Goal: 'Ship-shape by July 4'



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 TIMES WEST VIRGINIAN

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 rul-

The ruling upholds an original deci-

sion from Judge Fred L. Fox in Marion and Douglas A. Hutchinson. 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

Following this ruling, the group can now move forward with the day-today 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

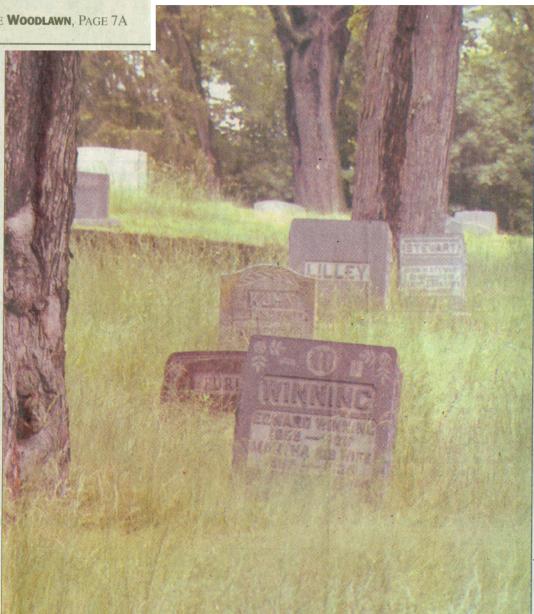
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Pictured above is the modest grave of former Gov. M.M. Neely, who served in several political capacities from the mayor of Fairmont to U.S. senator before taking the helm of the state of West Virginia in 1940. He was buried in Woodlawn in 1958. There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



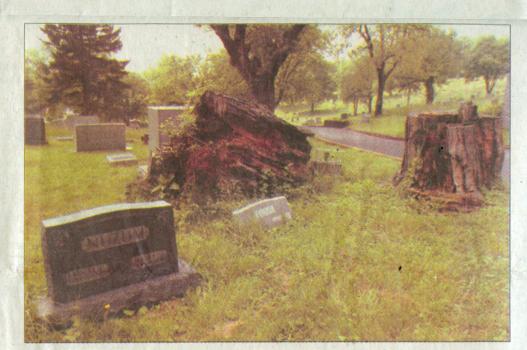
It appears as if a push mower has been used to cut the high grass between stones at Woodlawn Cemetery, providing a stark contrast between the recently cut area and the area where grass has been allowed to grow.



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

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 court would have ruled against maintained properly.

toric headstones and monu- concerns.

around the grounds, two detecurrently plaguing the Maple Avenue site. Attorney Neal Hamilton, are given that opportunity."

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

He said that if the supreme hadn't been for the appeal.

the board of trustees, members ular board member, said plans to gather with the other individuals who are now the of the cemetery. In turn, the once-attractive were concerned that any before the ruling came in that members very soon to discuss board of trustees, and stated 42.52 acres of rolling hills - money that was raised in the group had not met for a how they will go about doing that there was no longer any included not distributing where many of the founding interim would have folded while because they had "no that. fathers of Fairmont, Marion under their care. But with the authority" in the maintenance County and West Virginia are recent ruling, Hamilton said interred — is now the site of the group should be able to overgrown grass and weeds, move forward with the proper mark with so much history up ing in Fox's courtroom, said which blocks many of the his- maintenance without these there. The people that helped she will also be meeting with notion. "I am hopeful that this will this state are buried there," she

holes in the roads winding solicitation of funds, and the current board of trustees can riorating buildings and other move forward to do their job significant maintenance issues to maintain and preserve the

cemetery," he said. "I think they will do a good job if they Hutchinson, who serves as president of the board of it just "breaks her heart" that being worked on, and we are trustees, confirmed that the nothing could be done. group would have moved forward with fundraising efforts come back in the board of shape by July 4."

of the grounds.

create this county and make the trustees soon to map out a drives to try to create money to maintain and keep the cemetery as it is."

countless complaints from want to do to get a kick-off on

buried at the cemetery since it

But now that the ruling has ing everything will be in shipfor the cemetery in early 2007 trustees' favor, Hutchinson

after they were appointed if it said that the group is going to new board to take over the lating numerous statutory

Cosco, who serves as a reging up the grounds, and he the fall of 2006 by the five governing the proper operation

Gena Wagaman, who was named superintendent of the "It's such an historic land- cemetery after the original rulmaintain it.

game plan for how to fix it is determined that if no such There are also severe pot- remove the impediment for said. "We wanted to have fund Woodlawn back up again and group exists, five or more peo-"Basically we are getting a meeting together. I have a cou-She said she has received ple of ideas about things we family members of those the fundraising," she said. "Right now, I am addressing started going downhill and that the problem with the grass. It's

doing what we can. I am hop-

evidence that there was a or 10 percent of the gross s board or organization caring of burial plots, whichever for the burial ground at the more, into a perpetualtime. The members signed the fund as required under s petition confirming this law. This fund is currently

According to State Code, if currently has around \$35 ple with relatives buried at the the Supreme Court agi cemetery — which these five individuals attested to -

could be named through the circuit court as the board of In December of 2006, Fox evidence presented to legally appointed this group to court showing that the take over the cemetery on the viduals caring for the co grounds that the board of tery at the time the pet

One of these violati up at WesBanco Bank Inc.

Fox's original ruling, w with, stated that no money been placed into the fund s 1996. The final court docum

also state that there wa directors of the Woodlawn was filed had ever been j Cemetery Co. in charge of the erly appointed as a The original petition for a grounds at the time were vio-board of directors.

E-mail Mallory Panus move full speed ahead in fix- cemetery was filed jointly in requirements under State Code mpanuska@timeswv.com.