

**MARION COUNTY COMMISSION
COUNTY COURT
MAY 15, 2013**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, May 8th, 2013. Present were Commissioner Tennant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, May 8th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on May 9th, 10th, 13th and 14th, 2013 were approved as submitted and signed.

*D. D. Meighen led the Court with a prayer. Thomas F. Antulov, deputy county clerk led the Court with the Pledge of Allegiance. **President Elliott called the meeting to order. Commissioner Tennant moved to dispense with the reading of the minutes of Wednesday, May 8th, 2013 and accept them as presented. Commissioner VanGilder seconded. President Elliott concurred.***

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

***Dated May 15, 2013
Nos. #2013-354 through #2013-406***

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President sign Nos. #2013-354 through #2013-406. Commissioner VanGilder seconded. President Elliott 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 May 15, 2013.

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 May 6, 2013, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.

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Estate of

Representative

SPRAGG, ROBERT W. (2nd & Final)
TESTA, MABEL (2nd & Final)
STURM, KATHERN SHAVER
HIGH, JUNE F.
ROGUCKI, STANLEY, SR.
DAY, ROY E.
MAINELLA, DAVID PATRICK, JR.
HUMPHREY, ROSEMARY E.
CODAGNONE, MARY K.
NEWBROUGH, MARIANNE M.
VanHORN, PAUL WAYNE
PLACHTA, ELIZABETH O. (aka Elizabeth M.)
SIMPSON, JAMES ROY
RADCLIFF, RONALD
BATSON, LEORA J.
MORAN, OSCAR E.
CORPIEL, MARY MAHOSKY
DELANEY, MICHAEL JOSEPH
KREPPS, CARLTON PHILLIP
WILKINSON, DENZIL JAMES
MONELL, PAUL A.
KINCELL, CHARLES K. SR.
BROWN, ALBERT GRANT, JR.
WILSON, GEORGE O.

Randall L. Spragg, Executor DBN
Patricia E. Retton, Admr, CTA DBN
Karl S. Shaver, Executor
Elizabeth Ann High, Executrix
Frank C. Rogucki, Executor
Roy E. Day, Jr., Executor
Shirley Ann Mainella, Executrix
Michael L. Jones, Executor
Pamela Vingle, Executrix
Tim M. Newbrough, Executor
Evelyn Carson, Administratrix
Joseph P. Plachta, Executor
David M. Haun, Executor
Judith J. Radcliff, Executrix
Richard E. Knight, Executor
Janice Elaine Cruikshank, Executrix
Stephen M. Matusky, Executor
Anne T. Delaney, Executrix
Carolyn Sue Krepps, Executrix
Calantha Mae Wilkinson, Executrix
Pauline D. Monell, Ancillary Admr.
Joann C. Kincell, Executrix
Dorothy A. Brown, Administratrix
Kathy Wilson Haymond, Executrix

ENTER: May 15, 2013



Randy Elliott, President


Burley "Butch" Tennant, Commissioner


Ernie VanGilder, Commissioner

ATTEST:


Janice Cosco, County Clerk


David A. Glance, Fiduciary Supervisor

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

The Commission received a Resolution to Accept Conditions of the Contract for West Virginia Community Participation Program Funds and to Authorize Signature on behalf of the Statewide 211 Program. County Administrator Kris Cinalli stated that this grant is in the amount of \$100,000.00 that will provide information throughout the State of services that are provided for and where they are located.

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Marion County Commission

RANDY J. ELLIOTT
President

BURLEY "BUTCH" TENNANT, JR.
Commissioner

ERNIE J. VANGILDER
Commissioner



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

RESOLUTION

TO ACCEPT CONDITIONS OF THE CONTRACT FOR WEST VIRGINIA
COMMUNITY PARTICIPATION PROGRAM FUNDS AND TO AUTHORIZE
SIGNATURE

WHEREAS, One hundred thousand dollars (\$100,000.00) in
Community Participation Program Funding was requested by the Marion
County Commission, on behalf of the Statewide 211 Program,

WHEREAS, an application for these funds was received and
approved by the West Virginia Development Office; and,

WHEREAS, the Community Participation Program requires that a
local government unit sponsor said application.

NOW, THEREFORE, BE IT RESOLVED BY THE MARION COUNTY
COMMISSION OF WEST VIRGINIA that the Commission President be
authorized to accept one hundred thousand dollars (\$100,000.00) in
Community Participation Program funds for the Marion County
Commission on behalf of the Statewide 211 Program and that he be
empowered to sign the contract necessary to obtain these funds.

DATE: May 15 ,2013


Randy J. Elliott, President


Burley Butch[®] Tennant, Commissioner


Ernie VanGilder, Commissioner

ATTEST:


Janice Cosco, County Clerk

***Commissioner Tennant moved that the Commission sign the Resolution.
Commissioner VanGilder seconded. President Elliott concurred.***

***The Commission presented the Proclamation for "Julia Augusta Robertson
Pierpont Day".***

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Proclamation

WHEREAS, JULIA AUGUSTA ROBERTSON PIERPONT as a valuable partner to her husband, Governor Francis Pierpont, aided him without fear or favor during his trying public life; and

WHEREAS, during the Civil War, true to her abolition background, Mrs. Pierpont set an example worthy of emulation in her sacrifices for the preservation of the Union and her systematic organization of relief to the Union soldiers; and

WHEREAS, as a result of her tireless patriotism, Mrs. Pierpont became the first West Virginia woman to be made a member of the Grand Army of the Republic; and

WHEREAS, soon after the conclusion of the Civil War, she organized the First Memorial Day to honor those that have made sacrifices in the time of War defending this Country.

NOW, THEREFORE, BE IT RESOLVED that the Marion County Commission does hereby proclaim the Saturday preceding Memorial Day as

JULIA AUGUSTA ROBERTSON PIERPONT DAY
in Marion County.

Given under our hand and the Seal of the County of Marion this the 22nd Day of May, 2013


MARION COUNTY COMMISSION

RANDY ELLIOTT, PRESIDENT

BURLEY (BUTCH) TENNANT, JR, COMMISSIONER

ERNERST VANGILDER, COMMISSIONER

ATTEST:


JANICE COSCO, COUNTY CLERK



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

The Commission presented the Intergovernmental Agreement between the County and Municipalities for Floodplain Management Assistance. County Administrator Kris Cinalli stated that the County will be providing this information to those Municipalities who request this information at no charge.

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Kris Cinalli continued that Chuck Shields has reviewed the Agreement and had made some changes and he has approved the document.

INTERGOVERNMENTAL AGREEMENT

This AGREEMENT, made this 15th day of May, 2013, between the COUNTY of Marion, a political subdivision of the State of West Virginia and body politic, hereinafter called the COUNTY, and the MUNICIPALITY of _____, a municipal corporation located in said county and state, hereinafter called the MUNICIPALITY.

WITNESSETH

WHEREAS the COUNTY adopted a flood damage reduction ordinance to comply with National Flood Insurance Program eligibility requirements (Floodplain Ordinance) and in accordance with the provisions adopted by the State Legislature.

WHEREAS the COUNTY has adopted and enforces this Floodplain Ordinance, and the MUNICIPALITY has adopted such an ordinance but needs assistance with mapping and assessment thereof, and

WHEREAS the MUNICIPALITY has requested the COUNTY to extend its Floodplain Ordinance Management program to include the MUNICIPALITY, and to assist with Floodplain Determinations within the MUNICIPALITY and the COUNTY has agreed to provide such services to the MUNICIPALITY, and within the MUNICIPALITY, and

WHEREAS the COUNTY and the MUNICIPALITY, in order to set out the provisions and conditions under which said services will be provided to the MUNICIPALITY by the COUNTY, have entered into an interlocal agreement as authorized by §7-1-3Q of the State Code of WV.

NOW THEREFORE, the COUNTY and MUNICIPALITY agree that:

1. **Purpose.** The purpose of this agreement is to set forth in writing the terms and conditions upon which the COUNTY will furnish to the MUNICIPALITY Floodplain Determinations within the MUNICIPALITY.
2. **Term.** This agreement shall cover the period of one year beginning with the date hereof, and it shall be automatically renewed from year to year unless one party shall give to the other written notice of its intention to terminate the agreement at the end of the then current term.
3. **Services to be Provided.** The COUNTY will provide Floodplain Determination services to the MUNICIPALITY in accordance with the applicable West Virginia laws and regulations. If a violation of a determination occurs, (or rebuilds incorrectly), it becomes the MUNICIPALITY'S responsibility to issue Stop Work Orders, revoke permits or seek an Injunction or take other legal steps against the violator pursuant to 7-1-3kk of the WV State Code.

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The MUNICIPALITY will assure that all development within their jurisdictional boundary displays a permit placard. The MUNICIPALITY will be responsible for all enforcement through the Court.

4. **Compensation.** The COUNTY will receive and retain as its compensation for the services provided the MUNICIPALITY under this agreement all fees provided by law for such services.
5. **Amendments.** Any amendment to the agreement shall be in writing and executed by the COUNTY and the MUNICIPALITY.
6. **Indemnification.** Municipality agrees to indemnify and hold harmless the County, its officers, agents, employees or representatives, from any liability, loss or damage of any kind or any nature, it may suffer as a result of claims, demands, costs or judgments against it arising out of the use of or reliance upon any information of any nature whatsoever or any flood plain determinations made and provided by the County to Municipality pursuant to County's obligations under this Agreement, including, but not limited to, the use by municipality of the results obtained from the activities performed by the County under this Agreement; provided, however, that any such liability, loss or damage resulting from the following Subsections "a" or "b" is excluded from this Agreement to indemnify and hold harmless:
 - a. the negligent failure of County to substantially comply with an applicable FDA or other governmental requirements, or
 - b. the negligence or willful malfeasance of any, officer, agent or employee of the County.

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed, and their corporate seals to be affixed by their duly authorized corporate officers, in duplicate originals, one of which is retained by each part, the day and year first above written.

(SEAL)	County of _____
By _____	By _____
Clerk to the Board	President, County Commission

(SEAL)	Municipality of _____
By _____	By _____
Town Clerk	Mayor/Manager

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

The Commission presented the Appointment of Robert B. Leezer to the Board of the Monumental PSD. County Administrator Kris Cinalli stated that Mr. Leezer will complete the term of Ned Poe and then be re-appointed to a full three year term for that position.

Commissioner Tennant moved that the Commission appoint B. Leezer to the Board of the Monumental PSD to replace Ned Poe through September 30th, 2013 and then be re-appointed to a full term. Commissioner VanGilder seconded. President Elliott concurred.

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The Commission received a request for funds from East Dale Elementary and Pleasant Valley Elementary for the Destination Imagination competition. Diane Watson and Stephanie Konya presented the request to the Commission. They had a budget \$8,000.00 and they have raised \$6,000.00 in two and one half weeks. They are requesting whatever amount of funds the Commission can contribute to this function.

Kris Cinalli

From: toates@access.k12.wv.us
Sent: Wednesday, May 08, 2013 2:43 PM
To: kcinalli@marioncountywv.com
Cc: kbeckman@access.k12.wv.us
Subject: East Dale Destination Imagination

Members of the Marion County Commission,

Destination Imagination teams from across the state competed two weekends ago at East Fairmont High School. It is with great pride to inform you that East Dale Elementary School had not one, but two teams that won their respective categories. They now have the opportunity to compete in the World competition in Knoxville, Tennessee! The teams have been raising money and have come up a little short on funding. It would be greatly appreciated if the Commission would consider supporting the teams in reaching their goal of attending the World Competition and representing the state of West Virginia. Thank You for your Support!!

--

Travus Ray Oates
Principal
Barnes Learning Center

Randy Elliott

From: Diane Watson [kayleemichelle@hotmail.com]
Sent: Wednesday, May 08, 2013 9:50 AM
To: relliott@marioncountywv.com
Subject: Follow-up Email
Importance: High

Good Morning Commissioner Elliott,

I was just following up from an email that I sent you on Monday. I was asking for support for the Pleasant Valley Destination Imagination Team. We are making a trip to the global competition in Knoxville in 2 1/2 weeks and we are trying to raise about \$8000. We were only given a 3 week time frame to fund raise since we never dreamed as a first year team we would win a bid to the global competition.

Is it possible for the Marion County Commission to support us in the once of a lifetime trip for some of our team members ? Our kids have been working very hard on fundraising, but with our small window it is going to be next to impossible for us to do it alone. Any financial help would be greatly appreciated.

If you need to contact me or wish for me to come in and talk to you, I can be reached at 304-612-2910. Thank you for your time and consideration.

Sincerely,

Diane Morris-Watson, DI Team Coach

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Help the Pleasant Valley Investigators Compete in a Worldwide Creativity Competition!

This month, 7 students and 4 team leaders from Pleasant Valley Elementary school will travel to the University of Tennessee to compete in a global competition against schools from 48 states and 30 countries in an event called "Destination Imagination."

Destination Imagination (DI) is a nonprofit, creative problem solving program for students of all ages. Teams solve "Challenges" over a period of several months, then compete by performing their solutions, which are in the form of a presentation with many different elements, ranging from motorized vehicles to costumes made entirely of duct tape. All work is done exclusively by the students and completely far-fetched, creative solutions are encouraged! Because of this wide range of possibilities, DI appeals to students with lots of varied interests, who come out of the program with teamwork and leadership skills, more confidence, and the ability to think on their feet.

We are asking you to help our team realize its goal of going to Globals! The trip to Global Finals in Knoxville, TN this month will cost \$8695 and be paid for by fundraising efforts of students and parents. In addition to fundraising activities we are asking local businesses and organizations for donations of \$100 - \$1000 to help us meet our final goal of \$8695 and support this wonderful program.

Please say yes to our request and if you have any questions call Diane Watson, Team Coach, at 304-612-2910. You can also contact Stephanie Konya, Assistant Team Coach, at 304-376-9540.

Thank you for your consideration of this wonderful program.

The Pleasant Valley Investigators

Kayla Watson
Gaylin Darter
Stephanie Darter
Clayton Konya
Rowan Feitynar

Brittany Colerly



Josh Weint

Commissioner Tennant moved that the Commission give each team \$500.00 per team for a total of \$1,500.00 and that those funds be appropriated from the Lottery Fund. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Approval of the Fiscal Year 2013 Land Books.

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

For the record, note the Commission received the Audit Report of the Marion County Board of Health for the fiscal year ended June 30, 2011. Lloyd White reported that there were no findings.

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Chief Inspector Division
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State Capitol, Building 1, Suite W-100
Charleston, West Virginia 25305

State of West Virginia
Glen B. Gainer III
State Auditor and
Chief Inspector

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April 29, 2013

The Honorable Randy Elliott, Chairman
Marion County Board of Health
300 Second Street
Fairmont, West Virginia 26554

Dear Mr. Elliott:

Enclosed is a copy of the audit report of the Marion County Board of Health for the fiscal year ended June 30, 2011.

As the recipient, you are required to notify all members of the governing body of the receipt of this report and related correspondence and make the contents available for inspection by all such officers. You are also advised that this report, under the provisions of West Virginia Code § 6-9-9a, is considered public information and must be made available for public inspection.

While we are pleased to note that the audit report does not contain instances of noncompliance or internal control weaknesses, it remains the responsibility of all members of the governing body to review the audit report and strive to maintain a high quality of service for the community.

If I can be of further assistance, please do not hesitate to contact this office.

Very truly yours,

Charles K. McKinney
Assistant Chief Inspector
Chief Inspector Division

CKM/et
Enclosure

cc: Hon. Randall J. Elliott, President
Marion County Commission

Dept. of Health and Human Resources
Debbie McGinnis, Audit Research and Analysis

Division of Local Health
Amy Atkins, Director

County Administrator Kris Cinalli stated that the Glen Satterfield was present at today's meeting and that we should present him the Proclamation declaring May 1, 2013 in honor of Glen Satterfield, which he read to the court. The Commission presented the Proclamation to Glen Satterfield.

Lloyd White stated that there will be a Marion County Rescue Squad open house on Saturday, May 18th, 2013.

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The Assessor Jim Priester presented to the Commission a proposal from Global Science Technologies on their software system that would work in the both the Assessor's and Tax Office. He added that the Chief Tax Deputy from the Tax Office does not want to change systems. Jim further added for the record and presented the bills which Software Systems of Morgantown charges for phone calls where we contact them to assist us with their system.

Ted Offutt Director of the Day Report Center spoke about recognizing National Law Enforcement Memorial Day. He also mentioned Derek Hotsinpiller a graduate of Fairmont State University who was killed in Elkins. Ted also added that if any non-profit is seeking help from his Day Report community service workers, they need to get in contact quickly because their schedule is filling up fast. He continued that he will be presenting their grant application at the end of May in which Marion County will be requesting over \$300,000.00 mainly because every county shall have drug court. Marion and Putnam Counties will be the next to be licensed and this is tied into the Day Report Program and this will require us to obtain additional space. President Elliott stated that they are looking into this matter and will come up with a solution to assist them in this matter.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, May 22nd, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President