

July 29, 2010

A Meeting of the Fayette County Board of Commissioners was held on Thursday July 29, 2010 at 6 p.m. in the Fayette County Public Service Building, Conference Room 22 East Main Street, Uniontown, Pa.

**Present;**

Commissioner Vince Zapotosky, Chairman  
Commissioner Vincent A. Vicites, Vice Chairman  
Commissioner Angela M. Zimmerlink  
Joseph Ferens, County Solicitor

- Meeting called to order at 6:02 pm
- Silent Prayer
- Pledge of Allegiance

**Commissioner Zapotosky** explained that this meeting was called at the request of the County Row Officers. This meeting is required by County Code to be held in the evening between 6:00p.m. And 9:00p.m.

**Public Comment on Agenda Items: No Comments at This Time**

**Lance Winterhalter, Fayette County Prothonotary** states that Dr. Reilly will be Representing the row officers at this time.

**Dr. Phillip Reilly, Coroner** spoke on behalf of the row officers on requesting a cost of living increase for the elected officials requesting that it go retroactive since it will be 4 years since any of them have had an increase. Effective January 2010 to the maximum amount of years permitted. The cost of living adjustment can go before review once a year at budget time for the following year. The percentage rate be at least a minimum of 3% to a maximum of 6%.

**Controller Sean Lally** explains that the cost of a 6% increase would be .0013% of our entire county budget. At a total of approximately \$7500.00 for the first year.

**Commissioner Zapotosky** is asking if the Statute allows the county to give a cost of living adjustment retroactively.

**County Solicitor Joe Ferens** stated that this question was asked to him by at least 2 of the row officers, so he went back and checked the constitution specifically article 3 section 27. So I don't think that this can be done retroactive. 16 purdance 10 11011-101. states that you do this in a non election year. I have also asked the office holders to

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provide me with case law that states otherwise. As I have read both the constitution and purdane you can not do this retroactive.

**Commissioner Zapotosky** stated then by what Solicitor Feren's is saying is that you can not adjust your salary during a term no matter what you want to call it, your salary is fixed until a new term and in an non election year a new salary is decided upon would take affect.

**Janice Snyder Clerk of Courts**, I believe what Mr. Ferens is stating is correct; according to the code or constitution we can not receive a pay raise retroactive. But I think what we would like to see is that the Commissioners would make a resolution to adjust our salary's to make it come affective for the next term. If we do not put this in place now, we will not be able to have any adjustments made for another 4 years. I would like to see an annual percentage cost of living increase. We row officers have not had a raise for many years. And I realize that the economy is in a downturn and that does not mean that our jobs have gotten easier. Our salaries are only \$44,000.00 per year for full time the part time are a lot less than this. I have spoken to other counties and they are stating that you can not give yourself a raise during the middle of the term. But I think what we would like to see is that the Commissioners pass a resolution adopting a cost of living increase beginning with our next term.

**Commissioner Vince Vicites** Nothing was adopted in 06 for the future term of 08 and no cost of living increase was given in the last term, and if a resolution is not adopted this year before the next cycle of elections, then it would be another (4) years just to clarify things.

**Commissioner Vince Zapotosky** I believe that is was the resolution is for 6 years so that it does cover the terms.

**Controller Sean Lally** is stating that he does not think that a cola is an unusual request to the taxpayers. This is not unreasonable, if the statute states that we are unable to get this money in a reelection period than in 2012 than it is not unreasonable to try and get the money that we have been denied. If you are not keeping up with inflation, than effectively your salary is being decreased by 4% every year this is statistical and mathematical fact.

**Commissioner Zapotosky** would like to enter into the record a comparison of salaries within the SPC region and also the Consumer Price Index percentage for the past 10 years.

**Dr. Reilley** asked where we rank in this comparison and Commissioner Vicites stated near the bottom.

**Clerk of Courts Janice Snyder** said her information was that we where at the bottom of the list. Commissioner Vicites stated that she was correct were 4<sup>th</sup> Class Counties were concerned, but that this comparison was done of the SPC region. Greene County which has less of a population than we do, have salaries higher than our.

**Commissioner Zapotosky asks** if Janice Snyder minds if he uses her as a comparison Greene County makes 43, 384.00. Fayette County Clerk of Courts Salary is 44, 857.78.

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**Janice Snyder Clerk of Courts** states that none of the Row Officers can make policy that they are just working Class elected Officials and that only the Commissioners can make or change policy, yet we are all paid the same. There are Department Heads that are making more than the elected officials.

**Commissioner Zapotosky** states that with the exception of the people in their first term there have been times that the row officers have received increases.

