

MARSHALL COUNTY COMMISSION
FEBRUARY 28, 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; Jan Pest, County Clerk; Betsy Frohnappel, County Administrator; and Jeanne Shook, Deputy Clerk.

Absent: John D. Gruzinskas, Commissioner

The County Commission of Marshall County, West Virginia will meet in Regular Session at the Courthouse thereof, on Tuesday, February 28, 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 23rd day of February, 2017.

S/Jan Pest, County Clerk

MINUTES – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the minutes of the Regular Session held February 14, 2017, and the Board of Equalization & Review held February 17, 2017. Motion carried.

MARSHALL COUNTY COMMISSION
FEBRUARY 28, 2017

COMMISSIONER COMMENTS –

COMMISSIONER VARNER attended budget meetings, RED Partnership meetings, and dealt with constituent phone calls.

COMMISSIONER MILLER attended budget meetings, a Bel-O-Mar meeting, John Marshall Strings Concert for the Animal Rescue League last night, and Commissioner Miller's SB210 legislation passed the transportation committee in the Senate, and is moving on to the finance committee.

CORRESPONDENCE –

Sheriff of Marshall County – Monthly Financial Statement, January, 2017.

West Virginia University Extension Service – Thank you for financial support.

Lisa Zukoff – letter to express interest in becoming a Grand Vue Park Board member.

NORTHERN PANHANDLE COMMUNITY CRIMINAL JUSTICE BOARD – The

Commission received a Waiver Agreement from Fred P. McDonald, Executive Director, regarding membership of the Community Criminal Justice Board, for approval. The WV Community Corrections Act requires that the membership of the local board include an equal number of Criminal Justice Board members from each county, unless the county Commission agrees in writing otherwise.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the waiver agreement, and the President was authorized to sign the same. Motion carried.

MARSHALL COUNTY PSD #1 – The Commission received a letter from Aaron Foster, PSD #1 General Manager, requesting funding, in the amount of \$30,000, to extend fire protection to three locations this year.

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

CLOUSTON UNITED METHODIST CEMETARY ASSOCIATION – The Commission

received a letter from Karen Mickey, Treasurer, requesting funds, in the amount of \$2500, for maintenance and to restore civil war graves.

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

MARSHALL COUNTY COMMISSION
FEBRUARY 28, 2017

FORK RIDGE CEMETARY ASSOCIATION – The Commission received a letter from Terry Whipkey, Treasurer, requesting funds, in the amount of \$2500, for maintenance and repairs.

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

CITY OF MOUNDSVILLE COMMUNITY DAY EVENT – The Commission received a letter from Deanna J. Hess, City Manager, requesting a donation, for the second annual Moundsville Community Day Event. The event will take place August 26, 2017, between noon and 5:00 pm.

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

AMBULANCE(S) & EQUIPMENT BIDS – Betsy Frohnafel, County Administrator, after proper advertising, submitted two bids for ambulance(s) and equipment. The bids were as follows:

Northwestern Emergency Vehicles – 1056 NC HWY 194N, West Jefferson, NC 28694 - \$199,665 ea.

Penn Care – 1317 North Road, Niles, Ohio 44446 - \$198,869 ea.

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

CORRESPONDENCE CONTINUED –

Marshall County PSD #4 – January 5, 2017 minutes.

Marshall County Sewerage District – Board Meeting Highlights, February, 2017.

Cameron Vol. Fire Dept. – 4th Annual “Sweet Smorgasbord” will be held May 11th from 4-6pm in the Legion Post #18 Annex Building.

Bishop Donahue – Annual School Musical, March 24th & 25th, 2017 @ 6:30pm.

Comcast – Notice of channel changes.

SPECIAL OLYMPICS, WV – The Commission received a letter from Lynn Allen, Marshall County Special Olympics, requesting a donation, in the amount of \$2000, to help the athletes complete in sports and recreational programs throughout the county and state.

