

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, October 15, 2013 in the Public Service Building, Uniontown, Pa.

In attendance-

Commission Chairman Alfred Ambrosini
Commissioner Vincent Zapotosky
Commissioner Angela M. Zimmerlink
Chief Clerk Amy Revak
County Solicitor Ken Burkley
Assistant County Solicitor John Cupp

Chairman Ambrosini called the meeting to order at 10 a.m.

The Rev. Ewing Marietta said a prayer.

The pledge of allegiance was recited.

Commissioner Ambrosini said there are a few amendments to the agenda.

The Rev. Ewing Marietta said on October 26 they are dedicating another 10 Commandments monument in White, PA at the Popular Run Church of God of Prophecy. He gave directions to the church and said it is at noon and they will be honoring the veterans that day. He said all of the commissioners are welcome to attend and say a few words about the 10 commandments.

Commissioner Ambrosini said again that there are a few amendments to the agenda.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to amend the agenda to add:

Consider a motion to ratify the hiring of attorney Thomas Pellis from the Myer Darragh Law firm to represent Judge Warman and Judge Solomon in the Munchinski case.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

In making a motion, Commissioner Zimmerlink said she wanted to place it on the agenda "for discussion."

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to amend the agenda to add:

Consider a motion to waive the grant timing for the Laurel Highlands Visitor Bureau for consideration of a demolition grant in regard to the Cobblestone Hotel project in the city of Connellsville.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

In providing the second, Commissioner Zimmerlink added “for discussion.”

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to amend the agenda to add:

Consider a motion to have the Connellsville Redevelopment Authority administer the demolition grant for the Cobblestone Hotel project in the city of Connellsville

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

In providing the second, Commissioner Zimmerlink added “for discussion.”

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to amend the agenda to add:

Consider a motion to amend the lease between the Fayette County Commissioners and the Fayette County Agricultural Improvement Association to account for construction of the new county jail located on parcel 09-31-0049.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

In providing the second, Commissioner Zimmerlink added “for discussion.”

Commissioner Zimmerlink made a motion to amend the agenda to table all items concerning the new jail construction and to hold a meeting of the commissioners on Monday, October 21 at 10 a.m. to discuss and review alternatives that have not yet been discussed regarding construction of a new facility. Commissioner Zapotosky said there has been ample opportunity over the past year plus to address any other

alternative solutions to this. Commissioner Zimmerlink asked to amend before he continued. She said she wants to discuss alternatives that were not discussed in the Crabtree study regarding construction of the new facility. Commissioner Ambrosini asked if there was any written documentation that they could review, with Commissioner Zapotosky adding—for those potential alternatives. Commissioner Zimmerlink said she would have some for Monday. Commissioner Zapotosky said it is hard to vote on the blind and that is what that vote would be. Commissioner Zimmerlink said everyone would have an opportunity to make comments before they vote on any items. The motion died when it did not receive a second.

Commissioner Zimmerlink said she would like to make a motion in anticipation of what is going to happen throughout the meeting. She said the motion is to hold advertised commissioner work sessions for all matters concerning new jail construction beginning the first Tuesday of November and continuing each month thereafter with said work sessions to be held in the commissioner's conference room in the courthouse. Commissioner Ambrosini said they have been working very hard and diligently for more than a year on this project and to have somebody step in that wasn't a part of this at all and try to dictate when and what we are going to do going forward is somewhat disingenuous. He said for that reason he wasn't going to second this. Commissioner Zimmerlink said, first off, to step in and dictate makes no sense because it would be to have a commissioners work session and commissioners mean three commissioners or two commissioners, the majority and hopefully all three would be there. She said it would be an advertised public meeting and it would be to discuss matters concerning the new jail construction, nothing prior. She said it would not have anything to do with whether or not a jail should be built or not, it is for us as commissioners to be in a position, all three of us to be in a position to openly discuss and direct and give any administrative direction, all three commissioners involved.

Commissioner Zimmerlink said this is after the vote of constructing a new jail so this would be all new matters concerning the construction of the jail and to provide updates so all three commissioners and any members of the public who wish to attend can be kept up to date. She said there are going to be matters now after today's votes that entail contract administration, entering into contracts, negotiating the contracts, negotiating lease agreements, things of that nature. She said none of that, hopefully was not discussed or decided beforehand. She said as they all know by looking at the agenda, a couple of the items on the agenda is to enter into a new lease agreement with the fair association and other matters. She said in order to do that, they are going to have to eventually bring that to a commissioner's meeting and vote on it. She said it is important that Fayette, as other counties do, check other counties, they have advertised work sessions. She said these would be solely for these matters so if there is a discussion on the fair board lease, negotiation of future leases with perhaps this woman's detention center, anything pertaining to this; advertising and discussions with the bank. She said there are a number of items that the board of commissioners will be voting on and before the vote, will need to have some discussion.

Commissioner Zimmerlink said rather than only limiting it to a commissioners meeting at 10 o'clock once a month, to have these meetings on the first Tuesday of every month

which would be prior to our agenda meeting we can have a lot of things ironed out, a lot of questions asked and answered so that the commissioners agenda and regular meetings can then be taken care of more efficiently and no one has to say they didn't know that or what was done here. She said there is no reason why they cannot take an hour out of our month, out of our day at the beginning of the month for these particular purposes. She said one other thing, Commissioner Zapotosky, the prison working group was formed to gather information concerning the overcrowding issue. She said that information has now been gathered and disseminated and based on that gathering and dissemination, the board of commissioners today is going to make decisions. She said therefore, the scope of work involved with the prison working group, which is three citizens and county staff for the most part, has been completed and now it is time for the commissioners to make certain that we are all well informed before we take any action. She said by having the work sessions, that will meet those.

Commissioner Zapotosky said he has no problems with those work sessions. He said it is something that would provide information not only among themselves because unfortunately, adding that he says that word with a lot of passion, unfortunately they don't communicate as well as they should, us three commissioners. He said he thinks the work session is a good idea but at this point, let's take the initial step and then approach the work sessions based on, let's look at our schedules, let's make sure they are advertised, let's make sure we set agendas based on the progression of what occurs today. He said it is all new to him, he has never built a prison before and he would prefer not to be building a prison, he would have preferred it be done a long time ago, but the fact of the matter is, it was not. He said he agrees, he thinks it is a good way of disseminating some of the information that will be provided by the architects and the engineers, he is saying let's take this step first and he will acknowledge and support conducting these sessions as she had just brought forth to the board, but not today, let's address this issue, let's put this issue behind us, and then let's move forward and progressively deal with this matter as we move along, that's all he is saying.

Commissioner Zimmerlink said if they don't address it today by voting to hold these advertised commissioner's work sessions and setting the date of the first Tuesday of the month at 10 o'clock in the commissioner's conference room, then when would they be making that decision. Commissioner Zapotosky said they could make the decision to advertise, they have done it before outside of the scope of a commissioner's meeting to conduct special meetings for the purpose of providing information, or in this case a work session. Commissioner Zimmerlink said they have to ask one of the two county solicitors. Commissioner Zapotosky said simply by advertising, that would suffice pursuant to the county code. Commissioner Zimmerlink said if they make the decision back in the conference room and if they leave the meeting, it may not be the first Tuesday of the month, it may not be a 10 o'clock and then they would have to ratify the decision anyway, is that not correct, one of the two solicitors? Solicitor Burkley said yes. Commissioner Zimmerlink said in essence what they would be doing would be not taking any action now, going back to the commissioner's office, talk about it, have an e-mail be sent, something be done, two commissioners or three decide, and then next month it would be to ratify, why not just do it now?

Commissioner Zapotosky asked if she knows her schedule the first Monday of each month, he doesn't. Commissioner Zimmerlink said the first Tuesday. She said she didn't choose Monday because some people have off. Commissioner Zapotosky said he doesn't have his schedule and he would like to look at it, adding that he supports what she is saying, adding that it is a wonderful idea. Commissioner Zimmerlink said she is suggesting that they have it the first Tuesday of the month because they have their commissioner's agenda meeting on the second Tuesday of the month and this would allow ample time, well not ample, at least a week so that commissioners can gather the information and be prepared so that they can place these items on the agenda for the commissioner's meeting without second guessing about who me with whom. She said also, by having the advertised work sessions, it is not just for us to exchange the information, if they are going to be amending a lease agreement with the fair association, "we need to meet with them."

Commissioner Zimmerlink said some of those negotiations may be private due to, maybe executive session, you can't have that meeting and they can't come to us and we can't go to them and start negotiating without having an advertised meeting. Solicitor Burkley said he isn't sure they can't negotiate, adding that he isn't sure what her definition of that would be. He said nothing can be concluded until... Commissioner Zimmerlink said so there would be no issue to have the commissioners meet with the fair board and for any other matter. She said there will be matters such as the subdivision plans and other things, so that the commissioners can sit down in a conference room and discuss administratively the way they are going to go about doing this so there is no questions at a later date. Commissioner Zapotosky said wouldn't take the input also of the architect that they are going to hire as to what the subsequent next steps will be. He asked if they should develop that communication in order to advance these work sessions. He said he would reiterate, he thinks it is a good idea and he will support it.

Commissioner Zapotosky said he is asking that they advance from this meeting, speak with those involved in the project if it is awarded and passed today that they would understand what the next step or steps would be, and then set up these work sessions. You are saying subdivisions, and that and they should take to someone who knows more about construction of a new facility that they do. Commissioner Zimmerlink said by having the commissioners set work sessions on the first Tuesday of the month at 10 o'clock, then they can designate for the architect to come into that. Commissioner Zapotosky said he would like to first speak with the architect to determine what the subsequent discussions would be and what would be the next step. Commissioner Zimmerlink said that would be the purpose, with Commissioner Zapotosky saying he understands that. Commissioner Ambrosini said he isn't prepared and he has a busy schedule so he can't say what day would be best for him. Commissioner Ambrosini said Commissioner Zimmerlink made an assumption that was incorrect.

Commissioner Ambrosini said the work of the prison working group isn't done. He said it isn't even close to being done. He said there is a lot of continuing work and a lot of information to be gathered. He said some of the programming for the facility, determining what size and space and determining who they will be working with. He

said they are still in the throes of developing their operational specification. He said that needs to be relaying to the architect and they will have to have a lot of communication and interaction between the prison working group and the architect, including going through transitional stages. He said they still have, and they will probably start this 10 months prior to the facility being completed, they still have to look at staffing issues, they still have to look at the efficiencies, which is the cornerstone of the whole thing. He said the staffing is the biggest cost of operating a jail. He said they have to look at that, they have to look at the training issues, changing job descriptions and the organization that is going to staff the facility. He said there is a lot of things that they are going to be doing right up until the time the key is turned to open up the new facility.

