

**MARION COUNTY COMMISSION  
COUNTY COURT  
DECEMBER 19, 2012**

*The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, December 12<sup>th</sup>, 2012. Present were Commissioner Elliott, Commissioner Ward and President Tennant.*

*The proceedings of Wednesday, December 12<sup>th</sup>, 2012, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on December 13<sup>th</sup>, 14<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup>, 2012 were approved as submitted and signed.*

*D. D. Meighen led the Court with a prayer. Charlie Reese 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, December 12<sup>th</sup>, 2012 and accept them as presented. Commissioner Ward seconded. President Tennant concurred.*

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

***Dated December 19<sup>th</sup>, 2012  
Nos. #2012-1367 through #2012-1378***

*Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President to sign Nos. #2012-1367 through #2012-1378. Commissioner Ward seconded. President Tennant concurred.*

*The Commission received an **Order of Probate of Wills from the County Clerk's Office for the month of November, 2012.** 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 November 1, 2012 through November 30, 2012 pursuant to West Virginia Code §41-5-10, as amended.*

**MARION COUNTY COMMISSION  
DECEMBER 19, 2012  
PAGE 2**

BEFORE THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

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

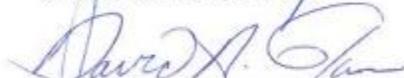
ORDER CONFIRMING PROBATE OF WILLS

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 November 1, 2012, to November 30, 2012, 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 19th day of December, 2012.

  
JANICE COSCO, CLERK

  
DAVID A. GLANCE,  
FIDUCIARY SUPERVISOR


**MARION COUNTY COMMISSION  
DECEMBER 19, 2012  
PAGE 3**

WILLS PROBATED FROM NOVEMBER 1, 2012, TO NOVEMBER 30, 2012

<u>Estate</u>	<u>Representative</u>
Bingamon, Janice M.	Melanie Marie Snyder, Executrix
Boord, Harry L.	Karen S. Cyrankowski, Executrix
Bowyer, Jessie B.	Deborah S. Tucker Butler, Executrix
Carpenter, Doris E.	Roy Michael, Executor
Dunnington, Robert Joseph	Mary Faith Dunnington, Executrix
Ferguson, Catherine P.	Linda Nichols Poling, Executrix
Foltz, Wilda M.	Mary Virginia Weikle, Executrix
Gaskins, Helen M.	Mary Elizabeth Cianfrocca, Executrix
Grindo, Mary D.	William Merashoff, Executor
Grubb, Harry Edward	Dora Grubb, Executrix
Hinkle, Josephine Mowrey	Edward Arthur Hinkle, Executor
Jeffries, John W.	Shane E. Livingston, Executor
Kincell, Charles K., Sr.	Joann C. Kincell, Executrix
Lukas, Rev. Andrew F.	Timothy J. Manchin, Executor
Morris, Walter Keith	Karen S. Morris, Executrix
Pileggi, Angeline Marie	Mary Rose Mustachio, Executrix
Stout, Dale G.	Heather R. Stout and Jason G. Stout, Co-Executors
Stout, Theresa D.	Heather R. Stout and Jason G. Stout, Co-Executors
Straight, Mary C.	Dennis C. Straight, Ancillary Executor DBN
Swisher, Alice Louise	Jodi Renae Kelly, Executrix
Valentine, Waneta H.	Nancy Ellen Valentine Cutright and James Noble Valentine, Co-Executors

2

Confirmation of Wills Probated in November, 2012

<u>Estate of</u>	<u>Representative</u>
Warash, Rose M.	Samuel J. Warash, Executor
Williams, Donald A.	Donna Sue Iracki, Executrix
Wilson, George O.	Kathy Wilson Haymond, Executrix

3

*Commissioner Elliott moved that the Commission sign the Order Confirming the Probate of Wills for November, 2012. Commissioner Ward seconded. President Tennant concurred.*

**MARION COUNTY COMMISSION**  
**DECEMBER 19, 2012**  
**PAGE 4**

*The Commission presented an Order to Transfer Funds to the Marion County Development Authority. County Administrator Kris Cinalli stated that the Commission is transferring \$350,000.00 from the Coal Severance Fund into the Marion County Development Authority. County Administrator Kris Cinalli added that the Development Authority is now the lead economic development agency for the County. He continued that these funds will be utilized for our loan program as well as property development in 2013.*

**Marion County Commission**

BURLEY "BUTCH" TENNANT, JR.  
*President*  
RANDY J. ELLIOTT  
*Commissioner*  
GUY WARD  
*Commissioner*



*Address Correspondence to:*  
200 JACKSON STREET • ROOM 403  
FAIRMONT, WEST VIRGINIA 26554  
(304) 367-5400  
FAX (304) 367-5431

ORDER

MARION COUNTY DEVELOPMENT AUTHORITY                      TRANSFER OF FUNDS

Whereas, the Marion County Development Authority has provided loans to small businesses in the community since it's establishment,

Whereas, the Development Authority has been successful in helping local businesses obtain additional funding to go along with local bank funding to grow and expand operations,

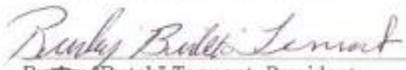
Whereas, the Marion County Development Authority is now the lead economic development agency for the county and wishes to expand its development objectives and capabilities,

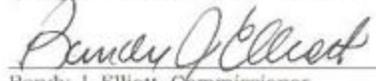
Whereas, the Marion County Commission agrees to provide an additional \$350,000.00 in Development Authority funding,

It is ordered that the sum of \$350,000.00 be transferred from the Coal Fund Transfers/ Reimbursements Account (002-698-566-00) to the Marion County Development Authority. This order shall be directed to the Clerk of the Marion County Commission to prepare and record a check and to the Treasurer of the Marion County Development Authority for deposit of said check.

Given under our hands and the Seal of the County of Marion this 19th day of December, 2012.

MARION COUNTY COMMISSION

  
\_\_\_\_\_  
Butch "Butch" Tennant, President

  
\_\_\_\_\_  
Randy J. Elliott, Commissioner

  
\_\_\_\_\_  
Guy Ward, Commissioner

ATTEST:

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

**MARION COUNTY COMMISSION**  
**DECEMBER 19, 2012**  
**PAGE 5**

*Commissioner Elliott moved that the Commission Order to Transfer Funds to the Marion County Development Authority. Commissioner Ward seconded. President Tennant concurred.*

*For the record, note the Commission received a request for reimbursement from West Virginia Division of Justice and community Services for Marion County Day Report Center to cover expenditures from November 1, 2012 to November 30, 2012; in the amount of \$10,917.94.*

<b>WEST VIRGINIA</b> Division of Justice and Community Services	<b>Request for Reimbursement</b>														
RECEIVED (For DJCS Use Only)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Subgrantee:</td> <td><b>Marion County Day Report Center</b></td> </tr> <tr> <td>Address:</td> <td>211 Adams Street, Suite 301 Fairmont, WV 26554</td> </tr> <tr> <td>Project #:</td> <td>13-cc-10</td> </tr> <tr> <td>FEIN#:</td> <td>556000346</td> </tr> <tr> <td colspan="2">Funds are hereby requested to cover expenditures</td> </tr> <tr> <td>FROM:</td> <td>November 1, 2012</td> </tr> <tr> <td>TO:</td> <td>November 30, 2012</td> </tr> </table>	Subgrantee:	<b>Marion County Day Report Center</b>	Address:	211 Adams Street, Suite 301 Fairmont, WV 26554	Project #:	13-cc-10	FEIN#:	556000346	Funds are hereby requested to cover expenditures		FROM:	November 1, 2012	TO:	November 30, 2012
Subgrantee:	<b>Marion County Day Report Center</b>														
Address:	211 Adams Street, Suite 301 Fairmont, WV 26554														
Project #:	13-cc-10														
FEIN#:	556000346														
Funds are hereby requested to cover expenditures															
FROM:	November 1, 2012														
TO:	November 30, 2012														

**PROJECT CASH EXPENDITURES**

Account #	Amount
Personnel	\$10,303.49
Contractual	
Travel/Training	
Equipment	
Other	\$614.45
<b>TOTAL</b>	<b>\$10,917.94</b>

**CERTIFICATION:**

I certify that this report presents actual receipts and expenditures of funds for the period covered and for the total grant budget to date, made in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: \_\_\_\_\_  
 TYPED NAME & TITLE  
 (Authorized Official or Grant Financial Officer ONLY)

 \_\_\_\_\_ 12-12-12  
 SIGNATURE DATE

*The Commission received a request for reimbursement from West Virginia Division of Justice and Community Services for our VOCA Grant, Victims Advocate Grant to cover expenditures from December 1, 2012 to December 31, 2012. County Administrator Kris Cinalli stated that the request is in the amount of \$2,396.00.*

**MARION COUNTY COMMISSION  
DECEMBER 19, 2012  
PAGE 6**

<b>WEST VIRGINIA DIVISION OF JUSTICE AND COMMUNITY SERVICES</b>	<b>Request for Reimbursement</b>
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<b>RECEIVED (For DJCS Use Only)</b>	Subgrantee: Marion County Commission
	Address: 200 Jackson Street Fairmont, WV 26554
	Project #: 12-VA-011
	FEIN#: 55-600-346
	Funds are hereby requested to cover expenditures FROM: December 1, 2012 TO: December 31, 2012

**PROJECT CASH EXPENDITURES**

CATEGORY	AMOUNT
Personnel/Contractual	2396.00
Travel/Training	
Space	
Other	
<b>TOTAL</b>	<b>2396.00</b>

**CERTIFICATION:**

I certify that this report presents actual receipts and expenditures of funds for the period covered and for the total grant budget to date, made in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: Burley "Butch" Tenant, President \_\_\_\_\_  
TYPED NAME & TITLE SIGNATURE

DATE \_\_\_\_\_  
(Authorized Official or Grant Financial Officer ONLY)

*Commissioner Elliott moved that the Commission grant the request for reimbursement from West Virginia Division of Justice and Community Services for VOCA to cover expenditures from December 1, 2012 to December 31, 2012 and that the President sign the document. Commissioner Ward seconded. President Tennant concurred.*

*The Commission presented the Appointments to the Marion County Development Authority. County Administrator Kris Cinalli stated that there is a change in representation from the Marion Regional Development Corporation. He continued that Sharon Shaffer no longer represents them and will need to be removed. Kris also added that Nick Fantasia has resigned as the City of Fairmont representative and will now represent Business/Industry/Labor in that capacity.*

**MARION COUNTY COMMISSION  
DECEMBER 19, 2012  
PAGE 7**

**Marion County Commission**

BURLEY "BUTCH" TENNANT, JR.  
*President*  
RANDY J. ELLIOTT  
*Commissioner*  
GUY WARD  
*Commissioner*



*Address Correspondence to:*  
200 JACKSON STREET • ROOM 403  
FAIRMONT, WEST VIRGINIA 26554  
(304) 367-5400  
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ORDER

FOR THE REMOVAL OF BOARD MEMBER      MARION COUNTY DEVELOPMENT AUTHORITY

Whereas, Sharon Shaffer no longer represents business/industry/labor on the Marion County Development Authority Board; and

Whereas, the by-laws provide for such representation,

It is ordered that Sharon Shaffer be removed from her seat on the Marion County Development Authority so that another representative can be appointed.

Entered: 12-19-12

B. D. Tennant Jr.  
Burley "Butch" Tennant, President

Randy J. Elliott  
Randy J. Elliott, Commissioner

Guy Ward  
Guy Ward, Commissioner

ATTEST:  
Janice Gosco  
Janice Gosco, County Clerk

*Commissioner Elliott moved that the Commission accept the resignation of Nick Fantasia as the representative from the City of Fairmont and that the Commission appoint him as the new member of the MCDA, representing Business and Industry in Marion County. Commissioner Ward seconded. President Tennant concurred.*

*Charlie Reese added for the record that this has taken placed under West Virginia State Code §7-12-3 gives the Commission the right to add and remove members from the Board.*

**MARION COUNTY COMMISSION**  
**DECEMBER 19, 2012**  
**PAGE 8**

*For the record, the Commission received the Presentation concerning the re-adaption of the second floor of the County Jail, from Dora Grubb, President of the Marion County Historical Society. Jane Gilchrist and Dora Grubb made the presentation by stating what type of re-adaptations that would like to make on the second floor of the Jail. They talked about the "Bridge of Sighs", the manual locking system. They also presented two handouts on the descriptions and plans that they would like to undertake in the future along with some of the interesting stories and person that were incarcerated in our jail. A short discussion took place between the Commissioner and Jane Gilchrist. Jane Gilchrist stated that at this time there is no funding request; they are hoping to use local funding at this time.*

*The Commission received a request for funding from the Women's Club of Fairmont. Nancy Bickerstaff came before the Commission and presented their request of funding for the completion of the stucco work on the back and left side of the house. Nancy stated that they are requesting \$5,000.00 in assistance for this project. She gave an update on how the entire project is taking place and that it is almost completely refinished. She also has obtained a SHPO Grant along with local donations.*

County Commission  
City County Complex  
Jackson Street  
Fairmont, WV 26554

Honorable Commissioners

Subject: Restoration of the Thomas & Annie Fleming Mansion - 300 First Street, Fairmont, WV 26554 owned by the GFWC Woman's Club of Fairmont

It is with gratitude and respect that we ask your continued assistance in preserving this Historic Landmark. We are presently working on repairing the stucco on the back and left side of the house. Also, on our project list is insulating the home, removing approximately twenty stumps from tree removal.

Although we have a matching grant from SHPO, total project is \$42,500.00. We must pay half of that total. Our present loan balance at Wesbanco is \$27,000. We have been approved for the Governor's Grant of \$5000.00. We have received generous donations from our members and our Thomas & Annie Fleming Memorial Fund. We are very frugal and have no indebtedness except our bank loan. We have many rentals and everyone is profit, since our members donate their time and items needed for the events. We have no paid staff, everyone volunteers to preserve this house.

We will open our doors to the community on December 8th, with a nominal \$5.00 charge. We have approximately 80 reservations now. We have booked three Bus Tours for 2013, promoting tourism.

1

We feel this project is something Marion County can celebrate. We would like to submit a request for \$5000. to assist us with our overwhelming costs.

Thanking you in advance for your kindness and generosity in saving the "OLD GIRL" You have been our biggest supporter and I cannot thank you enough!

Your friend in the community,

Nancy J. Bickerstaff, GFWC Woman's Club President

P.S. Thank you for the wonderful live Christmas Tree! Many positive comments. Merry Christmas and God Bless you all!

**MARION COUNTY COMMISSION**  
**DECEMBER 19, 2012**  
**PAGE 9**

*Commissioner Elliott moved that the Commission grant \$5,000.00 to the Women's Club of Fairmont and that those funds be appropriated from the Coal Severance Fund. Commissioner Ward seconded. President Tennant concurred.*

*The Commission received a request for financial assistance from Monumental Public Service District for the purchase of a generator for the Levi Lane pump station. County Administrator Kris Cinalli stated that they are requesting \$9,000.00 for the generator for the Levi Lane pump station. He added that no one from the Monumental Public Service District was present at the Commission Meeting to explain the request in detail to the Commission.*

*Commissioner Elliott moved that the Commission table this item pending further information from the Monumental Public Service District. Commissioner Ward seconded. President Tennant concurred.*

*The Commission received a request from Colfax Public Service District for a loan for emergency repairs.*

**COLFAX PUBLIC SERVICE DISTRICT**  
PO Box 68  
Colfax, WV 26566  
December 3, 2012

Mr. Guy Ward, Mr. Randy Elliott, Mr. Burley "Butch" Tennant  
Marion County Commission  
200 Jackson Street, Room 403  
Fairmont, WV 26554

