

Thursday, June 22, 2006 10:00 am

A meeting of the Fayette County Board of Commissioners was held on Thursday, June 22, 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
 Judith M. Bodkin, Chief Clerk
 Warren Hughes, County Manager
 Joseph Ferens, County Solicitor

- Meeting called to Order
- Silent Prayer
- Pledge of Allegiance
- Public Comment on Agenda Items

Ralph Mazza commented on the agenda item concerning historic preservation asking whether the Uniontown School, which is on the registry, would be included in the new ordinance if adopted. Commissioner Zimmerlink offered information to him and county solicitor Joseph Ferens stated that designation is governed by the state.

Noreen Holvanik, Chairperson of the National Road Heritage Corridor spoke on the historic preservation agenda item saying there is a link between tourism and historic preservation. She indicated that on the county level nothing much as been done to protect historic resources and she urged the Commissioners to approve the noted Agenda item adding that the historic societies and organizations of Fayette County are anxious and willing to work with the County.

Jane Canose, representing the Scottdale American Women, offered to represent Fayette County in the Capitol Centennial Parade on September 30, 2006. Their organization has women who reside in the counties of Fayette, Allegheny and Westmoreland and they participated in the Dawson, Connellsville and Perryopolis parades to name a few. Their organization would carry a banner displaying Fayette County Women Suffrage. She asked for some assistance, if selected, for van or bus transportation.

Evelyn Hovanec, retired professional at Penn State, spoke on the historic preservation agenda item. Having over 30 years of experience in this area she said there are deep roots in our County with historical, cultural and economic impact. After naming a number of sites throughout Fayette County, which are tourist attractions, such as Fallingwater, Kentuck Knob, Mt. St. Macrina, Meason House, Linden Hall and others, she said it is important to protect these historic sites. She said that too many years have gone by with the county ignoring this issue. She stated she is here today to strongly support the development of a historic ordinance and that she is willing to support and assist in any way.

Norma Ryan, former Mayor of Brownsville said that we owe it to our founding fathers to preserve the history of Fayette County and should take action on the proposed agenda item. She also stated that Ray Polaski is willing to serve on the review board. She added that she is willing to help in any way.

Terry Kriss who with his wife, Diane are owners of the Meason House. He said that poor planning and selective enforcement of ordinances by the County is exactly why we need to adopt a historic ordinance. Mr. Kriss said that the \$90,000 consultant plan for the zoning ordinance update having the county zoning office's input is an insult to the historic community of Fayette County because there is no mention of preserving the historic sites. He said that in 1999 the Commissioners approved an amendment to the then zoning ordinance for the cell tower and that it is not included in the proposed updates. Mr. Kriss said the Meason House is on the National Register and showed a brochure and yet the area to the Meason House is a disgrace. He presented photographs to the Commissioners. Mr. Kriss said that a county zoning officer recently visited the site and reported no violations and he asked the Commissioners to look at the photos and ask ourselves if we would like to live or own a business next to something like that. Mr. Kriss urged the Commissioners to develop a historic ordinance adding that his own Meason House and site nearby should serve as a prime example of why the County needs historic preservation and protection in Fayette County.

Shirley Baldwin, President of Perryopolis Heritage Society, said the organization is made up of volunteers who care about the historic preservation of Perryopolis and they support the agenda item.

- Proclamation /Other

Moved by Commissioner Hardy and seconded by Commissioner Vicites to present a Certificate of Recognition to Lynn Capan for the years of his volunteer service with the Hard to Recycle Event.

Motion passed unanimously.

Commissioner Vicites read a Certificate of Recognition and the Board of Commissioners presented the same to Lynn Capan.

- Controller

Moved by Commissioner Hardy and seconded by Commissioner Vicites to ratify the following investments: June 1, 2006 - \$12,000,000 for 14 days at 5% interest with First National Bank \$23,013.70; and June 15, 2006 - \$11,325,000 for 14 days at 5% interest with First National Bank \$21,719.17

Motion passed unanimously.

Controller Mark Roberts presented his Financial Report of the County's General Fund noting through May 31, 2006 a net position of \$4,381,798.00 and for June 21, 2006 a net position \$5,100,287.00 with total revenues of \$14,754,099 and total expenditures of \$10,383,978.00.

He reported the investments continue to do better.

Controller Mark Roberts indicated that if the Commissioners were not going to give him another position in his office as he has asked that the funds be used in the Veterans Affairs Office.

- Children & Youth Services

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve Agency managed foster home board rates, along with monthly & emergency clothing allowances for fiscal year 2006-07.

	<u>Board/Day</u>	<u>Clothing/Month</u>
Ages 0 -12	\$16.50	\$45.00
Ages 13-15	\$19.80	\$60.00
Ages 16-21	\$26.60	\$75.00

Emergency rate: \$ 50.00 per day for first 3 days (if placement occurs after hours)
 Specialized rate: \$ 40.00 per day (if determined by Agency to be applicable)

Emergency clothing allowance - \$250.00

Motion passed unanimously.

- MH/MR Program

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

<u>Agreement for Professional Services 2006-07</u>	<u>Contract Value</u>	<u>Period</u>
David B. Reiss, Attorney	\$135/hr	7/1/06-6/30/07
Valerie M. Schwab, Esquire	\$150/per site	7/1/06-6/30/07
Plus expenses		
<u>Agreement – 2006-2007</u>		
Intex Corporation	\$9,565	7/1/06-6/30/07

Fee-For-Service Agreement – 2006-2007

Ambassador Nursing, Inc. (Not to exceed \$100,000)	\$16.75/Qtr Hr	7/1/06-6/30/07
Alicia Crouse	\$ 12,600	7/1/06-6/30/07

Contract 2005-2006

Ganister Station	\$2,394	7/1/05-6/30/06
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Modification Agreements #1 – 2005-2006

Chestnut Ridge Counseling Services, Inc.	\$ 2,575,597	7/1/05-6/30/06
Crosskeys Human Services, Inc.	\$ 1,029,725	7/1/05-6/30/06
Southwest Behavioral Care, Inc.	\$ 334,791	7/1/05-6/30/06
Paula Teacher and Associates	\$ 59,539	7/1/05-6/30/06

Modification Agreements #2 – 2005-2006

Diversified Human Services, Inc.	\$ 56,260	7/1/05-6/30/06
Twin Trees, Inc.	\$ 1,658,727	7/1/05-6/30/06

Modification Agreements #3 – 2005-2006

Goodwill Industries of Fayette County	\$ 821,725	7/1/05-6/30/06
Laurel House, Inc.	\$1,354,802	7/1/05-6/30/06

HealthChoices Reinvestment – 2004 Funds (Fairweather Lodge)

Fayette County Community Action Agency	\$ 400,000	5/22/06-5/22/08
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Motion passed unanimously.

- Planning, Zoning & Community Development

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of a Scope of Work Order to DCNR on the grant awarded to resurface tennis courts at the German Masontown Park. Said Change Order is to include electrical and painting. There is no monetary change of the award and required match with the Change Order requested.

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the following rezoning petitions:

- RZ06-7 Everly-German Township-Requests extension of A-1 on property currently zoned R-2
- RZ06-5 Vanorsdale/Mulroy -Bullskin Township – Requests extension of A-1 on property currently zoned B-1
- RZ06-08 Palankey – Dunbar Township – Request an A-1 on property currently zoned R-1

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to submit a letter of interest to Rivers, Trails and Conservation Assistance Program (RTCA) for technical assistance on the development of the Sheepskin Trail.

Motion passed unanimously

Commissioner Zimmerlink stated she placed the next item on the Agenda concerning historical ordinances having been interested and working on it for the past few months. She said the Commissioners need to decide today first if they are interested in protecting and preserving historic sites and if so action to begin this process must be taken. The process would include meeting with the PA Historic Museum Commission, the county paid consultant company who prepared the updates to the current zoning, historic societies and historic and tourist organizations. Commissioner Zimmerlink stated her concern is that without formal action today this issue will again be forgotten. The Commissioners, DCED and the Fayette County Historical Society through a consultant had a draft Ordinance prepared in October 1999 but nothing came of it. Then in 2002/2003 the consultants prepared updates without including historic preservation language. Many local historical societies, NRHC, Rivers of Steel, the Meason

House and others support this issue. She said the Commissioners were informed of a meeting scheduled with the PHMC.

Commissioner Vicites said he would consider the agenda item but was not aware there was a meeting scheduled for next week. He said he wants to gather facts and then make an informed decision. He wants to know what the additional cost will be before going in. He said he wants to hear from the PHMC. Commissioner Vicites suggests that we gather the facts first, table the agenda item and vote at the next meeting. Commissioner Vicites said that at last week Tuesday Agenda meeting he was not aware that a meeting with the PHMC was scheduled for this coming week.

Commissioner Zimmerlink confirmed the meetings were scheduled by the County Planning Zoning Office days ago and they informed everyone. Commissioner Vicites said he was on vacation so he was not aware. Commissioner Zimmerlink said she attached information to the Agenda and also provided information to the Commissioners on June 16, 2006. She reiterated that the Motion is to give direction and authorization to the County office not to adopt an ordinance.

Evelyn Havanik from the public asked if she could interject. She stated that since 1990 half of a million dollars have been spent on plans and there were many meetings and that this has been studied to death and urged the Commissioners to pass the agenda item to get things going.

Terry Kriss stated that the county should not need to spend any money because the consultants were paid and should have included historic preservation language in the updates.

Connie Kikta stated that monies have been spent by the County for the 1999 draft historic ordinance.

Commissioner Hardy said he wished Vince would feel better about this and suggested waiting another thirty days.

Commissioner Vicites again asked what the cost would be. Commissioner Zimmerlink reiterated that there is no cost to pass a Motion to direct and authorize the County to begin gathering information to adopt an Ordinance. Commissioner Hardy suggested waiting another 30 days for Vince since we have already waited 30 years. Commissioner Vicites said he is responsible for spending tax dollars and wants to know the cost beforehand.

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to authorize the Planning Zoning Community Development office to pursue the establishment of a Historic District Ordinance authorized by the Historic Act of 1961 and to pursue the inclusion in the Fayette County Zoning Ordinance, Land Use, UCC Code and or other applicable county policies, procedures and regulations in order to preserve and protect buildings, structures and areas of historic interest or importance within Fayette County that is otherwise not protected and preserved by adopting the Historic District Ordinance Authorized by the Historic Act of 1961 giving clear direction to the County office and to the people of Fayette County that the County Commissioners wish to take an active role and progressive steps to pursue the protection and preservation of historic sites and not at this time adopt any rules or regulations.

Commissioner Zimmerlink: Aye
Commissioner Hardy: Aye
Commissioner Vicites: Abstain

Motion passed 2-0.

- Tax Claim Bureau

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the advertising for the services of an approved constable service or law enforcement to post delinquent real estate parcels for the September 2006 tax claim sale.

Motion passed unanimously

- Election Bureau

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to change Resolution 97-8-7-2 dated August 7, 1997 which retained records of the Election Bureau 10 years and instead adopt a Records Retention Policy in accordance with the County Code and the County Records Manual for the Fayette County Election Bureau as follows:

Campaign Expense Reports & Statements Filed By Candidates and Political Committees & Statement of Financial Interest - retain 5 years
Election Returns - retain permanently for administrative and historical purposes
Fiscal Records (financial records, payroll records, purchasing records) - retain in accordance with the guidelines of the Code and Manual
Minutes of the Board of Elections -retain permanently for administrative, historical and 1 legal purposes
All other Election Records - retain 2 years

Director of the County Election Bureau Laurie Lint stated that the County Code only calls for 11 months but she prefers a minimum of 2 years and does agree with this new policy.

Commissioner Zimmerlink: Aye
Commissioner Hardy: Aye
Commissioner Vicites: Nay

Motion passed 2-1

After the vote Commissioner Vicites stated that he prefers the 10-year period because of the problems over the years and that he preferred not to narrow down that much and to have a paper trail.

- Human Resource Department

Moved by Commissioner Hardy and seconded by Commissioner Vicites to consider the following Human Resource matters:

Within the Bridge Department : to hire Ronald Columbia as a Ferryboat Pilot at a salary of \$8.88 per hour effective June 26, 2006;

Within Children and Youth Services to accept the resignation due to retirement of Patricia Cumberland, County Casework Supervisor effective June 30, 2006;

Within the Office of Human and Community Services to accept the voluntary termination of Donald Norton, Full time van driver effective June 7, 2006; to accept the resignation of Ray Simmons, Technician D effective June 9, 2006; to accept the resignation due to retirement of Merle Rankin, Transportation Information Specialist effective June 23, 2006; to ratify the hiring of John Fisher as a part time Van Driver at a salary of \$7.79 per hour (\$15,190.50) effective June 19, 2006; to approve the hiring of Anthony Theodori as a Full Time FACT Technician B at the salary of \$10.17 per hour (\$19831.50) effective June 19, 2006.

Motion passed unanimously

- Veterans Affairs

Donald Seroka, Director of the county's VA office presented the Commissioners with a plan to take over the responsibility to handle the transportation services saying the basis for his request is to save money and enhance the services for the veterans.

Commissioner Zimmerlink asked Mr. Seroka for his opinion on the proposals presented by the Office of Human & Community Services. He said he did not have a chance to review the latest proposal.

Commissioner Zimmerlink asked the Director of OHCS to review the proposals. Michelle Grant Shumar stated that four proposals were presented and the latest one accommodates the requests of county VA office having advantages of lower cost to the County and exclusive service for the veterans.

Commissioner Vicites said he has been working on this for 2 years. He said the veterans deserve to have the program handled by the county office and that it was at one time handled by the county office. He said that considerable money would be saved. Commissioner Vicites said he looked at all aspects of this and it will improve the services to the veterans. He said that he knew ridership would increase even though there is a new VA Clinic in Fayette County.

Commissioner Zimmerlink stated the county VA office is proposing this as a way of saving money and having exclusive services yet the county's proposal entails buying two vans, creating new positions such as hiring 2 full time drivers, creating a service officer position and a clerk position plus the county would be assuming the maintenance costs and fuel costs. She added that the Bridge Department is paid through the state Liquid Fuel Program yet has been providing the maintenance of the county vehicles for years and now the county VA office wants to add two vans to the list.

Commissioner Zimmerlink reminded the VA office that they have said they are overworked and underpaid yet now want to assume yet another responsibility. She said transportation should be handled through the county's public transit department which is the FACT. She suggested that the VA clinic be utilized and internal controls and procedures be put into place to better schedule and address the other concerns. Commissioner Zimmerlink suggested staying with the 3rd party ridership program for another year for these reasons and the program should not be changed in the middle of a budget year.

Commissioner Vicites said there would be savings by making these changes and will not be that much of an additional burden. Commissioner Vicites said that the veterans need and deserve special assistance.

Commissioner Hardy stated that the veterans should have an exclusive program. Commissioner Zimmerlink stated that the OHCS-Fact's proposal is for exclusive service to veterans.

Moved by Commissioner Hardy and seconded by Commissioner Vicites to assign the County Office of the Veterans Affairs the responsibility, management and administration of transportation services for veterans to medical and healthcare facilities in Pittsburgh changing the current services as being provided by the county's public transit services provided through the office of FACT.

Commissioner Zimmerlink: Nay
Commissioner Hardy: Aye
Commissioner Vicites: Aye

Motion passed 2-1

Commissioner Zimmerlink asked about when this would take affect given that the existing program expires June 30, 2006. Donald Seroka stated that he would like to extend the services for 90 days.

- Office of Human & Community Services

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve an agreement between the County of Fayette, Fayette County Office of Human & Community Services and Echo Child Development Center, Inc. for the provision of child care information & resource services during the FY 2006-07 per the Pennsylvania Department of Public Welfare in the amount of \$3,071,022

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of the FY 2006-07 Human Service Development Fund Pre-Expenditure Plan to the Pennsylvania Department of Public Welfare to include agreements between the County of Fayette, Fayette County Office of Human & Community Services for the provision of services with the following providers:

Albert Gallatin Human Services Agency, Inc. Counseling \$16,128 Homemaker \$67,872
Fayette Area Coordinated Transportation Transportation \$28,553
Fayette County Community Action Agency, Inc. Counseling \$7,671 I&R \$24,276 ; Intake \$1,260

Fayette County Housing Authority Services to Seniors Homemaker \$59,677
Adult Day Care \$ 19,152 Aging Program \$21,420 ; Case Management \$21,672
Fayette County Drug & Alcohol Commission Education/Information \$68,250
Fayette County MH/MR Family Support Services \$12,600 Adult Developmental Training \$ 200,760
City Mission Livingstones, Inc. Case Management \$16,800

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of the FY 2006-07 Homeless Assistance Program Pre-expenditure Plan to the Pennsylvania Department of Public Welfare to include agreements between the County of Fayette, Fayette County Office of Human & Community Services for the provision of services with the following providers:

<u>Fayette County Community Action Agency, Inc.</u>		<u>City Mission Livingstones, Inc.</u>	
Bridge Housing	\$ 99,816	Bridge Housing	\$ 37,000
Case Management	\$ 43,818	Case Management	\$ 39,000
Rental Assistance	\$ 197,441	Emergency Shelter	\$ 122,000

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve agreements between the County of Fayette, Fayette Area Coordinated Transportation, for the provision of paratransit services for Fiscal Year 2006-07 with the following carriers:

Goodwill Industries, Inc. ; Mountain Citizens Action Group; White Line Taxi & Transfer

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve agreements for Fiscal Year 2006-07 between the County of Fayette, Fayette Area Coordinated Transportation and the following public transit carriers:

Brownsville BusLines

Brownsville/Republic \$ 33.00 per hour Masontown/Fairchance \$29.00 per hour

Central Cab Company, Inc.

Point Marion/Perryopolis \$33.70 Brownsville Express \$ 31.20 per hour

Edenfield Stages, Inc.

Uniontown, City A & B \$ 39.15 per hour Connellsville \$ 39.15 per hour

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve an agreement between the County of Fayette, Fayette Area Coordinated Transportation and the following organizations as third party sponsors of transportation services for the Fiscal Year 2006-07:

ARC; Chestnut Ridge Counseling Services; St. Therese Church and Southwestern Pennsylvania Area Agency on Aging, Inc.

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve an agreement between the County of Fayette, Fayette County Office of Human & Community Services and Maher Duessel, Certified Public Accountants, Three Gateway Center-Six West, Pittsburgh, PA for auditing services for the FY 2004-05 Fayette Area Coordinated Transportation (FACT), programs per the requirements of the Pennsylvania Department of Transportation in the amount of \$18,450

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to rescind resolution 06-4-27-23 awarding Bid No. 06-02 Bus Fueling Station to SSC&M Inc. for a total bid price of \$74,295.60-contractor declined and approve to re-bid the Bus Fueling Station project (FACT Transit Center)

Motion passed unanimously

Commissioner Zimmerlink asked what action the Commissioners wished to take concerning the expiration of the 3rd party ridership agreement.

Michelle Grant Shumar reminded the Commissioners that there is a fare increase to consider and to realize where the budget is at this time. Donald Seroka stated that only \$75,000 was placed in the budget and the amount has been exceeded. Commissioner Vicites stated that an insufficient amount was put in the budget and that the former VA Director's input was used for that number. Commissioner Zimmerlink stated that the Commissioners are responsible for the budget and that input was provided by the county manager, the controller, Commissioner Hardy's accountant, the VA liaison committee and then a review done. The budget was out for 30 days before final adoption and there was sufficient time for any Commissioner to make a change.

Commissioner Vicites said he questioned it at that time and Commissioner Zimmerlink said that no Commissioner made any suggestion to increase and any one could have.

Moved by Commissioner Vicites and seconded by Commissioner Hardy to extend the 3rd Party Ridership Program between the County of Fayette and the Office of Human & Community Services FACT Program, which expires June 30th to commence July 1, 2006 through September 30, 2006.

Commissioner Zimmerlink: Nay
Commissioner Hardy: Aye
Commissioner Vicites: Aye

Motion passed 2-1

- Commissioners

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to nominate the group known as the Scottdale American Women to represent Fayette County in the Centennial Celebration of the Pennsylvania Capitol Building kick off parade – Harrisburg September 30, 2006.

Motion passed unanimously

Moved by Commissioner Hardy and seconded by Commissioner Vicites to approve the Minutes of the Commissioners Meeting of May 25, 2006.

Motion passed unanimously

The next item on the Agenda was to distribute Liquid Fuel monies to those municipalities completing an application. Of the 42 municipalities 34 applied for aid. The County Manager's report divided the \$126,000 funds available between 42 municipalities with each being able to receive \$3,000.

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to distribute \$3,000 each to the 34 municipalities that applied for the aid.

Upon question of the Motion Commissioner Vicites asked how many applied and was told 34 applied. He asked how the remaining 8 municipalities would be handled. Commissioner Zimmerlink stated that for years the procedure has been that the County gives the funds to those municipalities that apply and in this case as stated 34 applied by the deadline.

Motion passed unanimously

The next item was to consider giving a county vehicle to the Southwest Regional Police Board. The county solicitor, Joe Ferens stated if the Commissioners decide to take this action it should be given to the municipality and not to the Southwest Regional Police Board. Commissioner Zimmerlink asked if it would be best to name both municipalities since neither was specific in the asking and because the police board serves both municipalities. Mr. Ferens stated that would be best.

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to convey title of the 1994 Crown Victoria Sedan VIN 2FALP71W8RX197265 in its “as is” condition from the County of Fayette to Belle Vernon Borough and/or Newell Borough to be used by the Southwest Regional Police Board.

Motion passed unanimously

Next item concerns the Woodland Zoo real estate. Commissioner Zimmerlink gave a background noting that the real estate is owned by the Herrings and the deed has a covenant that states in the event of a sale, the Herrings must provide the County with the first right of refusal. County Solicitor Joe Ferens indicated that he is uncertain whether or not the Herrings have a buyer but that it is not required that the Herrings inform the county of the name of a buyer and instead their only requirement is to offer the county the first right of refusal (he read the covenant into the record). He said the question to the Commissioners is whether or not they want to buy it and if they do an appraisal needs to be done.

Commissioner Hardy said we should release the Herrings saying they are in very bad financial shape.

Commissioner Zimmerlink said that we should have additional information because we are uncertain if they are in fact offering it for sale because of the statements made to the media. Also, if the County or its economic development agencies were in a position to develop or market this property it would be a good asset.

Commissioner Hardy said it has been difficult to develop for years. Commissioner Vicites said there are restrictions to the use. Commissioner Zimmerlink said it could be a good county asset if marketed correctly.

The solicitor reminded the Commissioners that we have 90 days to make a determination of whether or not the county wishes to exercise the right. Commissioner Zimmerlink stated that it is triggered in the event the Herrings are offering the land for sale and at this time it is not clear from the contradictory statements made. Solicitor Ferens was directed to contact Attorney Gentile to obtain specific information.

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to Table the Agenda item to have the County consider a First Right of Refusal to purchase real estate owned by Darwin and Jill Herring being the same property conveyed to them by Deeds dated September 28, 2004 and February 10, 2005 for the total amount of \$190,500.00 being the real estate where said owners operate Woodland Zoo and the amphitheatre.

Motion passed unanimously

Next item was to consider a waiving approximately \$5,700 in penalty and interest on the County’s portion of real estate taxes at the request of HBC Realty, LLC and Brownsville Marine Realty, LLC. Solicitor Ferens explained that not all three taxing bodies had to agree and instead they could act independently. He said waiving the amount is at the discretion of the Commissioners. Brian Mueller representative of the companies asked the Commissioners to waive the penalties and interest because they did not incur the debt and that they have brought approximately 150-200 jobs to the area.

Commissioner Zimmerlink asked whether or not they were aware of the debt before they bought the business at bankruptcy proceedings and they responded they became aware later on. Commissioner Zimmerlink thanked them for coming to Fayette County and said she hopes they remain but could not be selective in waiving this debt because it is not fair to others and its sets a precedent and opens the door for others to ask for a wavier.

Commissioner Hardy stated that the Commissioners should waive the amount because the company has created 200 jobs.

Commissioner Vicites stated that he has always been for economic development and thanked that company.

Moved by Commissioner Hardy and seconded by Commissioner Vicites to honor the request of Brian Mueller and Joe Rose, owners of HBC Realty, LLC and Brownsville Marine Realty, LLC to accept the sum of approximately \$29,000.00 as payment in full and waive approximately \$5,700.00 in principal/interest for the county's portion of real estate tax for years 2002, 2003, 2004 and 2005.

Commissioner Zimmerlink: Nay
Commissioner Hardy: Aye
Commissioner Vicites: Aye

Motion passed 2-1

- Public Announcement

There is an opening on the Board for the Redevelopment Authority of Fayette County for a term 5 years and interested individuals should send their letters of interest to the Chairwoman and interviews will be conducted before the three County Commissioners.

There will be a public hearing on the proposed FACT's Fiscal Year 2006/2007 Program of Projects-Friday, June 23, 2006 at 1:00 pm at the FACT Transit Center.

A workshop will be held on July 24, 2006 at 1:00 p.m. at the Public Service Building for grant opportunities through DCNR for community projects such as recreation equipment, park benches, etc.

- Public Comment

Frank Voytek, a Marine veteran encouraged the Commissioners to consider the options which are used by DAV for veteran transportation which entails contacting local auto distributorships to furnish vehicles and in turn they have their names displayed on the vehicles for advertising.

Moved by Commissioner Zimmerlink and seconded by Commissioner Hardy to adjourn the meeting.

Motion passed unanimously

Judith M. Bodkin, Chief Clerk