

MARION COUNTY COMMISSION  
September 24th, 2025

*The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, September 10th, 2025. Present were Commissioner VanGilder, Commissioner Longstreth and Commissioner DeVaul.*

***Janice Glance led the Court in prayer. President VanGilder led the court with the Pledge of Allegiance.***

*The proceedings of Wednesday September 10th, 2025, and together with those had and done under the supervision of Julie Kincaid, Clerk and Recorder for the Marion County Commission September 11<sup>th</sup>, 12<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18th, 19<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup>, 2025.*

***Commissioner Longstreth moved** to dispense with the reading of the Minutes of Wednesday, September 10th, 2025, and accept them as presented. Commissioner DeVaul seconded. President VanGilder concurred.*

***For the record, notes** Jason Smith, Assessor, presented to the County Commission the following Exonerations for approval.*

***Date: September 24th, 2025  
2025 – 3175 thru 2025 – 3217***

*Pursuant to the recommendation of Jason Smith, Assessor and approval of Jeffery Freeman, Prosecuting Attorney; Commissioner Longstreth moved that the President sign Nos. #2025-3175 thru 2025 – 3217. Commissioner DeVaul seconded. President VanGilder concurred.*

*The Commission received a **Settlement Hearing Order from the Fiduciary Supervisor.***

***Commissioner Longstreth moved** that the Commission sign the **Settlement Hearing Order.** Commissioner DeVaul seconded. President VanGilder concurred.*

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

SETTLEMENT HEARING ORDER

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 September 24<sup>th</sup>, 2025.

This day came Blaire Nuzum-Wise, 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 5, 2025, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.

Thereupon, the County Commission proceeded to hear any objections or exceptions to these proposed settlement reports, as required by law, and hearing none, does hereby approve the proposed settlement reports as submitted and further directs the Fiduciary Supervisor to instruct the personal representatives to conclude the affairs of the estate.

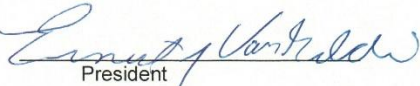
**Estate of**

Dayton, Denzil	<b>SECOND &amp; FINAL</b>
Ronald Nuzum	
Michael Shuman	<b>SECOND &amp; FINAL</b>
Walter Skarzinski	<b>INTERIM</b>
Sharon Tassone	

**Representative**

Alan Dyton, Executor DBN  
Ronda Hartzell, Administratrix  
Shelby Shuman, Executrix DBN  
Douglas Skarzinski, Administrator CTA  
David Reynolds, Administrator CTA

Enter: SEP 24 2025

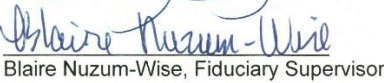
  
President

  
Commissioner

  
Commissioner

ATTEST:

  
Julie Kincaid, County Clerk

  
Blaire Nuzum-Wise, Fiduciary Supervisor

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

*The Commission received an **Order Confirming and Ratifying Waivers and Short Form Settlement Reports #54.***

***Commissioner Longstreth moved that, hearing no objections, the Commission sign the Order Confirming and Ratifying Waivers and Short Form Settlement Reports #54. Commissioner DeVaul seconded. President VanGilder concurred.***

ORDER NUMBER 54

ORDER CONFIRMING AND RATIFYING

WAIVERS AND SHORT FORM SETTLEMENT REPORTS

At a regular Session of the County Commission of Marion County, West Virginia,  
continued and held for the County in the J. Harper Meredith Building on the  
24<sup>th</sup> day of September, 2025.

This day came Blaire Nuzum-Wise, Fiduciary Supervisor for Marion County,  
West Virginia, and presented to the Commission Waivers and Short Form Settlements  
for the following estates which reports she has filed in the Office of the Clerk of the  
County Commission, according to West Virginia Code 44-3A-4(a), effective June 5,  
2023, pending confirmation. There being no objections received to these Settlements  
and no errors appearing, the Waivers and Short Form Settlements are hereby ratified,  
confirmed and approved and the Estates are hereby closed.


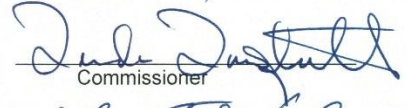

Estate of

Cox, William Robert II  
Gooden, James **SECOND & FINAL**  
Eddy, Betty  
Romino, Mary  
Sloan, Ray Jr.  
Kesling, Sandra  
Gooden, Carol Sue  
Bleigh, Sandra  
  
Thorne, Perry Sr.  
Toothman, Russell


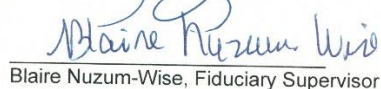
Representative

Patricia Rose Cox, Executrix  
Terry Pratt, Executrix DBN  
Susan Tennant, Executrix  
Jezioro, Beverly, Executrix  
Thomas Sloan, Executor  
Mullenax, Todd, Executor  
Robert & William Gooden, Co-Executors  
Kelly Underwood & Marc Bleigh,  
Co-Executors  
Janice Thorne, Administratrix  
Mary Ann Toothman, Administratrix

ENTER: 9-24-25

  
President  
  
Commissioner  
  
Commissioner

ATTEST:

  
Julie Kincaid, County Clerk  
  
Blaire Nuzum-Wise, Fiduciary Supervisor

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

*The Commission received an **Order Confirming and Ratifying Waivers and Short Form Settlement Reports #53.***

*Commissioner Longstreth moved that, hearing no objections, the Commission sign the **Order Confirming and Ratifying Waivers and Short Form Settlement Reports #53.** Commissioner DeVaul seconded. President VanGilder concurred.*

ORDER NUMBER 53

ORDER CONFIRMING AND RATIFYING

WAIVERS AND SHORT FORM SETTLEMENT REPORTS

At a regular Session of the County Commission of Marion County, West Virginia, continued and held for the County in the J. Harper Meredith Building on the 10<sup>th</sup> day of September, 2025.

