

**Fayette County Commissioners Agenda Meeting  
Tuesday September 13, 2016 – 10 a.m.**

**1. Prayer**

**2. Pledge of Allegiance**

**3. Proclamations**

Employ Older Workers Week- September 18-24, 2016

100<sup>th</sup> Anniversary of the Dunbar Volunteer Fire Department- September 24, 2016

**4. Public Comment on Agenda Items:**

**5. Assessment Office:**

Consider placing on the agenda approval to seek quotes on book binding services, for the years 2017, 2018, 2019, 2020 and 2021 Tax Duplicates, for the County of Fayette.

Consider placing on the agenda advertising for a Request for Proposal, for Aerial Photography Services, for the County of Fayette.

Consider placing on the agenda a resolution to adopt the tax exemptions provided for in the Wharton Township LERTA Ordinance, which is being renewed.

Consider placing on the agenda approving, Chief Assessor William Lukach to attend the Assessor Association of Pennsylvania, Fall Conference. The AAP fall conference location is the Nittany Lion Inn, State College PA. November 3<sup>rd</sup> & 4<sup>th</sup>, at a cost of \$258.00 lodging, and \$310.00 class fees.

Consider placing on the agenda approval of the following for a real estate tax exemption as they have been qualified as a 100% disabled veterans by the Veterans Administration of Pennsylvania.

Milton White – 717 Howard St. - Brownsville PA	parcel 02-12-0020
exemption effective for taxes due on or after July 22, 2016	
Charles E. Martin – 140 Buddys Lane - Hopwood PA	parcel 25-46-0102
exemption effective for taxes due on or after August 17, 2016	
John Trainor – 532 North Gallatin Ave – Uniontown PA	parcel 25-20-0061
exemption effective for taxes due on or after August 10, 2016	
James Meegan – 134 Coal St. – Uniontown PA	parcel 25-30-0052
exemption effective for taxes due on or after July 15, 2016	
James C. Lee – 748 Pleasant Valley Rd – Connellsville PA	parcel 04-25-0301

exemption effective for taxes due on or after April 28,2016  
 Andrew L Croftcheck Jr. 356 Pleasant Valley Rd – Connellsville PA parcel 04-29-0058  
 exemption effective for taxes due on or after April 29, 2016

**6. Behavioral Health Administration:**

Consider placing on the agenda approving agreements and modifications:

	<u>Contract Value</u>	<u>Period</u>
<b><u>Modification Agreements #1 2015-2016</u></b>		
accessAbilities, Inc.	\$105,000	7/1/15-6/30/16
Fayette Resources, Inc.	\$374,265	7/1/15-6/30/16
Western PA School for the Deaf	\$5,700	7/1/15-6/30/16
<b><u>Modification Agreements #2 2015-2016</u></b>		
Integrated Care Corporation	\$68,000	7/1/15-6/30/16
Pathways of Southwestern PA	\$200,000	7/1/15-6/30/16
<b><u>Base Contract Agreement 2016-2017</u></b>		
Pathways of Southwestern PA	\$175,000	7/1/16-6/30/17

**7. Bridge Department:**

Consider placing on the agenda approval to allocate \$45,000 to Fayette City to purchase a plow truck utilizing Act 13 Highway Bridge Improvement Restricted Account Allocation from the Fayette County Bridge Department.

**8. Children and Youth Services:**

Consider placing on the agenda ratifying a **FY2015-16** Purchase of Service Agreements between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **George Junior Republic in Pennsylvania**, 233 George Junior Road, Grove City, PA 16127 for residential placement services on an as needed basis. The rates per day are as follows:

Initial Clothing - \$250.00	
MULTIPLE 407960 RG	
407440 – RG Alcoa	\$156.05
407960 – RG Benton Cottage	\$156.05
407880 – RG C Cottage	\$156.05
407890 – RG D Cottage	\$156.05
407840 – RG E Cottage	\$156.05
407510 – RG Eden Hall	\$156.05
407850 – RG F Cottage	\$156.05
409760 - RG Forsha Home	\$156.05
407860 – RG G Cottage	\$156.05
407990 – RG Glenn Home	\$156.05
407950 – RG Hammermill Cottage	\$156.05
407500 – RG Henderson Cottage	\$156.05

407490 – RG Herr Cottage	\$156.05
407900 – RG J Cottage	\$156.05
407870 – RG Kavanagh Cottage	\$156.05
408090 – RG Lobaugh Cottage	\$156.05
408100 – RG Madden Cottage	\$156.05
407970 – RG P Cottage	\$156.05
407460 – RG Patterson Cottage	\$156.05
409460 – RG Peters/Farley	\$156.05
407820 – RG Pew Home	\$156.05
407910 – RG Phillips Cottage	\$156.05
408130 – RG S Cottage	\$156.05
415630 – RG Sproull	\$156.05
408200 – RG V Cottage	\$156.05
408220 – RG W J Morris	\$156.05
408110 – RG Walker	\$156.05
408180 – Wettick	\$156.05
408230 – RG Y Cottage	\$156.05
407980 – RG Z Cottage	\$156.05

