A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Thursday, August 18, 2016 at the Public Safety Building, Uniontown PA.

In attendance-

Commissioner Chairman Vincent A. Vicites

Commissioner Dave Lohr

Commissioner Angela M. Zimmerlink

Assistant County Solicitor Sheryl Heid

Chief Clerk Amy Revak

A prayer was recited, followed by the recitation of the pledge of allegiance.

Public Comment on Agenda Items

Marybeth Homistek asked about the Agostini building, if that is the one across from where the Dusty Attic used to be. Commissioner Vicites said they did a proposal process and the court recommended that location. She also asked about the ratification of an agreement between the county and Genesis House. She asked how long they have been doing business with Genesis House because she asked about it a couple years ago. She said at that time no one knew what was happened and she asked how long they have been putting people into that program. Commissioner Zimmerlink said as a way to handle recidivism, rather than putting individuals behind bars, what the courts have done is discuss with Genesis House an opportunity with the jail to have alternative sentencing. She said for electronic monitoring, the county pays when an individual does not have the funds to pay for it, and that is determined through APO and courts, and there are time when the court orders placement to Genesis House and for that to occur, Genesis House needs funds, so the county has agreed to fund a one-time amount per inmate. She said first the court must determine that the person meets the criteria and the county will pay retroactively. She said they have around $8,000, it is a one year contract that ends December 31, and the county will revisit it at that time. Ms. Homistek asked if it was budgeted last year.

Commissioner Zimmerlink said they signed it the other day, and it will be ratified retroactively to January. She said the funds are being taken from the indigent line item and that has been used for years, and explained how the indigent line item works to pay for intermediate punishment. She said if the person can afford it, they pay for it and if they can't afford it, the county will pay for it. Commissioner Lohr said the Genesis House will try to find them work and get them paying taxes, buying a house, having a life.

Commissioner Vicites said he thinks this program helps efforts to find alternative sentencing for the future. Jim Rosenberg of Redstone Township presented testimony he previously gave on the oil and gas amendment. Commissioner Zimmerlink confirmed that he was speaking about the solid waste management plan. Mr. Rosenberg asked the commissioners to table the ordinance. He said it is ambiguous regarding oil and gas waste. Joe Bezjak of Nicholson Township said he has had a problem since 2002. He said in 2005 there was a project built by the gas company and he got notified about a hearing in 2010. He asked Commissioner Vicites if the property owners should have been notified before the plant was built.

Commissioner Vicites said they follow the law. Mr. Bezjak showed them a map of the project, adding that it belongs in an industrial site. He said the movie Promised Land shows that the gas company controls everyone, adding that they need a criminal investigation. He said it took two years to get before the commissioners. He said the county needs leadership and jobs, adding that there are people sick in the hollow from the plant. He said he wants the commissioners to amend the code, adding that they are willing to talk about it. He said they want the gas companies to be transparent. He asked if Commissioner Vicites knew who the contractor were. Commissioner Vicites said he didn't know who the contractor was, adding that Mr. Bezjak didn't need to interrogate people. Commissioner Zimmerlink said adjoining property owners are to be notified. Mr. Bezjak said he wasn't notified. Commissioner Zimmerlink said she wasn't notified of the project. Mr. Bezjak then spoke out against the gas companies, saying they have killed people. Marigrace Butela, tax collector for Dunbar Township, welcomed Commissioner Vicites back and wished him a full recovery. She then spoke on the oil and gas amendment, and thanked Mr. Bezjak for drawing up the amendment.

Ms. Butela urged the commissioners to pass the amendment, saying there are serious problems stemming from Marcellus Shale gas exploration. She spoke about how many lawsuits have been filed against gas companies stemming from Marcellus Shale issues. She spoke about an explosion that occurred in Westmoreland County and how a worker was burned. She urged the commissioners to vote yes on the amendment. Phyllis Carr of Hope Hollow Road said she didn't know that Commissioner Vicites knew about that project. Commissioner Vicites said he told them to follow the law regarding the zoning law. Ms. Carr said they are working with doctors and this matter is not over. After Commissioner Vicites told members of the audience not to speak unless they come up to the podium, Commissioner Zimmerlink clarified that the compression station was built without a permit. Blaine Lucas, attorney for Chevron Appalachia, said their concern is with the ordinance and the setback changes would prohibit drilling in most areas. He asked that the ordinance not be approved. Brendan Lucas, an attorney for the Williams' companies, said he was there to talk about the amendment. He said their major issue is with the setbacks. He spoke about the amount of money Williams has spent in the county, and asked the commissioners not to approve the amendment.

Linda Hepley, a Fayette County resident, said an overlay is bad and asked who will pick up the tab for the cleanup, adding it will be the taxpayers. Jeffrey Phillips said he and his wife moved to the county a couple years ago and wanted a site that wasn't in the fracking zone. He said the problem is that the state is corrupt and the county needs to show some leadership. He said the money being spent in the county doesn't go to anyone in the county, it goes to others. Daniel Haefline, who lives in Fayette County and works for the gas industry, said none of his guys bribe anybody and they do everything to follow the law. He said they are painted as a black plaque industry and they are not and they have invested in the county and want to keep doing that. He said they are not robbers or thieves. He said he has confidence in the industry to bring jobs.

Behavioral Health Administration

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve agreements and modifications, as listed.

Modification Agreements #2 2015-2016	**Contract Value**	**Period**
Allegheny Intermediate Unit	$762,964	7/1/15-6/30/16
Professional Service Agreements 2016-201		
Advance Management	$43,925	7/1/16-6/30/17
Elizabeth Kaylor	$1,000	7/1/16-6/30/17
Mental Health Association in Fayette County	$2,250	7/1/16-6/30/17
Value Behavioral Health of PA	$92,700	7/1/16-6/30/18
Base Contract Agreement 2016-2017		
accessAbilities	$100,000	7/1/16-6/30/17
Allegheny Intermediate Unit	$701,464	7/1/16-6/30/17
Arc, Fayette	$450,460	7/1/16-6/30/17
Chestnut Ridge Counseling Services	$1,710,000	7/1/16-6/30/17
Laurel House, Inc.	$707,316	7/1/16-6/30/17
Westmoreland Community Action	$10,000	7/1/16-6/30/17

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to award Bid Number 16-04 to Davies Ford, 2551 Memorial Boulevard, Connellsville, PA for the lease of two 2017 Ford Fusion SE sedans at a monthly cost of Five Hundred Fifty-Three Dollars and Thirty-Six Cents (**$553.36**) for thirty-nine (39) months, with a total cost of Twenty-Two Thousand Thirty-Two Dollars and Four Cents (**$22,032.04**) for the lease period with 18,000 miles per year allowance.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve advertising for bids for the lease of one 2017 Ford Explorer 4WD (or equivalent model) for Fayette County Behavioral Health Administration to replace a similar vehicle that is nearing lease end (12/20/16). Our request is to lease the vehicle for a period of either 36 or 39 months depending upon lease programs available.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Bridge Department

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to consider approval to donate three vehicles to the Fayette County Fireman's Association; a 1999 Plymouth Breeze – VIN# 1P3EJ46CXXNS44420, 1999 Plymouth Breeze – VIN# 1P3EJ46C0XN551828, and 2001 Ford Crown Victoria – VIN# 2FAFP71W81X200408, for fire and rescue training.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to grant approval to advertise for bid the following vehicles for sale: a 1999

Ford Contour; a 2006 Ford E-350 veteran's bus; a 2001 Chevrolet Malibu; a 2001 Chevrolet Malibu; a 2001, Ford Truck F-150 and a 1998 GMC Truck 1500, as listed.

YEAR	MAKE	MODEL	VIN NUMBER
1999	FORD	CONTOUR	1FAFP66L9XK137999
2006	FORD	E350 - VETS BUS	1FTSS34P86DB07391
2001	CHEVROLET	MALIBU	1G1ND52J716144987
2001	CHEVROLET	MALIBU	1G1ND52J81640494
2001	FORD	TRUCK F150	1F1PX18LY1NA77123
1998	GMC	TRUCK 1500	1GTHK33J8WF041243

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to consider approval to take three vehicles to the junkyard: a 1995 Ford Aerostar, a 2001 Dodge Ram and a 1994 Chevrolet Astro van, as listed

YEAR	MAKE	MODEL	VIN NUMBER
1995	FORD	AEROSTAR	1FTDA14U2SZA873
2001	DODGE	RAM	287HB11X71K522820
1994	CHEVROLET	ASTRO VAN	1GCDM15ZRB206088

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Children and Youth Services

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Community Action Southwest/Try-Again Homes,** 150 West Beau Street, Suite 304, Washington, PA 15301. Community Action Southwest and Try-Again Homes will provide foster care and group home services on an as needed basis. The rates are as follows:

Initial Clothing	$ 250.00
<u>Foster Care Rates</u>	Per Day
Emergency	$ 58.59
Respite	$ 59.20
Conventional	$ 57.62
Comprehensive	$ 57.93
Special Needs	$ 57.97
Specialized	$ 58.63

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify a **FY2015-2016** Purchase of Service Agreements between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Community Specialists Corporation, d/b/a The Academy**, 900 Agnew Road, Pittsburgh, PA 15227.

Initial Clothing $250.00

Residential:	Rate/day
Cert # 401650SH – New Outlook Academy	$210.00
Cert # 401650NM – New Outlook Academy	$265.00
Cert # 435120DU – Diagnostic Unit	$159.98

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Gwen's Girls**, 711 West Commons Street, Pittsburgh, PA 15212. Gwens' Girls will provide services for expectant teens and infants on an as needed basis. The rates are as follows:

Initial Clothing	$250.00
	PER DIEM
Group Home Level 1 (CC)	$ 118.26
Group Home Level 2 (DD)	$ 162.63
Group Home Infant (EE)	$ 191.90

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Glen Mills Schools, Inc.**, Post Office Box 5001, Concordville, PA 19331, for residential placement services for delinquent youth on an as needed basis. The rate are as follows:

Initial Clothing - $250.00

	PER DAY
113050 - Residential Program	$ 138.51
137300 – Residential Program	$ 138.51
112970 – Residential Program	$ 138.51
112880 – Residential Program	$ 138.51
112980 – Residential Program	$ 138.51
112960 – Residential Program	$ 138.51
112890 – Residential Program	$ 138.51
113010 – Residential Program	$ 138.51

112920 – Residential Program	$ 138.51
112940 – Residential Program	$ 138.51
113020 – Residential Program	$ 138.51
112860 – Residential Program	$ 138.51
113030 – Residential Program	$ 138.51
113030 – Residential Program	$ 135.79

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify a **FY2015-16** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Families United Network, Inc**., 276 Ashler Manor Drive, Muncy, PA 17756 for foster care and group home services on an as needed basis. The rates are as follows:

Initial Clothing - $250.00

Cert. #311110 Foster Family Care

Class CK	$ 59.43/day
Class MC	$ 107.07/day

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Ewing D. Newcomer, Esq.,** 4 N. Beeson Avenue, Uniontown, PA 15401 for agency representation. The rate for his services is $110.00 per hour.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Anthony S. Dedola, Jr**., Esq., 51 E. South Street, Uniontown, PA 15401 for agency representation. The rate for his services is $140.00 per hour and $5.00 per notarization.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY 2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **M & R Transportation**, 2 Bel Meade Terrace, Uniontown, PA 15401 for transportation costs to enable foster children to attend their home school after placement in substitute care. The rate for this service is $50.00 per day per student or otherwise agreed upon rate(s) dependent upon mileage, distance and number of children transported to varying schools.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **Community Resources of Fayette County, Inc. a/k/a/ Crime Victims' Center of Fayette County**, 6 Oliver Square, Suite 108, Uniontown, PA 15401 for School & Community Program on as needed basis. The rate is $14,000.00 for the contract period.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **Community Resources of Fayette County, Inc. a/k/a/ Crime Victims' Center of Fayette County**, 6 Oliver Square, Suite 108, Uniontown, PA 15401 for Parenting classes, Truancy Program, Counseling/Visitation/Life Skills, Community Awareness, Teen Life Skills, Teen Parenting on an as needed basis. The rates are as follows:

Parenting Classes	$ 1,000.00/class of 11 wk. duration
Truancy Elimination Program	$60.00/hr. (not to exceed $100,000/school yr.)
Truancy education seminar for parents to include 3 hrs. of classroom and	
1 hr. prep time	$ 200.00
Direct work w/individual	$ 50.00/hr.
Counseling/Visitation (life skills)	$ 50.00/hr.
Victim/Community Awareness	
Competency Develop. Program	$ 50.00/hr.
Teen Life Skills Program	$ 50.00/hr.
Teen Parenting Program	$ 50.00/hr.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Community Action Southwest/Try-Again Homes,** 150 West Beau Street, Suite 304, Washington, PA 15301. Community Action Southwest and Try-Again Homes will provide consultations, assessments, court testimony, documentation, collateral activity and quantities of service provided clearly identifying the face to face time spent with the client. The rate is $ 48.50 per hour.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette through Fayette County Children and Youth Services and **Adams and Adams, Attorneys at Law,** 55 E. Church Street, Suite 101, Uniontown, PA 15401 for four parking spaces in the lot of Adams. The parking spaces are numbers 24, 25, 26 and 27. The rate is: Twenty-Five Dollars $25.00 per parking spot for a total of One Hundred Dollars ($100.00) per month.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and Fayette County Juvenile Probation and **Family First**, Post Office Box 234, McClellandtown, PA 15458 for in-home services on an as needed basis for CYS & JPO families. The rates are as follows:

> In-home services for treatment, collateral contacts, documentation and travel time for client and collateral contact but travel time will be capped at one hour per client face-to-face contact and collateral contact; $62.00 per hour for all related counseling services, consultations, assessments, court testimony, documentation, collateral activity and training for the County.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and Fayette County Juvenile Probation and **PA Professional Health Services,** 50 W. Main Street, Uniontown, PA 15401 for outpatient mental health services on an as needed basis for CYS & JPO families. The rates are as follows:

Each group program must have, at minimum, three participants. No group shall consist of both victims and offenders. The Service Provider will furnish a certificate of completion and a written summary of the course to the County upon the participant's completion of the course. If a participant fails to complete the course, the Service Provider must attempt to obtain payment for services through the insurance prior to billing the County. It is agreed that the County should also be the payee of last resort. If the individual being referred for services has insurance, the Service Provider must attempt to obtain payment for services through the insurance provider(s) prior to billing the County.

If a recommendation for services beyond the eight week course of the three week course (adolescent) is made, services are not to be continued until explicit consent is obtained from the County. If the case is referred by JPO, consent for further service may be provided by JPO or member of management.

If referred by CYS, a member of management must provide explicit consent for the continuation of services.

Anger Management/Domestic Violence Treatment Programs-Adolescent Course:

Initial Evaluation	$ 30.00
Three week course	$125.00

Anger Management/Domestic Violence Treatment Programs-Adult Course:

Initial Evaluation	$ 30.00
Eight week course	$250.00

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the appointment of a county resident, **James A. Hercik**, to a 3-year term on the Fayette County Children & Youth Services Advisory Committee. The term shall expire on June 30, 2019. The Advisory Committee voted unanimously, at the June 25, 2016 monthly meeting, to recommend his appointment to the commissioners at the July meeting.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Before the vote, Commissioner Vicites said there are other vacancies on that board.

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the appointment of a county resident, **Lisa Show**, to a 3-year term on the Fayette County Children & Youth Services Advisory Committee. The term shall expire on June 30, 2019. The Advisory Committee voted unanimously, at the June 25, 2016 monthly meeting, to recommend her appointment to the commissioners at the July meeting.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Controller:

Controller Scott Abraham gave the following financial condition of the county.

Office of the Controller

Fayette County, Pennsylvania

SCOTT T. ABRAHAM
Controller

Phone (724) 430-1217
Fax (724) 430-1366

FUND: **GENERAL FUND**

DATE: 18-Aug-16

CASH:

Checking Account	United Bank		$9,972,967.17
Funds Owed to General Fund			
Arc Payments Due			
Intermediate Punishment Fund-.3yrs		$ 40,651.26	
Offenders Supervision Fund-3yrs		$ 87,758.28	
Central Service Payments			
C-17 Fund-3yrs		$ 12,490.00	
Offenders Sprvsn-4yr		$ 56,740.00	
Intermediate Punishment-4yrs		$ 29,053.00	
Payroll Payments Due			
Offenders Sprvsn 8 pays		$ 248,410.28	
			$ 475,102.82
Funds General Fund Owes			
Tax Anticipation Note		$ 2,500,000.00	
			$ 2,500,000.00
Budget Year	**Net Position**		$7,948,069.99

			Year to Date
Total 2016 Revenues			$ 25,854,632.91
Total 2016Expenditures			$ 18,715,105.27
Total 2015Expenditures paid in 2016			$ 1,749,657.23
Capital Reserve Fund Balance	**Fund 51**		$ 222,461.25
Bond Fund Balance	**Fund 53**		$ 50,704.65
Act 13 Marcellus Shale Balance	**Fund 13**	Balance in Bank	$3,002,450.30
		Rec'd in 2016	$1,056,698.18

FAYETTE COUNTY COURTHOUSE • 61 EAST MAIN STREET • UNIONTOWN, PENNSYLVANIA 15401

Commissioner Zimmerlink clarified with Controller Abraham that the bills paid in 2016 that were incurred in 2015 were not received to pay until 2016 even though the services were secured in 2015. Commissioner Vicites said the most difficult thing when doing the budget was to get a good handle on how many unpaid bills there were for 2015 and he said they have done that and hopefully they will get to the end of the year with a surplus.

