

October 28, 2010

A Meeting of the Fayette County Board of Commissioners was held on Thursday October 28, 2010 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 was given by Pastor Ewing Mariette
- Pledge of Allegiance

Public Comment on Agenda Items:

Mr. John Cofchin Fayette County Resident commented on the recent change in the recent wind turbine noise ordinance. He explained the 55 decimal level was changed to 70 decimals, Mr. Cofchin asked the Commissioners why more noise is better than less.

Mr. Tom Bozek was accompanied by his Attorney Gary Altman. Mr. Bozek stated he didn't understand why the change from 55 decimals to 70 decimals. He asked the Commissioners if it would be possible to set up a sound system now. He explained the different sound that is made from different areas in the room or from the next room over.

Commissioner Zapotosky stated Mr. Bozek's expert had already acknowledged the reduction which there was a drop in the DBA's.

Commissioner Zapotosky commented we had ample hearings on this issue and he stated he is now prepared to take action on this, and ready to proceed as listed on the agenda.

Mr. Bozek stated he had to disagree with Commissioner Zapotosky because 50 decimals were reduced, he feels he can prove it will not change 20 decimals and he offered to do that at the present time.

Commissioner Zapotosky stated it is not necessary this is not a hearing, at this time we are conducting public business, and there has been ample opportunities to provide that testimony that was provided by Mr. Jones on numerous occasions.

Mr. Bozek stated he did speak with Mr. James and he asked Commissioner Zapotosky, for the record would he make a statement for him that the levels are not the ones that occurred, and he commented I am sure he would write something up to put into the record to show that it wasn't the case.

Commissioner Zapotosky expressed the meeting was adjourned and again there was ample opportunities to state for the record if that was incorrect data, he did not do so at the time when the experiment was being done here in these two rooms and when the heat came on in the Election Room the decimal reading was higher, that I am not sure if it can be heard from the tape or not but we have heard this case on a number of occasions.

Commissioner Zapotosky expressed this appeal has been appealed in front of the

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Common Pleas Court, Judge Leskinen, Judge Warman and also the Common Court of Pennsylvania, so in my opinion this matter will proceed in accordance to the agenda as of today.

Commissioner Vicites stated he has read the testimony and is ready to vote and we need to move forward on this issue.

Joseph Ferens County Solicitor stated Mr. Bozek can appeal any decision that will be made if he prefers.

Attorney Gary Altman explained how an ordinance can be changed; also he stated he doesn't agree with the change.

Commissioner Zapotosky stated he felt there was confusion regarding the ability with the DBA & DBC that the measurement could never equal 55, in order to balance consistence with the ordinance a measurement was needed concerning DBC & DBA.

Attorney Richard Bower stated he has been involved with this case with Ibedrolla for quit sometime and he explained Commissioner Zapotosky & Vicites have both been involved, and they do not support the request by Ibedrolla to have to have 55 EBA at the residence.

Todd Casteel Electrical Contractor and a resident of the county stated the Windmill project will be a very important project to Fayette County which hopes the motion will pass today. He added this project will boost our economy tremendously.

Ray Fields explained if this motion passes today ,Windmill # 5 will be placed on his property about 1\4 of a mile from his home, he also added he is all for the project to begin.

Dan Kelly stated he owns property where there is a Sub- Station in Fayette County and I am for the Windmill Project, he also added he has to drive almost up next to them to be able to hear them. He added he feels there is no politics involved in this project.

Rob Nickelson commented he is all for moving forward with the windmill project.

Mr. Bozek stated everyone's comment on making money while this project is under way is a good reason to move forward at this time.

Commissioner Zapotosky stated if this ordinance is not proper, I will be the first to revisit this issue and make a change.

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

1. Great American Smoke out November 8, 2010
2. 10th Anniversary of the Westmoreland Fayette County WIB

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously

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Fayette County Controller

Sean Lally Fayette County Controller read the Financial Condition of the County.

FUND:	GENERAL FUND		
	DATE:	28-Oct-10	
CASH:			
	Checking Account	Central Bank	\$5,931,135.12
Funds Owed To General Fund			
	Temporary Loans		
	Victim Witness Fund	\$30,000.00	
	Children & Youth Fund	\$1,000,000.00	
			\$1,030,000.00
Payroll Due To General Fund			
	Victim Witness Fund	\$5,232.70	
	Domestic Relations Fund	\$34,598.79	
	Records Improvement Fund	\$1,062.50	
	Offenders Supervision Fund	\$17,975.45	
	Intermediate Punishment Fund	\$8,243.13	
	Fredericktown Ferry Fund	\$2,713.92	
	Liquid Fuels Tax Fund	\$9,139.06	
	UCC Fund	\$2,653.03	
	Children & Youth Fund	\$53,081.24	
	E-911 Fund	\$44,358.96	
	Fact	\$35,499.41	
	MH/MR	\$126,248.03	
	Retirement Fund	\$200,605.78	
Funds General Fund Owes			\$541,412.00
	Tax Anticipation Note	\$4,000,000.00	\$4,000,000.00
Budget Year 2010	Net Position		\$3,502,547.12
Total 2010 Revenues			\$21,301,321.39
Total 2010 Expenditures			\$19,403,441.85
Total 2009 Expenditures paid in 2010			\$989,438.42
Capital Reserve Fund Balance			\$81,224.93
Bond Fund Balance			\$ 2,361.20

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Fayette County Redevelopment Authority

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to adopt a resolution which allocates Act 137 Affordable Housing Trust Funds to the Fayette County Redevelopment Authority to support the implementation of affordable housing initiatives.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to adopt a resolution which provides support for applications being submitted by the Fayette County Redevelopment Authority to the Pennsylvania Department of Community and Economic Development (DCED) requesting assistance through the Housing and Redevelopment Assistance (HRA) Program to support the Falls Market Redevelopment Project in Ohiopyle Borough and the Historic West Main Street Redevelopment Project in the City of Uniontown

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Behavior Health Administration

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve agreements and modifications as follows:

<u>Modification Agreement #1 2010-2011</u>	<u>Contract Value</u>	<u>Period</u>
City Mission-Living Stone, Inc.	\$78,531	7/1/10-6/30/11
<u>Fee-for-Service Agreement 2010</u>		
Patricia Webster, Contractor	\$1,650	10/1/10-12/31/10
<u>Modification Agreement #4 2009-2010</u>		
Chestnut Ridge Counseling Services, Inc.	\$2,277,460	7/1/09-6/30/10
<u>HealthChoices Reinvestment Agreement 2009</u>		
Southwest Behavioral Care, Inc.	\$60,679	2009 Funds

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HealthChoices Amendment #4 2011

DPW/Fayette County

N/A

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 Fiscal Years 2010-2011 and 2011-2012 Fayette County Behavioral Health Administration Compensation Plan for the period July 1, 2010 through June 30, 2012.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Children & Youth Services

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the reappointment of David Klink to a 3 year term on the Fayette County Children & Youth Service Advisory Committee. Mr. Klink's previous term expired on September 30, 2010

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Planning & Zoning

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to approve ZA 10-1 Amendment to the Fayette Country Zoning Ordinance Section 1000-321 Windmill/Wind Turbine.

Commissioner Zimmerlink stated so that there are no problems would you please state exactly what the change would be.

Commissioner Zapotosky stated that he did not want to misquote the exact ordinance but that the DBA would increase to 70 from the property line, allowing non participating property owners to enter into a consent agreement which would be filed and recorded.

Commissioner Zimmerlink asks, and then is this motion.

Commissioner Zapotosky asks Solicitor Ferens if this is okay, Solicitor Ferens stated that he does not have the ordinance in front of him.

Commissioner Vicites states that it is section 1000-321of the Windmill/Wind Turbine

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Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	no

Motion Passed 2-1

Commissioner Zimmerlink stated the dismal should have stayed at 55.

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to renew agreements for the following third-party agencies and the County of Fayette to perform inspections for the UCC beginning November 1, 2010 for a period of (1) year.

Middle Department Inspection Agency Inc
Steel City Inspection Agency, Inc
National Inspection Agency
Tri State Safety Inspection Services
Middle Atlantic Inspection Agency
K-2 Engineering Inc

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to **deny** RZ 10-4, Wayne Bolden, Springhill Township requesting a change of zone, from A-1 Agricultural-Rural, to M-1 Light Industrial.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve RZ 10-6 Dean Mori, German Township, requesting a change of zone from A-1 Agricultural-Rural to B-1 General Business.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve RZ 10-8 Georges Faris & Mark Faris, North Union Township, requesting an extension of a B-1 General Business on property currently zoned R-2 High Density Residential.

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

EMA/911

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the contract between the County of Fayette EMA/911 and the Westmoreland Fayette Workforce Investment Board for training of the 911 Dispatchers, cost to the county is the salaries paid to the trainees during training. County cost is \$50,974.90 this is for 10 students to have 221 classroom Hours, 16 hours of practical exercise and evaluation and 320 hours of mentorship program.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky allowing permission for (2) EMA staff to attend the Emergency Preparedness and Hazmat response Conference from November 7th through November 10th, 2010 in Baltimore Maryland cost with the exception of travel is to be covered by Region 13

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Election Bureau

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratifying the maintenance agreement with Hart Intercivic for 2011 through 2015 for \$56,232.00 per year. Locking into this price saves the County an additional 35,593.48

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 ratify bid #10-06 for printing of Ballots to Beggs Brothers Printing in the amount of \$3975.00.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Veterans Affairs Office

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the bidding of Flags and Markers for the Veterans graves.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Fact

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve contract modifications for Homeless Assistance Program (HAP) FY 2010-2011

City Mission, new contract amount \$195,003
Fayette County Community Action Agency, new contract amount \$303,137

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve authorizing the submittal and modification of Penn Dot, Dotgrant objects as follows:

Director-registration, organization, core info, grant applications, projected legacy budget, Unaudited actual legacy budget, audited actual legacy budget, grant agreement execution, Invoices, progress reports
Accounting Manager-projected legacy budget, unaudited actual legacy budget, invoices
Progress reports
Transportation Information Manager- progress reports
Operations Manager- organization core info, grant applications, progress reports

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve Federal Fiscal Year 2011 Certifications and Assurances for Federal Transit Administration Assistance Programs

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Human Resources

Commissioners

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to ratify the hire of Shirley Keefover as a P/T Receptionist at 7.25/hr effective October 12, 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink abstain

Motion Passed 2-0

Moved by Commissioner Vicites and seconded by Commissioner and seconded by Commissioner Zapotosky to ratify the hire of Marguerite Phelan-DeHanis as a P/T Receptionist at 7.25/hr effective October 13, 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink abstain

Motion Passed 2-0

EMA

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the promotion of Jason Jacobs from P/T 911 Dispatcher to F/T 911 Dispatcher at SEIU 911 Scale Pay Grade 9 Step A 11.71/hr (\$24,356.80) effective November 1, 2010.

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the temporary hires of Christie Dellamalva, Amanda Pierno, Marna Bare, Danielle Masicioli, Jana Welsh, Jessica Sledge, Ryan Huhn, Mary Frances Zentkovich, and Nancy Mickey as 911 Dispatcher Trainees at 8.50/hr effective October 20, 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the temporary hire of Joseph Adams 911 Dispatcher Trainee at 8.50/hr effective October 21, 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

FACT

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratifying the hire of Carl Bryner as P/T Small Transit Vehicle Operator at \$10.44/hr effective November 1, 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

FCBHA

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the resignation of Andrea B. Guth as County Caseworker II effective October 19, 2010.

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Planning and Zoning

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the volunteer experience of Matthew Pato, Computer Aided Drafting and Design Graduate of Triangle Tech, effective October 8, 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Tax Assessment

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the promotion of Kevin McKercher from Assessor II to Assessor III at SEIU Pay Grade 13 Step E \$14.24/hr (\$27,768) effective November 1, 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the promotion of Linda Stout from Department Clerk II to Assessor I at SEIU Pay Grade 11 Step A \$11.97/hr (\$23,341.50) effective November 1, 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Human Resources

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the agreement with Private Industry Council for the High School Co-Op program during the 2010/2011 school year.

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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 commissioners minutes of September 2010.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink abstain

Motion Passed 2-0

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to ratify the settlement agreement between the County of Fayette and LLS Realty, LLC, Western District of Pennsylvania Civil Case # 210-CV-00-102-AJS

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky approve RFP for Removal and transport services for the coroner's office

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve an RFP for autopsies for the County of Fayette

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

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Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award bid # 10-07 for Recycling Equipment as follows:

Truck Scale to Bud Scale of Uniontown- \$42,900.00
Forklift to Certified Lift Specialists of Greensburg- \$19,995.00
Skid Loader to Hyundai Material Handling of Tarentum PA-\$21,899.00
Wire Baskets to Allegheny High Lift of Greensburg-\$148.34 each
Perforator Drums to Ohio Baler of Cleveland Ohio-\$3,646.00
2 Glass Crushers to Ohio Baler of Cleveland Ohio-\$19,054.00

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve bidding the following items:

1. Gasoline and Fuel for the County vehicles and the ferryboat
2. Tires and mechanical work for County vehicles
3. Janitorial supplies for the County buildings

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve an RFP for the 2011 Tran Note. The amount will be determined by the 2011 budget approval.

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 from 9-16-10 to 10-21-10 of the 2010 Budget.

OFFICE	LINE ITEM	DEBIT	CREDIT
Adult Probation			
Material & supplies	014236 52000	\$1,000.00	
Telephone	014236 53200	\$1,000.00	
Travel	014236 53300	\$1,000.00	
Contract Computer	014236 53010		\$3,000.00

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Courts

Arbitration	014184 51412	\$2,900.00	
Computer Services	014184 53010		\$500.00
Material & Supplies	014184 52000		\$2,400.00

District Attorney

Training	014194 53350	\$500.00	
Materials & Supplies	014194 52000		\$500.00

District Judges/Magistrate

Association Dues	014186 54200	\$600.00	
Utilities	014186 53600	\$1,800.00	
Bond	014186 53530	\$227.25	
Travel	014186 53300	\$643.77	
Telephone	014186 53200		\$2,400.00
Material & Supplies	014186 52000		\$871.02

Treasurer

Association Dues	014139 54200	\$600.00	
Telephone	014139 53300	\$1,100.00	
Material & Supplies	014139 52000		\$1,700.00

Veterans

Salary-Director	014294 51200	\$1,000.00	
Association Dues	014294 54200	\$210.00	
Material & Supplies	014294 52000		\$1,210.00

Total Debits	\$12,581.02
Total Credits	\$12,581.02

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion Passed Unanimously

Public Announcements:

The Board of Commissioners will be accepting letters of interest for the various boards and authorities. Anyone interested in serving should send letter to Kathy Winkler 61 East Main Street Uniontown, PA 15401 or kwinkler@fayettepa.org Letters will be received until November 26th, 2010.

The November Commissioners meetings will be November 16, and November 18th at 10:00 am

The December Commissioner Meetings will be held on December 14th and 16th at 10:00 am

Public Comments

Neil Brown thanked Commissioners Zapotosky & Vicites for allowing the Wind Project motion to be passed; it will definitely benefit Fayette County in many ways.

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Gary Verkleeren Representative of Ibedrolla Energy, actually the whole power industry thanked Commissioners Zapotosky & Vicites for the leadership approach that they have taken on working with the company to bring this project to Fayette County is amazing, he added he wished ever Elected Official was as pragmatic as the two of them.

Commissioner Zapotosky stated we get the most important things done for Fayette County.

Commissioner Vicites stated this is important to have renewable energy here in Fayette County also he expressed the need to change the Ordinance the way we did was to move forward for our county.

Valerie Thompson employee of Ibedrolla Energy, and I would also like to thank the Commissioners for their vote, not every community has the opportunity to utilize energy force. She added you are all leaders and this will be part of your legacy as Commissioners.

Moved by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to Adjourn Meeting.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion Passed Unanimously