

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Thursday, October 20, 2016 at the Public Safety Building, Uniontown PA.

In attendance-

Commissioner Chairman Vincent A. Vicites
Commissioner Dave Lohr
Commissioner Angela M. Zimmerlink
Chief Clerk Amy Revak
Solicitor John M. Purcell

Rev. John Cruikshank, pastor of St. Peter's Anglican Church said a prayer, followed by the recitation of the pledge of allegiance.

Proclamations

Commissioner Zimmerlink read the proclamation for National Business Women's Week. Various representatives of local business women's organizations attended and thanked the commissioners. There are three locals, Connellsville, Uniontown and Masontown.

Commissioner Vicites read the proclamation for Domestic Violence Awareness Month. A representative spoke about the activities going on throughout the month.

Commissioner Zimmerlink said she wanted to amend the agenda under commissioners. She said she wanted to amend the agenda to consider proposals for accounting services for the 2017 general fund. She said she wanted to place under commissioners.

Commissioner Zimmerlink made a motion to amend the agenda to consider proposals for accounting services for the 2017 general fund.

Commissioner Zimmerlink said they have one that is there, just Susquehanna, at the time they the proposal. She said she just learned that the proposal was received and she hasn't received it. She said just yesterday or the day before they got another proposal that they have to consider as well, so we should consider both proposals, vote on it and move on. Chief Clerk Revak asked if there was a name on the proposal. Commissioner Zimmerlink said she wanted to leave it open. Commissioner Vicites repeatedly asked for a second to change the wording on the agenda item to include both. Commissioner Zimmerlink said she wasn't changing the wording. Commissioner Vicites said the way they are voting is as stated and if she wants to vote on this one, she has to change the wording. Commissioner Zimmerlink said they are still going to consider. Commissioner Vicites said it names the firm they are going to work with.

Commissioner Zimmerlink said she has no problem keeping it on there, she just wants to add the other option they received yesterday. Commissioner Vicites said they didn't do a request for proposals, they worked with them last year and he wants to work

with them and worked with them when he was a commissioner previously, that is the Susquehanna group and he wants to continue that contract with them to continue those services. Commissioner Zimmerlink said they just received that so they can look at what the proposal is, and just yesterday all three of us received another proposal from McClure Wolf for the 2017 budget. Commissioner Vicites said they can amend it but he personally wants to go with Susquehanna. Commissioner Zimmerlink said that's fine, let's amend it for discussion because none of us three had discussed it yet, and then we will vote on it. Commissioner Vicites said they talked about it at the agenda meeting. Commissioner Zimmerlink said they couldn't have talked about McClure Wolf because they just all three got it, and they just got "this." Commissioner Vicites said he only worked with Susquehanna on the budget, and maybe McClure and Wolf worked on it when he wasn't a commissioner.

Commissioner Zimmerlink said it behooves the county commissioners to explore all proposals for services. She said there was an error in the newspaper that said the county has hired a firm already. She said regardless of that, they can put it on the agenda, yes they did not do a request for proposals and she understands that, she said Commissioner Lohr made the motion for Susquehanna and they placed it on the agenda and they didn't have any of these documents, they just got this, Chief Clerk when did we get this? Chief Clerk Revak said they were in budget meetings, it was this week. Commissioner Zimmerlink said he just read it this morning, same thing, they just got McClure Wolf's. She said there is nothing wrong to compare the two and then they can vote on it. She said they should have a discussion and air publicly what the views are and what the prices are. Commissioner Vicites said you can feel free to do that, he doesn't see why they need to amend the agenda. Commissioner Zimmerlink said so they can talk about it. Commissioner Vicites asked for a second, and the motion died when it did not receive a second.

Public Comment on Agenda Items

Jeffrey Phillips said this is the third time he has come before the board to request they follow the law and if they have a prayer, they must do it in a non-denominational way and not calling on a particular religion's deity. He said with all due respect to the minister, he is speaking on behalf of his religion, not "my religion." He said it is a public meeting not a church service. He said he doesn't understand how you people feel you live in some kind of vacuum that you don't have to follow the law. He said the next time he will get an injunction, he feels really strongly about separation of church and state. He said he respects that some people want to have this, but it doesn't represent all of us. A representative of the union for the correction's officers at the Fayette County Prison spoke about acquiring the former police station. He said the officers think the board should look to build a new prison.

