

**MARION COUNTY COMMISSION
COUNTY COURT
OCTOBER 16, 2013**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, October 9th, 2013. Present were Commissioner Tennant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, October 9th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on October 10th, 11th, and 15th, 2013 were approved as submitted and signed.

*D. D. Meighen led the Court with a prayer. Deputy County Clerk Thomas Antulov led the Court with the Pledge of Allegiance. **President Elliott called the meeting to order. Commissioner Tennant moved to dispense with the reading of the minutes of Wednesday, October 9th, 2013 and accept them as presented. Commissioner VanGilder seconded. President Elliott concurred.***

***For the record, note** James Priester, Assessor presented to the County Commission the following Exonerations for approval.*

***Dated October 16, 2013
Nos. #2013-1344 through #2013-1362***

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President sign Nos. #2013-1344 through #2013-1362. Commissioner VanGilder seconded. President Elliott concurred.

*The Commission received the **Refund Order in the Matter of the Estate of Louis T. Jefferson, Jr., deceased.** County Administrator Kris Cinalli stated that **this refund is in the amount of \$25.00.***

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IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

IN THE MATTER OF THE ESTATE OF
LOUIS T. JEFFERSON, JR., deceased.

REFUND ORDER

At a Regular Session of the County Commission held in and for the County of Marion, in their offices in the J. Harper Meredith Building, on the 16th day of October, 2013.

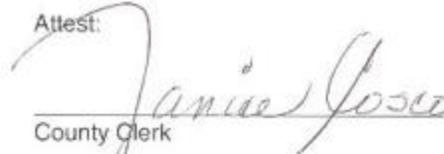
It appearing to the Marion County Commission that on the 16th day of September, 2013, Keith A. Jefferson, was appointed as Administrator of the Personal Estate of Louis Thomas Jefferson, Jr. deceased.

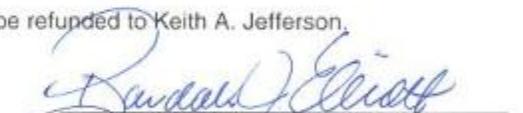
Mr. Jefferson executed a bond in the penalty of \$500.00, and paid a fee of \$25.00; and it now appearing that the Last Will and Testament of Louis T. Jefferson, Jr. was presented to the County Clerk's office on October 7, 2013, and Malisa Damella Shackelford was appointed as Executrix of the Last Will and Testament and Estate of Louis T. Jefferson, Jr.

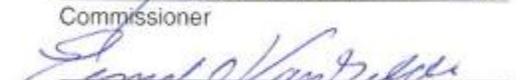
The appointment of Keith A. Jefferson was revoked by Revocation Order dated October 8, 2013.

It is therefore ordered that \$25.00 be refunded to Keith A. Jefferson.


Fiduciary Supervisor

Attest:

County Clerk


Commissioner

Commissioner

Commissioner

Commissioner Tennant moved that the Commission and Clerk sign the Order. Commissioner VanGilder seconded. President Elliott concurred.

This day came David A Glance, Fiduciary Supervisor for Marion County, West Virginia, and presented to the Commission His Report of Claims and First and Final Settlement Reports for the following estates which reports he has filed in the Office of the County Clerk of the County Commission, pending confirmation. David Glance the Fiduciary stated for the record that the estate of Audrey Lee Link is being removed from this Order because a late claim came in against that Estate. There being no further objections received to these reports and no errors appearing, the Report of Claims and First and Final Settlement Reports are hereby ratified, confirmed and approved.

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At a Regular Session of the County Commission of Marion County, West Virginia, continued and held for this County at their offices in the J. Harper Meredith Building on October 16th, 2013.

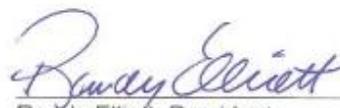
This day came David A. Glance, Fiduciary Supervisor for Marion County, and presented to the County Commission the Waivers and Applications for Short Form Settlements, Proposed Settlements and Annual Settlement Reports filed by the personal representatives of the following estates, which he has reviewed and approved and which are the same estates which were advertised for proposed settlement in the October 7th, 2013, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.

<u>Estate of</u>	<u>Representative</u>
MERASHOFF, WILLIAM (2 nd & Final)	William Merashoff, Jr., Executor DBN
BEVERIDGE, JOHN ALAN (2 nd & Final)	Janet Sue Beveridge, Executrix DBN
VINCENT, GRACE M. (2 ND & Final)	Mitchell A. Vincent, Executor
SPRINGER, THERESA	Margaret A. Springer, Executrix
DWYER, WALTER H.	Janice A. Drummer Dwyer, Executrix
PELLEGRIN, GERALD L.	Elana J. Smith, Executrix
LINK, AUDREY LEE	Patricia Link, Administratrix
LAMBERT, KIMBERLY DAWN	Jane Lee Lambert, Administratrix
FEORENE, PAULINE RUTH	Martin Julius Feorene, Executor
BALL, FRANCES M.	Charles Ronald Ball, Executor
FOLTZ, WILDA	Mary Virginia Weikle, Executrix
SWISHER, ALICE LOUISE	Jodi Renae Kelly, Executrix
HIXENBAUGH, THOMAS VIRGIL	Thomas A. Hixenbaugh, Administrator
STRAWDERMAN, DORIS J.	Glenda Sue Brzuzy, Executrix
YOAK, CLEO	Robert Yoak, Executor
DECKER, MARGARET F.	Harry Hadley, Executor
SNIDER, SAMUEL STEPHEN	Linda S. Stalnaker, Executrix
SLOAN, DENZIL H.	Denzil W. Sloan, Executor
SLOAN, DOROTHEA J.	Denzil W. Sloan, Executor
FREELAND, MARTHA ANN	Barry E. Freeland, Administrator
MORAN, JESSE DANIEL	Dorothia Helen Clelland, Executrix
CAMPBELL, MARCELLA Z.	Larry A. Williams, Executor
GARRETT, MARGARET	Joseph Michael Garrett, Executor
WYCKOFF, JOHN McGEE	William M. Wyckoff and Betty McGee Wyckoff, Co-Executors
CLUTTER, GLEN LEE, JR.	Debra L. Clutter, Administratrix
FAST, EVERETT L.	Donna Rigger, Executrix
NIXON, MARY J.	Patricia N. Conner, Executrix
SPEHNJAK, MAURICE	Nancy Wells, Administratrix
OGDEN, ROBERT ALLEN, II	Regina J. Ogden, Administratrix

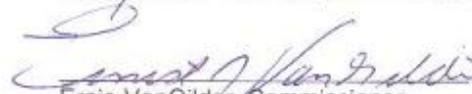
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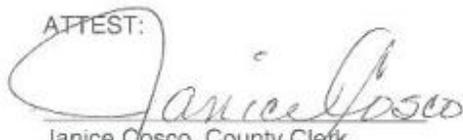
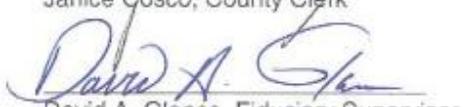
<u>Estate of</u>	<u>Representative</u>
PLACHTA, IRENE B.	Thomas M. Plachta and Mark A. Plachta, Co-Executors
McELROY, DONALD J.	Dawn J. McCaulley, Executrix
ADAMS, HARRY CHESTER, JR.	Antoinette Adams, Administratrix
GAINES, JENNIE LEE	James Calvin Gaines, Administrator
TENNANT, DAVID ANDREW	Virginia Alberta Coen Tennant, Executrix
TATTERSON, RAY M.	Carol L. Breen Tatterson, Executrix
GIVEN, MARGIE SUE	Glenn P. Given, Executor
SANDERS, CATHERINE SALER	James R. Saunders, Administrator CTA

ENTER: 10-16-13


Randy Elliott, President


Burley "Butch" Tennant, Commissioner


Ernie VanGilder, Commissioner

ATTEST:

Janice Cosco, County Clerk

David A. Glance, Fiduciary Supervisor

Commissioner Tennant moved that with no other objections that the Commission signs the Order. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received the budget revisions to the General and Coal Severance Funds.