Dear Sirs:

Colfax PSD is a community service agency in this county that provides sewage services for the families of the Colfax area. We recently have had some major repairs to this 30 year old system that have stretched our limited finances to the end. Now we are again faced with another major repair to keep us up and running. We are at present only running under 1/2 power as we have developed a major leak in one of our clarifying tanks. We obtained an estimate for the repair from Air Placement Cement Company of Bridgeport, WV for \$8,765.00 . There are additional provisions for additional work should it be needed at the time. We are almost at the end of what we can feasibly do with our meager resources. We have been approved for a 22.2 % increase on rates however we are still in the processes of getting this put into effect. This means even though we are approved we haven't yet had a chance to implement this increase and therefore haven't seen any financial improvement yet. We only have about 130 customers so we are limited as to what can be done. It is more like we do what absolutely has to be done at the time and pray for no other breakdowns between repairs.

We do plan to pursue grants and funds to make some much needed improvements & upgrades to our system but this will take some time to pursue.

We are requesting a loan of \$20,000.00 if possible to complete this present emergency repair and also to update our office trailer that provides the needed shelter for the power supplies and treatment gauges. This trailer has also been there from the beginning and has begun to show major wear. We are very worried that if some repairs are not made soon we won't be able to go on providing our services for the community.

The commission can help us by providing the immediate needed funds in the form of a long term loan for these 2 major emergency repairs. We will then be able to pursue the funds needed for a major upgrade to our system.

We met with Mr. Ward today and gave him a brief tour of the plant to illustrate our needs. We would be very happy to show any board members our needs also.

We thank you in advance for any assistance you may be able to provide.

**MARION COUNTY COMMISSION**  
**DECEMBER 19, 2012**  
**PAGE 10**

*The request was presented by Charles Sayre, Chairman of the Board of the Colfax Public Service District; he explained what has been taking place with their plant. He added that they were requesting originally \$20,000.00, he was very grateful for the first loan of \$9,000.00. However, they have had some additional leak and other issues arise and they do not have the funds necessary to finish and correct all of those problems. Charles Sayre added that they want to keep the plant running for a couple of years, which is thirty two years old and then we want to go out of business, to be honest with you.*

*President Tennant asked if we approved the \$20,000.00 the first time. Kris Cinalli answered that what actually happened was the Commission approved the emergency portion of their request the last time, since it was not on the agenda at that time which was the \$9,000.00 of their request. Kris continued that we informed them to come back to a meeting where their request would be placed on an agenda to look into their request further. A short discussion occurred over the last emergency request that was presented to the Commission and what was asked of the Colfax PSD to supply for their additional request of funds.*

*Commissioner Elliott moved that contingent upon receiving proposals and estimates to justify \$11,000.00 the Commission will provide that in the form of a loan to you with the terms to be written up by Chuck Shields, the County Attorney upon receiving that information. Commissioner Ward seconded. President Tennant concurred.*

*For the Record, note the Commission received from Grant Town Volunteer Fire Department their Legislative Financial Compliance Inspection for the Year Ending December 31,2010.*

*For the Record, note the Commission received from Consolidation Coal Company, Permit #U-1025-92, for Renewal; Sequence #4.*

*For the Record, note the Commission received from American Bituminous Power Partners, L. P. their renewal #4 for Permit #O-0005-83.*

*President Tennant and Commissioner Elliott thanked Guy Ward for his service to the citizens of Marion County as County Commissioner. Outgoing Commissioner Ward also thanked the Commissioners for appointing him to replaced Wayne Stutler and he said that he was grateful for opportunity to the serve the citizens of Marion County.*

*Newly Elected Commissioner Ernie VanGilder also thanked Guy Ward for his service and he added that after going to the County Commissioner School and actually learned more about this job he realized what a tuff job this is and that Guy stepped right into it and did an excellent job.*

*There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, January 9<sup>th</sup>, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.*

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**Burley "Butch" Tennant, President**

