

November 19, 2009

A Meeting of the Fayette County Board of Commissioners was held on Thursday November 19, 2009 at 10:00 am. in the Fayette County Court House, Court Room #4 Uniontown, Pa

Present;

Commissioner Vince Zapotosky, Chairman
Commissioner Vincent A. Vicites, Vice Chairman
Commissioner Angela M. Zimmerlink
Warren Hughes, County Manager/ Acting Chief Clerk
Sheryl R. Heid, Assistant County Solicitor

- Meeting called to Order
- Silent Prayer
- Pledge of Allegiance

Commissioner Zapotosky thanked President Judge Capuzzi for allowing us to utilize Court Room # 4, for the Commissioners monthly meeting.

Public Comment on Agenda Items:

Commissioner Zimmerlink stated she would like to amend the agenda, given as Commissioner Zapotosky had explained, the county recently received word regarding a recount, being this issue, it has given additional duties on the staff of the Election Bureau.

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to add a resolution which will give direction to the office of the Election Bureau for the procedures and guidelines to be used to conduct the State required recount of November 3, 2009 Election for the Judge of Superior Court. As ordered by the Secretary of Commonwealth, the Fayette County Election Bureau will begin the recount process of the November 3, 2009 election returns for the Judge of Superior Court as follows:

1. To meet any requirements of any legal advertising and swearing in.
2. To hold a recount at the:
Public Service Building, Conference Room
22 East Main Street
Uniontown, Pa. 15401
3. To begin the recount on Wednesday November 18, 2009 and to conclude as required by 12:00 pm. Wednesday November 25, 2009 and if need be include Saturday, November 21, 2009.

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4. To begin the recount at 9:00 am to conclude at 6:00 pm.
5. To form up as requested by the Acting Election Bureau Director (7) recount panels to consist of (2) members for each panel, which would be (14) individuals, the panel would comply of residents from Fayette County and to seek out the panel members through the Judges of Elections, Election Day Worker, Party Chairman's, and as indicated this morning by Acting Director of the Election Bureau, Larry Blosser , there are several individuals from Penn State Campus and other collages who would be willing to be part of the panel at \$50.00 for half day or \$100.00 for full day for non county employees, if there are counties employees and they work after 4:30 pm. they will be paid the non-union pay at \$20.00, from 4:30 pm untill 6:00 pm and if it is any union workers in accordance with the agreement of the union steward that those individuals would be paid their compensation at their over-time rate though with a cap not to exceed over \$15,000.00 at state reimbursable cost. Also to seek out the panel members first through non county employees, not to interrupt the daily activities of our offices.

Commissioner Zimmerlink explained, the reason for a resolution is so we can give the direction of the procedures and also we need to set compensation with respect to the individuals who would be comprised to the panel. She said the items that need to be discussed will be clarification on the place where the recount is to be conducted. The date of the beginning and the commencing of the ending date of the recount, the composition of the panel, the compensation and the makeup of the panel.

Commissioner Zapotosky stated he agreed with her request to amend the agenda, though the recount was ordered by the Court, the composition was discussed, and the recount has begun, which now is two days into the recount, changing the composition of those participating at this time he stated would not be a good idea.

Commissioner Zimmerlink stated its not to change the composition, it's to make everything clear so all knows what is going on.

Commissioner Zapotosky commented the date of the recount is ordered by the Court to be completed by Wednesday November 25, 2009 at noon. The compensation has been addressed with internal staff and I have no problems amending the agenda though being two days into the recount and for the record it can be done officially. The State did agree to fund \$15,000.00,

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously

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Public Comment on Agenda Items:

Mr. Mazza asked the Commissioners if the previous dollar figure agreements will be documented.

