

June 7, 2018

A meeting of the Westmoreland County Commissioners met in regular session beginning at 10:06am on June 7, 2018 in the Commissioners Public Meeting Room, Courthouse Square, Greensburg, PA. The following were present Chairman Gina Cerilli, Vice-Chairman Ted Kopas, Secretary Charles W. Anderson and County Solicitor Melissa A. Guiddy. The following business was conducted;

Pastor Jeff Wylie, Christ's Church, gave an invocation before the meeting and Commissioner Cerilli led the Pledge of Allegiance

Industrial Development Corporation Agenda

General Agenda

Motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve minutes of regular meeting held May 17, 2018, including the reconvened session on May 30, 2018, as presented

Opportunity for Public Comment

Carol Cutler, North Huntingdon Township – Co-Coordinator for Westmoreland County, Fair Districts PA, advocating for re-districting reform in which citizens re-draw districts every ten years. She asks the county commissioners to consider a resolution (she provides a copy) to support the change and encourages the general assembly to adopt the practice. She mentions that the resolution has been adopted by 19 counties and has support of 40,000 Pennsylvania residents and 12,000 Westmoreland County residents. She urges the commissioners to consider adopting the resolution and to approve it unanimously. She thanks the board for the time to speak

Solicitors Report

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Kate Johnson, Administrator and the Department of Financial Administration motion was made by Mr. Kopas, seconded by Mr. Anderson and it was unanimously agreed to approve the following items for **Area Agency on Aging:**

- (A) Amendment to **Amerihealth Caritas Health Plan** for “**Community HealthChoices Program,**” dated August 17, 2017 to extend the Agreement through July 1, 2018 in order to collect additional data with all other terms and conditions remaining the same
- (B) Amendment to Agreement with **Excelsa Health Home Care and Hospice**, dated June 18, 2015 in the amount of **\$5,415.00 additional** (No Cost to Westmoreland County, Aging Block Grant, New Total Agreement \$3,163,248.00) for “**Aging Services-Personal Care/Home Health/Rn/LPN/Nursing Services,**” for the term July 1, 2015 through June 30, 2018
- (C) Amendment to Agreement with **Information Age Technologies, Inc.**, dated June 22, 2017 in the amount of **\$4,560.00 additional** (No Cost to Westmoreland County, Aging Services Block Grant, New Total Agreement \$118,560.00) for “**Professional Consulting Services-Computer Applications,**” for the term July 1, 2017 through June 30, 2018

- (D) Agreements for the term July 1, 2018 through June 30, 2019:
- (1) **Walnut Ridge A Memory Care Home LLC d/b/a Walnut Ridge Memory Care**, for “**Aging Services-Emergency Shelter**,” at the rate of **\$75.00/day** (No Cost to Westmoreland County, Pennsylvania Department of Aging Block Grant and PA Department of Public Welfare)
 - (2) **West Haven Manor**, for “**Aging Services-Emergency Shelter**,” at the rate of **\$78.00/day** (No Cost to Westmoreland County, Aging Services Block Grant)
 - (3) **Westmoreland Multi-Service Centers, Inc.**, for “**Aging Services-Senior Center Services**,” in the amount **\$272,460.00** (No Cost to Westmoreland County, Aging Block Grant)
 - (4) **Nutrition, Inc.**, for “**Aging Services-Senior Center Services (South)**,” in the amount of **\$253,967.00** (No Cost to Westmoreland County, Aging Block Grant)
 - (5) **Nutrition, Inc.**, for “**Aging Services-Senior Center Services (Central)**,” in the amount of **\$280,536.00** (No Cost to Westmoreland County, Aging Block Grant)
 - (6) **Laurel Valley Senior Center, Inc.**, for “**Aging Services-Senior Center Services (East)**,” in the amount of **\$268,210.00** (No Cost to Westmoreland County, Aging Block Grant)
 - (7) **Alle-Kiski Senior Center, Inc.**, for “**Aging Services-Senior Center Services (North)**,” in the amount of **\$294,787.00** (No Cost to Westmoreland County, Aging Block Grant)
- (E) Vehicle Leases for the term July 1, 2018 through June 30, 2020:
- (1) **Nutrition, Inc.**, (No Cost to Westmoreland County, Aging Services Block Grant) for “**Aging Services-Vehicle Lease G-Van, J-Van and M-Van (Southern Region)**”
 - (2) **Laurel Valley Senior Center, Inc.**, (No Cost to Westmoreland County, Aging Services Block Grant) for “**Aging Services-Vehicle Lease K-Van & Z-Van (New Alexandria, New Florence and Surrounding Areas)**”
 - (3) **Westmoreland Multi-Service Centers, Inc.**, (No Cost to Westmoreland County, Aging Services Block Grant) for “**Aging Services-Vehicle Lease E-Van, F-Van, L-Van and X-Van (Latrobe, Mount Pleasant and Surrounding Areas)**”
- (F) Agreements for the term July 1, 2018 through June 30, 2021:
- (1) **United Way of Southwestern Pennsylvania-Open Your Heart to a Senior**, for “**Aging Services-Friendly Visitor & Telephone Reassurance Services**,” in the amount of **\$105,000.00** (No Cost to Westmoreland County, Department of Aging Block Grant)
 - (2) **Community Resources for Independence, Inc.**, for “**Aging Services-Home Support Services**,” in the amount of **\$65,808.00** (No Cost to Westmoreland County, Aging Services Block Grant)
 - (3) **Community Resources for Independence, Inc.**, for “**Aging Services-Personal Care with Ancillary Services**,” in the amount of **\$526,464.00** (No Cost to Westmoreland County, Aging Services Block Grant)
 - (4) **Helpmates, Inc.**, for “**Aging Services-Personal Care with Ancillary Services**,” in the amount of **\$411,300.00** (No Cost to Westmoreland County, Aging Block Grant)

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Dirk Matson, Administrator and the Department of Financial Administration motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve the following item for **Behavioral Health & Developmental Services:**

- (A) Agreement with **Kerpo Acquisitions, Inc.**, in the amount of **\$1,715,031.00** (Department of Human Services \$1,674,173.00, County \$40,858.00) for **“Intellectual Disabilities: HCQU XIX,”** for the term July 1, 2018 through June 30, 2019

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Shara Saveikis, Administrator and the Department of Financial Administration (item B) motion was made by Mr. Kopas, seconded by Mr. Anderson and it was unanimously agreed to approve the following item for **Children’s Bureau:**

- (A) Memorandum of Understanding for SWAN Legal Service Initiative among **Diakon Lutheran Social Ministries** and its subcontractor **Family Design Resources, Inc., County of Westmoreland, Westmoreland County Children’s Bureau** and **CYS Solicitor** for the term from July 1, 2018 through June 30, 2019
- (B) Agreement with **Sto-Rox Neighborhood Health Center, (TANF, Act 148, County)** for **“Forensic Interviews, Comprehensive Physical Examinations,”** at the rate of **\$5,416.67/month** (not to exceed \$65,000.00) for the term July 1, 2018 through June 30, 2019

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and Tami S. Herrington, Deputy Court Administrator, motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve the following items for the **Court Administrator:**

- (A) Agreement with **Brian Aston, Esquire** for legal services representing persons for whom representation is required under the Public Defender Act, and where conflicts prohibit the Public Defender’s Office from doing so, beginning June 1, 2018, through December 31, 2018, with compensation in the amount of **\$11,250.00** plus reimbursement of authorized expenses, for handling up to 40 reassigned cases including those assigned from Jim Fox; approval is contingent upon approval by the President Judge of the Westmoreland County Court of Common Pleas pursuant to 16 P.S. Sec. 9960.7.
- (B) Terminate Agreement with Jim Fox, dated October 12, 2017, effective May 31, 2018 for legal services representing persons for whom representation is required under the Public Defender Act, and where conflicts prohibit the Public Defender’s Office from doing so.

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Roland Mertz, Director and the Department of Financial Administration, motion was made by Mr. Kopas, seconded by Mr. Anderson and it was unanimously agreed to approve the following item for **Hazmat**

- (A) Acceptance of Grant Award from the **Department Of Homeland Security: FEMA/CFDA #97.056** in the amount up to **\$78,742.00** (cost match waiver in the amount of 25%) for **“Public Safety CBRNE Response Boat,”** for the term September 1, 2016 through August 31, 2019

Upon review and recommendation Melissa A. Guiddy, County Solicitor and Amanda Bernard, Director motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve the following item for **Human Resources:**

(A) New Hires, Re-Hires, Resignations, Retirements and Terminations:

New Hires

Michael Mucci - Parks - Maint Aide Temp
Zoe Zollinger – Parks- Maint Aide Temp
Marsha Cabuag- Children’s Bureau- Fiscal Technician
Alex Byers - Park Police - Park Police PT
Romano Sebastiani - Human Resources- Clerk Typist Trainee Temp
Rachel Chrestay - Juvenile Probation- Legal Sec Trainee
Monique Goodman – Unit Assistant Temp
Brianna Steban – Unit Assistant Temp
Kristen Fennell – Unit Assistant Temp

Rehires

Maura McLay- Parks- Maint Aide Temp
Logan Novello- Parks- Maint Aide Temp

Resignations

Crystal Gindlesperger- Children’s Bureau- County Caseworker I
Jeffrey Mermon- Park Police- Park Police PT
Geno Brasili- Parks- Maintenance Worker II
Barbara Gray- Children’s Bureau- Child Welfare Aide
Madison McGill- Human Resources- Clerk Typist Trainee Temp
Codee Allison Palmer – Nurse Aide Temp
Jenny Elliott – Staff Nurse/LPN P/T
Gianna Johnson – Nurse Aide

Retirement

Nadine Dreskler- Public Defender- Office Assistant

Terminations

Ashley Taylor – Nurse Aide Temp

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and Dirk Matson, Director, motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve the following item for **Human Services:**

(A) Westmoreland County Human Services Block Grant Plan for Fiscal Year 2018-2019

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and David Ridilla, Executive Director, motion was made by Mr. Kopas, seconded by Mr. Anderson and it was unanimously agreed to approve the following items for **Information Systems:**

- (A) Professional Service Agreement with AEC Group in the amount of **\$6,400.00** for a 40 hour block of on-site consultation, analysis, and guidance for Westmoreland County's virtual environment, Networking Infrastructure, and Application Environment. This agreement will commence on May 24, 2018 through May 24, 2020. Additional 40hr blocks of time may be purchased at the same rate as needed during this timeframe.
- (B) Record Access Agreement for computer terminal access to Courthouse records as per fee schedule, effective the date of the Agreement through June 30, 2019, with automatic renewal, with the following and authorize the Executive Director of Information Systems to execute contract documents on behalf of the County:
 - o Eric Gamber

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Addie Beighley, Director and the Department of Financial Administration, motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve the following item for **Juvenile Probation:**

- (A) Amendment to Agreement with **Adelphoi Village, Inc.**, dated February 22, 2018 (**TANF, Act 148, County**) to add **“In Home Prevention, Treatment and Aftercare Program,”** at the rate of **\$63.39/day** effective May 8, 2018 through June 30, 2018, with all other terms and conditions of the agreement remaining in effect

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and Jason Rigone, Director, motion was made by Mr. Kopas, seconded by Mr. Anderson and it was unanimously agreed to approve the following items for **Planning**

- (A) Grant Application with **US Department of Transportation Better Utilizing Investments to Leverage Development (BUILD)** in the amount of **\$25,000,000.00** (No Cost to Westmoreland County) for the **“Laurel Valley Transportation Improvement Project, (LVTIP)”**

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and John Walton, Warden, motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve the following item for the **Prison:**

- (A) Agreement with the **Private Industry Council of Westmoreland/Fayette, Inc.**, in the amount of **\$27,614.00** (**No cost to Westmoreland County;** Inmate Welfare Fund), to provide **Adult Education/GED classes**, for one (1) year commencing July 1, 2018 through June 30, 2019

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and Roland Mertz, Director, motion was made by Mr. Kopas, seconded by Mr. Anderson and it was unanimously agreed to approve the following item for **Public Safety:**

- (A) Grant Agreement with **Pennsylvania Emergency Management Agency (PEMA)** for **“Hazardous Materials Emergency Preparedness (HMEP) Planning/Training Grant,”** in the amount of **\$12,900.00** (US Department of Transportation, \$2,580.00 County), for the term October 1, 2017 through September 30, 2018

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and Greg McCloskey, Director motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve the following items for

Public Works:

- (A) Transportation Alternatives Program Federal-Aid Reimbursement Grant Agreement No. R18120003, with the Commonwealth of Pennsylvania, acting through the Department of Transportation, for “**Construction of the Westmoreland Heritage Trail – Phase IV,**” a 3.3 mile hiking and biking trail beginning in Murrysville and continuing east to Export Borough within the former corridor of the Turtle Creek Industrial Railroad. This Reimbursement Agreement provides 100% construction funding for the **\$1,349,677.00** estimated cost. And further, **Resolution #R-24-2018** designating signature authority to the Chairman of the Board of Commissioners to execute the agreement and authorize Mr. Gregory P. McCloskey, Director, Public Works, to electronically execute the Agreement in the PA DOT Electronic Reimbursement Agreement System (RAS) on behalf of the Chairman

RESOLUTION #R-24-2018

WHEREAS, the Congress of the United States acting through the United States Department of Transportation, has reserved a portion of the federal-aid highway funds apportioned to a state under 23 U.S.C. Section 104(b), to carry out a Transportation Alternatives Program ("TAP"), to be funded from the Highway Account of the Highway Trust Fund; and

WHEREAS, projects and activities eligible for funding under TAP consist of “transportation alternatives” as defined in 23 U.S.C. Section 101(a)(29) and other projects and activities identified in 23 U.S.C. Section 213(b); and

WHEREAS, the entities eligible to participate in the TAP as project sponsors are defined in 23 U.S.C. Section 213(c) (4) (B) and consist entirely of governmental entities; and

WHEREAS, the Commonwealth of Pennsylvania acting through the Department of Transportation (DEPARTMENT) will receive federal funding from the United States Department of Transportation, Federal Highway Administration ("FHWA") to be spent statewide on TAP projects and activities, in accordance with 23 U.S.C. Sections 101(a)(29) and 213; and

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

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 Transportation Alternatives Program Federal Aid Reimbursement Grant Agreement No. R18120003, with the Commonwealth of Pennsylvania, acting through the Department of Transportation, for the construction of the Westmoreland Heritage Trail - Phase IV, a 3.3 mile hiking and biking trail beginning in the Municipality of Murrysville and continuing east into the Borough of Export within the former corridor of the Turtle Creek Industrial Railroad.
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.
3. That the Director of Public Works of Westmoreland County, Gregory McCloskey is hereby authorized to electronically execute this Agreement on behalf of the Chairman.

RESOLVED AND ENACTED by the Westmoreland County Board of Commissioners on this day, June 7, 2018.

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and Deborah T. Chiado, Director, motion was made by Mr. Kopas, seconded by Mr. Anderson and it was unanimously agreed to approve the following item **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):

<u>Date</u>	<u>Map Number</u>	<u>Location</u>	<u>Bid Amount</u>
5.16.18	14-01-11-0-064	City of Jeannette	\$800.00
5.21.18	55-10-13-0-061	Penn Township	\$1,565.00

- (B) Agreement with **Lexis Nexis Risk Solutions**, for “**Accurint Subscription**,” at the rate of **\$105.00/month**, for a term of one year, June 1, 2018 through June 1, 2019

Upon review and recommendation of Melissa A. Guiddy, County Solicitor motion was made by Mr. Anderson seconded by Mr. Kopas and unanimously agreed to approve the following items for **Westmoreland County:**

- (A) Payment in the amount of \$10,000.00 in accordance with the Settlement Agreement between Bonnie Czar and Westmoreland County, the Sheriff of Westmoreland County, Lacey Saxton and Jacob Yackovich at case 2:17-cv-01479 in the U.S. District Court for the Western District of Pennsylvania
- (B) **Resolution #R-25-2018**, Keeping the Promise to Miners and Widows

RESOLUTION #R-25-2018
Keeping the Promise to Miners and Widows

WHEREAS, President Harry Truman issued Executive Order 9728 on May 21, 1946, which required the Department of the Interior to take possession of all bituminous coal mines in the United States of America and the government assumed the task of negotiating and ultimately commencing “appropriate changes in the terms and conditions of employment”; and

WHEREAS, Secretary Krug negotiated the National Bituminous Wage Agreement with UMWA President John L. Lewis, which was signed in the White House by President Truman looking on; and

WHEREAS, The historic Krug-Lewis Agreement created a Welfare and Retirement Fund, which was intended to make ... *payments to miners, and their dependants and survivors, with respect to wage loss not otherwise compensated at all or adequately under the provision of Federal or State law and resulting from sickness ... permanent disability, death, or retirement...*; and

WHEREAS, the agreement also created a Medical and Hospital Fund; and

WHEREAS, the following year the government returned control of the mines to the owners; and

WHEREAS, every subsequent National Bituminous Coal Wage Agreement has required that signatory employers participate in and contribute to the Welfare and Retirement Fund and then the 1974 Pension Fund; and

WHEREAS, mine operators contractually agreed to provide lifetime health care and pensions for retired and disabled miners and their surviving spouses; and

WHEREAS, to achieve this end, miners for more than 70 years exchanged less in their wallets on payday to secure dignity in retirement for themselves and their surviving spouses; and

WHEREAS, over the years as bankruptcies and other economic shocks hit the coal industry the government recognized that it needed to keep the promise for the Krug-Lewis agreement and play a role in guaranteeing retiree health care for those retirees whose companies went out of business; and

WHEREAS, the Krug-Lewis promise is, however, only half fulfilled, because bankruptcy restructuring and dissolution has allowed coal employers who participated in the UMWA 1974 Pension Fund to end their contributions without paying any withdrawal liabilities; and

WHEREAS, the national recession of 2008-09 caused the 1974 Fund, which was properly funded, to lose a substantial portion of its value with no clear path for recovery; and

WHEREAS, a depression in the coal fields has caused tens of thousands of jobs to be eliminated, diminishing contributions to the fund at the very time the amount of retirees receiving benefits is at its peak; and

WHEREAS, coal miners have sacrificed much to energize and build our nation; more than 200,000 coal miners have been killed on the job or died as a result of black lung in the last century; and

WHEREAS, there is a bipartisan, bicameral Joint Select Committee on Solvency of Multiemployer Pension Plans established by Congress with the task of drafting legislation that is to be reported out of the committee by the last week of November 2018; and

WHEREAS, the Joint Select Committee on Solvency of Multiemployer Pension Plans could provide the necessary financial assistance to the UMWA 1974 Pension Fund and other union pension funds, thereby preventing their collapse; now, therefore be it

RESOLVED, that Westmoreland County recognizes the needs our nation's coal miners; and be it further

RESOLVED, that Westmoreland County and its affiliates pledge our support to our brothers and sisters in the United Mine Workers of America to obtain their well-deserved pensions; and be it further

RESOLVED, that Westmoreland County and its affiliates will take all necessary steps to aid in the production of legislation from the Joint Select Committee on Solvency of Multiemployer Pension Plans so that the collapse of the UMWA 1974 Pension Fund is prevented.

RESOLVED AND ENACTED this 7th day of June, 2018, by the Board of Commissioners of the County of Westmoreland at a duly advertised public meeting with a quorum being present.

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and John Austin, Administrator motion was made by Mr. Kopas seconded by Mr. Anderson and unanimously agreed to approve the following items for **Westmoreland Manor**:

- (A) Service Agreement with Lewis Litigation Support and Clinical Consulting, LLC in the amount of \$2,400.00 to provide in-service education.

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Upon review and recommendation of Melissa A. Guiddy, County Solicitor motion was made by Mr. Anderson, seconded by Mr. Kopas and unanimously agreed to approve the following items of **Miscellaneous Business:**

- (1) Amendments to the **2018 Budget** for Westmoreland County, as prepared by the Department of Financial Administration
- (2) **Proclamation**
“Child Welfare Professionals Appreciation Week”
- (3) **Certificates of Special Recognition**
Margaret Edwards - 101st Birthday
Dorothy Ridenour - 102nd Birthday

Motion was made by Mr. Anderson, seconded by Mr. Kopas, and it was unanimously agreed to adjourn the meeting at 10:40am.

Certified by,

Charles W. Anderson
Secretary