

**Tuesday, September 28, 2004**

A special meeting of the Fayette County Board of Commissioners was held on September 28, 2004 at 8:00 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.

Public Comment:

**Employ the Older Worker Week**

**Larry Markwood-** he is with the Southwest Pennsylvania Area Agency on Aging and he brought some people to talk about the Title V Program, that is for the residents of Fayette County and it's in the community service work which they hope will turn into full time jobs.

**Mary Moats-** she went through the program with Larry Markwood and he was able to get her a job through Goodwill, also she is going to school twice a week up there to get her training skills. She said that they do help, she was ready to give up but Larry didn't, he stuck with her.

**Charlotte Rankin-** she wanted to give special thanks to Mr. Larry Markwood and his assistant of her procurement of a part-time position in the housekeeping at Poplar Court Lane at the Heritage's Apartment. Shelia Kreslege is her manager and she does an excellent job and takes great pride in how the building she manages for the elderly looks. With the interception and support on behalf of the Department of Aging and working with Shelia, it has given her an opportunity to assume a position in the housekeeping dept. for the Presbyterian Senior Care Network. This program for the elderly has enabled many senior citizens to continue to help themselves and the community in which they live in. She thanked everyone for allowing her to speak today.

**Holy Trinity Orthodox Church- 90<sup>th</sup> Anniversary Recognition**

**Chris Lester-** he was here to receive a citation for the Holy Trinity Church in New Salem on their 90th Anniversary. They have been serving the community in different public service presentations and they are very proud of Fayette County and are happy to receive this award at this point and time.

**Anita Hrutkay-** she thanked the commissioners for their support and mentioned that she thinks Fayette County is certainly moving forward. She has seen and noticed all the wonderful changes and also to let the commissioners know that their church is very active and will support those changes as well.

**Rev. Vitaly Dudkin-** on behalf of all his parishioners he wished to say a big, big, thank you, on recognizing the achievements of their church for 90 years and how proud they are to be a part of this community.

**Red Ribbon Week**

**Jill Burlock -** they are here on behalf of the Fayette Drug and Alcohol Commission. They would like to thank the commissioners for arranging the proclamation declaring Red Ribbon Week for, October 23-31. The Drug & Alcohol Commission has big plans for Fayette County as you all have big plans for Fayette County. They said that they feel they share the future vision for what this county can actually be. The Red Ribbon Campaign is a nationally

established drug-trend awareness campaign. They hope to promote healthy lifestyles throughout the community. There will be a parade and a lot of drug and alcohol free activities open to the community and they would eventually like to make it Red Ribbon Month, but for now they will settle for Red Ribbon Week.

**Erica Bertovich**- she wanted to add that she has Red Ribbons to pass out for every member of the community. They are going to try to publicize where they will be sending them, but they take them all over to the different schools and they are going to bring some to the courthouse and any place that wants red ribbons. We want everyone to wear red ribbons to show that they support a drug-free lifestyle.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the following proclamations:

- Employ the Older Worker Week, September 19-25, 2004
- Domestic Violence Awareness Month, October 2004
- Holy Trinity Orthodox Church /New Salem, 90<sup>th</sup> Anniversary, October 10, 2004
- Red Ribbon Week, October 23-31, 2004
- Fayette Italian Music & Food Festival, October 24, 2004

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Assessment Office

Moved by Commissioner Hardy, seconded by Commissioner Vicites to authorize advertising Request for Proposals (RFP), for book binding services for the 2005 tax duplicates.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Children & Youth Services

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve re-appointment of Doug May and David Klink to three year terms on the Fayette County Children and Youth Advisory Committee.

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 Children & Youth Administrator and one staff member to attend The Pennsylvania Children & Youth Administrators Association Fall Meeting to be held in Seven Springs on October 13, 14 and 15, 2004.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Controller's Office

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify investment dated September 2, 2004 - \$3,280,000 for 14 days at 1.40% interest with First National Bank to earn \$1,761.32.

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 investment dated September 16, 2004 - \$5,355,000 for 14 days at 1.45% interest with First National Bank to earn \$2,978.26.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Status of Financial Report

( Mr. Mark Roberts said the cash balance at the beginning of the year was approximately a negative \$13,000. Residents through August 31<sup>st</sup> was \$15,427,000, excluding the Tax Anticipation Note of \$2.4 million of these revenues at just over \$13,000,000. Expenditures through August 31<sup>st</sup> was approximately \$13,350,000. The cash balance as of January 1, 2004, plus the revenues and minus the expenditures, in this case including the Tax Anticipation Note, because it is currently posted as revenue and including the balance sheet adjustments is \$2,070,096. A further breakdown reflects the cash invested at \$1,000,000 leaving a balance of \$1,070,096. Temporary loans are due from the 911 fund of \$75,000 just for their general administrative and operating expenses. We have a temporary loan due to the Tax Claim Sales Fund, as the commissioners are aware we have court orders to make sure to make payments from that. We are simply awaiting the approval on that. The Tax Anticipation Note is due in December 2004 of \$2.4 million, for a total of \$2.9 million in loans due. The revenues in our expenditures if you look at the percentage relative to the budget for what we would expect approximately through the end of August

is reflected as higher than you might anticipate because of the Domestic Relations loan that was paid. We would want to be on target around 67% which give or take because of the time of the year things are typically paid is about where we want to be. The figures are about 3 ½% higher than you would expect because of the loan that was repaid so that is why the figures look a little bit high.)

#### Election Bureau

Moved by Commissioner Hardy, seconded by Commissioner Vicites to award Bid No. 04-31: Furnishing and Delivery of Election Supplies for the November 2, 2004 General Election (with the exception of absentee ballots) to

William Penn Printing :	Item #1 -	\$ 6,480
	Item #2 & #3 -	<u>\$ 6,330</u>
	Total	\$12,810

On roll call the vote was:

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

#### **MOTION UNANIMOUSLY CARRIED.**

#### Discussion of Voting Machine Grants.

(Commissioner Vicites said he understood that they signed off on three of them and there is one more that must be done by October 15<sup>th</sup>. He asked how they were progressing with the County Plan. Laurie Nicholson said that the County Plan she really hasn't gotten into it yet because she is busy with the election right now. She has a general idea what to do with it but she hasn't started on it yet. Commissioner Vicites asked when the deadline for that is. Laurie replied October 15<sup>th</sup>. He asked for the copies of that to make sure that we are able to get that in, in a timely manner. Commissioner Vicites said just for the public understanding we are going to have to get the voting machines by 2006. The lever machines in Pennsylvania by that date has been ruled invalid and won't be able to be used any longer. So we are being mandated to make this conversion which isn't a bad thing but that is the deadline. There is also a match required for this, it is a pretty substantial match even though we have submitted for over \$500,000 in grants, we are going to have match that pretty substantially as well. We will have to plan accordingly for that. We need to get as much grant money as possible. The match is \$1.6 million. Commissioner Zimmerlink said there are four (4) funding sources and the state has already allotted Fayette County about a little over a million, not much over a million. We have submitted three grant applications that needed to be submitted by September 15<sup>th</sup> and we have those in, the fourth one though won't even be recognized until we submit the County Plan. She said that her office has been checking to see if there have been any other counties that have prepared a plan yet and she has a copy of the state plan. Laurie said she has that also. Commissioner Zimmerlink said that she has taken a look at it and she has a couple of ideas so time is of the essence on this because the deadline is October 15<sup>th</sup>. She does have some ideas and some suggestions that came from a meeting she had that talked about the precincts. The issues here are that it's just not the matter of getting the voting machines we have to be ADA compliant and for our precincts and her notes show that luckily we have 76 that are fully ADA compliant which is great, 20 of them are accessible and one of them needs slight modification, four of them actually have to be ADA compliant and than the other four are totally inaccessible for ADA compliance. She said the first figures and these are rough figures would be \$1,000,000 in the grant which we will get so the county will have to come up with \$1. 25 million and that is just at a first glance. She said that this is a rough figure so they will really have to take a serious look at that and that is being conservative as far as its only what they have to do with the price list and the machines and that the first and foremost thing is working together to submit the plan and then it will be reviewed and then we can apply for the grant. Laurie Nicholson and

Commissioner Vicites said that all counties have to go to the electronic touch-tone machines. If it's a paper punch or lever machine they have to be replaced. The lever machines are in the first buyout for some reason. Laurie said they are in the first stage of the buyout. Commissioner Vicites said that he understands that not all of the electronic machines are certified yet by the state. Commissioner Zimmerlink said one of them are. Commissioner Vicites said that is a problem as well because when we go to purchase these we have to pinpoint how much we are going to need in a match based on what they cost because we get 8,000 precincts but not knowing how much the machines cost and what type of machine it is, it is going to be very difficult. Laurie said that the machines will cost anywhere between \$5,000 to \$8,000 each and some precincts have 1 machine but others have 5. It is not going to cover all those machines. Commissioner Zimmerlink said that what they have done with the grants though DRE is they placed it roughly at \$6,000 and we need 235 even though we have 105 precincts we need 235 because one machine has to be hand captive separate for each precinct and than the other one is the DRE clip-screen and that's still at \$6,000 but with that one you need 279 machines and Larry pointed out 170 hard drives. That is 1.5.)

Discussion of HAVA 2002-Website

(Commissioner Zimmerlink said HAVA 2002 and the new state's web-site, that the county had to be compliant to the Help America Vote Act 2002, by January 1, 2004. There were four (4) requirements and we have met all of those and implemented them, but for the year 2006 there are probably at least five (5) items that they have to work on. One of the things is the new web-site that the state has up, it's called VotersPa.com. She has looked at the web-site and it was noted in the areas newspapers as well as on the radio. On that web-site, you can download a lot of information such as Absentee Ballots, Voter's Registration Cards, and they even have a state produced "How to Vote Tape", and that goes along with our county produced voter tape that we need to talk about today as well. She said that she has informed the other two commissioners that since that radio spot and article in the paper she has received one telephone call from the Area Vocational-Tech School asking for a tape. She called them back and asked which tape did they want. She said that she ordered the state tape, she has one of it, and there are seven copies of the county produced tape. She has reviewed the county tape and asked the commissioners if they had any questions or comments on it? Commissioner Vicites said the only question he had he was directing it to the County Solicitor, is that the tape was done over a year ago or more and there were some people in it that are no longer employed by Fayette County, is that a problem? Atty. Ferens said he hasn't seen it, he said he didn't know what Commissioner Vicites was talking about since he hasn't seen that tape. He said that they might have to get releases from them if we are going to use them. Commissioner Zimmerlink said that has already been done. She said that the only issue is that provisional voting is not addressed in the tape. She said she thinks that can be covered by when the tape is released that they just inform whoever has it that there is also the provisional voting and that will suffice. What that means is that if anyone does go in to vote and their name is not in that book and they have no ID it can't be determined if they are registered voters there, they have to take note it's provisional. Commissioner Zimmerlink asked if they were all okay on that. She asked, for a motion to approve the release of the county tape. She also said that a panel was appointed back in 1998 and the memberships have changed since then and at this time she feels it is appropriate to thank all of the members of the panel who have served from 1998 to the year 2003, for the service they provided to Fayette County.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the release of the county produced tape called "Voting In Fayette County" on the request of any area schools and organizations.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

