

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 Tuesday, August 18, 2015.

This day came David L. Workman, husband of Marsha Renee Workman, deceased, and moved the Clerk that he be appointed Administrator of the personal estate of his said decedent. Upon, consideration of which, the Clerk is of the opinion to and doth hereby appoint the said David L. Workman as such Administrator.

THEREFORE, David L. Workman as principal together with Michael D. Workman as his surety, entered into an acknowledged a bond in the penalty of Three Hundred (\$300.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said David L. Workman qualified as Administrator of the personal estate of Marsha Renee Workman, deceased, by taking the oath prescribed by law.

It is stated by said Administrator that Marsha Renee Workman departed this life on the 17th day of June, 2015, aged sixty-four years.

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, August 18, 2015.

This day came Mary Susan Frederick, wife of Roger F. Frederick, deceased, and presented and offered for probate a paper writing bearing date the 2nd day of October, 1980, 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 Lewis, State of West Virginia, and it further appearing that the said paper writing had attached thereto, an affidavit signed by Joanna Davis and Karen VanHorn. The said affidavit set forth the fact that the said Roger F. Frederick, 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 Joanna Davis and Karen VanHorn 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:

Cynthia S. Rowan 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 Tuesday, August 18, 2015.

WHEREAS, Roger F. Frederick, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein Mary Susan Frederick as Executrix thereof and requested that no bond be required of her as such Executrix. THEREUPON, personally appeared the said Mary Susan Frederick and qualified as Executrix of the Will of Roger F. Frederick, deceased, by taking the oath prescribed by law.

It is stated by said Executrix that Roger F. Frederick departed this life on the 4th day of August, 2015, aged sixty-seven years.

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 Wednesday, August 19, 2015.

This day came Esther Sue Lloyd, daughter of Edward D. Lester, deceased, and presented and offered for probate a paper writing bearing date the 4th day of March, 1988, 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 Lewis, State of West Virginia, and it further appearing that the said paper writing had attached thereto, an affidavit subscribed by the attesting witnesses thereto, namely Joan L. Riffle and Lyra B. Duncan. The said affidavit set forth the fact that the said Edward D. Lester, 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 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 Joan L. Riffle and Lyra B. Duncan signed their names to said paper writing in the presence of the said Testator and in the presence of each other as the attesting witness 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

**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, August 19, 2015.

WHEREAS, Edward Donsel Lester, aka, Edward D. Lester departed this life on the 19th day of March, 2015, with no will being found; and

WHEREAS, on the 11th day of August, 2015, EstherSue Lloyd qualified as Administratrix of the personal estate of Edward Donsel Lester, aka, Edward D. Lester, deceased, by giving a bond in the penalty of Three Hundred (\$300.00) Dollars with Robert Kent Snyder as her surety.

WHEREAS, SINCE THAT DATE, The Last Will and Testament of Edward D. Lester, deceased, was discovered and presented and offered for probate. The said Will was duly probated and admitted to record on August 19, 2015. The Will named Erma L. Lester as Executrix thereof and requested that no bond be required of her as such Executrix. Whereas, the said Erma L. Lester has since departed this life. The Will further named Esther Sue Lloyd as Executrix thereof and requested that no bond be required of her as such Executrix. THEREUPON, personally appeared the said Esther Sue Lloyd and qualified as Executrix of the Will of Edward D. Lester, deceased, by taking the oath prescribed by law.

The Order of Appointment of Esther Sue Lloyd as Administratrix of the estate of Edward D. Lester, deceased, with Robert Kent Snyder as her surety is hereby null and void.

Attest:

Cynthia S. Rowen 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, August 20, 2015.

This day came Eugene C. Groah, Jr., son of Eugene C. Groah, deceased, and presented and offered for probate a paper writing bearing date the 6th day of November, 1980, 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 Lewis, State of West Virginia, and it further appearing that the said paper writing had attached thereto, an affidavit signed by Lou G. Engle and Delores Ann Queen. The said affidavit set forth the fact that the said Eugene C. Groah, 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 Lou G. Engle and Delores Ann Queen 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:

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 Thursday, August 20, 2015.

WHEREAS, Eugene C. Groah, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Anna I. Groah as Executrix thereof and requested that no bond be required of her as such Executrix. Whereas, the said Anna I Groah has since departed this life. Whereas, the Will further named Eugene C. Groah Jr., as Executor thereof and requested that no bond be required of him as such Executor. THEREUPON, personally appeared the said Eugene C. Groah Jr. and qualified as Executor of the Will of Eugene C. Groah, deceased, by taking the oath prescribed by law.

It is stated by said Executor that Eugene C. Groah departed this life on the 3rd day of August, 2015, aged ninety-four years.

Attest:

Cynthia S. Rowan Clerk

ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY**REGULAR****SESSION: MONDAY, AUGUST 24, 2015, 10:00 AM, LEWIS COUNTY COURTHOUSE**

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

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 Thursday, August 20, 2015. Commission inquired what the administrative order of Judge Jacob E. Reger listed on the Upshur County agenda referenced. It was explained that for election purposes the 26th Judicial Circuit is now divided into Division 1 and Division 2 due to the addition of another judge in the Circuit.
2. **West Virginia Regional Jail and Correctional Facility Monthly Invoice** - Lewis County invoice for July, 2015: Inmate days 1,508 X \$48.25 equals \$72,761.00. Invoice increased \$11,000.00 from June, 2015 but decreased \$25,000.00 from July, 2014.
3. **Lewis-Upshur Animal Control Facility Monthly Report** – Lewis-Upshur Animal Control Facility report for July, 2015 for both Lewis and Upshur Counties including: number of animals brought to facility by officer and resident, number of animals adopted, number of animals rescued, and number of animals euthanized.
4. **Lewis County Animal Control Monthly Report** – Lewis County Animal control report for July, 2015 including number of complaints, number of animals picked up, number of animals adopted, number of animals euthanized and bounty collected.
5. **Cequel Corporation Transfer to Altice** – A letter was received notifying of the transfer of control from Cequel (Suddenlink) to Altice S.A. will be finalized by the fourth quarter of 2015.

IN RE: BOARD AND COMMITTEE REPORTS

Commissioner Thomas Fealy did not have any board or committee reports.

President Agnes G. Queen, County Clerk Cynthia S. Rowan, and County Administrator Cindy Whetsell attended the Welcome Reception for William R. Sharpe Hospital's new Chief Executive Officer.

President Agnes G. Queen attended a Region VII meeting on Friday, in reference to the procedures required and the status of the North West Water Project.

County Administrator Cindy Whetsell attended a mandatory prebid meeting for the painting of courthouse complex buildings. No bidders were present. The Painters Union called and are looking into finding interested parties to paint the courthouse complex.

County Administrator Cindy Whetsell attended the Local Emergency Planning Commission meeting in Upshur County. David Whitaker, Lewis County Health Department, also attended. There was a discussion on methods for dissemination of information to the public for vaccination requirements by health departments. Red Cross has established shelter locations in Lewis and Upshur Counties. They are working on providing training sessions to volunteers by either conventional or internet classes.

County Clerk Cynthia S. Rowan attended the Fifth Annual Pet Show at the Robins Nest. She also attended the Consol Children's Safety Fair at Jane Lew City Park.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, AUGUST 24, 2015, 10:00 AM, LEWIS COUNTY COURTHOUSE**

**IN RE: RESOLUTION DECLARING SEPTEMBER 13 – 19, 2015 AS
RELIGIOUS FREEDOM WEEK**

The following Resolution was approved upon motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing:

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
Weston, WV 26452
Phone: (304)269-8200
Fax: (304)269-2416
Email: lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



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

**RESOLUTION DECLARING SEPTEMBER 13-19, 2015
AS RELIGIOUS FREEDOM WEEK
IN LEWS COUNTY, WEST VIRGINIA**

WHEREAS, since our nation's earliest times, religious freedom has been an integral part of American life;

WHEREAS, the Pilgrims came to America seeking religious freedom; and in 1620 established The Mayflower Compact, our first written framework of government;

WHEREAS, a number of original colonies in America were established as havens of refuge for those seeking religious freedom;

WHEREAS, colonial governments honored religious freedom in many ways including exemptions from: oath-taking, marriage laws, and payment of taxes to maintain established churches;

WHEREAS, the Continental Congress urged all persons to do service "to their oppressed Country, which they can consistently with their religious principles;"

WHEREAS, the United States Constitution of 1791 guarantees religious freedom, stating "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof";

WHEREAS, over time federal judges and federal laws began to restrict religious freedom in America;

WHEREAS, the federal Religious Freedom Restoration Act of 1993 ("RFRA") restored religious rights, stating that the federal government cannot "substantially burden a person's exercise of religion";

WHEREAS, 31 states have laws similar to the federal RFRA to protect against state infringement of the rights of conscience and of religious freedom (but West Virginia does not);

WHEREAS, the West Virginia Constitution affirms the priority of religious freedom, beginning with "Since through Divine Providence we enjoy the blessings of civil, political and religious liberty...;

