

Thursday, December 21, 2006 10:00 am

A meeting of the Fayette County Board of Commissioners was held on Thursday, December 21, 2006 at 10:00 a.m. in the Conference Room, at the Public Service Building, Uniontown, PA.

Present: Commissioner Angela M. Zimmerlink, Chairwoman
 Commissioner Joseph A. Hardy, III, Vice-Chairman
 Commissioner Vincent A. Vicites, Secretary
 Warren Hughes, County Manager
 John Cupp, County Solicitor

- Meeting called to Order
- Silent Prayer
- Pledge of Allegiance
- Public Comment on Agenda Items

Ralph Mazza commented on the agenda item concerning the bidding for workers' compensation questioning if the County knew whether or not the contract allowed early cancellation of the existing policy and asking why the County would go through the bid process if the County could not cancel early.

Commissioner Vicites said that regardless of the timeframe the County should look into the cost of its workers compensation saying the costs have increased. He said he has done a lot of research on this matter.

Jim Moore, HR Director, Felice Associates stated he had reviewed the contract and could not determine the cancellation date. He said he contacted an insurance agent to ask what was typical. Commissioner Zimmerlink asked if the agent he called was Mike Doyle to which Jim Moore confirmed.

Commissioner Zimmerlink said she would be suggesting tabling the matter until it becomes known whether or not CCAP permits early termination. She said that between Tuesday and today the information should have been sought. She also stated that the HR dept should not have contacted an insurance agent or anyone other than CCAP to ask questions on the County's existing contract adding that it was not proper or necessary to contact another insurance agent especially if that agent may be a potential bidder.

John Garlow, owner of Ford Business spoke on the County bidding of copiers stating that his company followed the bid specifications that they were the 2nd highest bid and should be awarded the bid.

Tom Vernon asked if the bid specifications were done correctly and he praised Ford Business and as a taxpayer urged the Commissioners to award the contract to Ford Business.

Chuck Gould of Ricoh said he consulted with the County Manager and departments before he submitted a bid. Mr. Gould said he spoke with the County Manager on the speed of the copiers and he was told to bid what he thought the County needed.

The County Manager confirmed that the County received four bids and that he wrote the bid specifications.

Sheriff Gary Brownfield praised Ford Business stating his office has used copiers provided by them for years without any problems.

- **Redevelopment Authority**

Moved by Commissioner Hardy and seconded by Commissioner Vicites to adopt the attached resolution which approves the 2006-07 Emergency Shelter Grant (ESG) Application for \$95,000 being submitted by the County on behalf of City Mission – Living Stones, Inc. and attached cooperation agreement.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

- **Controller**

Moved by Commissioner Hardy and seconded by Commissioner Vicites to ratify the following investments: November 30, 2006 - \$7,850,000 for 14 days at 5.17% interest with First National \$15,566.66 and December 14, 2006 - \$5,000,000.00 for 14 days at 5.15% interest with First National \$9,876.72

On roll call the vote was:

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

Controller Mark Roberts provided a report on the financial condition of the County stating as of December 21, 2006 Cash in the checking account of \$539,031.61 and investments at \$1,000,000.00. The net position is \$1,814,682.55. The total 2006 revenues at \$22,153,622.38 and the total 2006 expenditures at \$20,290,890.54.

- **Planning, Zoning & Community Development**

Moved by Commissioner Hardy and seconded by Commissioner Vicites to enter into a Cooperative Agreement with Saltlick and Wharton Townships, Connellsville City and Point Marion Borough for the Uniform Construction Code. The Agreement will be January 1, 2007 through December 31, 2010.

On roll call the vote was:

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to adopt the following amendment to the County Zoning Ordinance (ZA06-2)- Section 1000-824 Communication Towers; Section 1000-319 Signs-Other Antennas; Section 1000-206 Conventional Residential Development Table 2 effective January 1, 2007.

On roll call the vote was:

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to ratify rezoning petitions - RZ06-24 Thom Clark and John Sebeck Redstone Township to rezone 15 acres currently zoned R-1 Medium Density Residential to B-1 General Business and RZ06-23 James Wolesslagle Georges Township to rezone .93 of an acre currently zoned M-1 Light Industrial to R-2 Medium Density Residential.

On roll call the vote was:

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

- **Tax Assessment**

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve a contract with Tyler Technologies, CLT Group for 2007 Web Hosting at a rate of \$ 19,100.00.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to set the billing date(s) for Real Estate & Per Capita taxes as March 1, 2007. March & April payment at 2% discount. May & June at “face” amount, and July thru December 31st with a 10% penalty rate.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to adopt LERTA ordinance in Wharton Township exempting certain improvements to and new construction of industrial, commercial and business properties from real estate tax for a period of 5 years to be effective 5 days after the last taxing body adopts its LERTA resolution.

On roll call the vote was:

Commissioner Zimmerlink: nay
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed 2-1

Moved by Commissioner Hardy and seconded by Commissioner Vicites to award RFP 06-08: Leasing of Natural Gas Rights of 50.68 acres in Henry Clay Township to Chesapeake Appalachia LLC for \$2,027.20 being the only bid.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

- **Children & Youth Services**

Moved by Commissioner Hardy and seconded by Commissioner Vicites to give authorization for the administrator to attend the January Quarterly meeting of the Pennsylvania Children & Youth Administrator’s Association to be held in Harrisburg, PA on January 17, 18, 29, 2007.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve Purchase of Service Agreements between the County of Fayette, through Fayette County Children & Youth Services and attorneys Benjamin F. Goodwin & Margaret Zylka House for fiscal year 2006-07 at a rate of \$65.00 per hour.

On roll call the vote was:

Commissioner Zimmerlink: aye

Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve a Contract Addendum to the 2006-07 Purchase of Service Agreement, between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation Office, and the Emergency Youth Shelter of Greensburg. Rates as listed below:

Independent House Group Home	\$171.33 per day
Supportive Living	\$ 68.00 per day

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

- **MH/MR Program**

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the following Agreements/Contracts:

<u>Adm Entity Agreement 2006-2007 (Federal)</u>	<u>Contract Value</u>	<u>Period</u>
Clelian Heights School	\$ 25,020	7/1/06-6/30/07
<u>Agreement for Professional Services 2006</u>		
Maher Duessel (Program Office)	\$ 12,750	2006
Maher Duessel (HealthChoices)	\$ 14,950	2006
<u>Fee For Service Agreement 2006-2007</u>		
Clarion Hospital	\$ 258	7/1/06-6/30/07
<u>Modification Agreements #1 2006-2007</u>		
Goodwill Industries of Fayette County	\$896,100	7/1/06-6/30/07
Laurel Highlands Foundation, Inc.	\$102,298	7/1/06-6/30/07
Verland-CLA	\$ 2,904	7/1/06-6/30/07
<u>Adm Entity Mod #1 Agreements 2006-2007 (Federal)</u>		
Goodwill Industries of Fayette County	\$401,690	7/1/06-6/30/07
Laurel Highlands Foundation, Inc.	\$614,294	7/1/06-6/30/07
Verland CLA	\$696,296	7/1/06-6/30/07
<u>Modification Agreements #3 2005-2006</u>		
Fayette Resources, Inc.	\$ 4,971,555	7/1/05-6/30/06
Mental Health Association in Fay. Co	\$ 662,688	7/1/05-6/30/06
Northwestern Human Services, Inc.	\$ 67,935	7/1/05-6/30/06

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

- **Human Resource Department**

Moved by Commissioner Hardy and seconded by Commissioner Vicites the following:

Tax Claim

to ratify the hiring of Carolyn Shaw, Accounts Clerk I SEIU, at \$8.02 per hour (\$15,639.00) as of 12/11/06.

Office of Human and Community Services

to approve the hiring of Raymond McDonald as Transportation Information Manager at \$15.31 per hour (\$29,954.50) as of 1/8/07; to approve the change in status of Joylynn Dalzell from Part Time Small Bus Transit Operator to Full Time at \$9.15 per hour (\$17,842.50) as of 12/18/06; to approve the hiring of Robert Pento as Small Bus Transit Operator at \$9.47 per hour (\$18,466.50) Grade 7 SEIU as of January 2, 2007 to approve an agreement with Laurel Business Services for the services of temporary personnel for the Fayette County Office of Human & Community Services effective January 2007.

CYS

to approve the Transfer with Promotion of Amy Cunningham from MH/MR to CYS as County Caseworker 1, effective January 2, 2007 at a salary of \$24,840 (\$12.74 per hour) and to approve the appointment of Andrea Stephens Guth as a County Caseworker 1, effective January 2, 2007 at a salary of \$24,840 (\$12.74 per hour).

MH/MR Program

to approve the Promotion of Denise M. Higbee from County Caseworker 2 to County Casework Supervisor, effective January 2, 2007 at a salary of \$32,019.00 (\$16.42/hour).

Building & Grounds

to amend resolution no. 06-11-30-23 to read as hire Edward Arendas, effective 12/04/06 and Walter Baird III, effective 12/11/06 as Custodians, Grade 2 SEIU at \$7.77 per hour (\$15,151.50).

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

- **Human & Community Service**

Moved by Commissioner Hardy and seconded by Commissioner Vicites to ratify an Agreement between the County of Fayette, FACT and the Westmoreland-Fayette Workforce Investment Board for the provision of transportation services during the FY 2006-07.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the FY 2006-07 PA Department of Public Welfare, Human Services Development Fund agreement between the County of Fayette through the Fayette County Office of Human & Community Services and the following providers: Connellsville Area Community Ministries Partners for Life Juvenile Probation Division \$7,500; East End Community Center-After School & Summer Enrichment Program \$12,620.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

- **Commissioners**

Next item on the agenda was to consider a Motion to award Bid No. 06-21: 41 Copy Machines lease for January 1, 2007 to December 31, 2011. John Cupp, county solicitor, said he reviewed this and that it appeared that one bid may not have met the bid specifications and that the County may be better served to either rebid or to table the matter until a detailed analysis could be done.

Both John Garlow and Chuck Gould reiterated their comments on their bids submitted.

Commissioner Zimmerlink asked if any Commissioner wished to make a Motion on the agenda item as listed. Commissioner Zimmerlink said she would suggest to reject and rebid and that the County Manager review the specifications and obtain legal input from John Cupp.

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to reject the 4 bids received under Bid No. 06-21.

On roll call the vote was:
 Commissioner Zimmerlink: aye
 Commissioner Hardy: aye
 Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to re-bid the leasing of 41 copy machines for lease period January 1, 2007 to December 31, 2011.

On roll call the vote was:
 Commissioner Zimmerlink: aye
 Commissioner Hardy: aye
 Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to ratify the following budget transfers for the general fund from November 17, 2006 to December 19, 2006.

OFFICE	CCOUNT NUMBER	DEBIT	CREDIT
Assessment Office			
Postage	014136 53250	\$460.00	
Travel	014136 53300		\$460.00
Tax Duplicate	014136 53013	\$3,000.00	
Computer Services	014136 53010		\$3,000.00
Commissioners			
Travel	014111 53300	\$1,000.00	
Material & Supplies	014111 52000		\$1,000.00
Prothonotary			
Salaries – Part time	014195 51450	\$400.00	
Material & Supplies	014195 52000		\$400.00
Magistrate Office – Unappropriated			
Unappropriated	014999 59040	\$7,201.00	
Rent	014186 53830		\$2,701.00
Postage	014186 53250		\$4,500.00
Tax Collectors – Unappropriated			
Unappropriated	014999 59040	\$10,901.40	
Tax Coll. Com.	014137 51470		\$9,434.46
Tax Coll. Prior	014137 51471		\$9.63
Tax Coll. FICA	014137 51610		\$1,043.66
Tax Coll. Postage	014137 53250		\$413.65
Election Bureau			
Material & Supplies	014120 52000	\$2,000.00	
Telephone	014120 53200		\$1,000.00
Contract Computer	014120 53010		\$1,000.00
Juvenile Probation			
JCJC Administrative	014237 52566	\$1,000.00	

IV-E Account	014237 52517	\$1,000.00	
Travel	014237 53300		\$2,000.00
Clerk of Courts			
Association Dues	014191 54200	\$50.00	
Life Insurance	014191 51560		\$50.00
Veteran Affairs			
Health Care	014294 51560	\$500.00	
Telephone	014294 53200		\$500.00
Prison			
Cell Rental	014232 53830	\$39,564.70	
Salary	014232 51400		\$39,564.70
Sheriff Department – Prison			
Prison Cell Rental	014232 53830	\$4,500.00	
Sheriff – Con. Emp.	014197 51450		\$4,500.00
Health Care List			
Adult Probation	014236 51560	\$17,547.22	
District Attorney	014194 51560	\$15,000.00	
Assessment	014136 51560		\$3,074.75
Clerk of Courts	014136 51560		\$4,217.17
Court Admin.	014184 51560		\$826.04
Court Constables	014189 51560		\$82.40
Juvenile Probation	014237 51560		\$3,733.06
Law Library	014237 51560		\$420.83
Recorder of Deeds	014153 51560		\$1,745.91
Register of Wills	014196 51560		\$2,280.74
Sheriff	014197 51560		\$535.42
Tax Claim	014138 51560		\$758.59
Treasurer	014139 51560		\$1,631.02
District Justices	014186 51560		\$11,476.41
Planning	014171 51560		\$1,764.88
	Total Debits	\$104,124.32	
	Total Credits	\$104,124.32	

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the Commissioners meeting minutes of November 30, 2006.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the Statement of Work between the County and Department of Corrections SCI-Fayette to provide transportation across the river via the Fredericktown Ferry for state vehicles not to exceed \$5K year.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Next item on the agenda concerns the County's Workers Compensation which was placed on the agenda at the request of Commissioner Vicites. He stated his interest is to determine if the County was receiving the best price. Jim Moore, HR of Felice Associates reiterated that he did not call CCAP. He said he reviewed the contract and could not determine the cancellation clause so he called another insurance agent to find out what was typical. Commissioner Zimmerlink stated that there is only one person to call and that would be CCAP since the contract is with them and then if there were clarification issues than to go to one of our county solicitors.

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to Table the agenda to consider advertising for proposals for Workers' Compensation.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to execute a First Amendment to Quit Claim Deed modifying prior Quit Claim Deed between the County of Fayette and Office of General Services to show new use of the Federal Building, Uniontown property for Historic Monument purposes.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to adopt the 2007 General Fund Budget with a total revenue of \$2,043,030.17 and a total expense of \$21,559,826.85 with a project beginning fund balance of \$628,565.93 with a millage rate for 2007 of 3.5448.

On roll call the vote was:

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passed unanimously

Commissioner Vicites commented that he thoroughly reviewed the budget looking at each line item and preparing a budget in a fiscally responsible manner. He stated that only 98% of the budget for this year has been spent. Commissioner Vicites said this was two years in a row that the millage rate was lowered. In explaining the budget, Commissioner Vicites highlighted some of the items noted in the narrative attached to the budget stating some state and federal cuts and increases in some costs such as with 911, Children & Youth Services and the airport. Commissioner Vicites said the prior year deficit was erased a year earlier than planned. Commissioner Vicites said he did some research and found that Fayette County has the lowest tax rate in nine counties in southwestern PA and Fayette County ranks 55th out of the 67th counties in the state tax rate.

Commissioner Zimmerlink added that the longtime practice of inter-office borrowing at the end of the year would not occur this year which is a good thing. She said that receiving more accurate revenue and expense figures led to an improved budgeting process. She said that the county has changed from cash to accrual accounting which make the projections more accurate. Commissioner Zimmerlink said that the county could have not decreased the millage rate and instead kept the tax revenue but that her philosophy is that county government should only collect from the taxpayers what is needed to operate the County. She said that having a larger surplus would mean a greater fund balance but in reality it is taking more from the taxpayers than needed. She added that also having a larger surplus could lead some department heads, row officers and commissioners to be less vigilant in controlling and monitoring spending.

- Public Comment

Marigrace Butela, Dunbar Township tax collector commented on the suggestion of Commissioner Zimmerlink and of Commissioner Vicites that the County provide envelopes to the 39 tax collectors and also that the tax collectors return the stuffed envelopes to the county for them to mail rather than the tax collectors fronting the postage and mailing the tax bills through the post offices. Ms. Butela said it would be mass confusion for the County to mail out more than 60,000 pieces and also that she did not think the tax collectors would be able to certify that the tax bills were mailed. Commissioner Vicites suggested then that the County provide stamped envelopes, a suggestion liked by Ms. Butela. Both Commissioner Zimmerlink and County Manager Warren Hughes said that suggestion was not possible. Commissioner Zimmerlink stated that the offer to provide both envelopes and to take care of the mailing was made by the County as an effort to help the tax collectors since some of them complained of having to wait for reimbursement. Commissioner Zimmerlink said that if the tax collectors do not want to take the suggestion and offer of the County which the County believes would help them then the County won't provide the envelopes and the offer to mail the bills and the matter can be reviewed next year.

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

On roll call the vote was:

Commissioner Zimmerlink: Aye

Commissioner Hardy: Aye

Commissioner Vicites: Aye

Motion passed unanimously

Meeting Adjourned.

Judith M. Bodkin, Chief Clerk