

Thursday, September 28, 2006 10:00 am

A meeting of the Fayette County Board of Commissioners was held on Thursday, September 28, 2006 at 10:00 a.m. in the Conference Room, at the Public Service Building, Uniontown, PA.

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

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

Phyllis Reichert, Betty Saunders and Jackie Shrum spoke in support of Older Workers Month.

Joe Augustine of the Fayette County Drug & Alcohol spoke in support of Red Ribbon Week.

Cathleen Augustine spoke in support of Domestic Violence Month.

Marilyn Cellurale spoke saying she lives near the Isaac Meason House and spoke in support of the historic preservation but with apprehension stating it is important to appoint the right individuals to the steering committee. She also stated that the owner of the historic Meason House had taken out an advertisement several years ago to have the site dismantled.

Connie Kikta and Dan Visnauskas of the Fayette County Historical Society spoke in support of historic preservation.

Evelyn Hovanec of the Coal and Coke Heritage Center spoke in support of the historic preservation. She wants a fair and balanced board made up of local individuals.

Donna Holdorf, Executive Director of the National Road Heritage Corridor spoke in support of the placeholder in the Zoning Ordinance. She also supported the creation of a Heritage Commission consisting of 15-20 people with wide representation presenting a proposal of who should serve on the Heritage Commission.

Muriel Nuttall, of the Fayette Chamber of Commerce and Noreen Holvanik, President of the Board of the National Road Heritage Corridor spoke in support of the placeholder, historic preservation and creation of a Heritage Commission consisting of 15-20 people with the same wide representation.

Jim Killinger, as a member of the Zoning Hearing Board, spoke in favor of adopting the Zoning Ordinance.

Ron Gallo, representing the Fayette County Horse Owners Association and the PA Farm Bureau raised concerns and said there were serious problems with portions of the Zoning Ordinance that deals with property lines and structures and asked the Commissioners to review this before its adoption.

Ed Rinkoff, as representative of the Farm Preservation Board and Jim Griffin, of Franklin Township, spoke in support of the Zoning Ordinance adding that most of their concerns have been addressed.

- Proclamations

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to proclaim the following proclamations:

Older Workers Month  
Red Ribbon Week

October 2006  
October 23-31, 2006

Domestic Violence Awareness Month  
National Business Women's Week

October 2006  
October 16-21 2006

On roll call the vote was:

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

**Motion passed unanimously.**

- Controller

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

August 24, 2006 - \$12,500,000 for 14 days at 5.14% interest with Invest \$24,663.36; September 7, 2006 - \$9,300,000 for 14 days at 5.14% interest with Invest \$18,335.01; September 21, 2006 - \$9,600,000 for 14 days at 5.27% interest with Invest \$19,405.15

On roll call the vote was:

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

**Motion passed unanimously.**

Staff of the Controllers office reported on the Financial Report of the County in the absence of Controller Mark Roberts. It was reported the total 2006 revenues of \$17,341,833.63 and expenditures of \$13,931,019.62 for August 30, 2006 and the total 2006 revenues of \$18,167,806.75 and expenditures of \$15,380,433.47 for September 27, 2006.

- Planning, Zoning & Community Development

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the preparation and advertisement for bids on the restoration of the courthouse bell tower and mural restoration and the contract between the County and the National Road Heritage Corridor for said restoration and authorizing the 2006 county match of \$6,100 to be paid to the NRHC for their administrative expenses, plaque and yearly membership.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Vicites and seconded by Commissioner Zimmerlink to ratify the denial of the petition of Crystal Springs (RZ 06-14, 15, 16, 17) to rezone 4 parcels of combined acreage of approx 229.45 acres currently zoned A-1 Agricultural-Rural to R-1 Medium Density Residential in Springhill Township

On roll call the vote was:

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

**Motion passed 2-1.**

Commissioner Vicites added that he has been consistently against residential development in a KOZ.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the approval of the petition of Fayette County (RZ 06-19), to rezone approx. 1.50 acres of property from A-1 Agricultural-Rural to R-2 Medium Density Residential in German Township.