Marion County Commission

RANDY J. ELLIOTT
President
BURLEY "BUTCH" TENNANT, JR.
Commissioner
ERNIE J. VANGILDER
Commissioner



Address Correspondence to:
200 JACKSON STREET • ROOM 403
FAIRMONT, WEST VIRGINIA 26554
(304) 367-5400
FAX (304) 367-5431

Commissioners,

The following budget revisions are necessary in the utilities line:

001-424-213-01	Increase
Law Tower Utilities	\$10,000.00
001-986-459-00	Decrease
Co Comm Cap Projects	\$10,000.00

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Marion County Commission

RANDY J. ELLIOTT
President
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Commissioner
ERNIE J. VANGILDER
Commissioner



Address Correspondence to:
200 JACKSON STREET • ROOM 403
FAIRMONT, WEST VIRGINIA 26554
(304) 367-5400
FAX (304) 367-5431

Commissioners,

The following budget revisions are necessary in the Economic and Community Development lines:

002-431-109-00 Econ Dev Part-Time	Increase \$30,000.00
002-431-104-00 Econ Dev FICA	Increase \$2,295.00
002-431-105-00 Econ Dev Ins	Increase 5,695.00
002-431-106-00 Econ Dev Retirement	Increase \$4,350.00
002-431-222-00 Econ Dev Dues and Subs	Increase \$1,500.00
002-431-341-00 Econ Dev Matt& Supp	Increase \$2,000.00
002-988-459-00 Coal Sev Cap Outlay	Decrease \$45,840.00

Commissioner Tennant moved that the Commission signs the Revisions. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received the request for reimbursement from West Virginia Division of Justice and Community Services. County Administrator Kris Cinalli stated that this request for reimbursement is for our Victim's Advocate Grant in the amount of \$2,396.00 for the October, 2013 expenditures.

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WEST VIRGINIA DIVISION OF JUSTICE AND COMMUNITY SERVICES	Request for Reimbursement
-------------------------------------------------------------	------------------------------

RECEIVED (For DJCS Use Only)	Subgrantee: Marion County Commission
	Address: 200 Jackson Street Fairmont, WV 26554
	Project #: 12-VA-011
	FEIN#: 55-600-346
	Funds are hereby requested to cover expenditures FROM: October 1, 2013 TO: October 31, 2013

PROJECT CASH EXPENDITURES

CATEGORY	AMOUNT
Personnel/Contractual	2396.00
Travel/Training	
Space	
Other	
TOTAL	2396.00

CERTIFICATION:

I certify that this report presents actual receipts and expenditures of funds for the period covered and for the total grant budget to date, made in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: Randy Elliott, President _____
TYPED NAME & TITLE SIGNATURE

DATE

Commissioner Tennant moved that the Commission President sign the request for reimbursement. Commission VanGilder seconded. President Elliott concurred.

The Commission received the renewed application for Closure and Vacation of the Unused Right of Way Adjacent to Katy Lane in the Westchester Addition, Fairmont District; Marion County, West Virginia. County Administrator Kris Cinalli stated that this is the third time that the Commission has been asked to review this item and he along with County Attorney Chuck Shields have reviewed the application once again and believe that the Commission has no interest in the property. Chuck Shields the County Attorney stated for the record that he has reviewed the property title and there was a reverted clause in the 1902 deed back to the original heirs or current owners. Chuck stated that he believe that the Commission should dismiss the petition.

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IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

APPLICATION FOR CLOSURE AND
VACATION OF THE UNUSED RIGHT
OF WAY ADJACENT TO KATY LANE
IN THE WESTCHESTER ADDITION,
FAIRMONT DISTRICT, MARION COUNTY,
WEST VIRGINIA.

RENEWED APPLICATION

Now comes your applicant herein and represents as follows:

1. Steven J. Dodd, is the owner of tax map lots 47 and 48 of block 5 of the Westchester Addition in Fairmont District, Marion County, West Virginia, having acquired same from Ann Louise Prozillo McLamara and Ralph McLamara by deed dated October 16, 1989, (originally designated as lots 10 and 11 on the recorded plat) of record in the Clerk's office at Book 886, pages 623-624.
2. The above named lots abut and adjoin a certain unused portion of right of way for Katy Lane, used as lawn and no longer used as travel way, as shown in the attached photographs, and plat.
3. The above named lots and Katy Lane are shown on the attached tax map.
4. Applicant further represents that no other land owner abuts or adjoins this unused portion of the right of way sought to be abandoned in that it lies immediately between the travel way and the adjacent lots owned by Dodd. Provided further, that the real property owned by Albert Nicholson at the time of the original Application herein has since been acquired by Dodd.
5. As precedent to this application, the unused right of way of Katy Lane in block 4 was abandoned by this Commission in 2003, and was represented in that matter to also be grassed and incorporated into lawn.
6. Petitioner seeks closure and vacation pursuant to West Virginia Code §7-1-3h.

