

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, FEBRUARY 23, 2015**

Commission sat pursuant to adjournment of Monday, February 23rd, 2015, sitting as a Board of Equalization and Review.

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

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

**IN RE: APPROVAL LOMBARDI CONSTRUCTION FOR RENOVATIONS
FOR THE LEWIS COUNTY ASSESSORS OFFICE**

On January 12, 2015, after being duly advertised as per WV Code, the bids for the Lewis County Assessor's office were opened and inspected for compliance by Fred Pack, Project Consultant for Silling Associates. All bids were over budget and on motion and second it was tabled for further review with the assessor and the architect. At the January 20, 2015 meeting, Lombardi Development, Fallensby, WV was acknowledged as apparent low bidder at \$593,500.00 base bid. Today, Assessor T. Chad Kelley appeared before the commission with the recommendation to accept the bid from Lombardi with the following reductions: 1. General Conditions Savings \$9,500 (Bond, B&C, Port-a-Jon, etc.) 2. Buy Direct Savings \$7,000.00 (HVAC, Electric, Metals, Casework, Doors) 3. HVAC \$5,000.00 (Carrier in lieu of specified manufacturer) 4. Electric \$1,500.00 (Plastic exit signs in lieu of specified) 5. Delete all painting from contract \$10,000.00 6. Signage \$2,000.00 (4 pcs only, not as specified) Total Savings \$35,000.00. New bid total \$558,500.00. On motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to accept the bid of \$558,500.00 and award the project to Lombardi Construction.

IN RE: APPROVAL OF HIRING TERRI COLE AS DEPUTY COUNTY CLERK

Cynthia S. Rowan, County Clerk, presented a letter to the commission requesting approval of the hiring of Terri Cole as Deputy County Clerk. On motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to approve the hiring of Terri Cole as Deputy County Clerk. Ms. Rowan also requested the probation period be waived for benefits. On motion of Thomas V. Fealy, second by Patrick D. Boyle, vote unanimous to approve the waiving of the probation period for benefits. President Agnes G. Queen gave the oath of office to Ms. Cole, the same recorded in Oath of Office Book: 2 Page: 199.

IN RE: APPROVAL TO ADVERTISE FOR DEPUTY CIRCUIT CLERK

Circuit Clerk John Hinzman appeared before the commission to request permission to advertise for a replacement for Deena Sealer, Deputy Circuit Clerk, who is retiring at the end of this year. On motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to approve the request to advertise for a deputy circuit clerk.

IN RE: TODD GUNTER, FIELD REPRESENTATIVE TO SENATOR SHELLEY MOORE CAPITO

Todd Gunter, Field Representative to Senator Shelley Moore Capito attended the commission meeting to offer his and Senator Shelley Moore Capito's help. The Commission thanked Mr. Gunter for his offer.

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**IN RE: MINI GRANT APPROVAL FOR \$1000.00 FOR JACKSON MEMORIAL COMMUNITY
ASSOCIATION FOR REPAIR OF ROOF AND FAÇADE**

Upon motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to approve the mini grant application from the Jackson Memorial Community Association for \$1,000.00 for funds to help with repairing the roof and facade:

Lewis County Commission Mini-Grant Application

Entity or group requesting aid: Jackson Memorial Community Association

1. Address: 6661 Main St, PO Box 770, Jane Lew, WV 26147

2. Phone#: 304-871-7334

3. Home, address and phone number (work and home) of person responsible for filing any report for this grant: William B. White, PO Box 100

Jane Lew, WV 26148 (304) 851-7023

5. Amount of aid requested: 1,000⁰⁰ Date: 2/12/15

6. Name of Project: Repair of Roof and Facade of Jackson Memorial Building

7. Briefly state your need:
We have major deterioration in the front facade and roof of the roof of our buildings, which are 139 years old.

8. How will this project help Lewis County: Our facility will be able to continue to serve the residents of northern Lewis County.

9. Anticipated date of project completion: Fall 2015?

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

Please List : US Dept of Agriculture, WV
Legislature, Town of Jane Lew

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

Town of Jane Lew \$1700⁰⁰

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

13. Are you NON-PROFIT? Yes X No

501(c)3 #55-6025717

FOR COMMISSION USE ONLY

Amount Approved \$ 1000⁰⁰ Date: 2/23/15 Order Book 69 Page # 378

Agnes Queen
President, Lewis County Commission

2/23/15
Date

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IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Commission Agenda** – The Upshur County Agenda for Thursday, February 19, 2015 was received.
2. **Sheriff's Monthly Vehicle Report** – The Sheriff's Monthly Vehicle Report including mileage and maintenance for the fleet in January, 2015 was filed.
3. **Louis Bennett Public Library Minutes/Financial Report** – The meeting minutes and financial reports for October, November, and December, 2015 and January, 2015 including expenditures from hotel/motel taxes received from the county was received. County Administrator Cindy Whetsell pointed out to the commission that some of the expenditures of the hotel/motel tax were not allowed by WV Code. Commission directed Ms. Whetsell to set up a meeting with the three recipients of the hotel/motel tax (Lewis County Park, Town of Jane Lew for Jane Lew Park and Louis Bennett Library) to discuss the allowable expenditures.
4. **Lewis County Animal Control Monthly Report**– The Lewis County Animal Control report for January, 2015 including the number of animals picked up, dropped at facility, adopted, bounty collections, and animal control vehicle mileage was filed. Commission asked County Administrator Cindy Whetsell to request an explanation of why an animal other than cat and dogs was picked up.
5. **Lewis Upshur Animal Control Facility Monthly Report** – The January, 2015 monthly report for the Lewis Upshur Animal Control Facility including number of dogs and cats housed at the facility, number of adoptions, number of animals returned to owners and number of animals brought in to the shelter by staff and citizens for both Lewis and Upshur Counties.
6. **Sheriff's Monthly Settlement** – The January sheriff's monthly settlement (reconciliation) of the accounts for January, 2015 for Lewis County was submitted by Sheriff Adam Gissy.
7. **WV State Department of Revenue – Statewide Computer Cost Estimate** – Notice was received from the WV Department of Revenue, State Tax Department for the budget amount for the fiscal year 2015-2016 for the Statewide Computer Network, Account #408 - \$49,762.00. Assessor T. Chad Kelley reported this was an increase over prior year and requested the commission send a letter requesting an explanation of the increase. On motion of Thomas V. Fealy, second by Patrick D. Boyle, vote unanimous to approve sending the letter.
8. **Lewis County Senior Center Board Letter of Appreciation** – The Lewis County Senior Center Board sent a letter expressing their appreciation to the Commission for their contribution on the roof repair.

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IN RE: BOARD AND COMMITTEE REPORTS

Commissioners Thomas V. Fealy, Patrick D. Boyle and President Agnes G. Queen attended the Lewis County Board of Equalization and Review, Friday, preparation of ballot boxes, and Saturday, Election Day for the Lewis County Board of Education Levy.

President Agnes G. Queen attended the WVU Extension Service meeting on annual funding.

County Administrator attended the conference calls with the CCWVA on legislative issues.

IN RE: APPROVAL OF PURCHASE OF BLOCK OF 50 MAILBOX LICENSE

County Administrator explained to the commission the need to purchase a block of 50 voice mailboxes for the telephone service. This is a onetime cost. The commissions purchased 150 voice mails with the new telephone service and have used 146. For further expansion we will need more voice mail boxes. Each voice mail box corresponds to a telephone extension and we cannot add extensions without the voice mail box. On motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to approve the purchase from Frontier at a cost of \$930.00.

**IN RE: TECHNOLOGY SUPPORT SERVICES OVERVIEW AND MAINTENANCE AGREEMENT
QUOTE – TABLED TILL NEXT MEETING**

County Administrator Cindy Whetsell requested the commission to table until next meeting the discussion on the “Technology Support Services Overview and Maintenance Agreement Quote”. On motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to table until the next meeting.

IN RE: WORK SESSION WITH RUDY HENLEY, STONEWALL RESORT

The Commission met with Rudy Henley, Stonewall Resort. This was an informal discussion of the cabins being built on Phase One and the need of game courts and water feature. Financing was discussed and Mr. Henley was directed to contact Region VII. Other methods of financing were discussed.

**IN RE: QUALIFICATION OF ROSALIND M. HENRY, ADMINISTRATRIX OF THE
PERSONAL ESTATE OF KENNETH C. HENRY, DECEASED**

This day came Rosalind M. Henry, wife of Kenneth C. Henry, deceased, and moved the Commission that she be appointed Administratrix of the estate of her said decedent. Upon, consideration of which, the Commission is of the opinion to and doth hereby appoint the said Rosalind M. Henry as such Administratrix.

THEREFORE, Rosalind M. Henry as principal together with Western Surety/CNA Surety Company as her surety, entered into and acknowledged a bond in the penalty of Ten Thousand (\$10,000.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Rosalind M. Henry qualified as Administratrix of the personal estate of Kenneth C. Henry, deceased, by taking the oath prescribed by law.

It is stated by said Administratrix that Kenneth C. Henry departed this life on the 18th day of January, 2015, aged sixty-two years.

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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:

Dana Moody, Executor, Waiver of Settlement of the Estate of Brooks Moody, deceased

Norma V. Singleton, Administratrix, Waiver of Settlement of the Fiduciary Account of the Estate of Jerry A. Williams, deceased

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;

Mabel L. Kraus, Executrix, Affidavit of Personal Representative, Unadministered Estate of David L. Kraus, deceased.

David E. Wood, Executor, Affidavit of Personal Representative, Unadministered Estate of Stella Marie Wood, deceased.

Victor Koon, Administrator, Affidavit of Personal Representative, Unadministered Estate of India Victoria Koon, deceased.

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:

71336	Marcia Boyles-Bowyer	02/23/2015	171.46
71337	CNA Surety	02/23/2015	100.00
71338	Dominion Hope	02/23/2015	2,580.15
71339	Guttman Oil Company	02/23/2015	860.39
71340	U S Bank Equip Finance	02/23/2015	1,818.00
	GENERAL COUNTY	TOTAL	5,530.00

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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:

7846	Guttman Oil Company	02/23/2015	115.15
7847	WHAW Radio	02/23/2015	247.50
7848	WVRW Radio	02/23/2015	247.50
	E-911	TOTAL	610.15

DOG AND KENNEL CLAIMS

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

2634	Guttman Oil Company	02/23/2015	54.78
	DOG AND KENNEL	TOTAL	54.78

CONCEALED WEAPONS CLAIMS

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

834	Weston Democrat	02/18/2015	115.92
	CONCEALED WEAPON	TOTAL	115.92

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:

1942	St. Patrick Church	02/23/2015	150.00
	MAGISTRATE COURT	TOTAL	150.00

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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:

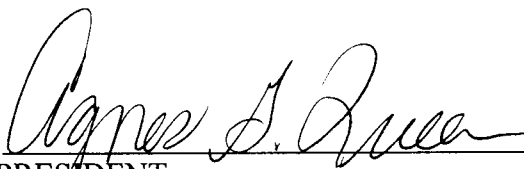
2962	Silling Architects & Plnr ASSESSOR	02/23/2015	2,450.04
		TOTAL	2,450.04

IN RE: CHECKS RECEIVED

Buckhannon Animal Clinic	\$35.00
Clarksburg, City of	1,466.30

Given under my hand this 23rd day of February, 2015.

ORDERED, That this Commission doth now adjourn until Thursday, February 26th, 2015 sitting as a Board of Equalization of Review.



 PRESIDENT

X

**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, February 24, 2015.

Beverly J. Salisbury, daughter of Bettie B. Brumley, deceased, appeared at a former date and presented and offered for probate a paper writing bearing date the 10th day of September, 2009, 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 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 Melissa S. Hiner and Sandra S. Stalnaker. The said affidavit set forth the fact that the said Bettie B. Brumley, 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 Melissa S. Hiner and Sandra S. Stalnaker 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:

Cynthia S. Rowan 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, February 24, 2015.

WHEREAS, Bettie B. Brumley, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Beverly J. Salisbury and Randall R. Brumley as Co-Executrix and Co-Executor thereof and requested that no bond be required of them as such Co-Executrix and Co-Executor. THEREUPON, personally appeared the said Beverly J. Salisbury and Randall R. Brumley and qualified as Co-Executrix and Co-Executor of the Will of Bettie B. Brumley, deceased, by taking the oath prescribed by law.

It is stated by said Co-Executrix and Co-Executor that Bettie B. Brumley departed this life on the 18th day of February, 2015, aged eighty-nine years.

Attest:

Cynthia S. Rowan Clerk