# **January 9, 2014**

A meeting of the Westmoreland County Commissioners met in regular session beginning at 10:15 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, gave an invocation before the meeting and Commissioner 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 of regular meeting held Thursday, December 19, 2013, as presented.

### OPPORTUNITY FOR PUBLIC COMMENT

Westmoreland County Controller – Mr. Jeff Balzer, New Alexandria, PA – Mr. Balzer spoke in regards to his opposition with the proposed contract with Felice Associates, he states that the County Human Resources Department clearly calls for an in-house representative. He cannot agree with this plan, the termination option was just put into the contract today. Mr. Balzer states that this is an \$864,000.00 over 4 years with no "undue" button, he goes on to state that 2 yes votes on this contract today would approve it, he knows that he does not have a vote on this but he urges the County Commissioners to table this item for a minimum of 90 days, because he believes that the Human Resources needs of the County can be met without contracting out. Mr. Balzer states that it is his duties to sound the alarm when things arise that are not in the best interest of Westmoreland County.

## **SOLICITORS REPORT**

Upon review and recommendation of R. Mark Gesalman, County Solicitor, Austin Breegle, Administrator 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) Amendments to Agreements for the fiscal year July 1, 2012 through June 30, 2013:
  - (1) Agreement with ACCESSABILITES, INC, dated July 26, 2012 in the amount of \$9,946.00 additional (DPW \$8,951.00, County \$995.00, Total Agreement \$848,980.00), for "Early Intervention: Occupational Therapy, Speech Pathology, Physical Therapy, Special Instruction, Special Instruction (Vision, Hearing), Nutrition Support"
  - (2) Agreement with **WESTMORELAND CASEMANAGEMENT & SUPPORTS, INC.,** dated August 16, 2012 in the amount of **\$41,661.00 additional** (DPW \$37,495.00, County \$4,166.00, Total Agreement \$394,398.00), for "Early Intervention: Case Management, Training"

- (3) Agreement with **CHILDHOOD ENRICHMENT THERAPY**, dated July 12, 2012 in the amount of **\$9,488.00 additional** (DPW \$8,539.00, County \$949.00, Total Agreement \$118,288.00), for "Early **Intervention: Occupational Therapy, Speech Pathology, Physical Therapy, Special Instruction**"
- (4) Agreement with PASSAVANT MEMORIAL HOMES, INC., dated September 13, 2012 in the amount of \$151,412.00 additional (DPW \$136,271.00, County \$15,141.00, Total Agreement \$1,296,636.00), for "Behavioral Health/Developmental Services: HSS Supportive Housing, Long Term Structured Residential, Recruitment & Retention, Companion Services Level 3, Home & Community Habilitation Level 3"
- (5) Agreement with **WESTERN PENNSYVANIA SCHOOL FOR THE DEAF**, dated July 26, 2012 in the amount of **\$4,767.00 additional** (DPW \$4,290.00 County \$477.00, Total Agreement \$16,767.00), for "Early Intervention: Special Instruction (Hearing)"

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

- (A) Agreement with CATHOLIC CHARITIES OF THE DIOCESE OF GREENSBURG PA, ADELPHOI VILLAGE, INC., LUTHERAN SERVICE SOCIETY OF WPA, THE CHILDREN'S AID HOME PROGRAMS OF SOMERSET COUNTY, INC., WESLEY SPECTRUM SERVICES and the WESTMORELAND COUNTY CHILDREN'S BUREAU to provide a program "Connections By Choice" including support group meetings and training classes for resource families, for the period from January 1, 2014 through December 31, 2014.
- (B) Purchase of Service Agreement with MHY FAMILY SERVICES, Mars, PA (Title IV-E, Act 148, County) for "Residential Treatment, Residential Services, Diversion & Acute Stabilization," for the term July 1, 2013 through June 30, 2014 at the following per diem rates:

\$285.00 for Child & Adolescent Diversion & Acute Stabilization Program

\$249.94 for Residential Treatment Services for Males

\$166.55 for Residential Services for Males

\$166.55 for Residential Services for Females

Upon review and recommendation of R. Mark Gesalman, County Solicitor and Bryan L. Kline, Clerk of Courts motion was made by Mr. Courtney, seconded by Mr. Kopas and unanimously agreed to approve the following items for the <u>Clerk of Courts:</u>

(A) Sending of a 45-day notice of termination of an Agreement with **CREDIT MANAGEMENT COMPANY** dated May 13, 2010 for the collection of delinquent accounts for the Clerk of Courts.

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

#### (A) **NEW HIRES:**

Summer Rickets	Graduate Practical Nurse	FT
Jalesa Sweitzer	Food Service Worker	Temporary
Kristen Murphy	Food Service Worker	Temporary
Melissa Nagy	Registered Charge Nurse	FT

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

(A) WESTMORELAND COUNTY HUMAN SERVICES BLOCK GRANT PLAN for fiscal year 2013-2014.

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 the following for **Information Systems:** 

- (A) 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:
  - (1) Van Oliver, Dallas, TX
  - (2) Litchfield Cavo, LLP, Pittsburgh, PA

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 items for **Juvenile Probation:** 

(A) Purchase of Service Agreement with **VISIONQUEST NATIONAL, LTD.,** Tuscon AZ (**Title IV-E, Act 148, County**) for "**Residential Services,**" for the term July 1, 2012 through June 30, 2013 at the following per diem rates:

\$170.95 for VisionQuest Academy at Franklin & South Mountain \$206.00 for Lee Prep Academy

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

(A) **Resolution** #R-2-2014 authorizing the execution of a Developer's Agreement with Rostraver Township Sewage Authority (RTSA) permitting the County to connect to and install a sewage lateral into an existing public sewage line owned by RTSA to service the proposed Magisterial District Court 10-3-10 project.

# COUNTY OF WESTMORELAND RESOLUTION NO. R-2-2014

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH ROSTRAVER TOWNSHIP SEWAGE AUTHORITY PERMITTING THE COUNTY OF WESTMORELAND TO CONNECT TO AND INSTALL A SEWAGE LATERAL IN ORDER TO CONNECT INTO AN EXISTING PUBLIC SEWAGE LINE OWNED AND MAINTAINED BY ROSTRAVER TOWNSHIP SEWAGE AUTHORITY WHICH WILL SERVICE A PROPOSED MAGISTERIAL DISTRICT COURT OFFICE BUILDING SERVING DISTRICT COURT DISTRICT 10-3-10

WHEREAS, the County of Westmoreland has previously executed a County Cooperation Agreement with Rostraver Township and Vale Vista Associates West Municipal Road, LLC dated December 19, 2013 with the effective date of December 19, 2013;

WHEREAS, one of the provisions of the County Cooperation Agreement sets forth that a certain designated 1 acre parcel will be gifted by Vale Vista Associates West Municipal Road, LLC to the County of Westmoreland so that the County of Westmoreland can construct the proposed Magisterial District Court Office Building;

WHEREAS, in order to receive a construction permit and a sewage permit, the County of Westmoreland will have to execute a Developer's Agreement with Rostraver Township Sewage Authority in order to secure the right and opportunity to construct a sewage lateral to an existing public sewage transmission line owned and operated and maintained by Rostraver Township Sewage Authority; and

WHEREAS, the County of Westmoreland desires to execute the proposed Developer's Agreement with Rostraver Township Sewage Authority as negotiated in its final form between the County of Westmoreland's Project Manager, Westmoreland County Industrial Development Corporation, and Rostraver Township Sewage Authority.

NOW, THEREFORE, BE IT RESOLVED at a public meeting properly advertised with a quorum present,

IT IS HEREBY RESOLVED THAT the Board of Commissioners, Charles W. Anderson, Chairman, R. Tyler Courtney, Vice Chairman and Ted Kopas, Secretary are hereby authorized to execute the proposed Developer's Agreement with Rostraver Township Sewage Authority which will permit the connection from the proposed future Magisterial District Court Office Building to an existing sewage transmission pipe line owned and maintained by Rostraver Township Sewage Authority so that public sewage will be available for the new building.

**RESOLVED** and enacted on this 9<sup>th</sup> day of January, 2014.

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) Technical Service Support Agreement with **PHYSIO-CONTROL INC.**, Redmond, WA, for one (1) On Site Inspection with one (1) Lithium battery for the Medtronic LifePak 500 Automated External Defibrillator at the rate of **\$1,480.00**, for the period of December 30, 2013 through December 29, 2014. If any repairs are requested by the county that are not otherwise covered by warranty the county shall pay Physio-Control's current labor rate less 10% plus current price for parts and materials less 15%.

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

(A) **RESOLUTION** #R-1-2014 designating Brian Jones Westmoreland County Public Safety Interim Director as authorized agent to execute documents for and on behalf of Westmoreland County for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program or the Pre-Disaster Mitigation Program or the Flood Mitigation Assistance Program, Repetitive Flood Claims Program or Sever Repetitive Loss Program.

#### DESIGNATION OF AGENT

#### **RESOLUTION #R-1-2014**

BE IT RESOLVED BY The Board of Commissioners of Westmoreland County, Pennsylvania

THAT Brian Jones, Westmoreland County Interim Public Safety Director

Is hereby authorized to execute for and in behalf of

Westmoreland County,

a public entity established under the laws of the Commonwealth of Pennsylvania, all required forms and documents for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program (HMGP) or the Pre-Disaster Mitigation (PDM) program under the Robert T. Safford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707) or the Flood Mitigation Assistance (FMA) program, Repetitive Flood Claims (RFC) program or Severe Repetitive Loss (SRL) program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq), National Flood Insurance Reform Act of 1994 (Public Law 103-325) and the Flood Insurance Reform Act of 2004 (Public Law 108-264), as pertains to federal mitigation grant programs indicated below (check all that apply):

 $\underline{X}$  HMGP  $\underline{X}$  PDM  $\underline{X}$  FMA  $\underline{X}$  RFC  $\underline{X}$  SRL

Passed and approved this January 9, 2014.

- (B) Memorandum of Understanding with **PA 2-1-1 SOUTHWEST "2-1-1."** The MOU establishes disaster preparedness planning work groups, call handling policies between both parties. The term of the agreement is for five years commencing on January 9, 2014, with one automatic renewal for an additional five year period. There is no cost to the County by entering into this MOU.
- (C) Memorandum of Understanding with WESTERN PENNSYLVANIA REGION OF THE AMERICAN RED CROSS "ARMSTRONG WESTMORELAND CHAPTER." The MOU provides for and establishes disaster preparedness planning work group representation, disaster response support and preparedness training between both parties. The term of the agreement is for five years commencing on January 9, 2014 and ending January 8, 2019. There is no cost to the County by entering into this MOU.

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

(A) Change Order #2 (Final) to Agreement with **PARKING LOT PAINTING COMPANY**, dated June 27, 2013 in the amount of <u>\$527.46 additional</u> (**Total Agreement \$49,579.01**) for "Line Painting of Westmoreland County Roads" (Bid No. 13-7). The change order is for additional line painting.

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

(A) Payment in the amount of <u>\$85,000.00</u> in accordance with the Settlement Agreement between Sheriff Jonathan Held and Michael Zampogna entered in case No. 2:13-cv-0233 in the U.S. District Court for the Western District of Pennsylvania.

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 item for the <u>Tax Office:</u>

(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>DATE</b>	MAP NUMBER	<b>LOCATION</b>	BID AMOUNT
12/27/13	20-02-02-0-320	City of Monessen	\$600.00
12/27/13	02-02-07-0-051	City of Arnold	\$600.00
12/27/13	53-03-06-0-052-99-001	Mt. Pleasant Twp	\$800.00

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

(A) Professional Services Agreement with STRASSBURGER McKENNA GUTNICK & GEFSKY, Pittsburgh, PA, to provide representation related to personnel and employment matters and such other matters as the Board of Commissioners may assign at the following hourly rates:

Attorneys \$155.00 per hour Paralegals and Law Clerks \$90.00 per hour

The County will also make reimbursement of certain out-of-pocket expenses, including document copying and imaging charges, overnight shipping charges, mileage for travel from Greensburg, computer-aided legal research, and other costs and expenses that are necessarily incurred in handling assigned matters.

- (B) Westmoreland County Purchasing Manual with the following updates for 2014;
  - Sections 2.07, 5.00, 5.01A, 5.01B and 10.05 Thresholds for Mandatory Quotes and Bids: INCREASE TO \$10,300.00 & \$19,100.00

Upon review and recommendation of R. Mark Gesalman, County Solicitor; motion was made by Mr. Kopas to table the following for <u>Westmoreland County</u>, and there being no second the motion fails. Motion was then made by Mr. Courtney, seconded by Mr. Anderson, opposed by Mr. Kopas; motion passes to approve the following item for <u>Westmoreland County:</u>

Agreement with FELICE ASSOCIATES, INC., Greensburg, PA, to provide the (C) County with a full-time on-site Director of Human Resources and provide negotiations, labor and employee relations services for an initial term of one (1) year, from February 3, 2014 through February 2, 2015, with automatic renewal for up to three (3) additional terms of one (1) year each, unless either party gives written notice of non-renewal to the other party at least sixty (60) days prior to the anniversary date of the Agreement. The Agreement shall further be subject to termination by either party at any time after completion of the initial one-year term by delivery to the other party of at least sixty (60) days advance written notice of termination. Compensation shall be a fixed annual fee of \$216,000.00, payable in monthly installments of \$18,000.00 during the term of the engagement. Approval of this Agreement shall replace the current Agreement dated December 20, 2012 with Felice Associates, Inc. for labor consulting, which shall terminate as of February 3, 2014, with the monthly retainer payment for the month of January 2014 being the final payment due under said Agreement.

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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 **2013 Budget** for the Department of Financial Administration; Recommended by Sandy Flanders, Director of Financial Administration
- (2) Appoint **Bryan Kline** to the **WESTMORELAND COUNTY CHILDREN'S BUREAU ADVISORY BOARD** for a 3 year term through January 31, 2017.
- (3) Re-Appoint **Dr. Mary Stubbs** to the **WESTMORELAND COUNTY FEDERATED LIBRARY SYSTEM BOARD OF TRUSTEES** for a three year term through December 31, 2017
- (4) Re-Appoint Jerome DeFabo to the MUNICIPAL AUTHORITY OF WESTMORELAND COUNTY BOARD OF DIRECTORS for a 5 year term through December 31, 2019.
- (5) Appoint **Dr. Jawdat Nikoula** to the **MUNICIPAL AUTHORITY OF WESTMORELAND COUNTY BOARD OF DIRECTORS** to fill the unexpired term of A. Keith Staso through December 31, 2015
- (8) Appoint Mr. Brett Dias to the WESTMORELAND COUNTY COMMUNITY COLLEGE BOARD to fill the unexpired term of Mr. Anthony Vigilante through May 7, 2014.
- (9) **Certificate of Special Recognition** Angeline Theresa Pascarella 100<sup>th</sup> Birthday
- (10) **PROCLAMATIONS**

Eagle Scout - John Adam Clark
Jim Smith - Southwest Greensburg Councilman

Upon review and recommendation of R. Mark Gesalman, County Solicitor motion was made by Mr. Courtney, seconded by Mr. Anderson, opposed by Mr. Kopas; motion passes to approve the following items of <u>Miscellaneous Business:</u>

(6) Re-Appoint the following to the **SOUTHWESTERN PENNSYLVANIA COMMISSION** for a term of 3 years through December 31, 2017:

Tom Ceraso Bob Brooks

(7) Appoint Mr. A. Keith Staso to the SOUTHWESTERN PENNSYLVANIA COMMISSION for a term of 3 years through December 31, 2017

Motion was made by Mr. Courtney and seconded by Mr. Kopas, and it was unanimously agreed to adjourn the meeting at 10:30AM.

Certified by,

Ted Kopas, Secretary