WHEREFORE, Petitioner prays that the County Commission set a date and time of hearing; that the Commission order the undersigned to give notice pursuant to Code §7-1-3h.


Steven J. Dodd

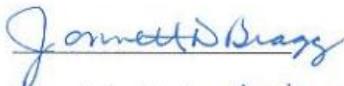
George R. Higinbotham, Bar No. 1719
Post Office Box 567
Fairmont, West Virginia 26554

STATE OF WEST VIRGINIA
COUNTY OF MARION, to wit,

Now before me the undersigned authority personally appeared Steven J. Dodd and after being duly sworn stated that the facts of the matter alleged in the Renewed Application herein are true, or on information and belief, are believed to be true this the ____ day of September 2013.


Steven J. Dodd

Notary Public:



Commission Expires: April 11, 2016



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Commissioner Tennant moved that the Commission dismiss the Petition. Commission VanGilder seconded. President Elliott concurred.

The Commission presented the Appointment of Michael Angelucci to the Marion County E911 Advisory Board.



Marion County Rescue Squad, Inc.
400 Virginia Avenue • Fairmont, West Virginia 26554 • (304) 363-6246
There is a difference in service. Service is the difference.

October 7, 2013

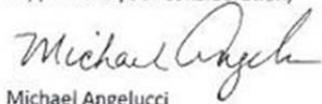
Marion County Emergency Management
Chris McIntire, Director
50 Centerview Drive
Fairmont, WV 26554

Chris,

I respectfully request that I be considered to be placed on the Marion County 9-1-1 Advisory Council representing EMS. As administrator of the primary 9-1-1 provider for Marion County, I feel I would be a valuable asset to the council.

As we spoke before, I believe we have the same goal in mind- to lead our agencies to become a state-wide leader. For MCRS, that requires an excellent working relationship with the 9-1-1 center and its staff.

I appreciate your consideration,


Michael Angelucci
Administrator/Chief of Operations

Commissioner Tennant moved that the Commission appoint Michael Angelucci to a full term on the Marion County E911 Advisory Board. Commission VanGilder seconded. President Elliott concurred.

The Commission received the request for funding from the Marion County Sheriff's Association for their Halloween event at the Middle Town Mall. County Administrator Kris Cinalli stated that they are requesting \$500.00 for his event.

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Middletown Mall Merchants Association

9329 Middletown Mall ON BEHALF OF MARION COUNTY
White Hall, WV 26554-3419 DEPUTY SHERIFF'S ASSOC.
304-363-3230
Fax - 304-366-0465

September 15, 2013

To Whom It May Concern:

We are asking for your support and sponsorship for a program that we have been doing for the past 40 years. It is our Halloween Parade for the children of Marion County. It is a safe and fun way to Trick or Treat. It has grown over the past several years. We have treated over 1200 kids every year for the past 10 years. The Kiwanis Club of White Hall & Marion County Sheriff's Department has worked with us the past several years to make this very successful.

Attached is a memo that is sent out to our tenants and local businesses. We are in need of sponsors to continue this event. Businesses can either make a monetary donation or come & join us by setting up a table and passing out candy.

Thank you for all your support in the past, we greatly appreciated it. We hope you can help us out with this program. Any monetary donation will help.

Sincerely,

Betty L. Schmidt

Betty L. Schmidt
Manager/Marketing Director
Middletown Mall

Commissioner Tennant moved that the Commission grant \$500.00 to the event on October 28th at the Middle Town Mall and that those funds be appropriated from the Coal Severance Fund. Commission VanGilder seconded. President Elliott concurred.

The Commission received the request for funds from DeEtta Hays, for the annual "Christmas in Our Town Celebration" in Barrackville. County Administrator Kris Cinalli stated that they are requesting \$500.00 for his event.

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October 6, 2013

Marion County Commissioners
200 Jackson Street Room 403
Fairmont, West Virginia 26554

Dear Commissioners,

It is that time again. Difficult to believe that a year can pass so quickly, however it has. The Barrackville Lions Club and the Barrackville Community is preparing again for our annual "Christmas in Our Town Celebration". An event that has grown in size, anticipation and joy. This celebration is one of the most highly attended Christmas Celebrations in the county.

You are very aware that an event of this size takes much planning, cooperation, and of course funding. The Lions Club is a non-profit organization and we find it very difficult to fund an event of this magnitude. Therefore we are asking if the county could once again help us fund "Christmas in Our Town".

In the past you have been generous enough to give us \$500.00 to \$750.00 which has been extremely appreciated. We are hoping that you can do the same again this year.

The citizens of Barrackville and surrounding areas take great pleasure in participating in "Christmas in Our Town" as well as enjoying the evening of a parade, food, entertainment, Santa Land, fireworks and starting the Christmas Season with family and friends.

We would like to thank you in advance for your kindness and your presence in our celebration. You can contact me at 304-363-0496, or my cell at 304-612-0621. My e-mail is deetta2@frontier.net.

Of course you have a standing invitation to help us open the evening, and then be in our parade. All three of you would be tremendous.

Sincerely,

Deetta R. Hayes
Member of the Barrackville Lions Club
Chairman of "Christmas in Our Town" Celebration

#500.00
Hotel-Motel

Commissioner Tennant moved that the Commission grant \$500.00 to the event and that those funds be appropriated from the Hotel/Motel Fund. Commission VanGilder seconded. President Elliott concurred.

For the record, note the Commission received from Consolidation Coal Company Permit #U-0078-83; incidental boundary revision #74 for public in County Clerk's office.

For the record, note the Commission received the Valley Falls Public Service District Reconciliation Summary for Period ending 8/31/2013.

Larry Sipes a County resident came before the Commission to ask about the Special Election and the cost to the tax payers and why the Board does not place the Levy Election with either the Primary or General Election.

President Elliott stated that he agreed that the Board should put it on the Primary or General Election Ballot in order to save County Funds.

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Commissioner VanGilder agreed that it should be on those ballots and not by themselves.

County Clerk Janice Cosco guested that “the cost of the Election was between \$80,000.00 to \$90,000.00.” She added that “if the Board of Education would have decided to have the election in conjunction with our spring primary, they would have paid a portion of what it would cost for the May Primary Election.” She continued that the “May Primary is a little more expensive because we have various ballots.”

President Elliott stated that Mr. Sipes should go to a Board of Education Meeting and present his concerns to them. He added that it was very disappointing that only 7 percent of the active voters turned out for the Election.

*D.D. Meighen added that “Special Elections should be held **not when** there was a Primary or General because people would probably tend to vote against it. He also added that “you want snow and bad weather.” He stated that “that is just a fact.” He continued that two special elections on both the West Fairmont and East Fairmont Middle Schools were held on Primary Elections and each had passed.*

Commissioner VanGilder asked when and at what time canvass would begin on Friday, October 18th, 2013. Janice Cosco replied that it will begin at 8:30 a.m.

Charlie Reese presented his update on the Palatine Park Project in that the County has received 10 proposals for the RFP that was advertised. He added that there we as a group will select 3 companies to interview for the engineering project for the park and select one within two weeks. He also added that 4 to 5 companies did a walkthrough of the two houses on New Street for demolition. He continued that those bids will be due on Friday, October 18th, 2013. Charlie stated that the DNR has not yet put forth their RFP for the boat ramp and parking site. Charlie added that he and Belinda have a grant through the State of West Virginia for the road out alongside the old Phillips Building that is pending at this time. He added that Phase II of the Park Project cutting of the trees will be put on hold for the time being. Charlie stated that now we own the Law Tower and we are putting together a team in order that we can move in there.

Chris McIntire spoke about the progress they made through the outreach educational program with the local grade schools with Patches & Pumper. The File of Life Program is a good start up of success in that we have received a call from the Pittsburgh area as well as a call from the State of Arizona in which both want to use some of our programs.

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There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, October 23rd, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President