

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 Monday, November 10, 2014.

At an earlier date by U.S. Postal Service, Mary L. Dildine, daughter of Homer Vernon Cobb, deceased, presented and offered for probate a paper writing bearing date the 9th day of February, 2004, purporting to be the Last Will and Testament of her said decedent.

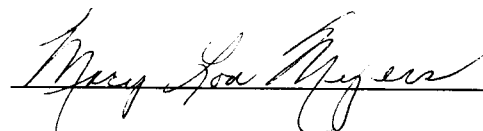
And it appearing to the Clerk that the said decedent, at the time of his death, had a known place of residence in the County of Tulsa, State of Oklahoma who at the time of death owned Real Estate in Lewis County, West Virginia, and it further appearing that the paper writing had attached thereto, an affidavit signed by Donna Danette Boston and Karl H. Tietz. The said affidavit set forth the fact that the said Homer Vernon Cobb, 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 Donna Danette Boston and Karl H. Tietz 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.

And, also presented and offered for probate a paper writing bearing date the 19th day of September, 2012, purporting to be a Codicil to the Last Will and Testament of Homer Vernon Cobb, deceased.

And, it further appearing that the said paper writing had attached thereto, an affidavit subscribed by the attesting witnesses thereto, namely C. Matthew Bickell and Stephanie M. L. Bowden. The said affidavit set forth the fact that the said Homer Vernon Cobb, the Testator, signed and declared the said paper writing as and for a Codicil to 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 years. And, at the request of the said Testator, they, the said C. Matthew Bickell and Stephanie M. L. Bowden both 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 & Codicil being thus proved, is admitted to probate and ordered to be filed and recorded as directed by law.

Attest:

 Clerk

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REGULAR
SESSION: WEDNESDAY, NOVEMBER 12, 2014**

Commission sat pursuant to adjournment of Monday, November 10th, 2014, sitting as a Board of Canvass.

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

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

**IN RE: EXECUTIVE SESSION REQUESTED BY CHRISTINA FLANIGAN,
PROSECUTING ATTORNEY ELECT, AS PER WV CODE 6-9A-4**

On motion of Thomas V. Fealy, second by Patrick D. Boyle, motion passing to enter into executive session as per WV Code 6-9A-4 at 5:05 PM.

On motion of Thomas V. Fealy, second by Patrick D. Boyle, motion passing to enter back into regular session at 5:23 PM.

No action taken.

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Commission Agenda** – The Upshur County Agenda for Thursday, November 6, 2014 was received.
2. **Response from Department of Transportation, Division of Highways Regarding “No Jake Brake Zone”** – Paul Maddox, Jr. Secretary for the WV Department of Transportation, Division of Highways response to letter from the Lewis County Commission on behalf of David Martin regarding his request that a segment of US Highway 33 E be made a “No Jake Brake Zone.” Mr. Maddox replied “Engine brakes, or “jake brakes” are a safety feature designed into the stopping mechanisms of large trucks. . . . W. Va. Code 17C-3-2(b) provides: “(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the state road commission except by the latter’s permission.” For the safety of the traveling public, the WVDOT will not install or permit the installation of signing associated with the prohibition of engine brakes on our State Highway System.”
3. **Correspondence regarding the county Retiree Healthcare Subsidy** – Correspondence from David Parks and Ed Browning regarding the new health insurance subsidy for retirees and the impact it will have on these two employees who both anticipate retirement prior to December 31, 2015. After discussion the commission decided there will always be another employee anticipating retirement, the liability to the county is too high, the decision had already been made and they will not change the policy.
4. **WV Division of Justice & Community Services On-site program review of Grant #14-JAG-20** – The WV Division of Justice & Community Services conducted an on-site review of the Prevention Resource Officer Program in relation to compliance for Grant #14-JAG-20. Recommendations include: submission of documentation to substantiate worker’s compensation, retirement and unemployment rates charged to the grant; submission of a written policy regarding how language access services are provided to persons with limited English; training must be provided to staff on Civil Rights; submission of an up to date list of the Planning and Evaluation Team members; and submission of a copy of the results of the survey/evaluation tool used to

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monitor the program. County Administrator Cindy Whetsell reported that this was the first year for Sgt. Cayton to be program director and that it would take a while for him to get informed of all the requirements for the grant.