Fayette County Redevelopment Authority

Andrew French presented the agenda items. He said he had spoken about all the items except the LSA. He said the applications were due in July and a public hearing was held. He said a hearing was held on October 7 and on October 12 the

redevelopment authority voted to submit. He said 39 applications were received in which entities were seeking \$1.4 million in funding. He said he compiled a funding recommendation list on Tuesday. He went through the list, which includes 13 projects totaling \$617,812 (attached). Commissioner Zimmerlink said for the most part the list lends itself to the infrastructure needs. She said she would have put different things on if she had the final say. She suggested that next year there is a little more time to review the projects, adding that the commissioners only got it Tuesday late and saw it Wednesday, adding that today is Thursday. She thanked Mr. French for attending the meeting and acknowledged all the work done by the committee. Commissioner Lohr asked about the timing and Mr. French explained the timeline. Commissioner Vicites urged the legislature to rectify the problem with the LSA being ruled unconstitutional. He said they have been given 120 days. He mentioned Community Action flooding and said it was difficult to narrow the scope, adding they were all worthy projects. He said recreation projects are a spoke in the wheel of economic development.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to adopt a resolution which approves funding recommendations for Fayette County's 2016 Local Share Account (LSA) Program application being submitted by the Fayette County Redevelopment Authority to the Pennsylvania Department of Community and Economic Development (DCED), as attached.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a resolution for the conveyance of 2.17 acres of land at the Fayette County Business Park referred to as Lot 21 in Plat No. 8 of County Home Subdivision, parcel No. 34-01-0014-04 to George Family Limited Partnership d/b/a Mountain Creek Properties, removing the industrial deed restriction.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

After the vote, Commissioner Vicites said this piece of land is near the car dealership. He said it is important for development of the business park.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to adopt a resolution which approves an application being submitted by the County to the Pennsylvania Department of Community and Economic Development (DCED) HOME Investment Partnerships Program in the amount of \$500,000 for the Neighborhood Stabilization initiative. 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.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to adopt a resolution which approves an application being submitted by the County to the Pennsylvania Department of Community and Economic Development (DCED) HOME Investment Partnerships Program in the amount of \$600,000 for City Mission Living Stones Meadowview Apartments Phase 1. 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.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to adopt a resolution which allocates Act 137 Affordable Housing Trust Funds to the Fayette County Redevelopment Authority to support the implementation of affordable housing initiatives.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

Adult Probation Office

Prior to a motion, Commissioner Zimmerlink asked Jim Kovacs what the cost is for the contract. He outlined the cost, as stated in the motion.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to approve a contract with BTM Software Solutions, LLC. of 212 Fairfield Lane, Hillsborough, New Jersey for offender software.

The selected package is option No. 3, which includes \$8,655 for Application with Pro-Text, Pro-Communication with minimum 150 offenders enrolled in Pro-Track/ProMobile. The length of Contract is one (1) year. The Contract will commence on January 1, 2017 and will renew each year beginning January 1. (Fayette SOW 2.3 Contract Terms.)

Commissioner Lohr yes
 Commissioner Vicites yes
 Commissioner Zimmerlink yes
Motion passed unanimously

Commissioner Vicites said he thinks this will be an additional help to expand the intermediate punishment services, which is an alternative sentencing which lowers the prison population.

Assessment Office

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the following for a real estate tax exemption as they have been qualified as a 100% disabled veteran by the Veterans Administration of Pennsylvania.

Lindsay G. Mann - 104 Nelson Road - Ohiopyle PA 15470 parcel 42-06-0055
 exemption effective for taxes due on or after August 23, 2016

Commissioner Lohr yes
 Commissioner Vicites yes
 Commissioner Zimmerlink yes
Motion passed unanimously

Behavioral Health Administration

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve agreements and modifications, as listed:

	<u>Contract Value</u>	<u>Period</u>
<u>Modification Agreements #1 2015-2016</u>		
Chestnut Ridge Counseling Services, Inc.	\$1,889,846	7/1/15-6/30/16
Crosskeys Human Services, Inc.	\$1,143,293	7/1/15-6/30/16
<u>Modification Agreements #2 2015-2016</u>		
Laurel House, Inc.	\$754,077	7/1/15-6/30/16
Mental Health Association	\$778,185	7/1/15-6/30/16
<u>Professional Services Agreement 2016-2017</u>		
David B. Reiss, Attorney-at-Law	\$185 per hour	7/1/16-6/30/17
<u>Base Contract Agreement 2016-2017</u>		
Adelphoi Village	\$11,500	7/1/16-6/30/17

