

MARSHALL COUNTY COMMISSION
AUGUST 14, 2012

The Commission convened this day pursuant to the following call: Jason E. Padlow, President; and Donald K. Mason and Brian L. Schambach, Commissioners; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Winnie Reilly Turner, Chief Deputy 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, August 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 August, 2012.

s/ Jan Pest, County Clerk

MINUTES – On motion of Commissioner Schambach, seconded by Commissioner Padlow, the minutes of the Special Session held July 31, 2012 were approved. Motion carried. Commissioner Mason abstained from voting due to his absence.

COMMISSIONER COMMENTS:

COMMISSIONER SCHAMBACH attended the annual Commissioners training conference on Monday and enjoyed the updates. Tuesday, Commissioner Schambach attended the Energy Task Force meeting where Dominion introduced a few new employees; and a discussion was held to invite the pipeline companies to the meetings.

Jim McCune announced he will be leaving the WV DOH; he was offered a position with Noble Energy.

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The Commission has several meetings today, including one for the Cameron ATV Trail.

Commissioner Schambach attended the Lincoln Day Dinner Saturday where John Raese spoke on the war on coal.

COMMISSIONER MASON attended the Board meeting at the Commissioners conference on Sunday, but was unable to attend the meetings on Monday; and also attended the Lincoln Day Dinner on Saturday.

Yesterday, Commissioner Mason participated in the annual Health Plan Golf Scramble held at the Wheeling Country Club.

COMMISSIONER PADLOW stated the Commissioners split duties at the annual Training Conference last week, with County Administrator Betsy Frohnafel also attending. He also congratulated OEM Director Tom Hart and Mike Dorsey, DEP, for their information on how to prepare for the gas boom. Marshall County has experienced much of the gas industry activity and Commissioner Padlow feels fortunate to live and raise his family here.

Issues discussed at the meeting do not exist, with Marshall County Elected Officials cooperating with each other to serve the taxpayers.

GLEN DALE HEIGHTS SEWERAGE CONCERNS – Larry Evans, a resident of Glen Dale Heights, appeared before the Commission with concerns about the sewerage system tank above his property. Mr. Evans has experienced problems with the tank over several years, overflowing into his pond. Mr. Evans expressed his concerns to the Commission concerning the maintenance and upkeep of the tank and pumps.

The Commission assured Mr. Evans the Marshall County Sewerage District is aware of the situation and plans for the project to correct the situation were included in the budget for this year.

MARSHALL COUNTY SEWERAGE DISTRICT – REQUEST – The Commission received a letter from John Blair, Marshall County Sewerage District, requesting funds to replace the pump station at the Glen Dale Heights site. The project would include a new dual pump station and control panel and underground tank. Mr. Blair estimated the cost would total \$12,000.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved a contribution from the Sewerage line item not to exceed \$12,000 for the Glen Dale Heights sewerage project. Motion carried.

E-911 – ROAD NAMES – Larry Newell, E-911 Director, appeared before the Commission concerning road names. Mr. Newell explained in December, 2010, a road name was accepted and approved for J&J Lane in the Glen Easton Postal District. Mr. Newell stated this road does not exist. Mr. Newell requested the road name be terminated from the Marshall County Road Name System.

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On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission accepted the recommendation of Mr. Newell and deleted the J&J Lane located in the Glen Easton Postal District from the Marshall County Road Name System. Motion carried.

Mr. Newell stated J&J Drive in the Moundsville Postal District was previously approved, and Mr. Newell requested to change J&J Drive to J&J Lane. On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the correction. Motion carried.

Mr. Newell submitted the name Budot Drive for a road in the Moundsville Postal District off Wood Hill Lane. On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the name of Budot Drive. Motion carried.

STRATUSWAVE COMMUNICATIONS – LETTER OF SUPPORT – Betsy Frohnapfel, County Administrator, informed the Commission that Stratuswave Communications previously applied for, and was granted, a Federal Broadband Grant. They elected not to accept the funds. As a result, the funds are now available through the State of West Virginia.

Gateway Telecom, LLC d/b/a/StratusWave Communications is now applying for Broadband Infrastructure funding through the West Virginia Broadband Deployment Council. Mrs. Frohnapfel submitted a letter of support for Commission approval.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission President was authorized to sign the letter of support for StratusWave Communications for funding through the WV Broadband Deployment Council. Motion carried.

MARSHALL COUNTY AIRPORT AUTHORITY – FAA GRANT – Betsy Frohnapfel, County Administrator, submitted an FAA Grant in the amount of \$495,727 for the Marshall County Airport Authority. Mrs. Frohnapfel explained the Airport Authority used Commission contributions and State funds for matching funds for the FAA Grant. The funds will be used for the Hangar Building at the Airport.

Mrs. Frohnapfel further explained it is necessary to have a Government Entity as a pass-through agency for the FAA Grant.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign all necessary documents for the FAA Grant for the Marshall County Airport Authority in the amount of \$495,727. Motion carried.

RAYLYN DEVELOPMENT, INC. – AGREEMENT – Betsy Frohnapfel, County Administrator, spoke to the Commission concerning the paving issues on Theron Lane in Marshall County. Mrs. Frohnapfel stated the developer agreed to transfer the

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remaining parcel in lieu of funding paving on the Lane. Mrs. Frohnapfel submitted the Mutual Release and Settlement Agreement for Commission signatures. The Agreement was approved by the Prosecuting Attorney.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission authorized signatures on the Mutual Release and Settlement Agreement with Raylyn Development, Inc. Motion carried.

FIDUCIARY MATTER – GERALD M. SCOTT ESTATE – The Commission received a proposed Order from Joseph R. Canestraro, Fiduciary Commission in the Gerald M. Scott Estate, removing the Executrix from her duties. Jan Pest, County Clerk, explained Mr. Canestraro has had difficulty meeting with Sheryl Lynn Chamberlain, Executrix, and she has failed to complete her duties in a timely manner.

Mr. Canestraro recommended the removal of Ms. Chamberlain and recommended appointing the Sheriff to administer the Estate.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the Order at the request of Fiduciary Commissioner Joseph R. Canestraro, to remove Sheryl Lynn Chamberlain as Executrix of the Estate of Gerald M. Scott; and approved appointing the Marshall County Sheriff to administer the Estate; and further Ordered that Sheryl Lynn Chamberlain file an accounting of the Estate within twenty (20) days of the Order. Motion carried.

COUNTY CLERK'S OFFICE – COPY REIMBURSEMENT – Jan Pest, County Clerk, submitted a request for reimbursement from Exline Surveying. Mrs. Pest explained the company was in Marshall County, and the County Clerk's Office, in April 2012. An account was established in the County Clerk's Office to pay for photocopies made by the Company.

Once the project was complete, Exline Surveying of Jackson, Ohio, left the area. However, charges continued on their account, and statements were submitted. Once the mistake was discovered, Mrs. Pest was contacted and received the reimbursement request.

Mrs. Pest requested approval to reimburse Exline Surveying for the paid statements; and has taken measures in the County Clerk's Office to prevent the situation from occurring again.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission accepted the recommendation of Mrs. Pest and authorized the reimbursement payment. Motion carried.

WVU COOPERATIVE EXTENSION – ANNUAL MEMORANDUM OF AGREEMENT – Betsy Frohnapfel, County Administrator, submitted the Annual Memorandum of Agreement with the WVU Cooperative Extension Service for Commission approval.

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On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the Annual Memorandum of Agreement with the WVU Cooperative Extension Service. Motion carried.

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

WV STATE AUDITOR’S OFFICE – RESPONSE LETTER – Betsy Frohnafel, County Administrator, submitted a letter to the WV State Auditor in response to the Schedule of Findings and Responses for the FY ended June 30, 2011. Mrs. Frohnafel explained the letter was in response to the OPEB Liability issue.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the letter to the State Auditor in response to the OPEB Liability for FY ending June 30, 2011. Motion carried.

MT. OLIVET LIONS CLUB – REQUEST – The Commission received a letter from the Mt. Olivet Lions Club requesting funds in the amount of \$5,000 for maintenance of the Mt. Olivet Community Park. Five violations from the Health Department had to be corrected, and additional funds are necessary to complete the project.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved a contribution in the amount of \$5,000 for maintenance at the Mt. Olivet Community Park. Motion carried.

SHERIFF’S COMMISSION – FY 2012 – The Commission received a letter from John Gruzinkas, Sheriff, requesting the maximum commission in the amount of \$15,000. Sheriff Gruzinkas stated his commission for the 2011 tax collections is \$131,751.78. However, the maximum allowed is \$15,000.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission authorized payment of the Sheriff’s Commission in the amount of \$15,000. Motion carried.

EXONERATIONS – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the following 44 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

I C Young est	368.44
Emery, Earnest	54.12
Baum, William B	343.56
Baum, William B	342.90
Miller, John W	2.76
Taylor, Helen F est	23.58
Okel, Charles E Sr	118.36
Thames, Thomas L & Julie	88.65
Price, William G & Cyntheia A	36.04
Simons, Dana S	39.32
Jaworski, Ronald r & JoAnn	130.50

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Long, Brian S	757.10
Elias, Grant T & Rhonda R	102.64
Persinger, Carroll L	68.64
Briggs, Andrew D & Maxcine E	67.96
Bushovisky, Charles E	213.74
Ho, Jesus T MD Inc	370.16
Bruhn, Flora Bell	3.44
Black, Robert	22.44
Workman, Vera S & Arthur R	2.76
Black, Irwin etal	2.76
Stern, Jerry & Donna Kirby	1,498.80
Harker, Thomas D	575.30
Rine, Brenda Faye	1,005.18
Will, Richard A & Amy E	270.94
Noble, Carol Lee	160.62
Earnest, John A	191.88
Lautar, Paul D & Judy B	2.76
Fair, Martha J est	2.76
Fair, Martha J est	5.04
Fair, Martha J est	10.98
Fair, Martha J est	3.44
Blatt, Raymond G	2.76
Ault, Gary	2.76
Schubert-Milton, Kelly	128.82
Schubert-Milton, Kelly	1,572.66
Chaplin, Merle etux	321.98
Kestner, Wilma Gray agt est	2.76
Gatten, Wilma M	51.72
Kestner, Wilma est	2.76
Warnock, William S & Tina M	21.28
Minear, Carl L & Mildred	24.04
Consol Pennsylvania Coal Co	2.76
Moundsville Ch of Nazarene TR	602.30

CORRESPONDENCE –

WV TREASURER – Law Enforcement training August 29 at Wheeling Park

THANK-YOU – Strand Theatre Preservation Society

HEALTH FAIR – August 16, 2012

WVACo – 2013 Membership

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

<u>GENERAL COUNTY FUND</u>	91,357.47
<u>COAL SEVERANCE FUND</u>	7,121.60
<u>DOG FUND</u>	212.10

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

PRESIDENT