

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, March 18, 2014 in the Public Service Building, Uniontown, Pa.

**In attendance-**

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

Chairman Ambrosini called the meeting to order at 10:02 a.m.

**Commissioner Ambrosini** asked everyone to observe a moment of silence.

The pledge of allegiance was recited.

**Commissioner Ambrosini** said there was one amendment to the agenda under the coroner and that is to consider awarding RFP 14-02 to John Kondrila Jr. of Fairchance for body transportation services at a cost of \$275 per round trip with local transport in Fayette County and \$250 per found trip to and from autopsy in Pittsburgh, effective March 18, 2014. While he was speaking, various people in the audience said they couldn't hear Commissioner Ambrosini and asked where he was on the agenda. Commissioner Ambrosini said it is under the coroner's office and he again read "to consider awarding RFP 14-02 to John Kondrila Jr. of Fairchance for body transportation services at a cost of \$275 per round trip with local transport in Fayette County and \$250 per found trip to and from autopsy in Pittsburgh, effective March 18, 2014."

**Commissioner Zimmerlink** asked what the term of the contract is. Dr. Phillip E. Reilly said per year and it can be reviewed yearly. Commissioner Zimmerlink said so, it's a yearly contract? Dr. Reilly said yes, it should be. Commissioner Zapotosky asked if the contract has been written or adopted. Dr. Reilly said he met the requirements in the proposal. Commissioner Zapotosky asked if the RFP had a renewal or was it until it was decided, with Dr. Reilly saying, correct. Commissioner Zimmerlink said at the same rate? Dr. Reilly said yes, a clarification was needed to make it absolutely clear that the fee was for round trip, not an each way type thing. Commissioner Zimmerlink said they understand but she is saying that is a one year contract with a renewal clause and with the renewal clause, are those at the same rates? Dr. Reilly said yes, that would be the intention, certainly.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to amend the agenda to add: Consider awarding RFP 14-02 to John Kondrila Jr. of Fairchance for body transportation services at a cost of \$275 per round trip with local transport in Fayette County and \$250 per found trip to and from autopsy in Pittsburgh, effective March 18, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**Commissioner Ambrosini** said regarding public comment, before they get started, most of you know, we did propose, actually we are going to use the resolutions that were passed in prior administrations for public comment. He said he would ask that the individuals speak first that requested to be on the agenda and that is Marybeth Homistek and Shawn McAnich, adding that he was just recording the meeting. Commissioner Ambrosini said to Ms. Homistek that according to the resolution she has three minutes to speak. Ms. Homistek asked if she could let someone else go first and Commissioner Ambrosini said to be fair to her, she did request to speak. He said she will have three minutes and all other speakers will have two minutes. Commissioner Zimmerlink said before they do that she will object to that because the resolution, the discussion was at a Tuesday agenda meeting and apparently that may have been in the paper, she doesn't know if both papers covered it on Wednesday, which is certainly insufficient time for individuals to, there may be individuals in this room who don't read the Herald-Standard or who may not have read the Tribune Review. She said they may not have known that two commissioners were going to implement a 1997 resolution, and therefore did not contact anyone and they will be disenfranchised today by being limited to two minutes, versus one individual who happened to read a newspaper and called in and so she gets the three minutes.

**Commissioner Zimmerlink** said that's the first thing and there are certainly other issues and she isn't going to go into at that time but she will object and say they should continue with the process that they have been using until such time as a formal resolution with clarity is first discussed publicly and voted on. She said there are individuals in this room who may not have even been around in 1997 to have any knowledge about this and for commissioners to pull this up right now and throw it at a room full of individuals it is simply unfair for anyone who wishes to speak today. She said the other thing too is, and she will say it very quickly, for a three minute comment on agenda items, well let's say the two minute, there may be individuals in this room who want to speak on, perhaps, we have a lot of important agenda items, say four agenda items in two minutes, so ready, set, go, you've got 30 seconds per agenda item, that is ridiculous to expect any citizen to come before the board of commissioners and speak 30 seconds on one agenda item if in fact they have four to speak on. She said she believes the proper thing to do would be to not implement that 1997 resolution today, wait until we have public comment and if it gets passed, which we all know that something is going to get passed, then do it at the next regularly scheduled meeting after you hear public comment.

**Commissioner Zimmerlink** said that is only the fair thing to do. Commissioner Ambrosini said the agenda was implemented, it was discussed and it was implemented in previous years so, all we are doing is, and he said we gave necessary, we discussed it at a public meeting last week and he said he doesn't think it is unfair, it gives

everybody a chance to speak but yet it doesn't impede the progress of the county's business meeting. Commissioner Zimmerlink said citizen's input is business of the county and limiting today for two minutes is most definitely impeding their rights as well and as she said, they are at public comment and they are going to take votes on important matters and she would like to hear what the room full of individuals have to say. Commissioner Ambrosini said in addition this is not impeding anybody's right to speak, it just doesn't give you unlimited right to drag this meeting out. Commissioner Zimmerlink said drag this. Commissioner Ambrosini said in the past it has been extended to four and five hours, which is beyond what is appropriate because we all have other duties. After an outburst from various people in the audience, Commissioner Zimmerlink said the other thing is that although this was a 1997 resolution, she has been a commissioner since 2004 and they have never advanced that resolution or put minutes on members of the public for all those years, why is it happening now, she said she will get into that later and she is sure, she would hope they would hear from some citizens. Ralph Mazza said three minutes never occurred.

**Commissioner Ambrosini** said these resolutions are not untypical of other counties. He said we are not doing anything more than other counties do, we've done a search through CCAP, the county commissioners association of Pennsylvania, and other counties do have guidelines on their public comment and so we adopted, or we will adopt guidelines that are typical of other counties, we're not doing anything unusual here. Commissioner Zimmerlink said Fayette County is not any other county. She said also these are important county issues and all of this is happening because of the prison issue and she will get into that later. She said as far as what other counties do and this survey, when you directed the Chief Clerk to search that information she did, from what she has seen because she is a part of that PA CCAP group and from what she received, only three counties even responded, out of 67, you only had three counties respond and provide copies of their resolutions and quite honestly, you said that all other counties do it, well, number one, we are Fayette County, and number two she doesn't know the list of counties because the information that we received back was only three counties so, but again, regardless of that, to implement something that occurred in 1997 when we have not adhered to that as far back as 2004 for any limit, let along two or three is wrong. She said and then you haven't even had, it's what I said before, some of these people may not have even known that this is a requirement because they did not read the Tribune Review or the Herald Standard. She said that's all she is going to say on the subject matter, there is nothing more she can do, if two commissioners are going to implement it, these are the two commissioners who are doing that to the citizens. Terry Kriss asked Commissioner Zapotosky what he thinks.

**Commissioner Zapotosky** said he doesn't feel that we should suppress, if that is the word to use, anyone's right to speech, however he said he does have a concern with the way that some of these meetings have gone. He said to be perfectly honest, he thinks they have become points of attack at times, he said the length of the meetings are ridiculously long, as a matter of fact, the agenda meeting is where the rubber meets the road, that's where you decide what comes on this paper today, that's the meeting where the discussion should be held. He said he doesn't necessarily think they need to limit but he said he doesn't know if they have the ability to control because they are

walking out of here at 1:30, 2:30, 3 o'clock, he said he has had to leave to go to his father's hospital room because he had to go. He said we are getting extremely too long, if we could condense our statements, our points of view, he would have no problems with that. He said they are running way, way too long. Kathryn Jones said they don't address their questions or their comments.

**Commissioner Zapotosky** said he is addressing their comment right now. He said he doesn't believe they necessarily need to restrict time, he said he would just hope that they try to condense what they have to say in a relatively short period of time and you can get your message across in two to three or four minutes, you don't need five or ten, you don't need to have 15, if you are operating from the same organization, or let's use the prison as an example, you could have a spokesperson for the prison, it doesn't make a difference, but if you could condense your statements to where we could get these meetings moving along, we could conduct the county business, there are people here who are waiting for us to vote on items that pertain to them on this agenda and keep them here. Mr. Mazza said individuals don't always think alike and Commissioner Zapotosky said he is giving his individual opinion. Mr. Mazza said he doesn't need a spokesman. Commissioner Zapotosky said he understands that but if he did. Mr. Mazza said as far as control, you are the one who blew up at me, I didn't blow up at you. Commissioner Zapotosky said he apologized to him and Mr. Mazza said he never apologized. Commissioner Zapotosky said he thinks he did and Mr. Mazza said, no you didn't.

**Commissioner Zapotosky** said he isn't going to get into it, Mr. Kriss had asked him a question. He said if they could condense their statements, get the point across to the board, to the constituents and the audience they could then conduct business meetings, allow for good solid public comment and move along accordingly, that's his opinion. Mr. Kriss said he appreciates his opinion and he believes a lot of them have been short, concise and to the point and sometimes because you guys don't agree with us, you take it as a personal attack, that's true, there has been a lot of pride shown at these meetings, both ways. He said they are here in front of them and every one of them are taking time out of their jobs and lives, give us your honest opinion. He said to shorten what they want to do to two or three minutes if he wanted to address numerous items he can't address subtopics, it isn't being fair to any of them, he doesn't think anybody has attacked any commissioner personally, he doesn't remember the sheriff taking someone out of there, everybody is being calm, collected, no fights, no name calling, to say they have personal attacks. Commissioner Zapotosky said he never said personal attacks, he didn't use that word. Mr. Kriss said a few weeks ago at a special meeting, a prison member pointed a finger in his face and that is the only time he has ever seen any aggression towards anybody. He said what they are trying to do, limit their speech, they have the time, "you are paid to do a job, you knew that going in being elected, you have to deal with us, 4, 3, 5, 6 hours it shouldn't matter a month, it is a couple of damn days, if you can't do it."

**Commissioner Ambrosini** said they are way off the track here. He said this is not a debate, this is the public comment, and you can make public comment. Commissioner Zimmerlink said she will say this, she needs to respond to Commissioner Zapotosky's

statements, he did say at the beginning that some of these meetings have become points of attack, so he did say that and she has to agree that there have not been any personal attacks on the commissioners, we are elected officials, when citizens have come to that podium they have either praised or criticized the actions that we were about to take or have taken, as elected officials, not personally attacking Angela, Vince or Al, but as Commissioners Zimmerlink, Zapotosky and Ambrosini. She said those are not personal attacks, we are listening to the comments as public officials. She said secondly, it is incorrect to say, it is his opinion that this should all occur at an agenda meeting, the agenda meeting is when the commissioners determine whether or not something is going to advance, this is the official action meeting, this is where the public comment is most important. Second, he said four or five hours, extremely long, she only knows of one meeting, which was the special meeting, which was 3 ½ hours, why was it that long, number one because you had citizens standing out in hallways, OK, she couldn't hear the citizens, citizens couldn't hear what people in the room were saying, that was created by those two, by my fellow two commissioners because they were the ones who scheduled a meeting at 8:30 in the morning, 45 minutes to discuss an important county issue knowing full well that a prison board meeting was scheduled at 9:15. She said those prison board meetings are always scheduled at 9:14 on that Wednesday so they knew full well that there was only 45 minutes, time limit and plus it was done in a crowded room, in a small room for some of you who were there.

**Commissioner Zimmerlink** said there was no reason that it was important enough to hold this quote, "special meeting," to do what- pass a resolution authorizing the commissioners to negotiate a sale, well my goodness, you had already negotiated the sale as proven by documentation back in December so there wasn't even any reason. She said secondly, she has to agree with Commissioner Zapotosky, he just said, this is what she thought that she heard, that he did not want to specifically restrict time, putting 2, 3, 4, 5 minutes, so she commends him for that. She said what she believes he should do is agree with her and not to implement this 1997 resolution today specifically for that reason. She said hopefully later on in the agenda when this resolution comes to a vote, that he chooses not to vote for it because it specifically has limitations. She said as far as a spokesperson, no, every person sitting in this room is an individual citizen and has an individual opinion and to designate, now if there is a group that comes in here, like a historical society and they choose, they have gotten together and they choose, they want one spokesperson, that should be up to them to decide but I want to hear what you, you, you and you have to say if you want to say it, then you should come to the podium and you tell me. She said this idea of saying, well it would be redundant, no, to say you need one person, then later you will say that only one person had a complaint or a question on it and that's not true, we may have had 15 people who had an opinion on a certain issue.

**Commissioner Zimmerlink** said also to say about other people on the agenda, that's part of government, OK, these meetings do not always last 3 ½ hours. It is because we have a lot of agenda items and discussion, and sometimes we are done in a good time. She said if the public was pre informed, just like if she was informed, the meetings would go a lot quicker if she didn't have to ask 10 or 15 questions about an agenda item, the same goes with the public, when a member of the public comes up to the

podium and asks a question under agenda item, simply answer the question instead of going round and round and round which is exactly what happens. She said answer the question as briefly as we can either with a yes or a no or with a two minute or three minute designation but that doesn't occur. She said Commissioner Zapotosky- I want to ask you, you just said that restrictions, and she agrees, people, everyone should try to do this, including me, I'm a culprit of it too, like now, the point is I will ask Commissioner Zapotosky will you agree with me not to implement this 1997 rule for today's meeting, allow these individuals to have an opportunity to speak, citizens, do the best that you can to convey your comments in a timely manner and let's move on with the meeting. Commissioner Zapotosky said he has no objections to that but he will say that if it continues he will step forward and support this 1997 resolution, we have business to handle and he hopes that they understand that a time limit is not necessary, just speak your mind, speak your piece, speak concisely and directly and then let's move forward and everybody gets an opportunity to speak and we get the business done in a reasonable amount of time.

**Commissioner Ambrosini** said he will ask that everybody be respectful and not convey any personal attacks and talk about the issue at hand. Geraldine Mazza said number five, said if this is such a good program and such a great opportunity, she would suggest that these people go privately, as private investors, why should the taxpayers have to pay for them to conduct a business, it doesn't make sense that the taxpayers finance somebody's private business. Commissioner Zapotosky said first of all the TIF itself only goes to pay for the infrastructure of the property in question. He said second of all, just to remind you, that the Fayette Business Park was funded by a bond issue, so that business park there is still being paid for by county dollars so when you drive to Walmart and wherever, understand that was paid for and Andrew (French), I think you are here somewhere, and maybe you can explain as well, that was paid for by county dollars with a bond issue. He said this TIF is not coming out of taxpayer pocket, it is a guaranteed construction of x,y z, whatever that they are building and revenues that will increase the tax rolls once the TIF has expired, it is not giving them a tax abatement, it is strictly going to pay for the infrastructure that is needed on the property in order for it to be developed. He said he just wanted to let her know that.

**Mrs. Mazza** said they are not going to receive, to not have to pay taxes for 20 years? Commissioner Zapotosky said they are going to, right now they are paying a diminimous amount of tax dollars, as they construct their assessment value will go up, throughout the TIF, there will be a percentage, whatever was negotiated, I think we were at 95 or 90 percent, she doesn't know what the South Union Township was 100 percent, he wasn't sure what the school district was, if they passed it at all, but they will pay a portion and after that TIF expires, they will go to the assessed value. Mrs. Mazza asked if this same program is available to local businesses or it is just for big businesses coming from out of the county. Commissioner Zapotosky said he didn't know the answer to that and apologized. Commissioner Zimmerlink said the resolution would designate that particular parcel area as a TIF district, so that would be that, South Union area that would be the TIF district so any businesses going in could be subject to that, is that correct Andrew, that is correct. Commissioner Zimmerlink said only there in South Union Township in that particular area if the commissioners vote today to pass

that is designating, it's agreeing to designate that particular acreage, not the entire business park, correct, only that particular acreage, which is what, around 23 acres, 26 acres, as a TIF district. She said to answer your question, it's only for Cedarwood because they are the ones who own it. Mrs. Mazza said so the township wouldn't be getting taxes, is she correct or all wrong.

**Commissioner Zimmerlink** said it would be exempt from real estate property taxes for the designated period. Commissioner Zapotosky said a percentage of it would be exempt. Mr. Mazza said she hopes the commissioner's vote no on that. Commissioner Ambrosini said maybe to more accurately answer those questions, maybe it would be better for them to determine what actually qualifies a piece of property for this TIF process and also how the money actually gets, how the money that is used to develop the infrastructure, how it gets paid back, so Jeff if you are out here somewhere, or Andrew, whichever one would like to please stand up and explain what qualifies the piece of property for the TIF and explain how that money that's used and who pays that money up front to develop the infrastructure and then what mechanism is being used to pay for that borrowed money. Mr. French said TIFs have been used all across the state and to be designated as a TIF district, that is a designation in South Union Township and the revenues, the other taxing bodies, the county, the school district, they have to agree. He said the property has to be certified as blighted, which it has been by an independent party, according to the statute.

**Mr. French** said that designation has taken place, South Union Township planning commission made that designation, so it qualifies as a TIF district. He said the developer is going to pay taxes, they are paying 100 percent for the real estate taxes, all we are asking is that a portion of the increment, the increased tax revenue that is going to be generated from this development, taking the current real estate taxes that they pay, which is about \$13,000 a year, using that increase in taxes because they are going to have a development for much, much more than that, they will be able to use a portion of that to help pay for the infrastructure, some of the infrastructure improvements, from the TIF we are going to generate about \$2 million in the ability to borrow and go out and pay for some of this infrastructure improvements. He said the total development cost for this particular development is about \$26 million. He said Cedarwood is coming to the table with \$24 million that they are willing to invest and we are asking to use some of these public dollars generated by the TIF to help deal with extraordinary cost that this particular site has. He said mines have to be grouted, there are underground mines, there are voids that have to be grouted, there is a tremendous amount of rock excavation that has to take place plus some other costs, some transportation costs.

**Mr. French** said they are asking to be able to use some of those taxes to facilitate that development. He said as Commissioner Zapotosky indicated, the business park itself, the first phases were funded with tax dollars. He said they invested \$15, \$17 million in various state and federal programs, a local bond issue helped facilitate that development. He said that \$15 or \$17 million, and about \$75 million in private investment for that development at the business park and they have never come to the county and the school district or the county and asked for tax forgiveness so right now

that business park generates about \$900,000 a year in property taxes to all three taxing bodies. He said they are asking for this phase of the business park to be able to use some of that tax increment to help pay for some of those infrastructure costs. Mr. Kriss asked how that area could be called blighted. Mr. French said it is according to the statute so. Mr. Kriss said when you think about blight, you think downtown, and Mr. French said it is a different definition, you're right, it is not a definition that we think of vacant buildings that are falling down, it's a part of the statute, and you hire a third party that does these all across the state, has done this for districts all across the state, and they made that designation. John Cofchin said so what he is saying is that this was originally a taxpayer funded business park that over time has become a blighted business park.

**Mr. French** said not the entire business park. Commissioner Ambrosini said they are addressing Mrs. Mazza's questions and we can't be getting into a debate here. Everybody will have a chance. Mrs. Mazza said she urges them to say no and under commissioners, you are approving the purchase of 58 acres from Fay Penn Economic Development in North Union Township for the Fayette County Justice and Rehabilitation Center in the amount of \$1.25 million. She asked if they were really serious about building a prison on a swampland full of sinkholes, undermined. Commissioner Ambrosini said he doesn't have any documentation to that, to sinkholes, do you? Mrs. Mazza said yeah, North Union, two township supervisors told you on February 26 that land is not suitable for what you are building on, they told you that. Commissioner Ambrosini said they had the North Fayette Township supervisors did not provide him with a geo technical study which we were provided and it clearly states and gives specific engineering specifications on how to put a slab building on that property so it is feasible. Mrs. Mazza said if they put a building on there, U.S. Steel can come in and say they own the rights for the coal underneath there, we're going to start mining, then what are you going to do?

**Commissioner Zimmerlink** said she thinks that might be addressed in the agreement of sale or special warranty deed, is that right Mr. Cupp? Solicitor Cupp said they have a provision in our sales agreement that gives us 90 days' time to do a search and during that 90 days search the reservations would be located and at that time we would have to assess the reservation and we may not want to go through with the contract. Commissioner Zimmerlink said in the specialty warranty deed, is that addressed Solicitor Cupp? She said did not Fay Penn reserve, and Solicitor Cupp said they reserved a right of way. Commissioner Zimmerlink asked if they addressed the coal issue. Solicitor Cupp said the only coal issues that he can recollect are the standard reservations that are a part of a Pennsylvania statute that appear in every agreement, they should not be construed to indicate something that you can't determine by doing a search. Mrs. Mazza asked if they should know what restrictions you have before you buy the land.

**Solicitor Cupp** said it is never done that way. He said whenever you enter into a sales agreement, then you do the search. He said if you don't have a tentative agreement you don't want to go through the expense of doing the search. He said after you have a tentative agreement then you do the search and if you don't like what the search says

then you don't go through with the agreement. Commissioner Zimmerlink said the item on the agenda specifically says consider approval of the purchase of 58 acres, OK. Solicitor Cupp said there was supposed to be an agreement attached. Commissioner Zimmerlink said she doesn't care what was supposed to have been done, what she sees on the agenda that two commissioners approved to advance, OK, says consider approval of a purchase, which means, everyone knows what that means. She said you are saying that is incorrect because what would be voted on today would be to approve to enter into a sales agreement, is that correct, and the sales agreement then says you have 90 days to do your due diligence and then that item would come back to the county commissioners for approval. Solicitor Cupp said you have 90 days to do your search and if something is disclosed in the search, then you would have to come back here and decide whether or not you want to go through with the agreement or whether or not you want to void it.

**Commissioner Zimmerlink** asked how anyone, how would she or any citizens know what occurred in this 90 days if you don't publicly inform us. Solicitor Cupp said he can't tell her what the search is going to reveal until they do the search. Commissioner Zimmerlink said she didn't say that she said if this is signed today, the agreement of sale, they you have 90 days. Commissioner Zimmerlink said who is to say whether something was found in that search or not, how would I or the public know? She said you are saying if nothing is found then commissioners will just sign off on the deed, correct. Solicitor Cupp said you would close. Commissioner Zimmerlink said you would close but no one would know that, correct- in other words you wouldn't come back. Solicitor Cupp said that depends on how much information you want to put out in the public. Commissioner Zimmerlink said of course she wants to know and she would imagine that anyone sitting here and all of those other individuals who are working or, not that none of you work, but she is sure some of you have decided to come here, but of course we want that information, I want that information, there is no guarantee that I will get it., she already knows that but certainly it should be revealed to the members of the public. She said so this is approval to purchase.

**Mrs. Mazza** said if she is paying taxes to the county and the county wants to buy land she wants to know that that land is suitable for the purpose it is being purchased, she doesn't want somebody going off on the deep end and buying swampland and especially at this cost, \$1.25 million. She said buy it and then find out it can't be used, it's ridiculous, it's tax money, it's my money that is going to pay for this land and she wants to know what is going on with it, it just doesn't make sense the way you are going about it. Commissioner Zimmerlink said that Mrs. Mazza indicated concerns about the land itself and Commissioner Ambrosini said a geo study was performed and he was given that study on December 10 of 2013 via a letter from Michael Jordan of Fay Penn to Commissioner Ambrosini. She said she and a couple citizens got that information after a special commissioners meeting and Commissioner Ambrosini was referring to the geo study throughout that 3 ½ hour meeting. She said one of the items listed in the geo study, first off, it was performed for Universal Well Services, not for the county, it was performed for Universal Well Services for their particular building structures, not for Fayette County for a jail.

**Commissioner Zimmerlink** said let me read you two sentences out of the study that was done by Construction Engineering Consultants out of Pittsburgh, and it says limitations, the recommendation listed above, which is all of this, are based on the information currently available which would have been August of 2013, about the proposed structures and site development, which is what was proposed for Universal Wells, and are applicable only to the client for which it was performed, OK. She said misinterpretation may occur by anyone other than for whom the report was prepared. She said the report should only be presented in its entirety and if there are any changes, and then it goes on to say that any changes in the planned construction including site elevation, location or configuration of structures, and site improvements may result in the recommendations in this report becoming invalid. She said that right there tells you, all of you understand what that means, right, OK. She said they are basing a purchase on the intended purpose of another project that had four structures and the whole nine yards on a 480 bed to 500 bed facility and the report specifically says that any changes in the project would change their recommendations. Mrs. Mazza said it isn't worth the paper it is written on as far as a prison goes.

**Commissioner Zimmerlink** said when Commissioner Ambrosini says that study was done and refers to it, you can figure it out. Commissioner Ambrosini said here again, let's be respectful and he doesn't appreciate personal attacks and so he would appreciate that there not be any further outbursts from the crowd. He said that geo study was provided to us as an idea of what the findings were from a professional engineering firm. He said the buildings that were going to be placed on that property were two-story office facilities, the jail is only going to be one story, it is going to be slab built and it went into great detail how you had to do the footers. He said prior to us erecting the county jail we will do an additional geo technical survey of the footprint and the parking lots to determine, to make sure that the footers that we install are appropriate for that specific site, this is 58 acres of property, the jail is only going to have a footprint of three acres. He said they are not using this study to build the facility, we are just using it as kind of a heads up on what was found last year when Universal Well commissioned this engineering firm out of Pittsburgh to do their geo technic study. Mrs. Mazza said they will do a geo study and hope the two mesh and you can build on that land, after you buy the land.

**Commissioner Ambrosini** said they have 90 days to do all their due diligence before we close on the property. Commissioner Zimmerlink said that is not what was said at the February 26 meeting, any time there were questions about that property and citizens and business owners who brought issues regarding the lack of infrastructure and things of that nature Commissioner Ambrosini referred back to that geo study. Commissioner Ambrosini said that is primarily because that is the best information we have right now so why wouldn't he refer to it. Mrs. Mazza said it doesn't apply to the prison so why would you? Commissioner Zimmerlink said why you wouldn't refer to it is exactly what she read from the consultant engineering and it said that any other changes, she already read it. Commissioner Ambrosini said he is sure that Mr. Cupp can explain the legal issues on any type of document or study that is going to be on the behalf of the producer of that study to try to reduce any type of liability issues.

**Mrs. Mazza** said two months ago or maybe last month you passed a resolution saying you will advertise for property that is suitable for a prison and see what the public has to offer. She said you never advertised and you passed a resolution, did you not have any intention of not advertising, did you just do that just to, why did you pass a resolution and not follow through on it? She said they are following through on a 1990s resolution but you can't follow through on a month ago resolution. Commissioner Ambrosini said Mrs. Mazza, first of all, we're going way overboard here, we are going to be here until Friday at midnight if we keep going at this rate. Mrs. Mazza said she is willing to say but she wants answers to her questions and if he answered her questions they wouldn't be there that long. Commissioner Ambrosini said he knows she is but they have already had some explanation of the TIF and he isn't sure she heard how important that is for the county to create 500 or 600 jobs that we desperately need in Fayette County. Mrs. Mazza said where are you going to get 600 jobs in retail at a shopping strip mall? Commissioner Ambrosini asked Mr. French if he wanted to address that.

**Mr. French** said that is an estimate, and he thinks it is a conservative estimate and these are new retailers. After comments from audience members, Commissioner Zimmerlink said whoever is at the podium is the designated speaker at that time, everyone else will have a chance because she said she can't always hear. Donald Coleman said they can't hear in the back either, talk loud so he can hear. Commissioner Zimmerlink said, Mrs. Mazza, to answer that question, it was stated that, it was reported by the Herald-Standard that the planners have estimated that about 600 jobs, 200 for the construction and 400 for the operation of businesses, alright. She said that was February 13, 2014, that was when there was going to be a hotel, there's not going to be a hotel, maybe some of those numbers may or may not change but as of February 13 with a hotel it was 200 of construction, so basically it is 400 that the planners had designated for the operation of the businesses and that business included a hotel. Mrs. Mazza said they are all minimum wage jobs except for the construction.

**Commissioner Ambrosini** said that isn't true, Mrs. Mazza. He said there will be management jobs, there will be maintenance jobs, there will be HVAC people, these places have to operate. Mrs. Mazza said usually when a company comes in retail, they bring their management from someplace else because they don't take people off the street and give them a job in management, that just doesn't happen, these are all minimum wage jobs for local people, that's all they are and I still urge you to say no. Commissioner Zimmerlink said she urged them to say no on that, do you have another agenda item? Mrs. Mazza said yes, one more. Commissioner Zimmerlink said the reason she is taking so long is that Commissioner Ambrosini has asked Andrew to speak and then we also all three, what's so funny, all three of us have interjected to answer your questions. She said you are done with those two agenda items, what is your next one please. Mrs. Mazza said her next one is "consider approval to establish rules for public comment at all commissioner meetings, as attached," well I don't have anything attached, but I will tell you this, I have been coming to these meetings for a long, long time. She said she was coming to these meetings in the 90s when that resolution was first put into effect and it did not work then and it won't work now.

**Mrs. Mazza** said she will not pay a toll telephone call to call the courthouse to say she wants to speak. She said it is her right to get up at a public meeting and speak and that's what she will do. She said she will take three minutes, five minutes or 10 minutes, whatever it takes her to get her point across and to say what she intends to say without any restrictions whatsoever. She said she advises them to error on the side of caution and don't pass that. She said she will not follow any rules that tries to take her rights away. Ralph Mazza said he has three things under 16 that he wants to talk about. He said first of all, purchasing land in North Union Township 58 acres, there is an organization out West somewhere, he thinks in Wyoming, local political bodies who wish to build new prisons and they have discovered that they all follow the same general mythology to do this, one is artificially inflating existing expenses because of the old prison, false reports about closing that prison because of the conditions and the biggest thing is moving from an urban location to a rural location, these are being paralleled by this body. He said this is suspicious if nothing else, however the ultimate goal of these bodies is to privatize the prison, in other words, sell it to somebody and a lot of money changes hands and everybody is entitled to some of that money.

**Commissioner Ambrosini** said he wanted him to be more specific, because he isn't sure what he just said. Mr. Mazza said what he said was that this organization has found that in almost every incident they want to privatize a prison so that everybody can make a pile of money and the methods they use are exactly the same, they parallel the methods that have been done in this county. He said he would ask them outright, is that their ultimate goal, to privatize the prison. Commissioner Zapotosky said he doesn't support privatization and he never will and Commissioner Ambrosini said no, absolutely not. Mr. Mazza said, no goal to privatize the prison? Commissioner Ambrosini said it will remain a county department. The answer is no, it will not be privatized, he said. Mr. Mazza said a number of meetings ago they talked about Armstrong filming those proceedings and he told them that they were told that the outfit that does film these proceedings that they were told that the outfit would furnish them with a film or tape of these proceedings and I told you that has never happened. He said he attended a senior fair when Armstrong was present and he asked the same gentleman who told him that why they didn't come back and tape these proceedings and he told me that somebody from the commissioner's office told them that they weren't welcome.

**Mr. Mazza** said he would like to know who that person was, who told them they weren't welcome. Commissioner Ambrosini said there is no one up here that told them that. Commissioner Zimmerlink said she would answer for herself and she didn't tell them that. Commissioner Ambrosini said they haven't been here since this administration took place, to his knowledge. Commissioner Zapotosky said he thought the reason that they left was that they wanted to get paid. Mr. Mazza said they were told that they would get a copy of the meetings and they never got the copies of the meetings and now he tells me that they were told by somebody in the commissioner's meeting that they were not welcome and they don't go where they are not welcome, those were his exact words, we don't go where we are not welcome. He said the last thing he wanted to touch on was the special meeting they held up in that cubby hole. He said they violated the Sunshine Act, he doesn't know if they are aware of it, but they violated the Sunshine Act because you wouldn't move, you were asked to move to a bigger venue where all

the people could be heard, the people couldn't hear, especially the people in the back of that hallway and clear out in the reception area could neither hear nor speak.

**Mrs. Mazza** said that means that their rights under the Sunshine Act were violated, therefore you violated the Sunshine Act. He said he hopes none of them sue the county because the taxpayers have to pay for it. He said he doesn't understand this administration at all and in his estimation of all the years he has been coming to commissioner's meetings, this has to be the worst county government that has ever been. Commissioner Ambrosini said folks we have three areas of government, we have county, state and federal government. He said he can assure you that if you go to the United States Congress and sit in the gallery, he is real sure they are not going to tolerate outbursts, he is real sure the state House isn't going to tolerate outbursts and there is no reason why we should tolerate outbursts at this level of government. He said he would like to keep things professional and he implores them to please be respectful as we go through this meeting. Mr. Mazza asked what his definition of outburst is. Commissioner Zimmerlink said apparently the clapping, and we are not in Washington D.C., we are not in Harrisburg, we are in Uniontown, the county seat of Fayette County, they just simply clapped, let's just move on. She said they didn't clap and go on for 10 minutes, they clapped as citizens to say that they like what had happened, let's just move on.

**Marybeth Homistek** said she had a couple questions regarding the agenda items that she wanted to ask about before they vote on them. She said her first question is number 14, the Recorder of Deeds, entering into a contract with IBN for implementation of the UPI system for the Recorder of Deeds office. She said is that the same IBN company that is owned by Tom Murphy of Westmoreland County who was here last month. Commissioner Ambrosini said that is correct. Ms. Homistek said that company didn't exist last month, it suddenly is now a legal company set in the state? Commissioner Ambrosini said Mr. Murphy is here today, and he can address that question. Mr. Murphy said it is doing business as IBN, it is Insurance Benefits Network, which was incorporated in 2005 for the purpose of downloading insurances and that was kind of mothballed and when he got into the UPI services he had his attorney do a doing business as IBN, which is an easy moniker and that is all there is to that. Mr. Murphy said that Mr. Cupp has been in contact with his attorney and has gotten his corporate papers. Commissioner Zimmerlink said the agreement and the statement that he made when he was present, is it IBN Inc., OK, one of the news reporters contacted the Pennsylvania Corporation Bureau and specifically spoke with an individual who said that IBN Inc. was not incorporated on their corporation bureau.

**Mr. Murphy** said that he told the reporter that it was "doing business as." Commissioner Zimmerlink said in other words you are saying that the document that you presented to us was incorrect, listed as and Inc. instead of a doing business as. Mr. Murphy said no, he isn't aware of the legalese on that. Commissioner Zimmerlink said it isn't a legalese, she is asking was it an IBN Inc., is it IBN, Inc. Mr. Murphy said it is doing business as. Commissioner Zimmerlink said so it is not Inc. it is DBA. Mr. Murphy said from what he understands, and he isn't an attorney, if you do it doing business as, it refers to the corporation itself. Commissioner Zimmerlink said let me ask a question of the solicitor,

interjecting her with Miss Homistek helping to answer the question, IBN, Inc., as of the day after that meeting, the corporation bureau said it is not listed as a corporation, right, OK. She asked if it is listed as a corporation or not. Solicitor Cupp said the Insurance Business Network is, so the proper way, and you haven't signed anything yet, is to have it say the Insurance Benefits Network Inc., dba IBN Inc. Solicitor Cupp said there are a couple other things that he talked about with Mr. Murphy. Commissioner Zimmerlink said the agreement that was presented for approval needs to be modified because the agreement that was provided to us said IBN Inc. period. Solicitor Cupp said it is a professional services agreement. Ms. Homistek said still on 14, Mr. Murphy is from Westmoreland County and at last month's meeting, Mr. Lally or somebody said that no one in Fayette County is capable of doing that job. She asked if that job was advertised in the courthouse or anybody to apply for.

**Controller Lally** said he didn't make that statement. Ms. Homistek said he said that and Controller Lally again said that he didn't say that. Ms. Homistek said she wrote that down. Commissioner Zimmerlink said someone here in the room did, either specifically said it that there is no other individual or company that is qualified to provide those services. Ms. Homistek asked—there's no Fayette citizen that can do this job, was it advertised at the courthouse. Commissioner Zapotosky said it is not a job, it's a professional service to draft the ordinance, to implement the UPI program, so it is not a job per se, however, there would be an additional need for staff at the tax assessment office to assist in getting the program implemented. He said for the professional services, it is his understanding that his company is the only one in the Commonwealth that has done this before. He said he has done this for other counties and he will let him speak for that, but it is not a job, per se. Ms. Homistek asked how much he would be getting paid for this not job. Commissioner Zapotosky said in the contract, and he wasn't sure of the amount off the top of his head, Commissioner Zimmerlink said she hasn't seen anything other than a percentage rate. Ms. Homistek said you still need a job to provide a service. She said, there is no one else in Uniontown that can do what he is supposed to do, come in and organize, or Fayette County, there is no one capable?

**Commissioner Zimmerlink** said or any other county. She said they don't know that because the commissioner just said no and Tom Murphy also said no, however you don't know that unless you seek proposals and there have been other, from information she gathered, some counties have done it in house and actually one county is in the process of having a consultant agreement with a GIS company to perform the UPI implementation, so to answer the question there are other individuals, professionals, companies, whatever out there, however Fayette County did not go past Tom Murphy. Ms. Homistek said she also wanted to add a comment before they vote on agenda item 16 to consider approval to establish rules of public comment. She said she is just curious about what caused them to start talking about the issue on Tuesday, the day of the referendum rally taking place outside when you had 3,700 people's names and to speak and let us be heard, and then headlines the next day in the paper headlines you are denying us the right to speak. She said what happened that day, was it because of your behavior at the Wednesday meeting? She said was it the erratic behavior at that Wednesday meeting when Mr. Killinger stood up and blah, blah, blah, is that what prompted you to silence us because it backfired, because nothing happened, the people

at that meeting did not yell, they were very calm, well spoken, they shared their pictures' there was no disturbance by the citizens, the disturbance was more by volunteer whatevers or another professional out in the hallway. She said why should we be silenced the next day because of that, you scheduled the next day at the 9:15 a.m. meeting, you could have had the meeting amended, why silence us, what is it related to, it is just weird that you would want to implement this.

**Ms. Homistek** said another thing in the paper was there will be more constraints enacted at the April meeting, what will you do then? She said he was in the paper saying they will be stricter. Commissioner Zapotosky asked who she was talking to adding, that he didn't know about the article in the paper. Commissioner Zimmerlink said it was a statement that Commissioner Ambrosini made. Commissioner Zapotosky said he didn't get a call for comment. Ms. Homistek said she has the article where it states in the Herald said more will follow. Commissioner Zimmerlink said one or two of the newspapers summarized Commissioner Ambrosini saying that there could be additional modifications made at the April meeting, that's what she read, but she will have to ask Commissioner Ambrosini that. Ms. Homistek asked Commissioner Ambrosini what he meant by that. Commissioner Ambrosini said he had the resolution which will be implemented and was produced off of what we do here and what other counties do to make it a reasonable common sense approach to hearing your comments. Ms. Homistek said they chose those other counties to look at, why not look at Allegheny County. Commissioner Ambrosini said they asked. Ms. Homistek said you asked and out of 67, only three responded. Commissioner Ambrosini said three or four submitted comments.

**Commissioner Ambrosini** said that doesn't mean all these other counties don't have rules. Ms. Homistek said they looked at Berks, Bucks, you looked at strange little counties. Commissioner Ambrosini said Berks is not a strange little county and he is sure Berks would take offense to you calling them a strange little county. Ms. Homistek said she doesn't know where any of these are. Commissioner Zimmerlink said she doesn't know what counties all responded, but the point is, the question is what additional modifications did Commissioner Ambrosini. Commissioner Ambrosini said he will read it when they get to it. Commissioner Zimmerlink said it is a simple question, is this it or is there anything else to be added in April or is this what is going to be proposed. Commissioner Ambrosini said this is what is proposed right now. Commissioner Zimmerlink said this is what is proposed right now today, is there any inclination that more could come? Commissioner Ambrosini said no, this is, he read it and it seems to be appropriate. Ms. Homistek said so when she comes to the April meeting, there won't be more restrictions on the agenda. Commissioner Zimmerlink said that is what he just said. Commissioner Ambrosini said this resolution, and we will provide some copies of it so everybody will know what to expect, but this is it. Ms. Homistek said you won't have something in April to do this, this and this. Commissioner Ambrosini said if this passes Marybeth, this will be in place for April.

**Commissioner Zimmerlink** said there may be some individuals out there who wish to comment on that, you haven't even seen it, is that right? OK. Ms. Homistek said she also wanted to comment before they vote on the same item 16, the purchase of the 58

acres. She said someone said, she couldn't remember who, you are only going to use a small footprint on that land, six acres, why buy 58? Commissioner Ambrosini said that is what was proposed to us from the owner, Fay Penn, and Ms. Homistek asked why buy 60 acres when you only need 10 and you can get it cheaper. Commissioner Ambrosini said the owner chooses not to sell it piece by piece. Ms. Homistek said she spoke to Mr. Jordan Thursday and then suspiciously he resigned on Friday. Commissioner Ambrosini said are you taking credit for that Marybeth? Ms. Homistek said she spoke to him and he said it was so valuable because it came with sewage, water and internet. She said that she told him there was no internet, because Mr. Laskey referenced that at one of the meetings, and he said the sewage problem, that it was so well built that his property is worth more than \$1.25 million, it was closer to \$1.50 million, it's so valuable. She said the other company, some kind of well company because of the issues, but there are photos out there of that property. She said why didn't you buy 30 acres.

**Commissioner Ambrosini** said the owner chose to sell the 58 acres as a block, we had no option and that is good because it is actually a very good price for the property, the county, he said there were two assessments by county code that they had to do, one was from the assessment office and the other was by an independent realtor and both values came up above the asking price that Fay Penn quoted us. Ms. Homistek asked what the values were. Commissioner Ambrosini said they were in the ballpark of \$1.3 million plus. Ms. Homistek said one was 1.30 and they were done the day before the Wednesday meeting. She said they were dated Feb. 28 and the meeting was the 29<sup>th</sup>? Commissioner Zimmerlink said no. Commissioner Zaptosky said that he said they were out there looking at the property. Ms. Homistek said the day before and Commissioner Zimmerlink said no. She said the special meeting was held Wednesday, February 26, the director, the chief assessor in response to a question she asked, stated that he and the county appraiser, whom we often use Frank Coppolino, visited the site the day before and, for the purpose of preparing an appraisal, OK, that's what Bill Lukach stated. Ms. Homistek said before it was even voted on and Commissioner Zimmerlink said correct. She said they later found out by reading the Coppolino report that it was actually completed on February 25.

**Ms. Homistek** said that is what she was told by the county which is just weird because at that meeting on film, she said she heard her ask somebody at the table about that. Commissioner Zimmerlink said right, and the resolution was to negotiate and authorize to have appraisals done but it was already done the day before so in essence if it was already done the day before someone had to ask him even before that so that answered your question. Ms. Homistek said she didn't come to that meeting and another thing, on number 16, have they done any follow-up regarding the flood issues and do you have an estimate of the cost of sewage yet? Commissioner Ambrosini said there are three options for sewage, one is to go through the North Union collection system that will end up in the Greater Uniontown Sewage Treatment Plant, which is where the sewage goes from the current county jail, the other option is to use the Dunbar borough sewage treatment plant, and the third option is to put a standalone package plant for the prison itself, we are evaluating all three potential costs to complete that. Ms. Homistek said doesn't Dunbar Borough have an issue already with the sewage?

**Commissioner Ambrosini** said Dunbar Borough right now has two modules in their sewage treatment plant which each module can treat 150,000 gallons a day so they have capacity at 300,000 gallons. He said they will issue an RFP within the month to have a third module installed which would be an additional 150,000 gallons. He said they can do a modification to the 537 to allow the jail to have capacity in that third module. He said again the third option is to put in a separate package plant. He said the only requirements to a package plant, according to the DEP is that the Dunbar Township sewage authority operate the plant and when sewage is available, potentially otherwise if there wasn't going to be any sewage available otherwise that the plant be decommissioned after there was municipal sewage available. Ms. Homistek asked who would pay to get the additional sewage thing up and running, the county? Commissioner Ambrosini said it would be a combination of grant money and also, we have included in the project cost, money for sewage expansion. Ms. Homistek said so that \$30 million figure includes all of that? Commissioner Ambrosini said yes it does. Commissioner Zapotosky said most time you see upgrades to sewage facilities, there are two sources of funding, one is through the United States Department of Agriculture through RUS as it is referred to, the other is through PENNVEST which is a loan that has a low interest rate and a long term form of repayment.

**Commissioner Zapotosky** said it must be added to the 537 before you can petition either of the two agencies in question. Ms. Homistek said do you have to have permits already to start surveying already, are you out there with people surveying, are they physical machines on the property? Commissioner Ambrosini said no, we need to do our due diligence with the property itself. Ms. Homistek said one final, why don't you want to have it called a prison or a jail? Commissioner Ambrosini said that is a good question and he will answer that. He said as everyone knows, and Fayette County is not unique to the tremendous increase to the crime rate, in fact Fayette County has the second highest crime rate in the county. He said out of 67 counties, we are the second highest. He said one of the things is there are two problems, there's two major problems with our current facility, one is, it's too small, that's why we have to send inmates outside the county to six to seven different county jails at a high cost. He said the second problem is we have our current facilities are very inefficient. He said as you can well imagine, our county jail was built in 1889 so it is 125 years old and it was originally intended for 65 inmates.

**Commissioner Ambrosini** said in that particular building we are keeping nearly 200 there so we are actually using spaces in that jail that were originally meant for storage rooms. He said they actually have double bunks in there. After some members of the audience started commenting, Commissioner Ambrosini said he is answering your question. He said the problem is that we have a lot of problems and we have to address a bunch of problems to make this successful. He said currently we are not doing much more than warehousing inmates, we put people in our jail that have a sentence of no more than 23 ½ months, just to make a point. Ms. Homistek asked why it was called the hall of justice and rehabilitation and it should be a pretty simple answer. Commissioner Zimmerlink said, could I interject, he was quoted in the paper or it was summarized in one of the papers. Commissioner Ambrosini said he would like not to be interrupted,

please. Commissioner Zimmerlink said, can we cut to the chase a little bit here? Commissioner Ambrosini said no, she asked me the question and Commissioner Zimmerlink said he wasn't answering and that is why it is taking so long, just answer shy justice center versus a jail. Commissioner Ambrosini said the reason why they are calling it that is was reviewed by the project team, we're going to put in place a lot of programming that we currently can't do because we have no space. Ms. Homistek said he has said that for months now. Commissioner Ambrosini said some of these people are new, they may not know. Ms. Homistek said just answer my question.

**Commissioner Ambrosini** said the reason we are calling it that is because that is what we are going to do inside the walls of that prison. Ms. Homistek said they are doing that now, they should have been doing that. Commissioner Ambrosini said they are not doing that now, you are getting a little argumentative here, this is not, we are not doing that now, we have no space and they have plenty of studies and reports that clearly specify by professionals that we have no space in our existing county jail for these programming efforts. Ms. Homistek said it sounds better if it is called a hall of justice and rehab for those people in jail, they will feel better if they are in a hall of justice and rehab location and they will get better because of the name if it is not called a jail, right? Commissioner Ambrosini said no. Ms. Homistek said why don't you just call it a Fayette County prison? Commissioner Ambrosini said if you would let me speak for a minute, I will let you know that. Commissioner Ambrosini said please, we are doing a number of things that are new to Fayette County. He said they are planning to provide for mental health 20 percent plus of the inmates are people with behavioral health problems and these people aren't bad people, they just don't know any better, they have made mistakes and they end up in our county jail. He said he is being conservative when he says 20 percent, it is probably more than that but these are the people that we can help through education, through counseling services, through psychological services, we don't have any place to do that in our current facility.

**Commissioner Ambrosini** said in addition we are working with Penn State to develop an internship programs. Ms. Homistek said he said that two months ago. Commissioner Ambrosini said he will say it again because apparently you forgot. Ms. Homistek said she is just asking why he wants to call it that. Commissioner Ambrosini said the simple answer is Marybeth that is what we are going to do, rehabilitate people. He said we have to reduce the recidivism and the only way to do that is to provide these services whether it is people with multiple DUIs, whether it is people that have the petty theft issue. He said the facility is going to be named because of the process that will be done inside that facility. He said in response to a question that it was a group decision, it wasn't his decision. Commissioner Zimmerlink said to summarize, it is what he said and what was quoted in the newspaper many months ago when they came up with the hall of justice, whatever the name of it is. Commissioner Ambrosini said the Fayette County Justice and Rehabilitation Center. Commissioner Zimmerlink said and he then said because he wants the building sign to show what is going on behind the doors, OK, simple answer.

**Ms. Homistek** said it was also in the paper that when the new jail is built where it is going to be built it is going to have trees around it and you were disappointed that people wouldn't be able to see it when they drive by because it will be so pretty. She said it will look like a school. Commissioner Ambrosini said it could look like a school or it could look like a business and for the people who don't want to see a county jail that will make them happy. Frank Rutherford, and international representative for the United Mine Workers, and he represents 70 of the bravest employees you have in the county, those are the COs that you have at the prison right now responsible for the care, custody and control of the worst inmates there are in the state. He said this prison can't live up to Title 37, which is the requirements from the DOC, you can't have proper procedures to ensure the safety of these COs because of the size of the prison, the size of the cells and the procedures can't be adopted. He said it is about time we look at the workers in this county that are dealing with that prison and let's move on and build a new prison. He said they have the executive authority to make that vote and vote today on the 58 acres, let's get it involved, let's get it done because otherwise the county is responsible for the 70 COs that we have and there will be lawsuits coming down from inmates and it will be a lot cheaper to build a prison instead of paying the lawsuits from the inmates because of the conditions, which is deplorable, this jail is worse than third world countries jails. After moans from the audience, Commissioner Ambrosini gaveled and asked the audience to give this man respect.

**Commissioner Zimmerlink** said she would just make one comment on that, sir you said that you represent the 70 COs, well there have been a number of COs that have pulled me aside and said that they do not think that the new jail should be built and gave the reasons but they won't go on record and they said they won't go on record because for fear of their job so everybody has an opinion. Donald Coleman said he is a Vietnam Veteran and he is very proud of it, his country made him unproud of it for a lot of years. He said Mr. Ambrosini if you are trying to take the right away from people to talk, you are very wrong. He said there have been a lot of young men and women die for that flag and our freedom. He said this guy here don't know what he is talking about, when he went to Fort Benning Georgia he sat on commodes that had no privacy, showers were no privacy and he didn't do no crime to get in there. He said he isn't concerned about a child molester or somebody who beats up some old lady or woman for their money, he isn't real concerned about how they have to live. He said all the people who signed that petition, you ought to honor that, you should honor that Mr. Zapotosky because he knows he is a better person than that. He said he needs to break away from what is going on here and be your own man.

**Mr. Coleman** said he is going to talk. Commissioner Ambrosini said he can't make any personal attacks. Mr. Coleman asked who the personal attack was on. Commissioner Zapotosky said he assures him, he is his own man. Mr. Coleman asked if he had a problem with him saying that to him. Commissioner Zapotosky said he would prefer he didn't make that comment but he knows him and he knows our relationship, he talks to him and the bottom line is he thinks for himself, he is his own man and if he wants to discuss it further, he is more than willing. Mr. Coleman said he doesn't want to discuss it, he is allowed to say what he feels. He said you people don't understand, who is actually going to pay for this prison? Who is going to pay for it in the end, who is going

to foot the bill for the prison? Commissioner Ambrosini said this is an easy one, we have done the economic study, because of the fact that we are sending, because of the inefficiencies, I'll just cut to the chase, because of the inefficiencies, we are wasting \$2 ½ million of your tax money every year and that is only going to escalate if we don't stop it now. He said the debt service for this facility will probably only be \$1.8 to \$1.9 million so the debt service that will pay for the cost of this prison not only will be fixed and won't be escalated, in the future, it will actually provide a savings to the county because it will save us about \$600,000 to \$700,000. Mr. Coleman said he isn't here to say we don't need a jail, he is asking who is paying for it. Commissioner Ambrosini said it will save the taxpayers money. Mr. Coleman asked who is paying for it. Commissioner Zapotosky said the taxpayers are ultimately paying for it. Commissioner Ambrosini said the fact is we are wasting so much money now.

**Mr. Coleman** said he is wasting a lot of time now, he asked him a simple question and Mr. Zapotosky answered. Mr. Coleman said he wanted Mrs. Zimmerlink, Mr. Ambrosini and Mr. Zapotosky to each answer him separately. "Who pays you Mrs. Zimmerlink?" She said the county tax dollars. "Who pays you Mr. Ambrosini?" He said the county taxpayers. "Who pays you Mr. Zapotosky?" He said the people of Fayette County. Mr. Coleman asked why they wouldn't want to listen to the people who signed the petition and let them have some input on this deal. He said he isn't there to say they don't need a new jail, he is saying they started out wrong, the people need to have a voice in it, this is the Democratic Way, any veteran would say that, it's the Democratic way, you vote on stuff, it's like a sportsman's club, you vote who become president, the members get involved, why can't the members get involved in this? Commissioner Ambrosini said the last time he checked, we still have a representative government in this country. Mr. Coleman said you know what I mean Al, let the people vote on it, if they want this prison now, if you don't want it say no and let's start all over and let the people get involved, just like that girl brought up the name of the prison, why can't the people decide what they want on the name on the front of this prison.

**Commissioner Ambrosini** said what they need to do is just go away and, with Mr. Coleman saying you work for us Al, and he knows that is hard for him to say but he works for them. He said "we elect you people, it ain't no joke. Do you work for me, Mrs. Zimmerlink?" She said yes. Commissioner Ambrosini said he works for 136,600 people so is he going to listen to a small percentage of those people. Mr. Coleman said there are a lot of people here that are concerned. Commissioner Zimmerlink said he said 136,600, that's how many individuals reside in Fayette County, not all of those individuals are registered voters, OK, that referendum, she doesn't know the exact number but it was like 3,700 plus, how many registered voters are there in Fayette County, what about 90,000, so 3,700 out of 90,000 and then how many actually voted in the last election, which is like 21 percent, the amount comes down. Mr. Coleman said he thinks the commissioners ought to honor it, he thinks it is the Democratic way and he thinks it is wrong to not honor it. He said we should let these people get involved in this and help decide what we are going to do with their money. He said he isn't a real educated man, Al, Vince or Angela, but a lot of it is common sense.

**Commissioner Zimmerlink** said she believes that the people should have something to say and the people shouldn't be limited to three minutes and he has already been up there too long, he should have said what he said and sat down. He said sometimes you won't let me too, you won't answer my questions. Commissioner Zimmerlink said the way she understands it, the referendum question, it wasn't just to stop the prison, the construction, it was to explore all options, right. Mr. Coleman said that is what he signed it for. He said it isn't that we don't need it, we need it but it isn't really how these prisoners have to live in this facility should be a big concern of mine, he said we have men and women living in way worse conditions as of right now, am I correct or not? Commissioner Zimmerlink said correct. Mr. Coleman said they are living in way worse conditions than these guys in this prison. He said he doesn't feel sorry for them, he was taught that it is a bad place to go and when you go there you will never want to go back. He said that's the way he thinks it should be and yeah, we need a new jail, maybe we ought to add on, maybe we ought to let the people have a little bit of input into it, that's his big thing, why are you not letting people have some input in it, that's all I got to say.

**Terry Kriss** said he will be informative and to the point and he only has a couple questions that require a short reply. He said this is concerning item number 16, commissioners, consider placing on the agenda the purchase of 58 acres from Fay Penn for a million and a quarter. "Whereas Fayette County believes that the best interest of the county can only be met by building a new prison," no Al only you Vince and your prison working group seem to believe that. He said the rest of us believe that the old stone jail is not falling down and does not need structural restoration, what it does need is cosmetic restoration such as plastering, air circulation, plumbing, etc., which can be done along with building or expanding the annex. He said all the costs the taxpayers can afford, you said nothing, you said renovating the jail and building a new annex is too costly yet you have no estimates to prove otherwise. He said no one is saying that action should not be taken to address overcrowding and the physical condition of the jail, what property owners are saying is that anything done must be within the financial constraints of us property owners who foot the bill. He said no one is saying that action isn't needed to address the overcrowding at the jail but what property owners are saying is that anything that is done must be in the financial constraints of us property owners who foot the bill.

**Mr. Kriss** said the second thing is that across the county there is layoffs of the workforce. He said he is a property owner which makes him a taxpayer. He said he is self-employed and works hard for every dollar. He said he expects the government that takes his money to spend it wisely. He said he also expects his government to be honest and forthcoming with the public they serve. He said continuing with number 16, "Fayette County believes that the parcel proposed by Fay Penn Economic Development Council is the best parcel for use as a prison." He said once again Al, only you Vince and Fay Penn believe that. He said the entire community of Mount Braddock along with the businesses that are located along Mount Braddock Road and the North Union Township supervisors do not want that parcel used for a prison and the hundred signatures he got on the prison referendum petition prove that. He said they all agree that the prison should stay in Uniontown where the system is already in place and most of the residents and most of the businesses agree this prison proposal is not economic

development as defined and should never be permitted in an industrial park, taking up 58 acres of prime tax generating property intended for private investment and business growth.

**Mr. Kriss** said did you two or your prison working group go door to door throughout Mount Braddock or to the business owners or township supervisors asking if they were OK with this prison on this parcel of land? He said of course you didn't or we wouldn't be here today. Commissioner Ambrosini said the closest property owner did endorse the jail. Commissioner Zimmerlink said who is that. Commissioner Ambrosini said Mr. Joey Cellurale. Commissioner Ambrosini said he is a property owner and his property is adjacent. He said let's try to be respectful, he is a property owner, is there a problem with that? Mr. Kriss said in the entire community of Mount Braddock, have you ever walked a community yourself door to door, I mean every door in your life? Door to door, in the whole community? Commissioner Zimmerlink said, "I have." She said not for the prison, but she has and Commissioner Ambrosini said sure. Mr. Kriss said, "you walked an entire community, door to door, the entire town?" Commissioner Ambrosini said every elected official does that when they campaign. Mr. Kriss said, no you go on the list of D and Rs and walk back and forth, and Commissioner Zimmerlink said, right. Mr. Kriss said you don't go door to door, you've never done that. He said he did that in Mount Braddock, door to door, every residence and every business on Mount Braddock Road and every one signed that petition, it is unanimous.

**Mr. Kriss** said it isn't an opinion, it is an entire community, that is something he should have thought of before you wanted to throw it in that community, ask the residents. Commissioner Ambrosini asked if he went to Mr. Cellurale's house? Mr. Kriss said did I go to Mr. Cellurale's house, do you really need me to answer that question? Commissioner Ambrosini said so the answer is he did not go to every person's house in that community. He said he went to 250 homes and 12 businesses except one, does that make the difference? He said is he saying that Mr. Cellurale is important? He said does Joey Cellurale live on that property? Does he live on that property, the guy who you mentioned, does he live on that property? Commissioner Ambrosini said he doesn't know, he has a business on the property. Mr. Kriss said does he live on the property, you brought this up. Commissioner Ambrosini said he doesn't know. Mr. Kriss said he is answering him, he does not. Commissioner Ambrosini said he doesn't know. Mr. Kriss said does he live on the property? Commissioner Ambrosini said he just said he doesn't know and Mr. Kriss said he is telling him that he does not and that is a big difference when someone owns something and somebody lives there. He said do you understand that philosophy? So for you to bark out after I told you about a whole town and a whole community and one person is for it and it happens to be my neighbor who doesn't live on the property, he doesn't see how that holds credence in any of this.

**Commissioner Ambrosini** said that is your opinion. Mr. Kriss said that is what I am entitled to, right? He said number 16, whereas Fayette County has investigated the purchase of said parcel, obtained appraisals and determined that the purchase of said parcel is appropriate under all circumstances. He said he has to question the circumstances surrounding the appraisals, beginning with the special commissioners

meeting held February 26. He said a question was asked and Al answered it. He said we will be getting two appraisals on the Fay Penn property is in the resolution. He said another question was asked and your chief assessor Bill Lukach responded that he was at the site property the morning of the 25<sup>th</sup> together with certified appraiser Frank Coppelino. He said first off, these two know better and should have never been there together and is his and many other opinions there is a conflict of interest. He said then he discovered that Coppelino had already completed his appraisal and it is dated February 25<sup>th</sup>, a day before the special commissioner's meeting and on the same day he was there with Lukach. He said a \$1.335 million appraisal with the same day service, not bad. He said chief assessor Lukach's \$1.34 million appraisal is dated march 3, the problem is Lukach has not appraisal credentials, just assessment credentials, and ladies and gentlemen, there is a big difference.

**Mr. Kriss** said we should all find very interesting that a certified appraiser and a county assessor have only a \$49,000 difference between them on a \$1.3 million piece of property that the majority commissioners have already agreed to pay Fay Penn \$1.25 million for. He said item number 14, recorder of deeds, enter into an agreement with IBN Inc. for the implementation of the UPI or universal parcel identifier system or the recorder of deeds office. He said at the February 18 commissioners meeting, agenda 18, you wanted to enter into an agreement with a Tom Murphy for the same services. He said which is it today, and he believes the gentleman did answer that, it is IBN Inc., DBA, is that correct? Commissioner Zimmerlink said what is it John Cupp? Solicitor Cupp said Insurance Benefits Network Inc DBA IBN Inc. Mr. Kriss said the content of the agenda prohibits anyone in the public from knowing what they are about to vote on today. He said only after questioning at the last meeting did we learn anything about this lucrative agreement. He said Commissioner Zimmerlink explained that nine other counties implemented the system in house, with a few of them hiring consultants to help them. He said she offered alternatives, did either of you, Vince or Al, look into the alternatives?

**Commissioner Ambrosini** said Mr. Kriss, when this project was started, and he will go clear back to July 13, 2012, he wrote and e-mail and he was in office six months at the time, he has an opportunity to tour the prison and he talked to many people and it turns out that it was pretty obvious from the number of lawsuits and the fact that we were sending inmates outside of the county and we had. Commissioner Zimmerlink said he is talking about the UPI. Mr. Kriss said this is about the UPI. Commissioner Ambrosini said he is asking and Mr. Kriss said he is asking about alternatives the other commissioner offered about hiring other consultants. Commissioner Zimmerlink said are you still on the recorder of deeds. Commissioner Ambrosini said OK. Mr. Kriss said his question is that she brought up at the last meeting that there were counties that did it in house and other counties hired a consultant. He said did either of you look into any of them and you were absent Mr. Zapotosky, we brought up about last time the IBN and Angela offered other alternatives of consultants and counties in house doing it and he is asking now did either of you look into any.

**Commissioner Ambrosini** said they had, starting last year the recorder of deeds office asked the commissioners to consider voting to put this process in place. He said we

have had at least two or three, and he didn't attend all of them but they had at least three informational meetings to discuss it with the recorder of deeds office, with our solicitor, with other, actually the president of the BAR association. Commissioner Zimmerlink said plus with Tom Murphy himself. Commissioner Ambrosini said Mr. Murphy attended at least one, he believes, to let them know what he had to offer. Mr. Kriss asked if there was a public meeting for this? Commissioner Ambrosini said these were not public meetings. Mr. Kriss said the public is flying blind because they don't know the facts that is the problem. He said to get back to his question, she brought up alternatives and it has been a month, did you look into any alternatives or consultants or are you just dead set with the gentleman's proposal? Commissioner Ambrosini said this is a timing issue. Mr. Kriss said did you look into any other alternatives, yes or no. Commissioner Ambrosini said they talked to the recorder of deeds to see if he knew of any other alternatives and he recommended Mr. Murphy.

**Mr. Kriss** said, in the last 30 days? Commissioner Ambrosini said that probably happened last year. Commissioner Zapotosky said it was before they did the budget because they have allocated revenue for the UPI program in the budget, he doesn't know what the exact amount is off the top of his head. Commissioner Zimmerlink said it is \$450,000 on the revenue side. She said to answer his question, the answer is no, there has been no request for proposals, no bids, nothing, one professional, one consultant had come to just one meeting, were you at any more meetings, Mr. Murphy, one or more meetings? Mr. Murphy said he was at this body's agenda meeting and you asked a question and he gave detailed information about his services and as far as he knows there was no public meeting outside of this one that he attended to explain his services. Commissioner Zimmerlink said so in the conference room in the courthouse you were in one meeting, were you at any other meetings in the courthouse? Mr. Murphy said two. Commissioner Zimmerlink said OK, so outside of this meeting, you have also had two as he calls them, two informational meetings. Mr. Murphy said at the behest of the recorder of deeds.

**Commissioner Zimmerlink** said that answers the question about how many meetings he attended, however, to answer your question, there has been no seeking of other professionals to provide this service, just one, him. Mr. Kriss said did Mr. Murphy tell you that he was only the impetus to get the Westmoreland County commissioners to implement the UPI system? He said in fact it was their own in-house IT group along with the recorder of deeds Murphy that made it happen. He said interestingly enough without an outside consultant or a 10 percent document fee. He said Dave Malosky anticipates a revenue stream for Fayette County of \$450,000 for 2014 for implementing the UPI system, is this a correct figure? It's in your budget. Commissioner Ambrosini said it is an estimate, yes. Mr. Kriss said he will repeat that they put in the budget for a \$450,000, he is hoping that is what is coming in the door, correct? Commissioner Ambrosini said he is sure that is a very conservative estimate. Mr. Kriss said so it is conservative, so it can be much higher? Commissioner Zapotosky said potentially. Mr. Kriss said correct me if I am wrong, but Tom Murphy will receive \$45,000 a year for the next five years with an automatic renewal, that's a quarter of a million dollars, he doesn't know of another vendor that does business with this county that receives a 10 percent royalty for five plus years for consulting work. He said you have publicly stated that you are going to

hire another full time person in the recorder of deeds office. He said he believes department head Dave Malosky and his office staff have the expertise to implement this UPI system and run it.

**Commissioner Zapotosky** said that is not correct. Mr. Kriss said that is his opinion, he said though. Mr. Kriss said that is OK, they have professional staff that are well paid and have the mentality to do that job. He said if the county or the recorder of deeds office really needs this new revenue stream, then why give away a quarter of a million in profits to Tom Murphy for the next five years when it can be done in house for the cost of labor? He said as a self-employed businessman, he envies Tom Murphy's 10 percent royalty for the next five years plus. He said as a homeowner and taxpayer it infuriates him to think that the majority commissioners want to pay a quarter of a million dollars to a consultant because they don't have the confidence in their own professional staff to implement this system like other counties have done. He said he urged the three commissioners to not vote to enter into this agreement and to please explore other cost saving options. Commissioner Ambrosini asked if there were any more public comments on agenda items.

**Michael Cavanagh** said his items were under number 16, you have that you are going to approve attorney John Cupp as the interim chief solicitor. Does this mean that Mr. Burkley is now gone? Commissioner Ambrosini said Mr. Burkley's services were completed on March 17, which was yesterday, he has met the requirements of his duties, so yes, the answer to your question is yes. Mr. Cavanagh said he is no longer employed with the county. Commissioner Zimmerlink said she doesn't know that, she just heard that just now. She said there's a contract that says, and Commissioner Ambrosini said there will be a vote today. Commissioner Zimmerlink said she doesn't see it on the agenda. Mr. Cavanagh said he didn't see on the agenda. Commissioner Ambrosini said there is an agenda item to name a new interim county solicitor. Commissioner Zimmerlink said there is an agenda item to name John Cupp as interim chief solicitor, there is no agenda item that says that Ken Burkley's contract will be terminated, that was going to be one of her questions. She said apparently it has already been terminated, I guess two commissioners already terminated the contract, is that right? Commissioner Ambrosini said it will be discussed today, unless you want to keep Mr. Burkley longer.

**Commissioner Zimmerlink** said no, my question is very, you just said that his services were completed as of March 17, so Commissioner Ambrosini you just said that, Commissioner Zapotosky did you agree to that as well? Commissioner Ambrosini said Solicitor Burkley and Commissioner Zimmerlink said she asked Commissioner Zapotosky. Commissioner Zapotosky said he has not seen any documentation that has terminated Mr. Burkley's services. Commissioner Zimmerlink said OK, so one commissioner just said they were completed today, or yesterday, not two commissioners. Mr. Cavanagh said that is not what is the agenda item, nothing references Mr. Burkley. He said his follow up is how much was he paid and is the report available that he was to develop for you, the extensive report on how to lawsuit avoidance. Commissioner Ambrosini said the report is completed with various recommendations. Mr. Cavanagh asked if that will be available to the public.

Commissioner Ambrosini said it already is. Commissioner Zimmerlink said he was paid \$4,000 a month, so was his contract pro-rated or will he be paid \$4,000 for the whole month of March? Commissioner Ambrosini said it will be pro-rated. Commissioner Zimmerlink said OK, that should be in the resolution then. Mr. Cavanagh said his next item is the establishment of public comment rules at commissioners meetings. He said he is slightly encouraged Commissioner Zapotosky that you are not wanting to suppress the public.

**Mr. Cavanagh** said you have a World War II veteran and a Vietnam veteran here, when you look at that flag do you know what the red stands for? He said that is our freedom to come here and question you. He said he isn't attacking anybody as has been stated, when he comes here and asks questions, pointed questions, it is about your actions as public servants. He said he isn't in favor of any restrictions on public comment. He said the meeting has been orderly, it has been lengthy but there are a lot of questions to ask here. He said he is encouraged that he is saying at the beginning of the meeting that he is not in favor of restricting, which would mean that you are going to not potentially vote for this resolution that Commissioner Ambrosini so dearly wants. Mr. Cavanagh said with regard to the property. Commissioner Zimmerlink said she heard some moan and she didn't hear him gavel, and this is the public comment and she knows they are here for their proclamations but it is the public comment and there are a number of items on the agenda that these individuals wish to speak. She said maybe what they will do the next time is either come a little later or we will do the proclamations at a different time of the meeting but this is just the way it is today, sorry. Mr. Cavanagh said many people have spoken about this but 3,700 individuals signed a petition to have a say in their government with regard to this \$60 to \$100 million potential prison project.

**Mr. Cavanagh** said he is strongly opposed and hasn't met anybody that. Commissioner Ambrosini asked how much he said it was. Mr. Cavanagh said 3,700 people signed. Commissioner Ambrosini said no, no, the and Mr. Cavanagh said 60 to 100 project. Commissioner Ambrosini said yes that was it, that is incorrect. Mr. Cavanagh said tell me, give me a figure, with all the add ons that are going to be, give me a ballpark figure, because you keep saying \$28 million, \$30 million, that is before you pay the interest, how much with interest, Mr. Ambrosini, come straight with the people, tell them how much this prison is going to cost. Commissioner Ambrosini said it is going to cost about \$30 million less over 30 years that what it will cost if we do nothing. He said it will cost, can he speak now, the cost will be approximately \$30 million, it will vary between \$28 and \$31, depending on final costs and obviously we haven't even had contractors bid on it yet so we hope that it is going to be very competitive and fortunately for the county and for the taxpayers, the contracting businesses are very competitive right now. He said in addition, the financing of banks, bonding agencies and so forth is also very competitive so we should get as good a price as we are ever going to get in Fayette County.

**Commissioner Ambrosini** said the estimated price, he will just use the number \$30 million, could be less, and obviously over a 30 year period, depending on the financing instrument that we choose, it probably will be in that same ballpark, \$28 to \$30 million in interest costs over a 30 year period. Commissioner Zimmerlink said yeah, that is 60.

Commissioner Ambrosini said just like when you buy a house. Mr. Cavanagh said why did you tell me I was incorrect when I said \$60 million? Commissioner Ambrosini said it is a little misleading because when you go out and you buy a house, if you go and buy a house for \$100,000, are you going to tell the assessment office, I just bought a \$200,000 house? He said he is pretty such you won't say that, you will say you bought a \$100,000 house. Mr. Cavanagh said he doesn't understand what he is saying. Commissioner Ambrosini said qualify what you are saying, it is going to be \$30 million. Mr. Cavanagh said he isn't asking what a homeowner is going to pay on interest, he is asking what is the bottom line of the taxpayers that they will be on line for over 30 years and it is \$60 million, you said I was incorrect, now you said I was correct. Commissioner Ambrosini said no, he didn't say that. Mr. Cavanagh said you just said \$28 to \$30 million in interest, did you not? You said it would be \$32 million in the building, right?

**Commissioner Ambrosini** said that he said \$28 to \$30 million in the construction costs. Mr. Cavanagh said you just want to keep saying that we are having inefficiencies, you aren't going to have inefficiencies, we know they are going to have to spend more in transportation when we have to drive these people back and forth. Commissioner Ambrosini said we will not Mike, we will not, we are going to save money in transportation costs and the way we are going to do that, folks that is one of the issues here is there is so much misinformation out there that nobody understands completely how this jail is going to work. Commissioner Zimmerlink said misinformation, first off, when he says it's out there, that means it is in newspapers, OK, reporters are sitting here and they write what us three say. She said so either, there is a problem there because who is giving out the misinformation, either the people here sitting here are misinforming the public and that is what the reporters are writing or he is saying that a commissioner or prison working group is saying one thing and newspapers are writing the opposite, which is not accurate, OK, the newspapers, the information that is out there people are retrieving from the Tribune Review and the Herald-Standard and the Daily Courier, OK, I trust that, they don't get everything accurate, OK, but they get probably about 95 percent things accurate and when something is inaccurate it gets corrected, OK.

**Commissioner Zimmerlink** said they are printing what the prison working group and the commissioner is telling them, OK, so if there is misinformation it is because it is coming out of a mouth. She said the consultant that they have here, Crabtree, his document said for that particular option for new construction, 480 bed to 500 bed facility is around, what, we aren't going to say \$28 to \$31, let's say \$30 million, that is construction costs. Commissioner Ambrosini said and the engineering costs is included in that. Commissioner Zimmerlink said OK, then, in addition to that, so you have \$30 million for construction and engineering costs, and it was also stated that in order to finance that there was an amount given through the bond counsel and others and they said, not bond counsel, but she can't think of the name of it right now, it wasn't a counsel, said that if you finance it over a 30 year period that the interest would be about \$28 to \$30 million, so there you go. She said financing at 30 plus 30 is \$60 million and that is construction, engineering costs. Mr. Cavanagh said in the future we should call it what it is, it is a \$60 million prison. He said he is asking the taxpayers to pay for it and over time with interest and we will pay \$60 million, not \$28 million, he said there will

probably be cost overruns, there will be problems, and you are going to pay \$1.25 million.

**Mr. Cavanagh** said at a previous meeting you said that was a negotiation figure and now it is not a negotiation figure, you are just paying what they are asking.

Commissioner Zimmerlink said unless they negotiated and that would be one of her questions, since February 26 to today, has there been any negotiations? That's the first question, where were they and who were there because she didn't receive any notification that they were going to be negotiating with Fay Penn, so were there any negotiations between February 26 when the resolution was passed to negotiate and today? Commissioner Ambrosini said no, there was none. Commissioner Zimmerlink said the resolution was passed for the county to negotiate and she guesses no one negotiated, wow, why pass a resolution that says to negotiate? Mr. Cavanagh said so we will pay Fay Penn full price. Commissioner Ambrosini said it is a discounted price. Mr. Cavanagh said it is a large amount per acre and he doesn't know anyone that would pay that for an acre of ground and Commissioner Zimmerlink said she doesn't know anyone who would pass a resolution saying they were going to negotiate and then not negotiate. Mr. Cavanagh said that Commissioner Zapotosky said this is a negotiation and they are not necessarily going to pay the full price.

**Mr. Cavanagh** said he did remember that at that lengthy meeting, right Commissioner Zapotosky? Commissioner Zapotosky said he is correct. Mr. Cavanagh said there have been no negotiations. Commissioner Zimmerlink said that is what he said and she also clearly remembers making certain by asking Solicitor Cupp because they have two agenda items, and it was clear that he said no this is a negotiation and she didn't have it with her but it was even circled, so a resolution passed for a negotiation and you see what happened, no negotiation. Mr. Cavanagh said it would either fall under approval of minutes for a previous meeting or the HR department, and he isn't here, I don't see him, but at a previous meeting, he would like some answers on this one because this is very troubling and it didn't come out in the paper right away. He said we had a hire of somebody who didn't fill out an application until the morning of the meeting in the assessment office. He said the individual is Mr. Billy, it was recommended by your HR to hire him, correct? He said they voted on this and he believes Commissioner Zimmerlink rescinded her vote after she found out. Commissioner Zimmerlink said she will rescind it, yes. She said they didn't have a meeting since then other than the special commissioners meeting which was only for the subject of the prison.

**Mr. Cavanagh** said his question is, interviews were conducted for four individuals who were highly qualified, the architect, Mr. Miller I believe was his name, was told he had the job. He said as a matter of fact, he understands he showed up for work on Wednesday and was told he didn't have the job. He said how is it in Fayette County, and this really bothers me Mr. Ambrosini because you came here and were elected saying you were going to bring professionalism, I'm going to bring a new level of professionalism and he says some people say it is the worst administration they can remember and he goes back to some of the meetings when Commissioner Lebder was still a commissioner so that is quite a while back. He said how can you, and again this is not a personal attack, this is a fundamental thing that the taxpayers need to know, how

are you hiring somebody who didn't even fill out an application until the morning of the meeting, he understands there was an emergency, while you guys were voting to hire this individual, there was something called an emergency interview. Commissioner Zimmerlink said that is what she was told. Commissioner Ambrosini said he isn't aware of that, Mike, HR and the department head did the interviews. Mr. Cavanagh said you are in charge of HR, though, right, you guys hired that person.

**Commissioner Ambrosini** said they are in charge of the whole county. Commissioner Zimmerlink said every commissioner is aware that the interview because Dominick Carnicella, our HR director through Felice Associates admitted it, yes. Mr. Cavanagh said four individuals, highly qualified individuals, and this is going to get to the heart of the point here, to show you how politics is and how you guys are playing politics, this gets to the heart of the issue, did not fill out an application, did not come in and do the interviews as the other four individuals did, a registered architect was told he had the job. He said now the person who was hired was quoted in the stories as his qualifications was he worked for Mr. Mahoney running a nightclub. He said can you give me an answer on this, it is highly suspect and it isn't professional like you said you were going to bring to this board, you have woefully failed at that notion. Commissioner Ambrosini said he doesn't think that he has and there's a lot of reasons for that, but that's fine. He said first of all, I'm not here to have a job, I'm here to do public service work, I was happily retired, I am, we're trying along with Commissioner Zapotosky are trying to fix the problems, we are trying to fix the problems and the jail is a big one.

**Commissioner Zimmerlink** said we are talking about the assessment office. Mr. Cavanagh said if Mr. Miller was told he had the job and it was going to be ratified at that meeting and he was told to report Wednesday, which he did, and I understand he was told that he didn't have the job. He said how it is that the HR department changes at 10 till, I don't know what time the Chief Clerk got the e-mail to say this is now our applicant, this is the guy we are hiring, he hasn't even sat in on the interviews, the application period was closed in January, how can you allow that to go on? Commissioner Zimmerlink said we should not. Mr. Cavanagh said nobody in this county can have faith in what you say ever with this. Commissioner Ambrosini said Mike, can I speak now, and Mr. Cavanagh said he is waiting to hear this. Commissioner Ambrosini said first of all, HR and the department head did the interviews. He said he is perfectly happy, in fact, obviously he doesn't think any of us sit in on all the interviews for all the positions and we can't, so we have to put some faith into our hired employees that they are going to do their job properly. He said everything you have stated could be hearsay because he hasn't heard that. Mr. Cavanagh said the recommendation came at about 10 till before the meeting. He said it came right before the meeting who Mr. Carnicella said to hire.

**Commissioner Ambrosini** said when he makes his recommendation, he isn't sure what that, as long as he makes his recommendation before the meeting, we actually do this a lot, we, at the agenda meeting we will state that we are going to hire for a position and we interview between the agenda meeting and the regular meeting. Commissioner Zimmerlink said that isn't what happened. She said the individual was being interviewed as we were down here voting, OK, that is a big difference. She said that is a huge

difference. Mr. Cavanagh said they are trying to sweep it, oh my HR department told me this, no, the administrators of the county are sitting right in front of me, this guy made a recommendation to hire somebody that hadn't even filled out an application until that morning and all the other applicants had filled out applications prior to that or two months prior to that, do you not see the problem with this? Am I the only one in the room who sees the problem with this? Commissioner Zimmerlink said the department head, the chief assessor informed me through an e-mail, OK, that and this was after the fact, OK, that he and his assistant director and Dominick had already interviewed four applicants and that all three of them agreed to an individual and she only recalls his first name as being Ernest, OK. She said that, and after the interviews, that is who the tax assessment, the chief assessor believed should be hired for the position.

**Commissioner Zimmerlink** said the morning of the commissioner's meeting, the meeting starts at 10, the morning of the commissioner's meeting between 8 and 8:30, she got confirmation from him as well as from Dominick as well as from the HR department, Tammy Boyle, all indicating that Dominick called in and said to the chief assessor, I need to have an emergency interview and so that emergency interview took place around 9 o'clock, she thinks it was like 9:20, alright, now, they didn't even know who is was for, OK, and this individual named Jared came in, interviewed and all before that even occurred, that name was already provided to the Chief Clerk who in turn provided it to the commissioners. She said she assumed that everything and she should never assume that everyone knows my position on Felice Associates and Dominick Carnicella, you try your best to have faith in them, I've had issues from Day One, and this puts the nail in the coffin, OK, and for commissioners to say well I relied on our HR department, well OK, that's fine because we are going to rely on the HR department when we do these, but now that you found out the process. Mr. Cavanagh said the process has been violated here and Commissioner Zimmerlink said there you go.

**Mr. Cavanagh** said Felice Associates should be fired immediately because you are violating what was done. He said the interviews were conducted, Mr. Miller was told he had the job, he reported on Wednesday only to find out he doesn't have the job, God bless that individual by the way, a registered architect loses a job to somebody who claims to have worked in the, we all know the real experience of the person who got the job, he was politically tied to Tim Mahoney, Mahoney's quoted in the newspaper article in the Tribune Review saying what a great guy, he just got him elected to council, he is a bright young man, etc., etc., you two are known to have strong ties to Mr. Mahoney. He said we need to have an investigation, we need to know what is going on here. Commissioner Ambrosini said first of all, he thinks that Mr. Zapotosky and himself are clearly our own people. He said they have, they will work with any elected official to make sure that Fayette County gets their, and when he says any elected official, he is talking with U.S. Rep. Shuster, U.S. Senator Pat Toomey.

**Mr. Cavanagh** said they are not talking about that, they are talking about a different connection, a specific connection. Commissioner Ambrosini said they will work with Senator Kasunic, Deberah Kula, Tim Mahoney, we will work with anybody as long as it benefits Fayette County. Commissioner Zimmerlink said that has nothing to do with who is more qualified. Mr. Cavanagh said he is quoted in the newspaper by Mr. Mahoney

and he is talking about your guys being very politically, if not joined at the hip with Mr. Mahoney, everybody knows it in the county. He said we all know what is going on. Commissioner Ambrosini said no you don't, no you don't. He said if you knew what was going on Mike, this prison project would be a no brainer to you. Commissioner Zimmerlink said now, that is a personal attack. Mr. Cavanagh said he is going to start telling him that he doesn't know what is going on apparently and he said he has been attending meetings for probably decades and he doesn't remember seeing him at a commissioner's meeting ever. He said his history goes back a long way, to the early 90s. Commissioner Ambrosini said he has attended many commissioner's meetings. Mr. Cavanagh said he never met him until he met him at the ice house over here where you specifically, and you are going to lie about it as well, you weren't elected yet and it was in the summer and you were over at the ice house and you got off the phone with Jack Heneks and closed your flip phone and said we have to build a prison in Fayette County. Commissioner Ambrosini said that is incorrect. Mr. Cavanagh said he had several witnesses that were standing there when you said that. He said you never said that when you were running, you never said any part of that, that we needed to build a prison.

**Commissioner Ambrosini** said he didn't know they needed to build a prison. Mr. Cavanagh said obviously the first time he laid eyes on him he must have imagined him saying those words when he got off the phone. Commissioner Ambrosini said he can't explain. Commissioner Zimmerlink said the other thing is that the bottom line on a position of a tax assessor as well as any other position, it should be based on qualifications and experience and the bottom line here is that there were four individuals who were interviewed, who had qualifications and experience as it relates to what was required as a tax assessor well over and above the individual that was given the job and given an interview within 45 minutes of the meeting. She said that in itself should put a reflection on Felice Associates and our HR director even if my fellow two commissioners did not know that this occurred. She said she didn't, because she voted for the individual without even knowing who he was because I relied on it then she found out later the reeking of all of this, yes, that should have not occurred, and, and and, also, I think that, I know that I would be hesitant in taking any recommendations in the future and it will be up to the other two commissioners of whether they agree or disagree, apparently they don't have an issue with it or else they would have taken some sort of action.

**Mr. Cavanagh** said his final comment is that it is a sad day for Fayette County that we have well qualified individuals who were already told that they were hired and they were already recommended by the people in the office and the HR department previously, told they had the job, reported on Wednesday, and a registered architect over a bartender. He said we know, we know, we know the connection, you know that connection, you're squirming to try and answer, you're fidgety. Commissioner Ambrosini said they need to move on with the meeting but he isn't going to answer questions that would normally be talked about in executive session on personnel issues. Mr. Cavanagh said your failure to come forward and how strings were being pulled for the county, you can go from the board appointments on down and we can go on and on and on, the distrust in this county government is laid at your feet because of this and you

aren't doing anything about it. Commissioner Ambrosini said that is his opinion. Mr. Cavanagh said if they wanted to do something about it they would fire the HR department right now because you claim that you had no idea that it went on but he finds it hard to believe that your HR department would change who was to be hired the morning of the meeting 10 minutes before all this stuff happened without one of you two approving it, I find that hard to believe. Commissioner Ambrosini said they approved it in the meeting. Mr. Cavanagh said he is talking about being in place to be hired. He said that he already said it was ratified at the meeting, what he is talking about is, do you not get it. Commissioner Ambrosini said the problem Mike it that you just accused Mr. Zapotosky and I of pre approving something that we didn't even know about until the recommendation came from. Mr. Cavanagh said they should have Mr. Carnicella explain how he came about the decision 10 minutes before the meeting to change the very qualified applicant to the not very qualified applicant.

**Commissioner Ambrosini** said that is his opinion. Mr. Cavanagh said if he was a commissioner he would have been in his office and they would have been getting to the bottom of how that came about. Commissioner Ambrosini said that is his opinion, did you interview these people? Mr. Cavanagh said do we have to interview, a registered architect versus knowing Tim Mahoney as my qualifications, do we really? Commissioner Ambrosini said he isn't going to get into it. Commissioner Zimmerlink said she will answer the question, OK, she looked at all four resumes and applications, OK, and believe me, all five now, OK, and there were four that were more qualified. She said this is nothing to do with executive session. Mr. Cavanagh said way more qualified, accord to the commissioner and Commissioner Zimmerlink said yes, yes, yes. Commissioner Ambrosini said Mike, I am silent because he can't get a word in edgewise. Mr. Cavanagh said he is speechless. Commissioner Ambrosini said no, he is silent because he can't get a word in edgewise. He said is that it, Mike, is there any other public comment on agenda items? He said seeing none, they will go on to the proclamations.

**Commissioner Ambrosini** read the proclamation for Pennsylvania 4-H Week, March 16-22, 2014. Commissioner Zimmerlink then asked the library representatives to step forward. She read the proclamation for National Library Week April 13-19, 2014. S representative of the Fayette County Library System said they mission is to provide library service to the residents of Fayette County and to encourage awareness of the importance of libraries. She said they have been asked countless times if because of the use of the internet library use has declined and their answer, backed up by statistics, are that libraries are used more now than ever. She said not everybody has a computer so they have to come to the library to use our computers. She said some people have a computer but they don't have internet in their home so they come with their own devices to use our wireless internet and let's not forget the original purpose the people come to the libraries, to borrow books. She said they are still taking the paper books and many people are downloading e books for their own devices. She said they have become a community gathering space where patrons can get together to learn and socialize. She said they have story times for their young patrons and have interactive games for the tween and teen and adults and they collaborate with social service organizations to being needed programs such as Cornerstone Care's outreach

van or the Private Industry Council's GED classes to our patrons in our own libraries. She said they have a new library database, and you can take free online classes, all you need is your library card. She said you can take classes in account, business fundamentals, business law for the small business owner, medical terminology, SAT and GED preparation classes, designing effective website classes, A to Z grant writing classes and even a class on gardening, again it is free with your library card. She said national Library Week is April 13 to 19 and if you haven't been in a Fayette County library recently they invite you to come.

**A representative** of the Point Marion Public Library, Christina Haluska of the Brownsville Public Library said they are gearing up for summer reading and they are looking at doing a community service where people can say what they like and what they don't like and they are looking at repurposing their space and possibly adding on. The director of the Carnegie Free Library in Connellsville said they are the largest free library in Fayette County as far as space, they have a gorgeous three-story building that they have done a lot of repair over the last couple of years to and they opened a new Café Carnegie so come on out and have a bite to eat if you do read the Herald-Standard and the Daily Courier she has a column in there that details all of their activities and they do have a Facebook page and website that they can visit to see all of the activities this fall. Amy Ryan of German/Masontown Public Library, said she is most proud that in the last year that they have a GED program, they have graduated five or six of their Masontown residents from the GED program in the last year and that is one she was pushing. Commissioner Ambrosini said he would encourage everyone from Connellsville to stop into Carnegie because they do have a great coffee and sandwich shop there.

**Commissioner Ambrosini** read the proclamation for Multiple Sclerosis Awareness Week March 3-9, 2014. Commissioner Ambrosini read the proclamation for Child Abuse Prevention Month. Commissioner Zapotosky read the proclamation for Sexual Assault Awareness Month. Commissioner Ambrosini read the proclamation for the Victims' Rights Month. Michelle Grant Shumar, head of the Crime Victim's Center, said traditionally over the years the center has partnered with CYC to observe Child Abuse Prevention Month, Sexual Assault Awareness Month as well as the National Crime Victims' Rights Month, all in April. She said they have some planned community forums and they are also doing an inaugural luminary community wide event and gave details about upcoming events. Commissioner Zapotosky said prevention, just keeping your eyes and ears open, we often hear when it is too late, when the child has died, that there was a problem. He said as a community we should rally behind the children and if we have a feeling something is going on, we should listen to our gut. He said before he adopted his son, he had undergone abuse and he is glad that at that time people did intervene.

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

Pennsylvania 4-H Week, March 16-22, 2014  
Multiple Sclerosis Awareness Week March 3-9, 2014

National Library Week April 13-19, 2014  
Child Abuse Prevention Month April 2014  
Sexual Assault Awareness Month April 2014  
Victims' Rights Month April 2014

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Fayette County Redevelopment Authority**

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

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**Prior to** a motion, Mr. French said he discussed the proposal numerous times and he didn't have anything to add, before reading the motion. He said South Union Township had already approved it and the school board was having a meeting this Thursday. He said there were representatives from Cedarwood if there were any questions. Commissioner Zimmerlink said she had one question. She asked if the hotel was removed from the project. Mr. French said that was the major change in the plan, and an additional retail was added.

**After the** vote, Commissioner Zimmerlink said she wanted to go through very quickly as to why she voted no. She said voting yes designates just those 26 acres in the business park as a TIF district, which means that it is defined as a blighted area. She said development has been and it is continuing in that area so she doesn't consider that blighted, whether Harrisburg wants to consider it blighted is another thing but it is not a blighted area. She said also voting yes gives a tax subsidy to one private developer over another and she isn't talking specially, but for any other businesses that want to come in there, and that is unfair competition and she doesn't believe that anyone could argue that it's not, that is the reason for taking the hotel out of the project, she said she was specifically told by Mr. Hake at one of the meetings in her office that this project would not move forward without the hotel and now because you had school board members, member of the TIF committee, which are school board members, a

commissioner and township supervisors, get together and work with both developers to make sure that one didn't feel that he was being unfairly, that there was unfair competition, you know, that hotel was taken off, out of the project.

**Commissioner Zimmerlink** said number one, she doesn't think it is up to, and she thinks they are going on a very slippery slope when you have school board members, commissioners and township supervisors sitting down with developers and deciding for them what it a good project and what isn't and what they should have in the project. She said if Cedarwood wanted to have a hotel there, then Cedarwood should have put a hotel there because they believe that was a viable project. She said now Cedarwood isn't going to do it because you have another company saying it is unfair competition. She said it is unfair competition, it is unfair competition even when you have another restaurant, they are going to put in restaurants and retail stores, that's unfair competition to the others. She said whether they agree or disagree, that is her position and that is why she voted no, for those three reasons, it is not a blighted area, it is unfair competition and to prove that you can see as soon as one major developer raised an issue, then everybody back stepped and rethought the process and she certainly doesn't think that elected officials should be interfering with who is to say what should be developed, that's the private business of developer who should be determining that, thank you.

**Commissioner Ambrosini** asked Mr. French if he could discuss the entire South Union Township development area and what has been developed if you hadn't put \$15 to \$17 million of tax money in there for infrastructure development. Mr. French said in the entire business park, which is about 277 acres, they have developed almost 190 of those acres, which includes this property that was conveyed to the redevelopment authority by the county in 2000/2001. Since that time, when it was vacant, undeveloped property, they have invested the \$15 million and there has been over \$70 million invested by private developers just in the cost of development and obviously created a lot of jobs and development opportunities for the area. Commissioner Ambrosini said this particular project should create after the construction at least 400 jobs over various levels. He said from his understanding the TIF mechanism, the TIF legislation, has been around for many years.

**Commissioner Ambrosini** said there are a lot of areas and not only the state but the county has used this process to develop, create jobs in the private sector and make things better for the community. He said they are new stores and some of them even provide services and goods that are not available in the area. He said any type of growth and development is very welcome here in Fayette County. He said he looks at the way they do this TIF, the mechanism of the TIF, is one of these deals where you are guaranteed by committee to during a few of the infrastructure developments here like storm drains and sewage lines, this is a guarantee that this project will be put in place, and he said he is not saying that the \$15 to \$17 million was a bad idea because it certainly proved to be very successful but that is more speculative, this is a guarantee that these projects, this \$25 million worth of development will go forward and that is why he voted for it, so we can provide goods and services for the community, jobs and development, and that is always a good thing. Commissioner Zimmerlink said for

clarification, this is the first time the TIF was used in Fayette County, correct? Mr. French said yes, this is the first time it has been used in Fayette County.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a resolution for the conveyance of 6.5 acres at the Fayette County Business Park to Michael D. Wood for an automotive dealership and to remove the industrial use deed restriction, per Resolution No. 04-12-10-48.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Mr. French explained that the property was being purchased by Michael D. Wood instead of Wood Holdings 3, as was on the item he submitted. He said it is the relocation of a Toyota dealership and he is going from a lease to an own situation and it will also be an expansion and construction of a state of the art Toyota dealership. Commissioner Zimmerlink asked where he is at now. Mr. French said he is currently on Route 40. Commissioner Zimmerlink said where on Route 40. Mr. French said he is adjacent to the New Hampton Inn. Commissioner Zimmerlink said so he is leaving that facility, so that building will be empty, and he will purchase 6.5 acres, and how much is that? Mr. French said it was \$975,000. Commissioner Ambrosini said the redevelopment authority will received nearly a million dollars for 6 ½ acres. Commissioner Zapotosky said there has been a past practice of this type of resolution. Mr. French said correct.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adopt a resolution which allocates Act 137 Affordable Housing Trust Funds to the Fayette County Redevelopment Authority to support the implementation of affordable housing initiatives.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Commissioner Zimmerlink asked how much Mr. French was asking to allocate. He replied \$100,000, adding that the fund generates between \$75,000 and \$80,000 a year. Commissioner Zimmerlink asked if that is for a specific affordable housing project. Mr. French said they will use a portion of it for a senior citizen housing complex being developed by Fayette County Community Action Agency Inc. in Fairchance Borough and the rest will be used to complement their existing programs, homeowner rehabilitation and homebuyer program. After the vote, Commissioner Zimmerlink said if there was no objection, they may want to move the coroner's office item up. John Kondrila said if a call comes in, he has to go. Commissioner Zimmerlink

said she had no issue, they could move him ahead if that is fine with everyone else. She said she didn't think they voted to amend the agenda, and was given the results of the vote to amend the agenda to add the item.

**Coroner**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award RFP 14-02 to John Kondrla Jr. of Fairchance for body transportation services at a cost of \$275 per round trip with local transport in Fayette County and \$250 per found trip to and from autopsy in Pittsburgh, effective March 18, 2014 for one year, renewable at the same rate.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Assessment Office**

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

David B Lewis 214 Center Street Belle Vernon PA 15012 Parcel 41-05-0008

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**After the vote**, Commissioner Zimmerlink asked how many proposals were received for the coroner's office. Chief Clerk Revak said we received two but one did not meet the specifications.

**Behavioral Health Administration**

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

	<b><u>Contract Value</u></b>	<b><u>Period</u></b>
<b><u>HealthChoices Agreement – 2012 Funds</u></b>		
Adelphoi Village	\$600,000	2014-2015
Chestnut Ridge Counseling Services, Inc.	\$5,000	2014-2015
City Mission	\$20,000	2014-2015

Transitional Employment Consultants	\$40,000	2014-2015
-------------------------------------	----------	-----------

**Professional Services Agreement 2013-2014**

Morris Morrison Development Group, LLC.	\$3,350.00	2013-2014
---	------------	-----------

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award Bid Number 14-01 to Davies Ford, 2551 Memorial Boulevard, Connellsville, PA for the lease of one 2014 Ford Escape SE 4WD at a monthly cost of Three Hundred Thirty-One Dollars and Seventy-Nine Cents (\$331.79) for thirty-nine (39) months, with a total cost of Thirteen Thousand Seventy-Three Dollars and Thirty-One Cents (\$13,073.31) for the lease period with 18,000 miles per year allowance.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Children & Youth Services**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Seneca Family of Agencies**, 2275 Arlington Drive, San Leandro, CA 94578 to purchase a subscription for Family Finding Search Services. The fee for such service is \$25.00 per search for a standard family finding search and an additional \$5.00 per search when including a social network search.

Early termination – If contract is terminated, by customer, prior to one year; customer shall not be entitled to a refund. If contract is terminated by Seneca Family of Agencies, customer shall be reimbursed for any unused searches. If all searches are used before the end of the contract, Customer has the option of purchasing additional searches at the regular rate of \$30.00 per search or initiating a new yearly contract.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the appointment of a county resident, Christopher Parrill, to a 3-year term on the Fayette County Children & Youth Services Advisory Committee. The term shall expire on March 31, 2017. The Advisory Committee voted unanimously at the February monthly meeting to recommend his appointment to the commissioners at the March meeting.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the purchase of 7 tablet computers from Dell. The cost of the computers will be \$12,943.91 and the Agency will utilize the IT Grant.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** making a second, Commissioner Zimmerlink asked if this was through the state COSTARs contract.

**A motion** was made by Commissioner Zapotosky to approve the lease of two 2014 Escapes through the state wide contract program at a cost of \$46,570.

**After the** motion was made, Commissioner Zimmerlink asked what the term of the lease is. She asked if the \$46,570 is per year, per car, both cars, one year, for the term of the lease. Commissioner Ambrosini said that is for two cars for the term of the lease. Commissioner Zapotosky said he would rescind and make a motion to table until they find out the terms.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to table the lease of two 2014 Escapes through the state wide contract program at a cost of \$46,570 until the terms are disclosed.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Controller**

Controller Sean Lally gave the following financial condition of the county.

## Office of the Controller

Fayette County, Pennsylvania

**SEAN P. LALLY**  
Controller



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

FUND:	GENERAL FUND		
DATE:	18-Mar-14		
CASH:	Checking Account	United Bank	\$2,959,747.58
<b>Funds Owed to General Fund</b>			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 2,000,000.00	
	Bond Fund	\$ 1,234,485.39	
	Due to General Fund		
	Ferry Insurance Policy	\$ 9,796.00	
			\$ 3,274,281.39
	Arc Payments Due		
	Intermediate Punishment Fund-.3yrs	\$ 40,651.26	
	Offenders Supervision Fund-3yrs	\$ 87,758.28	
	Domestic Relations	\$ 94,110.66	
	Victim Witness	\$ 4,271.61	
	Records Improvement	\$ 2,325.32	
	Fredericktown Ferry	\$ 5,054.04	
			\$ 234,171.17
	Central Service Payments		
	C-17 Fund-2yrs	\$ 9,005.00	
	Offenders Sprvsn-3yr	\$ 39,369.00	
	Intermediate Punishment-3yrs	\$ 19,532.00	
	Victim Witness Fund	\$ 10,780.00	
			\$ 78,686.00
	Funds General Fund Owes		
	Tax Anticipation Note	\$ 9,500,000.00	
			\$ 9,500,000.00
Budget Year	Net Position		-\$2,953,113.86
			<b>Year to Date</b>
Total 2014 Revenues			\$ 1,283,954.09
Total 2014 Expenditures			\$ 5,427,145.18
Total 2013 Expenditures paid in 2014			\$ 1,120,484.47
Capital Reserve Fund Balance	Fund 51		\$ 261,405.77
Bond Fund Balance	Fund 53		\$ 209,094.14

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

**Emergency Management Agency**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to table approval of the following contract proposal from Motorola for maintenance services for the new radio system for 10 years. The first payment will not be due until 2015 and will run through 2023. The first two years maintenance is for existing equipment presently owned by Fayette County. Newly installed radio equipment is covered under warranty until 8-1-2016. See attached payment schedule:

Year	Fayette Site Coverage	Annual (5%)	Multi-Year	Savings
1	8-1-14 through 7-31-15	Warranty	\$ -	\$ -
	Legacy Adds 1-1-15 through 12-31-15	\$ 30,888.00	\$ 30,024.00	\$ 864.00
2	8-1-15 through 7-31-16	Warranty	\$ -	\$ -
	Legacy Adds 1-1-16 through 12-31-16	\$ 32,432.40	\$ 30,162.00	\$ 2,270.00
3	8-1-16 through 12-31-16	Prorated	\$ 90,222.00	\$ -
4	1-1-17 through 12-31-17	\$ 275,497.83	\$ 247,182.00	\$ 28,315.83
5	1-1-18 through 12-31-18	\$ 289,272.72	\$ 250,782.00	\$ 38,490.72
6	1-1-19 through 12-31-19	\$ 303,735.56	\$ 254,532.00	\$ 49,203.56
7	1-1-20 through 12-31-20	\$ 318,922.00	\$ 258,360.00	\$ 60,562.00
8	1-1-21 through 12-31-21	\$ 334,893.87	\$ 262,632.00	\$ 72,261.87
9	1-1-22 through 12-31-22	\$ 351,612.51	\$ 266,169.00	\$ 85,443.51
10	1-1-23 through 12-31-23	\$ 369,192.64	\$ 270,174.00	\$ 99,018.64

<b>Total</b>	<b>\$ 2,243,127.13</b>	<b>\$ 1,960,239.00</b>	<b>\$ 436,430.13</b>
--------------	------------------------	------------------------	----------------------

<b>Average Per Year Savings</b>	<b>\$ 43,643.01</b>
---------------------------------	---------------------

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Commissioner Zimmerlink asked what the amount of the contract is. She asked where the money will be allocated from. Controller Lally said that is a question he cannot answer. Commissioner Zimmerlink asked if that is part of the 800-

some, Chief, you work on the budget, where is the money. Commissioner Ambrosini said that is not part of that amount. He said this isn't a capital cost, this is a maintenance cost. Commissioner Zimmerlink said it doesn't matter if it is a capital cost, her question is where is the money coming from, do you know? Chief Clerk Revak said the first payment isn't due until 2015 so it doesn't have to be allocated until then. Commissioner Zimmerlink said if they enter into the agreement they are saying they will allocate \$2 million so she wants to know where it is coming from. Commissioner Zapotosky said it is \$2 million over a period of 10 years. Commissioner Zimmerlink said is that what it is and Commissioner Ambrosini said yes. He said the yearly column is to the left and if you go across the page it will tell you what each year will cost.

**Commissioner Zimmerlink** said for 2015 it is \$30,000, for 2016 it is \$30,000 for the first part of 2016 and it increases to \$250,000 roughly for the next five years. She said in other words, the EMA office is anticipating to have a revenue source either through grants or through another method for the years 16 through 23. Is that your understanding, both of yours, Chief Clerk. Chief Clerk Revak said she doesn't know. Controller Lally said his understanding was, the purpose of this is to save costs with an average savings of \$43,000 a year by entering into a multi-year agreement and they did talk a little about grant revenue in the future and he felt that would be a possibility but as to the specificity of where the dollars are coming from, he didn't have an answer to that question. In making the motion to table, Commissioner Zapotosky said there are a lot of unanswered questions as to the final price of the warranty coverage, is this something that is negotiable, this is a sales pitch, no question about it, he said he isn't comfortable moving on this until such a time as he has questions answered. Commissioner Ambrosini said his discussions with the EMA department indicated that this is a discounted maintenance plan and that and he isn't sure how long it is good for and they will have to check on that.

**Commissioner Zapotosky** said he hasn't seen Motorola's, he hasn't been the recipient of anything from Motorola, have either of you two seen anything, I haven't seen anything from Motorola offering, if this is the final discounted version, he said Guy and Roy haven't spoken to him about it and he said he would like to sit down with those two and a Motorola representative if possible and gather some more information. Commissioner Zimmerlink said she did know that EMA did send all three county commissioners an e-mail with some attachments on it and that was last month and if there were any questions he said to go ahead and ask him but my question primarily right now is where is the money, how is it going to be funded. She said she already knows about the savings, that isn't the issue, somebody has to come up with that money and that is not answered as you pointed out so, she will second the motion to table.

## **Human Resource Department**

### **EMA**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the transition of Full Time 911 Dispatcher, Marsha Fenton, to Part Time 911 Dispatcher, effective January 31, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the temporary hire of Claudia Jordan, Ericka Glover, Jennifer Harvey, Robert Stimmell and Clinton Rigger as 911 Dispatcher Trainee's at \$8.50/hr. effective March 31, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**FACT**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of Part-Time Bus Driver, Gary Hlebinsky effective February 24, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the promotion of Transportation Clerk II, Kathy Clements, to Transportation Information Specialist I, at SEIU Pay Grade 6 Step A \$11.04/hour (\$21,528 annually) effective March 3, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to hire Kenneth Lowry as a Part-Time Bus Driver, at \$11.40/hr., effective March 19, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **FCBHA**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of County Caseworker II, Lana O'Conner, effective February 28, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Tax Claim**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire Jennifer Thomas as an Accounts Clerk I at SEIU Pay Grade 3 Step A, \$10.00/hour (\$19,500 annually) effective March 31, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink abstain

**Motion passed 2-0**

**After Commissioner** Zapotosky made the motion, Commissioner Zimmerlink asked if the pay rate was increased since the time the position has become vacant which was only less than a month ago. She asked if anything occurred at the salary board meeting to change the Account Clerk I Pay Grade 3 Step A. She said so this \$10 an hour is the same rate. Controller Lally said that isn't necessarily true because this is a new hire and they did adopt a resolution to take 3 percent less than Step 1 starts for people who are new hires or less than one year of service. He said whatever the rate of \$10 an hour, take three percent less than that, what is it 30 cents, less than what this is because of that resolution that was adopted. Controller Lally asked if they were familiar. Commissioner Zapotosky said so it should be \$9.70 per hour. Commissioner

Zimmerlink said she understands what he said, Controller Lally and thank you for that because it clears that part up, but she also wanted to know, so it is a change in, it's an increase, is that correct? Controller Lally said he can't state that but he knows this rate would be \$9.70 and not \$10 an hour because of the three percent policy. Commissioner Zimmerlink said Jennifer Thomas, adding that she didn't think she would know this, but is there any relationship between this person and the person who works there now who had the name Thomas before she married. Chief Clerk Revak said she didn't know.

### **Juvenile Probation Office**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the termination of a lease agreement between the County of Fayette and the Community Resources of Fayette County Inc. (DBA Crime Victim's Center), which was signed effective January 1, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Public Works**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to table a request from Cougar Land Services made at the Commissioners November 2013 meeting to perform Seismic Testing at various County parcels of land.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** making a motion, Commissioner Zimmerlink asked Solicitor Cupp if he reviewed that agreement. Solicitor Cupp said he has not. Commissioner Zimmerlink asked if anyone knows what the amount is. She said she has something that was dated back in October where it was a proposal but she didn't know, OK, you haven't reviewed it, and she then moved to table.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a Lease Extension with PFBC Jacobs Creek Park Watershed in Bullskin Twp. with the County of Fayette through December 31, 2018.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**Prior to** making a motion, Commissioner Zimmerlink asked what PFBC is and Solicitor Cupp said it is the Pennsylvania Fish and Boat Commission. Commissioner Zimmerlink asked if it was a ratification. She said she thought the commissioners signed a fish and game, she said she signed off on something that said fish and game and she didn't know if it was Jacobs Creek or something else. She said don't give John Cupp the Cougar Land Services because we have already voted on that to table and you can't read that now anyway but see if you have the Jacobs Creek watershed. Commissioner Zimmerlink told Solicitor Cupp to take a look at that real quick and Solicitor Cupp said he has seen that one. Commissioner Zimmerlink asked if that is just a lease extension and all other terms and conditions are the same. Solicitor Cupp said yes and Commissioner Zimmerlink asked him to look at it real quick. She said she thinks that what it is too but, he already reviewed it, right? Solicitor Cupp said some time ago. Commissioner Zimmerlink said it is just extending the lease, to when? He said December 1, 2018. Commissioner Zimmerlink said Dec. 1, 2018 and Solicitor Cupp said although it says December 1, it should say December 31 because the other agreement says December 31.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a License agreement between Texas Eastern and the County of Fayette for the sum of \$10,000 for a Land use agreement at Dunlap Creek Park in Menallen Twp.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**Prior to** making a motion, Commissioner Zimmerlink asked if that agreement was reviewed and Solicitor Cupp said he reviewed it several times. Commissioner Zimmerlink said that is the \$10,000 one-time payment, and he is OK with the other modifications that were made as far as and Solicitor Cupp said yes. He said it was more than an adequate amount of money. Commissioner Zimmerlink said in addition to that, that he was responsible for any damages, liability, are you OK with that, that's been all taken care of, correct? She said that is what she thought.

### **Recorder of Deeds**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to enter into a contract with Insurance Benefits Network Inc. DBA IBN Inc. for implementation of the UPI system for the Recorder of Deeds Office.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

## **Motion passed 2-1**

**Prior to** a motion, Commissioner Ambrosini said he would have Solicitor Cupp get the name to Chief Clerk Revak. Commissioner Zimmerlink said he should get it to her also. She said since the last meeting, whom had Solicitor Cupp spoken with? Solicitor Cupp said he spoke to Mr. Murphy and Mr. Pellis but he didn't recall if that was before or after the meeting. Commissioner Zimmerlink asked if he spoke with Tom Pellis, the attorney for Mr. Murphy. Solicitor Cupp said he spoke to him but he didn't recall when that was. Commissioner Zimmerlink asked what has changed in the agreement. Solicitor Cupp said there was a change of the name and they need to change the name from IBN to Insurance Benefits Network Inc. DBA IBN Inc. He said the other thing that was discussed and he didn't know if they wanted to change or not, is whether they want to continue under section 6 term of agreement which says that the initial term is for five years and the agreement is automatically renewable on a year to year basis. He said he doesn't know if they want to continue that process or not. He said he recalled that last Tuesday they said they would discuss it when Mr. Murphy is present. He said Mr. Murphy is here and he should step up if they want to ask him a question.

**Commissioner Zimmerlink** said there are a couple of other items, but go ahead. Mr. Murphy said if Fayette County wanted to get out of the contract, they have to notify within a time period otherwise it will renew on its terms. Solicitor Cupp said he thinks they need to change the way they word paragraph 6B. Commissioner Zimmerlink said not just 6B, no, 6A, that is one of the items that she brought up, the initial term. Solicitor Cupp said that you want to change that too. Commissioner Zimmerlink said she gave a whole list and she didn't know if he was at the meeting but Ken Burkley was at the meeting. Solicitor Cupp said he didn't have that list and Commissioner Zimmerlink said that is between him and Ken. Commissioner Zimmerlink said the first one was that the initial term of the agreement is for five years. She said from what she understands from reading some e-mails and the newspaper somebody said that he would be agreeable to amend that. Mr. Murphy said she asked him directly at the meeting. Commissioner Zimmerlink said this was the last meeting and he wasn't here so she didn't ask him that. Mr. Murphy said he is here now.

**Commissioner Zimmerlink** said the initial agreement is for five years. Mr. Murphy said the business model needs to be done to ensure there is enough revenue. He said he plans to implement it as soon as possible and they can get people trained on how to do it. He said once they start creating a database and people are comfortable with what is going on, he wants to bring all the information into one database that is shared between multiple departments in an HTML format with a web based application that would use the current software that it is place now. He said there are other items that come into play here that are not just monies that come directly to him or his company. He said he is on line for any changes the come down to UPI law, he is responsible to implement that and pay for that. He said he doesn't make a dime or get paid a dime until this gets put into place, he said ad a former public official he knows how frustrating it is to want to do things and not be able to have the money for it so when he went into business for himself he said he made a business model that made sense for him. He said he went to

go in and share with the entities and show them that he has as much to risk as they do. He said if he doesn't perform, he doesn't get paid so it is incumbent to him to make this as robust and efficient as they can possible have in Fayette County. He said he has done that and he has a track record of doing that.

**Commissioner Zimmerlink** said is not your payment, it says here, payment, in consideration for the services to be performed by the consultant, the client, Fayette County, agrees to pay you one dollar or 10 percent per UPI number applied to all documents for the duration of the contract. She said when would you anticipate, knowing the system, you have had your meetings, when would you anticipate that the system would be up and running for the first document to be recorded that would have the UPI number on it. Mr. Murphy said not to be tongue in cheek, but after this meeting he isn't quite sure, but probably 45 days from the day they pass the ordinance. Commissioner Zimmerlink asked when he anticipates the county will be passing the ordinance. Mr. Murphy said if they ratify his contract he will start working immediately to help formulate whatever the pleasure of the county is to put into the ordinance. Commissioner Zimmerlink said which would then come back to the county, here to vote on the ordinance and to set up the \$10 fee if that is going to be the fee, right? Mr. Cupp said the most favorable time frame would probably be your April commissioners meeting.

**Commissioner Zimmerlink** said once the April commissioners meeting has the ordinance that is passed, then when do you anticipate from that time period that the system would be set up and running for the first document to be, have a UPI number? Mr. Murphy said he believes 45 days if all the departments work together. Commissioner Zimmerlink said OK, so you are only talking like a two-month period, you are really talking less than 90 days. Mr. Murphy said yes. Commissioner Zimmerlink said so your first payment would be most likely within a 90 day period. Mr. Murphy said it would be within 45 days of closing out that first month, so it could be 90 to 120 days. Commissioner Zimmerlink said so your first payment would be 120 days. She asked what the anticipated number of documents that would be generated. Mr. Murphy said over the last five years he has found that they generate 12,000 documents per year to 17,000 documents, which was last year, and that was the high end and the low end and everything in between. He said other than that he can't make any anticipation on the real estate market, if it does better you might see more activity, Marcellus shale increase more activity.

**Commissioner Zimmerlink** said based on the last five years, which she got those numbers from the Recorder of Deeds office, one year was 16,000 and the other four years were about 14,000, so for arguments sake, you could take the last four years the average documents that are recorded in the Recorder of Deeds office that would be subject to a UPI number, is what 15,000, we can all agree on that? She said so, your fee would be what, \$1 on that and. Mr. Murphy said based on the fee schedule, \$10, yes. Commissioner Zimmerlink said based on a fee schedule, \$10, and can you explain a dollar or 10 percent, what does that mean? Mr. Murphy said say this again. Commissioner Zimmerlink said is it, 10 percent or whichever is greater. Mr. Murphy said he doesn't control if they decide to put \$5. Commissioner Zimmerlink said so this here is

based on a \$10 fee. Mr. Murphy said it is based on what is customary, he doesn't know what the county commissioners are going to pass in the ordinance. Commissioner Zimmerlink said she doesn't understand, it says here for a dollar or 10 percent, whichever is greater. Solicitor Cupp said there may be one place in the Commonwealth that charges a \$20 fee, in which case it would be \$2.

**Mr. Murphy** said he would be willing to cap that. Commissioner Zimmerlink said that he just said he thinks you have a cap, is that cap in that agreement. Mr. Murphy said he doesn't know what Mr. Cupp has in front of him. Commissioner Ambrosini said he thinks he. Mr. Murphy said he sent a revised copy to somebody's e-mail here, he sent a revised copy stating that \$1, no 10 percent, not to exceed \$1.50. Commissioner Zimmerlink said Chief Clerk, do you have that. Chief Clerk Revak said she didn't recall getting that. Commissioner Zimmerlink asked Solicitor Cupp if he had that and he said that is not the one he had before him. Mr. Murphy said he can certainly put that in not to exceed \$1.50 per UPI. Commissioner Zimmerlink said how do, the anticipated revenue is \$450,000 that is placed in the budget, how? Mr. Murphy said he did not formulate the budget or come up with that number, that is something of the county commissioners and the Recorder of Deeds to come up with.

**Mr. Murphy** said it depends on a lot of variables, it could be more than that, it could be less than that, it depends on the activity level of the oil and gas industry because one of the things that a lot of counties don't do that this county wants to do is implement a subsurface UPI listing on your leases so that, for example, if you have an oil well that sits on one piece of property, one parcel, it may touch 100 different parcels under your ordinance that I would recommend that you pass that you have that oil and gas company identify whose land they are pulling oil from, or gas from, and that is done in Westmoreland County so you could have multiple UPIs, these are all variables that. Commissioner Zimmerlink said she was present at the budget meeting when the Recorder of Deeds office said that he believes that bringing in this UPI system will generate \$450,000, her question to him and to Sam Lynch, our paid consultant, was where did you come up with that figure and he said based on conversations with you and with the Recorder of Deeds office that is the amount that you all felt comfortable that the county would be generating so that's why \$450,000, she said she doesn't understand how \$450,000, that is the number that is being presented, if there is only 16,000 and the average is like 15,000, is she mathematically figuring something wrong here?

**Mr. Murphy** said no, there could be multiple UPIs for each document. Commissioner Zimmerlink said OK, if there was only one UPI on one document, \$10 times, is. Mr. Murphy said UPIs are, there are multiple UPIs on one document. Commissioner Zimmerlink said as she said before, she thinks the 450 amount was well over estimated. She said can you answer, it says here under item number 3, payment and accounting to UPI government services shall be agreed upon at the time of the contract. Mr. Murphy said you can amend all that to Insurance Benefits Network, that is fine, and he apologizes for that, for that confusion. Commissioner Zimmerlink said when Westmoreland County implemented the UPI, was he the recorder of deeds. Mr. Murphy said he was and he was the one responsible for moving the UPI forward and work out

all the bugs and get everybody on the same page because they were doing something new. Commissioner Zimmerlink asked if there was any other company involved in assisting Westmoreland County Recorder of Deeds office. Mr. Murphy said no.

**Commissioner Zimmerlink** asked if he could tell what other counties he has implemented. Mr. Murphy said besides Westmoreland County, Bedford County. He said that she brought up something about Indiana County and he has been talking to the Recorder of Deeds in Indiana County and he thinks that she said that they did their own. Commissioner Zimmerlink said can you just answer my question, I am going to look for it, Westmoreland and who else? Mr. Murphy said Bedford. Commissioner Zimmerlink said two counties? Mr. Murphy said yes, and hopefully Fayette County. Commissioner Zimmerlink said OK, because from what was said before. Mr. Murphy said he is working with two other counties besides those. Commissioner Zimmerlink said what was said before was that he was the only consultant, professional that was able to perform this service and that you have done it for Westmoreland and there have been other counties. She said here is the information that the tax assessment office provided, it says the following counties implemented their UPI program in house, OK, adding that she is getting this information from our county's chief assessor's office. She said Indiana, Washington. Mr. Murphy said Indiana did not, that's not true.

**Commissioner Zimmerlink** said she is getting this information and Mr. Murphy said he is correcting her. Commissioner Zimmerlink said you are not correcting me, you are correcting him, he is the one and she is just letting you know. She asked if he did Indiana. Mr. Murphy said he is talking to Indiana right now. Commissioner Zimmerlink asked if they have a UPI program and Mr. Murphy said not yet. She said Washington, Cumberland, Elk, Fulton, Lebanon, Luzerne, Lycoming and Schuylkill, those are the ones that our office said implemented it, OK, and also, according to this UPI study of 2013, Indiana County implemented it, let's see here, year it was enacted, it says right on this UPI study. Mr. Murphy said it is wrong, he spoke with the Recorder last week. Commissioner Zimmerlink said that it says it was implemented in the year 2002, OK, so that is one county out of the other ones and then it says that York County has been implemented and then Franklin is in the process of hiring a consultant for GIS with the UPI included in the contract. She asked if Franklin County is one of those that he is negotiating with? Mr. Murphy said no. Commissioner Zimmerlink said there is another consultant out there that is able to do this. Mr. Murphy said you asked me if anybody was out there doing what I am doing and I am telling you no.

**Mr. Murphy** said nobody out there has his skill set and also can do the subsurface like he is. Commissioner Zimmerlink said well, Franklin County spoke to our assessment office and they spoke with Franklin County and they are in the process of hiring a consultant that you said is not you for GIS and they would have a UPI. She said that it says with UPI included in the contract, sir. She said she is just telling him what she is reading after he said they don't have GIS there. Commissioner Zimmerlink said she believes this is a program that, adding that this law has been since 1998. Mr. Murphy said it was 1988 that it was enacted. Commissioner Zimmerlink said and, 1988, which is the document that you had given us, and she believes that, she still does not have a legal opinion from Ken Burkley, which she requested, that we should seek proposals.

She said it was stated by one or two of the commissioners, she didn't remember if both of them said it, that it is a professional service and this isn't a discussion for you because it obviously isn't up to you, and a professional service under the county code is architect, engineer, medical, legal, and in her opinion we should be seeking proposals. She said she wanted to ask him what his professional is, you are a consultant, she understands that, is there a profession that he has that enables him to do this.

**Mr. Murphy** said he is uniquely qualified of anybody you can get, adding that he did the job for 12 years. He said he didn't know what other qualifications you would want. Commissioner Zimmerlink said she is looking at the county code. Mr. Murphy said no matter what he says he isn't going to be good enough, he said she has had time to vet him and he still isn't good enough, and he is sorry. Commissioner Zimmerlink said she has no way to compare him and that is the issue. She said he may be better than somebody else, she doesn't know, the problem is that the county has no other professional out there that we have sought to say, hey can you do this work. She said she has to pay attention to what her staff is telling her that there have been others out there, OK, whether you agree with our county staff that is fine, you may not want to agree with them, but under the professional services, whether you were to argue, and she doesn't mean him, but our county solicitors argue whether it falls under professional service, she doesn't know what the profession is, it's not medical, it's not legal, it's not, you were able to tell me, but in her opinion, there is no profession, she knows he is qualified, you said you were.

**Mr. Murphy** said you can call it whatever you want, it's consulting. Commissioner Zimmerlink said the code doesn't say that you can hire consultants without seeking proposals. Mr. Murphy said yes it does. Commissioner Zimmerlink said in her, as a county commissioner in Fayette County that it would be in Fayette County's best interest to seek proposals to determine if we are getting the best for our buck. Mr. Murphy said that would be their prerogative. Commissioner Ambrosini asked Mr. Murphy to, adding that he didn't want to delay the meeting any longer than they have to but he thinks it is important for the general public to understand what all the benefits of adopting this UPI system across the various offices in the county. Mr. Murphy said the law is a way for counties to go through and clean up their parcels. He said to this day you have parcels in Fayette County and all counties whose descriptions say to the big tree, past the creek and there are really no descriptions and there are gray areas about where these parcels are and this is an attempt to help clean that up because the most important thing a county has is proper assessment and parcel recognition for property taxes so that is one of the most important things they can do is clean that up.

**Mr. Murphy** said the other intent of this was to also globally connect anything pertaining to real estate in the courthouse. He said there are multiple offices throughout the courthouse that house real estate documents that contain real estate such as the civil court records, register of wills office and the recorder of deeds office and all the documents that they convey real estate documents. He said when an attorney or a title company goes to search for a piece of property today they must know the name of the people to follow a chain of title and it is very difficult for them to do that because you don't know what property this lien may be attributable to someone else because he may

own four parcels. He said by implementing this countywide and bringing it to one common database if you want to buy a piece of property and you want to see the chain of title to see that it is clean and you are not buying someone else's liens and things, you put in that one number now, instead of having to go to the Prothonotary's office, having to go to the Recorder of Deeds or go to the Register of Wills and hope you didn't miss anything.

**Mr. Murphy** said you just pull that one number up, you don't need any names, that parcel you want to buy and everything comes up together on it. He said it is something that will benefit the people of Fayette County more 20 years down the line than today but you have to start somewhere. He said that is why it has been implemented in different counties in different stages since 1988. He said a lot of counties just don't have the resources and he really understands that. He said there were a lot of things he wanted to do in public life that he couldn't because the money just wasn't there. He said you have to go to the taxpayers. He said one thing that would be good for real estate in this county is to implement a fee based on transferring of documents, why give the taxpayers a mass tax increase when it is not necessary. He said he also thinks he should have something in the game, some skin in the game himself. He said if it is successful, he gets paid and if it isn't successful, he isn't going to get paid as much but he still has the same responsibility and he still has to pay his IT consulting services. He said he still has to pay all his costs, he is sharing in Fayette County, and he is very good at what he does.

**Commissioner Zimmerlink** said she agrees with his assessment that it is a good program to implement in Fayette County. She said as she said before, her situation was that they should seek out other proposals, it is not personal Mr. Murphy. Mr. Murphy said he knows that. Commissioner Zimmerlink said she doesn't even know him so how can something be personal. Commissioner Zapotosky then made the motion and he thanked Mr. Murphy for his time in working with the recorder's office, working with the tax assessment office, working with the BAR association, you went above and beyond the call and he didn't think they received any solicitations from any other firm as they discussed this over the past three months, six months so he will make the motion and see where it goes.

### **Tax Claim**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a motion to accept the following bids from March 4<sup>th</sup>, 2014 Repository Sale Bid Opening, subject to all conditions being met, as listed.

Bidder	Amount of Bid	Twp/Municipality	Parcel number
Fiza Bhatti	\$325.00	Uniontown City	38-04-0384
Fiza Bhatti	\$325.00	Belle Vernon Borough	01-02-0048
Julius Sabo	\$210.00	Luzerne Township	19-07-0036

Trinity Property  
Development

\$161.56 Uniontown City

38-13-0009

Total \$1,021.56

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

### **Commissioners**

**Commissioner Ambrosini** asked for a motion to consider approval to name John Cupp as interim chief county solicitor until all interviews are completed for all candidates, effective immediately. He said by doing this they will, effective immediately, which is the 18<sup>th</sup>, it will terminate Mr. Burkley's services as of yesterday. Commissioner Zapotosky asked Mr. Cupp if he wanted this. Commissioner Ambrosini said that is a good question. Mr. Cupp said that is a good question. Commissioner Zimmerlink said well you. Mr. Cupp said he applied for it. Commissioner Zapotosky said he was just adding some levity and Mr. Cupp said he understood the humor. Commissioner Zapotosky said just some levity. Commissioner Ambrosini said they wanted to make sure he didn't change his mind. Commissioner Zimmerlink said this is an interim county chief solicitor and she doesn't know how John Cupp was chosen over the other solicitor which they have, which is Sheryl Heid. She said it says here until all interviews are completed for all candidates, we only had two candidates because the request for qualifications that were advertised we received two, one was from John Cupp and one was from Sheryl Heid.

**Commissioner Zimmerlink** said there was only two responses throughout Fayette County and anywhere else who wanted to be our solicitor, Sheryl Heid and John Cupp. She said later a letter was sent to Ken Burkley's office from another individual who did not go through the process of the RFQ and as Ken Burkley pointed out in his communication to the commissioners obviously that individual would not be considered as being qualified as meeting the requirements as responding to the request for qualifications. She said until our interviews are completed, Chief Clerk do you recall when the bid, request for qualifications were opened, was that since the last commissioners meeting, has it been at least three weeks. She said John Cupp sent his in on February 12 and Sheryl Heid sent hers in on February 13 so it was sometime shortly thereafter. She said she believes the bids were opened that Friday, that Thursday or Friday, at any rate, we haven't even interviewed and she thought time was of the essence here. She said this idea of just saying until interviews are completed, that is the same thing that happened with Ken Burkley's contract, first it said three to six months and then it just said to continue as needed.

**Commissioner Zimmerlink** said there needs to be a date certain here or interviews need to be conducted and a decision with a chief county solicitor and an assistant

solicitor need to be done in April and it doesn't need to go on past 30 days. She said the other statement, that means a change in salary as well, what's the chief solicitor, what is the amount for the chief solicitor per the. Controller Lally said they have been paying \$4,000 a month to Mr. Burkley. Commissioner Zimmerlink said that is a consulting contract, what is in the. Commissioner Zapotosky said you would have to go back to when Joe Ferens was solicitor. Controller Lally said Mr. Ferens final year of salary was in 2012 was \$57,000 inclusive of benefits. Commissioner Zimmerlink said no \$57,000 was in the budget, what is the budgeted amount for chief solicitor. She asked what the assistant solicitor's salary is as well. Controller Lally said solicitor salary department head, \$50,500 was budgeted. Commissioner Zimmerlink asked what the assistants is. Controller Lally said it doesn't make a whole lot of sense, the assistant is budgeted at \$57,065 is the amount. Commissioner Zimmerlink said that is two, so two into 57 is about \$28,000, argument's sake, \$29,000, right? Controller Lally said close enough.

**Commissioner Zimmerlink** said so he is saying that by doing this the chief county solicitor's, John Cupp would then become the interim chief county solicitor at \$50,500. Controller Lally said that is what has been placed in the budget. He said in addition to that all three parties health insurance is \$45,675m, life \$110, FICA \$82.30 and worker's comp \$1,050 so the entire department of solicitors is \$163,285 is what has been budgeted. Commissioner Zimmerlink said that is based on the prior individuals who held the position as well. She said in other words, it would be \$50,500 effectively immediately until interviews are then conducted. She said they also would need to amend the agenda to terminate Ken Burkley's contract. She said is that correct, you don't want to assume that by naming you as interim. Solicitor Cupp said you are right, and he would also suggest that if they are going to hold interviews for the assistant solicitor's positions, if you are going to hold interviews, maybe you should have another advertisement to make people aware.

**Commissioner Ambrosini** said he agrees with that. He said there is a number of people that did not see the original advertisement so he would like to do a twofold thing, he said they certainly can advertise again, they need more people, especially people that are interested and just never saw the first advertisement, and he thinks it is appropriate in addition since this is a public meeting to state that we will look and we are requesting additional attorneys in Fayette County to, if they are interested in doing some work as a county solicitor that they apply or send their resumes in. Commissioner Zimmerlink said no, no, you either do a request for qualifications or you do letters, you don't say, some people can apply through, you're right you are agreeing with me. Solicitor Cupp said you do an RFQ. Commissioner Zimmerlink said you don't do a letter, it is an RFQ. Commissioner Ambrosini said they are going to do an RFQ, he is just stating that they are, that we want people to apply when we do send out the RFQ so, because there are some people that may miss the advertisement again and he is hoping in a public forum like this that we would get the message out that we will be putting out an RFQ again for our solicitor's position.

**Commissioner Zimmerlink** said that is really setting a precedent, OK, here's what we have to do, if you want to do a re-advertisement for a request for proposals then we need to reject the other proposals, correct, John? Solicitor Cupp said if you want to, well

he guesses you did reject them because they haven't actually hired anybody, right? Commissioner Zimmerlink said we haven't even, as you know. Solicitor Cupp said you essentially are rejecting them. Commissioner Zimmerlink said you have to reject those if you are going to open it up, plain and simple. She said the second thing is that they are really setting a precedent to say that next time we want to do an RFQ for an engineer, well we only got two people, maybe a couple other engineers didn't read the paper so you do it again, that makes no sense at all, that's why you have a legal advertisement and that is why you have it on our website and believe me, there isn't any, people in Fayette County knew, especially the attorneys, that we were seeking requests for qualifications. She said if they want to do another one then they have to amend the agenda to do that and reject the ones that were submitted. She said also they need to amend the agenda to terminate the contract of Ken Burkley, in addition to the solicitors.

**A motion** was made by Commissioner Zimmerlink to amend the agenda to terminate the consulting agreement between the county of Fayette and Ken Burkley, effective March 18, today, March 18. Commissioner Zapotosky said he had a question and it is just a point of order, should we not have amended the agenda for this purpose at the beginning of the meeting instead of nearly the end of the meeting. Commissioner Zimmerlink said she didn't know, she said the two commissioners at the agenda meeting should have put that on the agenda on Tuesday. She said it wasn't and you certainly don't, you can't hire an interim, name an interim if you already have an existing contract. Solicitor Cupp said in answer to your question you should amend the agenda at the beginning. Commissioner Zimmerlink said they can still take public comment. Solicitor Cupp said he doesn't think that is a problem. Commissioner Zimmerlink said and you have to amend the agenda to do the RFQ unless you are going to do that in April as well. Solicitor Cupp said that will put you into May to accept somebody if you push it forward to April. Commissioner Zimmerlink said she isn't the one who wants to rescind RFQs and it is the other commissioner's suggestion, not hers. She said she is saying that if it is going to happen, it needs to be voted on.

**Commissioner Zimmerlink** said plus John's name was put on here, did anyone meet with John asking him prior to this or meet with Sheryl Heid. She asked Solicitor Cupp if he had any conversations with any of the three commissioners to see if you wanted to accept the interim position. Commissioner Zapotosky said he just asked just now. Commissioner Zimmerlink said he asked if he would accept it, she is asking if he had any prior conversations. Solicitor Cupp said he didn't recall if he did or not, he said he spoke with Commissioner Ambrosini about being solicitor but he didn't remember if he asked that he was going to appoint me interim or not, he thought he did but we had a discussion about it. Commissioner Ambrosini said it is obvious that Mr. Cupp is doing the lion's share of the work and he thinks it would be reasonable to take on the roll as interim since Mr. Burkley's duties are completed and until we have a chance to interview additional people for the three positions that are available. Commissioner Zimmerlink said again only two people applied, her question isn't anything about what she just said she simply asked you John, if you had any discussions since the time you submitted your response under the RFQ to be the chief solicitor to Tuesday, or whatever date this was put on the agenda to serve as interim solicitor. She said you didn't have any conversations with her, did you have any discussions.

**Solicitor Cupp** said he knows they had a meeting last Tuesday and this was on the agenda last Tuesday. He said he knows they talked about it, if not at the agenda meeting. Commissioner Zimmerlink asked if any commissioner discussed it with Sheryl Heid to see, did any commissioner, OK, because she applied for the chief solicitor just like you did. She asked if Commissioner Ambrosini talked with Sheryl Heid. Commissioner Ambrosini said he didn't interview anybody. Commissioner Zimmerlink asked if he asked Sheryl Heid if she would take on the chief solicitor position. Commissioner Ambrosini said he hasn't seen her and he hasn't talked to her. Commissioner Zimmerlink asked what Solicitor Cupp was looking for. Commissioner Zimmerlink said while he is doing that, they could move on to a couple other items or something. Commissioner Zapotosky said he would go along with the amendment. Commissioner Zimmerlink said the only thing she is asking, and sure all agenda items should be on this piece of paper, OK, it should be, now alright, again, if it is not on the agenda, let's just move on, let's just move on. Commissioner Zimmerlink said there have been other county commissioner meetings where they have done this and she is wondering, nobody pulled out the Robert's Rules and you and Ken sat here since July of 2012 it was for Ken, she thinks it was 2012. She said hey it isn't on the agenda so if you want to move forward, move forward.

**Commissioner Ambrosini** said while John is looking at those rules. Solicitor Cupp said they can do it, they can amend their agenda. Commissioner Zimmerlink said during the meeting, she would think so because she certainly would hope that all those attorneys they had sitting there would have objected after all this time. Commissioner Zapotosky said he seconded the motion to amend. Commissioner Zimmerlink asked which motion and Commissioner Zapotosky said he made the motion to terminate.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to amend the agenda to terminate the consulting agreement between the county of Fayette and Ken Burkley, effective March 18, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**After the vote**, Commissioner Zimmerlink said they have to take public comment on it. She said the other one is to, that's fine. Commissioner Zimmerlink asked Chief Clerk Revak to read back the motion and she read the motion. Commissioner Zimmerlink then said that is her motion. She said they need to take public comment on that, Solicitor Cupp. Solicitor Cupp said they didn't have any. Commissioner Zimmerlink said she doesn't call for it, she is asking him the next procedure is to call for public comment. Solicitor Cupp said they should call for public comment, with Commissioner Zimmerlink saying on that particular item. Commissioner Ambrosini asked for public comment and Mrs. Mazza said it is about time, way past time, he should have been gone a year ago, two years ago, he should have been gone. She said he was nothing was a leech on Fayette County. Commissioner Zimmerlink said now we have to vote on it.

**Mr. Kriss** said that he found it really interesting that for the two years and how much money, there have been suicides at the jail, people suing commissioners, he has avoided noting, he has come down here and robbed this place of \$75,000. He said literally, he has performed nothing and they have never seen his report, Angela had to beg you for it, the public has still never seen what \$75,000 has bought. Mr. Mazza said he was originally hired to stop or cut down suits against the county, how many did he eliminate? Commissioner Ambrosini said he didn't know. Mr. Mazza said no, because he didn't eliminate any. Commissioner Zimmerlink said now they have to vote on it.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to terminate the consulting agreement between the county of Fayette and Ken Burkley, effective March 18, 2014 and to pro-rate the contract.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to name John Cupp as interim chief county solicitor for \$50,500 annually until all interviews are completed for all candidates, effective immediately.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**In making** the motion, Commissioner Zapotosky said he does go above and beyond the call and any time there is a question, he answers it within a timely fashion and he is a credit to the practice of the law. Solicitor Cupp said he should have him do his radio commercial, thank you. Commissioner Ambrosini said in addition, he does have a lot of historic knowledge of the county which is invaluable. Commissioner Zimmerlink said it sounds like he has the job next month.

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to amend the agenda to reject the responses received for RFQ 14-01, county solicitor positions, and to readvertise for the positions.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a vote, Commissioner Zimmerlink said they are rejecting, and she wasn't going to make a motion, she was correcting and she isn't going to correct anymore. She said that is Solicitor Cupp's job, not hers. Solicitor Cupp said he can tell them what he thinks they want to say but he isn't sure that he should do that. Commissioner Zimmerlink said we know that you don't rescind, you reject the proposals. Commissioner Ambrosini said they can reject. Solicitor Cupp said you can reject and readvertise.

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to reject the responses received for RFQ 14-01, county solicitor positions, and to readvertise for the positions.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

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

**Commissioner Ambrosini** asked for a motion to consider approval to establish rules for public comment at all commissioner meetings, as attached. He said he would read those. Commissioner Zapotosky said although it is 2:18 p.m. and this meeting began at 10 a.m. and he isn't good with math but he thinks they are breaching the fourth hour of the meeting, he would like to ask if the commissioners would consider structuring some type of policy regarding public comment but in no way breach the ability of individuals to express themselves. He said he doesn't know what the answer is, whether it is a half hour of public comment on agenda items or 45 minutes of comment on agenda items, something of that nature, because again we need, and he didn't know if there were rezoning's, but if they do, they are out there waiting, we are crossing over into other business of the county but he doesn't support and he cannot support setting time limits outside of he thinks five minutes is a sufficient amount of time to express yourself. He said he cannot support and he would like to table for further discussion ways of implementing some type of structured policy that allows people to express their opinion but yet does not run to the fourth or fifth hour of a meeting and possibly delay other public business that is as important to those folks as their right to express themselves at a meeting. Commissioner Zimmerlink asked if he was making a motion. Commissioner Zapotosky said he was.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to table approval to establish rules for public comment at all commissioner meetings, as attached until they come up with a common sense approach.

Commissioner Ambrosini yes  
Commissioner Zimmerlink no

### **Motion tied 1-1**

Commissioner Ambrosini yes

Commissioner Zapotosky yes  
Commissioner Zimmerlink no

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

**Prior to** making a second, Commissioner Ambrosini said one of the things that they need to be conscious of is that they had a room full of people today and there was a number of people after so much time expired left the meeting room today. He said he didn't know if they wanted to speak or not, but obviously they couldn't stay any longer, so he said whatever rules they establish, it is important to be cognizant of the people who do come to these meetings don't have four or five hours, or days as some of you already indicated you would be more than happy to stay here for days. He said they have to come back to some common sense approach to that and make public comment available for everybody. He said that is going to have to require some reasonable time limit for people to speak. Mrs. Mazza said it is his fault because he doesn't give a yes no answer to any question anybody asks, he goes off on something else to get their mind off of what they asked you. She said it's his fault these meetings go on forever.

**Commissioner Ambrosini** said to Mrs. Mazza that it is public comment, it is not a debate, it's not a question and answer period. Mrs. Mazza said it is and Commissioner Ambrosini said it is not. Mrs. Mazza said if somebody goes up to the podium and asks a yes no question, he should give a yes no answer. She said that is what public comment is about. Commissioner Ambrosini then made a second to the motion. A vote was taken and Commissioner Zapotosky was out of the room and Commissioner Zimmerlink said she wouldn't vote to table since she didn't want the rules and they would have to wait until Commissioner Zapotosky came back in the room. Commissioner Zimmerlink said she knows this is exhausting for people but this is county business. She said the other thing is while they are waiting, she will take the opportunity, the meetings would not take as long if the public was informed prior to the meetings. She said how many here now even know what the resolution to the public comment is, no, so how can you even comment. She said to Commissioner Zapotosky that there was a second, and they were waiting to vote. She said the first vote had to be recorded, which was confirmed by Solicitor Cupp.

**Commissioner Zapotosky** then confirmed that the people for the 1:30 p.m. rezoning hearing were out in the hallway. Commissioner Zimmerlink said that was another thing, the planning and zoning office should have known and there should have been communications that this was going to be a longer meeting and made. Commissioner Zapotosky asked how they would know it would be a longer meeting. Commissioner Zimmerlink said oh my goodness, who in this room did not know it would be a long meeting, it should have been incumbent on commissioners, chief clerk and/or the solicitor to be talking and saying hey there is a scheduled rezoning, let's perhaps delay it. She said at any rate, let's move on, next item on the agenda.

**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.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**After the** vote, Commissioner Zimmerlink said there are a number of reasons, and she wouldn't belabor the meeting, and the public has heard already. She said first and foremost the business park was designed to be for economic development and not for a jail and there are at least five other reasons and she will discuss it later and she will reiterate what she previously said later. Commissioner Ambrosini said Mr. Blaney from Fay Penn was there. Commissioner Zimmerlink said it doesn't matter. Commissioner Ambrosini said if she had any questions. Commissioner Zimmerlink said she didn't have any questions of Mr. Blaney.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to rescind motions 13-10-15-46, 13-10-15-48, 13-10-15-49 and 13-10-15-50 relating to construction of a new county jail on parcel 09-31-0049 in Dunbar Township.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the February 18, 2014 regular commissioner meeting minutes.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink abstain

**Motion passed 2-0**

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zimmerlink to approve a motion to table approval of the February 26, 2014 special commissioner meeting minutes.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

Consider approval to make the following appointments:

**Hotel Tax Board**

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to appoint Sean Sypolt, Nancy Henry and Don Robinson to the Fayette County Hotel Tax Grant Board for 1-year terms which expire December 31, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Commissioner Zimmerlink asked if the names were on the agenda meeting agenda and Chief Clerk Revak replied yes. After the vote, Commissioner Zimmerlink said they need to have more individuals apply for an interview for these boards.

**Regional Trail**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to rescind Resolution 14-01-21-57 to appoint Michael Edwards to the Regional Trail Corporation during the January 21, 2014, Commissioners Meeting.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**In making** the second, Commissioner Zimmerlink said again, she cautioned that it should not have been passed in January, but it was.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to appoint James E. Johnson to the Regional Trail Corporation for a three (3) year term to expire on December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**After the vote**, Commissioner Zimmerlink said the reason she was doing that was because she did make a motion for him back in January and she didn't get a second and she was glad to see it was being done now.

### **Agricultural Land Preservation Board**

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to appoint William Orbash as a Citizen at Large Representative to the Land Preservation Board for a three (3) year term which expires January, 2017.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

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

**Prior to** a motion, Commissioner Zimmerlink said those do not expire January 2017, she has brought this up numerous times, it expires December 31, 2016. She said she has asked both solicitors to take a look at that and that is many, many, many months ago. She said she would make a motion and Commissioner Ambrosini said there is already a motion on the table and Commissioner Zimmerlink said OK, if you are going to do it for January 2017. After the vote, Commissioner Zimmerlink said that was the most ridiculous motion, expiring when in January, 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, there are 31 days, when? Commissioner Ambrosini said until he is replaced with another person. Commissioner Zimmerlink said that is not how our by laws for the agricultural board or everything else is, "this is." Commissioner Zapotosky said again. Commissioner Zimmerlink said all the boards are December 31 and authorities are the first Monday in January, is that not correct Solicitor Cupp? Solicitor Cupp said they should make the appointment effective..

**Commissioner Zimmerlink** said December 31 of 2016 but when she tried to correct it, he said there was a motion and you didn't speak up and so now the motion has been passed and now she is asking him. She said it has been voted on and the vote was two to one, it says sometime in January. She said Solicitor Cupp, it is very specific. Solicitor Cupp said he would suggest that they change all the January 2017 in the rest of the appointments under the agricultural preservation to December 31. Commissioner Zimmerlink said yes, which is what she has been saying for many, many months. She said and change the website because one Commissioner told Nicole Young to change all of that and they are all saying January of a year and it is absolutely incorrect, talk about misinformation to the public, she doesn't know whether, well the motion has been passed for some time in January, 2017.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to appoint Michael Reskovic as a farmer representative to the Land Preservation board for a three (3)-year term which expires December 31, 2016.

Commissioner Ambrosini yes

Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to appoint Ed Rinkoff Jr. as a farmer representative to the Land Preservation board for a three (3) year term which expires December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to appoint Mary Musetti as a Non Agricultural Representative to the Land Preservation Board for a 3 year term which expires December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Commissioner Zimmerlink said Commissioner Ambrosini should give someone else a chance to make a motion. She said he is reading these names and where did she get them, there may be somebody she wants to, OK, you already have Mary now. The motion was then made.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to appoint Cindy Komarinsky as a Commercial/Industrial Contractor Representative to the Land Preservation board for a three (3) year term which expires December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink abstain

**Motion passed 2-0**

**Prior to** a motion, Commissioner Zimmerlink said that was wrong, he just said he was naming everyone who was on the board and Cindy Komarinsky has not been on the board. She asked who she is, and is she a commercial/industrial. Solicitor Cupp said Cindy Komarinsky owns a bed and breakfast in either Wharton or Henry Clay Township and she is an instructor at Westmoreland County Community College. Commissioner Zimmerlink said is she a commercial/industrial contractor? She said she doesn't believe

she is but she doesn't know. Solicitor Cupp said what is running a bed and breakfast? Is that a commercial? Commissioner Zimmerlink said contractor, contractor commercial/industrial contractor. Commissioner Ambrosini said it is either one. Solicitor Cupp said it is either one, it looks like, it could be a commercial or an industrial contractor. Commissioner Zimmerlink said either one of those, that's her question. She said she doesn't know who she is, so she doesn't. Solicitor Cupp said she has a bed and breakfast. Commissioner Zimmerlink asked if she interviewed for this position. Kathy Winkler said Art (Cappella) recommended. Commissioner Zimmerlink said she didn't ask, thank you for that information but she didn't, did she interview for the position is what she asked. She said she didn't recall the name, thank you.

**After the** vote, Commissioner Zimmerlink said before they move on, she suggests that they take the advice of the solicitor who said that William Orbash's should be December 31, 2016, otherwise you are going to have him in January and everybody else in December, 31. Commissioner Ambrosini said OK.

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to rescind the appointment of William Orbash as a Citizen at Large Representative to the Land Preservation Board for a three (3) year term which expires January, 2017.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to appoint William Orbash as a Citizen at Large Representative to the Land Preservation Board for a three (3) year term which expires December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Fayette County Conservation District**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to appoint Lloyd Mosier a public representative to the Fayette County Conservation District Board for a four (4) year term to expire December 31, 2017.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Workforce Investment Board**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind the resolution Jeffery N. Myers in the (Business) Representative of the Workforce Investment Board for a three (3) year term ending December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**In making** the motion, Commissioner Zimmerlink said they should have the resolution number and told the Chief Clerk to make a note of it for future reference.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to appoint Jeffery N. Myers in the (Education) Representative of the Workforce Investment Board for a three (3) year term ending December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to rescind (Christina Becker) to the Education Position of the Workforce Investment Board for a three (3) year term ending December 31, 2014.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a vote, Commissioner Zimmerlink asked when the motion was made. Mrs. Winkler said yes, that was three years ago and they came in and had them change it. Commissioner Zimmerlink said so the original appointment would have been in 2012, or no, 2011. She asked if Kathy was positive of that and Mrs. Winkler said yes.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to appoint (Christina Becker) to the Community Member Optional Representative with the Workforce Investment Board for a three (3) year term ending December 31, 2014.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Commissioner Zimmerlink asked how it would be a three year term. Mrs. Winkler said they came in and said how they wanted it. Commissioner Zimmerlink said in other words, they are just changing the categories.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind (Charles Motycka) to the Community base category of the Workforce Investment Board for a three (3) year term ending December 31, 2015.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to appoint (Charles Motycka) to the Community Member Option Representative with the Workforce Investment Board for a three (3) year term ending December 31, 2015.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

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

2-11-14 to 3-6-14			
Department	Cost Center	Debit	Credit
District Attorney			
Salary full time	01419451400	\$3,747.19	
Travel	01419453300		\$3,747.19
Salary full time	01419451400	\$2,699.91	
Professional service	01419453100		\$2,699.91
Special investigator	01419451402	\$2,317.48	
Materials/supplies	01419452000		\$2,317.48
Postage	01419453250	\$1,302.36	
Training/conference	01419453350	\$2,309	

<b>Telephone</b>	<b>01419453200</b>	<b>\$912.51</b>	
<b>Special investigator</b>	<b>01419451402</b>	<b>\$1,152.29</b>	
<b>Travel</b>	<b>01419453300</b>		<b>\$5,676.16</b>
<b>Commissioners</b>			
<b>Contingency</b>	<b>01417952910</b>	<b>\$1,805</b>	
<b>Advertisements</b>	<b>01417953400</b>		<b>\$1,805</b>
<b>Sheriff</b>			
<b>Training</b>	<b>01418953350</b>	<b>\$90</b>	
<b>Telephone</b>	<b>01418953200</b>		<b>\$90</b>
<b>Travel</b>	<b>01419753300</b>	<b>\$195</b>	
<b>Telephone</b>	<b>01419753200</b>		<b>\$195</b>
<b>Courts</b>			
<b>Postage</b>	<b>01418453250</b>	<b>\$325</b>	
<b>Telephone</b>	<b>01418453200</b>		<b>\$325</b>
<b>Services</b>	<b>01418451400</b>	<b>\$22,500</b>	
<b>Court appointed atty.</b>	<b>01418453141</b>		<b>\$22,500</b>
<b>Recorder of Deeds</b>			
<b>Computer</b>	<b>01415352210</b>	<b>\$94.16</b>	
<b>Telephone</b>	<b>01415353200</b>		<b>\$94.16</b>
<b>Planning and Zoning</b>			
<b>Professional services</b>	<b>01417253100</b>	<b>\$40</b>	
<b>Telephone</b>	<b>01417153200</b>		<b>\$40</b>
<b>Veteran's Affairs</b>			
<b>Training</b>	<b>01429452530</b>	<b>\$73.21</b>	
<b>Telephone</b>	<b>01429453200</b>		<b>\$73.21</b>
<b>Election Bureau</b>			
<b>Postage</b>	<b>01412053250</b>	<b>\$120</b>	
<b>Telephone</b>	<b>01412053200</b>		<b>\$120</b>
<b>Public Works</b>			
<b>Equipment</b>	<b>01417452300</b>	<b>\$45</b>	
<b>Materials/supplies</b>	<b>01417452000</b>		<b>\$45</b>
<b>Equipment</b>	<b>01417452300</b>	<b>\$175</b>	
<b>Materials/supplies</b>	<b>01417452011</b>		<b>\$175</b>
<b>Salary director</b>	<b>01417451325</b>	<b>\$613</b>	
<b>Materials/supplies</b>	<b>01417453610</b>		<b>\$613</b>
<b>Equipment</b>	<b>01417452300</b>	<b>\$500</b>	
<b>Materials/supplies</b>	<b>01417452011</b>		<b>\$500</b>
<b>Travel</b>	<b>01417453300</b>	<b>\$350</b>	
<b>Utilities</b>	<b>01417453600</b>		<b>\$350</b>
<b>EMA</b>			
<b>Postage</b>	<b>01429153250</b>	<b>\$20</b>	
<b>Telephone</b>	<b>01429153200</b>		<b>\$20</b>

<b>Bridge Department</b>			
Liquid fuels Pa highways	24431252245	\$48.23	
Telephone	24431253200		\$48.23
<b>Total Debits</b>	<b>\$41,434.34</b>	<b>Total Credits</b>	<b>\$41,434.34</b>

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**Public Announcements**

**Commissioner Zimmerlink** said they have a letter from Matt Thomas who is a board member of the airport authority that he has resigned and she didn't recall the effective date but she knows that he sent it to all three county commissioners so we will be, I hope advertising and interviewing for that position. She said that is her announcement and she isn't going to say anything more.

**Public Comments**

**Mrs. Mazza** said that they voted to buy the swampland in North Union Township. She said the supervisors said they don't want a jail in their township, the people there said they don't want the jail there but you thumbed your nose at the people once again, Thanks Al. Commissioner Ambrosini said first of all, it is not swampland and second of all. Mrs. Mazza said it is swampland, the guy next door is getting sewage, raw sewage backed up in his business and he very emphatically told you at that secret meeting on the 26<sup>th</sup> of February every time it rains he gets flooded and he gets raw sewage in his business. She said he has been fighting it for six years and you completely ignored it just like you completely ignored all the people that told you about how bad that land is you went ahead and voted to buy it anyway so you very, very clearly told us what you think about the public. Commissioner Ambrosini said first of all, Mrs. Mazza, the property is not swampland. He said second of all, the gentleman who spoke of his business is probably about 30 to 40 feet below where the jail is going to be placed and it's in North Union Township. He said the jail itself will be in Dunbar Township and all the storm water on the piece of property where the jail is going to sit flows north not south toward North Union Township. He said there is no possible way that this jail can contribute to any flooding of that area where this gentleman's business is.

**Commissioner Ambrosini** said the site where he is is a low spot in North Union Township and has nothing to do with the water direction at the proposed jail site. Commissioner Zimmerlink said she will add this, this idea of saying it is at a low site, when Steve Laskey presented that information on February 26, it was the warden who asked him if he brought it to anyone's attention. She said he brought it to state representative's attention, he brought it to the attention of DEP, he then brought it to her attention, she then sent an e-mail out to her fellow two commissioners, Andrew French

of the redevelopment authority, DEP, a number of individuals and that problem, you talk about creating jobs and wanting people to stay, well you, when you ignore this problem all these years, you have already had some move out of that area and this gentleman here is still being flooded and that again, it has all been ignored and DEP has been very clear as to what the problem was. Commissioner Ambrosini said as he suggested to Mr. Laskey that he consult with the North Union Township supervisors and work the problem out. He said he also indicated that if there is anything the county can do to help with that process, he is sure all three of them would be more than willing to help.

**Commissioner Zimmerlink** said why didn't you respond, but go ahead. Commissioner Ambrosini said that was the response he made at the time. Commissioner Zimmerlink said she sent something back several months ago to both of them. Commissioner Zapotosky said he spoke with Mr. Laskey. Commissioner Zimmerlink said she was asking them to meet with DEP and Mr. Laskey, \$150,000 is what is needed to redirect the water flow, that's what DEP said and the cost of it is because the redevelopment authority redirected, misdirected it in the first place. Mrs. Mazza said that still doesn't change that the people there don't want it and their rights should come first. Commissioner Zimmerlink said right. Mr. Mazza said also, two North Union Township supervisors are liars than because they said they wouldn't put a building on that property because it is not a place to build on. Commissioner Zimmerlink said make it clear that you aren't calling them liars. Mr. Mazza said he is not, he is. He said why should they believe anything that he tells them because he never tells the truth, he has heard him tell people things that never happened and you swear by. He said another thing is, you wonder why these meetings take so long, because you can't answer a simple yes no answer, you have to pontificate about everything and try to swing it away from the.

**Commissioner Ambrosini** said he believes that people and Mr. Mazza said he wanted to thank him for one thing, you are the only one who understands that this is supposed to be a government of, by and for the people. He said in Fayette County that's not true. Commissioner Ambrosini said Mr. Mazza, I represent 136,600 people, he doesn't care whether they vote or not. He said they are all citizens of this county. Mr. Mazza said he represents a select few. Mrs. Mazza said it has nothing to do with the public. Mr. Mazza said they got 3,700 signatures that say he is wrong. Mr. Kriss said for the TIF program, that is corporate welfare and any developer will come in from now on and demand the same thing, you have set a terrible precedent. He said they don't have to give away prime property, five away the farm to entice people to come here, that's been proven, bad move guys. Commissioner Zapotosky said they own that property, the county isn't giving it away, it is already owned by Widewater, they own is. He said just for clarification. Commissioner Zimmerlink said all the more reason. Commissioner Zapotosky said \$28 million is development.

**Mr. Kriss** said Children and Youth Services, he finds it ironic that seven computers from Dell costs \$13,000. He said are you telling me that there wasn't a better deal that could be cut for seven computers, \$13,000, it is one page three, consider approval of the purchase of seven tablet computers from Dell. The cost of the computers will be \$12,391 and the agency will utilize the IT grant. Commissioner Zimmerlink said she

believes that whenever that information was provided by Children and Youth Services that is not just the tablets, it is the maintenance and software and things of that nature, is that not correct? Controller Lally said that is the office suite, that is the software, all the programs that cost around \$700 or \$800, it's professional suites. Commissioner Zimmerlink said she made that second and unanimous based on the information that was given and it was not just seven tablets, it was, and that should have been clarified, and she said she would take another look at that. Mr. Kriss said if it is only tech support and software, come one, what do these tablets cost, \$500 apiece. Controller Lally said they are not tablets, Mr. Kriss, they are computers. Mr. Kriss asked for an idea of what they cost. Controller Lally said with a 17-inch monitor, \$1,300 to \$1,500 each and the programming would be whatever was negotiated. Commissioner Zimmerlink said she would check into that.

**Mr. Kriss** said Emergency Management agency 10, did you guys not give Motorola \$8 million to implement that transmission service, \$8 million? He said and now they want another \$2 million? Commissioner Zimmerlink said that is why it was tabled because they are asking to clarify that. Mr. Kriss said don't you think that \$2 million is a lot of maintenance for somebody who just pitched you an \$8 million program? He said there is no negotiator at the table it seems like, if the contract wants it, just give it to them. Commissioner Zimmerlink said yes, it is \$2 million over a 10 year period, but that is why we tabled that because it did not make sense. Mr. Kriss said they should certainly look into those numbers by all means. He said under Recorder of Deeds, he said one person said there are 16,000 parcels and if you multiply that by 10, that is \$160,000. He said how does Malosky come up with \$450,000 in projected earnings when the guy sat here and told you there are 16,000 parcels times ten bucks is \$160,000. He said how are we so far away on that number.

**Commissioner Zimmerlink** said it was not just Malosky it was also Sam Lynch, the Susquehanna consultant. Mr. Kriss said he was nice enough to come up and state his credentials, he is going to do all of that for \$16,000 and he doesn't believe that any businessman would do that for \$16,000. He said these numbers are not what they are providing, they are fuzzy math. He said nobody is doing for 16, Malosky is off \$300,000. He said where did this all come together, how did you vote on something you don't even have a grasp of? Commissioner Zimmerlink said as far as the cost. Commissioner Ambrosini said that as Mr. Murphy indicated on some of these deeds there will be more than one UPI number. Mr. Kriss said you have to times it by four to get Malosky's projection. Commissioner Ambrosini said as he has indicated on a gas lease agreement where you might have the well site sitting on one parcel, but it touches maybe 100 other parcels, and so all those UPI numbers. Mr. Kriss said so there would be 101, is that basically what you are telling me? Commissioner Zimmerlink said the other thing too is that this isn't going to be implemented in 120 days so that means that \$450,000 is anticipated from August through the end of the year. She said that's just not gonna happen, there's no way.

**Mr. Kriss** said there are programs that other counties have implemented, you are calling your professional staff incompetent that they don't have the ability. Commissioner Ambrosini said he isn't calling his staff incompetent. Mr. Kriss said they

have an opportunity, hire a consultant for \$5,000 a month, do it for six months, spend \$30,000 do what needs done and have your own do it. Commissioner Ambrosini said he thinks perhaps they should change their minds and go with Westmoreland County and buy that antiquated jail for. Mr. Kriss said they don't have a numbered system. Commissioner Zimmerlink said she found that out, Westmoreland County Recorder of Deeds are not happy with the system that they have. Mr. Kriss said 16, commissioners, the John Cupp story. He said he finds it interesting that they are willing to do another RFQ for a solicitor but not for the UPI system. He said how can you do it for this gentleman but not for this guy? He said this isn't personal towards you, my man, this is for everybody. He said it is good enough for an RFQ for what you want to do, why is it not good enough to do an RFQ for the UPI system? He said that was a fair and easy, achievable goal. It's good for him, not good for him. He said he doesn't understand that.

**Mr. Kriss** said consider the approval of the purchase of the 58 acres that they agreed to, Al I find it ironic and he will use his comment. He said that Joey Cellurale said he is the closest property and he said he was OK, was that a letter or a phone call that he told you? Commissioner Ambrosini said that was conversation between Mr. Cellurale and a member of the project team. Mr. Kriss asked who the member of the project team was. Commissioner Ambrosini said it was Jim Killinger. Mr. Kriss said of course it was. Mr. Kriss said so Mr. Killinger went to see Joey, who does not live on the property ,and he said he is OK with the prison next to my property, is that correct? Commissioner Ambrosini said yes, he owns the property that is adjacent to these 58 acres. Commissioner Zimmerlink said just make it clear because you certainly don't want Mr. Killinger coming back and saying hey Terry, you know what happened before, so what you just said, this is confirmed by Commissioner Ambrosini, right? She said you are not saying that, right? Mr. Kriss said he didn't know anything about it. He said as far as the family objecting or being for this, he had no clue before they brought it up.

**Mr. Kriss** said some people call it swampland, you can call it whatever you want but it is economic development property. He said our county taxpayer's dollars paid Fay Penn the money to buy that property and if he would have known that property was going to be subdivided or rezoned for this purpose and he told them before, he would have been there with a team of lawyers opposing because it was to be put for economic development. He said when he thinks of 60 acres being used for a prison, they have just taken 60 acres of tax generating money off the table forever and they have stopped numerous people from building spec buildings and nice buildings, that's all done, you have kyboshed it all for a wanna-be prison that should stay near Uniontown. He said they do have 3,000 some people, an entire business district, an entire community all said they don't want it and your answer back to me was Joey Cellurale thinks it's OK, I see where your priorities are in that statement. He said it is OK for Joey and Killinger, but the rest of everybody in the community and everybody else, hey we don't care about your needs. He said he thinks they are looking for a supervisor or a warden or a maintenance down there, that's what it's all about. He said another thing, today the meeting was five hours. He said there was a lot of good talk and if it wasn't for this woman here, you guys would be lost, she speeds up the process, you don't know, this one doesn't know, we aren't on the same page and it drags on and on and on.

**Commissioner Ambrosini** said that's a nice opinion Terry, but the fact is that this board of commissioners should have never had to deal with this prison project, it should have been handled 10 years ago. He said the fact of the matter is that it wasn't and all of the reports that he dusted off the shelf and read all said the same thing, they all said we need a new facility. Mr. Kriss said none of them said to build in Dunbar Township away from your county seat, nobody ever said that. Commissioner Ambrosini said that is because it is the least cost effective. Mr. Kriss said nobody has ever shown us how much fuel, tires, maintenance and man hours it would take to go from Uniontown to Dunbar. Commissioner Ambrosini said do you have a minute to listen. He said he is going to tell you, you keep harping on this transportation issue, folks. Commissioner Zimmerlink said this is the first time he brought it up. Commissioner Ambrosini said he has heard this for months. He said the problem, folks is the way we do it now is if there is an inmate in our existing county jail that needs to go to a hearing, whether it is in Masontown, Wharton Township, Connellsville, wherever it is, we put them in a car, we transport them there, not only do they have to go there, a public defender has to go there, an assistant ADA, district attorney has to go there, so that is potentially three cars that have to run around to these MDJ offices and not only are there some liability issues with running prisoners around the county, there is a problem with the expense, the transportation expense.

**Commissioner Ambrosini** said in the new jail, we are going to have a magisterial district's office in the jail so when they need to go to a hearing we will have an MDJ, one car, go to the jail that day. He said the district attorney and the PD will go there, that day and all the inmates will walk out of their cells and down the hall and into that office to have that hearing, then they will walk back into the jail cell. He said that will alone, that will save money. Commissioner Zimmerlink said just a few months ago a lease was entered into between the county and the city of Uniontown for a central court, OK. Commissioner Ambrosini said there is going to be a central court in the facility. Commissioner Zimmerlink said she can't remember how many months ago but it was several months ago where they had the court administrator, well you had someone from the court administrator's office come in and the three county commissioners entered into a lease agreement with the city of Uniontown for a central court which is the former police station.

**Commissioner Zimmerlink** said so what is going on with that? She said you know what is not going on with that, according to the President Judge who said it at a CJAB meeting, he is hesitant in pursuing that because the county commissioners haven't given him any money for an APO, adult probation officer, for the day reporting center. She said she doesn't know, maybe at the salary board meeting that might have been a position created but it wasn't budgeted for, but he did say that but the point is that there was a lease agreement that was entered into according to the court administrator's office cause she said it here at the podium, she is moving forward so again we do need to look into that. Commissioner Zaptosky said regarding the APO officer, Mr. Lozar is in disagreement with the judge and he feels the APO officer is need upstairs so there seems to be some disagreement between the two parties. Mr. Kriss said they put too much on the plate for anybody, including themselves and this was a major mistake on their part, way too much on their plate. He said if they think that people won't come and

be involved anymore, they have opened up Pandora's box, the lid's off, the media and the people in the community know, they are going to put a microscope over your head and her head, they are not going to go away, you are making decisions that are not based on the best interests, and he will exclude Angela, you two are not making decisions based on the best interests of your constituents.

**Commissioner Zapotosky** said he just signed two POs to pay \$40,000 and this is just for two counties, in rental fees for inmates. Mr. Kriss said they all know what the inflation is, they are all overinflated crap. Commissioner Zapotosky said overinflated crap? We are going to cut a check for overinflated crap? Commissioner Zapotosky said you think I am making these numbers up? Mr. Kriss said who are making numbers up are judges going back for 10 years on bench warrants for bullshit. He said the numbers would never be inflated, you have the day reporting center, you haven't utilized it yet, there are options, quit saying we need a Tahj Mahal prison. Commissioner Zapotosky said he didn't say they need a Tahj Mahal prison. Commissioner Ambrosini said what he is saying it totally inaccurate. He said the last time he checked they had 61 people in the day reporting program and there are probably more than that now because it has been a while ago. He said we are not building a Tahj Mahal, we are doing things efficiently. He said you are saying over inflated. Mr. Kriss said they are giving numbers so the public can be stupid and say there are so many rentals in Fayette County, we can't house them all. He said he doesn't care about some kid who has a minor conviction.

**Commissioner Ambrosini** said these are costs from other counties, they are not our costs, they are costs from other counties. Mr. Kriss said if they didn't put people in there they wouldn't have to ship anybody. Commissioner Zapotosky said they don't put anybody in there, that is the courts. Commissioner Zimmerlink said that is the whole idea of having a day reporting center and again, remember if we had the report, the proper jail report roster that the President Judge has been asking the warden for, she is sure it is close to a year by now, OK and that she, well she said she isn't going to say that is for another subject, but, and why does he want that report, so he can look at the individuals who are in jail now and resentence them if eligible for day reporting, which again would ease up on the bed situation and would address the problem, not the overcrowding problem per se but repeat offenders, that's what the judge said. Mr. Kriss said what people brought up, Al you should realize in private business if that happened, that man would be fired the same day, there are no ifs, ands or buts, he should be shown the door and so should your IT guy, Dominick Carnicella, both out the door for that, it is an obvious, blatant game.

**Mr. Kriss** said they are caught red handed, it is politics is normal here in Fayette County, except everybody is caught and you know what the problem is, she wants to do something about it and you two don't. Commissioner Zimmerlink said she didn't make a mistake, she was given the wrong information, OK. Mr. Kriss said she is willing to go backwards, OK, it's Jared Billy's call, we are good with him. He said both of those men need fired, set a precedent, set this county on the right course, Al you said, professionalism, one left yesterday, you are on a roll. Commissioner Zimmerlink said they also as far as that position is concerned, check with the Chief Assessor because that individual is an elected city official in the city of Uniontown and so that would mean,

she would imagine that would be a conflict of interest for him to assess any properties in the city of Uniontown because he would be assessing his constituent's properties so we will have to make, no she will, no she guess she will do it because it is part of her job, make some. Mr. Kriss said he heard that he was walking through the courthouse on his first day with a petition for some more politicos. Commissioner Zimmerlink said that is true because she got that from several individuals as well as there was other people too. Mr. Kriss said first day on the job. Commissioner Ambrosini asked if he could have a motion to adjourn.

**Commissioner Zimmerlink** asked if there was any other public comment. Mr. Mazza said he wanted to ask Al a question, how many hearings has he been to? He said he sat in Defino's office over in Brownsville and they had charges against the guy that ripped them off, and waiting and the prisoners that were brought in for hearings, almost all of them we escorted by a state cop. He said there was no county personnel whatsoever with any of them. He said there may have been one prisoner brought in and he said he thought he was ours. Commissioner Zimmerlink said that is what Tammy Lambie said. Mr. Mazza said there was no three people or three cars involved like you just said. Commissioner Ambrosini said what he said was correct in that they still have to have a PD and he doesn't know whether some of those inmates come in from SCI Fayette. Mr. Mazza said he sat in last week and the officer that was in there was a state cop. He said just last week it was, it was a state cop, there was no local people involved period.

**Commissioner Ambrosini** said are you saying that? Mr. Mazza said he is saying that he doesn't know what he is talking about. Commissioner Ambrosini said are you saying that a state policeman goes to our county jail and escorts that person. Mr. Mazza said he isn't saying about the prisoners, he is saying that most of the prisoners are escorted by a state cop and a state cop is the one who sat down and did the prosecuting. Commissioner Zapotosky said they have a sheriff deputy in the back, does the sheriff transport prisoners. The sheriff deputy said they have, he said maybe the defendant was locked up. Mr. Mazza said he was in the Fayette County Jail. Commissioner Zimmerlink said OK, and just remember that public comment does take longer because this is what is going on, debating, so you can't blame it on the citizens when commissioners have asked others to speak, OK, and that is why it is taking long. Commissioner Ambrosini said we have it both ways, you complain when we don't answer your questions, and then you complain when we do. Commissioner Zimmerlink said she wasn't complaining, she is glad they are answering the questions, she is just pointing it out, don't blame it on the citizens that this meeting is five hours.

**Mr. Kriss** said nobody in the audience is complaining that they are there for five hours, he hasn't heard one person complain. Mr. Kriss said they shouldn't complain because you guys are getting paid and we are not. He said Commissioner Zapotosky, he will give him credit for one thing today, you bended and you allowed us to speak today. He said he hopes he continues down that path of using common sense, being your own self, being your own man and maybe you can see through those rose colored glasses that Al's got on. Mr. Mazza said they can put all the conditions they want on anything

but they are not going to stop him from speaking. Mrs. Mazza said or her. Mr. Kriss said or him.

**Adjournment**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adjourn the meeting at 3:10 p.m.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

