

**April 11, 2013**

A meeting of the Westmoreland County Commissioners met in regular session beginning at 10:05 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 Martin R. Ankrum, First Presbyterian Church**, an invocation before the meeting and Commissioner Charles W. Anderson led the Pledge of Allegiance.

Motion was made by Mr. Courtney, seconded by Mr. Kopas, and it was unanimously agreed to approve minutes from regular meeting held Thursday, March 28, 2013, as presented, with the following correction to Item #9, A; the estimated amount delivered for Hanson Aggregates, BMC, Inc to \$30,038.50 from \$38,038.50

### **OPPORTUNITY FOR PUBLIC COMMENT**

*Dr. Charles Gallo, Ligonier* – Noticed the resolution which was on today’s agenda, asking the governor to protect the constitution, glad to see this. An expansion of resolution on the 2<sup>nd</sup> Amendment which was proposed is necessary to protect all of the Constitution. Don’t want to see timely importance of standing for 2<sup>nd</sup> Amendment diluted in anyway. The Constitution passed originally without a Bill of Rights, many felt restrictions were enough, may felt specific delineation of natural rights, leading to the ratification of the Bill of Rights. Dr. Gallo feels the need to stress the 2<sup>nd</sup> Amendment is currently under massive attack, it is the cornerstone of freedom, and today there is no business as usual. Dr. Gallo states that America is being restructured into a Communist, Socialist Dictatorship, the rights of the individuals collapsing; the Federal Government is breaking its limits. The 2<sup>nd</sup> Amendment is facing massive attack; the deaths of innocents are being used to justify the advancements to destroy freedom. The 2<sup>nd</sup> Amendment affirms rights only if those who protect it and stand strong. Senator Toomey’s bill restricts rights of law abiding citizens. Dr. Gallo urges support of House Bill 357, and would like to thank Sheriff Held and Attorney Smail for hosting citizen’s forums and glad to see that the Commissioners have joined in defense of the Constitution. In closing, Dr. Gallo would like to see a statement from the Commissioner’s to defend the Constitution.

*Thomas Altman, Hempfield Township* – Member of PA Freedom Allies, Westmoreland County Sheriff Brigade. Mr. Altman spoke in reference to the PA Constitution, which is designed to take precedent over the US Constitution. References Article 1, Section 21; The Right to Bear Arms, “Shall not be questioned”, the original version of this is what the Federal Constitution is based on. Mr. Altman then references Section 25 of Article 1; powers and people to guard against high power. Mr. Altman states that everything in Section 25 states “don’t mess with 21”. Mr. Altman is thrilled that the Sheriff and Commissioners are taking a stand. In addition, he would like to see the Sheriff return to his proper role, enforcing law and having arrest powers, he states that the Sheriff is essentially the “mayor or president of the county”.

*Attorney Harry Smail, Jr., Hempfield Township* – Attorney Smail applauds the Commissioner’s for adopting the Resolution #R-13-2013, although he would like to see an amendment to the last paragraph to add language that any violation of the 2<sup>nd</sup> Amendment would be declared invalid in the County and would not be recognized by the County. Attorney Smail believes this amendment to the resolution would further support the statement. In addition, he is asking for support and encouragement of House Bill 357.

*Tom Tangretti, Hempfield Township* – Mr. Tangretti is a former State Representative, in his tenure he had supported the legislative agenda of the NRA. Since his retirement, there have been 3 massacres that have generated something which led him to re-evaluate how he felt about gun violence. Mr. Tangretti has 6 grandchildren, all around the age of the children from Sandy Hook elementary school. The kind of weapon which was used that day is only designed to kill and maim, those children had to be cremated because they were unrecognizable. Mr. Tangretti believes that we are beyond thinking about what we have to do, that we know what we have to do to prevent this kind of event from happening again. Mr. Tangretti states that 92% of people, regardless of party affiliation, support universal background checks – although imperfect this would allow some sort of control over this kind of violence. He commends the Board of Commissioners for the support of the Constitution, and states that it is not unconstitutional to ask for background checks. He goes on to speak of Senator Toomey’s bravery on this piece of legislation and asks everyone to consider that many people, including NRA members, Democrats, Republicans and Independents support universal background checks.

*Paul Upson, Latrobe* – Mr. Upson wanted to give his support to those who support the 2<sup>nd</sup> Amendment. He poses the question, How many people would not have been killed if there were universal background checks? Mr. Upson states that to do something just to do something isn’t the solution. To pass a law just to “pass a law” which would have no impact ends up to the loss of all of our freedoms. Mr. Upson states that the 2<sup>nd</sup> Amendment isn’t about safety, but it stands for liberty and freedom.

*Dr. Larry Lyons, USMC* – Dr. Lyons state that the answer to the problem goes back to the founding of this county and that once you stop teaching biblical principles you will have anarchy. Dr. Lyons does not feel that you have to ask to support the 2<sup>nd</sup> Amendment it is the job of those elected to protect it. Dr. Lyons states that background checks and gun control will not protect the country. Dr. Lyons states that guns are our safety and that we need to talk to and educate our children. He recommends reading St. Augustine’s “The Rule of God”, and reminds those in office that they have taken an oath to protect the Constitution.

## **SOLICITORS REPORT**

Upon review and recommendation of R. Mark Gesalman, County Solicitor, Ray DuCoeur, Administrator 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 **Area Agency on Aging:**

- (A) Agreement with **WESTMORELAND COUNTY TRANSIT AUTHORITY A/K/A WESTMORELAND TRANSIT**, Greensburg, PA, in the amount of **\$400,000.00** (No cost to Westmoreland County; PA Department of Aging Block Grant), for "**Aging Services – Priority Transportation**," for July 1, 2013 through June 30, 2015.

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. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following items for **Behavioral Health & Developmental Services:**

- (A) Amendment to Agreement with **ACCESSABILITIES, INC.**, in the amount of **\$6,944.00** additional (**\$694.00 cost to Westmoreland County**) for the fiscal year July 1, 2012 through June 30, 2013 for "**Developmental Services: Companion Services LVL 3**"

Upon review and recommendation of R. Mark Gesalman, County Solicitor; Shara Saveikis, 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 the **Children's Bureau:**

- (A) Renewal of Purchase of Service Agreement with **NORTHWESTERN HUMAN SERVICES OF PA, INC.**, Harrisburg, PA, (**TANF, Act 148, County**), for "**Foster Care**," for fiscal year July 1, 2011 through June 20, 2012 at the per diem rates of:
- \$ **84.10** for **Foster Care Plus**
  - \$ **90.00** for **Respite**
  - \$**152.47** for **Therapeutic Family Care MA Program (MA \$123.75; County \$28.72)**
  - \$**140.96** for **Therapeutic Family Care Non MA**

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

- (A) Agreement with **BARBARA LIGHTCAP**, Greensburg, PA, for **court reporter services and testing of court reporters** at the rate of **\$25.00 per hour** with a maximum of 600 hours of service per 12 month term, plus transcript fees at the rates specified in the Pennsylvania Rules of Judicial Administration and the Westmoreland County Rules of Judicial Administration, for an initial term of one year from April 11, 2013 through April 10, 2014, with automatic renewal for additional terms of one year each, subject to termination by either party by delivery of thirty days advance written notice.

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) **SUMMER NEW HIRES:**

Lee Downey, Jr.	Maintenance Aide	Temporary
Matthew Fontanazza	Maintenance Aide	Temporary

(B) **SUMMER REHIRES:**

Jessica Walton	Environmental Program Aide	Temporary
Stephen Tucci	Maintenance Aide	Temporary

(C) **TERMINATIONS:**

Elizabeth Secrist

Upon review and recommendation of R. Mark Gesalman, County Solicitor and David Ridilla, Executive Director, motion was made by Mr. Courtney, seconded by Mr. Kopas 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) Harold Shepley & Associates, LLC, Somerset, PA
- (2) Goldblum Sablowsky, LLC, Homestead, PA
- (3) Nudelman, Klemm & Golup, P.C., Roseland, NJ
- (4) Real Estate Tax Consultants, Inc, Pittsburgh, PA
- (5) Richard Scandinaro, Export, PA

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

- (B) Application Support Agreement with **IMR LIMITED, INC, Hazelton, PA**, in the amount of **\$8,000.00** which provides Westmoreland County with support for services not covered by the standard Maintenance Agreement. This Agreement shall become effective upon receipt of payment and expire after 50 hours has been exhausted or 1 year from the effective date at which time the unused hours will be forfeited.

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

- (A) **2013 General Administrative Services Agreement** with the Redevelopment Authority of the County of Westmoreland (RACW) for the RACW to provide certain administrative services to the County in its execution of the following programs: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grants. The agreement begins May 1, 2013 and ends on April 30, 2014. The total amount of the Agreement for services rendered during this period is **\$219,758.00** and is allocated among the above-referred grant programs. There will be no cost to the county.

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

- (A) Agreement with **SIEMENS BUILDING TECHNOLOGIES, INC.**, Bridgeville, PA, in the amount of **\$433,475.00**, for services described in a proposal dated February 22, 2013, involving an upgrade of the Siemens Building Automation System and Smoke Evacuation System, retro-commission and minor repair to the pneumatics and electronics associated with the control system and smoke evacuation system.

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) Approval of exercising the option to extend the Agreement with **SBM ELECTRONICS, INC.**, dated March 10, 2011 for maintenance of logging recorder systems, for the additional term from April 1, 2013 through March 31, 2014. This approval will be for the final option year under the agreement at the bid amount of \$25,360.00, to be paid monthly.
- (B) Approval of extension of the current maintenance agreement with **STALEY COMMUNICATIONS, INC.**, dated April 22, 2010 for maintenance of Westmoreland County owned communication equipment. The current agreement term is for the period April 1, 2012 through March 30, 2013. The agreement is currently out for bid and Staley Communications has agreed to continue providing services at the agreement rate of \$7,974.00 a month, which is 1/12 of the Agreement annual fee of \$95,688.00. This extension will cover an additional two month period, providing coverage until June 1, 2013 or until the new agreement is approved and awarded whichever comes first.

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

- (A) Engineering Agreement #125514 with **SAI CONSULTING ENGINEERS, INC.** to provide construction services for the following; Part I: Beatty County Road Bridge (\$82,262.40) and Part II: Baldrige Bridge (\$277,798.80) and approval of **Resolution #R-12-2013** designating signature authority to the Chairman of the Board of Commissioners to execute the agreement.

### **RESOLUTION #R-12-2013**

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

WHEREAS, the Commonwealth of Pennsylvania Department of Transportation (PADOT) has adopted policies and procedures for the initiation and conduct of improvements to public roads, including bridges on these 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. The board hereby approves the Engineering Agreement Number 125514 to provide construction inspection services; Part I: Beatty County Road Bridge and Part II: Baldrige Bridge, by and between the County of Westmoreland and SAI Consulting Engineers, Inc.
2. That the Chairman of 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 ADOPTED by the Board of Commissioners of the County of Westmoreland, Pennsylvania, this 11<sup>th</sup> day of April, 2013

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 items 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):

<b><u>DATE</u></b>	<b><u>MAP NUMBER</u></b>	<b><u>LOCATION</u></b>	<b><u>BID AMOUNT</u></b>
3/22/13	20-02-03-0-400	Monessen	\$500.00
3/25/13	02-02-07-0-328	Arnold	\$500.00
3/26/13	50-08-13-0-004	Grapeville	\$600.00
3/26/13	56-16-02-0-100	Rostraver	\$800.00
3/26/13	55-18-00-0-029-99-059	Penn Trafford	\$500.00
3/26/13	50-16-07-0-094	Greensburg	\$850.00
4/04/13	50-28-10-0-040	Greensburg	\$600.00
4/04/13	59-17-12-0-051	South Huntington	\$600.00

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

- (A) Skilled Nursing Facility Agreement with **HEALTHAMERICA/HEALTHASSURANCE (AKA COVENTRY HEALTH CARE PLANS)**, Pittsburgh, PA, to become a participating network provider, effective June 1, 2013 for an initial term of three years, then automatically renewing for additional 1 year terms unless either party notifies the other 180 days prior to the last day of the current term. The insurance products covered and the rates paid to Westmoreland Manor are as follows:

<b><u>Product</u></b>	<b><u>Proposed Per Diem</u></b>
Commercial Insured	\$320.00
Network Access	\$340.00
Medicare Advantage	\$320.00
Medicaid	\$250.00
Automobile Insurance	90% of eligible billed charges

There are also rates for outpatient therapies; these are the same for all products at \$57.00 per initial visit and \$47.00 for subsequent visit.

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 items for the Westmoreland County:

- (A) **Resolution #R-13-2013** recognizing and supporting the protection of individual liberties guaranteed by the Bill of Rights, and calling upon the Governor and the General Assembly of the Commonwealth of Pennsylvania to be vigilant in protecting against infringement of any rights and liberties guaranteed to the people and powers reserved to the states or the people by the Bill of Rights.

**RESOLUTION # R-13-2013**

WHEREAS, after winning independence from Great Britain, the thirteen original states ratified Articles of Confederation and Perpetual Union as the states' first constitution that established a "firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever," but giving the central government no chief executive, no judiciary, and no ability to raise revenues except those appropriated by the states; and

WHEREAS, on February 21, 1787, a convention of state delegates was called to meet in Philadelphia to consider and recommend a plan of government to amend the Articles of Confederation, and on May 25, 1787, a Constitutional Convention began deliberations that resulted in a recommended Constitution that was approved by the Convention on September 17, 1787, and included provisions for a stronger national government with a president and courts, and specific enumerated powers commensurate with the needs of a unified nation rather than a league of states; and

WHEREAS, in order to gain support for ratification of the new Constitution by state legislatures, some of whom were concerned that the new Constitution granted too much power to the federal government, the delegates to the Constitutional Convention agreed that a number of amendments known as the Bill of Rights would be prepared for adoption by the first Congress to assemble under the newly ratified Constitution, to specifically acknowledge that the new and more powerful federal government should not have authority to interfere with a number of individual rights and liberties; and

WHEREAS, when the first Congress of the United States of America met in 1789, James Madison prepared a draft of constitutional amendments as a proposed Bill of Rights, which after vigorous debate and rewriting, were adopted by the House of Representatives on August 21, 1789, edited by the Senate and formally proposed by joint resolution of Congress on September 25, 1789, and effectuated as Constitutional Amendments on December 15, 1791, after ratification by three-fourths of the States; and

WHEREAS, the Bill of Rights enumerates freedoms not explicitly indicated in the main body of the Constitution, including freedom of religion, freedom of speech, a free press, free assembly, and free association; the necessity of a well-regulated militia for the security of a free state, the right of the people to keep and bear arms; freedom from unreasonable search and seizure, security in personal effects, freedom from warrants issued without probable cause; indictment by a grand jury for any capital or "infamous crime", guarantee of a speedy, public trial by an impartial jury composed of members of the state or judicial district in which the crime occurred, the right to assistance of defense counsel, protection against deprivation of life, liberty or property without due process of law, and prohibition of double jeopardy; and

WHEREAS, Amendment IX of the Bill of Rights further declares that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people, and Amendment X declares that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Westmoreland County that the Board firmly supports the protection of individual liberties guaranteed by the Bill of Rights; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of Westmoreland County encourages the citizens of Westmoreland County to educate themselves about the Bill of Rights and the importance of its guarantees of individual rights and liberties, which benefit the people of this nation and all of the religious, educational and civic organizations which have grown and thrived because of such protected rights and liberties; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of Westmoreland County calls upon the Governor of the Commonwealth of Pennsylvania and the General Assembly of the Commonwealth of Pennsylvania to be vigilant in protecting the individual liberties of the citizens of this Commonwealth, and to take all actions necessary to prevent any infringement of rights guaranteed by the Bill of Rights, and to firmly protect the rights reserved to the people under the Ninth Amendment and the powers reserved to the States or the people under the Tenth Amendment to the United States Constitution.

RESOLVED AND ENACTED by the Board of Commissioners of the County of Westmoreland, Pennsylvania, this 11<sup>th</sup> day of April 2013.

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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 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) Reappointment of the following persons to the, **Westmoreland County Area Agency on Aging Advisory Council** for a three year term, until May 1, 2016.

**Edith Majeski  
Joseph Lena  
Loretta Hunker  
Marcia Wagner  
Robert Barker  
Joanne Devroude  
LaVerne Wormack**

- (3) Appointment the following persons to the **Westmoreland County Public Participation Panel** for a two-year term until December 31, 2014.

**Paul Fry  
Mike Turley**

- (4) **PROCLAMATIONS**

**National Public Safety Telecommunicators Week, April 14 – April 20, 2013  
ADVICE – Against Domestic Violence in County Employment  
100<sup>th</sup> Anniversary Sons of Italy, Grand Lodge of Pennsylvania  
Equal Pay Day**

- (5) **CERTIFICATES**

**100<sup>th</sup> Birthday Certificate: Edna Weiers  
Patty Brandstetter–PA Dept of Aging 2013 Direct Care Worker of the Year**

Motion was made by Mr. Kopas and seconded by Mr. Courtney, and it was unanimously agreed to adjourn the meeting at 11:09 AM.

Certified by,

Ted Kopas,  
Secretary