

MARION COUNTY COMMISSION
SEPTMEBER 10, 2014

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, September 3rd, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.

The proceedings of Wednesday, September 3rd, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on September 4th, 5th, 8th and 9th, 2014 were approved as submitted and signed.

*Bill Preston of the Everlasting Covenant Church led the Court with a prayer. Norman Kronjaeger 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, September 3rd, 2014 and accept them as presented. Commissioner VanGilder seconded. President Tennant concurred.*

*The Commission presented a **Proclamation for Norman Kronjaeger for his service**. Also acknowledged were former County Commissioners who had worked with Norman and whom were present for this meeting; the former Commissioners in attendance were: Raymond Prozzillo, Cody Starcher, Jack May, Cecily Enos, Jim Sago and Alan Parks. Norman addressed the Commission and thanked them for being given the opportunity to work with them and for the community and expressed the desire to be remembered as “the guy who gave back.”*

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Proclamation

WHEREAS, Norman L. Kronjaeger was born in Wheeling, West Virginia and was raised by his father, Davis Kronjaeger,

WHEREAS, Norman L. Kronjaeger moved from Coraopolis, Pa. to Fairmont in 1963 after attending West Virginia University and Fairmont State, where he received a Regents Bachelor of Arts in 1987 and became a licensed Land Surveyor in 1986; and

WHEREAS, Norm married Tina Bell in November of 1975 and has been married for thirty nine years; and

WHEREAS, Norm and Tina raised four children, Laura Lee Baker, Sherry Hickman, James Eddy and Robert Keith Eddy and have six grandchildren; and

WHEREAS, Norm was in the United States Marine Corps from 1959 to 1962 and is active in the Honor Guard for Military Funerals; and

WHEREAS, through the years, Norm worked for the City of Fairmont, Marion County Commission, Assessor's office, (with the revision of the county tax maps and precinct maps), and many local companies in the capacity of surveyor and served on various boards; and

THEREFORE, BE IT RESOLVED that the Marion County Commission recognizes Norman L. Kronjaeger for his services to Marion County and the City of Fairmont and proclaims September 10, 2014 as

"NORMAN L. KRONJAEGER DAY"

Given under our hand and the Seal of Marion County, this, the 10th day of September, 2014.

MARION COUNTY COMMISSION

Burley (Butch) Tennant, Jr.
Burley (Butch) Tennant, Jr., President

Randy Elliott
Randy Elliott, Commissioner

Ernie VanGilder
Ernie VanGilder, Commissioner

ATTEST:

Janice Cosco
Janice Cosco, County Clerk



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

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

***Dated September 10, 2014
Nos. #2014-889 through #2014-904***

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-889 through #2014-904. Commissioner VanGilder seconded. President Tennant concurred.

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

BEFORE THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

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

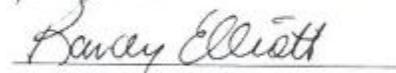
ORDER CONFIRMING PROBATE OF WILLS

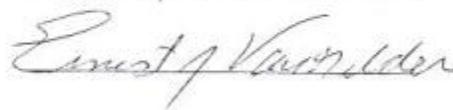
On this day came Janice Cosco, Clerk of the Commission, and presented a list of Estates in which wills have been admitted to Probate by her office, in vacation, from August 1, 2014, to August 31, 2014, pursuant to W. Va. Code 41-5-10, as amended.

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 10th day of September, 2014.








JANICE COSCO, CLERK


DAVID A. GLANCE,
FIDUCIARY SUPERVISOR

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WILLS PROBATED FROM AUGUST 1, 2014, TO AUGUST 31, 2014

<u>Estate</u>	<u>Representative</u>
Brzuzy, Stanley	Glenda Sue Brzuzy, Executrix
Eutsey, Edna R.	Leah Michelle DeVault, Executrix
Goush, Nelouise L.	Kathy Jean Goush, Executrix
Gray, John A.	Mabel V. Gray, Executrix
Hayes, Margaret June	Frank K. Abruzzino, Administrator CTA
Hickman, John S.	Linda R. Hickman, Executrix
Jackson, Patricia Kay	Randy Lee Jackson, Executor
Kincaid, George Junior	Jack L. Kincaid, Executor
Leeper, Erika	William J. Leeper, II, Executor
Mifflin, Ron D.	Clifford Mifflin, Executor
Paknik, Thomas	Linda Paknik, Executrix
Pellegrin, Luetta	Ira McDaniel, Executor
Rinehart, Jacqueline June	Cheryl M. Smith Dixon, Executrix
Robbins, Mildred F.	Sharon Layne, Executrix
Russell, Wayne Scott	Mary Anne Russell, Executrix
Wiklins, Rose	Shirley Ann Wilkins, Executrix
Wilson, Harold E.	Priscilla L. Aldridge, Executrix

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Commissioner Elliott moved that the Commission sign the Order. 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 September 10, 2014.

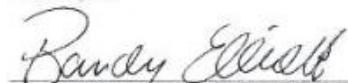
This day came David A. Glance, Fiduciary Supervisor for Marion County, and presented to the County Commission the Waivers and Applications for Short Form Settlements, Proposed Settlements and Annual Settlement Reports filed by the personal representatives of the following estates, which he has reviewed and approved and which are the same estates which were advertised for proposed settlement in the September 1, 2014, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.

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<u>Estate of</u>	<u>Representative</u>
CAMPIONE, SARAH J. (2 nd & Final)	Robert J. Campione, Executor DBN
MITCHELL, LONNIE JOE	Marlene C. Mitchell, Administratrix
TOOTHMAN, WILLIAM A.	Violet G. Toothman, Executrix
SHANNON, WILLIAM J.	Karen Marie Shannon, Ancillary Extrx.
CATHER, PEGGY L.	Jana K. Delli-Gatti, Administratrix
SLAMEN, KATHRYN	Deborah Rowh, Executrix
MITCHELL, FAY	Brianna Pethtel, Administratrix
BAILEY, RONALD A.	Joanne Bailey, Administratrix
FULAYTER, STEVEN BRADLEY	Sylvia J. Fulayter, Administratrix
FARMER, ARTHUR P.	Susan K. Farmer, Administratrix
GREGORY, JACQUELINE SUE	Derek William Gregory, Executor
POWELL, RAYMOND KENNETH	Patricia Ellen Powell, Administratrix
NIGH, MARK DAVID	Ernestine Nigh, Administratrix
KELLER, MARILYN	Mark B. Keller, Executor
MONELL, LYDIA EVELYN	Gerard Koloskie, Administrator
HOFFMAN, HELEN B.	Bernadine L. Hoffman, Executrix
SOKOLOSKY, MICHAEL	Christine V. Sokolosky, Executrix
ERDIE, MARTHA JEAN	Carl Jeffrey Erdie, Executor
ARNOLD, BERNARD A.	Martha Arnold, Administratrix
MORRIS, RETHA M.	Eileen Balch and Diana L. Booth, Co-Executrices
SMITH, MARDELL	Stephanie A. Hines, Administratrix
DUMIRE, DELBERT D.	Terry Wayne Dumire, Executor DBN
WHITE, AUDREY V.	Stephen C. Nixon, Administrator CTA DBN
PETTIS, TERRY LEE	Kimberly Pettis King, Executrix
DONINI, FILMORE W.	Richard L. Donini, Executor
NICHOLS, MARIE M.	Mark R. Aldridge, Executor
LEAVERTON, FRANCEES ANITA	Calvin W. Leaverton, Administrator
EDDY, JOHN EARL	Reta June Eddy, Administratrix
HINERMAN, CARL MITCHEL	Linda L. Hinerman, Administratrix
VASICEK, EDWARD FRANCES	Richard Junior Vasicek, Executor
CUMMINS, KAREN LOUISE	Richard Cummins, Administrator
ENEIX, VIRGINIA ALICE	Timothy J. Vandergrift, Administrator
OPYOKE, JERRY NED	Geneva J. Opyoke, Administratrix

ENTER: SEP 10 2014

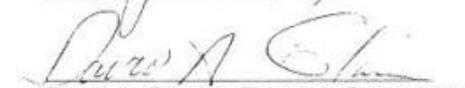

 President


 Commissioner


 Commissioner

ATTEST:


 Janice Cosco, County Clerk


 David A. Glance, Fiduciary Supervisor

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

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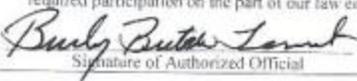
The Commission received the List of Poll Workers for the General Election for approval from the County Clerk, Janice Cosco.

