

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, April 16, 2013 in Courtroom Number 2 of the Fayette County Courthouse, Uniontown, Pa.

In attendance-

Commission Chairman Alfred Ambrosini
Commissioner Vincent Zapotosky
Commissioner Angela M. Zimmerlink
Chief Clerk Amy Revak
County Solicitor Ken Burkley
Assistant County Solicitor John Cupp

Chairman Ambrosini called the meeting to order at 10:03 a.m.

A silent prayer was observed.

The pledge of allegiance was recited.

Public Comment on Agenda Items:

Roger Victor, chief investigator for the coroner's office, said he would like to request that the commissioners postpone his resignation until the issues are straightened out. Commissioner Zimmerlink asked if he was asking the commissioners to postpone it or if he was withdrawing his resignation. Mr. Victor said he guessed he could withdraw, with Commissioner Zimmerlink saying he has to tell them what he wants to do. Mr. Victor said he would do a withdrawal until he can get the other stuff figured out. Commissioner Ambrosini asked if there was an objection and Commissioner Zapotosky said he had no objection to it. Commissioner Zimmerlink said they would vote on it when the matter comes up on the agenda. Mr. Victor said he has no idea what Coroner Dr. Phillip E. Reilly had to say to the commissioners, but he would like to meet with the commissioners and make amendments to his contract.

Proclamations/Awards

Commissioner Ambrosini read the proclamation for Equal Pay Day. An unidentified woman thanked the commissioners for their continued support, saying they have been there many years and they had a great rally the Tuesday before. Commissioner Zapotosky thanked them for continuing to bring it to the public's attention. He said for decades it fell below the radar and now with the Lilly Leadbetter Act being passed this is becoming more announced to the people throughout the country. He said hopefully with the knowledge the inequity will start to diminish, but it has taken a long time since he spoke to the Business of Professional Women in 2001.

Commissioner Zimmerlink read the proclamation for Mental Health Awareness Month. Bethany Connors, Mental Health Program Director from the Fayette County Behavioral Health Administration office, said there are numerous events for the month of May and she introduced Wendy Dougherty of Chestnut Ridge Counseling Services and two consumers, Shannon Soltis and Donna Raymond, whom she said would like to say a few words. Ms. Dougherty said they work with consumers on various aspects of their lives to help them become more independent so they can live and work on their own. She said the ultimate goal is for them to live on their own and break the stigma of mental illness because recovery is “possible, probable and likely.” Ms. Raymond and Ms. Soltis each spoke and thanked everyone for all the help they have received.

Commissioner Zapotosky read the proclamation for Foster Parent Appreciation Month. Gina D’Auria of Children and Youth Services introduced two of the foster moms. She said the agency would never make it without the families that take these kids in, adding that she is so appreciative of all the work they do. Commissioner Zapotosky said it takes a special person to bring in a child, a stranger, and to embrace that child with open arms and to provide at that point the most important aspect of an emotion that child needs, which is love. He said he can’t thank them enough for what they do for the young people of the county.

Proclamations/Awards

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the following proclamations:

Equal Pay Day

Mental Health Awareness Month May 2013

Foster Parent Appreciation Month

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Assessment Office

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the following for a real estate tax exemption as he has been deemed a 100% disabled veteran by the Veterans Administration of Pennsylvania effective for the 2013 tax year

Albert Core 9 Gilmore Ave. Masontown PA 15461 Parcel 21-11-0189-01

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Assessment Office

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the following for a real estate tax exemption as he has been deemed a 100% disabled veteran by the Veterans Administration of Pennsylvania effective for the 2013 tax year.

Gary R. Hayes 591 River Rd. Perryopolis PA 15473 Parcel 27-04-0120

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve sending assessor Candace McCahill to the CCAP North Office, Harrisburg PA for 9 hours of continuing education classes. Date of classes May 29th& 30th. Instruction and material fees at a cost of \$275.00. Overnight stay and meals TBD.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to authorize an RFP (Request for Proposals) for demolition of a county-owned parcel in Point Marion Borough. (Parcel 29-03-0019)

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

After the vote, Commissioner Zimmerlink said for this they need to identify which parcel it is, and also to make certain that they have exhausted all other efforts for the demolition which would be perhaps contacting the local fire department to see if they want to use that as part of their fire school. Commissioner Zapotosky said they are no longer permitted to do that under their insurance, to burn as a form of training. Commissioner Zimmerlink said also they do have later on the agenda their repository

sale and she suggests that perhaps they wait at least one month to see if anyone would bid on them. She said a request for proposal would be the proper procedure, depending on the amounts, they would do bids and telephone quotes. Commissioner Ambrosini said that is what the motion is, to send out a request for proposals. Commissioner Zimmerlink said a request for proposals and bids are two different things, as per county code, adding that it was voted on.

