

Call to Order:

A meeting of the Fayette County Prison Board was called to order on Wednesday, January 28, 2013 at 9:15am at the Fayette County Courthouse, Uniontown, Pennsylvania 15401 by Sheriff Brownfield.

Roll Call:

The Following Board Members were Present at the Time of Roll Call:

Sheriff Gary Brownfield, District Attorney Heneks, Controller Sean Lally, Commissioner Ambrosini, Commissioner Zapotosky, and Commissioner Zimmerlink

Moment of Silence

Pledge of Allegiance

Public Comment:

None

Approval of November 2012 Meeting Minutes:

Moved by Commissioner Zapotosky, Seconded by Controller Lally, to Approve the November 2012 Meetings Minutes:

Sheriff Brownfield	-	Aye
Controller Lally	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
District Attorney Heneks	-	Aye

Motion Passed Unanimously

Approval of December 2012 and January 2013 Bills:

Sheriff Brownfield asked Warden Miller if any bills were outstanding on either month or if there was anything out of the ordinary.

Warden Miller answered no.

Moved by Controller Lally, Seconded by District Attorney Heneks, to Approve the December 2012 and January 2013 Bills:

Sheriff Brownfield	-	Aye
Controller Lally	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
District Attorney Heneks	-	Aye

Motion Passed Unanimously

Population Report:

Warden Miller reported a total of 242 inmates (208 Males and 34 females) are housed in Fayette County, a total of 35 inmates (25 Males and 10 Females) are housed in Greene County and a total of 4 inmates (4 Males and 0 Females) are housed in Cambria County.

Sheriff Brownfield asked Warden Miller why is there inmates in other county prisons if there are only 208 inmates in the Fayette County Prison.

Warden Miller answered the reason is that the Fayette County Prison is above their number, they should be around 235.

District Attorney Heneks asked if (particularly) the males in Green County have been sentenced.

Warden Miller answered that all the male rentals in Greene County were sentenced.

District Attorney Heneks asked if the same went for Cambria County.

Warden Miller replied yes and continued with saying the females from Cambria has three out of ten that are sentenced.

District Attorney Heneks stated at the CCAB meeting, Warden Miller said there were a number of inmates at Greene who weren't sentenced.

Warden Miller stated at one time there were quite a few males who were not sentenced but right now they are all sentenced.

Sheriff Brownfield asked if anyone was waiting to go to state.

Warden Miller answered no.

District Attorney said he wanted to make sure there no inmates who were not sentenced and in other counties because they need to be in Fayette County for court.

Sheriff Brownfield asked why some of the inmates are in Cambria County.

Warden Miller replied that Greene County can only hold so many inmates.

Sheriff Brownfield asked which county was cheaper to house inmates, Westmoreland or Cambria.

Warden Miller replied Cambria and continued by saying Westmoreland is \$78 a day and Cambria is \$55 a day.

Court Administrator

Deputy Court Administrator Lambie stated the court would like a copy of polices and procedures of the Prison. She continued by saying there is a situation the court is currently interested in pursuing which is the refusal of inmates not being allowed out of jail for medical reasons. Tammy said based on the rules of the court, the jail has to have something written stating why they were refused and the steps that were taken. She continued by saying the court wants to see what that procedure is so they can inform the police department and everyone involved, what those guidelines are so there will not be anymore issues. She continued by saying she would like polices and procedures by the end of the week because they should have all ready been in place.

Commissioner Zapotosky asked for Tammy to provide an example.

Deputy Court Administrator Lambie replied that there is one within the last week where a woman was refused into the jail because she was in a car accident three weeks prior and the medical staff at the prison refused her because her hand was possibly hurt or fractured. She continued by saying when the women was in front of the judge she had never mentioned a medical injury or accident. Tammy said Constable took the women to the prison in hand cuffs and again she did not mention the injury or accident. She continued by saying once the women got to the prison she than mentioned the injury and was refused. Tammy stated the judge got on the phone with the women and she informed the judge she had been in a car accident three weeks prior. She continued by saying it is the judge's opinion the women should not have been refused because she had a prior condition so it should not have been a reason for her to be turned away from the jail.

Commissioner Zapotosky asked Warden Miller to respond.

Warden Miller replied that he received a call from the magistrate and was asked why the woman was refused. He continued by saying he called the prison medical director and the director checked the women's wrist. Warden Miller stated according to the director the women's wrist was swollen and the women stated she thought her wrist was broken so at that time the director deemed it necessary for the women to go to the hospital. He continued by saying he has no medical experience so he could not override the directors discussion. Warden Miller stated Prime Cares policy is that if a person is not fit for incarceration than they will not allow that person to be incarcerated; they will allow a person to be incarcerated but will take no liability if the person is committed.

Deputy Court Administrator Lambie stated there was another example where a man refused medical treatment that had a cut above his eye. She continued by saying the doctor did not observe him and told the police department that if the man had received medical treatment, his cut was not serve enough to receive stitches. Tammy Lambie stated the man was rejected by the Prison; the Chief of Police had to sit with the man for eight hours because no one was able to get a hold of anyone to relay the information at the Prison so that an executive discussion could be made on the situation.

District Attorney said he was awaked at 2:30am. He continued by saying he was trying to figure out between the hospital and the prison what was going to happen. District Attorney Heneks stated the man refused treatment at the hospital so the man was transported to the booking center, then to the prison, refused by the prison so situation is at impasse because the hospital will not treat him and the prison will not take him. He continued by saying thankfully the chief got up and went to the booking center.

Uniontown Policeman stated that having a law enforcement background, he understands policies and procedures and the need to follow them. He continued by saying when a black and white policy is created with no ability to lean either way, departments get hung up. Uniontown Policeman said the booking center does its best to conduct daily activities of the booking center without utilizing city police officers and city tax payer's dollars to work outside the area of what they do in the county booking center. Uniontown Policeman stated they want to keep the officers on the streets so the citizens can be kept safe, to do that in the most efficient way, when an officer makes an arrest, to not tie them up with a potential prisoner. He continued by saying that when an officer comes to the booking center, they can drop off the potential prisoner and get back to their municipalities to continue to do their duty.

Policeman said the booking center has forms the officer completes and sign when they bring in an individual stating any new or old injuries the person has. He continued by saying it is up to the officer to make a judgment call accepting the person and responsibility to accomplish an end goal. The policeman stated he would like to establish some protocols that give his department someone to reach within the prison system, when situations happen outside the norm when it comes to policies and procedures.

Commissioner Zapotosky asked Warden Miller if prison maintains medical staff 24 hours a day, seven days a week.

Warden Miller answered no.

Commissioner Zapotosky stated than after 5pm there are no medical staff and the policemen have to make medical choices.

Warden Miller agreed.

Sheriff Brownfield said that like the chief said, some municipalities only have one policeman and when you take them off the street, the municipalities are unprotected. Sheriff Brownfield asked Warden Miller if he had a written policy.

Warden Miller answered Prime Care has a written policy. He continued by saying that the Prison can accept anyone but is going to accept responsibility and Prime Care is not going to accept responsibility for the medical needs of that individual.

Commissioner Zapotosky stated he does not know if Prime Care accepts any responsibility regarding any litigation and that may be something the solicitor will have to review.

Warden Miller said if Prime care is accepted, they will not accept any responsibility to the litigation.

Commissioner Zapotosky asked if Prime care is an eight hour operation.

Warden Miller answered the Prison has a nurse provided by Prime Care from 6:00am to 10:30pm and a director from 8:00am to 4:00pm.

Commissioner Zapotosky stated most of the incidents are occurring outside the time the Prime Care workers are there.

Warden Miller agreed.

Commissioner Zapotosky asked if Prime Care could provide medical personal between 10:30pm to 6:30am to make medical determinations.

Warden Miller answered yes and they could start that tomorrow but the problem is the contract. He continued by saying Prime Care offered additional medical personal hours when they gave the Prison the new contract but the cost was high and Premiums would have raised.

Commissioner Zapotosky stated the cost has to be weighted to the county and law enforcement as a whole.

Commissioner Zimmerlink stated there should be a call list for the chief to contact one of the two deputies and/or the warden when a situation occurs.

Commissioner Zapotosky said the Prison is a facility that is 24 hours, seven days a week and needs to have management 24 hours, seven days a week. He continued by saying that a call list is fine but management is needed.

Commissioner Ambrosini asked if someone goes to the hospital and refuses treatment, do they sign a waiver stating they refused treatment. He received the answer no. Commissioner Ambrosini stated it may be as simple someone signing a waiver stating the county is not responsible when they refuse treatment.

District Attorney Heneks stated the night he was called, he spoke of getting a waiver. Sheriff Brownfield stated there is no guarantee the waiver will be signed.

Commissioner Zimmerlink said the first step is to get Tammy the policies and procedures, have the courts take a look at them, give the Prison Board input, have the county solicitor and CCAP take a look at them, and improve the policies and procedures.

Commissioner Zapotosky stated other comparisons need to be looked at in other county prisons and what they do and what medical they provide to see if Fayette County Prison is falling short.

Controller Lally said he feels Commissioner Zapotosky brought up a valid point of the Prison needing a 24 hour manager because if there is not a decision maker when situations occur, whatever is instituted is not effective.

Sheriff Brownfield asked Warden Miller if he was getting five new lutenents.

Warden Miller answered three; there will be staff 24/7.

Deputy Court Administrator Lambie stated there is another subject the court would like to address is a situation at the prison that may need to be discussed in an executive session.

Commissioner Zapotosky said it is personal related.

District Attorney Heneks stated Reverend Sanders is here, would recommend continuing with the Agenda, and than enter into an executive session. Sheriff Brownfield and Commissioner Zapotosky agreed.

Reverend Sanders said he had spoke about his concern before and is speaking today to see how the decision making process is. He continued by saying the concern was based on his wage he receives monthly for the work he produces. Reverend Sanders stated going into the meeting he spoke at before, the board was not aware of the complete responsibility that he has daily.

Commissioner Zapotosky stated one of the primary concerns was the liability insurance Reverend Sander's pays for that would off set his wage to where he almost makes nothing.

Reverend Sanders said he wasn't making anything and was paying the county to work.

Commissioner Zapotosky stated board has never taken action to consider paying the liability insurance for reverend Sanders as part of a 1099 agreement.

Controller Lally said Reverend Sanders is a 1099 employee of the county and past practice does not allow the county to pick up his premium under the county policy because he is a 1099 employee. He continued by saying he did sent an e-mail out on Wednesday January 09, 2013 on Reverend Sander's behalf. Controller Lally stated Reverend Sanders pays \$1800 a year for his liability coverage and has provided evidence of that. He continued by saying Reverend sanders make \$375 a month.

Reverend Sanders stated over a year ago he was making (delete) a \$500 a month, Warden Miller went to the board to see about increasing his wage, and the board ended up decreasing his wage. He continued by saying he would like to be compensated to live a little better.

Controller Lally said \$1800 a month divided by 12 is \$150 a month. He continued by saying it was suggested to Reverend Sanders to go to Rittenhouse to apply for coverage to receive a lower price. Controller Lally said there is still an issue whether Reverend Sanders wage is reasonable enough for the services he provides.

Commissioner Zimmerlink asked Reverend Sanders if he checked to see what his liability insurance would be through Rittenhouse.

Reverend Sanders answered he did not but he can do that.

Commissioner Zimmerlink stated in order for the Prison Board to decide if Reverend Sanders compensation should be increased, the premium needs to be looked because right it is based on \$1800 a year for liability insurance and \$375 a month for wages. She continued by saying if Reverend Sanders can get lower liability cost than that puts the board in a better position to see how much the wage can be increased to.

Reverend Sanders asked who will receive the liability quotes.

Controller Lally answered he could be given that information.

Commissioner Zimmerlink said Controller Lally can than provide the commissioners with the information he receives before the next board meeting.

Reverend Sanders stated he would not like to be put off any further and the quality of his work and professionalism has not changed at the Fayette County Prison. He continued by saying even when his pay was cut, his quality and professionalism did not change. Reverend Sanders thanked the board for their corporation and he will continue to do what he has been doing.

Personnel:

Human Resource Director Carnicella said there are two items to be discussed that would not need to be in an executive session because they are resignations. He continued by saying Debra Ellis, full-time corrections officer, is resigning effective January 18, 2013.

Moved by Commissioner Zapotosky, Seconded by Commissioner Zimmerlink, to accept the resignation of Debra Ellis, full-time corrections officer, effective January 18, 2013:

Sheriff Brownfield	-	Aye
Controller Lally	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
District Attorney Heneks	-	Aye

Motion Passed Unanimously

Human Resource Director Carnicella stated Matt Myers, part-time corrections officer, is resigning effective January 18, 2013.

Moved by Commissioner Zapotosky, Seconded by Commissioner Zimmerlink, to accept the resignation of Matt Myers, part-time corrections officer, is resigning effective January 18, 2013:

Sheriff Brownfield	-	Aye
Controller Lally	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
District Attorney Heneks	-	Aye

Motion Passed Unanimously

Human Resource Director Carnicella stated he would like to request an executive session for three reasons: 1) Personal absence request 2) Disciplinary action 3) Grievance.

Executive Session:

Moved by Commissioner Zapotosky, Seconded by Controller Lally, to Enter Into an Executive Session:

Sheriff Brownfield	-	Aye
Controller Lally	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
District Attorney Heneks	-	Aye

Motion Passed Unanimously

Regular Session:

Moved by Commissioner Zapotosky, Seconded by Controller Lally, to Return to Regular Session:

Sheriff Brownfield - **Aye**
Controller Lally - **Aye**
Commissioner Ambrosini - **Aye**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**
District Attorney Heneks - **Aye**

Motion Passed Unanimously

Human Resource Director Carnicella said to please consider approving the request of a personal leave of absence for full-time corrections officer Jessica Dahlgren from December 21, 2012 through February 1, 2013.

Moved by Commissioner Zapotosky, Seconded by Commissioner Zimmerlink, to approve the request of a personal leave of absence for full-time corrections officer Jessica Dahlgren from December 21, 2012 through February 1, 2013:

Sheriff Brownfield - **Aye**
Controller Lally - **Aye**
Commissioner Ambrosini - **Aye**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**
District Attorney Heneks - **Aye**

Motion Passed Unanimously

Human Resource Director Carnicella stated to please consider issuing a three day suspension to a full-time corrections officer without pay to include a referral to the employee assistance program effective immediately.

Moved by Commissioner Zimmerlink, Seconded by District Attorney Heneks, to issue a three day suspension to a full-time corrections officer without pay to include a referral to the employee assistance program effective immediately.

Sheriff Brownfield - **Aye**
Controller Lally - **Aye**
Commissioner Ambrosini - **Aye**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**
District Attorney Heneks - **Aye**

Motion Passed Unanimously

Human Resource Director Carnicella said in regards to the grievance 2012-13, please consider the state mediators recommendation for the commissioners approval.

Moved by Commissioner Zapotosky, Seconded by Commissioner Zimmerlink, in regards to the grievance 2012-13 to consider the state mediators recommendation for the commissioners approval:

Sheriff Brownfield - **Aye**
Controller Lally - **Aye**
Commissioner Ambrosini - **Aye**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**
District Attorney Heneks - **Aye**

Motion Passed Unanimously

Public Comment:

None

Adjournment:

Moved by Commissioner Zapotosky, Seconded by District Attorney Heneks, to Adjourn the Meeting:

Sheriff Brownfield - Aye

Controller Lally - Aye

Commissioner Ambrosini - Aye

Commissioner Zapotosky - Aye

Commissioner Zimmerlink - Aye

District Attorney Heneks - Aye

Motion Passed Unanimously