

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, February 18, 2014 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

Chairman Ambrosini called the meeting to order at 10:01 a.m.

Commissioner Ambrosini asked everyone to observe a moment of silence.

The pledge of allegiance was recited.

Commissioner Ambrosini asked for public comment on agenda items. Commissioner Zapotosky said before there is any public comment, he said in case the meeting runs a little lengthy, he might have to excuse himself, saying the some of you may know that my dad passed away the other day and today is the only day of his viewing, tomorrow being the burial and out of respect for his father, he would like to attend so if the meeting would run into a time frame where it would compromise his ability to attend his viewing, he will excuse himself from the meeting and he hopes they understand. Commissioner Ambrosini again asked for public comment on agenda items.

Marybeth Homistek said she wanted to comment on number 20, under commissioners to appoint SGA, Susquehanna Group, as financial advisor and consultant to research, review and evaluate options and recommend and implement financing for the costs of the projects, including the prison, the women's annex and CYS. She said, didn't you already do that with Mr. Crabtree, you paid him so much to do a study and then plans and then you had that picture in the paper of the hall of justice, so now do it again and how much did you pay Crabtree for his plans, do you know yet, for his study for the plans and women's annex. Commissioner Ambrosini said all Mr. Crabtree did was an economic evaluation for the cost justification to build the prison. He said what this item on the agenda is doing is going to evaluate all of the financing options for the least cost way to finance the cost of building the facility itself, that is the difference. Ms. Homistek said the annex is also included in this, does that mean that you are going to look elsewhere?

Commissioner Ambrosini said the financing for, we are going to look at the least cost financing options for the justice center, the women's annex and the CYS building extension. Ms. Homistek asked, should that have been done already since you already had the plans drawn up for the annex? Commissioner Ambrosini said the plans are in the process of being drawn up. Ms. Homistek said, you still don't have the copy, I guess of the Crabtree document that I brought last month that has his diagrams for the

women's annex, that's not relevant any longer? Commissioner Ambrosini said they are doing the, looking at the financing options now prior to doing RFPs for contractors for all these projects. Ms. Homistek asked if they will do bids. Commissioner Ambrosini said for RFPs for the contractors that are doing the project. He said they want to have the financing in place first. Ms. Homistek said he was recently quoted in the paper saying that Iowa Street is no longer a good idea because you need a return on your investment and this will hopefully allow that to happen.

Commissioner Zapotosky asked if it was his quote, and Commissioner Ambrosini said that he indicated that the cost projections were going higher than we anticipated so we are looking at other possibilities. Ms. Homistek asked what he meant by getting a return on their investment on Iowa Street. Commissioner Ambrosini said right now we are sending a large percentage of inmates outside the county to house because our facility is too small and it has been for a number of years. He said there are X amount of dollars that can be saved by bringing them back to a facility here so we can save the transportations costs, we can save the overtime costs, and we can save toe cost, some of the places we have to send our inmates to charge quite a bit so if the renovation cost of a building here gets too high, then we will have to look at some other, we don't want to break even we want to save the taxpayers money so that is why we are looking at alternatives. Ms. Homistek said you are going to pay these people more money to help you save money and then a quote was \$100,000 a month that is spent on out of county rentals each time we delay, that was a quote by Commissioner Lally, so is it really \$100,000 a month you are spending?

Controller Lally said last year we spent \$1,218,860. Ms. Homistek asked how much has been spent since August and Controller Lally said since she asked that question he has a very detailed card here and he will hand that out. Ms. Homistek said he mentioned in August that each month it cost \$100,000 and Controller Lally said that is exactly what we spent. Commissioner Ambrosini said he is going to ask her to wrap it up because we only have five minutes for each person. He asked for additional public comment. Terry Kriss said that he turned his placard around and it was completely white, or was he seeing it from a different angle. He said he wanted to comment on agenda item number 5 and ask questions on agenda item number 18. He said the first is the Cedarwood Development TIF program. He said there are a group of private individuals who are building a new hotel behind the Sheetz on route 40 and they are using their own money and have not gone to the public trough to subsidize it. He said there are many good local hardworking contractors and builders who have invested much of their own money to make this county grow and be a better place for all of us to live and again they did not go to the public trough.

Mr. Kriss said owning a building and being in one's own business is the American dream and he thinks most of us look up to and admire self-made entrepreneurs like H.J. Heinz, George Westinghouse, Andrew Carnegie, Henry Ford, Bill Gates or local legend Sullivan D'Amico. He said all who made it big without going to the public trough to build their fortunes. He said if it was a big box retailer he would understand the need to give away the farm to attract these developers but Cedarwood's development is nothing new or nothing different than we already have. He said it will give them a big unfair

advantage for everyone else who paid their own way. He said from what he understands, this is the first time the initiative has been attempted in our county and he certainly hopes it is the last. He said Cedarwood's proposal is an insult to any business person who has built and paid for it on their own and a slap in the face to the homeowners and taxpayers that you expect to pay for it. He said it will set a terrible precedent and he urges all the commissioners to vote down the shameful fleecing of the taxpayers. He said next, number 18 on the agenda, enter in to a contract with Tom Murphy. He said he is an avid newspaper reader and has never seen an advertisement for this consultant's position.

Mr. Kriss said number 1, did you seek proposals from the public, commissioners. Do you want me to repeat that question, he asked. Commissioner Ambrosini said yes. Mr. Kriss asked, did you seek proposals or qualifications from the public for this position? Commissioner Ambrosini said he isn't sure he understands the question. Mr. Kriss said again, he reads the newspaper every day and usually when the county has something to offer, a job to offer, you put something in the paper. Did you seek proposals or qualifications from the public for this consulting job,? he asked. He said it is a yes, no question. Commissioner Ambrosini said this is a professional services job and to his knowledge, and as stated at the agenda meeting, there is nobody else that does this service. Mr. Kriss said again, did you seek proposals or qualifications from the public, it is a yes or no question. Commissioner Ambrosini said it is a professional service, we did not put, nor do we have to seek proposals for professional services, according to the code. Mr. Kriss said, then the answer is no. Commissioner Ambrosini said the answer is as he just stated. Mr. Kriss asked if they posted or offered this position to the county employees already on the payroll.

Commissioner Ambrosini said this is a professional services position and nobody in the courthouse has the capability to do this. Mr. Kriss asked if he was sure of that. Commissioner Ambrosini said yes. Mr. Kriss said the answer is that they didn't let anybody in the courthouse know that none of your staff has the experience or expertise. He said since it wasn't advertised or offered, who reached out to find this gentleman? Commissioner Zapotosky said Dave Recorder of Deeds Malosky had spoken with Mr. Murphy on several occasions throughout the past couple of years about implementing the UPI and Mr. Murphy came in on a few occasions to give us basically how it works, what is done, ordinance requirements, that sort of thing. Mr. Kriss asked if Malosky reached out or if it was in reverse. Commissioner Zapotosky said he can't speak for Dave Malosky. Mr. Kriss said so it wasn't you commissioners who reached out to Mr. Murphy, it was the Recorder of Deeds, in your opinion. Commissioner Zapotosky said he wrote a letter to the commissioners, he believes they received a letter from Mr. Malosky. Commissioner Ambrosini said that is correct.

Mr. Kriss said Malosky reached out, and not in reverse. Commissioner Zimmerlink said no and Commissioner Ambrosini said Malosky said they should implement this system and he called in Tom Murphy to have meetings to explain the process. Mr. Kriss asked who Tom Murphy is, does he own a business or is he self-employed? Commissioner Zapotosky said Tom Murphy was the former Recorder of Deeds in Westmoreland County. Mr. Kriss asked if he was self-employed now and Commissioner Zapotosky

said he doesn't know Mr. Murphy's resume. Commissioner Ambrosini asked Mr. Kriss to wrap it up and Mr. Kriss said he is asking questions as quickly as he can. Commissioner Zapotosky said he is asked questions that he cannot answer. Mr. Kriss said you want to hire the man but you don't have the knowledge of who he is. Commissioner Zapotosky said he was a Recorder of Deeds in the county of Westmoreland for 12 years and he is self-employed and he operates a business with a partner, this is what he said to us at the agenda meeting, the program in which he implemented in Westmoreland County was very successful as well as other counties.

Commissioner Zapotosky said it is something that is advantageous in a number of ways, obviously there is a revenue stream, which we need. He said there is also a way of expediting title searches which is something the Fayette County Bar Association even supported. Mr. Kriss asked where Mr. Murphy's business is located, here in Fayette County or in Westmoreland County? Commissioner Zapotosky said it is in Westmoreland County, but he isn't sure. Commissioner Zimmerlink said that Kathy Winkler just handed all three commissioners, what is this? Mrs. Winkler said he just sent that this morning, it is an agreement for services and he apologized because he got snowed in and he couldn't be here. Commissioner Zapotosky said he lives in Burrell. Commissioner Zimmerlink said Lower Burrell and the name of the company according to the paper that Kathy Winkler just handed us is IBN, Inc. Mr. Kriss asked how long is the proposed contract with this man? Commissioner Ambrosini said he can't recall off the top of his head but it is probably for two to five years. Commissioner Zapotosky said it is for five years with an option to renew.

Commissioner Zimmerlink said the agreement says it is for five years and the agreement is automatically renewable on a year to year basis. Mr. Kriss asked what the salary and benefit package is. Commissioner Zapotosky said there is no salary and benefits, he is paid on a percentage basis. Mr. Kriss said, so a commission, and Commissioner Zapotosky said it is a percentage basis. Commissioner Zimmerlink said it isn't a commission, we all have it in front of us and it said in consideration for the services to be performed by the consultant, the client which is the county, agrees to pay the consultant \$1 or 10 percent, whichever is greater per UPI number applied to all documents during the duration of the contract. Mr. Kriss said, OK we have a five-year contract with a 10 percent commission. Commissioner Zimmerlink said 10 percent per UPI number, applied to all documents. Mr. Kriss asked if he will be full time at the courthouse or will he work from his home or business? Commissioner Zimmerlink said he is an independent contractor, according to this document. Mr. Kriss said, so he works from home and comes in the county as needed, is that correct?

Commissioner Zimmerlink said yes. Mr. Kriss asked if they will hire another full time employee in the office of the Recorder of Deeds to do this work? Commissioners Ambrosini and Zapotosky said yes. Mr. Kriss said they are implementing a \$10 fee to generate much needed funds. Commissioner Ambrosini said they have a lot of business and Mr. Kriss said he had two more questions and he will be short and brief. Commissioner Zimmerlink said this is important because these are items on the agenda. Commissioner Ambrosini said they have a meeting to conduct. Mr. Kriss said Al, I have to go to my doctor in Pittsburgh. Commissioner Ambrosini said, ask your

questions. Mr. Kriss said he took his time to come in there, he will be several minutes and he will be on his way. Commissioner Zimmerlink said he is asking questions and they are being answered but this is public comment on agenda items. Commissioner Ambrosini said they have a five minutes and Commissioner Zimmerlink said no, we don't and Commissioner Ambrosini said, yes we do. Commissioner Zimmerlink said no we don't, no we don't, just continue, just ask the questions. Commissioner Ambrosini said make it quick, we have five minutes. Mr. Kriss said will he be full time at the courthouse, someone answered me, will you hire, yes, will you implement the fee to generate funds for the county, he asked.

Mr. Kriss said is that what you are doing, are you looking for needed revenue? Commissioner Ambrosini said it is to provide a needed service and we will charge a fee. Mr. Kriss said so revenue is part of it, is that correct? Commissioner Zapotosky said revenue has, there is going to be revenue applicable, without question. Mr. Kriss said OK, I do believe you do have a county employee or department head that has the expertise to get this up and running. He asked why they would want to give up? Commissioner Zapotosky said no we don't. Commissioner Ambrosini said what he believes is fine, but. Mr. Kriss said of course that is his opinion. He said to set this program up and running, why would you want to give up your profits to an outside consultant for the next five years when it can be done in-house far cheaper? He said if you really do need a consultant let's be fair to all and advertise for the best deal and pay he or she for six months tops to help set it up and get it running, not for five years. He said he urged the three commissioners to not approve it and explore other options. He thanked the commissioners for their time.

Commissioner Ambrosini read the Teen Dating Violence Awareness and Prevention Month February 2014 proclamation. An authorized representative of Domestic Violence Services of Southwestern PA who accepted the proclamation thanked the commissioners and said there are various activities going on this month and packets have been given out in the high schools to help create this awareness because teens think that anger is the reason this happens and they think that jealousy is normal and we need to break those myths. She said the schools have been very supportive and have done a wear orange day and it's time to talk day and we urge all of you to participate.

Commissioner Ambrosini read the Developmental Disabilities Awareness Month March 2014 proclamation. He then read the National Problem Gambling Awareness Month March 2014 proclamation. Lorraine Yasenosky said the goal of National Problem Gambling Awareness Month is to educate the general public and health professionals about the warning signs of problem gambling and raise awareness about the help that is available both locally and nationally. She said the campaign was previously held during the first week of March to coincide with March Madness and this is one of the most widely bet upon events in the United States. She said now the campaign takes place during the entire month of March. She said Fayette County Drug and Alcohol will have informational materials they are going to send out to various county establishments that offer legalized gambling activities. She said the goal is to reach individuals who might

have a gambling problem. She said they will also have an informational table at the Fayette County Health Center the entire month of March.

After the proclamation was read, Ms. Yesenosky said if you see someone with a cow button they have through with chew week and they hope the residents of Fayette County will try for one day not to use tobacco, especially spit tobacco and she would also like that on February 27 at the Uniontown High School from 6:30 to 7:30 they have a gentleman coming in, Milton Craig, known as big Milt, and he is an Emmy nominated motivational speaker. She said he has been invited to the White House, he has spoken to the NFL, the FBI, you name it and he talks about drugs and alcohol. She said his tour is titled, "Your choice, your voice." She said it is also helping from the Elks National Awareness Program and he is currently produced, his latest video is called "What's going on." She said it sends the message that it's your choice, you need to use your voice to help people make better choices, your voice has power, it is a free event for all ages. She said they hope to pack the auditorium and she has information, and asked if it was OK to set it on the table in case anybody wants to see it or take it with them, again it is next Thursday from 6:30 to 7:30 and it is to help to get rid of the drugs here in Fayette County. She said Fayette County Drug and Alcohol would like to thank the commissioners.

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

Teen Dating Violence Awareness and Prevention Month February 2014

Developmental Disabilities Awareness Month March 2014

National Problem Gambling Awareness Month March 2014

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Fayette County Redevelopment Authority

Commissioner Ambrosini said the item on the agenda will have no action, primarily because the plan is being modified and once it is modified there will have to be another TIF committee meeting and then after that it will be recommended to the three taxing bodies. Commissioner Zimmerlink said they have to take action on item number five. Commissioner Ambrosini said it is no action. Commissioner Zimmerlink said they have to take some action on Item number 5 that is listed on the agenda, and asked Solicitor Burkley if he agreed that some action must be taken. Solicitor Burkley said if you consider voting to remove an action and Commissioner Zimmerlink said, an action, whatever action she proposes, but an action has to be taken, is that not right? Solicitor

Burkley said because it is on the agenda, yes. Commissioner Zimmerlink said yes, because it is on the agenda.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to table adoption of a resolution in which the County agrees to participate in the Tax Increment Finance (TIF) District at the Fayette Crossing Development at the Fayette County Business Park in accordance with the attached TIF Plan for a twenty (20) year period, allocating ninety five percent (95%) of the tax increment resulting from the development to the Authority for the purpose of financing certain improvements in the TIF District.