5. **Sheriff's Monthly Vehicle Report** – The sheriff's monthly report for October, 2014 including mileage and maintenance for the fleet was filed.
6. **Notice of Informational Public Meeting Regarding Exit 99 on Interstate 79** – The WV Department of Highways will be holding an informational meeting on Tuesday, December 9, 2014 from 4:00 – 7:00 PM at Peterson Elementary School concerning the Interstate 79 Weston Interchange with US Highway 33 (Exit 99). No formal presentation will be made but potential alternatives will be on display for discussion.

IN RE: BOARD AND COMMITTEE REPORTS

Commissioner Thomas V. Fealy and Commissioner Patrick D. Boyle attended the canvassing board meeting on Monday. Commissioners Fealy and Boyle stated the canvass went smoothly and they wished to thank the County Clerk's office and the Poll Workers for all of their hard work.

**IN RE: LEWIS UPSHUR ANIMAL CONTROL FACILITY
VOLUNTEER RULES/POLICIES AND APPLICATION**

After discussion and on motion of Patrick D. Boyle, second by Thomas V. Fealy, motion passing to send a letter to the Upshur County Commission recommending the termination of four volunteers. They also recommend that the chain of command for complaints be followed.

On motion of Thomas V. Fealy, second by Patrick D. Boyle, motion passing to approve the recommended Volunteer Program Policies and Procedures.

**IN RE: APPROVAL OF CHANGE OF SCOPE FOR 2013-14 WV RECORDS MANAGEMENT
AND PRESERVATION GRANT FOR THE LEWIS COUNTY CLERK'S OFFICE**

Lewis County Clerk Mary Lou Myers requests a change of scope to allow the \$10,000.00 WV Records Management and Preservation Grant to be used for repair of books and indexing. The original grant was for scanning of documents and that is being done by the WV Independent Oil and Natural Gas Association. On motion of Thomas V. Fealy, second by Patrick D. Boyle, motion passing to approve the change of scope request.

IN RE: EDA UPDATE

Michael Herron, Executive Director, Lewis County EDA, updated the commission on the water projects.

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IN RE: LEAVE REQUESTS APPROVED

The following leave requests were approved for Rob Waugh and Tom Alkire for this time only as David Reed will be able cover the vacancies, but next year the scheduling must be worked out prior to submission to the commission for approval upon motion of Patrick D. Boyle, second by Thomas V.

Fealy, motion passing:

TOM ALKIRE	Annual Leave – November 24, 25, 26, December 8, 9, 10, 11, 12, 22, 23 24 (1/2 day), 26, 29, 30, 31 (1/2 day)
ROB WAUGH	Annual Leave – December 22, 23, 24 (1/2 day), 26, 29, 30, 31 (1/2 day), January 2, 2015.

IN RE: TIMESHEET APPROVAL

Upon review of the timesheets of employees of the 911 Center, it was unanimously agreed to setup a meeting with the supervisor on clarification of calculations.

**IN RE: ELEVATOR INSPECTION CONTRACT AWARDED
TO VERTICAL TRANSPORT CONSULTING, LLC.**

County Administrator Cindy Whetsell presented to the commission a quote for elevator inspections. Ms. Whetsell informed the commission that the state inspects the elevators annually. The commission is required to have a licensed independent contractor witness the state inspection. The current contractor has lost his license. She requested approval of the presented quote from Vertical Transport Consulting, LLC. For \$880.00 every year and on the fifth year it will be \$1,080.00. On motion of Thomas V. Fealy, second by Patrick D. Boyle, motion passing, to approve Vertical Transport Consulting, LLC quotation.

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:

Joseph Zane Stalnaker, et al, Trustees, Receipts and Disbursements of the Account Of the Mt.Gilead Cemetery Endowment Fund.

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ASSESSOR VALUATION CLAIMS

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

2937	United Bankcard Center	11/12/2014	603.15
	AT&T Mobility	198.22	
	Corridor H Tire Inc	135.00	
	MCM Business Systems	112.48	
	Staples	157.45	
2938	Guttman Oil Company	11/12/2014	93.40
2939	WHAW Radio	11/12/2014	247.50
2940	WOTR Radio	11/12/2014	247.50
2941	WVRW Radio	11/12/2014	247.50
	ASSESSOR	TOTAL	1,439.05

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:

7769	United Bankcard Center	11/12/2014	7,271.07
	Action Tropies & Awards	180.98	
	Asian Buffet	38.64	
	Cables To Go	212.29	
	Chili's	57.65	
	Cracker Barrel	39.17	
	Frontier	1,708.48	
	Gino's Pizza	11.33	
	Holiday Inn Express	1,224.00	
	J.T. Martin Fire & Safety	236.44	
	James & Law Company	1,550.00	
	Lakeview Resort Center	245.38	
	LongHorn 5275	157.03	
	McDonalds	22.99	
	Monroes Deli	38.28	
	Mountain State Waste	27.95	
	Olive Garden	92.92	
	Penn Station	7.19	
	PJ Berrys	50.01	
	Red Lobster	51.41	
	Sleep Inn	149.98	
	Topspot Country Cookin	14.00	
	Tractor Supply Company	36.99	
	Tudors Biscuit World	0.50	
	Valley Security Systems	495.00	
	Walmart Community BRC	260.39	
	Wendy's	13.32	
7771	Dominion Hope	11/12/2014	18.92
7772	Guttman Oil Company	11/12/2014	133.78
7773	Prescription Pest Control	11/12/2014	20.00
7774	WHAW Radio	11/12/2014	247.50
7775	WVRW Radio	11/12/2014	247.50
	E-911	TOTAL	7,938.77

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HOME CONFINEMENT CLAIMS

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

2425	United Bankcard Center	11/12/2014	9,917.82
	Keystone Smart Start, LLC	8,335.00	
	NTelos	77.15	
	Quill Corporation	505.16	
	Taser International	1,000.51	
	HOME CONFINEMENT	TOTAL	9,917.82

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:

71157	United Bankcard Center	11/12/2014	31,571.93
	Appalachian Tire Prod, Inc	637.00	
	Aqua Filter Fresh, Inc.	113.55	
	AT&T Mobility	621.36	
	Butcher Layfield Lumber	23.98	
	BFS Foods	9.00	
	BP	65.00	
	Casto & Harris, Inc.	2,390.78	
	Custom Signs & Graphix	400.00	
	Foster Feed Company	9.98	
	Frontier	3,353.47	
	G. Willies Uniforms	31.24	
	Gall's, Inc.	36.80	
	Global Science & Technolo	722.00	
	Go Mart	40.04	
	Hampton Inn	87.15	
	Harry Green Chevrolet, Inc	98.08	
	Heaster - Hart, LLC	272.18	
	Jenkins Ford Mercury, Inc	562.86	
	Lakeview Resort Center	332.00	
	Lewis County Printing, LLC	1,090.00	
	Lexis Publishing - Michie	171.00	
	Little General	94.03	
	Lowe's	117.47	
	Matthew Bender & Co., Inc	1,361.25	
	McAfee	42.39	
	Mountain State Waste	619.91	
	My Tailor Shop	90.00	
	NTelos	568.27	
	OutBack SteakHouse	23.89	
	Pickens Automotive Servic	716.47	
	Quill Corporation	481.70	
	R. D. Wilson Sons & Co.	524.16	

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	R.E. Michael Company, Inc	418.26	
	Rite Aid Express #1305	31.15	
	Sassafras Restaurant	41.16	
	Scott Electric	53.91	
	Shell	158.01	
	Sirchie Fingerprint Labs	39.75	
	Stonewall Jack. Mem. Hosp	15.00	
	Taser International	611.96	
	Trapuzzano's Uniforms	347.03	
	Walmart Community BRC	407.03	
	Wendlings Food Service	444.70	
	West Virginia Uniforms	1,308.00	
	Weston Democrat, Inc.	11,988.96	
71159	Cash Flow Opportunities	11/12/2014	419.50
71160	Mary Lou Myers, Clerk	11/12/2014	22.00
71161	Garry L. DeMoss	11/12/2014	30.24
71162	Dominion Hope	11/12/2014	2,048.89
71163	Guttman Oil Company	11/12/2014	1,429.87
71164	Lewis County Park	11/12/2014	17,056.77
71165	LC Conven. & Visitors Bur	11/12/2014	16,400.74
71166	Lewis Baseball Assoc	11/12/2014	4,500.00
71167	Louis Bennett Pub.Library	11/12/2014	6,560.29
71168	Mt Lake Convention &	11/12/2014	16,400.74
71169	Mon Power	11/12/2014	3,794.15
71170	Prescription Pest Control	11/12/2014	165.00
71171	Cynthia S. Rowan	11/12/2014	33.60
71172	Software Systems, Inc.	11/12/2014	1,069.00
71173	Town of Jane Lew	11/12/2014	9,184.41
71174	Travelers	11/12/2014	105.00
71175	WV American Water Company	11/12/2014	78.82
	GENERAL COUNTY	TOTAL	110,870.95

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:

2612	United Bankcard Center	11/12/2014	112.62
	AT&T Mobility	76.87	
	Walmart Community BRC	35.75	
2613	Guttman Oil Company	11/12/2014	90.85
2614	Upshur County Commission	11/12/2014	17,314.13
	DOG AND KENNEL	TOTAL	17,517.60

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HOME CONFINEMENT CLAIMS

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

2425	United Bankcard Center	11/12/2014	9,917.82
	Keystone Smart Start, LLC	8,335.00	
	NTelos	77.15	
	Quill Corporation	505.16	
	Taser International	1,000.51	
	HOME CONFINEMENT	TOTAL	9,917.82

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:

1933	United Bankcard Center	11/12/2014	377.62
	NTelos	377.62	
1934	General County Fund	11/12/2014	1,689.00
	MAGISTRATE COURT	TOTAL	2,066.62

IN RE: CHECKS RECEIVED

Gilmer County Sheriff	\$4,519.24	WV Chapter of APCO	\$157.70
Cebridge Telecom WV	92.75	WV, State	1,053.45
Lewis County Park	3,426.67		

The minutes of this meeting were approved upon motion of Thomas V. Fealy, second by Patrick D. Boyle, motion passing.

ORDERED, That this Commission doth now adjourn until Friday, November 14th, 2014, for Certification of Votes cast on Tuesday, November 4th, 2014, General Elections


ACTING PRESIDENT

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
SPECIAL
SESSION: FRIDAY, NOVEMBER 14, 2014**

Commission sat pursuant to adjournment of Wednesday, November 12th, 2014,
Regular Session

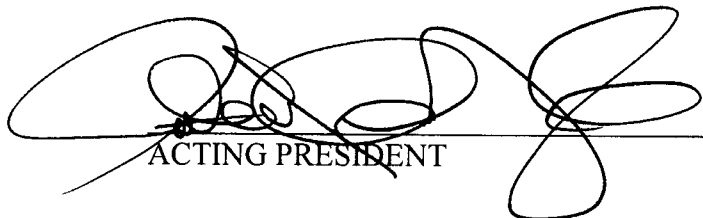
PRESENT: Patrick D. Boyle, Commissioner, and Thomas V. Fealy and
Honorable Agnes G. Queen, President being absent.

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

IN RE: GENERAL CERTIFICATE OF VOTES
CAST ISSUED

The Board of Canvassers of the County of Lewis having carefully and impartially examined the returns of the Election held in said County of the 4th day of November, 2014, and upon motion of Thomas V. Fealy, second by Patrick D. Boyle, motion passing do hereby complete and sign the Certificates of Votes Cast for each Candidate in the General Election, with the exception of the votes cast for US State Senator and US House of Representatives which cannot be certified until all counties complete their canvass. Upon notification of the Secretary of State's Office the Commission will meet to certify the results.

ORDERED, That this Commission doth now adjourn until Monday, November 17th,
2014.


ACTING PRESIDENT