

A special meeting of the Fayette County Board of Commissioners was held at 1 p.m. on Friday, February 26, 2021 at commissioners' conference room of the Fayette County Courthouse, 61 East Main Street, Uniontown PA.

In attendance-

Commissioner Scott Dunn
Commissioner Dave Lohr
Commissioner Vince Vicites
Chief Clerk Amy Revak
Solicitor Jack Purcell

The meeting was called to order by Commissioner Lohr at 1:14 p.m. He apologized for the delayed start, saying they had another important meeting. There was a moment of silent prayer followed by the recitation of the pledge of allegiance.

Public Comments on Agenda Items- None

Commissioners

Commissioner Lohr said the agenda needed to be amended to add another item.

A motion was made by Commissioner Vicites and seconded by Commissioner Dunn to amend the agenda to approve a contract with Fay-Penn Economic Development Council under CHIRP pursuant to Act 1 of 2021 (SB 109), as attached, and conditioned upon the performance of a program audit of all funds expended.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites yes

Motion passed unanimously

Chief Clerk Revak read the agenda items. Solicitor Purcell read the names of the low bids, which were incorporated into the motions.

A motion was made by Commissioner Dunn and seconded by Commissioner Vicites to award Bid 21-02 for the removal and disposal of asbestos-containing materials and hazardous/regulated material associated with the building at the former Army Reserve Center located at 245 McClellandtown Road in Uniontown, Fayette County, Pennsylvania to Canfield Development in the amount of \$20,351.00.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites yes

Motion passed unanimously

A motion was made by Commissioner Dunn and seconded by Commissioner Vicites to award Bid 21-03 for site and building demolition associated with the construction of a new Fayette County Prison to be located at 245 McClellandtown Road in Uniontown, Fayette County, Pennsylvania to Ritenour & Sons Construction Co. in the amount of \$87,000.00.

Commissioner Dunn yes
Commissioner Lohr abstain
Commissioner Vicites yes

Motion passed 2-0-1

Commissioner Dunn asked if there are receipts where the material is disposed of. Dave Witmer of Site Logiq said he is to be presented manifests for an approved dumping site. During the vote, Commissioner Lohr said he was abstaining because Ritenour is a distant cousin.

A motion was made by Commissioner Dunn and seconded by Commissioner Vicites to approve a contract with Fay-Penn Economic Development Council under CHIRP pursuant to Act 1 of 2021 (SB 109), as attached, and conditioned upon the performance of a program audit of all funds expended.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites yes

Motion passed unanimously

Sam Lynch thanked the commissioners for approving a program audit of the expended funds. He said they will have a report to give them a comfort level with how the money is being handled. Commissioner Vicites said he fervently tried to save the buildings where the new jail is being constructed. He said with the layout of the new prison there wasn't enough room on the site to keep them. Commissioner Lohr said the architects had to show what is the best for the county. He said there is a very strong team put together. Commissioner Vicites said it is on schedule and should be open in 2023. Commissioner Lohr said he is pushing for earlier. Commissioner Dunn said they are getting it done.

Public comment- None

Adjournment

A motion was made by Commissioner Dunn and seconded by Commissioner Vicites to adjourn the meeting.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites yes

Motion passed unanimously

COVID-19 Hospitality Industry Recovery Program (CHIRP) Fayette County Implementation Proposal

Submitted By

Fay-Penn Economic Development Council (Fay-Penn)
February 24, 2021

This proposal is proprietary and remains the sole property of Fay-Penn Economic Development Council. It is intended for use ONLY by current Fayette County Commissioners. Any distribution of this proposal beyond that group must be requested in writing and be approved in writing by the Fay-Penn executive director prior to distribution. Once this proposal is approved by the Fayette County Commissioners it will by law be a public record.

Overview:

Pennsylvania passed Act 1 of 2021 (SB 109) that includes a provision – the COVID-19 Hospitality Industry Recovery Program, or “CHIRP” – to allocate grant funding among accommodation and food service/drinking place businesses in the Commonwealth. Fayette County will receive approximately \$1.464 million to distribute to county businesses whose North American Industrial Classification System (NAICS) code begins with 721 or 722 and who meet other eligibility criteria. Grants will be awarded to eligible applicants for the purpose of alleviating revenue losses and paying eligible operating expenses during the grant period of performance.

Statement of Work:

Fay-Penn will perform the following Statement of Work to implement CHIRP in Fayette County:

- (1) Adhere to requirements as outlined in Act 1 of 2021 (SB 109) and the Pennsylvania Department of Community & Economic Development (DCED) CHIRP Program Guidelines, with exceptions expressed in the Notable Caveats section of this document, and possibly other exceptions if additional “anomalies” are discovered during the performance of this program. Fay-Penn will discuss these anomalies as they are identified with the Fayette County Commissioners to arrive at resolutions.

- (2) Develop a grant application, rating system, approval process, and funding disbursement process with accompanying documents (e.g., application form, grant agreement, etc.). All public documents shall be made publicly available via (a) websites and social media sites maintained by Fay-Penn, (b) email as requested by businesses, and (3) other distribution channels as requested by businesses (e.g., fax, regular mail). Note: Other organizations will be permitted to link to the Fay-Penn website to promote this information upon request.

- (3) In conjunction with Fayette County, perform outreach to businesses in Fayette County – focusing on for-profit businesses whose NAICS code begins with 721 or 722 – to generate awareness about CHIRP, grant eligibility requirements, and how to apply for and be awarded grant funding. All requests for information about CHIRP will be directed to Fay-Penn to address or otherwise manage. Fay-Penn will disseminate information by publishing a webpage, generating e-blasts, posting to social media, performing direct outreach to Fayette County companies as much as practical, and using other channels that may become available.
- (4) Work with grant applicants as needed to complete, submit, and process applications, and validate applicant eligibility, revenue loss, and eligible expenses incurred.
- (5) Approve or disprove applications for grants. Approved grants will include award amounts in increments of \$5,000 up to a maximum of \$50,000. Fay-Penn will enter into grant agreements with grant awardees. Fayette County will act as the fiscal agent for the program and have sole responsibility for disbursing funds to grant awardees.
- (6) Maintain full and accurate program records for Fay-Penn's areas of responsibility outlined in this proposal.
- (7) Provide information to Fayette County regarding Fay-Penn's areas of responsibility outlined in this proposal to assist in Fayette County's program reporting, including providing audit review information if requested, to DCED.

Fees:

Fayette County will pay Fay-Penn \$300 for each grant application completed and reviewed regardless of the applicant's success in being awarded a grant. The total amount of grants awarded and fees charged cannot exceed the \$1.464 million awarded to Fayette County under CHIRP.

Notable Caveats:

- (1) Act 1 of 2021 (SB 109) indicates that 2020 tax returns are required to substantiate revenue loss from 2019. 2020 tax returns may not be available until late in 2021. Fay-Penn is working to determine other suitable revenue loss substantiating documentation, e.g., quarterly or monthly sales tax returns.

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- (2) Neither Act 1 of 2021 (SB 109) nor the DCED CHIRP Program Guidelines specify a mechanism for substantiating expenses incurred. Fay-Penn’s grant agreement will include a self-certification statement by the applicant that the grant will be used for eligible expenses, but will also indicate that receipts for expenses will need to be submitted upon request.

 - (3) Act 1 of 2021 (SB 109)’s concepts of a rolling application process and prioritization of applicants is mutually exclusive – they contradict each other. As Fay-Penn anticipates the vast majority of applications will be received within a short period after opening the program, Fay-Penn will implement a “phased rolling” approach as described in the Nominal Timeline section of this document. This approach will get needed funding into Fayette County businesses as quickly as possible.

Period of Performance:

Date of execution of a contract between Fay-Penn and Fayette County through August 31, 2021 or program completion if earlier.

Grant Allocation Guidelines:

- (1) Grants will be awarded with the intention of providing funding to the greatest number of applicants – i.e., “spread the wealth.”

- (2) Fay-Penn will develop a rating scale based on applicant gross receipts to determine equitable allocation of grant awards to the greatest extent practicable. (i.e., larger organizations may receive slightly larger grants. However, Fay-Penn anticipates that differences in awards will not be significant. Out of approximately 450 identified organizations in Fayette County that may be eligible for CHIRP, awarding grants to only one third of those equates to an average grant award of approximately \$10,000.)


- (3) It is anticipated that the vast majority, if not all, of the \$1.464 million allotted to Fayette County will be allocated during “Phase I.”

(continued)


Nominal Timeline:

• Fayette County contracts with Fay-Penn.	No later than March 1, 2021
• Outreach to Fayette County organizations.	Ongoing as needed
• Grant application, rating system, approval process, and funding disbursement process with accompanying documents, including website publication, completed.	No later than March 15, 2021
• Phase I application process opens.	No later than March 15, 2021
• Fay-Penn begins reviewing submitted Phase I applications.	No later than March 15, 2021
• Phase I application process closes.	No later than April 15, 2021
• Fay-Penn submits recommendations for Phase I grants to Fayette County, including proposed grant amounts.	No later than April 20, 2021
• Fayette County and Fay-Penn agree on grant awards for Phase I.	No later than April 23, 2021
• Fayette County and Fay-Penn determine if a Phase II is necessary based on the number of applicants and grants awarded during Phase I.	No later than April 23, 2021
• If Phase II is required, Fay-Penn and Fayette County will follow a similar schedule as outlined for Phase I.	TBD.
• Fay-Penn assists Fayette County in preparing a final report to DCED. Fayette County is solely responsible for report submission.	Upon project completion.

FAYETTE COUNTY APPROVAL BY:

Signature: 
 Printed Name: David L. Daucher
 Title: Chairman
 Date: 2/26/2021

FAY-PENN APPROVAL BY:

Signature: 
 Printed Name: Robert E. Shark
 Title: Executive Director
 Date: 2/25/21