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.
Estate of
FLEMING, FLORENCE T. (trust)
FLORI, ALBERT JR., (ward)
HAROLD, JOSEPH, II (trust)
ASHER, ASHLEY V. (ward)
GREGA, MARY M. (2nd & Final)
VANGILDER, GERALD (2nd & Final)
ICE, PRESLEY D., JR.
BALL, MARGARET ANN
SHEETS, PHYDELLAS I.
BINGAMON, JANICE M.
GREATHOUSE, NORVAL
STERLING, JOHN VICTOR
STERLING, RUTH ANN
CUNNINGHAM, NANCY
BENSON, CLAUD H., JR.
SMELL, DAVID M.
HOSEY, FLORENCE MARIE
SHACKELFORD, RONNIE HALL
WEINER, ROSE ZELLA MAE
DODD, DESSIE JOANN
LANDES, CAROLYN SUE
BICE, RAYMOND
JOHNSON, DENISE KATHLEEN ROSEMARY
CLOSSON, JOSEPH ANDREW
EDWARDS, EDITH L.
BREWER, REX A.
ESKETH, WAUNETA (AKA JUANITA) ROGERS
McCUE, ELIZABETH M.
DODD, ELIZABETH JANE SWISHER
NORTON, JUNE D.

Representative
Robert R. Winter and Keith L. Holt, Co-Trustees
Harold E. Perkins, Committee
WesBanco Bank, Trustee
Tabetha V. Asher, Guardian
Robert C. Grega, Executor DBN
Jo Ann VanGilder, Executrix DBN
Jeffrey Pat Ice, Administrator CTA DBN
James Logan Smith, Executor
Viere Jones, Administratrix
Melanie Marie Snyder, Executrix
Rodney Greathouse, Executor
John K. Sterling, Administrator
John K. Sterling, Administrator
David Vincent Kriston, Executor
Elizabeth A. Starcher, Executrix
Lisa Kay Blosser, Executor
Brent L. Van Oeysson, Administrator DBN
Rachel LeMasters, Administratrix
Diann Lynn Satterfield, Executrix
Richard Keith Dodd, II, Executor
Mary M. Hall, Administratrix
Joann B. Toothman, Executrix
Robert R. Johnson, Jr., Executor
Susan H. Closson, Administratrix
Dorthea R. McCartney, Executrix
Hannah Virginia Brewer, Executrix
Betty Feitz, Administratrix CTA
Carl W. McCue, Executor
Jacqueline Sue Pagliaro and Judith Ann
Dodd Shoulder Bennett, Co-Executrices
Ernestine O. Nigh, Executrix
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.
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.
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.
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.
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.

**Right of Entry Agreement**

**THIS AGREEMENT, made and entered into this ___ day of_____—

WHEREAS, the party(ies) of the first part (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;

<table>
<thead>
<tr>
<th>Property Description</th>
<th>West Virginia</th>
</tr>
</thead>
<tbody>
<tr>
<td>4486-44,2071,42</td>
<td>}</td>
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</tbody>
</table>

KEW 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 hereinafter described real estate for the purpose of reclaiming, reclaiming, mining, controlling or preventing the adverse affects 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 grants unto the party of the second part the right and permission to enter upon the aforementioned real estate for the purposes of obtaining access to and/or adjacent properties which may have been affected by past coal mining practices.

The party(ies) of the first part warrant(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 abandonment work, if any, performed by the party of the second part, its agents, assigns, employees and/or contractors shall be subject to the authority vested in the party of the second part by Chapter 22, Article 2, of the Official Code of West Virginia, 1971, as amended.

2. No fees 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 will(s) and agree(s) that it(s) shall neither consent to, nor participate in, nor exercised control over the mining operations which reconstituted the reclamation work on said real estate nor does any party or entity assert a legal interest in or acquire a benefit from the party(ies) of the first part which consented to or participated in or exercised control over the mining operations which reconstituted the reclamation work on said real estate.

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

5. The party(ies) of the first part do(does) not waive any rights which may have been or are to be conferred upon the party(ies) of the first part by virtue of Chapter 22, Article 2, of the Official Code of West Virginia, 1971, as amended.
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.
For the record, the Commission received the notification from Time Warner of services and stations agreements about to expire.

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.
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