

**Thursday, January 22, 2004**  
**Amended Minutes**

A meeting of the Fayette County Board of Commissioners was held on January 22, 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**  
                   **Tabitha Gallis, Administrative Assistant**

Silent Prayer.

Pledge of Allegiance.

Public Comment:

**Jeff Hatison-** regarding making January “National Volunteer Blood Donor Month”, he wanted to thank the commissioners and let them know that the Uniontown blood bank has under a two day supply of blood and that you can donate blood every fifth six days, average blood donor comes out 1.5 times per year. 6000 blood products went out last year, we are in a desperate need for donors. He wanted to ask everyone who is eligible to donate blood to donate because a family member of his or hers could be the next person to need blood.

Commissioners presented proclamation for January as “National Volunteer Blood Donor Month” and presented the proclamation to the Red Cross Volunteers, Jeff Hatison and Barb Hall.

Commissioners ratified proclamation for January 19, 2004 as “Martin Luther King Jr. Day”.  
**(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to proclaim January as “National Volunteer Blood Donor Month” and ratify proclamation for January 19, 2004 as “Martin Luther King Jr. Day.”

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Public Comment:

**Lisa Kusniar** – commented on the employee healthcare issue, item #19, and advised the commissioners that she thought they should hold off on voting for the healthcare saying it would be detrimental and other options should be explored. She said that the information was inaccurate and the new commissioners couldn’t of had enough time to review this plan since taking office. She also said that she thought the current healthcare should be extended until a better option could be found. She stated that the healthcare costs in the budget are inaccurate and county employees should be better taken care of. Respectfully asked that the commissioners table the item.

**Nancy Vernon**-commented on the employee healthcare issue, item # 19, as an attorney she said the healthcare presented was unfair to the county employees, she said it was a red flag to her because the employees shouldn't be divided into categories because of having a spouse that had insurance or those who do not have that option, she said all employees should have the same options. The employees have relied on the insurance; basic contract law says this should continue. She also stated that this is unfair to people who are currently going through a divorce or other extenuating circumstances could have other legal circumstances. It will be a dear hardship on the employees. She implores the county to further look into this plan and explore other options.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Dewey F. Hughes, 378 Nilan Hill Road, Point Marion, PA, for a real estate tax exemption as he has been approved by the Pennsylvania Veterans Office as being 100% disabled.

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 request of CYS administrator to attend January Quarterly Meeting of the Pennsylvania Children & Youth Administrators Association in Hershey, 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 Purchase of Service Agreement through Fayette County Children & Youth/Fayette County Juvenile Probation Office and Tamarak Adolescent Treatment Center, PO Box 305, 992 Station Road, Twin Rocks, Pennsylvania from January 15, 2004 through June 30, 2004 at a rate of \$175.00 per day with an initial clothing allowance of \$250.00.

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 amend Resolution No. 02-6-13-55, Board Appointment Term of Reverend James Fogg to the Fayette County Children & Youth Advisory Board term ending date of July 1, 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 Vicites to authorize advertising for RFP's to conduct the Fayette County Children and Youth Single Audit for Calendar years 2003, 2004, and 2005. Commissioner Zimmerlink explained that this audit could be added to the County Audit after receiving a letter from the county auditor. It was discussed that this would be the best option.

**MOTION WITHDREW.**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the amendment to extend the Mutual Cooperation & Coordination Agreement between Fayette County Children & Youth Services/Fayette County Juvenile Probation and UPMC Health Plan, Inc. to December 31, 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 authorize advertising for bids for 9 computer systems & accompanying software for Children and Youth Services.

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 advertising for bids to lease one 7 passenger 2004 Mini Van for Children and Youth Services.

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 EMA staff members to attend PEMA Quarterly Training February 4-5, 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 approval of 911 Coordinator to attend NENA/APOC executive board meeting on January 20, 2004 and the 1<sup>st</sup> PEMA 9-1-1 wireless meeting on January 21, 2004 in Harrisburg.

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 Office of Human and Community Service plan of action relative to the reinstatement of the Pennsylvania Department of Public Welfare, Human Services Development Fund to the commonwealth's budget.

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 approve an addendum to the contract for the performance of Earthwork & Associated Construction Activities for the FACT Transit Center between the County for Fayette, Fayette Area Coordinated Transportation and Steve Patterson Excavating extending the contract term to February 14, 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 authorize advertising for bids for 3 Heavy Duty Handicapped Accessible 14 Passenger (12+2) Small Transit Buses for the Fayette Area Coordinated Transportation (FACT).

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 accept the resignation of Thomas Shrum, Fayette County Children and Youth Services County Caseworker 2, effective December 12, 2003.

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 accept the resignation of Darek Eberhart, Fayette County Children and Youth Services County Caseworker 2, effective January 26, 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 approve the transfer of Brian J. Davis, County Caseworker 2, from Erie County Office of Children and Youth to Fayette County Children and Youth Services.

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 promote Sandra Callaway to Fiscal Manager, Office of Human and Community Services at a rate of \$25,272/year, effective January 24, 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 accept the resignation of Susan McMasters, Fayette County Tax Claim Bureau Account Clerk I, effective January 2, 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 discharge Melissa Close, Fayette County Commissioners Office Administrative Assistant, effective January 20, 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 Zimmerlink to approve contracts confirming the counties rates for the period of February 1, 2004 through December 31, 2004 for group welfare plans, UPMC (Medical), HMO 2: \$8/\$15/\$35 Rx; No Vision (Premium), Non-Standard PPO 3: \$10/\$20/\$40 Rx; No Vision (Standard), HMO 2; \$8/\$15 Rx; No Vision (HMO), Non-Standard EA POS 2: \$8/\$15 Rx; No Vision (POS), United Concordia (Dental), Highmark (Vision), MetLife (Term Life, Short Term, Long Term Disability). Commissioner Vicites expressed that he didn't feel comfortable voting on this at this time and that he thought the commissioners should explore other options. Commissioner Zimmerlink told Commissioner Vicites that he had 14 months to research this information and have his questions answered; she said that everyone involved had recommended the plan. Commissioner Vicites responded that he wasn't presented the entire plan until late December 2003 and said that when he was presented it he recommended that it be put back out for RFP, he also expressed that he was not involved in developing this plan, and that it was the former Commissioner Nehls that worked with Triad and Select HR to develop it. He thought it should be re-negotiated and other options explored. Commissioner Zimmerlink added that she thought Commissioner Vicites should of gotten the information himself and taken an active role, she also said that it was presented to herself and Commissioner Hardy that if this isn't approved then February 1<sup>st</sup> there will be no health insurance. Commissioner Vicites said that the Triad contract was up at the end of 2003 and could have explored other options. Commissioner Zimmerlink said that Commissioner Vicites didn't inform her that the contract was up or that he wished to explore other options.

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

Moved by Commissioner Zimmerlink, seconded by Commissioner Hardy to recess the meeting for 5 minutes.

Moved by Commissioner Hardy, seconded by Commissioner Zimmerlink to approve contracts confirming the counties rates for the period of February 1, 2004 through December 31, 2004 for group welfare plans, UPMC (Medical), HMO 2: \$8/\$15/\$35 Rx; No Vision (Premium), Non-Standard PPO 3: \$10/\$20/\$40 Rx; No Vision (Standard), HMO 2; \$8/\$15 Rx; No Vision (HMO), Non-Standard EA POS 2: \$8/\$15 Rx; No Vision (POS), United

Concordia (Dental), Highmark (Vision), MetLife (Term Life, Short Term, Long Term Disability).

On roll call the vote was:

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

**MOTION CARRIED.**

**(Amended)**

Moved by Commissioner Hardy, seconded by Commissioner Zimmerlink to ratify open enrollment rules for group welfare plans.

On roll call the vote was:

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

**MOTION CARRIED.**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to rescind Resolution No. 03-10-2-22 concerning buying back time.

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 Zimmerlink to authorize advertising bids for six (6) copier leases for the Fayette County Mental Health/Mental Retardation.

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 approve Contract Agreements for 2003-2004 between the County of Fayette, through the Fayette County Mental Health/Mental Retardation and the following:

- Chestnut Ridge Counseling Services, Inc. for \$2,208,245.00 from 7/1/03-6/30/04
- Community Living Care, Inc. for \$35,346.00 from 7/1/03-6/30/04
- Fayette Resources, Inc. for \$4,685,543.00 from 7/1/03-6/30/04

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 approve Contract Modifications #1 2003-2004 between the County of Fayette, through the Fayette County Mental Health/Mental Retardation and the following:

Northwestern Human Services of PA for \$256,695.00 from 7/1/03-6/30/04  
Laurel Highlands Foundation, Inc. for \$797,121.00 from 7/1/03-6/30/04

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 Thursdays at 3:00 p.m. as Bid Opening dates, when needed.

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 re-appointment of Commissioner Vincent A. Vicites to the Pittsburgh Regional Alliance Board of Directors for a One Year Term ending December 31, 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 rescind Resolution Nos. 03-12-30-15 thru 03-12-30-21 regarding appointments to various Boards and Authorities.

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 Fayette County Board of Commissioners Agenda Regular and Special Meeting rules and procedure. Commissioner Vicites added that he felt it was a good plan and commended Commissioner Zimmerlink for developing it.

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 Commissioner Meeting minutes of January 5, 2004.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Public Comment:

**Mayor Jim Bitonti** -South Western chair regional Police Department, wanted to inform the commissioners of some police department grants and local law enforcement block grants that are available and they are eligible for and ask permission of a county grant writer to help assist in applying for them. They also wanted the Commissioners to know that they received a CBDG grant of \$12,000 in start up money. He also thanked the Board for listening.

Commissioner Zimmerlink informed him that a grant writer in the Department of Community and Economic Development Office would assist him in any way possible. Commissioner Vicites said he was glad to see that the Regional Police Department was being formed and he was also very happy to help.

**Dave Lohr** – spoke on the Board appointments, he wanted clarification of who is serving in the expired terms. He suggested that the new appointments be informed that they are no longer on the boards.

Commissioner Zimmerlink explained that those appointments whose terms expired will serve until the Commissioners make the new appointments, she also explained that Charmaine Sampson, at 724 430-1200 ext 208 will be setting up interviews for each board and the people whose appointments were rescinded should contact her to set up an interview to be considered for appoint to the boards. She also explained that a special meeting may be held to make the board appointments. Commissioner Vicites urged any interested person should contact the Commissioners immediately. Commissioner Zimmerlink said she read the case law very carefully and she feels the appointments were invalid, because they were made before December 30. Commissioner Vicites added that this was the first time there were 2 “lame duck” commissioners so that is why it was a unique situation. Commissioner Zimmerlink concluded by saying that yes, other appointments were made this same way but to go back and correct

them could be detrimental to the operation of the boards, so it will be corrected and done correctly now.

**Joe Hennings** – Voter Integrity Board Chairman, said he came to present the commissioners with a list of recommendations from the Voter Integrity Board and the video they had produced. His recommendations included yearly poll workers instructional seminar, records should be returned from laurel computer, instruction sheets for potential candidates, informational workshops for candidates, election bureau should have an informed media person to be on the radio, TV, etc before each election, as they should present the video that was made by the voter integrity board, street lists should be supplied to local elected officials with an “inactive” list. He also wanted to speak about a problem with “Rita Peters”, an absentee voter whose ballot wasn’t received in time. He said that the board receives numerous complaints from voters with questions about the election process. Also wanted to thank Melissa Close and Ron Nehls for their help with the election process video.

Commissioner Zimmerlink suggested that the Voter Integrity Board send a letter to the Commissioners as soon as possible regarding their suggestions and vacancies on their board, and then possibly make a presentation to the board. Commissioner Vicites thanked them for their hard work, time and effort, on that board.

**Mark Roberts**-wanted to speak about the process of single audits. He wanted to clarify that Single Audit is not a part of the Controllers Office function. It is a “final oversight” of checks and balances; he also said that his office is at the Commissioners disposal, especially concerning the budget.

**Jerry Mazza**-wanted to speak about an employee that was let go being mistreated and she wanted to ask questions. She wanted to know if she was asked to finish her day. She wants to know if this is how county employees are treated and if there is an escort service for terminated employees and treated as a “common criminal”.

Commissioner Zimmerlink stated that it is a personnel action that shouldn’t be discussed at a public meeting. She said this is not an admission or denial but that it should not be discussed, as it is a personnel issue. She also stated that as far as she knew the employee termination was handled in the correct fashion, and if there was something done improperly the employee should address it to the Board.

**Ralph Mazza**-wanted to discuss Melissa Closes termination, he said she was escorted out and that was wrong, he said she was a competent employee and expressed that a women in the tax office was not a competent employee and is still working in the courthouse. He said it was political affiliation, because she was Sean Cavanagh’s aide. He said he was appalled because she was treated like a common criminal, and he has regrets that he worked for and voted for the new board of commissioners.

Commissioner Zimmerlink stated that as a county commissioner she inherited various departments, 1 being the commissioners office and that certain positions were available and certain positions needed to be vacated, she said also stated that she had confidence that the exit interview for this terminated employee was handled properly.

A motion to adjourn the meeting was made by Commissioner Vicites, seconded by Commissioner Hardy.

**APPROVED:**

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\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Judith M. Bodkin, Chief Clerk**

