

July 28, 2011

A meeting of the Fayette County Board of Commissioners was held on Thursday July 28, 2011 at 10:00 am in the Conference Room of the Public Service Building 22 East Main Street, 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 E. Ferens, County Solicitor

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

**Commissioner Zapotosky** announced agenda items need to be amended.

**Kim Renze** of Fayette County Transportation explained, agenda #14 concerning the prices and totals that were approved at the Agenda Meeting on Tuesday were incorrect due to the change order that was issued in the amount \$2975.00 per bus which brought the total of the buses each of \$62,353.00 or \$187,074.00.

**Commissioner Zimmerlink** stated the agenda item does not need to be amended

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**Commissioner Zapotosky** announced the Planning and Zoning Office has an agenda item that needs amended.

**Dave Bukovan** of the Planning and Zoning Office asked a request to amend the agenda item by removing ratifying the approval RZ-11-4 William B. Shaffer, and changing it to ratify the approval RZ 11-5 George W. Snyder Bullskin Township requesting an extension of an M-1 light industrial zone on property currently zoned B-1 general business.

**Commissioner Vicites** asked Mr. Bukovan what was the reason for the change?  
Mr. Bukovans response was, inadvertently he had given Sara Rosiek Planning & Zoning Director the wrong file.

**Moved** by Commissioner Vicites and seconded by Commissioner Zapotosky to amend the agenda item by removing ratifying the approval RZ-11-4 William B. Shaffer, and changing it to ratify the approval RZ 11-5 George W. Snyder Bullskin Township requesting an extension of an M-1 light industrial zone on property currently zoned B-1 general business.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

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**Public Comment on Agenda Item:**

**Patricia McNeil** of the Public Library System and a member of the Frazier Community Library Board in Perryopolis, stated on behalf of the Board and Fayette County Library System thanked the Commissioners for their continuous support of the Public Libraries.

**Randy Wilson** Regional Manager with Amcom explained there are 15 plus companies on the Co-Star list including Amcom Xerox, the competitive bidding process consistently yields lower cost for individuals who use the bidding process. He stated there are several vendors that have employees that reside within Fayette County , excluding all other vendors would yielded a higher total cost to the county, meaning any product chosen outside of the Xerox Product sends money to Japan opposed to American, which Fayette County has a efficient process using the bidding.

**Fayette County Controller:**

**Financial Condition of the County:**

<b>FUND:</b>	<b>GENERAL FUND</b>		
	DATE:	22-JUL-11	
<b>CASH:</b>	Checking Account	Centra Bank	\$8,853,072.98
<b>Funds Owed to General Fund</b>			
	Temporary Loans		
	Victim Witness Fund	\$30,000.00	
	Children and Youth Fund	\$500,000.00	
			\$530,000.00
	Arc Payments Due		
	Domestic Relations Fund	\$40,562.72	
	Intermediate Punishment Fund	\$11,212.46	
	Offenders Supervision Fund	\$22,552.87	
			\$74,328.05
<b>Funds General Fund Owes</b>			
	Tran Note		\$4,000,000.00
<b>Budget Year 2011</b>	<b>Net Position</b>		\$5,457,401.03
			<b>Year to Date</b>
<b>Total 2011 Revenues</b>			\$17,241,198.00
<b>Total 2011 Expenditures</b>			\$12,578,103.88
<b>Total 2010 Expenditures</b>			\$499,422.50
<b>Capital Reserve Fund Balance</b>			\$78,621.67
<b>Bond Fund Balance</b>			\$2,361.20

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**Behavior Health Administration:**

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

<b><u>Contract Agreements 2011-2012</u></b>	<b><u>Contract Value</u></b>	<b><u>Period</u></b>
Allegheny Intermediate Unit	\$554,692	7/1/11-6/30/12
Arc, Fayette	\$443,444	7/1/11-6/30/12
Crosskeys Human Services	\$1,098,851	7/1/11-6/30/12
Diversified Human Services	\$60,000	7/1/11-6/30/12
Fayette County Drug & Alcohol Commission	\$70,220	7/1/11-6/30/12
Fayette Resources, Inc	\$740,977	7/1/11-6/30/12
Goodwill of Southwestern PA	\$520,447	7/1/11-6/30/12
Integrated Care Corporation	\$48,000	7/1/11-6/30/12
Laurel House, Inc.	\$771,564	7/1/11-6/30/12
Mental Health Association in Fayette County	\$797,043	7/1/11-6/30/12
PATHWAYS of Southwestern PA., Inc.	\$15,000	7/1/11-6/30/12
Rehab Care, Inc.	\$45,000	7/1/11-6/30/12
Therapy Connections LLC	\$40,000	7/1/11-6/30/12
Western PA School for the Deaf	\$8,000	7/1/11-6/30/12
<b><u>Infant/Toddler EI Program &amp; Provider Contract 2011-2012</u></b>		
Arc, Fayette	(Commonwealth Funded)	7/1/11-6/30/12
Diversified Human Services Inc	(Commonwealth Funded)	7/1/11-6/30/12
Integrated Care Corporation	(Commonwealth Funded)	7/1/11-6/30/12
PATHWAYS of Southwestern PA	(Commonwealth Funded)	7/1/11-6/30/12
Western PA School for the Deaf	(Commonwealth Funded)	7/1/11-6/30/12
<b><u>Fee-For-Service Agreement 2011-2012</u></b>		
Alicia Crouse	\$12,600	7/1/11-6/30/12
Fayette Emergency Medical Services	\$5,000	7/1/11-6/30/12
<b><u>Agreement for Professional Services 2011-2012</u></b>		
VITALink Computers & Supplies	\$50/per pick	7/1/11-6/30/12
<b><u>Agreement 2011-2012</u></b>		
Pittsburgh Mailing Systems	\$4,91	7/1/11-12/31/11
<b><u>Contract Agreement 2010-2011</u></b>		
Connellsville Counseling & Psychological Services LLC	\$465	6/1/11-6/30/11
<b><u>Modification Agreements #1 2010-2011</u></b>		
Allegheny Intermediate Unit	\$569,416	7/1/10-6/30/11
Integrated Care, Corp.	\$48,000	7/1/10-6/30/11
Therapy Connections LLC	\$45,000	7/1/10-6/30/11
<b><u>Modification Agreement #2 2010-2011</u></b>		
Chestnut Ridge Counseling Services, Inc.	\$2,211,277	7/1/10-6/30/11

Commissioners Zaptosky    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 settlement agreement of the County of Fayette vs. Fayette Resources, Inc filed in the Court of Common Pleas of Fayette County at Docket No.1599 of 2007, G.D. and execute a right of first refusal agreement and lease agreement between the County of Fayette and Fayette Resources Inc.

Commissioners 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 a **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.

**Alliance for Behavioral & Developmental Disabilities**  
**Outside In School of Experiential Education, Inc.**  
**Pressley Ridge**  
**Try-Again Homes, Inc.**

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve a **Purchase of Service Agreements** between the County of Fayette, through Fayette County Juvenile Probation, and County of Jefferson on behalf of the Jefferson County Detention Center, a division of Jefferson County Juvenile Court, 16001 State Route 7, Steubenville, Ohio 43952 for the purchase of detention services during **FY2011-12**. The rate for detention services is \$130 per day.

Commissioners 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 approve the reappointment of **Mary Jane Glitz** to a 3-year term on the Fayette County Children & Youth Services Advisory Committee. Ms. Glitz's current term expired on July 31, 2011. The new term will expire in April of 2014. The Advisory Committee voted unanimously to recommend her reappointment to the commissioners at the June monthly meeting.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Fayette County EMA/911:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to award Bid 11-04 to Davies Ford for purchase of a 2011 Ford Escape in the amount of \$ 22,789.50

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve for Sabre equipment to add emergency equipment to 2011 Escape for an amount of \$ 3,718.00

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the 2011 Emergency Management Performance Grant in the amount of \$ 36,995.00

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the 2011-2012 Hazardous Materials Response Grant in the amount of \$ 14,381.00

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Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Fayette County Sheriff:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the transfer of \$2500.00 from the Account 51 Reserve Fund to the Sheriff's Department, Materials and Supplies Line item to cover the expenses of light bar, cage and striping kit including installation for the 2008 Ford Explorer, with the remaining balance staying in the materials and supplies line item.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Recorder of Deeds Office:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the transfer of \$3500.00 from the Account 51 Reserve Fund to the Recorder of Deeds Material and Supplies line item

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Fayette County Courts:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve a computer contract with ComIT Computer Services of 173 Coal Street, Lemont Furnace, PA for \$24,860.88.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

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**Fayette County Assessment Office:**

**Moved** by Commissioner Vicites and seconded by 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.

Louis Davies      330 Virgin Run Rd      Vanderbilt      27-20-0043

For 2012 tax Year

Leonard Malenosky      331 Lewis Dr      Uniontown      15-28-0083  
Elzie Lavery      104 Volek Rd      Smithfield      36-07-0038  
Patricia Golden      443 Pleasant Vw Rd      Smock      22-02-0143

Commissioners Zapotosky      yes  
Commissioner Vicites      yes  
Commissioner Zimmerlink      yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zapotosky to award an agreement for appraisal services of the Great Meadows Amphitheater property located in Wharton Township with regard to the RMZ proposal to Francis R. Chiappetta, MAI at a cost of \$ 3,500.00. Plus an hourly rate of \$165.00 if needed for meetings, if preapproved.

Commissioners Zapotosky      yes  
Commissioner Vicites      yes  
Commissioner Zimmerlink      yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve bids of county owned properties from auction sale held June 27, 2011 as follows:

**Approve Bids**

11-002      \$ 200.00      (revised)  
11-003      \$ 50.00  
11-005      \$ 50.00  
11-021      \$1,400.00  
11-030      \$ 600.00  
11-034      \$ 100.00  
11-036      \$ 600.00

**Reject Bids**

11-031  
11-032  
11-033  
11-042      Void (1)  
11-055  
11-074  
11-081      Void (2)

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11-037	\$ 75.00	11-089
11-038	\$ 50.00	11-094
11-041	\$ 125.00	
11-043	\$ 325.00	
11-046	\$ 800.00	
11-047	\$ 200.00	(revised)
11-048	\$ 50.00	
11-049	\$ 50.00	
11-051	\$ 50.00	
11-052	\$ 50.00	
11-053	\$ 50.00	
11-069	\$ 225.00	
11-073	\$ 50.00	
11-076	\$ 50.00	
11-077	\$ 75.00	
11-079	\$ 50.00	
11-080	\$ 500.00	
11-086	\$ 50.00	
11-095	\$ 50.00	
11-098	\$ 50.00	
11-099	\$ 50.00	
11-100	\$ 50.00	

Note: "Revised" means bidder increased his/her bid to meet appraisal amount

Void 1 Property was incorrectly announced the day of the sale

Void 2 Property adjoins other county owned land being developed for Sheepskin Trail

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

### **Election Bureau:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the permission for Larry Blosser the Director to attend the Association of Eastern PA County Election Conference in Lancaster, Pa. to be held August 22<sup>nd</sup> through August 25<sup>th</sup>, 2011 at a cost of \$340.68-3 Night Lodging Plus a \$210.00 Registration Fee. Please be advised that this conference was budgeted.

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

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**Fact:**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve advertising RFP for Human Service Development Fund (HSDF) for FY 11-12.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the purchase of 3 Ford E450 buses for the shared ride program and change orders at a cost of \$187,074.00 and 1 (30 Foot) Freightliner bus for the fixed route program and change order of total price \$146,833.00 from Rohrer Bus on State Contract #4400008420.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Planning and Zoning:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the approval RZ 11-5 George W. Snyder Bullsken Township requesting an extension of an M-1 light industrial zone on property currently zoned B-1 general business.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

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**Human Resources:**

**CYS**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the transfer of Renee Sitko from Behavioral Health as Clerk Typist II, at \$11.65/hr (\$22,716.65) effective TBD.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**FACT**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the resignation of P/T Bus Driver Donald Mansberry, effective July 7, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the resignation of P/T Bus Driver Glenn White, effective July 15, 2011

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the resignation of P/T Bus Driver Betty Buhheit, effective July 29, 2011

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Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the hire of Bryan Bird as P/T Bus Driver at \$10.75/hr, effective August 1, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the implementation of the FACT Drug and Alcohol Policy as recommended by the Federal Transit Authority (FTA).

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

#### **FCBHA**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of Caseworker II Jennifer L. Searcy, effective June 17, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the resignation of Registered Nurse II Billie Jo Turek, effective July 11, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

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**Public Defender**

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the Temporary Hire of Meghan Cline as Department Clerk I at \$9.14/hr effective July 14, 2011.

Commissioners 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 hire of Philip Wrona as Mapping Technician at SEIU Pay Grade 7 Step A \$10.75/hr, effective August 1, 2011.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Commissioners:**

**Moved** by Commissioner Vicites and seconded by Commissioner Zapotosky to approve the minutes from the June 23, 2011 Commissioners meeting.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to **Table** approving the contract with Burnette Oil to lease the property owned by the County known as the Old Dunlap Damn Property until the August Commissioners Meeting.

**Attorney Vincent Roskovensky** Representative of Burnette Oil explained they had submitted a lease agreement and also Memorandum of Understanding, since then there has been e-mails from Attorney Joseph Ferens Fayette County Solicitor with copies of documents & suggestions from Commissioner Zimmerlink which was responded to. He added there was no formal proposal in terms with any language changes from the county to the lease to Burnett Oil which they have been under the impression they have been acting in good faith. He asked the Commissioners what they need to do to resolve the matter.

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**Commissioner Zapotosky** asked the representative if there were any response to the request from any of the County Commissioners regarding their additional questions or concerns.

**Attorney Roskovensky** responded by saying any concerns have been directed to the office and has been responded to, also when in terms of compensation, the county hired Frank Hopalena and with help of Jim Hercik Director of Assessment Office had done an appraisal then prepared the initial proposal which Mr. Hercik said to take the average of the two proposals being \$10,600. He added Attorney Ferens suggested that we increase it to \$11,200 which was Mr. Coppolino`s appraisal had been done. Also we used the counties appraisal numbers for the compressor station that was \$75,000 and \$10.00 per foot for the linear footage of the right away for the insulation of pipelines. He stated they have addressed everything asked of them.

**Commissioner Zapotosky** stated Mr. Ferens sent an e-mail which there some questions regarding inspection, accrument of the pipeline and the depth. .

**Mr. Vincent Roskovensky** said the company covered all of those issues.

**Commissioner Zimmerlink** stated there are permits that are still outstanding.

**Mr. Roskovensky** said there is list that was sent to Solicitor Ferens. Commissioner Zimmerlink stated the latest issue a Planning Commission review August 11, she added if this can be taken care of the week after then we can place it on the August Commissioners Meeting.

**Commissioner Zimmerlink** added you cannot move forward until after August 11<sup>th</sup>, there are many permits that are still needed from the local state and federal.

**Solicitor Ferens** explained to Mr. Roskovensky that the county is trying to get these issues and have them resolved which is the air quality permit and isn't expected until August 1<sup>st</sup>, Fayette County Conservation District is under Technical review, the stream permit and access road is to be submitted in early August, Planning Commission is scheduled for review on August 11<sup>th</sup>, Penn Dot Highway Occupancy permit has been discussed and will try to have this resolved by the next Commissioners Meeting.

**Jim Hercik** Director of Assessment said he spoke with Rob Hilyuard which he was surprised this issue was on the agenda because all the issues have not been addressed.

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to executing an amendment to the June 16 2000 amended lease agreement between the County of Fayette and the Fayette County Chapter of Pennsylvania ARC which gives consent to ARC to refinance its outstanding debt and to execute the required mortgage documents associated with the county owned subject property.

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Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind resolution 11-01-27-35 which authorize the RFP process to bid the Xerox machines with in the county and utilize the Co Stars agreement.

**Warren Hughes** County Manager stated he spoke with Mr. Jerry Shimko, Ford Business representative and explained the price the County is paying now is approximately \$4,600 per month for the copiers. Ford Businesses proposal is \$5655.00 per month which includes the speed of the copies, 10 copiers that will be adding a fax; also all of the copiers will have the ability to scan. He added it will be the same amount of copies that are in our current contract which is 245,000 impressions per month; the other cost is the wide format machine which is reconciled quarterly, and is currently 13 cents per linear foot also the copier quarterly impression on any over runs will be a half of cent per copy. He added the cost difference is approximately \$990.00 which is a contract that was entered into 5 years ago with this current contract, also there would be upgrades that we are prepared to request, if we were to put this out for bid request for upgrades based on a # of prints that will be going through the machines as well as adding the print to many of the machines and fax.

**Commissioner Zimmerlink** stated a Tuesday Agenda Meeting, Commissioner Zapotosky requested to amend the printed agenda to add a suggestion to rescind a resolution that was adopted in January 2011 and authorize the Co Star agreement to be used rather than the RFP process and utilize Ford Business.

**Commissioner Zapotosky** stated he feels Ford is a local company employing 32 Fayette County Residents who own homes also spend local dollars, and at a time when the economy is uncertain which if we have the opportunity to deal locally, we should exercise that opportunity possible.

**Commissioner Zimmerlink** said the county code requires that we accept, advertise, and open it up for competitive bidding which would be outside and inside Fayette County.

**Mr. Shimko** stated the Co Star has been bid already, and has not excluding anyone, which is a list of supporting vendors by the Co Star Program that gives the ability to choose the product from.

**Commissioner Vicites** said these types of items have to be bid out however the Co Stars Program is legally acceptable under the county code as an option- alternative to the formal bid process.

Commissioners 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 execute an agreement with Janney Montgomery Scott LLC, of Pittsburgh PA to serve as the underwriter, for the bond issuance for the Energy Savings Project through Constellation Energy at a cost of \$30,000 with the bond issue not to exceed 2.5 million

**Tim Friends** representative for Janny Montgomery Scott explained she was the under writer for the counties last bond issued in 2007. He stated the underwriter's fee would not exceed \$30,000 assuming the transaction size would not go above 2.5 million.

**Commissioners Zimmerlink** stated the agenda is written to ratify an agreement which means an agreement had already been made and to her knowledge there has been no agreement made through the Commissioners, nor money indicated. She added Janny Montgomery Scott has been working with Constellation Energy for 3 months. Commissioner Zimmerlink explained to Mr. Friends that he was under the assumption that we either bid agree to retain the services or would retain services because of there not being any other underwriters that had approached the County to perform this function.

**Mr. Friends** said we do not need an agreement or an engagement letter, the document of evidence is our hiring the bond purchase agreement.

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to authorize Janney Montgomery Scott LLC, to provide the County with a list of law firms for which the county may choose to serve as bond council and to serve as underwriting council to perform legal services with the work related to Constellation Energy with the Energy Savings Program Project, and for the county to proceed actively in seeking legal council.

**Commissioner Zimmerlink** said to Mr. Friends, during conversation at Tuesday's agenda meeting, I indicated there was a time one company was selected. The Commissioners agreed to place this item on the agenda to seek out proposals through letters which is consistent with what we did at the last bond issue which Janny Montgomery Scott helped the County with.

**Mr. Friends** informed Commissioner Zimmerlink we also need an underwriter council even though the County has never needed one before with our other bonds, reason being this is a unique type of program & structure which is not a standard general obligation bond issue. He said the qualified energy conservation bonds come in two different pieces which are a taxable piece that requires federal subsidies extra tax language, and disclosure in your offering document for this type of transaction.

**Renee Zaston** of Constellation Energy stated the project that was approved in December 2010 concerning the Contractors Pricing with the inflation issue, labor rates, and as well as pricing, material increases. She stated the contractor's rates will remain the same until September 2011.

**Commissioner Vicites** explained we are going to upgrade the Court House in many ways it has never been before with the boiler & domestic water system which is very inefficient , replace windows that can't and will not open, air units, also add changer to the electrical lighting

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systems. It will not increase the budget; it will draw from the savings that we receive. This will be a guaranteed energy savings.

**Commissioner Zapotosky** added the energy savings from making these changes will go to the debt service to pay, its money that is being saved instead of paying the utility companies, we will put it back into the Court House.

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

**Moved** by Commissioner Zapotosky and seconded by Commissioner Vicites to approve the following transfers from 6-17-11 to 7-15-11 in the Fayette County 2011 Budget

<b>Department</b>	<b>Cost Center</b>	<b>Debit</b>	<b>Credit</b>
Courts			
Telephone	014184 53200	\$4,180.00	
Board of Viewers	014184 51411		\$4,180.00
Victim Witness			
Salary-fulltime	074198 51400	\$3,288.72	
Equipment	074198 52050	\$1,000.00	
Miscellaneous	074198 51560	\$2,500.00	
Health Care	074198 51560		\$6,788.72
Planning Office			
ZHB Member/Steno	014171 53130	\$500.00	
Magistrates Fees	014171 52425		\$500.00
Controller's Office			
Contract Comp.	014133 53010	\$1,000.00	
Travel	014133 53300		\$790.00
Assoc. Dues	014133 54200		\$210.00
<b>Total Debits</b>		<b>\$12,468.72</b>	
<b>Total Credits</b>			<b>\$12,468.72</b>

Commissioners Zapotosky    yes  
Commissioner Vicites        yes  
Commissioner Zimmerlink    yes

Motion passed unanimously

July 28, 2011

**Announcements:** The County will be accepting letters of interest for the Fayette County Health Center Authority and the Redevelopment Authority until August 11, 2011. Please send letter to the Commissioners Office attention Kathy Winkler at 61 East Main Street, Uniontown or [kwinkler@fayettepa.or](mailto:kwinkler@fayettepa.or)

**Public Comments:**

**Mrs. Mazza** spoke of Coal Company that came into the Fayette County and has not gotten the correct zoning permits that are needed and are blasting near Laurel Presbyterian Church; she felt laws and regulations are being ignored. She asked the Commissioners if the Fayette County Zoning Office is working for the people of the County or the coal company. She explained the congregation of the Laurel Hill Presbyterian Church would like the County to look after their interest and protect their church.

**Commissioner Zapotosky** asked County Solicitor Joe Ferens to look into the cease and dismiss issue.

**Attorney Ferens** stated the Department of Environmental Resources or the Attorney General's Office is considered the state whom also issues the mining permits. If there is a cease and dismiss order that will depend on who issues it. He added if the Courts of Fayette County issued it, then the County would have to follow up on the situation. He stated he will see what he can find out about it.

**Commissioner Zimmerlink** asked Mrs. Mazza if she had heard there was a cease and dismiss issued concerning the coal company. Her response was this is what I was told.

**Sherry Scully** member of the Laurel Hill Presbyterian Church stated she has been speaking with the churches attorney and there had been a cease and dismiss order issued on Tuesday July 26<sup>th</sup> by the Zoning Office , also by the DEP as of yesterday Wednesday July 27<sup>th</sup> which revoked their blasting permit.

**Mr. Mazza** asked the Commissioners what is the purpose of the Zoning Office and Community Development Office. He stated he thought it was to enforce the Zoning Laws in Fayette County, he added the company came in without checking the legalities of mining on land that was zoned agriculture, which is against the law to strip mine on land without getting an exception. He added the parishioners has no objection with the mining, their concerning is the blasting.

**George Saber** Board Member of ARK stated he would like to thank the Commissioners for their approval of the negotiation with Parkvale concerning their mortgage. He also asked the Commissioners if they would consider a proposal to purchase the land that they lease from the County.

**Tanya Cellurale** manager of Joeys Repair & Body Shop spoke about the many past issues they had with the Zoning Office which now the issue is concerning the shooting range. She added she also has concerns as a Fayette County Tax Payer with the Planning and Zoning Office. Ms. Cellurale said she feels the Planning and Zoning Office is taking a position against the Cellurale`s. and feels there should some type of investigation into the actions of the office concerning how things are done.

July 28, 2011

**Robert Conway** explained the difficulties he and his family had with CYS He added his son Steven Eric Conway had a lawsuit against CYS concerning his 3 children which was taken off of him and was granted visitation, because he did not speak with Mr. Lasko, Councillor of CYS, the children were taken off of him completely which during his lawsuit he was killed in a car accident.

**Phyllis Carr** resident of Springhill Township for 45 years spoke about a compressor station which she states is 350 feet from her property line. She displayed a poster with pictures of the compressor station in the day and also night. Mrs. Carr stated she could have shown a video where the toxins are able to be seen at night. She added the DEP came to investigate the 3 compressors, which 2 were down and 1 was running. At that time she explained she visited different sites and questioned individuals if they noticed, when DEP arrived, were all 3 compressors on or off when they took pictures, their response was 2 were down and one was up running . The odor is horrific, and her family developed blood pressure problems, sores on their body, blisters on our feet, sore throats, headaches, and many more health problems .She added when attended the first Penn State Meeting of the Task Force which is run by Commissioner Angela Zimmerlink.

**Mary Grace Butela** property owner, voter, resident of Dunbar Township here in Fayette County, also an elected official holding the title of Tax Collector, member of the Fayette Task Force which is chaired by Commissioner Zimmerlink. She explained she attended a quorum of Natural Gas Compressor Stations, she added she attended this meeting with the members of the Carr family and a personal friend. Ms. Butela said she did not appreciate the disrespectful words that Commissioner Zimmerlink bestowed on them and false statements. She stated she feels Commissioner Zimmerlink owes her and the members of the Carr family a public apology.

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

Commissioners Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously