

**MARSHALL COUNTY COMMISSION  
MAY 10, 2011**

The Commission convened this day pursuant to the following call: Jason E. Padlow, President; Donald K. Mason and Brian L. Schambach, Commissioners; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Winnie Reilly, Deputy Clerk of the County Clerk's Office.

At a Special Session of the Commission of Marshall County, West Virginia, held at 9:30 A.M., the Notice of the time and purpose of this Special Session had been posted at the front door of the courthouse for more than two days before the commencement of the Special Session, it is ordered that said Notice together with the certification of the Clerk of the time when it was posted, be entered of record, which is done accordingly in words and figures as follows:

NOTICE OF SPECIAL SESSION

The County Commission of Marshall County, West Virginia will meet in Special Session at the Courthouse thereof, on Tuesday, May 10, 2011, at 9:30 A.M. for the following purposes, that is to say:

To Audit Claims  
To Act upon Rebates  
To consider any other matters  
Which may properly come before  
The Commission.

Called by the President of the Commission with the Concurrence of the other two members.

s/Jason E. Padlow, President

Posted at the front door of the Courthouse on the 5<sup>th</sup> day of May, 2011.

s/Jan Pest, County Clerk

**MINUTES** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the minutes of the Special Session held April 19, 2011 were approved as presented. Motion carried. Commissioner Padlow abstained from voting due to his absence.

With a correction on page 282, Storage Shelter quotes, AAA Homes could complete the job in 2-3 weeks; on motion of Commissioner Schambach, seconded by Commissioner Padlow, the minutes of the Special Session held May 3, 2011, were approved as presented. Motion carried. Commissioner Mason abstained from voting due to his absence.

**COMMISSIONER COMMENTS:**

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COMMISSIONER SCHAMBACH received information from Scott Hicks, Bel-O-Mar, on methane in drinking water. After speaking with Phil Remke, Commissioner Schambach suggested a workshop concerning the County web site. Commissioner Schambach also suggested requesting a Special Session of the Legislature for oil and gas drilling regulations.

COMMISSIONER MASON attended the funeral last week of Mary Lou Kruger, his son's former mother-in-law and County employee. Commissioner Mason extended our condolences to Commissioner Schambach on the passing of his Mother.

Thursday, Commissioner Mason attended the National Day of Prayer services held at the Courthouse; it was a beautiful day and Nila Hartley was mentioned, she started the services in Marshall County.

Saturday is Election Day and Early Voting ends tomorrow, Commissioner Mason encouraged everyone to vote.

There will not be a Commission meeting next week; the Commission will Canvass the Primary Election on Friday, May 20, 2011.

COMMISSIONER PADLOW had a busy week and thanked County Clerk Jan Pest and her staff for their work on the Election, as well as all the poll workers. He also encouraged everyone to get out and vote and make your voice heard.

Commissioners Padlow and Schambach, as well as Sheriff Gruzinskas and Chief Deputy Cecil toured the storage building at the Animal Shelter. Some work still remains to be finished.

The Task Force will meet today at Grand Vue Park on oil and gas concerns; and the work will continue in the narrows until October 2012.

**THERON LANE – PAVING COMPLAINT** – Joe Polsinelli appeared before the Commission with a complaint about paving on Theron Lane on Round Bottom Ridge. Mr. Polsinelli requested help getting action from the developer to complete the paving. Howard Coffield, Planning Commission, will speak with Prosecuting Attorney Jeff Cramer to see what is necessary to place a lien on the last piece of property remaining in the development.

**PSD#4 – COMPLAINT** – John Och appeared before the Commission requesting information on getting the manager of PSD#4 replaced. Mr. Och stated he received forms from the Public Service Commission to file a complaint.

At the last PSD#4 Board meeting, Board Member Glover asked how much water was sold to oil and gas companies, and how much was purchased from the City of Moundsville; the answer was 30 days was needed to compile the information.

The Commission stated Mr. Och was proceeding in the right direction, and Commissioner Schambach stated he will attend the next Board meeting.

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**GLENNA M. INNOCENTI ESTATE – RESIGNATION OF PERSONAL**

**REPRESENTATIVE** – Rod Berry, personal representative of the Estate of Glenna M. Innocenti, appeared before the Commission requesting approval to resign as the fiduciary. Rebecca Ann Schafer and Dana Louise Innocenti-Travis, daughters of the deceased, both appeared and agreed with the resignation, with Glenna M. Innocenti being appointed as Administratrix CTA of the Estate.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission accepted the resignation of Rod Berry as Fiduciary of the Estate of Glenna M. Innocenti, Deceased. Motion carried.

