

**MARION COUNTY COMMISSION**  
**OCTOBER 1, 2014**

*The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, September 24<sup>th</sup>, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.*

*The proceedings of Wednesday, September 24<sup>th</sup>, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on September 25<sup>th</sup>, 26<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup>, 2014 were approved as submitted and signed.*

*D. D. Meihgen led the Court with a prayer. Janice Cosco the County Clerk led the Court with the Pledge of Allegiance. **President Tennant called** the meeting to order. **Commissioner Elliott moved** to dispense with the reading of the minutes of Wednesday, September 24<sup>th</sup>, 2014 and accept them as presented. Commissioner VanGilder seconded. President Tennant concurred.*

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

**Dated October 1, 2014**  
**Nos. #2014-929 through #2014-948**

*Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-929 through #2014-948. Commissioner VanGilder seconded. President Tennant concurred.*

*The Commission presented the **Proclamation for “Domestic Violence Awareness Month”**.*

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# Proclamation

WHEREAS, the problems of Family Abuse and Domestic Violence may be seen among many groups of people and may cross all economic, racial and social barriers; and

WHEREAS, Marion County residents have suffered the effects of Domestic Violence as seen in the work of the Task Force for Domestic Violence; and

WHEREAS, the Task Force on Domestic Violence, "Hope, Inc.", and The Community Against Domestic Violence, Inc., supports a program of violence awareness and prevention that focuses on the needs of victims and their children, including safe shelter, advocacy, and support services.

NOW, THEREFORE, BE IT RESOLVED that the Marion County Commission does hereby proclaim the Month of October, 2014 as

**DOMESTIC VIOLENCE AWARENESS MONTH**

in Marion County.

Given under our hands and the Seal of the County of Marion, this the 1st day of October, 2014.

MARION COUNTY COMMISSION

BURLEY TENNANT, JR., PRESIDENT

RANDY ELLIOTT, COMMISSIONER

ERNEST VANGILDER, COMMISSIONER

ATTEST:

  
JANICE COSCO, COUNTY CLERK



*Commissioner Elliott moved that the Commission sign and present the Proclamation to Mary Poling of Hope, Inc. Commissioner VanGilder seconded. President Tennant concurred.*

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***The Commission presented a Resolution Regarding the Environmental Protection's Agency's Proposed Clean Power Plants.***

**Marion County Commission**

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



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

**RESOLUTION**

WHEREAS, America's coal miners have worked for decades to provide means to energize our nation, and

WHEREAS, doing so has cost the lives of more than 100,000 who have died from contracting occupational diseases, and

WHEREAS, tens of thousands of retired miners, their dependents and surviving spouses depend on the pensions and health care earned through decades of hard, dangerous work, and

WHEREAS, thousands more miners are at work every day in our nation's coal mines to provide a decent standard of living for their families and are the economic drivers of their local economies, and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has proposed a "Clean Power Plan" (CPP) rule with the stated intention of reducing the amount of greenhouse gas emissions which contribute to climate change, and

WHEREAS, the CPP rule will lead to the closure of coal-burning power plants throughout the United States, resulting in the loss of more than 52,000 jobs in the coal, utility and railroad industries by 2020, and

WHEREAS, further direct job losses in those industries will reach 65,000 by 2030 as a result of this rule, and

WHEREAS, these job losses will have a ripple effect in the communities throughout the coalfields and beyond, where more than 208,000 jobs will be lost by 2030, and

WHEREAS, the retirement security for retirees, spouses and widows will be put at significant risk as a result of this proposed rule, and

WHEREAS, independent analysis indicates that there will be approximately a one percent reduction in global greenhouse gas emissions as a result of the CPP rule, meaning that it will have little real effect toward meeting its stated goal, and

WHEREAS, the EPA has not seen fit to hold public hearings on this rule in coalfield communities, but has instead held them in cities that aren't near coal mines or coal workers, and

WHEREAS, the people who will be most adversely affected by this rule are being shut out of the process, with no vote, no voice and no consideration being paid to what will happen to them and their communities;

NOW THEREFORE BE IT RESOLVED that Marion County Commission does hereby call on the U.S. EPA to schedule public hearings in the coalfields, and

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BE IT FURTHER RESOLVED that the Marion County Commission does hereby call on the U.S. EPA to either withdraw the proposed rule or revise it to eliminate the economic shocks that will occur to critical coalfield communities throughout the United States; and

BE IT FURTHER RESOLVED that the Marion County Commission will send copies of this resolution to the United Mine Workers of America and to our federal elected officials.

MARION COUNTY COMMISSION

\_\_\_\_\_  
BURLEY TENNANT, JR. PRESIDENT

\_\_\_\_\_  
RANDY ELLIOTT, COMMISSIONER

\_\_\_\_\_  
ERNIE VANGILDER, COMMISSIONER

ATTEST:

\_\_\_\_\_  
JANICE COSCO, COUNTY CLERK

***Mark Dorsey, UMWA representative picked up Resolution for the UMWA and Federally Elected Officials to ask for assistance in this matter.***

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

***The Commission received the Resolution to Accept Conditions of the Contract for West Virginia Community Participation Program Funds and to Authorize Signature on behalf of the Marion County Commission. County Administrator Kris Cinalli stated that this grant is in the amount of \$15,000.00 for fencing around the Palatine Park playground.***

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**Marion County Commission**

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



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

**RESOLUTION**

**TO ACCEPT CONDITIONS OF THE CONTRACT FOR WEST VIRGINIA  
COMMUNITY PARTICIPATION PROGRAM FUNDS AND TO AUTHORIZE  
SIGNATURE**

WHEREAS, Fifteen thousand dollars (\$15,000.00) in Community Participation Program Funding was requested by the Marion County Commission, on behalf of the Marion County Commission,

WHEREAS, an application for these funds was received and approved by the West Virginia Development Office; and,

WHEREAS, the Community Participation Program requires that a local government unit sponsor said application.

NOW, THEREFORE, BE IT RESOLVED BY THE MARION COUNTY COMMISSION OF WEST VIRGINIA that the Commission President be authorized to accept fifteen thousand dollars (\$15,000.00) in Community Participation Program funds for the Marion County Commission on behalf of the Marion County Commission and that he be empowered to sign the contract necessary to obtain these funds.

DATE: October 1, 2014

  
Burley "Butch" Tennant, President

  
Randy J. Elliott, Commissioner

  
Ernie VanGilder, Commissioner

ATTEST:

  
Janice Cosco, County Clerk



**MARION COUNTY COMMISSION  
OCTOBER 1, 2014**



WEST VIRGINIA DEVELOPMENT OFFICE

1900 Kanawha Boulevard East • Charleston, WV 25305-0311  
(304) 558-2234 • (800) 982-3386 • WVDO.org

September 16, 2014

The Honorable Randy J. Elliott  
President  
Marion County Commission  
200 Jackson Street  
Fairmont, West Virginia 26554

Dear Commissioner Elliott:

Congratulations on Governor Tomblin's Community Participation Grant award in the amount of \$15,000 to the Marion County Commission to install fencing along the riverfront at Palatine Park and make other improvements as funds permit. Enclosed with this correspondence is a state/local contract between the West Virginia Development Office and the Marion County Commission.

Please review this document carefully. As the grantee, the Marion County Commission is responsible for compliance with this contract, including all applicable laws referenced in the contract, such as those pertaining to prevailing wage rates and competitive bid procedures. **These requirements apply to any and all grants, including those dedicated to sub-grantees, such as nonprofit organizations.**

The contract period outlined in this contract will expire June 30, 2015, without written authorization from the West Virginia Development Office and the reappropriation of funds by the West Virginia Legislature.

Once the Marion County Commission and legal counsel have reviewed the contract, the Marion County Commission must pass a formal resolution accepting the conditions of the contract and authorizing your signature on the last page. We will be unable to process a grant agreement until a signed contract and resolution are returned to this office.

I look forward to working with you on this worthwhile project. If you have any questions, please contact me at (304) 558-4010.

Sincerely,

A handwritten signature in blue ink that reads "Toni Pilato".

Toni Pilato  
Community Development Division

Enclosure

Project Number: 08LEDA0841N

***Commissioner Elliott moved that the Commission sign the documents. Commissioner VanGilder seconded. President Tennant concurred.***

***The Commission received the Assessor's Certificate of Compliance for the Farm Census of 2014.***

**MARION COUNTY COMMISSION  
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**West Virginia Department of Agriculture**  
1900 Kanawha Blvd. E., Charleston, WV 25305  
304-558-3550

Walt Helmick  
Commissioner

**ASSESSOR'S CERTIFICATE OF COMPLIANCE**

TO THE HONORABLE COUNTY COURT OF MARION COUNTY

The Assessor of Marion County, James P. Priester, has completed the Farm Census of 2014 and has satisfactorily complied with the requirements of the Farm Statistics Law. He is, therefore, eligible to receive compensation from the County Court according to Chapter 7, Article 7, Section 6C of the New Code of West Virginia.

A handwritten signature in cursive script that reads "Walt Helmick".

Commissioner of Agriculture

West Virginia Department of Agriculture is an equal opportunity employer.

***Commissioner Elliott moved that the Commission accept the Certification. Commissioner VanGilder seconded. President Tennant concurred.***

***The Commission received a request for reimbursement from West Virginia Division of Justice and Community Services from August 1, 2014 to August 31, 2014. County Administrator Kris Cinalli stated that this request is in the amount of \$2,396.00 for our VOCA Grant, 14-VA-016.***

**MARION COUNTY COMMISSION  
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WEST VIRGINIA DIVISION OF JUSTICE AND COMMUNITY SERVICES	Request for Reimbursement
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<b>RECEIVED</b> (For DJCS Use Only)	Subgrantee: Marion County Commission
	Address: 200 Jackson Street
	Fairmont, WV 26554
	Project #: 14-VA-016
	FEIN#: 55-600-346
Funds are hereby requested to cover expenditures FROM: August 1, 2014 TO: August 31, 2014	

**PROJECT CASH EXPENDITURES**

CATEGORY	AMOUNT
Personnel/Contractual	2396.00
Travel/Training	
Space	
Other	
<b>TOTAL</b>	<b>2396.00</b>

**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: Butch Tennant, President \_\_\_\_\_  
TYPED NAME & TITLE SIGNATURE

DATE

(Authorized Official or Grant Financial Officer ONLY)

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

*Fr the record, note the Commission received the Notice of Requirement to File and Pay Electronically from the State of West Virginia State Tax Department, Revenue Division, EFT.*



**MARION COUNTY COMMISSION  
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STATE OF WEST VIRGINIA  
State Tax Department, Revenue Division, EFT  
P. O. Box 11895  
Charleston, WV 25339-1895



Earl Ray Tomblin, Governor

Mark W. Matkovich, Tax Commissioner

MARION COUNTY COMMISSION  
PO BOX 1267  
FAIRMONT WV 26555-1267

Letter Id: L2125756992  
Issued: 09/15/2014

**NOTICE OF REQUIREMENT TO FILE AND PAY ELECTRONICALLY**

Effective Jan. 1, 2015, taxpayers who had annual remittance of any single tax equal to or greater than \$10,000 during fiscal year 2014 are required to electronically file returns and make payments using Electronic Funds Transfer (EFT) for periods beginning on or after Jan. 1, 2015.

According to our records, you paid more than \$10,000 for a single tax type during fiscal year 2014. Thus, you are required to register for EFT, make all payments by EFT and file tax returns electronically. If you are currently filing and paying required taxes electronically, please consider this your notice of requirement to file and pay all taxes electronically, unless specifically excluded from the requirement. Visit [www.wvtax.gov](http://www.wvtax.gov) for a list of exclusions.

**FAILURE TO COMPLY MAY RESULT IN PENALTY**

Failure to comply with the requirement to remit payments by EFT without first obtaining a waiver may result in a civil penalty of 3 percent of each payment which was to be paid by EFT. To request a waiver from this requirement, please visit our website [www.wvtax.gov](http://www.wvtax.gov), complete form WV/EFT-WR and submit to the address provided.

**Electronic Filing and Payment - MyTaxes**

To file business tax returns electronically and pay using ACH Debit (payment initiated by the Tax Department), you can register for MyTaxes at <https://mytaxes.wvtax.gov>. Payments for most tax types may be made using MyTaxes and the ACH Debit method. However, MyTaxes is not available for filing the following business tax returns:

- Corporate Income/Business Franchise Tax \*
- Income Tax for Pass Through Entities \*

\*E-File is available for Corporate Income/Business Franchise Tax and Income Tax for Pass Through Entities through various software vendors that have been approved by the Tax Department. Visit [www.wvtax.gov](http://www.wvtax.gov) for additional information.

**Electronic Payment Only**

- **ACH Credit** - Payment initiated by your financial institution. Apply on-line at <https://www.wva.state.tax.wv.us/wvtax/taxeftonline/> or complete form WV/EFT 5.
- **Credit Card** - Credit Card payments are processed by the West Virginia State Treasurer's Office at <https://epay.wvsto.com/tax>. A convenience fee of 2.5 percent of the payment amount, with a minimum charge of \$1.00, will be applied.

For additional information regarding electronic services, including information regarding waiver requests, please visit [www.wvtax.gov](http://www.wvtax.gov).

atl.061 v.3

Revenue Division, EFT ■ P. O. Box 11895 ■ Charleston, WV 25339-1895  
(304) 558-8692 ■ Fax (304) 558-8604 ■ [www.wvtax.gov](http://www.wvtax.gov)

RECEIVED  
SEP 19 AM 11:00  
STATE OF WEST VIRGINIA  
TAX DEPARTMENT

*Charlie Reese presented his update on the Korean War Memorial and said that the Hotel/Motel Tax Funds can be utilized for this project; he was given the okay by Chuck Shields. He welcomed Brian Kalt of Fairmont Brine back to the meetings and said that there would be ribbon cutting ceremony in the future at their facility. Charlie added that he attended a Brownfield Development Meeting and a gentleman from Mingo County stated a potential use for real estate that is not located near an Interstate; his idea was to establish an agriculture park to grow crops of all types for local use. Charlie added that this seemed like an interesting idea to research and he will be getting in contact with Walt Helmick the State Agriculture Commissioner for further input on the matter.*

*Commissioner Elliott announced that Brian Kalt of Fairmont Brine was here Mr. Kalt presented his Plant manager Jim Reed. He also stated that Dot Underwood from the Governor's Office was in attendance today.*

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*Commissioner Elliott complemented D. D. Meighen on his broadcasts of the Commission meetings. D. D. Added that he wanted to thank the Commission for all of the things that go unpublished that they contribute towards; an example he stated is this Friday's Women's Health/Breast Cancer Awareness Day at Fairmont General Hospital in which the Commission underwrite the cost for that event. Mr. Meighen said that there were plenty of other activities that the Commission supports that go unnoticed as well and they need thanked for those contributions.*

*There being no further business to come before the County Commission, it is ordered that this Commission do now recess until 10:30 a.m. for an Estate Hearing on the Petition of the Removal of Martin Linn Morgan as Co-Executor of the Estate of Jay L. Morgan.*

***Estate Hearing on the Petition of the Removal of Martin Linn Morgan as Co-Executor of the Estate of Jay L. Morgan.***

*President Tennant called the hearing to order; and turn it over to Fiduciary Supervisor, Attorney David Glance. Mr. Glance made a short statement presenting the issues that are coming before the Commission this day. He continued that Martin Morgan is not represented by council today and is requesting a continuance. Mr. Richard Gallagher an attorney representing Cindy Morgan Woodward objected to that continuance. After a short discussion the Commission stated that they would continue with today's hearing as planned.*

*Mr. Gallagher presented their case and submitted exhibits to support their claims. Mr. Martin Morgan was given time to rebut those assertions and presented some notes/exhibits that support his claims. Mrs. Cindy Morgan Woodward also testified in this matter. The Commissioners did follow up with questions to all who presented evidence in this matter.*

*The Commissioners stated that they would take this matter under advisement and present their ruling by next Wednesday, October 8<sup>th</sup>, 2014.*

*There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, October 8<sup>th</sup>, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.*

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*Burley "Butch" Tennant, President*