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

On roll call the vote was:

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the approval of the petition of Sleighter Engineering (RZ 06-18), to rezone approx 2.05 acres parcel of property from B-1 General Business to R-2 Medium Density Residential in North Union Township for the proposed use of multi-family residential development.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to adopt the revised Fayette County Zoning Ordinance with an effective date of November 1, 2006.

On roll call the vote was:

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

**Motion passed unanimously.**

At further discussion, Commissioner Zimmerlink asked for confirmation from Tammy Stenson, Director of Planning & Zoning that (1) it was recommended to pass the text only and that it would not have a negative affect that the maps were not updated (2) all changes were made with respect to agriculture, horses, cell tower and placeholder (3) that under separate cover internal procedures would be written and there is an open issue on the concerns that there is selective and non-consistent enforcement.

Commissioner Vicites added that many have been taken to the magistrate in the past few years. He stated that it is important to have an ordinance that is enforceable or it is not worth the paper it is written on.

The next item on the Agenda was to consider a Motion of Commissioner Zimmerlink to create a Steering Committee. Commissioner Hardy and Commissioner Vicites commented on the document written by Tammy Stenson, Director of Planning & Zoning which included a 20 plus Historical Committee. Commissioner Zimmerlink asked for a copy to review and asked why the same information was not provided to her. Commissioner Hardy and Commissioner Vicites stated they just received the document prior to the meeting and Commissioner Zimmerlink responded that she too should have been given the document.

There was a lengthy discussion with the Commissioners and members of the public on the number to be appointed to a committee. Commissioner Vicites stated that he would appoint three individuals but was against only having nine members. Commissioner Hardy suggested having Donna Holdorf as Chairperson and for her to meet with the 20 plus people and then report to the Commissioners.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Hardy to create a Steering Committee for the development of the Zoning Ordinance as it relates to the preservation, protecting and promoting of historic assets to consist of nine members, with each Commissioner appointing three, and for this Steering Committee to organize, gather information, seek input and information from stakeholders named through the establishment of sub-committees.

On roll call the vote was:

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

**Motion passed 2-1.**

- Tax Assessment

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve David Domen, Mapping Supervisor, to attend a GIS mapping workshop October 10<sup>th</sup> at Seven Springs. There is no cost.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve seven (7) assessors to attend a 2 day class October 19 & 20 in New Stanton for USPAP (Uniform Standards of Professional Appraisal Practice) a state required class for license renewal. Cost is \$ 630.00

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve three (3) assessors to attend the Assessors Association State Conference November 2 & 3 at State College PA.

On roll call the vote was:

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

**Motion passed unanimously.**

- Children & Youth Services

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve Purchase of Service Agreements between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation Office, and the service providers listed below for fiscal year 7/1/06 to 6/30/07.

115 S. Marion St. Fax 814-472-7920  
 Ebensburg, PA 15931  
 Initial Clothing \$250.00

|    |   |          |
|----|---|----------|
| A. | Specialized Residential Services                                | \$135.67 |
| B. | Specialized Residential W/Intensive Supplemental Services       | \$265.40 |
| C. | High Risk Specialized Residential Services                      | \$146.97 |
| D. | High Risk Specialized Residential W/Intensive Supplemental Ser. | \$276.71 |
| E. | New Horizons Independent Living Skills                          | \$141.48 |
| F. | Day Treatment   | \$ 39.48 |
| G. | Diagnostic Services   | \$475.00 |
| H. | Extra Ordinary Transportation                                   | \$ 23.46 |
| I. | Family Counseling   | \$ 30.60 |
| J. | Individual Out Patient Counseling                               | \$ 30.60 |

**A R C Fayette County**

80 Old New Salem Road Phone 724-438-9042  
 Uniontown, PA 15401 Fax 724-438-2405

|    |  |                 |
|----|--|-----------------|
| A. | Families Supporting Themselves Program | \$59.60 Per Hr. |
| B. | Family Connections Program             | \$47.60 Per Hr. |

**Emergency Youth Shelter**

101 South Maple Avenue  
 Greensburg, PA 15601-3267 Phone 724-832-0217  
 Initial Clothing \$250.00 Fax 724-837-5280

|    |              |          |
|----|--------------|----------|
| A. | Shelter Care | \$174.32 |
|----|--------------|----------|

**George Yatsko**

25 South 2<sup>nd</sup> Street Phone 724-439-4925 – Ext 7  
 Youngwood, PA 15697

|    |                   |                    |
|----|-------------------|--------------------|
| A. | Services Rendered | \$55.00 Per Hr.    |
| B. | Quarterly Reports | \$20.00 Per Report |

**ATTORNEY CONTRACT**

Karen Keifer Phone: 724-887-1005  
 1005 Loucks Avenue  
 Scottsdale, PA 15683 \$65.00 Per Hr.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to reappoint Marie Bezego, Debra Hudak, & Barbara Keefer to 3-year terms on the Fayette County Children & Youth Services Advisory Committee. Current terms expire on September 30, 2006.

On roll call the vote was:

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

**Motion passed unanimously.**

- Juvenile Probation Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve addendum to the 2006/07 Purchase of Service Agreement between the County of Fayette and the following:

**Adelphoi Village**, Latrobe, PA as it pertains to specific programs operated only in Fayette County.

**FAYETTE DAY TREATMENT SERVICES**

|  |          |
|--|----------|
| Guaranteed – 20 youth/day/school year/190 days | \$110.00 |
| Regular Per Diem                               | \$110.00 |
| YES Tutorial Program                           |          |
| Guaranteed 180 days (3 guaranteed seats)       | \$55.00  |
| Maximum 8 enrolled                             |          |
| Fayette Competency Development Program         | \$ 27.37 |
| Fayette Community Services                     | \$ 30.15 |
| Fayette County Juvenile Probation:             |          |
| 3 Guaranteed Beds at Fayette Shelter           | \$170.00 |

**FAMILY CARE CHILDREN AND YOUTH**

|                             |         |
|-----------------------------|---------|
| Family Based Services       | \$63.22 |
| Children Under Age 3        | \$55.32 |
| Mother w/Infant             | \$94.26 |
| Emergency :                 |         |
| Family Based                | \$63.22 |
| Children Under Age 3        | \$55.32 |
| Mother w/Infant             | \$94.26 |
| Family Reunification/Family |         |
| Based Services              | \$84.62 |
| Emergency :                 | \$84.62 |
| Kinship Care/Family         |         |
| Based Services              | \$59.03 |
| Emergency:                  | \$59.03 |

On roll call the vote was:

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

**Motion passed unanimously.**

- MH/MR Program

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve agreements/modifications as follows:

| <u>Contract Agreement 2006-2007</u>      | <u>Contract Value</u> | <u>Period</u>  |
|--|-----------------------|----------------|
| Chestnut Ridge Counseling Services, Inc. | \$2,337,905           | 7/1/06-6/30/07 |
| Crawford County MH/MR Program            | \$ 865                | 7/1/06-6/30/07 |
| Diversified Human Services, Inc.         | \$ 16,964             | 7/1/06-6/30/07 |
| Keystone Community Resources, Inc.       | \$ 6,598              | 7/1/06-6/30/07 |
| Life's Work of Western PA                | \$ 9,082              | 7/1/06-6/30/07 |
| National Mentor Healthcare LLCL d/b/a    |                       |                |
| PA Mentor                                | \$ 3,453              | 7/1/06-6/30/07 |
| Passavant Memorial Homes, Inc.           | \$ 16,468             | 7/1/06-6/30/07 |
| Rehab Works, LLC                         | \$ 30,000             | 7/1/06-6/30/07 |

**Administrative Entity Agreements 2006-2007 (FEDERAL)**

|                                      |           |                |
|--------------------------------------|-----------|----------------|
| Allegheny Valley School              | \$253,753 | 7/1/06-6/30/07 |
| Community Living Care, Inc.          | \$ 58,803 | 7/1/06-6/30/07 |
| Diversified Human Services, Inc.     | \$ 36,098 | 7/1/06-6/30/07 |
| Ganister Station                     | \$ 15,336 | 7/1/06-6/30/07 |
| Keystone Community Resources, Inc.   | \$127,599 | 7/1/06-6/30/07 |
| Lifesteps                            | \$ 25,678 | 7/1/06-6/30/07 |
| Life's Work of Western PA            | \$ 21,985 | 7/1/06-6/30/07 |
| Mattern House, Inc.                  | \$ 53,808 | 7/1/06/6/30/07 |
| National Mentor Healthcare LLC d/b/a |           |                |
| PA Mentor                            | \$274,002 | 7/1/06-6/30/07 |

|  |                             |                |
|--|-----------------------------|----------------|
| Passavant Memorial Homes, Inc.                           | \$237,800                   | 7/1/06-6/30/07 |
| Paula Teacher & Associates                               | \$ 99,591                   | 7/1/06-6/30/07 |
| UCP of Southwestern PA, Inc.                             | \$ 7,644                    | 7/1/06-6/30/07 |
| Westmoreland County Blind Assoc.                         | \$ 18,269                   | 7/1/06-6/30/07 |
| YMCA of Greensburg                                       | \$ 55,954                   | 7/1/06-6/30/07 |
| <b><u>Modification Agreements #1 2005-2006</u></b>       |                             |                |
| Laurel Highlands Foundation, Inc.                        | \$ 730,888                  | 7/1/05-6/30/06 |
| Integrated Care Corporation                              | \$ 25,000                   | 7/1/05-6/30/06 |
| <b><u>Modification Agreement #2 2005-2006</u></b>        |                             |                |
| Arc, Fayette   | \$2,716,076                 | 7/1/05-6/30/06 |
| Fayette Resources, Inc.                                  | \$4,966,913                 | 7/1/05-6/30/06 |
| Integrated Care Corp.                                    | \$ 30,900                   | 7/1/05-6/30/06 |
| Northwestern Human Services of PA                        | \$ 67,815                   | 7/1/05-6/30/06 |
| YMCA of Greensburg                                       | \$ 30,100                   | 7/1/05-6/30/06 |
| <b><u>Modification Agreement #3 2005-2006</u></b>        |                             |                |
| Twin Trees, Inc.   | \$ 1,696,949                | 7/1/05-6/30/06 |
| <b><u>Modification Agreement #4 2005-2006</u></b>        |                             |                |
| Goodwill Industries of Fayette County                    | \$ 829,347                  | 7/1/05-6/30/06 |
| <b><u>HealthChoices Reinvestments – (2004 Funds)</u></b> |                             |                |
| Arc, Fayette   | \$ 150,000                  | 2004 Funds     |
| Chestnut Ridge Counseling Services, Inc,                 | \$ 30,000                   | 2004 Funds     |
| Northwestern Human Services of PA                        | \$ 3,000                    | 2004 Funds     |
| <b><u>HealthChoices Fee-For-Service Agreements</u></b>   |                             |                |
| Allegheny HealthChoices, Inc.                            | \$100/per hr up to \$88,000 |                |
| Tidgewell Associates, Inc.                               | \$ 150/per hr               |                |

On roll call the vote was:

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

**Motion passed unanimously.**

- Human Resource Department

At the request of Jim Moore, Felice Associates the following item was asked to be Tabled.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to TABLE approving the Labor Agreement between the County of Fayette and Service Employees International Union Local 668, AFL-CIO, Children and Youth Services. Term of the agreement 1/1/06 thru 12/31/08.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the proposed Fayette County MH/MR Program Compensation Plan for Fiscal Year 2006-2007.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites, under MH/MR, to accept the resignation of Mary Dee Sinwell, Caseworker II, effective September 27, 2006.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites under the Veterans Affairs Department to :

transfer of Sharon Wandell from Department Clerk II, Assessment Office to Department Clerk I, Pay Grade 2 Step A at \$7.77 per hour (\$15,151.50) effective September 18, 2006

ratify the hiring of Marion Turner, Van Driver, Pay Grade 3 Step A at \$8.02 per hour (\$15,639.00) effective September 25, 2006.

Upon Question, Commissioner Zimmerlink asked for confirmation that a female veteran applied for the Department Clerk I position and was the top candidate until the county employee of the union bid on the posting and under the terms of the SEIU contract was given the position. Jim Moore of Felice Associates confirmed this and Commissioner Vicites added that the terms of the SEIU contract takes precedence.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites under the Office of Human and Community Services to :

accept the resignation of George Hardy, Transportation General Manager effective August 29, 2006.

ratify the promotion of John Fisher from Part Time Van Driver to Small Bus Transit Operator, Pay Grade 7 Step A at \$9.15 per hour (\$17,842.50) effective September 11, 2006.

ratify the hiring of Charles Rupenthal, Small Bus Transit Operator, Pay Grade 7 Step A at \$9.15 per hour (\$17,842.50) effective September 11, 2006.

approve the hiring of Robert Swift, FACT Small Transit Bus Operator, Grade 7 SEIU, \$9.15 hr., effective October 2, 2006.

On roll call the vote was:



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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites under the Office of Children and Youth Services to :

accept the resignation of Mary L. McDonough, County Casework Supervisor effective November 16, 2006.

approve the promotion of Rebecca Plichta from County Caseworker II to County Casework Supervisor at the annual salary of \$35,000.00 effective October 2, 2006.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites under the Tax Claim Bureau to ratify the hiring of Diane Martin, Accounts Clerk I, Pay Grade 3 Step A at \$8.02 per hour (15,639.00) effective August 28, 2006.

On roll call the vote was:

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

**Motion passed unanimously.**

- Human & Community Service

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites approve the participation of the FCOHCS Accountant III in the National Transportation Institute training, "Managing the Cost of ADA Paratransit Services," in Pittsburgh October 17-18, 2006

On roll call the vote was:

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 Assistant Director of the Fayette County Office of Human & Community Services in the Federal Transit Administration sponsored National Transit Database, NTD, training in Fairfax, Virginia October 17-18, 2006.

On roll call the vote was:

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

**Motion passed unanimously.**

- Veterans Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the filing a \$10,000 grant application with the DCED for the purpose of acquiring new computer technology (3 computers hardware/software). There is no county match.

On roll call the vote was:

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

**Motion passed unanimously.**

- Commissioners Office

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to approve the minutes of Commissioners meeting of August 26, 2006.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to authorize the advertising for bids for binding of 2007 tax duplicates.

On roll call the vote was:

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. 06-14: Toilet Room Renovations to Whitby Inc. of Uniontown, in the amount of \$73,393.00.

On roll call the vote was:

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

**Motion passed unanimously.**

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy to appoint Dee John to the Fayette County Redevelopment Authority

On roll call the vote was:

Commissioner Zimmerlink: Aye  
Commissioner Hardy: Aye

Commissioner Vicites: Aye

**Motion passed unanimously.**

Commissioner Zimmerlink stated that she would have recommended Frank McCann or Ron Romeo but will support the appointment of Dee John for a term to expire July 8, 2011.

**Moved** by Commissioner Vicites and seconded by Commissioner Hardy to appoint Harold Whyel to the Fayette County Health Center Authority Board for a term to expire the first Monday in January 2007.

On roll call the vote was:

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

**Motion passed 2-1.**

Commissioner Zimmerlink stated she would have preferred appointing Ken Milliken.

**Moved** by Commissioner Zimmerlink and seconded by Commissioner Hardy, with respect to the Loan Agreement of November 2000 between the Washington County Authority and Fayette County for the \$9,000,000 General Obligation Note Series of 2000, to:

authorize County Solicitor Ferens to contact the issuer (Washington County Authority), the administrator, Warner Asset Management and the Trustee, Chase Manhattan Trust, to determine the feasibility of refinancing the Washington County Authority/Fayette County \$9,000,000 General Obligation Note Series of 2000 and

to prepare a Request for Proposal (best value procurement) for a Financial Advisor, experienced in municipal bond financing to review the said Loan Agreement and advise whether the County should exercise the conversion option, the feasibility of refinancing with the issuer, the feasibility of refinancing through other means, recommendations on maintaining the existing terms and other suggestions

and to report to the Commissioners timely in consideration of the General Fund Budget for 2007 should a refinance be approved

On roll call the vote was:

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

**Motion passed unanimously.**

The next item on the Agenda is to consider the suggestion of CCAP and Solicitor Ferens to join in the defense of the litigation filed against the Department of State relating to the Voter Verified Paper Audit Trail.

Solicitor Ferens stated that a group of citizens filed a lawsuit because the voting systems do not have a VVPAT and if successful the Courts could mandate the counties to purchase new machines or add a component. He suggested joining the lawsuit saying he preferred being the master of his own destiny and to do nothing would be irresponsible.

Commissioner Hardy **Moved** to join in the defense of the litigation filed against the Department of State relating to the Voter Verified Paper Audit Trail but the **Motion failed** for a lack of a second.

**Moved** by Commissioner Hardy and seconded by Commissioner Vicites to ratify the following transfers for the period August 30 to September 15, 2006:

| <u>OFFICE</u>   | <u>ACCOUNT #</u> | <u>CREDIT</u> | <u>DEBIT</u> |
|---|------------------|---------------|--------------|
| <u>SHERIFF'S OFFICE</u>   |                  |               |              |
| Travel  | 014197-53300     | \$11,000.00   |              |
| Unappropriated  | 014999-59040     |               | \$11,000.00  |
| The Sheriff's Office needs additional funds to prisoner transport.  |                  |               |              |
| <u>DISTRICT ATTORNEY'S OFFICE</u>   |                  |               |              |
| Telephone   | 014194-53200     |               |              |
| \$3,000.00  |                  |               |              |
| Salary  | 014194-51400     |               |              |
| \$3,600.00  |                  |               |              |
| Postage   | 014194-53250     |               | \$330.00     |
| Material & Supply   | 014194-52000     | \$2,000.00    |              |
| Travel  | 014194-53300     | \$4,600.00    |              |
| Association Dues  | 014194-54200     | \$330.00      |              |
| The District Attorney's Office needed additional fund due to a change in computer printing requirements for the State. Also needed additional travel funds to pick up prisoners out of state for court as well as training funds. |                  |               |              |
| <u>BUILDING AND GROUNDS DEPARTMENT</u>  |                  |               |              |
| Capital funds   | 014174-57000     |               | \$2,000.00   |
| Travel  | 014174-53300     | \$2,000.00    |              |
| The Building and Grounds Department needed additional funds for fuel for the pool cars and the equipment to cut grass at the parks.   |                  |               |              |
| <u>PLANNING AND ZONING OFFICE</u>   |                  |               |              |
| Salary-Solicitor  | 014171-51350     |               | \$2,000.00   |
| <u>PROTHONOTARY</u>   |                  |               |              |
| Part time salary  | 014195-51450     |               | \$641.70     |
| Salary full time  | 014195-51400     | \$641.70      |              |
| Second deputy salary increase.  |                  |               |              |
|   | Total Debits     | \$38,771.70   |              |
|   | Total Credits    | \$38,771.70   |              |

On roll call the vote was:

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

**Motion passed unanimously.**

- Public Announcement

Hard to Recycle Drop Off is scheduled for September 30, 2006 from 9:00 a.m. to 2:00 p.m. at the Wharton Township Building, Route 381 in Farmington

The FACT program of the Office of Human & Community Service announces the Uniontown to Pittsburgh Route beginning October 2, 2006. Contact FACT for details.

- Public Comment

Colleen Watson spoke on the need to enforce the Zoning Ordinance reminding all of her comments at the September Commissioners Meeting. It was also determined that she would

meet with county staff and the solicitor to further attempt to resolve her parents problem. County solicitor indicated that he was briefed on the matter by County Solicitor Sheryl Heid.

Chris Phillips, of Experienced Works, thanked the majority Commissioners who supported having her office provide the public with education on the new voting systems and commented on some of the errors in the local newspaper. She indicated that they have been at approximately 25 sites that were well attended. She said she has accepted employment elsewhere and would be leaving the area. Commissioner Zimmerlink asked if Ms. Phillips would check on the voting demo her office ordered directly from HART because she was informed that the demo is not programmed for the General Election but instead the Primary which is a different screen.

Michael Cavanagh reiterated his request for him to receive public documents questioning why he is being refused just because he has filed a lawsuit. County Solicitor Ferens stated that he believes Mr. Cavanagh has the information and is seeking publicity and again suggested Mr. Cavanagh have his attorney contact him. Mr. Cavanagh indicated that was already done. Mr. Cavanagh asked the three Commissioners for a response. Commissioner Zimmerlink responded saying she believed the documents should be given to Mr. Cavanagh adding that her hesitation is because the County solicitor is of a different opinion and that she did not want to compromise the defense of any litigation or having coverage. Neither Commissioner Hardy nor Commissioner Vicites responded to Mr. Cavanagh.

John Mikita stated his support for the County to have a verified paper audit trail to the voting systems.

George Stash, a former vendor of the county, stated his complaint with the County and the County Manager for not being paid on outstanding invoices and for entering into a contract with Goodwill Industries stating that they are not adhering to the terms of the contract. Commissioner Zimmerlink suggested that Mr. Stash provide all his documents to the Commissioners Office for further review.

Geraldine Mazza commented that she believes it was wrong for the Commissioners to not share documents with Commissioner Zimmerlink prior to the meeting.

In Other Matters:

Commissioner Zimmerlink addressed the issue of reported break-ins at the Planning Zoning Office stating that the incidents were properly reported adding that she was disappointed with the response of the Sheriff and that the County Manager should not be reviewing tapes and involved in the investigation. Commissioner Zimmerlink added that all reports would now be given to the County Detective. Commissioner Vicites agreed that the County Detective should do the investigations. Commissioner Zimmerlink stated that security measures are in place and the County Commissioners have a responsibility to safeguard the records in that office.

Commissioner Zimmerlink addressed the issue of a county employee and others stating that confidential information is leaked to the media and that information is often given to the media which is unnecessary. Commissioner Zimmerlink stated that some comments of the need to not provide information to the media came from the assistant to Commissioner Hardy. Commissioner Zimmerlink stated that in her three years as a Commissioner to her knowledge no confidential information was given to the media or reported in any of the local newspapers. Commissioner Zimmerlink added that the public has the right to know and reassured the public that she will continue to conduct business in an open public forum and will continue to keep the public informed through media outlets.

Commissioner Zimmerlink asked her fellow Commissioners to respond if they wished, however, no comment on the providing the media with information was further discussed.

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

**Motion passed unanimously**

Meeting Adjourned.

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Judith M. Bodkin, Chief Clerk