Courts

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to enter into a lease agreement with The Agostini Group for a new Central Court location at 148 East Main Street, Uniontown for a 10 year lease with rent for first 5 years at $2,000 a month, years 6-10 $2,200 a month, with an amortized cost for improvements at $75,000 for renovations. If the lease is not broken within the 10 years amortized, costs would be dissolved.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Commissioner Zimmerlink asked Tammy Lambie if there had been any changes since the lease presented last week. Ms. Lambie said she e-mailed a lease the day before. Commissioner Zimmerlink asked what was changed after the agenda meeting. Ms. Lambie said the lease has been completely redone and reviewed by the solicitor. Commissioner Zimmerlink clarified that the lease that was reviewed last Thursday is not the same, and asked Assistant Solicitor Heid to go over the changes. Ms. Heid said the financial responsibility will be the same but some of the other lease provisions were changed. She said the county's needs could change over time. A discussion then ensured about the lease and the need to be consistency with all leases for Magisterial District Judge offices. Solicitor Heid said she tried to create a lease that would be a help to the commissioners going forward. Commissioner Vicites said the new central court for per square foot is reasonable. He said the location is a gateway to downtown Uniontown. He said it has been vacant for a number of years.

Commissioner Zimmerlink said the location was a potential location for ancillary locations for the jail and that wasn't revisited because of a flood zone. She confirmed with Ms. Lambie that was taken care of. Ms. Lambie said the flood water did not crest inside, it went to the back door. There was a discussion about when the lease will commence and what would happen if the site isn't ready for occupancy. Before taking

action on the next item, Commissioner Vicites said they need to vote on the letter. Commissioner Zimmerlink said she wanted to see the letter before she signs it, although it already has two signatures on it. Commissioner Vicites said it was in the tray. He said it just simply asks to extend it. Commissioner Zimmerlink asked Solicitor Heid about the next item, adding that they didn't want to advertise.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to remove from the agenda and not advertise an RFP for a new central court location in the City of Uniontown, or the outlying area.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to sign a letter to the City of Uniontown stating that the current lease for Central Court is soon expiring but the county would like to extend lease month to month until a new location/renovations can be accomplished.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Commissioner Zimmerlink said she wanted to read the letter. She asked Ms. Lambie about a sentence in the letter. Ms. Lambie said she spoke with the mayor of Uniontown and the letter was written to him. She said the letter is to continue the current lease under the same terms and conditions, and she want assurance that city council knows.

Human Resources

CYS

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the resignation of Kevin Newton, Caseworker I, effective August 11, 2016.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify the separation of employment of Heather Hess, Casework Supervisor, effective July 21, 2016.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Public Defender

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the hire of Sherry Walters, Department Clerk I, $10.08/hour ($19,656 annually), effective July 25, 2016.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

FACT

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to approve the hire of Robert Yatsko as part time Small Transit Operator pay grade 7, $11.86/hour, effective August 22, 2016.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Juvenile Probation Office:

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to consider approval of a continuation of the Can Emile? Program for the JPO competency program from September 1, 2016 through June 30, 2017 at a cost of $3,628.00.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Office of Human and Community Services/FACT:

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve an agreement with Port Authority allowing FACT to utilize a limited portion of the East Busway for layover purposes only at no cost. Agreement is for one year to renew year to year unless either party terminates.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to consider advertising to disposal of the following buses:

#	VIN	MAKE/MODEL	YEAR
142	1FDXE45P86DA89200	Ford	2006
164	1FDFE45P59DA75206	Ford	2009
168	1FDFE4FSXBDA39228	Ford	2011
191	1FDFE45P49DA72295	Ford	2009
194	1FD4E45P98DB47787	Ford	2008

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to place on the agenda FY 16-17 Human Service Development Funds agreements with the following:

City Mission Living Stones $9,286

Fayette County Behavioral Health Administration $ 77,350

Center in the Woods $3,240

Albert Gallatin Human Services $96,403

Fayette County Drug & Alcohol $20,100

Fayette County Community Action Agency $10,000

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve FY 16-17 Homeless Assistance Program agreements with the following:

City Mission Living Stones $159,955

Fayette County Community Action Agency $252,612

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Planning, Zoning and Community Development Office:

A motion was made by Commissioner Zimmerlink to table ZA 16-3 (revision to ZA 15-1) amendment to the Fayette County Zoning Ordinance regarding Oil & Gas Operations as well as Oil & Gas Facilities.

In making the motion, Commissioner Zimmerlink said the citizens, and especially the one citizen who took his own time and money to have an attorney draft the proposed amendment and she thanked the citizens for working on this. She said in her opinion,

the county has failed to, not only in the 2008 administration, but in the 2012 administration, to address this issue. She said they all know the importance for an amendment, adding that the citizens are not against the gas companies, but they were trying to strike a balance between the industry and the citizens. She said other counties in Pennsylvania have already been picking up the ball and have been running with it and Fayette County has not. She said the first sign of any rebirth in this is what was heard today and what the citizens did a few months ago. Commissioner Zimmerlink said the zoning office has failed, not only in this administration and the last administration, but it began in 2008. She said it was promised that a committee would look at it and it is said at the meeting and then they go back to the office, and nothing. She said that was said again in 2012 and not done, which is fine because everybody knows that is what they have to do, it isn't unique to Fayette County.

Commissioner Zimmerlink spoke about how the commissioners in 2012 promised to form a committee, and it wasn't done in 2012, 2013, 2014 or 2015. She said although she was a commissioner, it takes two, or staff isn't going to listen. She talked about the need to have an up to date planning ordinance, and said it is out of date. She said although work is underway to update the ordinance, this issue has not been discussed. She said the sports authority issue that just came up is on there, but not the oil and gas. She said it is a start because no one else has prepared or presented anything. She said she isn't against development or the oil and gas industry and none of the speakers are either. She said it is their requirement to address it, and she doesn't want to hear about DEP issues. She said to throw it out the window and deny it would be irresponsible. She said they need to set up a committee and go back and do it. Commissioner Zimmerlink spoke about the need to address all the issues. After making the motion, she said they need to set up the steering committee. After making the motion, it died when it did not receive a second.

A motion was made by Commissioner Vicites and seconded by Commissioner Lohr to deny ZA 16-3 (revision to ZA 15-1) amendment to the Fayette County Zoning Ordinance regarding Oil & Gas Operations as well as Oil & Gas Facilities.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

After the vote, Commissioner Zimmerlink asked what the next step is. Commissioner Vicites said the motion is simply to deny it in its current form. Commissioner Zimmerlink again asked what the next step is. Commissioner Vicites said the motion is to deny it. Commissioner Zimmerlink said she was asking the commissioners what their intentions

are to help her determine if she will go along with denying as written if there is an understanding, and asked if they are in agreement to address the oil and gas. Commissioner Lohr said he would agree to address anything, but the gas and oil industry is regulated. He said if you do that, you restrict business from coming in here. He said if you look at the maps, it would be limited. He said although someone said that the general population doesn't get anything from the oil industry, the county saw a reduction in $200,000 in Act 13 money, adding the general public does get money from the oil and gas industry.

Commissioner Zimmerlink said she agrees to some point, but that wasn't what she was asking. She said the other entities, the EPA and the DEP, do regulate and there are things that counties cannot do. She said there are other things that the county is required to address in the zoning ordinance. She said her question is if this is denied, what steps will the commissioners take to address this issue, as other counties are doing. Commissioner Vicites said other counties do not have countywide zoning. Commissioner Zimmerlink said do you know there are 11 countywide Marcellus Shale task forces? Commissioner Vicites said there used to be a lot more. He said he is denying the ordinance as it is written. Commissioner Zimmerlink said she is asking Commissioner Lohr where he stands on this. She said they must address these issues, it is their responsibility. She said she is asking Commissioner Lohr first. Commissioner Lohr said it is being addressed in the comprehensive plan and Commissioner Zimmerlink said it isn't being addressed.

Commissioner Lohr said it can't restrict like the proposal does. Commissioner Vicites said they have to decide what to vote as written. He said there were 28 wells drilled last year, it is in a down cycle, he wants the industry to grow and foster in an environmentally safe manner. He said there are regulations on this and if Fayette County regulates it further, these companies will go to other counties. He said it is too restrictive and he doesn't support it as written. Commissioner Zimmerlink said she doesn't support the ordinance as written, it is too restrictive in some areas and they need to clean it up. Commissioner Vicites said they were asked to vote on that ordinance. Commissioner Zimmerlink said she is asking them what their intentions are so she can determine in the future what action to take. She said it appears they will not address future amendments. Commissioner Vicites said, "don't put words in my mouth," adding that he will address any future amendments that come forward. He said he won't for something that is totally restrictive, you go from 500 to 1,000 feet. He said the industry has family sustaining jobs, and Commissioner Zimmerlink repeatedly said, "we all agree."

Commissioner Vicites asked Commissioner Zimmerlink to let him talk, saying she keeps interrupting him, and he doesn't interrupt her. He said he is answering the question, adding that he is having a hard time talking and it is difficult to talk over, and

she can talk when he is done. He said they have to work with the industry with the current regulations, adding the regulations are in Greene County, Washington County and are consistent and if the county adds regulations not in other counties they will be in an unfair advantage. He said they have to say no to this for the best interest for Fayette County. Commissioner Zimmerlink said," agreed, agreed." Commissioner Vicites said he isn't going to speculate for the future, this is what is on the agenda. Commissioner Zimmerlink asked if he agreed in 2008 for a committee and Commissioner Vicites said he didn't agree to that committee. Commissioner Zimmerlink said that tells everybody that it isn't going to be addressed. Commissioner Vicites said this is the county planning and zoning office job. Commissioner Zimmerlink said they are not doing it, they are not doing it, she will get a lawsuit but they are not doing it. Commissioner Vicites said they are doing a comprehensive land use plan, that is the first step in the process, and once that is done they can move forward with a lot of different amendments. Commissioner Zimmerlink said it isn't being addressed. She said the commissioners agree, and she will vote against it as written. She said she will move forward with a committee. A discussion ensued about the comprehensive plan. Chief Clerk Revak confirmed that the vote was unanimous.

A motion was made by Commissioner Vicites and seconded by Commissioner Lohr to deny RZ 16-1 Anthony Mancini, North Union Township, requesting an extension of B-1 General Business on property currently zoned R-2 High Density Residential.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prison

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to award a five year contract pursuant to RFP 16-01 for comprehensive health care services to the lowest bidder and current contractor, Prime Care Medical, to include the optional services of a Licensed Professional Counselor, effective October 1, 2016 at a basic cost of $775,836.25; a counselor cost of $74,666.29 annually; for a total cost of $850,502.54 annually.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Public Works

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to enact the proposed Ordinance (Amendment to Ordinance G90-1) for Fayette County's Solid Waste Management Plan from Dave Minnear of L. R. Kimball, as attached.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Commissioner Zimmerlink mentioned to Mr. Rosenberg that he asked for the county not to adopt it and she said if his concerns are not addressed, she will find out what steps needs to be taken to revise it. She said the issue with having this done today is again, this is something that was supposed to be done months ago and didn't get done and wasn't pushed by more than one commissioner. She said by not having the plan, the county was notified that it would be at risk of losing grant monies for recycling and other grants and they can't afford to lose grants because the county has been lax. She said the county almost lost a $50,000 grant for the roof. She said she received word the day before that DEP would not give the county the recycling grant because they didn't have the plan and to let them know if anything changed in the next couple days. She said she would advance it for that reason, but that section would be revisited, but she believes it is addressed. Commissioner Vicites said Kimball worked with DEP on the ordinance and they have to get it moving because they don't want to jeopardize funding. He said it should have been done in the last four years and it wasn't.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to advertise for a special meeting for Monday August 22, 2016 at a time convenient for the Commissioners to award the Bid 16-05 for the Roof Repairs on the Courthouse and the Prison. The Roof Bids are to be opened at 3:00 pm on Thursday, August 18, 2016.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to approve a contract with Enviro21 for putting TV's collected at Hard to Recycle Events on their website for solid waste recyclers to bid on nationally. The fee is $250.00 annually.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Commissioner Vicites said the company came to the township supervisors association last week and it appears they would be helpful in finding somebody to recycle the TVs that were collected. He said it should have been done before but this company can help.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to pay Invoice No. 27106 in the amount of $41,340.08, submitted by Anchor Marine /Greater Lakes EZ Dock; 1501 Ferry Rd., Grand Island, NY 14072 fronting money from the general fund contingency line item. Once it is approved the funds received would be put back in the contingency fund from the county LSA funds from Lady Luck Nemacolin Casino. This is for payment of the Kayak, Canoe ADA dock installed at Dunlap Creek Lake Park in Menallen Township.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Tax Claim

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to approve the following repository bids opened August 2, 2016, subject to all conditions being met.

Bidder name	Parcel Number	Amount	Township
Jessica Karwatski	34-12-0068-86	$260.00	South Union Township

Robert McManus	30-35-0097	$315.00	Redstone Township
Jessica Karwatski	25-16-0027-95	$230.00	North Union Township
Morrbiz LLC	15-10-0004	$250.00	German Township

Total $1,055.00

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the July 12, 2016 commissioner's agenda meeting minutes.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the July 21 2016, commissioners meeting minutes.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the August 2, 2016 special commissioners meeting minutes.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to adopt an amendment to the Articles of Incorporation for the Fayette County Industrial Development Authority to extend the term of its existence for another 50 years, until January 1, 2068.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Attorney Ernest DeHaas explained that the authority was created in 1968 for a term of 50 years. He said it would expire January 1, 2018. He said in order for the authority to participate in any project that goes beyond its term, its term would have to be amended. He said the authority has been a valuable tool in terms of financing business development expansion in this county since it was created. He said for a time, due to the Internal Revenue Code, it and other similar authorities couldn't participate in technology development, but the code has since changed. He said the authority is ready to adopt the amendment, but the county must adopt it as well.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to authorize execution of the certification of applicable elected representative for the Fayette County Industrial Development Authority to participate in a $4 million loan between Fayette Thermal LLC and M&T Bank.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Attorney DeHaas explained that in order for the authority to participate in a project, acting as a conduit, there are several levels of approval. He said the authority has to adopt a resolution, which has been done; an application must be submitted to the state Department of Community and Economic Development and the application has to be approved by the DCED. He said the third level is that a hearing must be held and after that is done, a certificate must be signed by the highest political subdivision, which is the commissioners. He said no member of the public attended the hearing to comment. Attorney DeHaas said the project will benefit Fayette Thermal LLC,

which operates a facility in Luzerne Township that produces steam which heats SCI Fayette. He explained that Fayette Thermal had another financing agency, but they are attempting to lower the payment. He said under the law that authorities are created, the authority cannot create any obligation for any entity. He said he went over the loan documents and it states the note is a limited obligation and Fayette Thermal will pay. He read the language in the loan documents. After the vote, Commissioner Zimmerlink told Attorney DeHaas he needed to make arrangements with the Chief Clerk for the signing of the documents.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to table approval to allocate $18,700 in Act 13 funding from year TBD for the Fayette County Bureau of Investigations, formerly the Fayette County Drug Task Force, for equipment listed on invoice No. 141.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink said they can allocate in another meeting, but they need to address the insurance issues. Commissioner Lohr said he would second the motion because of that concern. He said he spoke with Bill Rittenhouse about it. Commissioner Vicites said they need to move quickly to get this taken care of.

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve ordinance 2016-1, to establish a registration fee for the sale of precious metals, as attached.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr to amend resolution 14-06-17-24 to amend Fayette County Policy 5.7 in the Fayette County Policy and Procedure manual listed under the designated smoking areas to set a smoke free zone of at least 20 feet from all public and employee entrances. Commissioner Zimmerlink asked what about a discussion about leaving it with the exception of the employee entrance at the courthouse. Commissioner Vicites said he has no problem with that, as long as it is moved back to where it was. He said getting new signs made is an option.

Commissioner Lohr said he has no problem with that. Commissioner Lohr said he would retract the motion. Commissioner Vicites asked Commissioner Zimmerlink if she wanted to make that motion. Commissioner Zimmerlink said Commissioner Lohr made a motion to change it to 20 feet and she wasn't' going to second that motion. Commissioner Lohr said he withdrew that motion. Commissioner Zimmerlink said there is no motion on the floor. Commissioner Vicites asked if they need to vote on anything to get that accomplished, adding he wants to see that moved back, it is in a bad location and it could be a safety issue. He said he wants to see it moved back as quickly as it can. Commissioner Zimmerlink said she didn't know what else she could do, she said she directed staff to move it back. She said other than moving it herself, she can't do anything else. Commissioner Lohr asked what the reason was that it wasn't moved, because he thought they made the decision to move it. Commissioner Zimmerlink asked if there is something that needs added.

Chief Clerk Revak said if it is moved now, it doesn't meet the 30 feet, if it is changed to 20 feet, it would meet the 20 feet. Commissioner Vicites said in other words, if they don't change that. Chief Clerk Revak said you need to change to 20 feet, or just to 20 feet for that entrance. Commissioner Vicites said he didn't think it needed to be any entrance other than that one, because they are lacking in space there. He asked Solicitor Heid what she recommends. Solicitor Heid said if the policy is just changed to 20 feet for the rear employee entrance of the courthouse. She said they could make a motion to amend that policy to change the setback for the rear courthouse entrance to 20 feet.

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to change Fayette County Policy 5.7 for the setback of 30 feet to be changed to 20 feet for the rear entrance of the Fayette County courthouse, with all other entrances staying at 30 feet.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to allocate $50,000 in calendar year 2016 Marcellus Shale Legacy funds to the Agricultural Land Preservation Board for the preservation of farms program.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to ratify an agreement between the County of Fayette and Genesis House Ministry Inc. to provide re-entry services for the County for clients court ordered to Genesis House Ministry, Inc. subject to the availability of funds allocated in the 2016 County General Fund Budget under the Indigent Program/APO, the sum of $500.00 per client will be paid for those court-ordered January 2016 through December 31, 2016 as determined by APO/Courts.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify Fayette County joining a class action lawsuit for municipal derivative transactions (involving Bank of America Corporation State AG Settlement; GE Funding Capital Markets Services, Inc. State AG Settlement, JPMorgan Chase & Co. State AG Settlement, Wachovia Bank N.A. State AG Settlement and UBS AG State AG Settlement) for transactions in municipal derivatives which occurred between January 1, 1992 and August 18, 2011.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a vote, Commissioner Vicites said this is something that came up a few months ago and the commissioners have been working to come up with as many documents as possible and they did submit it by the deadline and we will see what we get, adding that other counties are also participating.

A motion was made by Commissioner Vicites and seconded by Commissioner Zimmerlink to reappoint Dee John to the Fayette County Redevelopment Authority for a term to expire July 8, 2021.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Vicites said after making the motion that Dee has been a longtime board member and has been active, but of late she has had health issues but she has them squared away and he feels his insight will be valuable.

A motion was made by Commissioner Vicites to consider an appointment of John Cole as an alternate to the Fayette County Zoning Hearing Board, with a term to expire December 31, 2017. Commissioner Zimmerlink said they just sought out letters and just received some letters and they haven't talked to anyone about it. Commissioner Vicites said John was previously interviewed. He said he feels confident he will do a good job. Commissioner Lohr said he wanted to hold off to see if there is anybody better. Commissioner Vicites said the motion died due to a lack of a second.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to table an appointment of an alternate to the Fayette County Zoning Hearing Board, with a term to expire December 31, 2017.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to ratify the following transfers.

7/20/16 to 8/1/16

Department	Cost Center	Debit	Credit
Adult Probation			
Materials and supplies	**01423652000**	**$350.00**	
Training/conference/dues	**01423653350**		**$350.00**
Assessment			
Assessors salary	**01413651311**	**$6,280.00**	
Software licenses	**01413652100**		**$6,280.00**
Controller			
Contingency	**01417952910**	**$90.00**	

Health Care tax payment	**01417951620**		**$90.00**
Veteran's			
Travel	**01429453300**	**$500.00**	
Materials and supplies	**01429452000**		**$500.00**
Total Debits $7,220.00	**Total Credits**	**$7,220.00**	

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to table a motion to terminate the services of Fayette County's chief solicitor, effective August 22, 2016.

Commissioner Lohr yes

Commissioner Vicites no

Commissioner Zimmerlink yes

Motion passed 2-1

In making the motion, Commissioner Zimmerlink said as everyone knows, she initiated action to reorganize that department, and they interviewed about nine attorneys and it was agreed, with herself and one other commissioner, that they would be looking at both positions, not just one, they made a commitment to do this at the same time and the other commissioner said he would think about that. She said at any rate what is on the floor now is the chief solicitor's position. She said she believes they are all in agreement, unless she is really off base here, the name that is going to be put forward, she does agree with retaining that individual. She said the issue is not the person, the issue is restricting of the office, and as she said to get a replacement and if you look at the second item, $51,573, this board of commissioners have no authority to set the salary, that has to be done at the salary boar meeting, because the starting salary for chief solicitor, on our current applicable rate, current applicable job specification is pay Grade B supervisory non-union is $36,757.50 and she does not agree to starting the chief solicitor at that rate.

Commissioner Zimmerlink said they need to go to the salary board, set a new rate, adding she would like to make it higher, and that she would like it to be higher. She said they told the nine individuals that they would like to make it around the $50,000 mark but they can't do that, this sitting board, the salary board is the one that does that. She

said another this is that she got an e-mail, and apparently since the chief clerk got two Ok's on this, which is out of the ordinary, normally these things are done by requisition, and that is to take a line item transfer from health insurance to transfer it out and put it under the line items headed salary for solicitor. She said that removes the insurance which means the person who will be named, adding that only one said they wanted health benefits. She spoke about the need for a job description and how if it is a county employee, we have to offer health insurance. She spoke about how she is in a bad situation because of the salary issue. Commissioner Vicites said they can use that salary, adding that until it is changed at the salary board, it is acceptable. He said they interviewed people in February and this is six months later, adding that the county legal department has to be top notch and he wants to move forward on this. He said they have lawsuits that are coming down and they have legal decisions to make on a daily basis and they need a solicitor to help with municipal law.

Commissioner Vicites said they need to move, to keep delaying it would make it seven or eight months. Commissioner Zimmerlink said they interviewed on January 24 and they had some discussions about restructuring but it never came through to fruition but you can't move money around. Commissioner Vicites said look how many things are being tabled, if it is to be tabled it shouldn't even make the agenda, it is not showing leadership. Commissioner Zimmerlink said it shows the county is not prepared. Commissioner Vicites said they are prepared, and the first step is getting him on board and he can help us reorganize with our current staff and get this done. Commissioner Zimmerlink said he is arguing about the wrong thing, they all know the county needs a chief solicitor, and the second part is, and it was wrong for them to put in an email. Commissioner Vicites said that is perfectly allowable, you can ask for a line item transfer at any time. Commissioner Zimmerlink asked what happens if this person says in October or November that they want health insurance. Commissioner Vicites said you transfer the money back, adding she is making an issue that is not there. Commissioner Zimmerlink asked what the purpose was in transferring the money. A discussion ensued about saving money, and offering benefits.

Commissioner Zimmerlink said to Commissioner Vicites that he promised her, he promised. Commissioner Vicites said he didn't promise anything, she promised and now she is stalling. Commissioner Zimmerlink said she isn't stalling, they need to take the solicitor positions and make them independent contractors. Commissioner Vicites said he doesn't think that is a wise move, these people are working with the county and that sets a precedent, they work for the county and other employees such as ADAs, assistant public defenders and it wouldn't be fair to not give benefits to an attorney who is solicitor. A discussion ensured about the insurance benefits. Commissioner Lohr said there are ramifications for insurance. Commissioner Vicites said it was clear that he didn't need insurance. Commissioner Zimmerlink said that is fine he doesn't want it but if it is available it has to be offered. She asked Commissioner Lohr to table the issue.

Commissioner Vicites said there is nothing to work out, if he takes it, he takes it, if he doesn't, he doesn't. Commissioner Zimmerlink said she wants to hire this individual, she wants to do it in the right manner.

Commissioner Vicites said there is no issue, you can hire him and work it out. Commissioner Zimmerlink said what will happen is the row officers will ask to hire at a rate other than the starting rate not at a rate on the chart but at a new amount absent a salary board meeting. Commissioner Vicites said she will make a motion to start it at the beginning of the scale, whatever it is, $36,000. Commissioner Zimmerlink said he's not going to take $36,000. Commissioner Lohr said he would second the motion, but only if it is handled next month. Commissioner Vicites said this isn't good for the legal department to do this. Commissioner Lohr said he is concerned about the benefit package, adding that he doesn't like contracting because of the insurance. Commissioner Vicites said he felt $51,000 was fair because that is what Cupp was making and this person has as much experience in municipal government. Commissioner Zimmerlink then clarified that there was a motion and a second to table.

Commissioner Vicites told Geraldine Mazza that they didn't need those kind of outbursts. Mrs. Mazza said she just laughed. She said that is something that is involuntary, you don't decide to laugh. Commissioner Lohr said he wanted to say some things. He said the Genesis House started last year and it didn't happen until this year. He said they can't keep sitting on things and not getting them done. Commissioner Vicites said that is what he is saying. Commissioner Zimmerlink said the Genesis House was discussed in 2015 and Judge Wagner sent an e-mail in May setting it at $500. She then outlined the email exchange about the issue and how the contract came to fruition. Commissioner Lohr said he hates to table the solicitor because he knows where the work is going. He said he wanted to table because he wasn't sure they had their ducks in order. Commissioner Vicites said they do, adding that he wouldn't have brought it up if he didn't. He said they need to act, that is what leadership is all about. Commissioner Zimmerlink talked about the contract for the Genesis House.

Commissioner Lohr said it has to be done in September. Commissioner Vicites said talk publicly, don't mumble to me. Commissioner Zimmerlink said he was mumbling to her. Commissioner Vicites said he wasn't mumbling, he didn't have anything to say. Commissioner Vicites asked if they needed to handle the last motion. Commissioner Zimmerlink said she made a motion to table both.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to table a motion to appoint a chief Fayette County solicitor effective August 22, 2016, at a pay rate of $51,753 annually.

Commissioner Lohr yes

Commissioner Vicites no

Commissioner Zimmerlink yes

Motion passed 2-1

Public Announcements:

None

Public Comments:

Leslie Mlakar, an attorney from Greensburg, said he was there to address an issue on behalf of his clients, Terry and Diane Kriss, who live in Lemont Furnace. He said last year a permit was issued by the Fayette County Office of Planning, Zoning and Community Development. He said there was a lawn care business opened and they filed an appeal and the zoning hearing board sustained their appeal and found that the permits should not have issued on November 30, 2015. He said the property owner did not appeal it and although a cease and desist was sent, the business continued to operate. He said in July 2016, he wrote a letter to Sara Rosiek about why the county hadn't taken steps to enforce its ordinance. He said it is time for the commissioners to enforce its own ordinance. He asked for an answer. He said there are two options, and he doesn't want to go to federal court and seek an injunction. He said he has received nothing and didn't' get a response. He said he has never in 40 years of practicing law had to ask a governing body to enforce its ordinances.

Commissioner Zimmerlink asked where they stand in the process. Mr. Mlakar said the zoning hearing board made the decision that the permit should not have been issued. He said the ZHB can't enforce, it is up to the county department, the code office to enforce it. He said the code office has done nothing. He clarified that the zoning board ruled that the permit should not have been issued. Commissioner Zimmerlink clarified that a cease and desist order was issued but nothing has been done. Mr. Mlakar said he didn't see where the Cellurale property was given a special exception to violate the zoning ordinance. Commissioner Zimmerlink said a cease and desist order was issued, but now it is just sitting there. Mr. Mlakar said they have requested by phone, and no one has done anything, period. Commissioner Zimmerlink asked what he is asking them to do. Mr. Mlakar said he is asking that they follow the zoning ordinance or court action will be sought. He said they should be enforcing their own ordinance. Commissioner Vicites asked Sheryl Heid to look into it and Commissioner Zimmerlink said she can't. Mr. Mlakar told Commissioner Vicites to do his job and do his due diligence. Commissioner Vicites said he does his job and he takes offense to that.

Mr. Mlakar said, "please do, it was meant to offend." He said he sent the letter on July 7. Commissioner Vicites said he was in the hospital. Commissioner Zimmerlink said she understands Sheryl Heid has a conflict, but it is simply a matter of saying staff, do your job, it is up to staff to take the next step. Sheryl Heid said it is at the level that a solicitor

would be involved. Commissioner Vicites said this is why they need to focus on these issues. Commissioner Zimmerlink said they will make sure he is contacted by Sara Rosiek. Mr. Mlakar said he is hopeful he will hear something so he doesn't have to go to the next meeting. Terry Kriss asked if he could have a little more time. Commissioner Vicites said no, they will be consistent. Mr. Kriss said hitting the egg timer is the worst thing he can do here. He said he and his wife have spent countless hours and tens of thousands of dollars over the past 15 years to try to save and protect a community asset. He said if he will egg time him, he will get right to the point because he is so pissed off.

Commissioner Vicites said he is out of order. Mr. Kriss said he has spent 30 years trying to protect a community asset and not once has the community or county ever stepped up and done the right thing. He said to pay that man to write letters and still get no response is nuts, its total bias against him, his house and his family. He said there are three reasons this is going on, "Sara Rosiek is incompetent; Sara Rosiek is biased or Sara Rosiek has been instructed what not to do with my property." He said you don't wait nine months to put a cease and desist on a property and you don't neglect an attorney's letter, they are trying to help. "I've been a gentleman, that's over," Mr. Kriss said. He said this isn't the case of one employee, this is a whole county department being manipulated for years. He said this is Sara and Dave interfering in business they should interfere it. He said they are taking directives from commissioners who have no authority to interfere. Commissioner Vicites said this is the first he has heard of this and they need to enforce the ordinance. He said this is the first he has heard of this and it should have been done previously but he didn't her of it. Mr. Kriss said you have a department head making big bucks and in nine months, you can't put a cease and desist or having a zoning officer check the property, on every level nothing is being done.

Mr. Kriss spoke about how he knew it wasn't happenstance, and it was selective enforcement. He said he was sent a notice to remove his storage trailer behind his barn in an A-1 zone. He said he and his attorney went to talk to John Cupp and they were told they weren't being singled out, others were being cited too. He said he respected his position and removed the trailer within 30 days. He said he then decided to see who else was being cited for the same thing and he looked through the documentation and found out that Al Ambrosini stopped a citation for a Perryopolis couple and drafts a new ordinance to fit them in. He said he moved his, but theirs stays there. She said this isn't a game, he doesn't care what the office does, but there had best be a cease and desist order on that property when he wakes up. He said his attorney threatened a federal lawsuit and he better not hear of another commissioner interfering in his business. Commissioner Vicites said he has never done that. Mr. Kriss said the last administration stuck it to him and they are still sticking it to him 10 months later.

Commissioner Vicites said he doesn't interfere but he will question where they are with it. Mr. Kriss said they are nowhere, they have a girl who is in over her head up there. He said they have a problem and there are political things going on to hell with everybody, they need representation to protect everyone, not just the chosen few. Commissioner Vicites said he wasn't disagreeing with him. Mr. Kriss said they don't have a historic ordinance and it has sat for 10 years, and asked if he wanted to know why, because Commissioner Vicites tabled it. Commissioner Vicites said that's right, because he thinks it would hurt economic development. He said it is a 75 page bureaucratic nightmare. Mr. Kriss said on Facebook he talks about love of historic sites and tourism but he won't stick up for it. Commissioner Vicites said because it is over the line, you have to have a balance. Mr. Kriss said it was shelved and the only objectors were the Cellurales. Commissioner Vicites said he read it and he objected to it. Mr. Kriss said they could have revised it. Commissioner Vicites asked what that has to do with what he is talking about. He said he is always coming here and trying to make everybody look bad. He said he is always coming in the meeting attacking people.

Mr. Kriss said he remembers Commissioner Vicites saying that damn old house. Commissioner Vicites said he never said that. Mr. Kriss and Commissioner Vicites went back and forth about whether or not that accusation was accurate. Commissioner Zimmerlink said the county paid a consultant to write the ordinance, and it has been shelved. She said the county is non-compliance with the code because it is not addressed and the county has been in non-compliance for all those years, according to the Municipalities Planning Code. She said three people were named by each commissioner years ago, in 2004, 2005, 2006 and 2007 and 2008 and instead of acting on it, it was dropped in 2008, 2012 and 2016. She said they are non-compliant because they don't' have the section in the ordinance. Commissioner Zimmerlink said Attorney Mlakar sent a letter on July 7 and they were all there on July 7. Commissioner Vicites said he wasn't, he was in the hospital and he never saw the letter. Commissioner Zimmerlink said, July 7, when we you shot? Commissioner Vicites said he did not see that letter and he had no knowledge of it. Commissioner Zimmerlink said you didn't see it prior to going into the hospital. She asked Commissioner Lohr if he did anything with the letter and he said he did not.

Commissioner Zimmerlink said she contacted Sara Rosiek and asked what the status is, and told her to get it done and follow through and do what she needed to do. She said Ms. Rosiek was going to have a meeting with counsel, why she didn't know, and she didn't know if the meeting occurred. She said it wasn't done back in October and Ms. Rosiek told her that she was told by the majority of commissioners not to take that action, adding that is not "these commissioners." Commissioner Vicites said don't be looking at me, cause I did not say that, you are wrong. Commissioner Zimmerlink said that was the prior board but there are have other times when people have been told and commissioners got involved. She said they are not here anymore, and she and

Commissioner Lohr read the letter and all they need to do is move ahead and tell the office to do its job. Commissioner Vicites said regarding the historic ordinance, he was concerned about if you lived within 500 feet of a historic landmark you had to have approval to do anything to your home, and those types of limitations concern him. He said people that live near historic structures will be severely restricted, just like the gas and oil ordinance, which he said he can't support. A discussion then ensued about when the ordinance was shelved.

Geraldine Mazza said she was told there was something in the newspaper, and it had something to do with a passageway and one employee being banned from using the passageway. She asked if that was true or false, adding that she knows from personal experience that you can't believe what you read in the Herald-Standard. Commissioner Vicites asked if she was speaking to him and Mrs. Mazza said to the whole board, the three of them. Commissioner Lohr said what entrance, we have an employee's entrance and the main one. Mrs. Mazza said from the basement to the commissioner's suite. She said one employee was told she could no longer use that passageway, is that true? Commissioner Lohr said it wasn't just one employee, it was the commissioner's passageway and it was set up that the commissioners are the only ones that can use that passageway, not one person. Mrs. Mazza said from the paper, it sounded like one person was banned and nobody else was banned. Commissioner Zimmerlink said and it wasn't banned, what does the sign say, Commissioners entrance only, and we do keep it locked, there was not one individual, it was requested by Commissioner Vicites to lock that door and not let. Commissioner Vicites said he sent a memo asking, yes, there's no doubt, and the commissioners agreed. Commissioner Zimmerlink said yes we did. Commissioner Vicites said it was that way prior to 2011 and he wanted it to continue.

Mrs. Mazza asked isn't that in the commissioners purview if they want that door locked, isn't that part of your job, don't you control what goes on in the courthouse? Commissioner Vicites said it is their discretion. Commissioner Zimmerlink said as you heard Commissioner Vicites say, it was at our discretion, she has been here since 2004, sometimes it was used, sometimes it wasn't, sometimes it was locked off and on, it really doesn't matter what happened in the past. She said Commissioner Vicites came on board in 2016, he brought it to the attention of Lohr and Zimmerlink and said do you have any problem with having that door closed off, this is lower level, having that door closed off so that no one uses that and so it is for commissioners use only, is that right? Commissioner Vicites said yes. Commissioner Zimmerlink said he asked that, she had no problem with it, she asked some questions about it, Commissioner Lohr had no problem with it, he had some questions about it, and Commissioner Vicites directed that, and did we not, Lohr and Zimmerlink, both agree to it, so it was done. Mrs. Mazza said now it is a big hullabaloo about it. Commissioner Zimmerlink said it is more than a hola, whatever you said. Mrs. Mazza said she is pretty old and could have given birth to all three of them and she hopes they take what she said in the spirit it is given.

Mrs. Mazza said you are the head of the county government and it is time you all three step up and take control of county government, make sure the employees of this county start doing their job cause they're not doing their job and she isn't saying all county employees but there is a certain segment of them that don't do their job. She said if they don't' want to do their job, give them the pink slip and get somebody in there that will do their job. She said they have the same thing going on with the authorities and boards, you have an element that she considers to be a criminal element, some people on these boards and authorities have done things and said things that are very inappropriate. She said they need to put their big boy pants on and control the county government and make these people do what they are supposed to do. Commissioner Vicites said he demonstrated that today and it is by example. Mrs. Mazza said there were several examples of staff not doing their job. Commissioner Zimmerlink said the smoking tent, the solid waste, and she could go on, the Genesis House contract. Mrs. Mazza said they have to stop being afraid of lawsuits and the employees who get reprimanded for doing their job, the first thing they do is file a lawsuit against the commissioners and the county. She said take them to court and if you beat a couple of them in court the rest won't be so eager to file. She said they need to take control and if telling an employee if you do this, you do that, its harassment.

Commissioner Vicites said you are done. He said there were lawsuits he was named in and he didn't settle them. Mrs. Mazza said she got a note from Marybeth Homistek, adding that she had to leave for a 1 o'clock doctor's appointment. She asked if she could ask on her behalf. Commissioner Vicites said no, you had your time, if she isn't here, no, you can't, I'm not letting that start. Commissioner Zimmerlink said she thinks you can. Commissioner Vicites said she has had her time and it should be presented by that person. Commissioner Zimmerlink said can I see that, if it is something that I can answer. Commissioner Vicites said then everybody will want to talk double and it's not going to happen. He said he is willing to listen but they have to follow the rules. Mrs. Mazza said that is a stupid rule, you don't need an egg timer. Commissioner Vicites repeatedly hit the gavel and said, "Order, I'll beat this thing all day if I have to." Commissioner Zimmerlink said, "Mrs. Mazza, I'm not going to ask that question," adding that it isn't appropriate for her to ask that.

Phyllis Carr asked the commissioners if any of them ever worked for industry. Commissioner Vicites said he worked for a landfill, he didn't work for the gas industry. Mrs. Carr said he was a land man. Commissioner Vicites said he worked for ADS, that's Advanced Disposal, he said he didn't work for any oil and gas company. Mrs. Carr showed a picture, saying he worked for the gas industry. Commissioner Vicites said that is not true. Commissioner Lohr said he has been self-employed for 31 years. Commissioner Vicites said not true, and asked if they had another subject. Mrs. Carr said her granddaughter wanted to talk. The granddaughter said she was upset, and she has been affected by the compressor station that sat 300 feet from her house for 10

years. She said she has so many health effects, and questioned Commissioner Vicites is he would like to suffer what she has had to suffer. She talked about visiting a neurologist monthly and how Commissioner Vicites wouldn't want his kids to have to go through what she has gone through.

Diane Kriss said they heard what her husband had to say, and asked if Sara Rosiek could be questioned since she had arrived. She said they could ask what she is going to do. She said it has been since November since the ZHB made their decision to cease and desist. Commissioner Vicites asked if he is finished with her questions. Sara Rosiek said they met with Solicitor Cupp in regards to the letter, went over what is enforceable in the ordinance, and his suggestion was to go out to the property, take some pictures, and the zoning officer had done that and they were waiting to meet with Mr. Cupp, adding that he is out of town. Commissioner Zimmerlink asked if a cease and desist order was issued in October of 2015. Ms. Rosiek said not that she is aware of. Commissioner Zimmerlink said the ZHB issue a cease and desist. Ms. Rosiek said they revoked the permit. She said it is no longer a permitted use on the property. Commissioner Zimmerlink said it is their understanding that a cease and desist was issued to that person. Ms. Rosiek said no, it is saying that it is declared null and void. She said it is not saying to cease and desist immediately, it is saying you are not permitted to do this on the property.

Solicitor Heid asked if her office issued a cease and desist. Ms. Rosiek said no. Commissioner Zimmerlink said after the zoning hearing board said it was null and void, did they give any indication what the next step is? Ms. Rosiek said she will have to review all this, she doesn't know. Commissioner Zimmerlink said with Attorney Cupp, did you go over everything, that letter was sent on July 7, the three county commissioners, John Cupp, this is August 18, the issue here was from what we were understanding that letter says that ZHB resolution stated that the permit was not to be issued and that it's null and void, so what is the next step after the ZHB says that, when they make the decision. Ms. Rosiek said it is that it is still going on at that property. Commissioner Zimmerlink said it is her understanding that sometime between October of 2015 to August of 2016 that your office to determine whether or not that particular business is still operable, right? Ms. Rosiek said yes. Commissioner Zimmerlink said was anything done, that's all we need to know. Ms. Rosiek said they sent someone out. Commissioner Zimmerlink asked when and Ms. Rosiek said offhand she didn't' know, she didn't have the file with her.

Commissioner Zimmerlink asked if she met with John Cupp recently. Ms. Rosiek said within the past month. Commissioner Vicites asked if she needed any additional meetings with him. Ms. Rosiek said yes, they have not met since someone went out to the property. Commissioner Zimmerlink asked if she was told by any county commissioner in the prior administration not to go out and do anything with that. Ms.

Rosiek said not herself, but the chief of zoning at the time, yes. Commissioner Zimmerlink said so two commissioners said don't pursue it. Ms. Rosiek said correct. Commissioner Vicites said it wasn't this board. Commissioner Zimmerlink said two commissioners, was it me? Ms. Rosiek said no. Commissioner Zimmerlink said so it was the other two. Commissioner Zimmerlink said the other two commissioners told him not to do anything. Commissioner Vicites said are we good Terry, it wasn't me. Commissioner Zimmerlink asked if that is something that is normally done, that the commissioners get involved in that? Ms. Rosiek said no. Commissioner Zimmerlink said they are not supposed to get involved in that so what needs to be done is follow through with what the ZHB said and move forward, so it needs to get done. Commissioner Vicites said get together with Mr. Cupp pronto. Commissioner Zimmerlink said it has been way too long.

Joe Bezjak said Commissioner Zimmerlink is doing alright. He said Commissioner Lohr is new, but he gets an F. He said he is a financial advisor and he deals with the gas company indirectly and he thinks he lies and he will do everything possible to get him out of there. He said they lost two commissioners, Ambrosini and Zapotosky through voting and he will do everything in his power to get rid of you too guys. He said they could have an overlay map, and spoke about horizontal drilling. He said you are the boss in this county. Commissioner Vicites said he is one of three and he does what he thinks is right. Mr. Bezjak said you knew about the project in Hope Hollow. Commissioner Vicites said he found out about it when it was brought to the commissioners meetings. He said he wanted to make it clear that all three commissioners voted against this amendment today.

Commissioner Zimmerlink said she made a motion to table. Mr. Bezjak said she made some suggestions that made sense, she wanted to table. He said they should have tabled it, he was trying to twist it around. He said they were flexible. Commissioner Vicites said they had to vote on what was presented. Mr. Bezjak said you could call a meeting and you don't' want to do that. He said you didn't vote your conscious, you voted your wallet. Commissioner Vicites said he voted his conscious, he is for economic development and getting this county ahead. Mr. Bezjak said he is running for commissioner. Commissioner Vicites said go ahead, "I'll beat you a fourth time."

Commissioner Lohr said he wanted to make a motion. He said thanks to Mr. Kriss and his situation, he is going to make a motion to terminate the Chief Solicitor's position as of August 22, 2016.

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to terminate the services of Fayette County's chief solicitor, effective August 22, 2016.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink no

Motion passed 2-1

Before a vote, Commissioner Zimmerlink said wait, and Commissioner Vicites said the meeting is still going on, they can do that, and asked for clarification from Solicitor Heid. Commissioner Zimmerlink asked if that is what she wrote him. Commissioner Vicites said he didn't write anything. Commissioner Lohr said he wanted to find out what they can do because they have a situation with legal issues being taken care of, such as the Krisses and such as the zoning ordinance and there is time waiting for Mr. Cupp to get back. He said if they need something done now they don't have it and the current solicitor, Sheryl Heid, has a conflict of interest. Commissioner Zimmerlink asked if his next motion is going to be to hire something. Commissioner Lohr said yes it is. Commissioner Zimmerlink said why don't we call a special meeting, you just said Commissioner Lohr that you had concerns about the insurance, OK, let's go back to the office, let's call these individuals, get it straight and when is our special meeting? Chief Clerk Revak said on Monday.

Commissioner Zimmerlink said put it on the agenda then. Chief Clerk Revak said it hasn't been advertised yet because they voted at the meeting, adding that the motion was to award the bid for the roof. Commissioner Zimmerlink said they could make a motion to when they have a special meeting to award the bid as well as to handle any other issues. Commissioner Vicites said they need to make a change and he will second the motion. Commissioner Lohr said they have time to work through it. Commissioner Zimmerlink said today is Thursday, so we need to get busy people. Commissioner Vicites said there's no getting busy, you make the change and you move forward with a person who can handle this situation and give our county department heads legal counsel that they need and not wait until the 22nd when right now we need the help right now. He said he isn't worried about the insurance.

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to appoint Jack Purcell as chief Fayette County solicitor effective August 22, 2016, at a pay rate of $36,757.50 annually.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a vote, Commissioner Zimmerlink said this is a non-supervisory Pay Grade A, and that includes benefits. Commissioner Lohr said whatever the salary is at. Commissioner Zimmerlink said she understands that, but to hire a chief solicitor at

$36,000, Jack Purcell. Commissioner Zimmerlink said at that pay grade that also includes insurance, they just signed off. Commissioner Vicites said she is mixing apples and oranges, that is a salary board issue there. Commissioner Zimmerlink said it is to fill a vacant position. Commissioner Vicites said it has nothing to do with benefits. Commissioner Zimmerlink said Oh my God, let's back up, Ok. A discussion then ensued about whether benefits are part of the salary board. Solicitor Heid said the initial hire could be salary and benefits and the salary board could review these issues. Commissioner Vicites said he talked to him and he said benefits are not an issue, he doesn't need them. Commissioner Zimmerlink said the issue is here again if you terminated that person, now you have a vacancy, correct, Solicitor Heid, we have a vacancy? Solicitor Heid said yes. Commissioner Zimmerlink said to fill that vacancy a motion is said with Jack Purcell at a rate of $36,757.50 which is the starting rate, with the position comes benefits, just so you know.

Commissioner Lohr said he can refuse benefits. Commissioner Vicites said the benefits have been transferred from the benefits line item to the salary line item. Commissioner Zimmerlink said she knows that he and Commissioner Lohr went back with the email, and she understands all that, it wasn't' right to do, but she understands all that. Commissioner Vicites said there was nothing wrong with it. Commissioner Zimmerlink said OK, you understand this position is with benefits. Commissioner Lohr said it is benefits, and Commissioner Vicites said there is no funds to pay the benefits. Solicitor Heid said this would allow the commissioners to move forward and then the issue could be further developed with the salary board. Commissioner Zimmerlink said all the county's 500 positions are with benefits, whether they put the money in or not. Commissioner Lohr said they can transfer the funds back. He said if he wants benefits it can be transferred back and if he doesn't, as has been testified a couple of times now, it isn't a problem. Commissioner Vicites said you can't fund it if there isn't money. Commissioner Zimmerlink said other than if it is created by the salary board, you can't take benefits away from a position. Commissioner Lohr said they can choose not to take benefits. Commissioner Vicites said salary board deals with salaries only, he has never dealt with anything regarding benefits.

Commissioner Zimmerlink said she had another question for Commissioner Lohr. She said the understanding is if he chooses benefits, they must provide them. She said if he decides at some point later, we must provide benefits, do you understand that? Commissioner Lohr said that is easy to understand, that could be anyone walking down the street that comes in next year, we have to budget for them. Commissioner Lohr said that is easily understandable. After the vote, Commissioner Vicites said back to the public comment.

Jim Rosenberg said he has been to a lot of meetings at the commissioner level, at the planning commission level, at the zoning hearing board level, and the record will show

that he has always been extremely respectful of both proceedings and the people. He said he didn't come to the meeting to make any accusation against anybody and he finds the atmosphere a bit appalling. He said he needed to advocate for the Pennsylvania Constitution. He said we have rights under Article 1 Section 27 of the PA constitution and there has been a very significant change in how these rights work and what the obligations of county government are since the Marcellus Shale activity started. He said you don't' have rights because of a majority vote or because you think life is a worthiness contest you won, everybody has those rights and it shouldn't' be county government that is taking those rights away. He said they are entitled to ask the commissioners a question, where do they go in county government to have their Article 1 Section 27 rights addressed? He said they have been waiting a long time. He asked about various land uses and asked what the county means by those things. He said nobody in county government seems to care.

Commissioner Vicites said he has been very respectful and you have good questions and you aren't accusatory. He said they should try to answer his questions. He said these are business meetings and they need to keep them civil and he said he wouldn't' sit there as a county commissioner and let people make lies up about him. He said he tries to do that in a dignified manner, with a little rough voice at this point. He said they have an image to uphold and they need to start here with it. He said there was a need to respond to things, and the commissioners have a right to debate. He said they should do it respectfully. Commissioner Zimmerlink said she will move forward with getting the oil and gas amendment to the zoning office and she will do her best to get the historic ordinance. She said they need to get in compliance with the municipalities planning act. She spoke about the need to follow through on items once they are approved. She said they will see what happens in the coming months.

Adjournment:

A motion was made by Commissioner Vicites and seconded by Commissioner Lohr to adjourn the meeting.

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously