

Thursday, May 22, 2008 - 9:00 a.m.

A Meeting of the Fayette County Board of Commissioners was held on Thursday May 22, 2008 at 9:00 a.m. in the Conference Room of the Public Service Building, Uniontown, PA.

Present: Commissioner Vince Zapotosky, Chairman
Commissioner Vincent A. Vicites, Vice Chair
Commissioner Angela M. Zimmerlink, Secretary
Judy M. Bodkin, Chief Clerk
Warren Hughes, County Manager
Sheryl Heid, County Solicitor

Meeting called to Order
Silent Prayer
Pledge of Allegiance

- Public comment on agenda items

Ron Gallo commented that since the \$1.7m came from the tax payers the surplus should be returned to them. He also asked if the County would have future surpluses.

Commissioner Zimmerlink explained the surplus was a result of increased millage & some County decreased expenses but overall increased millage. She also said the surplus should be set aside for unforeseen expenses.

Delinda Young commented that she feels there is an emergency in this County which is the need to do a purge of voter records & to use a portion of the surplus & that the Capital Projects should not be for Court House repairs.

Commissioner Zapotosky assured Delinda Young that the purge was in progress.

Commissioners Zimmerlink informed Mrs. Young that Capital projects are not just Courthouse repairs and that the funds may be available in the Hava Grant for the purge.

Mrs. Mazza asked the Commissioners to be careful on spending the money.

Mr. Steven Gavorcik suggested the County look at the need for a new County Prison. **Commissioner Vicites** assured Mr. Gavorcik that the Commissioners have considered it before, building a County Prison behind the Court House on County Property. That's an issue we will have to deal with in the near future. **Commissioner Zimmerlink** reminded all that in prior years former Commissioner Hardy supported a new Prison but both she and Commissioner Vicites did not. Commissioner Zimmerlink said programs to reduce repeat offenders were undertaken. Commissioner Zimmerlink also said the Capital Reserve fund needs built up to address new buildings and acquisitions noting in 5-10 years a building may be needed for County record storage. **Commissions Vicites** commented that, when they

do build a prison it should be done in phases so it would be less of an impact for the taxpayers

Commissioners acknowledged Perry Township Supervisor Andrew Boni for his accomplishment of being awarded the Presidents Leadership award of 2008.

Mr. Boni stated he couldn't have done this without the other Supervisors, and other townships within the County. There are other good Supervisors out there. He thanked the Commissions for all their help.

- Fayette County Community Action Agency

Teresa Furnier from Fayette County Community Action Agency was present to speak about the Christmas time fundraising event, which is to take place in the Fayette County Court House Courtrooms. She gave a description of how the Fundraiser will run. **Commissioner Zapotosky** commented that he thought it was a very good idea, and he commended the Judges for extending the offer. He stated he was looking forward to it.

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to allow Fayette County Community Action Agency to utilize or use one or more of the County Courtrooms for the Christmas time fundraising event.

Commissioner Zimmerlink commented that Community Action does a good job and the effort that they are putting toward in this function is great and hopes that it turns out well. Her only caution is that there might be other entities who will ask to do the same thing setting as precedent & that is her hesitation.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Nay

Motion passed 2-1

- Controller

Financial Condition of the County (presented by Shelby Snowden)

Fund General Fund
 Date 22-May-08

Cash

Checking account	National City	\$6,733,317.72
Investment		\$5,850,000.00
		\$12,583,317.72

Funds Owed to General Fund

Temporary Loans
Intermediate Punishment Funds

	\$35,610.94	\$35,610.94
Federal General Fund Owes		\$5,000,000.00
Tax Anticipation		\$431,751.91
Debt Service Fund		\$5,431,751.91
Budget Year 2008	Net Position	\$7,187,176.75
Total 2000 Revenues		Year to Date
		\$13,391,776.14
		\$8,085,824.63

Commissioner Zimmerlink received confirmation that the General Fund owes the tax Anticipation Note & Debt Service Fund. She also asked about prior year debt & Ms. Snowden said she would check that & get back to the Commissioners.

- Planning, Zoning and Community Development

Sara Rosiek Director reported on the next Agenda item stating six companies were interviewed. **Commissioner Zapotosky** asked if Triad was the lowest & Ms. Rosiek replied no. **Commissioner Zimmerlink** stated that under a RFQ it is not a requirement to take the lowest bid & that more than price is a consideration.

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award RFQ 08-03 for Professional Engineering Services for Environmental Sampling and testing for the Sheepskin Trail in the Smithfield area, to Triad Engineering, Inc. of Morgantown, WVA for a total amount of \$29,356.80.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve RZ 08-6 William and Sandra Jones, Brownsville and Redstone Townships, petition requesting a change of zone from C-1 Conservation and B-1 General Business to M-1 Light Industrial.

Commissioner Zapotosky Aye

Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

- Tax Assessment

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to set the compensation rate for the Board of Assessments Appeals at the rate of \$100.00 per day per member.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Nay

Motion passed 2-1

- Tax Claim Bureau

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the request to authorize the re-advertising for request for Proposals (RFP) to provide posting of property services.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

- MH/MR Program

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

<u>Modification Agreement #2 2007-2008 (Base)</u>	Contract Value	Period
Arc, Fayette	\$648,988	7/1/07-6/30/08

<u>Modification Agreements #3 2007-2008 (Based)</u>		
Goodwill of Southwestern PA	\$586,727	7/1/07-6/30/08
Twin Trees, Inc.	\$268,858	7/1/07-6/30/08

Administrative Entity & Waiver Provider Modifications #2 (Federal) 2007-2008

Goodwill of Southwestern PA	\$408,432	7/1/07-6/30/08
Verland CLA	\$714,177	7/1/07-6/30/08

Administrative Entity Contract Modifications #3 (Federal) 2007-2008

Arc, Fayette	\$2,130,137	7/1/07-6/30/08
Twins Trees, Inc	\$1,453,070	7/1/07-6/30/08

Health Choices Reinvestment- (2005 Funds)

		<u>Effective Date</u>
Mental Health Association in Washington County	\$15,000	4/22/08

Health Choices Reinvestments- (2004 Funds)

Chestnut Ridge Counseling Services, Inc.	\$388,82	4/23/08
Chestnut Ridge Counseling Services, Inc.	\$80,627	4/23/08

Health Choices Reinvestment-(2006 Funds)

Adelphoi Village (Parent Mentor Program)	\$300,000	5/7/08
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Based Contract Agreement 2007-2008

Twin Oaks Home Care, Inc.	\$3,840	6/1/08-6/30/08
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Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve Facial Year 2009-2012 Mental Health Plan for Adults, Older Adults, and Transition- Age Youth with Serious Mental Illness and Co-occurring Disorders.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

- Human Resource Department

Bridge Department

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the resignation of Walter Craig, Welder/ Mechanic, effective April 30, 2008

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

IT Department

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to approve the volunteer internship of Bob McIntyre, from Pennsylvania State University of Fayette, effective June 10, 2008.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Abstain

Motion passed 2-0

Commissioner Zimmerlink said it was not necessary to take formal action on unpaid internships & programs that the County already has agreements with & that if this is being done now that HR needs to list everyone in the County. **Commissioner Vicites** stated that he asked for it to be placed on the agenda so the public knows who we are hiring and who are doing internships.

MH/MR

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the resignation of Walter Smith, County Caseworker II, and effective May 9, 2008.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

FACT

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to Table considering approving the hiring of a Part-Time Small Transit Vehicle Operator SEIU Pay Grade 7 at 19,110.00 (\$9.80/hr) as per HR Director saying the interview process is not completed.

Commissioner Zapotosky Aye
Commissioner Vicites Aye

Commissioner Zimmerlink Aye

Motion passed unanimously

- Human &Community Services/ Fact

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award Request for Qualification 08-01 Mobile Data Computer/ Automatic Vehicle Locator system pending the concurrence of the Federal Transit Administration to Route Match Software, Inc. Atlantic Center Plaza, 1180 West Peachtree Street, Suite 1130, Atlantic, Georgia 30309 in the amount not to exceed \$423,208 (\$372,484 projects & services, \$13,700 estimated travel & reimbursable expenses, & \$37,024 software maintenance & technical support).

Commissioner Zapotosky Aye

Commissioner Vicites Aye

Commissioner Zimmerlink Aye

Motion passed unanimously

- Commissioners Office

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to Table creating an Operating Reserve Fund allocating the sum of \$500,000; allocating the sum of \$50,000 to the Capital Project Fund No. 50 and allocating the sum of \$1,243,706 to the Capital Reserve Fund with said allocations to be taken from the audited year ending December 31, 2006 General Fund unreserved fund balance of \$1,743,706; Further, That all expenditures and transfers must be approved by Commissioner Resolution; Further, that the County consider developing a Capital Budget for the year 2009 with the assistance of our auditing firm; Further, upon review of the auditing firm consider eliminating the Capital Project Fund No. 50 commencing year 2009.

Commissioner Zapotosky Aye

Commissioner Vicites Aye

Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to authorize the Request for Proposal for local/long distance phone service for the County of Fayette.

Commissioner Zapotosky Aye

Commissioner Vicites Aye

Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to adopt the attached Food Allergy Resolution.

Elizabeth Yoril spoke on Mothers with children with Food Allergy. She stated that over the past 10 years they have been working to try to find additional funding for research. She is asking our Commissioners for a Resolution, to urge Congress for additional federal funding for the research

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded Commissioner Zapotosky to ratify the budget transfers dated 4/30/08 to 5/15/08:

OFFICE	DEBIT	CREDIT
ADULT PROBATION/ IT Department		
014236 53010 Computer Services		\$1,200.00
014112 51400 IT Salary		\$1,200.00
	TOTAL DEBITS	\$1,200.00
	TOTAL CREDITS	\$1,200.00

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to change the time of both the Agenda and Regular meetings to the original time of 10:00am.

Commissioner Zimmerlink stated that it was only 5 months ago at the Reorganization Meeting setting the time & date of the meetings and the vote was unanimous. She said since then she has recorded positive feedback. She also said if any Commissioner has personal conflicts they should adjust their schedules. Commissioner Zapotosky stated that his activities are restricted to ensure that he arrives on time. He feels it worthy to continue with this decision & will support the request of his colleagues. Commissioner Vicites said that he feels t10:00 A.M. is the best time and that is why he placed it on the Agenda. Commissioner Vicites also feels it gives the department heads more time if an issue comes up.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Nay

Motion passed 2-1

- Public Announcements:

Fayette Area Coordinated Transportations Annual Public Hearing on the Proposal Fiscal Year 2008/2009 Plan of Projects will be held Friday, June 6, 2008 2:00 p.m. FACT Transit Center.

The annual nationwide “Dump the Pump Day” will be Thursday June 19, 2008, urging everyone to use public transportation on that day.

The 10th Annual Family Funfest will take place on June 21, 2008 at 10:00 am to 3:00 p.m.. at the Fayette County Fairgrounds.

- Public Comment

Delinda Young spoke against any extensions of the KOZ program.

Mike Sepsey a representative of the Carpenters Union informed the Commissioners of their support of the Wind Mill project. He commended the Commissioners Zapotosky and Zimmerlink for their vision of the future.

Mr. Ron Gallo questioned the Commissioners why they intervened after the Zoning Hearing Board turned down the Windmill project. **Commissioner Zapotosky** replied they are not saying that the Zoning Board is incorrect, but are intervening to have a seat at the table. He said he feels the ZHB ruled in the case and he is asking to intervene to be part of the proceeding at the next level. **Commissioner Vicites** stated that he did not vote to intervene and stated it is not that he is against the Windmills but he just doesn't feel the intervention should have taken place.

Mr. Steve Gavorcik commented on the location of the windmills. He also commended on tourism suggesting the need for a Marketing Consultant. **Commissioner Zapotosky** stated that the TPA in question is the Laurel Highlands Bureau. They sent all the Commissioners their marketing campaign for the upcoming year and that the Hotel Tax will be an increase in the overnight stays. The LHV B will be handling all of that.

Commissioner Vicites wanted to address the issue of taxing Windmills saying you can tax the property and the base of it, but not the windmill themselves. He states that is a legislation issue.

Mr. Mazza asked the Commissioners if they were going to hold another Public Meeting on the Hotel

Tax. **Commissioner Zapotosky** stated that we now have the Memorandum of Understanding and some of the provisions regarding the Grant Program but not the entire Grant Program. The Grant Program itself will be developed by the Board that is put together by the three Commissioners. There are stipulations that are require one member to be of the Lodging Community and there are four members of the Board that will draft the Grant Program but he has not gotten to that point yet, with the exceptions of some general commitments regarding non-profit use and the implementation of a potential Hotel Hospitality Restaurant Management Program at Penn State. The split of the revenue of 50-50 between the County of Fayette and TPA is higher than any other County receives. He said that is the only thing in the MOU and he isn't at the point on how the Grant Applications will be structured or the requirements which will not be prepared by the Board of Commissioners but instead by the Grant Board appointed by the Commissioners.

Commissioner Vicites stated that he wants to commend the County Treasurer and his deputy for traveling to Westmoreland County where they attended an in-depth meeting to discuss how they collect the Hotel Taxes and their procedures. The next phase is to develop the MOU and adopt it and then create a Board which will develop Grant guidelines and how those funds are to spent. They make the decision on the grant, not the County.

Commissioner Zimmerlink commented that we can control our own Grant Program.

Commissioner Zapotosky stressed he is looking forward to reviewing options and to make the best decision for the utilizations.

Mr. Dan Visnauskas, Building Administrator for Fayette County Health Center and former member of the Fayette County Historical Society commented on his support for the windmill project. **John Joseph** said he owns about 1000 acres and the Windmill project is a land owners right and he is in favor of the Windmill Project.

Commissioner Vicites stated his concern for the people that live close to the #3 Turbine. **Mr. Eric William** said he lives on Skyline Drive & is concerned about how close the Turbines are to some homes. **Mr. Larry Williams** commented that if they could get to 7900 feet he would support the project. **Dan Stoffa** of Sky Line Drive and that he would prefer the #3 Turbine to be moved. **Tammy Williams** of Sky Line Drive stated her concerns on traffic & road repairs if the Windmill project is accepted.

Commissioner Vicites assured her that the state would have to take care of the road.

Commissioner Zimmerlink stated she was told HSTV would no longer cover the Commissioners Meeting. She urged the Public to contact HSTV asking them to reconsider. Commissioner Zimmerlink thanked HSTV for past service & thanked Armstrong Cable for continuous coverage as a Public Service.

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

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously