

MARSHALL COUNTY COMMISSION  
JANUARY 24, 2017

NOTICE OF REGULAR SESSION

The County Commission of Marshall County, West Virginia convened this day pursuant to the following call: Robert A. Miller, President; Scott G. Varner, Commissioner; John Gruzinskas, Commissioner; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Jeanne Shook, Deputy Clerk.

The County Commission of Marshall County, West Virginia will meet in Regular Session at the Courthouse thereof, on Tuesday, January 24, 2017 at 9:00 AM 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/Robert A. Miller, President

Posted at the front door of the Courthouse on the 19th day of January, 2017.

S/Jan Pest, County Clerk

MINUTES –

On motion of Commissioner Varner, seconded by Commissioner Gruzinskas, the Commission approved the minutes of the Regular Session held January 10, 2017.  
Motion carried.

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**COMMISSIONER COMMENTS –**

COMMISSIONER GRUZINSKAS attended Bel-O-Mar orientation, a Sewerage Board meeting, MEDC legislative breakfast, Wheeling Creek Watershed meeting, and viewed the slurry spill on Fish Creek with Tom Hart, OEM Director, and Mike Muccheck, Assistant Director.

COMMISSIONER GRUZINSKAS stated he is very disappointed that Bishop Donahue will be closing.

COMMISSIONER VARNER attended the architects meeting for the Veterans Memorial Plaza and Animal Shelter, a RED Board meeting, and dealt with constituent phone calls.

COMMISSIONER MILLER attended a Wheeling Creek Watershed Commission meeting, RED Board meeting, Grand Vue Park legislative meeting, and dealt with constituent calls and concerns.

**GRAND VUE PARK UPDATES** – Craig White, General Manager, appeared before the Commission with updates and upcoming events at Grand Vue Park. Tonight Roger Hoard will be playing from 6:30pm – 8:00 pm. Craig stated GVP will be advertising for a Sales/Banquet Manager. New brochures for GVP will be in by the end of the month. Tickets are still available for the Prison's Dungeon of Hearts Valentine's event.

**OEM DIRECTOR, TOM HART - UPDATE** – Office of Emergency Management Director, Tom Hart, and Mike Muccheck, Assistant Director, appeared before the Commission with an update on the coal slurry release last Friday along Fish Creek Road. Crews from Murray Energy, DEP, & DOH, were on site. Engineers checked the stability of the hillside which was in stable condition. Crews are cleaning up and the DEP will be monitoring the condition of the area.

**CORRESPONDENCE –**

Bel-O-Mar Regional Council – Quarterly Reg. Council meeting, Thursday, Feb. 16, 2017.

State of WV, Treasurer – Distribution of Coal County Reallocation Severance Tax.

Monthly Financial Statement, Kevin Cecil, Sheriff – Month of December, 2016

Marshall County PSD #4 – Minutes from Wednesday, December 14, 2016.

Marshall County Animal Rescue League – Thank you

Catholic Charities West Virginia – Invitation to 7<sup>th</sup> Annual Gala Saturday, Feb. 25, 2017, at 6:00 pm, White Palace, Wheeling Park

**WEBB LAW CENTRE PLLC** – The Commission received a letter from Charles R. "Rusty" Webb, Webb Law Centre PLLC. Recently the State of WV settled its case

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against drug manufacturers resulting in 47 million dollars in damages paid to the State for costs it has incurred over several years as it relates to abuse of prescription pain drugs. Mr. Webb would like to speak with the Commission about a potential lawsuit.

On motion of Commissioner Gruzinkas, seconded by Commissioner Varner, the Commission tabled the request to allow time for further review. Motion carried.

**PETITION FOR RESIGNATION OF PERSONAL REPRESENTATIVE OF LARRY**

**KAYE CLEGG ESTATE** – This day came Brenda Kinny aka Kinney, who filed a motion for Resignation of Personal Representative regarding the estate of Larry Kaye Clegg, deceased. After hearing testimony from Rachel Huntsman, granddaughter, and Andrea Poling, representing the Prosecuting Attorney's office, upon motion of Commissioner Gruzinkas, seconded by Commissioner Varner, the Commission agreed to grant the petitioner, Brenda Kinny aka Kinney, the request for Resignation of Personal Representative of the Larry Kaye Clegg Estate, and appoint Rachel Huntsman as Administratrix CTA DBN. Motion carried.

**COURTHOUSE BATHROOM RENOVATION BIDS** – Betsy Frohnapfel, County

Administrator, after proper advertising, submitted four bids for Marshall County Courthouse bathroom renovations. The bids were as follows:

Lombardi Development Co. 649 Virginia Ave. Follansbee, WV 26037 @ \$96,700

Walters Construction 600 Fulton St. Wheeling, WV 26003 @ \$105,700

Colaiani Construction 2141 St. Rt. 150 Dillonvale, Ohio 43917 @ \$90,000

Jarvis, Downing & Emch Inc. PO Box 6253 GC&P Rd. Wheeling, WV @ \$125,800

Glenn Savage of Silling Associates Inc. reviewed the bids which met all specifications, and recommended the bid from Colaiani Construction.

On motion of Commissioner Gruzinkas, seconded by Commissioner Varner, the Commission approved the bid from Colaiani Construction, in the amount of \$90,000, and rejected the bids from Lombardi Development Co., Walters Construction, and Jarvis, Downing & Emch, Inc. Motion Carried.

**EXONERATIONS** – On motion of Commissioner Gruzinkas, seconded by Commissioner Varner, the Commission approved the following 16 erroneous assessments previously approved by the Prosecuting Attorney and Assessor.

Mary F Puthoff	\$	72.90
H3 LLC		415.46
H3 LLC		620.96

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H3 LLC	180.74
H3 LLC	290.22
Dennis Fisher	1.24
Dennis Fisher	.30
Hyundai Lease Titling Trust	164.26
Munchies Hot Dog Café	142.80
Kevin Wood	184.14
Paul Becker	89.40
Buddy Kness	145.22
David Stoffel	263.68
Marshall County Coal Co	795.28
Marshall County Coal Co	17,356.56
Marshall County Coal Co	3,099.06

**IN-HOUSE BUDGET REVISION** – On motion of Commissioner Gruzinskas, seconded by Commissioner Varner, the Commission approved an in-house budget revision, in the amount of \$30,000 for Department 402. Motion carried.

**FIDUCIARY MATTERS** – On motion of Commissioner Gruzinskas, seconded by Commissioner Varner, the Commission approved and accepted all Fiduciary Settlements received by Jan Pest, County Clerk, for the month of January, 2017. Motion carried.

**LAW ENFORCEMENT TAXABLE FRINGE, SHERIFF'S DEPARTMENT** – Jan Pest, County Clerk, appeared before the Commission. Jan presented an invoice for non Class A clothing. The recipients of these items are to be taxed as per IRS Code, but Sheriff Kevin Cecil will not disclose the name of the deputy/deputies to be taxed. The County is subject to fines for non compliance and she is seeking the Commission's help in identifying the officers. The Commission directed Betsy Frohnapfel, County Administrator, to send a letter to Sheriff Cecil, from the Commission, concerning this matter.

**EXECUTIVE SESSION** – On motion of Commissioner Gruzinskas, seconded by Commissioner Varner, the Commission went into an executive session requested by Betsy Frohnapfel, County Administrator, on economic development and a legal matter. Commission reconvened.

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**MARSHALL COUNTY COURTHOUSE JURY RESTROOM RENOVATIONS,**

**CHANGE ORDER #001** – Betsy Frohnapfel, County Administrator, submitted an AIA Document G701-2001 Change Order #001, in the amount of \$150, for the installation of a GFCI Receptacle in the jury restroom.

On motion of Commissioner Gruzinskas, seconded by Commissioner Varner, the Commission approved the Change Order #001, in the amount of \$150, for the receptacle in the jury restroom, and the President was authorized to sign the same. Motion carried.

**MARSHALL COUNTY COURTHOUSE JURY RESTROOM RENOVATIONS,**

**CERTIFICATE OF SUBSTANTIAL COMPLETION** – Betsy Frohnapfel, County Administrator, submitted an AIA Document G704-2000, Certificate of Substantial Completion, regarding the Jury Restroom Renovations, for approval.

On motion of Commissioner Gruzinskas, seconded by Commissioner Varner, the Commission approved the Certificate of Substantial Completion for the Jury Restroom Renovations, and the President was authorized to sign the same. Motion carried.

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

<u>GENERAL COUNTY FUND</u>	\$ 74,188.58
<u>E-911 EMERGENCY COMMISSION</u>	1,845.81
<u>COAL SEVERANCE FUND</u>	18.68
<u>HOME CONFINEMENT FUND</u>	377.60
<u>MAGISTRATE COURT FUND</u>	77.00

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

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PRESIDENT