**Commissioner Vicites**, is commenting on the fact that we follow the County Code and the Constitution when we make any resolutions regarding the county.

**Commissioner Zapotosky** is asking Controller Lally to clarify that 6% is 1 tenth of 1% of the budget.

**Controller Lally** states that actually it is .0013% on a 6% increase. On a 23 million dollar budget \$31,000.00 increase is not substantial.

**Commissioner Zapotosky** states that he feels that we should be consistent

**Commissioner Vicites** is asking the Solicitor what parameters we have in making a decision, **Solicitor Ferens** states anytime in 2010 including this evening, but I suggest before the budget process starts.

**Commissioner Zimmerlink** is stating that the motion that is on the agenda is for an increase for the elected officials and I know that there has been lots of talk about the row officers, but this is for the elected officials which also includes the Commissioners. I am just stating for Clarification purposes only that the resolution before us is for Consideration of setting a salary for elected officials. This is county code, setting the salary for elected officials, taking effect January 1, 2012. There was a comment made about having a decision before the budget. But this increase would not be for this year's budget, it would be for next year's budget. The increase would have to be budgeted for in October of 2011 during budget time.

Motion made by **Commissioner Vicites** and seconded by **Commissioner Zapotosky** for a 3% cola for the elected officials of Fayette County, beginning January 1, 2012 and ending December 31, 2018. 6 years will cover the term of Elected Officials that would run in the year 2014. This was the way the resolution was in 2002 3%.

**Commissioner Zapotosky** states that he agrees with the three percent because it is within the CPI and remains consistent with Pass Practice from previous administrations. This does apply to all elected officials.

**Commissioner Vicites** states that this does not apply to the District Attorney.

**Commissioner Zapotosky** states that everyone with the exception of those who are serving their first term has seen an increase since their starting date of their first term so I think it is fair. Our non union employees receive a 3 % increase.

**On the Roll call vote was.**

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<b>Commissioner Zapotosky</b>	<b>yes</b>
<b>Commissioner Vicites</b>	<b>yes</b>
<b>Commissioner Zimmerlink</b>	<b>no</b>

**Motion passed 2 to 1**

**Commissioner Zimmerlink** states that notwithstanding that no one in this room does not work; we all know that we do, and we do not have to pat ourselves on the back. And not distinguishing between work loads. But many of the county tax payers are on a fixed income, and not all employees in the private sector have received salary increases.

**Clerk of Courts Janice Snyder** it seems like it always comes down to the public pointing their fingers at us, saying why are we, the Elected Officials getting a raise. The PIC workers here in the summer make a nice wage. Even the employees at McDonalds get raises. Plus they have chance for advancement, we have no chance for advancement, and we knew that when we took our jobs, but we still deserve the respect to be able to afford to live like everyone else. Just because we are elected does not mean we are not taxpayers as we pay taxes also.

**Commissioner Zimmerlink** states that we all have to share in the sacrifices.

**Clerk of Courts, Janice Snyder** is stating that we always get chastised because we are elected, and that because they don't get a raise we should not.

**Commissioner Vicites**, would like to state for the record that when this decision was made back in 2002, and the new administration came into office in 2004 Hardy, Zimmerlink, Vicites. Each year an increase was given at 3%.

**Commissioner Zimmerlink** states that she did not take the increases when they were given

**Commissioner Vicites** states that you did adjust your salary to make the same thing that we have.

**Commissioner Zimmerlink** states that she ran for office and took the salary that was.

**Commissioner Vicites**, states that each year you stated you were not taking the increase, then when the 2008 term came up and we started this new cycle where there were no increases, yet what I see here is that your Salary is the same as mine \$47,970.00 so the increase was granted at the end of term. So you are not going to vote for it and not going to take it, but what is going to happen when 2010 comes up, is the same thing going to happen again.

**Commissioner Zimmerlink** states first off when I ran for office in November of 2003 I states that I would take the Salary that was the set salary, and what ever that salary was, was the salary I took in 2004. When I came into office there was a resolution stating that there were going to be 3% increases during that term, and I said no to the increase, when I ran in 2003 I said I would take what ever the salary was in 2004. In 2007 I ran for a 4 year term and I won and what ever that salary was I took that salary

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**Commissioner Zapotosky** wants to know when the last resolution was passed and they started the terms in 2004 their salary was x. So from 204 not only did the board of Commissioners as well as the Row Officers see an increase in their salaries. Then when the new administration took office in 2008. So there was an increase in effect whether it be annually by 3% or in some instances a lump sum increase in January of 2008.

**Controller Lally** is stating that in January of 2004 the Commissioners Salary was \$42,409.12, and then in January of 2008 the salary was \$47,978.00. So regardless of what Symantec's you use. The bottom line is that there was in increase applied. As I said in the beginning of the meeting there are only two individuals who have not seen an increase in their salaries because they are in their first term. There have been increases applied.

**Commissioner Vicites**, states that this is the point that I am trying to make.

**Commissioner Zapotosky** 3% is consistent with what we give our employees and I think it is fair we are all faced with tightening the belt, and we do tighten the belt, this is four years, you can decline this if I am correct.

**County Solicitor Ferens** states that yes you can decline the increase.

**Commissioner Zapotosky**, states that you do not have to accept the set salary, you can take the salary of the year that you took office if you want to.

**Controller Lally** is stating that the chart he provided was provided because he was asked by his fellow Row Officers to do. The salaries of the elected officials, now are the same as the salary was in 2008.

Public Comment from **Mr. Croftcheck**. I am not here against the raise; I just think it is a bad time for the raise. The unemployment at 15%, things are getting pretty bad here in Fayette County. I believe the legislature froze their cost of living increases this year. Mr. Croftcheck thinks that the increase is 6%. Commissioners are explaining that it is an increase of 3% for 6 years.

**Commissioner Zapotosky** is stating that it is not a CPI of Consumer Price Index because they vary to much it can go as high as 4.2% or as low as 1.5%.

**Commissioner Zimmerlink** asks for the motion made by Commissioner Vicites to be read back. Motion is as follows. Motion made by Commissioner Vicites and seconded by Commissioner Zapotosky for a 3% cola for the elected officials of Fayette County, beginning January 1, 2012 and ending December 31, 2018.

**Commissioner Zimmerlink** states so it said 3% cola

**Commissioner Vicites**, states that it is a flat 3% cost of living increase, that is why I stated COLA

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**Mr. Croftcheck** is now asking Dr. Reilley to show him in the last several years where any union received a 6% increase. Dr, Reilley is stating that he does not know that they actually get and would have no idea. Mr. Croftcheck is stating that if it would be a 6% increase, that they would be opening a can of worms, because the unions are not 6%.

**Mr. Robert Calisti** states that the resolution made was actually for 7 years, we might want to look at that. I have not received a cola since I have been employed by the County, but I have received a pay increase almost every year that I have been here.

**Commissioner Vicites** asks when the end of the term is, the reason that I wanted it to be 6 years was to cover the individuals running in 2013. So the end would be 2017, I just used the year that was typed on the agenda.

**Commissioner Zapotosky** makes a motion to rescind the previous resolution that approved a cost of living increase for Fayette County Elected Officials beginning January 1, 2012 ending December 31, 2018. Commissioner Vicites seconds the motion.

**On the Roll call vote was.**

<b>Commissioner Zapotosky</b>	<b>yes</b>
<b>Commissioner Vicites</b>	<b>yes</b>
<b>Commissioner Zimmerlink</b>	<b>yes</b>

**Motion passed unanimously**

**Commissioner Vicites** made a motion for a 3% increase beginning January 1, 2012 and ending December 31, 2017. 6 year period for Elected Officials of Fayette County, including Clerk of Courts, Controller, Coroner, Jury Commissioners, Prothonotary Recorder of Deeds, Register of Wills, Sheriff, Treasurer and the (3) County Commissioners for each year. Just as it was back in 2002

**Commissioner Zapotosky** is asking for the motion to be reread into the record.

**Motion made by Commissioner Vicites** is for 3% increase for each year for all elected officials of Fayette County beginning January 1, 2012 ending December 31, 2017.

**Commissioner Zapotosky** is asking **Solicitor Ferens** if there are any legal problems with the motion since they had to amend the agenda.

**Solicitor Ferens** states no if there is anyone here from the pubic who wishes to make a comment they may do so.

**Commissioner Zapotosky** seconds the motion.

**On the Roll call vote was.**

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<b>Commissioner Zapotosky</b>	<b>yes</b>
<b>Commissioner Vicites</b>	<b>yes</b>
<b>Commissioner Zimmerlink</b>	<b>no</b>

**Motion passed 2 to 1**

**Commissioner Zapotosky** asks if there are any further public comments.

**Prothonotary Lance Winterhalter**, thanks the Commissioners and Joe Ferens

Motion to adjourn by **Commissioner Zapotosky** and seconded by **Commissioner Vicites**

**On the Roll call vote was.**

<b>Commissioner Zapotosky</b>	<b>yes</b>
<b>Commissioner Vicites</b>	<b>yes</b>
<b>Commissioner Zimmerlink</b>	<b>yes</b>

**Motion passed unanimously**

**Meeting Adjourned**