**February 28, 2013**

A meeting of the Westmoreland County Commissioners met in regular session beginning at 10:10 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 Larry Dunn, Herminie United Methodist Church,** Herminie, 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, February 14, 2013, as presented.

## OPPORTUNITY FOR PUBLIC COMMENT

Andy Pollock, North Huntington Twp, PA –

Recently dropped off a flyer for the county to post, was told it was not county business, therefore the county would not post the flyer. Feels that if this is not county business, then what is? – It is in regards to an informative meeting to be held at St. Vincent College regarding fracking. Mr. Pollock had lived in Washington Twp for nearly 40 years, had done drawings and designs for power plants, etc. He is familiar on what can and what cannot be removed from water. He states that Washington Twp is a hotbed for drilling, 3 of his neighbors there lost his wells, then everyone incurred a cost to tap into the water supply. In 2007 drilled about a ¼ mile south of him, experienced the most trouble with this – the noise kept him up at night, he fell asleep at the wheel while driving. Experienced a big a problem with the dirt and dust, took 3-4 years to sell the house and property. Now lives in North Huntingdon, now has to use an inhaler – prescribed to help him with his breathing. He feels this very serious issue.

## SOLICITORS REPORT

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

(A) Amendment to an agreement with **LAUREL LEGAL SERVICES, INC.,** Greensburg, PA**,** in the amount of **$10,000.00 additional (No cost to Westmoreland County;** Aging Services Block Grant; Total Agreement $41,000.00**),** for **"Aging Services – Legal Services."** for the Fiscal Year July 1, 2012 through June 30, 2013

Upon review and recommendation of R. Mark Gesalman, County Solicitor, Austin Breegle, Director 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 **Behavioral Health & Developmental Services:**

(A) Agreement with **WESTMORELAND DRUG & ALCOHOL COMMISSION INC.,** Monessen, PA, in the amount of **$281,721.00 (No cost to Westmoreland County;** DPW**),** for **"Healthchoices: Administrative Services, Gateway Rehab (Reinvestment 2008), Oxford House (Reinvestment 2001)** for the calendar January 1, 2013 through December 31, 2013.

(B) Amendments to Agreements for the Fiscal Year July 1, 2012 through June 30, 2013

(1) Agreement with **PATHWAYS OF SOUTHWESTERN PA,** dated September 13, 2012, in the amount of **$14,639.00** additional **($1,219.00 cost to Westmoreland County;** total agreement $12,189.00**),** for **"Developmental Services: Administrative Fee, Transportation, Companion Services, Assistive Tech, Rec/Leisure Activities, Base Service."**

(2) Agreement with **COMMUNITY LIVING CARE, INC** dated September 12, 2012, in the amount of **$188,546.00** additional **($18,855.00 cost to Westmoreland County;** total agreement $533,453.00**),** for **"Developmental Services: Companion Services, Home & Community Hab, Community Hab, Behavior Support, Transportation, Support Med Environ, Family Aide, Community Homes, Adult Developmental Training."**

(3) Agreement with **WESTMORELAND CASEMANAGEMENT & SUPPORTS, INC** dated August 16, 2012, in the amount of **$26,148.00** additional **($2,615.00 cost to Westmoreland County;** total agreement $352,737.00**),** for **"Early Intervention-Training, Casemanagement."**

(4) Agreement with **WESTMORELAND CASEMANAGEMENT & SUPPORTS, INC** dated June 21, 2012, in the amount of **$129,360.00** additional **($12,936.00 cost to Westmoreland County;** total agreement $2,431,554.00**),** for **"Behavioral Health/Developmental Services: Peer Supports, Blended Case Mgmt (FFP, NON FFP), Community Svcs, FSS (Housing, MH), Admin Case Mgmt (ICSP Training Material, CJ Liasons, BHRS, Tidgwell) Case Mgmt, MR TSM AO."**

(5) Agreement with **ACCESSABILITES, INC** dated July 26, 2012, in the amount of **$9,500.00** additional **($950.00 cost to Westmoreland County;** total agreement $619,800.00**),** for **"Early Intervention-Speech Pathology, Physical Therapy, Occupational Therapy, Special Instruction, Special Inst (Vision), Special Inst (Hearing), Nutrition, Nutrition Support, Nursing/Health Svcs."**

