

**MARION COUNTY COMMISSION**  
**NOVEMBER 12, 2014**

*The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, October 29<sup>th</sup>, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.*

*The proceedings of Wednesday, October 29<sup>th</sup>, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on October 30<sup>th</sup>, 31<sup>st</sup> and November 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 10<sup>th</sup>, 2014 were approved as submitted and signed.*

*D. D. Meighen led the Court with a prayer. Dora Grubb 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, October 29<sup>th</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 November 12, 2014***  
***Nos. #2014-992 through #2014-1004***

*Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-992 through #2014-1004. Commissioner VanGilder seconded. President Tennant concurred.*

*The Commission received an **Order following hearing on Petition to Remove Executor, In Re: The Estate of Maxine E. Plyman, Deceased.***

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IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA  
IN RE: THE ESTATE OF MAXINE E. PLYMAN, DECEASED

ORDER FOLLOWING HEARING ON PETITION TO REMOVE EXECUTOR

On the 29<sup>TH</sup> day of October, 2014, came the Petitioner, Michael A. Savonarolo, in person, and came also, Roger L. Plyman, in person, all pursuant to the Petition for Removal of Executor, Roger L. Plyman, previously filed herein.

By Order entered by the Commission on September 24, 2014, the Commission filed such Petition and instructed the County Clerk to issue a summons for the hearing fixed for this date.

Thereupon, the Petitioner and Executor announced to the Commission that they had reached an Agreement on the issues raised by the Petition to Remove, and disclosed their Agreement to the Commission at the time specified for a Hearing, and upon mature consideration of the parties Agreement, the Commission makes the following findings of fact and conclusions of law:

1. Maxine E. Plyman died testate in Marion County, West Virginia, on October 9, 2012.
2. Maxine Plyman's son, Roger L. Plyman, was appointed as Executor of her estate by the Clerk of this Commission on October 31, 2012, as expressly provided in the Last Will and Testament of Maxine E. Plyman.
3. After two (2) years of Estate Administration, the real estate of Maxine Plyman, on Merchant Street, City of Fairmont, has not been sold and the proceeds divided between her son and grandson, Michael Savonarolo, as directed by the Will. As agreed by the parties, a purchaser will secure financing for such real

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estate and a final closing on the sale of such real estate will be set by no later than December 15, 2014.

4. If by December 15, 2014, a purchaser for the real estate has not secured financing and set a final closing on the real estate, the Petition to Remove the Executor will be granted by the Commission. After December 15, 2014, an Order Terminating the appointment of Roger L. Plyman will be prepared and entered by the Commission, without any further Hearings.
  1. That the Petition to Remove the Executor, Roger L. Plyman, is stayed, pending the efforts to conclude the sale of the Merchant Street real estate by the Executor.
  2. Based upon the parties' Agreement, if the Executor's efforts to sell the Merchant Street real estate have not produced a Final Closing date by December 15, 2014, the Commission will enter an Order removing Roger L. Plyman as Executor, and appointing Michael Savonarolo as Administrator CTA DBN.

MARION COUNTY COMMISSION

ENTER: November 12, 2014

  
Commissioner  
  
Commissioner  
  
Commissioner

Submitted by:

  
David A. Glance  
Fiduciary Supervisor

ATTEST:

  
Janice Cosco, County Clerk by THOMAS F. ANTULOV, deputy

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

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*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 November 12, 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 November 3, 2014, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.*

| <u>Estate of</u>  | <u>Representative</u>                                |
|---|--|
| BONDY, MIDLRED H. (Interim)   | Harold E. Bondy, Administrator                       |
| LINN, GEORGE BENJAMIN   | Jenny Snyder, Administratrix CTA                     |
| THOMPSON, ORVILLE EUGENE  | Terry L. Sutphin, Executrix                          |
| HOUSTON, LEILA STEMPLER   | Paul Samuel Houston, Executor                        |
| BLOOM, JOHN W.  | Ellen R. Bloom, Executrix                            |
| <del>GUREMAN, DONALD LESTIE</del>  | <del>Rye Ann Phillips and Donald Leslie</del>        |
|   | <del>Gurmann, II, Co-Executors</del>                 |
| DONLIN, EDITH M.  | Robert R. Donlin, Executor                           |
| BOGARD, LELA MAE  | Bonnie Sue Carrier, Executrix                        |
| SHELOSKY, GEORGE BERNARD  | Linda Lee Shelosky, Executrix                        |
| KIRK, SILAS H.  | Mary Jane Forquer, Executrix                         |
| NOBLE, JOHN T.  | Deborah M. Prezioso, Executrix                       |
| DECARLO, THOMAS   | Patricia Ann Rice, Executrix                         |
| MICHNA, ETHEL M.  | Adam F. Michna, II, Executor                         |
| HALL, MARTHA BROWN  | Steven Hall, Executor                                |
| HUFFMAN, ROSALIE E.   | Barbara White, Executrix                             |
| KONOPKO, JOHN   | Vanessa L. Underwood, Executrix                      |
| MANZO, HELEN C.   | Debra Ann Vandetta, Executrix                        |
| CALDWELL, VIRGINIA E.   | Jennifer Taylor Allen, Executrix                     |
| DEAK, MIKE J.   | Stephen M. Larry, Executor                           |
| FROWEN, MARTHA BERLINE (BURLINE)  | Margaret Ann Frowen Dumire, Executrix                |
| MULLINE, FRANCES CAROLYN  | Richard P. Szabo, Ancillary Executor DBN             |
| FRALEY, MARY ZELMA  | Gypsy L. Conaway, Administratrix                     |
| BASNETT, RAYMOND KENNETH  | Wendy J. Douty, Administratrix CTA                   |
| HELMAN, IRENE B. (AKA Mary Irene)   | Karen S. Morris, Executrix                           |
| DELANEY, HOLLAND LEO  | Elva M. Delaney, Executrix                           |
| OTT, NORMA L.   | Lea Ann Cimaglia, Executrix                          |
| DUMIRE, BETTY J.  | Terry Wayne Dumire, Executor                         |
| GUIDO, JOSEPH P., II  | Elizabeth A. Guido, Executrix                        |
| SHAFFER, SHANE CAMDEN   | John C. Shaffer, Administrator                       |
| TURNER, MILDRED SARAH   | Carol L. Pheasant, Executrix                         |
| BALDERSON, BARBARA J.   | Joyce S. Kurczak and Terri J. Morrison, Co-Executors |

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| <u>Estate of</u>          | <u>Representative</u>                  |
|---------------------------|--|
| PEARL, JAMES E.           | Carol Ann Hilling, Executrix           |
| BOOTH, NORMA              | Durwin Lynn Booth, Executor            |
| COOL, SARA MELVINA        | Ronald Lee Weekly, Executor            |
| MOORE, MARY GIBSON GRAHAM | J. Scott Tharp, Executor               |
| CORLEY, SANDRA JO         | George Jack Corley, Executor           |
| NICHOLSON, FREDA MAE      | Gary A. Nicholson, Ancillary Admr. DBN |
| WORCESTER, ROSE MARIE     | L. Robert Worcester, Administrator     |
| DONALDSON, THOMAS E.      | Sally A. Donaldson, Executrix          |

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ENTER: November 12, 2014

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

   
\_\_\_\_\_  
Janice Cosco, County Clerk by

  
\_\_\_\_\_  
David A. Glance, Fiduciary Supervisor

*Commissioner Elliott moved that the Commission sign the Waivers and Applications for Short Form Settlements, Proposed Settlements and Annual Settlement Reports. Commissioner VanGilder seconded. President Tennant concurred.*

*For the record, note the commission received the Order Confirming and Ratifying Fiduciary Supervisor's Report of Claims and Settlement Report; Order # 355.*

*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 the 29<sup>th</sup>, day of October, 2014.*

*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 Clerk of the County Commission, pending confirmation. There being no 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.*

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Estate of

Representative

GODFREY, ALMA L. (2<sup>nd</sup> & Final)  
 BROWN, ALBERT GRANT, JR. (2<sup>nd</sup> & Final)  
 VANDERGRIFT, BERTHA B.  
 LAROCCO, MARTHA E.  
 HIBBS, JAMES D.  
 WAYT, MARTHA ELLEN  
 FAST, JOHN S.  
 RICHARDS, GOLDIE R.  
 HEFFNER, JULIA F.  
 BLAKER, ANNA BELLE  
 McCOY, ANNA

Cheryl Cochran, Administratrix CTA DBN  
 Dorothy A. Brown, Administratrix DBN  
 Cheryl A. Morrison, Executrix  
 Donald Eugene Luzadder, Executor  
 Patricia Ann McClung, Executrix  
 Brenda Brock, Executrix  
 Jamie L. Fast, Executrix  
 Caroline Richards Carlot, Executrix  
 Jan L. Woodward, Executrix  
 Patricia L. Kincaid, Executrix  
 Linda J. Brown and Betty J. Cunningham,  
 Co-Executrices  
 Vicki L. Warner, Administratrix  
 Sue Ann Berman, Executrix  
 Steven Dale Drake, Executor  
 Patricia A. Stutler, Executrix  
 Jamie J. Snider, Administratrix  
 Shirley Jeanne Howell, Executrix  
 Frank W. Grindo, Jr., Executor  
 Sandra Lee Valero, Executrix  
 Stacy Voyle, Executrix  
 Christine Long, Executrix  
 Devona A. Smallwood, Administratrix  
 Ralph Edward Cowger, Executor  
 Thomas William Hibbs, Administrator  
 John Funkhouser, Ancillary Administrator  
 Kathy Stevens, Administratrix CTA  
 Beverly K. Decker, Administratrix  
 Janet Moats, Administratrix  
 Herbert M. Spengler, Executor  
 Helen L. Wiley, Executrix

NUTTER, WILLIS MAXWELL  
 BERMAN, SYLVAN JERRY  
 DRAKE, HENRY DALE  
 BATTEIGER, NORA P.  
 SNIDER, AARON LEE  
 HOWELL, LAURA K.  
 GRINDO, GLORIA A.  
 VALERO, BERNADINO  
 DUNCIL, WESLEY A.  
 STRAIGHT, GERTRUDE MARY  
 SMALLWOOD, GEORGE WILLIAM, Jr.  
 COWGER, LEMON E.  
 HIBBS, DOLLY RUTH  
 BARR, TAMI ROSE  
 WILLIAMS, MARY VIRGINIA  
 DECKER, KENNETH EUGENE  
 VINCENT, GLENN MARK  
 SPENGLER, JEANNE D.  
 WILEY, DONALD EARL

Estate of

Representative

NICHOLSON, ERNEST D.  
 ROGERS, DORIS MARIE  
 WOLFE, EDWARD R.

Barbara L. Shipley-Jones, Executrix  
 Robert Alan Rogers, Executor  
 Charlotte A. Wolfe, Executrix


ENTER: 10/24/2014

  
 President

  
 Commissioner

  
 Commissioner

ATTEST:

  
 Janice Cosco, County Clerk Deputy

  
 David A. Glance, Fiduciary Supervisor

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*The Commission received a request for advice and consent to hire Latoya Towns as full time Tele-communicator, effective November 3, 2014; with a starting salary of \$23,052.22, with benefits.*

*Commissioner Elliott moved that the Commission grant its advice and consent to hire Latoya Towns as full time Tele-communicator, effective November 3, 2014; with a starting salary of \$23,052.22, with benefits. Commissioner VanGilder seconded. President Tennant concurred.*

*The Commission received a request for matching funds from Marion County Historical Society for a full-time Nation Preserve WV AmeriCorps Program. Dora Grubb stated that the same person we have currently is coming back and has done a great job in the past. She thanked the Commission for their support in this matter.*



Marion County Historical Society

PO Box 1636 • Fairmont, WV 26555-1636 • Phone (304) 367-5398

October 31, 2014

Randy Elliott, Commissioner  
Burley Tennant, Commission President.  
Ernest VanGilder, Commissioner  
Kris Cinalli, County Administrator

Re: Funding for Americorps Volunteer

Dear Sirs:

The Marion County Historical Society, Inc. is requesting funding of \$3900 match for the 2014-2015 (1 year) of a full-time NationPreserve WV AmeriCorps Program. The site has been approved as well as the volunteer. We have been assigned the same Volunteer (Raven Thomas ) at our request and hers. She has been invaluable this past year in many areas. She has initiated new programs and events. One that just past was the Candlelight Ghost Tales of Marion County in the Jail that was greatly received by the public with over 100 people attending. This same program was requested by the Middle School. Another Project she is working on with other members of the Society and organizations is the community is having Marion County placed on the Nation Heritage Coal Trail with the National Park Service. If this is accomplished this will be a very profitable tourist attraction for this community. One of her serious goals will be working on the preservation of our valuable documents and photos.

On our website we have a 5 star rating for our Museum and Historical Society. We feel we are a very viable part of Marion County. We were recently contacted by an Internationally known Historical Author who came to WV for two days for his new book on Italian Immigration. He with his camera person and photographer to talk with local people. This is the only county in WV he came to gather this information on his 15 state tour. He talked about coming back next year on doing another book strictly on the Monongah Mine Disaster for the Library of Congress of United States. With these major projects it is important that we have qualified individuals

We hope you are able to grant this request as soon as possible as we have many projects

Thank you,

Sincerely,

  
Dora Kay Grubb, President.

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***Commissioner Elliott moved that the Commission grant the matching funds of \$3,900.00 and that those funds be appropriated from the Coal Severance Fund. . Commissioner VanGilder seconded. President Tennant concurred.***

***The Commission received a request for funds from Northern Appalachian Coal Mining Heritage Association (NACMHA) for the Second Annual coal Mining Appreciation Day Swap Meet. Cherie Coogle presented the request for their event that will take place on Saturday, December 6, 2014 at the Knights of Columbus Hall in Fairmont.***

Request for Funding

To: Marion County Commission  
ATTN: Kris Cinalli

NACMHA (Northern Appalachian Coal Mining Heritage Association) is requesting funding in the amount of \$1,000.00 for the Second Annual Coal Mining Appreciation Day Swap Meet. These funds will be used to supply the hospitality room for vendors, printing and postage costs for letters of support and vendors, and Knights of Columbus Hall Rental. The event is scheduled for December 6, 2014 at Knights of Columbus from 10:00 a.m. - 3:00 p.m.

Thank you for your consideration in helping support our event.

Sincerely,  
Cherie Coogle  
Executive Director, NACMHA  
(304)476-7277/cheriecoogle@gmail.com

***Commissioner Elliott moved that the Commission fund the event in the amount of \$1,000.00 and that those funds be appropriated from the Col Severance Fund. Commissioner VanGilder seconded. President Tennant concurred.***

***For the record, note the commission received the Certificate of Approval for the Upper Buffalo #4 Dam extended from 7/6/2009 to 7/6/2015.***



**MARION COUNTY COMMISSION  
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west virginia department of environmental protection

Environmental Enforcement  
601 57<sup>th</sup> Street SE  
Charleston, West Virginia 25304  
Phone: (304) 926-0470 Fax: (304) 926-0478

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[dep.wv.gov](http://dep.wv.gov)

10/21/2014

Mr. Randy Elliott, President  
Marion County Commission  
200 Jackson Street  
Fairmont, West Virginia 26554

RE: Upper Buffalo # 4 Dam, Curtisville, Marion County, ID# 04927  
Extension of Certificate of Approval Expired on 6/12/2012.

Dear Mr. Elliott:

The Division of Water and Waste Management, Dam Safety Section acknowledges that the required periodic inspection report, Monitoring and Emergency Action Plan (EAP) and maintenance plan are valid as of the anniversary date of the Certificate. No unresolved violations of the Dam Control and Safety Act (W. Va. Code 22-14) or the Dam Safety Rule (47CSR34) currently exist.

**As a result, the Certificate of Approval issued for the Upper Buffalo # 4 Dam is hereby extended from 7/6/2009 to 7/6/2015.**

If you have any questions, please contact me at (304) 926-0499, extension 1005.

Sincerely,

Brian R. Long, Program Manager  
Dam Safety

cc: Ed Martin, WVCA  
Sharon Sunderland, WVCA  
DSS Fairmont

Promoting a healthy environment.

***For the record, note the commission received the West Virginia Offices of the Insurance Commissioner a Notice to all State, Local Governmental Entities and Non-Profit Agencies that Flood Insurance is available through the National Flood Insurance program (NFIP) for public review.***

***For the record, note the Commission received the Marion County Commission received Permit #U-0078-83, Incidental Boundary Revision #78 from Consolidation Coal Company for public review.***

***For the record, note the Commission received the Valley Falls Public Service District Reconciliation Summary for Period Ending 9/30/14.***

***For the record, note the Commission received the Kingmill Valley Public Service District Compiled financial Statement for June 30, 2014 and June 30, 2013.***

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*Jesse Corley from the Marion County Solid Waste Authority wanted to update the Commission; he stated that the balers have arrived and should be up and running by the end of the month. He is also setting up a tour for the Commissioners to review their facility.*

*Rhonda Starn and Rick Garcia were in attendance and have been newly elected in the November 4, 2014 General Election and wanted to thank all of the voters who voted for them and stated that they will do their very best to serve the public in their positions.*

*Lloyd White of the Marion County Health Department thanked Butch Tennant for his service as a Commissioner and all that he has done for the County. He also reported that the Marion County Health Department was cited for Excellence. He also presented a short update on the Ebola crisis.*

*Charlie Reese thanked all Veterans for their service and especially Columba Carpenter for his service. Charlie informed the Commission that he had the State Department of Highway people up in town to review Fairmont Avenue and was informed by them that the avenue is not ADA accessible with the sidewalks and that must be done prior to paving. Charlie also added that they reviewed some roads on East Side as well as Pennsylvania Avenue.*

*Belinda Biafore stated that she had received another grant in the amount of \$5,000.00 for the County discretionary use for Palatine Park from State Senator Roman Prezioso.*

*There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, November 19<sup>th</sup>, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.*

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*Burley "Butch" Tennant, President*