

**Fayette County Commissioners Meeting  
Thursday August 18, 2016 – 10 a.m.**

**1. Prayer**

**2. Pledge of Allegiance**

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

**4. Behavioral Health Administration:**

Consider approving agreements and modifications:

<u>Modification Agreements #2 2015-2016</u>	<u>Contract Value</u>	<u>Period</u>
Allegheny Intermediate Unit	\$762,964	7/1/15-6/30/16
 <u>Professional Service Agreements 2016-2017</u>		
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
 <u>Base Contract Agreement 2016-2017</u>		
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

Consider awarding 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.

Consider approving to advertise 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.

**5. Bridge Department:**

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.

Consider 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.

<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>VIN NUMBER</u>
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

Consider approval to take three vehicles to the junkyard: a 1995 Ford Aerostar, a 2001 Dodge Ram and a 1994 Chevrolet Astro van.

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

**6.Children and Youth Services:**

Consider ratifying 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

Consider ratifying 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

Consider ratifying 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

Consider ratifying 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

Consider ratifying 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

Consider approval of 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.

Consider approval of 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.

Consider approval of 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.

Consider approval of 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.

Consider approval of 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

Consider approval of 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.

Consider approval of 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.

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

Consider approval of 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

Consider approval of 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.

Consider approval of 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.

**7. Controller:**

Financial condition of the county.

**8. Courts:**

Consider entering 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.

**OR**

Consider advertising an RFP for a new central court location in the City of Uniontown, or the outlying area. A month deadline would be preferred for submission of bids.

Consider signing a letter to the City of Uniontown stating that the current lease for our Central Court, is soon expiring but we would like to extend lease month to month until a new location/renovations can be accomplished.

**9. Human Resources:**

**CYS**

Consider approving the resignation of Kevin Newton, Caseworker I, effective August 11, 2016.

Consider ratification of the separation of employment of Heather Hess, Casework Supervisor, effective July 21, 2016.

**Public Defender**

Consider approving the hire of Sherry Walters, Department Clerk I, \$10.08/hour (\$19,656 annually), effective July 25, 2016.

**FACT**

Consider approving the hire of Robert Yatsko as part time Small Transit Operator pay grade 7, \$11.86/hour, effective August 22, 2016.

**10. Juvenile Probation Office:**

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

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

Consider approving 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.

Consider approval to advertise disposal of the following vehicles:

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

Consider 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

Consider FY 16-17 Homeless Assistance Program agreements with the following:

City Mission Living Stones           \$159,955  
Fayette County Community Action Agency           \$252,612

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

Consider 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.

Consider 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.

**13. Prison:**

Consider awarding a five year contract for 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.

**14. Public Works:**

Consider enacting 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.

Consider approval 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.

Consider approval of a contract with Enviro21 for putting our 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.

Consider paying 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 Nemaocolin Casino. This is for payment of the Kayak, Canoe ADA dock installed at Dunlap Creek Lake Park in Menallen Township.

**15. Tax Claim:**

Consider approval of 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
Morbiz LLC	15-10-0004	\$250.00	German Township

Total \$1,055.00

**16. Commissioners:**

Consider approval of the July 12, 2016 commissioners agenda meeting minutes.

Consider approval of the July 21 2016, commissioners meeting minutes.

Consider approval of the August 2, 2016 special commissioners meeting minutes.

Consider adoption of 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.

Consider approving the 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.

Consider 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.

Consider approving ordinance 2016-1, to for establish a registration fee for the sale of precious metals, as attached.

Consider amending 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.

Consider allocating \$50,000 in 2016 Marcellus Shale Legacy funds to the ALPB for the preservation of farms program

Consider ratification of 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.

Consider ratification of 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.

Consider an appointment to the Fayette County Redevelopment Authority for a term to expire July 8, 2021.

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

Consider ratification of 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
<b>Total Debits</b>		<b>\$7,220.00</b>	
	<b>Total Credits</b>		<b>\$7,220.00</b>

Consider a motion to terminate the services of Fayette County's chief solicitor, effective August 22, 2016.

Consider a motion to appoint a chief Fayette County solicitor effective August 22, 2016, at a pay rate of \$51,753 annually.

**Public Announcements:**

**Public Comments:**

**Adjournment:**



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

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

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

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

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

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

**SECTION 1 – SHORT TITLE**

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

**SECTION 2 – DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION 7 – REPORTING REQUIREMENTS**

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

- E. The Designated Facility or Facilities planned to be used by the Registered Hauler during the calendar year following the annual reporting period.

### **SECTION 8 – PENALTIES**

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

### **SECTION 9 – UNACCEPTABLE WASTE**

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

### **SECTION 10 – INJUNCTIVE POWERS**

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

**SECTION 11 – SEVERABILITY**

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

**SECTION 12 – CONFLICT**

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

**SECTION 13 – EFFECTIVE DATE**

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

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

COUNTY OF FAYETTE  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Vincent A. Vicites, Chairman

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

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

No. 2016-1

## AN ORDINANCE

An Ordinance of the County of Fayette, Commonwealth of Pennsylvania, establishing a registration fee from licensed dealers in precious metals for the purpose of maintaining an electronic data base of all precious metals transactions occurring in Fayette County.

**Whereas:** The Precious Metal Sale Regulation Law, 73 P.S. 1931, *et.seq.*, (hereinafter the Precious Metal Sale Law), directs all licensed dealers in precious metals to report all transactions involving precious metals to the District Attorney of each County by the following business day; and

**Whereas:** The Precious Metal Sale Regulation Law authorizes the District Attorney to establish the means to report such transactions either to the District Attorney or other law enforcement agencies; and

**Whereas:** The District Attorney has designated a web based data entry system to allow precious metal licensees to report precious metal transactions, which then permits all other law enforcement agencies access to the registry of reported transactions; and

**Whereas:** The Pa. Code, Part VII, 501, 501.7, specifically provides that the District Attorney or his designee shall have the discretion to make the records of precious metal transactions available to law enforcement officials, other governmental entities and persons who, in the opinion of the custodian of the other dealer transaction record, should be permitted access, such as an insurance company, for the purpose of investigating stolen property.

**Whereas:** The precious Metal Sale Regulation Law specifically authorizes the adoption of local ordinances for the purpose of regulating dealers in precious metals provided that such ordinances meet the minimum requirements as set forth in the Act, and specifically states that the Law does not pre-empt local enactments,

***The Council of the County of Fayette hereby enacts as follows:***

### ***Section 1. Authorization and Scope***

Fayette County hereby authorizes and approves the establishment of a registration fee from licensed dealers in precious metals for the purpose of maintaining the electronic data base of

all precious metals transactions occurring in Fayette County, as required by the Precious Metal Sale Regulation Law.

## ***Section 2. Definitions.***

**"Dealer in precious metals"** means any individual, partnership, association, corporation or business entity who or which purchases precious metals from the general public for resale or refining or any individual who acts as agent for such individual, partnership, association, corporation, or other business organization or entity. Excluded from this definition are financial institutions licensed under Federal or State Banking laws, the manufactures of jewelry or of other items composed, in whole or in part, of gold, silver or platinum and the purchaser of precious metals for his, her or its own use or ownership and not for resale or refining.

**"Precious metals"** means items containing or being of gold, silver or platinum, including, but not limited to, jewelry and silver services, but excluding coins, ingots, bullion or photographic film or any article containing less than 5% of gold, silver or platinum by weight.

## ***Section 3. Established Fee.***

Every licensed dealer of precious metals doing business in Fayette County shall be required to pay to the County Treasurer on an annual basis the sum of Two Hundred (\$200.00) dollars which will be used exclusively for the purpose of maintaining the electric reporting system utilized by the District Attorney for the reporting of precious metals transactions occurring within the County.

## ***Section 4. Penalty for Non-Payment***

Pursuant to the authority vested in the Sheriff by Precious Metal sale Regulation Law, 73 P.S. 1931, *et. seq.*, the Sheriff is directed to withhold the license of any precious metals dealer who fails to pay the fee established by this ordinance.

***Section 5. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or enforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

***Section 6. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***

**PRIMARY SPONSOR: DISTRICT ATTORNEY BOWER**

**CO-SPONSORS: ANGELA ZIMMERLINK, VINCENT VICITIES and DAVID LOHR**

Enacted this 18<sup>th</sup> day of August, 2016

\_\_\_\_\_  
Vincent Vicites, Chair/Commissioner

\_\_\_\_\_  
David Lohr, Vice Chair/Commissioner

\_\_\_\_\_  
Angela Zimmerlink, Secretary/Commissioner

Attest:

\_\_\_\_\_  
Amy Revak, Chief Clerk

**Fayette County District Attorney's Office**

Fayette County Bureau of Investigation  
 61 E Main Street  
 Uniontown PA 15401-3514

**Invoice**

**Invoice #:** 141  
**Invoice Date:** 7/10/2016  
**Due Date:** 7/10/2016  
**Project:**  
**P.O. Number:**

**Bill To:**

Office of the Commissioners  
 Fayette County Court House  
 61 East Main Street  
 Uniontown, PA 15401

Date	Description	Amount
7/10/2016	Act 13 of 2012 (Impact Fee) was signed into law by Governor Corbett on Feb. 14, 2012. Act 13/Impact Fee amends Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes (Act 13 of 2012):	18,700.00
7/10/2016	2 INSPIRE1Inspire 1 V2.0 w/flight testing and firmware updates	
7/10/2016	1 INSPIRE1-XT-640-30-13 Inspire XT Camera (640 res/30Hz/13mm)	
7/10/2016	4 NSPIRE1-5700-FLIGHT-BATTERYYS DJI Inspire 1 5700mAh Flight Batteryys	
7/10/2016	2 DJISP-11-CHARGER DJI Inspire 1 Flight Battery Charger	
7/10/2016	2 INSPIRE1-WATERPROOF-CASES Water proof Hard Case for DJI Inspire 1	
7/10/2016	2 TABLET-ANDRAndriod Tablet with Pre-loaded Software	
7/10/2016	1 Day SERV-TRNG-ONSITE MAXSUR Onsite Drone Training at Uniontown	

Please remit to above address.

Invoice Approval:  
 Richard E. Bower,  
 District Attorney



<b>Total</b>	\$18,700.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$18,700.00