiscountywv.org



COMMISSIONERS:
PATRICK D. BOYLE
President
AGNES G. QUEEN
Commissioner
THOMAS V. FEALY
Commissioner

**RESOLUTION
TO ESTABLISH BOUNDARIES AND COVENANTS
FOR A LAND AND WATER CONSERVATION FUND
ON PROPERTY OWNED BY THE
LEWIS COUNTY COMMISSION
BEING UTILIZED AS THE
LEWIS COUNTY PARK
LEWIS COUNTY, WEST VIRGINIA**

WHEREAS, the County of Lewis, a corporation created by and existing under the laws of the State of West Virginia, by deed from John Linn Brannon, Sr. and Katherine S. Brannon, his wife dated October 26, 1972, which deed is of record in the office of the Clerk of the County Commission of Lewis County, West Virginia, in Deed Book 332, at page 18, was conveyed certain property in the County of Lewis, West Virginia, to which said deed reference is made for the description of said property, which description is adopted and incorporated by reference herein; and

WHEREAS, the County of Lewis is in the progress of obtaining a grant or funding from the Land and Water Conservation Fund for the aforementioned Lewis County Park; and

WHEREAS, according to the Project Agreement General Provisions, Manual Section 660:3C (Part II, Section F), the following administrative requirements are to be completed by the local project sponsor:

This county agrees that a permanent record shall be kept in the project participant's public property records and available for public inspection to the effect that the property described in the scope of the project agreement has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other public outdoor recreation use without the written approval of the Secretary of the Interior; and

WHEREAS, to implement this requirement, the following steps must be followed:

A special condition will be recorded with the deed which explains the 6(f) conversion requirement along with a 6(f) map and thereafter the special condition will be recorded in the county records and a copy sent to the West Virginia Development Office, Community Development Division; and

WHEREAS, the County of Lewis is desirous of receiving said grant moneys or funds for the Lewis County Park for which it will be therefore subject to the above referenced real estate to the special conditions referenced above.

NOW THEREFORE, in accordance with the foregoing, the County of Lewis hereby understand and agrees to comply with Section 6(f) of the Land and Water Conservation Fund Act of 1965, and amended, (7B Stat. 897) which established by Federal Law that: Insofar as the same only pertains to the above referenced deeds and what is known and designated as Lewis County Park, no property acquired or developed with assistance from the Land and Water Conservation Fund shall, without the written approval of the Secretary of the Department of the Interior, be converted to other than public outdoor recreation uses. The secretary shall approve conservation only upon such conditions, as he deems necessary to assure the substitution of other recreation properties of at least fair market value and of reasonably equivalent usefulness and location.

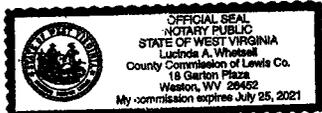
This resolution approved and adopted this 16th day of December, 2013

Patrick D. Boyle
Patrick D. Boyle, President

STATE OF WEST VIRGINIA
COUNTY OF LEWIS, TO WIT:

The foregoing instrument was acknowledged before me this 16th day of December, 2013, by Patrick D. Boyle, President of the Lewis County Commission, on behalf of said public corporation.

My Commission expires July 25, 2021.



Luinda A. Whetsell
Luinda A. Whetsell
Notary Public in and for
Lewis County, West Virginia

STATE OF WEST VIRGINIA
COUNTY OF LEWIS, TO WIT

I, Mary Lou Myers, County Clerk do hereby certify that the foregoing writing, with certificate thereto affixed, was this day produced to me in my office and duly admitted to record.



Mary Lou Myers
Mary Lou Myers
County Clerk
Lewis County, West Virginia

ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, DECEMBER 16, 2013

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
PO Box 466
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COMMISSIONERS:
PATRICK D. BOYLE
President
AGNES G. QUEEN
Commissioner
THOMAS V. FEALY
Commissioner

DECLARATION OF RESTRICTIONS
LEWIS COUNTY PARK
IN CONJUNCTION WITH FUNDING
FROM THE LAND AND WATER CONSERVATION FUND

STATE OF WEST VIRGINIA
COUNTY OF LEWIS, TO WIT

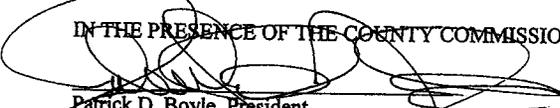
In order to comply with the requirement of the United States Water Conservation Fund Act of 1965, 16 USC 4601-5, et seq. (1970 ed.), the County Lewis, West Virginia does hereby impose the following restrictions upon property described below:

1. The property shall be used for public outdoor recreation uses only.
2. The property may not be used for any other purposes without approval of the County of Lewis, West Virginia, and the United States Department of Interior.

