

**MARION COUNTY COMMISSION
COUNTY COURT
FEBRUARY 26, 2014**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, February 19th, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.

The proceedings of Wednesday, February 12th, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on February 20th, 21st, 24th and 25th, 2014 were approved as submitted and signed.

*Chaplin James Reed of Fairmont General Hospital led the Court with a prayer. Rhonda Starn the Circuit 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, February 19th, 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 February 26, 2014
Nos. #2014-145 through #2014-154***

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President sign Nos. #2014-145 through #2014-154. Commissioner VanGilder seconded. President Elliott concurred.

*The Commission received an **Order of Probate of Wills from the County Clerk's Office for the month of January, 2014. Kris Cinalli stated that this Order is a list of Estates in which have been admitted to Probate in the County Clerk's Office, in vacation of the Commission, from January 1, 2014 through January 31, 2014 pursuant to West Virginia Code §41-5-10, as amended.***

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BEFORE THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

IN RE: CONFIRMATION OF PROBATE OF
WILLS, BY CLERK IN VACATION

ORDER CONFIRMING PROBATE OF WILLS

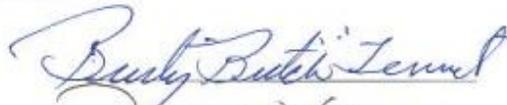
On this day came Janice Cosco, Clerk of the Commission, and presented a list of Estates in which wills have been admitted to Probate by her office, in vacation, from January 1, 2014, to January 31, 2014, pursuant to W. Va. Code 41-5-10, as amended.

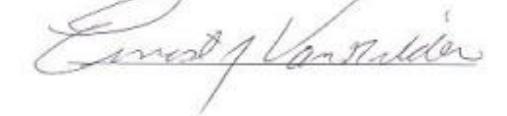
The Commission, having received no objections to the actions of the Clerk, and perceiving no objections thereto, does ratify and confirm the probate of wills in all the Estates attached hereto. The list attached hereto is made a part of this Order by this expressed reference thereto, as if all such Estates are fully set forth herein.

Dated this 26th day of February, 2014.


JANICE COSCO, CLERK


DAVID A. GLANCE,
FIDUCIARY SUPERVISOR





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WILLS PROBATED FROM JANUARY 1, 2014, TO JANUARY 31, 2014

<u>Estate</u>	<u>Representative</u>
Banks, Cyrus Wilson	Betty Eilene Banks, Executrix
Broce, Mary Jo	Betty Jo Ison, Executrix
Cutlip, Gene Paul	Jennifer Cutlip, Executrix
Dean, Shirley Ann	Anita Moore, Executrix
Dorsey, Helen	Barbara Jo Potesta, Executrix
Drake, Henry Dale	Steven Dale Drake, Executor
Floyd, James O., Sr.	Dolores S. Floyd, Executrix
Foley, Raymond W.	Nova E. Foley, Executrix
Francis, Seseen	Kristina Peterman, Executrix
Garlow, Virginia V.	Robert L. Garlow, Executor
Gezeli, Anthony	John R. Funkhouser, Anc. Admr. CTA DBN
Hall, Martha Brown	Steven Hall, Executor
Harry, Louise	Gordon T. Harry, Administrator CTA
Hibbs, Thelma Louise	Charlotte Ann Jones, Executrix
Hill, Betty Louise	James Russell Hill, Executor
Hoffman, Helen B.	Bernadine L. Hoffman, Executrix
Jimmie, Veronica	Rene Wakefield, Executrix
Keller, Marilyn	Mark B. Keller, Executor
Kendjoria, Alexandra	Janice Rose Ranieri, Executrix
Kester, Clarice Jean	Jeffrey M. Kester, Executor
Kocsis, Elizabeth J.	George J. Kocsis, Executor
Lencek, Frank Matthew	Carol Jean Harris, Executrix

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<u>Estate</u>	<u>Representative</u>
Michna, Ethel M.	Adam F. Michna, II, Executor
Reynolds, Thomas J. Jr.	Betty L. Reynolds, Executrix
Runner, Hazel Brooks	James Swisher and Jo Ann Tomey Co-Executors
Shaver, Bobbie Joe	Candy L. Shaver and Thomas Brian Shaver Co-Executors
Snyder, Harriett M.	Barbara J. Whitlatch, Executrix
Sopak, Mike	Nicholas "Duke" Doblack, Executor
Stuart, Arthur E.	Evelyn L. Stuart, Executrix
Sypolt, Harold L.	Gary L. Sypolt, Executor
Vincent, Marguerite J.	Charles J. Vincent, Jr., Executor

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Commissioner Elliott moved that the Commission sign the Order Confirming the Probate of Wills. Commissioner VanGilder seconded. President Tennant concurred.

*The Commission received the **Order Confirming and Ratifying Fiduciary Supervisor's Report of Claims and Settlement Reports; Order #347.***

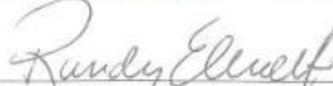
At a Regular Session of the County Commission of Marion County, West Virginia, continued and held for this County at their offices in the J. Harper Meredith Building on the 26th, day of February, 2014.

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 Clerk of the County Commission, pending confirmation. There being no 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.

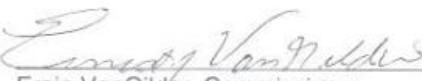
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<u>Estate of</u>	<u>Representative</u>
INGRAM, JANET LOUISE (ward)	Susanne V. Ingram, Committee
POLING, NANCY (2 nd & Final)	Donald Poling, Executor
KERNS, WAYNE L. (2 nd & Final)	Pauline Kerns, Administratrix DBN
FINDLEY, ADAH M.	Joseph Richard Stevens, Executor
CALVERT, JAMES R.	James A. Calvert, Executor DBN
TOLLIVER, THELMA	Rowland (Roland) Johnson, Executor
AMBROSE, JESSIE NELL	Belinda J. Ambrose, Executrix
RIESER, RICHARD E.	Terry Ann Rieser, Executrix
FEATHER, JOSEPH J.	Nancy Riley, Executrix
STROGEN, WILLIAM S.	William Brian Strogen and Melinda Jayne Pomp, Co-Executors
HESTON, WILLIAM JUNIOR	Catherine D. Heston, Administratrix
EARL, MARGARET R.	Debra Ann Bates, Executrix
CAMPBELL, JOHN NELSON	Bradley S. Campbell, Administrator
ABBOTT, KENNETH LEE	Clara May Abbott, Executrix
PIZATELLA, MARY ANN	Sharon K. Jaquinta, Executrix
SWIGER, MARY LEE	Sandra Jean Senita, Executrix
WILLS, JOHN D.	Donald B. Wills, Ancillary Extr. DBN
CONIGLIO, GUY, SR.	Carol Arnett, Executrix
BAVELY, REBECCA MAE	J. Scott Tharp, Ancillary Admr. CTA
MOORE, EILEEN GEWENDLYN	Brian Seifrit, Administrator
MONTGOMERY, INA M.	Janice F. Hatfield, Administratrix CTA
ALVARO, ROSE M.	Teresa R. Bonasso, Executrix

ENTER: 2-26-14


Randy Elliott, President


Burley "Butch" Tennant, Commissioner


Ernie VanGilder, Commissioner

ATTEST:


Janice Cosco, County Clerk


David A. Glance, Fiduciary Supervisor

Commissioner Elliott moved that the Commission sign the Order Confirming and Ratifying Fiduciary Supervisor's Report of Claims and Settlement Reports; Order #347. Commissioner VanGilder seconded. President Tennant concurred.

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The Commission received an internal budget revision request for Tina Cowger for the 2013-2014 budget in the amount of \$1,575.00.



February 20, 2014

Marion County Commission
200 Jackson Street
City/County Complex
Fairmont, WV 26554

Dear Commissioners:

Please consider the following revisions for the 2013-2014 Agriculture Office Budget.

1. Decrease line item 002-412-221-00 by \$525.00 and increase line item 002-412-341-00 by \$525.00.
2. Decrease line item 002-412-214-00 by \$1,050.00 and increase line item 002-412-341-00 \$1,050.00.

Sincerely,

A handwritten signature in cursive script that reads 'Tina A. Cowger'.

Tina A. Cowger
WVU Extension Agent
4-H / Youth Development

Cooperative
Extension Service

The West Virginia
University Cooperative
Extension Service,
U.S. Department
of Agriculture,
West Virginia County
Boards of Education and
County Commissions
Cooperating

Marion County Extension Office

314 Monroe Street
2nd Floor Jacobs Building
Fairmont, WV 26554

Phone: 304 367-2772
Fax: 304 367-2774
www.wvu.edu/~extan/

Equal Opportunity/Affirmative Action Institution

Commissioner Elliott moved that the Commission sign and approve the internal budget revision. Commissioner VanGilder seconded. President Tennant concurred.

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*The Commission received a request from the Marion County Fire Association for financial assistance for an underwater search and rescue sub. Barry Bledsoe spoke firstly about that fire Association has a chance to purchase a mobile cascade system truck and generator from the City of Bridgeport Fire Department for \$20,000.00. **President Tennant stated** to Mr. Bledsoe that he should inform the City of Bridgeport Fire Department and inform them that the Marion County Fire Association will be able to purchase the vehicle. He added that the Commission will place that item on a future agenda and assist the Association with funding. He continued that this will allow oxygen tanks to be refilled at a fire scene. He turned the topic over to the Winfield Volunteer Fire Department Chief John Cogar who is also the rescue diver for the Department. **Mr. Cogar began his presentation** of the underwater search and rescue sub and showed a video of it in operation. He gave a detail explanation of how it operates and function as well as its durability. Mr. Cogar also took and answered questions from the Commissioners as well as those in attendance. Mr. Cogar added that Consolidation Coal Company granted them \$50,000.00 for purchase of this unit for all of the Fire Departments assistance in the search for a deceased miner whose dozer fell through and to the bottom of a slurry pond. He added that the Marion County Delegates obtained a grant for them in the amount of \$20,000.00 and they use \$30,000.00 of their own funds and are requesting the Commission to assist in replenishing some of those funds. President Tennant added that they should make another request for additional funds once the new fiscal year begins in July 1st, 2014 where the Commission will have additional funds available for out contributions.*

***Commissioner Elliott moved** that the Commission allocate \$5,000.00 for this unit and that those funds be appropriated from the Coal Severance Fund. Commissioner VanGilder seconded. President Tennant concurred.*

The Commission received a request for consideration of an appointment to the Board of the White Hall PSD, that person being Richard O'Connor.

***Commissioner Elliott moved** that the Commission accept and appoint Richard O'Connor to the White Hall PSD. Commissioner VanGilder seconded. President Tennant concurred.*

***For the record, note** the Commission received the Statewide Transportation Improvement Program (STIP) FFY 2014-2019 Program Amendment.*

***For the record, note** the Commission received the Notification from Time Warner Cable of an agreement with programmers and broadcasters that are about to expire.*

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February 12, 2014



Printed on Recycled Paper
with 100% Recycled Fiber
www.timewarnercable.com

Via Certified Mail
Return Receipt Requested

Ms. Kris Cinalli
County Administrator
Marion County Commission
200 Jackson Street, Room 403
Fairmont, WV 26554

Dear Ms. Cinalli:

I am writing in our ongoing efforts to keep you apprised of developments affecting the cable system in your community.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services or stations in the near future.

Azteca America, Azteca America HD, MLB Extra Innings, NHL Network, NHL Network HD, NHL Center Ice, Once Mexico, You Too TV, You Too TV HD, Zap2it, CCTV News, Gol TV, Gol TV HD, Jewelry TV, Outdoor Channel, Outdoor Channel HD, MLB Network, MLB Network HD, MLB Extra Innings, YES Network, YES Network HD, RFD.

Time Warner Cable may reposition Sports Time Ohio to Digital Choice Red. On or about March 1, InDemand PayPerView Previews on Ch. 801 may be removed from the channel line-up. TV Guide will no longer be available on Ch. 2. TV Guide will continue to be available on channel 132 and a subscription to Variety Pass and Digital Cable ready equipment, such as a digital set-top box or CableCARD equipped Unidirectional Digital Cable Product, will be required to view TV Guide.

Programming is subject to change. Not all services available in all areas. Restrictions may apply.

For up-to-date listings of our packages and channels, visit our website at www.timewarnercable.com.

If you have any questions or concerns, please do not hesitate to call me directly at (513) 386-5908.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pamela McDonald'.

Pamela McDonald
Vice President of Government Relations
Time Warner Cable

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For the record, note the Commission received the Comcast-Time Warner Cable announcement.



February 17, 2014

Mr. Alan Parks
President
Marion County Commission
200 Jackson Street, Room 403
Fairmont, WV 26554

COMCAST – TIME WARNER CABLE ANNOUNCEMENT

Last week, Comcast announced an important transaction with Time Warner Cable (TWC) that we believe will bring many benefits to customers in their service territories. I am sending the attached documents to provide you background on this.

Should you have any questions or concerns about this information, please do not hesitate to contact me at 412-595-8379.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Depretis".

Mark Depretis
Regional Director, Government & Regulatory Affairs
Comcast

Attachments (4)

For the record, note the Commission received from Potesta Engineers and Environmental Consultants submitted the 2010 Supplemental Soil Remedial Action Plan for the Philips Electronics North American Corporation Terrace Site-VRP #07089 and submitted the Supplemental Soil Sampling Report and Risk Evaluation for the Philips Electronics North American Corporation Terrace Site-VRP #07089.

For the record, note the Commission received from the west Virginia State Auditor's Office the Certified Apportion Values of the public utility property located within Marion County. The apportion value in Marion County for FY 2014-2015 is \$216,003,397.00.

President Tennant stated that there was a pre-bid meeting with Thrasher Engineering and the Commission representatives and 20 contractors who attended the pre-bid meeting on Thursday, February 20th, 2014. President Tennant added that the bids will be due by Tuesday, March 5th, 2014.

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Chris McIntire stated some good news in that the son and grandson of Bill Wilkerson who works in our Maintenance were found after a day of being missing in Randolph County, West Virginia. Chris added that they along with a friend went missing on Sunday afternoon and were found on Tuesday. Chris stated that he along with some of our maintenance crew and others went to Randolph County to assist in the search. He added that a local resident who lives in the mountains was the one who found them. They were relatively well but Bill's son needed some medical treatment. All is well.

Charlie Reese stated for the record that if the County is privileged enough to apply and receive each year a grant of \$400,000.00 for Industrial Park Access Road Funds; Charlie stated that Marion County did receive \$250,000.00 for the road out near Phillips in Winfield District to get it repaired. It should be bid out this spring. Charlie continued that we received another \$150,000.00 for the Tulip Lane Project in Pleasant Valley right off the Interstate.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, March 5th, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.

Burley "Butch" Tennant, President