

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

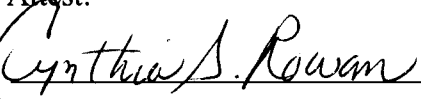
State of West Virginia;
County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of the said Commission on Wednesday, June 3, 2015.

This day came Sara Jo Loudin, daughter of Jerry Lynn Loudin, Jr., deceased, and filed an affidavit signed by Samantha Renee Loudin, heir of said decedent, requesting that she be appointed as such Administratrix of their said decedent. Upon, consideration of which, the Clerk is of the opinion to and doth hereby appoint the said Sara Jo Loudin as such Administratrix.

THEREFORE, Sara Jo Loudin as principal together with Travelers Casualty and Surety Company as her surety, entered into an acknowledged a bond in the penalty of Five Hundred (\$500.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Sara Jo Loudin qualified as Administratrix of the personal estate of Jerry Lynn Loudin, Jr., deceased, by taking the oath prescribed by law.

It is stated by said Administratrix that Jerry Lynn Loudin, Jr. departed this life on the 11th day of May, 2015, aged Forty-nine years.

Attest:
 Clerk

State of West Virginia;
County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Thursday, June 4th, 2015.

WHEREAS, on the 1st day of February, 1993, Mary E. Taylor was appointed Administratrix of the personal estate of Emory C. Taylor, deceased, with Darrell F. Burkhammer as her surety; and

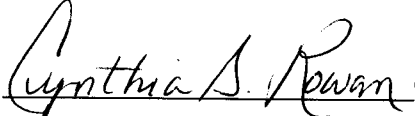
WHEREAS, it appears that the Estate of Emory C. Taylor , deceased, was properly administered and settled by said Mary E. Taylor, as Administratrix on February 1st, 1993, and recorded in Inventory Book: 134 Page: 28; and

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

WHEREAS, this day came Mary E. Taylor and moved the Clerk that she be appointed as Administratrix of the personal estate of Emory C. Taylor, deceased. The Clerk is of the opinion to and doth hereby appoint the said Mary E. Taylor as such Administratrix; and

NOW, THEREUPON, Mary E. Taylor as principal together with Western Surety/CNA Surety Company as her surety and entered into and acknowledged a bond in the penalty of Five Thousand Eight Hundred (\$5,800.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Mary E. Taylor qualified as Administratrix of the personal estate of Emory C. Taylor, deceased by taking the oath prescribed by law.

It is stated by said Administratrix that Emory C. Taylor departed this life on the 25th day of January, 1993, aged forty-seven years.

Attest:
 Clerk

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REGULAR
SESSION: MONDAY, JUNE 8, 2015**

Commission sat pursuant to adjournment of Monday, June 1, 2015.
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 Commission Agenda** – The Upshur County Commission agenda for a special meeting to be held June 2, 2015 was filed.
2. **Lewis County Convention and Visitors Bureau Meeting Minutes and Agenda** – The minutes of the May 5, 2015 meeting and agenda for June 2, 2015 Lewis County convention and Visitors Bureau meeting was filed.
3. **Monthly Sheriff's Vehicle Report** – The report of mileage and maintenance for the Sheriff's Vehicle Fleet for the month of May, 2015 was filed.

IN RE: BOARD AND COMMITTEE REPORTS

Commissioners Boyle and Fealy did not have any meetings.

President Agnes G. Queen attended the Alum Bridge Celebration.

County Administrator Cindy Whetsell and William Rowan attended a Homeland Security Grant review. The audit was concluded in approximately 10 minutes and there were no findings.

County Administrator Cindy Whetsell attended a meeting on the assessor's remodeling project. The architect is well pleased with the progress.

County Administrator Cindy Whetsell attended a meeting at the WV State Auditor's office on the agenda for the County Commissioners meeting.

IN RE: MOUNTAIN LAKE CONVENTION AND VISITORS BUREAU REPORT

Jonelle Swiger gave a final report of activities for the Mountain Lake CVB closing. Mountain Lake CVB requested Lewis County CVB put 4 (four) of their board members on the Lewis County CVB board. Lewis County CVB reported it has one board member opening and possible two. They must submit a letter requesting to be accepted to the board.

IN RE: LEWIS COUNTY CONTINUITY OF OPERATIONS EMERGENCY PLAN UPDATE

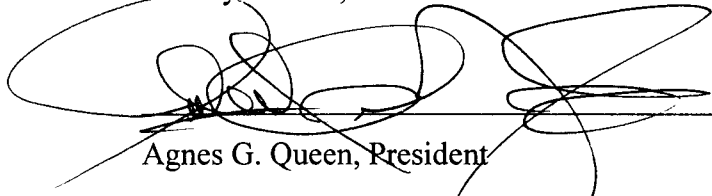
The Lewis County Office of Emergency Management has updated the Lewis County Continuity of Operations Emergency Plan. The draft with changes was presented to the commission and approved on motion of Thomas V. Fealy, second by Patrick D. Boyle, vote unanimous.

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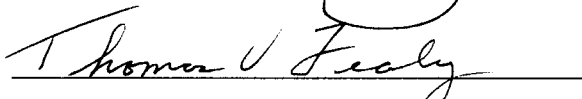
IN RE: DEPOSITORIES DESIGNATED BY COMMISSION

In accordance with Section 1, Article 6, Chapter 7, of the West Virginia Code, the Lewis County Commission, upon motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous, hereby designate the following Lewis County Bank Institutions a depositories of public monies; The Citizens Bank of Weston, United Bank, Inc., Huntington National Bank and Progressive Bank, N. A. Commission has determined that said banking institutions have complied with all the requirements of State Law.

Witness the following signatures this 8th day of June, 2015.



Agnes G. Queen, President



Thomas V. Fealy, Commissioner

Patrick D. Boyle, Commissioner

IN RE: APPROVAL OF RATE SCHEDULE FOR FIDUCIARY COMMISSIONER

WV State Code allows the Lewis County Commission to set the fees paid to county fiduciary commissioners. In 1982, the Lewis County Commission set this fee at \$45.00 (Forty-five dollars) per hour. County Administrator Cindy Whetsell reported that she had a request to increase this fee. At the May 18, 2015 & May 25, 2015 meetings this item was tabled to allow Administrator Whetsell time to obtain more information and for Prosecuting Attorney, Christina Flanigan to review. At the June 1, 2015 meeting this item was table due to Commissioner Thomas V. Fealy not having had the information to review.

On motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to approve the following rate schedule, effective June 9, 2015 for all new estates.

Pursuant to the provisions of Chapter 59, Chapter 1, Section 9 of the West Virginia code, as amended, the Lewis County Commission does hereby establish the following schedule of fees or rate of compensation for Fiduciary Commissioners in Lewis County, West Virginia:

For services rendered in connection with receiving, approving, filing and forwarding to Tax Department inventory and appraisal, initial and supplemental; determination of shares of legatees and distributes; preparation and publishing of notice to creditors and beneficiaries; certifying publication of such notice; mailing of notice to creditors and beneficiaries, for each creditor and beneficiary; receiving and filing names and addresses of creditors and beneficiaries; receiving and filing each proof of claim against an estate; receiving and filing of counter-affidavit denying such claim; setting of time and place for hearing on claims objected to; examination of fiduciary's bond, initial, annual and at accounting; receiving and filing report of sale; preparation of monthly list of fiduciary accounts; checking securities and monies comprised in account; preparation of receipt to fiduciary for

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vouchers; preparation of notice of report of claims; preparation of notice of completion of account and report of claims; serving notice of completion of settlement and report of claims upon creditors, beneficiaries, attorneys and other interested parties; receipt and filing of exception to report of claims; filing report of account and report claims with County Clerk; ratifying and authorizing fiduciary to compromise debt due to owing; preparation of notice of hearing on veterans settlements; and other matters normally included within a summary settlement of an estate. **\$60.00 per hour**

For services rendered in connection with contested claims against an estate including, preparation of proper notice of hearing and giving of such notice to claimant, party objection and personal representative; preparation and serving of notice for deposit of cost for recording testimony at hearing; preparation of summons for witness; swearing each witness; certifying testimony of witness; conducting hearing; preparation of summons for witness; swearing each witness; certifying testimony of witnesses; conducting hearing, considering evidence, drafting recommendations with respect to such hearing and appearance before the County Commission with respect thereto and any other matters of an extraordinary nature not normally include within summary settlement for such estate; review of any extraordinary demands or conditions imposed by a fiduciary or imposed by the circumstances of an estate, including summoning a fiduciary to appear before the Circuit Court or County commission for failure of fiduciary to make return of inventory, account of sale, settlement of accounts,; conduct of any hearing in regard to any controversy referred by the County Commission which required considering evidence, hearing proof, making findings and advising the Commission. **\$75.00 per hour**

IN RE: DECLARATION OF SURPLUS PROPERTY

County Administrator Cindy Whetsell presented a surplus list from the Lewis County Sheriff including the following:

- 2001 Chevrolet Silverado Last 4 number on VIN 3077,
- 2006 Dodge Charger Last 4 number on VIN 2167
- 2005 Ford Truck Last 4 number on VIN 9271
- 1 Steer (black with white face)

On motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous to accept the list.

IN RE: EDA UPDATE

Michael Herron, Executive Director, EDA reported the following:

1. Roanoke School Water Project has been filed with the PSC, they have 180 days to certify project.
2. Northwest Water Project – September commitment, will be bid in October, construction start in January.
3. Attended a Hardwood Alliance meeting.
4. Attended a Workforce meeting.
5. Received a report that hydraulic fracking has not affected the water, five year study.

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IN RE: LEAVE REQUESTS APPROVED

The following leave request was approved upon motion of Patrick D. Boyle, second by Thomas V. Fealy, vote unanimous:

ROBERT WAUGH June 15, 16, 17, 29, & 30, 2015 Annual Leave

IN RE: MEMO TO NOT USE SALLY PORT EXCEPT FOR PRISONER TRANSFER

County Administrator Cindy Whetsell requested the commission consider sending out a memo to all departments on the use of the Annex Sally Port. Ms. Whetsell reported that overuse of the garage door for foot traffic is causing wear and tear on the door. The next time it is fixed will be very expensive. On motion of Thomas V. Fealy, second by Patrick D. Boyle, vote unanimous to send a memo to all departments that the Sally Port for the new annex is to be used only for prisoner transfers.

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;

Patricia L. Garrison, Executrix, Affidavit of Personal Representative, unadministered estate of James B. Garrison, 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:

71682	Bill Bailey Ins AgencyInc	06/08/2015	5,843.00
71683	Cynthia S. Rowan, Clerk	06/08/2015	44.00
71684	Guttman Oil Company	06/08/2015	868.61
71685	Hogan's Roofing Inc.	06/08/2015	6,500.00
71686	Lombardi Development Co	06/08/2015	40,445.90
71687	Mon Power	06/08/2015	4,783.95
71688	Prescription Pest Control	06/08/2015	165.00
71689	WV American Water Company	06/08/2015	78.82
71690	84 Lumber	06/08/2015	1,120.42
	GENERAL COUNTY	TOTAL	59,849.70

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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:

2978	Guttman Oil Company	06/08/2015	95.39
	ASSESSOR	TOTAL	95.39

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:

2656	Guttman Oil Company	06/08/2015	76.50
	DOG AND KENNEL	TOTAL	76.50

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:


7926	Dominion Hope	06/08/2015	17.29
7927	Hibbs Radio Communication	06/08/2015	3,580.00
7928	Newtech Systems Inc	06/08/2015	7,254.48
7929	Prescription Pest Control	06/08/2015	20.00
	E-911	TOTAL	10,871.77

IN RE: CHECKS RECEIVED

TRAVELERS INS.	5,356.10
STATE OF WV	3,257.50

Given under my hand this 8th, day of June, 2015.

ORDERED, That this Commission doth now adjourn until Monday, June 15, 2015.



President