

MARION COUNTY COMMISSION
APRIL 16, 2014

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, April 9th, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.

The proceedings of Wednesday, April 9th, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on April 10th, 11th, 14th and 15th, 2014 were approved as submitted and signed.

*Pastor Jim Zinn of the Walnut Grove United Methodist Church 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, April 9th, 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 April 16, 2014
Nos. #2014-307 through #2014-329

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-307 through #2014-329. Commissioner VanGilder 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 April 16th, 2014.

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 April 7th, 2014, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.

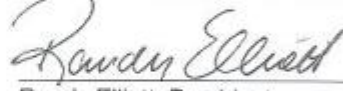
MARION COUNTY COMMISSION
APRIL 16, 2014

<u>Estate of</u>	<u>Representative</u>
FLEMING, FLORENCE T. (trust)	Robert R. Winter and Keith L. Holt, Co-Trustees
FLORI, ALBERT JR., (ward)	Harold E. Perkins, Committee
HAROLD, JOSEPH, II (trust)	WesBanco Bank, Trustee
ASHER, ASHLEY V. (ward)	Tabetha V. Asher, Guardian
GREGA, MARY M. (2 nd & Final)	Robert C. Grega, Executor DBN
VANGILDER, GERALD (2 nd & Final)	Jo Ann VanGilder, Executrix DBN
ICE, PRESLEY D., JR.	Jeffrey Pat Ice, Administrator CTA DBN
BALL, MARGARET ANN	James Logan Smith, Executor
SHEETS, PHYDELLAS I.	Virene Jones, Administratrix
BINGAMON, JANICE M.	Melanie Marie Snyder, Executrix
GREATHOUSE, NORVAL	Rodney Greathouse, Executor
STERLING, JOHN VICTOR	John K. Sterling, Administrator
STERLING, RUTH ANN	John K. Sterling, Administrator
CUNNINGHAM, NANCY	David Vincent Kriston, Executor
BENSON, CLAUD H., JR.	Elizabeth A. Starcher, Executrix
SMELL, DAVID M.	Lisa Kay Blosser, Executrix
HOSEY, FLORENCE MARIE	Brent L. Van Deysen, Administrator DBN
SHACKELFORD, RONNIE HALL	Rachelle LeMasters, Administratrix
WEINER, ROSE ZELLA MAE	Diann Lynn Satterfield, Executrix
DODD, DESSIE JOANN	Richard Keith Dodd, II, Executor
LANDES, CAROLYN SUE	Mary M. Hall, Administratrix
BICE, RAYMOND	Joann B. Toothman, Executrix
JOHNSON, DENISE KATHLEEN ROSEMARY	Robert R. Johnson, Jr., Executor
CLOSSON, JOSEPH ANDREW	Susan H. Closson, Administratrix
EDWARDS, EDITH L.	Dorthea R. McCartney, Executrix
BREWER, REX A.	Hannah Virginia Brewer, Executrix
ESKETH, WAUNETA (AKA JUANITA) ROGERS	Betty Feltz, Administratrix CTA
McCUE, ELIZABETH M.	Carl W. McCue, Executor
DODD, ELIZABETH JANE SWISHER	Jacqueline Sue Pagliaro and Judith Ann Dodd Shoulders Bennett, Co-Executrices
NORTON, JUNE D.	Ernestine O. Nigh, Executrix

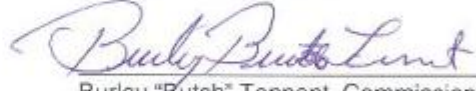
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<u>Estate of</u>	<u>Representative</u>
TENNANT, MARY LOIS	Richard C. Tennant, Administrator
POLUCK, ELEANOR OLENE	Tammie L. Polluck Shumate, Admr. CTA
SINE, REGINA LOU	Wm. Sine, Administrator
HIGGINBOTHAM, RICHARD EUGENE	Patricia J. Higginbotham, Administratrix
DUNIGAN, WILLIAM M.	Iris L. Dunigan, Administratrix
CARR, ROSE A.	James L. Carr, Executor
BEERY, LENE HOTSINPILLAR	J. Scott Tharp, Ancillary Administrator
WRIGHT, RUBY M.	Rickey Allen Shockey, Executor
WRIGHT, WILLIAM W.	Rickey Allen Shockey, Executor
DAFT, LEWIS RICHARD	Edith J. Daft, Administratrix
COLEMAN, NORMA JEAN	Vicki R. Willard, Executrix
STARK, JOHN PAUL	John Jason Stark, Administrator

ENTER: April 16, 2014



Randy Elliott, President

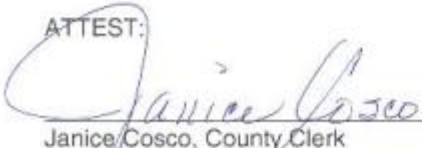


Burley "Butch" Tennant, Commissioner

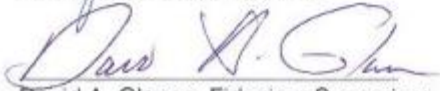


Ernie VanGilder, Commissioner

ATTEST:



Janice Cosco, County Clerk



David A. Glance, Fiduciary Supervisor

Commissioner Elliott moved that the Commission sign the Order for Waivers and Settlement Reports. Commissioner VanGilder seconded. President Tennant concurred.

The Commission presented the Proclamation for National Public Safety Tele-Communicator's Week. Director Chris McIntire introduced his new hires for dispatchers.

MARION COUNTY COMMISSION
APRIL 16, 2014

Proclamation

PROCLAMATION

WHEREAS, the Marion County Commission has implemented a County-Wide Enhanced 9-1-1 Communications Center to serve as the sole Public Safety Answering and Dispatch point for all county emergency services and public safety agencies; and

WHEREAS, Marion county 9-1-1 communications has exclusive authority to receive requests for assistance, then process, dispatch, and coordinate not only county emergency services and public safety agencies, but mutual aid response into Marion County from neighboring counties, states or federal agencies; and

WHEREAS, Emergencies can occur at any time that require police fire, or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response by emergency services is critical to the protection of life and property; and

WHEREAS, the well-being of all members of public safety within the county is dependent upon the quality and accuracy of information obtained from citizens and visitors to Marion County; and

WHEREAS, Public Safety Telecommunicator's are the vital link between those reporting emergencies and first responders; and

WHEREAS, the Public safety Telecommunicator's of Marion County 9-1-1 communications contribute daily to the preservation of life and property, as well as to the safety of police, fire and emergency medical service personnel, through their compassion, understanding, and professionalism.

NOW, THEREFORE, BE IT RESOLVED that the Marion County Commission does hereby proclaim April 13th through the 19th, 2014 as

"NATIONAL PUBLIC SAFETY TELECOMMUNICATOR'S WEEK"

Given under our hand and the Seal of the County of Marion this the 16th day of April 2014.

MARION COUNTY COMMISSION

BURLEY "BUTCH" TENNANT, PRESIDENT

RANDY ELLIOTT, COMMISSIONER

ERNIE VANGILDER, COMMISSIONER

ATTEST:


JANICE COSCO, COUNTY CLERK



Commissioner Elliott moved that the Commission sign and present the Proclamation. Commissioner VanGilder seconded. President Tennant concurred.

The Commission received a request advice and consent from Joseph Carpenter, Sheriff, concerning the hiring of Homer Hess and Michael Link for Holding/Security Division, with a starting salary of \$23,174.88, with benefits effective.

MARION COUNTY COMMISSION
APRIL 16, 2014

OFFICE OF THE SHERIFF



State of West Virginia
SHERIFF OF MARION COUNTY
PO Box 1348
Fairmont, West Virginia 26555-1348
(304) 367-5300 Law Enforcement Division
(304) 367-5310 Tax Office
(304) 367-5307 Record Division

Joseph N. Carpenter
Sheriff

Ralph L. Wright
Chief Deputy

To: Marion County Commission
From: Sheriff Joseph N. Carpenter
Date: April 04, 2014
Ref: Hiring of Holding / Security Division

Dear Honorable Commissioners:

It has been brought to my attention that an oversight has occurred during the hiring process of two employees with the Sheriffs' Department Holding/Security Division. On February 10, 2014, I did hire Homer Hess and Michael Link for two open positions in that division. Those effective starting dates were 2/10/2014 with both gentlemen's starting salary of \$23,174.88, with benefits. Due to the oversight of paperwork, please allow me at this time to respectfully request the advice and consent for the hires of Homer Hess and Michael Link.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph N. Carpenter", written over a horizontal line.

Sheriff Joseph N. Carpenter

Cc: File

Commissioner Elliott moved that the Commission grant its advice and consent for the hiring of Homer Hess and Michael Link with a starting salary of \$23,174.88, with benefits. Commissioner VanGilder seconded. President Tennant concurred.

For the record, request for reimbursement from West Virginia Division of Justice and Community Services to cover expenditures from March 1 to March 31, 2014. County Administrator Kris Cinalli stated that the request is for our Community Corrections Grant, Day Report Program and it is in the amount of \$10,416.03 for Grant # 14-CC-10.

MARION COUNTY COMMISSION
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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: 211 Adams St. Suite 301 Fairmont, WV 26554
	Project #: 14-CC-10
	FEIN#: 556000346
	Funds are hereby requested to cover expenditures FROM: March 1 TO: March 31

PROJECT CASH EXPENDITURES

Account #	Amount
Personnel	\$10,364.12
Contractual	0
Travel/Training	0
Equipment	0
Other	\$51.91
TOTAL	\$10,416.03

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: _____
TYPED NAME & TITLE

K. Call
SIGNATURE

4-9-14
DATE

(Authorized Official or Grant Financial Officer ONLY)

The Commission received a request for funding for the PACE Program in Monongah. Doctor Craig White and Don Harris made the presentation to the Commission about this pilot program. Doctor White stated that they are a 501(c) 3 organization. They are in need of funds to install new carpet, tile and do some electrical work. They are requesting \$2,000.00 from the Commission. Don Harris presented this request to the Town of Monongah and they gave \$500.00. Doctor White stated that this is an experimental project with a foothold in a small community in Southern India as well as in West Virginia in which we will try to test the concept of creating a new sector of employment which compliments both the private and public sector. He added that PACE stands for Program Advancing Community Employment.

Commissioner Elliott stated that the Commission would require a written request of the details of the program and amount of the request. He added that the Commission would take into consideration their request.

MARION COUNTY COMMISSION
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For the record, note the Commission presented the Right of Entry Agreement, for the West Fork Rail Trails Portals Project. County Administrator Kris Cinalli stated that Tony Michalski could follow up with more details. He added that this agreement needed to be signed so that the DEP could make the repairs to the washed out area. Tony added that they will then in the fall repave the entire 2.1 mile of that portion of the Trail.

Construction-NL

Project: WEST FORK RAIL TRAILS PORTALS

RIGHT OF ENTRY AGREEMENT

THIS AGREEMENT, made and entered into this 9th day of APRIL,
2014 by and between MARION COUNTY COMMISSION

hereinafter referred to as the party(ies) of the first part, and the STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, hereinafter referred to as the party of the second part:

WITNESSETH:

WHEREAS, the party(ies) of the first part is(are) the owner(s) of record of the following described property:

<u>GRANT</u> (District)	<u>MARION</u> (County)	<u>West Virginia</u> (State)
<u>4470AL, 2071AC</u> (Property Description)	<u>TM31/P25 TM32/P42</u> (Tax Map/Parcel#)	<u>1003/540</u> (Deed Book/Page#)

NOW THEREFORE, and in consideration of the benefits to be derived herefrom, the sufficiency of which is hereby acknowledged, the party(ies) of the first part hereby grant(s) unto the party of the second part, its agents, assigns, employees, and/or contractors the right and permission to enter upon the hereinabove described real estate for the purpose of restoring, reclaiming, abating, controlling or preventing the adverse effects of past coal mining practices and to do all things necessary or expedient to protect the public health, safety and/or general welfare. Said party(ies) of the first part also grant(s) unto the party of the second part the right and permission to enter upon the aforesaid real estate for the purpose of obtaining access to and from adjacent properties which may have been affected by past coal mining practices.

The party(ies) of the first part grant(s) the aforesaid rights and permission unto the party of the second part subject to the following terms and conditions:

1.) Entry and reclamation and abatement work, if any, performed by the party of the second part, its agents, assigns, employees and/or contractors shall be pursuant to the authority vested in the party of the second part by Chapter 22, Article 2, of the Official Code of West Virginia, 1931, as amended.

2.) No lien shall be filed by the party of the second part against the aforesaid real estate as a result of the reclamation and associated work performed by the party of the second part, its agents, assigns, employees and/or contractors.

3.) The party(ies) of the first part affirm(s) and attest(s) that it(they) neither consented to, nor participated in, nor exercised control over the mining operation which necessitated the reclamation work on said real estate. The party(ies) of the first part further affirm(s) and attest(s) that it(they) is(are) neither the parent corporation of or a subsidiary to a corporate entity which consented to or participated in or exercised control over the mining operation which necessitated the reclamation work on said real estate nor does any party or entity maintain a legal interest in or accrue a benefit from the party(ies) of the first part which consented to or participated in or exercised control over the mining operation which necessitated the reclamation work on said real estate.

4.) The TERM of this agreement shall be for the length of time necessary for the party of the second part, its agents, assigns, employees and/or contractors to complete reclamation work necessitated by the adverse effects of past coal mining practices on the aforesaid real estate.

5.) The party(ies) of the first part do(oes) not waive any rights which are vested in or conferred upon the party(ies) of the first part by virtue of Chapter 22, Article 2, of the Official Code of West Virginia, 1931, as amended.

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Construction Right of Entry

5.) The party(ies) of the second part and/or its contractor agree to maintain access during the construction activities and return the above described property back to a condition "equal to or better than" prior to exiting the property.

6.) Party of the Second Part shall require its contractor to carry and maintain Public Liability Insurance and Comprehensive Vehicle Liability Insurance naming the party of the first part as an additional named insured with coverage in an amount not less than \$2,000,000.00 bodily injury and property damage for each occurrence and not less than \$2,000,000.00 aggregate.

IN WITNESS WHEREOF, the party(ies) of the first part has(have) caused their name(s) to be signed hereto as of the day and year first hereinabove written.

(Address & Phone No.):

BURKH TENDANT
240 JACKSON STREET, ROOM 403
FARMINGTON, WV 26034
304-367-5400

By: Burky Burk Tennant
Title: AGENT

STATE OF West Virginia

COUNTY OF Marion, To-wit:

I, Paulette DiBolt, a Notary Public in and for said County do hereby certify that Burky Burk Tennant

_____ who signed the foregoing and hereto annexed writing bearing date the 9 day of April, 2014 has(have) this day acknowledged the same before me in my said county.

Given under my hand this 9th day of April, 2014.

My commission expires Sept 11, 2018



Paulette DiBolt
NOTARY PUBLIC

Approved By: _____
Abandoned Mine Land & Reclamation

Prepared By:
West Virginia Division of Environmental Protection
Abandoned Mine Land & Reclamation

For the Record, note the Commission received from Black Hawk Mining, Inc., Permit #2008-10; Operator Assignment (MR-19) for public view.

For the record, note the Commission received from Consolidation Coal Company Permit #U-0104-83; IBR #74, for public review.

**MARION COUNTY COMMISSION
APRIL 16, 2014**

For the record, the Commission received the notification from Time Warner of services and stations agreements about to expire.



Pamela McDonald
Vice President
Government Relations

April 1, 2014



**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:

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, Once Mexico, 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 May 1st, InDemand PayPerView Previews on Ch. 801 may be removed from the channel line-up. Effective May 1st, Lifetime Movie Network will change from the Variety Pass to the Standard TV tier and will remain on the same channel number. Digital cable ready equipment, such as a digital set-top box or CableCARD equipped Unidirectional Digital Cable Product, will be required to view Lifetime Movie Network.

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,

Pamela McDonald
Vice President of Government Relations

11325 Reed Hartman Hwy., Suite 14R, Cincinnati, OH 45241

P(513) 386-5908

pam.mcdonald@twcable.com

D. D. Meighen stated that TV 19 is up and running again. He also added that there will be a Fairmont General Hospital Special Day of Appreciation on Saturday, April 26, 2014 at the Knights of Columbus Hall in Fairmont.

Charlie Reese wished Commissioner VanGilder a happy birthday. Charlie added that the bathrooms are scheduled to be here next week and possibility installed if cranes are available.

MARION COUNTY COMMISSION
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Commissioner VanGilder stated that he ate at Noteworthy Sweets and said that it was very good. He also added that they are expanding their business by moving to the next room.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, April 23rd, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.

Burley "Butch" Tennant, President