

A special meeting of the Fayette County Board of Commissioners was held at 8:30 a.m. on Wednesday, February 26, 2014 in the commissioner's meeting room of the Fayette County Courthouse, Uniontown, Pa.

### **In attendance-**

Commissioner Al Ambrosini  
Commissioner Vincent Zapotosky  
Commissioner Angela M. Zimmerlink  
Chief Clerk Amy Revak  
Assistant County Solicitor John Cupp

Commissioner Ambrosini called the meeting to order at 8:32 a.m.

A silent prayer was observed.

The pledge of allegiance was recited.

### **Public Comment on Agenda Items**

**Commissioner Ambrosini** said he would appreciate everyone being professional during the meeting. Ralph Mazza said he wanted to know how this meeting came about. Commissioner Ambrosini said he can make comments, saying we don't have time. Mr. Mazza said he won't tell him what to say and not say. He said this is still the United States of America, "don't tell me anything, I know what I am going to say." Commissioner Ambrosini said he wanted everybody to know they have an advertised, with Mr. Mazza interrupting and saying, "I don't care what the Hell you have, I'm telling you what I am saying." Commissioner Ambrosini said, go ahead. Mr. Mazza said how can you hold this meeting when they voted at a commissioners meeting last week to advertise for land to build this prison on. He said the next day he was quoted in the paper that he was negotiating and now you are going to buy and you haven't advertised anything yet. He asked how they could do this without advertising and you all voted on it, it was a unanimous vote to advertise. Commissioner Ambrosini said it was for the women's annex and Ralph and Geraldine Mazza said it wasn't for the women's annex.

**Steve Laskey**, who has a business in Mount Braddock, said he saw in the paper that there was sewage down there. He said there is a major problem down there. Commissioner Ambrosini said he is aware of the issues. Mr. Laskey said he has been flooded with raw sewage four times. He said they have a major flood issue down there and there are businesses leaving faster than they can come in. He said they have no way to rectify the flooding issue down there and that whole place is undermined and there are sinkholes all over the place and it goes on and on and on. He said instead of Fayette County taking care of its businesses down there it is costing him hundreds of thousands of dollars to stay in this industrial park that everybody seems to overlook. He said they have flood issues, they have sewage issues and they have power issues. He

said it is 2014 and they don't have the internet down there. He said they have problems with everything. Commissioner Ambrosini said hopefully this project will help to correct those problems. Mr. Laskey said he is losing to keep his business in Fayette County. He said his business is under water every time it rains in this luxurious industrial park. He said with Mr. Mechling this developed the industrial park and all of a sudden the plans were lost. He said the redevelopment authority, the plans got lost he said the built without a permit and there are violations coming out of the wazoo. He said there are parks being built in wetlands and nobody says a word about it. He said the DEP has run us around the block for six years.

**Mr. Laskey** said there are violations everywhere and they are still dealing with major flood issues that nobody in this county seems to want to fix. He said PennDOT when they did 119 up there, where do you think all their water went? He said right in their back yard and nobody will do anything about it. He said they have lost more businesses down there in the past two years than this prison will employ and there are more because nobody will fix the flooding. He said the sewage issue, they had the township put check valves on all of the sewage lines because when the water level goes up their toilets blow off the gaskets. He said he has raw sewage and toilet paper on his wall that is how much pressure, he said there is sewage being pumped up hill. Commissioner Ambrosini asked where his business is located. Mr. Laskey said Mount Braddock Industrial Park, it is right beside where they are going to put this prison. He said there are sinkholes, the ground is falling in all over the place. He said it is completely flooded down there, you have got a lot of major problems down here and if you put a \$60 million building on this property, you're nuts, he said.

**Mr. Laskey** said, let me tell you something, redevelopment authority knows all about these problems, Fay Penn knows all about these problems, all the engineers know about these problems, and nobody has told you about it? Commissioner Ambrosini said he has a geo technical survey of the property that the site is going to be on and it is appropriate for this type of structure. Mr. Laskey said how about when Universal Drilling moved in, they were going to build because Fay Penn told them the ground was solid. He said they started drilling to put their foundation footers in and they kept hitting holes. Commissioner Ambrosini said they reviewed the same geo technical survey and their problem was they were putting up very tall silos and in some areas the property wasn't suitable for the silos, not for a slab building. Mr. Laskey said the whole place is undermined and there are sinkholes down there that would blow your mind. Commissioner Ambrosini said he appreciates his comments and said he wanted to get to other comments. Mr. Laskey asked if he knew there was a dance hall down there at one time that caved in and killed people. He asked if he knew about the sinkhole that took the township four years to fill down there.

**Mr. Laskey** said what about all the other sinkholes down there, the place is caving in down there, it is full of water, they have no sewage, the water is getting into the sewage, backing up, they have major problems down there and you are going to put a \$60 million prison down there. Commissioner Ambrosini asked if there were any other comments. John Cofchin said he would hope that someone would provide him with a

pre-construction site analysis of this site and he thinks that would be very helpful to outline some of the problems as well as two issues that occurred to him, one is that the area has been extensively mined, both deep mined and strip mined and the second being the issue of pyrite, have they examined those issues and can they assure them those are not a problem? Commissioner Ambrosini said he will make available the geo technic survey. Mr. Cofchin said will he address the undermining issue and Commissioner Ambrosini said that survey addresses all that. Mr. Cofchin said the reason that this is important is because as he well knows he just he just voted to give a tax decrease to sub surface stabilization at the Walmart site and that is a costly venture. Commissioner Ambrosini said they didn't vote on it because they are modifying the plan.

**Mr. Cofchin** said what he is saying is that their big issue was subsurface stabilization and the engineers here can attest that this can be a very expensive venture and you are literally pumping money down into an unknown void and that should be taken into consideration as far as their costs. He said the second issue is—are you familiar with Mr. Schiffbauer—and there is an article July 31, 2013 and he is referring to the old Walmart site regarding the pyrite issue. He said the land has issues with the minerals pyrite and those issues will be addressed as the project moves forward and Walmart had to relocate from the property years ago because of problems associated with pyrite not being the best material to build foundations. He said it would be prudent prior to finding the first really big hole in the floor to examine this and assure it isn't. Commissioner Ambrosini said the geo technical survey that he will provide him with and Mr. Cofchin asked when he can expect it. Commissioner Ambrosini said he will give it to him by the end of the week. After Commissioner Ambrosini asked for additional public comment, an unidentified man said the DEP Act 137 agreement says there is no chance of sewage going in there until there is an agreement made. He asked why they would spend \$1.25 million to buy a property where you don't even know if you can get sewage.

**Commissioner Ambrosini** said he feels pretty comfortable that the North Union Township Sewage Authority already voted to accept, and the man said they did not. Another unidentified man said they did not vote to accept it because there is no agreement with the commissioners as to who is going to pay for all the upgrades and until here is the supervisors signed the act 357 plan that has to be modified until the agreement is in place there will be no signatures. Commissioner Zimmerlink asked how long that takes and he said he didn't know. Commissioner Ambrosini said part of the.. and another man said part of the issues that need addressed with the sewage, which is major, is going to have to be figured into that project about all upgrades and problems they have in the sewage and without knowing that number they would have to be crazy to buy the property not knowing what it is going to cost to upgrade the system. Commissioner Zimmerlink asked if he was speaking on behalf of North Union Township, adding that he is a North Union Township supervisor. The unidentified supervisor said they talked to them and there was a letter sent out that this has to be addressed and they are not paying to upgrade the system for this prison and what that number is they have no idea.

**Commissioner Zimmerlink** asked if there is sewage there now and it needs upgraded. The supervisor said there are so many problems from there to Brushwood Road and a lot of these EDUs now, which is true, is going to the plant, but it is going from here, right to the city, right to the plant, now they are putting it at the end of their system and bringing it straight through. He said those are the same issues that need addressed and he doesn't see how they can purchase this property until they know what this is going to cost. Commissioner Ambrosini said in the agreement there is a 90-day due diligence so they can investigate all those issues over the next 90 days. Commissioner Zimmerlink said she doesn't have the agreement, adding that he said there is a due diligence clause in there. Commissioner Ambrosini said it is in the resolution. Commissioner Zimmerlink said, is this an agreement, Solicitor Cupp? Solicitor Cupp said there is no agreement, there is a resolution to enter into an agreement. Commissioner Zimmerlink said, so there is no agreement, and Solicitor Cupp said no and Commissioner Zimmerlink said there is no agreement yet.

**Commissioner Zapotosky** said the county will have 90 days from the execution of the final agreement to have all the necessary searches performed and close on the property. Commissioner Zimmerlink said in other words, and this question goes to Solicitor Cupp, obviously this is a resolution which is not an agreement and it says here "90 days from the execution of the final agreement so you first have to get the agreement, it has to be voted on by the commissioners, correct? Solicitor Cupp said yes. Commissioner Zimmerlink said an agreement has to come back before the commissioners, correct? Solicitor Cupp said this is a resolution that we would enter into negotiations, I think, unless your copy is different from mine. Commissioner Zimmerlink said it probably is. Solicitor Cupp said no it isn't and it says they "shall enter into negotiations" and Commissioner Zimmerlink said these are the conditions. Solicitor Cupp said the conditions on the negotiations. Commissioner Zimmerlink said so, an agreement will have to be prepared, brought to the commissioner's meeting, and signed, and voted on. Solicitor Cupp said yes. Commissioner Zimmerlink said then 90 days after that, according to this resolution, is when all searches are performed, financing and the close of the project, and Solicitor Cupp said that's right.

**Geraldine Mazza** said they passed a resolution to advertise for property for this prison and now they are ignoring that resolution. She asked why they don't go ahead and advertise, saying they may find something far more suitable than what they are trying to do here. Commissioner Ambrosini said is there anybody in this room that doesn't think they have been looking for property, there have been articles in the newspaper many times. Mrs. Mazza said they have a resolution, why do you pass resolutions and then ignore them? She said he has done that since he has been in office. She said he voted for a resolution and then he completely ignored it. Commissioner Ambrosini said they have been looking for property for over a year. Mrs. Mazza said you and your select few people have been looking, you have not come to the public and said does anybody in the public have property that would be suitable for a prison that you are willing to talk to us about. Mrs. Mazza said they haven't done that, why don't they do that. Commissioner Ambrosini said they have done their due diligence, we have been looking

for property. Mrs. Mazza said if they haven't advertised, they haven't done their due diligence.

**Commissioner Ambrosini** said they can't afford to delay this project. Mrs. Mazza said what is the big rush? Commissioner Ambrosini said the big rush is this year alone we have wasted, and Mrs. Mazza said don't give me those numbers about transport, you are going to put the prison out there and you are still going to be transporting prisoners back and forth to Uniontown. She said there will be a long line of cars with prisoners in to bring them to the court to have their hearing, take them back, bring them back, take them back, bring them back, take them back, bring them back and you don't make any sense at all. She said nothing he has done about this prison makes any sense at all. Commissioner Ambrosini said he would disagree with that of course. Mrs. Mazza said of course he would disagree with that. Commissioner Ambrosini said there are a lot of very intelligent people, a lot of stakeholders who are knowledgeable about this project provide their input. He said he is going to guess that she is not a prison expert. Mrs. Mazza said who on your committee is a prison expert, Marigrace Butela? Commissioner Ambrosini said the warden, Tom Crabtree who is a very highly respected. An unidentified man said Crabtree did not bother to get a sewage permit for the property that he is putting his office on in the industrial park, what does he know about sewage?

**Following various** comments, Commissioner Ambrosini said one at a time. He asked for additional public comments. Terry Kriss said before he was elected, the two of them walked the road with his GPS in hand and the site they are now going to use is exactly where they stood. He said that he said it was directly below the approach of the airport's runway, and asked if he remembered taking a walk down Coal Mine Road before he was elected? Commissioner Ambrosini asked if he was talking about the shooting gallery. Mr. Kriss said he is talking about me and you walking down that same parcel of land with your GPS. He said let's talk about that at, it's the same location. He asked if he remembered them walking down the road with his GPS and Commissioner Ambrosini said he remembered. Mr. Kriss said it was a concern then and is it a concern now that you want to build a prison under the airports runway flight path? He said it is a yes or no question. Commissioner Ambrosini said it wasn't valid then and it isn't going to be valid now. Mr. Kriss said it wasn't valid then, it was your recommendation it was directly under it. Commissioner Ambrosini said it was passed by the zoning hearing board.

**Mr. Kriss** asked if he was against that, he didn't care what the zoning hearing board did. Commissioner Ambrosini said he was concerned about it. Mr. Kriss said concerned enough to walk down there with a GPS and help me and Commissioner Ambrosini said yes, he was concerned about it. Mr. Kriss said are you concerned now that the prison will be underneath a flight path, yes or no. Commissioner Ambrosini said it will be further away. Mr. Kriss said it is in the same location and Commissioner Ambrosini said no, it's not. Commissioner Ambrosini said it is not in the same location, that property is owned by the Cellurales. Mr. Kriss said he has lived there for 35 years, he can assure him that he knows that property a Hell of a lot better than him. He said Cellurale's property had nothing to do, and Commissioner Ambrosini said that is where the

shooting gallery was going to be. Mr. Kriss said the property me and you stood on, Filliagi's property with a GPS. Commissioner Ambrosini said he wasn't going to trespass on private property. Mr. Kriss said Al, I can never get an answer from you. Commissioner Ambrosini said that isn't even the distance to the shooting gallery, not to where they were standing. Mr. Kriss said directly under the main approach to that flight path, directly under where they stood. He said he is a pilot and now he wants to neglect that concern, being a pilot and a county commissioner that means nothing today.

**Commissioner Ambrosini** said it does but it's not an issue because it doesn't penetrate any of the airspace. Mr. Kriss said it is under the flight path. Commissioner Ambrosini said it is not really, but. Commissioner Zapotosky said he was there yesterday and he asked if there are other businesses, there are other businesses located within that proximity. Commissioner Ambrosini said there are businesses under the flight paths of the other runways. Mr. Kriss said let's move on, he isn't going to debate. Commissioner Ambrosini said the lighting will be appropriate for the place that it is going to be so there is no light pollution for aviation for airspace, that's easy. Mr. Kriss said it's easy, it doesn't mean nothing to the airport. Commissioner Ambrosini said the lighting issue can be fixed. Commissioner Zapotosky said this is the initial step as Mr. Cupp had made reference to in a process that, he would trust that anybody that has a half a brain would look at our current facility and question whether or not we need something new. Mr. Kriss said he interrupted him, can he continue to ask his questions please.

**Commissioner Zapotosky** said he apologized, but he will be very brief. He said this facility was built in the 1800s, long before we were there. He said it was modified or remodeled in 1962 and since that time, and he will give them a tour if they want to see it, the place is just unbelievable, the secretary of DOC made the same statement, he can't believe that we utilize our intake of 3,000 or 8,000, 3,600, our intake area is as big as this area. He said our kitchen facilities, this is not something we want to do. He said he would rather be talking about something totally different but the question is that somebody has to make the decision and if somebody is not going to make the decision now it is going to cost more later, Mrs. Mazza, and we are going to put the county in more precarious positions regarding liability cause we all know that the prison leads the league in lawsuits. Mrs. Mazza said the right decision had to be made and they are not making the right decision. Commissioner Ambrosini said everybody has their opinion. Mr. Kriss said he has a couple questions, real quick, Commissioner Zapotosky, all he has heard is this prison getting beat up because of its age, it's run down, it's no good, he will give one quick equation. He said everyone has heard of the Biltmore Mansion in North Carolina, and it is the most visited home in the United States of America, millions of people a year.

**Mr. Kriss** said it is 100-year old plus and it is in mint condition and you know why, it has been taken care of and that could have also been done with our jail. He said if it could have been taken care of or maintained properly it could be the same venue. He said it is over 100 years and it isn't run down. He said anything can be restored. Warden Brian Miller asked if they house inmates in that mansion. Mr. Kriss said the prison has been

let run into the ground. Warden Miller asked if they house inmates in that mansion. Mr. Kriss said it is maintained properly and efficiently so it becomes America's most visited home and if it wasn't, it would have fell into the ground, it would be a nothing today, now let's get back to the questions. He asked Commissioner Ambrosini if he knew the property has been deep mined and strip mined. Commissioner Ambrosini said yes. He said it is all in the survey. Mr. Kriss said he doesn't care about the report, he is asking him. Commissioner Ambrosini said yes, he read it. Mr. Kriss asked if he knew there have been mine subsidence issues, on that property and surrounding property. Commissioner Ambrosini said no, not on that property. Mr. Kriss asked if he was aware of issues on surrounding properties. Commissioner Ambrosini said there is mine subsidence all across the county. Mr. Kriss said are you aware of the mine subsidence issues on the surrounding properties, yes or no. Commissioner Ambrosini said not personally, no.

