

**MARION COUNTY COMMISSION**  
**JULY 9, 2014**

*The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, July 2<sup>nd</sup>, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.*

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

*Pastor Janice Smith led the Court with a prayer. Rick Hardman 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, July 2<sup>nd</sup>, 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 July 9, 2014**  
**Nos. #2014-595 through #2014-621**

*Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-595 through #2014-621. 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 May, 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 June 1, 2014 through June 30, 2014 pursuant to West Virginia Code §41-5-10, as amended.*

**MARION COUNTY COMMISSION**  
**JULY 9, 2014**

BEFORE THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

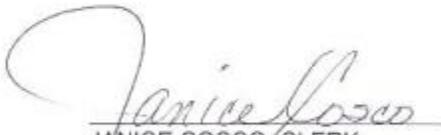
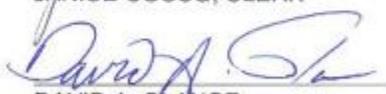
IN RE: CONFIRMATION OF PROBATE OF  
WILLS, BY CLERK IN VACATION

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 June 1, 2014, to June 30, 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 July, 2014.

  
JANICE COSCO, CLERK  
  
DAVID A. GLANCE,  
FIDUCIARY SUPERVISOR


**MARION COUNTY COMMISSION**  
**JULY 9, 2014**

WILLS PROBATED FROM JUNE 1, 2014 THROUGH JUNE 30, 2014

<u>Estate</u>	<u>Representative</u>
Amos, JoAnn	Raymond Earl Amos, Jr., Executor
Angelilli, Helen	Robert Angelilli, Executor
Barta, Henry	Barbara Ann Barta Hornyak, Executrix
Bunner, Clyde William	Clyde Douglas Bunner, Executor
Carden, Chester W.	Donald J. Bright, Executor
Carpenter, Herman D.	Roger D. Brady, Executor
Dixon, Jack	Michelle Fleming, Executrix
Ellifritz, Dora Ellen	Nelson Lynn Ellifritz, Executor
Gouzd, Helen Louise	Paul W. Hayhurst, Executor
Kisner, M. Marie	Diane Marie Bashar and Max D. Kisner, Co-Executors
Kisner, Virginia Mae	Donald R. Kisner and Elizabeth Carol Reese, Co-Executors
Kolar, Henry J., Sr.	Henry J. Kolar, Jr., Executor
Light, Clifton J., Sr.	Carol S. Light, Executrix
Manzo, Mario	Eudizia Manzo, Executrix
Morgan, Lois C.	James Gregory Morgan, Executor
Murphy, Alladean C.	Steven L. Murphy, Executor
Oreskovich, Rosemary	Steve Oreskovich, Executor
Prince, Judith A.	Billy E. Prince, Executor
Richards, Ernest James, Sr.	Donna Ann Talbert, Executrix
Slay, Barbara Kay	Joseph Wayne Simms, Executor
Thompson, Christine K.	H. Stephen Thompson, Executor

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WILLS PROBATED FROM JUNE 1, 2014 THROUGH JUNE 30, 2014, continued

<u>Estate</u>	<u>Representative</u>
Villers, Marabelle R.	James E. Herlihy, Admr. CTA
Vorselen, Lois Spoonauer	Janet Leigh Paris, Ancillary Executrix
Warash, Teresa Ann	Connie Jean Warash, Executrix

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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  
JULY 9, 2014**

***The Commission received a request for advice and consent regarding the hiring of Brandon Flower as a full time Assistant Prosecuting Attorney, with benefits, effective July 14, 2014.***



**PROSECUTING ATTORNEY OF MARION COUNTY**

PATRICK N. WILSON  
213 JACKSON STREET  
FAIRMONT, WEST VIRGINIA 26554  
TELEPHONE (304) 367-5300 • 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

July 2, 2014

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

Re: Prosecuting Attorney's Office  
Advice and Consent for Brandon Flower

Dear Commissioners:

Please accept this letter as a formal request for the advice and consent of the Marion County Commission regarding the hiring of Brandon Flower as a full-time Assistant Prosecuting Attorney with benefits for the Marion County Prosecuting Attorney's Office. My intention is to hire Brandon Flower for this position effective July 14, 2014. Mr. Flower will be filling the position that was vacated after Lea Anne Hawkins was appointed Prosecuting Attorney of Lewis County.

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 its advice and consent to hire Brandon Flower as a full time Assistant Prosecuting Attorney. Commissioner VanGilder seconded. President Tennant concurred.***

***The Commission received a request for funding from Marion County Girls Fast Pitch Softball Association.***

**MARION COUNTY COMMISSION  
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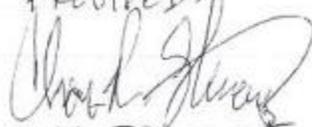
JULY 9 AGENDA

MARION COUNTY GIRLS FAST PITCH SOFTBALL ASSOCIATION IS IN DIRE NEED OF ASSISTANCE DUE TO THE WEATHER OUR FUNDS HAVE BEEN EXHAUSTED. UNFORSEEN EXPENSES INCLUDE:

1. 5 1/2 TONS OF SAND.
2. PITCHING RUBBER TWICE.
3. HOME PLATE TWICE.
4. GAS AND DIESEL FUEL FOR EQUIPMENT.
5. COUNTLESS AMOUNTS OF CONCESSION FOOD HAD TO BE THROWN OUT DUE TO TOO MUCH TIME BETWEEN GAMES.
6. FIELD TARP WAS UNUSABLE THIS YEAR.
7. MULTIPLE PURCHASES OF FIELD MARKING LIME DUE TO THE RAIN.

IN THE DURATION OF A "GOOD" SEASON, OUR CONCESSION MAINTAINS ITSELF AND UMPIRE FEES @ \$45<sup>00</sup> PER GAME. WITH THE ABOVE MENTIONED CIRCUMSTANCES THIS SEASON, WE HAVE HAD A LARGER CASH OUTLAY THAN EVER BEFORE. THANKING THE COMMISSION IN ADVANCE FOR ANY AID PROVIDED.

NEED  
\$4000

  
VICE PRESIDENT  
MCG.F.P.S.A.  
Connie Stevens  
Treas.

**Commissioner Elliott moved that the Commission grant \$1,000.00 to the organization and that those funds be appropriated from the Coal Severance Fund. Commissioner VanGilder seconded. President Tennant concurred.**

**The Commission received a request for funding from Marion County Starts Smart.**

**MARION COUNTY COMMISSION**  
**JULY 9, 2014**



002-401-568-00  
Send To:  
First count of amount  
1604 instructions and  
Form 05, inv 2657

Proposal: A Countywide Backpack/School Supply giveaway before school starts at Marion County Election Center.

\$3,000.

Reason: To help as many children as possible.

Marion County facts:

"Items such as backpacks, tissues, baggies, hand sanitizer, specialized binders and folders are not considered 'integral and fundamental'- WV Department of Education (Randolph County BOE v. Adams, 1995)

8104 Students in Marion County Public Schools

+228 Students home school in Marion County

+260 in Private schools

8592 total students in Marion County

3894 Students on free/reduced lunch

- 517 backpacks given away last year through different Organizations

3377 Students started school with little or nothing

Marion County has seven (7) Title 1 Schools (Schools with high consideration of low income students), on average 58.26% of these students are free/reduced lunch.

What I want from you:

- Collection sites
- Monetary donations
- Volunteers

Please contact me for more information at greter91@comcast.net-- Teresa Wright

***Commissioner Elliott moved that grant \$3,000.00 to the organization and that those funds be appropriated from the Coal Severance Fund. Commissioner VanGilder seconded. President Tennant concurred.***

***The Commission received the Presentation for Tri-Fold Fund Raiser from Dora Grubb. County Administrator Kris Cinalli asked the Commission to remove this from the agenda because Dora is still gathering information that has not yet come to her office.***

***Commissioner Elliott moved that the Commission removed this item from the agenda. Commissioner VanGilder seconded. President Tennant concurred.***

***For the record, note the Commission presented the Deed to Fairmont Adams Bank Investors, LLC.***

***For the record, note the Commission received from LP Mineral LLC their Surface Mine application-SMA-1, S-2003- 14 for public review.***

**MARION COUNTY COMMISSION  
JULY 9, 2014**

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



June 30, 2014



Pamela McDonald  
Vice President of Government Relations

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, NHL Network, NHL Network HD, NHL Center Ice, Once Mexico, You Too TV, You Too TV HD, Zap2It, CCTV News, FearNet, Gol TV, Gol TV HD, Jewelry TV, Once Mexico, Outdoor Channel, Outdoor Channel HD, YES Network, YES Network HD, RFD

STARZ® will offer a Free Preview AUGUST 8-10, 2014. It is available to all Digital subscribers and may contain PG, PG-13, TV-14, TVMA and R rated programs. To find out how to block this Preview, and for more parental control information, visit [twc.com](http://twc.com) or call 800-892-2253.

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](http://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  
Time Warner Cable

*Commissioner Elliott moved that next week's meeting be cancelled due to conflicts in various meetings amongst the commissioners and other groups. Commissioner VanGilder seconded. President Tennant concurred.*

*Commissioner Elliott stated that the next meeting would be on Wednesday, July 23<sup>rd</sup>, 2014 at 10:00 a.m.*

*President Tennant wanted to thank all those who participated in the 4<sup>th</sup> of July Celebration. He added that a group of Boy Scouts after the event cleaned up the Park by picking up all of the trash. President Tennant added that the Commission gave all of the Boy Scouts a pass to the Wave Tech Pool.*

*Charlie Reese also thanked all who participated in the 4<sup>th</sup> of July Celebration Event at the Palatine Park; it was a great success.*

*Rick Hardman of the Korean War Memorial and Flag group came before the Commission to try to clear up the monument issue and the amount of funds that would be needed in order to complete the project.*

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**Rick Hardman stated** that he believed that approximately \$8,000.00 should complete the installation of the brick around the memorial; that could be a phase that would show some progress. He added that the financial assistance they need is \$59,000.00 for the laying of the bricks and installing to the limestone panels.

**Commissioner VanGilder asked** if the \$8,000.00 was included in the \$59,000.00 estimate. **Rick Hardman replied** in the affirmative. **Commissioner VanGilder asked** how much the total cost would be to complete the entire project. Rick Hardman replied that close approximation is at \$191,000.00; which includes the \$59,000.00 as asked by Commissioner VanGilder.

**Commissioner Elliott asked** if Mr. Hardman had any idea of how much money has been raised and where has it come from since the beginning of the project. **Mr. Hardman replied** that he has that information; however, it needs to be put into a readable form/breakdown. **Commissioner Elliott stated** that you should use the talents of Charlie Reese and Belinda Biafore.

**Charlie Reese stated** that he believed that this project does qualify for Hotel/Motel Fund dollars. Charlie added that they should make a presentation to the City of Pleasant Valley, the Town of White Hall and the City of Fairmont. He continued that he thought it should be done in stages whereby one could see some progress and then other could possibly then contribute additional dollars to the completion of the monument. He further reiterated once again that he and Belinda would assist their group with locating grants and funds that could be available to the organization.

**Pastor Janice Smith added** that good records should be maintained in order for those contributing funds to want to continue to do contribute towards the project.

**Dan Madigan a County resident spoke** about tree overhang issues along Route 250 and asked if the Commission could look into having them removed.

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

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Burley "Butch" Tennant, President