

Thursday, October 28, 2004

A meeting of the Fayette County Board of Commissioners was held on October 28, 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
 Joseph Ferens, County Solicitor

Silent Prayer.

Pledge of Allegiance

Motion to Amend the Agenda:

Moved by Commissioner Hardy, seconded by Commissioner Vicites to remove item numbers 38 and 39 from the agenda and instead add another item to consider approving a change order on the subject matter.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Public Comment on Agenda Items:

Sandy Garfinkle attorney representing Widewaters Development whose ownership of property extends south and adjacent to the county property (Agenda No. 4) advocated positions on behalf of Widewaters. Widewaters, and potentially other third parties, have an enforceable interest in the deed restrictions, restrictive covenants, and deeds insofar as neighboring or adjacent property owners may have relied on those publicly recorded deed restrictions in taking some action. The board should consider whether or not third parties should participate in an agreement or arrangement to modify or remove these deed restrictions. Another concern he believes is shared by PennDOT is proposed development beyond what the deed restriction permits and not solely creating industrial traffic, potentially impacts traffic generated on local roads and intersections, has not been carefully studied and should be before the commission takes action. He requested the board table the item.

Commissioner Zimmerlink asked the County Solicitor, **Joseph Ferens**, for any comment on Mr. Garfinkle's concerns.

Joseph Ferens, County Solicitor said he spoke to Mr. Garfinkle prior to the meeting, and they agreed to disagree. Though he hasn't done extensive research on this item, the matter before them is within the purview of the commissioners. Without some clear direction from a court there is a possibility that his development may be affected, and when you get into possibility issues, there is maybe litigation. He is not sure what position Widewaters would take, and though he doesn't think he is here threatening litigation, the issue is up for consideration by the commissioners. He advised him again this is an issue strictly within board's discretion, and advised the Redevelopment Authority similarly. He explained the commissioners don't have to remove the restrictions; they can do so if they so choose.

Ray Polaski, executive director, Fayette County Redevelopment Authority explained the agreement reached during meetings between PennDOT and the Redevelopment Authority for the Redevelopment Authority to come forth with \$400,000 toward the \$1.2 million improvement project took care of the issues of New Salem Road and the Matthew Drive intersection. PennDOT maintained the intersection-improvements generated the opportunity for full build out in the business park. Widewaters information today is news to him since they participated in such meetings. Noting some six projects in the pipeline, ready-to-go projects, he said attorneys say they can't proceed with their clients until this deed restriction is lifted. 1000 jobs are projected and the commissioners have been urged by developers, North and South Union townships, attorneys, and the Redevelopment Authority to move forward. **Commissioner Zimmerlink** asked which developers and whether the Redevelopment Authority entered into any agreements with these. **Mr. Polaski** highlighted Laurel Pediatrics and Dr. Owen Nelson, Dr. Rabatin as ready to go to the settlement stage with dirt moving. Synergy and Cedarwood being present could comment and while they and Armstrong have no agreements, all the potential developers have permission from the Authority board to proceed.

Randall Haik, director of development with Cedarwood. Located in Akron, Ohio specializing in acquisition, development, construction, and management of commercial and retail projects the company came to Uniontown and negotiated a business deal with the Authority for a location in the park at New Salem Road and Matthew Drive and they are ready to move forward with the development process but the deed restriction is an obstacle. He requested the support of the commissioners.

Thomas Frankhouser chairman of South Union Township supervisors said they delivered concerns about providing a sewage system for that park and the restrictions need lifted on the deed so these developers can proceed. If the restrictions weren't lifted there wouldn't be further development. They anticipate full build-out. There were numerous meetings with PennDOT and Widewaters wherein they worked with them though quite a few roadblocks were put up on Widewaters part. He assures them that PennDOT has said Widewaters would have total build-out once the improvements at the intersection are completed.

Commissioner Zimmerlink read the motion – to consider approving a request to lift the deed restrictions from the Fayette County Business Park. Commissioner Vicites made the motion, seconded by Commissioner Hardy.

