JANUARY 24, 2013

A meeting of the Westmoreland County Commissioners met in regular session beginning at 10:07 A.M. in the Commissioners; Meeting Room, Courthouse Square, Greensburg, PA. The following were present Chairman Charles W. Anderson, Vice-Chairman R. Tyler Courtney, Secretary Ted Kopas and County Solicitor R. Mark Gesalman. The following business was conducted;

Reverend Benjamin Crum, New Stanton Assembly of God, New Stanton, PA, gave an invocation before the meeting; Commissioner Charles W. Anderson led the Pledge of Allegiance.

GENERAL AGENDA

Motion was made by Mr. Courtney, seconded by Mr. Kopas, and it was unanimously agreed to approve minutes from regular meeting held Thursday, January 10, 2013, as presented.

OPPORTUNITY FOR PUBLIC COMMENT

Andy Pollock, North Huntington Twp, PA –

Mr. Pollock shares his concerns regarding the "fleecing of Pennsylvania"; it appears to him that it is too difficult for the state to run things. He references the lottery, turnpike, liquor control board, water, closing prisons and Marcellus Shale. Feels that the citizens of PA are being taken advantage of; PA is receiving the lowest percentage of all state involved in Marcellus Shale extraction. Feels PA has to do better than 1%; encourages that someone should be concerned and that all of this is very alarming.

SOLICITORS REPORT

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Bruno Mediate, Director motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve the following item for **Adult Probation:**

(A) Grant Application with the **PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY,** in the total project amount of **$12,543.00 (No cost to Westmoreland County,** Pennsylvania Commission on Crime and Delinquency), for **"County Offender Re-Entry Planning Grant, "** for the Fiscal Year April 1, 2013 through March 1, 2014.

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Ray DuCoeur Director motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following items for **Area Agency on Aging:**

(A) Agreement with **SANDY HILL ENTERPRISES, INC. A/K/A GERI CARE PLUS,** Harrison City, PA, in the amount of **$78.00 per day (No cost to Westmoreland County;** Pennsylvania Department of Aging Block Grant**),** for fiscal year January 24, 2013 through June 30, 2015 for **"Aging Services – Emergency Shelter."**

(B) Agreement with **LATROBE CARE CENTER, INC. A/K/A LATROBE CARE CENTER,** Latrobe, PA, in the amount of **$60.00 per day (No cost to Westmoreland County;** Pennsylvania Department of Aging Block Grant**),** for fiscal year January 24, 2013 through June 30, 2015 for **"Aging Services – Emergency Shelter."**

(C) Memorandum of Understanding with **UNITED CEREBRAL PALSY COMMUNITY LIVING AND SUPPORT SERVICES (UCP/CLASS),** Pittsburgh, PA, **(No cost to Westmoreland County;** Department of Public Welfare and Office of Long Term Living), for fiscal year July 1, 2012 through June 30, 2013 for, **"Home Modification Construction Officer Pilot Program."**

Upon review and recommendation of R. Mark Gesalman, County Solicitor; Shara Saveikis, Senior Executive, and Sandy Flanders, Director of Financial Administration motion was made by Mr. Kopas, seconded by Mr.Courtney and unanimously agreed to approve the following items for the **Children's Bureau:**

(A) Renewals of Agreements for the Fiscal Year July 1, 2012 through June 30, 2013:

(1) Purchase of Service Agreement with **ALLIANCE FOR BEHAVIORAL AND DEVELOPMENTAL DISABILITIES,** Hermitage, PA, **(Title IV-E, Act 148, County),** for **"Residential,"** at the per diem rate of **$208.55**.

(2) Purchase of Service Agreement with **THE CHILDREN'S INSTITUTE OF PITTSBURGH,** Pittsburgh, PA, **(Title IV-E, Act 148, County),** for **"Foster Care,"** at the per diem rates of:

$113.61 for **Placement Services Class BB-MA (MA pays $29.66)**
$ 83.95 for **Placement Services Class BB – Non MA**
$147.04 for **Placement Services Class CC – MA (MA pays $49.31)**
$ 97.73 for **Placement Services Class CC – Non MA**
$171.55 for **Placement Services Class DD – MA (MA pays $66.19)**
$105.36 for **Placement Services Class DD – Non MA**
$ 80.36 for **Placement Services Class AA-MA (MA pays $19.36)**
$ 61.00 for **Placement Services Class AA--(Non MA)**

Upon review and recommendation of R. Mark Gesalman, County Solicitor; John Peck, District Attorney, Amy Garris Victim/Witness Coordinator and Sandy Flanders, Director of Financial Administration motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following item for the **District Attorney/Victim/Witness:**

(A) Acceptance of Grant funds from the **PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY,** in the amount of **$281,390.00** **[Total project budget $302,584.00; Cost to Westmoreland County $21,194.00 ($10,597.00/year);** PCCD Funds]**,** for **"Victim/Witness Project,"** for the grant period January 1, 2013 through December 31, 2014.

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Chuck Dominick, Director, motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve the following items for the **Human Resources:**

(A) Consider approval of the following **NEW HIRES:**

Christopher Bitner	–	Park Police	–	Part Time
Tina M. Hippler	--	County Caseworker II	--	Full Time
Nicholas Zelenak	--	County Caseworker II	--	Full Time

(B) Consider approval of the following **REMOVALS FROM TEMPORARY POOL:**

Jessica Nagy
Kara McCowan
Nina Sarpolis

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Tay Waltenbaugh, CEO of Westmoreland Community Action, motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following item for the **Human Services:**

(A) Grant Application with **DEPARTMENT OF HEALTH AND HUMAN SERVICES,** in the amount of **$1300.00** **(No cost to Westmoreland County,** Department of Health and Human Services), for **"Train the Trainer,"** for the Fiscal Year July 1, 2012 through June 30, 2013.

Upon review and recommendation of R. Mark Gesalman, County Solicitor and David Ridilla, Executive Director, motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve Record Access Agreement for computer terminal access to Courthouse records as per fee schedule, commencing according to the date specified in each agreement and ending on November 30, 2013, with automatic renewal, with the following and authorize the Executive Director of Information Systems to execute contract documents on behalf of the county for the **Information Systems**

(1) Bloomberg Finance L.P, New York City, NY

Upon review and recommendation of R. Mark Gesalman, County Solicitor; Adeline Beighley, Director, and Sandy Flanders, Director of Financial Administration motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following item for **Juvenile Probation:**

(A) Amendment to Grant Application for the **JUVENILE ACCOUNTABILITY BLOCK GRANT** in the additional amount of **$1,000.00** making the total grant amount **$10,000.00 (Cost to Westmoreland County $1,112.00;** JABG Total Budget $**11,112.00)** for the **"Juvenile Accountability Block Grant,"** for a term of April 1, 2013 through March 31, 2014.

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Nick Caesar, Chief, motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve the following item for **Park Police:**

(A) Exercise the option under the **Maintenance Agreement** with **PSX, Inc** dated January 26, 2012 for **Service Maintenance for Westmoreland County Security Monitoring Systems** (Bid #12-1) to extend the contract term for an additional year, February 1, 2013 through January 31, 2014 at the same price.

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Michael F. Brooker, Director motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following items for **Public Safety:**

(A) Professional Services Agreement with **ESSENTIAL MANAGEMENT SOLUTIONS, LLC.,** for wireline/wireless plan management and consulting services in the amount of **$59,940.00,** payable monthly in the amount of $4,995.00 (No cost to Westmoreland County; 100% Funded by PEMA Wireless Fund), for the period of **January 24, 2013 through January 24, 2014.** The agreement may be extended for two additional one-year terms at the same rates with mutual consent of both parties.

(B) **Change Order** to the Agreement with **MOTOROLA SOLUTIONS, INC.**, (contract #11-24166/JS) dated September 22, 2011 for the equipment and installation of a channel addition to the 800 MHz radio system. This is a no cost change order to document and update the performance schedule, including extending the deadline for completion of the project to May 24, 2014, and to reflect changes to the equipment list from the Detailed Design Review.

Upon review and recommendation of R. Mark Gesalman, County Solicitor; Matt Bruno, Parks Program Coordinator, and Greg McCloskey, Director motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve the following items for **Public Works:**

(A) Agreement with **GREENSBURG MUSICAL SOCIETY**, **LOCAL 339**, **American Federation of Musicians, Barry Delissio, Representative**, Export, PA, to provide six concerts as part of a summer concert series at Twin Lakes Park Island Stage, for a fee of **$2,500.00**.

(B) Agreement with **TRI-COUNTY FEDERATION OF MUSICIANS, local 592 AFM, Bob Rossi, First Vice President,** Monongahela, PA, to provide six concerts as part of a summer concert series at Cedar Creek Park, for a fee of **$2,500.00**.

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Greg McCloskey, Director motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve the following items for **Public Works:**

(C) **Resolution #R-3-2013** designating signature authority and approval **Supplemental Agreement No. 125360B** with the Commonwealth of Pennsylvania acting through the Pennsylvania Department of Transportation. This supplemental agreement increases the total cost of the Harrison City – Export Road/Route 130 Intersection project from $1,840,000.00 to $3,620,000.00. The project is funded 80% Federal and 20% County Liquid Fuel Funds.

RESOLUTION #R-3-2013

WHEREAS, the United States Department of Transportation, Federal Highway Administration (FHWA) provides grants to the states to improve public roads and to enhance the safety and traffic flow on such roads; and

WHEREAS, the Commonwealth of Pennsylvania acting through the Department of Transportation (PADOT) has adopted policies and procedures for the initiation and conduct of improvements to public roads in accordance with the requirements of the FHWA Program; and

WHEREAS, the County of Westmoreland desires to participate in such a Program in accordance with the terms, conditions and provisions set by PADOT.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Westmoreland, Pennsylvania as follows:

1. That the Board hereby approves the Supplemental Agreement No. 125360B for the Harrison City-Export Road, by and between the County of Westmoreland and the Commonwealth of Pennsylvania acting through the Pennsylvania Department of Transportation

2. That the Chairman of the Westmoreland County Board of Commissioners is hereby authorized to execute this Agreement and the Chief Clerk is authorized to attest to such execution on behalf of the County of Westmoreland and affix the seal of the County thereon.

   RESOLVED AND ADDOPTED by the Board of Commissioners of the County of Westmoreland, Pennsylvania, this 24th day of January, 2013

(D) **Supplemental Agreement No. 125483-B** with **GIBSON-THOMAS ENGINEERING COMPANY, INC.** for Part 1 costs from $397,723.33 to $406,317.33 due to the increase in drilling costs. The project is funded 80% Federal and 20% County Liquid Fuels Fund. A resolution designating signature authority was passed at the July 12, 2012 Commissioners Meeting, authorizing the Chairman to execute all future supplements.

(E) "Conceptual Design Drawings for Construction of Beatty County Road Bridge"

Upon review and recommendation of R. Mark Gesalman, County Solicitor; and Michael Ginsburg, Register of Wills motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following item for **Register of Wills:**

(A) Conversion Services Agreement with **SOFTRAC, INC,** Monroe, NC for conversion of Onbase Image Data in TIFF format and SQL database in an amount not to exceed **$6,000.00**. This project is funded through the Records Improvement Fund.

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Yvonne Hayes, Director, motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve the following item for the **Tax Office:**

(A) Sale of the following properties from the Repository of Unsold Properties pursuant to Section 627 of the Real Estate Tax Sale Law (72 P.S.§5860.627):

DATE	MAP NUMBER	LOCATION	BID AMOUNT
01/08/13	24-03-12-0-275	New Kensington	$500.00

Veteran's Affairs

(A) Bids for **"Flags and Markers for 2013" (Bid No. 13-1),** were opened on January 15, 2013:

Crowther & Porter, LLC	$16,300.00 Markers Only
Metro Flag Co.	$24,444.00 Flags Only
ConServ Flag Company	$56,522.50 ($31,150.00-Flags/$25,272.50-Markers)
Online Stores	$34,776.00 Flags Only
FlagZone, LLC	$25,200.00 Flags Only
Chicago Flag	$48,888.00 Flags Only
Metro Flags Inc.	$90,972.00 Flags Only

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Matt Zamosky, Director, motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to award bid to **CROWTHER & PORTER,** Guys Mills, PA, being the lowest bidder and meeting specifications in the amount of **$16,300.00 for Markers** and to **METRO FLAG CO.,** Dover NJ, being the lowest bidder and meeting specifications in the amount of **$24,444.00 for Flags.**

Upon review and recommendation of R. Mark Gesalman, County Solicitor; motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to approve the following item for **Westmoreland County:**

(A) Ordinance **#ORD-1-2013** requiring an annual license fee for parking meters, setting forth definitions; establishing the requirements for obtaining a license; setting forth penalties for violation thereof; and establishing the effective date of the ordinance.

ORDINANCE NO. #ORD-1-2013

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF WESTMORELAND, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE FEE FOR PARKING METERS, SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A LICENSE; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE

WHEREAS, the County has determined that an annual license fee for each parking meter subject to the jurisdiction of the County Department of Weights and Measures is necessary.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Commissioners of the County of Westmoreland, Pennsylvania, as follows**:**

SECTION 1. DEFINITIONS.

Annual Device License – All parking meters as defined in this ordinance used in municipal applications are required to be licensed with the County Department of Weights and Measures. Fees for all Annual Licenses as provided for In Section 3(B) shall be paid to the County Treasurer.

Department- Department of Weights and Measures of the County of Westmoreland, Pennsylvania.

Meter Inspection – All parking meters as defined in this ordinance used in municipal applications will be inspected by the County Department of Weights and Measures if requested.

Municipality - Elected local government body having corporate status and limited self-governance rights, and serving a specific political unit such as a township, borough or city.

Parking Meter – A coin-operated device for measuring parking time for vehicles.

Red Rejection Sticker - This is a sticker affixed to a parking meter in need of repair or calibration.

SECTION 2. LICENSE REQUIRED

No municipality shall operate or maintain a parking meter unless an annual license has been obtained from the Department.

SECTION 3. REQUIREMENTS.

Required: An Annual Device License and all fees associated with that license paid for the calendar year in the year the parking meter was placed into service or used at any time during the calendar year. The Department will invoice annually. Except where noted, the Department shall issue an Annual Device License upon the following conditions beginning February 1, 2013**:**

(A) **Application -** The applicant is required to submit an application to the Department when the parking meter is place into service and furnish such information relative to the application for an Annual Device license as the Department may from time to time require, and

(B) **Fee Schedule –** Based on the total of the last physical inspection count of parking meters done for a municipality, the applicant pays the following, non-refundable, Annual Device license fee for each parking meter**:**

(1) Parking Meters
$85.00 Flat Charge for the first one hundred-seventy five (175) meters/inspections

(2) Parking Meters
$0.55 per meter/inspection over one hundred-seventy five (175) meter/inspections

And,

(C) **Parking Meter Approval/Rejection Designations** – Once a parking

meter has passed inspection by the Department, a sticker will be affixed to the parking meter indicating the Department's approval of the parking meter.

If a parking meter does not pass inspection, a red rejection sticker will be affixed to the parking meter and it must remain out of service until repaired and re-inspected and passed by the Department.

Removal of any sticker by any party other than the Department is not permitted. Penalties and fines for removal of stickers by any party other than the Department is subject to penalties and fines as described in Section 5. No re-inspection of parking meter(s) will occur until penalties and fines have been paid.

SECTION 4. DEVICE LICENSE FEE RATE ESCALATOR

On January 1, 2018, the Device License Fee Flat Charge for the first one hundred-seventy five (175) meter inspections as set forth in Section 3 (B) (1) shall be increased by fifteen dollars ($15.00) and the per meter inspection over one hundred-seventy five (175) meter inspections shall be increased by ten cents ($0.10)/meter.

SECTION 5. PENALTIES.

Any municipality who does not pay the licensing fee within 30 days after invoice shall be assessed a penalty of One Hundred Dollars ($100.00) and court costs per violation. In addition, any municipality violating any provision of this Ordinance shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine of One Hundred Dollars ($100.00) per violation, to be paid to the use of the County, with costs of prosecution.

SECTION 6. CONSTITUTIONALITY.

In the event that any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by any court or other forum of appropriate jurisdiction, the remainder of this Ordinance shall remain in effect.

SECTION 7. RULES AND REGULATIONS.

The Department of Weights and Measures shall, from time to time, establish rules and regulations for the implementation of this Ordinance.

SECTION 8. REPEALER

Any Ordinance or part of an Ordinance in conflict with any of the provisions of this Ordinance is hereby repealed insofar as the same is inconsistent with this Ordinance.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective immediately with the first annual license period beginning February 1, 2013.

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Motion was made by Mr. Courtney, and seconded by Mr. Kopas, and it was unanimously agreed to approve the items of **Miscellaneous Business** as follows:

(1) Amendments to the **2012 Budget** and **2013 Budget** for the Department of Financial Administration; Recommended by Sandy Flanders, Director of Financial Administration

(2) Reappoint **Ms. Barbara Ferrier** to the **Westmoreland County Parks and Recreation Citizens Advisory Board**, for a three year term until December 31, 2015.

(3) Reappoint **Mr. David Hawk** to the **Westmoreland County Parks and Recreation Citizens Advisory Board,** for a three year term until December 31, 2015.

(4) Reappoint **Ms. Jennifer Miele** to the **Westmoreland County Parks and Recreation Citizens Advisory Board**, for a three year term until December 31, 2015.

(5) Appoint **Dr. Robert A. Keeler** to the **Westmoreland County Parks and Recreation Citizens Advisory Board**, for a three year term until December 31, 2015.

(6) Appoint **Ms. Ann Nemanic** to the **Westmoreland County Parks and Recreation Citizens Advisory Board**, for a three year term until December 31, 2015.

(7) Appoint **Ms. Lynn M. DeFabo** to the **Westmoreland County Parks and Recreation Citizens Advisory Board**, for a three year term until December 31, 2015.

(8) Appoint **Mr. Brian Lawrence**, Deputy Director of Planning, to the **Board of the Regional Trail Corporation**, for a three year term until December 31, 2015.

(9) Appoint **Mr. Malcolm Sias**, Director of Parks and Recreation, to the **Board of the Regional Trail Corporation** to fill the remaining one year of Charles Setler, until December 31, 2013. Mr. Setler has resigned because he has moved out of Westmoreland County.

(10) **CERTIFICATE OF RECOGNITION**

100th Birthday Certificate: Louisa Dell

(11) **CERTIFICATES OF SERVICE**

30 Years
Joseph Wightman

25 Years
Richard Kranitz
Lisa Wilkinson
Glenn Gilmore
Carl Perry

15 Years
Carol Marol
Helen Currykosky
Deborah Waller
Tracy Keefer Cemonese
Carol Medved

10 Years
Bettina Krivoniak
Nathan Ashbaugh
Jean Healey
Michael Sullivan
Darryl Brown
Joseph Grillo
Matthew Japalucci
Cynthia Woods
Antoniette Dubovsky-Modar
Cindy Service
Michael Pacek

(12) **PROCLAMATIONS**

Heart of the Arts in Westmoreland County
Geyer Performing Arts Center
Wellness Initiative

Motion was made by Mr. Courtney and seconded by Mr. Kopas, and it was unanimously agreed to adjourn the meeting at 10:32 AM