WHEREAS, the West Virginia Constitution says in Article 3, Section 15, "...nor shall any man be enforced, restrained, molested or burdened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess and by argument, to maintain their opinions in matters of religion; and the same shall, in nowise, affect, diminish or enlarge their civil capacities...,"

WHEREAS, in recent times, various court decisions and legislative initiatives have put religious freedom in West Virginia in jeopardy;

WHEREAS, West Virginia's own US Senator Robert C. Byrd secured passage of legislation declaring September 17th as Constitution Day, a federal holiday dedicated to educating American citizens about the importance of the US Constitution;

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR**

SESSION: MONDAY, AUGUST 24, 2015, 10:00 AM, LEWIS COUNTY COURTHOUSE

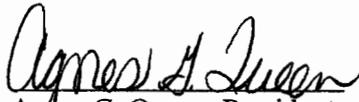
NOW THEREFORE BE IT RESOLVED, the Lewis County Commission maintains that religious freedom continues to be a critically important factor in sustaining the legacy of freedom in America and the State of West Virginia;

BE IT RESOLVED, that the Lewis County Commission stands firm in upholding natural, human, constitutional, and statutory rights of religious freedom;

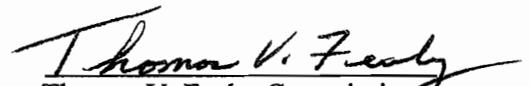
BE IT RESOLVED, that the Lewis County Commission declares September 13-19, 2015 as Religious Freedom Week in Lewis County West Virginia, and urges all citizens to study the United States Constitution, particularly the Bill of Rights and the First Amendment that guarantee the free exercise of religion;

AND BE IT RESOLVED, that the Lewis County Commission urges the legislature and Governor of the State of West Virginia to take all actions necessary to protect the religious freedom and liberty of all West Virginians.

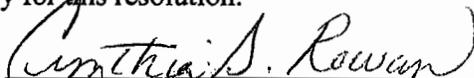
Adopted this the 24th day of August, 2015.


Agnes G. Queen, President

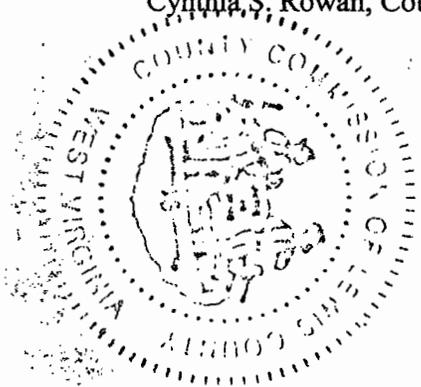
Not Present
Patrick D. Boyle, Commissioner


Thomas V. Fealy, Commissioner

I, Cynthia S. Rowan, Clerk, do hereby certify that the above is a true copy of a resolution adopted this date at a meeting of the Commission. I further certify that a quorum of the Commission was present and a majority of its members voted affirmatively for this resolution.


Cynthia S. Rowan, County Clerk

August 24, 2015
Date



ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY**REGULAR****SESSION: MONDAY, AUGUST 24, 2015, 10:00 AM, LEWIS COUNTY COURTHOUSE**

**IN RE: WEST VIRGINIA DEVELOPMENT OFFICE LETTER OF INTENT
FOR THE NORTHWEST WATER PROJECT**

The West Virginia Development Office submitted a letter of intent on Project No. 14SCBG0001 in the amount of \$1,500,000.00 for the Northwest Lewis County Waterline extension. \$250,000.00 was released from the 2014 Small Cities Block Grant program. The remaining \$1,250,000.00 funded through the Development office has been committed. The balance of the project will be funded by the West Virginia Infrastructure and Jobs Development Council as follows: \$947,210.00 loan and \$500,000.00 grant. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to acknowledge receipt of the notice.

IN RE: TRAINING FOR LEWIS GILMER EMERGENCY 911 EMPLOYEES

At the August 17, 2015 meeting William Rowan, 911 Director, sent a request to the Commission for approval of four employees to attend the annual training by the WV APCO from September 13 – September 18, 2015 in Beckeley. The matter was tabled for further information.

At the August 24, 2015 meeting, the request was modified to three employees attending. The director felt these employees attendance would not cause staffing issues. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to approve three employees attending at 38 hours each.

IN RE: LEAVE REQUESTS APPROVED

The following leave request was approved upon motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing:

BARBARA WINANS

8 hours annual – August 21, 2015

GARRY DEMOSS

16 hours annual – August 31 and September 1, 2015

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, AUGUST 24, 2015, 10:00 AM, LEWIS COUNTY COURTHOUSE**

**IN RE: HEATING AND COOLING SYSTEM BIDS
OR THE LEWIS COUNTY COURTHOUSE**

The Lewis County Commission advertised by Class II Legal Advertisement for replacement of four (4) HVAC units at the Lewis County Courthouse. Bids were due Thursday, August 20, 2015 at Noon. Three bids were received. The bids were opened during the meeting and were as follows:

- | | |
|--|-------------|
| 1. Emcor Services, Morgantown, WV | \$25,840.00 |
| 2. Richards Heating & AC, Jane Lew, WV | \$35,750.00 |
| 3. Alpha Mechanical, Louisville, KY | \$43,970.00 |

After discussion and on motion of Thomas V. Fealy, second by Agnes G. Queen motion to postpone until Rick Stout, Maintenance Director could review the bids and confirm they all met the bid specifications.

After Mr. Stout looked at the bids his recommendation was to seek clarification on the bid from Emcor Services to be certain it was for the four (4) units, installation and all associated costs. On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing to table bid for further information.

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:

Clara Atchison, Administratrix, Receipts and Disbursements of the Fiduciary Account of the estate of Clara Ann Atchison Thomas Freshour, deceased

Donald L. Swiger, Executor, Receipts and Disbursements of the Fiduciary Account of the estate of Marie V. Swiger, deceased

Charlotte Hicks, Administratrix, Receipts and Disbursements of the Fiduciary Account of the estate of Mary L. Hicks, deceased

IN RE: APPROVAL OF ORDERS (MINUTES) FOR AUGUST 17, 2015 MEETING

On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing, to approve the orders (minutes) as presented.

IN RE: APPROVAL OF EXPENSES FOR CURRENT PERIOD

On motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing, to approve the following expenses (claims).

ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY**REGULAR****SESSION: MONDAY, AUGUST 24, 2015, 10:00 AM, LEWIS COUNTY COURTHOUSE**MISCELLANEOUS CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, GENERAL COUNTY FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

71848	AFLAC	08/24/2015	188.44
71849	Guttman Oil Company	08/24/2015	804.89
71850	LC Chamber of Commerce	08/24/2015	500.00
71851	Quality Inn	08/24/2015	82.30
71852	Step toe & Johnson	08/24/2015	650.00
71853	John Stevens	08/24/2015	213.48
71854	Super Splash	08/24/2015	77.00
71855	Travelers	08/24/2015	59,672.75
71856	Lucinda A.Whetsell	08/24/2015	68.40
			62,257.26
	General County Fund	Total	

DOG AND KENNEL CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, DOG AND KENNEL FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2668	Utility Boards	08/24/2015	43.64
2669	Guttman Oil Company	08/24/2015	72.11
	Dog & Kennel Fund	Total	115.75

E-911 EMERGENCY COMMUNICATION CLAIMS

ORDERED, that drafts be issued payable out of the 2016, Levy, E-911 EMERGENCY COMMUNICATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

7979	Guttman Oil Company	08/24/2015	50.94
	E911 Fund	Total	50.94

IN RE: CHECKS RECEIVED

EMS	130.00
EMS	44,360.46
State of WV	1,893.00
LC BOE	3,712.78
LC Park	22,753.66
Dog and Kennel	100.00
Mike Ross	10.72

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, AUGUST 24, 2015, 10:00 AM, LEWIS COUNTY COURTHOUSE**

IN RE: PROBATING THE LAST WILL AND TESTAMENT OF
CHRIS ALLAN POSEY, DECEASED

In the office of the Clerk of the County Commission of the said County of Lewis, the said Commission on Monday, August 24th, 2015.

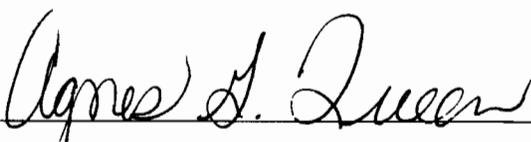
This day came Doris Joan Posey, mother of Chris Allan Posey, deceased, and moved the Clerk that she be appointed Administratrix of the personal estate of her said decedent. Upon, consideration of which, the Clerk is of the opinion to and doth hereby appoint the said Doris Joan Posey as such Administratrix.

THEREFORE, Doris Joan Posey as principal together with James Minter Posey as her surety, entered into an acknowledged a bond in the penalty of Three hundred (\$300.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Doris Joan Posey qualified as Administratrix of the personal estate of Chris Allan Posey, deceased, by taking the oath prescribed by law.

It is stated by said Administratrix that Chris Allan Posey departed this life on the 22nd day of August, 2015, aged thirty-eight years.

Given under my hand this 24th day of August, 2015.

ORDERED, That this Commission doth now adjourn until Monday, August 31, 2015.



President