

May 26, 2011

A Meeting of the Fayette County Board of Commissioners was held on Thursday May 26, 2011 at 10:00 a.m. in the Fayette County Court House, Count Room # 1, 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
Silent Prayer
Pledge of Allegiance

Public Comment on Agenda Items: none

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

FUND: General Fund

DATE 26-May-11

CASH:

Checking Account Centra Bank \$9,299,015.83

Funds owed to General Funds

Temporary Loans		
Victim Witness Fund	\$30,000.00	
		\$30,000.00
Arc Payments Due		
Domestic Relations Fund	\$44,189.09	
Intermediate Punishment Fund	\$10,840.90	
Offenders Supervision Fund	\$23,440.73	
Payroll Due to General Fund		
Victim Witness Fund	\$2,143.44	
Domestic Relations Fund	\$35,295.97	
Records Improvement Fund	\$1,088.20	
Offenders Supervision Fund	\$18,534.60	
Intermediate Punishment Fund	\$9,043.55	
Fredericktown Ferry Fund	\$2,856.98	

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Liquid Fuels Tax Fund	\$6,706.83	
UCC Fund	\$2,722.64	
Children and Youth Fund	\$54,870.66	
911 Fund	\$41,072.70	
MH/MR Fund	\$127,459.03	
Fact	\$32,935.71	
	\$413,201.03	
Funds General Fund Owes		
Tran Note	\$4,000,000.00	
Budget Year 2011	Net Position	\$5,742,216.86
	Year to Date	
Total 2011 Revenues		\$14,183,692.83
Total 2011 Expenditures		\$9,659,493.90
Total 2010 Expenditures paid in 2011		\$499,422.50
Capital Reserve Fund Balance		\$81,376.66
Bond Fund Balance		\$2,361.20

Fayette County Redevelopment Authority:

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adopt the attached resolution which approves the 2011 Emergency Shelter Grant (ESG) Application being submitted by the County on behalf of City Mission - Living Stones, Inc. This approval will authorize the Commissioners to sign and submit the application for assistance and will also approve execution of the attached Cooperation Agreement which highlights the Redevelopment Authority's responsibilities for administration of the County's 2011 ESG Program.

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

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Behavior Health Administration:

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

<u>Fee-For-Service Agreement 2010-2011</u>	<u>Contract Value</u>	<u>Period</u>
Southwest Behavioral Health Management, Inc.	\$2,201	7/1/10-6/30/11
Twin Trees, Inc.	\$1,675	7/1/10-6/30/11
<u>Modification Agreement #1 2010-2011</u>		
Crosskeys Human Services, Inc.	\$1,166,079	7/1/10-6/30/11
<u>Modification Agreement #2 2010-2011</u>		
Mental Health Association in Fayette County	\$834,583	7/1/10-6/30/11
<u>Professional Services Agreement (HealthChoices) 2011</u>		
Lawrence J. Tabas, Esquire	\$300/hr	1/1/11-12/31/11
Obermayer, Rebmann, Maxwell, Hippel & LLP		
<u>Professional Services Agreement (HealthChoices) 2011</u>		
VBH/PA ASO Agreement	N/A	1/1/11-12/31/11
<u>Fee-For-Service Agreement 2011-2012</u>		
Combustion Service & Equipment Co.	\$9,750	7/1/11-6/30/12
<u>Fee-For-Service Agreement 2011-2012</u>		
The Stern Center for Developmental & Behavioral Health	\$1,000	7/1/11-6/30/12
WJS Psychological Associates, Inc.	\$500	7/1/11-6/30/12

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the Fayette County Mental Health Plan for Adults, Older Adults, and Transition-Age Youth with Serious Mental Illness and Co-occurring Disorders for fiscal years 2013-2017.

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

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Children & Youth Services:

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a purchase of service agreement between the County of Fayette, through Fayette County Children & Youth Services and **Combustion Service & Equipment Company** of 2016 Babcock Blvd., Pittsburgh, PA, from June 1, 2011, through May 30, 2012 for HVAC mechanical equipment preventative maintenance at the CYS office building at a cost of \$1,560. The annual cost has not increased from last year.

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the purchase of **17 Dell desk top computers, monitors, & software** through the statewide Costar program to replace older failing systems. The total cost of the purchase is \$18,019. Funds to replace these systems were allocated through our FY2010-11 DPW Information Technology Grant, which must be expended prior to June 30, 2011. The price quote is attached for your review.

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

EMA/911:

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky Consider the approval for J.H. Consulting to complete a Commodity Flow Study for the Fayette County EMA. Cost is being covered by our 2010-2011 Hazardous Materials Emergency Preparedness Grant and with in-kind match. Total Cost for study \$ 5,000.00

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

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Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the Statement of Agreement with Fayette County HMRT which is needed to be submitted along with the state application for re-certification.

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the advertising of a mid-size SUV for EMA, money is included in budget.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning & Zoning:

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award RFP 11-05 to KDL of Washington Pa. `Court Reporting for Stenography services for the Zoning Hearing Board.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Fact:

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a public hearing on June 1, 2011 for FACT's plan of projects for FY 11-12.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

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Moved by Commissioner Zimmerlink and seconded by Zapotosky to approve to advertise RFQ for Transportation Services for FY 11-12 and 12-13.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve entering into an agreement with Echo Child Development Centers for FY 11-12 to administer Child Care Information Grant.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Assessment Office:

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky 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.

Ralph Rugg 112 Leona St South Union Twp 34-27-0159-02

(For Tax Year 2012)

Charles Rosnick 215 S. Water St Pt Marion 29-02-0434

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 ratify an agreement with Resource Technologies Corporation of State College for appraisal consultation services with regard to the Duke Energy property in German Township at a cost not to exceed \$ 12,000.00.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to provide additional approval of a lease between the County of Fayette and Burnett Oil Co. for property located in German & Menallen Townships portions of tax parcels 22-19-0065 & 15-14-0053, also modifications to lease agreement which the negotiation process will continuing and ongoing per Solicitors final review.

Commissioner Zapotosky asked Joseph Ferens County Solicitor if there were any progress concerning a right away?

Mr. Joseph Ferens stated this has been investigated in great lengths though we have discovered that Attorney Henry Beeson was the County Solicitor in 1966 when this was done, we assume there had to be some type of written right away agreement which is based on the fact that Fayette Engineering at the time did all the engineering work to lay out the right away though at this time we are not able to find the right away. He added it is our feeling that even though there is no agreement there is a provision in the law called Right Description which gives us the right to go over the property after using it for so many years & no one has objected to it, you have the right to do that. He stated there have been discussions with the property owner prior to moving forward, also Mr. James Hercik has been moving forward with any further discussions, we wanted to investigate all the possibilities to see if we could come up with the actual written right away of the Dunlap Creek File agreement though it can't seem to be found anywhere.

Commissioner Zapotosky asked Solicitor Ferens, does this put the county in any position of exposure.

Solicitor Joe Ferens replies that we should be successful in the event that there would be any attempts to stop using the right away, but it does not mean that some legal action could not be taken since we don't have the specific documents, though it all leads us to believe, spending many hours trying to find this document.

Commissioner Zimmerlink said it may not be included under the return of the Right to Know Request.

Mr. Ferens stated he cannot answer that.

Commissioner Zimmerlink stated they have 5 days to search their records or they can extend and make a request for 20 to 30 days.

Commissioner Zapotosky added if we were unable to find the documents then we will have to use the legal remedy as is referred to as a prescription.

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Solicitor Ferens stated the procedure we would go ahead and use it and if he attempts to stop us, then the property owner would have to file. He added, in his personal opinion that we would be successful.

Bob Walker Engineering Manager of Burnett Oil Company and is responsible for all the operations that occur in Pennsylvania, he stated we appreciate the opportunity to present our proposal to Fayette County which we feel like this is a proposal that is a win win situation for all parties concerned, which is the county, residents, companies that are located here and Burnett Oil Company. He said he would like to give an introduction of Burnett Oil Company which has been in production for 80 years, and is privately owned. Not controlled by Wall Street and does not influence any decisions also we have a reputation of doing our work in excellent format and take great pride in what we do and how we do it. We have an excellent relationship with DEP which we have been working in Fayette County for 2 years and have drilled 4 wells. Our compressor stations have been approved since September 2010 and are currently under construction at the corner of Gans Road & Rt. 857. He explained where they want to begin the projects, the process of construction, and how they will be safely conducted, also the revenue that Fayette County will receive.

Bob Croushore, Road Supervisor from German Township commented, there has been no negativity coming from any individuals from the Township concerning this issue.

Mr. Walker added there was a Town Hall Informational Meeting at the McClellandtown Vol. Fire Department concerning this issue, which there were approximately 80 people attended.

Mr. Ferens County Solicitor stated it is the Commissioners decision at this time, though if you want the project to move forward they need to begin the process. He explained the monetary issues that will take place also if there are any legal issue that arise, they should be able to be resolved.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify an agreement with Franklin John for an appraisal of the Great Meadows Amphitheater property, Wharton Township at a cost of \$ 1,050.00 for a proposed lease/purchase agreement with RMZ Holdings.

Commissioner Zimmerlink stated this is not approving the lease/purchase agreement.

Commissioner Vicites added this is the money to pay them to do the appraisal.

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resources:

EMA

Moved by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the transfer of F/T 911 Dispatcher, Mellissa Adams, to P/T 911 Dispatcher effective May 17, 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the promotion of Marna Bare P/T 911 Dispatcher to F/T 911 Dispatcher at SEIU 911 Scale Pay Grade 9 \$12.06/hr (\$25,084.80) effective June 5, 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the promotion of Amanda Pierno P/T 911 Dispatcher to F/T 911 Dispatcher at SEIU 911 Scale Pay Grade 9 \$12.06/hr (\$25,084.80) effective June 5, 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

FACT

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the hire of Betty Buchheit as P/T Bus Driver at \$10.75/hr, effective May 31, 2011.

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Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

FCBHA

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the resignation of Registered Nurse Supervisor, Linda S. Savochnka effective July 29, 2011, due to retirement.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning and Zoning

Moved by Commissioner Zimmerlink and second by Commissioner Zapotosky to approve the hire of Raylene Ferlin as Department Clerk III at SEIU Pay Grade 6 Step A \$10.41/hr (\$20,299.50), effective May 31, 2011.

Commissioner 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 resignation of Office Coordinator, Lori Wadler effective May 2, 2011.

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 approve the promotion of Debra McGee from Department Clerk I to Office Coordinator at SEIU Pay Grade 9 Step A \$11.52/hr (\$22,464) effective May 29, 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the hire of Jennifer Kondrka as Department Clerk I at SEIU Pay Grade 2 Step A \$9.14/hr (\$17,823) effective June 5, 2011.

Commissioner Zapotosky yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners:

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the following transfers from January 1, 2011 through May 17, 2011.

Department	Cost Center	Debit	Credit
Sheriff's Office			
014197 52000	Material & Supplies	75.00	
014197 54200	Association Dues		75.00
	Total Debits	\$75.00	
	Total Credits		\$75.00

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 ratify the grant application submitted for the District Attorney's office, to gain funding for a Child Predator Unit.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the grant submission for the Coroners Office in the amount of \$165,000.00 to the Coverdell Criminal Justice/Forensic Grant to purchase needed equipment to do toxicology testing. There is no match required.

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously

Public Announcements:

Commissioner Zapotosky announced, June 8, 2011 @ 10:30 a.m., the Tax Claim Bureau will have its Free and Clear Sale which will be located in Court Room #1 at the Fayette County Court House.

June 27, 2011 at 10:00 a.m. the Assessment Office will be having their Action Sale at the Public Service Building.

Commissioner Zapotosky thanked all that joined all 3 Commissioners in a delegation of many State Officials in support of the Army Reserve Center which was announced that Fayette County will be the site location.

Relay Softball Game at the Laurel Highlands High School, June 26, 2011 beginning at 5:00 pm, also there will be pre-game festivities.

Commissioner Zimmerlink announced this coming Monday the 30th is Memorial Day and there will be many parades followed by Memorial Services.

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Public Comments:

Mr. Mazza spoke about the Compressor Station that it will be 4 times more powerful than any other.

Commissioner Zapotosky corrected Mr. Mazza by saying, when Mr. Walker explained. It will reduce the number of Compressor Stations that will be needed so they will be able to satisfy different levels of pressure. He added they were going to put it into effect based on their standards, the lowest possible noise level which they would agree to look into placing noise buffer walls.

Commissioner Zimmerlink said to Mr. Mazza that is why I wanted the letter that was referred to the Commissioners in November 2010. She added this is the company that will build the Compressor Station and I wanted their letter to be attached to the potential Lease Agreement rather than leaving it up to the Zoning Hearing Board to address the noise issues, reason being because it is a 3 page letter and with respect to noise, it actually says that the noise from the Natural Gas Compressors' comes primarily from the engines and the cooler, Burnette Oil will conduct a 72 hour noise test to determine the average decibel level at the property line, which the engine noise will be minimized by specifying "Hospital Grade" mufflers, by orienting the exhaust of the mufflers away from population, and by Enclosing the Compressor Engine in a building. Cooler noise will be minimized by orienting the compressor so that the cooler is directed away from population. If necessary the cooler will be enclosed in a "Bear Den" type of building that allows adequate air flow to the cooler but will reduce the noise level. She added if necessary Burnette Oil will install a noise Abatement Wall.

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

Commissioner Zapotosky	yes
Commissioner Vicites	yes
Commissioner Zimmerlink	yes

Motion passed unanimously