Commissioner Lohr yes
 Commissioner Vicites yes

Commissioner Zimmerlink yes
Motion passed unanimously

Children and Youth Services

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Wendy O'Brien, Esquire**, 99 East Main Street, Uniontown, PA 15401. Attorney O'Brien was court appointed to represent children in dependency proceedings. The rate for her services is \$65.00 per hour.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Jennifer M. Casini, Esquire**, 615 W. Crawford Avenue, Connellsville, PA 15425. Attorney Casini was court appointed to represent children in dependency proceedings. The rate for her services is \$1,000.00 per month.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **James Geibig, Esquire**, 615 W. Crawford Avenue, Connellsville, PA 15425. Attorney Geibig was court appointed to represent children in dependency proceedings. The rate for his services is \$1,000.00 per month.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Mary Campbell Spegar, Esquire**, Post Office Box 331, 102 Old Mill Road, Chalk Hill, PA 15421. Attorney Spegar was court appointed to represent children in dependency proceedings. The rate for her services is \$1,000.00 per month.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Meghann E. Mikluscak, Esquire**, 80 East Main Street, Uniontown, PA 15401. Attorney Mikluscak was court appointed to represent children in dependency proceedings. The rate for her services is \$1,000.00 per month.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Patrick C. McDaniel, Esquire**, 50 East Main Street, Uniontown, PA 15401. Attorney McDaniel was court appointed to represent children in dependency proceedings. The rate for his services is \$1,000.00 per month.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve **FY 2016-17 Fayette County Children & Youth Services** Agency managed foster home board rates, along with monthly & emergency clothing allowances. The County Board of Commissioners must take this action annually. The rates are as follows:

Board/Day	Title IV-E	Non-IV-E	Clothing/Month
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	
*** Bridging the Gap	\$ 10.00	\$ 5.00	

**** Westmoreland County Foster Home contracted through Fayette County at a rate of \$30.00 per day.
Emergency clothing allowance - \$250.00

*First 3 days (if placement occurs after hours). **If determined by Agency to be applicable.

***For resource parents willing to participate in Bridging the Gap activities and contacts that have been approved by the Agency, an additional rate of \$10.00 per day will be added to the financial arrangement. Please note the resource parent will need to show proof of such activities or contacts at any time requested by the Agency.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve a **FY2016-17** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **East End United Community Center**, 150 Coolspring Street, Uniontown, PA 15401 for Life Skills Training for Independent Living Youth on an as needed basis. The rate is as follows:

All services are to be submitted prior to the services being rendered and must be approved by the Independent Living Coordinator or by a member of administration. Each Independent Living service budget will not exceed \$5,000.00. The budget may include costs associated with travel, administrative fee, materials & supplies, food, miscellaneous items and staff hours. The total cost for travel will not exceed \$250.00. Services are to be rendered over a weekend timeframe or timeframe designated.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the appointment of a county resident, Monica Valeri, on the Fayette County Children & Youth Services Advisory Committee. Monica will replace former member, Jennifer Jeffries' term which will expire on March 31, 2018. The Advisory Committee voted unanimously, at the September 26, 2016 monthly meeting, to recommend her appointment to the commissioners at the October meeting.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

Controller

Controller Scott Abraham read the following financial condition of the county.

FUND: GENERAL FUND

DATE: 20-Oct-16

CASH:

Checking Account United Bank

\$4,616,532.02

Funds Owed to General Fund

Arc Payments Due			
Intermediate Punishment Fund- 3yrs	\$	40,651.26	
Offenders Supervision Fund-3yrs	\$	87,758.28	
Central Service Payments			
C-17 Fund-3yrs	\$	12,490.00	
Offenders Sprvsn-4yr	\$	56,740.00	
Intermediate Punishment-4yrs	\$	29,053.00	
Payroll Payments Due			
Offender Sprvsn 12 pays	\$ \$	343,794.07	
EMA	\$ \$	229,823.93	
			\$ 800,310.54
Funds the General Fund Owes			
Tax Anticipation Note			\$ 1,000,000.00

Budget Year Net Position \$4,416,842.56

	Year to Date
Total 2016 Revenues	\$ 28,226,745.36
Total 2016 Expenditures	\$ 23,570,958.81
Total 2015 Expenditures in 2016	\$ 1,749,657.23

Capital Reserve Fund Balance	Fund 51	\$ 222,649.72
Bond Fund Balance	Fund 53	\$ 50,712.04
Act 13 Marcellus Shale Balance	Fund 13	
	Balance in Bank	\$3,180,460.19
	Recived in 2016	\$1,232,112.04

Human Resources

Commissioners

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify the correction in salary pay for the Chief County Solicitor John Purcell, \$23.70/hr. (\$46,215.00 annually), effective August 22, 2016.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to approve the hire of Debra Evans-Rhodes, Pay Grade 13, Non-Union/Non-Supervisory, Administrative Specialist, \$14.61/hour (\$28,489.50 annually), effective November 1, 2016.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink no
Motion passed 2-1

In making the motion, Commissioner Lohr said there were more than 20 applications and it was whittled down to five who were interviewed, and she is qualified and she interviewed well and she will be a good asset. After Commissioner Vicites seconded the motion, Commissioner Zimmerlink said she thought it would be tabled. She said at the agenda meeting she asked Commissioner Lohr for the resumes and he gave them to her and there were 24 and only two or three didn't meet the requirements. She said when she got the resumes, she said to set it up and she never got anything. Commissioner Lohr said e-mails were sent and Joe (Ambrose Jr.) set up the interviews and they were held during lunchtime between budget meetings. Commissioner Zimmerlink said to check with Joe on that. Commissioner Vicites said Joe sent them to all three. Commissioner Zimmerlink said check that, please do. She said she thought they were going to reconsider the position and wait. She said the majority of them applied for the administrative assistant position, not the administrative specialist, and some of those resumes have the application attached to it and it was the administrative assistant. She said when it was advertised it was for the administrative assistant position and she thought they would move toward that the actual application was administrative specialist because that was what was agreed upon.

Commissioner Lohr said they are similar and it shouldn't be an issue. Commissioner Zimmerlink said the assistant requires only a high school education and the job descriptions are different and they talked about it at the beginning of the year and the assistant was a high school diploma and the specialist was an associate degree. She said when people went to the site it was for the assistant job. Commissioner Vicites said he couldn't find the e-mail from Mr. Ambrose on his phone, adding he gets a lot of e-mails. Commissioner Zimmerlink said she was hoping they would revert back to their stance at the beginning of the year which is to hire in 2017 and look at all the offices

and positions and rework the offices. She asked if the current staff assistant is working well with both of them. Commissioner Lohr said yes but there are still some holes regarding scheduling overlapping. He said there is money in the budget. He said Debra is highly qualified and acknowledged there were many qualified applicants. Commissioner Zimmerlink said they didn't budget for that position and then they told the jail personnel and public they wouldn't hire. She said she thought they were going to keep their word. She said her non-support is not against her, it is against the process. Commissioner Lohr said he feels what he is doing is best for the county and what he has planned. Commissioner Vicites said there are funds because the other individual didn't come on board until early April. He said she has the most experience and education.

CYS

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify the promotion of Rebecca Pegg to Caseworker Supervisor, \$26.06/hr. (\$50,808.87 annually), effective October 3, 2016.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify the resignation of Josh Barnhart as Caseworker II (Non-Certified), effective September 16, 2016.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

FACT

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the promotion of Stanley Horvath to full time non CDL driver at \$11.86/hr. (23,127 annually), effective 10/10/16.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to hire Clark Bowman as part time non CDL driver at \$11.86/hr. effective 10/24/16.

Commissioner Lohr yes
Commissioner Vicites yes

Commissioner Zimmerlink yes
Motion passed unanimously

Human Resources

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify the agreement with Investigations by King LLS of Scottsdale PA.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

Public Works

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve K2 Engineering of Uniontown to provide specifications and scope of work for repairs to the exterior masonry of the Public Service Building on the South side and to inspect other exterior areas for repairs that are needed at a cost of \$7,500.00

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to advertise for a Request for Qualifications for municipal waste processing/disposal capacity for Fayette County solid waste for the next 10 years.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to allow the German Masontown Youth Baseball/Softball Association to utilize German Masontown Park for the 2017 season subject to following the county parks policies and procedures.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

Tax Claim

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to approve the following repository bids opened October 4, 2016, subject to all conditions being met.

Accepted Bids

Bidder	Parcel Number	Amount	Township/City
Eric Holcomb	02-10-0178	\$800.00	Brownsville Borough
Gerald Jackson II	01-02-0079	\$201.00	Belle Vernon Borough
Total: \$1,001.00			

Rejected Bids

Bidder	Parcel Number	Amount	Township/City	Reason
Paul Murphy	19-26-0017	None	Luzerne	No pymt, faxed
Paul Murphy	19-26-0045	None	Luzerne	No pymt, faxed
Paul Murphy	15-35-0092-01	None	German	No pymt, faxed
Paul Murphy	19-24-0060-01	None	Luzerne	No pymt, faxed
Paul Murphy	19-33-0012	None	Luzerne	No pymt, faxed
Paul Murphy	19-33-0042	None	Luzerne	No pymt, faxed
Paul Murphy	19-26-0083	None	Luzerne	No pymt, faxed
Paul Murphy	19-26-0079	None	Luzerne	No pymt, faxed
Paul Murphy	19-26-0076	None	Luzerne	No pymt, faxed
Paul Murphy	19-26-0075	None	Luzerne	No pymt, faxed
Belle Vernon Borough	01-04-0177	\$379.47	Belle Vernon	Envelope Not Marked
Extreme Deals LLC	02-06-0116	\$357.00	Brownsville Borough	No Bid Form included
Extreme Deals LLC	02-06-0342	\$305.00	Brownsville Borough	No Bid Form included

Commissioner Lohr yes
 Commissioner Vicites yes
 Commissioner Zimmerlink yes
Motion passed unanimously

Commissioners

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the September 13, 2016 commissioners agenda meeting minutes.

Commissioner Lohr yes
 Commissioner Vicites yes
 Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to approve the September 15, 2016 commissioners meeting minutes.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify the adoption of the amended Fee Structure approved by the PA Office of Open Records.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to rescind Resolution 16-09-15-11, which allocated \$45,000 to Fayette City to purchase a plow truck utilizing Act 13 Highway Bridge Improvement Restricted Account Allocation from the Fayette County Bridge Department.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

After the vote, Commissioner Vicites said he did his due diligence on this with the department head, grant writers, PUC and PennDOT people who all said it was allowable. He said he later learned from PennDOT that it was not allowed. He said they are correcting it.

A motion was made by Commissioner Vicites and seconded by Commissioner Lohr to allocate \$45,000 to Fayette City to purchase a plow truck utilizing 2016 Act 13 funds.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink no
Motion passed 2-1

Prior to a motion, Commissioner Vicites said he checked and it is on the statement for the county that there is about \$400,000 in the Act 13 regular fund and there will be money left if it is taken from there. Commissioner Zimmerlink said she would reiterate that they have those funds earmarked for projects. Commissioner Vicites said they did the roof project and other projects can always be found. Commissioner Zimmerlink said projects have been encumbered and earmarked, let's move on. Commissioner Vicites said they just received \$212,000 in July and haven't spoken about it yet so how can it

be encumbered? Commissioner Zimmerlink asked Chief Clerk Revak if transfers have been made from Act 13 into the general fund. Chief Clerk Revak said she knew there were transfers but she didn't have that information in front of her. Commissioner Vicites said they just got money in July and they need to spread the money around. Commissioner Zimmerlink said they do, and again, let's move on. Commissioner Lohr said it is important for Fayette City to keep roads open. Commissioner Zimmerlink said she feels for them and the other municipalities that don't have money. Commissioner Lohr said they approached us and we are solving the problem and that is what they should do as commissioners.

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to ratify bids totaling \$2,900 from Bid 16-06 for the sale of four vehicles, a 2009 Ford bus, VIN number 1FDFE45P59DA75206; a 2011 Ford bus, VIN number 1FDFE4FSXBDA39228; a 2009 Ford bus, VIN number 1FDFE45P49DA72295; all to Professional Auto Services LLC of Uniontown and a 1998 GMC Truck, VIN number 1GTHK33J8WF041243 to B&G Auto Sales of Uniontown.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to allocate \$18,700 in Act 13 funding from year 2016 for the Fayette County Bureau of Investigations, formerly the Fayette County Drug Task Force, for equipment listed on invoice No. 141.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink no
Motion passed 2-1

Prior to a vote, Commissioner Zimmerlink asked if the money was asked for in 2016 and Commissioner Vicites said yes. Commissioner Zimmerlink said when Sam Lynch came in and did the budget, how was it allocated, calendar year 2015 or calendar year 2016? Commissioner Vicites said it was the budget year 2016. Chief Clerk Revak said it will be taken from the funds received in 2016.

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to amend the dates for the Hotel Tax Grant applications and awards. For 2017, the application process will be to accept applications beginning October 21, 2016 and continuing through November 18, 2016 and to award in February 2017 and then in 2018, the process will be to accept applications in October and November of 2018 and award in December, 2018.

Commissioner Lohr yes
Commissioner Vicites yes

Commissioner Zimmerlink yes
Motion passed unanimously

Chief Clerk Revak read the agenda item seeking a motion to work with the City of Uniontown to acquire the former jail property adjacent to the Fayette County Prison. Commissioner Zimmerlink said they talked about this at the agenda meeting that there was a resolution. Chief Clerk Revak said she sent the resolution, it was in 2014. Solicitor Purcell read the resolution on his computer which stated the county would attempt to get the property from the city. Commissioner Vicites said they don't need to take action but they should follow through on that. Commissioner Zimmerlink said it wasn't going to be carried out in October of 2014, everyone knows why, look who was in office at the time. Commissioner Vicites said he understands that but they need to move forward. Solicitor Purcell said there is enough in the prior resolution to get it moving. He said there are things to be determined such as the condition of the property. Commissioner Vicites said he understands a report was done and he did ask for a copy of that and hasn't received it yet. He said Commissioner Zimmerlink may have a copy of that but he doesn't since it was done before he took office in 2016. He said the building may have to be torn down.

Commissioner Lohr said he doesn't think a prison structure should be there, adding there are foundation issues. He said he could see it as a parking lot, but that is it. Solicitor Purcell said there will be an expense and even if they get it for a dollar, they will put a lot of money in it. Commissioner Zimmerlink said that is only if it is renovated, there are a lot of different options. She said this isn't just to acquire the building and renovate it, this is to acquire the property. She said that means you can look at the land, building and renovation, space to tear it down, there is a wide range of uses for that property which is close to the courthouse. Commissioner Vicites asked what the status is, adding that it should be transferred. Commissioner Zimmerlink said she recalled that city council didn't take a formal vote. She said everyone knows what happened in 2014, you didn't know from day to day what one commissioner was going to move forward on. Commissioner Vicites said they all can agree that the structure isn't able to be saved. Commissioner Zimmerlink said wait until you read the report. Solicitor Purcell explained that the action taken in 2014 was twofold and the first part was to ask the city to transfer the building. Commissioner Zimmerlink said now it is a different board and they should ask them. Commissioner Vicites said he had been asked by the mayor what the status is. He confirmed with Solicitor Purcell that no action is required.

A motion was made by Commissioner Lohr and seconded by Commissioner Zimmerlink to authorize the county solicitor to take all appropriate action up to and including legal action to ensure the public has access and use of the Sheepskin Trail in Dunbar Township.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to enter into a contract with Susquehanna Accounting and Consulting Solutions Inc. for accounting services for the 2017 general fund budget, as attached.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink no

Motion passed 2-1

Before a motion was made, Commissioner Zimmerlink said again, we just received this a few days after the agenda meeting. She said Susquehanna is proposing, dated October 14, to have Sam Lynch be the county chief financial consultant, and they have a county controller, and to perform the functions to prepare the 2017 county general fund budget at \$235 an hour and out of pocket expenses. She said in prior years that ranged from \$25,000 to \$30,000. She said he drives in from Harrisburg so those are all out of pocket expenses. She said Susquehanna has done budgets but so has McClure and Wolf. Commissioner Vicites said McClure and Wolf did it one year and Susquehanna did it at least five years prior to him leaving in 2011. Commissioner Zimmerlink said to her knowledge, McClure and Wolf has prepared it one time. She said they are also under contract to prepare the financial statements for the 2015 audit. She said the Susquehanna proposal was presented on October 14 and they should consider McClure and Wolf, they presented to “all three of us on October 13.” She said they are a local Fayette County business, they have GASB experience, they prepared the 2015 budget and they are working on the financial statements.

Commissioner Zimmerlink spoke about the qualifications of McClure and Wolf and the costs for the service. She also spoke about the prior 2016 budget and a discussion ensued about Susquehanna and she spoke about McClure and Wolf. Commissioner Zimmerlink said they should consider both proposals and made a motion to enter into an agreement with McClure and Wolf for 2017 budget preparation. Commissioner Vicites said she can't make a motion, they have to amend the agenda. The motion died when it did not receive a second. Commissioner Vicites said crafting the budget is the most important thing the county commissioners do so they better feel comfortable with the person lending expertise in GASB. He said looking at the pros and cons, Susquehanna has done it many years and McClure and Wolf has done it one. He said he feels comfortable working with Susquehanna, who helps last year. He said he feels very comfortable working with Susquehanna and Sam Lynch. He said he has no problem with McClure and Wolf but Sam knows the intricacies. He said he feels that way and it is a preference thing. They discussed the need to do RFPs.

Commissioner Vicites she he feels very comfortable with Susquehanna. Prior to a vote, Solicitor Purcell suggested taking out one sentence about attorney fees. After the vote, Commissioner Lohr said they have to have a balanced budget and if they keep pushing things down the road it isn't good. He said this should have been brought up in September. He said next year it will come up sooner. He spoke about how the audit for 2014 was late and the county could have faced sanctions if not for the budget impasse. He said he was pleased in working with Susquehanna regarding the knowledge of the

laws and Act 13 and the company works with numerous other counties throughout the state. Commissioner Zimmerlink asked about a fine. Commissioner Lohr said he was talking about the audit being filed late. They discussed the audit and information being given to Z&A. Commissioner Vicites said he is glad they are picking Susquehanna because they need to get the budget done and have things done in a timely manner. Commissioner Zimmerlink said it is required by code to start the budget three months prior and as any consultant will tell you that you don't prepare a budget without knowing what has been spent. She said they spent two days of budget meetings asking staff if they knew how much they had spent and they didn't know. She said you can't start too early you are guessing. Commissioner Lohr said he wants to make sure they have all their ducks in a row. He said they are already into the three months and they should have had this stuff done in September.

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to table approval to enter into a contract with Susquehanna Accounting and Consulting Solutions Inc. for accounting services to assist with Zelenkofske & Axelrod to complete the 2015 audit and to prepare for the 2016 audit.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink no

Motion passed 2-1

Prior to a vote, Commissioner Zimmerlink questioned why they would table the item. She said right now McClure and Wolf are doing the financials for the audit. Commissioner Lohr said he wants to table because no one has a contract to do the 2016 audit. Commissioner Zimmerlink asked why they would consider having Susquehanna complete the financials when they have McClure and Wolf doing it right now. Commissioner Lohr said that is why he wants to table it. He said they have no contract with any firm to do a 2016 audit. Solicitor Purcell said it tables the item and it will go through the whole process and the language could change.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Vicites to appoint Anthony E. Mitchell to the Fayette County Planning Commission for a term to expire December 31, 2019.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes

Motion passed unanimously

After the vote, Commissioner Vicites said he was the only person interviewed. He said they are still willing to accept letters of interest for vacancies on boards.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to ratify the following transfers and budget amendments.

Department	9/ 12/16 to 10/6 /16 Cost Center	Debit	Credit
Courts			
Contract services	14418653011	\$700.00	
Materials/supplies	14418652000		\$700.00
Professional Services	14418653100	\$15,000.00	
Constables	14418653150		\$15,000.00
Fees	01418451412	\$500.00	
Travel	01418454200		\$500.00
Human Resources			
Contingency	01417952910	\$25,000.00	
Contract Services HR	01415553140		\$25,000.00
Sheriff			
Transfers out Capital	0149205900050	\$85,000.00	
Sheriff Capital	01419757000		\$85,000.00
Ammunition	01419752250	\$124.00	
Life insurance	01419751580		\$124.00
Veteran's Affairs			
Travel	01429453300	\$1,600.00	
Contributions	01429455000030		\$1,000.00
Materials/supplies	01429452000		\$600.00
Register of Wills			
ACS Computer Cost	01419652210	\$500.00	
Equipment	01419652300		\$500.00
Total Debits		\$128,424.00	
	Total Credits		\$128,424.00

Budget amendments—

Children and Youth Services

36442055000065 Increase Contributions ARC Pension Fund in the amount of \$103,813.02

36442033200 Increase state funding in the amount of \$51,906.51

36442033100 Increase federal funding in the amount of \$51,906.51

Commissioners

01411153110 Increase contract services in the amount of \$2,259.00

Courts

17418654000 Increase C-17 budget in the amount of \$75,000.00

Commissioner Lohr yes

Commissioner Vicites yes

Commissioner Zimmerlink yes

Motion passed unanimously

Public Announcements

Chief Clerk Revak said the agenda meeting for November is currently scheduled for Election Day and asked if they wanted to change it. In response to a question from Commissioner Zimmerlink, Chief Clerk Revak said the meetings were advertised at the beginning of the year for the second Tuesday for the agenda meeting and the third Thursday for the voting meetings and the only meetings that were changed were the

one month. Commissioner Zimmerlink asked if the Chief Clerk was sure the meeting dates were not changed for the primary and general election. Chief Clerk Revak said it was changed on a per month basis. Commissioner Zimmerlink asked if the location needs changed. She said they need to make a motion to do that and they can't make a motion because it wasn't on the agenda. She said she guesses that one will get passed. Commissioner Vicites said majority rules, that is why there are three commissioners.

A motion was made by Commissioner Lohr and seconded by Commissioner Vicites to amend the agenda to change the date of the November 8 agenda meeting to Thursday, November 10 in the commissioners meeting room of the Fayette County Courthouse.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Lohr to change the date of the November 8 agenda meeting to Thursday, November 10 at 10 a.m. in the commissioners meeting room of the Fayette County Courthouse.

Commissioner Lohr yes
Commissioner Vicites yes
Commissioner Zimmerlink yes
Motion passed unanimously

Public Comments

Geraldine Mazza asked about the hire of an administrative specialist. Commissioner Zimmerlink said there were Geno Gallo and Kathy Winkler in the last administration. Commissioner Zimmerlink said they didn't fund two positions in the 2016 budget, they found money and they will move it over. Commissioner Vicites said the reason the money was found is that the first assistant wasn't hired until the end of March. Mrs. Mazza said he point was when they came into office they had a financial mess in the county and you eliminated jobs at the prison, tightened your belt and you raised taxes on the public. She said now that you have money to bring as assistant on and have money for other things, when are you going to rescind the tax increase? She said people didn't give you too much flack and now they are in a better financial position, when are you going to rescind the tax raise. Commissioner Vicites said they had a \$6 million deficit and they are on target now financially. He said if they take the tax increase away they are in the hole. He said they did everything they did to cut. Mrs. Mazza said they owe it to the people to rescind the tax raise. Commissioner Vicites said they are very frugal and they are right on target. Mrs. Mazza said if they have money to hire an assistant, they have money to do away with the tax raise.

Commissioner Lohr said in business you have to invest money to make money. He said for him to do the job properly, he needs someone to be in the office. He said he needs the tools to do his job. Mrs. Mazza said Commissioner Zimmerlink has been in

office for more than 12 years and she has never had one. Mrs. Mazza said she doesn't have one. Commissioner Zimmerlink said she has used assistants in the past. She said what will happen now is Joe Ambrose will work with Commissioner Vicites and Russ Rhodes, not Russ Rhodes, Debra Rhodes will work with Commissioner Lohr. Commissioner Lohr said they will still both be out front. He said Joe Ambrose recently had personal issues and he couldn't be in the courthouse and no one was out front. He said that will be shared by both sides. He said they want to try to have someone there when people walk into the front office. He said Joe Ambrose gets a lot of calls. Mrs. Mazza asked about the senior program. Commissioner Vicites said the front desk will be covered with those two people and asked her to conclude. Commissioner Lohr spoke about how the mailroom has been covered in the absence of the designated mailroom handler. He said Joe has helped other departments, such as HR with open enrollment. He said there are employees that when they are not there the work doesn't get done. He said cross training needs to occur.

Commissioner Zimmerlink said there are issues with the union and job classifications. Commissioner Lohr said sometimes there are not enough bodies to do it. The commissioners discussed that the county is not overstaffed. Commissioner Zimmerlink said when the offices see that the commissioners have filled a position, they will ask. Commissioner Vicites said she had even agreed to put another position on. Commissioner Zimmerlink said for 2017, to restructure. Commissioner Vicites said they did it two months early, that is all that is different. Commissioner Zimmerlink said that is not all that is different, they were supposed to do it in 2017 and they were supposed to restructure the commissioner's office and other offices. She said every office has asked for new positions. Commissioner Vicites said that happens every year. He asked Mrs. Mazza to wrap it up. Commissioner Zimmerlink said she has something to say and she is allowed. Commissioner Vicites said he is talking about the three minute rule. Mrs. Mazza said people should be trained to do other jobs. The commissioners discussed the need to cross train people. Commissioner Vicites said it should be looked at on a case by case basis.

Emma Jane Davis said the minister who gave the prayer did a wonderful job. She said they have never had the same minister and if they take prayer out of the meeting, in six months they will want to take the salute to the American flag. She said nobody is tied there that they have to sit there for the prayer. She said if they don't like the prayer, leave the room until the prayer is over. Jeffrey Phillips she this is a public meeting in a public building and they are paid by the taxpayers. He said there is nothing wrong with having a prayer, adding that most places have a moment of silence. He said the problem is when it is faith specific. He said why don't they bring a rabbi or someone else in here and let them call on their deity, would that be OK for you? Commissioner Lohr said the ministerium is the one coordinating that. He said they are coordinating that and if there is a rabbi, he is welcome. He said calling on a specific deity is against the law.

Solicitor Purcell said he didn't know what he is talking about, the Supreme Court ruled in 2014 in town of Greece vs. Galloway that almost exactly the same prayer was constitutional. Mr. Phillips asked, calling on Jesus Christ? Solicitor Purcell said yes, so before he starts saying what the law is he should know it. Mr. Phillips asked how he

would know that he hasn't looked into it. Solicitor Purcell said what he is saying isn't the law. He said his first amendment right as a citizen is to say it isn't right, but the Supreme Court tells us what the law is and the Supreme Court has already decided that the type of prayer we heard this morning is constitutional. He said he may say that is wrong and he is entitled to his opinion. Mr. Phillips said he has served on public boards and they have been informed by their lawyers that is illegal. He said none of the boards he has served on, has anyone given a specific prayer like that. Solicitor Purcell asked if he ever heard the prayers that begin Congress. Mr. Phillips said they do not call on a deity. Solicitor Purcell said the Supreme Court opens by saying God save the United States of America. Mr. Phillips said everyone who is not an atheist is covered by a god. Mr. Phillips said he is sure that Ruth Bader Ginsberg isn't sitting there for a prayer to Jesus Christ. Solicitor Purcell said the Supreme Court has said, look up Town of Greece vs. Galloway, see what the court has ruled, go Google it. He said it is the law, and it doesn't matter what anyone says, it is legal.

Commissioner Zimmerlink said she was going to interject. She said she was commissioner when this happened and many of us looked into a crystal ball and said is this going to cause a problem in the future. She said she suggested maintain silent prayer and this didn't pass. She said he shouldn't tell a citizen to look up the law, it is our resolution and they should provide that. She said it isn't being followed and it has never been followed. She said they need to take a look at that and make sure it is being implemented correctly. Commissioner Vicites said it is being implemented correctly and he appreciates the preacher taking the time to come to the meeting. He said prayer is important. Commissioner Zimmerlink said take a look at the resolution and go from there. Commissioner Vicites said they have a resolution. Commissioner Zimmerlink asked if Solicitor Purcell is aware of the resolution. She told him to pull the resolution and look at it. Solicitor Purcell said he knows the law. He said he has been to thousands of meetings and some start with a prayer and some don't, it is up to the board what they want to do.

Commissioner Vicites said the reason this country is in the shape it is in is because they took prayer out of the schools, in his opinion. Commissioner Zimmerlink said the citizen isn't saying to not have a prayer. After Mrs. Mazza started speaking Commissioner Vicites said she knows she is not to talk from the audience but she does it because she likes to violate the rules. Commissioner Zimmerlink said to pull the resolution. Commissioner Vicites said he recalls the resolution, it was to allow the ministerial association to provide prayer at meetings, not silent prayer. Commissioner Zimmerlink said pull the resolution and make sure everything is in order and let's move on. Solicitor Purcell said he would be glad to.

Adjournment

A motion was made by Commissioner Vicites and seconded by Commissioner Lohr to adjourn the meeting.

Commissioner Lohr yes
Commissioner Vicites yes

Commissioner Zimmerlink yes
Motion passed unanimously