

REGULAR ADJOURNED SESSION OF THE COUNTY COMMISSION OF BROOKE COUNTY,  
WEST VIRGINIA, HELD TUESDAY, SEPTEMBER 6, 2011

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The County Commission of Brooke County, West Virginia, met in regular adjourned session this 6<sup>th</sup> day of September, 2011 at 4:00 p.m. at the Courthouse.

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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 August 30, 2011 meeting.

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This being the first meeting of the month of September, 2011 fiduciary matters were presented to the Commission for approval after having been cared for in the absence of the Commission by the County Clerk. The fiduciary meeting will remain open until the end of the regular meeting and if no objections are filed will be closed with the regular meeting.

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A letter from the Northern Panhandle HOME Consortium asking the commission to appoint two members to serve as our representatives on the HOME Board was received. Commissioner Tarr indicated that she would resign from the Park Board and serve on the HOME Board if Commissioner Bartz would serve on the Park Board since he currently serves on the HOME Board. They agreed to switch Board positions.

A copy of the Board of Health minutes of their May 23, 2011 meeting was received.

A check in the amount of \$235.54 was received as reimbursement for the PRO Grant with \$1,598.70 still due.

A request for revision to the approved budget for the Coal Severance Fund was received and needs to be submitted to the State for revisions. A motion was made by Norma Tarr, seconded by Marty Bartz, and unanimously passed to approve the revision.

A copy of a letter of resignation was received for Christopher W. Haney of the Ambulance Service, effective September 16, 2011 and a return to work slip for Amy Nickerson was received.

A notice from the WV Supreme Court of Appeals that there is going to be a WV Court Security Grant Seminar on October 11<sup>th</sup> - 13<sup>th</sup> at Cabella's.

A copy of the BHJ Weekly Report for September 4, 2011 through September 10, 2011 was received.

An e-mail from Brooke Hills Park letting us know that they are in need of volunteers for their 25<sup>th</sup> Anniversary Spooktacular.

Two Budget Revisions from Sylvia Benzo, County Clerk to move \$420.00 to Dues & Subscriptions and move \$20,000 to Computer Indexing from the Capital Outlay/Equipment line item. A motion was made by Norma Tarr, seconded by Marty Bartz, and unanimously passed to approve the revisions.

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

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A motion was made by Marty Bartz, seconded by Norma Tarr, and unanimously passed to approve the Shelter and the BCAA to participate in Pets Supply Plus in Robinson. A motion was made by Marty Bartz, seconded by Norma

Tarr, and unanimously passed to approve Wayne Buxton's request. A letter will be needed from the Commission for them to participate.

Mr. Buxton wanted to know if the hours of the shelter have changed and Chuck Shreve, Dog Warden indicated that Donna DeJaro, Shelter Director changed the time from 11:00 a.m. to 3:00 p.m. The Commission indicated that she should have had the Commission approve the changes and will talk with her.

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Sue Simonetti, Wellsburg Mayor, Mark Henne, Wellsburg City Manager, and Bob Sadler of the Hammond PSD were present to thank the Commission for signing the Service Agreement with E. L. Robinson to do an engineering study. The Contract is with the City of Wellsburg, Hammond PSD, Beech Bottom and the Commission to enable them to supply water from one system to the other so that in an emergency, water could be supplied to supplement their systems. Each entity will contribute \$2,750.00 which will pay for the study. No fees will be paid until the study is complete.

Bob Sadler let the Commission know that they have moved the Hammond PSD Office to Wellsburg and wanted to know if they could piggyback their phone service with the County since it is a lot cheaper. The old office was on Route 67 and now it is located in Wellsburg.

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Chuck Shreve, Dog Warden was present and let the Commission know that Dr. Kossuth did an assessment on the maximum number of animals that should be housed at the shelter. He reported that she felt the maximum for dogs should be sixty (60) and cats between seventy-five (75) and eighty (80). Mr. Buxton would like another opinion. The Commission asked for her recommendations to be put in writing.

Bob Sadler indicated that Hammond PSD cannot get in the shelter to read the meter and Mr. Shreve indicated that he would accommodate them if they stop in the shelter.

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Ruby Greathouse was present and let the Commission know there is a problem with a ditch on the Pioneer Trail that is filling up with mud, rocks and water on the trail. She wrote a letter to the Wheeling Downs to see if they could help resolve this problem since they are the ones that dug the ditch.

She also indicated that she received a verbal resignation from Lenny DeWitt from the Museum Board. The Commission asked this to be put in writing.

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Sheriff Ferguson gave an update on the City Style Rural Addressing Project. He is currently working with the City of Weirton concerning Harmon Creek. He indicated how he goes about choosing a name for a road.

He also asked the offices if anyone had any electrical damage to their equipment that he will be filing a claim.

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Commissioner Kazienko reported that he received an e-mail from Christina Mitchell on the noise of heavy trucks on Mechling Hill. Commissioner Kazienko asked Sheriff Ferguson if the trucks would meet the noise decimal set for the Noise Ordinance and he indicated that he could run the numbers.

Commissioner Kazienko asked if the City of Wellsburg would write a letter of support for a runaway truck ramp coming off of Washington Pike. Mayor Simonetti was present and indicated that they would write a letter.

He also reported that bids are due for the air conditioning system in the courtroom by next week. Funding was obtained through an energy grant with BHJ.

Commissioner Kazienko asked the Commission to review a Proclamation for Constitution Day on September 17<sup>th</sup>.

Commissioner Kazienko indicated that he interviewed Elizabeth Preston for a part-time shelter employee and asked the Commission to hire her. Norma Tarr made a motion, seconded by Marty Bartz, and unanimously passed to authorize the hiring.

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Several members of the Brooke County Park Board were present along with their Attorney William Watson to go over the ownership of the land at the Park. Mr. Watson went over WV Code Sections that have to do with powers, duties and jurisdiction as well as authority to lease, rent or permit the use of the property at the Park. The Park had previously turned over a piece of ground to the Commission to be used for a match on a grant and the County has been working with the Prosecutor as they have been approached to lease the gas rights on that piece of property. The Board members felt that they should be the ones to negotiate the rights on the property. Mr. Watson felt the lease was poorly written because there are a lot of unanswered questions such as the lease price, etc. Mr. Watson indicated that the Attorney General opinion is that the Park Commission can lease property as long as the revenue is used for recreational purposes. After a lengthy discussion the commission indicated that they would have the Prosecutor review the Code and if in fact the Park has the rights there would be no problem.

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

General County Fund - Check Nos. 7346 through 7375 for \$22,800.05  
E-911 Communications - Check Nos. 737 through 744 for \$8,264.96  
Ambulance Fund - Check Nos. 1263 through 1266 for \$288.83  
Ambulance Fund II - Check Nos. 499 through 502 for \$735.27  
Business Development Corporation - Check No. 120 for \$5,000  
Dog Fund - Checks Nos. 614 through 616 for \$493.00  
State Government Grants - Check Nos. 617 through 619 for \$13,413.

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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