

**MARSHALL COUNTY COMMISSION**  
**NOVEMBER 20, 2012**

The Commission convened this day pursuant to the following call: Donald K. Mason and Brian L. Schambach, Commissioners; Jan Pest, County Clerk; Betsy Frohnepfel, County Administrator. Absent: Jason 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, November 20, 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 14<sup>th</sup> day of November, 2012.

s/Jan Pest, County Clerk

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

**COMMISSIONER COMMENTS:**

COMMISSIONER SCHAMBACH stated the Commission is continuing to work through the Canvass and Recount process of the 2012 General Election.

COMMISSIONER MASON stated the Recount will take place at 1:00 PM on Tuesday, November 27, 2012.

Commissioner Mason attended the R.E.D. Partnership Executive Committee meeting last Friday; and will attend the Auction at 1:00 PM today to dispose of County property on Theron Lane and the Garage on Western Avenue.

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The AT&T cell tower went live last Thursday, which is a great project made possible through public and private partnerships.

Jim Thomas, Republican Executive Committee, stated everyone he has talked with supports County Clerk Jan Pest and the November Election.

Mr. Thomas, PSD#4 Board member, also stated the water buffalo in the PSD#4 area is not coin based. PSD#4 is working on drilling additional wells.

Mr. Thomas questioned the Polling Place changes being made for the December 2012 Special Election. He wanted to be sure voters would know where to vote. Jan Pest, County Clerk, stated her office is working the mailing notices to the voters, as well as posting signs on their usual polling place locations.

The Commission will certify the results of the 2012 General Election, excluding the County Commission race, after 2:30 PM today, in order to meet the 48 hour time frame for objecting to the results of the last multi-jurisdictional race declared.

**CORRESPONDENCE:**

WEST LIBERTY UNIVERSITY – Focus 2020 – request for assistance in development of survey

AMERICAN WATER RESOURCES – letter going to Moundsville residents to offer water/sewer line maintenance services

**VFW POST 437 – REQUEST** – The Commission received a request from the VFW Post No. 437 in Moundsville for financial assistance in building repairs. The estimated cost of repairs to the roof is \$60,000.

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

**JUNIOR OLYMPIC VOLLEYBALL TEAM – REQUEST** – The Commission received a letter from Brandi Powell requesting financial assistance for the Club Hollywood VBC. Ms. Powell stated the Junior Olympic Volleyball program is an off season program aimed to develop the athletes' skills, sportsmanship and respect for the game.

The cost of playing on a team is about \$400, and Ms. Powell requesting a sponsorship from the Commission.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission denied the request, noting this is something the Commissioners participate in on a personal level, not as the County Commission. Motion carried.

**MARSHALL COUNTY ACTIVITIES DEVELOPMENT AUTHORITY – REQUEST** – The Commission received a letter from David McCardle, Chairman of the Marshall County Activities Development Authority Board. Mr. McCardle requested an increase in rent for the WVU Extension Office to \$1,200 to cover the rising costs of utilities, repairs and improvements.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission tabled action on the request to allow time for review. Motion carried.

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**CITY OF BENWOOD – COAL MINERS MONUMENT** – The Commission received a letter from Edward M. Kuca, Mayor of Benwood, requesting support for a monument in honor of 119 coal miners who died in an explosion in 1924 in Benwood.

Mayor Kuca stated Consol Energy has donated the property; and the City of Benwood, along with the Benwood Mine Disaster Memorial Committee, is seeking contributions for the monument.

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

**CITY OF MCMECHEN POLICE DEPT – REQUEST** – The Commission received a letter from McMechen Police Chief David Robinson requesting assistance in the funding of an InterAct RMS computer system. Chief Robinson explained this system allows the Sheriff's Office, and the Glen Dale, Cameron and McMechen Police Departments to exchange police, EMS and fire information.

Chief Robinson further stated the City is short about \$10,000 needed to fund the system.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission tabled action on the matter to allow time for review. Motion carried.

**CITY OF CAMERON – REQUESTS** – The Commission received two letters of request from the City of Cameron. In the first letter, Mayor Julie Beresford formally requested assistance in replace a City truck used for winter plowing and salting of City streets.

Mayor Beresford also requested support for the ongoing Community Pool Project for Cameron. The residents of Cameron have been volunteering time and any support they can for the project.

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

**COCKAYNE HISTORIC PRESERVATION COMMITTEE – LETTER OF SUPPORT** – Betsy Frohnapfel, County Administrator, forwarded a request from the Cockayne Historic Preservation Committee to the Commission for a letter of support to submit with grant applications. The Committee is continuing to apply for grants to acquire and restore property at the Cockayne Farmstead.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission will sign a letter of support for the Cockayne Historic Preservation Committee. Motion carried.

**TAX OFFICE – FINAL DISPOSITION** – Chief Tax Deputy Amy Wojtowicz appeared before the Commission to submit the 2011 Delinquent Real Estate Tax Sale Final

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Disposition Publication List. Mrs. Carmichael reported an increase over last year of 72. There were 131 properties purchase, and 57 went to the State.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission authorized the Tax Office to publish the 2011 Delinquent Real Estate Tax Sale Final Disposition Publication List. Motion carried.

**FIDUCIARY MATTER – ESTATE OF WARREN G. H. CUNNINGHAM** – The

Commission received the Report of Fiduciary Commissioner from Rhonda L. Wade in the Estate of Warren G. H. Cunningham. After the matter was set for hearing, Ms. Wade found the estate was insolvent.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the Report of Fiduciary Commission in the Estate of Warren G. H. Cunningham, and sign the proposed Order reflecting the same. Motion carried.

**E-911 – ROAD NAMES** – The Commission received five proposed road names from

Larry Newell, E-911 Director. On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission accepted the recommendations of Mr. Newell and approved the following road names: Andy Road; Barto Drive; Hookers Lane; Huffs Lane; Swierkos Drive. Motion carried.

**COUNTY CLERK'S OFFICE – FIDUCIARY COMMISSIONER** – Jan Pest, County

Clerk, stated Joe Canestraro has informed her that he will no longer be able to serve as a Fiduciary Commissioner. Mrs. Pest requested the Commission appoint Brent Clyburn to serve as Fiduciary Commissioner.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the request and appointed Brent Clyburn to serve as Fiduciary Commissioner. Motion carried.

**WVU EXTENSION SERVICE – AGRICULTURE PROGRAM ASSISTANT** – The

Commission received a letter from Cheryl Kaczor, Marshall County Extension Agent, request the approval of Karen Cox as the Agriculture Program Assistant. Ms. Kaczor also stated each member of the committee felt her qualifications and background to be an asset to the residents of Marshall County, and also requested her starting salary be \$30,000.

The position is a combination of a full-time and part-time positions left unfilled for approximately 2 years.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the employment of Karen Cox as the Agriculture Program Assistant at the starting salary of \$30,000. Motion carried.

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**RECESS** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission recessed until 2:30 PM. Commission reconvened.

**2012 GENERAL ELECTION – CERTIFICATION** – The Commission noted the 48-hour time to object has passed since the last County declared their Election results. On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission certified the results of the 2012 General Election, with exception to the County Commissioner race only. Motion carried.

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

<u>GENERAL COUNTY FUND</u>	17,743.04
<u>COAL SEVERANCE FUND</u>	2,668.91
<u>E-911 FUND</u>	1,254.92
<u>MAGISTRATE COURT FUND</u>	104.28

**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