

Monday, January 5, 2004

A meeting of the Fayette County Board of Commissioners was held on January 5, 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
 Solicitor Joseph Ferens
 Melissa A. Close, Administrative Assistant

Silent Prayer.

Pledge of Allegiance.

Public Comment:

Delinda Young – commented that she hoped that Agenda Meetings will continue to be held prior to your Commissioner Meetings, she stated it was a valuable service to the community and to the public in order to see what is on the agenda, make comments, and gather information for that. She also stated she would like to see the Commissioner Meetings in other places and times, to accommodate other areas of the county and people who work during the day. She hoped dual public comment period would be kept at the beginning and end of the meeting. She also hoped putting in for your public comment period at time where when the item arises, the public can comment on those items as well would be considered.

Chief Clerk Judith Bodkin read the following Notice of Meeting, which was published on Friday, January 2, 2004 in the Legal Notices of the Herald Standard.

Notice is hereby given that the Board of Fayette County Commissioners will hold its Reorganization Meeting and Assessment Appeal Board Reorganization on Monday, January 5, 2004 at 10:00 a.m. at the Fayette County Public Service Building, 22 East Main Street, Uniontown, PA 15401. This notice is given pursuant to Act 84 of 1986 of the General Assembly of the Commonwealth of Pennsylvania.

FAYETTE COUNTY BOARD OF COMMISSIONERS
Judith M. Bodkin, Chief Clerk

Moved by Commissioner Hardy, seconded by Commissioner Zimmerlink to nominate and elect Angela M. Zimmerlink as Chairwoman.

On roll call the vote was:

Mr. Vicites no
Mr. Hardy yes
Mrs. Zimmerlink yes

MOTION CARRIED.

Moved by Commissioner Zimmerlink, seconded by Commissioner Hardy to nominate and elect Joseph A. Hardy III as Vice-Chairman.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Zimmerlink, seconded by Commissioner Hardy to nominate and elect Vincent A. Vicites as Secretary.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites that the Commissioners Meetings will be held the fourth Thursday of every month at 10:00 a.m. for calendar year 2004. Mr. Vicites stated that this has been a good date and time for the past administrations he has been a part of.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy that the Agenda Meetings will be held the fourth Tuesday of every month. Mr. Vicites explained the purpose of the agenda meeting to the board.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to adopt Roberts Rules of Order. Mr. Vicites explained this procedure is used throughout the country and is a standard procedure.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Zimmerlink to nominate the three County Commissioners as the Fayette County Appeals Board. Mrs. Zimmerlink explained that if the commissioners do not serve as the board then three individuals will be appointed to serve for the next four years. Mr. Vicites explained his position by saying the appeals board has worked well and he liked the concept of an independent board, but he will participate if it is the wishes of the board. Mr. Hardy stated that he felt the appeals shouldn't be delegated off and money should not be spent for an independent board. Mr. Vicites asked Chief Assessor Jim Hercik to explain proper procedure.

Jim Hercik – stated that in the past the time and dates that are set the board meets on as needed basis during the year. Any taxpayer has the opportunity to file an appeal before September 1st, annual yearly appeals are heard beginning October 1st, however there are several occasions during the year that the board would meet to settle new construction appeals. Usually appeals are held until there where enough to fill a full day or two and then notify the board. He stated a Chairman must be elected and then a 2004 meeting can be called. He also stated that the public service building meeting room is typically used for the appeals.

On roll call the vote was:

Mr. Vicites no
 Mr. Hardy yes
 Mrs. Zimmerlink yes

MOTION CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Zimmerlink to nominate and elect Joseph A. Hardy III as Chairman of the Fayette County Appeals Board.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy that future hearings of the Fayette County Appeals Board will be at the call of the Chairman.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

It was then brought to the attention of the Board by the Chief Clerk that clarification to the previous resolution be made with regard to the Agenda Meetings.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to amend the following motion:

Moved by Commissioner Vicites, seconded by Commissioner Hardy that the Agenda Meetings will be held the fourth Tuesday of every month.

to read as:

The Agenda Meetings will be held on the Tuesday before the Commissioners Meeting at 10:00 a.m.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Discussion was held on amending the 2004 Fayette County budget.

Moved by Commissioner Zimmerlink, seconded by Commissioner Hardy to amend the agenda for discussion of opening the 2004 budget. Commissioner Zimmerlink explained that after opening the budget it would have to be adopted by Thursday February 12, 2004. Attorney Ferens clarified that the statues says the amended budget must sit in the Clerks Office for ten days after published notification in the newspaper. he recommended that you amend the Agenda to place a resolution on the agenda to open the budget and that you have your proposed amended budget completed by January 31st so that it could be advertised and then sit in the Clerks Office for ten days. He also recommended that the new budget be done and ready to be adopted at your February 12th meeting. Mr. Vicites clarified for the public that the new administration has the right to reopen the budget and make any changes they feel necessary.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to open and amend the 2004 Fayette County Budget and to grant the Commissioners the authority to levy the tax rate to conform to the amended budget. Attorney Ferens made this suggestion since the budget was being reopened, then the commissioners have all options available to them.

On roll call the vote was:

Mr. Vicites yes
Mr. Hardy yes

Mrs. Zimmerlink yes

MOTION UNANIMOUSLY CARRIED.

Public Comment on amended agenda items:

Delinda Young – asked to comment on the budget since it wasn’t on the agenda previously. She stated concerns about the Keystone Opportunity Zone and other amended State Legislation which exempts certain taxes for Keystone Opportunity Zone residents and LERTA, she stated that it affected the budget and a list should be made of the amounts of taxes that are being waved in these places. She also hoped that the Commissioners will consider revisiting the Keystone Opportunity Zone especially as the Keystone Opportunity Zone might apply to homesteads and to individual housing and any waving of homestead property taxes that would be located in the Keystone Opportunity Zone.

Jim Hercik – wanted to ask the board to consider since you are reopening the budget delaying the tax billing date, which is currently set at March 1st, because of time deadlines with the printers. He explained the requirements to getting the bills to the elected tax collectors, which is thirty days prior to the billing date. He respectfully asked that the board consider moving the billing date to April 1st, unless the tax mileage change is not an option

Mark Roberts – followed up on what Mr. Hercik said and agreed regarding the tax mileage change being a possibility that the tax bill date should be moved to April 1st, only for 2004.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to amend the agenda to change the tax billing date.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to set the tax billing date for 2004 to April 1, 2004 at the recommendation of Jim Hercik and Mark Roberts. Mr. Vicites stated that this will give the County more flexibility and loosen the process to assure accuracy.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Discussion was held on the previous Board of Commissioners appointments to Fayette County Boards and Authorities on December 30, 2003. Mr. Ferens reiterated his position regarding the Ross Township case that states that "lame duck" commissioners cannot make appointments until the board appointments terms have expired. Mr. Vicites explained that if the Commissioners wanted to challenge this they should do it promptly and asked the status of those appointments. Mr. Ferens continued that the resolution passed should be rescinded, and the people whose term expired should still be on the board until the Commissioners either reappoint them or make new appointments. The other appointments were invalid, unless challenged, the current members are still appointed and nothing needs to be done at this meeting.

Public Comment:

Delinda Young -questioned the appointments made and what practice should be used, and asked for clarification on what the commissioners are going to do.

Mrs. Zimmerlink stated that she wants to review the law and the candidates, and then make and determination, therefore no motion will be made today, to change the appointments.

Jerry Mazza - questioned the appointments made and past appointments being illegal also, stated that it doesn't matter about "lame duck" commissioners and said that is the way it has always been done.

Mrs. Zimmerlink said that she will find out the answers to those questions before making any decisions. Mr. Vicites stated that this case is different because the commissioners where "lame-ducks".

Mark Roberts – wanted to congratulate the commissioners on their election victories, extend the use of his staff for anything the commissioner's need, and to explain the monthly reports he provides each month.

Delinda Young – thanked the board for allowing public comments. Expressed concerns on the Voter Registration System and the purging of the Voter Registration Rolls, stated the county to my understanding now has a statewide SURE database to guide the county in purging deceased people from the voter registration rolls and you know illegal names, etc. etc. and asked that the County Commissioners will immediately get on that. So she hopes that the Commissioners will consider replacement of the voting machine.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to adjourn the meeting.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

APPROVED:

ATTEST:

Judith M. Bodkin, Chief Clerk