Commissioner Elliott moved that the Commission approve the List of Poll Workers for the General Election. Commissioner VanGilder seconded. President Tennant concurred.

For the record, note the Commission received the Commission on Drunk Driving Prevention Grant Application in the amount of \$15,000.00.

02CDDP #1
REVISED 5/00

INSTRUCTIONS ON BACK

Commission on Drunk Driving Prevention Grant Application		FEIN: 55-6000-346	
1. Applicant Agency (Name, Address & Phone #): Marion County Commission 200 Jackson Street, Room 403 Fairmont, WV 26554 (304) 367-5400		2. Authorized Official (Name, Address & Phone #): Burley "Butch" Tennant, President 200 Jackson Street, Room 403 Fairmont, WV 26554 (304) 367-5400	
3. Project Director (Name, Address & Phone #): Chief Deputy Ralph Wright 316 Monroe Street Fairmont, WV 26554 (304) 367-5300		4. Financial Officer (Name, Address & Phone #): Admin. Asst. Debbie Connelly 316 Monroe Street Fairmont, WV 26554 (304) 367-5468	
5. Funding Requested: \$ 15,000.00 (Note: Must match "Grant Total")		6. Grant Period Requested (mo day yr): From: 10/25/2014 To: 01/25/2015	
7. Grant Purpose and Need: To implement a DUI program as a selective traffic enforcement concept to deal with the ever growing problem of impaired driving. Deputies will work the patrols to actively detect and apprehend impaired drivers.			
8. Use of Grant Funds:			
A. Personal Services (Salaries)			
Position/Title	Rate Per Pay Period X	# of Pay Periods X % of Time Devotes	Salary Amount
1. Marion County Sheriff's Department	\$25.00	600 hours 100%	\$15,000.00
Total this Sub-section			\$15,000.00
B. Employee Benefits (Does not apply to overtime grants)			
Type	Calculation	Amount	
1. Retirement			
2. Social Security			
3. Workers Compensation			
4. Health & Life Insurance			
5. Unemployment Compensation			
Total this Sub-section			\$
C. Equipment			
Item	Description	Quantity	Unit Price Amount
1.			
2.			
3.			
4.			
Total this Sub-Section			\$
D. Other			
	Description	Calculation	Amount
1.			
2.			
3.			
4.			
Total this Sub-Section			\$
E. Grand Total (Sum of Lines A5, B6, C5 & D5 are to be entered here in block):			\$ 15,000.00
9. Certification and Signature of Authorized Official: I hereby certify that the information presented in this grant application is true and correct to the best of my knowledge and belief. I further certify that the appropriate governing body has approved this application and has authorized me to execute and submit the application on its behalf. ALL required participation on the part of our law enforcement officers, adjudication through administrative hearings will be adhered to.			
		Commission President	Date
Signature of Authorized Official		Title	Date

CDDP USE ONLY

Action Taken _____

Grant No. Assigned _____

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The Commission received an Order Recognizing First Exchange Bank as a County Depository.

**IN THE COUNTY COMMISSION OF
MARION COUNTY, WEST VIRGINIA**

ORDER RECOGNIZING FIRST EXCHANGE BANK AS A COUNTY DEPOSITORY

This day came First Exchange Bank, Mannington, Marion County, West Virginia, a West Virginia corporation, a bank created, organized and doing business under and by virtue of the laws of the State of West Virginia, with its banking house and principal place of business in the City of Mannington, and moved the Marion County Commission, pursuant to a Resolution passed by the Board of Directors of the First Exchange Bank, at a meeting of said Board held on the 10th day of June, 2014, that it be permitted to qualify as a County Depository for the fiscal year beginning July 1, 2014 and ending June 30, 2015; and that it be permitted to avail itself of the provisions of Chapter 7, Article 6, Section 2, of the Code of West Virginia, as amended, by depositing with the County Commission of this County, in lieu of the execution of bond, interest-bearing securities of the United States of America or their equivalent as provided for in said Act to secure the deposits of public funds made by the Sheriff and Treasurer of this County in said depository.

And it appearing to the Commission that First Exchange Bank, a bank created, organized and doing business under and by virtue of the laws of the State of West Virginia, with its banking house and principal place of business in the City of Mannington, Marion County, West Virginia, has elected to and has deposited collateral security to secure the County Commission in public funds so deposited in said county depository instead of executing bond to secure such deposit, which said collateral security was deposited with a Trustee as provided by law under and by virtue of a certain agreement made and entered into between the Sheriff and Treasurer of Marion County, for and on behalf of Marion County and said First Exchange Bank, a bank created, organized and doing business under and by virtue of the laws of the State of West Virginia, with its banking house and principal place of business in the City of Mannington, Marion County, West Virginia, which said agreement is in writing, is attached hereto to be filed in the Clerk's Office of this Commission, to which reference is here made.

And it now appearing to the Commission that said agreement and the collateral security deposited therewith are each and all sufficient security to indemnify this Commission against loss by reason of the deposit of public funds in said depository and that said agreement and the securities thereunder deposited will be sufficient security to this Commission for funds deposited in said depository, and that the Prosecuting Attorney has approved said agreement and said securities, the Commission does hereby consent that the agreement aforesaid, herein before entered into between the Sheriff and Treasurer of this County and First Exchange Bank, be, and the same is hereby approved as and for the Agreement between this Commission and First Exchange Bank, in the City of Mannington, Marion County, West Virginia, for and during the fiscal year beginning July 1, 2014 and ending June 30, 2015; and that the securities so deposited by said First Exchange Bank, as they are now here called by this Commission as such; and it is further ordered that said agreement and the collateral security therewith deposited shall be in

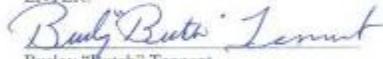
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force as the agreement and security of said county depository when the above-named First Exchange Bank, shall adopt and file with this Commission a copy of the minutes of the Board of Directors of said First Exchange Bank, stating it has agreed to become a county depository therewith, shall be the agreement aforesaid, and the collateral security deposited therewith, shall be the agreement and security deposited therewith, shall be the agreement and security of such depository of public funds for the fiscal year beginning July 1, 2014, and ending June 30, 2015.

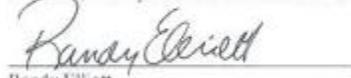
And it appearing to the Commission that the Board of Directors of the First Exchange Bank, Mannington, West Virginia, at a meeting of said Board, held on the 10th day of June, 2014, adopted and ratified said agreement and agreed that said agreement should remain in force for the period of July 1, 2014, through June 30, 2015, and a copy of said minutes are herewith filed, the Commission does hereby recognize said First Exchange Bank, Mannington, West Virginia, a bank created, organized and doing business under and by virtue of the laws of the State of West Virginia, with its banking house and principal place of business in the City of Mannington, Marion County, West Virginia, as a county depository of public funds.

Dated this 10th day of 9, 2014.

ENTER:



Burley "Butch" Tennant
President, County Commission of Marion County, West Virginia

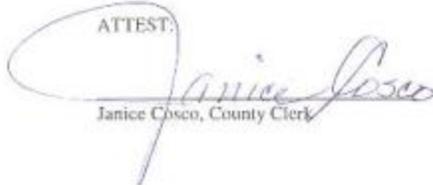


Randy Elliott
Commissioner



Ernie VanGilder
Commissioner

ATTEST:



Janice Cosco, County Clerk

Commissioner Elliott moved that the Commission sign the Order Recognizing First Exchange Bank as a County Depository. Commissioner VanGilder seconded. President Tennant concurred.

The Commission received Agreements and a Release from Equitrans, LP for property at Curtisville. Commissioner Elliott explained that Equitrans, LP had previously secured a right-of-way at Curtisville and this was an extension of this right-of-way, for which Equitrans, LP is making payment by the foot. It was also explained that no activity by Equitrans, LP would cause disruption to the lake or the recreational area; the property involved was nearby acreage. County Administrator Kris Cinalli stated that once signed the County will receive \$194,225.00 from Equitrans, LP for the County's lease interest for 644.34 acres and that those funds will go into the General Fund.

