

February 24, 2011

**Thursday, February 24, 2011 – 10:00 a.m.**

A Meeting of the Fayette County Board of Commissioners was held on Thursday, February 11, 2008 at 10:00 am in the Conference Room at the Public Service Building, Uniontown Pa.

Present:

Commissioner Vince Zapotosky, Chairman  
Commissioner Vincent Vicites, Vice Chairman  
Commissioner Angela Zimmerlink, Secretary  
Warren Hughes, Acting Chief Clerk & County Manager  
Joe Ferens, County Solicitor

- Meeting called to Order
- Prayer given by Rev. Ewing Marietta
- Pledge of Allegiance

Public comment on agenda items: none

**Proclamations:**

**Kelly Reshenberg** from Fayette County Drug & Alcohol introduced 2 young men from Uniontown Area High School, Garrett & Brandon. Garrett started by saying this is about the Kick Butts Program which will take place March 23<sup>rd</sup> 2011 read how tobacco & second hand smoke is harmful, unhealthy, and not safe for anyone to use including adults.

Commissioners awarded the students a proclamation concerning Kick Butts Day also pictures were taken.

**Lynn Orawiec** Behavior Health announced March 2011 are requesting that it be declared it be Intellectual Disabilities Awareness Month. She explained Intellectual Disabilities is the new terminology previously known as Mental Retardation which is a softer way of describing individuals who have the disability. Ms. Orawiec introduced Ray Lucky which attends Ark Fayette. She added there is a whole calendar of events at this time for the whole month of March that are open to the public.

**Mr. Ray Lucky** thanked all that was present at the meeting and also was awarded a proclamation by the Commissioners. Pictures were taken.

February 24, 2011

**Fayette County Controller:**

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

<b>FUND:</b>	<b>GENERAL FUND</b>		
	DATE	24-Feb-11	
CASH			
	Checking Account	Centra Bank	\$2,363,993.01
Funds Owed to General Fund			
Temporary Loans			
Victim Witness Fund		\$30,000.00	
Children & Youth Fund		\$500,000.00	
			\$530,000.00
Arc Payments Due			
Domestic Relation Fund		\$44,189.09	
Intermediate Punishment Fund		\$10,840.90	
Offenders Supervision		\$23,440.73	
			\$78,470.72
Funds General Fund Owes			
Trans Note			\$4,000,000.00
Budget Year 2011	Net Position		\$(1,027,536.27)
			Year to Date
Total 2011 Revenues			\$980,129.95
Total 2011 Expenditures			\$2,963,367.80
Total 2010 Expenditures paid in 2011			\$405,884.72
Capital Reserve Fund Balance			\$81,372.18
Bond Fund Balance			\$2,361.20

**Fayette County Redevelopment Authority:**

**Moved** by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve Cooperation Agreement between the County and the Redevelopment Authority related to \$50,000.00 in funding through the Community Action Team Pre-Development Grant to Loan Program to support the Fayette County Downtown Pre-Development Initiative.”

**Commissioner Zapotosky** stated \$25,000 will go to Connellsville for their Main Street program.

February 24, 2011

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Courts/MDJ Office:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zapotosky to enter into a one year contracts ending December 31 2011 with Constables to work at the Booking Center.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Commissioner Zapotosky** stated there was a grant received of \$190,000.00 that will go to offset the cost of the facility and the payment of the personal.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to enter into a one year contract between the county of Fayette contract for the Fayette County Booking Center for ending December 31, 2011 with six constables those being Mark Pasquale, Kim Renze, Philip Michael, Robert Geary, Marissa Pasquale and Robert Mankovich to perform work at the Fayette County Booking Center.

**Commissioner Vicites** commented this has been a good program that began last year and is growing, also is good for the county also law enforcement. He mentioned Tammy Lambie has done a good job at this program.

**Commissioner Zapotosky** said in essence what it does which allows the municipal police forces to utilize this facility and to be able to print the alleged suspect also to determine if there were any outstanding warrants. He added he will create a nice justice center down behind the court house, also Chief Justin Cox from the Uniontown Station has put a lot of work into this Booking Center, also Judge Capuzzi and Judge Solomon

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Behavior Health Administration:**

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

<u>Modification Agreement #1 2010-2011</u>	<u>Contract Value</u>	<u>Period</u>
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February 24, 2011

NHS Pennsylvania	\$15,464	7/1/10-6/30/11
<b><u>Modification Agreement #2 2010-2011</u></b>		
Southwest Behavioral Care, Inc.	\$477,373	7/1/10-6/30/11
<b><u>HealthChoices Reinvestment Funds 2008</u></b>		
Mental Health Association in Washington Co	\$10,000	2008

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Prison:**

**Moved** by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to enter into a 5 year agreement with a 25 % commission, Computer Service Contract with GTL for phone systems/computer software and equipment.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**EMA/911:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to authorize Motorola Solutions Inc to design and provide the county with a plan upgrading the radio system for 911 currently everything is going from antilog to Broadband which is digital.

**Commissioner Zapotosky** supplied a blueprint for us to follow in order to get to that point where we are up to current with technology to provide our 911, EMA, and other 1<sup>st</sup> responders with the proper equipment.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Commissioner Vicites** stated he wanted to add, that we also in the last couple of years have gotten some funding for this project through our Federal Legislatures.

February 24, 2011

**Children & Youth Services:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve purchase of service agreement between the County of Fayette, through Fayette County Children & Youth Services and **Info-Matrix Corp.** of 1335 North Front Street, Building # 4, Suite 100, Harrisburg, PA, 17102 July 1, 2010, through June 30, 2011 for maintenance & support of ACYS (Child Welfare Case Management Information System) at a cost of \$3,500.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve a **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and the service provider listed below for the **2009-10** fiscal year.

**Wesley Spectrum Services**  
243 Johnston Road  
Pittsburgh, PA 15241  
423960 - Foster Family Care  
Initial Clothing \$250.00    Rate  
Class AA        \$52.02    Per Day

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve Purchase **of Service Agreements** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and the service providers listed below for the **2010-11** fiscal year.

**Alternative Living Solutions**  
**Professional Family Care Services, Inc.**  
**CRC Health Group dba White Deer Run, Inc.**  
**Hugh S. Smith, Ph.D. & Associates, P.C.**

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

February 24, 2011

**Planning & Zoning:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to renew agreements with the following third party professionals for services relating to subdivisions and land developments. Agreement is for a period of two (2) years. Beginning March 27, 2011 and ending March 26, 2013

Lennon, Smith and Sourlet  
Beaver Creek Land Services  
Grimm Surveying

K2 Engineering, Inc.  
Sleighter Engineering  
Benetac Associates

Commissioners Zapotosky    aye  
Commissioner Vicites        aye  
Commissioner Zimmerlink    aye

Motion passed unanimously

**Tax Assessment:**

**Moved** by Commissioner Vicites and seconded Commissioner Zimmerlink to approve the following individual(s) for a property tax exemption as they have been approved as 100% disabled veterans by the Department of Military & Veterans Affairs Administration for the 2011 tax year.

Joseph P Mikluscak	1274 Brownfield Rd	34-27-0416
Peggy L Dominick	PO Box 675 Grindstone	30-10-0178
Nancy Maust	239 Bethelboro Rd	25-12-0059
James V Jordan	322 Cornish Rd Lake Lynn	36-08-0107
Donald W Wingard	119 JP Lane Connellsville	04-25-0201
George Gaster	138 Woodside Old Frame Rd	24-12-0097-01
Robert T Payne	158 Rockwell Rd	24-04-0040

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites granting to Burnett Oil Company a “Right of Entry & Testing Agreement” to property that is County owned in German & Menallen Townships, identified as parcels 15-14-0053 & 22-19-0065 with regard to a potential lease of a portion of the property for natural gas transmission lines and a natural gas compressor station.

February 24, 2011

**Attorney Vince Roskovensky** whom represents Burnett Oil stated he was here for Bart Walker from Burnett Oil which we have been discussions the potential pipeline ride away with the Commissioners since May, he added they have made further discussions and made proposal to the county for a compressor station located in German Township on county property. He said they would like to have the right to enter to mark the land and provide a set of prints.

**Commissioner Zimmerlink** questioned about the right and entry and testing agreement, she stated she does not have a copy of it, She asked him if he had given anyone a copy? He in reply stated Solicitor Ferens, Jim Hercik.

**Mr. Roskovensky** stated the copy explains the right to go on to the property to market for the purposes of their independent appraisal and there will be a roadway and a pipeline which they want marked so they can conduct their appraisal, also they are going to mark where the compressor station will be & the area that will be disturbed by the compressor station. He added if there are any damages the county would be held harmless and we would restore the property

**Commissioner Zapotosky** stated this is a primary step just so they can complete the appraisal.

**Mr. Rob Hilliard** Regulatory Manager for Burnett Oil Co. stated there are three tasks we are looking to do under the Right of Entry to complete the design, first would be to have environmental scientist out at the sight to examine the area for weapons and streams, possibly DEP approval may be needed, second would be to survey to confirm property boundary.

**Joseph Ferens** County Solicitor asked Mr. Hilliard, if he had an indemnity clause protecting the county for any damages and or liability.

**Commissioner Zimmerlink** asked how long this process should take, the right of entry and testing agreement. He replied less than a week

**Mr. Hilliard** added the third item he wanted to discuss was about once they see what's is on the ground to do some Geo Technical Borings just to confirm that the location where we are purposing to place the station is stable, meaning the soil underneath.

**Commissioner Zimmerlink** asked Burnett representatives, if they would consider hosting a public meeting, nothing to do with the County Commissioners. She added it would be Burnett oil informing the members of the public who own the land that we are responsible for, have your maps so when individuals attend they can know exactly where you are talking about , what would be affected or wouldn't be affected , then give the public an opportunity to ask what ever questions they have.

Commissioners Zapotosky    yes

Commissioner Vicites        yes

Commissioner Zimmerlink    aye

Motion passed unanimously

## **Human Resources:**

### **Bridge Department**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to accept the resignation of David McDonough, Bridge worker II effective January 19, 2011.

February 24, 2011

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Building and Grounds**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to accept the resignation of Custodial Worker, Alan Laub effective February 16, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**EMA**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve promotion of Amanda Orbash from P/T to as F/T 911 Dispatcher at SEIU 911 Scale Pay Grade 9 Step A \$12.06/hr (\$25,084.80) effective February 28, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**FACT**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the promotion of Ronald Rockwell, from Technician D Serviceperson to Technician C Mechanic at SEIU Pay Grade 6 Step A \$10.41/hr (\$20,299.50) effective February 28, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

February 24, 2011

**FCBHA**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to accept the resignation of Kristen Cooper, Caseworker II effective February 15, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Public Defender**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the hire of David Henning as Investigator at SEIU, Pay grade 9 Step A \$11.52/hr (\$22,464) effective February 22, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Commissioners:**

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to approve the January 27, 2011 Commissioner Meeting minutes.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to correct Resolution #10-12-16-28 Under Human Resources changing Ratifying to Table the Collective Bargaining Agreement between the County of Fayette and the UMWA Prison employees effective January 1, 2010- December 31, 2012.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

February 24, 2011

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to approve the amended minutes of the December 16, 2010 minutes.

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	abstain

Motion passed 2-1

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to name Mr. Michael Lucy as an alternate to the Zoning Hearing Board for a 3 term ending December 31, 2013.

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to name Commissioner Vincent Vicites to the Fay Penn Board for a period of one year ending December 31, 2011. Fay Penn changed bylaws to one Commissioner instead of all 3.

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Commissioner Zimmerlink** made a motion to consider #1 McTish Kunkle & Associates, # 2 SAI Consulting Engineering of Pittsburg, # 3 Widmer Engineering of Beaver Falls.  
**Motion died for lack of seconded.**

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to acknowledge the recommendation of the Superintendent of the Bridge Department who I feel will interact with these firms and I think it behooves us to acknowledge his recommendation and go with # 1McTish Kunkle Associates Pittsburgh Pa, # 2 Herbert, Rowland & Grubir, INC.Crannyberry Township, Pa & #3 Widmer Engineering, Beaver Falls, Pa Consider naming 3 companies in rank to be sent to Dept of Transportation for review on Bridge Inspections.

**Commissioner Zapotosky** stated the recommendation was given by Mr. Paul Nixon, Superintendent at the Bridge Department; he listed a variety of reasons as to why he felt these firms would be the best to work with for the Bridge Inspections, a copy of the e-mail is available if anyone would like to take a look at it.

February 24, 2011

**Commissioner Zimmerlink** added the Commissioners were invited to any of the interviews. **Warren Hughes** County Manager explained there was a letter of interest that went out, we received 15 back and 9 were chosen for interviews. He added 9 were interviewed, at that point 3 will be chosen, then submitted to Penn Dot and then interviewed by them.

**Commissioner Zapotosky** stated the 9 that were interviewed were SAI Consulting Engineers HRG Engineering, GAI Consultant, Macking Engineering, LR Kimmel, Widmer Engineering, Panoney Edes Group, & McTish Kunkle & Associates.

**Commissioner Vicites** stated for the knowledge of the public, the reason for the selection of McTish Kunkle & Associates #1 is 40 inspectors; all engineers will work with bridge department on efficiency construction manager's team can be on sight to help with methods of repairs, the goal of this company is to keep bridges open. He added half staffed to help to find funding other than Liquid Fuels Funds only and work with District 12 presently and other bridges that are not county bridges but state bridges and work with the county on 13 and under 20 foot bridges to keep the cost down.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to **Table** awarding RFP #11-02 Chaplin Services for the Prison.

**Commissioner Zimmerlink** asked if there was a bid received any explanation from Rev. Sanders as to his bid and cost.

**Mr. Hughes** explained he doesn't carry any insurance, and our insurance Company has asked that when we contract with any other Company or individual, that they do have some type of liability which he does not have, though in his statement he was paid a salary in the past of \$500.00 and has been employed there for the last 7 years, but he stated he understands that the position is only budgeted for \$375.00 per month and would still to continue serving the inmates , and workers of the Fayette County Prison, he never stated he wanted the \$375.00 because attach to that was the bid sheet that said 0.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to award Dr. Cyril H. Wecht #11-03 Autopsy Services for the Coroner's Office.

**Commissioner Zimmerlink** commented Dr. Cyril Wecht bib form states his prices \$1375.00 per Autopsy, which was the same as last year, effective the day signing of the contract, expiring in one full year.

February 24, 2011

Commissioner Zapotosky      yes  
Commissioner Vicites          yes  
Commissioner Zimmerlink      yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to award to Fayette Removal Services of Uniontown for one year, effective the day signing of the contract RFP #11-04 Body Transport and Photograph Services for the Coroner's Office

Commissioner Zapotosky      yes  
Commissioner Vicites          yes  
Commissioner Zimmerlink      yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Zimmerlink approve the request of Domestic Violence Services Inc, Right of First Refusal Agreement for Property located at 215 Searight Avenue, Uniontown Pa.

Commissioner Zapotosky      yes  
Commissioner Vicites          yes  
Commissioner Zimmerlink      yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the following transfers from January 19, 2011 to February 6, 2011 in the 2010 Budget

OFFICE	LINE ITEM	DEBIT	CREDIT
<b>Health Care List</b>			
Commissioners	014111 51560		\$450.00
Treasurer	014139 51560		255.00
Solicitor	014151 51560		200.00
Public Defender	014152 51560		12,158.35
Planning	014171 51560		117.49
Courts	014148 51560		2,073.59
District Justice	014186 51560		9,001.48
Coroners	014193 51560		3,766.69
Sheriff	014197 51560		3,742.79
Juv. Probation	014237 51560		2,168.47
EMA	014291 51560		21,893.67
District Attorney	014194 51560		19,671.76
Election Bureau	014120 51560	\$17,000.00	
Controller	014133 51560	14,000.00	
Assessment	014136 51560	9,000.00	

February 24, 2011

Rec. of Deeds	014153 51560	7,000.00	
Clerk of Courts	014191 51560	8,000.00	
Prothonotary	014195 51560	3,000.00	
Reg. of Wills	014196 51560	10,000.00	
Prison	014232 51560	7,499.29	
<b>Prison</b>			
Rent	014232 53830	\$72,400.00	
Food Contract	014232 52290		\$55,500.00
Building Repair	014232 53730		8,300.00
Material & Supplies	014232 52000		8,600.00
	<b>Total Debits</b>	<b>\$147,899.29</b>	
	<b>Total Credits</b>	<b>\$147,899.29</b>	

Commissioner Zapotosky      yes  
Commissioner Vicites          yes  
Commissioner Zimmerlink      yes

Motion passed unanimously

**Public Announcements: None**

**Public Comments**

**Pam** of Perry Township stated February 11<sup>th</sup> her brother passed away, which was under Hospice care, her concern was when he passed, they wanted to take all the medication and put it down the drain which would of went to the septic system and she said she would not allow them destroy them that way. She added, she was told busy nurses and hospital also nursing homes do dump medications down the drain. She explained even if you have city sewage it still goes into your drinking water, so if someone would tell me what to do where I can help this matter.

**Commissioner Zapotosky** replied by saying he will check on this issue and find out who has oversight over that type of disposal , I am not sure if it is defined as a toxic substance like you would see at a hospital. Again he stated we will make inquiry on.

**Vicites Commissioner** stated he feels there has to be some type of regulation regarding proper disposal of medical type waste.

**Commissioner Zimmerlink** commented we can supply you with the proper numbers to contact the right people cause obbesvseely it is not regulated by the county but regulated by the state.

**Jeanie Carr** Springhill Township, she stated she was glad to hear Burnett Oil is planning on moving the compressors away from the homes. She added she hopes they stick to that. She offered she wanted to share a story with the public, today she decided to start a journal on how she feels, because she explained maybe it will ease her plain and thoughts , today second month 2011 of February, she stated 3 generation have grown on Hope Hollow road , she feels the 4<sup>th</sup> cannot. She expressed their lives will never be the same.

**Phyllis Carr**, Jeanie Carr's mother stated our constitutional rights, we live here in Fayette County, safe and it was taken away. She added the people that sign the permits

February 24, 2011

are at fault. She had information about her grandson from his doctor. The Doctor said after several communications with National and International experts the clear concept is that there is no room for additional biological testing left to do.

**Mary Grace Butela** resident of Fayette County and resides in Dunbar Township stated she would like to thank Burnett Oil Company for having the wisdom to consider placing a proposed Gas Compressor Station 2000 feet away from any residential dwellings, however the admission of toxic VOC'S still exists with Natural Gas Compressors, as seen on Channel 4 News Team 4 Investigates which was seen on February 10<sup>th</sup>, Entitled what are Marcella's Drilling Operations doing to the local environment. This story airs about a Compressor Station in Greene County. She stated we have enough pollution in Fayette County and let's not add to it.

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

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously