

April 15, 2016

A meeting of the Westmoreland County Commissioners met in regular session beginning at 10:06am 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. Giddy. The following business was conducted;

Pastor Bob Ross, Heritage Baptist Church, gave an invocation before the meeting and Commissioner Cerilli led the Pledge of Allegiance

GENERAL AGENDA

Motion was made by Mr. Anderson, seconded by Mr. Kopas and it was unanimously agreed to approve minutes of the regular meeting held Thursday, March 24, 2016, as presented

OPPORTUNITY FOR PUBLIC COMMENT

No Public Comment

SOLICITORS REPORT

Upon review and recommendation of Melissa A. Giddy, County Solicitor, Sharon Bold, Chief Probation Officer and Meghan McCandless, Director of Financial Administration motion was made by Mr. Kopas seconded by Mr. Anderson and unanimously agreed to approve the following item for **Adult Probation:**

- (A) Grant Application to **PENNSYLVANIA COMMISSION ON CRIME & DELINQUENCY** in the amount of **\$1,000,000.00** for **“Intermediate Punishment,”** for the term July 1, 2016 through June 30, 2018

Upon review and recommendation of Melissa A. Giddy, County Solicitor, Dirk Matson, Administrator and Meghan McCandless, Director of Financial Administration motion was made by Mr. Anderson seconded by Mr. Kopas and unanimously agreed to approve the following item for **Area Agency on Aging:**

- (A) Cooperative Grant Agreement with **PENNSYLVANIA DEPARTMENT OF AGING** in the amount of **\$42,417,025.00**, for the term July 1, 2016 through June 30, 2021
- (B) Renewal of the Charitable Organization Application for the Westmoreland County Area Agency on Aging. Required by the Commonwealth of Pennsylvania due to solicitation of donations, for the fiscal year ending June 30, 2015
- (C) Amendment to Agreement with **FOTORECORD PRINT CENTER**, dated June 4, 2015 in the amount of **\$3,113.74 additional** (New Total Agreement \$29,896.94) for **“Aging Services-Newsletter Printing & Mailing,”** for the term July 1, 2015 through June 30, 2016
- (D) Amendment to Agreement with **WESTMORELAND COMMUNITY ACTION**, January 28, 2016 in the amount of **\$10,535.00 additional** (New Total Agreement \$93,025.00) for **“Link to Aging & Disability Resources,”** for the term July 1, 2015 through June 30, 2016

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Austin Breegle, Administrator and Meghan McCandless, Director of Financial Administration motion was made by Mr. Kopas, seconded by Mr. Anderson and unanimously agreed to approve the following items for **Behavioral Health & Developmental Services:**

- (A) Amendments to Agreements for the fiscal year July 1, 2015 through June 30, 2016:
 - (1) **THE ARC OF WESTMORELAND**, dated July 9, 2015 in the amount of **\$156,200.00 additional** (DHS \$140,580.00, County \$15,620.00; New Total Agreement \$541,109.00) for **“Early Intervention: LICC, Speech Pathology, Physical Therapy, Occupational Therapy, Special Instruction, Special Instruction (Vision, Hearing), Nutrition Support”**
 - (2) **PATHWAYS OF SOUTHWESTERN PENNSYLVANIA, INC.**, dated September 10, 2015 in the amount of **\$4,368.00 additional** (DHS \$4,166.00, County \$202.00; New Total Agreement \$13,354.00) for **“Developmental Services: Administrative Fee, Companion Services Level 3, Companion Services Level 3 (excluding benefits), Transportation (mile), Rec/Leisure Activities, Assistive Tech (non-medial), ISO Agency with choice”**

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Shara Saveikis, Administrator and Meghan McCandless, Director of Financial Administration motion was made by Mr. Anderson, seconded by Mr. Kopas and unanimously agreed to approve the following items for **Children’s Bureau:**

- (A) Acceptance of **“Case Worker Visitation Grant,”** in the amount of **\$10,044.00** from the PA Department of Human Services, Office of Children, Youth & Families
- (B) Agreements for the fiscal year July 1, 2015 through June 30, 2016:
 - (1) **MHY FAMILY SERVICES**, Mars, PA (**Title IV-E, Act 148, County**) for **“Residential Treatment, Residential Services, Diversion & Acute Stabilization,”** at the following per diem rates:
 - \$285.00 for Child & Adolescent Diversion & Acute Stabilization Program**
 - \$249.94 for Residential Treatment Services for Males**
 - \$249.94 for Residential Treatment Services for Females**
 - \$166.55 for Residential Services for Males**
 - \$166.55 for Residential Services for Females**
 - (2) **AVANCO INTERNATIONAL, INC.**, Fairfax, VA (**Act 148, County**) for **“Child Accounting & Profile System Version 12 Upgrades,”** in the amount of **\$1,519.48**
 - (3) **PROJECT POINT OF LIGHT**, Shippenville, PA (**Act 148, Medical Assistance, County**) for **“Therapy, Polygraph Testing,”** as per the fee schedule
 - (4) **MARY JANE GRISNIK, LCSW**, Sutersville, PA (**TANF, Act 148, County**) for **“Home Studies/Investigation Reports,”** at the rate of **\$925.00/per report.**

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

- (A) Professional Services Agreement with **KORN FERRY HAY GROUP**, Philadelphia, PA in the amount of **\$10,000.00** for actuarial services and valuation report in connection with valuation of other post-employment benefits (OPEB) other than pensions as defined in Statement 45 of the Governmental Accounting Standards Board (GASB), with an estimated completion date of December 31, 2016.

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Jeffrey Balzer, Controller, Meghan McCandless, Director of Financial Administration, Tracy Sheehan Zivkovich, Chief Human Resource Officer and David Ridilla, Chief Information Officer motion was made by Mr. Kopas, seconded by Mr. Anderson and unanimously agreed to approve the following items for **Controller:**

- (B) Amendment to Software and Services License Agreement dated September 30, 1992 with **TYLER TECHNOLOGIES, INC.**, successor-in-interest to **NEW WORLD SYSTEMS, INC.**, Troy, Michigan, to provide additional implementation and training services, at the rate of **\$1,320.00** per day, for up to twenty days.

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Roland Mertz, Director and Meghan McCandless, Director of Financial Administration motion was made by Mr. Anderson, seconded by Mr. Kopas and unanimously agreed to approve the following items for **HazMat:**

- (A) Grant Application with **DEPARTMENT OF HOMELAND SECURITY: FEMA/CFDA NUMBER 97.056** in the amount of **\$104,989.00** (Federal \$78,741.94, HazMat \$26,247.31) for **“Public Safety CBRNE Response Boat,”** for the term September 1, 2016 through August 31, 2019

Upon review and recommendation of Melissa A. Guiddy, County Solicitor and Tracy Sheehan Zivkovich, Chief Human Resource Officer motion was made by Mr. Kopas, seconded by Mr. Anderson and unanimously agreed to approve the following item for **Human Resources:**

- (A) Renewal and Authorization to execute endorsements including premium changes for Westmoreland County Adult Probation Volunteer Insurance with the **CIMA COMPANIES, INC.** for one (1) year for the Policy term July 1, 2016 to July 1, 2017 with the premium in the amount of **\$2,618.00.**
- (B) Renewal and Authorization to execute endorsements including premium changes for Westmoreland County Regional Youth Volunteer Insurance with the **CIMA COMPANIES, INC.** for one (1) year for the Policy term July 1, 2016 to July 1, 2017 with the premium in the amount of **\$2,292.53.**

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 unanimously agreed to approve the following item for **Human Services:**

- (A) Agreement with **WESTMORELAND COMMUNITY ACTION**, Greensburg, PA for “**Drug Free Work Place,**” in the amount of **\$32,500.00** (Human Services Block Grant) for the term July 1, 2015 through June 30, 2016.

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

- (A) Solution Purchase Agreement with **ACOM SOLUTIONS, INC.**, Long Beach CA, to purchase software license and software maintenance for a term of one (1) year, from April 1, 2016 through March 31, 2017, in the amount of **\$3,151.00:**

EZeDocs/400 Forms Dev. License
EZPayManager/400 Checks Dev. License
EZDesigner/400 Gui Site License
Cluster Printing Module
Manual Checks Module
Positive Pay Module
Sorting Feature

- (B) Record Access Agreement 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, 2016, with automatic renewal, with the following and authorize the Executive Director of Information Systems to execute contract documents on behalf of the county:

- 1) Dennis J. Spyra & Associates, Pittsburgh, PA
- 2) Scalise Holdings, LLC, North Huntingdon, PA

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

- (A) Agreements for the fiscal year July 1, 2015 through June 30, 2016:
 - (1) **PERSEUS HOUSE**, Erie, PA (**Title IV-E, Act 148, County**) for “**Residential, Shelter, RTF,**” as per the fee schedule
 - (2) **YOUTH SERVICES AGENCY**, Jim Thorpe, PA (**Title IV-E, Act 148, County**) for “**Residential, Weekend Program,**” at the following per diem rates:
 - \$152.50 for Penndel Residential**
 - \$152.50 for ACT**
 - \$155.50 for ACT Weekend Program**

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

- (A) Contract with **SOUTHERN ALLEGHENIES LANDFILL, INC.** for municipal waste disposal. The contract is effective from January 1, 2016 to December 31, 2020 and is consistent with the County's Municipal Solid Waste Management Plan.
- (B) Agreement with the **REDEVELOPMENT AUTHORITY OF THE COUNTY OF WESTMORELAND** to provide general administrative services to the County in its execution of the following programs: Community Development Block Grant, HOME Investment Partnerships, and Emergency Solutions Grant. The one-year agreement begins May 1, 2016 with a maximum allowance of \$200,000 for services rendered during this period. Funding provided under this agreement is from the U.S. Department of Housing and Urban Development and PA Act 137 Affordable Housing Trust fund. There will be no cost to the County.

Upon review and recommendation of Melissa A. Giddy, County Solicitor and Christina O'Brien, Prothonotary motion was made by Mr. Kopas, seconded by Mr. Anderson and unanimously agreed to approve the following items for **Prothonotary:**

- (A) Professional Service Agreement with **CSDC SYSTEMS, INC.**, Fort Worth, TX for "**Software Upgrade & E-Filing,**" the implementation is as follows: E-Filing implementation \$80,000.00, Professional Services for Implementation & Upgrade \$61,700.00, Training \$22,440.00. There will also be additional annual maintenance costs of \$5,000.00 for E-Filing and \$1,000.00 for Yellow Fin with each escalating 3% annually. This project is funded by the Prothonotary Automation Fund and the Records Improvement Fund with the remainder by the General Fund.

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

- (A) Professional Services Agreement with **SBM ELECTRONICS, INC.**, Pittsburgh, PA for "**Audiolog Screen Recording Seat Licenses,**" including 22 licenses in the amount of \$240.00 per license and installation, testing, training and project management; including a one year warranty, in the amount of **\$5,085.00** (includes a discount in the amount of \$1,695.00), effective April 18, 2016.
- (B) Professional Services Agreement with **E-SAFE TECHNOLOGIES**, Pittsburgh, PA in the amount of **\$2,500.00** for a 20 hour block of on-site consultation, analysis and guidance for Westmoreland County's Public Safety environment, with the option to purchase three additional 20 hour blocks if needed \$2,500.00 per block. The agreement is effective March 31, 2016 and will expire only when all purchased hours have been utilized.

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, Greg McCloskey, Director, and Malcolm Sias, Parks & Recreation motion was made by Mr. Kopas, seconded by Mr. Anderson, and it was unanimously agreed to approve the following items for **Public Works**:

- (A) Addendum #1 to Professional Services Agreement with **MACKIN ENGINEERING COMPANY**, Pittsburgh, PA in the amount of **\$14,708.00 additional** (New Total Agreement \$160,708.00) for additional hours needed to complete the design, plans and specifications for bridge railings needed for two existing concrete bridges and an ADA accessible ramp to connect parking in Trafford. Funds for the project will be provided by a PA DCNR Grant awarded for the trail construction project.

- (B) Professional Services Agreement with **J.T. SAUER & ASSOCIATES, LLC**, Burgettstown, PA in the amount of **\$26,660.00** for “**Landscape Architecture & Engineering Services**,” for design, permitting, bidding and construction of the Cedar Creek Dog Park and associated facilities (Cedar Creek Park Rehabilitation-Phase I Project). The project is funded 50% from a PADCNR Grant and 50% from Bond Funds.

- (C) Agreement with **TRI-COUNTY FEDERATION OF MUSICIANS, Rob Rossi**, Monongahela, PA to provide “**Sunday Concerts**,” at Cedar Creek Park in the amount of **\$2,500.00** from 4:00pm to 6:00pm at the following dates:

June 5 & 19; July 3, 17 & 31; August 28

- (D) Agreements for “**Musical Performances**,” at the Twin Lakes Summer Concert Series:
 - (1) **THE POLISH POLKA PALS, Mike Porembka, Representative**, Derry, PA for June 26th two hour performance in the amount of **\$500.00**
 - (2) **SHADES OF JUNE, Ryan Krinjeck, Representative**, Johnstown, PA for May 29th two hour performance in the amount of **\$400.00**
 - (3) **EAST COAST TURNAROUND, Robin Leonard, Representative**, Jeannette, PA for May 29th two hour performance in the amount of **\$700.00**
 - (4) **PA EXPRESS, Tom Andrascik, Representative**, Homer City, PA for June 25th two hour performance in the amount of **\$700.00**
 - (5) **NOMAD, David August, Representative**, Monroeville, PA for August 13th two hour performance in the amount of **\$1,250.00**
 - (6) **ABILENE, Keith Taylor, Representative**, Ohiopyle, PA for July 16th two hour performance in the amount of **\$700.00**

- (E) Agreement with **D & R SOUND SERVICES, Ray Vasinko, Representative,** Latrobe, PA for **“Sound Technician & Sound Equipment,”** for performances at Twin Lakes Park on May 29th (1:00pm-8:30pm) and on June 11th (1:00pm-8:00pm) in the amount of **\$1,250.00**
- (F) Agreements for **“You’ve Got A Friend Day,”** at Twin Lakes Park on October 5, 2016:
- (1) **GREENFIELD FARMS, Sara Sickle, Representative,** Perryopolis, PA to provide **“Pony Rides & Petting Zoo,”** in the amount of **\$650.00**
 - (2) **DENNIE HUBER,** Altoona, PA to provide **“Musical/Comedy Performance,”** (2 half hour performances) in the amount of **\$600.00**
 - (3) **DAVE HAERING,** Latrobe, PA to provide **“DJ Services,”** (9:30am-2:00pm) in the amount of **\$300.00**
 - (4) **DERRICK CARTER, Fabulous Balloons & Events,** New Kensington, Pa to provide **“Strolling Performances,”** (9:30am-1:30pm) in the amount of **\$320.00**
 - (5) **THOMAS FAMILY AMUSEMENTS,** Connellsville, PA to **“Provide & Operate Two Amusement Rides,”** (9:15am-2:00pm) in the amount of **\$1,500.00**

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

- (A) **Resolution #R-22-2016** to submit an application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for **“Technology Innovation for Public Safety (TIPS),”** in the amount of \$432,600.00 on behalf of Westmoreland County as applicant and Allegheny County as subrecipient and to enter into a Cooperation Agreement with Allegheny County which will specify the duties of each entity in the execution of the application and subsequent grant contract and grant funds. The project involves acquisition of the County Suite software package from Teleosoft Corporation by each County for use by each County’s respective Sheriff’s Office. In the event that the Grant would be awarded, Westmoreland County and Allegheny County agree that Westmoreland County is to receive \$209,621.00 of the total grant award funds, with Allegheny County to receive the balance of the grant award funds remaining; there will be no cost to Westmoreland County.

Resolution #R-22-2016

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FOR “TECHNOLOGY INNOVATION FOR PUBLIC SAFETY (TIPS),” IN THE AMOUNT OF \$432,600.00 ON BEHALF OF WESTMORELAND COUNTY AS APPLICANT AND ALLEGHENY COUNTY AS SUBRECIPIENT AND THE EXECUTION OF A COOPERATION AGREEMENT WITH ALLEGHENY COUNTY

WHEREAS, the Bureau of Justice Assistance, U.S. Department of Justice, Office of Justice Programs, through its Technology Innovation for Public Safety (TIPS) grant, is seeking applications to support the innovative use of technology to reduce crime and improve the functioning of the criminal justice system;

WHEREAS, the Bureau of Justice Assistance, U.S. Department of Justice, Office of Justice Programs, welcomes applications that involve two or more entities that will carry out the funded federal award activities, with one entity being the applicant and the other the proposed subrecipient;

WHEREAS, Allegheny County has requested Westmoreland County and Westmoreland County agrees to submit an application to the Bureau of Justice Assistance, U.S. Department of Justice, Office of Justice Programs for a grant in the total amount not to exceed \$432,600.00 (“Grant”) with Westmoreland County being the applicant and Allegheny County the proposed subrecipient;

WHEREAS, both Allegheny County and Westmoreland County desire to utilize the Grant for each County to acquire the County Suite software package from Teleosoft Corporation for use by each County’s respective Sheriff’s Office;

WHEREAS, in the event that the Grant would be awarded, Westmoreland County and Allegheny County agree that Westmoreland County is to receive \$209,621.00 of the total grant award funds, with Allegheny County to receive the balance of the grant award funds remaining;

WHEREAS, Westmoreland County desires to authorize the execution of a Cooperation Agreement with Allegheny County pursuant to the terms and conditions of the Cooperation Agreement.

NOW THEREFORE, at a public meeting, property advertised with quorum present, it is hereby resolved as follows:

Westmoreland County is authorized to submit an application to the U.S. Department Of Justice, Office of Justice Programs, Bureau Of Justice Assistance, For “Technology Innovation For Public Safety (TIPS),” in the amount of \$432,600.00 on behalf of Westmoreland County as applicant and Allegheny County as subrecipient and to execute a Cooperation Agreement with the County of Allegheny as more specifically described in the Cooperation Agreement.

RESOLVED AND ENACTED this 15th day of April, 2016 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 Deborah T. Chiado, Director motion was made by Mr. Kopas, seconded by Mr. Anderson, and it was unanimously agreed to approve the following items for **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>
3.29.16	24.01.16.0.116	City of New Kensington	\$994.00
3.31.16	53.01.00.0.005	Mt. Pleasant Twp.	\$384.00

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) **Stipulation of Settlement** in tax assessment appeal of **SCOTTDALE HOUSING, L.P., owner of property located in Scottdale Borough, Westmoreland County** No. 5874 of 2014, No. 5875 of 2015, No. 5876 of 2014, No. 5877 of 2014 and No. 5878 of 2014 (Consolidated for Appeal under No. 5874 of 2014) for tax year September 1, 2014 through December 31, 2014 and 2015. The assessed values shall be determined by applying the common level ratio established by the State Tax Equalization Board.

Tax Map No. 30-02-060-0-287

(Combined valuation of Nos. 30-02-06-0-287, 30-02-06-0-391, 30-02-02-0-600)

Year	Proposed Market Value	STEB Ratio	Assessed Value
9.1.14 – 12.31.14	\$900,000.00	21.4%	\$192,690.00
2015 and thereafter	\$900,000.00	19.3%	\$173,790.00

*The Resulting Assessment for 2014 is applicable for the school district for the partial fiscal year 9/1/14 through 6/30/15 and is applicable for the borough and county for the partial year 9/1/14 through 12/31/14

Taxes for the years noted above are to be determined based upon the foregoing assessment values. The County Solicitor shall be authorized to execute Court documents to implement such settlement.

- (B) **Stipulation of Settlement** in tax assessment appeal of **SEARS HOLDING CORPORATION, owner of property located in East Huntingdon, Westmoreland County** No. 11124 of 2006, for the tax years 2007 through 2015. The assessed values shall be determined by applying the common level ratio established by the State Tax Equalization Board.

Tax Map No. 47-14-00-0-154

Year	Proposed Market Value	STEB Ratio	Assessed Value
2007	\$4,500,000.00	19.6%	\$882,000.00
2008	\$4,500,000.00	19.8%	\$891,000.00
2009	\$4,500,000.00	20.4%	\$918,000.00
2010	\$4,500,000.00	21.9%	\$985,500.00
2011	\$4,453,160.00	23.1%	\$1,028,680.00
2012	\$4,322,185.00	23.8%	\$1,028,680.00
2013	\$4,500,000.00	22.7%	\$1,021,500.00
2014	\$4,500,000.00	21.4%	\$963,000.00
2015	\$4,966,320.00	19.3%	\$958,500.00
2016	\$4,841,910.00	19.8%	\$958,500.00

Taxes for the year noted above are to be determined based upon the foregoing assessment values. The County Solicitor shall be authorized to execute Court documents to implement such settlement.

- (C) Consider approval of **Ordinance #ORD-1-2016** (i) authorizing the incurring of lease rental debt and providing for the additional requirements of the Local Government Unit Debt Act, requisite to the County executing and delivering a 2016 Guaranty Agreement with respect to the payment of debt service relating to Westmoreland County Airport Authority, Guaranteed Airport Revenue Bonds, Series of 2016; (ii) approving said 2016 Guaranty Agreement and authorizing and directing certain County officials to execute and deliver the same on behalf of the County; and (iii) authorizing and directing the County Treasurer to pay the amounts if, as and when due and payable by the County under said 2016 Guaranty Agreement, establishing a sinking fund therefor, and setting forth the County's covenant to pay said bonds in accordance with the terms of said 2016 Guaranty Agreement.

ORDINANCE NO. 1 OF 2016

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the County of Westmoreland, Pennsylvania; and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. The County hereby determines to incur lease rental debt (not excluded), as deemed in the Local Government Unit Debt Act, Part VII of Act 177 of 1996, approved December 19, 1996, as amended (the "Act"), by the execution and delivery of a 2016 Guaranty Agreement (the "2016 Guaranty Agreement"), to be dated as of May 1, 2016, for reference purposes only, with the Westmoreland County Airport Authority (the "Authority"), whereunder the County guarantees to the Authority, its successors and assigns, to pay moneys sufficient to pay the principal of and interest on the Authority's Guaranteed Airport Revenue Bonds, Series of 2016 (the "Series of 2016 Bonds"), up to and not to exceed a maximum principal amount of \$4,500,000, in the maximum not to exceed principal amounts and interest rates as set forth in the Maximum Not To Exceed Debt Service Schedule reflected in Exhibit "A" attached, but only to the extent principal and interest thereon are not paid by the Authority as and when the same become due and payable as set forth in the Series of 2016 Bonds. The Series of 2016 Bonds are to be issued by the Authority under and pursuant to a Trust Indenture (the "Indenture"), dated as of August 30, 1979, as amended and supplemented by the Tenth Supplemental Indenture, dated as of May 1, 2016, for reference purposes only, by and between the Authority and Manufacturers and Traders Trust Company, as trustee, in order for the Authority to provide for the Capital Project (referred to as the "Project"). The useful life of the underlying assets of the Project including assets subject to being refinanced hereunder is determined to be at least equal to the last maturity of the Series of 2016 Bonds, namely September 1, 2023 which is approximately seven (7) years. Furthermore, the purpose of the refunding of prior bonds under the Project is to reduce the debt service over the lives of the prior issues.

As referenced above, the maximum not to exceed annual debt service requirements in respect of the Series of 2016 Bonds are set forth on "Exhibit A" with the actual debt service for the Series of 2016 Bonds subsequently, heretofore to be determined by the Bond Purchase Agreement entered by the Authority and its Underwriters for said bonds (subject to the maximum not to exceed parameters and limitations established hereunder). The 2016 Guaranty Agreement is intended to be a contract of suretyship and is intended to inure to the benefit of the Registered Owners of all Series of 2016 Bonds outstanding under the Indenture. The Authority intends to finance and fund the Project by the issuance of its Guaranteed Airport Revenue Bonds, Series of 2016, with a maximum not to exceed principal amount of \$4,500,000, with said Bonds being guaranteed under the provisions of the 2016 Guaranty Agreement. The Chairman or Vice Chairman of the Board of Commissioners and the Chief Clerk of the County are hereby authorized and directed to prepare, certify and file the Debt Statement of the County as provided for in the Local Government Unit Debt Act; and the Chairman or Vice Chairman of the Board of Commissioners and the Chief Clerk of the County are authorized and directed to prepare the Borrowing Base Certificate of the County as required by said Act; and the Chief Clerk of the County is authorized and directed to file with the Department of Community and Economic Development a copy of the proceedings with respect to the incurring of such Lease Rental Debt evidenced by the 2016 Guaranty Agreement as provided in said Act; and the County is authorized and directed to pay or cause to be paid any required filing fees under said Act.

SECTION 2. The Authority will continue to operate and maintain the Airport Properties for the County at least during the term the Series of 2016 Bonds are outstanding.

SECTION 3. The 2016 Guaranty Agreement, in the form submitted to this meeting, and hereby ordered filed with the Minutes of this meeting, be and it hereby is approved. The Chairman or Vice Chairman of the Board of Commissioners, on behalf of the County, is hereby authorized and directed, at any time after the enactment, final passage and effective date of this Ordinance and the approval by the Department of Community and Economic Development of the proceedings with respect to the incurring of such Lease Rental Debt of the County, to execute the 2016 Guaranty Agreement, and the Chief Clerk of the County is hereby authorized and directed then to affix the seal of the County to the 2016 Guaranty Agreement, and to attest the same on the 2016 Guaranty Agreement, and to deliver to the same to the Authority. Said 2016 Guaranty Agreement provides that the County guarantees to pay to the Trustee, as the assignee of the Authority, in the event of the Authority's failure to pay the same, as and when due, up to the maximum not to exceed principal and interest on the Series of 2016 Bonds, as reflected, in the Maximum Not To Exceed Debt Service Schedule as set forth in Exhibit "A" hereof, including the actual principal of and the interest on said Series of 2016 Bonds of the Authority, as and when the bonds become due and payable.

SECTION 4. There is hereby created and established, to be used if, as and when needed, a separate fund, to be known as the 2016 Guaranty Agreement Sinking Fund; and the County Treasurer is hereby authorized and directed (a) to advance and deposit or cause to be advanced and deposited to the credit of said Sinking Fund the funds required to be so deposited by the provisions of the 2016 Guaranty Agreement, and (b) to pay to the Authority, its successors or assigns (including the Trustee under the Indenture), as the holder of the 2016 Guaranty Agreement, the principal of and the interest on the Series of 2016 Bonds, as and when due and not paid by the Authority, as provided in the 2016 Guaranty Agreement, all in accordance with the terms of said 2016 Guaranty Agreement and the provisions of the Series of 2016 Bonds. The County covenants with the owners from time to time of the Series of 2016 Bonds that the County (i) shall budget for up to and not to exceed the maximum principal and interest thereon on the bonds as set forth in Exhibit "A" hereto, for each fiscal year in which such sums are payable, in the County's budget for such year, (ii) shall appropriate such actual amounts from its general or specially pledged revenues, as the case may be, for the payment of the actual debt service on the Series of 2016 Bonds, as determined by the Bond Purchase Agreement of the Authority, and (iii) if the Authority fails to do so, shall duly and punctually pay or cause to be paid from the Sinking Fund or any other of the County's revenues or funds the principal of and interest on every such Series of 2016 Bond at the dates and places and in the manner stated in the Series of 2016 Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment the County pledges its full faith, credit and taxing power. The County's covenants made herein shall be specifically enforceable.

SECTION 5. The proper officers of the County are hereby authorized and directed to take all other actions and do all other things which are necessary or convenient for the performance by the County of its obligations under the 2016 Guaranty Agreement and this Ordinance.

SECTION 6. The Board of Commissioners of the County of Westmoreland hereby further authorizes and directs that the Westmoreland County Airport Authority shall commence and complete its Project, through the issuance of said Guaranteed Airport Revenue Bonds, Series of 2016, with said Bonds being secured by said 2016 Guaranty Agreement approved hereunder.

SECTION 7. The Board of Commissioners of the County of Westmoreland, together with the Board of the Westmoreland County Airport Authority, has previously considered and determined that under the present market conditions it is in the best financial interests of the County and the Authority that said Guaranteed Airport Revenue Bonds, Series of 2016, of the Authority, be sold by said Authority at a private sale by negotiation with PNC Capital Markets LLC, the Managing Underwriters for said Authority's Bonds.

SECTION 8. The County hereby determines that the Authority's Preliminary Official Statement, in respect of the Series of 2016 Bonds, is deemed final for the purposes of Securities and Exchange Commission Rule 15c2-12.

SECTION 9. All ordinances and resolutions or parts of ordinances and resolutions which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 10. The invalidity of any part of this Ordinance shall not affect the validity of any other part of this Ordinance.

SECTION 11. This Ordinance is to be effective five (5) days after its enactment and its second and final advertisement.

ORDAINED AND ENACTED into law on this 15th day of April, 2016.

- (D) Consider approval of **Resolution #R-23-2016** approving the Tenth Supplemental Service Agreement with the Westmoreland County Airport Authority and authorizing and directing certain County officials to execute and deliver the same on behalf of the County of Westmoreland.

RESOLUTION NO. 23 OF 2016

BE IT RESOLVED AND ADOPTED by the Board of Commissioners of the County of Westmoreland, Pennsylvania, as follows:

SECTION 1. The Tenth Supplemental Service Agreement, dated as of May 1, 2016 for reference purposes, between the County of Westmoreland and the Westmoreland County Airport Authority, in the form submitted to this meeting, be and it hereby is approved on behalf of the County, and the Chairman or Vice Chairman of the Board of Commissioners of Westmoreland County is hereby authorized and directed to execute, and the Chief Clerk is hereby authorized and directed at the time of such execution to affix the seal of the County to, and to attest the same on, and to deliver to the Authority, said Tenth Supplemental Service Agreement. The Tenth Supplemental Service Agreement so to be executed and delivered shall be substantially in the form presented to the Board of Commissioners at the final adoption of this Resolution, and is hereby approved and ordered filed with the permanent records of the County, with such insubstantial changes therein as the County officers executing the same shall approve, such approval to be conclusively evidenced by their execution and delivery thereof.

SECTION 2. The proper officers of the County are hereby authorized and directed to take all other actions and do any and all other things which are necessary or convenient to fulfill the County's obligation in connection with the execution and delivery of, and the performance by the County under, the Tenth Supplemental Service Agreement and this Resolution.

SECTION 3. All resolutions or parts of resolutions of the County which are inconsistent with this Resolution are repealed hereby to the extent of such inconsistency.

SECTION 4. The invalidity of any part of this Resolution shall not affect the validity of any other part of this Resolution.

RESOLVED AND ADOPTED by the Board of Commissioners of Westmoreland County, Pennsylvania, on this 15th day of April, 2016.

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

- (A) Agreement with **WESTMORELAND COUNTY COMMUNITY COLLEGE, WORKFORCE DEVELOPMENT DEPARTMENT**, Youngwood, PA for “**Nurse Aide Training Program**,” in the amount of **\$6,719.00** for ten participants for the term May 2, 2016 through July 2, 2016. The training will be held at the Westmoreland County Community College Youngwood Campus.
- (B) Renewal and Authorization to execute endorsements including premium changes for **Patient Trust Funds Bond** with **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA** (CCAP Insurance Programs) for two (2) years from April 1, 2016 through April 1, 2018, with the premium in the amount of **\$9,776.00**.
- (C) **Emergency Resolution #R-24-2016** to authorize a contract with **HUCKESTEIN MECHANICAL SERVICES, INC.**, Duquesne, PA for replacement and installation of mixing valves for the boiler at Westmoreland Manor (A & B Wing), without advertising for bids, in the amount of **\$39,140.00**

RESOLUTION #R-24-2016

WHEREAS, Westmoreland County is in need of replacement and installation of mixing valves for the boiler located at Westmoreland Manor (Wing A & B) ; and

WHEREAS, Westmoreland Manor houses the County's skilled nursing facility, including physical therapy, occupational therapy, speech therapy IV therapy, and respiratory therapy services; hospice and respite care services; Eagle Tree Apartments (independent living facility for the elderly), and administrative offices for personnel who oversee the operations of Westmoreland Manor; and

WHEREAS, the Administrator of Westmoreland Manor has informed the Board of County Commissioners that the failed boiler impacts water for all of the residential rooms, apartments and offices in Westmoreland Manor, , making it imperative to take immediate steps to replace the damaged boiler; and

WHEREAS, to prepare written specifications, advertise for sealed written bids in a newspaper of general circulation, review the bids submitted, evaluate the qualifications of the prospective vendors, award a contract to the lowest responsible and responsive bidder, prepare and obtain signed contracts, order the necessary parts and equipment and carry out the repairs would require a period of four to eight weeks, during which time the facility would be without a boiler unit that provides hot water to the staff and residents of the facility.

WHEREAS, Huckestein Mechanical Services, Inc., of Duquesne, Pennsylvania, is willing to provide the labor, materials and equipment needed to remove samples of pipe insulation from both of the domestic storage tanks to be sent to a lab to be tested for asbestos, perform piping renovations on the (2) storage tanks, provide and install (2) heat timers 2 ½” model #EVT-PLUS electronic mixing valves and system controllers for a complete domestic water control system, supply and provide electrical material needed, provide all material needed for the complete system piping renovation, provide start-up of new domestic water temperature control system, and supply a one year labor warranty on all material, but the price for all of the said work will exceed the statutory threshold for awarding contracts without advertising for sealed written bids; and

WHEREAS, Section 1802(b) of the County Code [16 P.S. §1802(b)] allows contracts in excess of the statutory bid threshold to be awarded without the usual advertisement requirements of the County Code in cases of emergency, if such emergency is declared and stated by resolution of the Board of County Commissioners.

NOW, THEREFORE, it is resolved by the Board of Commissioners of the County of Westmoreland, Pennsylvania, that:

1. The Board of Commissioners has determined that an operational boiler is necessary to permit the continued operations of the Westmoreland Manor skilled nursing facility (including all therapy, hospice and respite services) and the Eagle Tree independent living apartments, and the conducting of regular business in the administrative offices at Westmoreland Manor.

2. The Board of Commissioners has further determined that it will require a time period of at least four weeks, and possibly as long as eight or more weeks, to prepare written specifications for repair or replacement of the damaged boiler to the existing domestic water system, and to advertise for sealed written bids in a newspaper of general circulation, review the bids submitted, evaluate the qualifications of the prospective vendors, award a contract to the lowest responsible and responsive bidder, prepare and obtain signed contracts, authorize the successful bidder to proceed with the contracted work.

3. The Board of Commissioners has further determined that the residential rooms and offices at Westmoreland Manor would be subjected to water that is not at the recommended water temperature as per building codes while keeping water temperature up in the storage tanks to prevent legionella bacteria, thereby creating risk of physical harm to the elderly and physically fragile residents of the skilled nursing facility and the Eagle Tree independent living apartments during the period while the boiler would remain inoperable.

4. Emergency contracts are hereby awarded to the following firm:

A. Huckestein Mechanical Services, Inc., having principal offices at 46A South Linden Street, Duquesne, PA 15110. Huckenstein is to provide services for replacement and installation of mixing valves for the boiler at Westmoreland Manor in the amount of \$39,140.00

RESOLVED and enacted this 15th day of April, 2016.

(D) Acceptance of proposal, pursuant to Co-Stars 008-238 (State Contract), with **HUCKESTEIN MECHANICAL SERVICES, INC.**, Duquesne, PA for the replacement of two (2) domestic hot water heaters for Kitchen & Laundry areas, in the amount of **\$76,800.00**

* * * * *

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 **2015 & 2016 Budget** for the Department of Financial Administration, as prepared by Meghan McCandless, Director of Financial Administration

(2) **PROCLAMATIONS**

Jim Lozier-2015 Citizen of the Year-Mount Pleasant Rotary Club

Motion was made by Mr. Kopas, seconded by Mr. Anderson, and it was unanimously agreed to adjourn the meeting at 10:27am.

Certified by,

Charles W. Anderson
Secretary