This day came Blaire Nuzum-Wise, Fiduciary Supervisor for Marion County, West Virginia, and presented to the Commission Waivers and Short Form Settlements for the following estates which reports she has filed in the Office of the Clerk of the County Commission, according to West Virginia Code 44-3A-4(a), effective June 5, 2023, pending confirmation. There being no objections received to these Settlements and no errors appearing, the Waivers and Short Form Settlements are hereby ratified, confirmed and approved and the Estates are hereby closed.

Estate of

Gapen, Frederick  
Parker, Shirley  
Martin, Orval, Jr.  
Nuzum, Ann L.  
Hall, Geraldine  
Thompson, Barbara Jean  
Lloyd, Marsha  
Robinson, Cornelia  
Gaten, Margaret  
Walavalkar, Madhav  
Shaver, Geneva  
Myers, Arthur, Jr.  
Bailey, Larrie aka John Larrie Bailey

Prozzillo, Raymond  
Bowman, Betty L.  
LaRue, Dina Mae  
Uram, Thomas  
Colvin, Audia  
Talerico, Russell  
Layton, Erik  
Capet, Charles Edward  
Satterfield, Anna Marie  
Eddy, Dorothy  
Jackson, Thelma Geraldine  
Executor  
Morgan, Linda  
Straight, Patsy Lee

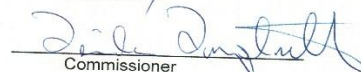
Representative

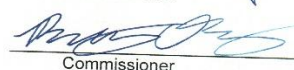
Matt Gapen, Administrator  
Rodney Parker, Executor  
Helen Martin, Administratrix  
Susan Farmer, Administratrix  
Geraldine W. Hall, Executor  
Robert Thompson, Administrator  
Charles Lloyd, Executor  
Deborah Hinton, Executrix  
Rachel Hizer, Executrix  
Mangal Walavalkar, Executrix  
Arlie Shaver, Executor  
Tammy Myers, Administratrix  
David Bailey & Anne McCabe,  
Co-Executors  
Dee Ann Post, Executrix  
Rena Bowman, Executrix  
Theodore LaRue, Executor  
Annette Mahan, Executrix  
Mary Ellen Carnes, Executrix  
Denise Atletico, Executrix  
Kelly Shough, Administratrix  
Cathy Maxell, Executrix  
Sharon West, Administratrix  
Michael Eddy, Executor  
Donald Warren Jackson,

Jennifer Stewart, Executrix  
Straight, Franklin Scott, Executor

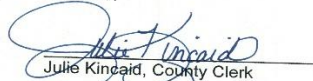
ENTER: 9-24-25

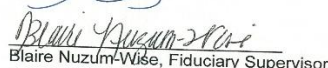
  
President

  
Commissioner

  
Commissioner

ATTEST:

  
Julie Kincaid, County Clerk

  
Blaire Nuzum-Wise, Fiduciary Supervisor



*MARION COUNTY COMMISSION*  
*September 24th, 2025*

***Request for Advice and Consent from Sheriff Cunningham to hire Jozef Richmond as a Sheriff's Deputy effective 9/15/25, full-time with benefits.***

***Commissioner Longstreth moved that the Commission grant its Advice and Consent to Sheriff Cunningham to hire Jozef Richmond as a Sheriff's Deputy effective 9/15/25, full-time with benefits. Commissioner DeVaul seconded. President VanGilder concurred.***

OFFICE OF THE SHERIFF



***State of West Virginia***

SHERIFF OF MARION COUNTY

PO Box 1348

Fairmont, West Virginia 26555-1348

(304) 367-5300 Law Enforcement Division

(304) 367-5310 Tax Office

(304) 367-5307 Record Division

Roger D. Cunningham  
Sheriff

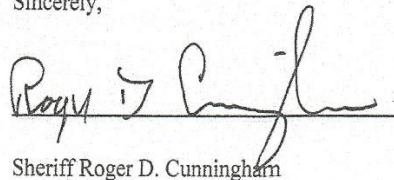
Joseph N. Carpenter  
Chief Deputy

To: Marion County Commission  
From: Sheriff Roger D. Cunningham  
Date: 09/09/2025  
Ref: Hiring of Jozef Richmond

Dear Honorable Commissioners:

I am respectfully requesting to be placed on the next Commission's agenda on September 17th, 2025. I am requesting the advice and consent of the Honorable Commissioners' for the hiring of Jozef Richmond for the Sheriffs' Deputy position, for the Marion County Sheriffs' Office. His starting date is 09/15/2025 and his starting salary will be \$55,000.00 plus benefits.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger D. Cunningham", written over a horizontal line.

Sheriff Roger D. Cunningham

Cc: File

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

***Request for Advice and Consent from Sheriff Cunningham to hire Rick Floyd as a part time Transport/Holding Officer effective 9/15/25.***

***Commissioner Longstreth moved that the Commission grant its Request for Advice and Consent from Sheriff Cunningham to hire Rick Floyd as a part time Transport/Holding Officer effective 9/15/25. Commissioner DeVaul seconded. President VanGilder concurred.***

OFFICE OF THE SHERIFF



*State of West Virginia*

SHERIFF OF MARION COUNTY

PO Box 1348

Fairmont, West Virginia 26555-1348

(304) 367-5300 Law Enforcement Division

(304) 367-5310 Tax Office

(304) 367-5307 Record Division

Roger D. Cunningham  
Sheriff

Joseph N. Carpenter  
Chief Deputy

To: Marion County Commission  
From: Sheriff Roger D. Cunningham  
Date: 09/10/2025  
Ref: Hiring of Rick Floyd

Dear Honorable Commissioners:

I am respectfully requesting to be placed on the next Commission's agenda on September 24th, 2025. I am requesting the advice and consent of the Honorable Commissioners' for the hiring of Rick Floyd for a part time position for a Transport/Holding officer, for the Marion County Sheriffs' Office. His starting date is 09/15/2025 and his starting wages will be \$25 per hour.

Sincerely,

A handwritten signature of Roger D. Cunningham in black ink, written over a horizontal line.

