

REGULAR ADJOURNED SESSION OF THE COUNTY COMMISSION OF BROOKE COUNTY,
WEST VIRGINIA, HELD TUESDAY JULY 12, 2011

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The County Commission of Brooke County, West Virginia, met in regular adjourned session this 12th day of July, 2011 at 5:00 p.m. at the Courthouse.

Present: Bernard L. Kazienko, President
Norma Tarr and Marty Bartz, Commissioners
Sylvia J. Benzo, County Clerk

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The Commission held their preliminaries before the meeting including a prayer and pledge of allegiance.

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A motion was made by Marty Bartz, seconded by Norma Tarr, and unanimously passed to approve the minutes of the July 5, 2011 meeting.

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Judy Anderson and several area residents were present to express concerns about a dog kennel being put in their area on Coss Lane. She indicated that they have discovered that there is a Greyhound Racing Dog Kennel being built on Lot 17. The owner of Lot 17 had previously attempted to build on this lot and one other lot but they were able to stop it. She gave to the Commission a copy of their covenants known as the Bruner Wheeling Pittsburgh Steel Farm Protective Covenants which indicates that all lots shall be for residential purposes. The covenants are in effect until 2075. The residents felt the kennel was a business. She also indicated that there are dogs barking and trucks coming in at all hours of the night and day. Ms. Anderson also presented pictures of the kennels for the Commission to see. Commissioner Kazienko indicated that he met with the Prosecutor and Assessor on this issue and they talked with Mr. Salena, the owner of the kennels and if this is a business he must have a building permit and made him aware of several issues. The Commission had been informed that these kennels were not a business. Commissioner Tarr suggested calling a circuit judge for an injunction to stop him. After a lengthy discussion on this issue the Commission advised the residents that this is a civil matter and they need to file a petition in Circuit Court to stop him from construction.

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A copy of the following correspondence was given to each of the Commissioners for review:

A letter from the Division of Highways letting us know that written comments may be received by July 18th for federal fiscal years 2011 through 2016 for Federal Highway and Transit Administration funds.

An invitation to attend the Energy Express Open House on July 18th from 5:00 p.m. to 7:00 p.m. at Jefferson Primary School and asking for supplies which they are collecting.

A notice that Brooke Hills Park will be hold their third Trifecta of the season with Mud Bog, flea market and concert on Saturday.

A copy of the Brooke County Committee on Aging minutes of their June 13, 2011 meeting.

A copy of a letter from Delegate Givens listing requests he made on behalf of Brooke County for project funding consideration through the Community Participation Project Fund.

A copy of the new Notice of Lien for Debris Removal as prepared by David Cross, Prosecutor was received. Commissioner Tarr expressed concerns about the Berger Property in the Harmon Creek area which is in deplorable condition. After discussing this issue Commissioner Kazienko asked her to get a price quote on how much it would cost to have it cleaned up. He

indicated that previously the Panhandle Trail wanted to use the garage as a storage site and she did not want to let anyone use it.

A notice from Norman Schwertfeger that a Home Gardening Workshop will be held at Brooke Hills Park on July 12, 2011 at 1:30 p.m.

A letter from Ruby Greathouse that the terms of Vickey Gallagher, Mary Greathouse, Dolores Ginier and Luella Tokas of the Museum Board will expire on June 30, 2011.

A letter from the DEP letting us know that our request for a "No Exposure Certification" for exemption must be applied for through the Multi-Sector Stormwater Industrial General Permit.

A copy of the BHJ Weekly Report for July 10, 2011 through July 16, 2011 was received.

A notice from the State Auditor's Office letting us know that they have been directed to hold in-service training programs for county offices and enclosing a copy of the scheduled trainings.

A copy of the Museum minutes of their June 25, 2011 meeting was received.

The above correspondence was ordered filed in the County Clerk's Office.

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A motion was made by Norma Tarr, seconded by Marty Bartz to sign the Part-time contracts for Frank Lucero of E-911 and Jeffrey Cline and Tiffany Danhart of the EMS. The Commission was not aware of the hiring of Michael Lucero, therefore; his contract was not signed until they have a chance to investigate it.

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Sheriff Ferguson had submitted a list of road names to be approved for addressing at last week's meeting. The Commission reviewed the names and a motion was made by Marty Bartz, seconded by Norma Tarr, and unanimously passed to approve the road names.

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A copy of the new Vision Contract with Vision Benefits of America was received for September 1, 2011 through August 31, 2013 with no increase in our rates. A motion was made by Norma Tarr, seconded by Marty Bartz, and unanimously passed to approve the contract.

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Mayor McKenzie of Wheeling had sent a letter to the Commission asking us to contact our legislators expressing concerns about the proposed Congressional Redistricting. The Commission will look at how this will impact us. Commissioner Kazienko will contact our delegates and discuss this issue with them.

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Commissioner Kazienko had participated in a meeting with representatives from the Hancock, Ohio, Marshall, Wetzel and Tyler county Commissions concerning the adoption of a Marcellus Shale Resolution. Each of these commissions is in support and committed to the economic well being of our citizens. Each of the Commissions had adopted a resolution to support the effort to secure value-added investment and employment potential for our respective counties. Wayne Buxton questioned if this had any effect on safety and it is to just promote jobs for our area. Marty Bartz made a motion, seconded by Norma Tarr, and unanimously passed to approve Commissioner Kazienko signing of the resolution.

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The Commission indicated that Sheriff Ferguson had previously requested to purchase a vehicle out of the 911 Account, however; the Commission had asked him to wait until after the first of July. Commissioner Bartz indicated that the purchase did not have anything to do with funding from the

General County Fund as it is a separate account. Marty Bartz made a motion, seconded by Norma Tarr, and unanimously passed to approve the purchase of the vehicle from the 911 Funds.

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Sylvia Benzo, County Clerk indicated that she had talked with Melissa Smith of the WV Courthouse Facilities Improvement Authority and if we need a time extension on our grant for the remodeling of the courtroom we need to send it before July 25th. Norma Tarr made a motion, seconded by Marty Bartz, and unanimously passed to write for a time extension.

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Commissioner Kazienko indicated that he has recently received complaints about the dogs barking at the animal shelter from residents in the 49 Hill area. Wayne Buxton indicated that he will go up on the hill and investigate the noise. The Commission indicated that they may have to look into putting up some kind of sound buffer.

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The Commission asked that a letter be sent to Craig Sperlazza of the DOH thanking them for helping cut the trail.

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The Commission asked that the department heads and elected officials be notified of a budget meeting at noon on Thursday in the Commission Office to discuss the unencumbered balance or lack thereof.

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At about 6:15 p.m. the Commission entered into executive session to discuss our property at Brooke Hills Park.

At about 6:40 p.m. the Commission reconvened their regular meeting.

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There were questions discussed concerning the request of Steve Tennant to transfer left over grant money to the Animal Advocates. The Clerk will check into this request.

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Invoices and vouchers were approved, and the following checks were ordered written:

General County Fund - Check Nos. 7062 through 7082 for \$42,002.35
Coal Severance Fund - Check No. 147 for \$31,772.25
Ambulance Fund - Check No. 1212 through 1223 for \$2,141.34
E-911 Fund - Check Nos. 700 through 704 for \$24,476.70
Ambulance Fund II - Check Nos. 468 through 475 for \$2,615.50
State Government Grants - Check No. 591 for \$5,535.00.

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No further business to come before the commission a motion was made by Norma Tarr, seconded by Marty Bartz, and unanimously passed to adjourn.

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Bernard L. Kazienko, President

Teste:

Sylvia J. Benzo, County Clerk

