The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, October 31, 2012. Present were Commissioner Elliott, Commissioner Ward and President Tennant.

The proceedings of Wednesday, October 31st, 2012, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on November 1st, 2nd, 5th, 8th, 9th, 13th, 14th, 15th, 16th, 19th, 20th, 2012 were approved as submitted and signed.

President Tennant called the meeting to order. D. D. Meihgen led the Court with a prayer. Charlie Reese, the County Photographer led the Court with the Pledge of Allegiance. Commissioner Elliott moved to dispense with the reading of the minutes of Wednesday, October 31st, 2012 and accept them as presented. Commissioner Ward seconded. President Tennant concurred.

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

Dated November 21st, 2012
Nos. #2012-1278 through #2012-1309

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President to sign Nos. #2012-1278 through #2012-1309. Commissioner Ward seconded. President Tennant 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. 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.

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 November 14, 2012.

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 November 5, 2012, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.
<table>
<thead>
<tr>
<th>Estate of</th>
<th>Representative</th>
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</thead>
<tbody>
<tr>
<td>ELIZABETH MASON MEMORIAL PARK (Trust)</td>
<td>Edward Fitty, Mary Ellen Sullivan</td>
</tr>
<tr>
<td>JONES, BRANDON D. (ward, final)</td>
<td>and Patricia Hostuller, Trustees</td>
</tr>
<tr>
<td>CASTO, FRANCIS K. (2nd &amp;Final)</td>
<td>William T. Campbell, Guardian</td>
</tr>
<tr>
<td>SATTERFIELD, DAISY B.</td>
<td>Vonda P. Casto, Executor DBN</td>
</tr>
<tr>
<td>NESTOR, ROSELENE</td>
<td>Paula J. Young, Executor</td>
</tr>
<tr>
<td>EARL, VIRGINIA</td>
<td>Debbie Marcozzi, Executor</td>
</tr>
<tr>
<td>WISE, JACK EDWARD</td>
<td>Jerry Earl, Administrator</td>
</tr>
<tr>
<td>UNDERWOOD, JOSEPHINE ELIZABETH</td>
<td>Nancy C. Wise, Administratrix</td>
</tr>
<tr>
<td>FETTY, EDWIN WAYNE</td>
<td>David Arthur Lewis, Executor</td>
</tr>
<tr>
<td>HURLEY, PAUL T.</td>
<td>Gregory Fitty, Executor</td>
</tr>
<tr>
<td>SHAFFER, LISA JEAN</td>
<td>Gatha L. Hurley, Executor</td>
</tr>
<tr>
<td>HALL, TREVELYN F., II</td>
<td>Christopher B. Shaffer, Administrator</td>
</tr>
<tr>
<td>CANFIELD, HELEN L.</td>
<td>Martha Tuckwell Hall, Executor</td>
</tr>
<tr>
<td>ALLAWATT, ELIZABETH JANE</td>
<td>Cecil B. Canfield, Executor</td>
</tr>
<tr>
<td>MAUNZ, AUSTIN THEODORE</td>
<td>Cheryl L. John, Administratrix</td>
</tr>
<tr>
<td>CLELAND, BETTY LEE</td>
<td>Mary Theresa Maunz, Executor</td>
</tr>
<tr>
<td>MATHEWS, MARY LAVONNE</td>
<td>Kimberly A. Thorne, Administratrix</td>
</tr>
<tr>
<td>HORTON, THERMON, JR.</td>
<td>John T. Hall, Executor</td>
</tr>
<tr>
<td>TOOTHMAN, MINNIE JANE</td>
<td>Jeffrey W. Horton, Administrator</td>
</tr>
<tr>
<td>HAUGHT, NOLA PEARL</td>
<td>Catherine Diana Toothman Oliveto</td>
</tr>
<tr>
<td>BROWN, BETTY LOU</td>
<td>and James Ross Toothman, Co-Extrs.</td>
</tr>
<tr>
<td>BROWN, CHANDLE D.</td>
<td>Sharon Kay Houghton, Executrix</td>
</tr>
<tr>
<td>KITTLE, HELEN L.</td>
<td>Charles R. Brown, Executor</td>
</tr>
<tr>
<td>VANGILDER, EDWIN E.</td>
<td>Arnold A. Kittle, Executor</td>
</tr>
<tr>
<td>PASKO, GEORGE C., SR.</td>
<td>Emma J. VanGilder, Executor</td>
</tr>
<tr>
<td>DOTY, MARY ELIZABETH</td>
<td>Julianne Shroyer, Executrix</td>
</tr>
<tr>
<td>KENDALL, HENRY LEE</td>
<td>Larry Layman, Executor</td>
</tr>
<tr>
<td>NUZUM, DAVID LEE, JR.</td>
<td>Connie M. Kendall, Administratrix</td>
</tr>
<tr>
<td>TRICKETT, BERNICE N.</td>
<td>Jean M. Nuzum, Administratrix</td>
</tr>
<tr>
<td></td>
<td>Tammy A. Davis, Executrix</td>
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</table>
Commissioner Elliott moved that the sign the Short Form Settlements, proposed Settlements and Annual Settlement Reports. Commissioner Ward seconded. President Tennant concurred.