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 has been deemed a 100% disabled veteran by the Veterans Administration of Pennsylvania effective for the 2014 tax year.

William G. Pitts 602 Bittner Rd. Dunbar PA 15431 Parcel 13-16-0039

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 for four assessors to attend a Laurel Mountain Chapter Meeting in Somerset County for 9 credit hours of continuing education class on April 10 & 11. The cost per assessor of \$120 covers class fees & materials.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Behavioral Health Administration

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a “**Stop the R-Word**” Rally on the Courthouse steps, March 6, 2014 at 10:00 a.m.

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

After the vote, Commissioner Zapotosky said the R-word is retard and the idea is to stop using that word when we are talking about individuals with mental health or mental disabilities.

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

	<u>Contract Value</u>	<u>Period</u>
<u>Professional Service Agreement 2013-2014 – Modification #1</u>		
Cheryl McNeil	\$5,900	7/1/13-6/30/14
<u>Professional Service Agreements 2013-2014</u>		
Advance Management Services	\$25,600	7/1/13-6/30/14
<u>HealthChoices Agreement for Professional Services - 2014</u>		
Allegheny HealthChoices, Inc.	\$100/per hr. Up to \$74,500	1/1/14-12/31/14

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 & **Outside In School of Experiential Education, Inc.**, Post Office Box 639, 303 Center Avenue, Greensburg, PA 15601 to provide in-home services to families on as as-needed basis. The rate are as follows:

In-Home – Non MA Services
 Enhanced Outpatient Substance Abuse Bundled Rate \$425.00 per week

*Included Travel

Family First Individual Counseling	\$ 69.00 per hour
Family First Group Counseling	\$ 46.00 per hour
Outpatient Substance Abuse Individual Counseling	\$ 78.00 per hour
Outpatient Substance Abuse Group Counseling	\$ 46.00 per hour
Court Testimony	\$ 78.00 per hour
Mileage	\$.50 per mile
Placement Services	

Certification #414700 PR		IV-E	IV-E
		%	Admin
Rate	\$ 88.46	\$47.9089%	\$42.38

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 & **Outside In School of Experiential Education, Inc.**, Post Office Box 639, 303 Center Avenue, Greensburg, PA 15601 to provide in-home services to families on as as-needed basis. The rate are as follows:

In-Home – Non MA Services	
Enhanced Outpatient Substance Abuse Bundled Rate	\$425.00 per week

*Included Travel	
Family First Individual Counseling	\$ 69.00 per hour
Family First Group Counseling	\$ 46.00 per hour
Outpatient Substance Abuse Individual Counseling	\$ 78.00 per hour
Outpatient Substance Abuse Group Counseling	\$ 46.00 per hour
Court Testimony	\$ 78.00 per hour
Mileage	\$.50 per mile

Placement Services			
Certification #414700 PM		IV-E	IV-E
		%	Admin
Rate	\$ 88.46	\$47.9089%	\$42.38

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, and **Avanco**

International, Inc., 11325 Random Hills Road, Suite 350, Fairfax, VA 22030, for Version 9 upgrades and CWIS FY 13-14 Phase I development. The fixed price for this service is \$5,138.89.

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 **Adelphoi Village, Inc.**, 354 Main Street, Latrobe, PA 15650 for foster care and group home services on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00	PER DAY
Group Home	
Ace Short Term Residential/Male/Female SH	\$ 198.65
Intensive Supervision-Female FI	\$ 225.03
Intensive Supervision-Male MI	\$ 193.70
Substance Abuse Male MR	\$ 225.39
Sexual Offenses Male SO	\$ 203.80
Sexual Offenses-Male-La Sa Quick LQ	\$ 262.96
Shelter Care SH	\$ 198.65
Intensive Supervision-Mental Health Female FM	\$ 266.76
Secure Sexual Offenses Male SS	\$ 353.91
Secure-Female SC	\$ 306.04
Secure-Male SC	\$ 306.04
Specialized Independent Living	
Specialized Independent Living-Male IL	\$ 191.56
Foster Family	
Specialized Kinship Male/Female SF	\$ 74.60
Intensive Kinship Male Female IF	\$ 80.80
Pregnant and Parenting PP	\$ 89.01
Reunification RV	\$ 83.27
Therapeutic Intensive Foster Care TI	\$ 131.85
Adoption	
	PER DIEM
Resource Family Profiles & Preparatory Training	\$ 2,500.00
Resource Family Kinship	\$ 2,000.00
Resource Family Preparatory Training	\$ 500.00
Non-Placement Services	
	PER DAY
Multisystemic Therapy Services (non-MA)	\$ 67.63
Psychiatric Services	\$ 200.00/hour
Psychological Services	\$ 140.00/hour
Abel Interviews/Testing Only	\$ 300.00
Abel Sex Offender Assessments	\$ 800.00

Diagnostic Evaluation Non-MA	\$ 2500.00
Polygraphs	\$ 400.00
Sexual Offender Services	\$ 65.00/hour
Fayette Community Services	\$ 31.40
PTSD Non-Residential Youth	\$ 46.55
PTSD Residential Youth	\$ 40.55
PTSD Sibling Rate	\$ 30.95
Aftercare Rate	\$116.00/day

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 recommendation of the Fayette County Children and Youth Advisory Board to remove Douglas Wright as a member of the Advisory board effective immediately.

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

Controller

Controller Sean Lally gave 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: 18-Feb-14

CASH: Checking Account United Bank

Funds Owed to General Fund		\$	5,691,858.15
Temporary Loans			
Victim Witness Fund	\$	30,000.00	
Children and Youth Fund	\$	1,250,000.00	
Due to General Fund			
Ferry Insurance Policy	\$	12,260.00	
		\$	1,292,260.00
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	\$	9,500,000.00	
		\$	9,500,000.00
Budget Year	Net Position	\$	(2,203,024.68)
			Year to Date
Total 2014 Revenues		\$	899,816.78
Total 2014 Expenditures		\$	3,753,449.46
Total 2013 Expenditures paid in 2014		\$	1,120,484.47
Capital Reserve Fund Balance		\$	38,745.95
Bond Fund Balance		\$	209,085.12

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

Commissioner Zimmerlink said she had a few questions on the report. She said this is through February 18, as per the top of your paper. Controller Lally said yes.

Commissioner Zimmerlink said the capital reserve, does that include all the transfers that were made. She said which fund is that 50 or 51? Controller Lally said it is fund 51. Commissioner Zimmerlink said there was a requisition that transferred \$280-some thousand or \$300,000 of Marcellus shale money, is that not in this, Amy that requisition, it's been signed, it was sent to the Controller's office. Chief Clerk Revak said she believed it was in the pile this morning. Commissioner Zimmerlink said so, next month obviously that figure will be higher. Controller Lally said it should be. Commissioner Zimmerlink said the bond fund balance, the last one on here, that includes all of our bonds? Controller Lally said that is the summation of all the monies that are remaining in the bond. Commissioner Zimmerlink said OK, all bonds. Controller Lally said that is money that is available.

Courts

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to recognize the Fayette County Constable handbook, effective March 3, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked for a motion to consider approval of a lease and/or options with Taylor Place Properties for District Court 14-1-01 for a lease for 2014 through 2019. He asked Tammy Lambie what the lease agreement is for them. Ms. Lambie said the landlord currently wants to get \$1,600 a month for 2014 and he wants \$1,800 a month until 2019. She said they put it on the agenda because she needs a lease but Solicitor Cupp was to look at the lease and get back to her and she said she hasn't heard from him. Commissioner Zimmerlink said here is what happened, at the agenda meeting, what you just said is accurate, a lease is being proposed and you had provided that to us to have a lease at \$1,600 for the year 2014 and for the next term it was to be \$1,800 a month. She said she indicated from memory without looking at the lease because you were part of helping and drafting our general language that we use, you and your person who is now retired.

Commissioner Zimmerlink said she recalls that we put in our lease agreements that is standard and automatic renewal paragraph and again I said to John cupp that this was from memory and she does not believe that number one, we need to take any action and number two, were certainly wouldn't want to agree to \$1,800 a month because the terms and conditions under the current lease would be extension paragraph is well below \$1,800. Ms. Lambie said she agrees but she doesn't have the options to negotiate. Commissioner Zimmerlink said it is already imbedded in the lease. Ms. Lambie said the landlord doesn't wish to continue with that lease, he wants a new lease because they changed hands. Commissioner Zimmerlink said according to John Cupp and she met with him and he sent a communication to Solicitor Burkley and all of us, he

agreed with my statement, and it needs to be changed, but he reviewed the lease and the term of the lease it was an automatic renewal so whether the landlord wants it or not he agreed to it back in 2006. Ms. Lambie said there was a change in landlords from that point to this point, they continued on with that same lease and that is why they want to renegotiate and a new time. She asked who will contact the landlord. Commissioner Zimmerlink said there is a solicitor here.

Commissioner Zimmerlink said even though you have a change in ownership the lease is still effective, so according to John Cupp he agreed that no action needs to be taken and she believes that Solicitor Burkley had an opportunity to review as well and as far as who would make contact, the county, we will do that, but go ahead Solicitor Burkley. Solicitor Burkley said Commissioner Zimmerlink is correct in that Solicitor Cupp reviewed the existing lease and as you have indicated opined that there was an automatic renewal period contained within that so a new lease would not have to be negotiated at this time unless a lease has a provision in it relative to a change in ownership the successor, owner is bound by the terms of that lease as well so the board would not have to take any action. Commissioner Ambrosini said in effect, you do have a lease currently and Commissioner Zimmerlink answered yes. Solicitor Burkley said he or Mr. Cupp could respond, whatever the board's pleasure is.

Commissioner Zimmerlink said the statement was do we have a lease and the answer to that is yes. Ms. Lambie said it sounds good then. Commissioner Zimmerlink said again, something has to be done on this, with Solicitor Burkley adding that it is on the agenda. Commissioner Ambrosini asked Solicitor Burkley if we know if there is a clause in terms of change of ownership in the lease or not. Solicitor Burkley said he did not know that but he did discuss this thing rather at length with Mr. Cupp and he is of the opinion, and all he has is the proposed leases. Commissioner Zimmerlink said look at the second one, she believes he was sent that and Solicitor Burkley said these are the same. Commissioner Zimmerlink said that John Cupp did look at the lease that is in effect and he said that there is not any paragraph with regard to change of ownership. Solicitor Burkley said he did not discuss that point with him, if he discussed that with you it was unbeknownst to him but it was his opinion that there is a binding term in existence as we speak.

Commissioner Zimmerlink said right. Solicitor Burkley said it will save the county money and Commissioner Zimmerlink said that is why they wrote it that way back in 2006, that one along with all the other ones, which is a good thing for the county to do when you enter into a long term lease agreement with renewals, you discuss at that time what the percentage increases are so you don't run into that problem so. Solicitor Burkley said they do need to take some type of action and he doesn't think tabling it, it needs to say remove it. Commissioner Zimmerlink said she wasn't going to place it on the agenda last month but the other two commissioners thought it was important to do so that is why we did it, so yes we have to take action on it now. Commissioner Zapotosky said he thinks the reason why is that there was some confusion as to whether or not there was the language. Commissioner Zimmerlink said it wasn't just any confusion because she had stated it but John Cupp, she asked John Cupp to confirm obviously and do a review, but at any rate where we are at right now is we have legal

opinion from both solicitors so we have to take some sort of action because it is on the agenda. Commissioner Ambrosini said solicitor, since we already have a legal lease, then.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to remove from the agenda a motion to consider approval of a lease and/or options with Taylor Place Properties for District Court 14-1-01 for a lease for 2014 through 2019.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked for a motion to consider approval of a contract with Stratus video Interpreting, for the courts to be able to use this video service for interpreting services that are necessary to perform court hearings with different interpreting needs we are facing. Commissioner Zapotosky asked if they have a contract and has the contract been made available to the commissioners. Ms. Lambie said not at this point and she had to cancel the meeting due to another emergency that came up so she would suggest that they table it until next meeting. Commissioner Zimmerlink said rather than removing it, if she makes a motion to table until the next meeting, then it moves along. She said her question to Ms. Lambie is, at the agenda meeting she said they are not going to be able to give a specific dollar amount and she understands why, because if you need somebody for five hours or whatever, whatever the language is so, it would have a fee schedule for lack of a better word and she said she sees Solicitor Burkley shaking his head yes so that is the type of document that you would be giving us is the general agreement with this company that is used for all individuals, be it a county or a law firm that may use these services with an attached fee proposal, is that correct?

Ms. Lambie said that is correct. Commissioner Zimmerlink asked if she is fairly certain this is the company she wishes to enter into an agreement with. Ms. Lambie said there may be a few of them however some other company may have a cheaper rate and if she comes to the commissioners next month with a company with a cheaper rate she would rather use whatever services she has available and with the best quality. She said this company here is the only company she could find that has somebody that speaks Napoli and she needs a Napoli interpreter for several preliminary hearings that she has coming up and this is all she could find. She said she may use somebody else for Russian or something else. Commissioner Zimmerlink asked if she would utilize this or another company. Ms. Lambie said if another provider could give her a better rate, she would use somebody else. She said she didn't know if another contract would be necessary or not but with this company it is required that she has a contract signed that you will pay these rates. Commissioner Zimmerlink asked if she was asking us to place it on the agenda for March to take action or to remove the item altogether to give you the opportunity to look at other companies.

Ms. Lambie said she would like to have it moved to March if possible.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to place on the Tuesday, March 18, 2014 meeting agenda to consider approval of a contract with Stratus video Interpreting, for the courts to be able to use this video service for interpreting services that are necessary to perform court hearings with different interpreting needs we are facing.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

After the motion was made, Commissioner Zimmerlink said that was her motion, she didn't know if it was going to get passed. Commissioner Zapotosky asked if there was a sense of urgency to, what is the language you referred to, Napoli? Ms. Lambie said it is Nepalese, they speak the Napoli language, she had to continue the hearing because she didn't have an interpreter for the people that were necessary so now she has it continued to March hoping that she gets the contract. Commissioner Zimmerlink asked Solicitor Burkley is he was familiar with these interpretative services and asked if he knew if there were any other companies out there. Solicitor Burkley said he did not know. Ms. Lambie said the state also helps and the state is also looking into this company but they have not signed the state contract.

Commissioner Zimmerlink said this here is, entering into this agreement is case specific, criminal case specific for whatever case you are referring to. Ms. Lambie said the contract isn't case specific, and Commissioner Zimmerlink said we know, but your needs are. Commissioner Zapotosky said it is language specific. Commissioner Zimmerlink said case specific, meaning she has a specific criminal case you need this on and that criminal case was continued because you could not locate an interpreter. Commissioner Zapotosky asked where is Napol or Napoli, forgive my ignorance. Ms. Lambie said Bohan, and Commissioner Zapotosky said, just south of Hooterville.

Election Bureau

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve two staff members to attend the Western Pa Election Conference in Indiana County on March 28, 2014 at a cost of \$40.00.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resource Department

CYS

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the re-hire within 1 year of Colbie Vucelik as a Caseworker II, \$16.48/hr. (\$32,136 annually) effective February 24, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Building and Grounds

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Maintenance Worker I, Terry DeCheserro, effective January 31, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

FACT

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of Part-Time Bus Driver, Dale Gregg, effective January 17, 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 ratify the resignation of Part-Time Bus Driver, David Yauger, effective January 17, 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 ratify the resignation of Part-Time Bus Driver, Kenneth Lowry, effective January 27, 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 accept the resignation, due to retirement, of Full-Time Bus Driver, Joseph Baird, effective February 28, 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 hire of Sarah Byers as Transportation Information Specialist I, SEIU Pay Grade 6 Step A \$11.04/hr. (\$21,528 annually) effective February 19, 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 hire of Kathleen Clements as Transportation Clerk II, SEIU Pay Grade 5 Step A \$10.70/hr. (\$20,865 annually) effective March 3, 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 hire of four Part-Time Bus Drivers Susan Nicholas, Gary Hlebinsky, Jason Pishko and Lloyd Jenkins at \$11.40/hr., effective February 24, 2014.

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

After a motion was made, Commissioner Zimmerlink said does it not say five part time, one, two, three four. She said the motion was to hire five and there are four names on here, that is what was read. She said is there a name missing or should five be four? Chief Clerk Revak said that was provided to her by the Human Resource Department this morning, so she doesn't know. Commissioner Zimmerlink said the item on the agenda, it was five, correct? Commissioner Zapotosky said it was five, yes. Commissioner Zimmerlink said meaning that Dominick was here and he said five individuals and that is why we printed that on the agenda so apparently he either changed it to four or he left out a name. She said there was a motion, so, she was just pointing that out but she thought she heard a motion. Commissioner Zapotosky said at the agenda meeting he had omitted one and he added it. But he didn't provide a name for the fifth one. Commissioner Zapotosky said he would rescind the motion and make the motion for the four that are listed by name.

Information Technology

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Terri Wilson as a Part Time IT assistant at \$9.50/hr., effective March 3, 2014.

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 Jared Billy as an Assessor I at SEIU Pay Grade 11 Step A, \$13.08/hr. (\$25,506 annually) effective March 3, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Information Technology

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zimmerlink to table approval of a contract with Verizon through COSTARS for five years for county telephone service.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making a motion, Commissioner Ambrosini said Kebin Holbert wanted the item tabled so he can acquire additional information.

Juvenile Probation Office

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind resolution 13-09-17-24 regarding the lease of two 2014 Chevrolet Police Impala sedans for the Juvenile Probation office through Ford Credit Municipal Finance Program.

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 the lease of two 2014 Chevrolet Police Impala sedans for the Juvenile Probation Office through PNC Equipment Finance.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning and Zoning

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to approve RZ 13-5 for Philip A. and Eva Marie Giannetti for an extension of a B-1 General Business Zone on property currently zoned C-1 Conservation.

Commissioner Ambrosini yes
Commissioner Zapotosky abstain
Commissioner Zimmerlink yes

Motion passed 2-0-1

Prior to a motion, Commissioner Ambrosini said this was unanimously approved by the planning board. Commissioner Zimmerlink said they don't approve anything, they make a recommendation. Commissioner Ambrosini said they unanimously recommended approval. Commissioner Zimmerlink said they had a hearing on this last month and she and Commissioner Ambrosini attended it. Commissioner Zimmerlink asked what municipality it was in, adding that she thinks it is in Redstone. Commissioner Zapotosky said he was going to abstain because he didn't attend the hearing, he was at the hospital.

Prison

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify an agreement with Armstrong County 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 execute a revocable license for land use agreement between the Pennsylvania Fish and Boat Commission, Texas Eastern Transmission and Fayette County to construct an additional pipeline across the PA Fish & Boat Commission Property at Dunlap Lake, terms and conditions set forth as attached.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to enter into an agreement for Fayette County and Texas Eastern Transmission for the sum of \$10,000 for removal and relocation of county playground equipment and the Dam marker on Dunlap Creek County property.

After a motion and second were made, Commissioner Zimmerlink said there was a request to table it by Attorney Cupp. Solicitor Burkley said he had an email from Attorney Cupp that he had forwarded to Texas Eastern, John Pascho, an agreement that their legal department had to review. Commissioner Zimmerlink said basically what was said is John Cupp after the Tuesday agenda meeting prepared an agreement and he provided that to all of us, he forwarded that to the company involved and the

company involved then sent an e-mail to all of us indicating that they cannot agree or disagree or make any comments to it because their company had to send it to their corporate legal department and that there was no way that there would be sufficient time for their legal department to either agree or make any suggested changes and we can't agree to something that, so the recommendation was to table it until next month.

Commissioner Zimmerlink asked if it was very clear in the document that Solicitor Burkley is holding that all of the commissioners received that and the individual said that they cannot agree or disagree because their legal department has not had an opportunity to review. Solicitor Burkley said all he can say is that it looks as though all of you were copied on the e-mail and the e-mail was from John Pascho to John Cupp, Bob Carson, myself, copied to Amy, to yourself, Commissioner Ambrosini and Mr. Zapotosky. Commissioner Zimmerlink said she wanted to make a motion to table until the March 18 meeting. Commissioner Ambrosini asked if they need to have Commissioner... and Commissioner Zimmerlink said they have a quorum right here and Solicitor Burkley said they have two votes. Commissioner Ambrosini said he means that there was already a motion and a second and he needs to rescind this motion. Solicitor Burkley said you are going to need him back.

Commissioner Zimmerlink said to rescind, he seconded, he can withdraw. She said that's fine, there was a motion by Commissioner Zapotosky and there was a second by Commissioner Ambrosini, the question is Solicitor Burkley, Commissioner Ambrosini can withdraw his second, is that not correct? Solicitor Burkley said that is correct. Commissioner Ambrosini said he would withdraw his second. Commissioner Zimmerlink said, I know, I am just waiting until anything else is said. She then made a motion.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to table to the Tuesday, March 18, 2014 commissioners meeting to enter into an agreement for Fayette County and Texas Eastern Transmission for the sum of \$10,000 for removal and relocation of county playground equipment and the Dam marker on Dunlap Creek County property.

Commissioner Ambrosini yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to approve Fayette Engineering Company's revisions to the Greenlick Run (PA-656) Dam, D26-097 Emergency Action Plan. This Promulgation and Concurrence was ordered by the PADEP.

Commissioner Ambrosini yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind resolution **13-11-19-40** for bid 13-15 to purchase small passenger vehicle tires and mechanical work from Expert Tire of Uniontown.

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 awarding the entire Bid 13-15 for Tires and Mechanical Work to Bob Sumerel Tire Company, 7478 National Pike Rd., Uniontown, PA. 15401.

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 enter into an agreement with Yohe Roofing Inc. under the Oct. 21, 2013 proposal for **AREA #2 – Reveal Area by Connecting Flat Roof** for \$6,800.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Recorder of Deeds

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to enter into a contract with Tom Murphy for implementation of the UPI system for the Recorder of Deeds Office.

Commissioner Zimmerlink said before he called for a second, since the agenda meeting Tuesday, which at the time, this individual named Tom Murphy had not provided his contract to the commissioners. She said he provided the contract after the commissioner's meeting to Commissioner Zapotosky who was kind enough to forward it to me and the other commissioner so since that time she had an opportunity to look at the contract as well as to review some of the statements that Tom Murphy had stated. She said the thing is that the motion and the second on the table is to enter into an agreement with Tom Murphy and it is actually to enter into an agreement with whatever the name of the company, but there's a few items that need to be disclosed and discussed because of statements that were made at Tuesday's meeting and some of

the statements today during the public comment. She said, number one, if this is approved then there were no proposals, no requests to seek other individuals to perform this service.

Commissioner Zimmerlink said that would mean it was a no-bid contract or a non-proposal contract. She said there was a statement that was made by Commissioner Ambrosini that it is a professional service and falls under that as per county code. She said her question to Solicitor Burkley is, her understanding of the request for qualifications with professional services is, let me just as you, in your opinion, does this proposal, entering, does this scope of work fall under a professional service as per our county code? Solicitor Burkley said he was hoping she wasn't going to ask him that because as he heard this, obviously he wasn't at the meeting last Tuesday and he didn't have an opportunity to hear any of this, he said he honestly could not say. He said it is one of those areas that seems to be very possibly, but the way the county code is on that there are cases that go various ways on this and he is going to have to research this. Commissioner Zaptosky said, if I may, and Commissioner Zimmerlink asked if he minded if she please, and he said not at all.

Commissioner Zimmerlink said since there is a motion and a second and neither or you two had any questions or comments, this is my opportunity since there is a motion on the floor to question, just go through some items and then so the first question you just answered, you said you don't know. She said Solicitor Cupp was here on Tuesday and he didn't raise and issue, however she had asked him after the commissioners and the individuals all met one day last week so he still didn't render a legal opinion, so my statement is number one, that my understanding of that portion in our county code that the professional service clause, and it says it in the code, would be for professional services, attorneys, accountants, engineers, OK, this individual is a consultant, it's not a professional and she is not an attorney and we have three of you, so she doesn't believe that it falls under the exemption or exclusion as Commissioner Ambrosini said that it does. She said that is for one of the three county solicitors to render the opinion on. She said the second item regarding that that even if it did fall under OK, which she doesn't believe that it does, she thinks it only behooves the county to solicit some requests for proposals to see if there is anyone else in the universe or in the Fayette County or Westmoreland County or Allegheny County or wherever that could provide this service.

Commissioner Zimmerlink said she will counter what Tom Murphy stated at the agenda meeting very explicitly, she made that comment to him why not seek proposals and he said as well as one or both of my fellow commissioners said that there isn't anyone else out there who could do that. She said well, she went back to her office, did the research and there is, OK. She said there is presently a county in Franklin County is in the process of hiring a consultant for their GIS and included in that they would do the IUP portion of it. Solicitor Burkley said UPI, and Commissioner Zimmerlink said UPI, what did I say, and Solicitor Burkley said IUP. Commissioner Zimmerlink said UPI, plus Tom Murphy indicated that county's cannot do this on their own. She said she wants to make it really clear to the public and on record that she is supportive of enacting the ordinance so they can have the program, which is the UPI program. She said UPI, that

is another thing, for people in the audience who do not know what that is or the public is, UPI is a Uniform Parcel Identification, which is a good thing, which means that when any documents are recorded, any documents are recorded in the Recorder of Deeds that pertain the real estate, this number, which is normally the parcel number but doesn't have to be, is imprinted on the new deed recorded, so there are not just deeds, right of ways, leases, with Ken Burkley adding, any parcel of real estate.

Commissioner Zimmerlink said which is a good thing, because uniform, we all know that. She said this isn't something that is just new. She said Chester County enacted it back in 2008, OK. She said many counties have already enacted it and some have done so in-house, which the statements that were made at Tuesday's meeting and even she believes that is not accurate. She said the following counties have opted to do the UPI program in-house, Indiana, Washington, Cumberland, Elk, Fulton, Lebanon, Luzerne, Lycoming, Schuylkill, OK. She said York County implemented and she isn't sure if that was on their own or not, but just a very quick research between Wednesday, Thursday and Friday she found out that you don't need to have a consultant to do this because these individuals did implement this in-house. She said so that people understand, if the county of Fayette or the Recorder of Deeds office or our Tax Assessment and our three attorneys cannot perform this function and implement this with the assistance from the attorney from Recorder of Deeds and the law, Fayette County Bar Association, attorney Zeglen, he was at the meeting with these individuals and if you still need to have someone to do this then we should do, number one, some request for proposals to see if there is anyone else there should be some discussion from someone here contacting these other counties because they said that they implemented it on their own.

Commissioner Zimmerlink said that's just, everything that she just said is her argument for not entering into this contract because it is a no-bid and it should be and also the statements made by the consultant said that counties need outside sources and we have already determined that is not accurate. She said the thing is that she believes that they need to do a projection of what this would cost the county to enter into and Mr. Murphy was not provided that as Solicitor Burkley just stated that it is any document that is recorded in the Recorder of Deeds office that pertains to parcels. Solicitor Burkley said it can also be extended to other offices as well, Commissioner, Prothonotary could possibly be an area because we file condemnation cases there, various lawsuits for non-performance, anything that deals with a parcel of real estate, one of the ideas behind the program is that somebody said something about title searchers and there are arguments why are we doing it just for them for but it is not just for them, but if you look up and you know your UPI number is X, it will show you everything, not just that deed, it will show you everything that has been filed relative to that parcel of real estate.

Commissioner Zimmerlink said thank you for that explanation, they explained that on Tuesday and these three commissioners are all in agreement to implement the program, it is the manner in which we implement it. She said because he has just explained it, it is in addition to any documents that are just recorded in the Recorder of Deeds that opens it up to how many documents in Fayette County are subject to this

and she believes that Tom Murphy or any other individual should be able to provide us with some of that information because when it says on this paper that Kathy Winkler gave to us a dollar, the consultant will be paid a dollar or 10 percent, whichever is greater, per IP number applied to all documents, well how many documents in Fayette County would that be? She said quite a number, so in order to, so my statement is that we should have an analysis done, be it, whoever wants to provide a service and get paid should tell us, not just a dollar or 10 percent whichever is greater because it will be, as Commissioner Ambrosini just said, the Prothonotary, Recorder of deeds or anything else. She said we should find out, check with all of the offices that have the recording ability, from each of those county offices, what, the number of documents that were recorded in your office that would fall under this type of procedure in the last perhaps, I would say, two years, two to three years. She said that would give the county an idea of how much this consultant or any other consultant would receive.

Commissioner Zimmerlink said because it is estimated, and this is not her estimation, this is the estimation from one or both of my fellow commissioners there and for certain, Dave Malosky the Recorder of Deeds who indicated during the budget meeting that there is a potential, and please confirm this, but he said that there is a potential to receive \$400,000. She said now again, that would only be through his office so you take what the revenue would be and that is just what the revenue stream would be then before we receive the revenue obviously a portion is taken out. She said that is the other reason why this county there should be a motion to rescind because there is no way of determining at this point how much money will be given to Tom Murphy under this agreement, that's another reason. She said let me see if there are any other reasons she can come up with, quite frankly she gave them two or three that are very good reasons. She said there is a motion and there is a second, and the other thing, here, she is just looking at this, item number three, it says terms of payment, payment and accounting to UPI Government Services, and she doesn't know who that is because the agreement.

Commissioner Ambrosini said that is his company, he explained that on Tuesday. Commissioner Zimmerlink said the agreement states, well he also explained on Tuesday that he was the only one who can perform this service and we just found out that wasn't totally accurate, but according to the agreement she is looking at, the agreement would be entered into by IBN Inc., who is the consultant. Commissioner Zapotosky asked if she would be able to provide a list of the other companies that provide that same service. Commissioner Zimmerlink said she doesn't know of any other companies, she said counties who did it in-house. Commissioner Zapotosky said that you said they did it in house but you also said that other companies had, that there were other companies. Commissioner Zimmerlink said there was one that said that they are in the process of hiring a consultant. She said now for the signature here, it is Tom Murphy IBN Inc., OK, that's who the consultant is. She said now if you read as she is reading it just now, it says here that payment and accounting to UPI Government Services, which doesn't define what UPI Government Services is, nowhere on this document.