Commissioner Zimmerlink said she totally agrees with that and that is all the more reason why it needs to be in the hands of those who are authorized by election, by code and by virtue of being in a county make those decisions and to give those directives, which are the three sitting commissioners. She said the prison working group do not have any authorization, any legal authority to negotiate, discuss, move ahead, talk about all of the things that you just discussed. She said Commissioner Ambrosini is correct, there are things that need to be discussed given that these items are going to be passed. She said therefore, to have it under the direction and control and the information of the three commissioners by having a legally advertised commissioner's work session we can then set that time aside and have those meetings. She said would do one other thing, given that the prison working group meetings have already been set and you don't know what your calendar is, with Commissioner Ambrosini saying that he would like to have them on the same day as the prison working group meetings. Commissioner Zimmerlink asked what day the prison working group meetings are, with Commissioner Ambrosini saying they are the third Thursday of the month at 9:30 a.m. and it would be more efficient to just combine and just advertise the meetings, if that is what it takes.

Commissioner Zimmerlink said to advertise it to be a commissioner's work session.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to hold the commissioner's work sessions for all matters pertaining to the new jail construction to be held at 9:30 a.m. on the third Thursday of every month, beginning in October.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

In making the motion, Commissioner Zimmerlink said it would be a commissioner's work session and she would think that every commissioner sitting at the table would know what that entails, as well as the two county solicitors. She said again, they are the three sitting commissioner's and they are the only ones who have the authority to move a project forward, to make administrative decisions, whatever the case may be. She

said the prison working group only had authority given to them by the prison board to gather information and not to meet, negotiate, things of that nature. She said "this here is for" matters after the official vote is taken which is going to happen at the end of the meeting for all actions moving forward. She said by having it be a commissioner's work session, it would allow the fair board to come in and meet with us, and there are issues she is hearing, which she hasn't substantiated regarding the airport and flight paths or if anyone there wants to come in and discuss those matters with us that is the time to do it. She said discussions regarding banking facilities, everything, we all know. "That's my motion," she said. After Commissioner Ambrosini seconded the motion and before the vote, Commissioner Zapotosky said he supports it and it is a good means of communication and he would suggest that they have a structured agenda to the work session. He said he would hope they would have some structure to it and he said it is a great way to show the public the progression if they advance the project today of where they are going. He said if some parties have interest in a positive or a negative they are able to address those such as Commissioner Zimmerlink had alluded to with flight patterns or something of that nature. He said it fits a consistent schedule that has been followed by virtue of the prison board acting on the third Thursday. He said he can't third the motion but he will vote aye on it.

Public Comment on Agenda Items

Before Ralph Mazza spoke, Commissioner Zimmerlink said there was a department head in attendance that has an agenda item and she asked if he would mind if she went first so she can get back to work. Sarah Minnick, head of the tax claim bureau, said the item concerns properties not sold at free and clear remaining in the name of Fayette County or not. She said there will be other things that they will have to come back and vote on if they do not deed the properties to the county. She said she doesn't know the decision because obviously it isn't voted on yet, but if they do not deed to the county there are a few things that are going to change. She said whether or not they let the owner pay the taxes to remove it from the sale, what the minimum bid will be, the process after someone bids on it will be different as Solicitor Cupp mentioned. She said it isn't as simple as if we are deeding them to the county or not. She said it will change the procedure as they have adopted.

Commissioner Zimmerlink asked if that would only change if the board of commissioners adopt to place it in the name of Fayette County. She said the item on the agenda isn't an either/or item. She said the item on the agenda, and it was worded by Solicitor Cupp last Tuesday, is to place the properties not sold at the free and clear sales in the name of Fayette County. She asked what happens if they vote to place the properties in the name of Fayette County. Mrs. Minnick said it remains the same. Commissioner Zimmerlink asked if there would be any issues with the county's already-adopted procedure that would need to be addressed. Mrs. Minnick said the policies and procedures would remain in place the way it is now, which is deeded to the county. Commissioner Zimmerlink said it is in the name of the county now. Commissioner Zimmerlink said the motion should have said to either place in the name of the county or leave it in the taxpayer. Solicitor Cupp said if they vote yes on it, nothing changes but if they vote no, then they implement the processes that Sarah is alluding to. Mrs. Minnick

said they need to decide what the processes are. Commissioner Zimmerlink said the procedures and processes that they have in place now are very specific as to what the bidder must do and that was adopted by the board of commissioners and more importantly, if not equally important, the bid amount that was set, because if they no longer have it in the county's name it may behoove the board of commissioners not to just accept the minimum bid which would cover just the court costs. She said it would behoove them to set a higher amount, and Mrs. Minnick added, to pay all the back taxes.

Commissioner Zimmerlink said if they do not pass this, they would most definitely have to come back and have another vote because they would be changing the minimum bids. Solicitor Cupp said what they would want to do is if they vote no on this, Sarah is going to have to come up with a different set of procedures. Commissioner Zimmerlink said procedures and setting the minimum bid. Mrs. Minnick said then they would have two different sets of procedures because their list is going to be mixed. She said they would have Fayette County properties that would follow this list, with Commissioner Ambrosini adding "until they run out." Commissioner Zimmerlink said it isn't until they run out. She said there were 200 and now it is 150. She said separating the list isn't an issue, they just have to put it in big red bold letters for the individuals but they would still have to come back and make the decisions on minimum bids and things of that nature. Commissioner Zapotosky said in the end they are taking the onus off of the county of inheriting these properties that folks have walked away from and put the county in the position for maintenance, demolition, whatever the case may be and that is the crux of the issue.

Commissioner Zimmerlink said the second issue is by changing it they would be obligated to share in the proceeds as one of the solicitors pointed out in an e-mail to us. Solicitor Cupp said the problem is that they have very few, if any, where there would be proceeds to share. Commissioner Zimmerlink said they have one now, they got a bid for \$13,000, \$14,000, they have to share. Solicitor Cupp said he doesn't think so, because he recalled running the numbers with Sarah and even the \$13,000 or \$14,000 bid wasn't enough to pay all the taxes. Commissioner Zimmerlink said regardless of that, what she is saying is that Commissioner Zapotosky is right on one point and that is that by keeping it in the name of delinquent taxpayer then the responsibility for maintenance does not fall on the county. She said there is also that second issue that he pointed out which is if they keep it in the name of the delinquent taxpayer then any proceeds--- and who knows, no one has a crystal ball --- then that also would be shared.

Commissioner Zimmerlink said she isn't saying anything is right or wrong and she thinks she knows how this will pass and she thinks they are all three in agreement on this. She said they have to be pretty clear because they have a couple issues right now with some property owners and with some municipalities. She said they have to make sure they are on the same page and make it very clear to the tax claim office. Commissioner Ambrosini said the third issue that they haven't discussed is the liability issue of those properties by putting it in Fayette County's name and that can trump everything else easily. He said that is the most important reason they want to leave it in the previous owner's name. Commissioner Zimmerlink said if it changes, she would

need to know the new procedure, which would include minimum bids, by when. Mrs. Minnick said if this is not approved today and it does remain in the taxpayers name, she has a list of properties that were not sold at free and clear 2013 that she has been waiting to put on the repository not knowing if they are deeding them or not so before she can put those on the list, she will need to know what procedures to attach and if the delinquent taxpayer can pay in full to remove it from the depository list. Commissioner Zimmerlink said she will need to get with Solicitor Cupp and come up with a draft of, given that this passes, and come up with that and have it placed on the agenda for the next month. Commissioner Zimmerlink said she can do it for November, so she has about 30 days. Solicitor Cupp said if the item is rejected as it is written, that whenever they have the November agenda meeting that Sarah and he will have a proposal they can look at prior to the agenda meeting so they can decide whether or not they want to put it on the agenda and then whether or not they want to adopt it.

Commissioner Ambrosini said there are a lot of people and he asked that comments be limited to five minutes. Ralph Mazza said at the so-called public meeting of the prison, written questions only were permitted and you decided which to answer. He said they dismissed his question under the guise that they didn't understand it. He said proper public participation would have permitted him to explain it. He said it involved simple math and he knows that isn't his forte. Commissioner Ambrosini said he would appreciate that during his comments, which he perfectly has a right to make, that he refrains from making personal attacks or snide comments. Mr. Mazza said that is a comment and Commissioner Ambrosini said it is an accusation. Mr. Mazza said Commissioner Ambrosini and the controller have been quoting over \$1 million is the cost to farm out inmates at \$60 average cost to house and what not plus transportation. He said those are not true figures and the cost of housing and feeding and security in the county jail should be subtracted from that \$1 million, that would give you the true figure.

Mr. Mazza said unless you are housing, feeding, medicating and securing prisoners in our own jail for nothing. He said in 2012 the DOC inspection revealed a failure of 80 of 102 deficiencies and all of them were policy related. He said none of them were structural related. He said housekeeping and maintenance have been purposely neglected, as was pointed out by the union to the board. He said the DOC recommended that the inmates do the cleaning as it is done in other counties. He said they should use the DOC suggested preventative maintenance and repair book and to institute a written policy that the DOC will find in compliant with the Title 37 policy manual. Mr. Mazza said November 15 the DOC is scheduled to inspect the facility. He asked why not wait to see the result of their inspection before making a decision regarding the prison. He said they can also explore other means to deal with the problem without saddling the taxpayers with a \$57 million debt. He said you can't rely on funds from sources that can be nonexistent in less years than the length of the debt incurred. He said if necessary, one thing they can explore is the use of modular construction.

Mr. Mazza said you can get a 96 to 256 bed dorms from an outfit called Mod Space and everything is complete and it has everything you need in a prison. He said they do it in

half the time it takes to build and probably a lot cheaper than the \$57 million it is going to cost the taxpayers. He said one other thing he wants to touch on is the prison work group. He said the meetings are never advertised and if more than one commissioner attended any of their meetings you are in violation of the Sunshine Act. He said it is his understanding that there was at least one meeting where there was two commissioners. Commissioner Ambrosini said those were informational meetings and every one of those meetings were attended by the newspapers. Mr. Mazza said he didn't say that, he said if more than two commissioners were there. He said according to the Sunshine Act you have to advertise the meetings. Commissioner Ambrosini said there was no deliberations and there was nothing voted on at those meetings so it is perfectly appropriate. Mr. Mazza said that isn't what he is saying. He said if they have a meeting and there are two commissioners at it, it is a public meeting.

Commissioner Zapotosky said he is the second commissioner Mr. Mazza is referring to and he can assure him that his attendance at any of those meetings was very, very brief—Hello, thank you very much for working on behalf of the county, and “I assure you, I assure you sir I hold in my possession a 15 page document that has detrimented my ability to work because of a lawsuit that was filed against me. And you know what that lawsuit was, it was affirmed. You can read it yourself if you like sir. You're full of beans. That's what it shows, you're full of beans,” he said. “For three years I had to live under the cloak of a lawsuit that unabled me to be able to do the things I needed to do. I walked into those meetings, said hello, thank you for your service, I appreciate it, so don't imply Sunshine Act violation. If you want to imply it, file it with the state. File it with the state. I'm tired of the accusations,” he said. “File it with the state, file it with the state Mr. Mazza, I'll give you the address sir. File it with the state or have the third commissioner file it with the state. File it with the state sir,” Commissioner Zapotosky said. Mr. Mazza said he isn't full of beans and Commissioner Zapotosky said maybe something else then.

“**File it with the state,**” Commissioner Zapotosky said. Mr. Mazza said he is not full of beans. “File it with the state. Before you make an allegation that I violated the law, file it with the state,” Commissioner Zapotosky said. Mr. Mazza said he didn't say he violated the law, he is saying, he is telling him what the law is. Commissioner Zapotosky said he realizes that and he can recite the law here in this court's opinion. Mr. Mazza said he accused nobody. Commissioner Zapotosky said he accused the second commissioner. Mr. Mazza said if there were two commissioners involved in those meetings, then those meetings were in violation of the Sunshine Act. Commissioner Zapotosky said he assures him his presence at those meetings was hello, thank you for your service. Mr. Mazza said he didn't name anybody and Commissioner Zapotosky said he doubted that he was naming anybody else. Commissioner Ambrosini asked Mr. Mazza to conclude his comments. Mr. Mazza said regarding the lease with the fairgrounds, he would like to know how – if there is something in that lease that you can break because they have a 70 year lease on the fairgrounds. Commissioner Ambrosini said they have an agenda item to discuss that.

Commissioner Zimmerlink said this is public comment on agenda items because if they move off of that and go to the agenda item then there is no public discussion. Mr.

Mazza said he is asking a question, evidently you have a lease. Commissioner Zimmerlink asked what his question is regarding the lease. Mr. Mazza said if they have a 70-year lease you can't just arbitrarily break the lease, there has to be something in the lease that gives you the right to do that. He said he isn't an attorney, but he isn't stupid either. He said he is old but he isn't stupid. Commissioner Zimmerlink said there is an item that was just placed on the agenda to make a motion to amend the lease between the commissioners and the fair board for that particular parcel. She said if that vote is in the affirmative that they amend the lease, then read what it says, it's not specific, it's only saying the commissioners are going to amend the lease, but if the other party doesn't want to amend it, we need the particulars, hence the reason why she thinks it is very important that we have the commissioner work sessions so we can discuss this. She said she was able to find one lease and it isn't the original lease and she was only able to obtain it this morning. She said it is the lease that was attached to the resolution that the commissioners passed in the year 2006 which extended the lease agreement an additional 30 years because the lease agreement was to expire in 2022. She said in March of 2006 the board of commissioners by resolution unanimously passed to extend that lease for an additional 30 years which would make the lease expire in 2052. She said in that document that she has it doesn't reference early out, it doesn't reference as far as she saw this morning, changing the acreage or anything of that nature.

Commissioner Zimmerlink said however she could be wrong because she only looked at it very quickly. She said they can say they are going to amend the lease but if the other party doesn't agree then there are some stipulations and those matters need to be discussed which is why she wants them to be discussed at a commissioner's work session and then if the lease is amended then they have to bring it back to the commissioners for a vote. Mr. Mazza said he doesn't know how arbitrarily you can break a lease. Commissioner Zimmerlink said they will have to pull that agreement and she also found there is a mortgage between the county of Fayette and a bank for \$310,000, it's an open end mortgage and she looked at that quickly and it does not state how long that mortgage is and before they amend the lease they will have to check with the bank because the county is on the line for an open end mortgage for \$310,000 that was done in 2006 as well. Mr. Mazza said there are three parties involved and Commissioner Zimmerlink said she doesn't know how long that mortgage is but if it is effective today and it is still not paid off and she would doubt that in six years it is, they definitely will have to talk with the bank and make sure we can give up that acreage. She said actually she just learned it this morning. Mr. Mazza thanked her.

Evelyn Hovanec said now she sees why they have to have somebody with a gun here, it isn't the audience. Commissioner Ambrosini said it is for her protection. Mrs. Hovanec said don't give me that, you think I just fell off the garbage truck? She said she has watched this and today was another opportunity of how you should not run a government, a local government or any government. She said there is an absolute lack of opportunity for a minority commissioner or representative or whatever to get anything across. She said what that person may be trying to tell us is that there is another way of looking at this. She said in her mind what is happening, adding that there have been numerous occasions where she has seen it, a decision was made in somebody or

somebody's minds and they decided through opportunity and every weapon they had to pass this and to put it up no matter what the opposition said, period. She said that isn't governing, that is ruling. She said we have a kind of dictatorship going on and we see it all over, it's not just here. She said that is not the way the government is supposed to run, it's a government of the people, by the people, for the people. She said the people have been left out and she will start with some of them. She said she is asking for them not to pass these motions today on the prison for the following reasons. She said the process involved in the decisions is gravely flawed. She said the type of membership on the prison working group, she went through it the other night, almost all of them are beholden to the county or some political issue or even those who are citizens have a relationship with the county. She said concealment of group activities, there are no written minutes and how can you say it is public when there are no written minutes?

Mrs. Hovanec said she has gone through it and there are people who have asked for the records and they are not there. She said concealment of the group activities, there isn't even a recording and when the meetings are held since there was no publication of them nobody really knew that you were holding meetings and that the press was there is nice but their job is to take down what they see as the important facts. She said what they see as the important facts are not always the important facts. She said it depends on how you are interpreting the issues. She said some of that stuff was very slanted. She said there are times when questions have been asked by the taxpayers in this decision making process and they were not answered. She said there was an exchange and she doesn't have to say much more, you can see what happened, that should never have happened. She said there are less than truthful answers to the questions involving the taxpayers. She said it isn't out and out lying but when she was in Catholic school many years ago they called it lies of omission by not giving the information that you should be giving. She said she isn't allowed to look at you so she will keep her back to you, adding that she can't talk to any of them and not to take her seriously.

Donna Chatlak said she will take anything seriously and she can say what she wants and told Mrs. Hovanec not to point her finger at her. Mrs. Hovanec said her mistake and she apologized. Mrs. Chatlak said she knew why she did it. Mrs. Hovanec said she didn't do it, she didn't even think about her being back there. She said less than truthful answers to questions involving taxpayers in the decision making process and telling them that they were to wait for a report that came and they had a week or two to digest it. She said she went to the meeting and if she were the type to be easily intimidated she would have been intimidated. She said there were armed guards there and a sheriff's car parked out front and one unarmed guard there and the only way people can communicate is by writing down questions on paper. She said that is not a public meeting where discussion is held, it was an absolutely controlled meeting. She said when the report was presented you couldn't read it because it was so small, adding that she wears glasses. She said they did post it and she thanks them for that.

Mrs. Hovanec said by the time it was posted there was no time to respond. She said he told them they had opportunities to give options, they have had no opportunities to give an option other than your options which are: build a new prison and you can build it either where we have it now or you can build it on the fairgrounds. She said there is no

other option because doing nothing was never an option. She said to her they bogged down the democratic process to enable people to contribute to what is happening. She said she knows the tactics they used are used in big corporations and businesses but she thinks they don't belong in the public sector, that's not the way business should be done in a public sector. She said she also has a problem with how it is all going to be paid for. She said she knows they are telling us it will be Marcellus shale and the casino. She said if they keep losing jobs in this county the way we are, there will not be enough money to pay for keeping the courthouse working let alone building a \$30-some million jail. She said we have lost anywhere between 500 to 600 jobs and probably will lose more. She said she has no idea how they are going to pay for this because the only other source of income are real estate taxes. She said the real estate taxes for most people who are sitting here right now, they don't have the extra money to give you. She said she read Act 13 last night and she read the second on what you can spend it on and for the life of her she doesn't know which one of those items you are going to put it under. Commissioner Ambrosini said public safety.

Mrs. Hovanec said it isn't public safety, asking if he looked at the names. She said a prison isn't necessarily for public safety, we have a prison. She said she went back to the document and the income was posted on Commissioner Zimmerlink's blog and what was said by Mr. Killinger is not true. She said the Department of Corrections has never said they were going to tear down our prison if we don't do this or don't do that. She said it is that kind of twisting and slanting of the truth that made her very, very cautious and skeptical. She said all of this has tended to intimidate people and stopped discussion and participation in the function of government. She said the process is flawed and is silencing people and is ramrodding the project down people's throat. She said she believes that special interest and power politics and those that want a prison regardless of what happens and they are willing to do anything in their power including calling names, etc. She said she has seen the minority commissioner called the insider's politician, the politician's politician and she is thinking we are getting kind of tough now. She said once again special interest and power politics will win. She said the county has lost the opportunity to have public participation and to do something that might have been a thing to be proud of. She said they had no participation and they still have none.

Mrs. Hovanec said they are still trying to figure out how they can ram this through. She said that is her biggest objection and she is asking them to delay the votes on this and to allow the public the opportunity to understand exactly what it is that is going to happen. She said the \$60 million or \$50-some million isn't the end of it. She said when they start talking about programs and things they will be in debt for \$100 million. Commissioner Zapotosky asked Controller Sean Lally about a point raised by an earlier comment that the figures about the outside rentals were not accurate. Controller Lally said the quote was that they were fictitious or that they didn't include food and things of that nature. Commissioner asked if he would for the sake of his own sanity elaborate on the costs of farming out outside inmates and how your numbers would be incorrect or inaccurate. Controller Lally said they would not be and the number \$14,310 should stick with the citizens at this point. He said that is how far away from \$1 million we are. He said people say that these numbers don't exist and in his book of requisitions in his

book. Commissioner Zapotosky said they are signed requisitions for payment from the commissioners authorizing payment to the respective counties for boarding of the inmates. Controller Lally said it is strictly for boarding of the inmates and it doesn't encompass any other costs. Commissioner Zapotosky said they don't receive any reimbursement, they don't receive anything from boarding outside of the county. Controller Lally said in addition to the three commissioner's signatures, you have the department head and you have the chief clerk that attests to it. He said if five people were shuffling around things behind my back he would find it highly improbable, most especially when he has cancelled check stubs that verify all the numbers he has put out. He said for the record, as of today we have spent \$985,689.50, which is factually contained in this book. He said if you go back to the other years he has listed he only brought two years with him.

Controller Lally said in 2012 we spent \$690,153.79 in inmate rentals and in 2011 we spent \$265,847.51 and in 2010 we spent \$495,000 approximately. Commissioner Zapotosky said those are subject to audit as well. Controller Lally said they are subject to audit. Commissioner Zimmerlink said she wanted to follow up on that. She said no one has ever disputed, with Controller Lally added that yes, they have. Commissioner Zimmerlink said she wanted to finish what she had to say, which was that no one ever disputed that requisitions were signed by commissioners, whether it is three or two, regardless. She said of course they were signed because bills were paid. She said the statements that have been made is that millions have been spent on out of county rentals. Controller Lally said that is right. Commissioner Zimmerlink said per year, and the statement that was actually quoted was that \$700,000 per year has been spent. She said Commissioner Zapotosky asked about the requisitions and he also made a comment about are they audited.

