

**Thursday, March 22, 2007 10:00 am**

A meeting of the Fayette County Board of Commissioners was held on Thursday, March 22, 2007 at 10:00 a.m. in the Conference Room, at the Public Service Building, Uniontown, PA.

Present: Commissioner Angela M. Zimmerlink, Chairwoman  
Commissioner Joseph A. Hardy, III, Vice-Chairman  
Commissioner Vincent A. Vicites, Secretary  
Judy M. Bodkin, Chief Clerk  
Warren Hughes, County Manager  
Joseph Ferens, County Solicitor

- 1 Meeting called to Order
- 2 Silent Prayer
- 3 Pledge of Allegiance
  
- 4 Public Comment on Agenda Items

Debbie Parshall, Project Coordinator for Early Care & education spoke on the importance of the education and care of our young children. Marilyn Miller spoke on the importance of public libraries and introduced other members, Jean Kennedy, Marge Wyatt, Alexander Jalso and Kathryn Wyatt. Denise Robinson spoke on the importance of recognizing business and professional women and recognized the members of the groups from Connellsville, Brownsville, Masontown and Uniontown,

### **1 Proclamations/Recognition**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to proclaim the following: National Library Week - April 15-21, 2007; Equal Pay Day - April 24, 2007; Week of the Young Child - April 22-27, 2007

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

### **2 Controller**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the following investments: February 22, 2007 - \$3,900,000 for 14 days at 5.21% interest with First National \$7,793.59 and March 8, 2007 - \$3,750,000 for 14 days at 5.17% interest with First National Bank \$7,436.30

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

Stacey Krienbrook, on behalf of Controller Mark Roberts reported on the Financial Condition of the County reporting the net position for the budget year at (\$1,740,759.79) and the total 2007 revenues at \$785,065.14 and total 2007 Expenditures at \$4,249,764.52 as of March 22, 2007.

### 3 Planning, Zoning & Community Development

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the change of area of the Perry Township storm water project from the Star Junction community to Whitsett. The County designated \$10,000 of the Growing Greener Discretionary II Monies to the project. There will be no increase in the allocation.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the Cooperative Agreements between the County of Fayette and Vanderbilt Borough and the County of Fayette and Perry Township which continues the administration and enforcement of the UCC as a County function through the Office of Planning Zoning & Community Development.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the rezoning petition RZ 07-1 Norman Thompson and David Stronko for approximately 60 acres of land located in North Union Township from A-1 Agricultural Rural to M-1 Light Industrial.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the submission of a grant application to the Community Foundation for the amount of \$5,000, for Phase II of the Parks, Recreation and Open Space Plan.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve a change to the Fee Schedule of the Fayette County Zoning Ordinance, applicable to existing buildings only, decreasing it from the current fee of \$400/commercial use, \$500/industrial use and \$300/public use to \$150.00 for commercial/industrial/public use with an effective date of April 1, 2007.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the awarding of Bid No 07-01 for the Courthouse skylight restoration project to Andaloro Construction of Hopwood PA in the amount of \$124,200 and to transfer the sum of \$2,200.00 from the General Fund county match line item to make up the difference in the county secured state grant and monies from the court system of \$122,000 to the total cost of the project of \$124,200.

Commissioner Zimmerlink: abstain

Commissioner Hardy: aye

Commissioner Vicites: aye

Commissioner Zimmerlink explained she abstained because she saw no reason why the Commissioners needed to make a decision on this matter just five days earlier stating it could have waited for this public meeting adding that although the President Judge was anxious the grant does not expire until June 2007 and five days would not have made a difference. Commissioner Vicites stated he made the decision earlier because the workers had to make a work schedule.

Motion passed 2-1

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the advertisement for the solicitation of a Request for Qualifications for a construction engineer for inspection duties for the initial construction of the 2.1 miles of the Sheepskin Trail from the Yough River Trail to Dunbar Borough.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of a grant application to DCNR for design development of the Sheepskin Trail from

Brushwood to South Union Township in the amount of \$45,000 (requires a county match)

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of a grant application Snee Reinhardt Foundation to fund a digital scanner for the Adult Probation Office in the amount of \$7500 (no county match needed)

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

#### 4 MH/MR Program

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the following contracts, modifications and agreements:

<u>Modification Agreement #3 2005-2006</u>	<u>Contract</u>	<u>Value Period</u>
Arc, Fayette	\$2,734,857	7/1/05-6/30/06
<u>Modification Agreement #5 2005-2006</u>		
Laurel House, Inc.	\$1,393,945	7/1/05-6/30/06
<u>Agreement for Professional Services</u>		
VITALink, Computers & Supplies	\$ 1,300	3/1/07-6/30/07
<u>Modification Agreement #1 2006-2007</u>		
Allegheny IU	\$ 533,191	7/1/06-6/30/07
Laurel House, Inc.	\$ 881,163	7/1/06-6/30/07
National Mentor Healthcare LLC d/b/a/PA Mentor	\$ 888	7/1/06-6/30/07
<u>Administrative Entity Contract Modification #1 2006-2007</u>		
Arc, Fayette	\$ 1,837,819	7/1/06-6/30/07
Fayette Resources, Inc.	\$ 3,915,863	7/1/06-6/30/07
Laurel House, Inc.	\$ 604,687	7/1/06-6/30/07
National Mentor Healthcare LLC d/b/a PA Mentor	\$ 257,257	7/1/06-6/30/07
<u>Administrative Entity Contract Modification #2 2006-2007</u>		
Arc, Fayette	\$ 1,848,369	7/1/06-6/30/07

Commissioner Zimmerlink: aye

Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve a request to advertise for bids for procurement of software upgrade

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

The next agenda item was to consider approving the advertisement for solicitation of Request for Proposal of a firm to perform desk audit and job assignment assessment. Commissioner Zimmerlink stated that there is an existing contract between the County and Felice Associates which covers this scope of work as discussed with the Director of MHMR and John Felice under the current monthly fee . Also, the EEOC representation would be covered under the existing contract at a fee of \$95.00 per hour. Accordingly, there is no need to seek proposals for a firm to perform desk audit and job assignment assessment.

## **5 Emergency Management**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve staff attendance to various workshops as follows:

Jim Bittner to attend two (2) PEMA workshop April 3<sup>rd</sup> and 25<sup>th</sup> in Harrisburg on Catastrophic Logistics Planning & attend a Pennsylvania State Assoc. of Township Supervisors workshop on “Safeguarding Flood Plain Resources” May 1, in Westmoreland County.

Guy Napolillo to attend the State 9-1-1 task Force Meeting March 26<sup>th</sup> in Lancaster.

EMA Director to attend the Keystone Emergency Management Association (KEMA) spring meeting April 18<sup>th</sup> in State College

4 staff members to attend the National Emergency Number Association Annual 9-1-1 Conference and Trade Show in Charlotte, North Carolina and

3 staff members to attend Pennsylvania Emergency Management Agency training May 23 & 24

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

## **6 Redevelopment Authority**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to authorize amending the original December 2004 DCED application #C000013117 of the Brownfields Housing Grant which was awarded in June 2005 to now include redevelopment and homebuyer activities for the Masontown School site and Stone Church Estates in Redstone Township.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

## **7 Human Resource Department**

### Office of Human and Community Services

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratifying the hiring of James Waugamen, Part Time Small Bus Transit Vehicle Operator, SEIU Grade 7, \$9.47 per hour (\$18,466.50) effective March 19, 2007

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to accept the resignation of Joylynn Dalzell, Small Bus Transit Operator effective March 15, 2007 and the resignation of Richard Curry, FACT Operations Manager, effective March 5, 2007.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the hiring of James Vargo as a Full Time Small Bus Transit Vehicle Operator, SEIU Grade 7, \$9.47 per hour (\$18,466.50) effective March 25, 2007.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

### MH/MR

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the promotion of Carl Altomonte, from County Caseworker 2 to County Casework Supervisor, at \$16.42 per hour (\$32,019.00) effective March 26, 2007

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the resignation of Adam Jones, County Casework Supervisor, effective March 16, 2007

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

EMA

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the hiring of Michael Fell, Marc Steinberger, Joshua Donaldson, Amy Kennick and Ryan Troycheck as Temporary Employees and enrolled in the 911 Training class of March 16, 2007, at \$8.50 per hour.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

Veteran Affairs

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the hiring of Todd Naponic and Willie Smith as Van Drivers-Per Diem adding said persons to the backup driver list.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

Commissioners

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend the Fayette County Handbook and the Fayette County Policy and Procedural Manual, Policy # 3.6 under subsection title Full-time vs. Part-time to include the following category; "Per Diem Employee" which definition is attached.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

## 8 Human & Community Service

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the advertising for the solicitation of Request for Proposals, (RFP), for the provision of services for the Fiscal Year 2007-08 PA Department of Public Welfare, Human Service Development Fund and Homeless Assistance Program services.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the submission of the Fiscal Year 2007-08 Subsidized Child Care Program grant application in the amount of \$4,270,818 to the PA Department of Public Welfare.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve a resolution for the execution of grant agreements between the County of Fayette and the PA Department of Transportation for the following programs:

- Urban Operating Assistance
- Urban Capital Assistance
- Welfare to Work Transportation Program
- Community Transportation Capital Equipment/Section 5310 Program
- Mass Transit Capital Program
- Free Transit Program for Senior Citizens
- Shared-Ride Program for Senior Citizens
- Rural Transportation Program for Persons with Disabilities

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the participation of the FCOHCS Assistant Director in the PA Public Transportation Annual Spring Conference & Expo April 10, 11, & 12, 2007 in Hershey

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to award Bid No. 07-04 Sale of Used County Vehicles as follows:

1998 Ford E350 #101	Scott Black	\$100.00
1998 Ford E-350 #105	Scott Black	\$100.00
2000 Accessible Dodge Minivan #112	Scott Black	\$300.00
1993 Ford Van #121	Tony Theodori	\$200.00

#### FACT Transit Center

The next agenda item was to award the bid for the bus washing station. Solicitor Ferens indicated he reviewed the bids yesterday after meeting with Warren Hughes, county manager and Terry McMillen of McMillen Engineering. The question that came from their meeting was if Fairchance Construction adding a timeline and Whitby not stating a timeline affected the bid. Mr. Hughes stated the extension of time is within the specs and permitted. Michelle Grant Shumar asked about the DBE participation. Neither Solicitor Ferens or Mr. Hughes were able to address this. Mr. Hughes stated he had not reviewed the specs or bids prior and that it appeared from the documents before him that the DBE was not in the specs nor addressed by the responders. Mr. Ferens said that he was blind-sided by all of this and asked why it was not asked before. Mrs. Shumar stated that all of her concerns was before the other county solicitor Sheryl Heid. Mr. Ferens stated he has not spoken with Sheryl Heid on the matter and therefore could not address it. Commissioner Vicites stated that all of these matters should have been addressed at the Agenda Meeting as it is the purpose of the Agenda Meetings. Mrs. Shumar stated she placed all of her concerns to the county solicitor and told the Commissioners such at the Agenda Meeting. Commissioner Zimmerlink stated that all of these matters need to be addressed before awarding contracts.

**Moved** by Commissioner Zimmerlink to TABLE awarding Bid No. 07-02 FACT Bus Washing Station. Motion failed for lack of a second.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to award Bid No. 07-02 FACT Bus Washing Station to Fairchance Construction subject to participation in the DBE Plan.

Commissioner Zimmerlink: nay

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed 2-1

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve change order on FACT fueling station for construction of retaining wall in the amount of \$1100.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

## 9 Veterans Affairs

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the Veterans Office taking over stewardship of the Waste Management trailer and consider request to allow the Connellsville Area Vo-Tech School to commence cosmetic repairs of the Waste Management trailer not to exceed \$200.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

## 10 Election Bureau

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the agreement between the County of Fayette and the Department of State for the HAVA Financial Assistance Blanket grant expiration date from July 1, 2004 to June 20, 2009 which extends the period of time for counties to spend its grant proceeds given to comply with the HAVA requirements.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

## 11 Commissioners

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the Commissioners Meeting Minutes of February 22, 2007

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to appoint Ken White and Sherri Blatt to the Public Participation Panel of the Southwest PA Commission for a term to expire December 31, 2008 and name Murial Nuttal and Myron Hoskins as CoChairs to said Panel.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy to appoint John Over to the Public Participation Panel of the Southwest PA Commission for a term to expire December 31, 2008

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

The next item concerned the Liquid Fuel Fund appropriations for the County. County Manager Hughes reported that \$101,637.60 has been received so far. Commissioner Zimmerlink stated two municipalities completed Emergency requests which each Commissioner has a copy. Commissioner Zimmerlink added that she happen to see two Redstone Township Supervisors at the Courthouse when they were picking up the form and they told her that the road was in the process of being repaired and Liquid Fuel Funds are being requested but if not awarded they have other means of funding.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Vicites to give emergency liquid fuels funds to Perryopolis Borough for bridge replacement in the amount of \$10,000.

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy give emergency liquid fuels funds to Redstone Township for road repair in the amount of \$10,000. Motion Failed for lack of a second.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve/ratify agreements between the County of Fayette and the following for cleaning services:

Lynn Sumey	MDJ Abraham(14-3-02) effective	2/16/07
Mary Jo Kelicic	MDJ Defino (14-2-03) effective	4/1/07
Alicia Simpson	MDJ Dennis (14-2-02) effective	4/1/07
Lawrence Blair	MDJ Blair (14-1-01) effective	7/31/06

Commissioner Zimmerlink: aye  
 Commissioner Hardy: aye  
 Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to amend resolution no. 07-1-25-28 changing the effective date of October 1, 2006 for the agreement between Barbara Haggerty and the County of Fayette for janitorial services at the office of MDJ Ronald Haggerty 14-1-02.

Commissioner Zimmerlink: aye  
 Commissioner Hardy: aye  
 Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the General Fund Budget Transfers for the period of February 17, 2007 through March 1, 2007 as follows:

Office		Debit	Credit
Controllers Office			
Unpaid bill from prior years	014940 59010	\$6,644.81	
CASB Conversion	014133 53005		\$6,644.81
	Total Debits	\$6,644.81	
	Total Credits		\$6,644.81

Commissioner Zimmerlink: aye  
 Commissioner Hardy: aye  
 Commissioner Vicites: aye

Motion passed unanimously

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Hardy to have Zelenkofske & Axelrod perform the 2006 County Single Audit at cost not to exceed \$56,250 and to advertise for solicitation of RFP for a firm to perform the audits for the years 2007, 2008 and 2009

Commissioner Zimmerlink explained that the County has been using Zelenkofske & Axelrod as far back as for the 2001 audit and that she was told for the 2004 audit that because of the changes

in the accounting software and the GASB conversion requirements it would be best to stay with this firm as it was covered under their contract. Therefore all three Commissioners exercised that option and used the service for 2004 and 2005. This last year of 2006 would complete the GASB conversion and there would be no reason to not solicit proposals for the 2007 year. Commissioner Vicites stated he prefer to go out for bid now for the 2006 year.

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: nay

Motion passed 2-1

The next agenda item was to consider authorizing JP Morgan Securities/Washington County Authority to refund the Fayette County General Obligation Bonds issued in the year 2000 and in the year 2002 from its current variable interest rate to the issuance of a fixed rate or reissue a General Obligation Bond to refinance the Washington County Bond Pool having an approximate balance of \$4.6 million. (This action is a debt refinancing as noted in Resolution 06-9-28-31)

Commissioner Zimmerlink re-stated the Resolution 06-9-28-31 stating that she would prefer having a Financial Advisor review both the Bond Pool and the General Obligation Bond to determine the best options for the County.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Hardy to advertise a Request for Proposal for a Financial Advisor, experienced in municipal bond financing, to review the Fayette County agreement with the Washington County Authority and the Fayette County General Bond Fund and advise whether the County should exercise the conversion option for the Bond Pool, the feasibility of refinancing with the issuer and the feasibility of refinancing through other means

Commissioner Zimmerlink: aye  
Commissioner Hardy: aye  
Commissioner Vicites: aye

Motion passed unanimously

Public Announcement None

Public Comment

Mike Merkosky, North Union Township Democrat Committeeman asked Commissioner Zimmerlink if as a board member of the Fayette County Housing Authority whether she, her father or the taxpayers paid the \$3,000 fine because of her father not being allowed a Section 8 landlord. Commissioner Zimmerlink said neither because there was no \$3,000 fine. Mr. Merkosky stated it was his understanding there was and pressed the issue. Commissioner Zimmerlink stated that although this is a housing authority matter not a commissioner matter she

would take the time to explain to him what was explained in July 2003 when this issue first arose and she made it public. Commissioner Zimmerlink became aware of her father being a Section 8 landlord and about 6 days later at the FCHA public meeting she made the statement asking for the procedure and if she needs to abstain from voting on Section 8 matters. Jack Purcell, the solicitor for the lawfirm of Davis & Davis who has been representing the Fayette County Housing Authority for years stated that because Zimmerlink was not an owner of the property there was no conflict of interest. Commissioner Zimmerlink stated vouchers voted on approved post-payments not pre-payments. Commissioner Zimmerlink suggested Mr. Merkosky go to the FCHA to retrieve documents that show the names of the FCHA employees who have relatives having Section 8 contracts. HUD stated employee, Sonya Over had a conflict and that she was the one who also had a lawsuit against the Authority. Also, Commissioner Zimmerlink suggested he obtain documents concerning FCHA Board Member the Rev. Howard Dantzler having a conflict because his sister AnnaBelle Cooper was a landlord yet HUD did not order any repayments. Also HUD ordered a repayment on the Davis's contract being that Norm Davis is the father of Jim and Sam Davis the attorneys for the FCHA. She added that she expects more of these types of inquiries given this is an election year yet the matter has been publicly reviewed in the year 2003 and since.

Mike Merkosky then stated to Commissioner Vicites that his campaign ads state he lowered taxes the last two years but really the Commissioners raised taxes 60%. Commissioner Vicites stated that all three Commissioners raised the millage and then lowered in two years in a row and that Fayette County has the lowest county taxes compared to some other counties.

Ron Landman asked why if Mark Roberts as Controllor was getting paid even though he has been devoting all his time in the past week with the petition challenge. Mr. Landman said that many people were subpoenaed and missed work and that they should be reimbursed and questioned whether they could be paid jury fees. Solicitor Ferens said no and that the Commissioners have no authority in this matter and that he should contact Mr. Roberts's attorney.

Frank Voytek stated that Mark Roberts is usually at the Commissioner Meetings and today he was not because he was sitting in Court. Mr. Voytek said that his tax dollars should not be given to the County to pay Mark Roberts.

Tanya Cellurale said as the former wife of Joey Cellurale and a representative of Joe Cellurale she wanted to know why the County was forcing zoning officers to send them violation notices on their property. She said when a zoning officer came to the site he said that he was told he had to file a magistrate complaint. She said he did not sign the violation notice. She wanted to know how certain violations are defined and the meaning of junk. She could not understand why they were not permitted to have a half of a bed truck in their front yard. She questioned why Commissioner Zimmerlink was writing letters when Widmer Engineering and the Dunbar Township Supervisors said there was no problem. She said that the Meason House owners have only three rooms completed in the home and have it on the Internet For Sale.

Marilyn Cellurale said the violations started when the County started talking about the Historic Ordinance. She said that she has farm equipment in her yard and that farmers should be upset with the County because the County was forcing farmers to move their equipment. She also said

that the assistants to Commissioner Hardy and Vicites have been helpful and that Jessica even visited the property. She said she has no violations. She also questioned why she needed to get a permit for her pool when she had the pool for over 30 years. She said none of this would be happening but that the Meason House owners want to shut their business down

Commissioner Zimmerlink stated that she would continue to write letters on behalf of residents throughout the County. She added that the Cellurales are represented by Attorney Toal and their questions should be presented to him. Commissioner Zimmerlink also stated that these matters after a violation has occurred has to be addressed before the ZHB or magistrate not the Commissioners.

Commissioner Vicites stated that when the real estate needed to be rezoned for their business he was supportive. The Cellurales stated that occurred years ago.

Commissioner Hardy said he did not see any problems with the properties.

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

On roll call the vote was:

Commissioner Zimmerlink: aye

Commissioner Hardy: aye

Commissioner Vicites: aye

Motion passed unanimously

Meeting Adjourned – approximately 12:30 p.m.

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Judith M. Bodkin, Chief Clerk

