

Thursday, January 26, 2006 at 10:00 am

A meeting of the Fayette County Board of Commissioners was held on Thursday, January 26, 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  
Judy M. Bodkin, Chief Clerk  
Warren Hughes, County Manager  
Joseph Ferens, County Solicitor

- Meeting called to Order
- Silent Prayer
- Pledge of Allegiance

Commissioner Zimmerlink asked for a Motion to Amend the Agenda to consider approving a contract with Zelenkofske & Axelrod LLC as noted in Item No. 11.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend the Agenda as stated.

**Motion Passed Unanimously**

- Public Comment on Agenda Items - None
- Present Proclamation

Commissioner Vicites read a Proclamation declaring February 3, 2006 as National Red Ribbon Day for the American Heart Association with Cindy Sterling accepting the Proclamation.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to proclaim February 3, 2006 as National Red Ribbon Day for the American Heart Association.

**Motion Passed Unanimously**

- Controller

Mark Roberts, Controller, gave a report on the financial condition of the County providing reports and noting December 31, 2005 expenditures \$23,159,529.86 and revenues \$20,297,583.43 and through January 25, 2006 expenditures \$832,628.08 and revenues of \$715,677.76.

- Children & Youth Services

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve a purchase of service agreement between the County of Fayette, through Fayette County Children & Youth Services \ Fayette County Juvenile Probation Office and Southwood Residential Treatment Facility, 2575 Boyce Plaza Road, Pittsburgh, Pennsylvania for fiscal year 2005-06. This program will be utilized as a placement option for dependent & delinquent mentally ill youth in need of residential treatment services.

Initial Clothing	\$250.00	
Southwood MRDD RTF		\$250.86
Concord/Prosperity/Mansion RTF		\$185.12
Promise House RTF		\$146.71

**Motion Passed Unanimously**

- Election Bureau

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend Resolution No. 05-12-22-27 to correct HAVA Title II Funding in the amount of \$755,790.87

**Motion Passed Unanimously**

- MH/MR Program

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve contracts/modifications between the County of Fayette through the Fayette County MH/MR Program as listed:

<u>Contract for 2005-2006</u>	<u>Contract Value</u>	<u>Period</u>
Turtle Creek Valley MH/MR, Inc.	\$ 9,606	12/19/05-6/30/06
<u>Fee-For-Service Agreement 2005-2006</u>		
Management Support Solutions Inc.	\$ 5,000	7/1/05-6/30/06
<u>Modification Agreement #1 2005-2006</u>		
Fayette Resources, Inc.	\$ 4,793,345	7/01/05 - 6/30/06
Goodwill Industries of Fayette County	\$ 783,447	12/22/05-6/30/06
Westmoreland County Blind Association	\$ 14,754	10/01/05-6/30/06

**Motion Passed Unanimously**

- Planning, Zoning & Community Development

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the advertising for Request for Proposals for a multi-municipal comprehensive plan.

Members of the public asked if the passing of this Resolution meant that the municipalities (Jefferson, Perry Township, Menellan and Franklin) would have their own zoning and no longer be under the county-wide zoning. Commissioner Zimmerlink stated she has not been informed by any of township supervisors of their intent and she suggested the residents contact their township supervisors. Commissioner Vicites and County Solicitor Joseph Ferens both indicated that townships were permitted to withdraw from the county and have their own zoning after following proper procedures.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of grant application for Supervised Visitation and Safe Exchange Grant Program for the Community Action Agency. The County has to be the applicant with no match monies required by the County.

**Motion Passed Unanimously**

- Human Resource Department

- Children & Youth

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend Resolution No. 05-12-22-16 to adjust the resignation effective date for Anna Younkin from January 13, 2006 to January 23, 2006.

**Motion Passed Unanimously**

- Emergency Management

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the hiring of the following individuals :

- Alanna Bliss as Part time Dispatcher, at \$7.00/hour, effective January 9, 2006;
- Melanie Campbell as Part time Dispatcher, at \$7.00/hour, effective January 9, 2006;
- Ashley McVey as Part time Dispatcher, at \$7.00/hour, effective January 9, 2006;
- Heather Raffle as Part time Dispatcher, at \$7.00/hour, effective January 9, 2006;
- Mary VanNosdeln as Part time Dispatcher, at \$7.00/hour, effective January 9, 2006.

**Motion Passed Unanimously**

## Tax Assessment

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the resignation due to retirement of Joan A. Tracy, Tax Assessor II, effective, February 17, 2006.

### **Motion Passed Unanimously**

The next item was to consider entering into a 1099 contract with Kim Essig at a maximum of \$2,500.00 effective February 3, 2006 to provide Oracle data training. Commissioner Zimmerlink question Jim Moore of Felice Associates as to why a contract was not provided for review, why this would be done prior to the posting and hiring a the recently vacated position and questioned the reasoning of going backwards from a position of Administrative Assistant/Computer Network to a Secretary II position. Mr. Moore stated that he could review the issue again. Commissioner Zimmerlink stated her discontent with passing a Resolution at this time as well as the posting of the Secretary II position and changed her position from that of the Salary Board stating additional information has since been received.

Commissioner Zimmerlink called for a Motion.

Commissioner Hardy **moved** to enter into a 1099 contract with Kim Essig at a maximum of \$2,500.00 effective February 3, 2006 to provide Oracle data training.

Motion Failed for lack of a second.

Commissioner Zimmerlink **moved** to Table the request of the Tax Assessment Office to enter into a 1099 contract with Kim Essig at a maximum of \$2,500.00 effective February 3, 2006 to provide Oracle data training matter and it was seconded by Commissioner Vicites.

### **Motion Passed Unanimously**

#### MH/MR

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to take the following actions within the Mental Health Mental Retardation Office:

approve the promotion of Michael J. Kavan from County Mental Health Program Specialist 1 to County Mental Health Program Specialist 2 at \$21.41/hour (\$41,749.50), effective January 30, 2006.

approve the promotion of Faith A. Sible from County Caseworker 2 to County Mental Health Program Specialist 1 at \$16.91/hour (\$32,974.50), effective January 30, 2006.

accept the resignation of Mary K. Mossburg, County Fiscal Operations Officer 1 effective January 30, 2006.

### **Motion Passed Unanimously**

- Human & Community Services

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve a revised Fiscal Year 2005-06 Human Services Development Fund (HSDF) Plan consisting of Addendums to Agreements between the Fayette County Office of Human & Community Services and Albert Gallatin Human Service Agency at an amended increased allocation of \$12,266.00 for Homemaker Services and to approve the agreement with the Fayette County Housing Authority Services to Seniors at an increased allocation of \$26,300; \$13,000 for Homemaker Services and \$13,300 for Case Management Services.

### **Motion Passed Unanimously**

- Commissioners

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the request of Point Marion Borough to change the scope of work for the following Liquid Fuels Projects from street paving to street lighting: 01-26-413-28CA; 02-26-413-36CA; 05-26-413-36CA

### **Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify amendment #1 for projects which are to be constructed for an estimated cost of \$224,765.00 for the Kalp 1 Drilling and \$311,893.00 for the Melcroft Drilling as presented by the Mountain Watershed Association.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify amendment #2 projects for the Kalp 1 Drilling and Melcroft Drilling which changes the dollar amount to be paid to NRCS for completed construction work from \$325,000 to \$323,800.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to award Bid No. 05-37: Servicing the HVAC equipment in the Public Service Building to Hranec Corporation in the amount of \$4,800 for a one year period ending December 31, 2006.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve a contract amendment with Zelenkofske Axelrod LLC, Harrisburg to perform additional services to assist Fayette County to implement GASB No. 40 "Deposit & Investment Risk Disclosures" and GASB 42 "Accounting & Financial Reporting for Impairment of Capital Assets & Insurance Recoveries for year ending December 31, 2005 for a cost not to exceed \$4,750.00. (estimated cost per year implementation is \$2,850.00 - \$4,750.00) with funds to be paid from the Unappropriated line item of the General Fund

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the following transfers to the General Fund Budget:

Transfer# 4- 2005 Budget Year (January 9, 2006)

<b>Assessment Office</b>			
014136 53200	Telephone	Credit	\$500.00
014136 51610	FICA	Debit	\$500.00
<b>Clerk of Courts</b>			
014191 53200	Telephone	Credit	\$88.32
014191 52210	Micro Film	Debit	\$88.32
<b>Planning and Zoning</b>			
014171 53403	Advertising	Credit	\$2,300.00
014940 59010	Prior Year 2004/2005	Debit	\$2,300.00
<b>District Justices</b>			
014186 53200	Telephone	Credit	\$200.00
014186 51400	Salary	Debit	\$200.00
<b>Sheriff</b>			
014197 53300	Travel	Credit	\$50.00
014197 52000	Material & Supplies	Debit	\$50.00
<b>Adult Probation</b>			
014236 53200	Telephone	Credit	\$2,200.00
014236 53010	Contract Computer	Credit	\$160.00
014236 53191	Drug Testing	Credit	\$2,406.98
014236 51160	FICA	Debit	\$359.97
014236 54200	Advertising	Debit	\$35.00
014940 59010	Prior Year 2004/2005	Debit	\$4,372.31
<b>Total Credits</b>	<b>\$7,905.30</b>		
<b>Total Debits</b>	<b>\$7,905.30</b>		

Transfer # 5 - 2005 Budget Year (January 17, 2006)

**Community and Economic Development – Planning**

014171 53200 Telephone	Credit	\$770.00
014171 53130 ZHB Transcripts	Credit	\$845.00
014999 59040 Unappropriated 2005	Debit	\$1,615.00

**Veterans Affairs**

014294 53200 Telephone	Credit	\$30.00
014294 52509 Transportation	Debit	\$30.00

**District Justices**

014186 53200 Telephone	Credit	\$445.00
014186 51610 FICA	Debit	\$445.00

**TOTAL CREDITS** **\$2,090.00**

**TOTAL DEBITS** **\$2,090.00**

**Motion Passed Unanimously**

- Public Announcement

Commissioner Zimmerlink stated that an announcement would be forthcoming for the vacant position for a board seat on the Fayette County Agricultural Land Preservation Board adding that the category would be developer to correct the board's make up at the request of the Planning Zoning Office and board members of the Fayette County Agricultural Land Preservation Board. Members of the public, Mr. Joe Dorazio, Mr. Ed Rinkhoff and Mr. Diamond, commented on the number of present members, the categories and suggested that a non-agricultural developer category be stated rather than a developer category. Commissioner Zimmerlink stated she would review the matter with the county office. Commissioner Vicites stated that the state has its requirements.

- Public Comment

**Linda K. Metts** of Lemont Furnace, North Union Township, (who spoke also at the Tuesday Agenda Meeting) commented on the way in which the sewerage project in her area has been handled causing property damage due to flooding. She stated that despite her efforts in contacting everyone she can think of no one has rendered assistance. Ms. Metts stated that water has taken over her property. Ms. Metts stated that it is wrong that tax dollars are used for sewerage projects yet no reviews are made before paying contractors adding that contractors who file bankruptcy under one name and start a new business under another name should not be given the contracts. Commissioner Zimmerlink suggested Ms. Metts contact Rep. Jim Shaner and also ask for a meeting with the solicitor of North Union Township for the purpose of showing the solicitor the damage to her property.

**Ralph Mazza** commented on two issues of the county, the Felice Associates HR contract and the bridge inspections.

Mr. Mazza wanted to know if his understanding of the contract was correct that Felice Associates was to be paid \$96,000 per year and Commissioner Hardy was adding another \$24,000 per year on top of that making the HR contract \$120,000 and asked what services the \$120,000 provided asking if it included attorney fees? Mr. Mazza added that his understanding was that the reason Commissioner Hardy was paying the additional \$24,000 was because two commissioners wanted Felice Associates to hire Jim Moore who wanted about \$60,000 a year but that Felice's bid was for \$96,000 and did not include such a salary of that amount to be paid. Mr. Mazza also questioned the legality of having a Commissioner pay part of a contract with the county adding that he thought it was circumvented the law.

County Solicitor Joseph Ferens stated that no one circumvented the law and that Joe Hardy made a personal donation to the county so that the county could get an individual who could do the job adding that the \$24,000 per year paid by Commissioner Hardy is to be used only to supplement the salary of Jim Moore.

Commissioner Vicites stated that the \$96,000 per year included union negotiations and \$96 per hour is charged for court appearances and that Felice has their own attorney.

Commissioner Zimmerlink stated she did not vote for either contract and her understanding was that Mr. Hardy personally was paying a portion of the \$96,000 Felice Associates contract (*later it was clarified the contracts/addendum signed showed the \$24,000 was being paid by Commissioner Hardy in addition to the \$96,000 paid by the county's general fund*).

Mr. Mazza questioned the selection of the bridge inspection process. County Manager Warren Hughes stated all engineering firms received the same information and Fayette Engineering agreed to inspect 11 bridges free and they were the lowest cost to the county. Commissioner Zimmerlink said she wanted to rescind the prior Resolution because in mid 2005 the county did two RFP's processes and her fellow Commissioners awarded the contract to Fayette Engineering. Later PennDOT officials, Warren Hughes, the county manager and Paul Nixon the county Bridge Department director met and the county was told that the proper procedure was not followed in the RFP and awarding. PennDOT gave 3 options (1) begin the process all over which would delay inspections (2) award the contract to Fayette Engineering using the May 28, 1988 Resolution approved by a prior commissioner administration or (3) have PennDOT perform the inspections. PennDOT suggested option 2. Commissioner Zimmerlink stated the county employees should have talked with PennDOT to make certain procedures were followed especially given that the RFP process was done twice.

Commissioner Vicites said a letter was sent to PennDOT and he resolved the issue by signing the approved agreement with PennDOT using option two.

**Geraldine Mazza** asked Commissioner Vicites since he announced his candidacy as state legislator for the 51<sup>st</sup> District if he was going to remain a commissioner campaign on county time and be available during county hours. Commissioner Vicites stated he would continue to perform his duties as Commissioner as always.

**Gary Gearing** commented on the purchase of the new voting machines suggesting that info-commercials be done for the public.

**Jim Conway**, tax collector for South Union Township commented that Lou Bell President of the tax collectors association sent Commissioner Zimmerlink a letter on January 10<sup>th</sup> asking for a meeting with the 3 commissioners and that Commissioner Zimmerlink had not yet responded. Jim Conway offered a copy of the letter to Commissioner Zimmerlink but she asked why Mr. Conway wanted to give her yet another copy since just yesterday he was at the courthouse to hand-deliver that same letter? Commissioner Zimmerlink also said that a January 10<sup>th</sup> letter directed to Commissioner Vicites was shared with her by him. She also asked why Mr. Conway was directing his question only to her as if the association had not written to all three commissioners. Mr. Conway said he was only asking why a meeting had not been scheduled. Commissioner Zimmerlink said although she could not recall a specific letter to her attention she did receive a copy from Commissioner Vicites' office and all three Commissioners were aware of the tax collectors request and that any Commissioner present today could comment, however, no other commissioner comment was made.

**Marigrace Butela**, Tax Collector for Dunbar Township said she hand-delivered three letters addressed to each commissioner to the front desk receptionist in early January. Commissioner Zimmerlink reiterated what she just said and that any one of the three Commissioners could respond to the tax collector association. Ms. Butela further questioned the status of the county purchasing new voting machines asking if the commissioners set a timetable for the purchase. Both Commissioner Vicites and Commissioner Zimmerlink reiterated the requirements of HAVA. Commissioner Zimmerlink stated that she has not met with either fellow Commissioner to ask their opinions on the machines and that she does not know if Commissioner Vicites and Commissioner Hardy have conversed. Commissioner Zimmerlink and Commissioner Vicites both stated that they have not yet decided on a certain voting system.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to adjourned meeting.

#### **Motion Passed Unanimously**

Meeting adjourned

Approved:

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Attest: