

MARSHALL COUNTY COMMISSION  
DECEMBER 27, 2011

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

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, December 27, 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 22<sup>nd</sup> day of December, 2011.

s/Jan Pest, County Clerk

**ACTING PRESIDENT** – On motion of Commissioner Schambach, seconded by Commissioner Mason, Commissioner Mason will serve as Acting President in the absence of Commissioner Padlow. Motion carried.

**MINUTES** – On motion of Commissioner Schambach, seconded by Commissioner Mason, the minutes of the Special Session held December 13, 2011 were approved. Motion carried.

**COMMISSIONER COMMENTS:**

COMMISSIONER SCHAMBACH commended the Legislature for passing the Marcellus Shale Bill. There will now be Permit Fees in the amount of

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\$10,000, with a fee of \$5,000 for subsequent wells; and Bonding for wells. The gas companies also appreciate the Bill, because they now will know what to expect.

COMMISSIONER MASON also feels it is important that the gas companies know the rules and regulations before coming into the County.

Commissioner Mason attended the announcement at Grand Vue Park concerning the new Zip Line. Park Manager Craig White gave a great explanation of the project.

Thursday, December 15, Commissioner Mason attended a meeting with Bob Orndorff, Dominion, at their site by PPG and heard an explanation of their plans. This site and Caiman sites have been great investments in the County.

December 16, Commissioner Mason attended the Health Board meeting and on December 20 he attended the R.E.D. Partnership Executive Committee meeting.

Commissioner Mason enjoyed a fabulous Christmas Holiday with family and friends, and had 13 for dinner Christmas Day.

Commissioner Mason extended thanks to all our Elected Officials and their staffs for their good service for people of Marshall County throughout the year. We have some of the best employees, and Commissioner Mason wished everyone a Happy and Healthy New Year.

**CORRESPONDENCE:**

IRON WORKERS LOCAL 549 – study for Business and Economic Research  
STATE TAX DEPT – cc: letter to Assessor Kessler with no objections to employment of Terry McDuffitt

BERKELEY COUNTY COUNCIL – example of policy for taxable employee benefits

WVACo – PEIA board cuts health care benefits information

CARING TREE – thank-you

HOME CONSORTIUM – resignation of Karen Bryan

COMCAST – price increase

SEWERAGE DIST - minutes

**MARSHALL COUNTY SEWERAGE DISTRICT – REQUEST** – The Commission

received a letter from John Blair, Chairman of the Marshall County Sewerage District, stating the District has encountered some heavy administrative costs. The District can handle some costs, but requested financial assistance from the sewerage budget.

The projects include: emergency purchase of 1 grinder pump; a spare vacuum pump for Washington Lands; and a 40 unit mobile hook up facility. The costs total \$27,995.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the request. Motion carried.

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**MEDICAL RESERVE CORP GRANT AWARD** – The Commission received an Agreement for approval, for the Medical Reserve Corp Grant Award. The Grant Award in the amount of \$5,000, covers from December 22, 2011 through July 31, 2012.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Acting Commission President was authorized to sign the Agreement between the National Association of County and City Health Officials and the Marshall County Commission. Motion carried.

**COMMUNITY PARTICIPATION GRANT PROGRAM – SEWAGE DISTRICT** – The Commission received a Community Participation Grant Program Application for the Washington Lands Sewage Plant. The Grant funds will be used for a back up sewage pump.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission Acting President was authorized to sign the Community Participation Grant Program Application in the amount of \$10,000. Motion carried.

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

**R.E.D. PARTNERSHIP – LEASE AGREEMENT** – Josh Jefferson, R.E.D. Partnership, appeared before the Commission concerning the leased property on Twelfth Street in Moundsville. Mr. Jefferson explained the property was leased to Price Gregory for three months, ending December 31, 2011. Mr. Jefferson has been in touch with Price Gregory representatives concerning extending the lease.

They currently store equipment on the property, and have a few office trailers there also. The intention is to continue the same usage of the property, through May, 2012.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the commission Acting President was authorized to sign the Lease Agreement with Price Gregory for five months, at \$2,000 per month. Motion carried.

**CELLULAR/WIRELESS COMMUNICATION POLICY** – On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the following Policy:

**CELLULAR/WIRELESS COMMUNICATION POLICY**

The Marshall County Commission recognized the need for employees to utilize cellular/mobile communication devices while working. Although the

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Commission does not completely prohibit the use of these devices, it does discourage the use of them during certain situations and circumstances which could cause a distraction and/or safety issue.

Employees may carry and/or have available personal mobile communications devices. Personal cellular telephones may be carried; however, the cost of any damage or loss of a personal cellular telephone must be assumed by the owner. While on duty and employee shall assume responsibility for any charges for the use of a personal cellular telephone whether the use was work related or personal in nature.

Use of cellular telephones while operating a county vehicle should be limited to work-related situations. Calls that are brief in nature can be dealt with without stopping. When the conversation becomes lengthy, the employee should make every attempt to safely pull the vehicle to the side of the road or other legal parking area to use these devices. The safe operation of the vehicle shall take precedence over cellular phone usage.

However, the use of a cell phone or similar device, while driving, for the purpose of text messaging, surfing the internet, receiving or responding to e-mail, checking messages or any other purpose related to your employment or for personal reason is strictly prohibited.

Employees shall limit the use of County cellular phones for personal use to appropriate, necessary personal communications. The employee may be responsible for reimbursing the County for excessive air-time charges and downloads which are not work related.

The Marshall County Commission will comply with any applicable regulations on the use of cellular telephones in vehicles imposed by the West Virginia Legislature. All efforts will be made to update this policy whenever there is a change in State Law that affects cellular phone usage while operating a motor vehicle. If at any time the above paragraphs conflict with the West Virginia State Code, Marshall County employees will abide by State law.

Approved: December 27, 2011

Effective: January 1, 2012

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

<u>GENERAL COUNTY FUND</u>	66,626.97
<u>COAL SEVERANCE FUND</u>	21,935.26
<u>EMERGENCY SERVICES FUND</u>	37.56
<u>ANIMAL SHELTER FUND</u>	3,889.04

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

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PRESIDENT