Discussion

Commissioner Vicites said the project started from a cornfield with no development and property not on the tax rolls for hundreds of years. There has been progress in last five years. The master plan came to conclusion very early on it was going to be a retail/commerce type park. Funding challenges were met and the entity determined to handle this was the Redevelopment Authority. The progress is going better than expected, a step-by-step process, people working together, and provides hope for the future and jobs. It is not a technology park and not a manufacturing park; it's retail – commerce park. Enhancing the tax base and when completed there will be a quarter-of-a-million in tax revenue to the county, some \$1.25 million to the school district and \$50,000 to township. This is an extension of the great job South Union has done. They have been number 1 in the county with initial development in Cherry Tree Lane - now we're extending that – we knew it would be a hot spot for development. Lifting these restrictions will speed up the development efforts. The road problem was taken care of with supervisors and Redevelopment Authority, and if it weren't for our efforts Widewaters wouldn't have the driveway occupancy permits. That isn't an issue. We need to fast track this and maximize for retail and commerce, maximize job efforts for commercial and retail.

Commissioner Zimmerlink disagreed that the intent of this park was initially for retail commerce since if it was it would never have been designated KOZ because the entire purpose of the KOZ was to entice new businesses. Back in late 1999 Fay-Penn and others came before the commissioners and said there was a need to designate at least 170 acres of the 277-acre park as KOZ because if we do we will be able to entice new development and increase the job base. The next thing me and the taxpayers heard was we need to have millions of our tax dollars returned from the state and put into this park for the infrastructure. We were told once we have the infrastructure and roads and sewage we're going to have increased economic development. Then they said just KOZ alone won't do it, millions

are needed for infrastructure. Then bits and pieces of KOZ were taken out which shouldn't have been put in to begin with, but Fayette had only so much acreage to put in. If in 1999 the KOZ wouldn't have been wasted in South Union, we could've had it in Connellsville, Brownsville, Masontown, Perryopolis, and put KOZ where it was needed in other blighted areas. We lost that acreage from KOZ. That was rushed forward and not really thought about. Bits and pieces of KOZ were taken out. What did we have: the infrastructure put into place. What kind of development do we have? We have prime land that was used for Career Link, and MHMR and businesses. That's not what we were promised in late 1999 and 2000. The Mon Fayette Expressway and an interchange near Fan Hollow Road are in the plans first so trucks and others can have access to the park and what was going to be in the park. Think about what's gone into the park and what was promised. You have McMillen Engineering, the relocation of the businesses, the doctors from downtown, and another from Cherry Tree. Armstrong. I don't know what Synergy is planning and there's talk of even the 60 acres of KOZ having private development. I know we can't undo some of the projects, but we can prevent, and that's why I don't want to lift the deed restriction. If any of the municipalities want to lift the KOZ I still want that developed to bring in the good jobs. Now it's time for you Fayette-Penn, South Union, North Union, the Redevelopment Authority to live up to your expectations. I'm going to hold you accountable because for years that's what was said. I said I can't create any jobs, but you said give us the KOZ and give us the infrastructure. The prior board did that work for you and used the monies so now give us the good jobs we were promised. She said that's what she wants to see done with those 60 acres, not a private company like Gudack's bowling lanes to come in there. Good paying jobs should go in there. This was before Mr. Garfinkle spoke. There are three reasons we were given to lift this deed restriction. To correct some conveyances. Who is asking to correct them? **Mr. Polaski** responded: everyone that's pending. **Commissioner Zimmerlink** said another reason given was to alleviate some problems with these future developers and another was to market the property. She said the Authority could market the property without these deed restrictions being lifted because of the foregoing discussion and the KOZs and infrastructure. She asked about the deed for the McMillan Engineering and whether that was industrial use? **Mr. Polaski** said the commissioners affirmed it was, and that was the only way they could go to settlement. In the deed you're referring to there is a clause but what you're continuing to do is to defy the zoning of South Union township, and the state legislation that says that can be lifted. **Commissioner Zimmerlink** said the commissioners were Vince Vicites, Sean Cavanagh and Ron Nehls. Though she can't correct things before her time she could try to prevent some things now. She said there was a section in the McMillan deed pertaining to a release for industrial development. **Mr. Polaski** said the clause says the commissioners affirm this is for industrial use. **Commissioner Zimmerlink** asked is that industrial use? **Mr. Polaski** said of course it is not. That was the only way to deal with the situation, and McMillen has created 15 new jobs there which are your high-end jobs. **Commissioner Vicites** said they were high-paying jobs and they were already in the county and a local business can be expanded and create new jobs which is a great accomplishment. **Mr. Polaski** said this is what Commissioner Zimmerlink said before one of her goals was to take businesses and expand them. **Commissioner Zimmerlink** responded she told them what she wanted done with the Fayette Business Park not to relocate businesses, not to give McMillen Engineering a great deal for \$38,000 for a piece of property that was not something she would say was ever good to do. It's not a good idea to move businesses from one end of town to another whenever it was told to us what you were going to do and what you haven't done. **Commissioner Vicites** says he with due respect totally disagrees. This is what was in the works from the very beginning, and is not a negative thing. The funds being leveraged and what is put in there is nothing but positive. This went from nothing to something, something good. The initial park it was determined to be a mixed use retail and commerce park. The master plan set the focus for what we wanted there. KOZ came after that. We all had to vote on that, including the supervisors, and we gave it a try. We didn't know what to expect. There was more acreage for KOZ in Fayette County than in any other county in southwestern Pennsylvania. We wanted to see what could be brought forth. We quickly found out that was so valuable and there was so much interest it was a hot-spot that we made an adjustment. He said that with what's happened, he thinks it shows prudent leadership to do that. We're getting a tax-base now. The residential area in the best opinion of the experts who did the Master Plan was the best use because that acreage is near an existing residential development. **Mr. Polaski** added it is near a golf course. **Mr. Vicites** continued that it doesn't have good access, is down a side road, and was designed to be the highest use of that land as an extension of current housing rather than stay dormant. **Mr. Polaski** said that residential section wasn't in a KOZ. A KOZ when the state legislature put KOZ into effect allowed for a multiplicity of uses to include commercial, industrial and residential. It was local choices that were made not to include anything but industry which is why and Commissioner Vicites is correct when we re-reviewed we found we could do without the KOZ and not lose the tax-base. **Commissioner**

Vicites said that was an adjustment and prudent. Fayette still has more land in the KOZ than any other. He said he's never been for KOZ for anything residential or for business and never would be. That adjustment needed to be made to live up to the intent of the original Master Plan. Sometimes when you vote against things as a county commissioner you get included into it. He was for the MHMR to go onto the 3rd floor of the Health Center. He did think the Career Link was good in the park because it is the job center for the county. They pay taxes, and that isn't tax free. This is moving in a positive direction for the county. Of course he would like to see outside businesses come in, speaking of commerce industries, and there is a chance of that happening with the building in this park. We do have outside businesses coming in like Cedarwood, which is commerce - retail. That's our mission in the Master Plan. We need to free up these deed restrictions and let you do your job. We found early on the county trying to do this development a lot of red tape with three appraisals and we were trying to find a way to fast track our development efforts.

Commissioner Zimmerlink said when she first came in before hearing Mr. Garfinkle her suggestion was to consider the requests on a case-by-case basis only for those particular parcels which would mean lifting the deed restrictions for Laurel Pediatrics, and the others pending which would satisfy the potential developers who have already put time and money into this. Given what was put before her today that's what she was going to propose but is still not in favor of lifting the restrictions for the entire park and not for the 60 acres and try to use the industrial use there. It's not just for relocating businesses or building residential housing. She would have voted not to lift the restrictions for the entire park but only those particular parcels and mimic language in the McMillan deed. She wouldn't use the exact language because it says they've complied with the industrial use. But language could be used under a special type of deed that could say it would be stricken, needs removed, or meets the intended use. That would get the potential developers moving forward, but certainly not on the remaining acreage and not for the 60 acres. After a brief comment from Mr. Polaski, **Commissioner Zimmerlink** said she would not lift the deed restrictions on the remaining acreage, only the ones pending. She listened to Mr. Garfinkle and wondered whether they should table this and consider Widewaters concerns. **Mr. Polaski** reiterated that all of these attorneys who represent these developers, all the title search companies all understand that the state has changed the law so if we don't change and lift the deed restriction there is always going to have to be this situation. **Commissioner Zimmerlink** referred to Mr. Bowlen who had said he could live with that, and the client says, and so we can do this on a case-by-case basis. **Mr. Polaski** said if we do that we run a gauntlet each time to see whether each and every one of these is going to fly and deal with the commissioners' personal criteria. You're really selling property twice. They appear before the Redevelopment Authority, and comply with the zoning and the sewage and townships, and we make a decision, that same group of people has to appear before the commissioners and do the same thing and that's not fair. **Commissioner Zimmerlink** said if we do this for Laurel Pediatrics and what already has moved forward I'd be in agreement to that. But I need to know more about Armstrong because how close are you to a deal; perhaps Cedarwood, and others. Give us the list and let us know who they are. Mr. Garfinkle raises a concern. That's what I was willing to do, work with the Authority and township supervisors, but now there is an issue to contend with. **Mr. Polaski** said it's an issue if you buy his argument, but he doesn't buy his argument. **Commissioner Zimmerlink** said the solicitor sitting here who is telling us he can buy his argument. **Solicitor Ferens** said he didn't say that, he disagreed with Mr. Garfinkle and said the courts say you may open yourself up to potential litigation. I vehemently disagree with his position. **Mrs. Zimmerlink** said we have litigation with Widewaters on the agenda. **Solicitor Ferens** said the matter with Widewaters is resolved. **Mrs. Zimmerlink** said he said possibly, and he isn't threatening litigation, but possibly. **Mr. Polaski** said that should prevent us from doing what is necessary. **Commissioner Zimmerlink** said she stated her position on these particular properties and for the 60 acres and she thinks she has made a case for this. **Commissioner Vicites** asked how many additional jobs have been created with this development. **Mr. Polaski** said at the moment there are 60 new jobs there or to be in buildings that are being built. With the other pending properties to be improved to be bought there are 1200 jobs, new jobs, not transfers. In one fell swoop with Cedarwood you get 850 new jobs. **Commissioner Hardy** said he'd like to do this case-by-case. You put forth who's going to be there. He's afraid that if we do a blank thing that's going to be a real mess. He'd like to see high-paying jobs not just retail – retail jobs. It's a choice piece of ground when you get this link going through Route 43, and very valuable. He hopes we're not giving it away like with his friend Terry McMillen and \$35,000. He'd like to have them go a little slower with them, give him fifteen minutes with them. Ok, we'll lift it for that, but just a blank check, he's scared. **Mr. Polaski** said that was an interior piece of land with McMillen, one of the first pieces. It's appraised. There were several pieces after that sold for the same to include the piece for the

county. We then jumped to \$50,000 an acre for its value. It has to do with the location, the amount of people interested in the location, and that's how real estate works. It goes up as more people are interested in it. **Commissioner Zimmerlink** said someone has to take control of the development for the remaining acreage and there's a motion.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to approve the request to lift deed restrictions for the Fayette County Business Park.

On roll call the vote was:

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

MOTION FAILED.

Mr. Frankhouser said the commissioners have placed South Union and North Union in jeopardy, as they have to develop it. South Union put the infrastructure in place in past years. This could serve another 1000 jobs; he said there's no possibility of development if we don't put in the sewage lines.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the resolution that authorizes the County's participation in the Commonwealth's Section 108 Loan Consortium.

Discussion: **Solicitor Ferens** interjected that he believed there was a provision in the act to repay the loan in the case of a default. He asked Mr. Polaski if this was the situation. **Mr. Polaski** responded both yes and no. He said if there is a default the CBDG funds would be used, but that has nothing to do with the county, rather, the Redevelopment Authority funds, CBDG, would be tapped and so would state funds that Governor Rendell said he would put in a special legislation for funding such. He said this was a one-time opportunity and no county general funds would be used. **Commissioner Zimmerlink** said they needed an opinion from Mr. Ferens before they proceeded. There was a potential to vote this down and bring it up again, possibly ratify at another meeting. **Mr. Polaski** said there isn't a state program yet and his suggestion is to go forward and that the state wants to know now so that it can participate in the federal program. **Commissioner Vicites** said the general funds wouldn't be used, only the CBDG funds.

MOTION DIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve polling place changes as listed:

- 1 Connellsville Ward 5 – South Side School to Otterbein United Methodist Church
- 2 North Union District 4 – Kennedy School to Municipal Building - Seamans Station
- 3 Perry District 4 – Ruth Wilson residence to Gene and Gina Doemling residence
- 4 Newell Boro – Firehall Fourth Street to Newell Boro Building 412 Second Street
- 5 Wharton District 2 – Canaan Church Canaan Church Road to Touchstone 1049 Wharton Furnace Road
- 6 Masontown District 1 – Masontown Elementary School to Masontown VFW

Commissioner Zimmerlink said commissioners received a letter from election board solicitor, Sheryl Heid that the Election Bureau has provided proper notices to allow this change.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes

Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve ratification of the investments:

- 1 September 30, 2004 - \$2,750,000 for 14 days at 1.45% interest with First National Bank to earn \$1,529.45
- 2 October 21, 2004 - \$8,890,000 for 14 days at 1.60% interest with First National Bank to earn \$5,455.78

Mark Roberts, Controllor said there is one matter of importance a negative \$13,000 cash balance, \$14.1 million in revenues, and \$14.8 million in expenditures. Salaries and Health Insurance are covered, but not bills, and we need to put the breaks on other spending. These are balances of one month ago and nothing has been spent since.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve request for Director and two (2) staff members to attend the AAP Conference in State College on November 18&19, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approving March 1st as billing date on Real Estate and Per Capita Bills

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the advertisement of bids for flags and grave markers.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve a Purchase of Service Agreement between the County of Fayette through the Fayette County Children & Youth Services/Fayette County Juvenile Probation Office and the Emergency Youth Shelter for the 2004-05 fiscal year at \$165.39 per day.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve an Addendum to the 2004-05 original Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services/Fayette County Juvenile Probation Office and Professional Family Care Services. Rates are as follows:

1	Specialized Foster Care	\$47.26/day
2	Specialized Foster Care for Teenage Parent	
	Placed with 1 Infant up to age 2	\$66.00/day
	Placed with 2 Infants up to age 2	\$84.75/day
1	Adoption/Kinship Care Services	As per Swan Bulletin
2	Independent Living Skills Svss (By Contract Only)	\$23.00/hour

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve a 36 month lease agreement, through Vitalink Computer & Supply for software upgrade to Office Hours 9.0 (50 user licenses) at \$112.69/month with a buyout option of \$1 at the end of the lease.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the purchase of one (1) unit of office system furniture for the CYS building to facilitate future increase in staff compliment.

Warren Hughes, County Manager said there was an email from Dave with updated version and there is no effect, this stays the same at \$3,410.90 to Farwell's, the lowest price of three.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the purchase of an Automatic External Defibrillator (AED) for the CYS Building in the amount of \$978 from the 2005 CYS budget.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the appointment of Misty Pilarcik, Accounts Clerk I in the Tax Claim Bureau, at \$7.42/hour, effective September 20, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to rescind resolution No. 04-8-26-21 to ratify the hiring of Lisa Smith as Office Coordinator (Pay Grade 8, \$8.76/hour) in the Public Defender's Office, effective September 7, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the appointment of Natalie Peskie, Office Coordinator in the Public Defender's Office at \$9.05/hour, effective September 1, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the resignation of Mark Kirchner, part-time 911 Dispatcher, effective September 17, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the resignation of Stacey Louie, Transportation Information Specialist, with the Office of Human and Community Services, effective October 29, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the promotion of Linda Orris, from Transportation Clerk to Transportation Information Specialist in the Office of Human and Community Services at \$8.19/hour, effective approximately November 8, 2004.

Dave Rogers, Human Resources said remove Linda and insert (sp) Jerry Brame.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the appointment of Melissa J. Casper as FACT Transportation Clerk in the Office of Human and Community Services at \$7.42/hour, effective November 1, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the appointment of William Shipley, Assessor I with the Tax Assessment Office at \$9.69/hour, effective September 7, 2004.

On roll call the vote was:

Mrs. Zimmerlink yes

Mr. Hardy yes
Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to accept the resignation of Dianna M. Hoffer, County Caseworker 2 with the MH/MR Program Office, effective October 29, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the appointment of Jacqueline J. Carpeal, County Care Management Manager with the MH/MR Program Office at \$33,384/year, effective November 9, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify the hiring of Holly Sumey as Administrative Assistant with the Commissioners Office at \$9.50/hour, effective October 27, 2004.

Commissioner Zimmerlink said to clarify this was to fill a vacancy with Commissioner Vicites.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify James Younkin as temporary truck driver at the Election Bureau for the November General Election at \$8.19/hour.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify Neil Christopher (\$8.68/hour)

and Frank Catalano (\$12.27/hour) as temporary workers to deliver voting machines with the Election Bureau for the November General Election.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the placement of the Human Resource Policy and Procedures Manual on the agenda for the November meeting.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the advertisement of Request for Proposals (RFP) for Health Care Benefits on behalf of the County

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the Human Resource Department to speak directly with and obtain informational quotes from Highmark, Health America and any other provider network.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

MH/MR Program

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Change Order NO. GC-002 to Walter Mucci Construction Company, Inc., P.O. Box 308, Perryopolis, PA 15473, for the new MH/MR Building, in the amount of \$5,340.00.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve HealthChoices Behavioral Health Agreement Amendment #2 between the Commonwealth of Pennsylvania and the County of Fayette.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Fayette County MH/MR Program and providers maximum reimbursement schedule and compensation plan for fiscal year 2004-05.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the contracts/agreements between the County of Fayette through the Fayette County MH/MR Program and the following as attached:

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Human and Community Services

Moved by Commissioner Hardy, seconded by Commissioner Vicites to proclaim the week of November 14-20, 2004 as Fayette County's observance of National Hunger and Homeless Awareness week.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to consider the Fayette Area

Coordinated Transportation's Disadvantaged Business Enterprise (DBE) Plan and goals for Fiscal year 2004-05 (finalization of plan in progress).

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to remove items Nos. 38 and 39 and to approve a change order on the subject matter.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the advertising for disposition of three (3) Accessible 14 passenger (12+2 wheelchair) small transit buses.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to solicit a Request for Proposal for Technical Assistance in Procurement of Intelligent Transportation Systems Technology.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the participation of the OHCS Director in the Pennsylvania Association of County Human Service Administrators in the quarterly meeting December 1-3, 2004 in Reading, PA.

On roll call the vote was:

Mrs. Zimmerlink yes
Mr. Hardy yes

Mr. Vicites yes

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the participation of the OHCS FACT staff in the Pennsylvania Public Transit Association meeting November 9-10, 2004 in Camp Hill, PA.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED

Moved by Commissioner Hardy, seconded by Commissioner Vicites to rescind resolution no. 04-9-28-24 approving Change Order – W.G. Tomko, Inc. for 40 feet of 12 inch ductile pipe as the lower entrance waterline in the approximate amount of \$2,924.20.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Change Order – W.G. Tomko, Inc. for approximately 70 feet of 12 inch ductile pipe as the lower entrance waterline not to exceed \$6,000.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the advertisement for Request for Proposals (RFP) from financial lending institutions on a tax anticipation loan on County taxes to be collected for calendar year 2005.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the advertisement for Request for Proposals (RFP) or for the extension of agreement with Z&A to complete Single Audit for calendar year 2004.

Commissioner Vicites said which is it, there are two things, either, or. **Commissioner Zimmerlink** said the motion is to do both. There may be a question of whether to do 2004. **Commissioner Vicites** said this is a two-pronged approach. **Commissioner Zimmerlink** continued unless the price is outrageous or they are unable to complete 2003's audit. **Warren Hughes** said we know the price and '04 was a 1 percent increase. **Commissioner Zimmerlink** said we might have to review and stick more closely to the due date. **Commissioner Vicites** said it's a good thing to go with them. **Commissioner Zimmerlink** said we need more negotiating.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize the advertisement of bids for grass cutting for Jacobs Creek Park.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to approve the settlement of Widewaters Litigation.

Solicitor Ferens said he sent a packet and we settled with them. The lawsuit is settled against all. PennDOT contributed \$400,000 and the Redevelopment Authority \$400,000 to put the light in and extend Matthew Drive whereas the county contributed nothing. The case is settled and you all execute the settlement agreement and release Widewaters and the county so this has to come from the commissioners. **Commissioner Zimmerlink** said monies you say the commissioners haven't given any money to the settlement, but monies have gone to the Redevelopment Authority in bond monies and a million dollars for what. **Solicitor Ferens** said that's a separate entity while money has gone for roads. **Commissioner Zimmerlink** said that's saved money for the project. **Solicitor Ferens** said the money was for the project not litigation, and was seed money. **Commissioner Vicites** said it was \$2 million in the bond. **Solicitor Ferens** said that was for infrastructure. **Commissioner Vicites** said he could talk now after the litigation and the county gave two million and negotiations with PennDOT helped Widewaters to get the highway occupancy and the extension of Matthew Drive. We never promised Widewaters \$400,000 for their use on the other side of Matthew Drive and it is difficult for me to understand their suit, but that's where it went and we had planned to help with that intersection as that was the plan all along. **Commissioner Zimmerlink** said what helped move this along was additional funding from PennDOT and the state and she would vote on this with reservations. **Commissioner Vicites** said the 12-year plan was presented last year in Pittsburgh and it was always planned to improve these roads in the plan and the \$400,000 was requested long before this lawsuit. **Commissioner Zimmerlink** said it was a lot of legislators scurrying. **Commissioner Vicites** said that was planned.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Vicites, seconded by Commissioner Hardy to appoint Chuck Cieszynski to the Redevelopment Authority Board.

On roll call the vote was:

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

MOTION FAILED.

Moved by Commissioner Hardy, seconded by Commissioner Zimmerlink to appoint Rob Sleighter to the Redevelopment Authority Board.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the Meeting Minutes of August 26 and September 28, 2004.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

AMENDED AGENDA ITEM HUMAN AND COMMUNITY DEVELOPMENT

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the Change Order No.1 (Bid No. 04-25) in the amount of \$4,329 for Front and Rear Air Ride Suspension for three (3) Heavy-Duty Buses.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Public Comment:

Arthur (Bill) Hutchinson

Mr. Hutchinson inventor of Fun Wheel said he would like to present a wheel made for Mr. Hardy. The wheel has a picture of the fountain in Uniontown. He's trying to create jobs and would like to bring this to Fayette County, now they are being manufactured in Derry. Dorothy Seese did the drawing.

Commissioner Zimmerlink adjourned the meeting.

APPROVED:

ATTEST:

Judith M. Bodkin, Chief Clerk