

**Thursday, May 26 2005 10:00 am**

A meeting of the Fayette County Board of Commissioners was held on Thursday, May 26, 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
- Silent Prayer
- Pledge of Allegiance
  
- Public Comment on Agenda Items

Jim Killinger, member of the Zoning Hearing Board representing the Board, asked that if the Commissioners were going to consider tabling the Zoning Ordinances that the fee schedule at least be adopted. He also provided documents to the Commissioners regarding proposals and recommendations of the Zoning Board which they wish for the county to consider.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites for Proclamations:

The Season of Braddock June & July 2005  
 Ratify The National Road Heritage – May 19-21 2005

**Motion Passed Unanimously**

The Proclamation Season of Braddock was presented to Robert Adamovich, local historian and Karen Hechler, Connellsville Historical Society after their comments on the upcoming scheduled events.

- Controller's Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the following investments :

\$6,250,000 for 7 days at 2.55% interest with National City Bank \$3,098.96 – April 28, 2005  
 \$6,550,000 for 14 days at 2.65% interest with National City Bank \$6,750.14 – May 5, 2005  
 \$10,350,000 for 14 days at 3.15% interest with First National \$12,505.07 – May 19, 2005

**Motion Passed Unanimously**

Staff for Controller provided a Report on the Financial Condition of the County.

- Redevelopment Authority

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to adopt the attached resolution approving modifications to Luzerne Township's FY 2001 and FY 2002 Community Development Block Grant (CDBG) Programs for \$139,339.00.

**Motion Passed Unanimously**

- Emergency Management Agency

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the revised Fayette County Local Emergency Planning Committee membership as listed:

1. Angela M. Zimmerlink	7. Jim Bittner	13	Myron Nypaver
2. Joseph A. Hardy III	8. Sue Griffity	14	Ed Cope
3. Vincent A. Vicites	9. Ron Markarum	15	Dick Oglevee
4. Roy Shipley Jr.	10. Shirley Norman	16	Bill Croushore
5. Guy Napolillo	11. Jan Curry	17	Ron Inks
6. Scott Dolan	12. Debbie Kalp	18	William Large

### **Motion Passed Unanimously**

- MH/MR Program

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

i.	<u>Modification Agreements #1</u>		
ii.	Laurel House, Inc.	\$1,221,235	7/1/04-6/30/05
iii.	Twin Trees, Inc.	\$1,562,864	7/1/04-6/30/05
iv.	<u>Modification Agreement #2</u>		
v.	Community Living Care, Inc.	\$ 146,300	7/1/04-6/30/05
vi.	<u>Modification Agreements #3</u>		
vii.	Community Living Care, Inc.	\$ 146,338	7/1/04-6/30/05
viii.	REM-Pennsylvania Community Services	\$ 234,410	7/1/04-6/30/05
ix.	<u>HealthChoices Reinvestment Contracts</u>		
x.	Spectrum Family Network	\$ 50,000	2000 Funds

### **Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Mental Retardation Needs Based Plan for FY 2006-07 (Stage 1).

### **Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Change Order Number EC-002 to Bellisario Electric, Inc., 3623 Butler Street, Pittsburgh, PA 15201, for the new Fayette County MH/MR Building, in the amount of \$1,002.42. The change order was necessary to install a voltage transformer for the sewage ejector pump to increase the voltage from 208 volts to 240 volts to conform with the sewage pump specified by the engineer.

### **Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Change Order Number EC-003 to Bellisario Electric, Inc., 3623 Butler Street, Pittsburgh, PA 15201, for the new Fayette County MH/MR Building, in the amount of \$3,775.45. The change order was necessary to add additional electrical circuits to the first and second floor locations where workstation furniture will be installed.

### **Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Change Order Number PC-002 to Vrabell Plumbing Company, 13 Dewey Lane, Gibsonia, PA 15044, for the new Fayette County MH/MR Building, in the amount of \$4,750.00. The change order was necessary to add a sump pump designed for a hydraulic elevator pit application where oil and water may be present.

### **Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Credit Change Order Number GC-008 to Walter Mucci Construction Company, Inc., P.O. Box 308, Perryopolis, PA 15473, a credit to the General Construction Contract in the amount of \$2,400.00 associated with the construction of the new Fayette County MH/MR Building.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Change Order Number GC-009 to Walter Mucci Construction Company, Inc., P.O. Box 308, Perryopolis, PA 15473, for the new Fayette County MH/MR Building, in the amount of \$2,274.00. The change order was necessary to add a fence around the air conditioning equipment at the rear of the building.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to authorize the advertising for bids for the purchase and installation of 126 metal window blinds for the new Fayette County MH/MR Building.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the awarding of Bid No. 05-09: Moving Services to Vesley Brothers Moving & Storage, 316 Finley Road, Belle Vernon, PA 15012, for an amount “not-to-exceed” \$15,609.01.

**Motion Passed Unanimously**

- Planning, Zoning & Community Development

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of a county grant application to PADEP Act 901 Recycling Grants.

**Motion Passed Unanimously**

Tammy Shell requested tabling Agenda Item to adopt the zoning, subdivision and land development ordinances because changes from local municipalities came in a few days ago and it did not allow enough time for her and the consultants to meet.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to table the Countywide Zoning Ordinance, Subdivision and Land Development Ordinance, Fee Schedule and Zoning Map Appeals Ordinance, until June 21, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy to deny RZ 05-07 of William D. Pritts, Bullskin Township, requesting change of zone from “A-1” Agricultural-Rural to “B-1” General Business. The proposed use of the property is entertainment facility – open air.

**Yea 2 – Nay 1 (Zimmerlink) Motion Carried 2-1**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve RZ 05-06 Daniel R. Pennell, Perry Township, requesting an extension of an “A-1” Agricultural-Rural on properties currently zoned “M-1” Light Industrial. The proposed use of the property is to have three (3) single dwellings, one on each lot.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve RZ 05-05: Daniel Androsik, North Union Township, requesting an extension of a “R-2” Medium Density Residential Zone on properties currently zoned “A-1” Agricultural-Rural. The proposed use is for subdivision of the subject property and compliance with the Zoning Ordinance.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve RZ 05-04: Terry L. and Shirley A. Kimmel, Dunbar Township, requesting extension of an “A-1” Agricultural-Rural Zone on property currently zoned “M-1” Light Industrial. The requested change of zone if for construction of a residence.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the awarding of Bid No. 05-04 for Purchase and Delivery of One New Box Truck and Fork Lift to Allegheny High Lift Inc., R.D. Box 6, Box 510, Hempfield Industrial Park, Greensburg, PA 15601 at \$17,600.00 and Tri-Star Trucks, 930 Rt 22 West, Blairsville, PA 15717, at \$22,604.00

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the awarding of RFP No. 05-03: Stenographer Services ZHB to Vicki Maxwell, 1529 Rostraver Street, Monessen, PA 15062:

Price per page \$3.50; Appearance Fee \$100per day (10:00 to 5:30) one lunch period included; \$50per half-day; \$25per hour (for days that are less than four hours and/or over the “10:00 to 5:30” time period).

**Motion Passed Unanimously**

- Human Resource Department

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the resignation of Mark Yauger as UCC Administrator effective May 16, 2005.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the promotion of Paul Pato from Assistant UCC Administrator to UCC Administrator at \$18.47/hour (\$36,016.50/year), Pay Grade S14, Step G, effective May 16, 2005.

**Yea 2 – Nay 1 (Zimmerlink) Motion Carried 2-1**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to accept the resignation of Sandra Calloway, Fiscal Manager, Human & Community Service effective June 3, 2005.

**Motion Passed Unanimously**

- Human & Community Services

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the resubmission of the Fiscal Year 2004-2005 Pennsylvania Department of Public Welfare Medical Assistance Transportation Program Grant Allocation/Expenditure Plan with an adjusted grant amount of \$703,785

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of the Fiscal Year 2005-2006 Human Service Development Fund Pre-Expenditure Plan Allocation \$628,989 to the Pennsylvania Department of Public Welfare

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of the FY 2004-05 Pennsylvania Department of Public Welfare Human Service Development Fund Budget Revision (in progress due May 31, 2005)

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the participation of the Director of the Fayette County Office of Human & Community Services in the Pennsylvania Association of Human Service Administrators (PACHSA), Summer Quarterly/Annual Meeting June 15 & 16, 2005 in York, Pennsylvania (Registration Fee TBA, two nights lodging-\$88 per night)

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the participation of the Assistant Director of the Fayette County Office of Human & Community Services in the Federal transit Administration Financial management Oversight Seminar-2005 in Philadelphia, Pennsylvania August 17-18, 2005 (Tuition-\$0, two nights lodging-\$264.48, two days parking-\$50)

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to award RFP 05-07 Paratransit Transportation Software to Route Match Software, 1349 West Peach Street, Atlanta, GA 30309, in the amount of \$64,168, being the most responsive bidder.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Fayette Area Coordinated Transportation's participation in the Pennsylvania Unified Certification Program at an annual assessment in the amount of \$2500

**Motion Passed Unanimously**

- FACT Transit Center

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the unit rates proposed by Construction Engineering Consultants to perform testing and inspection services for the FACT Transit Center construction project.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to table provision of cleaning services following the relocation of the FCOHCS/FACT to the FACT Transit Center.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Change Order HC-003 Total Change Order Add of \$3,450 for the furnishing and installation of custom stainless steel trim around the perimeter of the shower stall in room 014 of the terminal building, as well as additional ductwork and accessories on the lower level of the terminal building.

**Motion Passed Unanimously**

- Domestic Relations

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify investments National City Bank of \$500,000 from the DRS IV-D Account

\$100,000 for three months – 2.75%    \$100,000 for six months – 2.95%  
 \$100,000 for four months – 2.8%    \$100,000 for eleven months – 3.10%  
 \$100,000 for five months – 2.8%

**Motion Passed Unanimously**

- Tax Assessment

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend Resolution No. 04-8-26-46 to void the sale of one parcel known as 30-15-0069 due to an error with said ownership of parcel reverting back to the County and refunding the cost of \$496.

**Motion Passed Unanimously**

- Fay-Penn Economic Development

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend Agreement C000002428 which approved contract between DCED and the County for the New Communities \$50,000 for fiscal year 02-03 and the amended contract is for an additional \$50,000 for fiscal year 04-05.

**Motion Passed Unanimously**

- Commissioners

**Commissioner Vicites** questioned the status of the execution of the Maintenance Agreement with Airport. County Solicitor stated that he is in receipt of the agreement and some revisions need to be discussed. Mark Morrison, attorney for the airport was present and indicated that those revisions were minor and everything could be concluded soon.

**Commissioner Vicites** stated that the agreement between Select HR and the County has a term ending November 15, 2005 and that notice must be given.

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy to give notice of intent not to renew the contract due to expire on November 15, 2005 with Select HR in accordance with terms of the agreement.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to awarding Bid No. 05-08: Lease Postage Machine (DM1000 Digital) to Pitney Bowes, 105 Gamma Drive, Suite 100, Pittsburgh, PA 15238, at \$515/month for 60 months for a total of \$30,900.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to Project Change Description for Upper Tyrone Township to General Road Maintenance for Project No. 00-26-222-44C.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify Amendment No. 1 to the Kalp-Melcroft Project Agreement Mountain Watershed Association.

**Motion Passed Unanimously**

Commissioner Zimmerlink asked if the Right of Way and Easement of Oil & Gas Landman of Fairmont WV was reviewed by the county solicitor and asked for any comments. Attorney Ferens provided a overall review indicating that if there were any drilling that the County Manager was told that the company would provided prior written notice. Commissioner Zimmerlink asked whether it was wise to obtain that stipulation in writing before the Commissioners executed the agreement and the solicitor restated that the company assured the county manager that prior notification would be given.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites for the County to execute the attached Right of Way and Easement of Oil & Gas Landman of Fairmont WV

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to authorize the advertising for bids for tires for county vehicles.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to authorize the advertising for bids for janitorial supplies.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the awarding of Bid No. 05-07: Desktop Computers for the Courts to ComIT Computer Service, 173 Coal Street, Lemont Furnace, PA 15456, in the amount of \$42,057.93 to be paid out of Non General Fund Courts from the Child custody Fund.

**Motion Passed Unanimously**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to authorize the advertising for bids for computer server.

**Motion Passed Unanimously**

- Public Announcements (none)
- Public Comment

Mr. Mazza expressed thanks to everyone who participated and organized the Heroes All event of the week.

Rosemary Matway stated that development is fine for the county and is a tax base but that the county should take serious note of the agricultural lands that are being re-zoned and the effects that the rezoning of some areas have on existing farms.

Tammy Shell of Planning Zoning Office provided comment on the status of the Ordinances and answered various questions from the floor.

**Moved** by Commissioner Zimmerlink to adjourn and seconded by Commissioner Vicites.

**Motion Passed Unanimously**

Approved:

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Attest:

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Judith A. Bodkin, Chief Clerk