

A meeting of the Fayette County Board of Commissioners was held on February 26, 2004 at 10:00 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.

Public Comment:

**Robert Merlin**, of Laurel House thanked the commissioners for proclaiming “Mental Retardation Awareness Month”; he explained that he works for Goodwill Industries doing janitorial work at Cavert Wire and MH/MR.

**Lisa Kusniar** also thanked the Commissioners and told the public about the events that are going on in Fayette County during Mental Retardation Awareness Month.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to proclaim March 2004 as “Mental Retardation Awareness Month.” Commissioner Zimmerlink read the proclamation and presented it to Robert Merlin.

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 proclaim March 16-22, 2004 as “Daffodil Days.” Commissioner Zimmerlink read the proclamation.

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 one-year contract with Resource Technologies Corporation, 248 East Calder Way, State College, PA for technical support, as needed, at a rate of \$65.00 per hour for the counties Geographic Information System subject to review and approval of solicitor.

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 Purchase of Service Agreement between the County of Fayette, through, Fayette County Children & Youth Services and Fayette County District Attorney, in the amount of \$44,000/year for the period of January1, 2004 through December 30, 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 ratify Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and Tony Schrim of 1133 Jerome Street, Pittsburgh, PA at a rate of \$54/ hour for the period January 1, 2004 through June 30, 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 approve Purchase of Service Agreement between the County of Fayette through Fayette County Children and Youth Services and Marion R. Henry of 1176 Grant Street, Indiana, PA at a rate of \$70/hour for the period March 1, 2004 through June 30, 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 ratify Purchase of Service Agreements between the County of Fayette, through Fayette County Children Youth Services and Community Resources of Fayette County, Inc. a/k/a Crime Victim's Center of 109 Fayette Street, Uniontown, PA for FY 2003-04 and the rates are as follows: Parenting Classes \$500/class, Counseling \$40.50/hour, and Program funded services \$12,500/ year.

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 participation of 12 youth and 3 staff in the 2004 Independent Living Retreat to be held at Jumonville Retreat Center the weekend of May 21-22, 2004 for a total cost of \$6,665.

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 Director of Election Bureau to attend Western Pennsylvania Election Spring Meeting on March 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 hire Sheila Davis as an Account Clerk I in the Tax Claim Office at \$7.42/ hour effective no later than March 15, 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 promote Aaron Coleman from a Bridge Worker II to a Mechanic/Welder at a rate of \$8.76/hour effective March 1, 2004.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

**(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the hiring of Thomas Shafer

as Assistant Public Defender at \$19,000/year effective January 22, 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 ratify resignation of Kristina L. Grant, County Caseworker 2 from MH/MR program effective February 6, 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 approve the submission of FY2004-05 Child Care Information Services grant in the amount of \$2,940,693 to the Pennsylvania Department of Public Welfare. Commissioner Zimmerlink commented that she had received 2 calls, 1 from a member of the Child Care board, expressing their concerns that the grant amount and the amounts agreed on by the board were not consistent. She said that depending on the time frame involved the item should be tabled until the information was clarified. The Chief Clerk went to the Office of Human Services to clarify the information.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to table the motion on the floor.

On roll call the vote was:

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

**MOTION UNANIMOUSLY TABLED.**

**(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve submission of the revised FY 2003-04 Human Services Development Fund Pre-Expenditure Plan to the Pennsylvania Department of Public Welfare which includes agreements between the County of Fayette, through the Office of Human and Community Services and various providers.

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

contract for the performance of Earthwork & Associated Construction Activities for the FACT Transit Center between the County of Fayette, FACT and of Steve Patterson Excavating extending the contract term to March 6, 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 approve an agreement for engineering services between the County of Fayette, FACT and McMillen Engineering for water line extension for the FACT Transit Center in the amount of \$4,700.

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 agreement between the County of Fayette, FACT and the Fayette County Airport Authority for sewage and water services for the FACT Transit Center.

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 agreement between the County of Fayette, FACT, the Fayette County Airport Authority and the Fayette Airport Enterprises, LLP, for sewage treatment services for the FACT Transit Center; FACT's assessed cost is based on sewage flow is 8.75% or \$21,875.

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 approve the participation of OHCS Director to attend the Pennsylvania Association of County Human Service Administrators spring quarterly meeting in March 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 approve the participation of two members of Human & Community Service staff, OHCS Fiscal Manager and FACT General Manager to attend the Pennsylvania Public Transportation Association conference in March 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 approve the participation of the FACT General Manager to attend Rural Management Assistance program conference in March 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 approve contract agreement between the County of Fayette County MH/MR Program and Paula Teacher & Associates, Inc. in the amount of \$30,100 for the period February 1, 2004 through June 30, 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 approve contract agreement between the County of Fayette through the Fayette County MH/MR Program and the Children's Institute in the amount of \$9,000 for the period February 17, 2004 through June 30, 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 ratify contract modification #1 between the County of Fayette through the Fayette County MH/MR Program and REM-PA Inc. in the amount of \$276,124 for the period February 1, 2003 through June 30, 2004. Commissioner Zimmerlink questioned the year of 2003.

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 rescind the last motion for agenda Item #27 with the date of February 1, 2003.

On roll call the vote was:

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

**MOTION UNANIMOUSLY RESCINDED****(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify contract modification #1 between the County of Fayette through the Fayette County MH/MR Program and REM-PA Inc. in the amount of \$276,124 for the period July 1, 2003 through June 30, 2004. Commissioner Zimmerlink questioned the year of 2003.

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 contract modification #2 between the County of Fayette through the Fayette County MH/MR Program and Laurel Highlands Foundation, Inc. in the amount of \$726,355 for the period February 6, 2004 through June 30, 2004.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED****(Amended)**

Moved by Commissioner Vicites, seconded by Commissioner Hardy to approve modification to existing contract between the County of Fayette and Lou Anne Krch-Demosky to change the procedure for transcripts on zoning hearings. Commissioner Zimmerlink brought a letter to the attention of the Commissioners that she received from Atty. Gretchen Mundorff regarding the changes in the way the hearing transcripts would be handled. Atty. Mundorff explained that the transcripts should stay the same because of legal problems and time sensitive issues if the transcripts are immediately typed. Commissioner Zimmerlink then stated that she would like to table the issue until it could be further researched. Commissioner Ferens encouraged the Commissioners to keep the current system in place and table the issue until the contract could be re-written.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to table the motion.

On roll call the vote was:

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

**MOTION UNANIMOUSLY TABLED**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve request of Dr. L. Randall Pettit, 7 North Washington Street, Masontown, PA, Map No. 21-07-0198, Zoning Classification R1 for a Limited Professional Activity to open a chiropractic office.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED**

**(Amended)**

Commissioner Zimmerlink read Item #31 to re-consider contract between the County of Fayette and David Bukovan for preparation of Zoning Hearing Board Resolutions. Commissioner Zimmerlink stated that she placed the Zoning Resolution item on the Agenda because she had planned on discussing it however, at this time it does not need to be discussed.

Moved by Commissioner Zimmerlink, seconded by Commissioner Hardy to table this, to give more time for Attorney Ferens (County Solicitor), to review the contract that he just received.

On roll call the vote was:

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

**MOTION UNANIMOUSLY TABLED**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to adopt resolution, which approves the 2004 HOME Investment Partnership Program Application being submitted on behalf of Fayette County by the Fayette County Redevelopment Authority.

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 resolution, which approves modifications to German Township's FY 2001 and 2003 Community Development Block Grant (CDBG) Programs.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED**

**(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the investments as follows:  
January 22, 2004-\$3,075,000 for 14 days at 1.20% interest with First National Bank \$1,415.34  
February 19, 2004-\$3,975,000 for 14 days at .75% interest with National City Bank \$1,159.37

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. 03-22 to Marricco Construction Company, Inc., 2823 Old Washington Road, McMurray, PA 15317 for the construction of County Bridge No. 147 carrying Merrittstown Road over Dunlap Creek in Redstone and Luzerne Townships in the amount of \$609,450. (No Cost to 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 authorize the advertising for bids of grass cutting at Jacobs Creek Park.

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 advertising for bids of Cleaning & Janitorial Supplies for the Prison and Courthouse for the period of one year.

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 advertising for bids for Fayette County office supplies.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED**

**(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to adopt updated Housing of Last Resort Resolution for Department of Transportation Projects in the County of Fayette. The Pennsylvania Department of Transportation is required by the Pennsylvania Eminent Domain Code, to provide relocation assistance to all persons displaced of right-of-way for various projects located in Fayette County. (See Attached 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 extend contract between the County of Fayette and Zelenkofske & Axelrod LLC, 940 East Park Drive, Suite 200, Harrisburg, PA 17111 for county audit services for calendar year 2003 for the sum of \$54,605.00. Commissioner Zimmerlink stated for clarification purposes, that it was within the realm of the RFP to extend this contract; Commissioner Vicites added that it was budgeted.

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 for the County Commissioners to work

with local municipalities to implement a county plan to enforce the mandated statewide building code. Commissioner Vicites commented that the Commissioners had been working on this issue for several years, in conjunction with the Redevelopment Authority and the planning office. He then stated that we have the option to either have this locally, county or state mandated, and being that we are 1 of 10 counties in Pennsylvania to have County wide zoning this option is better for Fayette County. He added this is just a starting block, and the municipalities can still do this on their own if they so desire. Commissioner Hardy agreed with Commissioner Vicites and added that the local municipalities can't get this done their selves, and the state can't provide the services effectively, he feels the county should take the lead on this issue and streamline the process. Commissioner Zimmerlink disputed that after researching Act 45, there were 5 options and after reviewing it she felt that the state wanted the local municipalities to join together and take this on their selves, she also stated that she received 5 calls from state officials that don't want this to happen, she also clarified that even if the municipalities want the county to handle the issue, it isn't required as a county function and stated numerous reasons why she didn't recommend it. Commissioner Vicites said that Harrisburg looks at the state as a whole, and that he fervently believes that this is what the local municipalities will opt for and that this is best for Fayette County.

On roll call the vote was  
 Mrs. Zimmerlink no  
 Mr. Hardy yes  
 Mr. Vicites yes

#### **MOTION CARRIED**

#### **Public Announcements:**

The Transportation Executive Committee has a vacant seat as of March 31, 2004 and any interested applicants should contact Charmaine Sampson, Commissioner Hardy's Assistant, to schedule an interview.

The Fayette County Election Bureau wanted to announce that the Last Day to register to vote for the primary election is March 29, 2004 and that the Primary Election is April 27, 2004. They also announced that the SURE, Statewide Uniform Registration Elector, program is cross-checking voter registration applications and may be contacting people who are voting in the wrong districts, they wanted to stress that this is State Mandated and that the County can not make any changes. Commissioner Zimmerlink gave the election bureau's phone number and urged anyone with questions to call &24 430-1289.

The EMA announced that Federals Small business relief funds are being released to eligible businesses, home owners and renters that were effected by last years flood waters and said that information may be obtained by calling 1-800-659-2955 or the local EMA office at 724 430-1277.

#### **(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the submission of FY2004-05 Child Care Information Services grant in the amount of \$2,940,693 to the Pennsylvania Department of Public Welfare pending review & approval of OCHS and Childcare Board in conjunction with Echo. Commissioner Zimmerlink explained that this had to be done because of a grant submission deadline.

On roll call the vote was:

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

#### **MOTION UNANIMOUSLY CARRIED.**

**Public Comment:**

**Doreen Bugai** spoke about Diabetes awareness, she is a patient advocate for the American Diabetes Association, and she thanked Commissioner Vicites for all of his past help. She asked for any support, financially or otherwise that are available and announced that she will be hosting a show on HSTV and going to various schools to make presentations.

**Geraldine Mazza** spoke as a member of the Voter Integrity Panel about election fraud in Fayette County; she prompted the commissioners as to if there has been any action taken? She also asked if the Attorney General was contacted, and insisted that the Commissioners do this immediately.

Commissioner Zimmerlink responded that the election board is in the process of reorganizing, the board is made up of the 3 County Commissioner, although as a candidate Commissioner Vicites has be replaced because he is on the ballot. She explained that Solicitor Heid, the election bureau solicitor, has been contacted and is working on the reorganization. Commissioner Zimmerlink added that anyone can call the Attorney General, and as a member of the election board if the proper paperwork is filed, the board will take the proper steps to investigate it. She then stated that she received information about the Voter Integrity Panel only has 6 members of a 9 member panel and needs to be reviewed by the new County Commissioners.

**Ralph Mazza** said that only 1/3 of the people eligible to vote in an election actually vote and it is less every election, he said that is because of the voter fraud issues, specifically the last issue that was attempted to be swept under the rug by two commissioners and that it was held out as long a possible and that the people responsible for the fraud were given a slap on the wrist, he was concerned that these shenanigans turn people off to voting

**Dave Lohr** questioned Item #42, the issue of building code enforcement; he wanted to know what the fees would be? He said Labor & Industry must inspect, plus electrical fees, etc. He also asked if this would add new costs or cancel out the old fees? He said the building codes would be a minimum of \$750 to \$2,000 each. Will all new fees be passes on the builders, because most builders are on a strict budget already? He was concerned that this resolution was passed to soon.

Commissioner Vicites said that the amounts were not set yet, but that it will not come out of the general fund. He then added that it is in a Starting Block phase and as far as he knows it will not add any new fees. He said this is just a preliminary process, and that this resolution will just let the municipalities know that this is what the County is offering.

Commissioner Zimmerlink adjourned the meeting.

**APPROVED:**

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**ATTEST:**

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**Judith M. Bodkin, Chief Clerk**