

Thursday, May 8, 2008

A Meeting of the Fayette County Board of Commissioners was held on Thursday May 8, 2008 at 9:00 a.m. in the Conference Room of the Public Service Building, Uniontown, PA.

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

Meeting Called to Order
Silent Prayer
Pledge of Allegiance
Public comment on agenda items

Commissioner Zaptosky stated there was a decision rendered by the Zoning Hearing Board in regards to the Wind Mill Project of Fayette County. The decision was not in favor of the project and there is a opportunity for the Board of Commissioners to intervene, he yielded for explanation to Solicitor Ferens.

Solicitor Ferens stated that he was informed by Commissioner Zimmerlink and subsequently by Commissioner Zaptosky that the Commissioners would like to have an opportunity to address the Courts in the appeal filed by the Commissioners for the Windmill Project. The law allows the Commissioners to intervene. The Commissioners are not appealing they are just asking the Court to be heard. Mr. Ferens added that on behalf of the Commissioners he prepared a petition to intervene. The process will entail preparation, a brief and argument.

Commissioner Zimmerlink said Solicitor Ferens suggested formal action be taken by the Commissioners to intervene and that is why the agenda needs amended. He also suggested it because it is a direction of the Commissioners and that it is a very important project in Fayette County and the Commissioners should be heard.

Moved by Commissioner Zimmerlink and seconded by Commissioner Zaptosky to amend the agenda for the purpose to consider filing a Notice of Intervention with respect to Case No 1112 of 2008 G.D. PPM Atlantic Renewable vs. Fayette County ZHB, reason is to assure the Fayette County Zoning Ordinance is properly enforced and interpreted and that the Fayette County Zoning Hearing Board did not act outside the scope of their authority by acting in a legislative manner.

Commissioner Zaptosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

- Public Comment on Agenda Items

Carolyn Capozza and **Elmer Swetz** presented the Commissioners a gift of their appreciation from the Fayette County Advisory Council and the senior citizens of Fayette County. **Bill Zack** complimented the Commissioners on the new E Scan Voting Machines. He was very happy on how smooth everything ran on Election Day. **Commissioner Zimmerlink** commented that she heard of some malfunctions of the E Scan but steps are being taken to mitigate the problems. **Commissioner Vicites** stated the E Scans are simple to use. It is a dual option with both machines and there were 20% more voters than in the previous year. **Commissioner Zapotosky** added that this success with the E Scan could not have happened without the support of the Board, individuals at the Election Bureau, Judge of Elections, and all the precinct workers.

Bill Zack thanked the Commissioners for the proclamation concerning the Autism Awareness Day. He shared with everyone that he has a child diagnosed with Autism and appreciated their involvement.

Teresa M. Furnier spoke on the importance of Fayette County Community Action. Bob Bakos was also present to accept the Proclamation.

John Kopas of Georges Township spoke on how he approves of the Windmill Project and feels they would serve as a great purpose. He suggested the Commissioners correct the Zoning Ordinance to make it current with technology. **Nolan Sutton**, supports the Windmill project. He stated that he has petitions with over 300 signatures and more coming. **Ray Fields** spoke in favor of the Windmill project. He feels the energy we will receive will be productive and thanked the Commissioners for introducing this project.

Mike Sepesy is the representative of the Carpenters Union of Pennsylvania, and is in favor of the Windmill project. He spoke of different Power Plants, for example, Hatfield Power Station he added that they are in the process of adding scrubbers, which will help with clean air, and the Windmills are renewable clean energy that will provide additional work for this County. He thanked the Commissioners for intervening. **Cynthia Ruzzo** with the Carpenter Union of Pa. is in favor of the Windmill project. She added that she has worked at many Power Plants and they are now trying to clean them up.

Eric Williams said he is not supportive of the Windmill Project and it is easy to agree with it when you do not live in the mountains. He stressed #3 Turbine is going to be his big issue. Mr. Williams states if you move it, he feels it would be a win win situation. He also said 2000 bats a year are killed because of Windmills. He said this is a Rendell initiative.

Larry Williams resides at Sky Line Drive and does not feel the Windmill project is a good decision saying the height is 6 times as high as the Cross. **Tammy Williams** is a resident on Sky Line Drive and is against the Windmill Project. She asked the Commissioners if they would investigate every aspect of the project before making a decision. **Neil Brown** stated he does not know all the facts but the technology is much better now than 7 years ago.

- Proclamations

Elmer Swetz accepted the Older American Month May 2008 proclamation with Carolyn Capozza. They thanked the Commissions for acknowledging them.

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to proclaim the following;

Older Americans Month May 2008, EMS Week May 18-24, 2008, Autism Awareness Day May 8, 2008, Community Action Month May 2008 and Foster Care Month May 2008

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

- Controller

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the investments of April 10, 2008-\$8,450,000 for 21 days at 2% interest with First National \$9,723.29; March 27, 2008-\$8,050,000 for 14 days at 1.90% interest with First National \$5,866.58; May 1, 2008-\$12,000,000 for 28 days at \$2.15% interest with First Federal \$19,791.80

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

A report on the Financial Condition of the County was presented as follows:

FUND	GENERAL FUND	Date	7-May-08	
CASH	Checking Account	National City Bank	\$1,958,228.76	
	Investment		\$5,850,000.00	
				\$7,808,228.76
	Funds owed to General Fund			
	Temporary Loans			
	Intermediate Punishment Fund		\$35,610.94	
	Children & Youth Fund		\$500,000.00	
				\$535,610.94
	Funds General Funds Owes			
	Tax Anticipation Note		\$5,000,000.00	
	Debt Service Fund		\$361,966.55	
				\$5,361,966.55

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adopt the attached resolution, which approved a modification to German Townships FY 2003 FY 2006 Community Development Block Grant (CDBG) Programs.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

- Election Bureau

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to develop a plan to purge voter records

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Laurie Lint Director of Election Bureau states she will try to have the records ready for the next Commissioners meeting. **Commissioner Zapotosky** informed Mrs. Lint that we have 90 days. The Federal Law requires us to have the records done 90 days prior to the next Election. **Commissioner Zimmerlink** questioned the Director if she will have a plan ready in June. She replied she had to check on that. **Commissioner Vicites** informed Mrs. Lint she needs to get started on records as soon as possible. He added that we have many people that will never vote again for different reasons for example some may be deceased. He said we need to clean those up to make sure they are as accurate as possible.

Commissioner Zimmerlink stated that prior to 2004, a voter purge was done on a smaller scale and in 2006, and another purge was done in conjunction with mailing 21,000 new voter machine information affecting 30,000 voters. The Director confirmed this and Commissioner Zimmerlink said the County has since discussed another purge

Commissioner Vicites asked Mrs. Lint to get all information for this process, which would be the cost, and where we would be seeking the funds. He added that 10,000 voters have not voted since the 2003

election, so there are still individuals on there that should not be. On the Federal Level they use to have to vote every 2 years, if they did not they would automatically be taken off the roll. They dropped that when they did the Motor Voter Law in 1996

- Planning Zoning and Community Development

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to Table awarding RFQ No. 08-03 Professional Engineering Technical Services for Environmental Sampling and testing for the Sheepskin Trail in the Smithfield area.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites in the entering/extending an agreement between the County of Fayette, and EPD Environmental Planning & Design. LLL Pittsburgh to complete the historic preservation component of the County's Zoning Ordinance up to and including additional research of historic assets, finalize language, attend and present information at public meetings, as stated in the attached Work Order, for a total cost not to exceed \$17,800 of which 50% will be paid by National Road Heritage Corridor grant and 50% from Fayette County 2007 General Fund Unappropriated Line Item or from funds to be earmarked in the 2009 General Fund Budget.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the rejection of RFQ 08-01 Soil Sampling Sheepskin Trail and ratify the readvertising of said bid.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve RZ 08-4 David M. and Catherine J. Matthews Springfield Township petition requesting an extension of B-1 General Business on property currently zoned A-1 Agricultural-Rural.

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

- Tax Assessment

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify a contract with Resource Technologies Corporation, State College, for updating the county's GIS system as part of the revaluation project, not to exceed \$76,000.

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

A Motion was made by Commissioner Vicites and seconded by Commissioner Zapotosky, setting the compensation rate for the Board of Assessments Appeals, at a rate of \$100.00 per day, per member.

Commissioner Zimmerlink asked the Director of Tax Assessment Jim Hercik to provide a copy of the resolution that he referred to on Tuesday May 6, 2008. He assured Commissioner Zimmerlink that there was a resolution for \$100.00 per day, but he was not able to supply her with one. She showed Mr. Hercik a resolution dated May 10, 2001 approving the Assessment Appeals Board for \$80.00 per day and \$40.00 a half a day. He feels that there was a subsequent one after that that for \$150.00 per day and \$75.00 a half a day. Commissioner Zimmerlink also said the County Code stipulates the Salary Board must set the compensation, then Commissioners vote and since this is a new Board the matter should be Tabled then addressed by the Salary Board and then placed on the Agenda for May 22, 2008.

Mr. Hercik confirmed that the Appeals Board would not be meeting until May 29, 2008.

Commissioners Vicites said he recalls it being \$100.00 a day and cannot understand where the resolution is.

Commissioner Zapotosky asked Commissioner Vicites if he wanted to withdraw his motion because the County Code clearly states the Salary Board must act first. **Solicitor Ferens** suggested Tabling the matter. **Commissioner Vicites** said we should approve this at the Commissioners meeting. **Commissioner Vicites** withdrew his Motion.

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to Table setting the compensation rate for the Board of Assessment Appeals.

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky approving the following for Real Estate Tax Exemption as they are 100% Disabled Veterans as approved by the PA Dept. of Military Affairs for the 2008 tax year.

Linda Korchak 21 Foreman Ave South Union Twp 34-24-0048

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

- Children & Youth Services

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the submission of the Fayette County CYS 2008-09 Independent Living Grant Application, which was due to DPW on April 18, 2008.

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky ratifying the approval to purchase one (1) 2008 Dodge Grand Caravan from Day Fleet Sales of Monroeville, Pa. through the Statewide Piggyback Program at a cost of \$19,666.

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

- Prison

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to authorize the advertising for Request for Proposals (RFP) for the Food Service for inmates of the County Prison.

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>Fee-For-Service Agreement 2008</u>	<u>Contract Value</u>	<u>Period</u>
S'eclairer	\$ 60,000	3/1/08-6/30/08
 <u>Fee-For-Service Agreement 2007</u>		
Allegheny Health Choices, Inc.	\$ 6,872	8/16/07-12/31/07
 <u>Contract Agreement 2007-2008 (Base)</u>		
Neurological Therapy Specialists, Inc.	\$ 32,000	7/1/07-6/30/08
 <u>Modification Agreements #1 2007-2008 (Base)</u>		
Arc, Fayette	\$ 642,625	7/1/07-6/30/08
Redstone Rehabilitation Services	\$ 5,000	7/1/07-6/30/08
 <u>Modification Agreements #2 2007-2008 (Base)</u>		
Clearfield-Jefferson MH/MR Program.	\$ 2,893	7/1/07-6/30/08
Crosskeys Human Services, Inc.	\$ 1,066,734	7/1/07-6/30/08
Integrated Care, Corp	\$ 90,000	7/1/07-6/30/08
Laurel House, Inc.	\$ 879,407	7/1/07-6/30/08
Mental Health Association in Fayette Count	\$ 673,689	7/1/07-6/30/08
Rehab Care, Inc.	\$ 71,000	7/1/07-6/30/08
Southwest Behavioral Care, Inc.	\$ 386,382	7/1/07-6/30/08
 <u>Modification Agreements #3 2007-2008 (Base)</u>		
Chestnut Ridge Counseling Services, Inc	\$ 1,557,056	7/1/07-6/30/08
Southwest Behavioral Care, Inc.	\$ 386,955	7/1/07-6/30/08
 <u>Modification Agreement #4 2007-2008 (Base)</u>		
Chestnut Ridge Counseling Services, Inc.	\$ 1,567,491	7/1/07-6/30/08
 <u>EI Waiver Contract 2007-2008 (Federal)</u>		
Neurological Therapy Specialists, Inc.	\$ 11,000	7/1/07-6/30/08

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

Arc, Fayette	\$ 2,096,287	7/1/07-6/30/08
Diversified Human Services	\$ 21,973	7/1/07-6/30/08
Laurel House, Inc.	\$ 497,625	7/1/07-6/30/08

Administrative Entity Contract Modification #6 (Federal) 2006-2007

Fayette Resources, Inc.	\$ 4,173,448	7/1/06-6/30/07
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Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to award Bid No. 08-04 to AmCom Office Systems, 181 Bateman Road, Imperial, PA 15126 for seven (7) copy machines at a monthly cost of \$1,439.78 for sixty (60) months, with a total cost of \$86,386.80. Lowest bid was accepted.

