

Goal: 'Ship-shape by July 4'



PHOTO BY DANNY SNYDER

A large memorial bouquet can be seen from a higher vantage point at Woodlawn Cemetery. While the area around several tombstones below appears to have been recently cut, the surrounding grasses are nearly hiding other stones.

Supreme Court ruling gives new board ability to maintain, operate Woodlawn

BY MALLORY PANUSKA
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FAIRMONT — After more than a year of legal deliberation, the state Supreme Court of Appeals has ended an ongoing dispute at Fairmont's Woodlawn Cemetery with a final ruling.

The ruling upholds an original deci-

sion from Judge Fred L. Fox in Marion County Circuit Court made in December of 2006 which appointed the care, maintenance and operation of the historic, privately owned West Side burial ground to a new, five-member board of trustees.

The board consists of John D. Hardesty Jr., William B. Wagner, Frank Clark Jr., Janice Watkins Cosco

and Douglas A. Hutchinson.

Following this ruling, the group can now move forward with the day-to-day upkeep of the cemetery, which is currently in a dismal state. Board of trustee members said that the court case was keeping them from raising the necessary funds and other

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Pictured above is the modest grave of former Gov. M.M. Neely, who served in several political capacities from the mayor of Fairmont to U.S. senator before taking the helm of the state of West Virginia in 1940. He was buried in Woodlawn in 1958. There are no marks on the headstone to distinguish his public service.



It appears as if a push mower has been used to cut the high grass between stones at Woodlawn Cemetery, providing a stark contrast between the recently cut area and the area where grass has been allowed to grow.



Under the shade of large trees, several headstones from the early 20th century peek out from high grass and weeds.



Cut branches, brush and old memorial flowers litter the outside edge of Woodlawn Cemetery.



A large piece of trunk from a fallen tree rests between stones and has yet to be removed.

PHOTOS BY
DANNY SNYDER



The high grass on one of the many rolling hills at Woodlawn Cemetery obscures rows of graves from view.

Woodlawn

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resources to keep the cemetery maintained properly.

In turn, the once-attractive 42.52 acres of rolling hills — where many of the founding fathers of Fairmont, Marion County and West Virginia are interred — is now the site of overgrown grass and weeds, which blocks many of the historic headstones and monuments.

There are also severe potholes in the roads winding around the grounds, two deteriorating buildings and other significant maintenance issues currently plaguing the Maple Avenue site.

Attorney Neal Hamilton, who represented the board of trustees in court, confirmed that the group was concerned about raising the necessary funds to maintain the cemetery when they were appointed in 2006.

He said that if the supreme

court would have ruled against the board of trustees, members were concerned that any money that was raised in the interim would have folded under their care. But with the recent ruling, Hamilton said the group should be able to move forward with the proper maintenance without these concerns.

"I am hopeful that this will remove the impediment for solicitation of funds, and the current board of trustees can move forward to do their job to maintain and preserve the cemetery," he said. "I think they will do a good job if they are given that opportunity."

Hutchinson, who serves as president of the board of trustees, confirmed that the group would have moved forward with fundraising efforts for the cemetery in early 2007 after they were appointed if it hadn't been for the appeal.

Cosco, who serves as a regular board member, said before the ruling came in that the group had not met for a while because they had "no authority" in the maintenance of the grounds.

"It's such an historic landmark with so much history up there. The people that helped create this county and make this state are buried there," she said. "We wanted to have fund drives to try to create money to maintain and keep the cemetery as it is."

She said she has received countless complaints from family members of those buried at the cemetery since it started going downhill and that it just "breaks her heart" that nothing could be done.

But now that the ruling has come back in the board of trustees' favor, Hutchinson said that the group is going to move full speed ahead in fix-

ing up the grounds, and he plans to gather with the other members very soon to discuss how they will go about doing that.

Gena Wagaman, who was named superintendent of the cemetery after the original ruling in Fox's courtroom, said she will also be meeting with the trustees soon to map out a game plan for how to fix Woodlawn back up again and maintain it.

"Basically we are getting a meeting together. I have a couple of ideas about things we want to do to get a kick-off on the fundraising," she said. "Right now, I am addressing the problem with the grass. It's being worked on, and we are doing what we can. I am hoping everything will be in ship-shape by July 4."

The original petition for a new board to take over the cemetery was filed jointly in

the fall of 2006 by the five individuals who are now the board of trustees, and stated that there was no longer any evidence that there was a board or organization caring for the burial ground at the time. The members signed the petition confirming this notion.

According to State Code, if it is determined that if no such group exists, five or more people with relatives buried at the cemetery — which these five individuals attested to — could be named through the circuit court as the board of trustees.

In December of 2006, Fox legally appointed this group to take over the cemetery on the grounds that the board of directors of the Woodlawn Cemetery Co. in charge of the grounds at the time were violating numerous statutory requirements under State Code

governing the proper operation of the cemetery.

One of these violations included not distributing or 10 percent of the gross of burial plots, whichever more, into a perpetual-fund as required under state law. This fund is currently up at WesBanco Bank Inc. currently has around \$35 in it.

Fox's original ruling, with the Supreme Court agreement, stated that no money been placed into the fund since 1996.

The final court document also state that there was evidence presented to court showing that the individuals caring for the cemetery at the time the petition was filed had ever been properly appointed as a board of directors.

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