Sheriff Roger D. Cunningham

Cc: File

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

***Request for Advice and consent from Circuit Clerk Mary Allen to hire Debra Croston as a full-time replacement with benefits effective 9/9/25.***

***Commissioner Longstreth moved the Commission grant its Advice and Consent to Circuit Clerk, Mary Allen to hire Debra Croston as a full-time replacement with benefits effective 9/9/25. Commissioner DeVaul seconded. President VanGilder concurred.***

State of West Virginia  
Circuit Court of Marion County  
Twentieth Judicial Circuit



Mary A. Allen, Circuit Clerk  
219 Adams Street, Room 211  
Fairmont, WV 26554-2880  
mary.allen@courtswv.gov

Office Hours  
Monday - Friday  
8:30 AM - 4:30 PM  
(304) 367 - 5360 Office  
(304) 367 - 5374 Fax

ORIGINAL

September 9, 2025

To: Marion County Commissioners  
Attention: Kris Cinalli  
200 Jackson Street, Room 403  
Fairmont, WV 26554-2880

Re: Circuit Clerk Office  
Advice and Consent for Debra Croston, Deputy Clerk

Dear Commissioners,

Please accept the letter as a formal request for the Advice and Consent of the Marion County Commission regarding the hiring of Debra Croston as a full-time replacement. She will be eligible with benefits with the Marion County Circuit's Clerks Office effective September 9, 2025.

Thank you for your assistance in this matter.

Sincerely,

*Mary A. Allen*

Mary A. Allen Circuit Clerk

MAA/kc

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

***Request for Advice and Consent from Circuit Clerk, Mary Allen, to hire a part-time Deputy Clerk with no benefits to start before the end of the year.***

***Commissioner Longstreth moved that the Commission grant its Advice and Consent to Circuit Clerk, Mary Allen, to hire a part-time Deputy Clerk with no benefits to start before the end of the year.***

State of West Virginia  
Circuit Court of Marion County  
Twentieth Judicial Circuit



Mary A. Allen, Circuit Clerk  
219 Adams Street, Room 211  
Fairmont, WV 26554-2880  
mary.allen@courtswv.gov

Office Hours  
Monday - Friday  
8:30 AM - 4:30 PM  
(304) 367 - 5360 Office  
(304) 367 - 5374 Fax

Monday, September 15, 2025

To Marion County Commission  
200 Jackson Street, Room 403  
Fairmont, WV 26554-2963

Rg Circuit Clerks Office  
Advice and Consent for "Part Time Employee with no Benefits"

Dear Mr. Commissioners,

Please accept this letter as a formal request for the advice and consent of the Marion County Commission regarding the hiring of a part-time Deputy Clerk with no benefits. My intention is to hire this person before the end of the year.

Sincerely,

*Mary A. Allen*

Mary A. Allen  
Circuit Clerk Marion  
[Mary.Allen@courtswv.gov](mailto:Mary.Allen@courtswv.gov)  
304.844.8686



**MARION COUNTY COMMISSION**  
*September 24th, 2025*

***Request from the County Clerk to approve the removal of Thomas F. Antulov from the County Clerk's office bank account at Wesbanco.***

***Commissioner Longstreth moved that the Commission approve the Request to the County Clerk for the removal of Thomas F. Antulov from the County Clerk's office bank account at Wesbanco. Commissioner DeVaul seconded. President VanGilder concurred.***

***The Marion County Commission received the Delinquent 2024 Real Estate Tax List from the Tax Office. This requires a motion from the Commission to have the County Clerk sign and submit the list to the West Virginia State Auditor's Office.***

***Commissioner Longstreth moved that the Commission request the County Clerk to sign the Delinquent 2024 Real Estate Tax List from the Tax Office and submit the list to the West Virginia State Auditor's Office. Commissioner DeVaul seconded. President VanGilder concurred.***

***Request from the Marion County Public Library for a continuation of their current Excess Levy that expires June 30, 2026, to be voted upon in the Primary Election in May 2026.***

***Commissioner Longstreth moved that the Commission sign the Request from the Marion County Public Library for a continuation of their current Excess Levy that expires June 30, 2026, to be voted upon in the Primary Election in May 2026. Commissioner DeVaul seconded. President VanGilder concurred.***

***Larissa Cason, MC Library Director, addressed the Commission to provide information regarding services provided by the libraries in Fiscal Year 2025 and the request for continued support for the upcoming Levy to continue the services that they provide to the citizens of Marion County. She further reported that 60% of the library's services are in-person and 40% are digital services. Ms. Cason added that the library now has one-time use items that are available to be checked out, eliminating the need for individuals to purchase these items. She also reported that the library offers outreach services, such as home delivery of materials, to those who may be homebound. When asked, Ms. Cason reported that Levy monies are about 85% of their operating revenue.***

MARION COUNTY COMMISSION  
September 24th, 2025



www.mcpls.org



September 12, 2025

County Commissioners  
Marion County Commission  
200 Jackson Street  
Fairmont, WV 26554

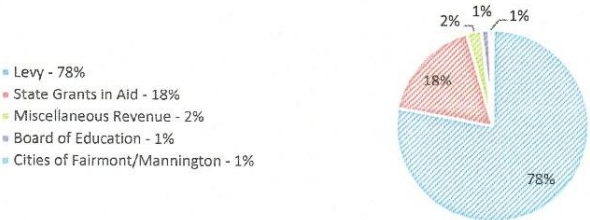
Re: Request for Five Year Excess Levy Renewal May 2026

Dear Commissioners:

The Board of Trustees of the Marion County Public Library would like to request a continuation of our current Excess Levy that expires June 30, 2026, to be voted upon at the next primary election scheduled for May 2026.

The purpose of the levy is for the general operation of the Marion County Public Library System. MCPLS has three branch locations (in Fairmont, Fairview, and Mannington), two bookmobiles, and a 24-hour kiosk (in White Hall). MCPLS employs 34 people throughout the county. As you may know, the excess levy generates 78% of the Library System's funding and without its passage, the county would lose this vital public service.

MCPLS FUNDING



During the fiscal year that ended on June 30, 2025, MCPLS had 105,751 visits to a library branch, 148,403 checkouts of physical materials, and 93,490 checkouts of electronic materials, such as eBooks and eAudiobooks. The library also notarized 695 documents at no cost to the public and had 8,087 adult and juvenile patrons use our public access computers.

Marion County Public Library 321 Monroe St. Fairmont, WV 26554 304-366-1210	MCPL Bookmobile 321 Monroe St. Fairmont, WV 26554 304-366-1210	Fairview Public Library 500 Main St. Fairview, WV 26570 304-449-1021	Mannington Public Library 109 Clarksburg St. Mannington, WV 26582 304-986-2803
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We request that the current excess levy rates be renewed. The current rates are as follows:

Class I	1.5 cents
Class II	3.0 cents
Class III & IV	6.0 cents

We would like to request that the excess levy continue to run for a term of four years.

If you should need any other information, please do not hesitate to contact me.

Very truly yours,  
  
Larissa A. Cason  
Library Director

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA  
ORDER AUTHORIZING LEVY ELECTION UNDER PROVISIONS OF WV CODE §  
11-8-16 TO PROVIDE FOR THE CONTINUED OPERATION OF THE MARION  
COUNTY PUBLIC LIBRARY

WHEREAS, Pursuant to the provisions of West Virginia Code Chapter 11, Article 8, the County Commission of Marion County, West Virginia is authorized to provide for a levy election for the purpose of general county current expenses; and

WHEREAS, on the 24th day of September 2025 came the Marion County Parks and Recreation Commission in public meeting and presented to the County Commission of Marion County, West Virginia a request to authorize a levy election for the purpose of continued operation of the Marion County public Library; and

WHEREAS, the County Commission is authorized by the provisions of West Virginia Code Chapter 11, Article 8, Section 16 to continue it's levies by entering on its record of proceedings an order setting forth;

- (1). The purpose for which additional funds are needed
- (2). The amount for each purpose
- (3). The total amount needed
- (4). The separate and aggregate assessed valuation of each class of taxable property within its jurisdiction.
- (5). The proposed additional rate of levy in cents on each class of property.
- (6). The proposed number of years of levy, not exceeding five.
- (7). The fact that the levying body will not issue bonds as provided by this section, i[on approval of the proposed levy; and

WHEREAS, the Public Library in Marion County as operated by the Marion County Public Library Board of Trustees is funded partially from funds generated by an excess levy currently in effect in the county; and;

WHEREAS, the levy is essential to the continued operation of the Marion County Public Library and services provided to the citizens of the county would be greatly reduced without the levy funds; and

WHEREAS, for the existing parks and recreation system to continue beyond June 30, 2025 additional funds are required; and

WHEREAS, the Commission is of the opinion that for the good of the public welfare, it is necessary that the levy continue to fund the operation of the Marion County Public Library;

- It is accordingly ORDERED that pursuant to the provisions of Chapter 11, Article 8 of the West Virginia Code, as election shall be held to place before the voters of Marion County the question of a continued levy for the purpose of continued operation of the Marion County Public Library in Marion County, West Virginia. It is further ordered that:

- 1. The purpose of the continued levy funds shall be to continue the operation of the Marion County Public Library in Marion County, West Virginia.
- 2. The total of the needed funds is approximately six hundred twenty-seven thousand, twenty five dollars and seventy three cents (\$1,319,987) per fiscal year for the next four years.
- 3. All funds received pursuant to the excess levy shall be utilized for the continued operation of Marion County Public Library in Marion County, West Virginia. Any surplus funds received shall be utilized for the same purpose during the fiscal year so received. In the event that any funds may be obtained from the United States of America, State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purposes, the Marion County Public Library Board of Trustees is hereby authorized to match such funds, if required by the granting authority, from the proceeds of the levy.
- 4. The separate and aggregate assessed valuation of each class of taxable property within Marion County, West Virginia, as shown by the last assessment thereof for State, County and City taxation is as follows:

Class I	\$ 0
Class II	\$1,671,472,358
Class III	\$778,706,217
Class IV	\$748,587,082
Total	\$3,198,765,657
- 5. The proposed additional rate of levy in cents on each one hundred dollars (\$100.00) assessed valuation of taxable property in Marion County, West Virginia shall be as follows:

Upon Class I properties	1.5 cents
Upon Class II properties	3.0 cents
Upon Class III properties	6.0 cents
Upon Class IV properties	6.0 cents
- 6. The proposed years to which the additional levy shall apply shall be the fiscal years beginning July 1, 2026, July 1, 2027, July 1, 2028, July 1, 2029
- 7. The Marion County Commission shall not issue bonds upon approval of the proposed increased levy.

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

8. The question of laying such additional levy shall be submitted to the voters of Marion County, West Virginia in a Primary Election to be held in said County on the 12th day of May 2026 in accordance with the election laws of the State of West Virginia.
9. The registration of voters and the use of registration books shall be governed by the permanent registration laws of the State of West Virginia. The registration lists of Marion County, West Virginia, as amended and corrected according to law, shall be the official registration list for such Primary Election.
10. The notice calling such election shall be given by the publication of this Order as a Class II legal advertisement in the Times West Virginian, a newspaper of general circulation in the territory in which the election is held and as such shall be published once a week for two successive weeks within a period of fourteen consecutive days with at least an interval of six full days within the period between the date of the first publication and the date of the second publication.
11. The form of the ballot for such election shall be as follows:

Levy For Funds to Continue Operation of the Marion County Public Library in Marion County West Virginia

A Special election to authorize levies for fiscal years beginning July 1, 2026, July 1, 2027, July 1, 2028, July 1, 2029 for the purpose of funding the continued operation of the Marion County Public Library in Marion County, West Virginia according to the Order of the Marion County Commission entered on the 24th day of September 2025.

The Continued levy in cents per one hundred dollars of assessed valuation on each class of property within Marion County shall be as follows:

Class I	1.5 cents
Class II	3.0 cents
Class III	6.0 cents
Class IV	6.0 cents

( ) Yes for the levy

( ) No against the levy

Given under our hand and the Seal of the County of Marion on the 24th day of September 2025.

ENTERED: 9-24-25

MARION COUNTY COMMISSION

  
Ernie VanGilder, PRESIDENT

  
Linda Longstreth, COMMISSIONER

  
Bobby DeVaul, COMMISSIONER

ATTEST:

  
Julie Kincaid, COUNTY CLERK



MARION COUNTY COMMISSION  
September 24th, 2025

***Request from the Marion County Parks and Recreation Commission (MCPARC) for a continuation of their current Excess Levy that expires June 30, 2026, to be voted upon in the Primary Election in May 2026.***

***Commissioner Longstreth moved that the Commission sign the Request from the Marion County Parks and Recreation Commission (MCPARC) for a continuation of their current Excess Levy that expires June 30, 2026, to be voted upon in the Primary Election in May 2026.***

***Tony Michalski, Director of MCPARC, presented the Commission with a handout "100 Reasons to Support the MCPARC Levy". He gave some updates of projects going forward and reported that 80% of their operating revenue is funded by Levy monies. In addition, Mr. Michalski reported that MCPARC has given 1.6 million dollars back to groups in the County for activities, which would not be possible without the levy. Mr. Michalski also recognized Tina Mascaro, MCPARC Sports Management Director and Jay Ford, MCPARC Board President, who were present with him.***



**MARION COUNTY**  
PARKS & RECREATION

PO Box 1258  
Fairmont, WV 26555  
O: 304.363.7037  
F: 304.367.0676

September 16<sup>th</sup>, 2025

Marion County Commission  
200 Jackson St.  
Fairmont, WV  
26554

The Marion County Parks And Recreation Commission (MCPARC) requests that the Marion County Commission prepare an order authorizing a Levy Election under provisions of WV Code, Chapter 11, Article 8, Section 16. MCPARC is currently operating under a levy that will expire on June 30<sup>th</sup>, 2026. The MCPARC board voted to pursue the levy as stated at the September 15<sup>th</sup>, 2025 board meeting.

MCPARC is requesting that the levy be placed on the May 2026 ballot for the primary election. The request for support is as rate of levy in cents on each one hundred dollars (\$100.00) assessed valuation of taxable property in Marion County, West Virginia, as follows:

Upon Class I properties	2.0 cents
Upon Class II properties	4.0 cents
Upon Class III and IV properties	8.0 cents

This rate will be a continuation of the existing MCPARC levy rates. Thank you for your assistance and support.

Respectfully,

Tony Michalski  
MCPARC Director

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

ORDER AUTHORIZING LEVY ELECTION UNDER PROVISIONS OF WV CODE §  
11-8-16 TO PROVIDE FOR THE CONTINUED OPERATION OF THE MARION  
COUNTY PARKS AND RECREATION SYSTEM

WHEREAS, Pursuant to the provisions of West Virginia Code Chapter 11, Article 8, the County Commission of Marion County, West Virginia is authorized to provide for a levy election for the purpose of general county current expenses; and

WHEREAS, on the 24th day of September 2025 came the Marion County Parks and Recreation Commission in public meeting and presented to the County Commission of Marion County, West Virginia a request to authorize a levy election for the purpose of continued operation of the parks and recreation system in Marion County; and

WHEREAS, the County Commission is authorized by the provisions of West Virginia Code Chapter 11, Article 8, Section 16 to continue it's levies by entering on its record of proceedings an order setting forth;

- (1). The purpose for which additional funds are needed
- (2). The amount for each purpose
- (3). The total amount needed
- (4). The separate and aggregate assessed valuation of each class of taxable property within its jurisdiction.
- (5). The proposed additional rate of levy in cents on each class of property.
- (6). The proposed number of years of levy, not exceeding five.
- (7). The fact that the levying body will not issue bonds as provided by this section, on approval of the proposed levy; and

WHEREAS, the existing parks and recreation system in Marion County as operated by the Marion County Parks and recreation Commission is funded partially from funds generated by an excess levy currently in effect in the county; and;

WHEREAS, the levy is essential to the continued operation of the parks and recreation system in Marion County and services provided to the citizens of the county would be greatly reduced without the levy funds; and

WHEREAS, for the existing parks and recreation system to continue beyond June 30, 2025 additional funds are required; and

WHEREAS, the Commission is of the opinion that for the good of the public welfare, it is necessary that the levy continue to fund the operation of the parks and recreation system in Marion County.

It is accordingly ORDERED that pursuant to the provisions of Chapter 11, Article 8 of the West Virginia Code, as election shall be held to place before the voters of Marion County the question of a continued levy for the purpose of continued operation of the Parks and Recreation system in Marion County, West Virginia. It is further ordered that:

- 1. The purpose of the continued levy funds shall be to continue the operation of the parks and recreation system in Marion County, West Virginia.
- 2. The total of the needed funds is approximately six hundred twenty-seven thousand, twenty five dollars and seventy three cents (\$1,759,983) per fiscal year for the next four years.
- 3. All funds received pursuant to the excess levy shall be utilized for the continued operation of the parks and recreation system in Marion County, West Virginia. Any surplus funds received shall be utilized for the same purpose during the fiscal year so received. In the event that any funds may be obtained from the United States of America, State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purposes, the Marion County Parks and Recreation Commission is hereby authorized to match such funds, if required by the granting authority, from the proceeds of the levy.
- 4. The separate and aggregate assessed valuation of each class of taxable property within Marion County, West Virginia, as shown by the last assessment thereof for State, County and City taxation is as follows:

Class I	\$ 0
Class II	\$1,671,472,358
Class III	\$778,706,217
Class IV	\$748,587,082
Total	\$3,198,765,657

- 5. The proposed additional rate of levy in cents on each one hundred dollars (\$100.00) assessed valuation of taxable property in Marion County, West Virginia shall be as follows:

Upon Class I properties	2.0 cents
Upon Class II properties	4.0 cents
Upon Class III properties	8.0 cents
Upon Class IV properties	8.0 cents
- 6. The proposed years to which the additional levy shall apply shall be the fiscal years beginning July 1, 2026, July 1, 2027, July 1, 2028, July 1, 2029

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

7. The Marion County Commission shall not issue bonds upon approval of the proposed increased levy.
8. The question of laying such additional levy shall be submitted to the voters of Marion County, West Virginia in a Primary Election to be held in said County on the 12<sup>th</sup> day of May 2026 in accordance with the election laws of the State of West Virginia.
9. The registration of voters and the use of registration books shall be governed by the permanent registration laws of the State of West Virginia. The registration lists of Marion County, West Virginia, as amended and corrected according to law, shall be the official registration list for such Primary Election.
10. The notice calling such election shall be given by the publication of this Order as a Class II legal advertisement in the Times West Virginian, a newspaper of general circulation in the territory in which the election is held and as such shall be published once a week for two successive weeks within a period of fourteen consecutive days with at least an interval of six full days within the period between the date of the first publication and the date of the second publication.
11. The form of the ballot for such election shall be as follows:

Levy For Funds to Continue Operation of the Parks and Recreation System in Marion  
County West Virginia

A Special election to authorize levies for fiscal years beginning July 1, 2026, July 1, 2027, July 1, 2028, July 1, 2029 for the purpose of funding the continued operation of the Parks and Recreation system in Marion County, West Virginia according to the Order of the Marion County Commission entered on the 24th day of September 2025.

The Continued levy in cents per one hundred dollars of assessed valuation on each class of property within Marion County shall be as follows:

Class I	2.0 cents
Class II	4.0 cents
Class III	8.0 cents
Class IV	8.0 cents

( ) Yes for the levy

( ) No against the levy

Given under our hand and the Seal of the County of Marion on the 24th day of  
September 2025

ENTERED: 9-24-25

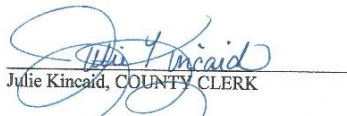
MARION COUNTY COMMISSION

  
Ernie VanGilder, PRESIDENT

  
Linda Longstreth, COMMISSIONER

  
Bobby DeVaul, COMMISSIONER

ATTEST:

  
Julie Kincaid, COUNTY CLERK



MARION COUNTY COMMISSION  
September 24th, 2025

***Request from the Fairmont-Marion County Transit Authority for a continuation of their current Excess Levy that expires June 30, 2026, to be voted upon in the Primary Election in May 2026.***

***Commissioner Longstreth moved that the Commission sign the Request from the Fairmont-Marion County Transit Authority for a continuation of their current Excess Levy that expires June 30, 2026, to be voted upon in the Primary Election in May 2026. Commissioner DeVaul seconded. President VanGilder concurred.***

***Jeff Mullenax, General Manager of Marion County Transit Authority, addressed the Commission to explain ways that the levy has helped to support the services that they provide to the citizens of our County, which include community transport, dialysis transport, and medical appointment transports. Mr. Mullenax stated that passage of the Levy would allow the Transit Authority to continue to offer these vital services to our county and thanked the Commission for their support.***



August 25, 2025

Marion County Commission  
200 Jackson St.  
Fairmont, WV 26554

The Fairmont-Marion County Transit Authority (FMCTA) requests that the Marion County Commission prepare an order authorizing a Levy Election under provisions of WV Code, Chapter 11, Article 8, Section 16. FMCTA is currently operating under a levy that will expire on June 30<sup>th</sup>, 2026. The FMCTA board voted to pursue the levy as stated at the September 15, 2025 board meeting.

The Fairmont-Marion County Transit Authority is requesting that the levy be placed on the May 2026 ballot for the primary election. The request for support is as rate of levy in cents on each one hundred dollars (\$100.00) assessed valuation of taxable property in Marion County, West Virginia, as follows:

Upon Class I properties	2.0 cents
Upon Class II properties	4.0 cents
Upon Class III and IV properties	8.0 cents

This rate will be a continuation of the existing The FMCTA levy rates.  
Thank you for your assistance and support.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Jeff Mullenax'.

Jeffery A Mullenax  
General Manager  
Fairmont-Marion County Transit Authority

Fairmont-Marion County Transit Authority



*MARION COUNTY COMMISSION*  
*September 24th, 2025*

IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA  
ORDER AUTHORIZING LEVY ELECTION UNDER PROVISIONS OF WV CODE §  
11-8-16 TO PROVIDE FOR THE CONTINUED OPERATION OF THE MASS  
TRANSIT PROGRAM IN MARION COUNTY

WHEREAS, Pursuant to the provisions of West Virginia Code Chapter 11, Article 8, the County Commission of Marion County, West Virginia is authorized to provide for a levy election for the purpose of general county current expenses; and

WHEREAS, on the 24th day of October 2025 came the Fairmont-Marion County Transit Authority in public meeting and presented to the County Commission of Marion County, West Virginia a request to authorize a levy election for the purpose of continued operation of the Marion County Transit Authority (public transportation system); and

WHEREAS, the County Commission is authorized by the provisions of West Virginia Code Chapter 11, Article 8, Section 16 to continue it's levies by entering on its record of proceedings an order setting forth;

- (1). The purpose for which additional funds are needed
- (2). The amount for each purpose
- (3). The total amount needed
- (4). The separate and aggregate assessed valuation of each class of taxable property within its jurisdiction.
- (5). The proposed additional rate of levy in cents on each class of property.
- (6). The proposed number of years of levy, not exceeding five.
- (7). The fact that the levying body will not issue bonds as provided by this section, if on approval of the proposed levy; and

WHEREAS, the existing mass transportation program operated by the Fairmont-Marion County Transit Authority is almost solely dependent on fare box revenues to sustain its operation with some funding from the Federal Transit Administration and is funded partially from funds generated by an excess levy currently in effect in the county; and;

WHEREAS, for the current mass transit program to continue operation beyond June 30, 2025 additional funds are required; and

WHEREAS, the Commission is of the opinion that for the good of the public welfare, it is necessary that the levy continue to fund the operation of the mass transit program in Marion County.

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

It is accordingly ORDERED that pursuant to the provisions of Chapter 11, Article 8 of the West Virginia Code, as election shall be held to place before the voters of Marion County the question of a continued levy for the purpose of continued operation of the mass transit program in Marion County, West Virginia. It is further ordered that:

1. The purpose of the continued levy funds shall be to continue the operation of the mass transit program in Marion County, West Virginia.
2. The total of the needed funds is approximately eight hundred thirty six thousand, thirty four dollars and thirty cents (\$1,759,983) per fiscal year for the next four years.
3. All funds received pursuant to the excess levy shall be utilized for the continued operation of the Transit Authority in Marion County, West Virginia. Any surplus funds received shall be utilized for the same purpose during the fiscal year so received. In the event that any funds may be obtained from the United States of America, State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purposes, the Marion County Transit Authority is hereby authorized to match such funds, if required by the granting authority, from the proceeds of the levy.
4. The separate and aggregate assessed valuation of each class of taxable property within Marion County, West Virginia, as shown by the last assessment thereof for State, County and City taxation is as follows:

Class I	\$ 0
Class II	\$1,671,472,358
Class III	\$778,706,217
Class IV	\$748,587,082
Total	\$3,198,765,657

5. The proposed additional rate of levy in cents on each one hundred dollars (\$100.00) assessed valuation of taxable property in Marion County, West Virginia shall be as follows:

Upon Class I properties	2.0 cents
Upon Class II properties	4.0 cents
Upon Class III properties	8.0 cents
Upon Class IV properties	8.0 cents
6. The proposed years to which the additional levy shall apply shall be the fiscal years beginning July 1, 2026, July 1, 2027, July 1, 2028, July 1, 2029
7. The Marion County Commission shall not issue bonds upon approval of the proposed increased levy.
8. The question of laying such additional levy shall be submitted to the voters of Marion County, West Virginia in a Primary Election to be held in said County

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

on the 12th day of May 2026 in accordance with the election laws of the State of West Virginia.

9. The registration of voters and the use of registration books shall be governed by the permanent registration laws of the State of West Virginia. The registration lists of Marion County, West Virginia, as amended and corrected according to law, shall be the official registration list for such Primary Election.
10. The notice calling such election shall be given by the publication of this Order as a Class II legal advertisement in the Times West Virginian, a newspaper of general circulation in the territory in which the election is held and as such shall be published once a week for two successive weeks within a period of fourteen consecutive days with at least an interval of six full days within the period between the date of the first publication and the date of the second publication.
11. The form of the ballot for such election shall be as follows:

Levy For Funds to Continue Operation of the Mass Transit (Bus) Program in Marion County, West Virginia

A Special election to authorize levies for fiscal years beginning July 1, 2026, July 1, 2027, July 1, 2028, July 1, 2029 for the purpose of funding the continued operation of the mass transit (bus) program in Marion County, West Virginia according to the Order of the Marion County Commission entered on the 24th day of September 2025.

The Continued levy in cents per one hundred dollars of assessed valuation on each class of property within Marion County shall be as follows:

Class I	2.0 cents
Class II	4.0 cents
Class III	8.0 cents
Class IV	8.0 cents

( ) Yes for the levy

( ) No against the levy

Given under our hand and the Seal of the County of Marion on the 24th day of September, 2025

ENTERED: SEP 24 2025

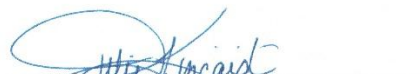
MARION COUNTY COMMISSION

  
Ernie VanGilder, PRESIDENT

  
Linda Longstreth, COMMISSIONER

  
Bobby DeVaul, COMMISSIONER

ATTEST:

  
Julie Kincaid, COUNTY CLERK

MARION COUNTY COMMISSION  
September 24th, 2025


**Consideration of approval of a revision to the Promissory Note between the Marion County Commission and Marion County Parks and Recreation Commission to delay payments on their loan for a year.**

**Tony Michalski, MCPARC Director explained that approving the one-year delay would give them more funds to install a new motor for the wave pool at East Marion Park, which would upgrade that facility and increase public interest.**

**Commissioner Longstreth moved that the Commission give their approval for a revision to the Promissory Note between the Marion County Commission and Marion County Parks and Recreation Commission to delay payments on their loan for a year. Commissioner DeVaul seconded. President VanGilder concurred.**

**Request from CEC for Change Order Number 1 for the Hoglick Industrial Access Road Fund Project in the amount of \$198,100.00.**

**Commissioner Longstreth moved that the Commission sign the Request from CEC for Change Order Number 1 for the Hoglick Industrial Access Road Fund Project in the amount of \$198,100.00. Commissioner DeVaul seconded. President VanGilder concurred.**

  
Civil & Environmental Consultants, Inc.

AUTHORIZATION FOR ADDITIONAL SERVICES

Client Name: Marion County Commission

Contact: Marion County Commission

Address: 200 Jackson Street, Room 403

Client Phone: 304-367-5400

Fairmont, WV 26554

Client Fax:

Client Email: brian@hlaggregates.com

Date: 8-13-2025

Request No.: 1

CEC Project: 341-289

Task:

CEC Project Manager: Ryan P. Minor

Project Name: Hoglick Industrial Access Road (IAR) Professional Engineering Services

Location: Fairmont, WV

Proposed Scope of Services: Preliminary & Final Design Services

See Attached Scope for detailed task descriptions.

Task	Fee
1 - Geotechnical Engineering	\$ 18,000.00
2 - Roadway Design	\$ 65,000.00
3 - Maintenance of Traffic	\$ 7,500.00
4 - Hydraulic Analysis	\$ 10,800.00
5 - Ecological Services	\$ 7,000.00
6 - Cultural Resources	\$ -----
7 - Permitting	\$ 15,300.00
8 - Surveying	\$ 29,000.00
9 - Right-of-Way Plan Development	\$ 18,000.00
10 - Utility Verifications & Relocations	\$ 7,500.00
11 - Project Management	\$ 20,000.00
Estimated Additional Fee Total (Lump Sum):	\$ 198,100.00

All work associated with this Change Order will be performed under CEC's Terms and Conditions that were attached to the Proposal dated June 27, 2024. If additional services or meetings are requested, CEC will provide an additional Authorization for Additional Services for review and approval.



**MARION COUNTY COMMISSION**  
*September 24th, 2025*



Civil & Environmental Consultants, Inc.

**AUTHORIZATION FOR ADDITIONAL SERVICES**

**Reason(s) for Additional Services and Impacts to Schedule:**

The Design Study Report is anticipated to be approved with Alternate #3 recommended. As requested, this scope of services covers the preliminary and final engineering for the 0.5 mile portion of CR 27/6, as originally scoped in the grant document from 11/2020. The remaining portion of the project will be covered under an additional change order at a later date.

CEC Principal  
Signature:

Estimated Additional Fee: \$195,100.00

Please provide a signature below authorizing CEC to proceed with the additional services. Upon receipt, CEC will begin the additional services under the Terms and Conditions of our initial Agreement for the additional fee identified above.

Client Authorized Signature:

Date: 24 Sept  
2025

***Approval of Application for 2026 Courthouse Facilities Improvement  
Authority for the Courthouse Roof Replacement Project.***

*County Administrator, Kris Cinalli, reported that during last trial, there were issues with some roofing falling and this grant will help to secure funds to do the necessary replacement/repairs.*

*Commissioner Longstreth moved that the Commission sign the Approval of Application for 2026 Courthouse Facilities Improvement Authority for the Courthouse Roof Replacement Project. Commissioner DeVaul seconded. President VanGilder concurred.*

**Marion County Commission**

ERNIE J. VANGILDER  
President

LINDA LONGSTRETH  
Commissioner

ROBERT DeVAUL  
Commissioner



Address Correspondence to:

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

The County Commission of Marion County met on 9/24/25 with a quorum present and approved the following resolution.

Be it resolved that the County Commission hereby authorizes Ernie VanGilder, Commission President of the Marion County Commission, to apply for and act on its behalf to enter into a contractual agreement with WV Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provisions of the WV Courthouse Facilities Improvement Fund Program.

Signed:

County Clerk

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

***For the Record, American Bituminous Power Partners, L.P. has submitted an application with the West Virginia Department of Environmental Protection for a Phase 2 and 3 release on permit number S-2009-4 issued for 26.65 acres.***



**ARM Services LLC  
317 Cleveland Avenue  
Fairmont, WV 26554**

**September 4, 2025**

**CERTIFIED MAIL NO. 9589 0710 5270 0945 4035 74**

Marion County Planning and Development Director  
200 Jackson Street, Room 403  
Fairmont, WV 26554

Subject: American Bituminous Power Partners, L.P.  
SMA Permit No. S-2009-04  
Increment 4 Phase 2/3 Release

To Whom it May Concern:

Notice is hereby given that American Bituminous Power Partners, L.P., P.O. Box 159, Grant Town, WV 26574 has submitted an application with the West Virginia Department of Environmental Protection (WVDEP), 47 School Street, Suite 301, Philippi, WV 26416 for a Phase 2 and 3 release on Permit Number S-2009-04, Increment 4 issued for 26.65 acres.

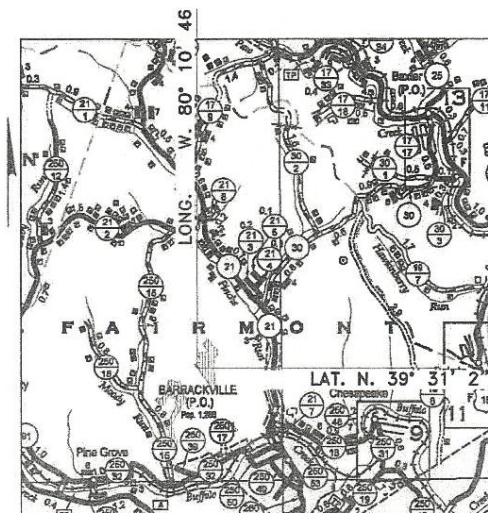
The permit is located in Fairmont District of Marion County, 0.5 miles northwest of Barrackville on unnamed tributary of Moody Run, two unnamed tributaries of Falls Run, and an unnamed tributary of Finches Run of Buffalo Creek of the Monongahela River. American Bituminous Power Partners, L.P. completed backfilling and regrading on October 4, 2019 and is requesting release of 25 percent of the reclamation performance bond currently in the amount of \$14,848.00.

Written comments will be received at the WVDEP address above until October 26, 2025, or 30 days from the date of publication for public notice of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Spencer".

John R. Spencer, Member  
ARM Services, LLC on behalf of American Bituminous Power Partners, L.P.



PERMIT NO. S200904  
NPDES NO. WV1017438  
INCREMENT NO. 4 PHASE 2&3 RELEASE  
GENERAL LOCATION MAP  
SCALE: 1" = 5280' (1 MILE)  
LAT. 39° 31' 2" LONG. 80° 10' 46"  
MARION COUNTY HIGHWAY MAP  
NEAREST P.O. - BARRACKVILLE  
MARION COUNTY, FAIRMONT DISTRICT  
U.S.G.S. QUADRANGLES: FAIRMONT WEST AND  
GRANT TOWN  
RECEIVING STREAM: BUFFALO CREEK OF  
MONONGAHELA RIVER

*MARION COUNTY COMMISSION*  
*September 24th, 2025*

***Presentation of Annual Report by Leah Smith, Executive Director of the Marion County Convention and Visitor's Bureau.***

*Leah Smith addressed the Commission and provided literature which outlines some of the activities that the Marion County Convention & Visitor's Bureau have sponsored to promote tourism in our County. She also stated that funding for the Bureau comes from proceeds of the Hotel/Motel tax from Fairmont, Pleasant Valley and White Hall.*

*Melanie Pagliaro President of M.A.P. and Associates, and Executive Director of the County Commissioners' Association of West Virginia, of which the Marion County Commission is a member, addressed the Commission with some updates and invited the Commissioners to upcoming state meetings to help with networking and providing resources to one another. When asked about any updates for PEIA, Ms. Pagliaro stated that as of right now, it does not look like PEIA will drop the non-state agencies for insurance.*

***There was no one present for Public Comment***

*There being no further business to come before the County Commission, it is ordered that this Commission do now recess until Wednesday, October 8th, 2025, at 10:00 a.m. for the next County Commission Meeting scheduled.*

---

*Ernest J. VanGilder, President*

*Attest:*

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*Julie Kincaid, County Clerk*