Commissioner Zimmerlink said that Controller Lally just presented to the public the 2012, 2011 and 2010 audited numbers. That's per year, she said. She said no one is disputing those numbers, and that is not \$700,000 or million. She said prior to that in the year 2009 the undisputed audited number for out of county rentals was \$25,967. She said the year 2008 \$51,990, audited statements. She said the year before that 2007- \$9,585. She said the year before that 2006- \$51,102.87. She said prior to that 2005- \$238,568. She said in 2004 \$130,194.22. She said the year prior to that- \$17,181.48- those are audited numbers. She said she believes that when people say we are spending millions every year, those aren't millions every year. She said understand, "no one is not saying that the issues of the overcrowding should not be addressed. It's in what manner and what option." She said to say that millions or \$700,000 per year has been spent, you can't dispute the audited financial document that was presented to the three commissioners by Sam Lynch who is our financial consultant for the audited per year number, you can't dispute that. She said she doesn't want to put words in any citizens mouth but...

Mrs. Hovanec said she just had one comment, she said if you go to the commentary in the paper today you will find out what this comment is about. She said thus they would need to ship and it goes on further. She said Mr. Lally's \$60 per day figure would be offset by virtue of the fact we would no longer be feeding them, clothing them, doing

laundry, supplying guards, paying utilities, etc. She said with these offsets the \$60 per day he is quoting as a "show stopper" would be closer to \$20 per day because when you ship out, the money that you would spend here should be deducted from that. Commissioner Zapotosky said he didn't read the editorial. Mrs. Hovanec said she didn't provide the figures, they were given by John Buchanan, a registered financial advisor who worked at Mellon Bank, Gallatin Bank. Commissioner Ambrosini thanked Mrs. Hovanec. Commissioner Zapotosky said what they see is a trend that continues based on the projections of the study that was done in 2001. He said he would prefer not to be sitting her talking about building a new prison, he would prefer to talk about economic development but the fact of the matter is that this problem is not going to go away.

Commissioner Zapotosky said looking at an old police station that has been condemned, adding that he thought they discussed that a while back, that is condemned and quite frankly the refurbishing costs would be astronomical to fix a relatively small amount of inmates that you could incarcerate there. He said this is a problem that we need to address and we have two options, either we ignore it or we.. Mrs. Hovanec spoke up and Commissioner Ambrosini said they should give other individuals a chance to speak. Mr. Mazza said his figure was incorrect, and they didn't deduct from the cost to keep those inmates and simple mathematics tells you that that's the facts. John Buchanan commended Commissioner Ambrosini for bringing the prison problem to the surface and making it a priority and he thinks it has to be done. He said he also wanted to make a couple of comments about approving work sessions. He also commended them for having the day work release program, which he said he thinks is going to work out better than people think. He said the cost is \$128,000 a year and the state MH/MR will pay the rest. Commissioner Zapotosky said they will utilize other programming dollars.

Mr. Buchanan said it is really a bargain. He said he commends them for doing that and he thinks they have done some very good things. He said the difficulty they had and obviously somebody hasn't read the paper and they had it to the newspaper in time to get it in last Sunday's paper and this Sunday's paper but because of policies they couldn't get it in until yesterday and today. He said although they haven't had a chance to review it, when they do those who composed it are really, willing and able to discuss it with you and the number that he used, and he understands that everybody is basing this on the fact that everyone went up on a ladder and looked down through a hole in the roof and said look how bad it is. He asked if anybody talked to the owner, with Commissioner Zimmerlink responding that she has. Mr. Buchanan said he has and he has talked to people who have. Commissioner Zimmerlink said she isn't advocating renovating. Mr. Buchanan said they used figures that Mr. Crabtree said would take to refurbish the new jail, they had \$200,000 and if you add another \$200,000, make it a million and a half and you could gut the whole place. He said kick the foundation and these are issues that they have to bring out. He commended the commissioners for looking at it and said they want to get something done but they think they can do it and save the county a lot more money than the plan they are looking at now.

Commissioner Zimmerlink said that is why she wanted to table the actions and for the commissioners to meet on Monday at 10 o'clock so they can discuss other alternatives.

She said the reason is because at prior commissioner meetings when individuals would question as well as citizens, we were told be patient, let the Crabtree Sleighter group compile their information and present it. She said once we have the facts, then questions can be asked and answered. She said that is what the citizens did and she did. She said they got that report and it was presented September 26 and she asked the sheriff for a copy of it and he said he didn't have an extra copy and finally we all got copies and she had one by October 1. She said today is the 15th and there has not been any public meeting and that is why she is asking for one and more importantly, with the three of us to discuss any other option because the Crabtree study was presented and it presented 480-bed new build. She asked if any other discussion for alternatives been had with the three commissioners. She said the answer is no.

Commissioner Zimmerlink said you can't do it before you get the study, as they pointed out. She said she got the study between the 26th and the 1st, read it and apparently there is a group, you and others, adding that she didn't read the article this morning and she didn't read yesterday's paper. She said apparently you and others have some suggestions and ideas. She said she doesn't know if she agrees with them or not, not all of them. She said also some of the suggestions that she has, us three have not discussed. "Why not discuss them?," she said. She said there was no other opportunity whether she would have gone to the prison working group meetings or not, you can't discuss it unless you have the report. She said once the report, let's look at some other options. She asked what it hurts to have a discussion to review the other options, there isn't. However, she said she didn't get a second so it isn't going to happen, at least with us three. She said perhaps she will still have a meeting and ask your group to come and she will ask the other two commissioners to come. Mr. Buchanan said they did approve to have work sessions. Commissioner Zimmerlink said that is the work session and the commissioners and public would attend those but that is not to discuss other options, no it wouldn't be and that is the only reason, that is why she made two motions. She said her first motion was to postpone a vote today and let's look at other options and then come back and even if we have to have a special commissioners meeting prior to the third Tuesday of the month.

Commissioner Zimmerlink said the work session would be to discuss matters concerning new construction. She said no doubt, and unless she is wrong and she hopes she is, these items on the agenda are all going to get passed. She said there is no need to bring up all these other options because the commissioners will have already voted on it. She said that is why she made a motion to hold and look at other options. She said at least the three commissioners will be discussing every action that will take place for the new construction and every step of the work. Mr. Buchanan asked if Mr. Killinger will be a part of the planning sessions. Commissioner Zimmerlink said the motion was to hold a commissioner's work session on the third Thursday of the month beginning this month at 1:30, 9:30. She said that is the commissioner's work sessions. Mr. Buchanan apologized for not getting this into their hands before and said as a group, they would answer questions.

Commissioner Ambrosini said he wanted to point out that he didn't want people to think that all of a sudden in the last two weeks we have decided to do something in

terms of fixing our county jail problem. He said this project started July a year ago, in 2012. He said July 13 in fact, on Friday. He said he sent out an e-mail request to not only the county employees but he also asked for participation from the general public to start a prison working group. He said one of the things the prison working group was tasked to do among its four teams, the financial, architectural, and judicial and the programming team for behavioral health and those type of issues, they were to gather information and were to go out and gather information and determine what all our various options are. He said we have a problem here, let's look at ways to fix it. He said this has been going on for over a year now. He said he is a little concerned that all of a sudden when all these various options whittled down to a plan and a recommendation of how to go forward and all of a sudden we haven't talked about this. He said this was a voluntary request and they have a lot of people in the prison working group that are very intelligent and very knowledgeable people that have contributed tremendously with their time and effort. He said there were good suggestions and they were not so good suggestions.

Commissioner Ambrosini said everybody in the end agrees that the way forward is what they are currently anticipating doing. He said he doesn't want to make it look like these individuals who have been working and in some cases pretty much like a full time job, he doesn't want to diminish their contributions because they have contributed tremendously to this county. He said he wanted to thank them for their efforts and he wants to thank them for their continued efforts as we go forward with this project. Commissioner Zapotosky said in the final analysis of Crabtree there were options given. He said it was not just the construction of a new facility. He said there were options of refurbishing the facility. Mrs. Hovanec said she was there and there were three. Commissioner Zapotosky said there were options being plural, three being more than one. He said Option One was to do absolutely nothing. He said Option Two was to remodel the existing facility at the tune of \$7 million and still maintain the same bed population of 239. Mrs. Hovanec said he missed half of it and the other half was to build an addition to the prison. Commissioner Zapotosky said she didn't give him a chance to finish. He said then there was the option that would have added to the current facility, basically building on top, would have eliminated parking lots, etc. we would have had some things, and then the final option would be the construction of a new facility.

Commissioner Zapotosky said he realizes that the power point presentation was small and he had a tough time on certain locations of seeing it but it was clear that when you looked at the cost and you can't say savings because we are spending money nomatter which way we are going but the most cost effective was the construction of the new facility. He said that is something that is going to be decided by the fact remains that it wasn't just—here it is, this is your choice, there were other options presented. Mrs. Hovanec said the options were limited by the people in that room and all of them have a connection in some way, they have a foot in this thing and this is related to making a living for many of them and that is fine, they should be there. She said there should have been some people there looking at it from the point of view of the every day real estate property tax payer. She said those people were completely ignored. Commissioner Zapotosky said there is no easy fix here. Mrs. Hovanec said somebody asked her yesterday why she doesn't just give up on it and she said she probably

should because it is a lost cause. Commissioner Zapotosky said there is no easy fix here and Mrs. Hovanec said you and I know that and that isn't what she is saying. She said they took the easy way out, they decided what they wanted and they went for it. Commissioner Zapotosky said he is also thinking long term. He said 1896 was a heck of a long time ago. Commissioner Ambrosini asked for people who haven't made comments yet.

Shawn Connelly, chief of Allison No. 2 fire department, said he knows they are going through with the prison but he wanted to know why none of the fire departments have received funding to help them. He said they sent letters in asking for funding and they are being pushed into the new radio system and if it wasn't for a grant they wouldn't have the radios, which cost over \$1,200 for five portable radios. He said they need help, fundraising is down, expenses are going up and they can't get help from anyone. Commissioner Zapotosky said they allocated and "don't quote me on this," four or five percent of the Act 13 money to go to local fire departments. He said the money hasn't been released yet and you all will have to decide how you want to spend it but they did put a measure through. He said the base stations were provided because of a grant they had gotten a few years back. He said in the Act 13 monies they allocated a percentage to go to the fire departments. He said he can't remember all the particulars or the exact percentage but it was four or five percent. Mr. Connelly said the townships got money. Commissioner Zapotosky said it is four or five percent. Mr. Connelly said the chief of Isabella is here and three or four from Luzerne Township. Commissioner Zapotosky said he spoke with Guy and Roy about two weeks ago about the progress and where we stand on the upgrade of the 911 system.

Commissioner Zapotosky said the reason why they did the 911 system is that if they didn't do it the parts, and Mr. Connelly added that the system was outdated. Commissioner Zimmerlink said his question was about the allocation and say it is 4 percent and they will have to pull the resolution. She asked if it is 4 percent of the total received, adding that the resolution will have to be pulled. Commissioner Zimmerlink asked Controller Lally if both years of Act 13 money have been received. Controller Lally said he is sending an e-mail because he didn't know the number, with Commissioner Zimmerlink asking if the checks have been received and Controller Lally said yes. Commissioner Zimmerlink said to her knowledge no allocations have been released and she doesn't know why, somebody has to do a requisition. She said the fire departments will get that allocation one time because her fellow commissioners want to use future Marcellus shale revenue for the prison. She said it will only be that one time.

Commissioner Zapotosky said that isn't necessarily factual. He said he made the breakdown of the allocation of the Act 13 money and advanced it to our local fire departments and he will continue to do that. Commissioner Zimmerlink said what she is saying is that is the only resolution they passed for that one particular year, not 2011, it was 2012 and only for that one particular year. She said that is the only resolution the commissioners have passed and if they already said they want to use Marcellus shale money for the prison so whether it will be the entire amount or keep some back for other projects, that hasn't yet been determined and would have to be determined at future meetings. Commissioner Zapotosky said to keep in communication with Guy and Roy

as they have talked to Motorola, the company doing the work. He said we are a good year and a half away from that system being completed and Motorola discussed the willingness to discuss and become engaged in giving a break if we purchase all from Motorola. He told them not to go buying anything any time soon. Mr. Connelly said they already did using last year's grant money. Commissioner Zapotosky asked what the cost was -- \$3,000 or \$4,000 each. Mr. Connelly said it was \$12,000 for five. Commissioner Zapotosky said the cost in a couple years may be reduced to around \$2,000. Mr. Connelly said they were told the system would be up and running April 30 of this year. Commissioner Zapotosky said they don't even have the towers up yet. Mr. Connelly said they went through all those meetings and they were told that April of 2013 the radio system would be up. He said they didn't get the grant.

Commissioner Ambrosini asked if they bought the dual band radios. Mr. Connelly said to save money they just went with the digital and they are sitting in the cabinet. Commissioner Ambrosini said that is why they made the commitment so they could go with the digital radios. Geraldine Mazza said she hasn't heard what they plan to do with the present jail building once you build a new prison. She asked what their plans are for that building. Commissioner Ambrosini said it is obvious that one of the plans is to use it as a record storage facility or part of it. He said they are renting facilities all over the county to store county records and we can certainly bring those back and save some money there. He said there are a number of other issues, such as expanding office space into the facility and he is sure there will be a lot of opportunities to use that facility for useful space. Mrs. Mazza said that would take money and she asked how much money they plan on spending on that building and she asked where it is coming from.

Commissioner Zimmerlink said she isn't aware of any monies that are going to buildings or storage and she asked where those are. Commissioner Ambrosini said our director of public works has indicated that they are renting storage spaces and he doesn't know exactly where. Commissioner Zimmerlink asked Commissioner Zapotosky and he said he isn't sure. Commissioner Zimmerlink said there are none and she is 99.9 percent sure. Commissioner Ambrosini said that is an easy solution and they could talk to him and find out. Commissioner Ambrosini said they do have records away from the county facility itself and they need to get those back for security reasons. Commissioner Zimmerlink said we have them at our county federal building that we own and we had PHMC come in and that is another subject. She said we are not renting space and Commissioner Ambrosini said that we are thinking about record storage or thinking about other offices, there is no we because she doesn't know who is talking about that which is why they need to have meetings because she never heard unless it was done in a prison working group meeting and she would think that if it was discussed and since there are not minutes, if there were reporters there they would have reported on it and she didn't recall that.

Commissioner Zimmerlink said this is why they need to have commissioner discussion because they are being told that it is not ADA compliant and it could be shut down then if they are going to have employees go over for record storage and you are going to have other office space then one would think that you would need to renovate that unless you are going to put storage in the jail cells and other places so there has

not been any three commissioner discussion about it. Commissioner Zapotosky said he doesn't think there has been any significant discussion and he personally has not explored any options outside of the possibilities of X, Y and Z but as the commissioners have alluded to there are some options available and there would be some cost associated with it. He said we haven't gotten to that point. Mrs. Mazza asked if that should be part of the overall plan. She said they should know what they are going to do with that building and how much it is going to cost the taxpayers to do whatever they are going to do with the old prison. She said that should be added into the cost of the new prison. Commissioner Ambrosini said there are a number of avenues. Mrs. Mazza asked if the people have a right to know what you are spending with \$58 million for the new prison plus it is going to be this much amount to renovate the old prison because your plans are to put this in there and that in there.

Mrs. Mazza said they are being disingenuous with the taxpayers by not giving them the true cost of what you are planning to do. Commissioner Zapotosky said they haven't come to a determination on that yet. Commissioner Ambrosini said they have no definite plans since they haven't voted on it yet. Mrs. Mazza said that should be part of their plan. Commissioner Zimmerlink said it should be a part of the discussion, adding that they heard one commissioner say they have discussed it and you heard the other two say we haven't. She said it needs to be discussed at an open public meeting so that all three commissioners can give options and give ideas. Commissioner Zapotosky said first of all, it is a historical building so they have to be cognizant of that. Commissioner Ambrosini said that leads to some potential for historical grants to do some renovation work. Mrs. Mazza said there is just too much secrecy in this county government.

Commissioner Ambrosini said they still have the entire agenda to get to. He asked if anyone else who hadn't spoken wanted to speak. He asked everybody to be brief. Gigi Patternoni said it was her first ever commissioners meeting and her first ever public meeting in this county that she has attended. She said unlike a lot of these people, she has only recently been following the prison issue. She said she doesn't have any agenda to promote and she wanted to speak about the last 15 minutes of hearing comments because she is a little concerned about a couple issues. She said she initially attended the public information meeting at Penn State because the information she was reading in the newspaper and the things she was hearing from people she spoke with seemed to be conflicting. She said she attended the first meeting and came away with a lot more questions than answers. She said she then attended a second meeting at the American Legion on Route 21 and at that meeting the format was the same and we were supposed to submit our questions in writing and Commissioner Ambrosini would take the questions and actually he didn't get much of a chance to answer and unfortunately I was the one who spoke out and she wasn't supposed to. She said the format of the meeting changed and there were only about 12 to 15 people there but it turned into a nice atmosphere of public and official exchange of information.

Mrs. Patternoni said as far as she knows there were not any guards there, armed or otherwise and that is one of the things she wanted to address today. She said the issue of armed guards being necessary and the term she read in the newspaper was that they were necessary because of the circus type atmosphere and the only circus type

atmosphere she has seen today was Commissioner Zapotosky's outburst. She said she was appalled by that and for Chairman Ambrosini to ask a citizen to be quiet and to not address Commissioner Zapotosky during his outburst is very inappropriate.

Commissioner Zapotosky said he apologized and Mrs. Patternoni said he didn't need to but that brings her to the other issue. She said she is an apolitical person and if she could register independent she would do that but they won't let her do that and vote in the primary. She said she has no interest in who is Democrat and who is Republican here. She said apparently that is a problem among the three commissioners. She said there is also very clearly to her a personality problem going on. She said they all need to work that out because they are all here for us. She said if they have personality conflicts or differences of opinion on things, your differences of opinion are what are supposed to work for us. She said they are not supposed to result in snide comments about one another, either publicly or privately and they are not supposed to result in nasty arguments. She said it is clear to her that they have some issues going on that don't involve the prison or any other county matters. She said they need to get past that and work on the taxpayer issues and the prison issues and whatever subject, all three of you, as commissioners.

Commissioner Ambrosini said it wasn't exactly an agenda item and he asked her to conclude. Mrs. Patternoni said she is telling them her experience at public information meetings about the prison so she is telling them her experience. She said she would like to get accurate information in a professional and direct manner. Commissioner Zapotosky said his comment was based on the fact that there was a statement in regard to a violation of the Sunshine Act and subsequently he made reference to a legal matter that had hung over his head for the past three years that cited him in violation of someone's civil rights, adding that is something that he holds very, very sacred. He said he was exonerated for the record and he would be more than happy to provide copies of the court's opinion on that case which clearly shows that it had no merit and for that to be raised he just wanted to make a point that in no way shape or form did I violate or breach the Sunshine Act. He said he may have done it in a very passionate manner but nevertheless the bottom line is in no way would he violate the law or violate someone's civil or constitutional rights. He said that was his point and he apologized for the manner in which he presented that.

Commissioner Ambrosini asked if there was a gentleman who wanted to speak about the Oak Grove Cemetery. Frank DeCarlo, a member of the Oak Grove Union Cemetery board, said he was there to ask forgiveness of taxes, interest and penalties for past, present and future of the cemetery. He said prior to this request, they were obligated to get a similar grant from South Union Township and the Laurel Highlands School District. He said they in fact got those, and he has copies of those letters if they would like to see them. He said the letters state that they were granted forgiveness. He said based on those two letters and the requirement to have them, he is asking that the county would follow suit and give the cemetery complete tax forgiveness. Commissioner Ambrosini commended the other two taxing bodies for taking those actions in the positive, adding that they have that on the agenda to vote for it.

Sandra Morris, the executive director for the Fayette County Association for the Blind, introduced Becky, a blind citizen, said there are two proclamations on the agenda, one for blindness awareness month and one for white cane safety day. She said she wanted to thank the commissioners for making the proclamations for them. She said she planned to stay for the whole meeting and they would like to get a photo opportunity with the commissioners but they have to leave. She said they will be in Storey Square from 1 to 3 p.m. passing out information and she wanted to invite the commissioners and anyone else interested in stopping by. Commissioner Ambrosini said without objection they can do it now.

Proclamations

Commissioner Ambrosini read the Blindness Awareness Month proclamation. Commissioner Zapotosky read the proclamation for White Cane Safety Day. Sandra Morris said Becky is their computer instructor. She said they are working hard to get blind people in Fayette County jobs. She said you will see them out fundraising, fundraising, fundraising. She said anyone with one of those bands on has it for blindness awareness month and that is part of the information they will be passing out.

Commissioner Zimmerlink read the proclamation for National Professional Business Women's Week. Denise Martin thanked the commissioners for their continued support. She said they have a local in Connellsville, a local in Masontown and a local in Uniontown. She announced the presidents of each of the locals. Martin said they appreciate the commissioner's support, mentioning that Commissioner Zimmerlink is a member of Uniontown and Connellsville and said that Commissioner Zapotosky needs to pay his dues but he is a member of Masontown. Commissioner Zapotosky yelled "Mom," with Mrs. Chatlak replying that she hasn't been at the meetings.

Commissioner Ambrosini read the proclamation for Domestic Violence Awareness Month. Commissioner Zapotosky then paid his dues for the Masontown chapter of Professional Business Women.

Commissioner Ambrosini asked for any other public comment. Mr. Buchanan said that Commissioner Zapotosky mentioned the Crabtree study said it would be expensive to rehab the current jail. He said if you read in the paper, the reason for that is that he is projecting some 90,000 feet to add on to it and our plan is only saying to do less. He said also he goes in \$2.5 million into that number to build a parking garage. He said there are already two parking garages within walking distance of the courthouse. He asked the commissioners to read it, adding that he will leave his business card. Commissioner Zapotosky said one of the reasons why he increases the space size is that one of the deficiencies is that our space for the inmates is too small. He said that is one of the reasons why he increases the size, adding that he believes that is the case. Mr. Buchanan said he is adding 4,000 square feet to the old jail. He said they gave 4,000 square feet in the new. He said they are proposing to get 476 beds, four short of 480 but they are proposing to get it done for half the price. He said anyone from the group will meet with them at any time.

Rev. Ewing Marietta said he wanted to commend the commissioners for what they did today. He said they let all the ideas be vetted out. He said he believes that God has some wisdom for them to look through all this and come up with a good solution. He said he will be praying that a good solution does come through this.

Proclamations

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky for the following proclamations:

Blindness Awareness Month

White Cane Safety Day

National Professional Business Women's Week

Domestic Violence Awareness Month

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Assessment Office

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the following for a real estate tax exemption as they have been deemed 100% disabled veterans by the Veterans Administration of Pennsylvania effective for the 2014 tax year.

Mark A. Umbel 100 Luzerne Ave. Uniontown PA 15401 Parcel 34-25-0022-01

Charles R. Stickle 263 Crossland Ave. Uniontown PA 15401 Parcel 34-17-0024

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to grant approval for William Lukach to attend a continuing education class at the Assessors Association of Pennsylvania Fall Conference in State College PA November 8, 2013.

Cost- Registration fees \$90.00

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink then asked Mr. DeCarlo if he was still at the meeting to see if the motion was approved regarding the tax exoneration. She said they could move it up, and he said he would appreciate that. Commissioner Zimmerlink said it would be used Commissioners, number 15, if there are no objections.

Commissioners

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the exoneration of back taxes, interest and costs for Oak Grove Cemetery in South Union Township in the amount of \$877.76.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

After the vote, Commissioner Zimmerlink said they would give the information upstairs to the tax assessment office.

Behavioral Health Administration

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the agreements and modifications as listed:

	<u>Contract Value</u>	<u>Period</u>
<u>Modification Agreements #2 2012-2013</u>		
Fayette Resources, Inc.	\$441,601	7/1/12-6/30/13
<u>Base Contract Agreement 2013-2014</u>		
Goodwill of Southwestern PA	\$486,213	7/1/13-6/30/14
<u>HealthChoices Amendment #7 - 2013</u>		
DPW/Fayette County	N/A	2013

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Children & Youth Services

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify a **FY2012-13** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **Try-Again Homes, Inc.**, Post Office Box 1228, 365 Jefferson Avenue, Washington, PA 15301 for foster care placements on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00
Foster Family Care - 425130

	Rate Per Day
Class AA	\$ 57.05
Class BB	\$ 58.05
Class CC	\$ 58.01
Class DD	\$ 58.61
Class EE	\$ 57.93
Class FF	\$ 77.03
Class GG	\$ 57.97
Class HH	\$ 57.05
Class II	\$ 58.05
Class JJ	\$ 57.93
Class KK	\$ 77.98
Class LL	\$ 78.98
Class MM	\$ 78.98

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation and **Preventative Care, Inc., George Junior Republic**, 233 George Junior Road, Grove City, PA 16127 for home, school and community-based prevention and aftercare services for children; violence, truancy, independent living or alternative to detention prior to adjudication on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00
Preventative Aftercare Services \$ 43.50/hr.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to accept the resignation of newly appointed Fayette County Children & Youth Services Advisory Board Member, Kate Thompson, effective September 30, 2013. The Advisory Committee voted unanimously to accept Kate's resignation.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Controller

Controller Sean Lally presented the following financial condition of the county:

Office of the Controller

Fayette County, Pennsylvania

SEAN P. LALLY
Controller



Phone (724) 430-1217
Fax (724) 430-1366

FUND:	GENERAL FUND		
	DATE:	15-Oct-13	
CASH:	Checking Account	United Bank	\$7,694,810.32
Funds Owed to General Fund			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 1,250,000.00	
	911 Project Fund	\$ 160,000.00	
	Due to General Fund		
	Ferry Payroll & Health Insurance	\$ 4,356.95	
	Ferry Insurance Policy	\$ 12,260.00	
			\$ 1,456,616.95
	Arc Payments Due		
	Intermediate Punishment Fund-.3yrs	\$ 40,651.26	
	Offenders Supervision Fund-3yrs	\$ 87,758.28	
	Domestic Relations	\$ 94,110.66	
	Victim Witness	\$ 4,271.61	
	Records Improvement	\$ 2,325.32	
	Fredericktown Ferry	\$ 5,054.04	
			\$ 234,171.17
	Central Service Payments		
	C-17 Fund-2yrs	\$ 9,005.00	
	Offenders Sprvsn-3yr	\$ 39,369.00	
	Intermediate Punishment-3yrs	\$ 19,532.00	
	Victim Witness Fund	\$ 10,780.00	
			\$ 78,686.00
Funds General Fund Owes			
	Tax Anticipation Note	\$ 5,000,000.00	
Budget Year	Net Position		\$4,464,284.44
			Year to Date
Total 2013 Revenues			\$ 24,475,260.64
Total 2013 Expenditures			\$ 20,636,089.15
Total 2012 Expenditures paid in 2013			\$ 3,287,640.10
Capital Reserve Fund Balance			\$ 61,863.44
Bond Fund Balance			\$ 209,050.18

FAYETTE COUNTY COURTHOUSE • 61 EAST MAIN STREET • UNIONTOWN, PENNSYLVANIA 15401

Courts

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve a six-year lease agreement for \$1,700 a month with Bernard Liptak for the new Magisterial District Court 14-3-04. Court has approved the building plans.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to the vote, Commissioner Zimmerlink asked if this was for the lease agreement, saying the commissioners had approved building plans. She confirmed the length of the lease and the monthly amount, with Solicitor Burkley adding that it is the term of the MDJ.

Human Resource Department

Bridge Department

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of Bridgeworker II, Shaun Cunningham, effective September 25, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

CYS

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the hire of Cristina Cook as a Caseworker I at \$15.12/hr. effective October 21, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Jolene Wills-Brower as a Caseworker I at \$15.12/hr. effective October 21, 2013.

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Jenna Adamovich a Caseworker I at \$15.12/hr. effective October 21, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Mariah Riddel as a Caseworker I at \$15.12/hr. effective October 21, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Ronald Colbert III as a Caseworker I at \$15.12/hr. effective October 28, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Information Technology

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the hire of Mathew King as a Part Time IT Assistant at \$9.50/hr. effective October 21, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Tax Assessment

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Kelly Flynn as an Assessor I at SEIU Pay Grade 11 Step A, \$13.08/ hr. (\$25,506 annually) effective October 28, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Emergency Management Agency

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of 911 Dispatcher Trainee Craig Lindsay, effective September 8, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resources

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the amendment of the resolution 13-05-23-15 regarding Non-Union employee health care contribution equity adjustments and 2013 wellness program incentive to state instead of waiving, shall be reimbursed in the first pay of December.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the 2014 Non-Union employee wellness program incentive structure, to be effective January 1, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the Non-Union employee health insurance contribution and structure, to be effective January 1, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the Non-Union employee health insurance waiver structure, to be effective January 1, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the 240-hour volunteer internship of CAL U Communications and Leadership student Bethany Frazee, effective January 6, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve an agreement with Rite Aid to provide on-site flu shots at a cost of \$21 per shot.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning/Zoning

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to accept the resignation due to retirement of Zoning Officer, Lloyd Eicher, effective December 6, 2013.

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prison

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the 450-hour volunteer internship of Penn State criminology major Alex Fogle, effective October 15, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Tax Assessment

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignations of Accounts Clerk III, Beth Patton, and Assessor III, Kevin McKercher, effective October 4, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning and Zoning

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify a contract with Marricco Construction Company for repairing Coolspring-Nebbin Road Bridge No. 7 along Turkeyfoot Road in North Union Township, Fayette County for \$39,609.27. Fayette County Bridge Department will provide construction inspection services.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to renew the annual agreements with the following 3rd party agency for UCC inspections (Oct 30th renewal):

Steel City Inspection Agency, Inc.
Middle Atlantic Inspection Agency
K2 Engineering, Inc.
Accredited Services, Inc.

Pittsburgh, Pa
Sycamore, Pa
Uniontown, Pa
Waynesboro, Pa

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to enter into an agreement with North Union Township for the County to issue the UCC Building Permit for a new office building project to be located at the University Park (parcel id # 25-12-0123-03), due to a conflict of interest. This agreement is only for said project and includes permit issuance from the County, all necessary inspections, and issuance of the Certificate of Occupancy.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prison

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify agreements with Bedford, Butler and Greene counties to house Fayette County inmates.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Public Works

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to advertise for 2014 Janitorial Supplies (one-year contracts) for Courthouse, Public Service Bldg., Federal Bldg. and Bridge Dept.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to advertise for 2014 Summer / Winter Tires and Repair services for County owned, leased vehicles to include Adult Probation, Assessment, Behavioral Health, Bridge, Buildings & Grounds, Children & Youth, Coroner, District Atty., Domestic Relations, EMA, FEMA, Hazmat, FACT, Juvenile Probation, Planning / Zoning / UCC, Prison, Sheriff, SPCA and Veterans Admin.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to advertise for Gasoline and Diesel Fuel for years 2014, 2015, 2016, 2017 and 2018 (five-year contract) off of the OPIS pricing index.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to revoke the balance of the grass cutting, park maintenance contract awarded to Goodwill SWPA under resolution 13-06-18-31, effective Oct. 15, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Tax Claim

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the following bids from the October 1st, 2013 Repository Sale Bid Opening, subject to all conditions being met, as listed.

High Bidder	Amount of Bid	Twp./Municipality	Parcel Number
PA Housing Finance Agency	\$300.00	Brownsville Borough	02-07-0278
Patricia Leonard	\$201.00	Dunbar Township	09-19-0083
Kerry Gaster Jr.	\$250.00	Uniontown City	38-04-0420

Total \$751.00

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked for a motion to consider placing the properties not sold at the county free and clear sales in the name of Fayette County. He said for the commissioners not to put those names, they will have to vote no. Solicitor Cupp said if they move to accept the proposal, everybody votes no and it gets defeated.

Commissioner Ambrosini said this was kind of an interesting way they wrote this. Solicitor Cupp said perhaps a better way would be to make a motion that is contrary to what is on the agenda. He said they should modify the policy and Commissioner Zimmerlink said there is no policy. She said they have to be very clear and if that means presenting a motion and then approving it, let's do that so that tax claim, citizens and no one else has any issues.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to not place the names of the properties in the name of Fayette County and to keep them in the name of the record property owner for the properties not sold at the free and clear sales, effective immediately.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini said they will then go to the addendum items for the commissioner's office.

Commissioners

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to ratify the hiring of the law firm Pellis, Thomas-Meyer Darragh Buckler Bebenek Law firm to represent Judge Warman and Judge Solomon in the Munchinski case filed at the western District Court level.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making a motion, Commissioner Zimmerlink asked Solicitor Burkley to give some background on the case. Solicitor Burkley said as all the commissioners know, Mr. Munchinski was convicted back in the 1980s of homicide at a time when Judges

Solomon and Warman were District Attorneys and Assistant District Attorneys. He has ultimately had his convictions overturned and Mr. Munchinski through counsel has filed suit in the western district of Pennsylvania in federal court in Pittsburgh. He said Judges Solomon and Warman, two of the defendants, have requested pursuant to Pennsylvania law that Fayette County provide them with representation. He said under the law, as he has sent to all three commissioners, section 42 PA 457, adding that he might be wrong on that, 57 and 58, the county has the obligation of providing representation and the second section, 58, obligates the county to indemnify, even though the county in this case is not a defendant. He said counsel needed to be obtained and PCorp, the county's present insurer, has denied coverage in this because this cause of action dated to the 80s and they did not insure the county. He said he understands that the county was self-insured for these matters at that time.

Solicitor Burkley said therefore counsel needed to be engaged to represent the two judges in question. He said there are a whole lot of other issues. He said he explained after reading Judge David S. Cercone's opinion that this case filed in 2005 or 2006 by the same plaintiff that there is some argument that District Attorney's in the performance of their duties as prosecutors can actually be considered state employees. He said he talked to the state attorney general's office Greg Newhouser, chief of the civil division and he said no, they are not going to be covering, they reject that. He said that doesn't mean that it is over but it did mean that counsel, he had asked them to represent Judges Solomon and Warman and they would not do that. He said the complaint on the two judges were served in early September and a decision had to be made and there were a couple things tossed around and it was his recommendation that Mr. Pellis, who has approximately 25 years of experience in representing defendants in these kinds of cases, in particular has represented District Attorneys and there are issues of immunity, etc.

Commissioner Zimmerlink said in a nutshell, the county is not a party to the action as of date. Parties to the action are Judge Solomon and Judge Warman and other individuals. Solicitor Burkley said another assistant district attorney and the estate of a police officer that was involved in the prosecution. Commissioner Zimmerlink said this decision is to ratify a decision that had already been made to retain Tom Pellis only to represent Warman and Solomon at this time. She said the reason that PCorp is not providing coverage to the county is that because at the time that the alleged actions occurred the county of Fayette was not insured by PCorp, we were not members of that pool of insured. She said the only other question than is... well the decision has already been made, she didn't know how many law firms he had reviewed but apparently you selected this one out of a few others. Solicitor Burkely said he recommended, he didn't select. Commissioner Zimmerlink said someone did because they are ratifying.

Solicitor Burkley said he talked to Commissioner Ambrosini because he had numerous conversations with Judges Solomon and Warman and staff that the county was not acting in time to get this on record, which an enlargement of time was requested and granted before the date to the answer to the... Commissioner Zimmerlink said he got at least two commissioners and she received a copy of an e-mail just from commissioner Ambrosini that informed Judges Warman and Solomon that you had

selected that individual. She said this is ratifying that decision, she understands that. She asked how it is being paid, out of what fund? She said it isn't covered under any insurance, correct? Solicitor Burkley confirmed that. Commissioner Zimmerlink said the county is obligated to pay the attorney, Mr. Pellis and all other associated costs. Solicitor Burkley added "deemed necessary for legal representation." He added that so long as it is determined that at the time of these actions they were acting in the scope of their employment as district attorneys. Commissioner Zimmerlink said what the commissioners need to do in addition to this, we need to enter into an agreement obviously. She asked how much the county is paying Mr. Pellis, is it an hourly rate or what. Solicitor Burkley said he believes it is an hourly rate and he didn't see anything. Commissioner Zimmerlink said he recommended. Solicitor Burkley said he asked Mr. Pellis when he decided to recommend him and he told him his hourly rate would be \$175 for this representation. He said the firm, as Commissioner Zimmerlink knows, has other associates, paralegals, etc. and he doesn't know the answer to that. Commissioner Zimmerlink said someone needs to tell them.

Commissioner Ambrosini said they have a rate sheet for that. Commissioner Zimmerlink asked if they had that. She said if they are going to ratify a decision, they need to know what the hourly rate is. Solicitor Burkley said his hourly rate is \$175 per hour. Commissioner Zimmerlink asked if that is what is going to be in the agreement. Chief Clerk Revak said there is a sheet for other costs, which are at a lower rate. Solicitor Burkley said an associate costs less and a paralegal costs less. Commissioner Zimmerlink said they will also need to determine, this board of commissioners, where we are going to obtain that money from. She said they have a general fund budget already designated for the year 2013 and for the year 2014 budget purposes they will need to place monies aside so they all need to be cognizant of that. She said any bills that are invoiced for the year 2013 if they don't have an agreement with Attorney Pellis and that law firm for them to wait until 2014 when they have the money set aside, she doesn't know what any agreement was, then we as a group need to direct the controller's office as to where to get the money from because they don't have it designated obviously. She said that will have to be done by resolution next month.

Commissioner Zapotosky said sadly they have been budgeting for years monies under the Munchinski item and he would hope that they would press the issue that the two individuals were acting as agents of the state and press the state as hard as they can regarding that because the case was mentioned, it was not Fayette County V. Munchinski, it was the Commonwealth V. Munchinski and it is his understanding that the District Attorney is, if you look at the tree, there is a branch off of the attorney general, is it not? Solicitor Burkley said a point of fact without making this be any longer, in a part of the Munchinski cases Judge Cercone, a federal judge in the western district of Pennsylvania, there was some language in there and he has the case with him, William's Vs. Fedora, where they said the District Attorneys play two roles, sometimes for the county and sometimes for the state. He said when they are in their prosecution role they are employees of the state. He said the problem, and these are things that may be executive session, the problem is that 57 says that the county has to engage representation for them and 58 says you have to indemnify them. He said there is a whole host of problems and something had to be done right away.

Commissioner Zimmerlink asked if there is any action that the county can take that has not already been taken or to continue to take to try to have another entity such as the Commonwealth of Pennsylvania take over this defense of litigation. She said she doesn't want the public or her to be hanging out there thinking we are still arguing this point maybe we won't have to pay \$175 plus any judgment. Solicitor Burkley said they will continue to argue that with the attorney general's office. Commissioner Zimmerlink asked who we is, Solicitor cupp, and Solicitor Burkley said Solicitor Cupp can't do that. Solicitor Burkley said it will be himself and there may be things that develop in this defense by Mr. Pellis from Pellis, Thomas-Meyer Darragh Buckler Bebenek that will advance that but at this point in time he can't answer that. He said it is not an issue they have given up on. Commissioner Zimmerlink said the last part of that is, so it is clear, it is not just the \$175, not just the attorney fees but as of today if there is any judgment or settlement that is also from the county. Solicitor Burkley said statutorily the county is required to indemnify, which means that you pay for it. He said the county pays for it.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to waive the grant timing for the Laurel Highlands Visitor Bureau for consideration of a demolition grant in regard to the Cobblestone Hotel project in the city of Connellsville.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

Prior to a motion, Commissioner Zimmerlink said she doesn't have any information on this. Commissioner Ambrosini said this is regarding a hotel project in the city of Connellsville that the city is pursuing. Commissioner Zimmerlink asked what it has to do with the Laurel Highlands Visitor's Bureau. Commissioner Zapotosky said he spoke with, and he has been working on this hotel project for the last two years, and he is pleased that they have gotten to a point where there is somebody that is looking to build. He said he spoke with the potential developer and one of the site locations is the bottling plant and that would need to be demolished and they were asking for some fund assistance and being a for-profit would not be eligible and it would have to run through the Redevelopment Authority. Commissioner Zimmerlink asked what this project has to do with the Laurel Highlands Visitors Bureau.

Commissioner Zapotosky said it is hotel tax grant money. Commissioner Zimmerlink said this motion is to waive the grant timing, meaning the application? Commissioner Zapotosky said usually they grant the money in April of every year. He said because of the need to want to start moving on the project earlier this would be to waive the grant award time and allow them to apply an earlier date. Commissioner Zimmerlink asked if they are going to apply for hotel tax grant money, with Commissioner Zapotosky replying yes ma'am. He said the applicant would be the Connellsville Redevelopment Authority and the money would be used to demolish a building. Commissioner

Zimmerlink said this here is just waiving the grant application period and then the hotel tax grant board would make a determination, which Commissioner Zapotosky confirmed. He said it is a good project, Connellsville needs a hotel and the location fits well in the benefits of the trail program. Commissioner Zimmerlink said she understands all that and she doesn't have a problem with that, and asked if the hotel tax can be used for the demolition of properties. Commissioner Ambrosini said as long as it is used for tourism benefits and obviously hotels qualify for that. Commissioner Zimmerlink said she doesn't have any information and she is hesitant until she sees something in writing on that. She said during the vote that she had to abstain due to lack of information. She said it is a good project but this is to have hotel tax. Commissioner Zapotosky said the final determination will be the hotel tax grant board.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to amend the agenda to have the Connellsville Redevelopment Authority administer the demolition grant for the Cobblestone Hotel project in the city of Connellsville.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

Prior to making a motion, Commissioner Zapotosky said technically this motion, the Connellsville Redevelopment Authority is a 501 and they have the ability to apply and he said he will make the motion. Commissioner Zimmerlink asked why they are giving approval for an authority who can apply on its own. She said she doesn't understand why. She said there is nothing for them to do here, if the authority wants to apply, the authority can apply. She said she doesn't have anything that would say they have to direct them to apply. Commissioner Ambrosini said this is primarily a request from the Laurel Highlands Visitors Bureau for us to approve or allow the Connellsville Redevelopment Authority because they can't use the Fayette County Redevelopment Authority because of logistical issues. Commissioner Zapotosky said it is procedural and he will make a motion. He said Connellsville desperately needs the project.

A motion was made by Commissioner Zimmerlink to table a motion to amend the lease between the Fayette County Commissioners and the Fayette County Agricultural Improvement Association to account for construction of the new county jail located on parcel 09-31-0049. The motion died when it did not receive a second.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to amend the lease between the Fayette County Commissioners and the Fayette County Agricultural Improvement Association to account for construction of the new county jail located on parcel 09-31-0049.

Commissioner Ambrosini yes
Commissioner Zapotosky yes

Commissioner Zimmerlink no

Motion passed 2-1

Prior to a vote, Commissioner Zimmerlink asked what the amendments to the lease are. Commissioner Ambrosini said it is to account for construction of a new county jail located on parcel 09-31-0049. Commissioner Zimmerlink asked what provisions would be amended in the lease. Commissioner Ambrosini said that would be the solicitor's responsibility. Solicitor Burkley said as the motion reads, it would be something in the lease that would permit and allow construction of a new county prison on the parcel presently rented which is at the fairgrounds. Commissioner Zimmerlink said if this is past it is just one-sided because you have to have the other party. Commissioner Ambrosini said that is says between these two entities. Solicitor Burkley said it would authorize the negotiation to use the site. Commissioner Zimmerlink said it should say to authorize... go ahead, there is a motion and a second.

A motion was made by Commissioner Zimmerlink to table a motion to grant approval to accept the county prison board's recommendation to move forward with construction of a new county jail. The motion died when it did not receive a second.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to grant approval to accept the county prison board's recommendation to move forward with construction of a new county jail.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

A motion was made by Commissioner Zimmerlink to table a motion to select 20 to 30 acres of county property at parcel 09-31-0049 in Dunbar Township as the site of the new county jail. She said they can't select a site when the lease hasn't been negotiated. Commissioner Zapotosky said it is part of the discussion.

The motion died when it did not receive a second.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to select 20 to 30 acres of county property at parcel 09-31-0049 in Dunbar Township as the site of the new county jail.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to begin the process of subdividing parcel 09-31-0049 at Dunbar Township for the site of a new county jail.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Prior to a motion, Commissioner Zimmerlink said that the process is authorizing the county of Fayette to petition for a subdivision, with Commissioner Ambrosini saying that is what they are saying.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to rezone 20 to 30 acres on parcel 09-31-0049 at the Dunbar Township property for the new county jail from A-1 to M-1.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Prior to a motion, Commissioner Zimmerlink said this is if the subdivision is approved because you have to go through meetings, and that has to be approved first, then is this to petition the county of Fayette to file and application for rezoning, is that what that is? Commissioner Zapotosky said they would have to rezone the property from A-1 to M-1.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to select Crabtree, Rohrbaugh & Associates for RFQ-13-03 for Architectural, Engineering for the Renovation/Alteration to an existing building for a Temporary Women's County Detention Annex.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Prior to a motion, Commissioner Zimmerlink asked what the fee is and what the site location is. Commissioner Ambrosini said the site location is the Iowa Street property owned by Mr. Neubauer. Commissioner Zimmerlink asked what the amount is and Commissioner Ambrosini said the amount, according to the request was 7 percent of the project cost. Commissioner Zimmerlink asked what the estimated project cost is.

Commissioner Ambrosini said it is probably going to be about \$100,000. Commissioner Zimmerlink said is that a not to exceed amount because you have to be specific. Commissioner Ambrosini said it is 7 percent of the project cost. Commissioner Zimmerlink asked what the project cost is and Commissioner Ambrosini said they won't know that until they put out an RFP to a contractor. He said these are only for architectural services.

After the vote, Commissioner Zimmerlink said there is no agreement between the county and Steve Neubauer to lease this building but you just entered into an RFP for architectural services but there is no lease agreement. Commissioner Zapotosky asked if Mr. Neubauer has made a lease proposal and Commissioner Ambrosini said he is working on a proposal. Commissioner Zimmerlink said you can't do that and Commissioner Ambrosini said the fact is that depending on what renovations will be necessary for the building we want to give Mr. Neubauer the ability to know what renovations are going to be made for us to negotiate a settlement. He said that is just common sense. Commissioner Zimmerlink said that Mr. Neubauer sent a letter that said he is interested in leasing. She said prior to that the architectural team leader as some of you know came here and said that there were three or four sites and suggested the Iowa Street, that is all that had occurred other than a bid was sent and advertised a request for proposal for a women's facility in close proximity of Uniontown which is wise, but it also said one story, which eliminated all the two story or three story buildings in Uniontown.

Commissioner Zimmerlink said when you make a scope of work and only make it one story, you just eliminated many others. She said there was one individual who did respond back and the bid was rejected and that also has to be addressed here. She said it was rejected because it was a two-story building and there was no discussion with the commissioners who have the authority to do this and no one else does, on what the specs for the building should be. She said regardless of that, she can't do anything about that now, but she doesn't see how they are awarding an RFP to Crabtree Rohrbaugh or anybody at 7 percent at a number to be determined when we haven't even entered into any discussions with the owner of the property. Commissioner Zapotosky said Mr. Neubauer has the ability to thumbs up or thumbs down this depending on the scope of work. He said he may not support what the determination is by the contractor thus entering into a lease. He said his part right now would be premature until he would be able to first see what type of work would be conducted inside of his building. He said it may be beyond the scope of work, this is temporary and he subsequently wants to make some use out of this building after the fact. He said he would first have to see what the scope of work would be before he could intelligently make a determination of whether or wants to even engage into a lease. He said they may find themselves here a month from now once again looking for another facility until such a time as Mr. Neubauer is able to review the scope of work that is going to be conducted by the contractor. Commissioner Ambrosini said in response to a comment from Mr. Mazza that even if you go out and have someone design a house for you, it is a percentage, that is the way things operate.

Commissioner Zimmerlink asked if any monies have been spent for any of these matters, including the soil testing with Sleighter Engineering. Controller Lally said no. Commissioner Zimmerlink said in response to a comment from Mrs. Hovanec that she heard that building is in a flood plain. Commissioner Zapotosky said anything deemed in a flood plain creates a problem from financing on, you are absolutely correct. He said he doesn't know if that site is in a flood plan and he can say without any uncertainty that the current facility is definitely in a flood plain. Commissioner Zimmerlink said she strongly urges and suggests that since they are having their commissioner work sessions that any and all future discussions regarding this all of these matters are addressed at the Thursday work sessions at the third Thursday of the month at 9:30 and there are no discussions with anyone whether you are a prison working group or one commissioner, nothing outside of that commissioner's work sessions so we can sit down with Mr. Neubauer, with the architect, everyone at these meetings not at any subsequent meeting, be it a restaurant, a commissioner's office, here, anywhere else that all those matters are done at that advertised commissioner work session. She said in the event anything falls under an executive session, obviously you can call for an executive session but she doesn't foresee that because you don't have two parties negotiating. She said regardless any and all conversations and negotiations and matters has to be done at that commissioners work session.

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to select Crabtree, Rohrbaugh & Associates for RFQ 13-04 for Architectural, Engineering and Transitional Services for the New Fayette County Jail for a cost of 7 percent of the project.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Prior to a motion, Commissioner Ambrosini said the same percentage and it is the same company. Commissioner Zimmerlink asked what the project cost is and there was a range of \$27 million to \$31 million. Commissioner Ambrosini confirmed that it would be not to exceed \$31 million. Commissioner Zapotosky said this was not an easy decision. He said they had four firms that had submitted RFQs. He said they were all qualified and presented very, very good proposals. He said he wanted to thank them all. Commissioner Ambrosini also said he appreciates all four firms and they were all extremely professional in their proposals and interviews. He said they all gave excellent presentations and they are all qualified, highly respectable firms and it was very difficult to select one. He said he wished they could have selected them all but they had to select one and this was the result.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the Sept. 17, 2013 regular commissioner meeting minutes.

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the following transfers:

**TRANSFERS
2013
09-09-13 to 09-30-13**

Department	Cost Center	Credit	Debit
District Attorney			
Professional Services	01419453100		\$1,000
Witness Fees	01419453171	\$1,000	
Prison			
Matls/supplies inmates	01423252000001		\$45,000
Materials/supplies	01423252000	\$45,000	
Veterans Affairs			
Burials and markers	01429452530		\$130
Veterans outreach	01429452535	\$130	
Burials and markers	01429452530		\$100
Veterans outreach	01429452535	\$100	
	Total Debits	\$46,230	
	Total Credits	\$46,230	

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink said with respect to the two RFPs, what was the, she said she knows they are RFQs so price is not a determining factor, but with the others, what were their percentages? Commissioner Ambrosini said he didn't recall offhand but they are all about the same. Commissioner Zimmerlink said whoever has a rating sheet, they should place a copy in her box.

Public Announcements - none

Public Comments

Commissioner Zapotosky said this is not something that they want to be doing. He said he wished there was a better solution, one they could make that wouldn't be as controversial. He invited everyone to go into the jail. He said it is so antiquated and at the projected rate of increase of inmates, programming or relocating 30 here, 30 there, all it is ladies and gentlemen is putting a bandage on a problem. He said they have to look not only at the decision they are making for the prison but also for the future. He said it is not easy, it is politically incorrect but somebody has to make the decision and it is a tough decision. He said he would prefer not to make it but somebody has got to do it. He said they could have done it a long time ago and maybe they wouldn't be here but the reality is it wasn't done. He said we could build all the steel buildings you want but the bottom line is as long as we have a criminal justice system we are going to need correctional facilities. He said Fayette County has been ducking its need for a correctional facility for the past 20 years.

Commissioner Zapotosky said again, he does apologize for putting this burden on us all but the fact remains that it needs to be corrected. He said he knows they are not telling them things they want to hear and he does apologize for that too. He said the fact remains that somebody has to make this decision or somebody is going to have to shoulder the cost five years, 10 years from now. He said it isn't going to go away and you can come up with all the programming ideas you want, that is not going to correct the problem. He said the legislatures have continued to create more mandatory sentencing that is not going to be addressed through programming, it is only going to be addressed through incarceration. He said we are building more jails now than we are building schools and maybe that is a bad reflection on our society. He said the fact remains that is the truth. He again apologized, adding that this is a necessary item that we needed to address.

Mrs. Hovanec said he shouldn't apologize, he should do the right thing and this is not the right thing. She said he has had many opportunities to take other roads. Mrs. Mazza said if they had gone about this in the right way and informed the people every step of the way, took a look at other options. She said they made up their mind to build a new prison and they didn't look at anything else. She said they excluded the public from everything concerning this prison. She said if they went the other way and included the taxpayer and the citizens of the county maybe you wouldn't have this opposition today and you wouldn't have to apologize. She said they went about it the wrong way, they did everything secret, you appointed a board in secret and nobody even knew there was a board for a long time. Commissioner Ambrosini said they put it in the newspaper. Mrs. Mazza said you have to include the people if you want the people on your side.

Commissioner Ambrosini said he appreciates her comments and opinions and she is more than welcome to that but the fact is we didn't do anything in secret. He said they made it pretty open and had the newspaper at every single meeting and they invited anybody who wanted to participate in the prison working group. Mrs. Mazza said they didn't invite her. Commissioner Ambrosini said they put in the paper that citizens were invited and all he asked was that they sent him an e-mail and send them their names and what skill sets they could bring to the table. He said that was the only requirement. He said he hasn't turned anybody away, disputing Mr. Mazza's comments. Mr. Mazza

said he wouldn't believe one thing he said if he had one foot on a banana peel and one foot in the grave.

Adjournment

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adjourn the meeting.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