Commissioner Elliott moved that the Commission approve the Agreement and Release from Equitrans, LP. Commissioner VanGilder seconded. President Tennant concurred.

The Commission re-appointed Charles S. Piercy, Jr. to the Kingmill Valley PSD, term to expire on October 1, 2014.

Commissioner Elliott moved that the Commission re-appoint Charles S. Piercy, Jr. to the Kingmill Valley PSD. Commissioner VanGilder seconded. President Tennant concurred.

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Chris McIntire addressed the Commission announcing that, in conjunction with National Preparedness Month, Weather Alert Radios would be given to each school in the county to help them stay aware and prepared for weather-related issues. Gary Price, Superintendent of Marion County Schools, was present to accept the Weather Alert Radios and extended much appreciation to the Commission and the Emergency Preparedness Committee for the donation, as well as for the support and protection provided to the students of Marion County. Chris also informed the Commission of a new FM radio station that he is hopeful will be up and running by next week. This station will be located at 99.5 FM and will broadcast weather-related alerts, as well as provide up-to-date weather forecasts.

Charlie Reese of the Marion County Economic Development Office addressed the Commission with some updates. Before doing so, he thanked Norman Kronjaeger for the work and guidance that he provided at Palatine Park.

He reported on plans for an ice skating rink for Palatine Park. He asked for permission to pursue a company who is willing to come in for a couple of days, set up and “Iceless” Ice Skating Rink, along with bringing about 100 pairs of ice skates, in order to get some idea of how well-received an ice skating rink would be to our county before moving forward with plans to construct an ice skating rink. The cost would be around \$6000.00 for this ice skating preview and he is hopeful to gain some donations for this effort.

He also had an update on the Korean War Memorial it is an eligible project to make use of hotel/motel taxes. He explained that Phase I will cost \$11,500 and the total cost for all three phases will be approximately \$75,000.

Charlie also reported on Phase I of Palatine Park – the Amphitheater, explaining that the roof is in good shape, but some of the wood would require treatment for preservation and some of the metal will need to be painted. A wish list for the project would include adding some stone veneer to the amphitheater and also contacting some of those who had performed at the amphitheater to access any needs that they became aware of for those performances. He also said there remains the question of whether to hire out the work or to have it performed “in house.”

Lastly, Charlie announced that the DOH has approved \$400,000 in their budget (in addition to the \$150,000 from last year) to make improvements to Tulip Lane in Pleasant Valley, much of which was made available because Heston’s Distillery is considered a manufacturing company, making the road leading to it (Tulip Lane) an industrial road. The DOH is able to match the contributions of the businesses on that road (Shuck’s, Sole’s Electric, Heston’s Distillery, and Heston’s Restaurant).

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until 10:30 a.m. for the Public Hearing on the expansion of the Greater Harrison County Public Service (GHPSD).

MARION COUNTY COMMISSION
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Public Hearing on a Resolution and Order Proposing the Enlargement of the Sewer Authority of the Greater Harrison County Public Service District into the Boothsville Area of Marion County.

President Tennant called the Public hearing to order; and turned it over to the County Administrator Kris Cinalli.

Tom Michael, attorney for the Greater Harrison County PSD addressed the Commission to explain that the previous order which was approved by the Commission was flawed by the fact that it required that the order be posted in five conspicuous places within the affected area and that had not been done. Mr. Michael explained that this was an error on his part and did not hold any member of the Commission responsible for this oversight. Now that the postings have taken place at five conspicuous places in the area to be affected and since no one appeared at today's meeting with any objections, it was requested that the original order be ratified. Commissioner VanGilder asked where the postings were placed in the Boothsville area. Mr. Michael replied that they were placed at the BP station, the Methodist Church, the Baptist Church, along the road between the two churches, and on a pole visible as you approach Boothsville along Rt. 73; he also explained that an affidavit will be sent regarding the postings.

Upon recommendation of the County Attorney, Chuck Shields, Commissioner Elliott moved to ratify the order, Commissioner VanGilder seconded and President Tennant concurred.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, September 17th, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.

Burley "Butch" Tennant, President