Commissioner Zimmerlink said it says it shall be agreed upon at the time of the contract. She said payment and accounting to UPI Government Services shall be agreed upon at the time of the contract, this is a consulting agreement, maybe Solicitor Burkley, if you were. Solicitor Burkley said he hasn't seen it. Commissioner Zimmerlink asked Kathy to give the solicitor one, because she is asking him to give us an opinion on a contract to be entered into and the individual hasn't had the chance to look at it. Commissioner Zimmerlink asked Solicitor Burkley to look at the first part that has IBN, which is what she was referring to. Solicitor Burkley asked what page and Commissioner Zimmerlink said the first page, second sentence, the consultant identifies himself as IBN Inc. She said the signature page on the very last page, he identifies himself as the president Tom Murphy of IBN Inc. She said if you look on the second page, so now we would be entering into an agreement even though the motion on the floor is to enter it with Tom Murphy which she would hope he would tell her fellow commissioners not to do that because, who is Tom Murphy, but it says here item number three, payment and accounting to UPI Government Services shall be agreed upon at the time of the contract. She asked what payment to UPI Government Services?

Commissioner Zimmerlink said that is the first question and then the second question would be why would we agree to a payment after we agreed to the contract. She said that doesn't make any sense and she would hope that you would agree to that but you are not to give us your opinion other than your legal opinion, I totally understand that. Solicitor Burkley said he gives no opinion on policy, I give you an opinion that if he were looking at that language he would say he is not sure what it means. Commissioner Zimmerlink said the last thing is since he was looking at the agreement, number five it does say that the initial agreement is for five years and the agreement is automatically renewable on a year to year basis, she said that is the very next page, page number three under term of agreement, OK, automatically renewable on a year to year basis. She said it does not give any, that's plain English, after five years it is going to be automatically renewed but she doesn't see anything in here, but again she is just looking at the agreement just today, that if we chose not to renew it, then what is our time frame to inform the individual that we don't want to renew it.

Solicitor Burkley said he would not recommend signing an agreement or entering into an agreement that has that language. He said it says that it is automatically renewable and he doesn't see any language, and again he had a very quick look at it and he doesn't see anything that gives you the ability to terminate it. He said usually language is unless terminated by notice of the other party, etcetera, etcetera. Commissioner Zapotosky said he thinks the five years, and he is speculating, is based on the fact that oil leases tend to run in five-year cycles and that is the reason why the five years, adding that he is just speculating. Solicitor Burkley said the five years part is understandable and certain, 6B is what is not certain. Commissioner Zimmerlink said that is what she read. Solicitor Burkley said there is no ability that he can see that gives you, unless you both agreed, somehow by some modification to this agreement, to terminate it, so, that's not language that. Commissioner Zapotosky said he agrees.

Commissioner Zimmerlink said she would disagree and that is the whole purpose of us seeking proposals and really what is the need to have an agreement, a consultant perform this for a five year period, again, how much money does that entail, we don't know until what I suggested before. She said the other this is if you look on page, it would be item number 9, roman numeral nine, it says deadline for implementation, client must use its best efforts to implement the system within 90 days from the execution of this agreement so who is to say what a person's best efforts are. She said he could come back and state that he needs another three months. She said if this agreement is entered into with IBN and she again says they should not until we seek other, but if, that needs to be more clearly defined. Solicitor Burkley said personally he has no problem with that one, he told her honestly about that one and he will tell honestly about that one. He said there are court cases that say under the circumstances what are the best efforts. He said if you sat around and did nothing obviously that is not your best effort, if you had some problems implementing it but you could show that you were trying to, any court in the state is going to interpret that as best effort, he doesn't have a problem with that language.

Commissioner Zimmerlink said she just gave at least three or four, she thinks good reasons as to why this should not be entered into and instead we should be seeking some proposals, there is a motion and a second and you gave your legal opinion on the, at least five or six items in here, and you haven't had an opportunity and she understands to even review the others ones, so. Commissioner Zapotosky said if he may, he would like to rescind his motion and make a motion that they will adopt the agreement for professional services and address items such as the items raised by Commissioner Zimmerlink in regard to payment as well as, what other issue did you have Commissioner? Commissioner Zimmerlink said she wasn't sure what he was, did he just make one motion? Commissioner Zapotosky said he is making a motion that they are going to adopt this contingent on modifying the provisions in which you addressed. Commissioner Zimmerlink said no. Commissioner Ambrosini said why don't they just say as per solicitor's review. Mrs. Mazza said you can't do that and Commissioner Zapotosky said yes you can.

Commissioner Zimmerlink said there is a motion and a second on the floor and the motion and the second is to enter into a contract with Tom Murphy for the implementation of the UPI System for the Recorder of Deeds office, is that not the motion Chief Clerk? Commissioner Zapotosky said that is the motion. Commissioner Zimmerlink said is there a motion and a second? OK. Commissioner Ambrosini said he just rescinded that, is that correct? Commissioner Zimmerlink said, I don't know, did he? Commissioner Zapotosky said he did. Solicitor Burkley said he did, but he coupled it with another motion. Commissioner Zimmerlink said that's right. Commissioner Zapotosky said no, what he did was he rescinded the motion and then made a motion and he will, instead of what Commissioner Zimmerlink had referred to, pending review by the solicitor to review the sections in which may need to be changed in order to protect the county's best interests. Commissioner Zimmerlink said OK, so. Commissioner Zapotosky said pending solicitor's review. Commissioner Zimmerlink said so he withdrew, or rescinded his motion, there is a motion and a second on the floor to adopt, to enter into a contract. Commissioner Zimmerlink said, Solicitor Burkley?

Solicitor Burkley said there was a motion by Commissioner Zapotosky and a second by Commissioner Ambrosini with Tom Murphy. Commissioner Zapotosky said they have to vote that down and then make a motion. Solicitor Burkley said if they are going to vote to rescind that he has to make a motion to rescind.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to rescind the motion to enter into a contract with Tom Murphy for implementation of the UPI system for the Recorder of Deeds Office.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini that the agreement for professional services under UPI be reviewed by the solicitor and any changes that would serve in the best interests of the county be made pursuant to the agreement presented by IBN Inc.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Prior to a second, Commissioner Zimmerlink said no it is not. Commissioner Zapotosky said IBN Inc. Mrs. Mazza said you can't sign a stupid contract and Commissioner Zapotosky said they didn't sign anything. Commissioner Zimmerlink asked Chief Clerk Revak to read the motion back. Chief Clerk Revak said the motion was... and Commissioner Zimmerlink said you will have to speak up so we all can hear. Chief Clerk Revak said the motion was to adopt an agreement for professional services under UPI, and it be reviewed by the solicitor and any changes that serve in the best interest of the county be made by IBN Inc. Commissioner Zimmerlink said was there a request for proposals and Commissioner Zapotosky said he didn't make any requests for proposals. Commissioner Zimmerlink told Chief Clerk Revak to read it again. Chief Clerk Revak said a motion under UPI that it be reviewed by the solicitor and any changes that serve in the best interest of the county be made by IBN Inc. Commissioner Zimmerlink said wow.

Commissioner Zapotosky said again, they sat in on three meetings, Mr. Murphy came to three meetings as well as the solicitors from the tax assessment office, the Recorder of Deeds office, this is a very complicated to implement this program, it's very complex, it does require the assistance of somebody that knows what they are doing. He said Mr. Cupp at the agenda meeting even made the statement that you could either hire the consultant before or after. Commissioner Zimmerlink said before or after enacting the

ordinance is what he said. Commissioner Zapotosky said yes, but the fact remains that we are nowhere near even getting the ordinance prepared, we don't even know what we are doing yet, so it is important for us to have someone with the background that has the professional knowledge in implementing this. He said we do not have that capability. Ms. Homistek said no one is smart enough in Fayette County. Commissioner Ambrosini said, please, you are out of order. Commissioner Zimmerlink said there is a motion and he is giving his reasons as to why he made the motion. Commissioner Zapotosky said it would be subject to review by the solicitor and/or solicitors.

Mr. Kriss asked if he could ask Commissioner Zapotosky a question and Commissioner Ambrosini said no, this is not a public comment section. Commissioner Zimmerlink said yes you can, and here's the reason you can, and quit gaveling me until I am finished. She said to Solicitor Burkley that the item on the agenda was stated and he just withdrew it. She said he is now making a new agenda item, which is totally new that is not on this agenda. She said public comment must be sought on this agenda item before it is voted on, is that not correct? Solicitor Burkley said no, he disagrees with that. He said the fact of the matter is that it is the same content as the issue that came up before even though it is a variation, the argument can be made that it is the same. He said he knows that she doesn't like people who disagree with her, but he disagrees. Commissioner Zimmerlink said that was very much uncalled for. Solicitor Burkley said that she questions him for all the other things and then as soon as I disagree, you are going to get personal with me. Commissioner Zimmerlink asked how she got personal and Solicitor Burkley said she did. Commissioner Zimmerlink asked how.

After Mrs. Mazza made a comment, Solicitor Burkley said her little gallery has to be chiming in. Commissioner Zimmerlink said wait a minute, did you say my little gallery? Excuse me. Solicitor Burkley said yes, they are sitting there chiming to me. Mrs. Mazza said we pay you sir. Commissioner Ambrosini gaveled and asked for order. Commissioner Zapotosky asked Mr. Kriss what his question was. Mr. Kriss asked if there was an RFP or RFQ along with his motion to find other people. Commissioner Zapotosky said to his knowledge this is the only company that does this. After members of the audience started commenting, Commissioner Ambrosini gaveled and said, let's have some order, please. Commissioner Zimmerlink said first off, the reason that she suggested and she believe that you have public comment on an agenda item is that it is a new agenda item. She said this item here just said Tom Murphy and it didn't say an amount and no one in the public had an opportunity to really make some specific questions on the contract because we just revealed what those terms were.

Commissioner Zimmerlink said the second thing is that if you are Commissioner Zapotosky, you allowed, or asked for, and Commissioner Zapotosky said he answered it. Commissioner Zimmerlink said what happens is everybody then starts talking and that is why she suggested that you do the public comment on agenda items, it is a new item and everyone, quiet, one at a time, make their comment. She said if you are going to allow Mr. Kriss to do it you have to allow the other individuals to do it. She said something else that has to be said and, do not gavel me down, it was "unappropriate" for Solicitor Burkley to say "my little gallery." After clapping and commenting from the audience, Commissioner Ambrosini gaveled and asked to keep the outbursts.

Commissioner Zimmerlink said it was wrong because there are people in this room who just clapped and are saying things and she doesn't even know their names. She said she doesn't have a quote, Solicitor Burkley, a little gallery, these individuals are here because they want to be here, OK. She said she isn't telling them what to say, "have I told you guys anything to say, have I? No, OK," she said.

Commissioner Zimmerlink said your other comments Solicitor Burkley of well I made a little sly remark or personal, pull the tape or minutes, I did not say one thing wrong. Solicitor Burkley said she was misquoting what he said. Commissioner Zimmerlink said he just got done saying he made it personal. Solicitor Burkley said did he say sly remark? Commissioner Zimmerlink said personal, did he not say personal? Commissioner Zimmerlink said her question was a very legitimate question and she may disagree with it, her question to him is, is it required to do a public comment on this agenda item and your opinion is that it is not, is that correct? Solicitor Burkley said it is not and Commissioner Zimmerlink said she respectfully disagrees. Commissioner Zapotosky said ladies and gentlemen, can we please move on with the county business. He said he would like to. Commissioner Zimmerlink said he has a motion and they need to have a second before she could. Commissioner Zapotosky said he would like to pay his respects to his father. Mrs. Mazza said, "then go" and Commissioner Zimmerlink said they would still have a quorum. Commissioner Zapotosky said and by the way, he didn't laugh Saturday night, he was sent that by e-mail, thank you.

After a member of the audience said, it wasn't by me, Commissioner Zimmerlink said "Stop, stop, he said something that she doesn't even know what she is talking about and you two are going back and forth, stop it please." She said if any commissioner her has to leave we will still have a quorum, OK. She said so if you have to leave, that's fine but we will still have a quorum if we need to make any decisions. She said Commissioner Zapotosky made his motion. She said she prefers and she doesn't think it is fair that Mr. Kriss was given an opportunity to ask a question on that after Solicitor Burkley said it wasn't needed and they should allow anyone else to ask a question on this. She said if you allow one person you have to allow another that is her statement. She said secondly, if there isn't going to be additional public comment, then. Commissioner Ambrosini said there will be at the end of the meeting. Commissioner Zimmerlink said on this agenda item, then there has to be a second and then they can continue the discussion on the proposed motion.

Commissioner Ambrosini said please, this is not a debate, this is the business part of this meeting and we will conduct it as appropriate. Commissioner Zimmerlink said all those questions m'aam that you are asking, would have been appropriate at the public comment on agenda items however the item was very vague and as you saw, the contract was just given to us and there was questions asked and they said that they don't know even though it was sitting in front of them, they didn't read it and you saw that our solicitor didn't read it. She said so again, if there is going to be a second. Commissioner Ambrosini said for the purposes of moving this along he is going to second Commissioner Zapotosky's motion so we can move along. He then asked for all those in favor and Commissioner Zimmerlink said no, no, no, no, now there is a motion and a second, and Commissioner Ambrosini said ask your favor. Commissioner

Zimmerlink said “ask my favor,” and Commissioner Ambrosini said “ask your question, Freudian slip. Commissioner Zimmerlink said “Freudian slip, you said.” Commissioner Ambrosini said “ask your questions.”

Commissioner Zimmerlink said there is a motion and a second. She said you just heard, I strongly suggest that this not be done. She said number one, it says to agree to enter into this agreement and have our solicitors determine what is in the best interest of the county. She said no, solicitors are not to determine what is in the best interest of the county, the county commissioners are supposed to do that. She said she isn't going to agree that they take this agreement and then have one of our three solicitors meet with Tom Murphy and iron out whatever these differences are. Commissioner Ambrosini said nobody asked a solicitor to meet with Tom Murphy, we asked him to review the contract documents. Commissioner Zapotosky said to ensure. Commissioner Zimmerlink said no, no, that is not what the motion says. She said the motion says to enter into the agreement upon the review. She said to read the motion as he stated it. Chief Clerk Revak read that the agreement for professional services under UPI be reviewed by the solicitor and any changes that would serve in the best interests of the county be made pursuant to the agreement presented by IBN Inc.

Solicitor Burkley said he didn't think the motion was making the county bound to any agreement, but that is why I would request that, he doesn't think it does and he doesn't think it should, he thinks the appropriate mechanism to pursue this at this time would be for one or more of the solicitors to review that agreement, and we have already pointed out some potential issues, and then prepare one that would be submitted to this board if the board so chose for approval at a later time. Commissioner Zimmerlink said at a later time meaning at a commissioners meeting? Solicitor Burkley said yes. Commissioner Zapotosky said that is the point that is what he was trying to get to, thank you Mr. Burkley. Commissioner Zimmerlink said if it gets passed, it gets passed, but she pointed out, number one, she would want a legal opinion on whether or not this falls under, (Solicitor Burkley said professional services) if it is excluded from it, and you haven't determined if it does or doesn't and secondly, even if it didn't fall under the exclusion, as she said before, it would be more beneficial to the county to give, seek other proposals and seek other options because the statements that were made by Tom Murphy at the podium is that he is the only one in the county that can do it and its too difficult to do without a consultant and I just read to you the counties that implemented the program without a consultant and also we need to be more specific on what this cost is because this cost is very, very high.

Commissioner Zimmerlink said, one other statement, Commissioner Zapotosky said there were three meetings already, those meetings were in a conference room when you brought in an individual at a non-public meeting, meaning Tom Murphy, and you discussed with this individual to hire him and that should not have occurred. Commissioner Zapotosky said we did not bring him, Dave Malosky and his solicitor were at the meeting, they are the ones that engaged Mr. Murphy and addressed him with questions. Commissioner Zimmerlink said no, you were there, Commissioner Ambrosini was there. Commissioner Zapotosky said he was there briefly. Commissioner Zimmerlink said briefly, you were still there, Tom Murphy was there. Commissioner

Zapotosky said it was an informational meeting, you want to learn about what we want to do. Commissioner Zimmerlink said whereas he said hire me, cause here I am. Commissioner Zapotosky said he thinks she is misquoting him, he didn't think he said that. Commissioner Zimmerlink said he presented his plan.

Commissioner Ambrosini said he attended two out of the three meetings to learn what this process was. He said they were informational as Commissioner Zapotosky stated and they also imparted a lot of knowledge about this system and it is a needed system and it will benefit the county. Commissioner Zimmerlink said and again, again, she did not say that it was not a needed system, however the meetings took place and she spoke with three attorneys afterwards, she did speak with Solicitor Cupp, the attorney Gary Frankhouser, the solicitor for the Recorder of Deeds office and the chair, or whatever his title is for the Fayette County Bar Association attorney, she believes his last name is Zeglen asking what occurred at the meeting and asking them for their legal opinion and input. She said this has nothing to do with whether or not they should adopt, enact or not enact the ordinance, it is, and she has made herself very clear, choosing one individual in a conference room or outside of a conference room to enter into an agreement that we already know there were some questions on the agreement.

Commissioner Zimmerlink said they don't know how high this amount could go and his own statement said it can't be done in-house and she had just read some of the counties that said it could be done. Commissioner Zapotosky asked if she could provide copies of those counties that did those in house? Commissioner Zimmerlink said she read them off. Commissioner Zapotosky asked if she could provide documentation. Commissioner Zimmerlink said she will give him. Commissioner Zapotosky said he is asking her. Commissioner Zimmerlink said by all means, she will give him a list of the counties that said that they did this in house. She said you do have that listed in, I read it into the record. Commissioner Zapotosky said Mr. Murphy worked with Indiana County. Solicitor Burkley said he thinks he did too. Commissioner Zimmerlink said she is just telling what she was given. The vote was then taken.

Tax Claim

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to accept the following bids from February 4th, 2014 Repository Sale Bid Opening, subject to all conditions being met, as listed.

Bidder	Amount of Bid	Twp/Municipality	Parcel Number
Matthew David Brezovsky	\$175	South Union Township	34-31-0014
Matthew David Brezovsky	\$175	Uniontown City	38-10-0335
Matthew David Brezovsky	\$100	Springhill Township	36-10-0065

Matthew David Brezovsky	\$175	Brownsville Township	03-06-0146
Matthew David Brezovsky	\$250	Brownsville Borough	02-06-0376

Total \$875.00

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners

A motion was made by Commissioner Zimmerlink to table retaining M. Janet Burkardt, Esquire as TIF counsel at a rate of \$125.00/hr. to be shared with South Union Township. County portion NTE \$5,000.00.

In making the motion, Commissioner Zimmerlink said it should be tabled because the motion to agree to the TIF was tabled and the rate may change. Commissioner Ambrosini said they are two separate things. Commissioner Zimmerlink again said she made a motion to table.

The motion died when it did not receive a second. Commissioner Ambrosini said motion lies, dies for lack of second. Commissioner Zimmerlink said “talk about a Freudian slip on that.”

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to retain M. Janet Burkardt, Esquire as TIF counsel at a rate of \$125.00/hr. to be shared with South Union Township. County portion NTE \$5,000.00.

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink no

Motion passed 2-1

In making the motion, Commissioner Zapotosky said he was making it based on the fact that there may be changes to the TIF and we need strong representation. After the motion and second, Commissioner Zimmerlink said before you call for a vote, again, first off, the county, she doesn’t know who this individual is, OK, is there any type of a proposal or contract that gives dates about what these services and items are, does anyone here have that? She asked Solicitor Burkley is he was given a proposal or contract to review. Solicitor Burkley said he was not, but he does know who Ms. Burkhardt is. Commissioner Zimmerlink said she is apparently an attorney and she has

represented other municipalities regarding TIF. She said there is no proposal or contract that we have seen, is that correct? Solicitor Burkley said there is none that he has seen.

Commissioner Zimmerlink said the second thing is that there are three municipalities, the school, the county and the township, and she does not know if the school was asked to also help to pay for counsel, why is this only limited to the county and the township. She said she knows there is a school board member here but she isn't going to ask the question because this is not a public comment period and to her knowledge and according to this document the school is not asking to share into this. Commissioner Ambrosini said that is because the school board was asked to share in these costs at the TIF committee meeting and the school board apparently, from what he understands, is acquiring their own counsel for TIF representation. Commissioner Zimmerlink asked Beverly Beal if the school district is acquiring counsel. Mrs. Beal said she has not heard that, adding that they will have a meeting tonight and some board members don't feel..Commissioner Zimmerlink said she is only asking about the TIF counsel, if she knows. She said to her knowledge as a school board member, and she knows this is not public comment, she was asking her and Mrs. Beal said they did not.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to appoint SGA Financial Advisory Services, Inc., Harrisburg, Pennsylvania ("SGA") as financial advisor and consultant to the County to research, review and evaluate options and recommend and implement financing for the costs of the County's capital projects (the "Projects") including, without limitation, the Justice and Rehabilitation Center, Women's Annex and CYS building expansion. SGA is directed to work with County officials and representatives and with Susquehanna Group Advisors, the County's auditors and consultants to develop a financing program for the projects for implementation by the County. For such services, SGA shall be paid a fee consisting of (i) a base fee not to exceed \$25,000, and (ii) such additional fees as shall be included as part of any financing to be hereinafter approved by the County for the Projects. In addition, SGA shall be reimbursed for any expenses associated with the engagement.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

In making the motion, Commissioner Zapotosky asked Mark Lundquist of SGA to provide the commissioners with weekly updates on his discovery of whatever financial means and which you uncover to all three commissioners as well as the controller, of course and that they establish a line of communication that can allow us to act promptly and in a manner in which interest rates and the instability of it, he doesn't know which way they are going, so he would ask that they provide them with that on a weekly basis. After Commissioner Ambrosini made the second to the motion, Commissioner Zimmerlink said there are reasons why they should not enter into this agreement, number one, to clarify what a member of the public stated, had questions at the podium. She said the individual was confused as to thinking we had already entered into an

agreement with Crabtree, these are two separate agreements, two separate scopes of work. She said this scope of work as it is clearly identified is for Susquehanna Group who already has consulting agreements with our county now, to enter into another agreement for \$25,000 plus, the problem is, it is plus, the plus says. Commissioner Ambrosini said the fee is not to exceed and Commissioner Zimmerlink said that it does not say not to exceed. Commissioner Ambrosini said it does, under item i.

Commissioner Zimmerlink said the base fee says not to exceed. Commissioner Ambrosini said that is correct, that is what he just said. Commissioner Zimmerlink said anything else, OK. Commissioner Ambrosini said there is a base fee not to exceed \$25,000. Commissioner Zimmerlink said now may she continue, it is more than \$25,000, it says a base fee not to exceed and any such additional fees as shall be included as a part of the financing and then it has number three, in addition CGA shall be reimbursed for any expenses associated with the engagement, so the base fee is \$25,000. She said clearly she just read the other two items and it's very clear, OK, so. She said at last month's, she believes it was at the January commissioners meeting, not the December, if someone is here who has this information can correct me, but she believes it was only last month that the majority commissioners by a 2-1 vote agreed to go the route of a \$10 million tax-exempt loan and that would be for a three year period.

Commissioner Zimmerlink said the resolution may not have specifically said three year but all indication said that is was a \$10 million tax exempt loan and obviously with the \$30 million that has been out there we all know that it would be for consecutive years and that was with stating through the individuals, Sam Lynch through Susquehanna suggested that the county take that step because that was better to do than the bond. She said now that that same, and that is in the minutes and it is in all the news articles with their statements and she hasn't seen any retractions. She said now that same company and the two commissioners want to enter into an agreement to pay them for not only the same thing because they already rendered a decision, but also for other options. She said back in October our bond underwriter from Janney Montgomery Scott, Janney Montgomery, provided to the commissioners and we discussed it briefly at one of our commissioner meetings, the options and the costs associated with issuing a bond. She said if they have more specific questions they can go back to their bond underwriter for that.

Commissioner Zimmerlink said in addition, as two banks have indicated to her by calling her up on the phone and they said you don't really need to have a consultant explore these options, you know what your financing options are, which would be a tax-exempt loan, do a request for proposal, a letter of interest to the numerous banks, the banks then would come back as they have done in the past, and said we will offer you X amount of dollars at X amount of money and this is what our fees and our interest rates are. She said that is one of her reasons for not supporting this and she isn't going to go into detail, as she said at the agenda meeting the other reasons, it is a matter of the record. Commissioner Ambrosini said as stated in the agenda meeting, which Mr. Lundquist was here and was available to answer all questions where he stated clearly that we were going to look at all financing options which included bond issues, more conventional bank loans, and a build/own possibility. He said these financing things are

very complicated, there are a lot of hidden costs that, and he didn't want to speak for anybody else on this panel, but he sure doesn't know what all the hidden costs are in the various financing options, so that is why it is important for us to acquire advice from an expert financial institution so they can be independent, represent us, in looking for all these various costs.

Commissioner Ambrosini said he can them, they can talk about the \$25,000 cost plus expenses but the fact of the matter is we could easily save millions of dollars by having this individual do this work for us. Commissioner Zimmerlink said this goes beyond a base fee of \$25,000 is not just necessarily my objections, is not necessarily just because of the base fee, she never said that is what the sole reason was. She said this same company just last month gave an opinion to do the tax exempt loan and now this company is coming back and saying let me enter into an agreement with you and I will explore other options. She said that is her basic reason as she has said. She said there is a motion and a second. Commissioner Ambrosini said what, the difference being here is that we will do research on all of the potential options, even potentially more than what he just mentioned and we will have a quantifiable recommendation of which way to go and that is important to save money for the citizens of this county.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the January 21, 2014 regular commissioner meeting minutes.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked for a motion to consider advertising an RFP for a building to be used to house inmates; Specifications as attached and are subject to agreed upon modifications. He said seeing no specifications and the fact the Commissioner Zapotosky mentioned in the agenda meeting that we should look at county property or county buildings first he thinks at that point it's too early to do an RFP for both reasons, one is he agrees that we should look at county buildings and property for the women's annex, let me make that clear, and in addition that we have had no specifications to review. Commissioner Zimmerlink said she would comment on that, number one the reason there are no specifications is because since January she has asked for the information from three solicitors and the contractor, the architect himself to provide and nothing has been provided.

Commissioner Ambrosini said that was not correct, that information was provided to her last Friday. Commissioner Zimmerlink asked where, by whom? Commissioner Ambrosini said by Crabtree Rohrbaugh on top of your mailbox with your name on it. Commissioner Zimmerlink asked what time that was put on, we were closed on Monday, what time was that put on the top of my mailbox? Commissioner Zimmerlink said first off, if that document was placed on the top of my mailbox on Friday, she left her office after 4:30 p.m., checked her mailbox, nothing was there, she was asking

since January 24 and it was stated to her that the information wasn't there. She said she also asked that when it was placed on the agenda that she get it so she could have that information and attach it as a spec. She said regardless of that, because it was, it is interesting that it was placed on top of my mailbox. Commissioner Ambrosini said it was because it was too voluminous to fit inside your mailbox.

Commissioner Zimmerlink said the second thing is the statement was just made that it is too early to do an RFP for real estate, be it property or land for the annex building, is that correct? Commissioner Ambrosini said because as Commissioner Zapotosky stated, we should look at county owned buildings. Commissioner Zapotosky said he was looking at the best bang for the buck and that's the reason why he made that statement. Commissioner Zimmerlink said they were told by the architectural team leader Jim Killinger that he did look at county owned and she did look, and they don't need to do a motion to direct our staff. She said one of the prison working group members has numerous times indicated that he sought out county owned property, so. Commissioner Ambrosini said for the new facility only, not the women's annex. Ms. Homistek said three or four sites were considered for the womens' annex.

Commissioner Zimmerlink said the other statement that she would make is that the county did do a request for proposals for a women's annex. She said that was done back in August and if it was too soon back then, that logic just goes to the credence of the poor planning of all of this. Commissioner Ambrosini said he would question the planning over the last 10 years. Commissioner Zimmerlink said why don't you ask former Commissioner Hardy, former Commissioner Vicites, former county controller, present county controller because he was here at the time, Lally, Vince Vicites, present Commissioner Vince Zapotosky and Nancy Vernon who was the District Attorney Nancy Vernon and Judge Wagner who was the judge at the time, all on the prison board, they all unanimously, under my motion, did take steps. Commissioner Ambrosini asked, to do what?

Commissioner Zimmerlink said read the prison board minutes, we were actively taking steps to address the overcrowding and recidivism and your comments of the last 10 years are always as if it is Angela because she has been a commissioner for nine years. Commissioner Ambrosini said she has been a commissioner over 10 years. Commissioner Zimmerlink said OK, and everything that is wrong with Fayette County is Commissioner Zimmerlink's fault, and again, again, we are talking about this and she would have some additional information here with some specifications However, and Commissioner Ambrosini said lets table until you get more information. Commissioner Zimmerlink said hold on a second, last month, just last week she had asked the team leader Jim Killinger about the DOC recommendations and he informed me that I should download that information from the internet. Commissioner Ambrosini said actually he recommended that she do that. She said she did follow the recommendation of Jim Killinger, the architectural team leader and the chair of the prison working group and the commissioners and what they told her to download doesn't even exist and you can confirm this with John Cupp.

Commissioner Zimmerlink said in August of 2013 he said he looked at 18 potential prison sites and also some facilities near the current prison and the courthouse to lodge females. She said that is what was stated. She said regardless of what a newspaper says, she is reading from the statement that the team leader indicated and it is a matter of the prison board minutes. She said it states that he looked at 18 possible prison sites and also some facilities near the current jail and courthouse to lodge females. In order to do this, the facility must meet Title 37, Chapter 49 regarding the law covering county correctional institutions, which is 76 pages. She said she specifically through e-mails and conversations with John Cupp asked him to provide me with Title 37 Chapter 49 and he said he cannot find it and it does not exist as it is stated here. She said she did her own research as they suggested, she pulled up Title 37, Chapter 49, Solicitor John Cupp did the same thing, he did a West law, I wish he was here today so he could tell you the same thing that he told me, that he could not provide it because it doesn't exist.

Commissioner Zimmerlink said again she would be happy to do the specs if our own prison working group and chair would tell us exactly what the DOC recommendations are. Commissioner Zimmerlink asked if there was a motion and a second, saying the Commissioner Zapotosky that he is in charge, he is the vice-chair. Commissioner Zapotosky said a motion and a second, what are we motioning? Commissioner Zimmerlink said is there a motion and a second and Chief Clerk Revak said there was no motion. Commissioner Zapotosky said there was a bathroom break, but no motion.

A motion was made by Commissioner Zimmerlink to table until the March meeting to consider advertising an RFP for a building to be used to house inmates; Specifications as attached and are subject to agreed upon modifications.

Commissioner Zapotosky asked Controller Lally what the expense for out of county rentals was this month alone, or January if you will, adding that he thinks it was \$69,000. Controller Lally confirmed that amount. Commissioner Zimmerlink said that she was under the understanding that he wanted to table, adding that she would move forward if she would get the support. Commissioner Zapotosky said he thinks they need to move forward with the RFPs but he said he also thinks that they need to look at what is readily available to us at low cost or no cost by virtue of county owned buildings. He said he knows that she spoke with Jim Killinger, the architectural team leader, but he thinks they need to take another look at this to see what is available, what is out there, if anything, and then the private sector can make their submissions to see if there is anything that fits the needs of housing female inmates. He said to delay this is going to cost another \$30,000, \$40,000 and here we go again. He said we just continually keep treading water, treading water, and then we lower taxes in Butler County by a quarter mill. We did, he said.

Commissioner Zimmerlink said she didn't speak with Jim Killinger, she just had a question. She said this was her motion, she was the one who placed it on the agenda and you agreed with it. Commissioner Zapotosky said he told her Tuesday and he agreed with it. Commissioner Zimmerlink said this has nothing to do with county owned property because, again, this would be an RFP seeking it from non-county owned property so one has nothing to do with the other whether we move forward, we should

be moving forward with both, I thought our architectural team was doing that based on their statements. She said if you do the RFP, the other thing that is they need to have specifications that will go in that RFP because the last RFP that was done it just simply said within a downtown, close proximity is what it stated and it said it must be a one-story building. She said she believes that what they need to do is come up with some standards, some basic standards that would be in this request for proposals so that nothing is left out and a scope of services should not be difficult for us to gather and then place the scope of work under the RFP.

Commissioner Zimmerlink said what she is also concerned about is the statement that Commissioner Ambrosini said at last meeting when she asked him to provide me to just tell me what other individuals he is talking with he, and/or the prison work group for an annex building, his statement was that he did not want to disclose that information and he stated that when I asked why he stated that there are some individuals who may not want their names released to the public. She said this is what we must not do, which would be totally unfair, if we do the request for proposal we will have individuals providing us with information in a sealed proposal that will then be opened at a public meeting. She said it is not fair that there are some individuals who are communicating solely with Commissioner Ambrosini and/or the prison working group who would not have to also follow the same procedure with a request for proposals. She said it needs to be made very clear, number one that Commissioner Ambrosini and the prison working group should no longer refuse to disclose what those properties they are looking at but secondly, those individuals who have spoken with the prison working group and/or Commissioner Ambrosini should also be made aware that they too must go through the process of a request for proposal just like anyone else would because again, she doesn't think she should have to explain herself.

Commissioner Zapotosky said just for the record, Title 37 does have a second in there that relates to the Department of Corrections. Commissioner Zimmerlink said we know that, Title 37 is the Department of Corrections, Chapter 49 does not exist according to John Cupp. She said she knows that Title 37 exists, she said Chapter 49, they did a lot of research on this. She said again, the scope of work and everyone would need to no longer talk on the phone or in a conference room or at a restaurant about possible site locations, it needs to be done through a response for a request for proposals. Commissioner Zimmerlink asked if Commissioner Zapotosky agrees with that, and said if so, she will make a motion to. Commissioner Ambrosini said actually that is incorrect, any one of us can go to an individual, especially if they solicit their property for use for the county. He said it only has to become public when it is brought to this board to vote on. He said the other thing is that the county does have the right of eminent domain for a county jail. He said that means they can select any piece of property, pay fair market value and acquire it through the right of eminent domain. He said that is in the county code, but certainly he won't do that because he would rather have somebody who is agreeable to selling their property to the county.

Commissioner Ambrosini said the process that Commissioner Zimmerlink stated is not accurate. Commissioner Zimmerlink said everything she said is accurate and you can pull all of my words and specifically say what you believe to be inaccurate. She said

it is accurate that it is only fair that you no longer discuss with private individuals that no one knows and you or the prison working group select or decide not to select a certain piece of property, contrary to us doing a request for proposal which we would specifically list the scope and the specs and everyone in the county would have a fair shot and they would all be responding to the same questions and specifications. She said it is just plain and simple, to have you or the architectural group meet and review property and say no, thanks but no thanks, that's just you. It's not coming from the board, that's you and your county employees who are, and the citizen on the prison working group, you have no authority to talk with Mr. Tiberi or Mr. Tim Grindle, those are the names that have been coming into the office and other names without informing all of us and making a determination yes, I do want this property or no, I don't. She said it has to, the selection process has to be open, it does.

Commissioner Ambrosini said the selection process can be, the part of this process that needs to be public is where we all agree on whatever it is that we are going to select for either the women's annex or the justice facility. He said it doesn't, in a lot of cases, and he said he would give an example, and he asked Solicitor Burkley to jump right in if he said something wrong, say for example in one of our boards of authorities, we have a five person board, if they are going to acquire property or if they are going to acquire a contract that needs negotiated, typically what happens is two out of the five will volunteer to be on the negotiating team and go and take care of all the legwork so to speak, all the busy work, work out all the details and then bring that recommendation back to the full board. He said otherwise, that process gets drug out much longer than it needs to be. He said the process is tough enough as it is we need to make this a little quicker so in this case, in a three person board, then obviously to keep from having a quorum to negotiate or find out the information that we need, we can only have one person.

Commissioner Zimmerlink said they didn't agree to that, they didn't have a resolution, there was never a resolution that designated any one commissioner to do this, as a matter of fact the commissioners did not form the prison working group it was on the advice of the prison board, it isn't even a recognized group from the commissioners. She said the other thing is that any deliberation does need to be public and she isn't going to go into everyone who agrees that it should even though there was a solicitor and commissioners who disagree with that. She said she would ask Solicitor Burkley a question, she said there was no resolution for any type of public agreement between the three commissioners to offer to purchase a piece of property. She said she asked him that for a legal opinion, you and the other county solicitor to provide a legal opinion as to what authorized my fellow commissioners to offer to purchase a piece of property, namely Iowa Street. She asked if they were able to review that come up with a legal opinion. Solicitor Burkley said he can tell her that clearly nothing would be binding until this board, if two commissioners went and said to Mr. Smith, Fayette County will buy your property for \$100,000, it's not binding.

Commissioner Zimmerlink said so are you saying that, there was a document that was sent to the owner of the Gallatin Property, whatever the name, Gallatin Capital Partners for Iowa Street and it was a counter-proposal to lease with a set dollar amount

and in addition to purchase the property for \$225,000, are you saying that the two commissioners had that authority just by signing off on a piece of paper just to make the option. Solicitor Burkely said it wouldn't have been enforceable. Commissioner Zimmerlink said then she doesn't know why they even bothered to do it, of course it wouldn't have been enforceable. She said they should be discussing it and that is the whole reason why they need to be very specific as to what our needs are, as to our annex, we need to be specific, we can't, obviously there will be a little wiggle room here but we have to have a meeting of the minds, what our needs are, do we want it to be one story or two story. She said it was determined by whoever wrote the request for proposals for the annex to make it a one-story.

Commissioner Zimmerlink said you had indicated that we did receive a proposal from Johnson Funeral Home and it was rejected because it did not meet the bid specs because it was a two-story, you still went and looked at the building. She said what they need to do is all get on the same page, if you want to go look at a building that is fine, we need to all get on the same page and see exactly what, where do we want the women's annex, is it a temporary facility, is it something that at a later date we would want to own and turn into another county use, but we are not having that open discussion. She said you may say that we should have this discussion at a prison working group meeting but we are not going to go down the road as to all the opinions as to why two commissioners are not sitting at that meeting, but we still need to do that and she thinks that he is only spinning his wheels by not having the dos and don'ts and the basic requirements. She said there should also be a checklist so that somebody doesn't say hey let's go get the fairgrounds and then find out that there's no sewage, or do that, we need to have some dos and don'ts and a criteria to work from, that only makes common sense and she thinks that this whole process could have been really accomplished within the last year. Commissioner Zimmerlink said again, she said that she would make a motion to table, she isn't going to do that she is going to make a motion to

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to advertise an RFP for a building to be used to house the female inmates to be reviewed by the commissioners as to the modifications and the scope of work prior to it being advertised.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

After making the motion, Commissioner Zimmerlink said that means "Chief Clerk" that if you receive something from two of them, I know that you did that the last time and said, here I have this information and it is going to go in the paper tomorrow and I e-mailed back and said wait, I need to talk with the county solicitor and your response was, "I already got two commissioners," Commissioner Zimmerlink said. She said they don't want that, they want to have all three commissioners weigh in on this so we can

have this done more clear and get some good responses. She said at the same time it has to be very clear that anyone who has offered, because she received a few telephone calls from a number of individuals and she referred them to Commissioner Ambrosini's office. She said those individuals need to be informed as well that they need to go through the RFP process so they can get a fair share as well as anyone else. She said that is her motion. Commissioner Zapotosky asked if she would be willing to incorporate the use of county land and/or county facilities. Commissioner Ambrosini said they don't have to do RFPs for that. Commissioner Zimmerlink said, "that's my motion."

Commissioner Ambrosini asked for a motion to consider approval of a cooperative agreement with Fay-Penn Economic Development Council for a grant for road and infrastructure development at the Dunbar Township Business Park.

Commissioner Zimmerlink asked Solicitor Burkley is he had a chance to review the agreement or talk with Attorney Cupp on this. Solicitor Burkley said he reviewed the agreement and he didn't believe he had the opportunity to talk with Attorney Cupp about it. Commissioner Zimmerlink asked if there was anything of any caution from his review of it. Solicitor Burkley said he didn't see anything. Commissioner Zimmerlink said there was one item that it stated that the county does agree to reimburse the project or the Commonwealth for any expenditures done by the office, which would be the Commonwealth if it is determined to be ineligible that reimbursement could be the amount of the grant which is a \$1 million grant. She said that was her concern, the statement that says the county does hereby agree to reimburse the project or the Commonwealth of Pennsylvania for any expenditure found by the office to be ineligible, my concern was that. She said Solicitor Cupp stated that the last paragraph that says Fay Penn agrees to hold harmless the county and shall promptly reimburse the county for any claim as a result of the disbursements that there would be a hold harmless clause and he believed that from what she understands that would preclude us for having to pay it. She said she believes we would have to pay it but obviously it says that we would be reimbursed, is that your opinion as well, she asked. Solicitor Burkley said it is. Commissioner Zimmerlink said then she would support it based on the legal opinion that the county is covered under the hold harmless agreement that if we have to pay it that Fay Penn would reimburse the county if it is found to be ineligible.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to grant approval of a cooperative agreement with Fay-Penn Economic Development Council for a grant for road and infrastructure development at the Dunbar Township Business Park.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making the second and before the vote, Commissioner Zimmerlink said she wanted the motion contingent on the legal opinion that the county is covered under the hold harmless agreement that if we have to pay it that Fay Penn would reimburse the county if it is found to be ineligible. She then said, OK, it was said as a matter of record and the vote was held.

Commissioner Ambrosini asked for a motion to consider approval to award RFP 14-01 to Blank River Services for an amount of \$15,000 for disposition of the Fredericktown Ferry.

Commissioner Zimmerlink said the motion on the agenda was just to award and RFP, Chief Clerk you can't change and add that information after the agenda meeting and if you need a legal opinion from the solicitor you can get that after the meeting but you have to print on the agenda the exact same motion that is read into the agenda. She said in this particular instance, have you determined that we only received one response, is that correct? Chief Clerk Revak said there was only one response. Commissioner Zimmerlink said the question that she would have of Solicitor Burkley would be that a number of months ago a bid was done and then she asked him to check with Washington County commissioners because the Chief Clerk indicated that a resolution was passed by the Washington County commissioners and she did confirm from the Chief Clerk of Washington County that they have not passed a resolution but however the commissioners of Washington County sent a letter that they have no objection for us to sell the ferry. Solicitor Burkley said he saw that, somebody sent it to him and they have no objection.

Commissioner Zimmerlink said it was her understanding from reading the documents that the Fredericktown Ferry is owned by both counties and you said you would review those documents because, although we do have the written agreement from the Washington County commissioners that they have no objection for us to sell it, if we do sell it, have you had the opportunity to several months ago that it is owned by both counties and that \$15,000 would be an even split. Solicitor Burkley said he and John reviewed it and it is owned by both counties and the split would obviously be, he thought he saw something somewhere where they said that they didn't care about that and he might be wrong but he thought he saw that and obviously they said they didn't have any objection to it and he thinks that would be another step relative to this. Commissioner Zimmerlink said at the meeting she specifically said that both counties do own it and Commissioner Ambrosini said I was incorrect and you are saying that I was correct.

Solicitor Burkley said he wasn't saying she was correct, he was saying that both counties own it. Commissioner Zimmerlink said that is enough, she understands that. Commissioner Ambrosini said there is a document that says that the title to the boat is from Fayette County. Commissioner Zimmerlink said the title, it is totally different that says that it's titled in Fayette County, however it further states that the reason it's titled in Fayette County and it gives the whole reason as to why it is titled in Fayette County and she isn't going to go into all of the detail but it is clearly still owned by both counties and that document states that. She said all she is saying is that she wants to make sure that is on record and there is nothing to say to the contrary, she obviously has no

problem in splitting it if we are obligated to do it but she wants to make it clear that no, the county didn't sell this for \$15,000 and is getting \$15,000. She said she has seen no document, no document has been provided to her, it might be on the top of her mailbox, that says that they don't want the money, but she doesn't have that. She said she asked for the information, she can't help it that people are laughing, she is being serious about this.

Solicitor Burkley asked why she didn't say something to them, they are interrupting you. Commissioner Zimmerlink said please don't interrupt by laughing. She said her question is that she did ask Solicitor Burkley for an opinion on that. She said she is only saying that perhaps you gave that, she asked a couple months ago, maybe you gave that to me and it is somewhere in a mailbox. Solicitor Burkley said he recalled discussing this, whether it was at one of these meetings or not, that is the only time he talks to her but he thought that was determined and he knew about the communications from Washington County and he called Commissioner (Larry) Maggi personally but it was his understanding that they didn't care about the money either. Commissioner Ambrosini said that Commissioner Maggi made that statement to him also. Commissioner Zimmerlink said the only documents, statements that is one commissioner from Washington County apparently said it to another. Commissioner Ambrosini said they both did. Commissioner Zimmerlink said both, there's three of them. Commissioner Ambrosini said he got it from two, Mr. (Harlan) Shober also.

Commissioner Zimmerlink said the only thing she can say is that Washington County does not object to Fayette County's decision to offer for sale the Fredericktown Ferry and the liquidation of other ferry assets. She said therefore, we offered it for sale and we can go ahead and accept the response however, there is nothing in writing that says, if Washington County wants to forgo the \$7,500, that's great, but we do need, absent an agreement we do have to split it, is that your understanding? Solicitor Burkley said they would have a claim to split it. Commissioner Zimmerlink said right now we are going to split it unless we get a letter from them saying they don't want the \$7,500. Controller Lally said before any of those decisions are made to split it, you have to look back at the payment history from Washington County and they have not made several insurance payments to his knowledge and there have also been some repair expenses that have been the burden of Fayette and not Washington County over the years so if there is a proportional agreement those things need to be determined and delineated clearly.

Commissioner Zimmerlink said the agreement itself says that it is owned by both so if it is sold then it would have to be split. She said the outstanding debts that have to be paid by Washington County, she's sure we could subtract that off of their half of the proceeds. Controller Lally said he was saying if there is going to be money doled out to Washington County, they need to make us whole before any checks are cut. Commissioner Zimmerlink said to not dole out money to Washington County we would need more than a statement from one commissioner that says that two of the three commissioners agreed that they don't want to split the money.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award RFP 14-01 to Blank River Services out of Elizabeth, Pa. for the amount of \$15,000 to purchase the Fredericktown Ferry vessel.

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:

1-15-14 to 2-7-14			
Department	Cost Center	Debit	Credit
MDJs			
Salaries	01418651400	\$220	
Travel	01418653300		\$220
Photocopy/printing	01418652200	\$200	
Bonds	01418653530		\$200
Salaries	01418651400	\$6,000	
Telephone	01418653200		\$3,000
Utilities	01418653600		\$3,000
Tax collectors			
Commissions	01413751475	\$385	
Postage second mailing	01413753250		\$385
Per capita	01413751475	\$150	
Postage	01413753250		\$150
Public Works			
Signs	01417452225	\$3,500	
Equipment	01417452300	\$800	
Utilities	01417453600		\$4,300
Contract service maint.	01455053011	\$500	
Materials/supplies	01417452000		\$500
Contract service maint.	01455053011	\$2,500	
Materials/supplies	01417452010		\$2,500
Controller			
Equipment	01413352300	\$77.86	
Telephone	01413353200		\$77.86
Courts			
Liability expense	01417952911	\$30.93	
Advertising	01417934000		\$30.93

Commissioners			
FICA	01411151610	\$1,022.03	
Records phone	0141110153200		\$45.87
Commissioners phone	01411153200		\$976.16
Contract services computer	01411153110	\$914.55	
Telephone	01411153200		\$914.55
Contingency	01417952910	\$750	
Advertisement	01417953400		\$750
Contingency	01417952910	\$278	
Life insurance ROW	01419651580		\$1
Life insurance controller	01413351580		\$17
Life insurance sheriff	01419751580		\$24
Life insurance prothonotary	01419551580		\$13
Life insurance 43 E911	4342911051580		\$18
Life insurance APO	01423651580		\$37
Life insurance CYS	36442051580		\$138
Life insurance DA	01419451580		\$30
 Jury commissioners			
Travel	01418553300	\$40	
Phone	01418553200		\$40
Contingency	01417952910	\$1,105	
Postage	01418553250		\$1,105
 Treasurer			
Salary full time	01413951400	\$174.78	
Postage	01413953250		\$174.78
 Clerk of Courts			
Postage	01419153250	\$102.34	
Materials/supplies	01419152000		\$102.34
 Prothonotary			
Materials/supplies	01419552000	\$86.01	
Telephone	01419553200		\$86.01
Association dues	01419554200	\$40.79	
Postage	01419553250		\$40.79
 Sheriff			
Ammunition	01419752250	\$500	
Ammunition	0141970552250		\$500
 Planning and Zoning			
Professional services	01417253100	\$370	
Phone	01417153200		\$370
 Register of Wills			
Materials/supplies	01419652000	\$155	
Postage	01419653250		\$155
 Prison			

Materials/supplies	01423252000	\$4,000	
Indigent	01423254003		\$4,000
Total Debits	\$23,902.29	Total Credits	\$23,902.29

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

Public Announcements

Commissioner Zimmerlink said it was her understanding and perhaps Commissioner Ambrosini could tell us or we could find out at the next airport meeting which she believes may be tomorrow, but Kathy Winkler, it is her understanding that she is gathering all the information for the board appointments. She said that Kathy had left the agenda meeting early last meeting so she may not be aware of this but one of the questions was if you are scheduling any other interviews for any of the positions. She said she did not believe she was but, are you. Mrs. Winkler said she has not but there have been recommendations from Art Cappella and Muriel at the chamber. She said it is her understanding the Matt Thomas from the airport authority has sent in a letter of resignation to serve on the board, so what we need to do is check that and if that is true then interviews need to be set up so an individual would be named to fill his unexpired term. She said she can check on that.

Commissioner Ambrosini said he has not seen a letter, and Commissioner Zapotosky confirmed that he hasn't either. Commissioner Zimmerlink said she hasn't either but she was told that so she was letting them know that, and that along with any other may have to and she may be incorrect but the information that she was given could be incorrect, she is just asking her to please check into that.

Public Comments

Commissioner Zimmerlink said one at a time, they will state their name and as long as, there won't be any problems up here, OK, if you just wait until everybody has a chance to speak. Ralph Mazza said every meeting for the past three months he has held his hand up to be recognized and people have walked up to speak so he decided that if that is the method being used, that is the method he will use. He said let's go back three meetings, first of all he wanted to make a statement that he didn't think Mr. Ambrosini understands the duties of the chairperson of the county commissioner's board. Commissioner Ambrosini said he is right to have his opinion. Mr. Mazza said he is paid \$1,000 extra to conduct a meeting, period. He said he is not a dictator, he can't enforce his will on anybody else, you have to give equal time and equal attention to both the other ones, you can't withhold information from the other commissioners. He said everybody is entitled to all the communication that comes into the county that is

pertinent to county business and he doesn't think that has been going on in this administration at all.

Mr. Mazza said several months ago there were over 20 township supervisors here and they were promised 10 percent of \$1.4 million. He said that is \$140,000 and divided by 24 townships \$5,833 and change and they said that was the most that was ever given to them which isn't true because at the previous meeting \$10,000 per township was proposed. Also, he said the amount of money they received was \$5,135 and change which is almost \$700 short of what they were promised by you and he doesn't think they are very happy about it. He said you were also quoted in the paper saying that you wouldn't consider any land until talking to the involved parties. He said that didn't happen with the fair board or Menallen Township or Georges Township, everything was after the fact. He said he wouldn't say what he had next, it might be inappropriate. He said the amount of money they claimed for transporting prisoners, that may be what you are paying but that is not an accurate count of what the over cost is for transporting prisoners. He said you have to deduct what it would cost to keep them here if you had room for them, then the difference is what actually is the over cost, not the \$1 million \$700,000 that is claimed.

Mr. Mazza said when he was asked to furnish certain information you said you wouldn't furnish it because if you did and if you kept everything, you would have reams and reams of paper cluttering your desk. He asked if Commissioner Ambrosini knew how many sheets of paper there are in a ream and Commissioner Ambrosini said he does. Mr. Mazza said there are 180 to 516 sheets of paper in a ream and reams and reams, you would need another room. He said so if the details on the prison is reams and reams of paper, they must be writing a tone and if you are not familiar with what a tone is it is an enormous book. He said how do you know what you are paying for if you don't know what you are viewing. He said also, people who come up and speak at this podium have also been called a dog and pony show, and he hopes he is one of the dogs because dogs are intelligent and he knows a lot about horses because he had them when he was a single man and horses are pretty dumb. Commissioner Ambrosini asked him to wrap it up, saying his five minutes is up.

Commissioner Zimmerlink said there is no five minutes, there is no resolution that says five minutes. Commissioner Ambrosini said there doesn't have to be, the chair can decide and Commissioner Zimmerlink said no it can't. Mr. Mazza said that you think concerned citizens that come up here and try to give you some information or object to the action that you are taking are dogs and ponies then you have a lot of thinking to do because they are concerned citizens. He said the only dog and pony show that he saw was the public forums on the prison which was nothing but a selling device and part of it is right here at every meeting, dog and pony show, where you try to keep people out of the loop and do as you would like to be done. Commissioner Ambrosini said he is providing Mr. Mazza time to comment. Mr. Mazza said the Sunshine Law says he has a right to public comment and Commissioner Ambrosini said he does. Commissioner Ambrosini said he isn't going to sit and dispute everything he says, much of which is incorrect, he would be there until midnight. Mr. Mazza said the joke in Fayette County is, the joke in Allegheny County is do you know how the two commissioners are not

telling the truth, their lips are moving. He said he stood right there and told the township supervisors. Commissioner Ambrosini said he isn't going to tolerate personal attacks and he stated that over the past several months when we have talked about the public comment that you folks are allowed to do.

Mr. Mazza said he has the right to his opinion, this is the United States of America and he still have freedom of speech and he can say anything he wants to say as long as he isn't cursing you and he has many times thought of that because he has never, ever told him the truth. Terry Kriss said that a month ago everyone was at the meeting and somebody asked if the report from Ken Burkley has been done. He said he had received it and he promised his fellow commissioners they would have it by the end of the day. He said since Commissioner Zapotosky isn't there to answer his question, Commissioner Zimmerlink, do you have the report yet? Commissioner Zimmerlink said no. Commissioner Ambrosini said that report was distributed and Commissioner Zimmerlink asked when. Mr. Kriss said he promised her and the other commissioner by the end of the day. Commissioner Ambrosini said it was distributed and Commissioner Zimmerlink said it was not distributed. She said that is totally false, where is it, who did you give it to?

Commissioner Zimmerlink said she doesn't have that, she had to make a call to Solicitor Burkley. She said his statement at the commissioners meeting was that he had the documents and it will be distributed to Commissioner Zapotosky and Zimmerlink by the end of the day. She said she did not receive it by the end of the day, no one handed it to her, it is not in her mailbox, on top of her mailbox, outside her door, in her car, in any place that she could possibly have it, so don't say it was distributed and try to make this out to something that it is not, it was not given to me, so much so that she waited a few days afterwards and she contacted Solicitor Burkley and she asked him if he provided those documents and his statement was that he did do bound copies and he gave them to you to distribute and he also indicated that he would follow up on that and she didn't get any follow up but then again, Solicitor Burkley, I don't know who he called and he could answer that, but I, "As God as my witness, I do not have that copy," she said. She said no one handed her that copy, it is not in her mailbox, there are only places that it can be given, let me ask a question, do you recall who you gave it to?

Commissioner Ambrosini said he gave it to his administrative assistant. Commissioner Zimmerlink said Nicole Young, did you ever hand me that copy? Mrs. Young said not to her knowledge. Commissioner Zimmerlink asked if she ever placed something like that in her mailbox and Mrs. Young said not to her knowledge. Commissioner Zimmerlink said OK. Mrs. Young said there are a lot of papers that have been circulating and she isn't sure what she has given her, she would have to look. Commissioner Zimmerlink said she understands that but she was just asking. She said the relationship and she and Mrs. Young have, if she e-mails her something, she e-mails back, they don't have any problems, is that correct? Mrs. Young said honestly she isn't perfect, she could have made the mistake too. Commissioner Zimmerlink said that is fine, but to her knowledge she hasn't given me that document or handed it to me, thank you. Commissioner Ambrosini said they will make sure she gets it.

Mr. Kriss said he voted for two commissioners, I voted for you and I voted for her, two different parties, two different thought patterns, I expect the both of you to listen and given information back to us, both of you. He said when you don't share that with her, you leave me out of the program and you leave others here out because she can't share it with us. He said there can't be an excuse in the world that he hasn't given her that document in month. He asked Solicitor Burkley if he is telling him that after this woman called him you couldn't have given your boss the respect to have personally put that in an envelope and mail it to her. Solicitor Burkley said first of all, she did not call me. Commissioner Zimmerlink said she e-mailed him, call, e-mail, OK. Mr. Kriss said couldn't you have shown her some respect. Solicitor Burkley said can you let me answer your question. Commissioner Zimmerlink said she e-mailed, she didn't call, she e-mailed and he e-mailed, sorry. Solicitor Burkley said, did I e-mail you back? Immediately as soon as he got it, he called her because he remembers that day very well, he had pinkeye, he was very sick and he couldn't make it to the meeting.

Solicitor Burkley said he had five bound copies and he handed them to Commissioner Ambrosini, so he doesn't have any more. He said once she asked him, he told her to check with Commissioner Ambrosini. Commissioner Zimmerlink said no. She said if you are going to go back and forth on call and e-mail and she called and said, and Solicitor Burkley said you didn't call me, she said she e-mailed him and Commissioner Ambrosini had indicated that he had provided him with the copies. She said she doesn't have a copy. She said his response was yes, you had pinkeye and that is why you didn't, that you had bound copies and you provided them to Commissioner Ambrosini and that you would check on it, that is what you said and you want me to find the e-mail, I will find it. Solicitor Burkley said yes, that's right. Commissioner Zimmerlink said she didn't have to go back and ask him for another copy again, but you provided the copies, right, you gave it to him, right? Solicitor Burkley said yes. Commissioner Zimmerlink said his question has nothing to do with, your question is, I guess. Mr. Kriss said after she asked, wouldn't it have been a common courtesy to give, and Solicitor Burkley said he thought he answered that and he gave all the copies that he had to Commissioner Ambrosini. Commissioner Zimmerlink asked if he retained one for himself.

Solicitor Burkley said he doesn't have a bound copy, he has the rough draft of it. Commissioner Zimmerlink said that's fine, she will get it. Mr. Kriss said the last thing he wants to say is that he wants to reiterate what Mr. Mazza said. He said that story in the paper that it is time to end the dog and pony show, he couldn't agree with this gentleman any more. He said he spends his time to take away from his business and he is going to be late for a cancer doctor today so he has to stand before them. He said for anybody to call us a dog and pony show, people who care about this community, who want to help, who want to offer advice, and the only thing you have got to say is it is a dog and pony show. He said and you said to Commissioner Zimmerlink, your gallery, I'm not her gallery, I don't speak for her, you or anybody. He said he has a backbone and a spine and he will say what he wants. He said that was way out of line. Solicitor Burkley said it was inappropriate and he apologized. Mr. Kriss commended him for apologizing. Mr. Kriss said it is not right that this woman has not been given information, she has been held back and we are called the bad guys here when we are trying to

help. He said we are paying your ticket, we put you in the seat and you treat us as garbage or dog and ponies, "you should be ashamed of yourself," he said.

Marybeth Homistek of Fairchance said this is the Crabtree plan with the 10-page stuff that was supposedly too big to fit in her mailbox, reams and reams of paper right here, it can be folded up like this and handed to her. She said this is the reams and reams of paper that could not be distributed. She said she has it, Commissioner Zimmerlink doesn't have it, attorney Cupp. Commissioner Ambrosini said that isn't the document they are talking about. Commissioner Zimmerlink said she doesn't know what she is referring to. Ms. Homistek said the drawings for Iowa Street. She said her question was the city zoning meeting from February 20 cancelled. Commissioner Ambrosini said he believes it was postponed. Commissioner Zimmerlink said it was postponed to February 20 and your question is, today is the 18th, the question is whether or not the February 20th meeting, yeah. Ms. Homistek asked if they are still going to have the meeting to discuss the variance to let Iowa Street be a prison. Commissioner Ambrosini said no.

Commissioner Zimmerlink asked if it has been cancelled and Commissioner Ambrosini said no, it is still on hold until we determine if we have an economic viable option. Commissioner Zimmerlink said according to what she read in the newspaper, it stated that whatever day the original zoning hearing was, individuals appeared and the, someone from Uniontown zoning indicated at that meeting that the hearing was cancelled and postponed to February 20 and it would not be again re-advertised because he was giving the information then and there so it was scheduled for February 20 as per the Uniontown city council and zoning hearing board. Ms. Homistek said Neubauer has 15 minutes to cancel. Commissioner Zimmerlink said she doesn't know that but it was rescheduled to February 20 and that is the last she knows, perhaps somebody can call the city after this meeting. Ms. Homistek said she was told it was February 20. She said when Steve Neubauer called her about 10 days ago and tried to get her to retract her statement that was in print about his building, he said there was no agreement yet and lease signed for Iowa Street. She said Commissioner Zapotosky called her at home and said he wasn't going to vote for that and he doesn't agree with it.

Ms. Homistek said it seems like they are just doing this because you can't say, "I made a mistake." She said in the paper there was a legal ad for receiving applications for solicitor positions in the county and those bids were supposed to be opened last Thursday. She asked how many people applied. Commissioner Ambrosini said two that he is aware of. Commissioner Zimmerlink said let it be more clear because he said two that he is aware of, they were not bids, they were requests for qualifications. She said the Chief Clerk along with a member of the Controller's office went through the process, so. Commissioner Zimmerlink said Chief Clerk, how many responses did the county receive in response to the request for qualifications for county solicitor? Chief Clerk Revak said two. Commissioner Zimmerlink asked if she knew who those two were.

Chief Clerk Revak said John Cupp and Sheryl Heid. Commissioner Zimmerlink said that was done this past Thursday at 3 and your next question was were there any interviews. She said this was only opened at Thursday at 3 o'clock, we had Friday, Monday we were closed and today is Tuesday. She said nothing to her knowledge has

been done right now. Ms. Homistek said she did her research and read a lot of stuff and she forgets what month for the paper, but the article said Mr. Burkley was brought in mainly, temporarily to reduce the number of lawsuits against Fayette County, was he successful in reducing the number of lawsuits in the county. Commissioner Ambrosini said the reason Mr. Burkley was brought in was to provide us with recommendations on some procedural changes and policies that would help us reduce the number of lawsuits and/or claims. Ms. Homistek asked if it helped and did they reduce the number of lawsuits? Commissioner Ambrosini said the document that he provided to them not long ago gives them those recommendations and we have not implemented those recommendations.

Ms. Homistek said how long has he been working for the county. Commissioner Zimmerlink said since June or July of 2012. Commissioner Ambrosini said along with duties as chief solicitor which are unfortunately in Fayette County, extensive. Ms. Homistek said also, Mr. Burkley has his own lawsuit in Westmoreland County for being fired from there and he wants reinstatement plus \$120,000, don't you think that's awkward having that happen and working for Fayette County, and is Controller Lally's lawsuit still active. Commissioner Ambrosini said why would that be awkward when we have a commissioner that involves. Solicitor Burkley said he sues people every day. Commissioner Ambrosini asked why Mr. Burkley's lawsuit would be awkward when we have lawsuits that originate from the commissioner's office for various reasons. Commissioner Zimmerlink said Marybeth, there are lawsuits that are filed and many of them come from the jail, and grievances and arbitration. Solicitor Burkley said most of them. Commissioner Zimmerlink said most of the lawsuits originate from the jail. She said when they do sue, they sue all three commissioners, just so you know.

Commissioner Zimmerlink said anyone can sue and make a claim and whether cases are settled, thrown out or whatever, that does not mean that they were valid or not valid, that goes with the prison, and we have employee related issues and we have a number of types of other legal cases, lawsuits. Ms. Homistek asked is the hanging investigation is complete of Mr. Derrick Thomas when he took his life, December 20 or 19, is that complete? Commissioner Ambrosini said no and Commissioner Zimmerlink said she doesn't have any information. Ms. Homistek said her final question is that she did have something about dog and pony show but everybody else has addressed that. She asked if the prison is still set to be operational in December 2015. Commissioner Ambrosini said yes. John Cofchin said to Mr. Burkley that he isn't a member of anyone's gallery and if his benefactor Mr. Ambrosini has a good idea he will support him, if Commissioner Zimmerlink has a good idea, he will support him and if Mr. Lally has a good idea, he will support him. He said he doesn't work for anybody, he doesn't speak for anybody and he thinks his comment was condescending and inappropriate.

Mr. Cofchin said to Mr. Ambrosini that his seeking financial advisors, does this mean he has walked away from the concept that this project will be at no cost to the taxpayer and it will be paid for by natural gas impact fees and gambling fees. Commissioner Ambrosini said actually, let me clarify. Mr. Cofchin again asked his question. Commissioner Ambrosini said the answer is yes, he has abandoned needing to use Marcellus shale money and gambling tax money to help pay for the debt service on this

new justice center, and he will tell him why, because he has learned over the last several months as we go forward with this project, we are wasting so much money with our current facility that the savings, the efficiencies that we can derive from moving into a new facility will be more than enough to pay for the debt service. He said he can stay there for a long time, but unfortunately they do have another meeting, advertised meeting at 1:30, but he wants to make that clear, John that we do not need the Marcellus shale money and we do not need the gambling tax money to pay for this project, all we need to do is use the savings that we can derive from making this a much more efficient process than the way we are currently doing it with the undersized facility that is designed improperly.

Commissioner Ambrosini said we have a band aid men's annex over the hill that is wasting money and not to mention of course sending all these inmates outside the county to six or seven different county jails as far away as State College, Indiana, Bedford, Butler, Beaver, Armstrong as you heard today and Greene County, let's not forget Greene County. He said there are two facilities right now in Greene County that when he visited Warden Gillispie about two weeks ago, he shook my hand and thanked me for supporting their construction efforts, we paid them, Greene County alone, over the last two years, we have paid them \$1.3 million. He said they have two new facilities down there, two new extensions to their jail and they call them Fayette One and Fayette Two, that's your tax dollars that paid for those facilities in Greene County. He said in addition, they just put in a brand new kitchen in their county jail down there courtesy of Fayette County taxpayers. So yes, the more we get into this project, the more he is learning that we are wasting money hand over fist in the way we are operating our current inmate population. Mr. Cofchin said one point you made on that was that this waste and abuse has been occurring. Commissioner Ambrosini said he didn't say abuse, it's just waste.

Mr. Cofchin said the waste, whether you can recoup that or not is an open question, whether or not you can recoup all the money is still an open question. He said you have abandoned your original philosophy on paying for this, have we also stepped away from floating a bond issue, which was the second mode of payment that we were going to pay for the prison. Commissioner Ambrosini said as you may have heard today, the individual that you hired today to look at the project financing will look at all potential ways we can finance. Mr. Cofchin said, so you have stepped away from the bond issue. Commissioner Ambrosini said no, no, the bond issue is going to be one of the financing, as he mentioned we are going to look at bond issues, we are going to look at various types of conventional bank loans, we are going to look at build-own options, if there is an option out there we're going to look at it. Mr. Cofchin said regarding Mr. Lally's comments and he can clear him up if he is wrong, he believes his comments in the paper were that the cost of floating that bond was prohibitive to the county and you have taken no options off the table. He said you said you didn't take a tax increase, you were quoted in the Herald-Standard as saying you are not taking any potential source of revenue including a tax increase, off of the table.

Controller Lally said he had no recollection of saying that. Commissioner Ambrosini said Mr. Lally doesn't vote on tax increases, the commissioners do. Commissioner

Zimmerlink said he is on the financial team of the prison working group. Mr. Cofchin said he is on the finance end therefore his comments would be from a knowledgeable person. Commissioner Ambrosini agreed that he is very knowledgeable. Mr. Cofchin said he would leave him with the last point, I don't think Al you realize you are your own worst enemy. You are getting so much push back because of your credibility or lack of same. He said people don't trust him, they don't trust his methodology, they don't believe what you say and they don't believe in the process that you have embarked upon. He said if he would be willing to work with people and have a candid open conversation about what your goals are and how you would achieve them, "I think you could make a lot more progress," he said. Commissioner Ambrosini said thank you for your opinion John.

Commissioner Zimmerlink said she will make a statement regarding the bond issue. She said at last month's commissioners meeting a motion was made by the two commissioners to pursue the \$10 million tax exempt loan for the purpose of the annex, the CYS addition and the new jail and it was stated by my fellow commissioners, the controller and also Sam Lynch of Susquehanna that it is more beneficial and more cost efficient to go with a \$10 million per year loan, tax exempt than it is for floating a bond and there were statements made and repeated in the newspaper as well as in the minutes on the tape that it is more cost efficient to do that. She said after that was presented, our underwriter, from Janney Montgomery did indicate to all of us in an e-mail that those statements were not totally accurate and that there was a million dollar cost and that was not accurate and just so you know everything was going towards let's just do the tax exempt loan and don't do the bond and as you just heard now they want to look at all other options but it is the same company who suggested not to go with the bond and go with the tax exempt who now just entered into an agreement to now explore other options.

Commissioner Ambrosini said they will clearly quantify the differences between all the financing options. Mr. Cofchin said that is all reasonable people can ask for is a public accounting of what they are doing, where they are going and what they are going to accomplish. He said if you look at all these people in here, and he can't speak for everybody, but people want to get this resolved. He said nobody is saying don't do anything, but we are saying don't break the bank. Commissioner Zimmerlink said- and give accurate information. Mr. Cofchin said it is very hard to follow the flow of your logic and rational to this because you seem to be changing, your change course there, you change course there. Commissioner Ambrosini said they are trying to be conservative but the fact of the matter is. Mr. Cofchin said be transparent, communicate because when you don't you create this illusion and maybe it isn't an illusion, that you are doing things behind closed doors and the people who are going to pay the bill are the last folks to hear about what the plan is, so he encouraged him to become a, be straight with the public.

Joseph Conklin of Penn State Extension, said he would change gears. He thanked the commissioners for their continued support of extension in their educational mission. He said he didn't prepare a formal report but in the past week they have 20 individuals served through a program that guarantees restaurant food safety, tomorrow they have a

pesticide meeting with 40 people for certification, they have spring gardening seminar coming up in March, they will start having shale meetings, informative shale meetings for land owners and he is hoping to get economic development type things down here and he had a conversation with Penn State, Fayette who not only tried to increase enrollment with 4-H program, but to band together with continuing education to help the general population with some of their needs we can help with. He said overall he just wanted to say thank you and he did have a report he will give to them when he sees them. Commissioner Zimmerlink said Penn State Extension has always been a good department, an extension of Penn State and very helpful and we have received only good, positive comments from the public and the individuals that you serve. Mr. Conklin said they are getting back in the schools, who expressed interest in starting their own programs and they started a program out in Masontown, which was an isolated area for their program last week. Commissioner Ambrosini said he wanted to thank him for the fresh ideas and the energy that he brings to your position.

Geraldine Mazza said what she was going to say has pretty much been covered. She said she was going to talk about Mr. Burkey and his report. She said she learned that he has all five copies of his report. She said we paid him for two years to come up with this report. Commissioner Ambrosini said it hasn't been two years, it has been a year and a half, he said it is between 1 ½ and 2 years. Mrs. Mazza said she wanted to have a report on how much we pay Mr. Burkey for this report, the grand total, what have we paid him up until last month when we received the report. She said it seems that they have had more than enough time to get a solicitor from Fayette County, why are we paying Mr. Burkey to be here when he is from Westmoreland County? She said she thought the purpose was two create jobs in Fayette County for Fayette County people, not for Westmoreland County people. She said his attitude leaves a lot to be desired. She said she has a right to say that she doesn't appreciate him calling me "Zimmerlink's galley."

Mrs. Mazza said she doesn't speak to Mrs. Zimmerlink from meeting to meeting and nobody tells Gerry Mazza what to say or what to do. "I'm my own person," she said. "As awful as Gerry Mazza is, it's her fault she's that way," she said. She said she is herself and nobody tells her what to do or say and she resents his attitude not only to the people in this audience but to the commissioner. She said there are three commissioners, the power of the commissioners is one-third, one-third and one-third, not one-third, two-thirds and no thirds. She said the fact that you two commissioners keep stuff from Mrs. Zimmerlink is appalling, you have no more power than she has than Vince Zapotosky has, you're all supposed to be equal. She said you are coming up for re-election next year Al, and if you have aspirations of running again, you sure better do a 180 because she is telling him the people out in Fayette County are really, really upset with you and not only are they upset with you they are upset with everybody who worked to put you in office. She said unless something happens and things change, you aren't going to be sitting there after the next election. She said the first thing you have to do is get rid of that man right there, he's got to go.

Ms. Homistek said she wanted to get on record that. Commissioner Zimmerlink said before she goes on, Kathy, we do not have a rezoning scheduled at 1:30, is that correct,

I didn't think so. Ms. Homistek said from being in the peanut gallery watching this today, she finds it interesting that your personality, Mr. Ambrosini and Mr. Burkley's are identical, it is as though you were best buddies and pals, you have this somewhat arrogant attitude and dismissive nature toward women and you love that gavel, you love that gavel, I don't know what that represents to you, I know there are some Freudian connections with the gavel. Commissioner Ambrosini asked her to keep it not personal. Ms. Homistek said since he is always against getting personal, that is what she came up there for. She said at the end of the January 21 meeting the camera shut off just at the moment when she approached the table to ask Commissioner Zimmerlink a question regarding did she know that Jim Killinger's son works at K2 engineering and you got red, as you always are, and you yelled at me, What in the hell are you trying to say Marybeth?

Commissioner Ambrosini said it wasn't in reference to that, it was in reference to. Ms. Homistek said he shouldn't have used that word to her, period, anywhere. She said you said What in the hell are you implying Marybeth, to me. She said then he was heard in the hallway saying to someone from K2 why in the hell did you give her those documents. Commissioner Ambrosini said let's not talk about hearsay. Ms. Homistek said it was beyond hearsay, she heard him, Commissioner Zimmerlink heard him say what in the hell are you implying or trying to say. She said she was speaking up about the two Killinger's involved in the same thing and you had to say what the hell Marybeth, that is inappropriate for an elected official and you just sit there and laugh at everybody, smirk and look at this imaginable smile because you know you have no friends in this room, well your one friend left but he gave you the thumbs up when he did leave.

Adjournment

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

Commissioner Ambrosini yes
Commissioner Zimmerlink yes

Motion passed unanimously