The Commission directed Ms. Innocenti to the County Clerk's Office to proceed with the new appointment.

**2010 DELINQUENT TAX LIST** – Sheriff John Gruzinskas and Chief Tax Deputy Amy Peck appeared before the Commission with the 2010 Delinquent Tax List. Mrs. Peck submitted a copy for the County Clerk and the State Auditor.

**RECESS** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission took a short recess. Commission reconvened.

**CAMERON AND McMECHEN POLICE DEPARTMENT – REQUEST** – Chief Dave Robinson, McMechen Police Department, and Chief Mike Younger, Cameron Police Department; appeared before the Commission requesting financial assistance to install necessary equipment to communicate with E-911 and the Sheriff's Department. Chief Robinson stated the city of McMechen purchase equipment for cruisers to be able get information from the new InterAct Computers used by E-911 and the Sheriff's Department.

However, the Federal Grant funds were not enough to cover installation of the equipment. The estimated \$12,000 cannot be covered by the City budget either. Chief Younger stated the City of Cameron is in the same boat, with grant funds used up and the City budget not able to absorb remaining costs.

Larry Newell, E-911 Director, stated E-911 funds could not be used to pay for Record Management Systems for the municipalities.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission tabled the requests from the Cities of Cameron and McMechen to allow time for review. Motion carried.

**ROUTE 2/I 68 AUTHORITY – APPOINTMENT** – On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the appointment of Mark Frazier, Mayor of Cameron, to the Route 2/I 68 Authority; with a letter of thanks to Mayor Frazier and a letter to the Authority of the appointment. Motion carried.

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**RECESS** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission took a short recess. Commission reconvened.

**ANIMAL CONTROL – UPDATE** – Jim Noice, Animal Control Officer, appeared before the Commission with updates on training and equipment. Animal Control will start sending copies of monthly reports to the Commission.

The proposed Ordinance is ready for Prosecutor review, and the Commission will bring all Chiefs of Police in for the final review.

**IN-HOUSE BUDGET REVISION** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved an in-house budget revision for Department 425 in the amount of \$4,000. Motion carried.

**CORRESPONDENCE:**

WV SHERIFF'S ASSOC – 24<sup>th</sup> Annual Law Enforcement Appreciation Day May 11

THANK-YOU – Bishop Donahue After-Prom Comm; John Kobasko & family

STATE TAX DEPT – Appraisal Ratio Results

NATIONWIDE – Notice of Investment options

**NORTHERN PANHANDLE WORKFORCE INVESTMENT BOARD – APPOINTMENT**

– The Commission received a letter from Rosemary Guida, Executive Director for the Northern Panhandle Workforce Investment Board, requesting the re-appointment of Evelyn Seifert to the NPWIB Board of Directors. Mrs. Seifert stated she was interested in continuing to serve on the Board.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the re-appointment of Evelyn Sivert to the NPWIB Board for another term; with a letter of thanks to Mrs. Sivert, and a letter of the appointment to Ms. Guida. Motion carried.

**MOUNDSVILLE-MARSHALL CO. PUBLIC LIBRARY – BOARD APPOINTMENT** –

The Commission received a letter from Susan Reilly, Director of the Moundsville – Marshall Co. Public Library, requesting the re-appointment of Alma Jean McCombs to another five-year term as a Board Member. Mrs. McCombs expressed a willingness to serve.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the re-appointment of Alma Jean McCombs to the Library Board; with a letter of thanks to Mrs. McCombs, and a letter of the appointment to Ms. Reilly. Motion carried.

**PARK AND RECREATION BOARD – RESIGNATION** – The Commission received a letter of resignation from Ross Bell, Jr. Mr. Bell served on the Park and Recreation Board for many years.

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On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission regretfully accepted the resignation of Ross Bell from the Board, and approved sending a letter thanking Mr. Bell for his years of service. Motion carried.

**E-911 ADDRESSING – COMPLAINT** – The Commission received a letter from David M. and Kristin H. Gilmore, objecting to the name of Fall Run Lane. The Gilmores stated the next road to the east of this lane is also called Fall Run, but is in Pennsylvania.

Betsy Frohnafel, County Administrator, will respond to the letter, stating the issue could be addressed in two years, according to addressing/mapping Ordinance requirements.

**CAMERON VOLUNTEER EMERGENCY SQUAD INC – DUEL TONING** – The Commission received a letter from Beth Ann Howard, President, and Paul LeMasters, Vice-President of the Cameron EMS, requesting the Duel Toning SOG be terminated immediately. E-911 Director Larry Newell and County Administrator Betsy Frohnafel will follow up with information regarding the request.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission tabled action on the request at this time. Motion carried.

**AMERICAN LEGION – REQUEST FOR BOYS STATE** – The Commission discussed the previously tabled request from the American Legion to sponsor a student to Boys State. The cost per student is \$200.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the sponsorship of 1 student from each High School in Marshall County to attend Boys State. Motion carried.

**STORAGE SHELTER – QUOTES** – The Commission discussed the previously tabled quotes from AAA Homes, of New Martinsville, and Professional Home Care, LLC, of Moundsville, for the storage shelter at the Animal Shelter. Betsy Frohnafel, County Administrator, reported that Professional Home Care can start immediately and complete the project, weather permitting, within 3 weeks.

It was previously reported that AAA Homes could start within 10 days and complete the job in 2-3 weeks.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the commission approved the quote from Professional Home Care, LLC, to build the storage shed at the Animal Shelter at a cost of \$17,986; with an additional expense of \$3,200 for insulation on walls and ceiling, and to cover the walls with osb. Motion carried.

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**EXONERATIONS** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the following 8 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

|                                   |          |
|-----------------------------------|----------|
| Bone, Robert D                    | 2.94     |
| Bone, Robert D                    | 2.88     |
| Bone, Robert D                    | 2.92     |
| Vargo, Richard E & Jade Goodnight | 1,009.84 |
| Jacobs, Danny L & Christy D       | 499.90   |
| Vargo, Richard E & Jade Goodnight | 941.86   |
| Nice, Earnest R & Nancy S         | 58.78    |
| Hamilton, Richard L & Michelle    | 111.22   |

**DILAPIDATED BUILDINGS – SHAW PROPERTY** – Betsy Frohnapfel, County Administrator, submitted a proposed Order Authorizing Demolition for the Shaw real property located at Lot 10 Pine Knoll Acres. Mrs. Frohnapfel explained the Marshall County Abandoned Building Enforcement Agency caused an investigation and inspection of the property; found the property to be a health hazard; and caused to be served on the property owner a Petition stating unless the property owner requested a hearing within 10 days of service of the Petition, the property would be demolished.

Mrs. Frohnapfel further stated the property owner did not request a hearing, and requested the Commission approve the proposed Order.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the order Authorizing Demolition for the Shaw property located at Lot 10 Pine Knoll Acres. Motion carried.

**WVU EXTENSION OFFICE – ANNUAL AGREEMENT** – Betsy Frohnapfel, County Administrator, submitted the Annual Memorandum of Agreement between the Commission and WVU Cooperative Extension Service. The Agreement states the total funds budgeted by the Commission for the Extension Office.

On motion of Commissioner Byard, seconded by Commissioner Padlow, the Commission President was authorized to sign the Agreement with the total amount budgeted for the WVU Extension in the amount of \$168,365. Motion carried.

**LICENSE AGREEMENT** – On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission President was authorized to sign the License Agreement between the Marshall County Commission and McElroy Coal Mine, providing the County the ability to enter property located on Cameron Ridge Road for preliminary testing and surveying for a potential tower site. Motion carried.

**2011 PRIMARY ELECTION – CANVASS** – The Commission will conduct the Canvass of the 2011 Primary Election on Friday, May 20, 2011 at 9:00 A.M.

**CLAIMS AUDITED** – The Commission, this day, approved the following claims:

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|                              |          |
|------------------------------|----------|
| <u>GENERAL COUNTY FUND</u>   | 5,553.69 |
| <u>COAL SEVERANCE FUND</u>   | 8,083.33 |
| <u>E-911 FUND</u>            | 646.15   |
| <u>MAGISTRATE COURT FUND</u> | 48.56    |

**ADJOURNMENT** – There being no further business to come before the Commission, on motion of Commissioner Schambach seconded by Commissioner Padlow, the meeting was adjourned.

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PRESIDENT