Commissioner Zimmerlink asked County Manger to confirm that the lowest bidder was disqualified for not meeting all the specifications and this company was the 2nd lowest which County Manager confirmed.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

- Human Resource Department

Tax Claim Bureau

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the hire of Elizabeth Kerns to Accounts Clerk I at SEIU Step A, Pay Grade 3 at \$16,750.50 (\$8.59/hr.) effective April 23, 2008.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

EMA/911

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the hire of Dispatcher Training Class; Ricky Ditmore, Lisa Helms, Richard Smith, Samantha Bartko , Michael Korsmit, Leonard Minnick, and Brett Seroka. Paid at \$8.79/hr during a 6-8 week training period. Upon completion paid at \$10.99/hr. Effective April 28, 2008.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

MH/MR

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

- The resignation of Denise M. Higbee, County Caseworker 2, effective April 28, 2008
- To ratify the appointment of Devon L. Bowlin as Registered Nurse 2 at \$36,114.00 (18.52/hr), effective May 5, 2008
- To ratify the appointment of Corey J. Taylor as County Caseworker 2 at \$28,431.00 (\$14.58/hr), effective May 19,2008
- The appointment of Anna M. Campbell as County Caseworker 2 at \$28,431.00 (\$14.58/hr), effective May 19, 2008
- The appointment of Benjamin K. Crable as County Caseworker 2 at \$28,431.00 (\$14.58/hr), effective May 19, 2008.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the appointment of Kelly Jo Gavran as County Mental Health Program Specialist 2 at \$40,540.50 (\$20.79/hr), effective May 27, 2008.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Commissioners- IT Department

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the hiring of Matthew Novak IT Specialist at \$29,289.00 (\$15.02/hr), effective April 7, 2008.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Public Defender

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the promotion of Tammy Golden to Investigator at SEIU Step A, Pay Grade 9 at \$20,436.00 (\$10.48/hr), effective, April 14, 2008.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zapotosky to approve the hire of Krista Wingrove to Department Clerk I SEIU Step A, Pay Grade 2 at 16,224.00 (\$8.32/hr.) effective May 22, 2008

Commissioner Zimmerlink said it was her understanding that the HR Director and Public Defender recommended a different individual but that the other 2 Commissioners did not agree because of a relationship within the office and that another individual was recommended. **Commissioner Zapotosky** stated there was a relationship between one of the employees and the other and that he was not aware of the 2nd individual. **Commissioner Vicites** agreed with Commissioner Zapotosky.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Nay

Motion passed 2-1

Election Bureau

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the resignation due to retirement for Marian Barbuscak from Department Clerk II effective April 4, 2008. All Commissioners thanked Marian Barbuscak for many years of dedicated service and job well done.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zapotosky and seconded by Commissioner Vicites to ratify the hiring of Janice Lake to Department Clerk II SEIU Step A, Pay Grade 4 at \$ 17,335.50 (\$8.89/hr.) effective May 19, 2008.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

FACT

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the resignation of Sandra Hall, part-time Small Transit Vehicle Operator effective April 19, 2008.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

- **Human & Community Services/FACT**

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve the submission of the FY 2008-09 Human Service Development Fund Pre-expenditure Plan to the Pennsylvania Department of Public Welfare to include agreements between the County of Fayette, Fayette County Office of Human & Community Services for the provision of services through the following providers at the designated allocations:

Albert Gallatin Human Services Agency, Inc. - Counseling \$ 14,792 and Homemaker \$63,798

City Mission Livingstone's, Inc. - Case Management \$17,200

Fayette Area Coordinated Transportation - Transportation \$6,506

Fayette County Community Action Agency, Inc. Counseling \$8,080 and Information & Referral \$25,797

Fayette County Drug & Alcohol Commission - Education & Information \$69,875

Fayette County Housing Authority Services to Seniors - Homemaker \$51,540

Adult Day Care \$38,593 - Homemaker Aging Program \$18,641 and Case Management \$20,662

Fayette County Mental Health/Mental Retardation Services - Family Support Services \$10,965 and Adult Developmental Training \$205,540

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify Fayette Area Coordinated Transportation's submission of the Shared-Ride Program Application for a Fare Increase and/or Waiver from the Reimbursement Limits to the Pennsylvania Department of Transportation.

