

**MARION COUNTY COMMISSION
COUNTY COURT
AUGUST 14, 2013**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday 7th, 2013. Present were Commissioner Tennant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, August 7th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on August 8th, 9th, 12th and 13th, 2013 were approved as submitted and signed.

*George Patton of the Union Mission led the Court with a prayer. Belinda Biafore 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, August 7th, 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 August 14, 2013
Nos. #2013-1006 through #2013-1023**

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President sign Nos. #2013-1006 through #2013-1023. Commissioner Tennant 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 August 14th, 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 August 5th, 2013, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.

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Estate of

SUMMERS, CAROL EUGENE (Interim)
MATTHEWS, LOTTIE HATFIELD (2ND & Final)
WILEY, AUSTIN DALE (2ND & Final)
GRAFFIUS, DAVID ALLEN (2ND & Final)
ZUKOWSKY, FRANK P.
HIGGINBOTHAM, FREDERICK S. III
HIGGINBOTHAM, STEPHANIE
HARVEY, GLADYS IRENE ANDERSON
HARVEY, LYNDELL M.
HENDERSON, NANCY SUE
COX, MAE LEVINE
ASHCRAFT, DOUGLAS W.
HUGUS, ARTHUR C.
HOLT, HELEN J.
KEENE, ELIZABETH C.
BECKMAN, PAUL E, SR.
GOODWIN, ROSA LEE
KENDZIOR, WALTER GENE
FRISENDA, THELMA JEAN
FINDLEY, JOANN L.
ARTHUR, EVELYN S.
SIMPSON, DONALD M.
ORR, WAITMAN D.
ORSINI, ALICE JOSEPHINE
WHITING, GEORGE, III
WILLIS, WILLIAM L.
HAYES, WILLIAM JUNIOR
PHILLIPS, MADELYN M.
EFAW, THOMAS W.

Representative

Trina E. Summers, Co-Executrix
Karen M. Yokum, Administratrix CTA
Debra Jones, Executrix DBN
Debra L. Graffius, Administratrix DBN
Frank P. Zukowsky, Jr., Executor
Christine L. Murin, Anc. Admrx CTA DBN
Christina L. Murin, Anc. Admrx. CTA DBN
Frank J. Harvey, Administrator
David Harvey, Executor
Lisa M. Turner, Administratrix
Jack E. Cox, II, Administrator
Donna L. Menefee, Executrix
Russell M. Hugus, Anc. Executor DBN
Cheryl L. Holt Goodrich, Executrix
Debbie J. Cerrillo, Executrix
Pearl L. Beckman, Executrix
Terry Lee Pratt, Executrix
Sheila M. Kendzior, Executrix
Diana Lynn Drake, Executrix
J. Scott Tharp, Executor
Lewis G. Arthur, Executor
Debra G. Moffa, Executrix
Mary Ann Orr, Executrix
Joni A. Opyoke, Executrix
Mary Ann Whiting, Administratrix
Cathy W. Bolyard, Executrix
Laura Louise Hayes, Executrix
Alice Lemley, Executrix
Martha B. Efaw, Executrix

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Estate of

SCOTT, VICKI R.
NESTER, ELLA MAE
ABEL, GERALD L.
SMITH, THOMAS E.
HUGUS, DORIS J.
CORLEY, LAWRENCE BLAIR, JR.
BOORD, BETTY IRENE
VAN GILDER, NELMA
DRAKE, DORTHA

Representative

Herbert L. Scott, Executor
William B. Nester, Jr., Executor
Linda L. Abel, Executrix
J. Chad Smith, Administrator
Judith A. Kuhn, Anc. Admrx. CTA DBN
Gloria D. Corley, Administratrix
Sherry Lynn Gillett, Executrix
Donald Lee VanGilder, Executor
Mary Markely Taylor, Executrix

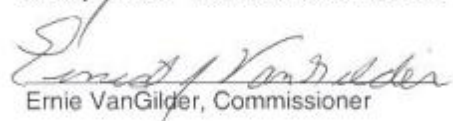
ENTER: August 14, 2013



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 and the Clerk sign the document. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received the Resolution to Accept Conditions of the Contract for West Virginia Community Participation Program Funds and to Authorize Signatures, requested by the Marion County Commission, on behalf of the Winfield Volunteer Fire Department. County Administrator Kris Cinalli stated that this grant is in the amount of \$20,000.00 for an underwater rescue vehicle and other equipment.

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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, Twenty thousand dollars (\$20,000.00) in Community
Participation Program Funding was requested by the Marion County
Commission, on behalf of the Winfield Volunteer Fire Department,

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 twenty thousand dollars (\$20,000.00) in Community
Participation Program funds for the Marion County Commission on
behalf of the Winfield Volunteer Fire Department and that he be
empowered to sign the contract necessary to obtain these funds.

DATE: August 14 ,2013


Randy J. Elliott, President


Burley Butch* Tennant, Commissioner


Ernie VanGilder, Commissioner

ATTEST:


Janice Cosco, County Clerk

Commissioner Tennant moved that the Commission and the Clerk sign the Resolution and that the Commission President sign the contract. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received the Resolution to Accept Conditions of the Contract for West Virginia Community Participation Program Funds and to Authorize Signatures requested by the Marion County Commission, on behalf of the Marion County Historical Society. County Administrator Kris Cinalli stated that this grant is in the amount of \$3,000.00 for GPS locators of the Civil War markers.

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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, Three thousand dollars (\$3,000.00) in Community
Participation Program Funding was requested by the Marion County
Commission, on behalf of the Marion County Historical Society,

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 three thousand dollars (\$3,000.00) in Community
Participation Program funds for the Marion County Commission on
behalf of the Marion County Historical Society and that he be empowered
to sign the contract necessary to obtain these funds.

DATE: August 14, 2013

Handwritten signature of Randy J. Elliott in blue ink.

Randy J. Elliott, President

Handwritten signature of Burley "Butch" Tennant, Jr. in blue ink.

Burley "Butch" Tennant, Commissioner

Handwritten signature of Ernie VanGilder in blue ink.

Ernie VanGilder, Commissioner

ATTEST:

Handwritten signature of Janice Cosob in red ink.

Janice Cosob, County Clerk

Commissioner Tennant moved that the Commission and the Clerk sign the Resolution and that the Commission President sign the contract. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received the Resolution to Accept Conditions of the Contract for West Virginia Community Participation Program Funds and to Authorize Signatures requested by the Marion County Commission, on behalf of the Vietnam War Veterans. County Administrator Kris Cinalli stated that this grant is in the amount of \$5,000.00 for their mobile wall project.

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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, Five thousand dollars (\$5,000.00) in Community
Participation Program Funding was requested by the Marion County
Commission, on behalf of the Vietnam War Veterans,

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 five thousand dollars (\$5,000.00) in Community
Participation Program funds for the Marion County Commission on
behalf of the Vietnam War Veterans and that he be empowered to sign
the contract necessary to obtain these funds.

DATE: August 14 ,2013


Randy J. Elliott, President

Burley "Butch" Tennant, Commissioner

Ernie VanGilder, Commissioner

ATTEST:


Janice Cosco, County Clerk

Commissioner Tennant moved that the Commission and the Clerk sign the Resolution and that the Commission President sign the contract. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received the List of Emergency Ballot Commissioners, presented by Janice Cosco, County Clerk, for the Board of Education Levy 2013 Election on October 12, 2013. County Administrator Kris Cinalli stated that the Republican representative will be Melvin Ringer and Dennis Basnett will be the Democratic representative and both have agreed to assist the County for this Election.

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County Clerk of Marion County

Janice Cosco
County Clerk



P.O. Box 1267
Fairmont, WV 26555-1267
Phone (304) 367-5445
Fax (304) 367-5448

HONORABLE RANDY ELLIOTT
HONORABLE BURLEY "BUTCH" TENNANT
HONORABLE ERNIE VANGILDER

RE: EMERGENCY BALLOT COMMISSIONERS

DEAR COMMISSIONERS,

THE FOLLOWING INDIVIDUALS HAVE AGREED TO WORK AS OUR EMERGENCY
BALLOT COMMISSIONERS

FOR THE BOARD OF EDUCATION LEVY 2013 ELECTION ON OCTOBER 12, 2013.

MELVIN RINGER-REPUBLICAN

DENNIS BASNETT- DEMOCRAT

THANK YOU

SINCERELY,

A handwritten signature in cursive script that reads "Janice Cosco".

JANICE COSCO,

MARION COUNTY CLERK

Commissioner Tennant moved that the Commission appoint Melvin Ringer as the Republican and Dennis Basnett as the Democrat Emergency Ballot Commissioner. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received a request for advice and consent from Chris McIntire, Director, to hire Amber Perry as Office Manager/Addressing Assistant, salary \$25,000.00 with benefits.

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Marion County Homeland Security &
Emergency Management
50 Centerview Drive
Fairmont, WV 26554

Chris McIntire Director

To: Kris Cinalli
From: Chris McIntire, Director
Date: July 22, 2013
Reference: Request for Advice and Consent

We conducted interviews on Friday for the office manager / addressing assistant. We had several applications that we could not consider because they were higher than the salary we could offer. However, we interviewed 4 applicants and concluded that Amber Perry was the best overall applicant. She has a lot of experience in managing an office, payroll and scheduling. The other applicants were very good but some did not have experience and others said this would be a stepping stone for them. We are looking for someone that will be here a long time and experienced. Therefore, I would ask for the Commission's advise and consent to approve the hiring of Amber Perry at \$25,000 for the position.

Commissioner Tennant moved that the Commission grant its advice and consent to Chris McIntire, Director, to hire Amber Perry as Office Manager/Addressing Assistant, salary \$25,000.00 with benefits. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Conveyance of Poor Farm property from Marion County Development Authority. County Administrator Kris Cinalli added for the record that the Commission is transferring 26.12 acres to the Marion County Development Authority will then lease this property to the East Marion Athletic Association so that the Authority can lease the property to the Athletic Association so that they can build their fields.

Commissioner Tennant moved that the Commission President sign the deed to the Marion County Development Authority. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received a request for funds for Back to School event at Windmill Park on August 24, 2013. County Administrator Kris Cinalli stated that this request is to assist in the purchase of food, drinks and back to school supplies.

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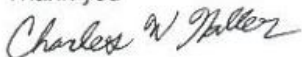
Marion County Commissioner

We are not a form group. We are a group wanting to do a Back to School Celebration for Marion county students, Boys and Girls club, Protestants, Catholics, and all others are included. We are asking for fund in the amount of \$200.00 to help sponsor this event on August 24, 2013. The money would be used for the purchase of pizza, soft drinks and school supplies. We will have adult and student mentors on hand for the students.

WILL PROVIDE INVOICES W

We respectfully request the money for this event.

Thank you



Charles W. Nallen
Chairman

304-366-1819
298 Hamilton St.
Fairmont, WV 26554



Commissioner Tennant moved that the Commission pay the invoices submitted and that those funds be appropriated from the Coal Severance Fund. Commissioner VanGilder seconded. President Elliott concurred.

For the record, note the Commission received from Dana Mining Company LLC Revision Sequence #7 for Permit #U-1009-95 for public review in the County Clerk's Office.

Charlie Reese presented an update to the Commission and those in attendance on the progress of the Palatine Park Project. He stated that he had gone to the Fairmont City Council Meeting on Tuesday, August 13, 2013 and gave them an update on the progress of the park project. Charlie added that the Commission had purchased six new concrete picnic tables and people are now utilizing the facilities. Charlie updated them on the DNR and their involvement on the dock facility and boat ramp. Charlie added that there will be an information meeting at the Women's Club on Thursday, August 15, 2013. He continued that the Commission would like to have another work session with the City on Monday, August 19, 2013 in the Commission County Chambers. Charlie did state that there were some issues with the lease between the City and CSX and he added that that lease has been assigned to the Marion County Development Authority. Charlie at the City Council meeting presented them with a Notice of Termination of Lease and Agreement. He added that there are some issues that were not being followed that need to be rectified. Charlie did add that the Splash Park is being projected to be opened in May of 2014. Charlie stated that he believes we are at a point that we need to know what the City of Fairmont is going to do at this point in time.

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President Elliott made comments in support of what Charlie Reese has presented and done throughout this process.

George Levitsky presented to the Commission the Dancing with the Stars of Marion County at Fairmont State University on October the 5th, 2013 to raise funds for United Way and the Marion County Chamber of Commerce. He also added that they are progressing very well with the remodeling of their new facility across from the J. Harper Meredith Building. He stated that they plan to have it opened around the first of the year having an outdoor area where people can catch the bus.

President Elliott stated that he is very proud of what is taking place within the immediate area. He told them that they are doing a great job.

Zach Foley and Allen Parrack came before the Commission to speak about the Skate Park and stated that they have cleaned up the area and have made those who were causing problems to leave. They added that they are people coming from Clarksburg, Grafton and Morgantown to utilize the facility. Jeff Biafore stated that he was looking into the situation of up keeping the facility and stopping by to keep an eye on it as well. They offered that if the County would purchase the paint they would paint the needed area of Skate Park. They did ask the Commission about updating the facility with some additional ramps and equipment. They would appreciate anything the Commission could do with the updating of the park.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, August 21st, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President