The Commission presented the Lease Agreement with Equitrans, LP, for Property in the Curtisville area. County Administrator Kris Cinalli stated that this lease is for 644.34 acres in the Curtisville area for a subsurface storage easement and agreement. Commissioner Elliott stated that this has always been a storage facility; therefore nothing new is occurring today and the Commission will be income for this agreement.

Commissioner Elliott moved that the Commission President sign the subsurface storage and easement agreement. Commissioner Ward seconded. President Tennant concurred.
The Commission presented the Resolution to Apply for West Virginia Community Participation Program Funds on behalf of the Bunner’s Ridge Community Association. County Administrator Kris Cinalli stated that this application is in the amount of $10,000.00 to be used for their new building kitchen.
Commissioner Elliott moved that the Resolution to Apply for West Virginia Community Participation Program Funds on behalf of the Bunner’s Ridge Community Association be signed by this Commission. Commissioner Ward seconded. President Tennant concurred.

The Commission presented the Resolution to Apply for West Virginia Community Participation Program Funds on behalf of the Barrackville Christmas in our Town Celebration. County Administrator Kris Cinalli stated that this Resolution is in the amount of $5,000.00 for their Christmas Celebration and they are also requesting that the Commission provide the funds now for this year’s Celebration and the Commission will be reimbursed with the funds when the State submits them to their organization. Commissioner Elliott asked what these funds will be utilized for, because he has not seen this request from this organization before. County Administrator Kris Cinalli asked if the Commission would like to have breakdown of how these funds will be used by this organization.
Commissioner Elliott moved that the Commission sign the Community Participation program grant and that the Commission would advance the money contingent upon an explanation on what it will be used for and that those funds be appropriated from the Hotel/Motel Fund. Commissioner Ward seconded. President Tennant concurred.

The Commission received the request for advice and consent to hire Jesse M. Richie as full time Deputy Sheriff, starting salary at $32,956.91, with benefits, effective November 15, 2012.

State of West Virginia
MARION COUNTY

OFFICE OF THE SHERIFF

SHERIFF OF MARION COUNTY
PO Box 2549
Mарион, West Virginia 26555-2549
(304) 367-5300 Law Enforcement Division
(304) 367-5310 Tax Office
(304) 367-5307 Records Division

From: Sheriff Joseph N. Carpenter
To: Marion County Commission
Date: October 30, 2012
Subject: Hiring of Deputy Sheriff

I am respectfully requesting to be placed on the Commission’s meeting agenda, which is set for Wednesday, November 7th, 2012. I am respectfully requesting the advice and consent to hire Jesse M. Richie as a Deputy Sheriff; Mr. Richie’s employment will become effective starting Thursday, November 15th, 2012. His starting salary will be $32,956.91; plus benefits.

Mr. Richie was one of the top candidates of the names that were submitted from the eligible list of the Marion County Deputies Civil Service test. He has successfully completed his physical agility test, background check, complete physical examinations and physiological evaluation.

Sincerely,

Sheriff Joseph N. Carpenter

Cc: File
Commissioner Elliott moved that the Commission grant its advice and consent to the Sheriff to hire Jesse M. Richie as full time Deputy Sheriff, starting salary at $32,956.91, with benefits, effective November 15, 2012. Commissioner Ward seconded. President Tennant concurred.

For the record, note the Commission received the Statement of Completion of Additional Duties for Jim Priester, Assessor, as delineated in WV Code §7-7-6a.

STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

November 8, 2012

Barley Tennant, Jr., President
Marion County Commission
Marion County Courthouse
200 Jackson Street, Room 403
Fairmont, West Virginia 26554

Dear President Tennant:

This letter and attachment certify that James P. Priester, Assessor of Marion County, has substantially completed with the "assessor's additional duties" as delineated in West Virginia Code § 7-7-6a. Substantial completion of the additional duties entitles Mr. Priester to the additional compensation of $15,000 as provided in West Virginia Code § 7-7-6b.

Sincerely,

Craig A. Griffith
State Tax Commissioner

CAGO:jaj

Attachment:

c: James P. Priester
Assessor of Marion County

Janice Conico
Clerk of Marion County
The Commission presented the **Budget Revision in Coal Severance**. County Administrator Kris Cinalli stated that this is in the amount of $75,000.00 to our Coal Severance Allocation Line.

**Marion County Commission**

**Commissioner Elliott moved** that the Commission sign the budget revision in Coal Severance Line. Commissioner Ward seconded. President Tennant concurred.

**For the record, note** the Commission received the request for reimbursement from the West Virginia Division of Justice and Community Services from Marion County Day Report Center, Grant # 13-CC-10. County Administrator Kris Cinalli stated that this request for reimbursement is in the amount of $3,813.81 for their expenditures for the month of October, 2012.
The Commission received the request for reimbursement from West Virginia Division of Justice and Community Services for 12-VA-011, our Victim's Advocate Grant in the amount of $2,396.00 for their expenditures for the month of November, 2012.
Commissioner Elliott moved that the omission sign the request for reimbursement. Commissioner Ward seconded. President Tennant concurred.

For the record, note the Commission received the Grant Adjustment Notice from Division of Justice and Community Services for Victims of Crime Assistance (VOCA). Count Administrator Kris Cinalli stated that this Grant Adjustment Notice is to inform of a change in personnel; that Jessica Bennett is the new Advocate.
The Commission presented the Re-appointment of Raymond Morgan to the Board of the Fairmont-Marion County Transit Authority; his term expires on December 31, 2012. County Administrator Kris Cinalli stated that Raymond Morgan would like to be reappointed to a new three year term.

Commissioner Elliott moved that the Commission re-appointment of Raymond Morgan to the Board of the Fairmont-Marion County Transit Authority. Commissioner Ward seconded. President Tennant concurred.

The Commission presented the appointment to the Marion County Board of Health, that of Shannon C. Beafore; republican from Palatine District for a three year term.
Commissioner Elliott moved that the appoint Shannon C. Beefore to the Marion County Board of Health. Commissioner Ward seconded. President Tennant concurred.

The Commission presented the **re-appointment to the Board of the Downs Public Service District, that person being Lotta M. Neer to a three year term.**

Commissioner Elliott moved that the Commission re-appoint Lotta M. Neer to the Downs Public Service District. Commissioner Ward seconded. President Tennant concurred.

The Commission presented the **re-appointment to the Board of the Little Creek Public Service District, that person being Harry D. Swisher.**

Commissioner Elliott moved that the Commission re-appoint Harry D. Swisher to the Little Creek Public Service District. Commissioner Ward seconded. President Tennant concurred.

The Commission received the **request for funds from the Feast of the Seven Fishes Festival.** Kate Greene came before the Commission to present this request and answer any questions that might arise. They are requesting $10,000.00 for this year’s festival. Kate stated that they are trying to expand the festival in small steps this year because this is her first year as Executive Director. They are connecting with other partners in the area; mainly, the Prickett’s Fort to promote their Christmas Market. They are working with the Transit Authority to transport guests between the functions. She presented an updated budget. She added that this is the seventh year of the festival. They are adding a dinner this year on the Friday, the Seventh Day of December, 2012 which is new and hopefully will grow as well in the future. The Commissioners were very supportive of this event and will assist also with tables and chairs. Kate stated that the festival is growing and will to go around the corner of Washington Street all the way down to Jefferson Street. Kate stated that they are optimistically growing this festival and this growth will determine whether this organization will purchase some of the items instead of renting them as they are this year and have in the past. This year’s festival will determine how the event will grow. Commissioner Elliott stated that the Commission could lend the festival the Counties tables to reduce their cost. President Tennant stated to talk with Jeff Biafore of the Maintenance Department Supervisor to make that happen. Jeff stated that he would see to it.
November 21, 2012

Commissioner Tennant
Commissioner Elliott
Commissioner Ward
Marion County Commissioners
200 Jackson Street Rm. 403
Fairmont, WV 26554

Dear Commissioners,

As you know, the Feast of the Seven Fishes Festival is now in its 7th year and is a signature attraction for Fairmont and Marion County. Last year was a resounding success with nearly 8,000 people and we think we’ve proven that not even inclement weather will stop folks from attending this outdoor festival in December!

As successful as the festival is, we hope to continue its ascent. Therefore, we want to be certain that we do everything right, embrace moderate but sensible growth, and elevate the festival to the next level of major regional attraction.

With your help, the Feast of the Seven Fishes Festival has grown every year and continues to involve every community within Marion County. This year’s festival will again be held in conjunction with the Prickett’s Fort Christmas Market and we have had calls and reservations from visitors all along the east coast. These visitors will be staying in our hotels and patronizing our local restaurants and retail establishments thus enabling the Festival to attract a larger audience. We would be grateful to the County Commission for a generous donation of $10,000 to help defray the costs associated with producing such a grand, community event.

Please call Kate Greene at the Main Street Office (366-0169) if you have any questions.

Thank you in advance for your kind attention to this request. Without the Marion County Commission’s support, the Feast of the Seven Fishes Festival would not have successfully transformed into North Central West Virginia’s newly treasured holiday tradition.

Sincerely,

Kate Greene
Executive Director

Attachment: 2012 Budget
Commissioner Elliott moved that the Commission grant $7,000.00 to the Feast of the Seven Fishes and that those funds be appropriated from the Hotel/Motel Fund. Commissioner Ward seconded. President Tennant concurred.

For the Record, note the Commission received the Statewide Transportation Improvement Program (STIP) FFY 2012-2017, Program Amendment for 2012.
For the record, note the Commission received from Government Services of West Virginia, prepared by Ron Preast, Marion County’s Annual Financial Report for the Fiscal Year Ended June 30, 2012.

For the record, note the Commission received from the West Virginia Department of Environmental Protection, a Status Report of all mining permits issued during the month of October, 2012.

For the record, note the Commission received the Valley Falls Public Service District Reconciliation Summary, for Period Ending 8-31-2012.
For the record, note the Commission received the notification from Suddenlink of local rate adjustments, effective December 2, 2012.

For the record, note the Commission received the notification from Comcast of addition/deletion of channels, effective December 12, 2012.
Dennis Basnett came before the Commission to discuss the inequity in how the Commission awards funding to outside entities. His concern was over the funding of fire hydrants in the Mt. Vernon Heights and not to fund the purchase of a truck to remove snow in the town of Carolina. President Tennant stated that the Commission partnered with the City of Fairmont and the homeowners association. He added that the Monongah Volunteer Fire Department had concerns and wanted those additional fire hydrants to ensure better coverage if there is a fire in that area. Commissioner Elliott added that he supports the additional fire hydrants as well as any type of additional water supply in the County. He believes that the Commission should support both verbally and financially those endeavors. Charlie Reese stated that the Carolina Improvement Association came to him to see if they could receive a loan for their truck from the Marion County Development Authority.
Richard O’Connor came before the Commission to inform the Commission that if and when the Town of White Hall presents their new request for annexation that he and some others on Nichols Drive in the Point of View Addition do not want to be annexed into the Town.

President Tennant stated that he wanted to thank the Marion County Citizens for their financial support in the Every Child Deserves a Christmas Toy Drive that will take place on Friday, November 23, 2012 at the Marion County Election Center. He also thanked the Times West Virginian for all of their coverage and support in this matter as well. Commissioner Elliott added that he is very pleased with what this endeavor has turned into over the years. It has been a great success so that a lot of children can have a Christmas that probably would not have one. D. D. Meighen added that he is pleased with how this event has organically grown through the years. He believes that it will continue to grow and be a success.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, November 28, 2012 at 10:00 a.m. for the next scheduled County Commission Meeting.

____________________________________
Burley “Butch” Tennant, President