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify a resolution for the submission of grant applications between the County of Fayette and the Federal Transit Administration for the following programs:

Job Access Reverse Commute, (JARC) New Freedoms Program

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the advertising for the solicitation of Request for Qualifications, (RFQ) for the provision of the FY 2008-09 public transit and para transit carrier services.

Commissioner	Zapotosky	Aye
Commissioner	Vicites	Aye
Commissioner	Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a Memorandum of Understanding by and between the Southwestern Pennsylvania Commission, the Pennsylvania Department of Transportation, and Operators of Public Transportation in the Southwestern Pennsylvania Metropolitan Planning Area, (memorandum specifies cooperative procedures for carrying out transportation planning and programming).

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to reject sole proposal received in response to RFP 08-02 and consider approving re-advertising of a Request for Proposal for contract cleaning services.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ratify the awarding of RFP 08-03 Lease for Bus Tires and Tubes to Bridgestone Firestone North American Tire, LLC.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve an agreement with McMillen Engineering Inc. for engineering services for capital improvement projects.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to authorize the advertising for Invitation to Bid (IFB) for concrete and pavement restoration at the FACT Transit Center.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

- Commissioner

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the budget transfers dated 3-17-08 to 4-30-08:

OFFICE		DEBIT	CREDIT
Adult Probation/IT Department			
014236 53010	Computer Services		\$360.00
014112 51400	IT Salary	\$360.00	
	TOTAL DEBITS	\$360.00	
	TOTAL CREDITS	\$360.00	

Commissioner Zapotosky Aye
 Commissioner Vicites Aye
 Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Vicites and seconded by Commissioner Zimmerlink to approve the list of the Solid Waste Advisory Group:

- Warren Hughes – County (*On the 1998 Advisory Group*)
- Art Cappella – County (*Replaces Tammy Stenson which was on the 1998 Ad. Gp*)
- Dean Mori – Veolia/Landfill – Trash Hauler (*On the 1998 Advisory Group*)
- Jodi Enany – City Representative - 724-628-0121 (nominated by Connellsville City) (*Replaces Mayor Sileo-Uniontown, which was on the 1998 Ad. Gp.*)
- Robert Tupta – North Union Twp. – Large Township (nominated by Twp. Assoc.) (*Replaces Bob Schiffbauer which was on the 1998 Ad Gp.*)
- Andrew Boni – Perry Twp. – Small Township (nominated by Twp. Assoc.) (*Replaces George Bozek, which was on the 1998 Ad. Gp.*)
- Jack Lawver – Brownsville Borough (nominated by Boro Asso.) James Lawver Alternate (*Replaces E. Nicely from Brownsville which passed away and was on the 1998 Ad. Gp.*)
- Muriel Nuttal – Fayette County Chamber of Commerce - Business Leader (*New Requirement – Business Leader*)
- Carl Williams - PACleanways - Environmental Org. (*Replaces Warren Hughes as a member of Clean ways*)
- Jackie Mitchell – Goodwill of Southwestern PA – Recycling (*Replaces Mike Smith of Goodwill which was a 1998 member*)
- Ed Stasko– 309 Water Street, Belle Vernon, PA Phone number 724-929-6780 (*nominated by Belle Vernon Boro to represent Borough Govt.*)
- Bob Croushore, 2 Long Street, McClelland town, PA Phone number 724-737-5130 (*volunteered as a supervisor for German Township, which is the host municipality for the landfill in Fayette County*)
- L.R. Kimball (employee) – Consultant Representative
- Sharon Svitek/other – DEP Representative

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to Table the allocation of the County's Fund Balances, not to exceed \$1,743,706 ending December 31, 2006 from the General Fund to be placed in the Capital Reserve Fund, Capital Projects Fund and Operating Reserve Fund.

Commissioner Zapotosky Aye
Commissioner Vicites Aye
Commissioner Zimmerlink Aye

Motion passed unanimously

Commissioner Zimmerlink said she suggested Tabling because she was waiting on information from the Controller which she had hoped she would have by now. She said the 2006 audit listed a surplus of \$1,743,706.00 and County Code allows for two funds to be set up. The two funds are the Operating Reserve and Capital Reserve with a 10 % allocation. Commissioner Zimmerlink suggested monies not be spent without a Commissioners Resolution. She asked both County Manager and Solicitor Ferens to confirm the 10% and not 5% as the County Manager previously said was correct. Commissioner Zimmerlink read the applicable portions of the County Code.

Commissioner Vicites stated we do ask the Department Heads for their Capital outlays. Based on their input we decide what to put into our General Fund Budget for those purposes. Operating a Reserve Fund would allow flexibility rather than a Capital Reserve Fund because anytime you put funds in there you can only use them for limited purposes. The Reserve Fund, if created would be able to be more funded and have more flexibility. Once the monies are placed into a Capital Reserve Fund, you are locked into what the Code allows you to use it for. He wanted to point this out to the public and that we watch the budget very closely.

Commissioner Zapotosky states we are all in agreement, the question is going to be what goes where and we are limited to put in. Mr. Hughes did find out we can put 10%. It needs to be allocated into 3 Funds. The Commissioners shall have the power to create and maintain a separate operating Reserve Fund, in order to minimize future short falls and deficit and provide greater continuity in predictability in the funding of vital government services to minimize the need to increase taxes and to balance the budget and to provide the capacity and undertake long range of financial planning and development to meet long term needs

Commissioner Vicites states we never had a surplus to be able to put monies into these funds. **Commissioner Zapotosky** stressed for the amount to go into the Operating Reserve fund to operate County Government, for emergency purposes and would be for large ticket items. It could be used for construction, purchase, or replacement of additional County Buildings, equipment machinery, motor vehicles, and other County assets of the County.

Commissioner Vicites asked how much do you want to put in there. **Commissioner Zimmerlink** suggested \$500,000.00 in the Operating Reserve Fund, 50,000.00 into the Capital Project Fund # 50, and the balance of \$1,243,706.00 into the Capital Reserve Fund, with said allocations to be taken from the audit, year ending December 31, 2006. The General Fund and Reserve Fund Balance with all expenditures and transfers to be by Commissioners Resolution and also the County to develop a

Capital Budget for the year 2009 with the assistance of our auditing firm and further upon review consider eliminating Capital Project Fund in 2009.

Commissioner Vicites wants everyone to keep in mind, if we direct 1.2 million to the Capital Reserve Fund it can only be used for equipment, building, or motor vehicles. He said we need to put more in the Operating Reserve fund and transfer it to the Capital Reserve. **Mr. Hughes** advised them that a Capital Reserve Fund, could not be transferred out. That money cannot grow. He feels this issue needs to be watched very closely.

Commissioner Zapotosky states he supports the Capital Budget, just not sure what dollar amount should go where. **Commissioner Vicites** feels the Reserve Fund would be a better choice because you can always transfer into the Capital Reserve Fund. He feels one million should go into the Operating Fund and \$700,000.00 into the Capital Reserve. Commissioner Vicites would be willing to put it into the Operating Reserve Fund. **Commissioner Zimmerlink** confirmed with Solicitor Ferens it can be done at any time. **Commissioner Vicites** cautioned setting up an amount into a Capital Reserve Fund. If we go to the Capital Reserve Fund with that money, we cannot take it out. That is to be used for just that purpose. Any monies removed, will be voted on at the Commissioners meetings.

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve MDJ cleaning contract between the County of Fayette District Court 14-1-02 and Theresa George, 48 School House Road, Normalville, PA for cleaning services at \$100 per month effective April 1, 2008.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to approve \$15,000 for Emergency County Aid (LFF) to Menallen Township to repair bridge on Old Route 51 over Penn Central RR right-of-way will be given after July1, 2008.

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to file a Notice of Intervention with respect to Case No 1112 of 2008 G.D. PPM Atlantic Renewable vs. Fayette County ZHB, reason is to assure that the Fayette County Zoning Ordinance was properly enforced , interpreted and that the Fayette County Zoning Hearing Board did not act outside the scope of their authority by acting in a legislative manner.

Commissioner Zapotosky	Aye
Commissioner Vicites	Nay
Commissioner Zimmerlink	Aye

Motion passed 2-1

Commissioner Zimmerlink addressed prior comment about Governor Rendell pressuring County Officials saying that is not why she supports an intervention filing. **Commissioner Vicites** said this is not the way to handle this and there should be a special meeting. He said it was not acceptable to be done at the last minute, and that none of the Commissioners testified at the Hearing and he does not feel it is proper. This needs to be handled right. **Commissioner Zapotosky** explained that we are intervening to assure in the end the right thing is done, He feels our involvement is necessary. **Commissioner Vicites** said it would have been in the courts whether we intervened or not.

- Public Announcement

Benefits and services for All National Guard, Reserves and Veterans at AMVETS, Buttermilk Lane, Hopwood on May 8, 2008 from 9AM to 3PM. Bring copy of DD-214 Form or Discharge Papers.

- Public Comment

Gary Stanaway from Spring Valley Community in Farmington announced that there would be a program called Breaking the Cycle and that it is an open invitation to anyone who would like to attend. It will be held on May 22, 2008 at 6:00 pm. The program is pertaining to non-violence and forgiveness. There will be three speakers presented these issues. In addition, the same program will take place the next day, May 23, 2008 at the Laurel Highlands High School, 12:30 pm.

Mrs. Mazza spoke about Election Day and told the Commissioners that it ran very smoothly. She did notice a few problems where the election laws should be followed. For example there where campaign literature on the table that she did not feel was proper. In addition, Mrs. Mazza feels more education should be provided to the voters and the poll workers. **Commissioners Zimmerlink** agreed with Mrs. Mazza about campaign literature and said she informed the Election Bureau Director . Commissioner Zimmerlink said there is training for Judges of Elections and Election Day workers.

Commissioner Vicites announced that he will try to get onto the Election Board & he could not be on it because he was a delegate.

Tanya Cellurale commented about her being employed at Joeys Auto Body & Repair Shop and she agrees with Commissioner Vicites about the intervening regarding of the Zoning Board. **Commissioner Vicites** stated that he made his point clear on the intervening. **Commissioner Zapotosky** commented in the event that you would see something take place that was agreeest, you had the ability of oversight you would not exercise the oversight by verdure. He said he is just insuring that they operate in the scope of what we have charged them to do as a Zoning Hearing Board. Commissioner Zapotosky stated we are not going to be part of the decision making process. The court will rule. **Commissioner Vicites** feels that if somebody does not get a favorable decision in the future they are going to come to the Commissioners to intervene.

Eric Williams asked the Commissioners to take into consideration where people live, when decided on Windmills.

Mr. James Meese feels the Commissioners need to look at their Zoning Office. He said he has been a victim of the Zoning Office for years.

Larry Williams complimented Commissioner Vicites for his comments.

Solicitor Joseph Ferens explained that the Board of Commissioners is not making a decision on Windmills. The Commissioners want to make sure the Zoning Hearing Board did what they where suppose to do. They are not saying they did anything wrong or not saying they made a right decision.

Eric Williams feels the Zoning members are good at what they do.

Commissioner Zimmerlink states Mr. Meese lives across from Hunters Ridge, and ever since has been dealing with the Zoning Office / Zoning Ordinance. Commissioner Zimmerlink said the County Zoning Ordinance is not always fairly and consistently enforced or applied and that is why she believes the Commissioners should intervene on the Windmill issue.

Commissioner Vicites states the Court is going to look at this and will be the ones that decide. **Commissioner Zapotosky** stressed this is too important of a decision not to be involved in and have a seat at the table. We would be neglecting our duties because the project has a short and long-term effect on Fayette County so to be a part of that is a good thing.

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

Commissioner Zapotosky	Aye
Commissioner Vicites	Aye
Commissioner Zimmerlink	Aye

Motion passed unanimously