Behavioral Health Administration

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the following agreements and modifications:

<u>Base Contract Agreement 2012-2013</u>	<u>Contract Value</u>	<u>Period</u>
Connellsville Counseling and Psychological Services	\$3,000	7/1/12-6/30/13

<u>EI Contract Agreement 2012-2013</u>		
Connellsville Counseling and Psychological Services	(Commonwealth Funded)	7/1/12-6/30/13

<u>Modification Agreements #1 2012-2013</u>		
Fayette Resources, Inc.	\$327,890	7/1/12-6/30/13
Integrated Care Corporation	\$95,000	7/1/12-6/30/13

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

Prior to the vote, the commissioners clarified that they were voting on all the contracts at the same time.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award a contract for Bid Number 13-05 for the lease of seven (7) multifunction printers/copy machines to AMCOM Office Systems, 3600 McClaren Woods Drive, Coraopolis, PA 15108 at a monthly cost of One Thousand One Hundred Thirty-One Dollars and Ninety cents (\$1,131.90) for sixty (60) months, with a total cost of Sixty-Seven Thousand Nine Hundred Fourteen Dollars and no cents (\$67,914.00) for the lease period.

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

Children & Youth Services

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award a lease agreement for RFP 13-05 for office rental space between Joseph Guilino and Fayette County Children and Youth Services at a cost of \$1,000.00 per month.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

In making the motion, Commissioner Zimmerlink said she would make a motion to award the agreement, confirming with Solicitor Burkley that it should be awarding, instead of approving.

Controller

Financial condition of the county.

Controller Sean Lally gave the following financial condition of the county report.

Office of the Controller

Fayette County, Pennsylvania

SEAN P. LALLY
Controller



Phone (724) 430-1217
Fax (724) 430-1366

FUND:	GENERAL FUND		
	DATE:	16-Apr-13	
CASH:	Checking Account	United Bank	\$2,327,386.18
Funds Owed to General Fund			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 1,250,000.00	
	911 Project Fund	\$ 160,000.00	
			\$ 1,440,000.00
	Arc Payments Due		
	Intermediate Punishment Fund-.3yrs	\$ 40,651.26	
	Offenders Supervision Fund-3yrs	\$ 87,758.28	
	Domestic Relations	\$ 94,110.66	
	Victim Witness	\$ 4,271.61	
	Records Improvement	\$ 2,325.32	
	Fredericktown Ferry	\$ 5,054.04	
	Liquid Fuels	\$ 20,387.00	
	Children and Youth	\$ 114,786.59	
	911 Fund	\$ 84,872.21	
			\$ 454,216.97
	Central Service Payments		
	C-17 Fund-2yrs	\$ 9,005.00	
	Offenders Sprvsn-3yr	\$ 39,369.00	
	Intermediate Punishment-3yrs	\$ 19,532.00	
	Victim Witness Fund	\$ 10,780.00	
			\$ 78,686.00
	Funds General Fund Owes		
	Tax Anticipation Note	\$ 5,000,000.00	
Budget Year	Net Position		-\$699,710.85
			Year to Date
Total 2013 Revenues		\$	6,550,070.51
Total 2013 Expenditures		\$	7,634,253.91
Total 2012 Expenditures paid in 2013		\$	1,445,545.53
Capital Reserve Fund Balance		\$	27,171.75
Bond Fund Balance		\$	306,932.30

Coroner

Commissioner Ambrosini said the motion on the agenda regarding the resignation of Roger Victor should either be tabled or removed, adding that Roger Victor had asked that the letter be removed until further notice so they can discuss some issues. Controller Lally said he wanted to remind the commissioners that Mr. Victor is a 1099 employee and a resignation letter is not applicable. He said there could be a cancellation of his agreement with a 30-day out would be prudent, not a letter of resignation. Commissioner Zimmerlink said that is what was put on the agenda. Controller Lally said he was just saying, with Commissioner Zimmerlink saying it should have said to terminate the agreement, not accept a resignation since he is not a salaried employee. Commissioner Zimmerlink said regardless he did state that he wishes to withdraw his request to terminate the agreement. Commissioner Zapotosky said at this point they still have to act on the item on the agenda. He then made a motion to deny the request for resignation or termination of the contract for Roger Victor of Fayette Removal Service, effective May 1, 2013. Commissioner Zapotosky said they have to act on the motion.

Commissioner Zimmerlink said what is written on the agenda is to accept the resignation so they would have to act on that and then amend the agenda to accept the withdrawal of his termination letter. Commissioner Zapotosky said he made a motion. Solicitor Burkley said he hasn't seen his letter but it sounds like there is a situation that, according to the Controller, what he submitted was invalid to begin with. Commissioner Zimmerlink asked if anyone had the letter, asking if it was a resignation or if it stated something else. Both Zimmerlink and Lally said they have not seen the letter. Controller Lally said he got a copy of his existing agreement.

Commissioner Zimmerlink said she had a copy, which she obtained from Chief Clerk Revak. Solicitor Burkley read the letter and said that under the circumstances, with Commissioner Zimmerlink saying it is a moot point. She said the letter states that he deeply regrets that he must resign, so it would be invalid as Solicitor Burkley said. Commissioner Zimmerlink said how do you take action on an invalid item, you just state that it is invalid and move on. Commissioner Zapotosky said for the record, the item is invalid and no action will be taken. Solicitor Burkley said they indicated why it is invalid, because it was a resignation letter, and not a termination of a contract. Commissioner Zimmerlink said they would not need to amend the agenda for a resolution to terminate the contract because he doesn't want to terminate the contract.

Human Resource Department

Bridge Department

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the promotion of mechanic/welder James Younkin to the Working Supervisor at an SEIU Pay Grade 13 Step B, at \$14.38/hr.(\$28,041 annually) effective April 22, 2013.

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making a motion, Commissioner Zimmerlink said that human resource director Dominick Carnicella sent everyone an update and it should say approve the promotion of mechanic/welder James Younkin to the Working Supervisor at an SEIU Pay Grade 13 Step B, at \$14.38/hr.(\$28,041 annually) effective April 22, 2013. Commissioner Zimmerlink said Dominick sent it to everyone on Monday.

Commissioners Office

Commissioner Ambrosini asked for a motion for clerk Meghan Lydic, and Commissioner Zimmerlink said he was going out of order on the agenda. Commissioner Ambrosini said he was reading off the supplemental sheet, with Commissioner Zimmerlink saying "what supplemental sheet? that is just an e-mail." She said it wasn't a supplemental sheet to an agenda it was just additional items to the agenda. Commissioner Ambrosini said it is going to be the third item. Commissioner Zimmerlink said for ease of following an agenda and for the Chief Clerk, just go with Jessica Ann Arbore and when they get to item number three, insert Meghan's name.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire of Jessica Ann Arbore as a Summer Clerk at \$7.25/hr. effective May 6, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire of Brad Wendel as a Summer Clerk at \$7.25/hr. effective May 6, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire of Meghan Lydic as a Summer Clerk at \$7.25/hr. effective May 6, 2013.

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to table the hire of TBD as a Summer Clerk at \$7.25/hr effective TBD.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion being made, Commissioner Ambrosini said there wasn't anyone to fill the position at this time.

CYS

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of County Caseworker I, Louis Richards, effective April 5, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

EMA

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the temporary hires of Ricki Stark, Craig Lindsay, Erika Gross, Paula Kondrla and Brittany Stewart as 911 Dispatcher Trainees at \$8.50/hr. effective April 16, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion being made, Commissioner Zimmerlink said she didn't have any objection to all the names being put on one item.

FCBHA

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the promotion of Caseworker II, Benjamin Crable, to Casework Supervisor at \$17.44/hr. (\$34,008 annually) effective April 22, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning and Zoning

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the transfer of Election Bureau Department Clerk II Leonard Minnick to Planning/Zoning Technician 1 at SEIU Pay Grade 11 Step A, \$13.08/hr. (\$25,506 annually) effective June 3, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Veteran Affairs

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the promotion of Per Diem Van Driver, Perry Russel, to F/T Van Driver at SEIU Pay Grade 3 Step A \$10.00/hr. (\$19,500 annually) effective April 16, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the hire of Eugene Barchetti as a Per Diem Van Driver at \$60/day effective April 17, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Information Technology

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve an RFP for an assessment of the current information technology in various Fayette County offices and make recommendations regarding newer technology solutions and how each would benefit Fayette County for an IT needs assessment.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Juvenile Probation

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a motion to rescind Resolution 13-02-19-24 to enter into a lease agreement for a 2013 Chevrolet Traverse for a five-year term with Day Centennial Inc. Fleet sales, with an annual payment of \$6,283.72 through a cooperative leasing program.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Office of Human and Community Services

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a copy machine lease with Ford Business through costars for 2 copiers at \$241.45 per month for 60 months effective May 1, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the Consolidated Operating (Shared Ride, PWD, WTW, Fixed Route) & Consolidated Capital Application for FY 13-14 to be electronically submitted to PennDOT.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the application of 5310 formula funding through FTA for FY 13-14 to be used for fixed route operations and capital.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to grant approval to advertise a public hearing/public participation plan of projects for May 28, 2013 at 9:00 a.m. at the Fayette Area Coordinated Transportation Office.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the tire lease extension with Bridgestone from April 1-June 30, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to advertise a bid for the sale of the following vehicles that have exceeded their useful life in years and/or miles:

129	1BAGBCPA53F211053	BUS	BLUEBIRD	2003
133	1FMDU34X4SUB06344	EXPLORER	FORD	1995
136	1HVBTA7M75H162467	BUS	INTERNATIONAL	2005
149	1FDXE45P77DA58750	BUS	FORD	2007
161	1FDXE45PX9DA74231	BUS	FORD	2009

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning and Zoning

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve RZ 13-1 Erin Gmutza, North Union Township, for an extension of an R-2 High-Density Residential on property currently zoned B-1 General Business.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

After the vote, Commissioner Zimmerlink said she was abstaining because she wasn't present at the hearing.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve community development specialist Arthur Cappella's participation in the U.S. Department of Energy's Conference in Denver, CO on April 29-May 2, 2013. Attendance of this conference is a 100% grant reimbursement from DOE.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Tax Claim

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adopt the attached Policies & Procedures for the County Repository Sale to be effective May 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

After the vote, Commissioner Zimmerlink said before they approve that they have to, adding that she sent an e-mail seeking a decision on Item No. 6 on the policies, regarding the amount for each bid. She said if they look at the policy, the procedure, number 6, the minimum bid accepted, they have to agree on that before they pass it. Commissioner Zapotosky asked if they could add the minimum bid to the motion or are they going to add a motion. Commissioner Zimmerlink said the minimum bid is one of

24 procedures and they have to fill in the blank for what the minimum bid is going to be. She said the three commissioners have to decide the minimum bid. She asked if anyone has any suggestions. She said they have approximately 209 parcels on the repository bid or list, so basically they have some that have the administrative cost which went anywhere between \$150 up to \$400. She said the average was about \$200 or \$225. She said what we have to decide is if they need to set a minimum bid for the actual administrative costs or if they are going to set a minimum bid like other counties do such as \$50 per parcel or \$100 per parcel. She said there are a few on the repository list that the county office was unable to determine what the administrative costs were because the sales were so long ago so they have to come up with a specific amount for those.

Commissioner Zapotosky said he would think that there are administrative costs associated with the bid. Commissioner Zimmerlink said are they all in agreement with doing the actual administrative costs. Commissioner Zapotosky said it should be added to the costs. Commissioner Ambrosini said some of the costs are not attainable. Commissioner Zimmerlink said that is one of three decisions they have to make, the ones that are attainable which was listed on the document they received, it says actual administrative costs, so they would accept that and those that have none listed right here and now they can come up with an amount. She said there is no way the county office can come up with that and they can set a minimum bid. She said she would suggest \$100 for those and the reason she would suggest \$100 is because if you look at the actual cost the lowest is \$150 and the highest is \$400. Commissioner Zapotosky said the cost would be \$100 for the undetermined ones and the actual cost for the others.

Commissioner Zimmerlink said they can always revisit it. She said it is the intention of the commissioners to have the repository sale to get it out of the hands of the county. She said if they don't receive any bids they can always revisit it and change the minimum bid in a couple of months. Solicitor Burkley said they can and it is a good way to do it, but the only thing is in talking with Mr. Cupp, the possibility of adding a deed preparation fee as well, they may want to include that as part of the minimum bid. He said \$25 is what they talked about and other counties that seems to be the number and that is an extremely low deed preparation fee. He said it would insert some revenues and it is something people expect as well. Commissioner Zimmerlink said there are two items they need to address before they pass it and that first one is item number six, which is the minimum bid and then item number 21, which is if they want to add the words deed preparation. Commissioner Zapotosky said he thinks the deed preparation is acceptable because there are costs associated with preparing these properties for this. He said the ultimate goal is to have the county, adding that they inherited these properties and inherit everything, and the objective is to get rid of the properties. He said they want to make it affordable but they do have costs that they incur and he doesn't think it is outrageous if you are looking at \$25 for deed preparation.

Solicitor Burkley said in a standard real estate transaction those fees are anywhere between \$150 and \$250 and sometimes more. Commissioner Zapotosky said the only problem is that they have to look at the reason why the properties are with the county is

because nobody is willing to pay anything for them thus far and that is part of the problem. Solicitor Burkely said they want them back in the taxing system as productive pieces of property. Commissioner Zapotosky said some are in need of repair and in some cases, demolition. Solicitor said they should go with what Commissioner Zimmerlink has suggested as far as the minimum bid and then visit the deed preparation in 21. Commissioner Zimmerlink said actually it is in item number 20. She said what it says is that the successful bidder will submit to the bureau an affidavit along with full payment for recording fee, transfer tax and/or bill of sale for the mobile home, and we would just add deed preparation and that was just another thing that we needed to discuss because as Solicitor Burkely said some counties do add a fee. She said she sent both of the commissioners an e-mail about whether or not they wanted to add that deed prep cost and if so if it would be \$25 and you said that the county code said you could do that. Solicitor Burkely said it is cost and it has been interpreted to allow and include that. Commissioner Zimmerlink said for number 20 they will add the words deed preparation and for number 6 they would say the minimum bid accepted is the actual administrative costs as listed on the repository list, as per the repository list. She said after the meeting they will insert \$100 into the blank ones and that would address it, which Solicitor Burkely confirmed.

The Chief Clerk confirmed with the commissioners that they already voted on the motion without all the amounts listed.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to rescind the motion approving the attached Policies & Procedures for the County Repository Sale to be effective May 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini then asked for a motion with the additions. Commissioner Zimmerlink said it wouldn't be additions because they just filled in the blanks. She said it would be a motion.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adopt the attached Policies & Procedures for the submitting a sealed repository bid for the County Repository Sale to be effective May 1, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the following transfers.

3-14-13 to 4-5-13

Department	Cost Center	Debit	Credit
Assessment			
Contract services	01413653026	\$860	
Website	01413653225		\$860
Bridge Department			
Salary full time	24431251400	\$5,470	
Workers Comp.	24431251615		\$5,470
Clerk of Courts			
Contingency	01417952910	\$1,555	
Materials/supplies	01419152000		\$1,555
Crime Victims			
Materials/supplies	07419852000	\$10	
Workers Comp	07419851615		\$10
Emergency Management			
Training	4342911053350	\$1,000	
Worker's Comp	4342911051615		\$1,000
Magisterial District Judges			
Photocopy/printing	01418652200	\$20	
Telephone	01418653200		\$20
Planning/zoning			
Materials/supplies	01417252200	\$680	
Telephone	01417253100		\$680
Prison			
Rental of bldg	01423253830	\$2,800	
R&M bldg	01423253730		\$2,800
Records Improvement			
Materials/supplies	19419052000	\$28	
Workers Comp	19419051615		\$28
Tax Claim			
Materials/supplies	01413852000	\$120	
Materials/supplies	83413852000		\$120
Total Debits	\$12,543.00	Total Credits	\$12,543.00

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the March 19, 2013 regular commissioner meeting minutes.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

After the vote, Commissioner Zimmerlink said she abstained because she wasn't at the meeting.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a deed of easement for the Dunbar Borough/Township Sanitary Authority Sanitary Sewer Extension Project—Phase III.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked for a motion to consider approval of a corrective resolution concerning compensation of tax collectors. Commissioner Zimmerlink said she asked at the agenda meeting if they had any changes. She said Attorney Cupp had forwarded a draft of a proposed resolution for clarification and Attorney Burkley e-mailed back that it looked OK. She said if there are no other changes, the only thing they have to do is to fill in the two blanks before they pass that. Commissioner Zapotosky said it is clear based on the language that the billing would only be for the initial submission. Not for anything in addition to, it would only be whatever materials and supplies would be incurred by the county. Commissioner Zimmerlink said she could just read what was proposed. She said there were three resolutions that the board of commissioners had passed, one in 2004, and two subsequent ones which increased the rate. She said the first one said per bill per issue but apparently per issue was not clear enough for tax collectors to understand what per issue meant. She said, per issue, right. If you read the 2004 resolution, that is what it said, but what was written and approved by the solicitors,

Commissioner Zimmerlink read the resolution. "WHEREAS, the County of Fayette desires to clarify its position regarding compensation of tax collectors; and WHEREAS, such policy has not addressed the mailing of second and subsequent tax notices; and WHEREAS, the policy regarding mailing the first notice of *ad valorem*. Commissioner Zimmerlink asked Solicitor Cupp what ad valorem means, with Solicitor Cupp

responding that it means, to the value, which is the millage applied to the assessed valuation, that particular tax. He said there are some municipalities that add other taxes. Commissioner Zimmerlink said they knew that, continuing, real estate taxes and the only notice of per capita tax has been clearly addressed by resolution dated December 10, 2004 ; and WHEREAS, publication of the policy regarding mailing such additional tax notices aids in clarity of the County's position regarding remuneration to tax collectors, NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners determines that local collectors of *ad valorem* real estate taxes shall be subject to the following compensation schedule. Commissioner Zimmerlink said before she reads that she asked Controller Lally if he received that as well, adding that it has his name on it. Controller Lally said the section that she is reading, he didn't remember receiving.

Commissioner Zimmerlink said it was sent out March 14. Controller Lally said after they get done reading he wants to give the history and how they have gotten to this point, because it is relevant. Commissioner Zimmerlink said she is reading a motion, and asked if he can do that after they vote on it. NOW, THEREFORE, BE IT RESOLVED, i. The amount of compensation paid to the tax collector for mailing a second notice shall be \$2.20 per bill. She said that is what they have now. ii. The actual costs for mailing second notices shall be reported on forms authorized by the County Controller and accompanied by copies of receipts. iii. There shall be no compensation for mailing any per capita notice beyond the first mailing. Second mailings of *ad valorem* real estate tax notices shall be limited to those required by statute. iv. There shall be no third mailing, unless entirely at the expense of tax collector. ADOPTED AS A RESOLUTION of Fayette County, Pennsylvania, this 16th day of April 2013 By the board of Commissioners. Commissioner Zapotosky said he would second the motion for discussion.

Controller Lally said in the resolution she mentioned per capita billing but you didn't set a rate of remuneration for that and the statute states that 15 cents per capita bill is the usual rate. Commissioner Zimmerlink said that is what the prior resolution states. She said there shall be no compensation for mailing per capital notices beyond the first mailing. Controller Lally said the reason he wanted to interject and the reason it became an issue is that they had certain tax collectors that had an exorbitant amount of postal expenses. He said in one particular instance, which he can't elaborate on because it is still subject to audit, they had 600 parcels but billed for 4,500 envelopes. He said it was a cost of \$2,700 to the county in one fiscal year and there was no way mathematically he could have sent eight letters to each tax parcel in that particular district so that is what created this issue. He said when he did the research it came down to an error in statement for \$1.50 per parcel but that led him down the path of researching where they stand with the tax collectors and where certain things like this really add up over the course of a fiscal period and that is how this all started. He said he is glad they made the amendment today to make the change. Commissioner Ambrosini asked Controller Lally if the amendment satisfies the discrepancies that he has found so far.

Controller Lally said both solicitors at the table may agree that when you look at tax collector law it is extremely vague. He said the act is from 1955 and it really needs to be addressed at whatever level it is to address some of the language in this, but he thinks

as a county by covering a per capita or per parcel, changing that language from per tax bill, would fix it. Solicitor Burkley said they talked about that when they first talked about it. He said he thinks there is an argument that it isn't that ambiguous with what would be the purpose and intent of the law but it does come out. Controller Lally said if you look at the bills his office receives, you are getting three or four bills at \$2.05 a piece and he doesn't believe that was the intention of Commissioner Zimmerlink or Hardy at the time when they made that. He said he can guarantee that wasn't the intent of either one of them. Commissioner Zimmerlink said actually it was passed by (former commissioners Vincent) Vicites, (Joseph) Hardy and Zimmerlink, but what wasn't the intention? Controller Lally said that it was going to be on a per bill basis. He said if they would have realized it would have created an issue, you would have said per capita or per parcel. He said he is sure they would have done that. Commissioner Zimmerlink said that it says per bill per issue. Controller Lally said that is where the problem came in because people interpreted it in a manner that wasn't consistent with what he think was intended.

Commissioner Zimmerlink said to hold on one second because although there is a motion and a second, there needs to be one clarification. She said when she read the amount of compensation paid to the tax collector for mailing a second notice shall be, she read in there \$2.20, but as the chief clerk pointed out, that is the new amount effective Jan. 1, 2014. So it will say the amount of compensation paid to the tax collector for mailing a second notice shall remain at \$2.05 per bill through December 31, 2013 and as per resolution dated January 15, 2013, the rate is \$2.20 per bill and per capita remaining at 15 cents per bill. Commissioner Zapotosky said for clarification now it is very clear and they should be able to interpret this in a very concise manner and there is no longer any ambiguity. Controller Lally said the only thing, adding that he is looking for the solicitors advice on this, there is a section in the law that states if a tax collector interprets a person to be over the age of 64, that they can send a notice in a specific font size saying their taxes are delinquent at this point and what is the remuneration for that particular notice. He said he didn't see anything in the statute that says they are going to collect x amount, does it fall under a per parcel price that they are establishing here. Solicitor Cupp said that is the second notice. Controller Lally said that is the second notice, but how do you determine who is over the age of 64 as a tax collector, how do you do that?

Commissioner Zimmerlink said that isn't for them to decide. Solicitor Burkley said he doesn't think that is. Controller Lally said that becomes their problem if everyone in the taxing district becomes over the age of 64 miraculously. He asked if they understood that it could create a little bit of ambiguity there. Solicitor Burkley said it does but that may be an auditing issue because they will have to make that determination again, not this body. Commissioner Zimmerlink agreed. Commissioner Zapotosky said at the time they reconcile the books with the county, would they then have to substantiate if that would be the case in point? Controller Lally said it would be subject to an audit. He said when they do the reconciliation, what they literally do is bring a recapitulation sheet into his office and the numbers the county received and the numbers that they list have to reconcile. He said if they do have the reconciliation, they walk over to the Treasurer's office and payment is made. Commissioner Zapotosky asked if they would have to

identify those notices that went out for the parcel of the owner was in fact age 65 or older. Controller Lally said they should have to, yes. Commissioner Zapotosky said in that process they have to substantiate that. Controller Lally said in his office it is a recapitulation of numbers, it doesn't really get into detail. He said if his auditors went out and saw that there were out of 600 parcels, 550 people over the age of 64, that would be a question. Commissioner Zapotosky asked if they would be auditing every tax collector during every fiscal year and Controller Lally said they try to. Solicitor Burkley said it is a separate issue, with Commissioner Zapotosky saying it is a check and balance. Solicitor Burkley said he didn't remember getting a notice, with Commissioner Zapotosky saying he is only 39, isn't he?

Commissioner Zimmerlink said to make it clear, what is being addressed is the clarification and nothing else, as the solicitors prepared. Controller Lally said from his perspective he didn't want to do it twice. Solicitor Burkley said if there are any questions, to give either him or Solicitor Cupp a call.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the following corrective resolution concerning compensation of tax collectors:

WHEREAS, the County of Fayette desires to clarify its position regarding compensation of tax collectors; and WHEREAS, such policy has not addressed the mailing of second and subsequent tax notices; and WHEREAS, the policy regarding mailing the first notice of *ad valorem* real estate taxes and the only notice of per capita tax has been clearly addressed by resolution dated December 10, 2004 ; and WHEREAS, publication of the policy regarding mailing such additional tax notices aids in clarity of the County's position regarding remuneration to tax collectors, NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners determines that local collectors of *ad valorem* real estate taxes shall be subject to the following compensation schedule: i. The amount of compensation paid to the tax collector for mailing a second notice shall remain at \$2.05 per bill through December 31, 2013 and as per resolution dated January 15, 2013, the rate is \$2.20 per bill and per capita remaining at 15 cents per bill. ii. The actual costs for mailing second notices shall be reported on forms authorized by the County Controller and accompanied by copies of receipts. iii. There shall be no compensation for mailing any per capita notice beyond the first mailing. iv. Second mailings of *ad valorem* real estate tax notices shall be limited to those required by statute. v. There shall be no third mailing, unless entirely at the expense of tax collector.

ADOPTED AS A RESOLUTION of Fayette County, Pennsylvania, this 16th day of April 2013 by the Fayette County commissioners.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to change the May 2013 commissioners meeting date and location to 10 a.m. on Thursday, May 23 in Courtroom No. 1 of the Fayette County Courthouse.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the contract between Fayette County and Fayette County Community Action Agency Inc. for the Safe Havens Supervised Visitation grant financed through the Department of Justice, Office on Violence Against Women.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked to table a motion for a memorandum of understanding between Fayette County and the National Road Heritage Corridor for construction and maintenance of the Sheepskin Trail. Commissioner Zimmerlink asked the reason for tabling and Commissioner Ambrosini said there are some issues that he isn't familiar with that may affect the way they word this. He said it has to do with grant money so he wants to make sure they don't adversely affect any grants they may be in line to receive. Commissioner Zimmerlink said she is going to yell, adding that she isn't yelling at anyone, she is raising her voice because of noise outside. She said it was on the agenda to approve the memorandum, and she wanted to know if either of the solicitors had any legality questions. Solicitor Burkley said he read it and he didn't have anybody asking any questions so he wasn't looking for anything. Commissioner Zimmerlink asked Commissioner Ambrosini what specific items he was concerned with.

Commissioner Ambrosini said he was specifically concerned with a question that the Laurel Highlands Visitors Bureau had on a certain grant application that was requested and they decided not to consider a grant. He said it had to do with the Sheepskin Trail in Point Marion. He said he didn't want to get into a situation where they were not going to receive a grant because of some issues. Commissioner Zimmerlink said her understanding is that it isn't the language in the memorandum of understanding, it's who the named party as the grant administrator being National Road, is that the concern or. Commissioner Ambrosini said the concern is that because of some issues that the Laurel Highlands Visitors Bureau has with the. Donna Holdorf of the National Road Heritage Corridor said if she can address them. Commissioner Zimmerlink said she wanted to make sure that his concern is who the lead agency is vs. the language because language is one thing that can be discussed and changing the lead agency is something else. She said before she tables she wants to know, asking if he wants to

tighten up the words in the memorandum. Commissioner Ambrosini said he isn't suggesting that they change the lead agency, he wants to make sure they are not so restrictive that it doesn't allow other options to acquire grant money.

Ms. Holdorf said this memorandum of understanding between the National Road Heritage Corridor and the county has to do with us being your agent as far as managing the development and construction of the Sheepskin Trail. She said the Laurel Highlands Visitors Bureau aside, they are actively seeking, applying for and receiving grants to construct 1.4 miles in Point Marion. She said the issues with the Laurel Highlands Visitors Bureau and the grant has to do with outstanding grants that the National Road holds as a pass-through for other organizations and those projects are getting done because of issues outside of our control, which she said she explained to Laurel Highlands Visitors Bureau at the time. She said she was told it wasn't going to be a problem and then it turned out to be a problem. Ms. Holdorf said they are rectifying those problems and closing out those grants for the end of September as they have been notified and those issues will be moot at that point.

Commissioner Zapotosky said until such a time as those are all rectified, then they will be able to proceed. Commissioner Ambrosini said he would prefer to do that if it isn't a big problem. Ms. Holdorf said the only challenge is that the DCNR is looking for this kind of agreement between the National Road and the county and awarding that grant. She said that would be the fly in the ointment. Commissioner Zapotosky said they have had that fly in the ointment for several years with the commissioner's office and the— with Ms. Holdorf saying it is different. Commissioner Zapotosky said it is different but it is the same because they were advised based on the county's failure to close out, although there is some question still in my mind, able to submit, although we were told we were not able to submit, that it would work against us in the calculation or the formulary to determine the grant application so he thinks that until the closeout is successful, then they proceed with the MOU as planned. Ms. Holdorf said this MOU has nothing to do with any grants. She said they should proceed however they want to act on it today. Commissioner Ambrosini said if it won't cause a huge problem, he just prefers. Ms. Holdorf said it might cause an issue regarding that grant but that is their decision. Commissioner Ambrosini said he thinks they can resolve this easily in the next 30 days so it will be on next month's agenda if that is OK. Commissioner Zapotosky clarified that Commissioner Ambrosini was making a motion to table.

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to table a memorandum of understanding between Fayette County and the National Road Heritage Corridor for construction and maintenance of the Sheepskin Trail.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve submission of a grant to DCNR for \$150,000 in funding to construct the Sheepskin Trail in Point Marion.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making a motion, Commissioner Zimmerlink asked who was submitting it and Ms. Holdorf confirmed that the county is submitting it.

Board appointments

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a motion to appoint Dr. Malini Sridharan as Physician Representative to the Fayette County Behavioral Health Administration Advisory Board for a 3-year term to expire December 31, 2015.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Public Announcements- none

Public Comments- none

Adjournment

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to adjourn the meeting.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

