

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, August 21, 2012 in the Public Service Building, Uniontown, Pa.

In attendance-

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

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

A silent prayer was observed.

The pledge of allegiance was recited.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to change the agenda to replace two FACT HR items with:

Consider approving of the hire of Harry Ritenour as a Part Time Bus Driver at \$11.07/hr effective August 27, 2012.

Consider approving the hire of Jeanine Troycheck as a Full Time Bus Driver at SEIU Pay Grade 7 Step A \$11.07/hr (\$21,586.50) effective August 27, 2012.

Consider transferring Full Time Bus Driver, Ronald Hall, to a Part Time Bus Driver effective August 27, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Public Comment on Agenda Items

Ralph Mazza said at the last commissioner's meeting there was a proposal that was tabled and he was thought that the commissioners would see the error of their ways. He said if what was printed in the newspaper is factual, nothing was changed. He said a public relations department is one that should be available where people can call and get clarification of any action taken in county government and not a propaganda machine. He said if what was in the paper was factual, adding that there is nothing on the agenda about what is proposed, what the commissioners intend to have is a propaganda machine that Joseph Goebbels would be proud of.

He explained that Joseph Goebbels was the minister of propaganda for Nazi Germany. He said if the commissioners intend to take the Constitutional right of free speech away from everyone in county government he has great objection to that. Mr. Mazza said he was one of 16 million people in this country that waged a war against regimes that professed that axiom. He said 400,000 soldiers died protecting that right and he doesn't know how many thousands came back wounded both physically and mentally. He said the fact that the commissioners are going to abrogate the right to free speech of the people in this county government is appalling to him. He said as long as he has breath in his body he can't sit still and not take the opinion that it is absolutely wrong.

Mr. Mazza said the commissioners hired someone as a consultant and as a chief solicitor and one of the reasons was to stop any lawsuits against the county. He said if the commissioners do what they intend to do, he is afraid they will have a lot of lawsuits, even a lot more than now. He added that if he were a department head, either elected or appointed, he would tell the commissioners to go pound salt and he would ignore the directive. He said he wanted to hear that the commissioners are not going to revoke the rights of people of free speech. He said he would like an explanation of the public relations department, and if it is the same as before.

Commissioner Zapotosky said his understanding and his goal is that the office would be the originating point of contact between the county and any media. He said that person would then inform the board of commissioners as well as the respective department head of the inquiry that has been made. He said it keeps the commissioners on the same page as the department head and the statement or opinion that is formulated is done so by the commissioners and the department head and everyone is in agreement that it is the position of the county. He said when a department head works for the county the onus is to portray the county's position and not their position because they are working for the county. He said it is a point of contact and a good way to have seamless transition. He said everybody is on the same page and nobody will wake up in the morning and see there is an article written when the commissioner's opinion is irrelevant. He said when it is all said and done, the buck stops at the commissioner's desks. He said if someone reads the opinion of a department head, they discern that it may be the opinion of any of the commissioners as well. He said if he doesn't know the query was made, he can't respond. He said his goal is to streamline media inquiries, adding that nine times out of 10 he will assume that the department heads will make their statements and the commissioners will say yes.

Commissioner Zapotosky said not to do that is handling press inquiries in a manner that is not professional. He said he worked for two members of Congress and both offices had press secretaries. He said staff was not permitted to speak to the media and the media was only permitted to speak with the press secretary or the member of Congress. He said they are protocols and chains of command, adding that the military service that Mr. Mazza honorably served in there was a chain of command regarding any type of media exposure. He said it is merely to streamline, nobody is trying to suppress any commissioners right of issuing a press release, adding that is his intention. He said he thinks it will work effectively and sufficiently where the media will

be able to get responses back timely and all three commissioners will be aware of what the query was and what the response was so they know. He said the commissioners have a responsibility and a right to know what the department heads are saying. He said they are employees of the county and their responsibility is to the county and not their own personal opinion. He said as an example, after the commissioners suspended reassessment a couple of years ago, he woke up the next morning and there was former assessment office director Jim Hercik and he was debating the commissioners as to why they did that. He said that isn't his role, adding that the commissioners make the decisions and the buck stops at their desks and they take the shots, good or bad. He said this is a way of the commissioners being informed. He said he has no intentions of suppressing anyone's constitutional right of free speech.

Mr. Mazza said the public has a right to ask questions for clarification and they should be able to go to a department head and that department head should have the right of free speech to answer. He said the commissioners have the right to say what they want to say if they disagree with a department head. He said the department head's right of free speech shouldn't be abrogated. He said you don't take away a constitutional right from anyone, adding that he will say that until his dying day.

Commissioner Ambrosini said the commissioners fully intend not to take away anybody's rights. He said he wanted to explain the difference between what has happened in the past and what the commissioners would like to have happen in the future. He said everybody has the right to give their opinion but in the past what hasn't happened is that the general public has never heard the official stance of their county government. When asked whose fault that is, Commissioner Ambrosini said he isn't going to put fault on anybody, but what he is saying is that it is time for a change. He said it's time to institute a policy whereby when the county has a position on something, the general public knows exactly what the county government's position is. He said it doesn't stop anybody from giving their opinion, but the commissioners want to make sure that the general public knows what their county government is doing and what the official position is. He said it is actually pretty simple.

Mr. Mazza said as an example, Commissioners Ambrosini and Zimmerlink agree on an answer but Commissioner Zapotosky disagrees on the answer. He said Commissioner Zapotosky's disagreement won't be heard. Commissioner Ambrosini said that was incorrect. He said county government works when the majority of commissioners decide on something and it goes forward. He said Commissioner Zapotosky can give his opinion to the press anytime he wants but it isn't an official county government press release. He said if he calls Chief Clerk Revak and asks a question about something, she has to give what that majority has agreed upon and not the dissenting opinion.

Commissioner Ambrosini said it depends on if he wants to know the county position or what everyone's opinion is. Mr. Mazza said if he wants to know what Commissioner Zimmerlink thinks he will call her. Commissioner Zimmerlink said she will answer Mr. Mazza. Mr. Mazza said he will call the individual commissioners to get their individual opinions, adding that he doesn't need to call one person to get an answer on what they

have agreed upon. Commissioner Ambrosini said he thinks the general public would like to know what their county government's opinion is. Mr. Mazza said if he wants to know what a department head thinks, he will call them. Commissioner Ambrosini said if Fayette County is abrogating the rights of free speech, then so are most of the counties in Pennsylvania and so is the state legislators and Senators and even in the federal government, which all do this. He said the commissioners are just trying to bring the level of professionalism up a notch or two in Fayette County.

Commissioner Zimmerlink said it has nothing to do with the level of professionalism. She said when there is a public discussion and deliberation of county business there is a public vote and she would think from past experience of being commissioner that the public can read an article and know when a comment is made by a commissioner as opposed to someone else. She said granted majority rules, but majority rules on a vote, but not on an opinion. She said county government has been set up to have a majority and a minority representation, whether it is two Republicans or two Democrats. She said Mr. Mazza is right and she agrees with him.

Mr. Mazza said he still thinks the commissioners are abrogating the right of free speech. Commissioner Zapotosky said if that occurs, he will stand up and say he was wrong and they will correct it.

Jerri Mazza said she doesn't know what she can add to what her husband said, but she would say to any reporter or department head in the county that they should do their job the way they have. She said the people of Fayette County are not stupid, they know when they read an article in the paper whether the information came from a commissioner or a department head. She said the county has gotten along for years without the commissioners dictating what people can and cannot say. She said she could just imagine if there was an investigative reporter like Paul Sunyak at the Herald Standard what he would say to the commissioners. She said they are trying to control the press and if she were a department head she would ignore their rule and go about her business and if a reporter came to her with a question, she would answer it. She said it is unbelievable that the commissioners would try to control what people say. She asked what would come next, if she wants to talk at a future commissioners meeting, does she have to submit a draft to Amy Revak to get the commissioners OK to get up and speak? She asked if that will come next. Commissioner Zapotosky said no.

Commissioner Zapotosky said regarding the comment about a former journalist, at this point in his career, he is working for the House Democratic Caucus where they are formulating opinion on a regular basis for members of the respective Pennsylvania State House. Mrs. Mazza said that is a different issue, with Commissioner Zapotosky saying he is putting out press releases for members of the State House. He said the commissioners are not saying they are going to suppress anyone's right of free speech, they are saying there is a point of contact, which will notify the commissioners that the media has made inquiry. He said the point of contact will then take it to the department head and formulate a response. He said the commissioners then say this is good and move on. Mrs. Mazza said it worked for years, adding that there is an expression, if it

ain't broke, don't fix it. She said the commissioners are doing the wrong thing. Commissioner Zapotosky said if they are, he will change it back. Mrs. Mazza said the commissioners are taking away people's rights, and she can't believe it.

Commissioner Ambrosini then asked for additional public comments and there were none.

Presentation

Commissioner Ambrosini presented James E. Bittner, Planning & Training Officer with the Fayette County Emergency Management Agency, his Advanced Certification, the second phase of the career development program, on behalf of the county commissioners. Mr. Bittner has completed the requirements in accordance with the Pennsylvania Emergency Management Directive 2003-5, Emergency Management Training and Education.

Commissioner Ambrosini thanked Mr. Bittner for his efforts in making Fayette County a safer place, and both Commissioners Zapotosky and Zimmerlink offered their congratulations. Mr. Bittner declined to make any comments. Commissioner Zapotosky said you don't often know they are there but the county has an outstanding emergency management team who respond to many different situations. He said most recently they responded in the borough of Masontown with the loss of water. He said they are there, on the spot with a plan in place and a lot of that comes from preparation and advance work they do. He said under the great leadership of Roy Shipley and Guy Napolillo, he can't thank Mr. Bittner enough for his passion for his job. Roy Shipley said he wanted to publicly thank Mr. Bittner for getting his advanced certification as well as other training, adding he is an asset to the agency. He said the current board of commissioners and prior boards have been supportive and have allowed them to advance their training, which is a must in today's age.

Proclamations

Commissioner Ambrosini said the commissioner would recognize the Boy Scouts of America for 75 years of service. Commissioner Zimmerlink acknowledged Mr. Byers and Mr. McDougal of the BSA. Commissioner Zimmerlink then read the proclamation and the commissioners were thanked for making the proclamation.

Commissioner Ambrosini read the proclamation for Recovery Month, September 2012. Two clients spoke about overcoming bad decisions and getting out in the world.

Dana Shallenberger of the Mental Health Association and the Suicide Prevention Task Force, said she is a suicide survivor, which means she has a family member who committed suicide. She said her father committed suicide when she was 1 year old and now she is 51, and it is a lifelong, everlasting issue that is difficult to get over. She started the suicide survivor group, which meets the second Tuesday at Uniontown Hospital. She said she wants to help people who are survivors of suicide in their family.

Commissioner Zapotosky read the proclamation for National Suicide Prevention Week, September 9 to 15, 2012.

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

Recognition to the Boy Scouts of America on their 75th anniversary
Proclamation of Recovery Month in September of 2012
Proclamation of National Suicide Prevention Week, September 9 – 15, 2012

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Fayette County Community Action Agency Inc.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the fourth annual “Magic & Mistletoe” fundraiser which will be held from 6 to 9 p.m. Saturday, Dec. 1, 2012 at the Fayette County Courthouse.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Assessment Office

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the following for a real estate tax exemption as they have been deemed 100% disabled veterans by the Veterans Administration of Pennsylvania effective for the 2013 tax year.

Huey P Mogilles	260 Hopwood Coolspring North Union 25-46-0161
Norbert J Chuey	8 Virginia Ave South Union 34-18-0087
Debra R Skinner	2171 Dinner Bell Wharton Twp42-28-0026

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Behavioral Health Administration

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

Professional Agreements 2012-2013

	<u>Contract Value</u>	<u>Period</u>
Russel B. Korner Jr., Esquire	\$21,750+agreed expenses	7/1/12-6/30/13
WJS Psychological Associates	\$500	7/1/12-6/30/13

Base Contract Agreements 2012-2013

Fayette County D&A Commission	\$41,514	7/1/12-6/30/13
Fayette Resources, Inc.	\$369,149	7/1/12-6/30/13
Mental Health Association in Fayette County	\$747,631	7/1/12-6/30/13
Rehab Care, Inc.	\$30,000	7/1/12-6/30/13
Southwest Behavioral Care, Inc.	\$472,373	7/1/12-6/30/13
Westmoreland Community Action	\$10,000	7/1/12-6/30/13

Modification Agreements #1 2011-2012

Crosskeys Human Services	\$1,204,767	7/1/11-6/30/12
Western PA School for the Deaf	\$5,500	7/1/11-6/30/12

Modification Agreements #2 2011-2012

Arc, Fayette	\$474,924	7/1/11-6/30/12
Therapy Connections	\$65,000	7/1/11-6/30/12

Modification Agreements #3 2011-2012

PATHWAYS of Southwestern PA	\$95,000	7/1/11-6/30/12
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Commissioner Ambrosini yes
 Commissioner Zaptosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously**Building and Grounds**

A motion was made by Commissioner Zaptosky and seconded by Commissioner Zimmerlink to award a contract for a first grass cutting, brush, weed, shrubbery clearing and removal at the county cemetery located along Wayland Smith/Jacob Murphy Lane, South Union Twp. to Reynolds Landscaping Uniontown PA at \$2,500.00.

Commissioner Ambrosini yes
 Commissioner Zaptosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously**Children & Youth Services**

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approval of a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services & **Tony Schrim (Family Solutions)**, 1133 Jerome Street, Pittsburgh, PA 15220 for consultation, assessment, counseling, family preservation, and family reunification services to CYS consumers on an as needed basis. **The rate for all services is \$54.00 per hour.**

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and attorneys to represent CYS and those appointed by the court to represent children in dependency proceedings during FY 2012-2013, as listed.

Ewing Newcomer – CYS Solicitor	\$100.00 per hour
Anthony Dedola – CYS Solitictor	\$130.00 per hour
Mariah Balling Peck – Child’s Attorney	\$65.00 per hour
Anthony Iannamorelli – Child’s Attorney	\$65.00 per hour
Beverly Jean Ullein – Child’s Attorney	\$65.00 per hour
Wendy O’Brien – Child’s Attorney	\$65.00 per hour
Kimberly D. Kovach – Child’s Attorney	\$65.00 per hour
Karen Kiefer – Child’s Attorney	\$65.00 per hour
Margaret Zylka House – Child’s Attorney	\$65.00 per hour
Benjamin F. Goodwin – Child’s Attorney	\$65.00 per hour
Michelle Kelley – Child’s Attorney	\$65.00 per hour
Amber N. Shipley – Child’s Attorney	\$65.00 per hour

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and the **County of Westmoreland** for the provision of secure detention services to delinquent & alleged delinquent youth on an as needed basis. The rate for detention services is \$275.36 per day & 55.5 cents per mile for transportation of youth, if necessary.

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 a FY 2012-13 Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **M & R Transportation**, 2 Bel Meade Terrace, Uniontown, PA 15401 for transportation costs to enable foster children to attend their home school after placement in substitute care. The rate for this service is **\$50.00 per day per student**.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Controller

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

Office of the Controller

Fayette County, Pennsylvania

SEAN P. LALLY
Controller



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

FUND:	GENERAL FUND		
	DATE:	20-Aug-12	
CASH:	Checking Account	United Bank	\$ 8,241,540.95
Funds Owed to General Fund			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 1,750,000.00	
			\$ 1,780,000.00
	Arc Payments Due		
	Intermediate Punishment Fund-2yrs	\$ 22,569.82	
	Offenders Supervision Fund-2yrs	\$ 47,032.42	
	Domestic Relations-1yr	\$ 20,381.26	
			\$ 89,983.50
	Central Service Payments		
	C-17 Fund-2yrs	\$ 5,365.00	
	Offenders Sprvsn-3yr	\$ 39,369.00	
	Intermediate Punishment-3yrs	\$ 19,532.00	
	FACT	\$ 16,827.00	
	Victim Witness Fund	\$ 5,390.00	
			\$ 86,483.00
	Funds General Fund Owes		
	Tran Note		\$ 4,500,000.00
Budget Year 2012	Net Position		\$ 5,698,007.45
			Year to Date
	Total 2012 Revenues		\$ 22,911,381.20
	Total 2012 Expenditures		\$ 16,354,412.26
	Total 2011 Expenditures paid in 2012		\$ 2,030,829.03
	Capital Reserve Fund Balance		\$ 66,900.00
	Bond Fund Balance		\$ 378,787.98

Commissioner Zapotosky said the CYS advances are increasing again, and there was a calendar of reimbursements but that only went through August. He said the commissioners should revisit that with the financial employee to see the status. Controller Lally said it is a revolving door where the money comes in and the county gets reimbursed. Commissioner Zapotosky said as the end of the fiscal year ends, he wants to ensure it is a low-end carry over.

Courts

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify a contract with Bobbi Jo Friend to work at the Fayette County Booking Center as an independent contractor at \$15 an hour, effective Aug. 6, 2012 through Dec. 31, 2012.

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 void the contract between the Fayette County Booking Center and Douglas Lockhart effective July 10, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Emergency Management/911

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve an agreement for Fayette to become a member of the Western Counties Regional Emergency Group (WestCORE) for the provisions of 9-1-1 and other related public safety services in a cooperative and joint effort.

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 Guy Napolillo, 9-1-1 Coordinator as the counties representative to serve on the WestCore Operations Council.

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 updated County 9-1-1 plan.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Fayette Area Coordinated Transportation- Office of Human and Community Services

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify FCCAA contract amendment for FY 2011-12 for \$294,889.

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 agreements with:

Blout Paving Inc. for \$5,000.
Brite Stripe for \$2,875.
Round Trip Graphic for \$15,550.

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 award RFQ 12-01 for auditing services to Zelenkofske & Axelrod of Harrisburg for \$12,000.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resource Department

Bridge Department

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Part Time Ferry Boat Pilot, Timothy Roberts, effective July 30, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to update the directive to outside communication in the County Policy and Procedure Manual, effective Aug. 21, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

CYS

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Caseworker, Wendy Pratt, effective July 17, 2012.

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 Bus Driver, Hector Navarro, effective August 10, 2012.

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 promotion of Part Time Bus Driver, Linda Wheatley, to Full Time Bus Driver at SEIU Pay Grade 7 Step A \$11.07/hr (\$21,586.50) effective August 21, 2012.

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 promotion of Part Time Bus Driver, Ross Williams, to Full Time Bus Driver at SEIU Pay Grade 7 Step A \$11.07/hr (\$21,586.50) effective August 21, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Harry Ritenour as a Part Time Bus Driver at \$11.07/hr effective August 27, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Jeanine Troycheck as a Full Time Bus Driver at SEIU Pay Grade 7 Step A \$11.07/hr (\$21,586.50) effective August 27, 2012.

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 transfer Full Time Bus Driver, Ronald Hall, to a Part Time Bus Driver effective August 27, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Veteran Affairs

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the resignation of the Director, Terrence Conner, effective August 17, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the authorization of a grant application to the Bureau of Rail Freight with the purpose of improving railroad tracks between Uniontown and Smithfield Borough with the grant to be administrated by Fay-Penn Economic Development Council.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink made a motion to direct the Office of Planning & Zoning to hold five public meetings throughout the county between 6 and 6:30 p.m. to seek input on how the County will spend the monies received from the Act 13 Impact Fees relative to Marcellus Shale Exploration. She said five meetings would give the public more opportunities to attend. She said the areas would be similar to those for the zoning ordinance changes, adding that she would suggest the Springhill./Nicholson area, the Perry Township area, at the Public Service Building, at the Redstone Township area at

the recreation center and at the mountain area, AJ Mullen School. Commissioner Zapotosky asked if permission was secured for the facilities. Commissioner Zimmerlink said they are suggestions for locations, but the areas would be the same. Commissioner Zapotosky suggested looking at the Fay-West area as well, asking if there is anything in the Connellsville area. Commissioner Zimmerlink said the closest would be Perry Township. She said the meetings could be held in the Bullskin or South Connellsville area for up to six meetings. Commissioner Ambrosini said the areas may be subject to change based on availability, and Commissioner Zimmerlink said her motion wasn't based on availability. She said the areas are there and they will always be available but the location can be discussed. She said she would like to have them in: the mountain area in Henry Clay Township, the Redstone/Luzerne Township area, the Uniontown, South Union, North Union Township area, the Perry Township area, the Springhill/Nicholson area and the South Connellsville/Bullskin Township area.

Commissioner Zapotosky asked if there is a time when the meetings must be completed and documentation has to be sent to the state. Commissioner Zimmerlink said one of the reasons she held off was because of the summer months and she would like to have them all completed by the middle of October. Commissioner Zapotosky said he has no problems with hosting the meetings but he wants to make sure the county won't be put behind regarding any state submission. Commissioner Zimmerlink said the Planning Office could be directed to hold the meetings by a date certain. She said he motion is to direct to hold in the six areas and buildings can always be found. Commissioner Zapotosky said provided the time frame allows the county to submit to the PUC.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to direct the Office of Planning & Zoning to hold six evening public meetings in the areas of the mountain area in Henry Clay Township, the Redstone/Luzerne Township area, the Uniontown, South Union, North Union Township area, the Perry Township area, the Springhill/Nicholson area and the South Connellsville/Bullskin Township area between 6 and 6:30 p.m. to seek input on how the County will spend the monies received from the Act 13 Impact Fees relative to Marcellus Shale Exploration.

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 July 17, 2012 regular Fayette County Commissioner meeting minutes.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Commissioner Zimmerlink said after Commissioner Zapotosky made a motion that the commissioners must select a firm to consider approval for a bridge engineering company to perform the design and construction plans for Bridge #95 Tunnel Bridge, Weaver Mill Road, Georges Twp. as per the requirements of the Pennsylvania Department of Transportation, the the county selects an applicant and PennDOT decides at no cost to the county. She said there were 10 firms and she wanted to present two firms. She said her motion would be that her first choice would be Sucevic, Piccolomini & Kuchar of Uniontown and her second choice would be M.J. McTish & Associates, Inc. of Pittsburgh. Commissioner Zapotosky said he would flip the motion with McTish first and Sucevic second. Commissioner Ambrosini said he wanted to amend the motion to include all the local companies. Commissioner Zimmerlink said PennDOT doesn't want the commissioners to do that, based on past history. She said the commissioners must select an applicant and then PennDOT will determine which one they want.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to select M.J. McTish & Associates, Inc. of Pittsburgh and Sucevic, Piccolomini & Kuchar of Uniontown for potential bridge engineering companies to perform the design and construction plans for Bridge #95 Tunnel Bridge, Weaver Mill Road, Georges Twp. as per the requirements of the Pennsylvania Department of Transportation.

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 Maximus consulting contract for budget years 2013, 2014 and 2015 at a total cost of \$27,600.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink said commissioners and/or their representatives attended a CJAB meeting regarding a discussion in which the President Judge named a company for an Adult Day Reporting Center Program for the Fayette County Prison. She said instead of committing to implementing a company she would like to make a motion to agree to explore the options as proposed and work with the courts in the

selection to implement an Adult Day Care Reporting Center Program for the Fayette County Prison. She said if they simply implement the program there is one company and there were unanswered questions. She said the commissioners will explore whatever options the courts bring forward and work together. She said it will be a cost to the county. Commissioner Ambrosini said what took place at the meeting was that this would have the possibility to reduce the county's cost per inmate or individual as opposed to keeping them in the county jail.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to agree to explore the options as proposed and work with the courts in the selection to implement an Adult Day Care Reporting Center Program for the Fayette County Prison.

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 add to the duties of the Chief Clerk the job of Public Relations Officer.

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink no

Motion passed 2-1

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

TRANSFERS			
07-16 to 7-26 2012			
Department	Cost Center	Debit	Credit
<u>Planning and Zoning</u>			
Materials & Supplies	014171 520000	\$450	
Telephone	01417153200	\$500	
Salary-Surveyor/Engineer	01417151430	\$150	
Travel	01417153302		\$1,100
<u>EMA</u>			
Training	43429153350	\$7,000	
Travel	434529153300		\$7,000
<u>Treasurer's Office</u>			
Travel	01413953300	\$1,000	
Materials & Supplies	01413952000		\$1,000
Total Debits		\$9,100	
Total Credits			\$9,100

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Public Comments

Phil Michael said he was representing the Fayette County Constable Association with a couple of questions. He said the constable handbook was implemented in January but since then they have been unable to determine if an appeals board has been appointed. He said he doesn't think they were appointed, and they also want to know if they are insured. He said since January's implementation of the handbook, they haven't reviewed how things are going with anybody, and they don't know who to review things with. He said Troy Rice, president of the association, sent a couple letters asking for a resolution and they haven't gotten one. Commissioner Ambrosini said he could answer one question regarding the insurance situation and anyone on a county board is insured and he could provide a written statement. He said he thought the commissioners appointed members to the board but there was reluctance due to the insurance issue. Court administrator Tammy Lambie said she did work with former county manager Warren Hughes on insurance issues. She said the court wants a resolution, adding that it was the understanding that the board was appointed. Commissioner Zapotosky said he isn't aware of any resolution adopting the board members. He said the only resolution was the one in December when the handbook was adopted.

Commissioner Zapotosky said after the handbook was adopted, he doesn't believe action was taken to appoint a board. Tammy Lambie said perhaps they can be placed on the agenda for approval. Phil Michael said the board members don't want to be appointed without insurance coverage. Commissioner Zapotosky said he believes if the insurance is under PCorp, everyone will be covered. Phil Michael said the board has already met and made decisions and they don't feel it was proper for them to meet. Commissioner Zapotosky said he knows a board wasn't ratified.

Ralph Mazza said he knows the commissioners are familiar with the Missing in America project, adding that many people worked together to bring to fruition a burial service. He said on Thursday, Aug. 23, there will be 16 cremains taken to Allegheny Cemetery from Sylvan Heights Cemetery with a service at Haky Funeral Home. He said there will be a police escort and the remains will be buried properly at the National Veteran's cemetery. He thanked everyone who helped with the effort, adding that Fayette is the first in Pennsylvania and Lanny Golden was made coordinator for the state. He also thanked state Rep. Deberah Kula, D-North Union, who introduced the bill that became law. Mr. Mazza said at 8 a.m. Thursday morning the ceremony begins at Sylvan Heights.

Commissioner Ambrosini thanked Mr. Mazza for his efforts, adding that it took five years and it is a big accomplishment. Cindy Brown of Fayette County Community Action Agency Inc., who handles public relations and marketing, thanked the commissioners

for approving the 4th annual magic and mistletoe event at the courthouse. She said last year there were more than 60 sponsors and thousands of dollars were raised to help people who need emergency shelter and food. She said it is a very worthwhile event. She said more than 350 tickets were sold last year and they are hoping to have more people attend this year's event. Commissioner Ambrosini thanked Ms. Brown for attending.

Leonard Maharowski, a retired state police officer from Fayette County and a licensed private investigator for 17 years, said he was retained by the Fayette County Housing Authority board to look into the disappearance of some documents. He said the board was polled on Aug. 9 and the four members asked him to present his findings to the county commissioners. He said the reason is that the commissioners are responsible for appointing the board and the housing authority board members wanted the commissioners to know the progress of the investigation. He said the state police have not closed the investigation, adding that it is still an active and ongoing investigation. He said on Wednesday, Aug. 8 he arranged to interview a Gene Tukurowni, who has the surveillance system at Oliver Square. He said cameras are in place and he will be attempting to recover images of people who entered Angelina's Restaurant with a manila envelope on Wednesday, May 30 between 11 a.m. and 2 p.m. He said he interviewed a witness at Angelina's Restaurant concerning the events on May 30. He said the witness showed him which table contained three ladies who had lunch on Wednesday, May 30. He said two women arrived together and a third place had to be set for a third woman who arrived some time later.

Mr. Maharowski said from the time all three women arrived, more than an hour elapsed. He said the three women were Beverly Beal, a woman whose last name is Over and Commissioner Zimmerlink. He said the witness said Beverly Beal had a manila envelope from which she removed paper documents and spread them over the table when all three women were seated and examined the documents. He said after a period of time Donald Redman, the Register of Wills, a patron of the restaurant, walked toward the table where the three were seated. He said the witness said Mr. Redman works at the courthouse and is a friendly and personable man who knew the three seated ladies. He said the witness said that Mrs. Beal gathered the documents at the approach of Mr. Redman, returned them to the manila envelope and placed the envelope under the table on the floor. She then stood up to greet and speak with Mr. Redman. He said the witness said it appeared that Mrs. Beal was standing to detract Mr. Redman's attention from the envelope she had placed under the table. After a period of small talk, Mr. Redman left as did all three ladies. He said there are two other witnesses and they will be interviewed at a later date.

Mr. Maharowski said the witness told him that the next day Mrs. Beal came to the restaurant and questioned the witness about the events the previous day. The witness then said that the truth is the truth and it shall set you free and none of the witnesses are afraid of telling what they saw. He said there was a concern that public attention to that matter would hurt business, but he said from his years of police and private investigator experience, He said this type of incident could only improve their business.

He said there wasn't a shooting or bodies, so he doesn't believe that it will hurt them. He said the purpose of the visit was to address the commissioners and let them know where the investigation stands. He then asked Commissioner Zimmerlink if he could have some time of hers to talk about the matter in private. Commissioner Zimmerlink responded, "No you may not." She said she will make one statement, and will say it again, that at no time were there any papers spread on the table, adding that he can talk all he wants about the truth setting you free. She said he made a statement, and at no time were any papers spread out on the table. She said she said it before and she will say it again, when she was there. She told him he could have a seat, and thank you very much for his comments.

Commissioner Ambrosini asked if there were any questions from any commissioners, and then asked of the investigation is ongoing. Mr. Maharowski said yes, the two investigators were two members of the housing authority. Commissioner Zimmerlink said saying the investigation is closed in conflicting information, and if any reporter wants to make an inquiry, it should be directed to the state police and they shouldn't just write what anybody says. Mr. Maharowski said Bob Onesko and Harry Joseph of the housing authority asked him to attend the meeting. Commissioner Zimmerlink responded that of course they did because we all know what this is about. Vicki Hartsek asked why it is public if it is an ongoing investigation. Commissioner Zimmerlink said it is called politics, adding that it was already in the newspaper. Mrs. Mazza said a commissioners meeting isn't the place for this. Commissioner Zimmerlink said they are hoping to get another article in the paper to slam Commissioner Zimmerlink.

Commissioner Zapotosky said he was unaware of Mr. Maharowski's attendance, but asked him to confirm that the purpose was to inform the board of the status of the investigation is, and that is the only point. Mr. Maharowski confirmed that. Mrs. Mazza asked why they commissioners aren't being informed in private instead of public. Commissioner Zapotosky said it is a public meeting, adding that they just got done talking about Joseph Goebbels and now they want to talk about not talking about things in public. "You can't have it both ways," he said. Commissioner Zapotosky said Mr. Maharowski isn't law enforcement, he is subcontracted by the housing authority to provide the investigation. "You can't have it both ways Commissioner, you can't have it both ways audience. It's one way or the other, either full disclosure, full transparency, that's it." Commissioner Zimmerlink said that she has never said, adding that you can pull an audio tape or any tape, she never said that it shouldn't be discussed in public. She said they should tell the truth and get all sides, don't continually put Commissioner Zimmerlink down. She said they should get all the truth, and shouldn't put out little pieces of information and hope that reporters will pick up pieces of information and it will be splattered through a newspaper.

Commissioner Zapotosky asked Mr. Maharowski is he has been able to obtain direct comment from any of the parties that were allegedly at the diner so they can recant or dispute or rebut findings. Mr. Maharowski said no, and Commissioner Zapotosky asked what the reason is. Mr. Maharowski said he has no idea, he didn't get an answer.

Commissioner Zimmerlink told Mr. Maharowski that he can see her attorney on that because she is tired of defamation, and of statements made that she was sitting at a table with numerous documents. "What documents were spread out on the table?" she asked. She said of course it's not true, responding to an audience member comment. She said if he wants some information he should feel free. She added that she is sure he reads the paper, adding that she asked for a public apology and she asked the housing authority and she told the housing authority after they asked her after the fact and after they went to the newspaper and slammed her name and after they went to the newspaper and implicated her. She said she told them that if they would have asked before she would have said that at no time did that occur while she was present. She said instead, people like to sell newspapers, because, hey, maybe they like to see her face in the paper. "That's not fair, that's not right, you should not imply" or make false statements. She said they should get clear information from all sides before they attempt to slander, implicate, make false accusations, adding that she will not stand for that type of thing happening to her, she will not do that.

Mrs. Mazza said the state police investigation is over, according to the state police. Commissioner Zimmerlink said according to the documentation she received, it is over. Mrs. Mazza said Mr. Maharowski has a problem, and Commissioner Zimmerlink asked why that isn't brought out and placed in the newspaper. She said to imply that there is criminal activity because she went to lunch and she joined two people, to imply there is criminal activity and that she looked at a piece of paper or that she talked to someone is the most disgusting thing to have people do. "It's the dark side of the political machine coming out in Fayette County is exactly what it is," she said. Mrs. Beal said it is against her also to get her off the board. Commissioner Zimmerlink said of course it is, because she speaks out. She said she is used to these false political implications but it is getting out of hand and it is getting to a point to make these implications but to imply she did something criminal, there is a problem with that. She said it has nothing to do with her being a woman (answering a comment from the audience) it has everything to do with the fact that she is a public official and they want her out. Mrs. Beal said she doesn't play politics.

Commissioner Zimmerlink said it is these kind of people who kept Fayette County down for years, adding that when someone is out there doing right for the county, people want to discredit them any way they can, they want to keep them down, they want to make sure they don't have an opportunity. She said then they go after their character. "You're not going to come after my character, you're not going to come after my honesty and you're not going to come after my integrity because the truth is the truth," she said. Commissioner Ambrosini thanked Mr. Maharowski for his report. Commissioner Zimmerlink said to thank the housing authority members who sent him here as well as any commissioner that may have had a part of that. Commissioner Zimmerlink then said someone had told her, and asked Commissioner Ambrosini if it is true or false that on Friday afternoon before the big article in the Saturday or Sunday paper that he was up at Sam's Restaurant talking to Harry Fike, Chip Palumbo and Tom Vernon. She asked him if he was there talking, adding that there were supposed to be

papers spread out on the table and he was bringing them all up to date. "Is that true?" she asked.

Commissioner Ambrosini said they never had any papers spread out on the table. Commissioner Zimmerlink asked if Commissioner Ambrosini was at the restaurant with Harry Fike. Commissioner Ambrosini said not Friday afternoon, adding that they may have had breakfast. Commissioner Zimmerlink asked what they talked about and what papers were there. She said the very next day there was something in the newspaper about Zimmerlink and Beal. "Interesting, isn't it," Commissioner Zimmerlink said. Commissioner Ambrosini said he thinks she would have to talk to the press about that. Commissioner Zimmerlink said, sure, talk to the press. Mrs. Beal said she has been in the community for a lot of years and she never had a bad reputation. She said she always tries to do the best she can. She said there is nobody, "Not even you, tying your damn dog up to a pump and taking money from a woman and have to give it back, and you're going to stand there and criticize me." Commissioner Ambrosini banged the gavel, telling people to try to keep away from personal attacks.

Commissioner Zimmerlink said "personal attacks, it's already been all through the newspaper." She said you don't go into a newspaper and falsely accuse a commissioner. "Did I have a bag over my head when I walked into that restaurant, of course not," she said. Mrs. Beal asked why she would go to a restaurant when she lives right up the hill- and put papers up on a table and talk. "Wouldn't you think that I would have people at my house," Beal said. Commissioner Zimmerlink asked Beal if Donnie Redman made a comment. Mrs. Beal said that Donnie Redman told her husband yesterday that he did not see any papers and that was a lie and he would testify to that. Commissioner Zimmerlink said the reason he didn't see any papers spread out when the three were eating was that there was no papers spread out. "And even if there were, what papers were they, but there were no papers spread out on any table when us three were eating lunch," Commissioner Zimmerlink said. She said the false implication has got to stop and she is going to make sure it stops, and everyone out there and you back there, Bud, smiling too. She said she knows that he (Buddy Neckeraur) is a part of it to. She asked him if it is true that he went to see someone and said that this has nothing to do with Bev Beal but because they want to get Zimmerlink, asking if that was true. Mr. Neckeraur responded that he isn't a part of the conversation.

Adjournment

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

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0, with one abstention

Commissioner Zimmerlink initially said they can't adjourn the meeting, but then said that they could adjourn and she was going to continue to speak. Commissioner Ambrosini said she could speak all she wants.