Commissioners stated the figures will be documented by resolution

:Fayette County Controllers Financial Condition of the County :
(Read by Betty Stutzman)

Fund: GENERAL FUND

Date: 19-Nov-09

CASH:

Checking Account	National City	\$4,726,061.81
		\$4,726,061.81

Funds Owed to General Fund

Temporary Loans

Intermediate Punishment Fund	\$35,610.94
Children & Youth Fund	\$1,500,000.00

\$1,535,610.94

Funds General Fund Owes

Tax Anticipation Note	\$2,000,000.00
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\$2,000,000.00

Budget Year 2009

Net Position

\$4,261,672.75

Year to Date

Total 2009 Revenues	\$21,096,063.65
Total 2009 Expenditures	\$18,670,371.36
Total 2008 Expenditures paid in 2009	\$854,133.81

Capital Reserve Fund Balance	\$80,819.95
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Bond Fund Balance 1/1/09	\$155,884.84
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Reassessment Expenditures YTD	<u>\$151,923.64</u>
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Remaining Balance Appropriated for Assessment	\$3,961.20
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Bond Fund Balance-Cash	\$ 3,961.20
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Redevelopment Authority of Fayette County

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve a resolution authorizing submission of an application for Competitive Community Development Block Grant funds on behalf of Washington Township.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Fay-Penn Economic Development Council

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to adopt a resolution designating Fay-Penn the economic development agency to apply for 2009-2010 Local Economic Development Assistance (LEDA) Program grant. Amount: \$19,423.00...

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Behavioral Health Administration

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the following agreement and modification:

Modification Agreement #6 2008-2009

Chestnut Ridge Counseling Services, Inc.
Period – 7/1/08 to 6/30/09 Cost \$2,210,543

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 the ODP/DPW Developmental Disabilities Annual Plan and Budget for Fiscal Year 2010 – 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and second by Commissioner Zapotosky to endorse the application, to Department of Health, and Human Services Substance Abuse, and Mental Health Services Administration, for a Child Mental Health Initiative grant, to expand the County's Integrated Systems approach to include early childhood services.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Children and Youth Services

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the following **Purchase of Service Agreements** between the County of Fayette through Fayette County Children and Youth Services:

Chestnut Ridge Counseling Services, Inc. for FY2008-09. The services provided include psychological evaluations at a cost of \$285.00 per evaluation

ACS Psychological Associates, Inc. for FY2008-09. The services provided & rates are as follows:

Psychological Testing: \$150.00 per hour
Psychiatric Testing: \$250.00 per hour
Court Testimony: \$100.00 per hour

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

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Office of Human and Community Services/FACT

Moved by Commissioner Vicites and seconded Commissioner Zimmerlink to approve a contract amendment for Fayette County Behavioral Health under HSDF, new allocation amount of \$185,966 for Adult Development Training.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to award RFP # 09-09 to Fairchance Construction for design/build of storage garage addition for \$174,500.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Planning & Zoning and Community Development

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to enter into a reimbursement agreement between the Department of Transportation and Fayette County for Phase 2 construction of the Sheepskin Trail in Dunbar and North Union Townships. Amount - \$708,107.00

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Commissioner Vicites commented there will be one more section of the trail in North Union Township; we will meet about in the future.

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to reject bids for RFQ 09-08 of the Sheepskin Trail Design of Segment 6, Point Marion Section for 4.1 miles.

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to advertise bids for the Sheepskin Trail Design of Segment 6, Point Marion Section for 1.4 miles.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to amend Resolution 09-10-22-12 to reflect the cessation of Tri-State Safety Inspection Services as having an agreement with the County for third-party inspections for the UCC.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to approve RZ 09-8, Robert Costello, North Union Township, request an extension of an R-2 High Density Residential Zone on property currently zoned M-1 Light Industrial.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to approve ZA 09-5 Amendment to the Fayette County Zoning Ordinance Section 1000-321 Windmill/wind turbine.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink no

Motion Passed 2-1

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Commissioner Zimmerlink explained the reason she voted against the amendment is because it should remain a special exception and not a permitted use in the designated zoning districts.

Tax Assessment

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the following for Real Estate Tax Exemption as they are 100% Disabled Veterans as approved by the PA Dept. of Military Affairs for the 2010 county fiscal tax year.

Roger L Muilenberg	24 Water St,	Smithfield Boro	32-06-0162
Mark T Doorley	55 Emerson St,	Uniontown City	38-17-0026

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind previous resolution #09-10-22-06 authorizing the Assessment Office to conduct an auction sale of excess county owned properties.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously

Commissioner Vicites stated the sale needs to take place as soon as possible to bring in additional revenue to the county.

Commissioner Zimmerlink commented this is not to rescind the authority or the resolution to conduct the County Auction, the resolution that was rescinded, it was to be conducted in November and the Tax Assessment Office does not believe that they can meet that dead line. She said the date has not been designated, though they foresee January or February of 2010.

Parks

Moved by Commissioners Vicites and seconded by Commissioner Zapotosky to approve cancelation of the grass cutting contract for Jacobs

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Creek Park with Stash-Scape of Dunbar, PA due to nonperformance of contracted work.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	abstain

Motion Passed 2-0

Commissioner Zimmerlink stated the reason for abstaining was because when I asked for additional information on the grass cutting contract issue and it was not provided to me.

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to approve a request to bid grass cutting and related duties for Jacobs Creek Park, Dunlap Creek Park, Dunlap Dam and Masontown Park for a three year period.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	no

Motion Passed 2-1

Commissioner Zimmerlink stated we should have continued searching for contractors for Jacobs Creek Park regardless of whom it was with because of the distance. She said the remaining Parks should be done by county employees & county equipment rather than adding additional costs to the county budget.

Commissioner Vicites stated we need to get an outside contractor to do the maintenance work.

Veterans Affairs

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to award Bid Number 09-12 for 38,000 flags from flag zone of Gilbertsville, PA at a cost of \$16,910.00 and from Gohn Mfg. of Marietta, PA for 1,950 markers with rods at a cost of \$11,310.00 this includes shipping. Greene County will be purchasing 11,000 of the flags at a cost of \$4,895.00. Fayette County will be purchasing the remaining 27,000 flags at a cost of \$12,015.00

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Human Resource Department

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to approve the Collective Bargaining Agreement between County_of Fayette Board of Commissioners and Children and Youth Services employees_represented by Pennsylvania Social Services Union, SEIU Local 668 for the period of January 1, 2009 to December 31, 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink abstain

Motion Passed 2-0

Commissioner Zimmerlink explained, the reason for abstaining is because on numerous occasions I made inquires with John Felice`s office to contact me regarding the ongoing negotiations an throughout the period of a year, we have had 1 meeting.

Commissioner Zapotosky stated we all received notification when a discussion was to take place between the union and Falice & Asso.

EMA/911

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the promotion of Gerald Jenko, P/T 911 Dispatcher, to F/T 911 Dispatcher at \$11.37/hr (\$22,171.50) effective November 23, 2009.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

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FACT/OHCS

Moved by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratifying the approval for a temporary transfer of Marge Tamblyn, F/T Small Bus Transit Operator, to FACT Dispatcher effective Monday, November 4, 2009 at a rate of \$14.87 per hour.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Dominick Carnicella, Human Resource Director commented December 18, 2009 is the expected ending date.

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratifying the resignation of Charles Rupenthal, F/T Small Bus Transit Operator, effective November 4, 2009.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratifying the resignation of Carson Campbell, F/T Small Bus Transit Operator, effective November 6, 2009.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

FCBHA

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to accept the resignation due to retirement of Anna P. Miscovich, Registered Nurse 2, effective December 31, 2009.

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Human Resources

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the approval for the Internship Worksite Agreement with Penn State Fayette.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Veteran Affairs

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the hiring of Joseph Stasko as Per Diem Van Driver at \$60/ day, effective 11/23/09.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to approve the hiring of Veteran Lori Earnesty as Director of Veteran Affairs at an annual salary of \$30,166.50 effective in 2 weeks.

Commissioner Zapotosky commented that he wanted to acknowledge that there are times when decisions need made that are very difficult, one of the finalist has severed the Veterans Office of this County for the past eight years, although she may never have worn a uniform in the armed services, though Miss Madonna Nicklow should be commended for her services she provided for our Veterans. Commissioner Zapotosky added, he hopes and prays that she will continue to provide the services to the Veterans of this County. Over the past several weeks she has been unfairly maligned in circles and the decision to second the motion was done based on the qualifications of the applicant which was Miss Lori Earnesty. She brings many qualifications with her and I hope that the team of Lori

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Earnesty, Madonna Nicklow, and Sharon Wandell will be the team that drives our Veterans Affairs Office into a positive direction for many years to come. Commissioner Zapotosky told Madonna Nicklow, she is as vital to the Veterans Affairs Office regardless of her title and he asked her again to continue to provide the services that she has provided with passion and commitment to the 14,000 Veterans of this County and he thanked her for her service.

Commissioner Vicites stated the last thing I said to the Veterans Liaison Committee, there has been a lot of discussion pertaining to the last six Veterans Directors in the past five years but the statics of the office was 2.2 million dollars in claims just in the past two years. The complete revitalization of all of the office equipment, the additionally staff, also the improvement to the transportation system and making it in house at the Veterans Office, which improved the services to the Veterans Hospital in Pittsburgh, and the Veterans Clinic here in Uniontown. He said the reason for all the improvements in Fayette County was because of Madonna Nicklow, she has held the office together through the transitions of all the directors and that is why Fayette County is still at the top of our services to the Veterans. He also complimented the Liaison Committee being they had done a fantastic job spending three weeks of their time in several interviews and I commend those gentlemen for their efforts.

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 October 2009 Commissioners Meeting minutes.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	no

Motion Passed 2-1

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to ratify the approval of the following transfers:

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**TRANSFERS
10-14-09 TO 11-12-09
2009 Budget**

OFFICE	LINE ITEM	DEBIT	CREDIT
Clerk of Courts			
Micro film	014191 52210	\$2,100.00	
Telephone	014191 53200		\$600.00
Contract Computer	014191 53010		\$1,500.00
Courts			
Full-time Salaries	014184 51400	\$1,375.00	
Court Viewers	014184 51411		\$1,375.00
Bridge Dept.			
Act 44 Funds	244320 42526	\$18,830.65	
Bridge Material	244312 52245		\$17,773.15
Bridge Supplies	244312 52231		\$1,057.50
Coroner			
Autopsy	014193 53180	\$6,415.00	
Transport	014193 52638		\$5,000.00
Burials	014810 52530		\$1,415.00
Treasurer			
Association Dues	014139 54200	\$300.00	
Travel	014139 53300		\$300.00
Veterans Affairs			
Travel	014294 53300	\$1,676.00	
Transportation	014294 52509		\$1,676.00
Total Debits	\$30,696.65		
Total Credits	\$30,696.65		

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

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Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to approve the Proposed General Fund Budget for 2010. The budget will be available for review in the Courthouse, Commissioners' Office, 61 East Main Street, Uniontown Pa.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Commissioner Zimmerlink commented this is a proposed budget. She stated she is not pleased with the anticipated expenses and certainly as with every proposed budget in past years what happens, is the expenses are higher than the revenue, then there is a 20 or 30 day period of going back in to pair it down but there are increases that are legitimate expenses, then there are some requested expenses that the Commissioners have to take a very important look it.

Warren Hughes, County Manager stated on the expense side, would be \$23,543,383.00, and the anticipated projected revenue would be \$22,065,233.00.

Commissioner Zapotosky stated what we are facing increases in expenses such as health care which this year is up \$494,000.00 and our Arc payment which is for the retirement system; something we are not use to contributing prior to last year. Last year it was \$1,000,027.00 and this year we are at \$1,000,005.00 although, thanks to Commissioner Vicites' incentive split those cost with other agencies.

Commissioner Vicites stated there will be no increase to the tax payer.

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award the request for proposal 09-11 to CCAP which is PCORP TO provide the Fayette Counties Workers Compensation in the amount of \$340,515.00 for a period beginning January 1, 2010 and ending December 31, 2010.

Warren Hughes stated we received three proposals and the lowest was CCAP from Harrisburg, Pa which was \$340,515.00. He said initially there were 22 proposals sent out though 3 were received back to the county.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

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Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to accept the letter of resignation from Nancy Sutton from the Fayette County Housing Authority Board.

Commissioner Vicites stated he had known Nancy Sutton for many years and was a very dedicated person to her position on the Fayette County Housing Authority and I would like to convey sympathy to her family and pay tribute to her, for her many dedicated years of service.

Commissioner Zapotosky yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to withdraw the complaint filed by the county against the ZHB (County vs. Joseph Cellurale) as requested by legal counsel.

Commissioner Zapotosky yes

Commissioner Vicites yes

Commissioner Zimmerlink no

Motion Passed 2-1

Commissioner Zimmerlink stated the case against the Fayette County Zoning Hearing Board decision to appeal was made by 2 Commissioners in year 2007 which was Commissioner Zimmerlink and Commissioner Hardy and only after the review, consideration of those facts in supporting documents an input from the county Zoning Office and the Assistant County Solicitor, nothing was changed in that regard except the Administration of the County Commissioners.

Commissioner Zapotosky stated there is a settlement discussion we were advised, although I oppose the settlement and would want to defend the case. He said we have been instructed by our Attorney that PCORP has the authority and has exercise the authority to over step our decision of wanting to defend the case and to settle. In the settlement, one of the provisions was that this be withdrawn. He stressed that he is acknowledging councils request in settling the suit, and withdrawing the appeal. Fundamentally I am opposing settling the case, if we refuse to acknowledge PCORPS authority to settle this case, we risk exposing the county.

Commissioner Vicites added that his position is the same as Commissioner Zapotosky`s, however I was here as a County Commissioner at that time when this issue was appealed, I was against it

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then. The panel of judges makes their decision. We the county appoints the board members to a term; we should let them do their jobs.

Public Announcements:

- Announce the resignation of Lois Leonard, Tax Collector, Stewart Township.
- There is a vacancy for the Fayette County Housing Authority Board (tenant member). Interested persons should contact Kathy Winkler at 61 East Main Street, Uniontown, PA or email to kwinkler@fayettepa.org Deadline will be the 15th of December 2009 for letters of interest for board members.

Public Comment:

Mr. Wesley B. McClank questioned the Commissioners concerning Clean and Green. He stated he's been in the Clean and Green Program since the last reassessment. He stressed he doesn't want his land opened up to the public also if you are into agriculture; you have to have it opened to the public. Mr. McClank said if an individual's wants to hunt on my property, he stated he feels you need to have permission from the land owner. He also felt the reassessment was performed incorrectly being his taxes were raised \$75,000.00 on the Clean and Green Program.

Commissioner Zimmerlink stated when the Commissioners were serving on the Appeals Board, we would hear the Clean and Green Appeals and at that time were told that the state made changes which negatively impacted those land owners who had first been on tax rolls and not in Clean and Green Program which would protect their land and give a reduction on their taxes.

Commissioner Vicites explained this is all a state program and the issue with the Clean and Green Program could take affect if the land owner signed up for it.

Mr. McClank supplied information to the Commissioners concerning the Clean and Green Home site Agriculture Reserve Ordinance that was a Green County Ordinance.

Commissioner Zapotosky read the Ordinance which stated do here by resolve and adopt the ordinance authorize, and pursue the Common laws of Pa as follows, this ordinance shall be entitled to Clean and Green Home Site Agriculture Reserve Ordinance so the Ordinance would be applied to the land owner as soon as possible by the County Assessment Office.

Commissioner Zimmerlink explained to Mr. McClank the ordinance will be reviewed by the Tax Assessment Office.

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Mr. Mazzi explained how he felt the Cellurale Case was handled over the years.

Commissioner Zapotosky explained to Mr. Mazzi, facts being made on the Cellurale case are acceptable though the case should of not went to trial, that case cost Fayette County many unnecessary dollars.

Commissioner Vicites stated the Zoning Officer should be able to make the final decisions on cases like the Cellurale`s. He stated we the Commissioners can point issues out to them but he said we need to let the Board do their job without any interference.

Commissioner Zimmerlink commented the court case is still not settled. She stated there are two issues I want to address, one being the verification. She said I was present when decided by 2 of the 3 Commissioners after receiving supporting documentation and information from the Assistant County Solicitor and also information from the Planning and Zoning Office which was determined that a appeal would be filed. The issue of the verification was when the case went before the judge and there were oral arguments and the plaintiff`s attorney had filed an appeal. When the appeal was filed, no Commissioners signatures were on the document because they wanted the case withdrawn but the judge said no. The judge stated we will give the county so many days to secure the signatures being the argument that was made by the solicitor was a administrative function after he did received 2 or 3 Commissioners approval. She said the second issue is with respect to the Commissioner Zapotosky who stated that he wrote a letter in the newspaper in reference to my comments. It is well documented; I gave the quote to the Tribune Review. I asked both individuals to repeat the quote back to me and in that quote it said the decision to settle this case was largely motivated on the fact that by the insurance Company that the 2 Commissioners did not want to defend the case on its merits.

Tanya Cellurale spoke regarding Commissioner Zimmerlink, and she stated yes there were signatures. She said Commissioner Zimmerlink failed to mention that Solicitor Cupp when asked by the judge did you have signatures or approval. Solicitor Cupp said yes, and his comment was the judge asked him who`s signatures, Mr.Cupp replied back by saying it was Tammy Stenson, formal Planning & Zoning Director. Miss Cellurale stated Mrs. Stenson was not employed at that time. Mrs. Stenson wrote a letter denying the accusation because she did not approve this issue. It was Commissioner Zimmerlink idea which was mentioned in front of the public, the only individual that had an issue with this at the time was Commissioner Zimmerlink. Mrs. Cellurale states she knows the facts.

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Mrs. Mazza inquired about information that Commissioner Zimmerlink was to receive from John Felice & Associates, concerning the negotiations that were to place with CYS.

Commissioner Zimmerlink responded to Mrs. Mazza telling her when the negotiations with CYS Contract began, there was one meeting that the 3 Commissioners and John Felice attended, since that time we had agreed on the contract. She said there was no communication with Mr. Felice until after the proposal was written. I requested a meeting and asked for all Commissioners to discuss what the pending negotiations were going to be and as of yet I have not been contacted.

Mrs. Mazza asked the Commissioners what is the latest information you have collected concerning the gumballs machines? Her questions were, who was in the building during the night, who had keys and put the machine in the offices, what did they do when they were in the offices, did they go into the files, did they make copies of files, where they in the Court Rooms at night, just what went on?

Commissioner Zapotosky replied to Mrs. Mazza, he was not aware of any breach of any Court House security. He asked County Manager Warren Hughes if he was aware of any report of a break in or any suspicious movement of any equipment.

Mr. Huges stated no.

Mrs. Mazza stated to Commissioner Zapotosky, you said you would look into this matter at the last Commissioners meeting.

Commissioner Zapotosky stated he spoke with Controller Lally and he stated he allowed the gum ball machines to be placed in his office also I have spoken with one of the vendors and he informed me that there is a deduction that comes out of his credit card, which Commissioner Zapotosky stated that is strictly a matter of his privacy also the deductions are given to a charitable organization. I am not aware of the other vendor and how the proceeds are applied. He said as far as he is concerned the case of the mysterious bubble gum machines issue is closed.

Commissioner Vicites commented the row offices allowed the vender to place the machines in the Court House. He said this issue is absurd, and also the machines have been in here for years.

Commissioner Zapotosky said he apologizes for your issue, though I have to prioritize as well and bubble gum machines are not one of them.

Mrs. Marilyn Cellurale stated, she has a question about the Cellurale law suit, the records that the Counties Attorneys have, are you willing to let them open to the public?

Commissioner Zapotosky stated he is more than willing to agree to share them with the public.

Mrs. Cellurale asked why the attorneys advised PCORP to settle the case; everyone will understand that it wasn't the Cellurales that was on a witch hunt. She stated it was Commissioner Zimmerlink. She said Commissioner Zapotosky and Vicites never were in it, Commissioner Joe

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Hardy made the statement at one of the Commissioners meeting, and it is on record that he stated he came to the farm and never saw anything wrong.

Commissioner Vicites stated, what we do is make the documents accessible to the public, full disclosure should take place.

Solicitor Sheryl Heid stated she is not sure which documents Mrs. Cellurale is referring to, but correspondence between Commissioners are between offices and is already a public record. I would suggest to the Commissioners not turn it into the nature of litigation discovery because I do not know what all is involved or any work product that the attorney has.

Commissioner Zapotosky commented the Right to Record Law allows anyone to request that information; we have had abundance of requests, He also stated he is open to transparency and would support that.

Commissioner Zapotosky also stated, he does not agree that government should operate in a manner that hinders or exposes or puts people in a position to have defend their property in a way where it's an all or nothing. He stated if this were other individuals that didn't have the resources to defend their case, they would have lost already, that is what troubles me the most. I am not trying to vilify anyone; I am just saying personal property rights are sacred under our constitution. He added when Government uses the law to try to take that away, that is offensive to the property owner.

Commissioner Vicites stated this case should have been over when we voted in 2001 to approve the rezoning and there has been focus on this ever since. He said at that time there were 2 County Commissioners, sued a Board that they appointed, I feel there is something wrong with that concept, and that was tax payers money that those decisions were made over.

Commissioner Zapotosky stated he hoped we will never make this mistake again.

Commissioner Vicites said we need to focus on what Fayette County needs for the future.

Mr. Boziek spoke about his disappointment with the wind mill decision, which his house will be close to where the wind mills will be placed. He stated the closest tower will be 1200 feet from his property line which has to be at a decimal level of 55 DVC.

Commissioner Vicites commented about the ordinance, it was a model from the Township Supervisors of Pennsylvania Assoc. the standards that we adopted were as good if not better than what we had in the County.

Commissioner Zimmerlink stated Solicitor Heid spoke with Solicitor Rollo from Summerset County and does represents the **Lynn Industry Business**.

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Commissioner Vicites said he was given the standards by David **Kyle** the owner of Laurel Caverns, he testified at a hearing and brought them to the Commissioners and that is when I started focusing on that document.

Commissioner Zapotosky stated he has supported the Wind Mill Project from the beginning; we need alternative energy sources and also the steps they must go through even before getting to a sight for approval is significant enough when you look at the Energy Commission.

Mr.Boziek revealed to Commissioner Zapotosky that he is under the impression, an extra turbine has been added which is turbine #9.

Commissioner Zapotosky asked Gary Verkleeren, how far is turbine # 9 from Mr. Bozieks house.

Mr. Verkleeren replied, it is approxmentlly $\frac{3}{4}$ of a mile.

Neil Brown commented in your defense Judge Warman ruled that the Zoning Hearing Board abused their discursion to commit errors in the law. He said every time he comes to a Commissioners meeting

Commissioner Zimmerlink stated she never asked any individual to attend a Commissioners meeting or podium to discuss anything and she commented about the issue about the Gum Ball Machine.

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to adjourn the meeting.

Commissioner Zapotosky yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion Passed Unanimously