MULTIPLE 407440 RM

407440 – RM Alcoa MA	\$ 67.80
407960 – RM Benton MA	\$ 67.80
407880 – RM C Cottage MA	\$ 67.80
407890 – RM D Cottage MA	\$ 67.80
407840 – RM E Cottage MA	\$ 67.80
407510 – RM Eden Hall MA	\$ 67.80
407850 – RM F Cottage MA	\$ 67.80
409760 – RM Forsha MA	\$ 67.80
407860 – RM G Cottage MA	\$ 67.80
407990 – RM Glenn MA	\$ 67.80
407950 – RM Hammermill MA	\$ 67.80
407500 – RM Henderson MA	\$ 67.80
407490 – RM Herr MA	\$ 67.80
407900 – RM J Cottage MA	\$ 67.80
407870 – RM Kavanagh MA	\$ 67.80
408090 – RM Lobaugh MA	\$ 67.80
408100 – RM Madden MA	\$ 67.80
407970 – RM P Cottage MA	\$ 67.80
407460 – RM Patterson MA	\$ 67.80
409460 – RM Peters/Farley MA	\$ 67.80
407820 – RM Pew MA	\$ 67.80
407910 – RM Phillips MA	\$ 67.80
408130 – RM S Cottage MA	\$ 67.80
415630 – RM Sproull MA	\$ 67.80
408200 – RM V Cottage MA	\$ 67.80
408220 – RM W J Morris MA	\$ 67.80
408110 – RM Walker MA	\$ 67.80
408180 – RM Wettick MA	\$ 67.80
408230 – RM Y Cottage MA	\$ 67.80
407980 – RM Z Cottage MA	\$ 67.80

MULTIPLE 407830 CU

434670 – CU Crisis Unit	\$186.64
407830 – CU Crisis Unit	\$186.64

407920 – DX Diagnostic \$212.70

MA-Placement Services (Room & Board Only)

MULTIPLE 408030 SM

408030 - SM Special Needs 1	\$109.95
408030 – SM Special Needs 2	\$109.95
408070 – SM Special Needs 3	\$109.95
408020 – SM Special Needs 4	\$109.95
408150 – SM Special Needs 5	\$109.95
408140 – SM Special Needs 6	\$109.95
408120 – SM Special Needs 7	\$109.95
408060 – SM Special Needs 8	\$109.95
412900 – SM Special Needs 9	\$109.95
407480 – SM Special Needs 10	\$109.95
423860 – SM Special Needs 11	\$109.95
421370 – SM Special Needs 12	\$109.95
426370 – SM Special Needs 13	\$109.95
442950 – SM Special Needs 14	\$109.95
443740 – SM Special Needs 15	\$109.95
444500 – SM Special Needs 16	\$109.95

MULTIPLE 408030 SN

408030 – SN Special Needs 1	\$240.87
408080 – SN Special Needs 2	\$240.87
408070 – SN Special Needs 3	\$240.87
408020 – SN Special Needs 4	\$240.87
408150 – SN Special Needs 5	\$240.87
408140 – SN Special Needs 6	\$240.87
408120 – SN Special Needs 7	\$240.87
408060 – SN Special Needs 8	\$240.87
412900 – SN Special Needs 9	\$240.87
407480 – SN Special Needs 10	\$240.87
423860 – SN Special Needs 11	\$240.87
421370 – SN Special Needs 12	\$240.87
426370 – SN Special Needs 13	\$240.87
442950 – SN Special Needs 14	\$240.87
443740 – SN Special Needs 15	\$240.87
444500 – SN Special Needs 16	\$240.87

MULTIPLE 415350 DA

415350 – DA Memorial	\$158.09
408190 – DA Prasse	\$158.09
408210 – DA W Cottage	\$158.09

Multiple 415350

415350 - DM Memorial MA	\$ 70.87
408190 – DM Prasse MA	\$ 70.87
408210 – DM W Cottage MA	\$ 70.87

Shelter Care – SC - 434670 \$153.00

MULTIPLE 452420

452420 – GH H L Walker Home	\$138.02
420210 – GH New Wilmington Home	\$138.02
414640 – GH Omega House	\$138.02
416890 – GH Westmoreland Home	\$138.02
415750 – GH Zeta Home	\$138.02

MULTIPLE 441210

441210 – IS Intensive Unit 1	\$292.90
441220 – IS Intensive Unit 2	\$292.90
442190 – IS Intensive Unit 3	\$292.90

Consider placing on the agenda ratifying a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and Fayette County Juvenile Probation Office and **Cornell Abraxas Group, Inc.**, 2840 Liberty Avenue, Suite 300, Pittsburgh, PA 15222 for placement & non-placement services on an as needed basis for CYS & JPO youth. The rates are as follows:

Initial Clothing - \$250.00

Abraxas I

Social Training & Education Program (STEP)	\$171.36
411230 Pioneer Dorm 1	
411250 Seneca Dorm	
411240 Mountain Top Dorm 2	
406800 Dakota Dorm 4	

Intensive Residential Program	\$289.32
411200 Evergreen Dorm 3	

Female D&A Treatment	\$208.24
419760 Mohican Dorm	

Leadership Development Program

355310 Leadership Development Program	\$ 160.45
355310 Shelter (16 bed unit)	\$ 284.17
301400 Leadership Development Program – Female Unit	\$ 160.45
310320 Open Residential Fire Setter/ Sex Offender	\$ 293.55

Abraxas Youth Center:

304420 Fire Setter/Sex Offender	\$ 307.73
303980 Detention	\$ 284.17
303970 Shelter	\$ 284.17

Abraxas Academy:

215700 Secure Residential	\$ 312.50
222430 Detention	\$ 288.00
223770 Shelter	\$ 281.00

Consider placing on the agenda ratifying a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Outside In School of Experiential Education, Inc.**, Post Office Box 639, 303 Center Avenue, Greensburg, PA 15601 to provide in-home services to families on as as-needed basis. The rate are as follows:

Cert. 436380 & 414700 Pathway to Recovery Residential Substance Abuse (PR)	\$ 265.41
Cert. #462780 & #436380 & #414690 Voyagers Residential (VO)	\$ 217.49
Weekend Supervision Services Two nights/Weekend (Fri. & Sat. night)	\$ 217.49
Case administration (case management and family engagement) one per diem/week	\$ 217.49
Mileage to/from clients home at current IRS rate	\$ 25.00/hour
Travel Time w/client in the vehicle	\$ 12.00/test
Compliance monitoring by urinalysis	

Extraordinary expenses – mileage incurred in the provision of client services will be billed separately at the current IRS rate per mile.

Consider placing on the agenda ratifying a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **NHS Youth Services, Inc.**, 4391 Sturbridge Drive, Harrisburg, PA 17110 for Residential and Foster Care Providers on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00	PER DAY
300580 Unit ID: MM Building Bridges	\$ 267.70
302850 Unit ID: MM Building Bridges	\$ 267.70
303470 Unit ID: AA Secure	\$ 258.53
303480 Unit ID: BB Set	\$ 281.00
306670 Unit ID: FA Advance	\$ 199.00
318310 Unit ID: AA Comm. Based	\$ 235.00
318310 Unit ID: BB Shelter Care	\$ 235.00
309000 Unit ID: BB Renew	\$ 242.00
328710 Unit ID: DD Smart	\$ 273.00

Weekend Transportation for the Advance Program component is separately billed and reimbursed by the county at a rate of \$.50 per mile for transportation provided by NHS Youth Services.

Consider placing on the agenda ratifying a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **NHS Pennsylvania**, 4391 Sturbridge Drive, Harrisburg, PA 17110 for Residential and Foster Care Providers on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00	PER DAY
211980: Foster Family Care	

Unit ID: AA - Therapeutic FC R & B	\$ 29.29
Unit ID: FF - Therapeutic FC R & B + Treatment	\$ 157.04
Unit ID: DD – Therapeutic FC w/infant	\$ 72.20
Unit ID: CC – Respite	\$ 96.80
Unit ID: HH – Emergency Respite	\$ 125.70
Unit ID: BB, BC, BD – Foster Care Plus	\$ 91.00
Unit ID: EE – FC Infant add on only	\$ 91.00
Unit ID: TF – FC w/Infant	\$ 132.91
215940: Residential – Lehigh (Girls)	\$ 48.05
221830: Residential – Leigh (Boys)	\$ 48.67

Consider placing on the agenda approval of a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Karen Kiefer, Esquire**, 1005 Loucks Avenue, Scottdale, PA 15683. Attorney Kiefer was court appointed to represent children in dependency proceedings. The rate for her services is \$1,000.00 per month.

Consider placing on the agenda approval of a **FY2016-2017** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services, and **Connect to Classrooms, Inc.**, 2 W. Main Street, Suite 715, Uniontown, PA 15401 to provide case management for middle school youth that are habitually truant from school. The program will service up to 90 middle school students and will provide, at minimum, 9 weeks of service for each student including home visits, coordination of community services, and an individualized action plan for each student & family. End of program reporting will be available within two (2) weeks of the end of the school year.

Proposed Budget:

\$ 60,000 1,200 Service Hours @ per diem \$50/hr (2 FTE employees)  
 7,500 Program Management (Executive Director): 150 hours @ per diem \$50/hour  
 4,000 Mileage reimbursement at \$.45/mile  
 750 Clearances and professional liability insurance  
 1,500 Supplies and small incentive for students  
 \$ 73,750 Total Program Cost

Average cost per student for 60 students: \$1,230 @ per diem \$50/hour

Additional Staffing for additional 30 students (optional)

\$30,000 600 Services Hours @ per diem \$50/hour (1 FTE employees)  
 1,500 Program Management (Executive Director): 30 hours @ per diem \$50/hour  
 2,000 Mileage reimbursement @ \$.45/mile  
 300 Clearances & professional liability insurance  
 750 Supplies & small incentive for students

Average cost per student for 30 additional students: \$1,152 @ per diem \$50/hour

The total program will not exceed \$108,300

Consider placing on the agenda approval of a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **Safeway**

**Pest Control Services**, 201 Brown Blvd., Uniontown, PA, for pest control services in the CYS building. The cost for the service is the same as last year, at \$30.00 per month.

Consider placing on the agenda approval of a **FY 2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **Sto-Rox Neighborhood Health Council, Dr. Mary Carrasco**, 701 Chartiers Avenue, McKees Rocks, PA 15136. This service includes: physical examinations and forensic interviews in cases of suspected child abuse and neglect, production/maintenance of recordings and written reports, maintenance of equipment, telephone testimony for court proceedings, in-person testimony for court proceedings when telephone testimony is not permitted/feasible, conduct monthly scan meetings which shall include members of the agency's MDT and MDIT teams and provision of education for agency personnel DMT and MDIT partners. The rate for this service is not to exceed \$ 65,000.00 per current contract.

Consider placing on the agenda approval of a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Andrew M. Snyder, Esquire**, 17 N. Diamond Street, Mt. Pleasant, PA 15666. Attorney Snyder was court appointed to represent children in dependency proceedings. The rate for his services is \$1000.00 per month.

Consider placing on the agenda approval of a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Shane Gannon, Esquire**, d/b/a 720 Vanderbilt Road, Connellsville, PA 15425. Attorney Gannon was court appointed to represent children in dependency proceedings. The rate for his services is \$1,000.00 per month.

Consider placing on the agenda approval of a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **John A. Kopas, Esquire**, 556 Morgantown Road, Uniontown, PA 15401. Attorney Kopas was court appointed to represent children in dependency proceedings. The rate for his services is \$1,000.00 per month.

Consider placing on the agenda approval to accept the request of Fayette County Children & Youth Services Advisory Board Member, David Klink, to not be reappointed for another term.

Consider placing on the agenda approval to accept the resignation of Fayette County Children & Youth Services Advisory Board Member, Debra Hudak, effective immediately.

#### **9. Controller:**

Consider placing on the agenda ratification of Construction Note Interest Payments in the amount of \$10,862.06 on July 29, 2016 and \$10,921.83 on August 25, 2016, respectively.

Consider placing on the agenda approval to adopt a resolution of Certification to First National Bank to transfer the remaining funds in the Construction Note account into a newly created escrow account at the county's financial institution on or before October 1, 2016.

**10. Emergency Management Agency:**

Consider placing on the agenda ratification of the following travel:  
Roy Shipley, Vince Sherwood and Dane Griffith to attend the PA State Association of Hazard Materials Technicians Annual Conference August 24-28, 2016 in Valley Forge.

Consider placing on the agenda approval for Roy Shipley, Guy Napolillo, Vince Sherwood and Tony Alviar to attend the Annual PA National Emergency Number Association (NENA) Conference September 14-16 in State College.

Consider placing on the agenda ratification of the (2) Crown Communications amendments to our contract (1 for the Uniontown II Tower and (1) for the Connellsville Tower. These amendments are to remove our old radio equipment from the lease site information/contract and with that allow remove of antenna equipment from the sites were necessary.

Consider placing on the agenda approval to add L.C. Otto, German Township Supervisor to the revised Local Emergency Planning Committee membership list as per State Act 165 of 1990 Section 203.

Consider placing on the agenda approval of the change order with CentryLink for the new 9-1-1 phone system. The change order changes the scope of work (SOW) and payment schedule. There is no change to the contract cost.

**11. Human Resources:**

**Commissioners**

Consider placing on the agenda to appoint an assistant county solicitor at a salary of \$27,475.50 annually, effective September 19, 2016.

**CYS**

Consider placing on the agenda the ratification of the rehire of Laura Dukich, Caseworker I, \$15.12/hour (\$29,484 annually), effective August 23, 2016.

**FACT**

Consider placing on the agenda approving the retirement of Marjorie Tamblyn, Small Bus Transit Operator, effective October 31, 2016.

Consider placing on the agenda the ratification of the hire of Robert Yatsko, Sr., Part-Time Small Bus Transit Operator, \$11.86/hour (\$12,026.04 annually), effective August 22, 2016.

Consider placing on the agenda the hiring of TBD as FACT dispatcher effective September 26, 2016.

**Human Resources**

Consider placing on the agenda approval of a supplemental HR contract with Leech Tishman for September 1, 2016 through December 31, 2016 in which Amanda Porter will work in the Fayette County offices to provide human resource services two days a week (17 hours) for a lump sum of \$28,800 and a cap of 306 hours; with additional services being provided above the cap at \$135 per hour.

**12. Office of Human and Community Services/FACT:**

Consider placing on the agenda approving vehicle lease agreements for FY 16-17 with Central Cab Co and Mt. Citizens Action Group.

Consider placing on the agenda approving a contract amendment effective 9/12/16 with Mt. Citizens Action Group to reflect new shared ride fares.

**13. Planning, Zoning and Community Development Office:**

Consider placing on the agenda RZ 16-2 Robert Hendricks, Redstone Township, requesting a change of zone from A-1 Agricultural-Rural to B-1 General Business.

Consider placing on the agenda ratifying an agreement between the County, McMillen Engineering & K Hovnanian Homes, for remaining inspections for Trina & Curt Snyder, BP 16-129, Upper Tyrone Township parcel id# 39-07-0102-01.

Consider placing on the agenda approval of Act 13 Funds for appropriation to Phase-4 Sewage Design project at the Joseph A. Hardy (Connellsville) Airport. As structured, Appalachian Regional Commission funding and LSA funding have been secured as part of the match for this design project. The commissioners signed a letter in April 2015 stating they support the project and shall earmark match funding for completion of the project.

Consider placing on the agenda approval of a Cooperation Agreement between the Airport Authority and Fayette County for the Hangar Development Project at the Joseph A. Hardy (Connellsville) Airport. This is a prerequisite for utilizing Redevelopment Capital Assistance Project (RACP) funds. (We had an agreement in place for Phase - I of the project, and, at this time, we are entering Phase - 2 of the project and must create a new agreement applicable to Phase - II.)

Consider placing on the agenda approval of a contract agreement between Fayette County and Widmer Engineering, Inc. for design work on Phase-4 Sewage Design project at the Joseph A. Hardy (Connellsville) Airport.

Consider placing on the agenda approval to advertising for professional consulting services to assist the county in preparation of a countywide comprehensive land use plan.

**14. Public Works:**

Consider placing on the agenda enacting the amendment to Ordinance G90-1 for Fayette County's Solid Waste Management Plan, as attached.

Consider placing on the agenda approval of the purchase and installation of a single Zone Expansion Module Hardwired Panic Switch. This system is compatible with the system the Courts have installed in the past year. The cost is \$10,397.13. Funds to come from CCAP Grant.

Consider placing on the agenda approval of the purchase and installation of a Trane 12.5 ton Rooftop Unit for the 911 Call Center. The present unit is only 50% operational now. Trane will furnish labor, material and crane to remove the old unit and install the new unit. There is approximately \$10,000.00 in R&M to Buildings fund. Requesting the balance of \$23,744.00 from Contingency to pay for the \$33,744.00 cost.

Consider placing on the agenda approval of and engineering firm TBD to provide specifications and scope of work for repairs to the exterior masonry of the Public Service Building on the South side and to inspect other exterior areas for repairs that are needed.

#### **15. Commissioners:**

Consider placing on the agenda approval to change the dates for the Hotel Tax Grant applications and awards. For 2017, the application process will be to accept applications in December 2016 and January 2017 and to award in February 2017 and then in 2018, the process will be to accept applications in October and November of 2018 and award in December, 2018.

Consider placing on the agenda to amend Resolution 16-08-18-46 to change the term of the Fayette County Industrial Development Authority's existence through July 21, 2066 instead of January 1, 2068.

Consider placing on the agenda approval of a 25-Year Cell Phone Tower Lease Extension Amendment from 2036 to 2061 (5 year renewal terms). American Tower will amend the existing lease adding 6 (six) more extension terms on the back-end of the current lease which is scheduled to expire on April 1, 2036. The rent will remain in effect and will continue to escalate in accordance with Section 5 of the ground lease at an increase rate of 2.5% annually through the end of the extended term, 2061. American Tower is offering to pay the County a one-time signing bonus of \$15,000.00 upon full execution of the amendment along with a one-time rent increase of 15% on April 1, 2036 (in lieu of 2.5% escalator for that year). Each term prior to and after 2036 will increase at the rate of 2.5%, per the existing lease. ((In 2035 – rent will escalate to \$16,306.23/year (2.5%); In 2036 – rent will escalate to \$18,752.16/year (15% increase) and In 2037 – rent will escalate to \$19,220.96/year (2.5%) )

Consider placing on the agenda approval to reject bids for Bid 16-02 Sheepskin Trail and to readvertise.

Consider placing on the agenda approval of the August 11, 2016 commissioner's agenda meeting minutes.

Consider placing on the agenda approval of the August 18, 2016, commissioners meeting minutes.

Consider placing on the agenda approval of the August 22, 2016 special commissioner meeting minutes.

Consider placing on the agenda approval to set and advertise the schedule for budget hearings for the 2017 general fund budget.

Consider placing on the agenda approval of extension of a LERTA Ordinance to the City of Connellsville for an additional five years, effective August 16, 2016.

Consider placing on the agenda approval of a LERTA designation on a new sign at the main entrance of Nemaocolin Wooflands LLC in Wharton Township at 3945 National Pike, Farmington, Pa.

Consider placing on the agenda approval of a LERTA designation for new construction by Riverside Motor Sales at 4497 National Pike, Markleysburg Pa in Henry Clay Township.

Consider placing on the agenda forgiving all outstanding real estate taxes, including penalty and interest assessed against property in South Union Township at 26 Foreman Avenue, Parcel No. 34-24-0072. The request has already been approved by the township and school district.

Consider placing on the agenda approval of the resignation of Ed Jeffreys from the Fayette County Planning Commission, effective August 18, 2016.

Consider placing on the agenda an appointment as an alternate to the Fayette County Zoning Hearing Board, with a term to expire December 31, 2017.

Consider placing on the agenda an appointment to the Fayette County Airport Authority, with a term to expire January 2021.

Consider placing on the agenda approval to solicit bids for a building to store county documents

Consider placing on the agenda ratification of the following transfers and budget amendments.

<b>Department</b>	<b>8/8/16 to 9/8/16 Cost Center</b>	<b>Debit</b>	<b>Credit</b>
<b>Commissioners</b>			
<b>Health insurance solicitor</b>	<b>01415151560</b>	<b>\$5,979.76</b>	
<b>Solicitor Salary</b>	<b>01415151200</b>		<b>\$5,979.76</b>
<b>Human Resources</b>			
<b>Health insurance waiver</b>	<b>01415551561</b>	<b>\$1,800.00</b>	
<b>Arbitration</b>	<b>01415553145</b>		<b>\$1,800.00</b>
<b>Contingency</b>	<b>01417952910</b>	<b>\$21,323.69</b>	
<b>Contract services HR</b>	<b>01415553140</b>		<b>\$21,323.69</b>
<b>IT</b>			
<b>Contingency</b>	<b>01417952910</b>	<b>\$450.00</b>	
<b>Contract services consulting</b>	<b>01411253005</b>		<b>\$450.00</b>
<b>Magisterial District Courts</b>			

Travel	01418630253300	\$100.00	
Travel	01418620353300	\$100.00	
Travel	01418610253300	\$100.00	
Materials/supplies	01418610252000		\$300.00
<b>Total Debits</b>	<b>\$29,853.45</b>	<b>Total Credits</b>	<b>\$29,853.45</b>

**Budget amendments—  
Children and Youth Services**

36442053300 Increase travel in the amount of \$28,000.00  
 36442053560 Increase auto leasing in the amount of \$15,000.00  
 36442052300 Increase equipment rental in the amount of \$7,400.00  
 36442033200 Increase state funding in the amount of \$25,200.00.  
 36442033100 Increase federal funding in the amount of \$25,200.00.

**Coroner**

01419353350 Increase training/conference in the amount of \$8,000.00  
 01419334000 Increase charges for services administration in the amount of \$8,000.00

**Public Announcements:**

**Public Comments:**

**Adjournment:**

ORDINANCE DESIGNATING PROCESSING AND/OR DISPOSAL  
FACILITIES AND IMPLEMENTING THE WASTE FLOW FOR FAYETTE COUNTY  
SOLID WASTE PLAN AND PROVIDING FOR  
REGISTRATION  
THEREUNDER AND RELATED MATTERS

AMENDMENT – ORDINANCE NO G90-1  
COUNTY OF FAYETTE, PENNSYLVANIA

AN ORDINANCE OF THE COUNTY OF FAYETTE, PENNSYLVANIA, DESIGNATING PROCESSING AND/OR DISPOSAL FACILITIES; PROVIDING WASTE FLOW CONTROL REQUIREMENTS TO DIRECT WASTE TO DESIGNATED PROCESSING AND/OR DISPOSAL FACILITIES; ESTABLISHING PROGRAM FOR THE REGISTRATION OF ALL PERSONS THAT COLLECT AND TRANSPORT MUNICIPAL WASTE GENERATED BY SOURCES LOCATED IN FAYETTE COUNTY AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners have adopted and approved the Solid Waste Management Plan for Fayette County in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), and said Plan has been duly ratified by the Municipalities in the County; and,

WHEREAS, the County has the power and duty to adopt such ordinances deemed necessary to implement this Plan by the authority vested to the County pursuant to Section 303 of Act 101, including requirements that all Persons be registered to collect and transport Municipal Waste, subject to the plan to the Municipal Waste Processing and/or Disposal Facilities Designated by the County pursuant to Subsection 303(3) of Act 101.

NOW, THEREFORE, the Board of County Commissioners of Fayette County hereby enacts and ordain as follows:

**SECTION 1 – SHORT TITLE**

This Ordinance shall be known and referred to as the “Fayette County Solid Waste Management Ordinance”

**SECTION 2 – DEFINITIONS**

The following words and phrases as used in this Ordinance shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

Act 97 – The Pennsylvania Solid Waste Management Act of 1980 (P L 380, No 97, July 7, 1980)

Act 101 – The Pennsylvania Solid Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988 – 101, July 28, 1988)

Collector or Waste Hauler – shall mean any person, firm, partnership, corporation or public agency that is engaged in the collection and/or transportation of Municipal Waste.

Commercial Establishment – means any establishment engaged in nonmanufacturing or non processing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

County – shall mean the Fayette County Board of Commissioners or the Fayette County Solid Waste Management Department.

County Registered Hauler or Registered Hauler – shall mean any Municipal Waste Collector or Waste Hauler possessing a current County registration issued pursuant to this Ordinance.

Department or DEP – shall mean the Pennsylvania Department of Environmental Protection, and authorized Representatives.

Designated Facilities - Waste disposal facilities listed in the current approved Fayette County Solid Waste Management Plan and such other disposal facilities as may be approved in accordance with the provisions of that Plan.

Hazardous Waste – means garbage, refuse or sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or a combination of the above. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act (51 P S Sections 30 51 – 30 101). The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under The Clean Streams Law (35 P S Section 6891 1 – 691 1001). The term does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U S C A Section 1341) or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, (43 U S C A Sections 2011 – 2284), which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following:

- (i) Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population
- (ii) Post a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Industrial Establishment – means any establishment engaged in manufacturing or production activities, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Infectious Waste – means Municipal Waste, which, unless processed, disposed, stored, collected or transported in accordance with Article VII Municipal Waste of Chapter 101, Special Water Pollution Regulations of 25 PA Code, is or may be contaminated by a disease-producing microorganism or material, or may harm or threaten human health. The term includes the following wastes unless individual residences generate them:

- (i) Waste generated by hospitalized patients who are isolated, or on blood and body fluid precautions in order to protect others from their severe and communicable disease.
- (ii) Cultures and stocks of etiologic agents
- (iii) Animal waste blood and animal blood products which are known or are suspected to contain contagious zoonotic pathogens, and human waste blood and blood products.
- (iv) Tissues, organs, body parts, blood and body fluids that are removed during surgery and autopsy
- (v) Wastes generated by surgery or autopsy of septic cases or patients with infectious diseases.
- (vi) Wastes that were in contact with pathogens in any type of laboratory work, including collection containers, culture dishes, slides, plates and assemblies for diagnostic tests and devices used to transfer, inoculate and mix cultures.
- (vii) Sharps
- (viii) Wastes that were in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers.
- (ix) Carcasses and body parts of animals exposed to contagious zoonotic pathogens
- (x) Animal bedding and other wastes that were in contact with animals suffering from contagious zoonotic diseases due to natural infection or laboratory research, and their excretions, secretions, carcasses on body parts.
- (xi) Waste biological – for ample, vaccines – produced by pharmaceutical companies for human or veterinary use.
- (xii) Food and other products that are discarded because of contamination with etiologic agents.
- (viii) Equipment and equipment parts contaminated with etiologic agents.

Institutional Establishment – shall mean any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

Leaf Waste – shall mean leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Municipal Waste – means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation of Residential, Municipal, commercial or Institutional Establishments and from community activities, any sludge not meeting the definition of Residual Waste or Hazardous Waste under Act 97 from any municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. The term does not include and Source-Separated Recyclable Materials.

Municipal Waste Landfill – means a facility using land for disposing of Municipal Waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a Construction/Demolition Waste Landfill or a facility for the land application of sewage sludge.

Person – means any individual, partnership, association, institution, cooperative enterprise, Municipal Authority, Federal Government or agency, State institution and agency – including, but not limited to, the Department of General Services and the State Public School Buildings Authority – or another legal entity which is recognized by law as the subject of rights and duties. In the provisions of this article pertaining to a fine or penalty, the term includes the officers and directors of cooperation or other legal entity having officers and directors.

Processing – means any technology used for the purpose of reducing the volume or bulk of Municipal Waste or Residual Waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities and resource recovery facilities.

Residual Waste – means any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining, or agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the Coal Refuse Disposal Control Act of September 24, 1968 (P L 1040, No 318). The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law of June 22, 1937 (P L 1987, No 394).

Scavenging – shall mean the unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a Designated Facility.

Source Separated Recyclable Materials – means materials that are separated from Municipal waste at the point of origin or generation for the purpose of Recycling.

Special Waste – means Municipal Waste for which the Pennsylvania Department of Environmental Protection, the EPA or Facility Operators that requires special approval (other than that generally required for Municipal Waste prior to disposal at the Designated Facilities). Special Waste includes, but is not limited to, asbestos, sludge, infectious waste, chemotherapeutic waste, and incinerator ash, including ash from any resource recovery facility.

Transportation – means the off-site removal of any Municipal Waste at any time after generation.

Unacceptable Waste – means (a) any material that by reason of its composition, characteristics or quantity is ineligible for disposal at the Designated Facilities pursuant to the provisions of (i) the Resource Conservation and Recovery Act of 1976, 42 U S C subsection 2601 et seq, and the regulations thereunder or (ii) except for trace amounts normally found in household or commercial solid waste, any other Applicable Law including, but not limited to, the following laws and regulations, if any, promulgated under each: the Toxic Substances Control Act, 15 U S C subsection 2601 et seq; the Federal Insecticide, Fungicide and Rodenticide Act, 7 U S C subsection 136 et seq, the Federal Water Pollution Act, 13 U S C subsection 1251 et seq, the Comprehensive Environmental Response, Compensation and Liability Act, 42 U S C subsection 9601 et seq; The Pennsylvania Solid Waste Management Act, the Hazardous Sites Cleanup Act, 108, enacted October 18,, 1988; and any similar or substituted legislation or regulations or amendment to the foregoing as well as any other laws coextensive with the foregoing; (b) any other materials that any governmental body or unit having or claiming appropriate jurisdiction shall determine from time to time to be harmful, toxic, dangerous, or otherwise ineligible for disposal at the Designated Facilities; (c) any Residual Waste, Special Waste or other waste, that the Designated Facilities are precluded from accepting pursuant to any permit or government plan governing the Designated Facilities; (d) Hazardous Waste; (e) Infectious Waste; and (f) any other material that the County or the Designated Facility operators reasonably conclude would require special handling or presents an endangerment to the Designated Facilities, the public health or safety, or the environment.

For the purposes of this ordinance, the singular shall include the plural and the masculine shall include the feminine and neuter.

Any terms not hereinabove specifically defined shall be defined by definitions contained in Act 101.

### **SECTION 3 – WASTE FLOW CONTROL MANAGEMENT PROVISION**

1. Pursuant to the authority granted to the County by Act 101, it is hereby directed that all Municipal Waste collected in the various municipalities of Fayette County shall be taken by County Registered Haulers to County Designated Facilities, as shall be approved by the regulations adopted by the County pursuant to this Ordinance.
2. As part of the annual report required pursuant to this Ordinance, each Registered Hauler shall report to the County or designated County representative which Designated Facilities the Hauler is depositing waste.

### **SECTION 4 – PROHIBITED ACTIVITIES**

1. It shall be unlawful for any Person to collect and/or engage in the Transportation of Municipal Waste from any Residential, Public, Commercial, Industrial or Institutional Establishment within the County without first registering to do so as a County Registered Hauler in accordance with the provisions of this Ordinance.
2. It shall be unlawful for any Person to collect and/or engage in the Transportation of Municipal Waste from any sources within the County in a manner not in accordance with

- the provisions of this Ordinance and the minimum standards and requirements established in Chapter 285 of the DEP's Municipal Waste Management Regulations.
3. It shall be unlawful for any Person to engage in the Transportation of any Municipal Waste collected within the County to any processing and/or Disposal Facility other than those facilities which have agreements with the County and are Designated Facilities under the County's approved Municipal Waste Management Plan. The waste collected by Septage Haulers need not be disposed in a County designated facility. The waste may be land applied at a facility approved by DEP for such application.
  4. It shall be unlawful for any Person to Scavenge any material from any Municipal Waste or Source-Separated Recyclable materials that are stored or placed for subsequent collection within the County without prior approval from the County and the local Municipality.

### **SECTION 5 – STANDARDS FOR COLLECTION AND TRANSPORTATION**

1. All County Registered Haulers operating within the County must comply with the following minimum standards and regulations
  - A. All trucks or other vehicles used for collection and transportation of Municipal Waste must comply with the requirements of Act 97 and Act 101 and DEP regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.