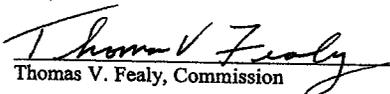
Property of the County of Lewis, West Virginia located in Hackers Creek District Lewis County, West Virginia: Tax Map 7-F, Parcels 601 & 57, 58, 59 conveyed to the Lewis County Commission October 26, 1972 by deed of record from John Linn Brennon, Sr. and Katherine S. Brannon, his wife; recorded in the Office of the Lewis County Clerk in deed book 332, at page 18.

IN WITNESS THEREOF, these restrictions have been executed and imposed upon the property this 16th day of December, 2013.

IN THE PRESENCE OF THE COUNTY COMMISSION OF LEWIS COUNTY, WEST VIRGINIA:


Patrick D. Boyle, President

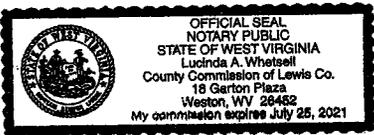

Agnes G. Queen, Commissioner

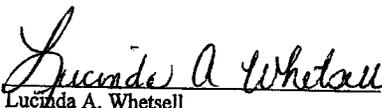

Thomas V. Fealy, Commission

STATE OF WEST VIRGINIA
COUNTY OF LEWIS TO WIT:

The foregoing instrument was acknowledged before me this 16th day of December, 2013, by: Patrick D. Boyle, President; Agnes G. Queen, Commissioner; Thomas V. Fealy, Commissioner, on behalf of said public corporation.

My Commission expires July 25, 2021.




Lucinda A. Whetsell
Notary Public in and for
Lewis County, West Virginia

STATE OF WEST VIRGINIA
COUNTY OF LEWIS TO WIT

I, Mary Lou Myers, County Clerk do hereby certify that the foregoing writing, with certificate thereto affixed was this day produced to me in my office and duly admitted to record.




Mary Lou Myers
County Clerk
Lewis County, West Virginia

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, DECEMBER 16, 2013**

IN RE: REQUEST FOR CELL PHONE FOR HOME CONFINEMENT

Sheriff Adam Gissy sent a request for a cell phone for the new home confinement supervisor. On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve cell phone purchase.

IN RE: EDA UPDATE

Michael Herron, Executive Director EDA reported working on business retention visits in the past week. He also attended a Hardwood Alliance meeting. The wood industry is picking up. Mr. Herron met with the Executive Directors from Randolph and Upshur Counties. They are working on regional marketing. Corridor H has two phases to completion. Mr. Herron also met with the Weston Sanitary Board on extension of sanitary sewer service. Commission President Patrick Boyle asked Mr. Herron if he need administrative help and told him to make a presentation after the new year.

IN RE: LEAVE REQUESTS APPROVED

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

| | |
|-------------|--|
| JOHN SNYDER | Comp - December 23 (8 Hours), December 27 (1.5 Hours), December 30 (8 Hours), January 2 (8 Hours), January 3 (8 Hours) Annual – December 24 (4 Hours), December 26 (8 Hours), December 31 (4 Hours) |
| ROB WAUGH | Annual – December 20 (8 Hours), December 23 (8 Hours), December 24 (4 Hours), December 26 (8 Hours), December 27 (8 Hours), December 30 (8 Hours), December 31 (4 Hours), January 2 (8 Hours), January 3 (8 Hours) |

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:

| | | | |
|--------|---------------------------|------------|------------|
| 70187 | ING National Trust | 12/13/2013 | 220.00 |
| 70188 | Mapother & Mapother, PSC | 12/13/2013 | 211.88 |
| 70189 | Nationwide Retr Solutions | 12/13/2013 | 1,060.00 |
| 99429 | Elec.Fed.Tax Pymt System | 12/13/2013 | 48,188.84 |
| 120129 | WV Public Empl Ins Agency | 12/13/2013 | 52,522.22 |
| 200057 | Bureau for Child Support | 12/13/2013 | 131.97 |
| | General County Fund | Total | 102,334.91 |

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, DECEMBER 16, 2013**

Lewis County Commission
December 15, 2013 Payroll Checks

| | NAME | Gross Pay | TD | Net Pay |
|-------|-----------------------|-----------|----------|-----------|
| 38547 | Boyle, Patrick D | 1,457.50 | 452.24 | 1,005.26 |
| 38548 | Myers, Mary L. | 2,214.75 | 1,298.19 | 916.56 |
| 38549 | Wolfe, Donna S. | 1,568.75 | 495.19 | 1,073.56 |
| 38550 | Bailey, Brian W | 2,625.00 | 916.21 | 1,708.79 |
| 38551 | DeMoss, Garry L. | 1,337.50 | 276.89 | 1,060.61 |
| 38552 | Carroll, John W. | 1,080.00 | 200.22 | 879.78 |
| 38553 | Beane, Donald L. | 2,610.60 | 724.82 | 1,885.78 |
| 38554 | Romel, Sheila A. | 2,188.51 | 737.26 | 1,451.25 |
| 38555 | Ryder, Nancy L. | 1,352.35 | 376.34 | 976.01 |
| 38556 | Shackleford, Vera C. | 2,934.69 | 1,118.91 | 1,815.78 |
| 38557 | Sprouse, Shane Hunter | 208.00 | 49.18 | 158.82 |
| 38558 | Shackleford, Rocky J | 1,072.63 | 394.80 | 677.83 |
| 38559 | Starkey, Christopher | 523.88 | 103.11 | 420.77 |
| 38560 | Clevenger, James D. | 1,545.83 | 454.55 | 1,091.28 |
| TOTAL | | 22,719.99 | 7,597.91 | 15,122.08 |

Lewis County Commission
Pay Ending December 15, 2013 (Direct Deposit)

| CHECK NO | NAME | Gross Pay | T. D. | Net Pay |
|----------|-------------------------|-----------|----------|----------|
| 806469 | Queen, Agnes G. | 1,457.50 | 506.88 | 950.62 |
| 806470 | Corathers, Phyllis L | 1,433.33 | 431.61 | 1,001.72 |
| 806471 | Whetsell, Lucinda A. | 2,329.16 | 775.50 | 1,553.66 |
| 806472 | Fealy, Thomas V. | 1,457.50 | 488.50 | 969.00 |
| 806473 | Rowan, Cynthia S. | 1,652.08 | 428.58 | 1,223.50 |
| 806474 | Poling, Stella Wood | 1,481.37 | 457.70 | 1,023.67 |
| 806475 | Hull, Debra Ann | 2,329.16 | 919.75 | 1,409.41 |
| 806476 | Justice, Nancy A | 1,275.00 | 398.49 | 876.51 |
| 806477 | Gant, Rebekah Annabelle | 1,125.00 | 417.14 | 707.86 |
| 806478 | Davis, Christine Ann | 1,108.33 | 305.92 | 802.41 |
| 806479 | Hinzman, John B. | 2,214.75 | 948.77 | 1,265.98 |
| 806480 | Saeler, Deena D. | 1,587.50 | 552.65 | 1,034.85 |
| 806481 | Smith, Sandra L. | 1,537.50 | 552.92 | 984.58 |
| 806482 | Simmons, Amy D. | 1,381.37 | 657.24 | 724.13 |
| 806483 | Riffle, Joan L. | 1,381.37 | 518.16 | 863.21 |
| 806484 | Gissy, Adam M | 1,815.00 | 476.01 | 1,338.99 |
| 806485 | Posey, Diana L. | 1,690.54 | 642.00 | 1,048.54 |
| 806486 | Miller, Brittany Lyn | 1,298.00 | 414.81 | 883.19 |
| 806487 | Stark, Debra A. | 1,406.37 | 547.97 | 858.40 |
| 806488 | Davidson, Roberta A. | 1,406.37 | 442.45 | 963.92 |
| 806489 | Smith, Michael Clay | 3,750.00 | 1,428.76 | 2,321.24 |
| 806490 | Pritt, Amy M. | 1,725.00 | 524.42 | 1,200.58 |
| 806491 | Morris, Robert M. | 2,075.00 | 531.19 | 1,543.81 |
| 806492 | Jones, Tammy D | 1,525.62 | 426.04 | 1,099.58 |
| 806493 | Kelley, Timothy C. | 1,831.52 | 542.21 | 1,289.31 |
| 806494 | Fostèr, Gary B. | 1,790.99 | 675.27 | 1,115.72 |
| 806495 | Helmick, Vivian J. | 2,421.82 | 821.72 | 1,600.10 |
| 806496 | Mace, Paula G. | 1,790.99 | 541.42 | 1,249.57 |
| 806497 | Snyder, Richard R. | 1,603.33 | 521.18 | 1,082.15 |
| 806498 | Riffle, Timothy A. | 1,929.99 | 711.66 | 1,218.33 |

ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, DECEMBER 16, 2013

| | | | | |
|--------|-----------------------|----------|----------|----------|
| 806499 | Gillespie, Brianne C | 1,504.16 | 439.35 | 1,064.81 |
| 806500 | Todd, Marcia K. | 1,741.00 | 528.69 | 1,212.31 |
| 806501 | Riley, Jody L | 1,141.66 | 392.92 | 748.74 |
| 806502 | Allman, Cynthia Dawn | 1,127.08 | 319.03 | 808.05 |
| 806503 | Brown, Annie J. | 1,127.08 | 325.93 | 801.15 |
| 806504 | Harris, Tammy C. | 1,329.16 | 282.99 | 1,046.17 |
| 806505 | Winans, Barbara E. | 1,225.00 | 511.23 | 713.77 |
| 806506 | Bragg, Crystal D. | 1,406.37 | 446.82 | 959.55 |
| 806507 | McKee, Wilma E. | 439.81 | 67.14 | 372.67 |
| 806508 | Stout, Ricky E. | 1,629.16 | 510.99 | 1,118.17 |
| 806509 | Frazier Jr, Joseph C | 1,250.00 | 438.73 | 811.27 |
| 806510 | Parsons, Homer F. | 1,000.00 | 339.28 | 660.72 |
| 806511 | Waugh, Robert G. | 1,225.00 | 366.88 | 858.12 |
| 806512 | Herron, Michael D | 2,300.00 | 751.48 | 1,548.52 |
| 806513 | Hyre, Randall W | 1,986.45 | 672.68 | 1,313.77 |
| 806514 | Parks, David S. | 5,820.56 | 2,299.89 | 3,520.67 |
| 806515 | Money Penny, Chadwick | 1,767.56 | 654.87 | 1,112.69 |
| 806516 | Holcomb, Judd S. | 1,853.39 | 711.77 | 1,141.62 |
| 806517 | Posey, Michael S. | 3,026.40 | 1,036.77 | 1,989.63 |
| 806518 | Ryan, Robert Eugene | 2,065.07 | 733.11 | 1,331.96 |
| 806519 | Kirkpatrick, Charles | 1,628.12 | 615.63 | 1,012.49 |
| 806520 | Carpenter, Elijah E | 2,079.76 | 717.17 | 1,362.59 |
| 806521 | Turansky IV, Frank J | 2,173.11 | 771.14 | 1,401.97 |
| 806522 | Blake, Martha A. | 1,381.37 | 362.07 | 1,019.30 |
| 806523 | Moran, Joseph R | 2,144.20 | 1,015.61 | 1,128.59 |
| 806524 | Lopez, Zachary M | 2,014.27 | 909.14 | 1,105.13 |
| 806525 | Bush, Randall L. | 1,333.33 | 363.47 | 969.86 |
| 806526 | Rowan, William F. | 2,600.74 | 1,065.17 | 1,535.57 |
| 806527 | Gum, James W. | 2,063.31 | 782.71 | 1,280.60 |
| 806528 | Whitehair, Janice L. | 1,933.45 | 664.94 | 1,268.51 |
| 806529 | Thomas, Charlene R. | 2,432.89 | 702.94 | 1,729.95 |
| 806530 | Heater, Kimberly D. | 3,616.18 | 1,149.43 | 2,466.75 |
| 806531 | Stalnaker, Roberta J | 2,056.81 | 665.44 | 1,391.37 |
| 806532 | Tatman, Martha L. | 1,346.20 | 418.13 | 928.07 |
| 806533 | Money Penny, Steven M | 1,128.33 | 300.10 | 828.23 |
| 806534 | Collins, Jaime Anne | 1,462.34 | 406.70 | 1,055.64 |
| 806535 | Horner, Sheena M | 1,490.13 | 456.41 | 1,033.72 |
| 806536 | Moran, Patricia L | 2,195.67 | 748.07 | 1,447.60 |
| 806537 | Rogucki, Eric S. | 1,513.63 | 478.32 | 1,035.31 |
| 806538 | Tomey, Patrick L. | 3,741.27 | 1,171.58 | 2,569.69 |
| 806539 | Hughes, Thomas E. | 3,808.75 | 1,482.83 | 2,325.92 |
| 806540 | Spray II, Joseph R. | 225.00 | 37.29 | 187.71 |
| 806541 | McCall, Christopher | 3,765.17 | 1,470.02 | 2,295.15 |
| 806542 | Barker, Edward J. | 484.00 | 108.92 | 375.08 |
| 806543 | Norman, Randall A. | 1,433.82 | 506.41 | 927.41 |
| 806544 | Roy, Kenneth E. | 3,161.00 | 1,170.16 | 1,990.84 |
| 806545 | Abbott, Kenneth R | 300.00 | 75.21 | 224.79 |
| 806546 | Taylor, James Clyde | 3,061.33 | 1,161.13 | 1,900.20 |
| 806547 | Lusk, Christopher D | 3,007.54 | 1,135.26 | 1,872.28 |
| 806548 | Snyder, John J. | 1,388.87 | 469.23 | 919.64 |
| 806549 | Senter, Dwight | 219.10 | 23.33 | 195.77 |
| 806550 | Cayton, Michael D. | 1,653.12 | 548.02 | 1,105.10 |
| 806551 | Browning, James E. | 1,653.12 | 550.30 | 1,102.82 |
| 806552 | Hoskins, Gregory P. | 2,102.65 | 709.12 | 1,393.53 |
| 806553 | Bowyer, Marcia A. | 1,347.41 | 422.77 | 924.64 |

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| | | | | |
|--------|---------------------|-------------------|------------------|-------------------|
| 806554 | Renzelli, Erin Lynn | 1,250.00 | 410.89 | 839.11 |
| 806555 | Bleigh Jr, Lester M | 1,250.00 | 383.56 | 866.44 |
| 806556 | McAtee, James H | 439.81 | 83.55 | 356.26 |
| 806557 | Arbogast, David W | 346.08 | 63.26 | 282.82 |
| 806558 | Alkire, Thomas J. | 1,337.50 | 448.02 | 889.48 |
| | Total | 159,345.75 | 54,460.92 | 104,884.83 |

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:

| | | | |
|-------|---------------------------|--------------|-------------------|
| 70190 | AFLAC | 12/16/2013 | 188.44 |
| 70191 | American Heritage Life In | 12/16/2013 | 2,143.82 |
| 70192 | Bill Bailey Ins AgencyInc | 12/16/2013 | 5,581.00 |
| 70193 | Marcia Boyles-Bowyer | 12/16/2013 | 63.25 |
| 70194 | Denise R. Bunner | 12/16/2013 | 49.00 |
| 70195 | Washington Ntl Ins Co. | 12/16/2013 | 512.00 |
| 70196 | Companion Life | 12/16/2013 | 124.46 |
| 70197 | Dominion Hope | 12/16/2013 | 3,348.92 |
| 70198 | Elite Cleaners | 12/16/2013 | 227.20 |
| 70199 | Edward S. Shiflett | 12/16/2013 | 800.00 |
| 70200 | Guttman Oil Company | 12/16/2013 | 816.12 |
| 70201 | Catherine Holbert | 12/16/2013 | 24.25 |
| 70202 | Lewis County Park | 12/16/2013 | 16,631.11 |
| 70203 | LC Conven. & Visitors Bur | 12/16/2013 | 15,991.45 |
| 70204 | Lewis/Upshur LEPC | 12/16/2013 | 2,350.00 |
| 70205 | Louis Bennett Pub.Library | 12/16/2013 | 6,396.58 |
| 70206 | Mt Lake Convention & | 12/16/2013 | 15,991.45 |
| 70207 | WV Reg.Jail &Corr.FacAuth | 12/16/2013 | 67,791.25 |
| 70208 | Software Systems, Inc. | 12/16/2013 | 1,018.00 |
| 70209 | State Tax Department | 12/16/2013 | 13,389.95 |
| 70210 | Town of Jane Lew | 12/16/2013 | 8,955.21 |
| 70211 | Kendra West | 12/16/2013 | 50.00 |
| 70212 | Weston Sanitary Board | 12/16/2013 | 231.64 |
| 70213 | WV American Water Company | 12/16/2013 | 570.32 |
| 70214 | WV Assoc. of Counties | 12/16/2013 | 3,005.00 |
| 70215 | WV Tax Deputies Assoc. | 12/16/2013 | 25.00 |
| | GENERAL COUNTY | TOTAL | 166,275.42 |

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:

| | | | |
|------|-----------------------|--------------|--------------|
| 2559 | Utility Boards | 12/16/2013 | 33.31 |
| | DOG AND KENNEL | TOTAL | 33.31 |

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E-911 COMMUNICATION CLAIMS

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

| | | | |
|------|---------------------------|--------------|---------------|
| 7534 | Guttman Oil Company | 12/16/2013 | 118.95 |
| 7535 | Pacific Interpreters, dba | 12/16/2013 | 15.60 |
| 7536 | Weston Sanitary Board | 12/16/2013 | 44.45 |
| 7537 | WHAW Radio | 12/16/2013 | 247.50 |
| 7538 | WV American Water Company | 12/16/2013 | 68.48 |
| 7539 | WVRW Radio | 12/16/2013 | 247.50 |
| | E-911 | TOTAL | 742.48 |

CONCEALED WEAPONS CLAIMS

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

| | | | |
|-----|--------------------------|--------------|---------------|
| 797 | John Perdue | 11/30/2013 | 450.00 |
| | CONCEALED WEAPONS | TOTAL | 450.00 |

WV DEPUTY SHERIFF RETIREMENT CLAIMS

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

| | | | |
|---------|--------------------------|--------------|---------------|
| 2300020 | WV Deputy Shf Retirement | 12/13/2013 | 594.50 |
| | WV DEP SHF RET | TOTAL | 594.50 |

IN RE: CHECKS RECEIVED

| | | | |
|-----------------------|------------|----------------------------|----------|
| Gilmer County Sheriff | \$4,023.38 | Digital Connections, Inc. | \$10.30 |
| Shentel | 1,990.52 | Cebridge Telecom WV | 84.00 |
| Interface Security | 1.75 | Lumos | 771.30 |
| Mcimetro Access | 1.75 | Procom | 51.45 |
| AT&T | 136.50 | Granite Telecomm. | 264.25 |
| Level 3 Comm. | 22.75 | IDT Corp. | 5.25 |
| Interface Security | 1.75 | Procom | 51.45 |
| Vonage | 127.75 | Compliance Solutions, Inc. | 92.75 |
| Weston, City of | 3,000.00 | Frontier | 1,358.43 |
| Frontier | 7,118.49 | Gilmer County Sheriff | 3,968.78 |
| Cebridge Telecom | 87.50 | Frontier | 1,353.33 |
| Frontier | 7,100.65 | Gilmer County Sheriff | 846.88 |
| LC Emerg. Ambul. | 43,616.01 | Straight Fork Comm. | 7.29 |
| LC Mag. Ct. | 10.00 | LC Mag. Court | 10.00 |
| WV, State of | 1,016.24 | LC Bd of Education | 3,581.08 |
| Jackson Mill Jubilee | 750.00 | | |

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On motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous to adjourn for recess until 2:00 PM.

Commission, upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous returned to Regular Session at 2:00 P.M. from recess of morning session.

IN RE: ESTATE OF T. EDWARD MULLOOLY, DECEASED

ORDER

On the 16th day of December, 2013, came Lisa M. Chambers, in person, and T. Edward Mullooly, II, Movants, by James A. Varner, Sr., Esq. and Richard R. Marsh, Esq., McNeer, Highland, McMunn and Varner, LC, their attorneys, and also came Lisa Dawn Mullooly, Executrix of the Estate of T. Edward Mullooly, and individually, Respondent, by W. T. Weber, Jr., Esq. and W. T. Weber, III, Esq., Weber & Weber, her attorneys, pursuant to motion to remove Executrix and notice of hearing pursuant to *W. Va. Code § 44-5-5*.

The Lewis County Commissioners, Patrick Boyle, President, Agnes Queen, Commissioner, and Thomas Fealy, Commissioner, having considered the Notice of Motion, Motion to Remove Executrix, and Reply to Motion to Remove Executrix, the documents heretofore filed in the Estate of T. Edward Mullooly, and the testimony of Lisa M. Chambers, Lisa Dawn Mullooly, and Terry Johnson, CPA. After mature consideration, the Commissioners unanimously found as matters of fact:

1. That the annual reports of Receipts and Disbursements by Lisa Dawn Mullooly, Executrix, have been filed and approved by this Commission, that is to say:
 - i. The First Annual Report of Receipts and Disbursements for the period of June 1, 2011, through May 31, 2012, has been timely presented to Charles C. Hathaway, Fiduciary Commissioner to whom the estate of T. Edward Mullooly, deceased, was referred, which report was accepted by said Fiduciary Commissioner, reviewed by him, and with the Commissioner's recommendation the Report was forwarded to this Commission on July 2, 2012, and approved by it by order entered July 23, 2012; and
 - ii. The Executrix filed her Second Annual Report of Receipts and Disbursements for the period of June 1, 2012, through May 31, 2013, with said Commissioner on June 6, 2013, a copy of which was forwarded to the Petitioners herein by said Fiduciary Commissioner on June 28, 2013.

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Under date of August 28, 2013, the Executrix filed a Revised Second Annual Report of Receipts and Disbursements and Distributions with said Commissioner who duly reported to this Commission that Lisa Dawn Mullooly, Executrix of the Estate of T. Edward Mullooly, deceased, had exhibited before him a Revised Second Annual Report of Receipts and Disbursements and Distributions for the period from June 1, 2012, through June 1, 2013, and that he had mailed a copy to the Mullooly children. The Revised Second Annual Report of Receipts and Disbursements and Distributions was held by said Fiduciary Commissioner for a period of ten (10) days to allow objection and exception thereto by any person entitled, however, no objection or exception was made and the Fiduciary Commissioner having carefully examined said Revised Second Annual Report of Receipts and Disbursements and Distributions accordingly recommended approval to the County Commission under date of September 17, 2013, and this Commission approved the Fiduciary Commissioner's Report on September 30, 2013, of the Revised Second Annual Report of Receipts, Disbursements and Distributions.

Pursuant to W. Va. Code § 44-4-2, the annual reports were filed with the Fiduciary Commissioner and recommendation by the Fiduciary Commissioner, for approval by this Commission, and so accepted and confirmed without objection.

2. That Lisa Dawn Mullooly, Executrix, has at all times responded to requests and communications by Charles C. Hathaway, Fiduciary Commissioner.

3. That the Fiduciary Commissioner has communicated with and notified the Mullooly children, Movants, of all matters before him.

4. The Executrix, Respondent, has caused responses to be made to each and every inquiry made by James A. Varner, Sr., their attorney, set out in the Reply of Lisa Dawn Mullooly, Executrix to the Motion to Remove Executrix, to which reference is here made for an itemization thereof.

5. That Lisa Dawn Mullooly, Executrix, has responded to all communications and inquiries made by Commissioner Hathaway and Movants.

6. That Harry R. Glass, Esq., South Charleston, West Virginia, represents Lisa M.

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Chambers, one of the Trustees of the Margaret M. Mullooly Trust and one of the Trustees of the Thomas B. Mullooly, Trust, the interests therein of T. Edward Mullooly having been devised to the Mullooly children, Movants, has requested information from Lisa Dawn Mullooly, Executrix, and the Estate, which has been provided to Harry R. Glass, Esq.

7. That the acceptance by Lisa Dawn Mullooly of royalties from Jay Bee Production, Inc. was upon the mistaken belief that the asset for which royalties were paid were part of the Stellar One IRA of T. Edward Mullooly, and which Lisa Dawn Mullooly was the beneficiary, when in fact the asset had been conveyed shortly before the death of T. Edward Mullooly, to T. Edward Mullooly, individually. Lisa Dawn Mullooly has paid one-third of the royalties received by her from Jay Bee Production, Inc. to the Mullooly children. The royalties generated at the present time are pursuant to Division Order distributed two-thirds to Lisa Dawn Mullooly and one-sixth to each of the Mullooly children, that is Lisa M. Chambers and T. Edward Mullooly, II. There was no intent by Lisa Dawn Mullooly to misappropriate Estate funds and that any funds improperly paid to her have now been paid to the Mullooly children.

8. Substantial claims have been filed against the Estate of T. Edward Mullooly, namely claims filed by United Bank, Inc., in the sum of \$83,875.02 with interest at 3.25% per annum until paid, and \$47,153.03 with interest at 3.25% per annum until paid, both being paid on a regular installment basis by the Executrix. There were further proofs of claim against the Estate of T. Edward Mullooly by Wesbanco, Inc., Ford Credit, Lincoln Auto, and Huntington Bank, in the aggregate sum of \$286,380.00, which when added to the United Bank, Inc. claims amount to a total indebtedness of \$417,408.00, all of which have either been satisfied or are being paid on a regular basis.

9. In addition to the claims aforesaid, T. Edward Mullooly was a member of DMV

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Management, a limited liability company, which borrowed the sum of \$2,779,500.00, from BC Bank, Inc. on July 25, 2008, the payment of said loan being guaranteed by T. Edward Mullooly by guaranty dated July 25, 2008. As of September 8, 2011, the indebtedness of principal and interest of DMV to BC Bank, Inc. was \$2,016,092.66, said indebtedness has not been extinguished. The Executrix has made contributions to payments of interest to BC Bank to prevent the foreclosure against DMV Management, LLC, and its assets.

10. That Premier Construction Group, LLC delivered its note in the principal sum of \$270,000.00, with interest, payable to the order of GHW Development, Inc., to be paid in 180 equal consecutive minimum monthly installments of \$2,278.74 each, commencing December 5, 2009, which note is secured by a deed of trust on real property in Lewis County, West Virginia, conveyed by GHW Development to Premier Construction Group, LLC, the installments payments having been regularly made to GHW Development, and are fully accounted for in the corporate records of GHW Development.

11. All receipts of GHW Development have been accounted for in the corporate records of GHW Development and in the corporate income tax return prepared by Johnson & Associates, PLLC, Certified Public Accountants.

12. Terry Johnson of Johnson & Associates, PLLC, Certified Public Accountants, performed a reconciliation of royalties and working interests with Form 1099s received for 2012 for both the Thomas E. Mullooly Estate and Lisa D. Mullooly to the total cash deposits to the estate and individual bank accounts by Lisa Dawn Mullooly. The Johnson & Associates report is dated August 23, 2013, which concludes that after considering the timing differences identified, there were some differences between the amount of deposits and amount shown by the Form 1099s. The differences in deposits represented 1.01% of the Estate Form 1099 total and 1.07% of the individual Form 1099s

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total. That the difference is not unusual considering timing differences.

13. The Report was provided to Lisa M. Chambers one of the Movants by Terry Johnson, as well as copies of income tax returns.

14. The Commission unanimously concludes that:

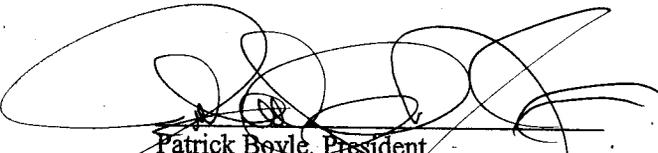
a. Lisa Dawn Mullooly was chosen by T. Edward Mullooly, Testator, to serve as the Personal Representative of his Estate which indicates that he did not intend to leave that choice for others to make.

b. To justify the removal of a testamentary personal representative, the proof of the cause for such removal must be clear, which it is not in this case.

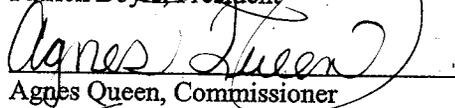
c. Accordingly, after mature consideration, the Commission unanimously finds that there is no reason to replace Lisa Dawn Mullooly as Executrix of the Estate of T. Edward Mullooly, there being no intent to hide or misappropriate any funds of the Estate, or to report her actions as such.

Therefore, the motion of Movants to remove Lisa Dawn Mullooly as Executrix of the Estate of T. Edward Mullooly, deceased, is denied.

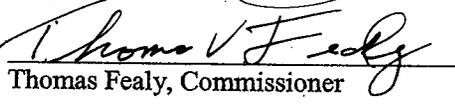
Dated: December 16, 2013.



Patrick Boyle, President



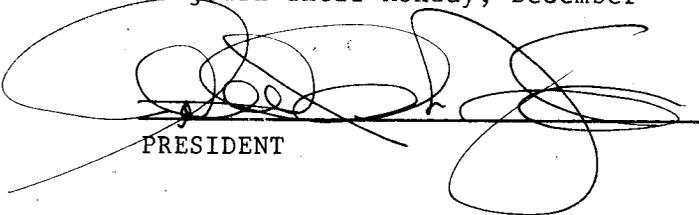
Agnes Queen, Commissioner



Thomas Fealy, Commissioner

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, December 23rd, 2013.



PRESIDENT