## Planning, Zoning and Community Development

### Discussion and appointments to the UCC Board of Appeals.

(Tammy Shell asked the commissioners to approve or have a discussion and appointments to the UCC Board of Appeals. She said that interviews were conducted, and that 6 people interested on serving on the panel. She said she spoke with Charmaine last week and they came up with possibly a three-member board, and one alternate. Commissioner Zimmerlink said there is only one sentence, that talks about the board of appeals and it simply says that appeals would be heard within two weeks of the date of filing. The county commissioners and your office really hasn't discussed how many members, what the term would be, whether they would be staggered or not staggered. She said that Tammy just spoke with Charmaine and that she thinks all of the county commissioners need to sit down and actually talk about this and see what they want to do. Commissioner Zimmerlink said she contacted the Department of Labor and Industry and they said that as far as the term is not specified so the commissioners can choose any year, 3, 5, or whatever they want to do. As far as the number of members they said that you could have 3, 5, 7, it's really whatever you want to do. She thinks they need to talk about that, it can be compensated or uncompensated. The most important part that she saw is that they are suggesting that the board be qualified by training and experiences, and that can consist of either licensing as an architect or engineer and experience in the construction industry and that is really important because everybody knows that she wasn't crazy about the county doing it at all but if the county has taken on that responsibility, she wants to make certain that the people who are hearing these appeals are qualified and depending on how many this board here chooses, we don't have enough of the applicants qualified, not all of them, some of them were but we really don't have enough to choose from if we go with the higher board membership. That is her opinion. Commissioner Vicites said he thought about this for awhile and he would like to see it modeled after the Zoning, Hearing Board because it works efficiently, it's a three-person board with two alternates. He thinks they should have staggered terms of three years like the Zoning, Hearing Board. He said he does not know about the compensation or not issue, that is something he would refer to Commissioner Zimmerlink. Commissioner Zimmerlink said it is addressed in the code. Tammy Shell said it is her understanding from Mark, the building code official, that it probably won't be very frequent. She said that someone would have to be really hard strung to ask for a variance or not want to meet the code or requirements. Commissioner Vicites said that with the Zoning, Hearing Board with the demand so great they meet every two weeks. Tammy Shell said they meet two to three times a month. He said that if it is an infrequent thing, we may be able to make it a voluntary type of board, but he likes the concept of the Zoning, Hearing Board with three and two alternates and staggered terms and voluntary. Commissioner Zimmerlink said that since it is a new board it can't be staggered. He said that he thinks it can, you just appoint someone to a one-year term, than one to a two-year term and than a three-year term. Commissioner Vicites asked time wise that if they waited another month would they be okay under the times of the law. Tammy Shell said that she doesn't think that would affect them at all because some of the municipalities didn't even come with them and she hasn't heard of those boards being appointed yet. Commissioner Vicites said he just wants to stay in those perimeters as well. Commissioner Zimmerlink said that according to the Act, unless she is reading it wrong, but she doesn't think she is, you have sixty days from the date of the appeals filing to hear the appeal. So if somebody files today we still have sixty days. She then asked Tammy Shell if anyone has filed as of today and Tammy Shell said, no. She then asked if it was agreed that they table this. Commissioner Hardy said that was what they should do. Commissioner Vicites said he is prepared to move on this, he thinks, that there is at least three qualified people there. Tammy Shell said she will coordinate with the commissioners and schedule a conference. Commissioner Zimmerlink said she doesn't think that they can do this right now and also they have to discuss a solicitor to see if a solicitor will be required, needed or suggested. Tammy Shell said she talked to a solicitor from her office. Commissioner Vicites wanted to know what they said. Their solicitor said she would be willing to take on the responsibility. Commissioner Zimmerlink told Tammy that they could do this within the next couple of weeks, and it could be on the agenda for next month and maybe then, they could do some more interviewing.

### **TABLED.**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve Cooperative Agreements between

the County of Fayette in Belle Vernon Borough and the County of Fayette in Newell Borough for the administration and enforcement of the Uniform Construction Code.

(Tammy Shell said that both have opted to select the county to enforce and administer the code for them. They were not in the original 31 that was approved two to three months ago. Commissioner Vicites said that now brings that to 33 municipalities that have gone with the county.)

On roll call the vote was:

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

**MOTION CARRIED.**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify approval for Art Cappella, Chief Community Development Specialist to attend an Agricultural Land Preservation Workshop on October 12, 2004 for a one-night stay, approximately \$85.00 cost for the room.

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 approval for Sue Martin, Planning Technician, to attend a zoning workshop over three evening meetings in Greensburg at cost of \$75.00.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Uniform Construction Code Municipal Update.

(Commissioner Vicites said that he thinks they pretty much covered that subject.)

Oil and Gas Wells Update.

(Commissioner Vicites had that put on agenda. He said someone (Tammy), was to do some research on that aspect for the Jacob Creeks Park. Tammy Shell had sent a letter to each of the commissioners and Commissioner Vicites said that in that letter, she said that if it was on recreation land they would not be eligible for grants any longer. Tammy Shell said that was right and they just recommended that if we do allow it to go on that we don't or we watch where they are allowed to put them within the park grounds. Just so that they are not around the playground area if

there is one developed out there. Atty. Ferens said it didn't mean that they couldn't, that the whole park wasn't eligible, it was only the portion that the well was. So that the rest of the park, was still eligible? Tammy Shell said that was correct. Commissioner Vicites just wanted to see if there was any new business. Tammy said she forwarded what the state told her and she guesses it is now in the commissioner's hands if they want to pursue it with a RFP or whatever. Commissioner Vicites said he has made his position known, he thinks they should leave it as is and not do that. He doesn't think it is advantageous for our park. )

#### Human Resources

##### Consideration adopting HR Policy and Procedures Manual.

(Dave Rodgers, Director of Human Resources, he asked the commissioners to table this. He let Commissioner Hardy know that he has been in touch with Cheri Bomar and asked Commissioner Hardy just to make sure that that communication has gotten through and that it is on her list. He needs to get some feed-back from her. He knows that there is at least one topic that there isn't an agreement among the Board of Commissioners on and they will need to meet and iron out before he can hand the commissioners a most recent version that they want to approve as a whole and that is were they are at on that. Commissioner Zimmerlink said okay and you can table that. Commissioner Vicites asked that when Dave does get that accomplished finally, what about the Employee Handbook. Dave said it will be an abbreviated version, the step in between distribution of the employee handbook will be that we are required to meet and discuss that with the union, so once he is clear that he has that on paper that the rules as you would like to see them implemented his obligation is to sit down and review those with the union members and in many of these cases the union contract is either silent or vague and we do want to sit down with the union. Commissioner Vicites said he has read the other version he was given and he would just like to get both of these things completed.

#### **TABLED.**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify resignation of Tammy M. Mulroy, County Care Management Manager, 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 resignation of Rebecca J. Lambie, Registered Nurse 2, effective September 21, 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 resignation of Robin L. Barnhart,

County Caseworker 2, effective September 21, 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 resignation of Mark DiMatteo, OHCS Accountant, effective September 3, 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 advancement of Linda Orris from the FACT Transportation Clerk position to the FACT Transportation Information Specialist at a rate of \$7.68/hour, effective September 20, 2004.

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 Fee-For-Service Agreement between the County of Fayette through the Fayette County MH/MR Program and Tammy Hart for the period July 1, 2004 through June 30, 2005 for \$12,600.

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 contract between the County of Fayette through the Fayette County MH/MR Program and the Children’s Institute of Pittsburgh for the period July 1,

2004 through June 30, 2005, total contract amount will be \$25,125.

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 Reinvestment Funds Original Contract between the County of Fayette through the Fayette County MH/MR Program and Adelphoi Village, Inc. – year 2002 funds (Cash Basis), total contract amount \$50,000.

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Human Services/FACT

Consider awarding RFP 04-06 Financial Consulting Services (Michelle Shumar requested that this be Tabled. She has a pending meeting with the controllers' office to discuss the Fiscal Consulting Services, that are being performed in the Controller's Office to insure that there is no consultation expense.)

**TABLED.**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the participation of the Office of Human & Community Services Program Specialist/Administrative Assistant in the Pennsylvania Child Care Association Conference, September 28-29, 2004, in Harrisburg.

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 agreement between the County of Fayette, Fayette Area Coordinated Transportation and Allegheny Power in the amount of \$7,632.47 for commercial electric service to the FACT Transit Center, 825 Airport Road, Lemont Furnace.

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 No Cost Change Order – Hranec Corporation for exchange of \$1500 in credits from missed conduit masonry embedments for the controls for the upgrade to an exhaust fan.

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 Change Order – W.G. Tomko, Inc. for installation of sewage holding tank and related construction in the approximate amount of \$24,114.28.

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 Change Order – W.G. Tomko, Inc. for 40 feet of 12 inch 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.**

**FACT Status Report**

(Michelle Shumar said there are a couple of concerns again, with the water and sewage. As you can see by the agenda that she opted to instruct the architect to move forward with the installation of the on-site sewage containment system and that is in progress. With the water line development there have been negotiations with the Fayette County Airport Authority. She has just received the drawings from their engineering record last week and our construction management firm has reviewed those drawings and as of last Friday they met with Sam Cortis, Manager at the Airport Authority Office, to discuss our concerns with those drawings. The \$25,000 that was requested for the water line development, once the documentation was received the check was hand delivered by herself to the Airport Authority Office and that took place two Thursday’s ago. Commissioner Vicites asked about the Dunbar Sewage Authority. Michelle said that she has had conversations with Dick Widmer and he is trying to negotiate the arrangement and he has again asked if FACT is wanting to participate. She has not gotten informally that the \$50,000 that the Airport Authority did request for sewage involvement and the draft of the responsibilities for this Dunbar Township Municipal Sewage Treatment. There is a responsibility in there that talks about sharing in

the construction cost. She has talked with a couple of different people but she has not gotten a definitive answer that the \$50,000 that the Airport Authority is requesting and that responsibility for the Dunbar Township Sewage Project are one and the same. Talking with Sam Cortis , he indicates that's his understanding, talking with Dick Widmer, he indicates that's his understanding but she has not gotten anything formal from the Airport Authority. Commissioner Vicites asked, but that in the meantime they still have a back up approach with the holding tank so they can move forward. Michelle said yes they did and she left it with Mr. Widmer that if the \$50,000 is one in the same and she has that documented from the Airport Authority that we will move ahead and we will participate in that project. Commissioner Hardy asked Atty. Ferens, what did he take on the job? Atty. Ferens replied that he has been told by Widmer, Fred Davis and Cortis that the \$50,000 was going to be all that they wanted to put the sewage in. His last discussion with Widmer, which was probably Thursday, was that he was in negotiations with the owners of the Mall and he was very encouraged, Dunbar Township Sewage Authority wanted to do this, the Airport wanted to do it, FACT wants to do it, it's just a matter of formalizing everything. He told Michelle that the \$50,000 for her edification is the one and the same. Michelle said that one other update to is a status check that there was some concerns with elevations out at the site and the general contractor had those concerns. All interested parties met and there was a surveying crew that was sent out on site on Friday from McMillian Engineering. She has the accurate elevations at this point and they are to meet with the general contractor to get the situation clarified. Commissioner Vicites asked if that was where the ground was disturbed. Michelle said, yes.

Commissioners Office

(Mr. Molnar said that all of these contractors are good responsible bidders. He has worked with all four of them and would recommend them. It is a slightly higher amount than the \$850,000 deadline figure that he was given to work with. He said it is \$20,000 over that amount. Commissioner Vicites asked if that included furniture. Mr. Molnar replied, no, that he thought that it was awarded some time ago. Commissioner Zimmerlink said that it was put on hold because they talked about the commission and she said that they could probably do that themselves, at a later time. She thinks Farwell may have communicated with our office. Mr. Molnar said he had the contract that his secretary worked it up for them and their bid is \$59,690.66. Mr. Molnar said he did not put that figure in this packet, it is just the construction cost. Commissioner Vicites said that Jerry Andria may have some funds available to go towards that, he is not sure of the amount but they should check on it.)

Moved by Commissioner Hardy, seconded by Commissioner Vicites to award the following bids for Renovation of the Federal Building:

Bid No. 04-26: General Construction (GC) to DiMarco Construction Co.	\$609,500
Bid No. 04-27: HVAC Construction (HC) to Hranec Corporation	\$ 58,000
Bid No. 04-28: Plumbing Construction (PC) to Newco Mechanical	\$ 53,500
Bid No. 04-29: Electrical Construction (EC) to Herbie Miller	<u>\$151,000</u>
Total Amount	\$872,000

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 approve the buy-out of copy machines for the Sheriff's Office and Jury Commissioner's Office.

(Warren Hughes said that both offices contracts up on their copy machines so we sent request for bids to six companies. Out of the six companies, five returned a price quote to us and the low bidding company was Amcom

Office Systems for the Sheriff's Office for \$44.75 per month, and the Jury Commissioner's Office was \$167.00 per month and both of those are for 48 months. Commissioner Zimmerlink did ask if all of this was budgeted. Warren said that it was and that in fact in the Jury Commissioner's Office the price is actually lower than what we are paying right now for the monthly quotes. Commissioner Zimmerlink asked if that includes maintenance. Warren said that it included maintenance, supplies and to pay off the existing amounts that are left on the current. Commissioner Zimmerlink than confirmed that there was just one machine for each office.)

On roll call the vote was:

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

**MOTION UNANIMOUSLY CARRIED.**

Consider an appointment to the Redevelopment Authority Board.

(Commissioner Zimmerlink said she would prefer if they could have some additional interviews. She is not ready to make a selection.)

**TABLED.**

Moved by Commissioner Hardy, seconded by Commissioner Vicites to ratify appointment to the Emergency Medical Services, to Rick Adobato, to fill a vacancy of delegate, term expires December 31, 2004

(Commissioner Zimmerlink said that there was a meeting and the county commissioners did interview and they agreed on one individual. and they approved that so this is ratification. The reason they approved it was because they wanted him to be able to represent Fayette County at one of the important meetings that is coming up and the appointment was for Rick Adobato of Leisenring and he would be appointed to the Emergency Medical Services Board and that is to fill a vacancy of the delegate and his term would expire on Dec. 31, 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 appointment to Workforce Investment Board, JoAnne Kaminsky, to fill a vacancy, three year term expiring December 31, 2006.

(Commissioner Zimmerlink said the commissioners were in agreement to name JoAnne Kaminsky to fill a vacancy with Fayette County's portion and it would be a three-year term. Her term would expire 12-31-06.)

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 Modification of Agreement of Sale between the County of Fayette and Woodland Zoo and More Inc.

(Commissioner Zimmerlink said this is ratification because the county commissioners actually executed the Modification of Agreement Sale on September 7, 2004. Woodland Zoo has been under lease agreement since 2003 and their intent was to purchase one parcel, which has roughly 116 acres, and another parcel that has roughly 4.4 acres. The total is \$190,500 and the total acreage is 121.1 acres. The Agreement of Sale was signed back in December of 2003. A Senate Bill was passed in March of 2004. In July or August of 2004 the commissioners learned that the Senate Bill was drafted with incorrect language. It says in there \$190,000 rather than \$190,500 and also it was conveying 122.8 acres rather than 121.1 acres and it also had an error on degrees. After going back and forth with Harrisburg, to see the time span that it would take to re-draft the legislation and have it approved by the Senate and House, we decided that the best thing to do, would be to Modify the Agreement of Sale. What that basically does, the document that the commissioners signed, it says that the zoo will buy 122 acres and that does not include the 4.4 acres and that it also excepts out of the 6.1 acres which is the Amphitheater, so the total acreage that is included in this Agreement of Sale would be 116 acres at \$190,000 and after the new legislation is modified and corrected and signed, then the zoo can enter into another deed that we would prepare as well and the zoo would pay \$500 for the remaining 4.4 acres and when that is all said and done, the county than would have sold 121.1 acres at \$190,500. Commissioner Vicites made one clarification, the legislation that was drafted was done by the DCNR, for the most part, the language was done by Larry Williamson's office. He said that they talked to Atty. Ferens about getting this straightened out in a way that our solicitor is satisfied. Atty. Ferens said that as late as last night at 4:30 p.m. that they were still discussing the legislation. He said that the closing was this afternoon.)

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 adopt resolution for the sale of a portion of the county owned property known as Woodland Zoo excluding 6.1 acres (Amphitheater).

RESOLVED that pursuant to Act 41 of 2004 the County of Fayette will sell and convey to Woodland Zoo and More, Inc. property situate in Wharton Township Fayette County PA being a portion of the property conveyed to the said County of Fayette by Deed of Earl G. Hager, Sr., and Ida M. Hager, his wife, dated April 21, 1967, and of record in the Office of the Recorder of Deeds of Fayette County, PA in DBV 1041, Page 17, not including a parcel of 6.1 acres known as the Amphitheater Property, together with a right of way from said property to US Route 40 across other property of County (DBV 1124, Page 1064) for a sale price of \$190,000. County agrees to pay one-half of any applicable transfer tax and the Deed will contain a right of first refusal of County should the Buyer elect to offer said premises for sale. In addition, said Deed will reflect that the subject premises is subject to the provisions of the Project 70 Land Acquisition and Borrowing Act, approved June 22, 1964, P.L. 131

(Commissioner Zimmerlink asked Atty. Ferens if they would also have to do another resolution for the 4.4 acres at a later date. He said it might happen quicker than they thought, as per his discussion. She also asked him if his office received a telephone call to move the closing up because of a family emergency. He said that it is this afternoon.)

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 authorize advertising for RFP for a Company to create and Install the County Web-site.

(Commissioner Vicites commented that he just wanted to move forward on it and that Commissioner Hardy agreed on that. He said they need to start the process. He thinks that they could get started because they heard that the grant contract is coming in very shortly from the state for the \$20,000 to do the web-site. Commissioner Zimmerlink said she thought it was \$25,000. Commissioner Vicites said it was a \$50,000 from Representative DeWeese's office, \$15,000 for one of the Bike-Hike Trails, \$15,000 for the other Bike-Hike Trail, and \$20,000 for the web-site. So in order to keep this moving along and keep the grant contracts coming, we just need to advertise for our RFP to try to time this so we can move forward. Commissioner Zimmerlink said actually she has been trying to keep both commissioners up to speed as best as she could. She said there really was no need to advertise for a RFP and the reason for that is she has done at least two months of work and contacted at least four different agencies that will provide us with a county web-site that we wouldn't even have to pay for and we wouldn't have to reinvent the wheel. She said she doesn't see a reason that they would take any of that grant money that is available, the \$20,000, and use that because there is already a web-site framework that has been created. There's actually four of them. Four ways in which we can get them, the first one is that the county is a member of the (SPC) Southwestern Pennsylvania Commission. She said it is very difficult to obtain information through some of these agencies but we pay a yearly fee to them. She actually as late as yesterday around 2:00p.m., received a telephone call from Kelly Hunt, that said that Fayette County has been approved, they put us in their budget, to approve a free web-site. They have provided a lot of web-site framework for other municipalities and their suggesting that possibly Fayette County also be included. Along with that, if we decide to go with SPC, they are giving away a two-year free hosting and that is great for Fayette County because everybody knows that we are on a tight string here. They also will provide some training and it could be up by January 2005. The second option, The Local Government Academy, is one that she is not happy or crazy about, it really doesn't meet the county web-site needs but it is an option that was at least explored. The third option is called PA- DSF and that is the one that she thinks that the county should really look into. It's Dynamic Site Framework, CCAP offered it, and 19 counties out of Fayette uses it. We are members of CCAP and we have a lot of benefits with CCAP. The other one that uses Dynamic Site Framework is SEDA-COG, they have 11 counties, that use it. Westmoreland County also uses this DSF. For people who may not know what the DSF is first off, the state uses a thing called PA Tower Port and it is consistent from state to state. The company that made that software also made the software called DSF. So if the counties want to be consistent, Fayette County, and she hopes that the two commissioners agree with that, if Fayette County wants to be consistent with the other counties in using their domain and using their consistency with their web-site and the way in which it is set up and the framework, than we should go with that one. The other one is that they have a pilot program and they have rolling enrollment. She found out that in the year 2002, Fayette County missed out on enrolling and that is a shame because it could have been up and running. This time she is really going to keep on the guy from Harrisburg, his name is Shallenberger, he said that he will come up and meet with us and we could possibly get into the enrolling and enrollment. The fourth option would be Westmoreland County. We may be able to tap in off of them and save ourselves some money. Basically she would strongly suggest that we don't waste any time and money in doing an RFP, don't reinvent the wheel and just be consistent with the other counties, let CCAP come in and meet with us, and let SPC come in and meet with us. We can decide which one we want and we could actually be up and running by January. Commissioner Hardy said that he spent millions in this county and he wants to have the best, best, web-site in here, to let the whole country know about Fayette County, so to be screwing around with \$20,000, and this, and can we get this. He wants to have the best, best, web-site, so that we are very contemporary in this county, so we want to get on with it, it is dragging, we've got to get on, we've got to have the best. He said that is the way they do it now, at Nemaquin, everybody get their web-site, web-site, he is tired of hearing web-site, we have to have the best one, no piggy-back on somebody else's. We want to be known for our web site, whatever it takes as he says, he spent a couple of bucks in this county and we have to have the best, best. The heck with somebody else, pennywise he is for it. Commissioner Vicites asked

Commissioner Hardy if he wanted to make a motion. Commissioner Zimmerlink said that it's not a matter of cost, she has been here nine months and it's more than what we've done in the past. She said we are ready and willing to go and if we be consistent with all of the other counties, and that is the most important part, is to make sure that when the users out there in the public, click on to Westmoreland, click on to Fayette, it is consistent. She said if we have the E-Government Access, which they have, it is a Pennsylvania recognized framework, Dynamic Site Framework. It has 30 counties already who have used it and they hook into e-government, and they hook into the state, and it is very convenient, and it's ready to go. Commissioner Vicites said he has been working on this for a couple of years. He was able to get the grant funding lined up, and he agrees with Joe, that we need the best web-site in the state of Pennsylvania, for a county. He said we have world class tourism sites, we have so much we can market to the outside world. He understands her approach and he respects that but he just thinks we need to have something that is so stunning that we can catch eyes with. He knows that the grant is a start and we need to move on that and get the best possible company to do something different, so that we can stand out in Pennsylvania, and in the United States, and the World for that matter. He said we have something to show here and we need to market it accordingly and he thinks this is a start in doing that. Commissioner Zimmerlink asked if he wants a company create a web-site that's already created, is that what you are making a motion for? He said he wants the best professional we can find in that regard. He respects SPC, but he thinks we should be uniquely different and having a professional company do it will achieve it. She said that this will be a professional company, it's Pennsylvania recognized for all the counties called DSF framework, its ready. He said but it is a cookie cutter type and it has to be different. She said that no, it is absolutely not cookie cutter. He said he doesn't want to be the same as any other county. He wants to be different. She said we need to be consistent with the framework, because she sees a lot of people who work in these offices shaking their heads up and down. Commissioner Vicites asked if there was a motion and Commissioner Hardy seconded it. Commissioner Zimmerlink asked who was going to write the specs for the web-site because there is no one who is qualified to do that. Commissioner Vicites said he thought that there were some specs already developed initially. She said those specs were developed by ThinkWebsWork.com and developed by Laurel Computer and is nowhere near and she repeats no where near the advantage of what we have now. Commissioner Hardy said he is sure he can get somebody. Commissioner Zimmerlink said she thinks this is a mistake and she thinks that they are going to hold up on it too long. She said that she has done one heck of a job in the nine months that she has been here to get this done, and you have Harrisburg, Mr. Shallenberger, ready and willing to come in here and get it set up in a matter of a couple of weeks. She thinks it would be a very good web-site.)

On roll call the vote was:

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

**MOTION CARRIED.**

Moved by Commissioner Vicites, seconded by Commissioner Hardy to adopt the Mon/Fayette Expressway resolution.

(Commissioner Vicites said he has a resolution and he is sure that the other commissioners received one as well from the Mon/Valley Progress Council. He said that he ran it by the county solicitor, Joe Ferens. It's a resolution of the Commonwealth of Pennsylvania authorizing Fayette County to intervene or otherwise participate in any court challenges to the construction of the Mon /Fayette Expressway and Route 51 and 376 project. Joe Ferens commented that the resolution is more of a supportive action. It's not saying that we're going to do anything. It's saying that if somebody comes in to try to stop the expressway that we would than have the option to go in and say that we want to support the expressway. It doesn't say that we're going to do anything, its says that it gives us the option to continuous support if we so choose to do. Commissioner Vicites and Atty. Ferens said that there is no cost to the county. Commissioner Vicites said he would want to make that motion to support this effort, he believes that

other counties have as well. He said there was a list of the counties reading: Carroll Township, Washington County, Belle Vernon, Donora, Allenport, Greene County. He thinks we need to do this the Mon/Fayette Expressway, it's been a top priority for him and we need to get the road completely built from West Virginia to Pittsburgh. He said that will really help our economic development efforts in long terms. Commissioner Zimmerlink said that she thinks that on this one here, approving this resolution isn't going to make that part of the expressway go any quicker. They're asking us to join just as a potential intervenor. She thinks that on behalf of Fayette County what we ought to do is take a wait and see approach because they name outside groups and she doesn't even know who these outside groups are and they said if the outside groups take court action, and that is a if. She said the second thing is if the court grants an intervenor status we don't even know if that would occur and before she would support a resolution to stop someone from going to court to question it, she would want to know what the specific substance of the court action is before Fayette County is involved. Commissioner Vicites said he feels they have to take a strong stance on this and support the entire completion of the road from West Virginia to Pittsburgh and he thinks by supporting this we are showing that we support their efforts to get this completed. Commissioner Zimmerlink said that we don't even know what the objections are, that's the problem, we're supporting something open ended because we have no idea of what these quote "other groups" are suggesting. Commissioner Vicites said just build it.)

A RESOLUTION OF THE COUNTY OF FAYETTE,  
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING  
THE COUNTY TO INTERVENE OR OTHERWISE  
PARTICIPATE IN ANY COURT CHALLENGES TO THE  
CONSTRUCTION OF THE MON VALLEY/FAYETTE  
EXPRESSWAY PA ROUTE 51 TO I-376 PROJECT.

WHEREAS, the Mon Valley/Fayette Expressway PA Route 51 to I-376 Project is a major component of the Mon Valley/Fayette Expressway and Southern Beltway Projects; and

WHEREAS, this 100-mile highway network is the cornerstone project for the economic revitalization of Southwestern Pennsylvania; and

WHEREAS, the 24-mile PA Route 51 to I-376 Expressway Project will promote economic revitalization by improving access in the project corridor to an estimated 1,500 acres of brownfield sites, an estimated 715 manufactures employing approximately 25,000 employees, and 49 communities; and

WHEREAS, the project will also address major traffic congestion and safety issues in Mon Valley and I-376 East corridor; and

WHEREAS, it is recognized that the Pennsylvania Turnpike Commission is the agency designated by PA State Act 61 of 1985 and PA State Act 26 of 1991 for the advancement of the entire Expressway and Southern Beltway network; and

WHEREAS, the Southwestern Pennsylvania Commission has included the Mon Valley/Fayette Expressway and Southern Beltway in their regional transportation plan; and

WHEREAS, the preferred alternative, as stated in the PA Route 51 to I-376 Mon Valley/Fayette Expressway Final Environmental Impact Statement, is for an expressway toll road that extends from PA Route 51 in Jefferson Hills Borough to the I-376 East in Monroeville and Pittsburgh; and

WHEREAS, opportunity for comment on the PA Route 51 to I-376 Mon Valley/Fayette Expressway Project was provided through the environmental impact statement review process (as required under Federal law including the National Environmental Protection Act of 1991, as amended) that concluded on April 6, 2004; and

WHEREAS, it is anticipated that there is a strong likelihood that certain organizations and/or individuals will file a court action naming the Pennsylvania Turnpike Commission and other defendants in an effort to delay or

stop progress on the PA Route 51 to I-376 Mon Valley/Fayette Expressway; and

WHEREAS, it is recognized that, in the event of court filings by such groups, supporters of the Mon Valley/Fayette Expressway and Southern Beltway Projects, led by the Mon Valley Progress Council, will seek to be intervening parties in support of the project, and in connection therewith will be represented by legal counsel on a pro bono basis; and

WHEREAS, it is the desire of the County to support the Mon Valley/Fayette Expressway and Southern Beltway Projects by seeking to intervene or otherwise participate in any court challenges to the project.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the County of Fayette, that in the event of a court filing by organizations and/or individuals seeking to delay or stop progress on the PA Route 51 to I-376 Expressway Project, the proper County officers are hereby authorized to take those actions necessary to join with those persons and entities seeking intervenor status in any such litigation in support of the project and, in the event intervenor status is not granted, to join in the filing of an amicus "friend of the court" brief in support of the project, it being understood that the County will be provided legal representation on a pro bono basis at no cost to it.

On roll call the vote was:

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

**MOTION CARRIED.**

\* Commissioner Zimmerlink suggested waiting until court action was actually filed; to determine who the intervenors are and to determine their challenges.

Moved by Commissioner Hardy, seconded by Commissioner Vicites to designate Fay Penn Economic Development Council for LEDA Fund.

(Commissioner Zimmerlink said there is a resolution for this. Commissioner Vicites said that the LEDA is something they have designated Fay Penn each year. The commissioners got a copy of this letter that Fay Penn received, it is a copy of letters to request the County to adopt a resolution designating an economic development agency to apply for local economic development assistance, that's the LEDA Program Funds. Fay Penn has been the designee for the LEDA Funds for the past 12 years. Prior to that the Fayette County Economic Development Council was the recipient, so it is a funding stream that is given out by the state, You have to designate the lead economic development agencies so they can in turn, get the funds each year. It is just a yearly designation. Commissioner Zimmerlink said it would be to appoint Fay Penn to actually apply for and receive the LEDA Funds on behalf of Fayette County in the amount of \$56,360 for fiscal year 2004-2005 and it would be for industrial development. Commissioner Vicites said that he thinks if we don't appoint somebody we are going to lose the funds. Commissioner Zimmerlink than asked for a motion.)

**RESOLUTION:**

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted and amended the Industrial Development Assistance Law for the purpose of promoting the welfare of the people of the Commonwealth by the rendering of financing assistance to industrial development organizations engaged in promoting the development and expansion of business, industry and commerce in the respective counties of the Commonwealth; and

WHEREAS, pursuant to the provisions of the Industrial Development Assistance Law only one such industrial development organization shall be designated and qualified in each county to receive such financial assistance in accordance with the provision of the said law; and

WHEREAS, to so qualify for such financial assistance an industrial development organization must be designated for that purpose by the Board of County Commissioners of the county which such industrial development organization is to represent; and

WHEREAS, Fay-Penn Economic Development Council with its principal office at National City Bank Building, Uniontown, PA 15401, has been designated by the Board of Commissioners of the County of Fayette, Pennsylvania to be the industrial development organization to represent the said county for the purpose of the Industrial Development Assistance Law.

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED.

Section 1. That Fay-Penn Economic Development Council is hereby designated as the Industrial/Economic Development Organization for the County of Fayette with full power and authority to represent said County in all matters relevant to and for all purposes of the Industrial Development Assistance Law.

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 October 18, 20, 22, for budget hearings.

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Consider approving minutes of August 26, 2004.

(Commissioner Vicites said he hasn't seen those. He asked if they were done yet. She asked him who is handling his things now? He said that there is nobody, he doesn't have anybody right now. She said that would be Debbie than, she would put those in the boxes or whatever or give them to Warren. She said that since he doesn't have a person in his office she knows that Debbie and Warren has been helping you out. Commissioner Vicites said what he is saying is that he hasn't reviewed them yet so I don't want to approve them without knowing. She said, okay we can table that. She asked him, if he was asking to table it. Commissioner Vicites said yes.)

**TABLED.**

Status of Tax Claim Sales.

(Commissioner Zimmerlink said that is the transfer of the \$500,00 from the Tax Claim Sales Fund to the General Fund and as Mark Roberts, our Controller said that they are now requesting some of that total of \$500,000 be

returned. She said that they are still trying to get some questions answered on that. There is a list of vouchers that the court ordered, there's actually two packets. She thinks that Commissioner Vicites has signed off on all of them and they are waiting for a second signature of a commissioner. She said that they have had their county solicitor meet with the Tax Claim Office. He suggested that a review of the audit that was performed from the Tax Claim Bureau, as well as the Controllers Office, be conducted. She then contacted the Controller and he said his office only does desktop audits of the Tax Claim. So the latest that we could get, would be the one for the year 2002 and he is going to also try to get the copies from his office. She said once we get the copies of the audit than we will have John Cupp, the Solicitor for the Tax Claim Office, sit down and go through those and try to find out how and answer a few of the questions on there. Commissioner Vicites said he just wants to clarify that back in December of last year when the transfer of the fund was made, he did check with a counsel and he did check again with John Cupp recently, that was transferring a temporary loan like that was legal according to John. He said in December they needed to meet payroll and there weren't many options available, but it was legal to do so.)

Moved by Commissioner Hardy, seconded by Commissioner Vicites to approve the request of the Fayette County Cemetery Committee regarding an extension of a roadway subject to legal review and engineering approval.

(Roger Victor spoke on the proposal to extend the cemetery roadway. He referred to the map that from the parking area to the cemetery he said that the dark lines running going across the sections of the cemetery at that point they extended a cemetery recently. What they want to do is curl this roadway up around to the existing road, which goes back to the Springer Farm. This will allow them to have access to the whole cemetery and make it easier for funeral directors that come in to do the burials. There have been problems in the past in regards going through in this area. Since 1996 we have buried 25 bodies. He also spoke about putting up a monument for the Veterans. He said it would be no cost to the county. He has donations and volunteers. Commissioner Vicites said it looks very nice and that Roger did a good job. Commissioner Zimmerlink said that if Roger would provide Joe Ferens with the map and all the information to make sure that they are okay with everything. Joe Ferens said they need the county engineer to take a look at the road and make sure that it's the proper specifications and the survey and everything is done. Warren Hughes said that it is on county property and some of the property that was given to the Redevelopment Authority, so there is no requirements as far as specifications needing to the entrances at both sides of that. Joe Ferens said he would still like for it to be checked out from an engineering stand-point. )

On roll call the vote was:

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

MOTION UNANIMOUSLY CARRIED.

Public Comment:

**District Attorney Nancy D. Vernon** – She asked the Commissioners to approve ratification of a quote from Creative Computer Concepts that she sent to all of you in June of 2004. She discussed the urgency of this issue with Warren Hughes. Her main concern is that their trial list which is their master list is generated by an old Apple computer that is over 20 years old. That computer generates the entire list for the court, arraignments, docket entries, everything. She said there is no way to update it. If that computer crashes they would be in a dire strait. They have a make shift server in the basement that is about to crash. She said that one computer that handles their ARD, NCI, etc., crash. She had it serviced this month and they tried to fix it with old parts and it is not operational. She fears that since they are not updated they are not going to be able to function properly. She has about 2,500 cases pending, a criminal trial list of 550. The server she will pay for through her drug enforcement fund, that is \$2,350 but she still needs help for the \$8,386 worth of computers. Commissioner Vicites said he did talk with Jeremy the computer man

and he said it is critical. Nancy Vernon said that none of their computers are linked together in her office. Commissioner Vicites asked that when it is over \$4,000 we need to get three written quotes, is that correct. Warren Hughes said yes. Commissioner Vicites said that they than need two more quotes. Approval would happen there after.

Public Announcement:

Proclamation- Community in Motion, Oct. 7, 2004  
(Commissioner Zimmerlink read the proclamation dealing with promoting Public Transportation.)

**Jerry Mazza** – She commented on how very pleased she was that the VIP Tape was going to be distributed and she firmly believes how very important education of the voter is the best deterrence to voter fraud. She thanked the commissioners on getting this done.

Moved by Commissioner Zimmerlink, to adjourn the meeting.

APPROVED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

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