

MARION COUNTY COMMISSION
APRIL 9, 2014

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, April 2nd, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.

The proceedings of Wednesday, April 2nd, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on April 3rd, 4th, 7th and 8th, 2014 were approved as submitted and signed.

*Pastor Jim Zinn of the Walnut Grove United Methodist Church led the Court with a prayer. Eric Elliott 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 2nd, 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 9, 2014
Nos. #2014-282 through #2014-306

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-282 through #2014-306. Commissioner VanGilder seconded. President Tennant concurred.

*The Commission received an **Order of Probate of Wills from the County Clerk's Office for the month of March, 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 March 1, 2014 through March 31, 2014 pursuant to West Virginia Code §41-5-10, as amended.***

MARION COUNTY COMMISSION
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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 March 1, 2014, to March 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 9th day of April, 2014.

Beryl Ruth Terrell
Kandy Elliott
Ernest VanRulder

Janice Cosco
JANICE COSCO, CLERK

David A. Glance
DAVID A. GLANCE,
FIDUCIARY SUPERVISOR

MARION COUNTY COMMISSION
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WILLS PROBATED FROM MARCH 1, 2014, TO MARCH 31, 2014

<u>Estate</u>	<u>Representative</u>
Caldwell, Virginia E.	Jennifer Taylor Allen, Executrix
Clower, Evelyn E.	William J. Ice, Executor
Cunningham, Amy G.	Regina Ogden, Executrix
Curry, Arthur	Christina Lupo Curry, Executrix
Dingess, Mac Arthur	Jamie Lee Bender, Executrix
Duncil, Wesley A.	Stacy Voyle, Executrix
Erdeljac, Phillip G.	Phillip J. Erdeljac, Executor
Grindo, Gloria A.	Frank W. Grindo, Jr., Executor
Haught, Clara Madalene (Manalene)	Brenda K. Haught, Administratrix CTA
Hawkins, Madeline Vereta	Rene Robinson, Executrix
Hayes, Helen Louise	Zula Hall, Executrix
Hoard, Margaret Ann	James Edmund Hoard, Executor
Howell, Laura K.	Shirley Jeanne Howell, Executrix
Konopko, John	Vanessa L. Underwood, Executrix
Manzo, Helen C.	Debra Ann Vandetta, Executrix
Owens, Frederick E.	Sandra G. Owens, Executrix
Parks, Barry W.	Lee Ann Linger Vincent, Executrix
Poling, Newton	J. Scott Tharp, Executor
Rodeheaver, Don P.	Dolores J. Rodeheaver, Executrix
Serian, John Ralph	John Serian, Executor
Straight, Gertrude Mary	Christine Long, Executrix
Summers, Sharon K.	James F. Delligatti, Executor
Valero, Bernardino	Sandra Lee Valero, Executrix
Vasicek, Edward Francis	Richard Junior Vasicek, Executor

201400003870
Filed for Record in
MARION COUNTY, WV
JANICE COSCO, COUNTY CLERK
04-09-2014 At 11:18 am.
ORDER .00
Book 68 Page 137 - 138

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

MARION COUNTY COMMISSION
APRIL 9, 2014

The Commission presented a Resolution to Support the Designation of the West Fork River Water Trail System.

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

**A RESOLUTION TO SUPPORT THE DESIGNATION
OF THE WEST FORK RIVER WATER TRAIL SYSTEM**

Whereas, the West Fork River is a unique natural resource of great economic, aesthetic, social and physical value to the community; and

Whereas, sustainable development of resources held in the common trust of the people, including green-spaces such as parks and trails and waterways, is beneficial to the economic, social and physical health of the region and its constituents; and

Whereas, access to valuable natural resources, such as the West Fork River, promotes tourism and draws visitors from outside of the region, to the benefit of local business and property values; and

Whereas, a Water Trail is a route for boaters on a stretch of river, or other waterway, that has been mapped, and contains facilities that enable access, points of interest and informational resources; and

Whereas, the intent of a Water Trail is to create educational, scenic, historical, or recreationally rewarding opportunities for canoeists and kayakers traveling on the waterway; and

Whereas, the WV Recreational Trails Advisory Board has outlined a process for state designation of Water Trails; and

Whereas, the US National Parks Service has outlined a process for designation into the National Water Trail System; and

Whereas, the West Fork River is already known state-wide as a unique and valuable waterway for recreational activity, and one of the top rivers for river recreation and fishing in the State of West Virginia; and

Whereas, designation of official access points to the river will foster greater goodwill between residents and visitors accessing the river; and

Whereas, designation of the West Fork River Water Trail will enable private landowners to partner with public entities, such as DNR, DOH and FOC for liability protection and management of access sites; and

Whereas, the West Fork River Water Trail System will serve as a resource to inform visitors of the benefits and risks of watersports, and with additional easily accessible information, the general public using the West Fork River will be safer and better informed.

MARION COUNTY COMMISSION
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Now, Therefore, Be It Resolved, that the Marion County Commission will support local efforts to designate the West Fork River Water Trail system, beginning with the West Fork River Water Trail to be established between Stonewall Jackson Reservoir and Fairmont, WV.


Entered: 4-9-14


Burley "Butch" Tennant, President


Randy J. Elliott, Commissioner


Ernie VanGilder, Commissioner

ATTEST:


COUNTY CLERK

Commissioner Elliott moved that the Commission sign the Resolution to Support the Designation of the West Fork River Water Trail System. Commissioner VanGilder seconded. President Tennant concurred.

The Commission received a request for advice and consent of the Commission from Pat Wilson, Prosecuting Attorney, to accept the resignation of Lea Ann Hawkins, effective March 28, 2014.

**MARION COUNTY COMMISSION
APRIL 9, 2014**



PROSECUTING ATTORNEY OF MARION COUNTY

PATRICK N. WILSON
213 JACKSON STREET
FAIRMONT, WEST VIRGINIA 26554
TELEPHONE (304) 367-5380 • FAX (304) 368-0930

CHIEF ASSISTANT
JEFFREY L. FREEMAN

ASSISTANTS
LEA ANNE HAWKINS
JENIFER L. PIGOTT
L. ELIZABETH SHAW
DANA R. SHAY
CHARLES A. SHIELDS
MINDY M. PARSLEY
JONATHAN A. WRIGHT

VICTIM ADVOCATE
KIM HAWKINS
(304) 367-5383

INVESTIGATOR
DONALD HARRIS
(304) 367-5438

March 31, 2014

Marion County Commission
200 Jackson Street, Room 403
Fairmont, WV 26554

Re: Prosecuting Attorney's Office
Advice and Consent to Accept Resignation of Lea Anne Hawkins

Dear Commissioners:

Please accept this letter as a formal request for the advice and consent of the Marion County Commission regarding the acceptance of the resignation of Lea Anne Hawkins as an Assistant Prosecutor. Ms. Hawkins' last day of employment was March 28, 2014. I will provide a copy of her letter of resignation upon my receipt of same.

Thank you for your assistance in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Patrick N. Wilson".

Patrick N. Wilson,
Prosecuting Attorney

PNW/jls

*Commissioner Elliott moved that the Commission grant our advice and consent to accept the resignation of Lea Ann Hawkins. Commissioner VanGilder seconded. President Tennant concurred. **President Tennant stated** to the Court that the reason is that she was appointed as the Prosecuting Attorney of Lewis County.*

*The Commission received a request **budget revision request in the Coal Severance Contribution line.** County Administrator Kris Cinalli stated that the **Outside Agencies are finding it difficult to obtain grant funding due to a shortage of funds available for grants that the Commission needs additional funds to assist these organizations in performing their functions this year.** He added that this transfer will be in the amount of **\$120,000.00.***

MARION COUNTY COMMISSION
APRIL 9, 2014

Marion County Commission

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



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Commissioners,

The following budget revision is necessary in our Coal Severance Contributions line:

002-401-568-00	Increase
Coal Contributions	\$120,000.00

002-699-567-00	Decrease
Coal Contingencies	\$120,000.00

Entered: 4-9-14

Commissioner Elliott moved that the Commission sign the budget revision in the amount of \$120,000.00. Commissioner VanGilder seconded. President Tennant concurred.

The Commission received a request budget revision request in the Assessor's budget.

Marion County Commission

BURLEY "BUTCH" TENNANT, JR.
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Commissioners,

The following budget revision is necessary in the Assessor's budget:

001-406-109-00	Increase
Assessor Part-time	\$32,000.00

001-406-342-00	Increase
Assessor record books	\$1,000.00

001-699-567-00	Decrease
Contingencies	\$33,000.00

Entered: 4-9-14

Commissioner Elliott moved that the Commission sign the budget revision in the amount of \$33,000.00. Commissioner VanGilder seconded. President Tennant concurred.

MARION COUNTY COMMISSION
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The Commission received a request budget revision request from Tina Cowger, WVU Extension Agent. Kris Cinalli stated that this budget revision is in the amount of \$350.00.

 **Marion County Commission**
West Virginia University

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

Address Correspondence to:
200 JACKSON STREET • ROOM 403
FAIRMONT, WEST VIRGINIA 26554
April 3, 2014 (304) 367-5400
FAX (304) 367-5431



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

Dear Commissioners:

Please consider the following line item request for the 2013-2014 Agriculture Office Budget.

In Line Item 002-412-219, we have budgeted \$3,200.00 for our copier lease and any overages. In November 2013, our office signed a new copier lease agreement with Leaf, Inc. that was to be \$185.50 per month (\$2,226/year). However, the company is now charging us a monthly insurance rate (\$14.45/month) that was not included in the original fee. Our new total monthly fee for our copier is \$199.95.

Additionally, the General Fund Account was credited with a refund of \$208.00 from Key Equipment for our previous lease. We would like to request a total of \$350.00 (the refund amount and an additional \$142.00) for expected costs related to our copier lease and overages from now to June 30, 2014.

As for the 2014-2015 fiscal year, we do not expect there is a need to increase this line item.

Sincerely,



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

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

Marion County Extension Office
314 Monroe Street
2nd Floor Jacobs Building
Fairmont, WV 26554

Equal Opportunity/Affirmative Action Institution

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

The Commission received a request for reimbursement from West Virginia Division of Justice and Community Services to cover expenditures from April 1, 2014 to April 30, 2014. Kris Cinalli stated that this request is for our Victim's Advocate Grant, 12-VA-011 in the amount of \$2,396.00.

**MARION COUNTY COMMISSION
APRIL 9, 2014**

WEST VIRGINIA DIVISION OF JUSTICE AND COMMUNITY SERVICES	Request for Reimbursement
RECEIVED (For DJCS Use Only)	Subgrantee: Marion County Commission
	Address: 200 Jackson Street Fairmont, WV 26554
	Project #: 12-VA-011
	FEIN#: 55-600-346
	Funds are hereby requested to cover expenditures FROM: April 1, 2014 TO: April 30, 2014

PROJECT CASH EXPENDITURES

CATEGORY	AMOUNT
Personnel/Contractual	2396.00
Travel/Training	
Space	
Other	
TOTAL	2396.00

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

Commissioner Elliott moved that the President sign the grant request. Commissioner VanGilder seconded. President Tennant concurred.

The Commission presented the re-appointment(s) to the Marion County Development Authority Board. The re-appointments are for Brent Skidmore, representing Business/Industry and Labor appointee and Donna Costello representing the Town of Farmington.

Commissioner Elliott moved that the Commission re-appoint Brent Skidmore as the Business/Industry and Labor appointee and Donna Costello representing the Town of Farmington to the Marion County Development Authority for a three year term. Commissioner VanGilder seconded. President Tennant concurred.

For the record, note the Commission President signed the Agreement between the Division of Culture and History for and on behalf of Archives and History for and on behalf of Records and Management and Preservation Board and the Marion County Commission for the County Clerks Record Room grant indexing the birth, death and marriages records that have yet to be computerized.

For the record, note the Commission received the Whitehall Public Service District's Independent Auditor's Report and Related Financial Statements for the Years Ended June 30, 2013 and 2012.

Ted Offutt Director of the Day Report Program stated that he was very pleased with the remodeling of the Law Tower building project by our maintenance Department; they are doing an excellent job. Ted also added that Region VII is doing 6 hours of GED training. He is also setting up a library and computer lab for those involved in this program to assist in their growth and knowledge.

MARION COUNTY COMMISSION
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Commissioner Elliott stated that the Marion County Convention and Visitors Bureau has prepared and dropped off some packets of Marion County's site to see. He added that there are also some good articles in the magazine especially on Nick Saban, Rich Rodriguez and Mary Lou Retton. He said pick them up for review after the meeting.

Charlie Reese stated that Brian Kalt of the Fairmont Brine Processing is in attendance with Kathy Mazzei an assistant for his company. Charlie also added that Jim Christy of the WV DNR informed him that Thrasher Engineering was approved as the project design of the park of the docks and boat ramp.

President Tennant stated that the Palatine Park Project is coming along very well and is ahead of schedule.

President Tennant asked Janice Cosco the Clerk how the election process was going. She added that we are having difficulty with Poll Workers cancelling.

Commissioner VanGilder stated for the record that he wanted to give out a special thanks to Gwynn Tire for their remodeling of their store on Fairmont Avenue. He also added that Todd Morgan has done a nice job with their dry cleaning facility as well, both utilizing their own funds to do these projects.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, April 16th, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.

Burley "Butch" Tennant, President