

## 1. Agenda

Documents:

[JANUARY 19, 2023 AGENDA.PDF](#)

## 2. Zoom Information

Fayette County Commissioners is inviting you to a scheduled Zoom meeting.

Topic: Commissioners Voting Meeting

Time: January 19, 2023, 10:00 AM Eastern Time (U.S. and Canada) - Every month on the Third Thursday

Please download and import the [ICALNDAR \(.ICS\) FILES](#) to your calendar system.

[JOIN ZOOM MEETING.](#)

Meeting ID: 859 0349 0090

One tap mobile

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Dial by your location

- +1 646 931 3860 U.S.
- +1 929 205 6099 U.S. (New York)
- +1 301 715 8592 U.S. (Washington DC)
- +1 305 224 1968 U.S.
- +1 309 205 3325 U.S.
- +1 312 626 6799 U.S. (Chicago)
- +1 253 205 0468 U.S.
- +1 253 215 8782 U.S. (Tacoma)
- +1 346 248 7799 U.S. (Houston)
- +1 360 209 5623 U.S.

**Fayette County Commissioners Meeting  
Thursday, January 19, 2023 – 10 a.m.**

1. **Prayer**
2. **Pledge of Allegiance**
3. **Public Comment on Agenda Items:**
4. **Controller:**

Financial condition of the county.

5. **Redevelopment Authority:**

Consider adoption of the attached resolution which allocates funding through the Act 152 Fayette County Demolition Fund to the Fayette County Redevelopment Authority to support demolition of blighted properties.

Consider adoption of the attached resolution which allocates Act 137 Affordable Housing Trust Funds to the Fayette County Redevelopment Authority to support the implementation of affordable housing initiatives.

Consider adoption of the attached resolutions which approve revisions to Fayette County's FY 2018 and FY 2021 Community Development Block Grant (CDBG) Programs.

6. **Adult Probation Office:**

Consider approval of the submitted grant application from the Pennsylvania Commission on Crime and Delinquency (PCCD) Grant ID: 40017; Titled: Fayette 2022-23 Cont. Co. Prob/Parole Grant. Maximum eligible funding is \$60,158.00, of which was requested for personnel costs of adult probation officers. No matching funds are required.

7. **Assessment Office:**

Consider approval of the following veterans for real estate tax exemption as they have been approved by the Pennsylvania Department of Military Affairs having been qualified as 100% disabled veterans.

Betty E Beatty	09-24-0052	Review	Eff Dec 2, 2022
222 Oglevee Ln	Dunbar Township		
Connellsville PA 15425			

John D Drake	23-04-0098	Review	Eff Oct 31, 2022
108 Long St	Newell Boro		
Newell PA 15466			

Robert J Michael                      42-15-0005                      New                      Eff Oct 16, 2020\*  
 488 Wharton Furnace Rd              Wharton Township  
 Farmington PA 15437

Warren J Upton                      31-07-0074-09Review                      Eff Oct 11, 2019 \*  
 Buchanan Rd                      Saltlick Township  
 Normalville PA 15469

James J Vollberg                      35-11-0028-01New                      Eff Nov 18, 2022  
 115 Rogers Mill Rd                      Springfield Township  
 Normalville PA 15469

- \*Letters received by the county in December 2022.

Consider approval of the following: Re-establish the Real Estate & Per Capita tax payment dates and penalty rates. March 1 to April 30, 2 percent Discount Period; May 1 to June 30, Face Period; July 1 to December 31, 10 percent Penalty Period. These are the same rates as prior years, which are reestablished annually.

Consider adoption of Ordinance 1 of 2023 with regard to Act 41 of 2022 (SB477) amending Title 53, the Consolidated County Assessment Law with regard to the proper sub-mission of building permits by municipalities and third-party engineering firms. The ordinance shall be known as “The Parcel Improvement Notification Ordinance.” This was properly advertised.

Consider approval of an amendment to the Professional Services Contract between the County of Fayette and James A. Hercik, GA CPE for services to the Fayette County Assessment Office effective January 1, 2023. The amended agreement moves the budget line from 4136.51200 to 4136.53122 for 2023 and removes the director reference, adding staff training and director training, as attached.

**8. Behavioral Health Administration:**

Consider approval of the following modification agreements.

	<u>Contract Value</u>	<u>Period</u>
<b><u>Modification Agreement #1 2022-2023</u></b>		
Therapeutic Early Intervention Services, LP (TEIS)	\$12,000	07/01/22-06/30/23
<b><u>Modification Agreement #2 2022-2023</u></b>		
Fayette Resources, Inc.	\$258,981	07/01/22-06/30/23

**9. Building and Grounds:**

Consider approval to advertise for bids to purchase fuel for a term of February 2023 to February 2024.

**10. Children and Youth Services;**

Consider approval of a **FY2022-23** Purchase of Service Agreement between the County of Fayette, through Fayette County Children and Youth Services and **Alternative Community Engagement Solutions (ACES)**, 414 S. Maple Lane, Greensburg, PA 15601 for Sex Offender Services on an as needed basis. The rates are as follows:

Assessments	
Needs Assessment	\$ 250.00/per assessment
Family Needs Assessment	
Up to five (5) family members	\$1000.00
Each additional family member	\$ 200.00
Mental Health Assessment	\$ 400.00/per assessment
Additional for testing when necessary or requested	\$ 50.00
Alleged Victim/Trauma Assessment	\$ 400.00/per assessment
Additional for testing when necessary or requested	\$ 50.00
Non-Offending Parent Assessment	\$ 300.00/per assessment
Sex Offender Treatment (Group) 90-minute session	\$40.00/per 90-minute session
Sex Offender Treatment (Individual & Family)	\$ 75.00/hr
Reunification/Reconciliation Services	\$ 90.00/hr
Psychoeducational/Supportive Services for Caregivers	\$ 90.00/hr
Co-Parenting	\$ 90.00/hr
Therapeutic Supervised Visitation	\$ 90.00/hr
Truancy Services	\$ 90.00/hr
Consultations	\$ 50.00/hr
Report Writing	\$ 50.00/hr
Court Testimony	\$100.00/hr
Travel	\$ 30.00/hr
No-Call/No-Show Fee	\$ 25.00 flat rate per appt.
Mile reimbursement per the IRS rate.	

Consider approval of a **FY2022-23** Purchase of Service Agreement Addendum between the County of Fayette, through Fayette County Children & Youth Services and Fayette County Juvenile Probation and **George Junior Republic in Pennsylvania**, 233 George Junior Road, Grove City, PA 16127 for Secure Detention on an as needed basis. The rate for this service is \$755.54 per day.

Consider approval of a **FY2022-23** Purchase of Service Agreement between the County Fayette, through Fayette County Children & Youth Services and Fayette County Juvenile Probation and **Corporate Security and Investigations (CSI)**, 3645 Brodhead Road, Monaca, PA 15061 for the conducting of investigations in an attempt to locate missing, abducted or runaway youth, youth who may be involved in sex trafficking and parents with children attempting to avoid or abscond from child welfare agencies on an as needed basis. The rates are as follows:

- a. \$105.00/hour for investigative services and \$80.00/hr. for subpoena services. Any work beyond twenty (20) service hours, extraordinary work or surveillance will not be conducted without prior approval by a member of the Agency management.
- b. Mileage for business travel will only be billed once the Service Provider reaches Fayette County and will only be billed for travel occurring within Fayette County. Reimbursement for travel will be at the current reimbursement rate of the IRS and shall automatically update at any such time that an IRS rate update occurs.

Consider approval of a **FY2022-23** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **Gerious T. George, Esquire**, 92 E. Main Street, Suite 1, Uniontown, PA 15401 for agency representation. The rate for his services is \$125.00 per hour.

Consider approval to purchase 3 Microsoft Surface Laptops at a cost of \$996.41 each, 3 Microsoft Surface Docking Stations at a cost of \$164.90 each, 3 Microsoft Extended Hardware Service Plans with 4-year extended service agreements at a cost of \$153.05 each, and 6 ViewSonic LED Monitors with full HD at a cost of \$108.89 each for a total cost of \$4,596.42. This purchase is through costars CDW.

Consider approval of the following Co-Star Leases through Ford of Uniontown which includes an 8-year 150,000-mile warranty and an extended service premium maintenance plan. Financing will be through First National Bank Commercial Leasing. The lease information is as follows:

- a. 2022 Ford Escape SE 4dr All-Wheel Drive at the cost of \$37,275.00 to be paid quarterly at the cost of \$2,167.37 for 20 payments with a \$1.00 buyout option.
- b. 2022 Ford Escape SE 4dr All-Wheel Drive at the cost of \$36,715.00 to be paid quarterly at the cost of \$2134.80 for 20 payments with a \$1.00 buyout option.
- c. 2022 Ford Escape SE 4dr All-Wheel Drive at the cost of \$35,770.00 to be paid quarterly at the cost of \$2,079.86 for 20 payments with a \$1.00 buyout option.
- d. 2023 Ford Explorer XLT 4dr 4x4 at the cost of \$54,100.00 to be paid quarterly at the cost of \$3,145.66 for 20 payments with a \$1.00 buyout option.

**11. Emergency Management Agency/911:**

Consider adoption of the “Fayette County 2022 Hazard Mitigation Plan Update” as the official Hazard Mitigation Plan for the county. Plan has been approved by PEMA and FEMA.

**12. Human Resources:**

**Assessment**

Consider ratification of the hiring of Rebecca Cieszynski, Director of Assessment, Non-U Supervisor, PG 15, Step H \$31.68/hour (\$61,776.00 annually) effective January 17, 2023.

**Building & Grounds**

Consider ratification of the hiring of William Cahill, Custodial Worker I, SEIU, PG 3, SR \$11.87/hour (\$23,146.50 annually) effective December 19, 2022.

Consider ratification of the hiring of Logan Michaels, Custodial Worker I, SEIU, PG 3, SR \$11.87/hour (\$23,146.50 annually) effective December 27, 2022.

### **CYS**

Consider ratification of the voluntary demotion of Russell Nicholson to Case Aide 1, SEIU CYS, \$14.31/hour (\$27,913.71 annually) effective December 27, 2022.

Consider ratification of the hiring of Maria Berry, Clerk Typist 1, SEIU CYS, \$14.24/hour (\$27,768.00 annually) effective January 3, 2023.

Consider ratification of the hiring of Amanda Glusica, Caseworker I, SEIU CYS, \$19.04/hour (\$37,128.00 annually) effective January 17, 2023.

### **ELECTION BUREAU**

Consider approval of the resignation of Cindy Ekas-Brown, Part Time Clerk, effective January 6, 2023.

Consider approval of the retirement of Cheryl Karol, Department Clerk III, effective January 31, 2023.

### **EMA**

Consider approval of the resignation of William Cobin, Part Time Dispatcher, effective January 9, 2023.

Consider ratification of the promotion of Dylan Ditmore to Full Time Dispatcher I, SEIU, PG 10, \$16.11/hour (\$33,508.80 annually) effective January 15, 2023.

Consider ratification of the promotion of Hailey Plavi to Full Time Dispatcher I, SEIU, PG 10, \$16.11/hour (\$33,508.80 annually) effective January 15, 2023.

Consider ratification of the promotion of Andrew Kelley to Full Time Dispatcher I, SEIU, PG 10, \$16.11/hour (\$33,508.80 annually) effective January 15, 2023.

### **FACT**

Consider ratification of the promotion of John Difilippo to Full Time Bus Driver (Non-CDL), SEIU, PG 12, SR \$16.46/hour (\$32,097.00 annually) effective January 17, 2023.

Consider ratification of the hiring of Robert Softcheck, Part Time Bus Driver (Non-CDL), SEIU, PG 12, \$16.46/hour effective January 17, 2023.

Consider approval of the retirement of Ray McDonald, Transportation Information Manager, effective January 20, 2023.

Consider approval of the promotion of Robin Leonard to Transportation Information Manager, Non-U Supervisor, PG 12, Step B, \$23.76/hour (\$46,332.00 annually) effective January 23, 2023.

Consider approval of the promotion of Kevin Mansberry to Technician Supervisor, Non-U Supervisor, PG 11, SR1, \$20.16/hour (\$39,312.00 annually) effective January 23, 2023.

### **FCBHA**

Consider approval of the separation of employment of Theresa Battaglini, County Caseworker 2, effective January 10, 2023.

Consider approval of the resignation of Quintana Teets, Clerk Typist 2, effective January 13, 2023.

Consider approval of the Fayette County Behavioral Health Administration Compensation Plan for the period January 1, 2023 through December 31, 2023.

### **PUBLIC DEFENDER**

Consider ratification of the transfer of Travis Rhodes to Assistant Public Defender, Non-U Non Sup, PG 17, Step A, \$21.69/hour (\$42,295.50 annually) effective December 12, 2022.

#### **13. Office of Human and Community Services/FACT:**

Consider approval to accept the Pennsylvania Department of Transportation Consolidated Capital Grant Application (CCA) for FY 2022-23. Fayette County resolves and certifies local cash matching funds of no less than \$4,659.00. (CCA is FACT's annual application for state funding of transit capital expenses to maintain a state of good repair.)

Consider approval to enter into a contract with West Media Group in the amount of \$850.00 for the design of a new Logo for Fayette Area Coordinated Transportation.

Consider approval to adopt the submitted design Logo from/by West Media Group as the final and new Logo design for use by Fayette Area Coordinated Transportation.

Consider approval to authorize the Director of Fayette Area Coordinated Transportation to implement the new and approved Logo design effective immediately but rolled out over a period of transition for business promotional use (for such uses as, but not limited to: use for FACT's visual name identity, use on any FACT vehicle, property and/or buildings; use on any FACT electronic format; and use for any FACT advertisement).

#### **14. Tax Claim:**

Consider approval of the following repository bids opened December 6, 2022, subject to all conditions being met. The total bid amount is \$10,916.00.

Accepted			
Bidder	Parcel	Twp/City	Amount
DCSM Inc	38-12-0408	Uniontown City	\$2,916.00
John Hodge	38-10-0117	Uniontown City	\$8,000.00
Rejected			Total
Ken Poindexter	19-29-0023	Luzerne	\$10,916.00 Not Complete

Consider approval of the following repository bids opened January 3, 2023, subject to all conditions being met. The total bid amount being \$4991.17.

Accepted			
Bidder	Parcel	Twp/City	Amount
Kimberly Herm	19-07-0031	Luzerne	\$372.48
Kimberly Herm	19-26-0013	Luzerne	\$605.46
Kimberly Herm	30-26-0087	Redstone	\$1249.47
Kimberly Herm	30-37-0001	Redstone	\$649.71
Kimberly Herm	09-33-0014	Dunbar	\$393.03
Kimberly Herm	36-14-0115	Springhill	\$358.71
Russell Mechling	38-12-0433	Uniontown	\$500
Michael Balmer	39-07-0085	Upper Tyrone	\$464.34
Michael Balmer	19-07-0004	Luzerne	\$397.97
Rejected			Total
Michael Balmer	30-26-0087	Redstone	\$4,991.17 Outbid

**15. Commissioners:**

Consider approval of the December 13, 2022 agenda meeting minutes.

Consider approval of the December 15, 2022 commissioners meeting minutes.

Consider approval of the December 15, 2022 special commissioners meeting minutes.

Consider approval of entering into a contract between Fayette County and the Uniontown City Police Department to run the daytime Booking Center in the annual amount of \$108,323 commencing October 1, 2023.

Consider approval of a resolution approving certain changes to the Articles of incorporation of Lafayette Manor, Inc., and authorizing other related actions. A copy of the proposed Resolution is attached.



**Public Announcements:**

The Fayette County Children and Youth Advisory Committee has one vacant position. Applicants must be a resident of Fayette County. Anyone interested in serving on this board should complete the application that is on the Fayette County CYS webpage on the Fayette County website and return it no later than February 3, 2023 to

Fayette County Children & Youth Services  
130 Old New Salem Road  
Uniontown, Pennsylvania, 15401

The Fayette County Hospital Authority has one vacant position. Anyone interested in serving on this board should send a letter of interest to Chief Clerk, Amy Revak at [arevak@fayettepa.org](mailto:arevak@fayettepa.org) or 61 East Main Street, Uniontown, PA 15401.

Letters must be received no later than February 3, 2023.

**Public Comments**

**Adjournment**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY  
ALLOCATING FUNDING THROUGH THE  
FAYETTE COUNTY ACT 152 DEMOLITION FUND TO THE  
REDEVELOPMENT AUTHORITY OF THE COUNTY OF FAYETTE, PENNSYLVANIA**

WHEREAS, the Pennsylvania State Legislature passed Act 152 in 2016 (P.L. 1170, No. 152); and

WHEREAS, Act 152 enabled counties within Pennsylvania to raise additional revenue to be used exclusively for demolition of blighted structures by increasing fees for recording mortgages and deeds; and

WHEREAS, by Resolution approved on April 18, 2017, the Fayette County Commissioners established the Fayette Demolition Fund in accordance with Act 152 of 2016 of the Commonwealth; and

WHEREAS, the Redevelopment Authority of the County of Fayette, Pennsylvania serves as the administrator of Act 152 funds for the County to support the demolition of blighted structures throughout the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Fayette that a total of **One Hundred Twenty One Thousand Nine Hundred Fifty Dollars (\$121,950.00)** is allocated to the Redevelopment Authority of the County of Fayette, Pennsylvania from the Act 152 Demolition Fund to support the demolition of blighted properties.

BE IT FURTHER RESOLVED that the Redevelopment Authority of Fayette County, Pennsylvania will maintain the responsibility of insuring that the funds are expended in accordance with Act 152 of the Commonwealth.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, PENNSYLVANIA

\_\_\_\_\_  
David Lohr, Chairman

\_\_\_\_\_  
Vincent A. Vicites, First Vice-Chairman

\_\_\_\_\_  
Scott Dunn, Second Vice-Chairman

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I hereby certify that the foregoing resolution was duly adopted by the Board of Commissioners of Fayette County, Pennsylvania at their meeting held on the 19<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Chief Clerk

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY  
ALLOCATING FUNDING THROUGH THE  
FAYETTE COUNTY ACT 137 AFFORDABLE HOUSING TRUST FUND TO THE  
REDEVELOPMENT AUTHORITY OF THE COUNTY OF FAYETTE, PENNSYLVANIA**

WHEREAS, the Pennsylvania State Legislature passed Act 137 in 1992 (known as the Housing Trust Fund and the Optional County Affordable Housing Funds Act); and

WHEREAS, Act 137 enabled counties within Pennsylvania to raise additional revenue to be used exclusively for affordable housing needs by increasing fees for recording mortgages and deeds; and

WHEREAS, by Ordinance Number 93-1, approved on September 23, 1993, the Fayette County Commissioners established the Fayette County Affordable Housing Trust Fund in accordance with Act 137 of the Commonwealth; and

WHEREAS, the Redevelopment Authority of the County of Fayette, Pennsylvania has traditionally served as the administrator of Act 137 funds for the County, utilizing Act 137 funding to support a variety of affordable housing initiatives throughout the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Fayette that a total of **Eighty-Two Thousand Two Hundred Eighty One Dollars (\$82,281)** is allocated to the Redevelopment Authority of the County of Fayette, Pennsylvania from the Act 137 Affordable Housing Trust Fund to support the Authority's various affordable housing initiatives.

BE IT FURTHER RESOLVED that the Redevelopment Authority of Fayette County, Pennsylvania will maintain the responsibility of insuring that the funds are expended in accordance with Act 137 of the Commonwealth.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, PENNSYLVANIA

\_\_\_\_\_  
David Lohr, Chairman

\_\_\_\_\_  
Vincent A. Vicites, First Vice-Chairman

\_\_\_\_\_  
Scott Dunn, Second Vice-Chairman

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I hereby certify that the foregoing resolution was duly adopted by the Board of Commissioners of Fayette County, Pennsylvania at their meeting held on the 19<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Chief Clerk

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF FAYETTE COUNTY  
AUTHORIZING REVISIONS TO THE  
FISCAL YEAR 2018  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Pennsylvania Department of Community and Economic Development (DCED) allocated Community Development Block Grant Funds to the County of Fayette for Fiscal Year 2018 of the Community Development Block Grant (CDBG) Program; and

WHEREAS, the County of Fayette needs to make certain revisions to the budget of the 2018 CDBG Program in order to implement CDBG-funded projects and to insure the timely expenditure of funds; and

WHEREAS, all projects funded through the County's CDBG Program will continue to benefit low- to moderate-income persons or aid in the removal of slums and blight and will also continue to comply with all applicable state and federal rules and regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Fayette that the Redevelopment Authority of the County of Fayette, Pennsylvania is hereby authorized to make revisions to the budget of the County's 2018 Community Development Block Grant Program in compliance with state and federal rules and regulations as follows:

Municipality	Activity	Action	Approved Current Amount	Revised Amount
Fayette County FY2018 Revision#3	03J Water System Improvements: Point Marion Borough Water Treatment Plant Improvements	Reduced	82,200	29,000
	04 Clearance & Demolition Fayette County-Wide	Increased	118,897	172,097
	14A Single Housing Rehabilitation	No Change	18,000	18,000
	Program Administration	No Change	48,094	48,094
	<b>TOTAL</b>		<b>\$267,191.00</b>	<b>\$267,191.00</b>

BE IT FURTHER RESOLVED, that the Redevelopment Authority of the County of Fayette, Pennsylvania is directed to submit to the Pennsylvania Department of Community and Economic Development (DCED) such documentation as is necessary to inform them of these revisions.

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I hereby certify that the foregoing resolution is a true and correct copy of a Resolution duly adopted by the Fayette County Board of Commissioners at their meeting held the 19<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
(SEAL) Chief Clerk

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF FAYETTE COUNTY  
AUTHORIZING REVISIONS TO THE  
FISCAL YEAR 2021  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Pennsylvania Department of Community and Economic Development (DCED) allocated Community Development Block Grant Funds to the County of Fayette for Fiscal Year 2021 of the Community Development Block Grant (CDBG) Program; and

WHEREAS, the County of Fayette needs to make certain revisions to the budget of the 2021 CDBG Program in order to implement CDBG-funded projects and to insure the timely expenditure of funds; and

WHEREAS, all projects funded through the County's CDBG Program will continue to benefit low- to moderate-income persons or aid in the removal of slums and blight and will also continue to comply with all applicable state and federal rules and regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Fayette that the Redevelopment Authority of the County of Fayette, Pennsylvania is hereby authorized to make revisions to the budget of the County's 2021 Community Development Block Grant Program in compliance with state and federal rules and regulations as follows:

Municipality	Activity	Action	Approved Current Amount	Revised Amount
Luzerne Township  FY2021 Revision#1	03K Street Improvements: Alicia Heights Road Reconstruction	Increase	30,740	32,140
	03K Street Improvements: Telegraph Road Reconstruction	Increase	18,678	23,264
	03K Street Improvements: 5 <sup>th</sup> Street Road Reconstruction	Reduce	40,533	34,547
	14A Single Housing Rehabilitation	No Change	4,000	4,000
	Program Administration	No Change	20,623	20,623
<b>TOTAL</b>			<b>\$114,574.00</b>	<b>\$114,574.00</b>

BE IT FURTHER RESOLVED, that the Redevelopment Authority of the County of Fayette, Pennsylvania is directed to submit to the Pennsylvania Department of Community and Economic Development (DCED) such documentation as is necessary to inform them of these revisions.

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I hereby certify that the foregoing resolution is a true and correct copy of a Resolution duly adopted by the Fayette County Board of Commissioners at their meeting held the 19<sup>th</sup> day of January, 2023.

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(SEAL) Chief Clerk

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF FAYETTE (PENNSYLVANIA)**

ADOPTED JANUARY 19, 2023

WHEREAS, Lafayette Manor, Inc. ("LMI") is a nonprofit corporation duly and properly organized, currently subsisting and lawfully operating under the laws of the Commonwealth of Pennsylvania, having been originally incorporated under Articles of Incorporation filed with the Department of State on December 18, 1975, as amended by filings completed on June 7, 1978, January 6, 2000 and April 2, 2002 (collectively, the "Articles"); and

WHEREAS, LMI was incorporated for the purpose of owning and operating skilled nursing (i.e., "Lafayette Manor", a facility originally owned and operated by the County of Fayette (the "County") and transferred to LMI) and assisted living (i.e., "Beechwood Court") facilities (together, the "Care Homes") to serve the health care needs of the residents of Fayette County, especially those who are elderly and/or of limited means; and

WHEREAS, LMI has been recognized as organized exclusively for charitable purposes as defined by Section 501(c)(3) of the Internal Revenue Code (the "IRC") and has received and maintained proper designation letters to such effect from the United States Department of the Treasury, Internal Revenue Service; and

WHEREAS, the Articles, as complemented by the duly adopted By-Laws of LMI (the "By-Laws"), grant to the County the power to appoint members of the Board of Directors of LMI (the "LMI Board") and also specifically recognize the County as an "other body," as defined in 15 Pa.C.S.A. §5103(a), and thereby authorized to exercise certain powers, including particularly the power to adopt, amend or repeal the By-Laws of LMI, as provided under 15 Pa.C.S.A. §5504; and

WHEREAS, this Board is now advised by appropriate officials of LMI that, at the census levels experienced over the last two years, particularly as the same have been impacted by the advent of the COVID-19 pandemic, the Care Homes are not a financially sustainable enterprise and that the continued operation of the Care Homes on their present course, without a significant capital investment for operating and improvement purposes, is not commercially feasible; and

WHEREAS, this Board is now advised by appropriate officials of LMI that LMI is presently without the financial means to make such capital investment; and

WHEREAS, this Board wishes for the Care Homes to continue to be able to operate, and thereby to fulfill the valuable mission of LMI to serve the health care needs of the residents of Fayette County; and

WHEREAS, LMI has executed a Letter of Intent (the "LOI") from The Guardian Foundation, Inc. ("Guardian"), accepting out an offer from Guardian to assume responsibility for the future operation of the Care Homes, and to devote its financial and management resources to the preservation of operations at the Care Homes, subject to a number of conditions, including the replacement of individual members of the LMI Board with individuals to be named by Guardian, along with severance of the Corporation's present governance relationship with the County, as an "other body," as presently documented in its Articles and By-Laws; and

WHEREAS, this Board is now advised by appropriate officials of LMI that the LMI Board has determined Guardian to be a well-qualified, a properly credentialed and the most viable, candidate to assume responsibility for the continued operation of the Care Homes as described, having demonstrated a resume of national experience and success in the health care industry and having a business structure and plan, as an IRC Section 509(a)(3) "control organization," most likely able to achieve the universally desired goal of the continued operation of the Care Homes; and

WHEREAS, after careful consideration, this Board has determined to follow the recommendation of the appropriate officials of LMI, and to endorse and pursue the course of action outlined in the LOI as the most viable option for the continued operation of the Care Homes;

NOW, THEREFORE, BE IT RESOLVED:

THAT, this Board accepts the findings and recommendations of the appropriate officials of LMI and concurs with the basic terms and conditions of the LOI;

THAT, in order to satisfy the conditions of the LOI, the County does hereby waive, release and relinquish its power to appoint members to the LMI Board, as well as any and all rights and powers relative to the control and management of LMI, and the operations of the LMI Board, which it might otherwise have, or be entitled to, as an "other body" specifically recognized in the Articles and By-Laws of LMI; and

THAT, the County does hereby approve the form and substance of revised By-Laws for LMI, as set forth in the draft attached hereto, and does specifically authorize and approve any and all amendments and revisions to and of both the Articles and By-Laws of LMI which are determined by legal counsel to be necessary and proper to remove the County from control or management of LMI, as shall be necessary and appropriate to achieve the intent and purposes of the LOI; and

THAT, the foregoing authorization, and the whole of this Resolution, constitutes a proper proposal by this Board of a proposed amendment to the Articles and By-Laws, as contemplated by Section 1.07 of the By-Laws; and

THAT, the Chairman of the Board, appropriate members of this Board, the Chief Clerk, appropriate administrative officers and legal counsel (the "Designated Representatives") of and to the County are hereby authorized and directed to execute and deliver such revised and amended Articles and By-Laws, together with all such additional legal instruments and agreements, as shall be necessary and appropriate to achieve the intent and purposes of the LOI, as all the same shall have been reviewed and approved by counsel before such execution; and

THAT, the Designated Officers shall cooperate with Guardian and with LMI in the preparation and filing of appropriate requests with, and the pursuit approval of, all government agencies, including without limitation, the Pennsylvania Office of the Attorney General, the Pennsylvania Department of Health, the United States Department of Health and Human Services, and the United States Department of Housing and Urban Development, as the same shall be necessary and appropriate to achieve the intent and purposes of the LOI; and

THAT, notwithstanding the foregoing, the County does hereby reaffirm and restate its claim and right to a remainder interest in the net assets of LMI upon dissolution, for deployment to continuing charitable, healthcare purposes serving the interests of the indigent elderly, as set forth in that certain "Dissolution Clause" (purportedly being an amendment to the LMI Articles, but numbered and presented as an amendment to the By-Laws) which was the subject of a certain resolution of this Board adopted February 14, 2002, and does order and direct that the substance and effect of such clause be preserved, by inclusion and restatement in the revised Articles of LMI, or by other appropriate instrument; and further that the foregoing authorizations of this Board to amendments and revisions of the Articles and By-Laws of LMI, in order to achieve the intent and purposes of the LOI, are specifically conditioned on the preservation of such remainder interest to the County, or its designee, consistent with the original said Dissolution Clause; and

THAT, the Designated Officers are hereby authorized and directed to do and to perform all such acts as shall be necessary and proper to the prompt achievement of the goals of the LOI and this Resolution.

DULY ADOPTED by the Board of Commissioners, this 19th day of January, 2023.

**COUNTY OF FAYETTE**

[SEAL]

By: \_\_\_\_\_  
Name: Dave Lohr  
Title: Chairman, Board of Commissioners

Attest:

By: \_\_\_\_\_  
Name: Amy Revak  
Title: Chief Clerk

By: \_\_\_\_\_  
Name: Vincent A. Vicites  
Title: First Vice-Chairman

By: \_\_\_\_\_  
Name: Scott Dunn  
Title: Second Vice-Chairman



# **PROFESSIONAL SERVICE AGREEMENT AS AMENDED**

**THIS AMENDED AGREEMENT** made and entered into this \_\_\_\_\_ of January 2023, by and between:

**COUNTY OF FAYETTE**, a fourth-class County, having its principle offices in Uniontown, Pennsylvania, through its Board of Commissioners, hereafter referred to as “County”,

**AND**

**JAMES A. HERCIK, CPE GA** d/b/a Hercik Appraisal & Consulting Services, with its principle office at 500 Pittsburgh Road, Uniontown, Pennsylvania 15401-2245, hereafter referred to as “Contractor”,

WHEREAS, the County deems it necessary, advantageous and expeditious to retain independent technical and professional services for its Chief Assessor position in accordance with Title 53 - Chapter 88 known as the Pennsylvania Consolidated County Assessment Law.

WHEREAS, the “Contractor” represents that he has such necessary knowledge, 40 plus years of experience, expertise, and skills to accomplish said needs and requirements of the “County” and is qualified under Title 53 - Chapter 88 – subchapter “C” section 8831 “a” thru “d”.

WHEREAS, the “Contractor” acting as an independent contractor, shall perform in a good and workmanlike manner consistent with the requirements of the “County”, all necessary functions this document represents.

THE PARTIES, listed above do hereby agree to the following:

1. This agreement shall remain in effect until such time as the “County” deems necessary or the “Contractor” is no longer available for services.
2. This agreement may be cancelled by either party with a thirty (30) day written notification.
3. The “County” shall insure, defend, indemnify, reimburse and hold “Contractor” harmless against damage, loss or expense resulting from any negligent act, omission or performance by “County”, its agents, employees, consultants or independent contractors in the performance of any services provided pursuant to this Agreement.

4. The "Contractor" shall insure, defend, indemnify, reimburse, and hold "County" harmless against damage, loss or expense resulting from any negligent act, omission or performance by "Contractor", its agents, employees, consultants or independent contractors in the performance of any services provided pursuant to this Agreement.
5. It is understood that "Contractor" is a Pennsylvania Certified General Appraiser, GA-000904-L, and also a Certified Pennsylvania Evaluator, AV-000249-L and both licenses are active in good standing and will remain active and in compliance with Pennsylvania Licensing Laws as defined by the Assessors Certification Act of 1992 during the duration of this contract.
6. "Contractor" shall submit a monthly invoice for actual days/hours worked for that corresponding time period to the "County" for services provided during that time period. No payroll deductions shall be made by the "County" as "Contractor" is solely responsible for remitting proper federal, state, and local taxes.
7. "Contractor" shall receive compensation in accordance with the 2023 Adopted County Budget section 4136. 53122 for on-site work not to exceed Thirty-Seven and a Half (37.5) hours weekly at a rate of Thirty-Seven Dollars ( \$ 37.00) per hour. "Contractor" shall be compensated for only days/hours worked with no vacation, sick, holiday or personal time. In addition, "Contractor" agrees that no other benefits normally associated with county employment, i.e., health care, retirement, FICA contribution shall be a part of this agreement, with the exception of Workers Compensation. Workdays are Monday thru Friday from the hours of 8:00 AM to 4:30 PM. The "County" shall issue a Form 1099 at the end of the calendar year to said "Contractor" in accordance with IRS regulations.
8. This AGREEMENT shall bind the parties hereto, their successors, legal representatives, or assigns.
9. "Contractor" shall report directly to and receive direction directly from the County Commissioners and shall perform all tasks associated with department head status.
10. "Contractor" recognizes and agrees to the job description created by the Human Services Department of the County and is made a part of this agreement by this reference. In addition;
  - a. Special emphasis will be on the training of new and existing staff, along with cross training of staff in various job titles to ensure continued capable work performance during the absence of other staff.
  - b. Commercial appraisal procedures as well as court related assessment appeals preparation and testimony for management staff shall be the subject of extensive training.
  - c. Adherence to the Pennsylvania Consolidated County Assessment Law shall be reviewed with all staff, as well as various reporting to state agencies in the proper format and timely manner. In addition, "Contractor" shall provide

guidance to ensure that all assessors are in compliance with Uniform Standards of Professional Appraisal Practice, USPAP, in their development of real property assessments for ad valorem tax purposes.

- d. Develop a professional workplace environment for the continued success of the office and staff.
- e. Training of all staff with regard to effective and courteous communication with taxpayers, elected Municipal, County, School officials, other County and State agencies.
- f. Training with regard to any and all special assessment programs such as Veteran Exemptions, Keystone Opportunity Zones (KOZ), Local Economic Revitalization Tax Abatement (LERTA), Act 319, "Clean & Green" preferential assessment, Municipal Land Banking and any other programs properly adopted by the County of Fayette, or State of Pennsylvania.
- g. Any and all other activities as directed by the "County" thru its Commissioners that would pertain to the performance of the Fayette County Tax Assessment Department.
- h. Train and assist Director of Assessments in day-to-day operations of the office.
- i. Assist in training the Director of Assessments toward obtaining his/her Certified Pennsylvania Evaluator license.
- j. Perform any and all functions that require a Certified Pennsylvania Evaluator license number with regard to all paperwork generated by the office for official reporting to state and local agencies as required by statute.

11. This agreement amends prior agreement dated February 22, 2022 by the said parties.

12. This amendment to the original agreement shall commence on January 1, 2023.

**IN WITNESS WHEREOF**, the parties hereto have duly executed this AGREEMENT as of the day, month and year first written above.

**ATTEST:**

**COUNTY OF FAYETTE**

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Date

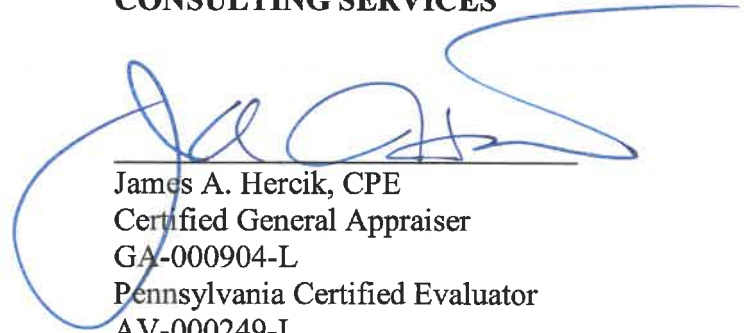
\_\_\_\_\_  
Dave Lohr, Commissioner Chairman

\_\_\_\_\_  
Vincent A. Vicites, Commissioner

\_\_\_\_\_  
Scott Dunn, Commissioner

**HERCIK APPRASIAL &  
CONSULTING SERVICES**

Date \_\_\_\_\_



\_\_\_\_\_  
James A. Hercik, CPE  
Certified General Appraiser  
GA-000904-L  
Pennsylvania Certified Evaluator  
AV-000249-L  
My Commission expires  
June 30, 2023 (Both)