

MARSHALL COUNTY COMMISSION
FEBRUARY 7, 2012

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

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, February 7, 2012, 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 2nd day of February, 2012.

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 Commission approved the minutes of the Special Session held January 31, 2012. Motion carried.

COMMISSIONER COMMENTS:

COMMISSIONER SCHAMBACH noted legislation is passing on the texting bill; hopefully this will stop people from texting while driving.

MARSHALL COUNTY COMMISSION
FEBRUARY 7, 2012

Commissioner Schambach attended the Grand Vue Park Appreciation Dinner on Thursday evening and thanked Manager Craig White for the great presentation on the new zip line project. The Board of Review and Equalization continued Friday evening with no taxpayers appearing to dispute their property values. Saturday evening, Commissioner Schambach enjoyed the Mardi Gras held at St. Jude Park.

Larry Newell, E-911 Director, stated last week the final mailings on address changes were ready to go, but now the Post Office has asked him to hold them. The spokesperson at the Pittsburgh Post Office stated there are double addresses on box numbers that need to be sorted out.

COMMISSIONER MASON attended the Bel-O-Mar meeting on Thursday with County Administrator Betsy Frohnafel, where road issues were discussed with long term plans.

Commissioner Mason congratulated Manager Craig White and the entire staff at Grand Vue Park on the accomplishments and future plans.

The Board of Review and Equalization will continue today at 10 AM, and also this week on Friday at 10 AM; and budget hearings will be starting soon.

Grand Vue Park Manager Craig White stated he will attend a meeting at 1 PM tomorrow with the Department of Highways to discuss the new zip line crossing the road.

Commissioner Mason stated the Appreciation Dinner attendees reinforced how proud he is of the volunteerism in Marshall County. Commissioner Schambach said that has been his biggest surprise over the last year, all the volunteers in Marshall County.

Charles and William Rulong appeared before the Commission with 911 addressing issues. Bill Rulong also asked about the waterline extension on Fish Creek, and requested it continue. The Commission suggested talking with the Public Service District first.

COUNTY CLERK'S OFFICE – EMERGENCY ABSENTEE BALLOT POLICY -

County Clerk Jan Pest submitted the Emergency Absentee Ballot Policy for Commission approval. Mrs. Pest explained the Policy must be submitted to the Secretary of State's Office every two years, and only the date was changed.

The Policy extends our emergency absentee voting services to hospitals or other duly licensed health care facilities within an adjacent county or within 35 miles of the county seat.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved and signed the Emergency Absentee Ballot Policy. Motion carried.

MARSHALL COUNTY COMMISSION
FEBRUARY 7, 2012

MEMORANDUM OF UNDERSTANDING PRETRIAL RELEASE PROGRAM – On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the following Memorandum of Understanding Pretrial Release Program and the Commission President was authorized to sign the same:

**MEMORANDUM OF UNDERSTANDING
PRETRIAL RELEASE PROGRAM**

This Memorandum of Understanding shall serve as a basis for Agreement and Understanding between the Northern Panhandle Community Criminal Justice Board Pretrial Release Program, hereinafter **Pretrial Release Program, and the Marshall County Commission. The general purpose of this agreement is to provide the framework for cooperatively working together to implement and sustain a pretrial release program.**

WHEREAS, an entity identified as the Northern Panhandle Pretrial Release Program has been established to provide services in Marshall County, West Virginia; and

WHEREAS, the Northern Panhandle Pretrial Release Program will provide to the courts information about newly arrested defendants and information regarding available release options for use by Judges and Magistrates in deciding what conditions should be set for the release of such defendants prior to trial; and

WHEREAS, the Northern Panhandle Pretrial Release Program will supervise defendants released from custody and placed upon bail during the pretrial period by monitoring their compliance with release conditions and by helping to ensure that they appear for scheduled court events; and

WHEREAS, conditions of pretrial release will be designed to minimize pretrial crime, will establish curfews, will restrict contact by defendants with alleged victims and possible witnesses, will include various levels of supervision as a condition of release and, when ordered by a Judge or Magistrate, will utilize drug/alcohol testing and provide treatment services to include substance abuse counseling and/or Batterer's Intervention Prevention Program class to defendants; and

WHEREAS, the Marshall County Commission has hereby endorsed the establishment and operation of the aforesaid Pretrial Release Program and wishes to support the same;

NOW, THEREFORE, the undersigned, for and on behalf of the Marshall County Commission does hereby agree to the following terms in consideration of receipt by said county of the described services set forth herein:

(1) The Marshall County Commission hereby agrees to pay the sum of \$7.50 per day per person for the supervision of individuals arrested within Marshall County for criminal offenses in said county and who have been placed on pretrial supervision by a Judge or Magistrate. The daily fee will be used to assist with the funding and operation of the pretrial release program.

(2) The Marshall County Commission hereby agrees to pay the sum of \$50.00 for each pretrial investigation conducted by the Pretrial Release Program. The daily fee will be used to assist with the funding and operation of the pretrial release program.

MARSHALL COUNTY COMMISSION
FEBRUARY 7, 2012

(3) The Marshall County Commission hereby agrees to pay the costs of electronic monitoring, satellite tracking or SCRAM alcohol monitoring for those individuals ordered by a Judge or Magistrate to be placed on home incarceration, satellite tracking or alcohol monitoring via the SCRAM bracelet as a condition of their bond. The Pretrial Release Program agrees to invoice Marshall County for only the actual cost of the monitoring as billed by the applicable monitoring company.

(4) The parties agree that Marshall County shall receive a billing statement on a monthly basis from officials at the Northern Panhandle Pretrial Release Program which shall itemize and identify the individuals participating in said program and set forth the amount of money due for services in the program at the aforesaid rates described herein. The County Commission, upon receipt of such billing, shall issue payment to the Northern Panhandle Pretrial Release Program in the manner directed by officials of said program within thirty days of receipt of such billing.

(5) The parties hereby acknowledge that defendants participating in this program may be required by a Judge or Magistrate to personally pay a daily rate of up to \$15.00 per day for participation in the pretrial release program depending upon the type of supervision that is determined to be appropriate for said defendant.

TERM

It is understood and agreed that this agreement shall commence on February 1, 2012, and shall terminate on December 31, 2012. Either Party may terminate this MOU, with or without cause, by giving the other Party at least sixty (60) days written notice of termination; this MOU shall be terminated on the date specified in the notice of termination.

ENTIRE AGREEMENT

This MOU represents the entire understanding of the Parties and supersedes any understanding, agreement or representation, whether oral or in writing, made prior to the effective date of this agreement.

NOTICE

Notice to the Pretrial Release Program shall be addressed to the Director of the Pretrial Release Program at the following address:

Name: Fred P. McDonald
Address: 3549 Main Street
Weirton, WV 26062

Notice to the Marshall County Commission shall be addressed to the Commission's County Administrator at the following address:

Name: Betsy Frohnafel
Address: Marshall County Commission
P.O. Drawer B
Moundsville, WV 26041

COURTHOUSE FACILITIES IMPROVEMENT AWARD – EXTENSION – Betsy Frohnafel, County Administrator, submitted a letter requesting an extension for the Courthouse Facilities Improvement Grant Award. Mrs. Frohnafel explained the Grant

MARSHALL COUNTY COMMISSION
FEBRUARY 7, 2012

will be used for new windows for the Courthouse, which now will not be delivered until February 24.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the request and the Commission Acting President was authorized to sign the same. Motion carried.

CORRESPONDENCE:

CAIMEN PUBLIC MEETING – February 16, no time is listed

THANK YOU – Bernie Kazienko family; St. Joseph VFD

FIREFIGHTERS ASSOC – County Fire meeting Feb 9 at 7:30 PM at Benwood VFD

STATE TAX DEPT – last day to sit as Board of Review is last day of February

PUBLIC SERVICE DISTRICT #1 – BOARD APPOINTMENT – The Commission received a letter from Dave Hall and Joan Shelek, PSD#1 Board Members, requesting the appointment of William Block to a full term on the Board.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the appointment; and a letter to Mr. Block thanking him for his service, as well as a letter to the PSD#1 Board advising them of the appointment. Motion carried.

RECESS – On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission took a recess to convene at the Board of Review and Equalization. Commission reconvened.

RUSSELL TYLER ESTATE – RESIGNATION OF PERSONAL REPRESENTATIVE -

William A. Tyler, II, appeared before the Commission after filing a Resignation of Personal Representative in the Estate of Russell Tyler. Also appearing were J. K. Chase, IV, Fiduciary Commissioner; Linda Tyler, beneficiary, and her attorney, T. C. McCarthy.

After a discussion concerning the Estate matters, on motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission will accept the resignation of William A. Tyler, II, subject to filing the First Accounting within 10 days. Motion carried.

IN-HOUSE BUDGET REVISION – On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved an in-house budget revision for Department 403 in the amount of \$315. Motion carried.

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

<u>GENERAL COUNTY FUND</u>	20,620.33
<u>COAL SEVERANCE FUND</u>	26,642.37
<u>E-911 FUND</u>	115.88

MARSHALL COUNTY COMMISSION
FEBRUARY 7, 2012

HOME CONFINEMENT FUND

877.45

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

PRESIDENT