

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

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State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Wednesday, July 9, 2014.

WHEREAS, on the 18<sup>th</sup> day of January, 2013, the Last Will and Testament of Willie V. Mick, deceased, was fully proved, probated and admitted to record, and therein named Willie V. Mick, Jr. as Executor thereof; and

WHEREAS, it appears that the Estate of Willie V. Mick, deceased, was properly administered and settled by said Willie V. Mick, Jr. on September 3, 2013, and recorded in Inventory Book: 163 Page: 521; and

WHEREAS, it now appears that the said Estate of Willie V. Mick, deceased, will need to be re-opened, there being further administration on said estate; and

NOW, THEREFORE, this day appeared Willie V. Mick, Jr. and qualified as Executor of the estate of Willie V. Mick, Jr., deceased, by taking the oath prescribed by law.

It is stated by said Executor that Willie V. Mick departed this life on the 11<sup>th</sup> day of January, 2013, aged eighty years

Attest:

  
\_\_\_\_\_  
Clerk

**X**

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, JULY 14, 2014**

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Commission sat pursuant to adjournment of Monday, July 7, 2014.

PRESENT: Honorable Agnes G. Queen, President and Thomas V. Fealy and Patrick D. Boyle, 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 agendas for July 3 and July 10, 2014 was filed. Commission requested Cindy Whetsell check the meeting date of the community corrections board meeting for Commissioner Thomas Fealy.
2. **June 2014 Sheriff's Monthly Vehicle Mileage and Maintenance Report** – A copy of the report of mileage and repairs during the month of June, 2014 for the Sheriff's Department Vehicle fleet was filed. Commissioner Thomas Fealy inquired if two cruisers were budgeted for the new fiscal year (yes). Commissioner Patrick D. Boyle inquired if Deputy Sheriff Browning was on road duty in the truck (yes).
3. **Lewis County Animal Control Monthly Report for June 2014** – Lewis County Animal Control Monthly report for June, 2014 including: number of complaints, number of animals picked up, bounty money collected and mileage driven. It was noted there were numerous complaints.
4. **Lewis Gilmer Emergency 911 Monthly Call Report** – The report of calls for the Lewis Gilmer Emergency 911 Center including number of calls, calls per agency, disposition of calls was filed. No comments.
5. **Notification from the West Virginia Supreme Court of Appeals that the 26<sup>th</sup> Judicial Circuit has been identified for the development of an Adult Drug Court program between July 1 and December 31, 2014** – The Honorable Judge Kurt Hall was notified by the West Virginia Supreme Court of Appeals that the 26<sup>th</sup> Judicial Circuit, covering Lewis and Upshur Counties, has been identified as one of seventeen (17) circuits appropriate for the development of an adult drug court program. This program will be implemented between July 1, and December 31, 2014. More information will follow.

**IN RE: BOARD AND COMMITTEE REPORTS**

Commissioners Patrick D. Boyle and Thomas V. Fealy reported they had meetings to attend tonight and tomorrow. President Agnes G. Queen reported the Lewis County Fair was this past week. The board made enough money to pay their bills. There was some concern when the electric went out but it wasn't off long. County Administrator Cindy Whetsell participated in a conference call with the state auditor's office on the annual commissioners training. Commissioners requested training on the drug courts.

IN RE: BUDGET REVISION - FY 2014/2015  
COAL SEVERANCE (002) REVISION #01

**Budget Resolution**

At a regular session of the County Commission, held **July 14, 2014**, the following order was made and entered:

**SUBJECT:** The revision of the Levy Estimate Budget of the **Coal Severance FUND, FY 2014/2015**, 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 **01 (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 Patrick D. Boyle the vote thereon was as follows: (circle one)

Agnes G. Queen  yes  no  
Agnes G. Queen

Thomas V. Fealy  yes  no  
Thomas V. Fealy

Patrick D. Boyle  yes  no  
Patrick D. Boyle

**WHEREUPON**, Agnes G. Queen, President, declared said resolution duly adopted, and it is therefore **ADJUDGED AND ORDERED** that said resolution be, and the same is, hereby adopted as so stated above, and the President is authorized to affix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY  
REGULAR  
SESSION: MONDAY, JULY 14, 2014**

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  
**2014/2015**

FY  
**2**  
FUND  
**1**  
REV. NO.  
**1 of 1**  
PG. OF NO.

Person To Contact Regarding

Budget Revision: Debra A. Hull  
Phone: 304-269-8215  
Fax: 304-269-8202

PO Box 87  
STREET OR PO BOX  
Weston  
CITY  
26452  
ZIP CODE

County  
Government Type

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance	10,000	4,708		14,708
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 4,708

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	4,708		44,718
	#N/A				

**NET INCREASE/(DECREASE) Expenditures** 4,708

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

*Agnes A. Luce* 7/14/14  
AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

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**IN RE: OPINION FROM THE WEST VIRGINIA ATTORNEY GENERAL'S OFFICE ON THE  
DIGITIZATION OF THE COUNTY CLERK'S RECORDS**

Lewis County Prosecuting Attorney Lea Anne Hawkins requested an opinion from the office of the Attorney General on the use of private funds to digitize property and mineral records located in the Lewis County Clerk's office. This was done by the request of the Lewis County Commission following an offer by the West Virginia Oil and Natural Gas Association (WVONGA) to digitize these records. The Attorney General's opinion states that the unsolicited donation by WVONGA to digitize county records via competitive bidding process, place online property and mineral records giving access to the general public on an equal basis and allowing these records to remain the sole property of the county will present no violations.

On motion of Agnes G. Queen, second by Patrick D. Boyle, vote unanimous to approve the advertisement for bid of the digitization of the records of the Lewis County Clerk's office. Commission requested the bid package be forwarded the Lewis County Prosecuting Attorney Lea Anne Hawkins for approval.

**IN RE: APPROVAL SHEENA HORNER TO RETURN TO FULL TIME WITH  
REINSTATEMENT OF SICK LEAVE HOURS**

At the recommendation of William Rowan, Director, 911 Center to approve the request of Sheena Horner to be returned to telecommunicator full time status as of August 1, 2014, on motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous. Ms. Horner's sick leave hours and her years of service for calculating annual leave will be reinstated.

**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;

Harriett Attanasio, Ancillary Admx, CTA, Affidavit of Personal Representative,  
Unadministered Estate of Lowell Arnold Post, deceased.

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IN RE: PROBATING THE LAST WILL AND TESTAMENT OF  
NEWTON S. POSEY, DECEASED

This day came Margaret P. Posey, wife of Newton S. Posey, deceased, and presented and offered for probate a paper writing bearing date the 14th day of December, 2006, purporting to be the Last Will and Testament of have said decedent.

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 said paper writing had attached thereto, an affidavit signed by Peter J. Conley and Kari G. Smith. The said affidavit set forth the fact that the said Newton S. Posey, 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 Peter J. Conley and Kari G. Smith 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 MARGARET P. POSEY, EXECUTRIX OF THE WILL OF  
NEWTON S. POSEY, DECEASED

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

It is stated by said Executrix that Newton S. Posey departed this life on the 9th day of July, 2014, aged eighty-one years.

IN RE: PROBATING THE LAST WILL AND TESTAMENT OF  
MADELINE BAKER HARRISON, DECEASED

This day came Catherine Harrison Trefz, friend of Madeline Baker Harrison, deceased, and presented and offered for probate a paper writing bearing date the 27<sup>th</sup> day of August, 2012, purporting to be the Last Will and Testament of her 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 said paper writing had attached thereto, an affidavit signed by Selma Bowman and Marter Jackson. The said affidavit set forth the fact that the said Madeline Baker Harrison, 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 Selma Bowman and Marter Jackson 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.

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IN RE: QUALIFICATION OF CATHERINE HARRISON TREFZ, EXECUTRIX OF THE WILL OF  
MADELINE BAKER HARRISON, DECEASED

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

It is stated by said Executrix that Madeline Baker Harrison departed this life on the 25th day of May, 2014, aged ninety-nine years.

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:

70792	Brian W. Bailey	07/14/2014	180.51
70793	Dominion Hope	07/14/2014	48.19
70794	Foster Feed Company	07/14/2014	67.18
70795	Mon Power	07/14/2014	4,393.78
70796	ProPac	07/14/2014	8,500.00
70797	Quill Corporation	07/14/2014	268.35
70798	Software Systems, Inc.	07/14/2014	1,047.60
70799	John L. Spiker	07/14/2014	327.35
70800	Weston Sanitary Board	07/14/2014	230.07
70801	WV American Water Company	07/14/2014	514.88
70802	WV Correctional Industrie	07/14/2014	389.70
	General County Fund	Total	15,967.61

E-911 EMERGENCY COMMUNICATION CLAIMS

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

7689	Weston Sanitary Board	07/14/2014	103.64
	E911 Fund	Total	103.64

E-911 EMERGENCY COMMUNICATION CLAIMS

ORDERED, that drafts be issued payable out of the 2015, Levy, E-911 EMERGENCY COMMUNICATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

7690	Guttman Oil Company	07/14/2014	67.96
7691	Prescription Pest Control	07/14/2014	20.00
	E911 Fund	Total	87.96

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ASSESSORS VALUATION FUND CLAIMS

ORDERED, that drafts be issued payable out of the 2015, Levy, ASSESSORS VALUATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2901	Guttman Oil Company	07/14/2014	43.51
	Assessors Valuation Fund	Total	43.51

MAGISTRATE COURT CLAIMS

ORDERED, that drafts be issued payable out of the 2015, Levy, MAGISTRATE COURT FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

1923	General County Fund	07/14/2014	1,689.00
	Magistrate Court Fund	Total	1,689.00

DOG & KENNEL CLAIMS

ORDERED, that drafts be issued payable out of the 2015, Levy, DOG & KENNEL FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2596	Utility Boards	07/14/2014	23.31
	Dog & Kennel Fund	Total	23.31

MISCELLANEOUS CLAIMS

ORDERED, that drafts be issued payable out of the 2015, Levy, GENERAL COUNTY FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

70803	CNA Surety	07/14/2014	100.00
70804	Companion Life	07/14/2014	101.86
70805	Dog & Kennel Fund	07/14/2014	25,000.00
70806	Election Syst.&Sftwar,Inc	07/14/2014	7,212.88
70807	Guttman Oil Company	07/14/2014	1,211.29
70808	Lewis County Building	07/14/2014	27,060.00
70809	Prescription Pest Control	07/14/2014	165.00
70810	Sheriff of Lewis County	07/14/2014	2,000.00
70811	WV American Water Company	07/14/2014	78.82
70812	WV Assoc. of Counties	07/14/2014	3,369.00
70813	WV Assoc. of Counties	07/14/2014	5,000.00
	General County Fund	Total	71,298.85

Given under my hand this 14<sup>TH</sup> day of July, 2014.

ORDERED, That this Commission doth now adjourn until Monday, July 21<sup>ST</sup>,  
2014.

  
\_\_\_\_\_  
PRESIDENT