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. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following items for the **Children's Bureau:**

(A) Renewal of Purchase of Service Agreement for the fiscal year July 1, 2012 through June 30, 2013 with **GLEN MILLS SCHOOLS,** Glen Mills, PA, **(Title IV-E, Act 148, County),** for **"Residential,"** at the per diem rate of **$129.32.**

(B) Amendment to Purchase of Service Agreement with **OUTSIDE IN SCHOOL OF EXPERIENTIAL EDUCATION, INC**, dated November 15, 2012 for the Fiscal Year July 1, 2012 through June 30, 2013 to include **face to face time for transportation** for the **Weekend Supervision Service** at the rate of **$25.00 per hour** and to amend the **mileage rate** for the **Weekend Supervision Service** from $.0555 to the **prevailing IRS rate (currently $0.565).** These rates will be effective February 1, 2013 to June 30, 2013.

**Election Bureau**

(A) Bids for **"Transporting Voting Equipment for the 2013 Elections" (Bid No. 13-05),** were opened on February 20, 2013

| | |
|---|---|
| Ryan Moving & Storage Inc of Pittsburgh | $18,250.00 General |
| | $18,250.00 Primary |

Upon review and recommendation of R. Mark Gesalman, County Solicitor and James Montini, Director, motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to award the bid to **RYAN MOVING & STORAGE INC. OF PITTSBURGH,** Irwin, PA, being the only bidder and meeting specifications in the total amount of **$36,500.00 for the General and Primary Elections.**

(B) Bids for **"Printing and Furnishing Candidate's Specimen Voting Machine and Absentee Ballots and Election Supplies for the 2013 Elections," (Bid No. 13-04),** were opened on February 20, 2013:

| | | | |
|---|---|---|---|
| William Penn Printing | | | |
| | Group I | without bond | $20,553.00 |
| | | with bond | $20,953.00 |
| | Group II | without bond | $28,600.00 |
| | | with bond | $29,000.00 |

Upon review and recommendation of R. Mark Gesalman, County Solicitor and James Montini, Director, motion was made by Mr. Kopas, seconded by Mr. Courtney and unanimously agreed to award the bid to **WILLIAM PENN PRINTING,** Pittsburgh, PA, being the only bidder and meeting specifications in the amount of **$20,553.00 for Group I** and **$28,600.00 for Group II.** It is recommended that the Performance Bonds not be required for this contract, based upon satisfactory past experience with this vendor.
Upon review and recommendation of R. Mark Gesalman, County Solicitor and Chuck Dominick, Director motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following items for the **Human Resources:**

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

Jacob Hensell – Park Police – PT

(B) Agreement with **Midwest Employers** for Excess Workers Compensation Renewal at the annual rate of **$110,313.00** to be effective March 1, 2013 through March 1, 2014.

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 Agreements 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) Biancheria & Maliver, P.C., Pittsburgh, PA
(2) Calairo & Corbett, PC, Pittsburgh, PA
(3) Dillon McCandless King Coulter & Graham, Butler, PA
(4) Joseph Streb CO LPA, Columbus, OH
(5) Pool Pros, Jeannette, PA

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 the following item for **Information Systems:**

(B) Software Maintenance Agreement with **NEW WORLD SYSTEMS CORPORATION,** Troy, MI, for a five-year term, beginning January 1, 2013 through December 31, 2017, for **maintenance of all Logos Software modules licensed for use by Westmoreland County**; includes Financial Management (Base) - 14 modules, and Human Resources - 5 modules, at the following annual rates:

$ 98,280.00 – 2013
$101,228.00 – 2014
$106,289.00 – 2015
$111,604.00 – 2016
$119,416.00 – 2017

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Jason Rigone, Executive Director motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following items for the **Planning:**

(A) Mortgage Subordination Agreement among the **COUNTY OF WESTMORELAND, ADELPHOI USA, INC., and LAUREL CAPITAL CORPORATION,** requested due to an overall restructuring of debt that replaces a bond financing program with the Pennsylvania Economic Development Financing Authority (PEDFA). The County, through its Emergency Shelter Grants Program with Adelphoi Village, and through a Pennsylvania Department of Public Welfare grant for use to construct a secure drug and alcohol licensed treatment facility, currently has forgivable mortgages in place on four properties known as Benet House, Vincent Center, Middle Creek I and Middle Creek II owned by Adelphoi USA, Inc. Upon approval and execution of this agreement, the County mortgages will subordinate to mortgages from Adelphoi USA, Inc. to Laurel Capital Corporation. This action will supersede the approval of a Mortgage Subordination Agreement among the parties at the public meeting of the Board held November 15, 2012, because of the need to remove the Monastery Run property and add the Middle Creek I property to the subordination agreement, and to eliminate Commercial Bank & Trust of Pa as a party to the agreement.

(B) Authorize a request for a Payment Direction by the RIDC Regional Growth Fund in reference to the RIDC-Westmoreland property (former Sony facility). Execution of the Payment Direction allows Westmoreland County to assign funds received under the Redevelopment Assistance Capital Program - Agreement No. ME300-931 to TriState Capital Bank as set forth in the Collateral Assignment of Grant Agreement between the RIDC Regional Growth Fund and TriState Capital Bank. This assignment is only valid for the RIDC-Westmoreland phase of the Agreement. There will be no cost to the county. Approval is contingent upon approval of the assignment by the Commonwealth of Pennsylvania.

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

(A) Exercise the third of three options to extend Agreement with **SCHNEIDER ELECTRIC IT USA** (formerly APC SALES & SERVICE, CORP. - acting through its agent Renmark**),** dated April 22, 2010, for **"Maintenance/Service for MGE UPS Systems-150 KVA/Comet UPS Unit & Control Batteries," (Bid No. 10-20),** extending the term for one year from May 1, 2013 through April 30, 2014, at the same rate and terms.

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

(A) **Consumer Gas Agreement** with Kriebel Minerals, Inc., Clarion, PA to confirm and document the terms and conditions under which gas service is being provided by Kriebel Minerals, Inc. to the County, at the Public Works Building and the Cedar Creek Maintenance Building.

(B) **Resolution #R-5-2013** authorizing condemnation, under the Eminent Domain Code, for 0.065 acres of required right-of-way and 0.079 acres of temporary construction easement owned by Mary Ann Hibbs. The property located in Unity Township is required for the replacement of the Beatty County Road Bridge. The appraised value of the property: $2,450 for the required right-of-way and $900 for the temporary construction easement for a total of $3,350, has been offered to condemnee who refused the offer, making it necessary to file a Declaration of Taking in the Court of Common Pleas of Westmoreland County.

**RESOLUTION R-5-2013**

AUTHORIZING THE COUNTY OF WESTMORELAND TO ACQUIRE BY CONDEMNATION, UNDER THE EMINENT DOMAIN CODE, OWNERSHIP OF A CERTAIN PARCEL OF LAND NOW OR FORMERLY OWNED BY MARY ANN HIBBS FOR THE REPLACEMENT OF THE BEATTY COUNTY ROAD BRIDGE.

WHEREAS, the County Commissioners of Westmoreland County deem it advisable to acquire by condemnation, certain land hereinafter described, for the replacement of the Beatty County Road Bridge in the township of Unity, County of Westmoreland, Commonwealth of Pennsylvania.

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

SECTION 1. That the said commissioners deem it advisable and necessary to acquire by condemnation, under the eminent domain code, the land necessary for the replacement of the Beatty County Road Bridge in the township of Unity, County of Westmoreland, Commonwealth of Pennsylvania.

SECTION 2. The owners and parties, together with their interest, if any, in said property are shown on the attached plan of the property herein condemned, which is made a part hereof and marked Exhibits 1 (description of property) and 2 (plot plan showing the portion of that parcel hereby condemned), respectively.

SECTION 3. That pursuant to the provisions of 16 P.S. §§ 2401, 2603, the property described in the aforementioned exhibits attached hereto, is hereby taken and condemned, and the entry upon, appropriation and the taking thereof is hereby authorized and directed for the purpose of replacing the Beatty County Road Bridge in the township of Unity.

SECTION 4. That immediate notice of this Resolution be given to parties interested therein.

SECTION 5. That pursuant to the provisions of the Third Class County Code, application be made immediately to the Court of Common Pleas of Westmoreland County for the purpose of filing a Declaration of Taking.

RESOLVED and ENACTED at a duly advertised meeting of the Board of Commissioners of the County of Westmoreland held this 28th day of February, 2013, a quorum being present.

DESCRIPTION OF PROPERTY

ALL THAT CERTAIN TRACT OF LAND situate in the Township of Unity in the County of Westmoreland and the Commonwealth of Pennsylvania bounded and described as follows, to wit:

REQUIRED RIGHT-OF-WAY AREA

BEGINNING at a point on the northerly side of the Beatty County Road (C6409), said point being at the intersection of the northerly legal right-of-way line of the Beatty County Road and the James L. Pevarnik/Mary Ann Hibbs property line, distant 16.5 feet, northerly and measured perpendicular from the survey and right-of-way centerline of the Beatty County Road at station 15+04 thereof; thence along the Pevarnik/Hibbs property line in a northerly direction 23.58 feet to a point at station 15+06, distant 40.0 feet, northerly and measured perpendicular from the survey and right-of-way centerline; thence in an easterly direction 119.0 feet to a point at station 16+25, distant 40.0 feet, northerly and measured perpendicular from the survey and right-of-way centerline; thence in a southerly direction 23.50 feet to a point on the legal right-of-way line at station 16+25, distant 16.5 feet northerly and measured perpendicular from the survey and right-of-way centerline; thence in a westerly direction along the legal right-of-way line 121.0 feet to a point and place of beginning.

CONTAINING 0.065 acres.

TEMPORARY CONSTRUCTION EASEMENT (1)

BEGINNING at a point on the northerly right-of-way line of the Beatty County Road, distant 16.5 feet, northerly and measured perpendicular from the survey and right-of-way centerline at station 16+25 thereof; thence in a northerly direction 10.0 feet to a point at station 16+25, distant 26.5 feet, northerly and measured perpendicular from the survey and right-of-way centerline; thence in an easterly direction 75.0 feet to a point at station 17+00, distant 26.5 feet northerly and measured perpendicular from the survey and right-of-way centerline; thence in a southerly direction 10.0 feet to a point at station 17+00, on the legal right-of-way line, distant 16.5, northerly and measured perpendicular from the survey and right-of-way centerline; thence along the legal right-of-way line in a westerly direction 75.0 feet to a point and place of beginning.

CONTAINING 0.017 acres.

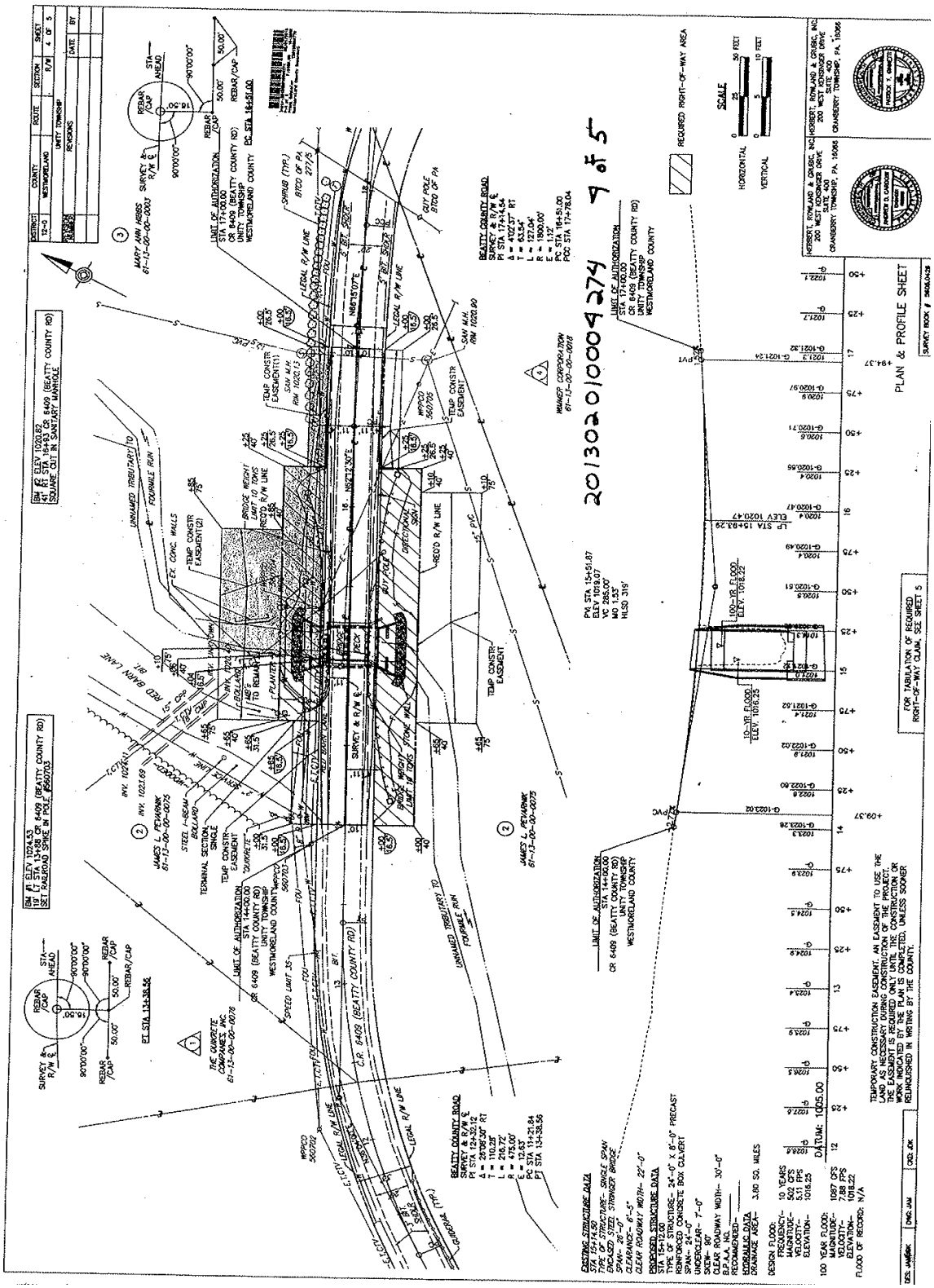
TEMPORARY CONSTRUCTION EASEMENT (2)

BEGINNING at a point on the northerly side of the Beatty County Road, distant 40.0 feet, northerly and measured perpendicular from the survey and right-of-way centerline at station 15+06 thereof, on the Pevarnik/Hibbs property line; thence in a northerly direction along the Pevarnik/Hibbs property line 35.23 feet to a point at station 15+10, distant 75.0 feet, northerly and measured perpendicular from the survey and right-of-way centerline; thence in an easterly direction 75.0 feet to a point at station 15+85, distant 75.0 feet from the survey and right-of-way centerline; thence in a southerly direction 35.0 feet to a point at station 15+85, distant 40.0 feet northerly and measured perpendicular from the survey and right-of-way centerline; thence in a westerly direction 79.0 feet to a point and place of beginning.

CONTAINING 0.062 acres.

BEING the same property which Robert D. Hibbs conveyed to Mary Ann Hibbs by deed dated July 24, 1996 and recorded in the Recorder of Deeds office of Westmoreland County, Pennsylvania in Deed Book Volume 3425, page 475.

EXHIBIT 2



PLAN & PROFILE SHEET
SCALE
HORIZONTAL
VERTICAL
REQUIRED RIGHT-OF-WAY AREA
DATUM: 1005.00

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

(A) Extend the current agreement with **MAILING SPECIALISTS**, dated February 25, 2010 (Bid #10-07), for a period of two additional months through April 30, 2013. Additional two months is necessary to prepare specifications for a new bid award.

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

(A) Software Service/License Agreement with **METRO TECHNOLOGY SERVICES, INC.,** Berwyn, PA, in the amount of **$4,224.00**, for Alert/Care Services Software Support for 15 licenses for "Visual Alert RMS", for the period of April 25, 2013 through April 24, 2014.

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

(A) Agreements for **title searches** at the rate of **$110.00 per each typewritten search**, for the period from March 1, 2013 and continuing through and including July 31, 2013:

(1) Kathy Noel – Latrobe, PA
(2) Secure Abstract Services, Inc – Greensburg, PA
(3) Jennifer McCool – Greensburg, PA
(4) Lisa Leslie – New Florence, PA
(5) Kathy Greer – Greensburg, PA
(6) Melanie Embrey – Ligonier, PA
(7) Maureen Spitznogle, Latrobe, PA
(8) Gwendolyn Simon – Derry, PA

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

(A) **Right of Way** agreement with West Penn Power for the extension of underground electric faculties servicing the Ligonier Township Municipal Authorities Sewage Plan being constructed off of Longbridge Road in Ligonier.

(B) Westmoreland County Purchasing Manual with the following updates for 2013;

- Sections 2.07, 5.00, 5.01A, 5.01B and 10.05 Thresholds for Mandatory Quotes and Bids: INCREASE TO $10,200.00 & $18,900.00
- Addition: Section 10.04-Credits
- Renumber: Former Section 10.04-Contracted Goods & Services Renumbered as Section 10.05

(C) Settle the case of Tonya Lesniak, Administratrix of the Estate of Taylor Lynne Frohnhofer, Deceased, et al, vs. Jordan King and County of Westmoreland, filed in the Court of Common Pleas of Westmoreland County at No. 12CI06704, regarding an automobile accident on November 27, 2010, on Clay Pike Road (County Road No. C6404) in Sewickley Township. The County will pay the amount of the per-claim self insured reserve ($250,000.00) and the County's insurance carrier will make an additional payment in the amount of $250,000.00. Payment by the County shall be made in two installments, with the first installment payment of $125,000.00 to be made upon approval of the settlement, and a second installment payment of $125,000.00 to be made on or before January 31, 2014.

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

(A) Memorandum of Agreement with **QUALITY INSIGHTS OF PENNSYLVANIA,** Harrisburg, PA, to review medical services provided to Medicare beneficiaries in the State of Pennsylvania to determine whether services delivered to these beneficiaries meet medically acceptable standards of care, are medically necessary, and are delivered in the most appropriate setting. This is necessary to comply with 42 CFR 489.53 (a)(1) provision for certification for Medicare payment. The term of the agreement is for the period of January 1, 2013 through July 31, 2014.

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

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

(2) Appoint **Mr. Denny Kennedy**, to the **Westmoreland County Industrial Development Authority** to fill the unexpired term of Mr. Leonard Santimyer, through November 30, 2015. Mr. Leonard Santimyer passed away.

(3) **PROCLAMATIONS**

**Weights & Measures Week – March 1-7, 2013**

(4) **CERTIFICATE OF SPECIAL RECOGNITION**

**Award for Outstanding Achievement in Popular Financial Reporting**
**Certificate of Achievement for Excellence in Financial Reporting**

(5) **CERTIFICATES OF SERVICE**

**35 Years**
**Linda Conyette**
**Sharon Greece**
**Wallace Tobin**

**30 Years**
**Joanne Nagy**
**Robin Snyder**

**25 Years**
**Charles McCallen**
**Jennifer Paraska**
**Carol Lauffer-Gross**
**Stephen Kintigh**
**Leonard Santimyer**

**20 Years**
**Christopher Haidze**
**Joyce Connolly**
**Kathleen Flowers**
**Kimberly Trout**
**Marguerite Patterson**
**Denise Knox**
**MaryJo Borelli**

**15 Years**
**Todd Rupert**
**Ilarion Shuga**
**Thomas Trumbetta**

**10 Years**
**Carol Wisniewski**

Motion was made by Mr. Courtney and seconded by Mr. Kopas, and it was unanimously agreed to adjourn the meeting at 10:33 AM.

Certified by,

Ted Kopas,
Secretary