

Friday, December 10, 2004

A meeting of the Fayette County Board of Commissioners was held on December 10, 2004 at 9:00 a.m. in the Public Service Building, First Floor, Uniontown, Pennsylvania.

PRESENT: **Commissioner Angela M. Zimmerlink, Chairwoman**
 Commissioner Joseph A. Hardy III, Vice-Chairman
 Commissioner Vincent A. Vicites, Secretary
 Judith M. Bodkin, Chief Clerk
 Warren Hughes, County Manager
 Joseph Ferens, County Solicitor

Silent Prayer.

Pledge of Allegiance

Commissioner Zimmerlink: apprised those in attendance the board would address all items, but Recess to reconvene around 3 o'clock as the budget needed further consideration, acknowledging it had to be proposed today.

Public Comment on Agenda Items:

Harry Hughes: addressed the tax collectors' compensation system. The best and cheapest system is an elimination of the current system. Highlighting the fact Fayette utilizes the county treasurer in-house, collecting for Connellsville, Uniontown, and Ohio, he favored that process accordingly for the entire collection system. Furthermore, he hoped such a county change was an embryonic step for county collector to collect all three, meaning county, municipal, and school taxes.

Lou Bell: tax collector for Bullskin township. He repeated a request for a graduated commission scale and criticized Commissioner Zimmerlink for not sharing her proposal with his group. He wanted the commissioners to consider the concerns of the Tax Collectors' Association.

Marigrace Butela: tax collector for Dunbar Township. Asked the commissioners to consider a proposed graduated scale and to take into consideration many of the services the tax collectors provide to the taxpayers. Being provided a copy of Commissioner Zimmerlink's proposal, she thought it was unreasonable and excessive. She suggested the Commissioner Zimmerlink take a pay cut.

Tom Kopalko: tax collector for Fairchance Borough. Commented that his salary will be cut by at least one-third and suggested the commissioners cut the fat somewhere else. He asked whether any would be willing to do that?

Pat Britt: commented Fayette is the poorest county in tri-state area but pays the highest compensation tax rate of any and that this doesn't make economic sense. He said we pay 39 tax offices electric, gas, water, and probably sewage bills, and we pay them enough to cover those costs. He said the taxpayers needed a break and supported the measure that changed the compensation.

Jim Killinger: Commended Commissioner Zimmerlink for her effort of addressing the compensation for tax collectors, and said the taxpayers' interests come first, and he hopes those interests are heard. He commented if the tax collectors didn't like the compensation they wouldn't run for the office. He supported the flat rate and hoped that was adopted.

Dave Lengvarsky, tax collector for Franklin Township. Expressed there could be misunderstanding and miscommunication among people who don't understand there is more to the job than going into it. He suggested Commissioner Zimmerlink had a vendetta as the tax collectors didn't support her, and asked if she was willing to

cut everyone’s compensation whenever there is a decision of setting wages. He said to be fair.

Doug Rosenberger: Tax Collector for Henry Clay Township. Asked for the compensation to remain the same and said all of the tax collectors do not make \$80,000, and further commented if there was a cut in his compensation the job would not be worth having and many get automatic cost of living raises.

Jeraldine Mazza: (from the audience) Asked if payment was sent to the courthouse do the collectors get paid?

Discussion among officials reflected they would be paid. The tax collector was elected to perform that function, and payment is sent there. This measure couldn’t eliminate the tax collectors function as authorized by Pennsylvania Law. In order to change to a county collecting system for all three taxing bodies, there would need to be special legislation or Fayette would have to become a Home Rule county.

Randall Haik: development director for Cedarwood Development, requested support of commissioners to pass for lifting of deed restrictions as noted in Agenda item Number 6.

Uniontown Property Development Corporation

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the request of the UPDC to amend the August 26, 2004 Resolution No. 04-8-26-5 changing the recipient of the funds from the Redevelopment Authority of Uniontown to the UPDC.

Ray Polaski informed the board the prior resolution passed referred to the Redevelopment Authority for the city of Uniontown; it should have referred the funds from Act 137 to the Uniform (Uniontown) Property and Development Corporation, owners and managers of the Heritage. He explained the proposal at hand was not part of a previously discussed compensation package pertaining to The Heritage but a separate issue, which applied to unforeseen losses from the fire, renovations, and the sprinkler system. Mr. Polaski recommended passage. **Commissioner Zimmerlink** explained the change applied to the recipient of the funds, which will no longer be the Redevelopment Authority; instead will be the Uniontown Property Development Corporation.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Commissioner Zimmerlink informed the board of a change in the order of the agenda to allow the Controller to take care of matters relating to the 2005 draft budget, which had to be proposed by end of the day.

Controller’s Office

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve ratification of the investment of November 4, 2004 - \$4,875,000 for 14 days at 1.60% interest for 14 days at First National Bank of Uniontown, PA \$2,991.78

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve ratification of the investment of November 18, 2004 - \$5,820,000 for 14 days at 2% at First National Bank of Uniontown, PA \$4,464.66

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Mark Roberts noted the situations of the low return on requests for quotations and the staff's completion of a study and survey of the banks. An analysis will be made and reported to the commissioners.

Redevelopment Authority of Fayette County

Moved by Commissioner Hardy, seconded by Commissioner Vicites to adopt Resolution authorizing the participation in the Pennsylvania Section 108 Loan Consortium.

Ray Polaski explained the Program allows the county and its Redevelopment Authority to be part of a potential state loan pool of funds - partially guaranteed by the state and partially by the individual entities applying for funds. Albeit intended programs don't yet exist on the county level, the authorization enables future participation. **Commissioner Zimmerlink** asked Mr. Ferens for suggested language being he'd had liability concerns. **Joe Ferens** expressed no problem with this resolution as it is not binding the county to anything, allows participation, and when faced with a loan request he explained the board would pass another resolution and revisit the particulars.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the lifting of the "industrial use" deed restriction at the Fayette County Business Park for each business as listed below and letters of intended use to be attached to the resolution.

- 1 D'Auria Associates, L.L.C.
- 2 Grandview Building, L.L.C.
- 3 Synergy Real Estate Corporation
- 4 RET-FAY, L.L.C.
- 5 Cedarwood Development, Inc.
- 6 Fayette Restaurant Group

7 Armstrong Development

Commissioner Zimmerlink: noted the item to be tabled until reconvening in the afternoon and clarified the resolution applied only to the seven as listed. **Joe Ferens** informed that Mr. Margolis brought in a resolution but included a note to reconsider and a meeting among parties after this was for input to accomplish what the commissioners and everybody else wants.

Consider approving the decertification of approximately 60 acres of KOZ property in The Fayette Business Park.

TABLED UNTIL THE AFTERNOON**Fay-Penn Economic Development Council**

Moved by Commissioner Vicites, seconded by Commissioner Hardy to approve submission of an Enterprise Zone Basic Grant Application.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.**District Attorney's Office**

Moved by Commissioner Vicites, seconded by Commissioner Hardy to approve purchase of seven (7) computers from Creative Computer Concepts for the District Attorney's Office for a total amount of \$8,386.

Nancy Vernon, District Attorney: asked for the measure's passage. Discussion centered on which area of county (draft proposed budgeted) funds – including the District Attorney's funds for 2005 – and the bond issue – was to be used. **Commissioner Zimmerlink** expressed her understanding funds would come out of the 2005 line item budget from the District Attorney – not out of the General Fund. **Warren Hughes** said this portion would be considered General Fund monies unless chosen to be from another line item. **Commissioner Vicites** said in the last couple of years it wasn't in the budget, rather it was considered bond issue. **Commissioner Zimmerlink** referred to the Agenda Meeting discussion wherein her recollection was there was no mention of using the bond issue, but was discussion about the 2005 line item. **Commissioner Vicites** said he had mentioned the bond at one meeting. **Warren Hughes** said there was no line item in the budget for capital improvements. He said no line item and no budget for capital improvements existed and there were two pieces to the computer – one of which is the server paid out of the District Attorney fund - as originally discussed. Discussion continued with **Commissioner Zimmerlink** stating that's not what was originally discussed. She had sent a handwritten note and remembered she asked if this was out of a line item budget. **Commissioner Vicites** said he had suggested the bond issue early on and **District Attorney Vernon** said that was correct for the computers. He continued that this was infrastructure, and offered a line item in specifications in the bond issue was included for that so as to be taken from that and doesn't affect the General Fund or any deficit scenario. He made a motion to take it out of the bond issue. **Commissioner Zimmerlink** referred to Mr. Hughes comments that if it was not taken out of the bond issue it had to be taken out of the General Fund. **Warren Hughes** said it could be the general capital account in the General Fund; but not out of the District Attorney; the DA doesn't have a capital line item at this time, but there's general fund capital funds that weren't expended this year. An exchange between **District Attorney Vernon** and **Mr. Hughes** ensued which ended in DA Vernon stating her understanding, was it would be taken out of the bond. **Commissioner Zimmerlink** said memory was this would be taken out of the 2005 budget. **District Attorney Vernon** said her memory was it would be taken out of the bond and that was the only information she knew. **Commissioner Zimmerlink** asked for notes from assistants. Commissioner Hardy's assistant, **Charmaine Sampson** said per her notes it was to take out of the 2005 budget. **Warren Hughes** said the 2005 line item was discussed at the Agenda meeting, but a previous meeting

- not the Agenda meeting - to advertise this, included a discussion of the DA paying half from a DA fund, and the other part out of another fund with Mr. Vicites suggesting the bond fund. He said to a question from Commissioner Zimmerlink during the Agenda meeting, he had responded we do not have a General Fund line item, but we could put it in a line item in the 2005 budget. **District Attorney Vernon** reiterated the need to replace dinosaur computers. **Commissioner Zimmerlink** said there are probably six different ways for where this could be a line item, and at the Agenda meeting prior to this meeting it was to be out of the 2005 budget. **Commissioner Vicites** said there are two options, the bond and capital reserve. He said what has been done was not as a line item in the budget, but rather considering the bond issue route as another option. His understanding was such was discussed at another meeting, not the Agenda meeting. He recalled there was some \$13,000 of \$50,000 from the capital reserve fund. The motion was noted as made by Commissioner Vicites to take it out of the bond. Upon passage of the motion **Commissioner Zimmerlink** said it should be taken out of the 2005 line item, and the bond is used for so many things a whole lot that were unnecessary. **Commissioner Vicites** said there was a line item in the bond issue for that type of expenditure, part of the original bond issue.

On roll call the vote was:

Mrs. Zimmerlink nay
Mr. Hardy yes
Mr. Vicites yes

MOTION CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve ratifying October 14, 2004 – One Year Agreement between Elsie Dvorchak and the County of Fayette for Transcribing Services for the Office of the District Attorney at a rate of \$2.50 per page. (budgeted DA)

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify October 14, 2004 – One Year Agreement between Jessie Langer and the County of Fayette for Transcribing Services for the Office of the District Attorney at a rate of \$2.50 per page. (Budgeted DA)

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify October 14, 2004 – One Year Agreement between Alexis Bisch and the County of Fayette for Transcribing Services for the Office of the District Attorney at a rate of \$2.50 per page. (budgeted DA)

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Human Resource Department

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve UPMC as the health insurance carrier for 2005.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Zimmerlink to ratify the termination of Natalie Peskie, Office Coordinator in the Public Defenders Office, effective November 16, 2004.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to appoint Carl E. Altomonte, County Caseworker 2 with the MH/MR Program, effective December 1, 2004 at a rate of \$13.48/hour. (\$26,286 salary)

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to appoint Janine L. Zahand, County Caseworker 2, with the MH/MR Program Office, effective December 1, 2004, at a rate of \$13.48/hour.(\$26,286 salary)

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Consider accepting the resignation of Mark Yauger, UCC Administrator in the Office of Planning, Zoning and Economic Development effective December 3, 2004 and to advertise the position.

Dave Rogers recommended the resignation of Mark Yauger be pulled. During discussion, **Commissioner Zimmerlink** noted the position was advertised. **Solicitor Ferens** recommended the item be skipped, not presented, and withdrawn.

MOTION WITHDRAWN

Consider adopting Human Resources Policy and Procedure Manual.

TABLED UNTIL RECONVENE

Juvenile Probation Office

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the awarding of Bid No. 04-30: Purchase and Delivery of One (1) New 2004 Extended Length Passenger Van to Day Chevrolet, Inc., of Monroeville, PA for a total cost of \$17,428.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

MH/MR Program Office

****Commissioner Zimmerlink** noted contract agreement 2004-2005 Southwood Psychiatric Hospital is deleted.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve remaining Contracts/Modifications/Agreements between the County of Fayette through the MH/MR Program Office and the following providers:

<u>Modification/Extension Agreement</u>	<u>Contract Value</u>	<u>Period</u>
Fayette Resources, Inc.	\$4,685,543	7/1/03-6/30/04
<u>Fee-for-Service Agreement</u>		
Adelphoi Village, Inc.	\$ 1,000	7/1/04-6/30/05
<u>Contract Agreements 2004-2005</u>		
Compro of Achieva	\$ 10,000	7/1/04-6/30/05
Crawford Co. MH/MR Program	\$ 656	7/1/04-6/30/05
**Southwood Psychiatric Hospital	\$ 8,418	7/1/04-6/30/05
Western Pennsylvania School for Blind Children	\$ 45,131	7/1/04-6/30/05
<u>Fee-For-Service Agreement Modification #1</u>		
Ambassador Nursing, Inc.	\$ 109,780	7/1/03-6/30/04
<u>Modification Agreement #2 - 2003-2004</u>		
Interim Health Care	\$ 160,533	7/1/03-6/40/04
<u>Modification Agreement #3 - 2003-2004</u>		

Interim Health Care	\$ 168,661	7/1/03-6/30/04
<u>Modification Agreement #4 – 2003-2004</u>		
ARC, Fayette	\$2,250,592	7/1/03-6/30/04
<u>* Modification Agreement #1 – 2004-2005</u>		
Community Living Care	\$ 136,826	7/1/04-6/30/05
Rem-Pennsylvania, Inc.	\$ 249,762	7/1/04-6/30/05
<u>HealthChoices Fee-For-Service Agreement for 2005</u>		
MCF Consulting, Inc.	\$100/per hr	7/1/05-12/31/05
<u>HealthChoices Fee-For-Service Agreement for 2005</u>		
Allegheny HealthChoices, Inc.	\$ 90/per hr	7/1/05-12/31/05
<u>HealthChoices Fee-For-Service Agreement for 2005</u>		
Obermayer Rebmann Maxwell Hippel, LLP	\$ 225/per hr	7/1/05-12/31/05
<u>HealthChoices Reinvestment Funds Original Contract</u>		
Chestnut Ridge Counseling Services, Inc. – year 2000 funds	\$ 16,851	(Cash Basis)
<u>HealthChoices Reinvestment Funds Original Contract</u>		
Chestnut Ridge Counseling Services, Inc. – year 2001 funds	\$ 50,000	(Cash Basis)
<u>HealthChoices Reinvestment Funds Modification #1 Agreement</u>		
Chestnut Ridge Counseling Services, Inc. – year 2001 funds	\$ 15,000	(Cash Basis)

On roll call the vote was:

Mrs. Zimmerlink yes
 Mr. Hardy yes
 Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Change Order Number GC-003 to Walter Mucci Construction Company, Inc., P.O. Box 308, Perryopolis, PA 15473 for the new MH/MR building, in the amount of \$1,652. The change order was necessitated by the presence of ground water at the building site that had to be rerouted to an existing storm inlet.

On roll call the vote was:

Mrs. Zimmerlink yes
 Mr. Hardy yes
 Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Planning, Zoning and Community Development

Moved by Commissioner Hardy, seconded by Commissioner Vicites. To approve RZ 04-13: Colleen D. Budinsky, Redstone Township, which requests an extension of a “B-1” General Business on property currently

zoned "R-2" Medium Density Residential.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, to approve RZ 04-14: Thomas & Bonnie Brown, Dunbar Township, which requests a change of zone from "M-1" Light Industrial to "M-2" Heavy Industrial.

MOTION FAILED FOR LACK OF SECOND

Moved by Commissioner Vicites, seconded by Commissioner Zimmerlink to deny RZ 04-14: Thomas & Bonnie Brown, Dunbar Township, which requests a change of zone from "M-1" Light Industrial to "M-2" Heavy Industrial.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve RZ 04-15: Ronald M. Sheba (Laurel Highlands School District), North Union Township, which requests a change of zone from "M-1" Light Industrial and "R-2" Medium Density Residential to "R-1" Medium Density Residential.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify RZ 04-16: Keith B. and Teresa Mayle, Luzerne Township, which requests a change of zone from "M-1" Light Industrial to "A-1" Agricultural-Rural.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the resignation of Chuck J. Cieszynski Jr. from the Zoning Hearing Board, effective November 4, 2004.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to create a UCC Appeals Board.

Commissioner Zimmerlink explained the proposal before them could be adopted or changes made. The UCC Appeals Board was created to consist of three-members, with three alternates, and compensation to be voluntary which would be no amount.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Consider appointments to the UCC Board of Appeals.

TABLED UNTIL DEC. 30

Tax Assessment Office

Moved by Commissioner Hardy, seconded by Commissioner Vicites to adopt Franklin Township LERTA Ordinance No. 1-9-04, adopted by Franklin Township at their regular meeting on September 2, 2004.

Jim Hercik: said Franklin Township and the Uniontown School Board previously adopted the resolution.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify revised shared costs for tax bills and books for municipalities for tax year 2005 as listed:

Current

Real Estate 0.092 per bill 0.033 Tax Collectors Book
Per Capita 0.03 per bill 0.03 Tax Collectors Book

Proposed

- Real Estate 0.12.5 per bill
- Per Capita 0.11 per bill
- Real Estate Book Municipality Copy \$25.00 per book (Hard Cover)
- Real Estate Book Tax Collector Copy \$12.50 per book (Hard Cover)
- Per Capita Book Municipality Copy \$8.50 per book (Soft Cover)
- Per Capita Book Tax Collector Copy \$4.25 per book (Soft Cover)

On roll call the vote was:

- Mrs. Zimmerlink yes
- Mr. Hardy yes
- Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify modification to the contract with RBA to provide services related to the Homestead Act in the amount of \$9,750 and to generate and mail Act 72 postcards required for acceptance or denials at \$.33/each.

Jim Hercik: the monies should be reimbursed via a grant in 2005. Commissioner Zimmerlink asked to make sure in the next budget the revised shared tax bills were adjusted and line items for the tax assessment office reviewed.

On roll call the vote was:

- Mrs. Zimmerlink yes
- Mr. Hardy yes
- Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy to consider approving a filing fee for real estate owners requesting a reassessment appeal on their property based on information gathered by the Assessment Office.

MOTION FAILED LACK OF SECOND

Commissioner Zimmerlink stated she did not want to have additional burden placed on the taxpayer who is requesting the appeal saying it is the Commissioners duty to hear the appeal and cautioned determining whether a case is frivolous before hearing the case.

Commissioner Vicites did not agree with the assessing the fee for a different reason stating that he is hesitant because there is no case law to hang the hat on.

Children and Youth Services

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve a Purchase of Service Agreement between the County of Fayette, through Fayette County Children and Youth Services/Fayette County Juvenile Probation Office, and Alliance for Behavioral & Developmental Disabilities for the 2004-05 fiscal year. Rates are as listed:

- 1 Initial Clothing \$250.00
- 2 Specialized Residential Services \$227.73 per day

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve a Purchase of Service Agreement between the County of Fayette through Fayette County Children & Youth Services and Jo Ann Jankowski, 53 Mayflower Drive, Uniontown, PA 15401 for the balance of the 2004-05 fiscal year. Rates are as listed:

- 3 Counseling, Consultation & Court Testimony & Training \$75/hour

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve a Purchase of Service Agreement between the County of Fayette through Fayette County Children & Youth Services and Barbara H. Peck, Louise Court, Canonsburg, PA 15317 for the 2004-05 year. Rates are as listed:

- 1 Assessments/Evaluations & Follow-up or On-going Psycho-Therapy \$40 per hour
- 2 Reports \$20 per report

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve an Addendum to the 2004-05 original purchase of service agreement between the County of Fayette, through Fayette County Children & Youth Services/Fayette County Juvenile Probation Office, and Pressley Ridge, 530 Marshall Avenue, Pittsburgh PA 15214. Rates are as listed:

- 1 MH CRR Host Homes \$186/day

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve an amended Letter of Agreement between Fayette County Children & Youth Services/Fayette County Juvenile Probation and MedPLUS+, a product of Three Rivers Health Plans, Inc.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the reappointment of Debra Cooper to a 3-year term (beginning January 1, 2005 and ending on December 31, 2007) on the Fayette County Children & Youth Services Advisory Committee.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Emergency Management Agency

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify 911 Coordinator Guy Napolillo to attend the Mid-Atlantic Region All Hazards Forum to be held December 1 and 2 at the Baltimore Convention Center, Baltimore, Maryland.

Commissioner Zimmerlink relayed to keep track of seminar and training attendance regarding travel expenses, transportation and hotel to forestall budgetary problems when some costs might not be covered by a grant.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve two (2) EMA staff members to attend a Department of Homeland Security Office of Domestic Preparedness course December 13-16 in Greensburg, PA.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve three (3) EMA staff members to attend mandatory state training on the new Emnet Software for sending Emergency Alert Message.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify Enhanced 911 Service Agreement between the County of Fayette and Mountain Communications LLC d/b/a/ Procom for the Enhanced 911 Telephone Service.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Human & Community Services/FACT

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Federal Fiscal Year 2005 U.S. Department of Transportation Federal Transit Administration Certifications and Assurances for the County of Fayette, Fayette Area Coordinated Transportation.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy to approve the Director of the Office of Human and Community Services as the authorized representative of Fayette County having adequate authority under state and local law and the bylaws or Internal rules of the County to execute and file application certifications, assurances and agreements on behalf of the County, binding the County and execute grant and cooperative agreements with the U.S. Department of Transportation Federal Transit Administration on behalf of the County and Fayette Area Coordinated Transportation.

MOTION FAILED LACK OF SECOND

Moved by Commissioner Vicites, seconded by Commissioner Zimmerlink to ratify the disposition of one (1) passenger handicapped accessible small transit bus.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Change Order GC-003 Mucci Construction, P.O. Box 308, Perryopolis, PA 15473 for the furnishing of all labor and materials to modify the side concrete sidewalk for a total change order - ADD of \$4,156.65.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Consider discussion of The Fayette County Airport Authority has been presented with \$25,000 for water service to the FACT Transit Center on September 16, 2004. The County of Fayette, FACT has incurred additional expense of approximately \$6,000 for waterline development at the lower entrance of the facility (to ensure no delay in the paving schedule) and coordination with FCAA manager and engineers has occurred – still need from the Fayette County Airport Authority the anticipated date of waterline construction and connection.

Joseph Ferens: said had thought the matter resolved, but it was not. He will review the issue.

TABLED UNTIL DECEMBER 30TH

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve a month-to-month business lease between the County of Fayette, Office of Human and Community Services and Community Opportunities, Inc. at \$236 per month commencing December 2, 2004 for space at the Community Service Center B located at 137 North Beeson Avenue, Uniontown, room number 104.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Commissioners Office

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve minutes of October 28, 2004.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to rescind the October 28, 2004 Resolution No. 04-10-28-42 which approved advertising the RFP or the extension of agreement with Z&A to complete the Single Audit for 2004.

Commissioner Zimmerlink explained the county entered into an agreement with Zelenkofske and Axelrod Associates to complete the Single Audit for 2004 and an agreement for 2005 as well.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to award Bid No. 04-33: Grass Cutting at Jacobs Creek Park, Bullskin Township, to Stash-Scape of Dunbar, PA for a total amount of \$12,340 for one (1) year.

Warren Hughes said that was the lowest bid and **Commissioner Zimmerlink** explained that was less than before.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to adopt the request of Greater Uniontown Chorale to extend declaration of 1980 as the Official Musical Voice of the County.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to make the appointments to various Boards & Authorities at the December 30, 2004 meeting.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Consider proposing the 2005 General Fund Budget on December 10, 2004 and adopt the 2005 General Fund Budget on December 30, 2004.

TABLED UNTIL RECONVENE

Consider selecting a company to develop & maintain the Fayette County website.

Commissioner Zimmerlink explained the newspaper advertisement reflected a December 6 RFP response date, but it was determined that a line went through the fax causing an error on the date, which was officially December 16, 2004.

TABLED UNTIL DECEMBER 30TH

Consider authorizing the Courthouse renovation as defined in the Proposal presented by Phil Hundley, DRS Architects, Pittsburgh, Pennsylvania.

TABLED (move to table Commissioner Vicites, seconded by Commissioner Zimmerlink)

Consider discussion of the County Plan for purchasing new voting machines.

Laurie Nicholson, director Election Bureau: informed the deadline for the Plan was extended to January 31st, 2005. Available copies contain a list of the accessible precincts. Only four precincts are determined as totally inaccessible in need of major renovations. She explained HAVA monies entitled the county to \$8,000 per precinct by machine with the remainder of the funding earmarked to improvements on the precincts to be HAVA acceptable. Noting decisions about the type of machines were pending, she informed the smaller machines handled 350 voters per machine while bigger ones handled 650 per machine. Department estimation for need was based on how many extra were necessary for breakdowns, and power failures. Currently the county has 211 machines with 11 extras. Keeping to that scenario allowed for use of the larger machines, while the amount would need doubled if smaller machines were used. Following up on **Commissioner Vicites'** comment that lever machines all across the country were to be eliminated, she said the effective date of 1-1-06 applied to all lever machines, and paper ballots, and every county had to go with DRE machines. **Commissioner Zimmerlink** said modifications to the Plan should be noted and forwarded to the commissioners. Of four grants, the county through its grant-writer applied for three to date with the fourth to be submitted with the Plan by the January date. Machines have not yet been certified. **Commissioner Vicites** addressed a previously discussed \$1.5 million county contribution as a shortfall and expense mandated on the county. **Commissioner Zimmerlink** said state officials set the figures for the state end and the \$1.5 million county figure was estimated as the worst-case scenario, to be financed either through the general fund or a bond issue – all funded by the taxpayers.

Moved by Commissioner Zimmerlink, seconded by Commissioner Hardy changing the method of compensation for county tax collection from 3.5% commission to a flat rate of \$1.50 per Real Estate tax bill per issued and a flat rate of \$.15 per capita tax bill issued.

Commissioner Zimmerlink explained the proposal affected the compensation for the tax collectors for the county portion of collection of per capita and real estate taxes. Savings to the General Fund per year would be approximately \$184,000. The taxpayers will benefit, as the tax collection would be at a lower cost. The county would still pay for FICA, though at a lower rate; premium on the bonds; county portion of postage; and printing of tax statements. There would be no effect on the existing 39 tax collectors except from 2006 onward. The county would continue auditing. Presently, there is no controlling mechanism in place, as there are increases in the taxes, the tax collector's compensation is automatically increased. With a sliding scale an increase in valuation of property or raising the millage would increase the compensation. With a flat rate per issue there is a control of future costs. **Commissioner Vicites** offered that he accepted the flat rate per bill mailed, but looked at PEL study and noted the average of counties there and those close to Fayette such as Somerset were higher than \$1.50 per bill and the average in the study was higher. **Commissioner Zimmerlink** offered that an analysis of the CCAP survey with twenty-six counties that apply a flat rate ranging from \$.75 to \$4.75 per parcel, the median was \$1.50 per parcel and on issue. She took the survey and analysis into consideration, but looked at what was the best for the county. **Commissioner Vicites** said Somerset was higher, for taxable parcel, and his suggestion was to make it more reasonable with that range. He wanted to reduce costs on the county first and foremost without negatively affecting the tax collection process. He was looking at the counties within the same Senatorial district and thinks a change should be made, and

will vote positively on that as well.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Commissioner Zimmerlink announced a recess until 3:00 PM. On advice of solicitor Ferens Commissioner Zimmerlink noted the reconvening for 3:30 PM.

RECONVENE

Moved by Commissioner Vicites, seconded by Commissioner Hardy to approve the lifting of the “industrial use” deed restriction at the Fayette County Business Park for each business as listed below and letters of intended use to be attached to the resolution.

- 8 D’Auria Associates, L.L.C.
- 9 Grandview Building, L.L.C.
- 10 Synergy Real Estate Corporation
- 11 RET-FAY, L.L.C.
- 12 Cedarwood Development, Inc.
- 13 Fayette Restaurant Group
- 14 Armstrong Development

Ray Polaski: informed the board the resolution addresses some concerns and the recommendation was different than in the packet. **David Tole, representing Armstrong Development,** explained differences in the previous submission. The resolution requires commissioners and the Redevelopment Authority approve a schematic plan at the first stage of development. Then a formal Redevelopment contract would be prepared, also as it is a state law for such a requirement. The commissioners would be a party to the contract and would see conditions that are to be met. At the point of the closing, the commissioners determine compliance issues to ensure the board gets the use it desires, then the commissioners and Redevelopment Authority would execute the deed to convey the land to each redeveloper with clear title. Noting security is also a redevelopment authority law requirement, 100 percent security for the construction of the project would be provided. Only at that point, would the opportunity for lease, sell, etc. exist. **Joe Ferens** informed the intended use is in the contract between the developer, the Authority, and the county, at which stage the commissioners decide whether or not to execute the contract - developers send the commissioners a Letter of Intent. At that point that will be in the development contract and it will be spelled out what is going to be constructed. **Commissioner Zimmerlink** pointed out one caveat that pertained - once deed restrictions for industrial use were removed - was the future use should developers resell the property. **Mr. Ferens** acknowledged the point and noted there was no revision to that effect. He said financing might not be forthcoming with such. **James Davis,** attorney South Union Township said there would be nothing in the deed that gives commissioners control after the initial conveyance of the property. He said the development agreement must be kept in mind, as the township can’t issue an occupancy permit if conditions and zoning are not met. These must be consistent, though there could be ordinance changes. The township has its interest and enormous safeguards as well. **Commissioner Zimmerlink** explained the motion pertained to each of the seven.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the decertification of approximately 60 acres of KOZ property in the Fayette Business Park.

James Davis commented that the South Union Township Supervisors were to meet in a special meeting on Monday to approve the decertification of the 60 acres. Some discussion centered on the exact acreage and identification of lots and boundaries.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to adopt the Human Resources Policy and Procedure Manual.

Dave Rogers informed the board the changes have all been made per recommendations and confirmed there is a clause in the manual noting it may be amended.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the Courthouse renovation as presented in the Proposal by Phil Hundley, DRS Architects, Pittsburgh, Pennsylvania, not to exceed half-million capital outlay from the General Fund.

Joe Ferens explained this has to be budgeted and you can amend your resolution as the board cannot spend monies not budgeted unless it obtains a bond issue per discussions to pay for the item. Identify what to put in the capital outlay before adopting this. **Commissioner Zimmerlink** stated authorizing such as presented by Phil Hundley, DRS Architects, Pittsburgh, Pennsylvania, not to exceed half-million capital outlay from the General Fund. **Mr. Ferens** confirmed the amendment, saying the board is going to spend half-a-million, though not on all renovations. **Commissioner Vicites** added that can be determined at a later date to choose those items. **Commissioner Zimmerlink** concurred.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites propose the 2005 General Fund Budget on December 10, 2004 and adopt the 2005 General Fund Budget on December 30, 2004.

Commissioner Zimmerlink: stated the proposed budget consisted of total revenues of 16,780,354.70 and expenses of 23,800,355.00. This is to put this out for a twenty-day public review.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Public Comment

Children and Youth Services caseworker highlighted numerous horrendous situations and asked the commissioners to help CYS demonstrate a willingness to fairly compensate, and to fund an insurance plan for the workers that more adequately remunerated them for their professionalism under such pressures.

Kim Schusler CYS worker reviewed worst of the worst case situations in the county, noting there are few if any perks to the job, and the employees are underpaid in comparison to other counties and are the lowest paid of 4th and 5th class counties. She suggested there is a need to change the image of Fayette County.

Joe Helms Tax Collector South Connellsville Township said the new compensation for tax collectors would be a 53.8 percent cut in his pay from the county and asked the board to take the same measures throughout the courthouse as he's sure there are pork areas in the courthouse and measure for measure decrease those as was done with the decrease in compensation to the tax collectors.

Adjournment 4:30 PM

APPROVED:

ATTEST:

Judith M. Bodkin, Chief Clerk