

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, June 19, 2012 in the Public Service Building, Uniontown, Pa.

### **In attendance-**

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

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

A prayer was given by Pastor Ewing Marietta.

The pledge of allegiance was recited.

### **Public Comment on Agenda Items- None**

**Commissioner Zimmerlink** made the suggestion to move up Lisa Chiesa of Thorp Reed and Armstrong, and Tim Frenz of Janney Montgomery Scott on the agenda.

**Commissioner Zimmerlink** asked for Tim Frenz to give the public a brief background as to what the county is doing, why we are doing it, and what we need to do to come to a resolution.

**Tim Frenz** of Janney Montgomery Scott, bond underwriter, described that what they will do is a simple “vanilla” transaction regarding bonds. He explained that when interest rates drop there are higher interest rate bonds and outstanding debt which become eligible under tax law to be refinanced. He said there are certain timing restrictions, which the county is approaching where they will expire and be free to be refinanced. He explained that the old bonds issued in the year 2002 and 2007 both that have call dates on November 15, 2012. He said the county is allowed to close those bonds up to three months prior to the call date, which would allow the county to close on August 15, 2012. He said the bonds can be sold a month prior to this date, which would make the selling date on July 15, 2012. Per a prior discussion, Frenz said it was decided that the selling date would be on July 16, 2012 and the commissioners would have the regular meeting on July 17, 2012 to lock in the interest rates on the transaction. He went on to say the one thing he would like to get from the commissioners is how they want to go about taking those savings either annually, aggregate them over the next three years, or take no savings and convert them into additional capital borrowing. He also asked when the county would like to go into the market. He said he would like some direction from the commissioners to make it formal or informal about the saving levels that Janney Montgomery Scott can achieve and that the county feels appropriate for the company to continue on and finance. Frenz explained that current saving levels are 1.45 million dollars.

**Lisa Chiesa** of Thorp Reed and Armstrong, bond counsel, asked the commissioners to approve the resolution authorizing the companies to get moving on this. She explained that Janney would put together the official statement, which is the offering document. She passed out a sheet about rating agencies and explained that it takes 3 weeks to come back with a rating. She said the rating tells the county if it makes sense to have bond insurance, adding that the insurance will save the county enough on interest that it makes sense to buy it. She explained that those questions would be answered before the bonds are actually put out into the market, and from that the county would get indications of interest and it would be on that day (July 16, 2012) that the county would know what the savings look like. She said at that point the rates would be locked in. She said on July 17, 2012, the underwriter and bond counsel would come back to the county with a formal debt ordinance, adding that the ordinance governs how much to borrow.

**Commissioner Zimmerlink** said that the county is not new to refinancing. She explained that the county has refinanced bonds in the past and it turned out to be very beneficial. She also said that the county would be realizing the savings on top of any expenses, but it all depends on the interest. She said that based on what Frenz and Chiesa had presented, her target would be to have a minimum savings of one million dollars.

**Frenz** added that the goal is feasible. He mentioned that the one million dollar target is lower than current levels therefore, giving the county a little cushion if interest rates to go up.

**Commissioner Zimmerlink** said she was only using the million as a base or guideline.

**Frenz** said that they will document it very thoroughly. He added that if rates do go up that he shouldn't come to the meeting on July 17, 2012.

**Commissioner Zimmerlink** mentioned about the options of the savings. She asked that no matter what the option they choose, if the savings would still be the same. She explained that the third option they cannot do which is taking the cash up front. She suggested then choosing either option A or B. She also asked if they will tell the commissioners when they need that decision.

**Frenz** said about two weeks prior to the July 17, 2012 sale date.

**Commissioner Zimmerlink** asked the other two commissioners if they were going to be there for the 17<sup>th</sup> meeting to make sure there was no need for a special commissioner meeting.

**Chiesa** added that the November 15, 2012 date was the first day they are allowed to call the bonds and they cannot issue news bonds 90 days prior to that.

**Commissioner Zapotosky** asked if the July 17, 2012 was the start date.

**Chiesa** replied yes.

**Commissioner Zimmerlink** reaffirmed that what Mr. Frenz and Ms. Chiesa need from the commissioners is to approve the resolution.

**Chiesa** agreed.

**Commissioner Ambrosini** added that the county would not want to take the lump sum cash savings and a three-year period would be most beneficial due to some inflation periods that could occur. He said that it would be wise to have Janney Montgomery Scott as the county's financial advisor on bond issues which would be at no additional cost to the county. He said it would be very beneficial.

**Commissioner Zimmerlink** then questioned if the county could call anytime for advice and if that was all in the agreement.

**Frenz** agreed that it is a part of their agreement.

**Commissioner Ambrosini** said he would restate that the county was selecting Janney Montgomery Scott, LLC and Thorp Reed & Armstrong LLP as underwriters and bond council in connection with Fayette County's proposed refunding opportunities for bond series 2002 and 2007.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind the award of a professional service agreement for Underwriter Services in connection with Fayette County's proposed refunding opportunity for its General Obligation Bonds, Series 2002 and Series 2007 approved at the May 15, 2012 meeting to Public Financial Inc. of Harrisburg in the amount not to exceed \$37,000, due to Public Financial being non-responsive.

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 selection of Janney Montgomery Scott, LLC of Pittsburgh under a professional service agreement for Underwriter Services in connection with Fayette County's proposed refunding opportunity for its General Obligation Bonds, Series 2002 and Series 2007 for a fee not to exceed \$4.48 per \$1,000 (with \$2,500 out of pocket).

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 adopt a resolution appointing Janney Montgomery Scott LLC for Underwriter Services, and Thorp Reed & Armstrong LLP as bond counsel in connection with Fayette County's proposed refunding opportunity for its General Obligation Bonds, Series 2002 and Series 2007, which authorizes and directs the financing plan, as attached.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**Commissioner Zimmerlink** then read a letter from a financial lender stating that the county could not finance equipment at lender's 2 percent rate and instead bumped to 4 percent due to County's historical data derived from financial statements and an A2 Moody rating AAA 3 insured negatively outlook. She then asked if the county was currently being reviewed for a downgrade.

**Frenz** replied no.

**Commissioner Ambrosini** asked Frenz to elaborate.

**Frenz** said the rating process in the past was based on bond insurance. He explained that an A2 negative outlook and a downgrade were two different things and the county was not on credit watch and not under review for the downgrade.

**Commissioner Zimmerlink** asked if Mr. Frenz knew that information from checking his records recently.

**Frenz** said he only checked the last credit report from Moody's. Said they would've been notified of the downgrade.

**Commissioner Zimmerlink** agreed and thought Janney Montgomery Scott, LLC as the county's underwriter would have been notified.

**Commissioner Zapotosky** said it would have affected our energy efficiency bond.

**Frenz** said the county could always be put on downgrade after the ratings.

**Commissioner Zimmerlink** said it would have affected the county's loan for four million dollars it received in December/January. She said she just wanted to hear it from Janney Montgomery.

**Frenz** said the County is not on credit watch for downgrade.

**Commissioner Zimmerlink** asked then if it was irrelevant.

**Frenz** said it was irrelevant.

**Commissioner Zimmerlink** asked again that the controller, treasurer, commissioners, and the people of Fayette County all understand that they would have been notified and that there are no red flags at this time.

**Frenz** replied no.

**Controller Lally** said Commissioner Zimmerlink's statement was only abbreviated and that the reason for the downgrade is for the county having to use its surplus for operating expenses; simply stating that the revenues were under expenditures.

**Commissioner Zapotosky** said that the county is required to pass a balanced budget and whether there was a surplus or not, if the budget is balanced then he does understand the thought process.

**Controller Lally** said lightly putting that it's not just the balance, but that revenues were less than expenditures.

**Commissioner Zimmerlink** said you either increase revenue or decrease expenses.

### **Fayette County Redevelopment Authority**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adopt the attached resolution for which an application is being submitted by the County to the Pennsylvania Department of Community and Economic Development (DCED) HOME Investment Partnerships Program. This approval will authorize the Commissioners to sign and submit the application for assistance and will also approve execution of a Cooperation Agreement upon award of funding which will highlight the Redevelopment Authority's responsibilities for administration of the Program, as attached.

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 adopt the attached resolution for which a 2012 Competitive Community Development Block Grant (CDBG) application for a waterline extension project in Mt. Tabor Road Area of Springfield Township. This approval will authorize the Commissioners to sign and submit the application for assistance and will also approve execution of the attached Cooperation Agreement which highlights the Redevelopment Authority's responsibilities for administration of the CDBG funding, as attached.

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 they have been deemed 100% disabled veterans by the Veterans Administration of Pennsylvania effective for the 2013 tax year.

Danita Jeffries                      6 Gaddis St.                      South Union 34-34-0102

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 award a contract to Greg Shumar Excavating of New Salem for demolition services on parcel 30-15-0057, a fire-damaged county-owned dwelling located at 231- 232 Second Street, Allison, Redstone Township at a cost of \$4,200.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Bridge Department**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the issuance of a “Letter of Interest” for a bridge engineering company to perform the design and construction plans for Bridge #95 Tunnel Bridge, Weaver Mill Road, Georges Twp. as per the requirements of the Pennsylvania Department of Transportation.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Behavioral Health Administration**

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

<b><u>Contract Agreements</u></b>	<b><u>Contract Value</u></b>	<b><u>Period</u></b>
<b><u>Modification Agreement #2 2011-2012</u></b>		
Laurel House, Inc. 6/30/2012	\$725,575	7/1/2011-
Life’s Work of Western Pennsylvania 6/30/2012	\$18,902	7/1/2011-

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 advertising for bids for the leasing of one 2013 Ford Explorer (or equivalent model) to replace a comparable vehicle that is nearing lease end.

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 purchase of a Polycom videoconferencing system through the PA Department of General Services COSTARS program to replace an obsolete system. The total cost of the purchase is \$18,093.84. RoData, Inc., 1601 Mary’s Avenue, Pittsburgh, is an approved COSTARS contractor.

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 approve the FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Families United Network, Inc.**, P.O. Box 264, Muncy, PA 17756 for foster family placement services on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00 Cert. # 316390

Class CK	\$ 58.04 per day	Class IF	\$ 91.91 per day
Class MC	\$108.15 per day	Class MO	\$ 46.57 per day
Class UP	\$ 72.05 per day	Class MT	\$ 45.85 per day
Class RF	\$ 44.40 per day	Class MH	\$ 34.38 per day
Class TF	\$ 68.98 per day	Class MF	\$ 26.11 per day

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 FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Bruno Family Trust (The Donegal Centre)**, 71 East Pine Avenue, Washington, PA 15301 for independent living & residential care placement services on an as needed basis. The rate is as follows:

Initial Clothing - \$250.00 Cert # 443150

Unit ID - IL	\$163.26 per day
Unit ID - RE	\$190.03 per day

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 FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Crossroads Group Homes & Services, Inc.**, 1243 Roemer Boulevard, Farrell, PA 16121 for group home placement services on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00

Cert # 414760	Unit ID GI	\$146.39 per day
Cert # 409170	Unit ID BO	\$120.39 per day

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 FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services, and **M&R Transportation**, 2 Bel Meade Terrace, Uniontown, PA 15401 for transportation costs to enable foster children to attend their home school after placement in substitute care. The rate for this service is **\$25 per day** per student.

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 ratify the FY2010-11 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services, and **Fayette County Drug & Alcohol Commission, Inc.**, 100 New Salem Road, Uniontown, PA 15401 for validation of urine samples for drug testing of parents & adolescents on an as needed basis. The rates for the tests are as follows:

General Drug Test	\$ 45.00 per screen
Drug Test (Chain of Custody)	\$ 45.00 per screen
Suboxone Drug Test (Chain of Custody)	\$120.00 per screen

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 FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services, and **Fayette County Drug & Alcohol Commission, Inc.**, 100 New Salem Road, Uniontown, PA 15401 for validation (Chain of Custody) of urine samples for drug testing of parents & adolescents on an as needed basis. The rates for the tests are as follows:

General Drug Test	\$45.00 per screen
Urine Drug Screen (Chain of Custody)	\$40.00 per screen
Drug Test / Alcohol Screen (Chain of Custody)	\$45.00 per screen
Opiate Drug Screen (Chain of Custody)	\$50.00 per screen
Opiate & Alcohol Screen (Chain of Custody)	\$55.00 per screen

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 FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services, and **Fayette County Drug & Alcohol Commission, Inc.**, 100 New Salem Road, Uniontown, PA 15401 for validation (Chain of Custody) of urine samples for drug testing of parents & adolescents on an as needed basis. The rates for the tests are as follows:

General Drug Test	\$45.00 per screen
Urine Drug Screen (Chain of Custody)	\$40.00 per screen
Drug Test / Alcohol Screen (Chain of Custody)	\$45.00 per screen
Opiate Drug Screen (Chain of Custody)	\$50.00 per screen
Opiate & Alcohol Screen (Chain of Custody)	\$55.00 per screen

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 FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Domestic Abuse Counseling Center**, 116 5<sup>th</sup> Avenue, Pittsburgh, Pa. 15132, for educational / clinical services for perpetrators of domestic violence on an as needed basis. The rates are as follows:

Initial Orientation	\$ 45.00 per orientation
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(16) Group Session Classes      \$ 30.00 per class

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 FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Hugh S. Smith, Ph.D. & Associates, P.C.**, 1808 Colonial Village Lane, Suite 103 Lancaster, PA 17601 for clinical services provided to delinquent youth on an as needed basis. The rates are as follows:

**Psychological Evaluations**

Psychological Evaluation      \$ 60.00 per hour  
Comprehensive Evaluation      \$ 60.00 per hour

**Assessments**

Intellectual Assessment/Screening      \$ 60.00 per hour  
Fire Risk Assessment      \$ 60.00 per hour  
Sexual Offender Assessment      \$ 60.00 per hour  
Neuropsychological Evaluation      \$ 60.00 per hour

**Forensic Assessments**

Transfer Certification      \$1,500.00 per unit  
Trail Determination      \$ 500.00 per unit  
Mental Illness Determination      \$1,000.00 per unit  
Expert Witness Testimony      \$ 150.00 per hour

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 ratify the FY2010-11 **Purchase of Service Agreements** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Adelophi Village, Inc.**, 354 Main Street, Latrobe, PA 15650 for placement & non-placement services on an as needed basis for CYS & JPO youth. The rates are as follows:

Initial Clothing - \$250.00

**Placement Service**

Shelter Care      \$194.75 per day

Male Intensive \$189.90 per day  
 Male Sexual Issues \$199.80 per day  
 Female Intensive \$223.03 per day  
 Residential \$261.94 per day  
 Secure \$305.90 per day

423940 - Foster Family

Class AA \$ 70.35 per day  
 Class AC \$ 87.45 per day

Class AB \$ 74.33 per day

**Non-Placement Services**

Multisystemic Therapy Services (non-MA) \$ 67.63 per day  
 \*Day Treatment (general) \$ 128.09 per day  
 Day Treatment (1/2 day school hours) \$ 68.90 per day  
 Day Treatment (1/2 day after school hours) \$ 67.55 per day  
 Sex Offender Services \$ 65.00 per day  
 Sex Offender Assessment/Test \$ 250.00 per test  
 Fayette Community Services \$ 31.40 per day  
 Diagnostic Evaluation \$2,400.00 per evaluation

\* 196 days per year

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 ratify the FY2010-11 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Carol Patterson**, P.O. Box 608, Greensburg, Pa. 15601, for psychological services, observation, & court testimony on an as needed basis. The rates are as follows:

Psychological Evaluation \$ 385.00 per evaluation  
 Observation / Court Testimony \$ 100.00 per hour  
 Travel \$ .51 per mile

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 FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Carol**

**Patterson**, P.O. Box 608, Greensburg, Pa. 15601, for psychological services, observation, & court testimony on an as needed basis. The rates are as follows:

Psychological Evaluation	\$ 400.00 per evaluation
Observation / Court Testimony	\$ 100.00 per hour
Travel	\$ .55 ½ per mile

Commissioner Ambrosini yes  
Commissioner Zaptosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zaptosky and seconded by Commissioner Zimmerlink to approve the FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Carol Patterson**, P.O. Box 608, Greensburg, Pa. 15601, for psychological services, observation, & court testimony on an as needed basis. The rates are as follows:

Psychological Evaluation	\$ 425.00 per evaluation
Observation / Court Testimony	\$ 110.00 per hour
Travel	\$ .55 ½ per mile

Commissioner Ambrosini yes  
Commissioner Zaptosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zaptosky and seconded by Commissioner Zimmerlink to approve the FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **CRC Health Group (dba) White Deer Run**, 360 White Deer Run Road, Allenwood, PA 17810, for residential placement services for adolescent sex offenders on an as needed basis. The rate is as follows:

Initial Clothing - \$250.00

Cert # 414760	Cover Prep	
Adolescent Sex Offender Program		\$255.00 per day

Commissioner Ambrosini yes  
Commissioner Zaptosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Glen Mills School**, P.O. Box 5001, Concordville, PA 19331, for residential placement services for delinquent youth on an as needed basis. The rate is as follows:

Initial Clothing - \$250.00

Residential Program	\$129.32 per day
Intensive Restitution Program	\$149.32 per day

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 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Combustion Service & Equipment Company** of 2016 Babcock Blvd., Pittsburgh, PA, from June 1, 2012, through May 30, 2013 for HVAC mechanical equipment preventative maintenance at the CYS office building at a cost of \$1,560.00 annually.

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 a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Safeway Pest Control Services** of 201 Brown Blvd., Uniontown, PA, for pest control services in the CYS building. The cost for the service is the same as last year at \$30.00 per month.

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 a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Blades 'N Spades** of 243 Jess King Road, Grindstone, PA, for lawn maintenance of the CYS

property on an as needed basis. The costs for the service listed below are the same as last year.

Grass Cutting	\$ 60.00 per cut
Roadside Bank Trimming	\$ 45.00 per trim (as needed)
Large Hillside (rear)	\$120.00 per cut (2 times per year)

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 of Agency managed foster home board rates, along with monthly & emergency clothing allowances for **FY20012-13**. The County Board of Commissioners must take this action annually. The rates listed below are the same as last year.

	<u>Board/Day</u>		<u>Clothing/Month</u>
	Title IV-E	Non-IV-E	
Ages 0 -12	\$17.00	\$ 8.50	\$45.00
Ages 13-15	\$20.40	\$10.20	\$60.00
Ages 16-21	\$27.40	\$13.70	\$75.00
* Emergency rate	\$50.00	\$25.00	
** Specialized rate	\$40.00	\$20.00	

Emergency clothing allowance - \$250.00

\*First 3 days (if placement occurs after hours).

\*\*If determined by Agency to be applicable.

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 select **Brite Stripe** as the company to perform repair, sealing, & stenciling of the CYS parking lot at a cost of **\$2,790.00**. Price quotes were received from 2 companies & Brite Stripe was the lower of the two.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlik to select **Vitalink, Computer, & Supplies** as the lowest bidder under Bid # 12-06 for 7 portable computer tablets at a cost of **\$20,599.99**. Only 2 bids were received & the other failed to meet the bid specifications.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Controller**

**Financial Condition of the County**

**Controller Sean Lally** presented the following financial condition of the county:

<b>FUND:</b>	<b>GENERAL FUND</b>		
	DATE: 19-Jun-12		
<b>CASH:</b>	Checking Account	Centra Bank	\$9,652,061.93
<b>Funds Owed to General Fund</b>			
	Temporary Loans		
	Victim Witness Fund	\$30,000.00	
	Children and Youth Fund	\$1,750,000.00	
			\$1,780,000.00
	Arc Payments Due		
	Intermediate Punishment Fund-2yrs	\$22,569.82	
	Offenders Supervision Fund-2yrs	\$47,032.42	
	Domestic Relations-1yr	\$20,381.26	
			\$89,983.50
	Central Service Payments		
	C-17 Fund-2yrs	\$5,365.00	
	Offenders Sprvsn-3yr	\$39,369.00	
	Intermediate Punishment-3yrs	\$19,532.00	
	FACT	\$16,827.00	
	Victim Witness Fund	\$5,390.00	
			\$86,483.00
<b>Funds General Fund Owes</b>			
	Tran Note		\$4,500,000.00

<b>Budget Year 2012</b>	<b>Net Position</b>	\$7,108,528.43
		<b>Year to Date</b>
<b>Total 2012 Revenues</b>		\$19,474,484.19
<b>Total 2012 Expenditures</b>		\$11,762,311.29
<b>Total 2011 Expenditures paid in 2012</b>		\$2,030,829.03
<b>Capital Reserve Fund Balance</b>		\$72,476.56
<b>Bond Fund Balance</b>		\$617,692.26

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to rescind only the financial agreement portion of Resolution 12-04-17-04, approved April 17, 2012, regarding the hire of New World Systems to provide accounting software and IT upgrades via Capital Innovations at a rate of 2.666 %, with a total payment of \$499,597.45 over five years.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**The commissioners** then discussed approving a new financial agreement for the new accounting system at a higher interest rate.

**Commissioner Zapotosky** discussed the comments made by Frenz about the issue. He said he felt that Janney was not aware of the downgrade. He said he felt that the letter was viewing the insurer and not the county.

**Controller Lally** said the financing agreement that was rescinded was a good faith agreement. He said he assumed that the Moody's rating was A-1 when he talked with Stuart Brown. He said Brown outsourced the financing to multiple banks and this was the best offer and cited that the reasoning behind it was the deficit spending.

**Commissioner Zapotosky** said before they do this again; that they pass a resolution of financial agreement.

**Evelyn Hovanec** requested the commissioners not to agree on this but to wait for a better deal. She said her personal opinion is that she does not feel comfortable with this.

**Commissioner Ambrosini** said that this was the best offer from 21 banks.

**Hovanec** said the financial company made an offer they can't live up to. She is not convinced that this is the best company.

**Controller Lally** said Capital Innovations is a separate lending institution that helped pick the best offer.

**Commissioner Zimmerlink** asked if New World (the company that the County is in agreement with) utilizes Capital Innovations for financing.

**Controller Lally** replied yes.

**Commissioner Zimmerlink** said she voted to rescind the first agreement; however she has the same concerns as the public that the lender should have been a lot clearer to the county.

**Controller Lally** asked what solutions she offers.

**Commissioner Zimmerlink** said she's not offering any solutions, but the county should have stuck with Tyler Technologies.

**Commissioner Zapotosky** said the software is specific to the needs of the company manufacturing. He explained that the county is buying software for accounting practices for government entities. He said this purchase was unique and specialized and that this system will be advantageous to the county.

**Commissioner Zimmerlink** said the decision is made and that everything that Commissioner Zapotosky said is accurate. She said it is now just a matter of voting.

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to approve the financial agreement portion of Resolution 12-04-17-04 regarding the hire of New World Systems to provide accounting software and IT upgrades via Capital Innovations with a \$60,000 down payment due by July 1, 2012 and annual \$109,366.49 payments commencing Feb. 1, 2013 at an annual rate of 4.116 percent, with a total payment of \$497,465.96 over four years.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**Courts**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the termination of the contract with Constable Bobbi Joe Friend for the Fayette County Booking Center, effective May 1, 2012.

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 a contract between the Fayette County Booking Center and Douglas Lockhart as an independent contractor at \$15 an hour for the Fayette County Booking Center, effective June 22, 2012 with the contract to expire Dec. 31, 2012.

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 ratify a contract between Fayette County and Jeremy Davis, Esquire as conflicts counsel with the Court of Common Pleas of Fayette County, effective June 1, 2012, to replace Brent Peck, Esquire, at an annual rate of \$24,291.60.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Election Bureau**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to purchase of the following items at a total cost of \$1,468.81 to be paid out of the county's Capital Outlay Fund 51 through Costars:

2-Lenova computer towers @ \$475.98 each for	\$951.96
3-LG LCD monitor 19" @ \$90.84 each for	\$272.52
3-UPS battery back up @ 57.41 each for	\$172.23
2-Flip USB 2 Port KVM switches @ 34.55 each for	\$69.10

Total cost \$1,468.81 plus shipping and handling.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Emergency Management/911**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to begin the process of the potential upgrade of the Fayette County Emergency Management/9-1-1 Public Safety 800MHz radio system by advertising for an evening public meeting to include all Fayette County Public Safety stakeholders, the citizens of Fayette County as well as out of county partners including Westmoreland, Armstrong and Indiana counties which are partners in the Inter-county Regional Radio System, (ICORRS) and to and to develop a potential timeline for the upgrades.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Fayette Area Coordinated Transportation- Office of Human and Community Services**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky approving Third Party Sponsorship agreements for FY 12-13 with Fayette County Blind Association, Uniontown Hospital, Southwestern Pennsylvania Area Agency on Aging, St Therese's Church, Fayette County Behavioral Health Administration/ARC, and Chestnut Ridge Counseling.

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 a contract with Fayette County Community Action Agency for administration of food bank program for FY 12-13 at no cost to the county.

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 a contract with ECHO Child Development Centers for the operating the Subsidized Child Care program (CCIS) for an amount of \$3,503,941 for FY 12-13.

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 advertising agreements for FY 12-13.

Froggy 94.9 monthly cost of	\$1,200.00
Pickle 99.3 monthly cost of	\$ 816.00
Comcast/King Fish Productions monthly cost of	\$1,950
WLSW Radio monthly cost of	\$ 200.00
WMBS Radio monthly cost of	\$ 487.66
WKVE Radio monthly cost of	\$ 810.00
Senior Times monthly cost of	\$ 89.44
Herald Standard average monthly cost not to exceed	\$1,200.00

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 following service agreements for FY 12-13:

Fleet Computing	\$ 550
Route Match Software	\$36,736
Route Match AVL	\$24,428

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 award a contract for bid #12-07 for the purchase and installation of a 5,000 gallon gasoline tank to Petroleum Technical Services LLC of Butler for \$62,598.36

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

## **Human Resource Department**

### **Building and Grounds**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to hire Terry Dechessaro as Maintenance Worker I at SEIU Pay Grade 5 Step A \$10.39/hr (\$20,260.50) effective July 2, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Commissioners**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire of Chris Lester as a Summer Clerk at \$7.25/hr effective June 20, 2012.

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 Alan Nedley as a Summer Clerk at \$7.25/hr effective June 20, 2012.

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 Breanna Siesky as a Summer Clerk at 7.25/hr effective June 20, 2012.

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 Michael Bochnak as a Summer Laborer at 7.25/hr effective June 20, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**FACT**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Full Time Bus Driver, Bryan Bird, effective May 18, 2012.

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 ratify the promotion of Part Time Bus Driver, Ron Hall, to a Full Time Bus Driver position at SEIU Pay Grade 7 Step A \$11.07/hr (\$21,586.50) effective May 21, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**FCBHA**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to ratify the resignation due to retirement of Carol Jenkins, Clerk Typist 2, effective May 18, 2012.

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 hire of Jo Cupplo as a Clerk Typist 2 at \$10.58/hour (\$20,631.00) effective June 25, 2012.

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 amend the Fiscal Year 2011-2012 Fayette County Behavioral Health Administration Compensation Plan for the period January 1, 2012 through June 30, 2012, by granting an additional increase of one percent (1%), retroactive to January 1, 2012. For the period January 1, 2012 through June 30, 2012, the annual increment will be approximately three percent (3%) total.

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 an extension of the Fiscal Year 2011-2012 Fayette County Behavioral Health Administration Compensation Plan to cover the period July 1, 2012 through December 31, 2012. For the period July 1, 2012 through December 31, 2012, the annual increment will be approximately three percent (3%). The Longevity/Seniority Increment will continue to be a movement of one step (approximately three percent (3%) on the approved salary schedule.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**Information Technology**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Christopher Byers as a Part Time Information Technology Assistant at \$9.50/hr effective July 2, 2012.

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 volunteer internship of LBI Network Administration major, Earl Johnson, for a 150-hour internship effective June 19, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and Commissioner Zimmerlink to approve the volunteer internship of CTI Information Technology major, John Broadwater, for a 150-hour internship effective July 2, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prison**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the volunteer internship of Westmoreland Community College Criminal Justice Major, Kristin Whitfield, for a 150-hour internship effective June 25, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Jury Commissioners**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the addition of the Jury Commissioners' copy machine contract with Ford Business to the current Costars contract with Ford Business at a cost of \$374 per month.

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 Ambrosini to approve the purchase and installation of bullet resistant glass from Fox-Cluss Glass Company Inc. of Uniontown at a cost of \$3,435 to be paid through Fayette County's Capital Outlay Fund 51.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Planning & Zoning Department**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the rezoning request of RZ 12-3 Rex O. & Heather Murphy, Franklin Township, requesting a change of zone from R-2 High-Density Residential to B-1 General Business.

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 rezoning request of RZ 12-4 Shelley Skidmore, Springhill Township, requesting an extension of A-1 Agricultural-Rural on property currently zoned B-1 General Business.

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 rezoning request of RZ 12-6 Dwaine M. Gordon, Dunbar Township, requesting an extension of A-1 Agricultural-Rural on property currently zoned B-1 General Business.

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 registration of Commissioner Ambrosini for the Department of Energy conference in Arlington, VA from July 9 - 11. (Hotel cost is \$169 per night and is reimbursed by the grant.)

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 table approving a directive to the Fayette County Office of Planning, Zoning and Community Development to place on hold implementation of any citations that have been or are in the process of being issued while a review is occurring of a portion of the zoning ordinance that is being considered for modification.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

### **Motion passed 2-1**

**Commissioner Zimmerlink** said she voted nay to table because it is not permissible.

**Commissioner Zapotosky** said there is a desire to address some of the issues pertaining to agricultural properties and the ability of the farming communities to utilize those properties. He provided an example of growing corn on the property, but not selling it there. He said he was e-mailed the provisions pertaining to this item, and then asked by virtue of previous directed if this is being held at bay at this time.

**Solicitor John Cupp** answered yes to Commissioner Zapotosky. He then answered that you can table the motion.

**Commissioner Zimmerlink** said there are some portions of the county zoning ordinance may wish to modify the document. She said that she is not stating that she is not open to reviewing any portion of the zoning ordinance. She said the manner in which to do it is governed by PA Law, governed by municipal planning codes, and governed by the zoning ordinance. She agrees that it is a grey area and feels it could put the county at risk.

**Solicitor Cupp** said the discussion should stop after it has been tabled.

**Commissioner Zimmerlink** agreed.

## **Prison**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to extend the contract with Trinity Services Group, formally Canteen Correctional Services, as the food service contractor at the Fayette County Prison for a one-year period at the same rate as the current contract.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

## **Motion passed 2-1**

## **Tax claim**

**A discussion** was held on holding a special upset sale to sell properties owned by Ernest Liggett in Brownsville.

**Solicitor Cupp** said that September 17, 2012 is the county's upset sale and the county is going to try and have the free and clear sale on Liggett right after the upset sale to have more bidders. He explained the cost of selling free and clear is the cost of selling free and clear whether its on September of 2012 or April of 2013. He said the difference is not great.

**Commissioner Zimmerlink** said the only issue the commissioners have to determine is where the money is coming from.

**Solicitor Cupp** said municipality wanted to have the property freed up sooner if possible.

**Commissioner Zimmerlink** asked if any these properties subject to appeals. She then asked Cupp to monitor it and keep the commissioners as well as the tax claim office updated ASAP between now and September 17, 2012.

**Commissioner Zapotosky** said he has the telephone number of the attorney from Fayette County Redevelopment Authority.

**Solicitor Cupp** said after the sale on July 12, 2010 the county filed a motion in court. The court dismissed the property owner's rejection and the sale went through. He said that he has never been served for an appeal to a public court on that issue.

**Pat Purcell** commented, saying that the taxes on these properties haven't been paid for eight years amounting to more than 200,000 dollars.

**Jim Hercik** made a recommendation that the wording adjusted instead of the unsold Liggett properties because the properties are listed under various corporate names.

**Commissioner Zapotosky** rephrased the wording to any properties held by Liggetts or corporations in which all corporations in which Liggetts have vested interest.

**Cupp** said that none of the property was exposed on July 12, 2010 or actually sold. He explained that you could say “consider approval of the unsold properties exposed at an upset sale”.

**Commissioner Zapotosky** said he will make a motion to rescind the language of the previous motion if there is no objection.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve that the unsold properties exposed at an upset sale on July 12, 2010, be sold free and clear of all liens and encumbrances at a special sale on Sept. 17, 2012, provided all the properties meet all the legal requirements.

The list of properties to be sold is attached.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Commissioners**

**A motion** was made by Zapotosky and seconded by Commissioner Zimmerlink to approve the April 17, 2012 Fayette County regular commissioner meeting minutes.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Zapotosky and seconded by Commissioner Zimmerlink to approve the May 15, 2012 Fayette County regular commissioner meeting minutes.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Zapotosky and seconded by Commissioner Zimmerlink to approve the April 10, 2012 Fayette County special commissioner meeting minutes.

Commissioner Ambrosini yes

Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Zimmerlink and seconded by Commissioner Zapotosky to execute of a Memorandum of Lease relating to an existing lease agreement dated June 11, 1987 between Fayette County and The Verland Foundation, Inc., as attached.

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 accept the resignation of Ron Romeo from the Westmoreland-Fayette Workforce Investment Board.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**The commissioners** discussed appointing someone to the Agricultural Land Preservation Board to fill an unexpired term.

**Commissioner Ambrosini** suggested that they advertise for it.

**Commissioner Zimmerlink** said that there are a number of board appointments the commissioners need to address so all should be done at the same time.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to table an appointment of TBD to the Agricultural Land Preservation Board for the industrial/non-agricultural position to fill the unexpired term of Jeff Rider, with a term to expire Dec. 31, 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Public Comments**

**Sharon Smitly** said her four-year old grandson was beaten to death in September due to the lack of laws that governs CYS procedures to go out and handle cases. She wants to change the law to protect other children in the future.

**Commissioner Zapotosky** said the laws prohibit CYS from taking certain actions. He said that before the report was filed, but after the child suffered the abuse, time had elapsed, and when the time came for CYS to step in, the injuries had healed. He explained that the request is for a change in state and federal laws to allow for more enforcement.

**Smitly** said the abuser was allowed to answer questions for her grandson. She explained that the four-year grandson is fully capable of answering for himself.

**Commissioner Zapotosky** said the letters should be copied and forwarded to the governor for a response.

**Smitly then** began reading the letters of the event that transpired of her grandchild, explaining the need for a change in the laws. She stopped when she became too choked up to continue.

**Commissioner Zapotosky** then asked Lisa Howell to explain her organization and what she's trying to do.

**Lisa Howell** said they are trying to get the laws changed for these children. She said they should no longer have the perpetrator stand there while the child answers questions. She also mentioned that a charity is helping the cause by having an awareness picnic.

**Smitly** again expressed the need for change because she said "our kids are getting slaughtered."

**Commissioner Ambrosini** said thank you and opened the floor again for additional public comment.

**Dr. Susan Sickle** presented the farm bureau policies. She said all the policies have been dated, voted and approved. She also mentioned about the proposed text of zoning ordinance dealing with the multiple residences and the fact that tractor trailers are used for storage on farms. She asked where the zoning ordinance stands and followed by asking what the opposition is to the tractor trailers being used on properties for storage.

**Commissioner Zimmerlink** said the Fayette County Planning Commission did not want to take any action regarding to that issue. She said the Planning Commission's role is only one aspect to the zoning ordinance.

**Commissioner Ambrosini** added that officials of the Fayette County Office of Planning, Zoning and Community Development went to the Planning Commission for a response and at that time no response was given. He continued saying that the

Planning and Zoning Office is currently reviewing that section along with the residence issue.

**Dr. Sickle** said if the commissioners do not take action on the motion proposed today since it was tabled; currently people are still being cited for the tractor trailers being used and the selective citations that have occurred need to stop. She said this must be done by changing the zoning words or allowing the practice and holding up on the citations.

**Commissioner Ambrosini** said that was the intent of the resolution. He said the commissioners need to look at the legal issues from what the solicitors are recommending. He said the intent is not to cause any additional problems.

**Dr. Sickle** said anyone out on the timeline to start paying fines, citations, or the removal of the tractor trailers is going to be out for litigation if this can't be halted.

**Commissioner Zimmerlink** said that's exactly what the legal opinions of the county solicitors and others have said. She said by passing a resolution that halts or suspends the enforcement notice to be sent or even halts or suspends any action after enforcement notice had been sent. She continued saying it is their jobs as commissioners to listen to the legal opinion of the attorneys and make a decision. She went on to answer the question about the tabling.

**Dr. Sickle** said she did not have any questions about the tabling.

**Commissioner Zimmerlink** said the tabling of the resolution stated to putting a halt on the enforcement for any section of an ordinance to specifically address the multi dwelling and specifically address the storage. She said that has been done by the majority of the commissioners signing the letter and directing the office to halt that. She explained there is a letter authorized by the Zoning Office to halt that they will have to act on. She mentioned there is one dated for February 16, 2012. She then read the letter which said to hold any citations until a determination is concluded, adding that was the directive of two commissioners. She said what has come of that was letters from the solicitors saying that the county can't do that because officials will be held liable. For the second question regarding the storage trailers, she read a letter dating April 16, 2012 that requested a hold on any citations until an ordinance modification, which was signed by two commissioners. She continued saying the legal counsel will take a look at it and decide, whether to enforce it or stick with their directive.

**Commissioner Zapotosky** said the commissioners have taken an administrative action and asked if that would be permissible.

**Solicitor Cupp** said yes it appears to be permissible.

**Commissioner Zapotosky** said this board has made a clear intention to making a modification to different provisions of the zoning ordinance and have taken an

administrative action to suspend certain enforcement levels based on the intent of potentially amending.

**Solicitor Cupp** said he didn't receive any information from any other source that cited cases.

**Commissioner Zimmerlink** said the issue is whether or not enforcement can be halted.

**Dr. Sickle** said there was a windmill issue which involved a court case and it was dropped. She disagrees with the fact that at any point something can't be dissolved during the enforcement stage or citation stage. She also said she doesn't understand the opposition.

**Commissioner Zimmerlink** said it is still up in the air, and she still stands by the e-mail she sent to Ms. Sickle.

**Dr. Sickle** said with regard to multiple residences that Commissioner Zimmerlink has no issue. She knows the other two commissioners have no issue with it. She said she is not sure where its going as far as the tractor trailer issue is going, but she has Commissioner Zimmerlink stating that she has no problem with tractor trailers for storing implements.

**Commissioner Zimmerlink** said that was based on the information given to her at that time.

**Sickle** replied that it's a box.

**Commissioner Zimmerlink then** told audience members that they can laugh all they want, but she's not getting into that. She said that's not the issue. She said she does not make the laws, but what she will do is follow what the ordinance says to do. She then states that it tells them to have the rezoning hearings, make sure it is publicized, get you information, and then make a decision. She said that she has done everything she could other than standing up and yelling it.

**Dr. Sickle** said she talked to Commissioner Zimmerlink for five years.

**Commissioner Zimmerlink** told Dr. Sickle that she can talk to her as much as she wants, but the change has to be done at a rezoning hearing. I don't like the rule. I just follow the rule, she added. She said the commissioners will have the rezoning hearing and will go from there.

**Commissioner Zaposky** said everyone knows what needs to be done to have an item rezoned. He said the commissioners acted in accordance with State law, and other attorneys may have other opinions. He said the point that the commissioners were trying to initiate was that enforcement should be on hold until such a time that the board can develop what is proper zoning that fits the needs of the agricultural community.

**Dr. Sickle** said she has a gentleman right now calling her that he has two houses on his property and said he was told that he can build a third one, but has to tear one of the others down. She said she has people calling her all the time wanting to know what they are able to do. She said it all needs to be cleared up in a timely manner. She distributed two papers; the Farm Bureau policies and a letter she wrote five years ago when it all started.

**Sara Sickle** said the answer to question from Commissioner Zimmerlink is no. They have not stopped.

**Commissioner Zimmerlink** said it was not her question.

**Sara Sickle** said the rule for the trailer is under the heading of signs. She said what they are saying is that it is not permissible to have signs on the trailer. She said she has no signs, yet she cannot have a trailer. She asked why that is.

**Commissioner Ambrosini** said no, the commissioners don't have an answer, but they will get her one.

**Sara Sickle** then asked that if that rule is effective and applied to the way she thinks it was meant to be applied; why aren't Blaney's tractor trailers cited a hundred times a day? She said she is flummoxed.

**Commissioner Ambrosini** said that is why the initiative was already made to start reviewing these ordinances because they don't make sense. He said they have to use a common sense type approach.

**Sara Sickle** asked if she should report to the County about the Blaney's signs.

**Commissioner Ambrosini** said she already did.

**Evelyn Hovanec** said the problem is a lack of consistency. She said that rules the county has are always under constant revision. She mentioned that she was on the Planning Commission and knows they lack the initiative. She recommends consistency to avoid all the frustration.

**Commissioner Ambrosini** said a perfect world would be if the Planning and Zoning Office came to the commissioners to say what needs changed, but it doesn't happen frequently. He said somebody has to take the initiative to start the process. He added that a lot of the ordinances, whenever they were written, may have addressed the issues at that time. He said as time goes on things change and the county needs to change with them.

**Hovanec** said process is very important, adding that a lot of the problems are because there is no established process. She said she would like to congratulate the

commissioners on the discussion on the refinancing of the bond. She said it was informational and she learned about bonds.

**Commissioner Ambrosini** said since he is the new guy he is learning a lot, however, he does not know the all of the processes as well as he would like to.

**Jerri Mazza** said with regards to the Fayette County Office of Planning, Zoning and Community Development, the county needs to buy some new brooms and sweep out the zoning office. She mentioned that dealing with that office is “an experience.” She said the employees are rude; they change hearing dates, and they won’t return phone calls. She says the county needs to make a clean sweep and start fresh and maybe that would help get some of these problems resolved.

**Ralph Mazza** addressed two things; one being the Missing in America Project. He said he had a meeting with the Coroner Dr. Phillip Reilly and he wanted to thank all who were involved with that. Second, he mentioned the constant trash and weed growth at the WWII memorial adjacent to the courthouse. He asked if the county has any responsibility with that.

**Commissioner Zimmerlink** said yes. She said the county sends workers from the Building and Grounds Department out there whenever they see any trash.

**Ralph Mazza** asked if they pull the weeds.

**Commissioner Zimmerlink** said what they will do is pick up the garbage. As far as the weeds, she said the county sends out the PIC workers or summers workers and they pull the weeds.

**Ralph Mazza** said volunteers have been cleaning the memorial up as well. And he appreciated the effort and would like a sign to go up that says “No littering”.

**Commissioner Zimmerlink** said you would think people would know not to do that to a memorial.

### **Adjournment**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adjourn the meeting at 12:35 p.m.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