MARSHALL COUNTY COMMISSION
FEBRUARY 28, 2017

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

FIDUCIARY MATTER – DOLORES ASHBY & LLOYD ASHBY ESTATES – Paul

Camilletti, Esquire, attorney for the Doloris N. Ashby estate and the Executrix, Faith Scott; Adam Barney, Fiduciary Commissioner, of Dolores Ashby & Lloyd Ashby estates; and Rhonda Wade, Prosecuting Attorney, appeared before the Commission. Also present were Penny McCracken, Larry Ashby, and Terry Ashby, heirs to the estates. Mrs. McCracken stated she believes there are issues with the filing of the appraisal, i.e. missing assets, attorney & appraisal fees, and a mortgage payoff. An Order was entered in 2014 requiring amended appraisements in both which had not been done. No settlement has been filed in the Lloyd Ashby estate.

Upon the recommendation of Rhonda Wade, Prosecuting Attorney, on motion of Commissioner Varner, seconded by Commissioner Miller, Adam Barney, Fiduciary Commissioner, will prepare a document specifically outlining what needs to be done per the original Order, to be completed thirty days from the signed Order. Motion carried.

EXONERATIONS – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the following 17 erroneous assessments previously approved by the Prosecuting Attorney and Assessor.

Patriot Restorations LLC	\$	57.90
Patriot Restorations LLC		19.10
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Terry Neely		3.70
Bruce Whipkey		17.44
Bruce Whipkey		21.78
Bruce Whipkey		23.90
Mason Bowman		16.50
Patricia Bowman		333.74
Donald Schacter		39.44
Anna J Pettit		158.64
Stulls Run Co		137.86
William Wilson		83.94
William Wilson		97.46
William Wilson		80.80
Isaac McKinney		25.94
Cab Parts & Service		4,035.76

MARSHALL COUNTY COMMISSION
FEBRUARY 28, 2017

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

CHANGE OF POLLING PLACE ORDER – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved a change of polling place. Precinct 9A, John Marshall High School will move to Glen Dale Grade School for the upcoming Board of Education – Special Levy Election, to be held March 25, 2017. Motion carried.

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

AMBULANCE(S) & EQUIPMENT BID AWARD –

Bob Swickard and Matt Handley of Health Net reviewed the bids, which met all specifications, and recommended the bid from Northwestern Emergency Vehicles, in the amount of \$397,738 for two emergency vehicles. Penn Care had some exceptions on the bid specs.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the bid from Northwestern Emergency Vehicles, in the amount of \$397,738, for two emergency vehicles, and rejected the bid from Penn Care, in the amount of \$399,330 for two vehicles. Motion carried.

E-911 LARRY NEWELL – E-911 Director, Larry Newell, submitted a letter to the Commission stating E-911 Supervisor Nancy L. Gongola, will be retiring April 1, 2017. Mr. Newell would like approval to fill the open position for Supervisor with current E-911 Telecommunicator Kathy L. Snyder. Mr. Newell also is requesting permission to advertise for the position of Telecommunicator at the Marshall County Communication E-911 Center.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved Kathy L. Snyder for the position of E-911 Supervisor, and authorized Mr. Newell to advertise for the position of E-911 Telecommunicator. Motion carried.

FIDUCIARY MATTER – PAUL BLAKE ESTATE – Jeffrey W. McCamic Esq. appeared before the Commission requesting Removal of Executor, in the Paul Blake Estate. Eric Gordon, Attorney, appeared on behalf of the Executor, Paul Richard Blake. Jan Pest,

MARSHALL COUNTY COMMISSION
FEBRUARY 28, 2017

County Clerk, swore in Paul Richard Blake, Candy Midcap, and Carol Yeater, who all testified. Rhonda Wade, Prosecuting Attorney, was also present. Mr. McCamic presented various exhibits and Mr. Gordon presented an appraisal for review. On the recommendation of Rhonda Wade, Prosecutor, on motion of Commissioner Varner, seconded by Commissioner Miller, Mr. Gordon will file the appraisal, a Fiduciary Commissioner will be appointed to the Paul Blake Estate, and Mr. Gordon will have twenty one (21) days to respond to the Memorandum of Petition for removal. Motion carried.

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

<u>GENERAL COUNTY FUND</u>	\$ 98,749.74
<u>E-911 EMERGENCY COMMISSION</u>	2,040.32
<u>COAL SEVERANCE FUND</u>	100,851.90
<u>HOME CONFINEMENT FUND</u>	4,266.25

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

PRESIDENT