

Monday, January 31, 2005 10:00 am

A meeting of the Fayette County Board of Commissioners was held on Monday, January 31, 2005 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 at 10:00 a.m.
- Silent Prayer
- Pledge of Alliance
  
- Amend the Agenda

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend the Agenda to add the authorizing of the Tax Revenue Anticipation Note for 2005.

**Motion Passed Unanimously**

- Public Comment on Agenda Items - none
- Certificate of Merit The Commissioners presented Kristy Rooker with a Certificate of Merit for her receiving the nomination as the 2005 PA State Fair Queen.
  
- Controllers Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the investment of December 2, 2004 - \$5,450,000 for 14 days at 2.0% interest with First National Bank of Uniontown, PA \$4,180.82

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the investment December 16, 2004 - \$6,150,000 for 7 days at 2.15% interest with First National Bank of Uniontown, PA \$2,535.82

**Motion Passed Unanimously**

A summary page was presented by the Controller showing a negative (\$13,191.44) cash balance, with explanation of revenues and expenditures for 2003 leaving a balance at 12/31/04 at \$115,832.17

- Redevelopment Authority

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve an application being submitted by the County to the Pennsylvania Department of Community and Economic Development (DCED) HOME Investment Partnerships Program.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to designate the Redevelopment Authority as the applicant, sponsor and administrator of the Redevelopment Assistance Capital Program (RACP application to the Commonwealth of Pennsylvania to support continued development of the Fayette County Business Park. (see attached Resolution))

**Motion Passed Unanimously**

- Fay-Penn Economic Development Council

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving the City of Uniontown to use the County's \$900,000 renovation costs of the Federal Building as a matching fund toward the City's construction of a parking garage in downtown Uniontown when submitting their RACP (Redevelopment Assistance Capital Program) grant application.

Commissioner Zimmerlink stated she will abstain because Mike Krajovic was to provide written confirmation pursuant to a January 20 2005 meeting and Councilman Cerjanic was asked at the Agenda Meeting last Tuesday to provide written documentation prior to this meeting. Neither of them has done so and neither of them are present at this meeting.

Commissioner Vicites reiterated his position that in 2002 Governor Rendell asked for priorities and this was one of them. He also added that the parking garage would help with the juror-parking problem and continued downtown revitalization.

Commissioner Zimmerlink: abstain

Commissioner Hardy : yes

Commissioner Vicites: yes

- Children and Youth Services

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the request for the CYS administrator to attend the January quarterly meeting of the Pennsylvania Children & Youth Administrators Association in Harrisburg.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving 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, PA for fiscal year 2004-05.

**Motion Passed Unanimously**

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy approving Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services/Fayette County Juvenile Probation Office and Council of Three Rivers American Indian Center, 120 Charles Street, Dorseyville, PA from December 17, 2004 through June 30, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy approving Agreement with MCClure & Wolf of Uniontown, PA as the firm to conduct the Fayette County Children & Youth Single Audit for calendar year 2004, only for the cost of \$7,250. (*note: that this was changed from the agenda meeting to now only include 2004 year*)

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving the extension of the current Mutual Cooperation & Coordination Agreements between Fayette County Children & Youth Services/Fayette County Juvenile Probation and UPMC Health Plan, Inc. to December 31, 2005.

**Motion Passed Unanimously**

- Emergency Management/911

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying request of Roy Shipley Jr., Director, to attend a State Regional Terrorism Task Force Training Meeting January 5, 2005 in Harrisburg. Cost will be covered by Region 13.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying request of Roy Shipley Jr., Director and Guy Napolillo, 911 Coordinator to attend a Region 13 Strategic Planning Workshop on January 13-14, 2005 in Greensburg. Cost will be covered by Region 13.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying request for Guy Napolillo, 911 Coordinator to attend the National Emergency Number Association (NENA) Executive meeting on January 20-21, 2005 in State College. Cost for travel only.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving request for the 4 EMA/911 staff members to attend the Pennsylvania Emergency Management Agency quarterly training February 9 and 10, 2005 in Mars.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving request for the Hazardous Mitigation Officer to attend a Local FloodPlain Management class being offered by the Pennsylvania Department of Community and Economic Development. The class will be held on May 11, 2005 at Holiday Inn Belle Vernon. Cost of registration will be covered by grant funds.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving request for three (3) EMA/911 staff members to attend a Hazardous Weather & Preparedness Course on March 1-3, 2005 at the Allegheny County Emergency Services Office.

**Motion Passed Unanimously**

- Juvenile Probation Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying request to authorize the advertising for bids for a telephone/communication system for the Juvenile Probation Office at the Federal Building.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying Addendum to Purchase of Service Agreement between the County of Fayette through the Fayette County Juvenile Probation Office and Adelphoi Village, 354 Main Street, Latrobe, Pennsylvania.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the termination of ProTech Monitoring, Inc. and the County of Fayette through the Fayette County Juvenile Probation Office for Global Position Satellite Tracking of juvenile offenders, effective February 29, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving Lease Agreement between the County of Fayette through the Fayette County Juvenile Probation and ISECURETRAC, 5078 South 111<sup>th</sup> Street, Omaha, Nebraska to lease electronic monitoring units for the following:

Passive GPS Traching Units      \$5.25 per unit per day  
Active GPS Tracking Units      \$8.75 per unit per day  
Loss Protection Program for Criminal Justice Agencies \$ .50 per day per unit.

**Motion Passed Unanimously**

- Mental Health and Mental Retardation Program

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites Consider authorizing the advertising for bids for the purchase and installation of forty-four (44) TEKNION, INC. Boulevard Series Workstations for the new Fayette County MH/MR Building.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites Consider approving Change Order Number GC-004 to Walter Mucci Construction Company, Inc., P.O. Box 308, Perryopolis, PA 15473 for the new MH/MR Building in the amount of \$5,881. The change order is needed to increase the demountable partition panels specification to a 3-3/8" thickness.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites Consider approving agreements between Fayette County through the Fayette County MH/MR Program and the following:

Modification Agreement #4 – 2003-2004  
Twin Trees, Inc.    \$ 1,612,575    7/1/03-6/30/04

HealthChoices Reinvestment Funds Modification #2 Agreement  
Crosskeys Human Services, Inc. year 2001 funds \$200,000 (Cash Basis)

HealthChoices Fee-For-Service Modification #1 Agreement  
Tidgewell Associates, Inc. – year 2004 funds \$92,600 2004

HealthChoices 2004-05 Amendment  
Value Behavioral Health-PA      \$3.25 PMPM      2004-05

**Motion Passed Unanimously**

- Planning, Zoning & Community Development

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to allow the request for Professional Activity Limited for Bruce Chambers & Associates in Menallen Township.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve submission of a grant application to PA DCED for operating expenses in the Planning Office. The grant program is Shared Municipal Services.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites authorizing the advertising for bids to purchase a box truck and fork lift for use by Goodwill Industries for recycling.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites for the DEP Recycling Grant – 902 – 100% grant with no county match

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving RZ 04-18: W.B. Kania & Associates, LLC and MRL & J Realty, North Union Township, which requests a change of zone from “R-2” Medium Density Residential to “B-1” General Business. Rezoning hearing was held on January 27, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy approving RZ 04-19: Diana R. Omatick, Dunbar Township, which requests a change of zone from “M-1” Light Industrial and “A-1” Agricultural-Rural to “M-2” Heavy Industrial. Rezoning hearing was held on January 27, 2005.

Commissioner Hardy stated that there are a lot of automobiles and we need to decide what to do with them. This lady has been in business for a long time and wishes to expand it and she should talk to a landscaper to make the place look acceptable and desirable for the neighbors.

**Motion Failed For Lack of Second**

*Note: the next item on the Agenda was to Ratify the submission of the grant application between the Fayette County Redevelopment Authority and Highlands Hospital for the John P. Murtha Wellness Center. (this was unanimously passed however was also unanimously passed at the December 30, 2004 meeting)*

- Veterans Affairs

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the awarding of Bid No. 04-32: Furnishing and Delivery of Flags and Grave Markers to American Flags (28,800 Fayette County – 720 Greene County) to Flag Zone, LLC, 313 Circle of Progress, Pittstown, PA in the amount of \$18,176.40

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the awarding of Bid to Aluminum Grave Markers with Rods (Flag Holders – 1670) to Temple Aluminum Foundry, Inc., 1145 Park Road, Blandon, PA 19510 in the amount of \$10,079.50.

**Motion Passed Unanimously**

- Human Resource Department

Public Defender

**Moved** by Commissioner Hardy and seconded by Commissioner Zimmerlink ratifying Michael Garofalo and Krista Martin as Assistant Public Defenders (Part-time) at \$19,110 annually (\$9.80/hour). Positions include medical benefits. Effective January 31, 2005.

Commissioner Zimmerlink: yes

Commissioner Hardy: yes

Commissioner Vicites: no

Commissioner Vicites wanted to explain that there is a current employee working in the courthouse now and that he should be given the opportunity for being from Fayette County rather than the one person offered the job who is not from Fayette County but rather Washington County.

Commissioner Zimmerlink stated that the Human Resource Department and Department Head both recommended the two persons named in the Resolution

Commissioner Vicites added that he would like to keep morale high within the courthouse

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving the hiring of Debra Tomko as Department Clerk I at \$7.54/hour, effective no later than February 14, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying transfer of Neil Christopher back to the Bridge Department as a Bridgeworker at a rate of \$9.11/hour.

**Motion Passed Unanimously**

- 911

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the promotion of Jackie Gregg from part-time Dispatcher to full-time Dispatcher, at \$9.96/hour, effective January 17, 2005.

**Motion Passed Unanimously**

- Human and Community Services

**Moved** by Commissioner Hardy and seconded by Commissioner Zimmerlink ratifying the hiring of Gina Mahoney as the Assistant Director at \$16.08/hour (Pay Grade S15 Step A) effective January 31, 2005.

Commissioner Zimmerlink: yes

Commissioner Hardy: yes

Commissioner Vicites: abstain

Commissioner Vicites stated that the reason for the abstaining is because another person within the department was not afforded an interview.

Commissioner Zimmerlink stated that the Human Resource Department and Department Head answered that situation to her satisfaction and that the proper procedure was followed.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the hiring of Debra Durigon as the Operations Manager at \$13.21/hour (Pay Grade S10 Step A) effective February 7, 2005.

**Motion Passed Unanimously**

- Commissioners Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to accept the resignation of Delinda Young, Administrative Assistant, effective December 28, 2004.

**Motion Passed Unanimously**

- MH/MR Program Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to extend Temporary Assignment – Carol J. Over, County Mental Health Program Director – (Director of Integrated managed Services) to County Deputy Mental Health Administrator at \$49,861.50/year (\$25.57/hour) effective December 24, 2004 with a termination date prior to June 24, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to extend Temporary Assignment – Kimberly A. Bowser-Murtha, County Mental Health Program Specialist 2 – (Children’s Services Coordinator) to County Mental health Program Director – (Director of Integrated Managed Services) at a rate of \$41,749.50/year (\$21.42/hour) effective December 24, 2004 with a termination date prior to June 24, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to accept the resignation of Mary D. Sinwell, County Caseworker 2, effective January 3, 2005.

**Motion Passed Unanimously**

- Human and Community Services

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of the Community Transportation/5310 Capital Equipment grant application to the Pennsylvania Department of Transportation with the requested grant amount of \$212, 746 for the purchase of four (4) 14 passenger (12+2) handicapped accessible small transit buses as replacement vehicles for vehicles recently retired.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the Director of the Fayette County 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 Federal Transit Administration on behalf of the County and Fayette Area Coordinated Transportation (Requesting status of this request as was referred to County Solicitor Joe Ferens at November 2004 commission agenda meeting)

*NOTE: Commissioner Vicites then rescinded his seconded. Commissioner Zimmerlink asked if Solicitor Joe Ferens had an opportunity to review this issue. Mr. Ferens stated his opinion that yes you could except to enter into agreements on behalf the county. He said there is no problem to file applications just not enter into agreements. Commissioner Zimmerlink asked Mr. Ferens to review this further. Commissioner Vicites did not want to allow any electronic signing.*

- Commissioner Zimmerlink asked for a **Motion to table** and Commissioner Hardy provided the second to allow the solicitor to review the matter to provide an opinion next month before the Commissioners vote.

Commissioner Zimmerlink: yes

Commissioner Hardy: yes

Commissioner Vicites: no

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the additional expense of \$850 for Maher Duessel for auditing services for the FCOHCS Child Care Resource Developers (CCRD) program for fiscal year 2003-04. On June 24, 2004 the expense of auditing the transportation programs was approved in the amount of \$16,400.

**Motion Passed Unanimously**

- FACT Transit Center Project

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving Change Order GC-005 Total Change order Add of \$5,351.42 for the furnishing and installation of sound batt insulation, a painted gypsum bulkhead, and additional suspended acoustical ceilings.

**Motion Passed Unanimously**

- Commissioners

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites authorizing the execution of a Tax Revenue Anticipation Note for year 2005 in the amount of \$5million at a 5% fixed rate for one year with interest payments monthly and future taxes as collateral to the Scottdale Bank & Trust Company

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to have FACT apply for the Rural Transportation Program Grant for persons with disabilities.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites appointing members to Southwestern PA Commission for these categories:

Vincent Vicites - commissioner  
Joseph Hardy - commissioner  
Angela M. Zimmerlink – elected official

Commissioner Zimmerlink noted that two additional positions need to be appointed or reappointed and that would be done next month.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites adopting Fayette County Employee Handbook.

**Motion Passed Unanimously**

Commissioner Zimmerlink added that the dates need to be changed on each page and to mirror page 33 of the handbook to the HR Manual that was passed last month. Commissioner Vicites added that he read the handbook as well and that he would re-read it for typos.

Commissioner Zimmerlink explained the status of the website proposals that 3 bids came in on December 16, 2004. Commissioner Vicites stated that he asked to interview the bidders. Charmaine Sampson confirmed that Commissioner Vicites asked her to schedule and that NuRelm was scheduled and she would contact the others.

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy to **TABLE** the awarding of RFP 04-10: Website Development or DSF through CCAP.

Commissioner Zimmerlink stated she had no problem with tabling this again but wanted this to get moving since the bids have been in since December 16, 2004 and CCAP presentation was done back in October, 2004

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying Grant Agreement between the Commonwealth of Pennsylvania, acting through the Department of Environmental Protection and the Fayette County Commissioners to provide funding for the West Nile Virus Control Program.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the advertising for bids for gasoline and diesel fuel for the County of Fayette.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites ratifying the awarding of Bid No. 04-37: Binding of 2005 Tax Duplicates for the County of Fayette to Larry Goldberg of Hopwood in the amount of \$7,400.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites awarding Bid No. 04-35: Construction of County Bridge No. 184 carrying Fan Hollow Road over Jennings Run in North Union and Menallen Townships to Marricco Construction Company, Inc., 2823 Old Washington Road, McMurray, PA 15317 in the amount of \$663,709.28. This is at no cost to the County.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites authorizing the advertising for bids for a mail machine.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approving Commissioner Meeting Minutes of December 10, 2005.

**Motion Passed Unanimously**

- Public Announcement
- Commissioner Zimmerlink asked if any member of the Red Cross was present for the reading of the Proclamation of naming January National Blood Donor Month. The Proclamation was read.
- Mrs. Mazza commended Commissioner Zimmerlink for doing the job she was elected to do by rejecting behind the scenes informal agreements and insisting on open public discussion and giving the constituents a feeling a security not evident with most elected officials. She stated that Commissioner Vicites has not learned from his years in office.

Commissioner Vicites stated that the \$900,000 Mrs. Mazza was referring to was publically printed in the newspaper on where he stood on the issue saying that he could not have been anymore public about it. He said it was public knowledge and that he went public where he stood. He said this is good for the city of Uniontown and that this is the county seat. Commissioner Vicites stated he did nothing inappropriate and that this was open and public every step of the way.

- Beverly Braverman asked on behalf of the Mountain Watershed Association to sign an amendment to the project agreement that was signed by the Commissioners earlier. The Commissioners requested that the county solicitor review this amendment and advise.
- Beverly Braverman also discussed the Mountain Watershed Association appearing at the hearing and the Amerikol obtaining a special exception with no conditions. She asked the Commissioners to look into the hearing being continued and the issues surrounding cancellations and lack of quorums at the Zoning Hearing. They want their case to be heard on the merit not on a technicality.
- Jim Meese of Redstone Township spoke on his numerous problems concerning zoning and especially with special exceptions. The zoning for the strip mines, the tunnel is still open and the bridge is falling down where he resides. Commissioner Vicites stated that Mr. Ferens was aware of this and that there were no specific conditions put on this. Commissioner Vicites asked Mr. Ferens if there was anything that could be done adding that if there were he would help. Mr. Meese stated that the sworn testimony is clear but that it is not being followed. Commissioner Vicites said that specific conditions would have to be placed on it but Mr. Meese stated that it was agreed that it would be in compliance with the sworn testimony. Commissioner Vicites stated that the commissioners do not have authority over the zoning hearing board.

Mr. Meese also asked that the county-wide zoning new book be carefully looked at. Commissioner Zimmerlink stated that there would be additional public meetings before the proposed County zoning ordinance is brought before the Commissioners for a vote.

- Commissioner Vicites wanted to clarify something that was stated earlier about land being sold before he took office. He stated he researched the information and that 175 acres was sold for \$413,533.00 and the proceeds went into the capital reserve fund.
- Meeting Adjourned

Approved:  
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\_\_\_\_\_  
\_\_\_\_\_

Attest:

\_\_\_\_\_  
Judith A. Bodkin, Chief Clerk