### **SECTION 6 – REGISTRATION REQUIREMENTS**

1. Within sixty (60) days of the effective date of the Ordinance, any Person engaged in the collection and hauling of Municipal Waste is required to register with the County in accordance with the provisions of this Ordinance.
2. No person shall collect, remove, haul or transport any Municipal Waste through or upon streets of any Municipality within Fayette County without first registering with the County in accordance with the provisions of this Ordinance.
3. All Collectors, Waste Haulers, and Septage Haulers shall be registered by the County and designated as a "County Registered Hauler".
4. Any Person who desires to collect, haul, or engage in the Transportation of Municipal Waste within Fayette County shall submit an application to the County or designated County representative. The County shall have a minimum period of thirty (30) calendar days to review any application and take approval or denial action.
5. All registrations are nontransferable and shall be issued for a period of one calendar year.
6. The application form for registration supplied by the County shall set forth the minimum information required to establish the applicant's qualifications for registration in order to collect and transport Municipal Waste, including, but not necessarily limited to:
  - A. Name and mailing address of the applicant;
  - B. Name and telephone number of contact person;

- C. List of all collection vehicles to be covered under the registration, including identification information for each vehicle, such as vehicle license plate number and company identification number;
  - D. Type of Municipal Waste collected and transported;
  - E. The municipality or municipalities served by the applicant; and
  - F. Certificate(s) of insurance to present evidence that the applicant has valid liability, vehicle, and workman's compensation insurance in the minimum amounts established and required by the County.
7. Any Collector or Waste Hauler with an existing registration shall submit a new application to the County or designated County representative at least sixty (60) days prior to the expiration date of existing registration, if renewal of the registration is desired.
  8. No new registration or registration renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this Ordinance or is in violation of the provisions of this Ordinance.

## **SECTION 7 – REPORTING REQUIREMENTS**

1. Within seven (7) days of the occurrence of any event that changes the data supplied to the County on the Waste Hauler registration form, County Registered Haulers shall report to the County or designated County representative any changes in the collection vehicles or equipment covered under the County Registration Program including any changes in insurance coverage.
2. All County Registered Haulers shall maintain current, up-to-date records of the customers serviced within Fayette County. Such records and customer lists shall be subject to inspection and made available to the County or designated County representative upon request.
3. Each County Registered Hauler shall prepare and submit an annual report to the County, to be submitted on or before January 31 of the following calendar year. At a minimum, the following information shall be included in each Annual Report.
  - A. The monthly and annual total weight of each type of Municipal Waste collected from all sources in Fayette County during the annual reporting period;
  - B. The name of each Designated Facility and Registered Hauler used during the annual reporting period and the monthly and annual total weight of each type of Municipal Waste that was delivered to each Designated Facility during each month of the annual reporting period;
  - C. The name of each Municipality in Fayette County in which the Registered Hauler collected Municipal Waste from any source during the annual reporting period; and,
  - D. A summary of the monthly and annual total weight of each Municipal Waste and recyclables collected from each Municipality during the annual reporting period; and,
  - E. The Designated Facility or Facilities planned to be used by the Registered Hauler during the calendar year following the annual reporting period.

## **SECTION 8 – PENALTIES**

1. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor which is punishable, upon conviction, by a fine of not less than \$100.00, or more than ten (10) days, or both. Each day of violation shall be considered as a separate and distinct offense.
2. The County shall have the right at any time to suspend or revoke the registration of any County Registered Hauler for any of the following causes:
  - A. Falsification or misrepresentation of any statement in any application for registration;
  - B. Lapse or cancellation of any required insurance coverage's;
  - C. Collection and/or Transportation of any Municipal Waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Ordinance;
  - D. Except as provided for in the currently approved Fayette County Solid Waste Management Plan and such other disposal facilities as may be approved in accordance with the provisions of that Plan, the Transportation and/or disposal of any Municipal Waste collected within the County at any site other than the Designated Facilities;
  - E. The repeated delivery of Unacceptable Waste, which includes by definition Hazardous Waste at a Designated Facility or Facilities;
  - F. Violation of any part of this Ordinance, any other application County Ordinances or any applicable Pennsylvania laws or regulations.

## **SECTION 9 – UNACCEPTABLE WASTE**

In the event a load of waste taken by a County Registered Hauler to a Designated Facility under the Ordinance contains Unacceptable Waste, which includes by definition Hazardous Waste, the County Registered Hauler shall remove said Unacceptable Waste from the site. The Designated Facility may charge the County Registered Hauler for any reasonable costs incurred because of the presence of said Unacceptable Waste including the cost of handling and reloading said material into the vehicle of the County Registered Hauler.

## **SECTION 10 –INJUNCTIVE POWERS**

The County may petition the Court of Common Pleas of Fayette County, Pennsylvania, for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.

**SECTION 11 – SEVERABILITY**

In the event that any section, paragraph, sentence, clause or phase of the Ordinance, or any part thereof, shall be declared illegal, invalid or unconstitutional for any reason, the remaining provisions of this Ordinance shall be affected, impaired or invalidated by such action.

**SECTION 12 – CONFLICT**

Any Ordinances or any part of any Ordinances which conflict with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

**SECTION 13 – EFFECTIVE DATE**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_ 2016

ORDAINED AND ENACTED INTO AN ORDINANCE THIS \_\_\_\_ OF \_\_\_\_, 2016

COUNTY OF FAYETTE  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Vincent A. Vicities, Chairman

\_\_\_\_\_  
Angela Zimmerlink

\_\_\_\_\_  
Dave Lohr