

Minute No. 757

Washington County Commissioners

Washington, PA, December 2, 2004

The Washington County Board of Commissioners met in regular session in the Public Meeting Room, Courthouse Square, Washington, Pennsylvania, with the following members being present: Commissioners Larry Maggi, J. Bracken Burns, Sr. and Diana L. Irey. Also being present: Lynn DeHaven, Solicitor; Mary Helicke, Chief Clerk; Scott Fergus, Director of Administration; Linda Belcher, Administrative Assistant; Joy Sprowls, Commissioner's Office; Sheriff John Rheel and Captain Todd Hammond, Sheriff's Office; Tim Kimmell, Director of Human Services; Rich Warco, Disabled American Veterans; Reverend Ben Scott; Sara Ostovic, Phil Ames, Harry Sabatasse, Marcella Delverny, Jerry Seaman, Peter West, Kay Lusk, Patty Ondash and Nicki Sheppick, interested citizens; Jim Jefferson, WJPA; Barbara Miller, Observer-Reporter; Casey Gelden, PA Focus and CalTV.

Co-Chairman Burns called the meeting to order at approximately 10:00 a.m.

Reverend Scott led the meeting with a prayer.

Mr. Warco led the Pledge of Allegiance.

Co-Chairman Burns entertained a motion to approve Minute No. 756 dated November 18, 2004.

Moved by Mrs. Irey, seconded by Mr. Maggi, approving Minute No. 756 as written.

Roll call vote taken:

Mrs. Irey – Yes; Mr. Maggi – Yes; Mr. Burns- Yes.

Motion carried unanimously.

#### SPECIAL ORDER OF BUSINESS

None

(RECESS FOR PHOTOS)

#### PUBLIC COMMENTS

Peter West, owner of the World West Galleries, commented on the future plans of Jack Piatt to build a hotel on his property. He pointed out his concerns regarding this proposal and stated he will not let Mr. Piatt or anyone take his home and business by means of eminent domain.

Richard Warco, of the Veterans Advisory Council, addressed the Board with a request for the Veterans 100 List. The Board directed him to contact Ms. DeRosa in the Veteran's Office for this information.

Harry Sabatasse of Burgettstown, again questioned the Board when the pay raises for elected officials will be stopped. He made reference to a memo from Commissioner Irey to the Board regarding some changes that could be made to save money.

Co-Chairman Burns reminded Mr. Sabatasse his time for comments has expired.

#### OLD BUSINESS

Solicitor DeHaven recommended the Board award the bid for the Kitchenware and Equipment for the Correctional Facility and Health Center to the following vendors based on the "per unit" cost submitted in their bid proposal:

Calico Industries, Inc., Annapolis Junction, MD

Curran & Taylor, Canonsburg, PA

Tri-State Restaurant Equipment, Beaver Falls, PA

All items have been awarded to the lowest bidder meeting the specifications. The total yearly cost is approximately \$75,000.

Moved by Mrs. Irey, seconded by Mr. Maggi, awarding the bid for Kitchenware and Equipment for the Correctional Facility and Health Center as per above.

Roll call vote taken:

Mrs. Irey - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Solicitor DeHaven recommended the Board award the bid for Pharmacy Services by approving an agreement with Diamond Pharmacy Services, Indiana, PA at a cost of 16% below Average Wholesale Price (15% in 2004) for Brand name drugs and 56% (40% in 2004) below the Average Wholesale Price for generic drugs. The agreement is effective February 1, 2005 through January 31, 2006 with an option to renew on a year to year basis through January 31, 2010.

Moved by Mrs. Irey, seconded by Mr. Maggi, approving the agreement with Diamond Pharmacy Services for bid award for said services as per above.

Roll call vote taken:

Mrs. Irey - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Solicitor DeHaven recommended the Board award the proposal for an RN Consultant for the Aging Services to Mary Jeanne Maggi, Washington, PA at the hourly rate of \$29 which was the lowest rate received. This position was advertised and requests for proposals were sought. Four other individuals submitted proposals. These services involve providing skilled nursing services to the elderly.

The proposal has been reviewed and recommended for award by Mary Lyn Spilak of Aging Services. The contract is effective January 1, 2005 through December 31, 2007 with the option to extend for one additional year.

Solicitor DeHaven announced that there was a relationship which exists between Mary Jeanne Maggi and County Commissioner Larry Maggi, in that they are husband and wife. Mrs. Maggi currently has a contract with the County that predates Mr. Maggi's election to the Board of Commissioners; however, that contract has expired and the new contract is now before the Board for consideration.

In accordance with Title 65 Pa. C.S.A. SS 1103 and at the request of Commissioner Maggi, Solicitor DeHaven submitted in writing notification that a potential for conflict exists in that the Commissioner is the spouse of the proposed contractee. Consequently, the relationship between the Commissioner and the contractee and the potential for conflict must be revealed at a public meeting and in writing. The written disclosure must be included with the transcription of the minutes of this meeting.

In accordance with the requirements of the statute, Commissioner Maggi will abstain from the voting and the discussion of award of this contract. It is also to be noted that he will have no direct or indirect supervisory authority over the professional responsibilities of his wife. Under the terms of the contract, she is directly responsible to Mary Lynn Spilak, Director of Washington County Aging Services.

Moved by Mrs. Irey, seconded by Mr. Burns, awarding the bid for an RN Consultant for Aging Services as per above.

Roll call vote taken:

Mrs. Irely – Yes.

COMMENTS:

Mrs. Irely stated this contract came out several years ago and at first she voted against it at that time because it had not been advertised. She said unfortunately for several years the County could not find anyone willing to provide the services and Mrs. Maggi was willing to provide the services that were needed. Commissioner Irely noted she supports this contract now because without a doubt Mrs. Maggi has done a good job and to award the contract to someone else would be to discriminate against her.

Mr. Maggi – Abstain for the reasons stated by Solicitor DeHaven and he requested the Disclosure and Written Memorandum be attached to the minutes.

Mr. Burns - Yes.

Motion carried unanimously.

Solicitor DeHaven recommended the Board approve an extension to the current contract for the Briefs and

Underpads to the following vendors based on the “per unit” cost:

Burrows, Wheeling Illinois

Druzak Medical, Ambridge, PA

This extension is in accordance with the current contract and is effective January 1, 2005 through December 31, 2005. The approximate yearly total is \$166,000.

Moved by Mrs. Irely, seconded by Mr. Burns, approving the extension to the current contract for Briefs and Underpads as per above.

Roll call vote taken:

Mrs. Irely - Yes; Mr. Burns - Yes; Mr. Maggi - Yes.

Motion carried unanimously.

NEW BUSINESS

Chief Clerk presented to the Board for their consideration and approval an agreement with RBA Professional Data Systems to notify Washington County property owners who have applied for the Act 72. This expenditure will be reimbursed 100% by the state. The maximum cost for each postcard will be thirty-three cents based on the current post office rates.

Moved by Mrs. Irely, seconded by Mr. Maggi, approving the agreement with RBA Professional Data Systems as per above.

Roll call vote taken:

Mrs. Irely - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval a temporary license agreement with Ms. Helen A. Filippelli for the removal of the Pigeon Creek #2 bridge and debris in the stream located in Monongahela.

Moved by Mrs. Irely, seconded by Mr. Maggi, approving the temporary license agreement with Ms. Helen A. Filippelli as per above.

Roll call vote taken:

Mrs. Irely - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval a reimbursement agreement with PennDOT in the amount of \$136,000 for the removal of the Pigeon Creek #2 bridge and debris in the stream. The costs will be paid 100% State funds.

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the reimbursement agreement with PennDOT for removal of the Pigeon Creek #2 bridge as per above.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval an addendum to the purchase of service contract with Try Again Homes, Inc. for the period of July 1, 2004 through June 30, 2005 to include Young Adult Independent Living Program at a per diem rate of \$143 per day. No County funds are required.

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the foregoing addendum to the purchase of service contract with Try Again Homes, Inc. for Children and Youth Services.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval the following Child Care Provider Agreements. These agreements will be automatically renewed until either party to the Agreement notifies the other party in writing of their intent not to renew under the current terms of the provider agreements.

Natalie Asplund, Millsboro  
Ashley Victoria, Claysville

Holly L. Oates, Monongahela  
Christine M. Schoen, Sycamore

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the foregoing Child Care Information Services agreements.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval the reappointment of Robert Sepesy to the Washington County Veterans Advisory Council for a three year term, effective January 1, 2005 through December 31, 2007 representing the Marine Corp League.

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the reappointment of Robert Sepesy to the Washington County Veterans Advisory Council as per above.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval an application to the Pennsylvania Historical and Museum Society for a non-matching grant in the amount of \$4,993 for the Clerk of Courts. This grant will be used to preserve early criminal and road records which date from 1859 through 1872 using microfilm which is required for archival purposes.

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the application t the Pennsylvania Historical and Museum Society for the Clerk of Courts as per above.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval the ratification of the 2005 HEMP Grant Proposal requests for Public Safety in the amount of \$5,595 that was sent to PEMA. These requests require a 20% soft match (\$1,119) which is authorized under Pennsylvania Act 1990-165 funds and 80% federal/local matching funds (\$4,476).

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the ratification of the 2005 HEMP Grant Proposal requests as per above.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval the Washington County West Nile Virus Program Funding Grant Agreement for the period of July 1, 2005 through December 31, 2005 in the amount of \$64,805.

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the foregoing Washington County West Nile Virus Program Funding Grant Agreement.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval an amendment to the Tower Sublease Agreement between Washington County E-911 and Pittsburgh, SMSA L.P. Wireless, now doing business as Verizon Wireless to replace Exhibit B-2 with the new Exhibit B-2. All other terms and conditions of the lease agreement will remain in full force and effect.

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the amendment to the Tower Sublease Agreement as per above.

Roll call vote taken:

Mrs. Irej - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval the Certificate of Applicable Elected Representative and adopt a resolution per section 147(f) of the Internal Revenue Code of 1986, as amended, approving issuance by the Washington County Industrial Development Authority – The Children's Home of Pittsburgh – of its note in the aggregate principal amount of \$7,000,000 for the purpose of financing a project and payment of all or a portion of the financing costs.

Moved by Mrs. Irej, seconded by Mr. Maggi, approving the Certificate of Applicable Elected Representative and adopting a resolution for the issuance by the Washington County Development Authority as per above.

Roll call vote taken:

Mrs. Irey - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval the reappointment of Richard Mowl as Farmer Director for a four year term, effective January 1, 2005 through December 31, 2008 and Larry Maggi as Commissioner Director for a one year term, effective January 1, 2005 through December 31, 2005 to the Washington County Conservation District Board.

Moved by Mrs. Irey, seconded by Mr. Maggi, approving the reappointments of Richard Mowl and Larry Maggi to the Washington County Conservation Board as per above.

Roll call vote taken:

Mrs. Irey - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

Chief Clerk presented to the Board for their consideration and approval the reappointment of Ron Hart and the appointment of Tom Casiola and Brendan Midla to the Washington County Farmland Preservation Board for three year terms, effective January 1, 2005 through December 31, 2007.

Moved by Mrs. Irey, seconded by Mr. Maggi, approving the foregoing reappointment and appointment to the Washington County Farmland Preservation Board.

Roll call vote taken:

Mrs. Irey - Yes; Mr. Maggi - Yes; Mr. Burns - Yes.

Motion carried unanimously.

#### ANNOUNCEMENTS

An executive session was held on December 1, 2004 immediately following the Agenda Meeting as an information session related to personnel, real estate and labor relations issues.

#### SOLICITOR

Solicitor DeHaven presented to the Board for their consideration and approval the following tax refunds.

Moved by Mrs. Irey, seconded by Mr. Maggi, that the Tax Assessment Office be authorized to prepare the following tax refunds due to either duplication or overpayment of real estate or personal property tax:

- |  |                 |
|--|-----------------|
| 1. Kathleen Brautigam<br>Cooke Road<br>Avella, PA 15312<br>District: Cross Creek Township<br>Parcel No. 210-008-00-00-0006-05<br>Total amount: \$161.50                        | 2004 County Tax |
| 2. Michael D. & Michelle D. Moody<br>777 Amity Ridge Road<br>Amity, PA 15311<br>District: Amwell Township<br>Parcel No. 020-020-00-00-0014-00<br>Total amount: \$249.80        | 2004 County Tax |
| 3. First American Refund Dept.<br>8435 Stemmons Freeway<br>Dallas, TX 75247<br>District: North Strabane Township<br>Parcel No. 520-014-01-00-0042-00<br>Total amount: \$212.15 | 2004 County Tax |



The Purchasing Department requests the Board of County Commissioners award the proposal for an RN Consultant for the Aging Services to Mary Jeanne Maggi, Washington, PA at the hourly rate of \$29.00 which was the lowest rate received. This position was advertised and requests for proposals were sought. Four other individuals submitted proposals. These services involve providing skilled nursing services to the elderly.

The proposal has been reviewed and recommended for award by Mary Lynn Spilak, Aging Services. The contract is effective January 1, 2005 through December 31, 2007 with the option to extend for one additional year.

I announce that there is a relationship which exists between Mary Jeanne Maggi and County Commissioner, Larry Maggi, in that they are husband and wife. Mrs. Maggi currently has a contract with the County that predates Mr. Maggi's election to the Board of Commissioners; however, that contract has expired and the new contract is now before the Board for consideration.

In accordance with Title 65 Pa.C.S.A. § 1103 and at the request of Commissioner Maggi, I am submitting in writing notification that a potential for conflict exists in that the Commissioner is the spouse of the proposed contractee. Consequently, the relationship between the Commissioner and the contractee and the potential for conflict must be revealed at a public meeting and in writing. The written disclosure must be included with the transcription of the minutes of this meeting.

In accordance with the requirements of the statute, Commissioner Maggi will abstain from the voting and the discussion of award of this contract. It is also to be noted that he will have no direct or indirect supervisory authority over the professional responsibilities of his wife. Under the terms of the contract, she is directly responsible to Mary Lynn Spilak, Director, Washington County Aging Services.

Commissioner Maggi asks that a copy of this disclosure be filed with the minutes of this meeting.

GOLDFARB, POSNER, BECK,  
DeHAVEN & DREWITZ

Date: 12/2/09

By: \_\_\_\_\_

J. Lynn DeHaven  
County Solicitor

Date: 12/2/09

Larry Maggi  
County Commissioner