**Mr. Kriss** asked if he knew there was inadequate sewage, yes or no. Commissioner Ambrosini said here is what he does know, I know that in Fayette County. Mr. Kriss said you are going off, he wants a yes or a no. He asked him to answer one question with a yes or a no. Commissioner Ambrosini said he knows that he looked at a site in Fayette County and they had inadequate sewage to one degree or another, every place, we do not have a good sewage infrastructure in Fayette County. Mr. Kriss said yes you do Al, right the Hell where you're at now. He said he is wrong in that statement, you have adequate sewage, you just don't want it to be there. He said move along, and answer the question. Commissioner Ambrosini said let me answer your other question, you don't want to hear the answer to this question about the 125 year old facility, there's two major problems. Mr. Kriss said he didn't bring it up. He said Al please, do you know there is inadequate sewage? Commissioner Ambrosini said you brought up the Biltmore. Mr. Kriss said he brought up the prison. Mr. Kriss said Al, please quit beating around the bush, I'm begging you. He said answer the question like a human being.

**Commissioner Ambrosini** said the facility is too small and it is not designed efficiently. Mr. Kriss said put an annex up to it. Commissioner Ambrosini said then they will add more inefficiencies as they have with the current facility. Mr. Kriss said you put an annex next to that building, you own the property, no transportation costs and everybody in this room would not even be here today, not one person would object to that plan. Commissioner Ambrosini said all the numbers of on the website, we have no room for expansion. Mr. Kriss said he doesn't buy that. Commissioner Ambrosini said that is his opinion and everybody has one of those. Mr. Kriss said the room is there, you own property next to it, across the street from it, there's a Yesbak lumber building, you could buy any piece of property you want for a Hell of a lot cheaper than \$1.25 million from Fay Penn. He said Al, do you know there is inadequate sewage, please. Commissioner Ambrosini said again, there is inadequate sewage any place you look in Fayette County. He said we will have to spend money to upgrade anyplace we find a site.

**Mr. Kriss** asked if he knew there are wetlands issues. Commissioner Ambrosini said it is in the report. Mr. Kriss said do you know there are wetlands issues. Commissioner Ambrosini said he does, he read the report. He said yes, there are wetlands on the

property. Mr. Kriss asked if he knew there were historical issues. Commissioner Ambrosini said there are always historical issues. Mr. Kriss said there are always everything to you. He said if he is aware of everything happening, why the Hell are we sitting here? Commissioner Ambrosini said they are all going to be addressed. Mr. Kriss asked if he knew the Sheepskin Trail is right beside it. Commissioner Ambrosini said he does, it's along the railroad tracks. Mr. Kriss said he wanted to know who approached who and when did the negotiations begin on the property. He said did Fay Penn come to you or did you go to Fay Penn. Commissioner Ambrosini said there was no negotiations. Mr. Kriss said did you go to Fay Penn or did Fay Penn come to you with a proposal, which was it? Commissioner Ambrosini said most properties that they looked at, there was a combination, on this particular piece of property, I think that we were told that it was available. Mr. Kriss asked if Fay Penn knocked on the door and said they had a proposal or if he went to them and said they were interested.

**Commissioner Ambrosini** said he asked Fay Penn about a year ago, he asked Fay Penn and the Fayette County Redevelopment Authority to sit in on the meetings. He said they had several meetings throughout the past year or so about where possible sites were, in particular since Fay Penn does have a lot of property we asked them if there was some suitable business park sites or other properties, standalone properties that they had. He said that is how this whole process got started, it was part of what the architectural team searched for process wise. Mr. Kriss said that site was never on their hit list when Jim Killinger stood up and announced those sites. Jim Killinger said yes it was. Mr. Killinger said if he is going to talk about him, he had better talk facts, "you understand me, you talk facts." Mr. Killinger said it was on the list, it was on the list. Mr. Kriss said look at this finger pointing. Mr. Killinger said he will put his finger right in his nose, you speak facts or shut up. Mr. Kriss said oh, this is how it works. An unidentified man said this is a public meeting, it belongs to the public, it's ours. Commissioner Ambrosini said it was on the list. Commissioner Zimmerlink said it may not have been revealed, but it was on the list is what she heard. Commissioner Ambrosini said it was printed in the newspaper as one of the 24 or 22 sites.

**Mr. Kriss** asked when the negotiations began, in the paper it said he was in negotiations with a private property owner along the 119 corridor, that was in the Herald-Standard recently. Commissioner Ambrosini said that was probably back in October, November. Mr. Kriss said so back then you were talking to Fay Penn about this property. Commissioner Ambrosini said they were talking to a lot of people about properties, we were in the process of doing due diligence on a number of properties Terry, I don't know what your point is here but the fact it. Mr. Kriss said "you don't know what my point is here?" Commissioner Ambrosini said he knows his point is to stop this project. Mr. Kriss said oh no, no, no, no Al, that's not my point at all. He said his point was for the commissioners to look at alternatives that would be affordable and beneficial to our community. He said that is not what has happened here. Commissioner Ambrosini said that is his opinion. Mr. Kriss said that is a lot of people's in this room opinion.

**Mr. Kriss** said they have people sitting out in that waiting room that they can't have sit here. Commissioner Ambrosini said they should give someone else a chance at public comment. Mr. Kriss said one final note, here is a deed from where Filliagi sold this property to Fay Penn, and he read from it, in which U.S. Steel owned the rights to the coal under the property. He said knowing full well that U.S. Steel owns the rights to that coal and they have all the money in the world to go retrieve it, you would want to put a building on top of that knowing full well that they can come in at any time. Commissioner Ambrosini said the coal has already been mined. Mr. Kriss said there is another seam below that, he isn't naïve, he knows all about the coal seams in this area. He said they can go in and retrieve and do whatever they want to do. He said everybody saw what happened to the Corvette museum down in Bowling Green. He said GM built a zillion dollar museum, probably bore tested or didn't and look what happened to the Corvette Museum in Bowling Green, it got swallowed, swallowed. He said the same thing could happen to your prison right there on that site, knowing what lies underneath of it. Mr. Kriss said Al, I don't want one of your board members pointing their finger at me like that and threatening me.

**Mr. Laskey** said here is where you want to build this prison, there are your water problems. Commissioner Ambrosini said they won't have water problems where they want to build the prison. Mr. Laskey said, why it is right beside my building and I have water problems. He said he is flooded every time it rains, this is an industrial park. Commissioner Ambrosini said the prison will be built above Brush Run. Mr. Kriss said he didn't want a prison working group member sticking their finger and threatening him. He said it is ridiculous, uncalled for and not professional. An unidentified man asked if they ever considered other options in downtown. Commissioner Ambrosini said they don't have proper space for expansion in the future and going vertical is too expensive. An unidentified man said he can't imagine that what we have can't be updated. Commissioner Zapotosky said the problem is occupancy, you can update it for \$8 million but you cannot increase its occupancy. Commissioner Ambrosini said we have looked at the cost of going vertical in the space we have. He said there are structural steel requirements and there are elevators that you have to buy and maintain that's why all cost effective prisons being built today are on a single level.

**Mr. Cofchin** said he had one last question, and maybe the gentleman from the assessment office can help him out. He said he is looking at the Industrial Park Drive property and Nov. 30, 2011 the sales price was \$143,748. He said Dec. 2012, one year later, the sales price was \$1,320,000, which is a difference of, if his math is correct, of \$1,000,176, did he miss a land boom or something that occurred in Fayette County. He said apples to apples comparison. Commissioner Zapotosky said part of the requirements set forth by the county code is that this property must be appraised, receive two appraisals. He said before we are able to take any action on the purchase it will have to be appraised twice. Mr. Cofchin said his question is, what occurred in one year that resulted in a property value increase of over \$1 million and the reason he brings this up is because Commissioner Ambrosini said he was involved in discussions with people and people were involved in discussions with him and he is wondering if maybe that didn't have something, an influence on the \$1,000,176 price increase.

**Mr. Cofchin** said maybe, possibility, was it in the realm of possibility. William Lukach said you would have to talk to Fay Penn to see why they felt that, with Mr. Cofchin asking if they assess themselves. Mr. Lukach said they don't assess themselves but they are the firm that felt that was the value of the property for them to buy it. Mr. Cofchin asked if that seemed like a normal increase in one year. Mr. Lukach said value and desirability is in the eye of the buyer. Mr. Cofchin said that brings us full circle if Fay Penn knew that we were shopping for a property rather than advertising for a properties, would that no adversely affect the deal that the county got because if we are paying more than a million dollars extra for what it was valued a year previous that begs the question why are we doing that. Mr. Lukach said the Industrial Drive property, which is the one that he isn't exactly familiar with. Mr. Cofchin said he can provide him with the sheet. Mr. Lukach asked if it was the one off of Beeson. Mr. Lukach said this is the property we are talking about, 91 acres. Following a discussion about the property number, Mr. Lukach asked who the grantor or grantee was.

**Commissioner Zimmerlink** asked Mr. Lukach if the property is currently taxable and he said correct. She asked if there was a reassessment on that particular property after Mr. Cofchin just said there was an increase of value. Mr. Lukach said no, whatever values are on the property, there are no increases in assessment based on sale prices. Commissioner Zimmerlink said it is currently taxable property and Mr. Lukach said correct. Commissioner Zimmerlink said if the county, no, when the county purchases this property in another five minutes will it still be taxable property, the answer is no, is that correct? Mr. Lukach said correct. Commissioner Ambrosini said since we are out of time, and various people began speaking at the same time. He said they can have all the public comment you want after and various people again began speaking at the same time. Commissioner Zimmerlink said you cannot stop public comment on agenda items, you cannot do that. She said, Solicitor Cupp, we have more individuals here who wish to discuss and this is under public comment on agenda items, can you stop the public from talking? Solicitor Cupp said you can have rules that. Commissioner Zimmerlink said there are no rules set unless two commissioners start all of a sudden setting the rules.

**Commissioner Zimmerlink** said they have more individuals who have questions, this is under public comment on agenda items. She said although there is a scheduled prison board meeting at 9:15 a.m., my fellow two commissioners were fully aware of that, OK, they fully informed the Chief Clerk to advertise this meeting and schedule this meeting for 8:30 knowing full well that we would have 45 minutes at a 9:15 prison board meeting. She said she received a communication from the Chief Clerk saying, commissioners as per the directive of two of the three commissioners, see attached legal advertisement to hold this meeting at 8:30. She said you two decided to hold this meeting at 8:30, the reason in my opinion, was so it would be cut short for 45 minutes. She said you have people standing out there plus she hasn't had an opportunity to talk or to ask other individuals. Commissioner Ambrosini said he is surprised she hasn't had the opportunity to talk, she has been talking a lot.

**Commissioner Zimmerlink** said this is the first time she said anything. She said if, first off, you have a room full, some, room full of citizens who parked their cars and came to this meeting. She said we should allow them the opportunity to ask the questions. She said she should not then be rushed to ask Sara Rosiek, the planning/zoning, Bill Lukach, our tax assessor, John Cupp, we have an airport manager right there that she has a question for, there are a number of people she may have questions for, she wants to ask those questions and she isn't going to be stopped from asking them. Mrs. Mazza asked if this can be considered a legal meeting since you have people out there that can't hear what's going on, they want to speak, they want to know what's going on, they are excluded from this meeting because there is no space in this room for them so this has to be an illegal meeting. Commissioner Ambrosini said let's move on and Mrs. Mazza said you can't move on when you have the people that want to talk. Commissioner Zimmerlink said they will ask them if they want to talk to please come in.

**Commissioner Ambrosini** asked if there were any other public comments. An unidentified man asked why we were worried about the location when there aren't people who know how to run the prison. He said there is a warden who doesn't know how to properly administer. Warden Miller said we are not here to talk about that, and various people began talking. After comments about damage to the inside of the prison, Commissioner Ambrosini said they are not building a more efficient building because it is old or damaged, we are building it because it is more efficient. An unidentified man asked if we can take millions of dollars and make it more efficient where it is. He said if you need more room, there is a giant empty parking lot next to the police station. Warden Miller said it is in the flood zone.

**Chris Haines** of the Herald-Standard said the motion that is on the agenda is consider approval of the purchase of 58 acres from the Fay Penn Economic Development Council (parcel numbers 25-16-0012 in North Union Township, 09-31-0041 in Dunbar Township and part of 09-31-0042 in Dunbar Township) for the Fayette County Justice and Rehabilitation Center in the amount of \$1.25 million. She said what Mr. Cupp said earlier is that it is a resolution to consider entering into negotiations, which is it? Commissioner Ambrosini said Mr. Cupp suggested that we read that as is but we also include in the printed resolution under the terms stated in 14-02-26-01 so the printed resolution that is available here will be part of this resolution. Mrs. Haines asked if he would say that in English. Commissioner Zapotosky said what he is saying is that the resolution as it is written on the agenda should reflect the motion that we passed will be the language as listed in the resolution that he holds in his hand, 14-02-26-01, this resolution. Mrs. Haines asked if there are copies of that available and said if they are voting on that, shouldn't that be what the public has before them.

**Commissioner Zimmerlink** said absolutely and she is wondering that herself because what she received from John Cupp was a draft resolution and he just asked me if I had the updated one and it does have resolution with a number, the item that is printed on the agenda for public comment as well as anyone else is exactly what you just said, one is for an approval and one is to enter into negotiations. She said in order for the public to comment on this public agenda item, the public needs to know what the resolution

says and it hasn't even been stated yet. She said if somebody wants to read what the resolution, what the proposal is, that needs to be done in the event members of the public wish to comment, you can't comment on something that you have no idea what is written, you are commenting on information that has not been fully disclosed. She said the resolution should have been made available so the members of the public as well as anyone else can ask the questions. Commissioner Ambrosini read the following resolution.

Resolution 14 -02-26-01

WHEREAS, Fayette County has experienced obsolescence and overcrowding in its prison; and

WHEREAS, as a result of said overcrowding, Fayette County has been required to expend substantial sums to out-of-county facilities to house inmates; and

WHEREAS, a search has been conducted to identify appropriate sites for the construction of a new prison for use by Fayette County; and

WHEREAS, the Fay-Penn Economic Development Council has proposed a parcel of land it owns, situate in Dunbar and North Union Townships, as an appropriate site for such prison; and

WHEREAS, Fayette County believes that the best interests of the County can only be met by building a new prison; and

WHEREAS, Fayette County has assigned the working title, "Fayette County Justice and Rehabilitation Center" to the new prison; and

WHEREAS, Fayette County believe that the parcel proposed by the Fay-Penn Economic Development Council is the best parcel for use as prison,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners shall enter into negotiations with the Fay-Penn Economic Development Council to purchase 58 acres from the Fay Penn Economic Development Council (parcel numbers 25-16-0012 in North Union Township , 09-31-0041 in Dunbar Township and part of 09-31-0042 in Dunbar Township) for the Fayette County Justice and Rehabilitation Center under the following terms and conditions:

- The consideration for said property is to be One Million Two Hundred Fifty Thousand Dollars \$1,250,000.00,
- The property must have an equal or greater value based on appraisals performed by the Chief Fayette County Assessor and the Independent Appraiser/Consultant engaged by the County to perform such appraisal,
- The property must be subdivided as to parcel 09-31-0042 in accordance with all land development and subdivision requirements,
- The County will have ninety (90) days from the date of execution of the final agreement

- to have all necessary searches performed, obtain financing and close of the property,
- Fay Penn will maintain a right-of-way for potential rail access to the adjacent property currently owned by Fay Penn,
- Fay Penn will maintain a Right-of-Way on the current road to the buildings on the adjacent parcel until such time as a road is constructed to said buildings from Pechin Road,
- All existing Rights-of-Way shall continue,
- Fay Penn will provide the County with copies of any surveys or studies conducted on the property, and
- Fay Penn will retain the right of refusal to purchase any parcels the County might subdivide from the original parcel.

ADOPTED AS A RESOLUTION of Fayette County, Pennsylvania, this 26<sup>th</sup> day of February 2014.

**Ralph Mazza** asked what they mean by Fayette County, Commissioner Ambrosini and Commissioner Zapotosky. Commissioner Ambrosini said the people voted us into office and we represent all the people. Mrs. Mazza said no you don't and Commissioner Ambrosini said that is her opinion. Commissioner Ambrosini asked for additional public comment. An unidentified man (the Mayor of Dunbar) said he went to the meeting that was held at Fayette Campus and they sat up there and said this is the only thing we can do, he said the fellow showed three plans and they went for the most expensive, they went for the one they can't afford, they went for the one that obviously the public who voted you into office does not want. He said there is a second plan. Commissioner Ambrosini said the plan they have decided on was the most cost effective for the county. The gentlemen said also during that meeting, none of them had the opportunity to say what they wanted to say. He said they wrote something down on a piece of paper, somebody else read it to see if it was sufficient enough where you could answer it, and then you picked the ones you would answer as questions. He said they were put into office to represent them, not to do their own bidding and then made a comment about a noose.

**Commissioner Zimmerlink** asked who he was and he said he is the Mayor of Dunbar. Commissioner Ambrosini asked for additional public comment and the Mayor of Dunbar asked if he would get an answer. Commissioner Ambrosini said he told him the answer, this is the most cost effective for the taxpayers of the county. He said he doesn't know how much more clear he can get, the numbers are on the website, the economic study is on the county website, have you looked at them? The Mayor said the second plan said redoing the existing prison that we could do it, it could be done. Commissioner Ambrosini said it is not cost effective, sure you can do anything but it is not cost effective. Commissioner Zapotosky said he also said it would not increase the occupancy of the prison. Commissioner Zimmerlink said he also said there was sewage and there wasn't and she doesn't see him or Sleighter Engineering here to ask questions. She said he also include a \$2-some million parking garage which made costs go up. A man asked why they are using an architect who said at the Bullskin Township meeting that there was sewage included with the new prison building at the fairgrounds,

he said it was included in the cost, there was no mistaking it, and then we find out later on that it's not true. He asked why they are using an architect who is building a building right now at the industrial park and he hasn't gotten his sewage permit, do you not see that there is a problem here, we need to start over.

**Commissioner Ambrosini** asked if there were any additional public comments. Diane Kriss said several years ago the three commissioners rezoned the same property for Jim Filliagi before Fay Penn would buy it. She said you might not remember but she was not there is opposition. She said this land was bought by Fay Penn for business development and that done correctly, she agrees with. She said had she known the reuse was for a county jail she would have been there with a team of lawyers to oppose it. She said the prison proposal is not economic development as defined and should never be permitted in an industrial park taking up taxpaying property for private investment. She said since her husband and she will be the closest property owner to that prison, only 800 feet away, you better listen to our concerns. Mrs. Kriss said their decisions will have a direct and everlasting impact on our safety and well-being along with the fact that my property will be devalued to nothing. She said after defending her property rights for over 25 years from strip mines, shooting ranges, cell towers and junk yards they thought there could be no worse, but obviously they were wrong.

**Mrs. Kriss** said every zoning and development decision the property that surrounds theirs has been of deceit, selectiveness and favoritism and never once considered their family's rights or concerns. She said there are there as private property owners and taxpayers and she hasn't made mention of the historic loss because of the Fayette County judicial system already ruined that, they are asking them not to vote for this and to give time for public input and look at other alternatives presented by others. Another unidentified man said he seconded what she said and added that regarding new buildings, it tells him that due diligence was not done on this. He said there is a need for a prison but when all these folks are saying about the problems on the land with the sewage and the flood, it doesn't make sense that they want to continue on with this. He asked if they remembered what he said at a previous meeting about prior planning, this is not being done and if it is, it isn't being done properly and you are going to get poor performance because of it, he said he isn't done yet.

**Commissioner Ambrosini** said he appreciates his opinion. The gentleman said let's say hypothetically that this goes through and you build this prison and it is going to cost us even more and more and more because of the problems that have been identified and are this building is not going to magically rectify these problems, are you going to be able to rectify the flooding issue, to rectify all the other things that the folks have said that is a problem there by magically building this prison. He said when you look at safety issues and the like and now hearing about the being within the flight path of the airport, you know prior planning is not being done here, at least not being done properly. He said years from now if this thing is built, you are going to have more and more problems and he doesn't understand why they don't see that. He said it is plain to all of us but it isn't plain to you so that tells him there is other things going on here, why are you pushing is it this? Commissioner Ambrosini said let's not make accusations. The man

said secondly, presuming that this does get built, staffing of it, you are going to put Miller in charge of it? He said that is a joke. Commissioner Ambrosini said he can make all the public comments he wants but they will not stand for making personal attacks. The man said he wants to talk and he will talk over him because you won't out yell a staff sergeant, it is that simple. He said when you have COs over there, and he knows this for a fact, a few of them claim that it is not their job to oversee the inmates unless they are classified. He said he knows this because one of them was overheard saying it in a convenience store by one of my sons who works at another prison. Warden Miller said that is hearsay. The man said this is an illegal meeting anyway and Warden Miller said it is still hearsay.

**Mr. Laskey** said he had another thing to add about the flooding issue. He said when the flooding occurs it backs up the system and raw sewage is going into the creek every time it rains. He said the DEP has been investigating for five years and there are major problems and not one citation. He said does anybody care about the raw sewage? He said Mr. Gallo has 60,000 gallons of oil in his oil tanks and when it floods these oil tanks float. He said there is one pipe at the bottom and when that pipe cracks there will be a major disaster down there and nobody cares. He said he spent he doesn't know how many thousands of dollars defending his business down there from sewage and water, this is what he has to deal with to work in Fayette County? Mr. Laskey said if you want jobs down there take care of the place down there because he should have 10 people working for him and right now if you give him \$5, he would sell that place and he would be gone. Commissioner Ambrosini said he is sure that the North Union Township supervisors are aware of the problem. Mr. Laskey said it has been going on for six years, he said the DEP, what are they corrupt? He said these people, do they have to abide by the laws like we do? He said you have permits that aren't issued, you have permits for nothing is done legally down her, nothing.

**Mr. Laskey** said it costs him, the business owner, because he has to get an attorney to fight all this stuff to stay in business in an industrial park which shouldn't even have flooding issues. He said he doesn't have wetlands on his deed but he does now. He said the DEP told him he can't build a berm back there to stop the flooding because they haven't considered how much is wetlands. He said this is his property and he has been trying to expand his business for the past six years, does anybody care about the flooding? He asked if anybody cares about the raw sewage going into the creeks. He said nobody is doing nothing and it is costing him money. He said it is costing him thousands and hundreds of thousands of dollars. He said he has been to every organization, DEP, redevelopment authority, everybody, now he said they will be putting some spotlight on the area where they will build this prison at because the next flood that comes, every news station is going to be there, there will be helicopters in the air and they will expose what the Hell has been going on in this industrial park for the past eight years.

**Mr. Laskey** said if you want jobs in this county, do things right, you lost four businesses down there in the past two years, 40 jobs are gone and these people are losing their investment. He said he invested his whole life into his business and it is worthless, it is

in a flood zone, it's in a flood zone, it is an industrial park. He said it costs him \$7,000 a year for flood insurance and he has been cancelled twice by two insurance companies. He said his liability insurance has tripled because of the flooding, is anybody going to do anything about it or does he have to spend another \$100,000 for attorneys to get somebody to look at this. He said he has engineering reports, all kinds of reports from the DEP and nobody is doing anything, and you want jobs in this county.

**Julie Toye** said the engineer said it was feasible to add on to the current facility and you have not run ads. Commissioner Ambrosini said it is feasible but it is not economical. The woman said all the problems of all the people, and she believes them all, they are digging up a foundation of the Sleighter building without a DEP permit where does that put you guys if you are obligating the county to deal with this company. She said you haven't explored all of the other options and you may think you have but you haven't. She said you haven't run an ad for private properties, it is only people that some of you have talked to and word got out that way. She said there has to be a lot of other private property owners who don't know Mr. Killinger or don't know you personally to bump into you, you don't know what else could be out there, you may be able to find better land closer to downtown. She said they will destroy Uniontown, which is the capital of the county, it doesn't make sense to her when they haven't run an ad and you think people will come to you, what about private property owners who don't even know you are in the market, believe it or not, some people don't even read local media, they really don't and until you get it on the TV news that you have floods or whatever and this building is going up without a DEP permit with your architects and so forth, they may not know and they may not care.

**Ms. Toye** said she doesn't feel that they have done due diligence and every time you say that you just anger everybody here because you haven't even run an ad in the paper for private property except for the jail annex and you got one response and you blew it off. She said that is just her opinion and she asked about the Sleighter building without a permit. Commissioner Ambrosini said that is a piece of private property, that has no concern for us. The woman said they are your engineering and your architect, is Mr. Crabtree aware that building is going up without a DEP permit? Commissioner Ambrosini said Mr. Crabtree doesn't own that and the woman said he is going to rent it and it's his good name, he is the one representing the county in all of this. An unidentified man said Sleighter and Crabtree are building a building without a permit and you can't get a building permit without a sewage permit and that is what happened here at the business park up by Penn State. Commissioner Zimmerlink asked if this is the property we are talking about today. Commissioner Ambrosini said no, property near the State Police barracks.

**Commissioner Zimmerlink** said your point is then that Crabtree and Sleighter Engineering are building a piece of property and they do not have permits, is that what you are saying? She said the planning and zoning director is here and she has just been made aware of it so she can check into it. Sarah Rosiek said they have the appropriate permits for the office and they wouldn't have gone through the land development plan without a sewage permit and she couldn't remember but she believed

it went through North Union and someone said you have to get a sewage permit to get a building permit. Commissioner Zimmerlink asked if the building permit was issued. Ms. Rosiek said the zoning permit was issued the building permit is in the process of being issued. She said the land development got recorded with a sewage letter in the file from North Union Municipal Authority. A North Union Township supervisor said there has to be a transmittal letter to DEP and that has to be done before they can get a building permit. Commissioner Zimmerlink said a building permit has not been issued and will not be issued, is that correct Sarah, and he is a township supervisor, until you get the transmittal letter and appropriate documents, is that right.

**Ms. Rosiek** said that is one of the issues, yes. She said the other is North Union agreeing for the county to issue the permit because North Union goes through K2 Engineering. The township supervisor said they don't for Sleighter, Sleighter does. Another unidentified gentleman asked if due diligence was done on the first piece of property, the second piece of property, the third piece of property, if they were it then, what makes us think that this is it now. He said there was not enough information out about this, there are many, many other avenues here that aren't being explored and it boils down to the fact that the citizens of the county don't want to spend \$60 million on a prison. He said don't you understand, why are you getting ready to do this. Commissioner Ambrosini said it is needed. The man said you have all these issues come up but you did due diligence, you didn't do due diligence because you didn't know about it when it happened. He said they were ready to do this before and people had to say wait a minute, you don't have sewage. He said he thought that was already taken care of, you did your due diligence. He said they looked at a place downtown and they didn't need to hire a warden they needed to hire a captain, you need a boat captain, due diligence wasn't done. He said as citizens they are supposed to expect that this time is it and he is saying that we don't think you did.

**Commissioner Ambrosini** said that is fine, he appreciates the comment. The man said you don't care, you are going to do it anyway, every taxpayer and voter in the county needs to remember this down the road. Commissioner Ambrosini said he is making it into a campaign and the man said he isn't making it into a campaign, he is making it about that they don't care we will go in debt for decades for something there are other options for. He said nobody in this room agrees. Commissioner Ambrosini said he knows there are people in this room that understand we are wasting \$2.5 million in taxpayer dollars every year and the debt service would be less than that. The man said he had one more question, are you affiliated with the ads in the newspaper at all. Commissioner Ambrosini said they are not but he appreciates that and the man said especially for a website that doesn't exist. The man asked who it is and Commissioner Ambrosini asked who it lists and several people said it is paid for by Citizens For A Better Fayette County. The man said it states no Marcellus money, no gambling money.

**Commissioner Ambrosini** said that is why when John Cofchin asked at the last public meeting, he specifically said that as we go forward, we recognize we are running our county facility so inefficiently because it is not efficiently designed and we are sending many inmates outside the county and that equates to about a \$2.5 million efficiency loss

every year and so, and he is sure they picked up on that and that is why they probably put that in there but the fact of the matter is we are wasting \$2.5 million of your money every year. The man said he would like to know why the inefficiencies were there in the first place with all the manuals and policies. Commissioner Ambrosini said you can't have a policy because you have an inefficient designed facility. He said all the policies in the world aren't going to change the fact that we have an undersized facility. Mr. Kriss said no Marcellus shale money, no casino money and not taxes, there isn't a thing government can't do without us, without our money, this is a total falsehood. Commissioner Ambrosini said what he is saying, which seems to not be connecting with people is that we are so inefficient right now because we have an undersized facility and a facility that is not very efficient and it's not because it is 125 years old, it's just because it is designed that way, it was designed inefficiently. He said he is sure for 65 inmates, 125 years ago it was probably OK but now with the amount of inmates we have crammed in there and the additional amount of inmates we have outside the county that we are paying transportation costs, my God we spent \$300,000 this year in overtime costs and transportation costs just getting these people back and forth.

**Mr. Kriss** said they will do the same thing in Dunbar Township, it is the same cars, the same fuel, same tires. He said he brought up an alternative AI to all of you and I got ridiculed in the paper, "historic property owner opposes prison." He said that Greensburg prison, SCI was the ultimate answer to everybody's problems, Westmoreland and Fayette, freebee, turnkey jail. Commissioner Ambrosini said it wasn't free and Mr. Kriss said it was free, they wanted to get it off their plate. Commissioner Ambrosini said that is wrong. Mr. Kriss said with the legislators we have, they could have made it happen for you guys, you would have been in the prison business for free, you would have had to transport them another 15 miles, big Damn deal. Commissioner Ambrosini said the state moved out of that facility because it was inefficient. Mr. Kriss said the point is it was for free. Commissioner Ambrosini said no it wasn't, that is incorrect. He said they wanted \$10 million for it and it would have cost about \$40 million in renovations for that facility, yes we did look into it. Mr. Kriss said he doesn't believe it for one minute. Mr. Cofchin said final comment he promises and Commissioner Ambrosini said he said that three times already but go ahead.

**Mr. Cofchin** said believe me you need all the help you can get, partner so you should listen. He said here's the deal, flush out the history of the natural gas funding and the gaming funding. He asked who was the individual who originally proposed that we were going to use that money for the prison and Commissioner Ambrosini said he did. Mr. Cofchin said we have spent a lot of time and effort getting you up to speed and explaining to you the nature of those funds and now for you to stand up and say, hey look at me, no sorry, we just don't want to misrepresent the situation. Commissioner Ambrosini said he can't explain to him where he can understand. Mr. Cofchin said unless he is going to give a dissertation on quantum physics here today there is nothing that you can say that I can't comprehend. He said intellectually bud, we can go head to head as long as you want. He said your arrogance AI is what is dragging you down here, your assumption that you know things and understand things that nobody else knows or understands is totally inaccurate.

**Mr. Mazza** said this entire project has the same smell as the Uniontown School District a couple years ago. He said the board at that time wanted to build a Taj Mahal high school and they were letting everything and the costs get up as high as they could to justify building that. He said we got rid of them and we brought in people, we did three schools, renovated, three schools for less money than it cost to build that Taj Mahal that they wanted to build. He said you know who did it, the same architects that you are talking about and they did it because we told them what we wanted. He said that is the same thing here, you told them what you wanted and they are doing what you want done. He said that is exactly what it is and they have to leave. Commissioner Ambrosini said he wanted to make statements and a couple people said they still wanted to comment. Commissioner Ambrosini said they can still make public comment. He said first of all, when they formed the prison working group in 2012 it was done by asking for volunteers, all the stakeholders who can contribute something to this project.

**Commissioner Ambrosini** said county officials, there were private citizens that volunteered that had various skill sets, whether it was law enforcement or other skill sets and he said he personally has to commend all these people that spent a lot of hours working on this project. He said one of the things that he has learned over the course of his career is that not one person can do anything productive, you need a team of people going to solve problems. He said this is a significant problem for the county that has needed solved for decades. He said the people who are involved in this project he wants to thank including the members of the prison, also the courts here, the district attorney's office, Mr. Jim Killinger, a private citizen who has done a lot of legwork going out looking at properties all over the place that have been submitted by private citizens and also properties that are county owned and he appreciates everybody's comments. He said he just wants to point out that we do have and we are continuing to have a lot of input from the stakeholders on this project. He said it will be a successful project and it will be cost effective for the taxpayers, which is the most important part.

**Commissioner Ambrosini** said in addition there are other opportunities for us to incorporate programming into this facility to help reduce the recidivism rate and help make productive citizens out of some of these people. He said they are working with Penn State on an internship program where they will be able to provide better and better programming in terms of psychological and other criminal justice areas and have a continuous improvement process. He said this facility will probably be and he is sure it will be noted statewide if not further for some of the innovative things that we intend to do to improve the safety and well-being of the community which is our objective here. He said he doesn't want people to think they are haphazardly going into this, they are taking advantage of every opportunity that is associated with solving this problem. Following a discussion about the thermostat, Commissioner Ambrosini again asked for public comment.

**Michael Cavanagh** said he just listened to him trying to sell his plan again. He said his previous site, the fairgrounds site, which was a free property, correct, it didn't have sewage so you abandoned it, right? Commissioner Ambrosini said there were a number of reasons why they changed that. He said one of them was the access, with enough

money you can do anything, but we want this to be effective so. Mr. Cavanagh said as an elected official you are getting a lot of input here. He said you have two township supervisors, one Mr. Tupta here who said you would be crazy to enter into this agreement because of the sewage problems. He said there isn't going to be an agreement until the sewage is corrected. He said did he hear that correctly, you have two township supervisors from North Union Township who told you that you would be crazy to do this. He said this gentleman here has all these problems, he is telling you about the sewage backing up, you are going to put \$1.25 million out to buy this property and they are telling you about sinkholes, drainage problems, this property seems worse than the last one, the difference is we are going to pay \$1.25 million for it. He said you have sewage right here and you have plans back here, you don't listen to common sense, you are just dictator Al telling us how and when the room gets hot and some comments are made you are telling people to stamp down any personal attacks yet Mr. Killinger gets up and he is pointing his finger at a citizen and you thanked him for his service. He said you talk about not making personal attacks, does that include your letters to the editor that you write.

**Commissioner Ambrosini** said he doesn't write letters to the editor. Mr. Cavanagh said what about your guest commentary about me with lies. Commissioner Ambrosini said that wasn't lies. Mr. Cavanagh said it wasn't accurate, you said I was in her office writing a letter. Commissioner Zimmerlink said the editor said it was a lie. Mr. Cavanagh said the editor said it was a lie, he is making a point that you camp down certain people for public comment that you don't like and you try to rush these meetings through, this is grossly inadequate to have a meeting here of such a magnitude and have people standing all the way in the hall to the commissioners suite, all the way out, you just don't get it, this isn't private Al's business, this is the public's business that you are dealing with. He said there have been plans and he would disagree with Commissioner Zapotosky that some of those plans where you add on do add cell space if you add on to the back, you could build a, and he wrote letters to the editor and multiple people with common sense said you could build a two-story annex, then remodel the prison and you would have adequate space all right here where the sewage is where you don't have to upgrade.

**Mr. Cavanagh** said he doesn't understand how he can entertain an idea to buy a piece of property where you have a township super who is on the ground every day that told you that you would be crazy to buy it, how can you entertain doing that and wasting \$1.25 million of the taxpayers money to purchase a property where you have all these problems. He said you disrespected this guy, you won't even look at his pictures, you just passed him, this guy has real concerns, he is a business owner, he pays taxes, he is your boss. He said these people are the ones who elected you to this job and since you got it, I don't think you get the job. He said this isn't private business, this is the public's business. Commissioner Ambrosini said he has 136,300 bosses, he doesn't have three. Mr. Cavanagh said he doesn't think he is taking them into consideration and he doesn't know too many people who have been for his project. He said with all the problems he has heard today from township supervisors, who he will trust by the way, when is the last time you raised taxes in North Union Township? 52 years, when is the

last time you raised taxes AI? Day One when you came in you raised taxes when you went to meetings of conservatives and said you were not going to raise taxes, irregardless, he said he will trust the local officials who say that you are crazy for doing this, not my word, that was his word and he thinks it is an appropriate word with this gentleman telling you all the sewage backing up every time it storms and all the photographs that you just seem to ignore.

**Another gentleman** said if it is going to put the county in debt \$60 million, what is the contingency over the next 30 years? He said we are what, \$10, \$20 million in debt now and another 60 so everybody needs to be careful where they step because if they fall down and have any problems we are already \$80 million in debt. Mr. Kriss said in 30 years for this project and you are so deep in debt. Another gentlemen said there is legislation right now that would affect the county with the Sheriff's office. He said we are supposed to incur more debt then when we already have this much, why not compromise. He said there is nobody in this room that doesn't believe we can't cost effectively find another solution. Commissioner Ambrosini said we have already looked at band aids and band aids aren't cost effective. Mr. Kriss said quit using that word, it is a sickening word, band aid and hemorrhaging, get real. Mr. Cavanagh said he wasn't done, he said here is Mr. Laskey's business under water right adjacent to you and you just pushed him off though because you didn't want to see, does it sort of remind you of the property you are considering for the women's annex that has been under water twice in the last 10 years? Mr. Kriss said a women's prison on stilts.

**Mr. Cavanagh** said he doesn't know who is making these recommendations or who is selecting these sites but the annex behind the courthouse which was implemented and holds around 80, has worked. He said it has not flooded since it has been there and you have property directly behind the courthouse where there is a parking lot that can be utilized. Commissioner Zapotosky said it is in a flood plain. Mr. Cavanagh said it is higher than the one that has never flooded. He said has the courthouse flooded, it's level ground. Commissioner Ambrosini said the place where they would like to put the prison has never flooded either. Mr. Laskey said here is right beside the prison. Mr. Cavanagh said he could put his bass boat in there and do some fishing. Commissioner Ambrosini said the elevation where the prison is going to go is much higher than these photos here. Mr. Cavanagh said if there is not a major sewage upgrade, they told you they have not signed on to this, it is going to tax their system, it's going to overtax the sewage system that is there which may not be as adequate or might need more upgrading as that goes on. Due diligence, you are in the paper saying "I'm excited about this," did you say that?

**Commissioner Ambrosini** said he is excited about building a facility that has been long overdue. Commissioner Zapotosky said what he is tired of is signing POs to other counties for tens of thousands of dollars every month. He said he is tired of lowering another county's taxes by a quarter mill, I'm tired of doing that, I'll tell you that much, he said. Mr. Cofchin said they haven't made the argument that method is less expensive, to this date can somebody tell me the total cost of this project and the way we are going to pay for it, he said he hears him say efficiencies and it sounds like the guy who

invented the perpetual motion time machine, it sounds good but efficiencies, efficiencies, Al, think about it, you were an engineer, efficiencies are going to pay all this debt. Commissioner Ambrosini said you want to know about efficiencies, let me explain. Mr. Cofchin said he knows a lot about efficiencies, bud. Commissioner Ambrosini said let me explain for a second. Mr. Cofchin said his question is what was the cost of the project, total cost of the project is the question, method of payment of the project is the question, try not to get distracted. Commissioner Ambrosini said the total cost of the project is going to be \$29 to \$30 million. Mr. Cofchin said that includes sewage and property and Commissioner Ambrosini said yes. Mr. Cofchin said, really, \$29 million and Commissioner Ambrosini said \$29 to \$30 million, in that range, we don't have any firm prices yet. Mr. Cofchin said how can you venue an estimate if you don't have a firm price. Commissioner Ambrosini said just like in any business proposition, an engineering estimate. He said they know about what it is going to cost per square foot.

**Mr. Cofchin** said \$30 million, and the method of payment, it will be if you are financing \$30 million, rough math, \$2 million or a bit for more 30 years to pay it back, correct? Commissioner Ambrosini said \$1.8 to \$1.9. Mr. Cofchin said \$2 million per year to pay it back, so until we get to the point where the cost of sending prisoners out reaches \$2 million, that's still a bargain. Commissioner Ambrosini said let me explain, give me an opportunity to explain. Mr. Cofchin said he has had like a year to work out these details and we still don't know any of the details, but go ahead. Commissioner Ambrosini said let's start with the men's annex. Mr. Cofchin said no, let's start with the jail. Commissioner Ambrosini said OK, we'll start with the jail. He said our current jail right now we have about 190 inmates. Mr. Cofchin said he read all of this, his question is this, until you reach a point where you are spending \$1.9 million. Commissioner Ambrosini said if you want to hear the facts, just give me an opportunity to speak. Mr. Cofchin said go ahead.

**Commissioner Ambrosini** said the men's annex was built in 2002 and it was designed to hold about 75 people. He said because it is a separate building, we have to have two corrections' officers there and a floater that comes around. He said in an efficiently designed facility we could watch that same amount of people with one correction's officer, one post, which means that this annex costs us \$320,000 a year because of the extra post we have to have there 24 hours a day, seven days a week, 365 days a year so those costs, labor costs are \$320,000 a year. He said in the 12 years that has been in operation, we have spent approximately \$3,840,000 more than we needed to because we have to have additional people there because it is a single, standalone facility. He said if you go to our existing facility, the one that was built 125 years ago, because of the way it was designed we have people in corners, places where there was never intended to be inmates in, we have a ratio of inmates to correction's officers of 1 correction's officer for 26 inmates. He said efficiency-wise, we can basically save three times when we move into the new facility because we will have one corrections' officer watching 70-some inmates because of the way it is designed.

**Commissioner Ambrosini** said with 190 inmates and the number of correction's officers we can reduce, that's about another \$1 million a year that we can save and we

are not even talking about the inmates we are sending outside the county. He said yes, we can save about 1 point, or \$2.5 million here, just through efficiencies and we are not even talking about the transportation costs that we are wasting \$300,000 a year by sending inmates out the various facilities as far away as State College, Indiana, Beaver, Butler, Greene County, about six or seven facilities that we currently have inmates in today. He said when he talks about efficiencies he is talking about cost savings across the board and labor cost because 65 percent of the labor cost, or 65 percent of our costs for our prison is labor costs and he is not touching on the healthcare that we have to provide for inmates outside the county that we have to pay extra for when we have our own physician and nursing staff here, already stationed here, 20 hours a day or whatever it is, so yeah John there are a lot of efficiencies to be gained and we are not even talking about the programming yet.

**Mr. Cofchin** said he is ignoring the three hots and a cot factor, whenever you send prisoners out of town, that reduces your overhead. Commissioner Ambrosini said it doesn't because we are filled up. Mr. Cofchin said someone, not us is paying that price, right? Commissioner Ambrosini said we pay to send them. Mr. Cofchin said we pay to send them and that reduces your overhead for holding those prisoners. Controller Sean Lally said when an inmate leaves the prison, there is a bed that is waiting for somebody else and we would not send people out if we had vacant beds, that defies logic. He said that being said, it is a complete tangible cost because you are paying to transport them, you are paying the fee to the prison to house them, God forbid they get sick, you are paying the fee to the medical services involved, you are paying overtime to the guards to transport them and you are also paying for any other ancillary issues that may happen along the way, there is not a reduction in cost when an inmate is moved from our facility to another facility.

**Mr. Cofchin** said when you bring them back to town, is there an additional cost there? Controller Lally said yes, if they have to come back for a hearing, sure, if there are costs to transport them, but the new prison is going to have a Commonwealth Courtroom in it for a Magisterial District Judge and the efficiencies that Commissioner Ambrosini is speaking of is what is going to make this project a success. Mr. Cofchin said for the taxpayers he certainly hopes he is right. He said it defies rational thought that it will be free to the taxpayers, I guess we will just have to wait and see. Mr. Cavanagh said there is still costs, if you have a prison that only holds 300 and you are sending people out and you have a prison that holds 500, instead of sending them out you are still housing them, you're still paying both ways, he doesn't know how much of a savings. Commissioner Zimmerlink asked if there was any other public comment.

**Mr. Laskey** said he had one more question he wanted to say and he wanted it on the record, you are going to put this prison down there with these failed infrastructure, are you going to fix the infrastructure that is there now with all the problems that we have, are you going to help this and get this taken care of, he wants to know if they are going to do that. Commissioner Ambrosini said he is sure there are going to be improvements. Mr. Laskey asked if they will take care of all the damages now and everything that has occurred. Commissioner Ambrosini said he doesn't know what all the issues are with

the system, the sewage system we are talking about, right, but he is sure that whatever needs to be upgraded will be done appropriately. Mr. Laskey said the sewage situation becomes a problem because of the flooding because the flooding gets into the sewer system and blows raw sewage out the manhole covers, it backs the system up and it blows all the water, we all have check valves on our lines now and it took five years to get those, but he just wants to know is he to keep his business down there in this industrial park or should he just take the loss and leave and take the jobs with him because he isn't putting no more money into this business, this cesspool.

**Commissioner Ambrosini** said he would encourage every business to stay in Fayette County. Mr. Laskey said you would, how come I can't get help, we lost four businesses already due to flooding. He said the people next to him have trailers floating out of their lot. Warden Miller asked if that issue was ever brought to the commissioners. Mr. Laskey said it was brought to the DEP, the redevelopment authority every... Warden Miller asked if it was brought to the commissioners. Commissioner Ambrosini said if he came to see him, he would be more than happy to review. Mr. Laskey said he wanted to know why the commissioners can make DEP do their job. He said there are citations down there left and right and people are getting away with murder and nobody cares and it is costing us business owners thousands and thousands of dollars to get this problem. Warden Miller asked if the commissioners knew it was flooding, and Mr. Laskey said they don't know, he thought they knew about everything, they are going to be getting sued.

**Warden Miller** said he is just saying that he would have brought that issue to the commissioners, definitely. Commissioner Zimmerlink said it is an industrial park, and said, are you done, and Mr. Laskey said yes. She asked if there any other public comment. Commissioner Zimmerlink said she has to make some comments, because she has to do her due diligence as well. Mr. Killinger said responding to Mr. Cavanagh and Mr. Kriss, he wants to make something very clear here. He said he has said it in the newspaper and at commissioner's meetings, he is a public servant, he is doing this on his own time and his job is solely to find sites. He said when they use his name Mr. Cavanagh and Mr. Kriss, in a negative manner without facts he is going to respond and if it means pointing his finger in their face that is what he is going to do. He said he has done it in commissioner's meetings to one of our commissioners and if you are going to talk about him, talk about the truth, talk about the facts and be transparent. He said I don't criticize you and I don't criticize Mr. Kriss or you, young lady, just tell the truth and the facts and use my name, but when you do it in a negative manner that's not true and not factual, yes I am going to respond and if you don't like it, that's too bad, "that's all I have to say."

**Commissioner Zimmerlink** said she has to do her due diligence because she is being asked to vote on something and she was informed Monday afternoon of this site, without, the only thing that was provided to her was the resolution as well as the parcel numbers. She said she is glad that they now see an aerial view but they need to go through a few things. She said the first thing is regarding Mr. Laskey. She said everything that he said is accurate, OK, and she got the aerial view now, five minutes

before we are supposed to vote on it. She said everything that Mr. Laskey said is accurate and can be documented by simply contacting the DEP. She said he has been working with this problem for years, he has gone to legislators and he has gone to DEP and he has gone to the local officials and they have done everything that they possibly can do. She said he came to me a few months back and she has been in contact with DEP and DEP has documented and confirmed that there is raw sewage, they have documented and confirmed that there is water overflow problems, documented that the building permit was in fact issued without a DEP approval, documented and confirmed, OK, this isn't just talking generally, so all of that information, contact the DEP.

**Commissioner Zimmerlink** said as a matter of fact, he is correct, businesses have moved out of the industrial park because of that. She said one of the questions that he asked is why citations were not issued. She said documented and confirmed, she has the documentation from DEP, that yes, that was not done, but they for litigation purposes they don't know whether or not it is worth it cost wise to bring litigation against the individuals who failed to have the buildings built and the permits not issued. She said they are trying to look for a solution and one of the solutions is to divert the water and, but that is going to cost money and as they stated, the state has no money. She said she does have a meeting scheduled with DEP and they just got back to her about two weeks ago and indicated that they would meet with her on this matter and we also had state representatives involved as well. She said everybody acknowledges that the problem exists, everybody has documented proof that the problem exists, the problem is that it will take money to fix the problem, in the meantime, you have lost businesses and you just heard that this individual say that he may have to leave as well. She said that is regarding Mr. Laskey's comment.

**Commissioner Zimmerlink** said Mr. Cofchin made a comment that a site analysis should be done and he made reference, he asked to see the geo survey and Commissioner Ambrosini said he has read it and he will give it to Mr. Cofchin by the end of the week. She said this geo survey should have been something that should have been provided to both commissioners. She asked Commissioner Zapotosky if he has read the geo survey and he said he scanned it. Commissioner Zimmerlink asked if he asked for it or was it provided to him. Commissioner Zapotosky said he saw it in Commissioner Ambrosini's office. Commissioner Zimmerlink said it wasn't offered to her for review and Monday afternoon is when she found out about this meeting by Chief Clerk Amy Revak and in order for her to do her due diligence she wished she would have been provided the information, the specific geo survey on the specific three parcels, OK. She said it is difficult to do due diligence when, as soon as you knew you were going to place this on the agenda, just provide me the information, I'll stay up and read the information so I will be up to speed on it.

**Commissioner Zimmerlink** said the North Union Township supervisors made some comments regarding this 537 plan. She said her question to the North Union Township supervisors is when did they first learn that these parcels were being suggested or the new jail site, could you please tell me. A supervisor said they met with Sleighter Engineering and AI, it was very preliminary and Commissioner Ambrosini said a month

and a half ago. Commissioner Zimmerlink asked if they brought their concern. The supervisor said they were just looking at sites at that time and they haven't met until today. Commissioner Zimmerlink said she understands that, since they did their preliminary review, because you are one of the stakeholders, OK, you did a preliminary review, since that time you learned about the sewage, did you inform the county about some of these problems. The supervisor said he sent a letter to the commissioner, to Rob Sleighter. Commissioner Zimmerlink said she would like to have a copy of that because he said Mr. Sleighter, who is under contract with the county, provided it to the commissioners. The supervisor said it was about the upgrades that are needed for it. Commissioner Zimmerlink said OK, and this here was forwarded, provided to the county, apparently, right? The supervisor said yes.

**Commissioner Zimmerlink** said again, there are three commissioners, so. She asked Commissioner Zapotosky if he received it. She said we do need definitely need to look into that. She said Mr. Kriss had a question regarding the flight path, we have the manager of the airport here, could you please tell us if this is an issue. She said she knows that he is just the manager and he isn't FAA, but could you bring us up to speed as far as the airport, is it in the flight path, have you talked with FAA or BOA. Mr. Bud Neckerauer said he explained this and it was in the newspaper. Commissioner Zimmerlink said this site that was just selected. Mr. Neckerauer said the problem was with the other site, no it wasn't in the flight path, Connellsville has a left hand path. He said coming along here, you would turn here. He said Mr. Krisses house is also not in the path. He said because Connellsville has a left hand pattern, no they would not fly over top of that and the FAA would not let you do anything that would violate safety.

**Commissioner Zimmerlink** said she understands that. Mr. Neckerauer said if this is the dot you are talking about and Commissioner Zimmerlink said what is that dot and Commissioner Ambrosini said it is the proposed location for the prison and Commissioner Zimmerlink said she doesn't know what it is, why would you ask me, I don't know. Mr. Neckerauer said he is assuming that is where she was talking about and if you come down this way and turn for the left hand pattern you don't even come close to that. He said when you are flying in on 2-3 and this is not our primary runway, when you come in on 2-3, you fly over the fairgrounds buildings, at the altitude you are at there you are not in the flight path. He said you are in the flight path, but you are legal. Commissioner Zimmerlink said her question has nothing to do with the fairgrounds or the private property, her question is solely about the airport and you just said that is the proposed according to Commissioner Ambrosini. In your opinion as the airport manager, it is not within the flight path, is that right. Mr. Neckerauer said in his opinion as the airport manager and a pilot, no it is not in the flight path.

**Commissioner Zimmerlink** asked if he as the airport manager, discussed this with the airport board. Mr. Neckerauer said no, there was no need to, it wasn't in the flight path. Commissioner Zimmerlink asked if as the airport manager has he discussed this or brought it to the attention of the FAA to make certain that it is not an issue. Mr. Neckerauer said he hasn't. Commissioner Zimmerlink asked if he planned to do that and he said he sure will. Commissioner Zimmerlink said now that he has learned

because she is assuming he just learned about the site today, you will be contacted FAA to address those issues. Mr. Neckerauer said he will contract the Bureau of Aviation. Commissioner Zimmerlink said the Bureau of Aviation, the Bureau of Aviation is different than the FAA. Mr. Neckerauer said the Bureau of Aviation deals with the FAA and the FAA passes it down to the Bureau of Aviation, which deals it down to me. Commissioner Zimmerlink said she is just going down in order of the comments, so some of this may be out of order. She said Commissioner Zapotosky said this resolution is just the first step, it is not just the first step because it does say that we shall enter into negotiations, which that doesn't even make any sense because she doesn't know what more negotiations Mr. Cupp, "you could be talking about because you have outlined the following terms and conditions and you have already, not you Mr. Cupp, unless you have, have already negotiated a price and that is why it says it's \$1.25 million, so it's not the first step, steps have already been taken and she does agree that yes POs have been issued for payment of other counties but there are a lot of reasons why and she will get to those, a lot of reasons why we have out of county rentals and those out of county rentals are not being properly addressed," she said.

**Commissioner Zimmerlink** said that Commissioner Ambrosini said there is no room for expansion on our existing site that is incorrect. She said anyone can come to her office and she will provide them with the information from Kimball Architects back in either 2006 or 2007 for \$6.7 million for a vertical, vertical, OK, 120 bed, alright, so that is incorrect information. She said also when she says things at this meeting, she has documents to back it up. She said anyone can ask her for those documents and so it should be printed as such and it normally is by the, she would say most of the time, 99 percent of the time, by the reporters, whereas when you ask Crabtree/Sleighter and Commissioner Ambrosini and others, we don't have the documentation, they just say. She said to Controller Lally that she didn't bring his name up, and Controller Lally said in case it is implicit, the numbers that he gives are accurate. Commissioner Zimmerlink said she isn't talking implicit, hear the words, OK, now, so that is incorrect. She said Commissioner Ambrosini also said that people here who are questioning are trying to stop the project.

**Commissioner Zimmerlink** said she has not heard anyone, whether or not it is in this room or outside that says don't address the problem, it's the manner in which we address the problem. She said there are other options that should have been considered, she made a motion at our agenda meeting to place it on the agenda to hold a meeting to look at these other options and did not get a second. She said the other statement that Commissioner Ambrosini said that it would be too expensive, as per Crabtree, to build on site. She said well, one of the things that has always been omitted is that part of his plan, Crabtree's plan, included over a \$2 million parking garage, well take that right off the amount that was submitted because we do not need a \$2 million parking garage so that number should come directly off the proposal submitted by Crabtree. She said the other statement is that a new building is going to be more efficient. "Bricks and mortar as I said does not make it more efficient," she said.

**Commissioner Zimmerlink** said what is going to make it more efficient is proper jail administration and she has stated that there has not been proper jail administration and DOC has made those comments for two years straight in a row, OK, as per their own records. She said you want to know why we have lack of space, some of the reasons is because, just yesterday she had a mother of an inmate say that an inmate is supposed to be released today and there is no information as to whether or not that inmate is going to be released. She said she has on her desk a pile, a stack of complaints and she brought them, each and every time to the warden's attention and to the court's attention as to why inmates were not released timely. She said when you are not released timely that means you are staying in a bed, OK, not only in Greene County and the other counties but that's extra cost. She said last prison board meeting they were told that they had 14 inmates sentenced to go to the state and there are issues between the state and the county as to why these 14 inmates have not been released.

**Commissioner Zimmerlink** said there's 14 beds right now, we need to look at the issue of beds, not necessarily and solely concentrate on the issue of cost, transportation cost, things of that nature. She said when inmates are properly and timely released, and she just got something from the court administrator yesterday asking her about some of these things and she said that is jail procedure that is not court procedure and as soon as the court orders the release it should be done. She said build a brand new jail for \$30 some million, if you don't correct those problems, those issues, then you are still going to have those issues at your justice center, it's just that you are not going to hear about them, that's going to be the difference. She said the question about the old police station, she has spoken with the owner, if you are referring to the one directly across from the jail, she has spoken with the owner, did bring it up to the commissioners, and actually in the presence of Patty Yauger of the Herald-Standard, reporter, as she and I were leaving the jail after a prison board meeting, Commissioner Ambrosini and District Attorney Heneks were walking and Ambrosini looked at the building and said, hey Jack, there's where Commissioner Zimmerlink wants to put a new jail, and they laughed, well it's not funny. She said Patty Yauger stood there and she saw that as well, it's not funny.

**Commissioner Zimmerlink** said that building is in a location, not the building itself, there are some people who believe that could be renovated, she thought so too before she looked at it because somebody called me and said why don't you take a look at it, well of course you are going to explore that option, but the space is an option to explore, OK, but again it was just pushed aside. She said Commissioner Zapotosky stated that correctly, that two appraisals need to be done, OK, before any action can be taken. She said, Solicitor Cupp, as per the county code, it does state, tell me if I am incorrect, it does state that in order for the county to purchase a piece of property that you have to get an appraisal from our chief assessor as well as an independent appraiser, is that correct? Solicitor Cupp said that is why it is included in this resolution. Commissioner Zimmerlink said OK, that hasn't been done yet, correct, to your knowledge? Solicitor Cupp said not to his knowledge. Commissioner Zimmerlink said you are the Chief Assessor, Bill Lukach, you have not provided on the value of this building, is that

correct? Mr. Lukach said he and Frank Coppolino visited the site for the first time yesterday and gathered some information to prepare our appraisal report.

**Commissioner Zimmerlink** said you have taken the initial step but you have not provided an appraisal, is that correct? Mr. Lukach said correct. Commissioner Zimmerlink said Mr. Coppolino is a real estate appraiser, correct? Mr. Lukach said correct. Commissioner Zimmerlink said you are both supposed to be independent giving appraisals so she hopes that he is going to stay independent, you don't need to visit the site at the same time and compare notes, and they have to be independent. She said her question, her statement here is that the county has not obtained an appraisal as you just said but yet has made an offer of \$1.25 million. She said this isn't for you to answer, you just confirmed that you haven't provided it yet, but in the resolution that is before us, not one resolution, but even the one on the agenda, an amount of \$1.25 million is being, she is supposed to say yes to, but yet we don't even have an appraisal, it makes no sense, why would you make an offer and why would you negotiate, the county code as the solicitor just said, that is required.

**Commissioner Zapotosky** said an offer, or an asking price. He said he didn't mean to interrupt and apologized, but what he sees here is a document that says negotiations which to me means that price is not set in stone, am I correct Commissioner, and Commissioner Ambrosini said that is correct. Commissioner Zapotosky said he would think that they would do negotiations with the party in question on the asking price. He said you didn't walk up to them and say you would pay them a million two, did you, or did they say that? Commissioner Ambrosini said it was in the letter that they sent with the asking price. Commissioner Zimmerlink said who sent a letter and Commissioner Ambrosini said Fay Penn. Commissioner Zimmerlink said Fay Penn sent a letter to whom? Commissioner Ambrosini said to him and Commissioner Zimmerlink asked what it says. Commissioner Ambrosini said that it says everything on the resolution and Commissioner Zimmerlink asked if they made an offer to sell. Commissioner Ambrosini said yes, it is everything that is on the resolution. Commissioner Zimmerlink said she would like to have a copy of that letter as well. Commissioner Zapotosky said it is an asking price. Commissioner Zimmerlink said it is an offer to sell and they are asking 1.2 and a resolution is well yeah, we're going to change the 1.2 and we don't even have an appraisal.

**Commissioner Zimmerlink** asked when they sent that letter and Commissioner Ambrosini said he thinks it was in December. Commissioner Zimmerlink said well, due diligence, let's see here, and individual back here said the county had rezoned the property for Fay Penn to put, so Fay Penn could do the industrial park, correct? She said she recalls that and that is something good, rezone the property because Fay Penn should, that is our lead economic development agency, had she knows that they were not going to seek and entice new businesses and instead sell the property to the county for a jail that is not an economic development building, she believes she would have done some more questioning herself but people do not always tell the full, complete and truthful information at the time. She said another individual had made a comment about whether or not we did our due diligence in seeking properties. She said we are taking

the word of Commissioner Ambrosini where he said he and his team have done due diligence. She said she would want a list of what those properties he and his team have looked at, how does she know whether or not due diligence has been done just because a person says that it has been done.

**Commissioner Zimmerlink** said she knows that there are at least three properties in which telephone calls were made and they haven't even received a telephone call back. She said she doesn't know whether these three properties that were offered meets any of the criteria or not, we are taking the word that it does. She said the only way she is going to know is once she has the information. She said that Commissioner Ambrosini said that our prison is so inefficient, well OK, again, one of the reasons why it is so inefficient is because there are beds that should be empty that are not empty and when you don't have timely release of the inmates then you have inefficiency. She said we have documented proof that we have sent sheriffs over to counties to pick individuals up, come back and actually had the wrong individual. She said that is called inefficiency, bricks and mortar is not going to correct those inefficiencies.

**Commissioner Zimmerlink** said as far as the due diligence and whether or not the stakeholders as they say or the individuals who are part of the prison working group, he said he wanted to commend those involved in the project, she can tell them that one of the people involved in the project is Crabtree/Sleighter. She said she isn't going to commend Crabtree/Sleighter when they did a prison needs study and they tell individuals in the community and the public that there's sewage available when there isn't. She said how does she know that anything else they say or do in the future is accurate, you question that. She said Mr. Killinger had stated that all the information that he has presented as a volunteer has been truthful and factual. She said no doubt he may believe that the information he has presented is truthful, however it was not factual and she has that documentation in her office directly from DOC when she specifically asked DOC if it was accurate that our jail will be closed down by the DOC because of ADA requirements. She said the DOC in writing said no, that is inaccurate information.

**Commissioner Zimmerlink** said she isn't saying that Mr. Killinger lied or didn't lie, what she is saying is that he relayed information how he understood it and said yes, we are not ADA compliant and they will close us down, which is contrary from DOC and also in one of our commissioner's meeting, and she brought this up at the last meeting, that he read a report into record citing a title and a Chapter 49, and Solicitor Cupp, I asked you to pull that title and Chapter 49 because it said it met the, it deals with the criteria and requirements of the jail, we you able to find Chapter 49? Solicitor Cupp said it was a bad citation, he could not find the particular chapter number we were talking about on Westlaw. Commissioner Zimmerlink said you did your due diligence in looking for that, correct? Solicitor Cupp said he used the industry standard computer search facility and database. Commissioner Zimmerlink said she specifically at the commissioner's meeting asked for that information, again, well Angela, well Commissioner you know, you can get it off the internet. She said she came back to her office and she attempted

to get it off the internet as per the information provided by Mr. Killinger, documented, and it wasn't on the internet, she asked the county solicitor and he was unable to.

**Commissioner Zimmerlink** said it is real difficult to do your due diligence when you don't have, number one, the information and number two, the accurate information. Mr. Killinger said Title 37, Chapter 95, can you get the facts accurate here? Commissioner Zimmerlink said the facts are accurate Mr. Killinger because you read it into record. Mr. Killinger said it is on the website. Commissioner Zimmerlink said no, your statement, no it's in the minutes, Mr. Killinger it is in the minutes, it is. Mr. Killinger said no. Commissioner Zimmerlink said absolutely, Mr. Cupp, did you look at that document? Mr. Killinger said it is Chapter 95. Commissioner Zimmerlink asked if he looked at that document, Mr. Cupp, I provided it to you. Solicitor Cupp said he looked at it and he was told what the cite was and based on his records. Commissioner Zimmerlink said the document that she handed him was signed by Mr. Killinger. Solicitor Cupp said yes. Commissioner Zimmerlink said, did it not say Chapter 49. Solicitor Cupp said yes, it said something that didn't exist. Mr. Killinger said what did he sign, show him the document he signed.

**Commissioner Zimmerlink** said she will show it to him. Mr. Killinger said right now, he wants to see the document that he signed, he wants to argue about it. Commissioner Zimmerlink said, Chief Clerk, you have the document because you, don't look at me like, you do, you have the document because you put it as part of our minutes, he read it as part of the record and you made it a part of the minutes. Commissioner Zimmerlink said she will get it to you. Mr. Killinger said if 49 is in there, it is not correct, everything he has says Chapter 95. Commissioner Zimmerlink said Mr. Killinger said she is simply telling him that he typed 49, you read 49, I gave that to them so, I am accurate, it is part of the minutes. Mr. Killinger said it is Chapter 95, is that clear? Commissioner Zimmerlink said it's Chapter 49, that's what you wrote, is that clear Mr. Killinger? She said she went on a wild goose chase. Mr. Killinger said he didn't recall the Chapter 49, he is saying it is Title 37 Chapter 95. Commissioner Zimmerlink said she went on a wild, she knows it's a state law because after she looked up Chapter 49 she had to go back and find out that it was 95. She said she her time was wasted and his time was wasted.

**Commissioner Zimmerlink** said yes, she found Chapter 95 and you know what that is, it has nothing to do with building requirements, do you want proof of that, I'll show you. Mr. Killinger said it has to do with regulations at your jail. Commissioner Zimmerlink said she understands, again, documentation from DOC. She said the other thing, as far as the site selection process, there was no public advertisement to seek proposals, that means there has been a very narrow search being done so there is not due diligence, that's the first thing. She said, here's something that, she will be done it two minutes, Fay Penn came to the commissioners just last month, last week, and this was a unanimous vote, OK, and information was withheld, OK, and here's the information that was withheld. She said there was a cooperative agreement that it says Dunbar Township Business Park road and infrastructure development project, a cooperation agreement, and Fay Penn intends to undertake a \$2.7 million road and infrastructure improvement property, improvement project at the Dunbar Township Business Park.

**Commissioner Zimmerlink** said that they said that they received and secured a \$1 million grant for the road and infrastructure. She said this agreement here was for the county commissioners to agree and support and be the host municipality for an additional grant of \$1 million. She said Solicitor Cupp said that although it says that the county would reimburse the project or the Commonwealth of Pennsylvania for any expenditures found by the office to be ineligible, he said there is a hold harmless clause in here so if another \$1 million toward this project is given and it is found ineligible, he says in his legal opinion, the county won't be held responsible, well we'll find out of the county will be held responsible when we contact the Commonwealth of Pennsylvania because they are the only ones who are going to be able to tell us if the county would be held responsible. Solicitor Cupp said that wasn't exactly what he said, he said that Fay Penn would hold us harmless, which means that if the Commonwealth found that there were deficiencies and you were asked to ante up, you could turn around and get the money back off of Fay Penn.

**Commissioner Zimmerlink** said maybe they will give us the 1, they can keep the \$250,000 because we are just going to give them a million dollars here to buy the property. She said the information was not disclosed and you just heard from Commissioner Ambrosini that back in December an offer of purchase was made, an offer to sell this property was made. She said it should have been disclosed at the commissioners meeting that this business park and this acreage was part of the business deal and it was not and he knew it, we just found out today that the property was subject to an offer to purchase back in December, well then when we had our meeting on Tuesday that should have been revealed period. She said Fay Penn is the county's lead economic development agency. She said she isn't making that up, that is done by a resolution of the county commissioners. She said Fay Penn is supposed to, by virtue of being the lead economic development agency, is supposed to have these sites, such as the Dunbar Township Business Park, to seek out state, federal grants and any other monies that might be available for road and for infrastructure.

**Commissioner Zimmerlink** said and then to use those state monies and/or county and state matching grants, whatever the case may be, to entice new and existing businesses to grow Fayette County, OK. "I support that, and what happens here," she said. She said after money is being put into this business park for infrastructure, it's being sold to the county for a jail, which is a non-economic development toll. She said we need to get rid of Fay Penn as our lead economic development agency, adding that she said that years ago, OK, never would get a second and probably today wouldn't even get a second. She said the Crabtree/Sleighter, to have all of this information and to not present it both of those individuals, the contract, if we have a contract, should be gone as well, OK, plain and simple because their information is not accurate and it's been proven. She said she has a question for Art Cappella, where is Art Cappella, Sarah, I asked that he be here, where is he. Ms. Rosiek said he is at another meeting. Commissioner Zimmerlink said sorry for the late notice to you, but late notice was to me.

**Commissioner Zimmerlink** said he is responsible in your office to try to obtain grants, correct? She said could you tell us on his behalf what he has been doing in order to secure the state grants and if any of these state/federal any type of grants if there are any county matches because we only hear numbers that are being thrown out, it may cost \$29 million, \$26 million, what do you know? Ms. Rosiek said she has the information written down, as far as she knows he has looked for grants that he is able to apply for and the county match is half. Commissioner Zimmerlink said half of what. Ms. Rosiek said the number, is that what you are asking, something like \$2 million. Commissioner Zimmerlink said it is a \$2 million grant, and the county would be responsible for half of that? Ms. Rosiek said she believes so, the last time they met she believes those were the numbers, she apologized, adding that she wasn't ready for that right now. Commissioner Zapotosky said is the scope of the grant for sewage and Ms. Rosiek said yes. She added that if that is inaccurate, she is sorry. She said the grant is for sewage, and when asked if she is sure, she said that is the only involvement he has had. A man asked if that would be for that site or any site, and Ms. Rosiek said at the time she saw him, he was not aware of which site.

**Commissioner Zimmerlink** said he was seeking grants, but he did not know the site. Ms. Rosiek said it was an estimate from Sleighter. Commissioner Zimmerlink said get that information and please have Art provide that information to me before the end of the week, that gives him enough time. She said as part of this, tell us, number one is Dunbar Township or North Union Township fall under the zoning ordinance. Ms. Rosiek said they do. Commissioner Zimmerlink said tell us what this property is zoned at right now. Ms. Rosiek said all three parcels are zoned M1, light industrial. Commissioner Zimmerlink asked if there will be a need to do any rezoning, are there any requests? Ms. Rosiek said no. Commissioner Zimmerlink said this document here refers to a subdivision, which she is assuming that one of the parcels is larger obviously than what the commissioners want so it will be subdivided, correct? Ms. Rosiek said correct, she said she got the same document she has and part of 01-31-0042, a part of it will have to be subdivided. Commissioner Zimmerlink asked what the procedure is for a subdivision.

**Ms. Rosiek** said the application goes through our office after a surveyor has surveyed the parcel. Commissioner Zimmerlink asked if that has been done yet and Ms. Rosiek said no. Ms. Rosiek said a review gets done, something like a simple subdivision for a verification of sewage before it can be finalized, which means availability. Commissioner Zimmerlink said would you need this letter of transmittal that the two township supervisors are referring to and Ms. Rosiek said yes. Commissioner Zimmerlink asked who would be giving the OK for the subdivision, your office and Ms. Rosiek said yes. Commissioner Zimmerlink said you would not be permitted to issue a subdivision, an approval until you receive the transmittal letter and the transmittal letters come from whom, DEP. She said to your knowledge, that hasn't been done yet and Ms. Rosiek said no. Commissioner Zimmerlink said after the subdivision is approved, what is the next step. Ms. Rosiek said it gets recorded, approved, a new deed gets drawn up and it is out of her hands at that point, assuming that is when the jail transfer would go, the transfer of the deed to Fayette County.

**Commissioner Zimmerlink** said in the event the subdivision is approved, what is the next step? Solicitor Cupp said there is a resolution that has a bunch of conditions on it and the subdivision approval is only one of them. Ms. Rosiek said she was asking after the subdivision gets recorded it is basically out of our hands and they would draw up the new deed and transfer the property to the commissioners. Commissioner Zimmerlink said you tell us, OK. Solicitor Cupp said as a flow, there are necessarily other conditions in the transfer that would have to be met, so in order for this resolution to bear fruition, what you have just suggested is what needs to happen for bullet point number three to be approved. Commissioner Zimmerlink said she understands that, her question is solely regarding the subdivision, OK, I can read the rest of it. She said solely the subdivision, will there be any other required county meetings? Solicitor Cupp said from planning and zoning? Commissioner Zimmerlink said just for the subdivision and the answer was no. Commissioner Zimmerlink said what about for the project to go on. Ms. Rosiek said you would need ZHB special exception approval and a land development.

**Commissioner Zimmerlink** said explain to me the ZHB special exception, why would you need a special exception if it is already zoned M1. Ms. Rosiek said because it is only permitted by special exception. Commissioner Zimmerlink said what is only permitted by special exception. Ms. Rosiek said a correctional facility. Commissioner Zimmerlink said so, the process would be then for the county to go to the zoning hearing board, correct, file an application and ask for a special exception. Ms. Rosiek said correct. Commissioner Zimmerlink asked if there is any planning commission hearing prior to that. Ms. Rosiek said they can be applied for at the same time but the land development plan is not going to get recorded until the special exception and all the conditions have been met. Commissioner Zimmerlink said before going before the ZHB, which would be the zoning hearing board, there would not be a planning commission meeting for a special exception, correct. She said for the special exception request before the ZHB, that is a public hearing? Ms. Rosiek said yes. Commissioner Zimmerlink said you would be advertising that, and who would you be notifying as far as adjacent landowners, what are your requirements on that?

**Ms. Rosiek** said direct adjacent on the map. Commissioner Zimmerlink said how far away? Ms. Rosiek said 200 feet. Commissioner Zimmerlink said so any business, any property owner within 200 feet, they would be notified, directly. Notified to attend the special exception. She said leaving the subdivision aside, you mentioned the land development plan, tell me about that. Ms. Rosiek said regarding the actual structure, the building permit process is prepared by an engineer. Commissioner Zimmerlink said so Sleighter Engineering, you can't answer that but I can because they have been awarded the RFP so Sleighter Engineer would provide a land development plan and what happens after he does that? Ms. Rosiek said that goes to the planning commission for approval. Commissioner Zimmerlink said when is the planning commission meetings. Ms. Rosiek said generally the second Thursday at 6 p.m. Commissioner Zimmerlink asked if that is advertised and Ms. Rosiek said once a year.

**Commissioner Zimmerlink** said no one will know that this hearing is going to be conducted because it won't be advertised. She said anyone who wishes to attend that would have to contact your office on a somewhat regular basis, you said it is the third Thursday of the month, second Thursday, so if anyone is interested they would contact your office before then to find out if it is scheduled. She said after the planning commission, what do they do? Ms. Rosiek said with the land development plan, before it can get recorded it has to meet requirements and there are several outside agencies that have to give approval letters to the county that they are in compliance with their specific ordinances or rules and regulations such as PennDOT with HOP approval, storm water management controls, EMS approval with the conservation district, DEP, sewage and utility availability, all those letters have to be obtained in the office in the file as well as the zoning hearing board special exception, that has to be approved before it can get recorded. Commissioner Zimmerlink asked, anything else that the county would be responsible to do? Ms. Rosiek said off hand, not that she can think of, after that gets approved and recorded, then the project would obtain zoning approval and get building permits from North Union Township and Dunbar Township goes through K2 Engineering for their UCC building permits. Commissioner Zimmerlink said and filing fees, obviously, I got ya.

**Commissioner Zimmerlink** said OK, thank you, is there anything that she missed asking that she feels is pertinent so that we don't say, what about this. Ms. Rosiek said no, and asked if she wanted her to read from the ZHB for the ordinance. Commissioner Zimmerlink said that she said that it needs a special exception for corrections. Ms. Rosiek said after the special exception there is a couple conditions that are listed there. Commissioner Zimmerlink said oh, so in other words, if the zoning hearing board approves the special exception. Ms. Rosiek said to apply for a special exception they have to at least meet these specific conditions, or they have to be asking for a variance on something as well. She said a correctional facility must have a minimum lot size of 150 acres. She said if they don't meet the 150 acres, they have to apply for a variance at the same time of that provision. Commissioner Zimmerlink said you don't know whether or not they will meet that acreage and Ms. Rosiek said she had no clue. She said the premises shall be maintained so as not to constitute a nuisance to public health and safety, air transportation operation shall be located to minimize the impacts to local development. She said a correctional facility shall be located adjacent to an arterial road as defined in Article Two of the chapter, no correctional facility shall be established to operate within 1,000 feet of an existing school, public park, playground, hospital, nursing home, place of worship, place of assembly, residence or correctional facility.

**Ms. Rosiek** said a correctional facility shall provide a visual screen along all property lines. She said the screen shall be constructed as an earth berm, landscape buffer fence, have a minimum height of eight feet and a minimum opacity of 80 percent and barb wire or similar fencing shall be visible from a public right of way or adjacent lot. She said all correctional facilities shall be served by public water and sewer, and the zoning hearing board may attach additional conditions. She said it is in the zoning ordinance, section 1000-827. Commissioner Zimmerlink said the only other comment and question that she has is the final agreement will be presented and for arguments

sake because this is the number that is in the resolution, \$1.25 million, where is that money? She said we have a general fund budget that has been passed and there is not any monies that is allocated in any line item to pay the \$1.25 million. So the question is where is that money coming from. She said someone has to write the check for it so where is that. Controller Lally said in the resolution that was passed back in September of 2013 it was a permissible use to borrow money from the general fund and when the financing was put in place for the prison that money will be reimbursed to the general fund, per commissioner's resolution that was approved as a permissible use. Commissioner Zimmerlink said before that gets printed, please pull that resolution because, do you know what resolution he is referring to that we would lend money to the general fund?

**Controller Lally** said it was a reimbursement agreement. Commissioner Zimmerlink said please check on that newspapers because I do want to check on that, do you recall that resolution? Chief Clerk Revak said she would have to look, she didn't recall specifically. Commissioner Zimmerlink said that we would lend money from the general fund? Chief Clerk Revak said she didn't recall and Commissioner Zimmerlink said please check on that because she didn't recall ever passing a resolution or reviewing a resolution that says that the general fund would lend money. Controller Lally said you did not sign, the other two commissioners did. Commissioner Zimmerlink said the resolution, was it voted on? Controller Lally said yes, at a public meeting. Commissioner Zimmerlink said that said that we would lend money, the general fund. Controller Lally said he didn't know the exact words and Commissioner Zimmerlink said that is what she needs. Controller Lally said in its essence, maybe not exact wording that a permissible use of general fund money would be to lend and get the prison project started until financing is put in place. He said at such time as the financing is in place, it will be reimbursed to the general fund.

**Commissioner Zimmerlink** said whatever that resolution is, it needs to be pulled because she. Controller Lally said it is titled a reimbursement resolution. Commissioner Zimmerlink said a reimbursement resolution, my goodness was I at that meeting? Controller Lally said yes. Commissioner Zimmerlink said a reimbursement resolution was what it was titled? OK, pull that one, September of 2013. Controller Lally asked Solicitor Cupp if he remembered that and he said he did not. Commissioner Zimmerlink said she has never in her life heard of a reimbursable resolution. Controller Lally said that is what it was. Commissioner Zimmerlink said September of 2013, she will go back. Controller Lally said approximately, in between September of 2013 and now. Commissioner Zimmerlink said in between September of 2013 and now there is a resolution that says it is a reimbursable resolution. Controller Lally said yes and Commissioner Zimmerlink said she didn't recall that at all. She said so where is the money from the general fund, lets for arguments sake say that the resolution exists, where is there extra cash laying around?

**Controller Lally** said there isn't, it's a budget, as you know. Commissioner Zimmerlink said right, so all of our money is set for line items so what line items isn't going to be fulfilled so \$1.25 million can be taken from it. Controller Lally said we have a tax

anticipation note that could fund that. Commissioner Zimmerlink said hence the problem, the tax anticipation note. She said it was never stated at all that in all years past our tax anticipation note borrowed was roughly between \$4 million and \$5 million, OK. She said the tax anticipation note for this year is \$9.5 million that was approved by a 2-1 vote. She said at no time did it ever say and everyone knows what a tax anticipation note is, she would even imagine on the local level, do you, you gather that money in anticipation of repaying the taxes that are coming in. She said its money in, money out, OK. She said the \$9.5 million, we need probably \$5, \$5 ½ million for that. She said to borrow that extra money, it should have been that is another thing that was not fully disclosed. She said pull the minutes, Commissioner. Commissioner Zapotosky said it was discussed, he is certain it was discussed. Commissioner Zimmerlink said it was never discussed at a commissioner's meeting prior to the vote that the reason we would be borrowing \$9.5, she specifically asked those types of questions and the 9.5 wasn't even advertised in the newspaper it just said TRAN note, it didn't even properly advertise that the county.

**Commissioner Zapotosky** said also he believed it was discussed that a portion of those proceeds could be used for the initial cost of the prison, don't quote me, I am just saying, he is not certain. Commissioner Zimmerlink said again, pull the minutes. Commissioner Ambrosini said we did talk about the earth work and the women's annex. And said and plus in the legal notice when it says we would have a meeting for a TRAN note, it never even revealed, as far as she can recall and she is 99 percent certain of that, because that was why she was so surprised when she came into the meeting, that we were getting ready to borrow \$9.5 million. She said you don't even tell the public that is what you are going to borrow. She said those are her only comments, sorry one other comment, no, it's not funny, OK, it's not funny, the other comment is we are talking about reducing out of county, OK, and we need bed space, we have a Day Reporting Center that we all agreed to, the Day Reporting Center cost the county \$125,000 for the year 2000, for the first year. She said after that we were told by the Day Reporting Center that those monies will be zeroed out or diminished because we will be receiving state monies.

**Commissioner Zimmerlink** said that is a good thing. She said the Day Reporting Center came into operation in September and as of January, again documented information, we have 61 inmates, 61 they call them participants, OK, 61, that means from September until January instead of housing people over here at this jail, OK, or sending them out to a new county, 61 of those will not get jail time and will instead go through the Day Reporting Center. She said it not only reduces overcrowding but more effectively, you want to talk about efficiency and addressing the problem, it addresses the recidivism, that's the whole purpose of the Day Reporting Center. She said read the Post-Gazette just a few days ago where the warden and the Day Reporting Center had just indicated that by them having a Day Reporting Center it has greatly reduced recidivism. She said that is why she had said that they should continue to look to increase the capacity of our Day Reporting Center because if you can get 61 people not going to jail and getting the help that they need, OK, whether you want to philosophically say that works or not, the point is that it is a system that has proven to

work in other counties, Fayette County has decided to do it, it only cost the county \$125,000 in the first year, OK, and it is going to address the problem so that these individuals aren't going to be repeat offenders.

**Commissioner Zimmerlink** said now, we say we want to address the problem, that's absolutely false for the Day Reporting Center, she said she went to a CJAB meeting just last month and Judge Wagner stated and asked me to relay the information to the two commissioners and she told him, don't ask me to relay it, relay it yourself because they don't listen to me anyway, so he did relay it, which was that he asked for an adult probation officer to be placed in the Day Reporting Center so that they could better evaluate and get a turnover, she approved that as a budgetary item, the other two commissioners approved it as a budgetary item and the day before the budget was passed, that was taken out and she objected to that. She said she does not always agree with the judge and the courts and how much money they want to operate the court system, in this particular instance she said yes, we should fund that adult probation position, why, because you need an adult probation officer as Judge Wagner stated at a CJAB meeting and in the budgetary meetings so they could coordinate the effectiveness of the Day Reporting Center.

**Commissioner Zimmerlink** said now, Brian Miller, the warden just yesterday sent us an e-mail and said hey, he was talking to another county and they said let's get a board, they use an independent board so they can address those who are already in jail. She said that's all well and fine, and she will support that, but she was at the CJAB meeting and there were individuals that didn't even know and who should have known part of the court process what the requirements and criteria for the Day reporting Center was. She said the thing is that the courts have very clearly stated that there are inmates right now that could have a revised sentence, it was said here at a CJAB meeting and it was said here at a prison board meeting, those that are already incarcerated they would have a sentence that would be revised and they would then report to the Day Reporting Center. She said what does that mean, that means that there will be empty beds. She said that is what they should be working towards, not simply saying let's build a new jail, you want to address the problems, do what the other counties have done, we are not the only county that has seen an overcrowding issue due to drugs and the DUIs, how are the other counties addressing it, how is DOC, the state addressing it.

**Commissioner Zimmerlink** said the Day Reporting Center to reduce recidivism, that's what needs to be done. She said they can set up that board later this afternoon if they have a prison board meeting or next month and it's not going to do a bit of good until, as the courts said, and she has that also in writing, that we need to have our jail roster accurate so they can look at specific information from that jail roster to determine which inmates that are already incarcerated can be taken out and put in to the Day Reporting Center. She said go ask anyone here, please go ask Judge Wagner or come to my office and I will show you the documents. She said she keeps being told by the warden through his staff we are working on working with GL 2. Warden Miller said he has the reports now. Commissioner Zimmerlink said you had the report yesterday and the Judge, Karen Kuhn said that the report is not what they want. Warden Miller said well

then tell Karen Kuhn to come to the jail and tell me what they want. He said he can't read someone's mind, they have to tell me what they want. Commissioner Zimmerlink said they did tell you, Tammy Lambie told you and I told you.

**Warden Miller** said he's not a programmer, so they have to come over there, he'll have GTL come in and they can tell them what report they want. Commissioner Zimmerlink said Warden, you were at the CJAB meeting and she specifically said to you and to Michelle Horan, and Warden Miller said she printed a report. Commissioner Zimmerlink said she clearly asked from the judge and others what information was needed, and she said to her, do you need to have a meeting before you go and meeting with GLT and she said no. Warden Miller said she gave you the reports, they have the reports and they are saying that is not the right information. Commissioner Zimmerlink said that's absolutely right. Warden Miller asked what information they need. Commissioner Zimmerlink said how many times do you have to be told, I handed it to you. Warden Miller said what information do they want. Commissioner Zimmerlink said my goodness warden, how many times do I have to tell you. Warden Miller said if you want them, he will give them to her. Commissioner Zimmerlink said she has the reports too. She asked how many times she has to give him the information through the court system that says exactly what they want.

**Warden Miller** said every time he gives them a report they tell me this isn't what I want, this isn't what I want, what do you want? Commissioner Zimmerlink said she asked his staff person and he was sitting right there, do you want, do you have enough information that you can sit down with GLT and she said yes and Commissioner Zimmerlink said that she said if you don't, we'll all get in the same room and she said she was very clear, she went to GLT, got the information and it came back, Warden Miller said gave them the report and they said that ain't what we want. Commissioner Zimmerlink said you know what we are going to do, she already contacted the guy yesterday because she just got the information that it is still not the same report, how many years have we been talking about this and yes, years, OK. She said only the judge can determine, not the board you are going to set up, which she thinks that is a good thing, but only the judge, the sentencing judge, can determine who over there can be released. Warden Miller said she is exactly right. Commissioner Zimmerlink said she knows. Warden Miller said why ain't they making the decision before they even go to jail, just like they do in Franklin County, the e-mail I sent you yesterday, that's how they do it. He said why put the guy in jail and two months later say Hmm, I think we should let him out. He said no, make that decision before he goes to jail.

**Commissioner Zimmerlink** said Judge Wagner already addressed that, you know how he addressed that, he said it at a CJAB meeting as well, because when the DA and the PD settle on sentencing, they don't always tell the judges what their background is because many times the individuals could have went through the veteran's court, the drug court or the. Warden Miller said they should be determining that, no we're going to put it all back at the Warden at the jail and his reports. Commissioner Zimmerlink said you know why I will put it back on you Warden, because I specifically asked your staff and you were sitting there, she said she finally. Warden Miller said and we have the

reports. Commissioner Zimmerlink said no, this is what she specifically asked, she will get GLT there, she is telling him she contacted GLT and she is going to have them come and we are all going to be in this room, OK, just like we did that for the DOC report and guess what, all those efficiencies we're going to get a fairly good report back aren't we? Right, and why, because like they said let's have our butts here in this office and get it done. Warden Miller said he would love for her to bring GTL in and get it done and the courts so we can find out what they want. Commissioner Zimmerlink said she is going to and they came in last week, or a few weeks ago, and she said let's have that meeting and it was told to her by his staff no, we don't need to have them, I totally understand, it's in the minutes of the CJAB, she asked do you need to have GLT and all of us in the same room, she said no.

**Commissioner Zimmerlink** said now we are going to have to get all of them in the same room, that is how you can reduce recidivism over there, OK, so the courts have the accurate information, forget about what's wrong now, let's correct the problem, there are people over there that the judge said they could resentence, they can't do it as long as those reports aren't what they want. She said the meeting will occur, she already sent a meeting to. Warden Miller said let me know what day it is and he will be here. Commissioner Zimmerlink said and so will your staff. Controller Lally said he had a question, in her speech that she gave.. Commissioner Zimmerlink said she didn't give a speech, she was doing her due diligence. Controller Lally said her due diligence he picked up on some due diligence as well. Commissioner Zimmerlink said fine, go ahead. Controller Lally said she made a statement about the Day Reporting Center and she prefaced that statement by saying it is designed to help people cure their ill ways. Commissioner Zimmerlink said she didn't say that. Controller Lally said in essence she did, she said it is designed to help people, correct? Commissioner Zimmerlink said what is your question?

**Controller Lally** said his question is did you not make statements two times that government should not be helping people, did you say that? Commissioner Zimmerlink said in what context? Controller Lally said in many different contexts. Commissioner Zimmerlink said she supported the Day Reporting Center and you know that I did. Controller Lally said all of a sudden we have a flip flop, now we are helping inmates and before it wasn't about helping people it was about getting efficiencies of the prison. Commissioner Zimmerlink said did she not support the Day Reporting Center. Controller Lally said she did support the Day Reporting Center. Commissioner Zimmerlink said there you go, "so what's your problem?, So what's your problem?" Controller Lally said his problem is that she publicly stood up at a meeting at Mount Saint Macrina and you decreed that government should not help people, you made that statement. He said through social security, through disability, what are you talking about? Commissioner Zimmerlink said tell me, Mount Saint Macrina. Controller Lally said it was a function this summer, it's irrelevant, but you made that. Commissioner Zimmerlink said oh, wait a minute, it's irrelevant. Controller Lally said she made the statement twice and she also made it at a commissioner's meeting that government should not help people, is that your platform?

**Commissioner Zimmerlink** said you want my platform, government cannot help people because they don't know what the heck they are doing in DC, in Harrisburg and in this county, OK, we're not talking about social security. She asked if he was running for office, and said yes you are, and you want your statements in the.. Controller Lally said so are you commissioner. Commissioner Zimmerlink said you don't know if I'm running, when did I announce any candidacy, you announced your candidacy, we're not talking about social security, we're talking about recidivism, that's what we're talking about. Commissioner Zimmerlink said she was done, she didn't have any other statements. Mr. Kriss asked a question and said he couldn't hear Sarah's answers. Commissioner Ambrosini said they are at a different part of the meeting and he can talk to her afterwards. Commissioner Zimmerlink said no, no, no, what is your question. Mr. Kriss asked Ms. Rosiek if she said 1,000 feet from a school or a residence. Ms. Rosiek said that is what the zoning ordinance states, yes. Mr. Kriss said if you did your due diligence, the Meason House is closer than that. He said the second question, this is to clarify, you are going to Dunbar Township and you are going across the street to Mount Braddock Road right here to grab this piece of property, why is this North Union Township piece of property important to the county when everything else is on the Dunbar Township side of Mount Braddock Road? He asked why the need to buy that chunk of property.

**Commissioner Ambrosini** said that is what Fay Penn wants to sell us. Commissioner Zimmerlink said just because they want to sell it doesn't mean we have to buy it. Commissioner Ambrosini said they could sell it off later. Mr. Kriss said why even waste the money. Commissioner Zimmerlink said he said access, is that the reason. A supervisor said that is the only access into the property. Commissioner Ambrosini said access is obviously. Commissioner Zimmerlink said so now it is access. Commissioner Ambrosini said it is a number of things. Mr. Kriss said don't they make a left to go to Coal Mine Road and a right to go back into Mountain View Road, so why do you need the road to the right hand side of Mount Braddock Road to gain access. The supervisor said they aren't using the property on the right side of Mount Braddock Road and Mr. Kriss said yes they are. Commissioner Ambrosini said it is all north of Mount Braddock Road. The supervisor said it is all on the left side of Mount Braddock Road, and Commissioner Ambrosini said, which is north. Mr. Kriss asked if he could show them the map and they could help him, adding that he is confused. Mr. Kriss showed the map and it was explained to him where the roads are located.

**Commissioner Ambrosini** said he would like to make a couple clarifications while they are doing this. He said first of all, Fay Penn is the county's lead economic development agency by resolution. He said the cooperative agreement the commissioner's entered into at the last commissioner's meeting was for basically a grant guarantee that they are getting from the state. He said that money is solely for infrastructure improvements but it is only for zone one of their development, which is along Route 119 between the Laurel Mall, Al's Pub and back to the elementary school, that's phase one of their project and that's what that cooperative agreement is with the commissioners. Commissioner Zimmerlink said it doesn't say it in the cooperative agreement and she has it here and this is what all three commissioners signed, it does not identify it. The supervisor said

that has nothing to do with the prison site at all and Commissioner Ambrosini said that's right. Commissioner Zimmerlink said she doesn't know that, that is what he is saying, this document that we signed does not say that. She said they have known from prior experiences that what is said isn't always backed up with documentation. Commissioner Zapotosky said they can get a response from Fay Penn on that.

**Commissioner Ambrosini** said the other thing is that any money that came from selling and property that Fay Penn owns, including this site here, can only be used for economic development by state statute it cannot be used even for their payroll or anything else in their office, it can only be used for economic development and obviously a win-win for Fayette County, he just wanted to clarify those issues. Commissioner Zimmerlink said one of the things that she would like to have, and she doesn't want to wait a week, she is still waiting on the Burkley study that was promised to me she doesn't know how many times and she still doesn't have and your assistant still didn't give me, so she wants before the end of the day, and it's 11:30, she wants the geo survey and she wants the letter, the December letter that says that Fay Penn made the offer, and so far she thinks that is all, she needs both of those documents, from you Commissioner Ambrosini since you said you had them. She said she will be knocking on his door around 1 o'clock, or have your assistance give them to me. Commissioner Ambrosini said he thinks they will still be in the prison board meeting at that time but she can knock on his door at 1 o'clock.

**Commissioner Zimmerlink** said you know what, just give me the documents, that's all, thank you. Commissioner Zapotosky said if he may, he hasn't said anything, again give me a minute, please. He said again, he knows there is a difference of opinion amongst some of us in this room regarding our approach here and where it should be located, again this is, regardless of what is said, this is the first step of many other additional steps that have to be followed before this deal or any deal is finalized. He said he feels that Fay Penn, we need to negotiate, look at the asking price, work with them on that and some other matters, this must confirm to whatever zoning issues are required, he will not support the final version unless it does, again, he does believe that we need a new facility, the DRC which we all supported was a great idea but we still have overcrowding at the prison. He asked how many are farmed out today, ballpark. Warden Miller said 40 to 45. Commissioner Zimmerlink asked how many should be released. Commissioner Zapotosky said we're not judges, we're not district attorneys, we're not public defenders, we're commissioners, we can't control the flow of that, unfortunately. Commissioner Zimmerlink said they control the jail administration, there is a court order to release them and they are not released yet.

**Commissioner Zapotosky** said how many release orders do you have today, anyone that is currently? Warden Miller said the one she is talking about the order clearly stated that the person was to be released today and the mother contacted the commissioner yesterday and said she wanted him released yesterday. Commissioner Zimmerlink said she did not. Commissioner Zapotosky said he extended courtesy and Warden Miller said the order said to release today. He said he releases and inmate by what the judge tells him. He said if the judge says to release today, he releases today, not yesterday.

Commissioner Zimmerlink said she didn't tell him to release him yesterday. Commissioner Zapotosky said again, if he may, we don't have control over that, he does agree with the warden. He said the DRC is a great idea, adding that he met with the GL group the summer they adopted it. He said SPHS was a great choice as well. He said the fact remains that isn't the solution to our overcrowding, that's just a way of helping people change their lives and hopefully we are successful in that process. He said the fact remains that we need an answer, is this the right answer, we don't know, we are going to, he is going to support this motion to start the process. He said he knows there will be disagreement but the fact remains that we need to begin the process or we are going to continue to write POs paying Butler County \$100,000, Greene County, we have built their two, they call them Fayette One and Fayette Two, their two additions we've built with the monies we have paid them.

**Commissioner Zapotosky** said the bottom line is last year we spent how much? Controller Lally said \$1,200,000, he gave it to the reporters. Commissioner Zapotosky said since 2005, how much? Controller Lally said \$3 million and \$30,000 and three hundred and some dollars. Commissioner Zapotosky said in January what was our cost. Controller Lally said \$64,172.99. Commissioner Zapotosky said again, you see the trend, the trend is we are spending more money. He said he knows some of you are going to disagree but he thinks this motion is a start, whether we finish with this site is yet to be determined.

**Commissioner Ambrosini** asked for a motion to consider approval of the purchase of 58 acres from the Fay Penn Economic Development Council (parcel numbers 25-16-0012 in North Union Township, 09-31-0041 in Dunbar Township and part of 09-31-0042 in Dunbar Township) for the Fayette County Justice and Rehabilitation Center in the amount of \$1.25 million, in the printed resolution under the terms stated in resolution 14-02-26-01. Commissioner Zapotosky asked if that was a motion and Commissioner Ambrosini said that is the resolution, does he have a motion?

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the purchase of 58 acres from the Fay Penn Economic Development Council (parcel numbers 25-16-0012 in North Union Township, 09-31-0041 in Dunbar Township and part of 09-31-0042 in Dunbar Township) for the Fayette County Justice and Rehabilitation Center in the amount of \$1.25 million, in the printed resolution under the terms stated in resolution 14-02-26-01.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

### **Motion passed 2-1**

**Commissioner Zimmerlink** said after the vote that he needed to ask during the vote. Commissioner Ambrosini said all those opposed, and Commissioner Zimmerlink said nay.

**Commissioner Ambrosini** asked if there was any additional public comment. Mr. Kriss said he can't even begin to tell them how disgusted and disappointed he is in Commissioners Ambrosini and Zapotosky. He said calling for a special meeting at 8:30 in the morning with a one-day notice in the newspaper, burying the legal ad, is this really what it comes down to, is it gentlemen, hoping that nobody will even notice or even care. Commissioner Ambrosini said he had no doubt you wouldn't be here, he knew we were going to have this crowd. Commissioner Zimmerlink said we might have even had more if it had been publicized more so. Mr. Kriss said when he first asked him at a commissioner's meeting if the jail was going to be located at the county airport you would not say and Jim Killinger said no. He said shortly thereafter it was announced that it was going to be at the airport. Commissioner Ambrosini said it wasn't going to be and Mr. Kriss said he wanted to have his comment. Commissioner Ambrosini said he can have his opinion, sure. Mr. Kriss said it was announced it would be at the end of the runway in Bethelboro, then it was going to be at the other end of the runway off Eighty Acres Road, then you made a resolution to place it behind the county fairgrounds only to find out later that you had no sewage and a 50 year lease with a fairgrounds board.

**Mr. Kriss** said then they moved to Menallen Township where they were shown the door. He said several days ago it was announced that you AI, were negotiating with private property owners and now mysteriously out of nowhere we have a property to purchase for \$1.25 million by trying to exclude the public again. He said every step they have taken involving this jail saga has been received with mistrust and doubt, hence the prison referendum being circulated throughout the county. He said they were there asking people not to do this and have time for public input and to look at other alternatives that have been presented by others but obviously you didn't care about our input and you are never going to listen to our input, you are both dead set for this, you are both going to be running for re-election, along with you AI and I assure you, the voters are never going to forget what you have done. He said he really means that, it's not a threat, you have really muddied the waters and awakened a giant down here in Fayette County more than you will ever, ever realize.

**Commissioner Zapotosky** said he will comment on that. He said he didn't run to office to run for office again and again and again and again and again and again, he ran for office to do what he felt was the right thing. He said if he would run for re-election and lose because of that, it's irrelevant. He said he feels the decision he is making is the right, at least this is the start of the process, today is the right decision. He said he has looked and stayed up at nights thinking about options, trust me I don't want to spend \$30 million on something like this if we didn't have to, but the bottom line is we are faced with this and we are going to continue to try to ignore the problem. Mr. Kriss said she has offered alternatives and we will offer you alternatives. Commissioner Zapotosky said sir, with all due respect, said your offer with the Greensburg just did not, it just did not. Mr. Kriss said that's OK, there's other offers, realistic. Commissioner Zapotosky said sir we need to think progressively, we need to think about the future. He said he isn't going to burden the commissioners 10 years or four years or two years, perhaps, from now from having to deal with overcrowding at the prison. Mr. Kriss said you will burden the taxpayers for 30.

**Commissioner Zapotosky** said first of all, we are going to build this the right way and we are going to manage this the right way where it is going to be efficient and it is going to be cost effective. Mr. Kriss said it is for 30 years, that's the deal. Commissioner Zapotosky said are we going to keep paying Beaver County, Greene County, Centre County? Commissioner Zapotosky said the bottom line is he is willing to make the tough decision and if he runs for office and doesn't get re-elected because of this, so be it, so be it. Mr. Kriss said that you said you weren't going to run after two terms, so. Commissioner Zimmerlink said you don't have to stay up at nights thinking of other options, she asked for a second to hold a special meeting so they could discuss her options and any other options and you nor Commissioner Ambrosini would give me a second. Commissioner Zimmerlink said they need to discuss the other options, what he said to her at that meeting, she provided them to both of you and she asked that they would have a public meeting to gather some more information and you would not give me a second, you don't have to stay up nights thinking about this, I have some other options. Commissioner Zapotosky said he hasn't seen one document. Commissioner Zimmerlink said you haven't seen one document, my God, it was even in the newspaper.

**Mr. Kriss** said you won't give her a document or share with us, I don't understand that. Commissioner Zimmerlink said also she knows that there was a citizen that sent all three of us a letter, and they have options, and he said he talked to you, so there are other options that we are not even discussing. Commissioner Zapotosky said again, his options are all pertaining to flood plain areas that don't make sense, they don't make logic or financial sense. Commissioner Zimmerlink said what about some of the options that she suggested that we can take Kimball Engineer, Kimball architect said \$6.7 million, 120-bed vertical building. Commissioner Ambrosini said why didn't we build it? Commissioner Ambrosini said if that was such a good option. Commissioner Zimmerlink said there was no money at the time and the commissioners that were seated did not want to take out any bonds and at the time that the amount was given. Commissioner Zapotosky said they did take out a bond and Commissioner Zimmerlink said for that and at the time, if you check the, not the numbers that are given by the cost and the transportation, the number of beds, it was something they did not want to enter into and instead the prison board by a unanimous vote Hardy, Vicites, Zimmerlink, Judge Wagner, Nancy Vernon and Mark Roberts all said rather than, we looked at all the options and it's all in the minutes of the prison board meeting and they said let's look at the alternatives, which was the Day Reporting Center, drug courts, and we have been doing that.

**Commissioner Ambrosini** said the Day Reporting Center and the drug courts haven't been, that was during your first term. Commissioner Zimmerlink said it was 2007 and since that time the courts along with the commissioners have been moving towards alternative sentencing, just did the Day Reporting Center, just started the drug court and the veterans court and the mental health court, what was said in that resolution by all those individuals that she named, unanimously, they are being progressive, the word he uses, proactive, give it time to work. She said it's working in Allegheny County, it's working in the Department of State, OK, it's working in Franklin County, in all these

counties, OK, we just started the treatment courts, the three treatment courts, we just started, they are just getting underway, the Day Reporting, the other counties have already been up and running, we just started, the courts said it is working, well let it work, let it work. Commissioner Zapotosky said the Secretary Whetzell himself started that those measures control the growth, it doesn't eliminate it. Commissioner Zimmerlink said she didn't hear that, she heard that he said build a new jail and when she called him and he didn't say that, so. Commissioner Ambrosini said get the facts. Commissioner Zimmerlink said no, call the secretary and ask him if he said that Fayette County needs to build a new jail. She said she bets he doesn't say it and if he does the, it was in the paper that he said it and then she contacted them and it was never said.

**Commissioner Zapotosky** said he was also the warden of Franklin County. Warden Miller said Franklin County built a new jail in 2007, Franklin County is the one that started the Day Reporting Center, Franklin County right now has 440 inmates and they are in the process of adding on to their six, seven year old prison. Commissioner Zimmerlink said OK, and that's the demographics of Franklin County, but let's learn from Franklin County and learn and listen to what the courts want to do too, the courts and the APO and the other ones, they know. Commissioner Zapotosky said that Judge Wagner sent a letter supporting the construction of a new prison. Commissioner Zimmerlink said yes he did, that isn't what she is talking about, he wants us to give him and APO for the Day Reporting Center and he and the rest of the courts have said that the three treatment courts and the Day Reporting Center is helping the situation here in Fayette County. She said allow it to work, my God it just got started three months ago.

**Commissioner Zapotosky** said he thinks it has great potential but it's not going to control. Commissioner Zimmerlink said it is one of many options, one of many options and solutions, the other is the jail administration and flow of having inmates promptly in and out and having our sheriffs go over and get inmates and release, bring them back to the county, those are the kind of things. Warden Miller said that's true but they probably transport 3,600 inmates a year so one mistake. Commissioner Zimmerlink said it is more than one mistake, it's more than one mistake. Warden Miller said how many is it, do you have those documents? Commissioner Zimmerlink said do you want a number warden, I will give you a number and count your own e-mails because you were notified as well. Warden Miller said he does want a number. Commissioner Zimmerlink said and she wants her reports too, who's gonna get what first. 'Who's the boss, who's the boss, who's the bosses here? Warden Miller said what report do you want, what report do you want? Commissioner Zimmerlink said let's go. Commissioner Ambrosini said one thing he wanted to point out, in relation to the Day Reporting Center and all the programming that we have recently brought into the mix, there have been a lot of other institutions across the state and across the county that do all these things that we have done and they have done them for years. He said the statistics show that they do work but they do not cause our prison population to go down.

**Commissioner Ambrosini** said it reduces the amount of increase so, and that was clearly pointed out in multiple reports but that's the fact, the fact is that these programs do work, they do help people and we have to do them for the sake of our community

and the individuals that have these problems but again, just to be clear, as Commissioner Zapotosky already pointed out, it reduces the rate of increase, it doesn't cause our inmate population to go negative, anywhere in the country and so that doesn't eliminate the need for an efficient facility. Commissioner Zimmerlink said no one said it would eliminate the need, obviously you want an efficient facility, there are a number of items that need to be addressed to make an efficient facility and to address overcrowding, not just building a justice center. Commissioner Ambrosini said we are overcrowded today, we were overcrowded yesterday, those rates are going to continue to go up, hopefully with these programs they will go up slower, but they are still going to go up. Commissioner Zimmerlink said it isn't just to build a jail at this site, there are other options that haven't been explored. She said the door hasn't even been open because you two have refused to have a meeting to listen to the other options, you would not second my vote. She said he is having his project meetings outside of public view to review all of these other options at all of these sites, this is county government, Commissioner Ambrosini, it's not Al Ambrosini's government, it's Fayette County government.

**Commissioner Zimmerlink** said these meetings need to be done and the information needs to be shared, you want to do your due diligence but you didn't even have the geo survey here for me or for anybody else to take a look at. She said you gave us the site, what's so funny, why are you laughing, you gave us the site, it's not funny, you gave us the site in a legal notice Monday afternoon. Commissioner Ambrosini said it's amusing and Commissioner Zimmerlink said amusing, it's not amusing, you gave us the sites, the three parcels Monday afternoon and you two called for a meeting at 8:30 in the morning knowing full well that there was no pre stories, there are people that their newspapers are still on their back porches that haven't even opened them up yet, it's shameful that you would have a meeting 45 minutes before a prison board meeting and then to tell people here, we have another meeting, we have to move on, you're cutting out the public, you're cutting out my ability to review your geo study. Commissioner Ambrosini said the shameful part is that there has been study after study for the last 12 years that all say the same thing, that you need a new facility. He said the only changes is the ability to build them a little more efficiently today than in previous years, that is the only difference. He said those are all professionally done studies by people who are well known in their field and highly respected.

**Commissioner Zimmerlink** said you should look at that you are just referring to, one of which was the Kimball architect study that is in that resolution that said we could do a 120 bed facility here on site, vertical and you just said an hour or two ago that it's not feasible, an architect said that it was feasible. Commissioner Ambrosini said today it's not because of the size of the number of inmates, we didn't have that number of inmates back 12 years ago. Commissioner Zimmerlink said even your own Crabtree said it is feasible to do it here on site, he said it may not be cost effective, he said it's feasible, those were his words but he also said that there was sewage out at the fairgrounds, she said she doesn't trust anything that Crabtree and Sleighter would provide her, she said she wasn't discrediting him, he said it at a public meeting that there was sewage available, he said it was included in the cost, OK, he was specifically

asked that question and we find out that it wasn't. She said we paid for that study and it was flawed. Commissioner Ambrosini said it was not, those costs are in the contingency in that study. Commissioner Zimmerlink said he stated at the public meeting, we all know what he stated, it's been said here before, the study is flawed, she said she isn't discrediting him, she is saying that his document was flawed, you know that it was.

**Commissioner Ambrosini** said the cost of sewage on that site as well as any other site, it was included in the contingency for those costs because. Commissioner Zimmerlink said there were people at the meeting, she isn't going to argue, the public saw and heard what he said, and it's even on tape. Mr. Kriss said Al, you have locked us out as the public, you're laughing about it, and you find humor in it. Commissioner Zimmerlink said no, he finds it amusing. Mr. Kriss said there are a lot of people in the community with ideas and he snubbed his nose at them and the people are now on to his game, don't laugh at the people who put you in that seat, it's a slap in his face for a man who worked to put you in that seat. He said don't smirk and don't laugh and don't discredit me, my family or anybody who has tried to offer their support to you. He said that is exactly how he is coming off. Commissioner Ambrosini said he is here working for everybody. Mr. Kriss said no you're not Al, no you're not. Commissioner Ambrosini said because you have a different opinion than mine.

**Mr. Kriss** said everybody has a different opinion in the public about you, it's not me, everybody, your core group of supporters, the whole core group that got you into office have abandoned you. He said doesn't that tell you something, does that not tell you something, your whole group of supporters have abandoned you. Commissioner Ambrosini said all that tells him is that they don't understand the details of this project. Mr. Kriss said these are intelligent people. Commissioner Zimmerlink said maybe the newspapers aren't reporting enough, I'm being sarcastic, you have been reporting. Mr. Kriss said these aren't people who hate you, these are people that help you, you keep putting blinders on to us. Commissioner Ambrosini said that is your opinion. Mr. Kriss said it isn't his opinion, it is many people's opinion. Mr. Kriss said even when he walked in this morning and asked you and you to go sit in a different room so these people wouldn't have to be outside begging to listen or can't hear, and we couldn't go to another room in this whole building, that is very disrespectful of the public who spent their time to come here today, you've locked them out too, it's terrible, government at its worst is what we have seen here today.

**Commissioner Zimmerlink** said before they, she wants to ask the solicitor for his opinion here, at 9:15 they have an advertised as they always advertise at the beginning of the year, for a 9:15 prison board meeting. She said it is now five minutes till 12. She said Solicitor Cupp, normally it was her understanding from another solicitor in years past that you would have to open the meeting and recess. She said it is now 12 o'clock, should that meeting, have we met all the requirements to still have the 9:15 meeting or not. Solicitor Cupp said your question is have you met all the requirements and he said he thinks that they probably have not started the meeting anywhere close to where it should have started and he said he hasn't researched the specific facts for the situation that she has given, but without having done that research, it would be his opinion that

they should treat it as though you did not have a quorum for the meeting, treat it just like you didn't have a quorum and then if you need to do some business, you are going to have to advertise and have another meeting at another time. Commissioner Zimmerlink said you can't say whether we had a quorum or not because at 9:15 there were so many people out in the hallway, she didn't know if we had a quorum or not. She said her statement is that at the beginning of the year when the prison board reorganized we set the meetings to be the last Wednesday of the month at 9:15, should this meeting occur or not, that is her question, she believes it should not and she wanted Solicitor Cupp to tell her what he believes.

**Solicitor Cupp** said he just said that it shouldn't. He said he doesn't think that you should do it. Commissioner Zimmerlink said that Commissioner Ambrosini wanted to have the meeting, he just said he wanted to have the meeting, you are saying that no, OK, thank you. She said she knows he is on the spot but she has to ask him the question, you have been our county solicitor for years, she is asking should we have the meeting or not. You gave your opinion, thank you, she said. She said if you want to add, that is fine. Solicitor Cupp said the only thing he wanted to say was that you said you couldn't tell whether or not you had a quorum, he didn't say that they didn't have a quorum, he said that you should treat it just like you didn't have a quorum.

Commissioner Zimmerlink said the meeting is not going to not be held because at 9:15 we didn't have a quorum because we don't know if we did or didn't, it's because it was not timely, as per the advertisement it wasn't within a reasonable time to hold it, is that correct? Commissioner Zimmerlink said she isn't going to be at the meeting because she doesn't believe that it was sufficient time. District Attorney Jack Heneks said he was there for the meeting. He said he has been waiting for 2 ½ hours for the meeting, he has a criminal court list for next week that he has been doing, and he has been up there three separate times.

## **Adjournment**

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

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**