

August 25, 2011

A Meeting of the Fayette County Board of Commissioners was held on Thursday August 25, 2011 at 10:00 a.m. in the Public Service Building, Uniontown, Pa.

**Present:**

Commissioner Vince Zapotosky, Chairman  
Commissioner Vincent A. Vicites, Vice Chairman  
Commissioner Angela M. Zimmerlink, Secretary  
Warren Hughes, County Manager/Acting Chief Clerk  
Joseph Ferens, County Solicitor

Meeting called to order  
Prayer given by Pastor Marietta  
Pledge of Allegiance

**Public Comment on Agenda Items:** none

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to adopt the following Proclamations.

**Rose Sopkovec:** 100th Birthday

**Proclamation for 2<sup>nd</sup> Annual Veterans Picnic:** (September 10, 2011 at 11:00 a.m. until 5:00p.m. (Event will take place at Story Square, downtown Uniontown)

**Hunger Action Month:** September 2011 (Cindy Ekas Brown, Public Relations Specialist for Fayette County Community Action Agency, accepted proclamation)

**Infant Mortality Awareness Month:** September 2011 (Marlene Kolosky Prenatal System Liaison for the Fayette County Project, also accompanying her was the Management Team from Allegheny County.)

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

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**Commissioner Zapotosky** announced yesterday August 24, 2011 was the final phase of the implementation of the Autism Clinic at Highlands Hospital, Connellsville, Pa.

**Fayette County Controller:**

**Sean Lally** read the Financial Condition of the County.

**FUND: GENERAL FUND**

**DATE:** 25-Aug-11

**CASH:**

Checking Account	Centra Bank	\$8,081,609.89
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**Funds Owed to General Fund**

Temporary Loans		
Victim Witness Fund	\$30,000.00	
Children and Youth Fund	\$500,000.00	
Fredericktown Ferry	\$10,000.00	
		\$540,000.00

Arc Payments Due		
Intermediate Punishment Fund	\$11,212.46	
Offenders Supervision Fund	\$22,552.87	
		\$33,765.33

**Funds General Fund Owes**

Tran Note		\$4,000,000.00
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<b>Budget Year 2011</b>	<b>Net Position</b>	\$4,655,375.22
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**Year to Date**

<b>Total 2011 Revenues</b>	\$18,817,812.58
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<b>Total 2011 Expenditures</b>	\$15,414,109.43
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<b>Total 2010 Expenditures paid in 2011</b>	\$499,422.50
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<b>Capital Reserve Fund Balance</b>	\$76,523.76
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<b>Bond Fund Balance</b>	\$2,361.20
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**Behavior Health Administration:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the following agreements and modifications:

<u>Contract Agreements 2011-2012</u>	<u>Contract Value</u>	<u>Period</u>
City Mission-Living Stones, Inc.	\$75,781	7/1/11-6/30/12
Fayette County Adult Probation Office	\$19,622	7/1/11-6/30/12
Life's Work of Western PA	\$4,378	7/1/11-6/30/12
Southwest Behavioral Care, Inc.	\$477,373	7/1/11-6/30/12

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**Fee-For-Service Agreement 2011-2012**

Tidgewell Associates, Inc.	\$108,000	7/1/11-6/30/12
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**Modification Agreement #2 2010-2011**

City Mission-Living Stones, Inc.	\$79,206	7/1/10-6/30/11
Fayette Resources, Inc.	\$937,955	7/1/10-6/30/11
Integrated Care, Corp.	\$53,000	7/1/10-6/30/11
Laurel House, Inc.	\$864,180	7/1/10-6/30/11
Neurological Therapy Specialists, Inc.	\$45,000	7/1/10-6/30/11

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve modification to PCCD Grant #19077-2 for the Fayette County Treatment Court.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Children & Youth Services:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve FY2010-11 **Purchase of Service Agreements** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Family Care for Children & Youth**, 25 Bedford Boulevard, Milton, PA for foster family placement service on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00

310770 - Foster Family Care	Rate
Class FA	\$64.48 per day
Class FB	\$56.42 per day

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

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**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve FY2011-12 **Purchase of Service Agreements** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and the **County of Westmoreland** for the provision of secure detention services to delinquent & alleged delinquent youth on an as needed basis. The rate for detention services is \$275.36 per day & 55.5 cents per mile for transportation of youth, if necessary.

Commissioner Zaptosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve FY2011-12 **Purchase of Service Agreements** between the County of Fayette, through Fayette County Juvenile Probation, and **Jumonville**, 887 Jumonville Road, Hopwood, PA for the provision of competency-based & victim awareness training & education for delinquent youth. This is a repetitive 3 session group-based program at a cost of \$1,120 per session.

Commissioner Zaptosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Fact:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve Human Service Development Fund agreements for FY 11-12 with the following:

- Fayette County Drug and Alcohol \$23,779
- City Missions \$10,950
- Fayette County Behavioral Health Administration \$86,008
- Center in the Woods \$5,800
- Albert Gallatin Human Services \$103,291
- Fayette County Community Action Agency \$12,953

Commissioner Zaptosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

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**Tax Assessment:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve offering the transfer of county owned properties to the various taxing bodies, being municipalities (townships & boroughs) and/or their respective redevelopment entities for \$ 1.00 plus cost of deed preparation. These would be approved on a case-by-case basis and would be for properties offered previously by the county for sale for which no bids were received. List attached.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to create an expense line item under the county auction sales in the General Fund for funding of county owned properties for demolition and/or general maintenance while the properties are county owned, being these properties were acquired via tax sales.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve modifying resolution #11-07-28-15 from Void the sale of property in Point Marion "bid number 11-081" to accept bid number 11-081 Sale of County owned property located in Point Marion for \$50.00

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

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**Planning & Zoning:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify Settlement Agreement with the County of Fayette and the Commonwealth of Pennsylvania, Department of Environmental Protection, whereas DEP authorized the County to perform Phase II Stormwater Management Plan work and will be reimbursing the County \$70,128.88.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve Art Cappella to attend a conference sponsored by the United States Department of Energy. The Conference is scheduled for October 24, 25, 26, 2011, and is part of the County's Energy Efficiency Retrofit program (Fayette County Better Buildings Initiative). The location of the Conference is Burlington, Vermont. Cost of the three-night stay is \$492.84 and it will be completely reimbursed to the County through the grant program.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Human Resources**

**EMA**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the transfer of Tina Carrigan from F/T to P/T 911 Dispatcher effective August 26, 2011.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the 180 hour volunteer internship of Nicole Speene, Emergency Management Major at the University of Maryland effective September 6, 2011.

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Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**FACT**

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to ratify the hire of Linda Wheatley as a P/T Bus Driver at \$10.75/hr, effective August 3, 2011.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of P/T Bus Driver Allen Casteel, effective August 4, 2011

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of P/T Bus Driver Ronald Rowan, effective August 5, 2011.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of P/T Bus Driver Carl Bryner, effective August 10, 2011

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Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioners Vicites and seconded by Commissioner Zimmerlink to approve the promotion of Bryan Bird from P/T to F/T Bus Driver effective August 26, 2011.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the promotion of Carl Gergely from P/T to F/T Bus Driver effective August 26, 2011.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

#### **FCBHA**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the transfer of Dale E. Lemon, County Caseworker 2 at CYC to County Caseworker 2 at FCBHA at \$15.54/hour (\$30,303.00), effective August 29, 2011.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the transfer of Rachael A. Cramer from County Care Management Manager to Registered Nurse 2 at \$23.90/hour (\$46,605.00), effective August 29, 2011.

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Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zapotosky to approve the hire of Lorene L. Bartock, Clerk Typist 2 at \$10.27/hour (\$20,026.50), effective September 6, 2011.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	abstain

Motion passed 2-0

### **Human Resources**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the update of County Policy #2.3- American with Disabilities Act/Job Accommodations, effective August 4, 2011.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the update of County Policy #3.3- Pre Employment Interview Questions, effective August 4, 2011.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the 150 hour volunteer internship of Anna Marsinko, Office Administration Major at Laurel Business Institute, effective September 6, 2011.

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Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

### **Information Technology**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the 150 hour volunteer internship of Joseph Moore, Network Administration Major at Laurel Business Institute, effective September 6, 2011.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

### **Public Defender**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the resignation of Assistant Public Defender, Jeremy Davis, effective September 9, 2011.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

### **Commissioners:**

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to approve the minutes for the July 2011 Commissioners Meeting.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	no

Motion passed 2-1

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**Moved** by Commissioner Vicites and seconded by Commissioner Zapotosky to enter into an agreement with Zelenkofske & Axelrod LLC in the amount of \$4000.00 to perform necessary audits on grants received from National Road Heritage Corridor.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	no

Motion passed 2-1

**Moved** by Commissioner Vicites and seconded by Commissioner Zapotosky to enter into an agreement with Zelenkofske & Axelrod LLC in the amount of \$7500.00 to perform necessary audit based on Title 37 for the Fayette County Prison.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	no

Motion passed 2-1

**Commissioner Zimmerlink** stated we should have looked into other proposals, being we do not know whether or not this particular firm is providing the service at the best rates.

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to approve agreement with Burnett Oil to lease county owned property known as Map No.(s) 22-19-0065 & 15-14-0053 & 22-19-0069 located in German and Menallen Townships for an underground natural gas transmission line and compressor station.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Commissioner Zapotosky** thanked Burnett Oil, Commissioner Zimmerlink & Fayette County Solicitor Joe Ferens for finalizing the agreement.

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to retain the services of Eckert Seaman's as Bond Counsel for \$13,000 plus the additional expenses for the Energy Savings Project through Constellation Energy.

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**Mr. Patrick Reagan** Representative for Constellation Energy thanked the Commissioners and County Manager Warren Hughes for seeing this initiative through on the Energy Efficient Project be approved.

**Mr. Hughes** stated five firms sent in proposals for bond and underwriting counsel, which he explained the cost of each firm.

**Commissioner Vicites** said Eckert Seaman's Law Firm would be his recommendation being they are the most cost effective.

**Solicitor Ferens** suggested the County have two separate firms handling the Bond Counsel and Underwriting Counsel.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to retain the services of Thorpe Reed Law Firm as Underwriter for the Energy Savings Project with Constellation Energy at a cost of \$11,000.

Commissioner Zapotosky	no
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed 2-1

**Commissioner Zapotosky** explained Thorpe Reed Law Firm previously did pro bono work for the county on another matter and that is the reason for the nay vote.

**Commissioner Zimmerlink** stated the cost for Underwriters went from \$5,000 up to \$19,500 not including expenses and for the Bond Counsel it went from \$13,000 up to \$35,000.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award RFP number 11-02 to Rev. Terry A. Sanders for Chaplin services at the prison at a cost of \$375.00 per month.

**Controller Sean Lally** said previously the cost was \$500.00 per month for Chaplin services.

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Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the following transfers for the 2011 Budget from 7-15-2011 to 8-18-2011

Department	Cost Center	Debit	Credit
<b>Planning Office</b>			
ZHB Solicitor	014171 51350		\$3,000.00
Salary Full time	014171 51400	\$3,000.00	
<b>Register of Wills</b>			
Material & Supplies	014196 52000		\$1,000.00
Micro Film	014196 52210	\$1,000.00	
	<b>Total Debits</b>	<b>\$4,000.00</b>	
	<b>Total Credits</b>		<b>\$4,000.00</b>

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a resolution giving Fayette County Chairman Commissioner Vince Zapotosky signatory power to sign the agreement documents for the Department of Transportation Bridge Inspections.

Commissioner Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to approve the Revised County Waste Flow Control Ordinance; “Amendment 2 – Ordinance No G90-1, Also known as “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”.

**County Manager Warren Hughes** stated this ordinance is basically the same, if a landfill is registered with DEP, meet all qualifications and licenses, they are permitted to get into the plan.

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Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Public announcements:**

There will be a hard to recycle event on September 17, 2011 from 9 a.m. until 2:00 p.m. at the Wharton Township Municipal Building. For more information, contact Warren Hughes at 724-430-4884 or e-mail [whughes@fayettepa.org](mailto:whughes@fayettepa.org)

**Public Comment:**

**Mr. Mazza** commented about the hearing that took place concerning the mining issue at Laurel Hill, Presbyterian Church which went to court and the judge ruled there will be no blasting. He stated the company has ignored the ordinances and regulations up to the present time.

**Joe Ferens** County Solicitor stated there was a Court Order, and if violated they will then be held in contempt also fined and jailed.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adjourn meeting.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously