

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, July 16, 2013 in the Public Safety 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 a.m.

A silent prayer was observed.

The pledge of allegiance was recited.

**Commissioner Ambrosini** said before taking public comments on agenda items, he wanted to amend the agenda to include considering awarding a contract to Sleighter Engineering/Crabtree, Rohrbaugh & Associates architects to perform a needs assessment of a facility study and site study for future Fayette County Jail requirements. Commissioner Zapotosky said if this was a result of findings from a review, and if this is the stage the commissioners are at. Commissioner Ambrosini said that is the next due diligence they will be undertaking for the working group that is working on the correctional facility.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to amend the agenda to include considering awarding a contract to Sleighter Engineering/Crabtree, Rohrbaugh & Associates architects to perform a needs assessment of a facility study and site study for future Fayette County Jail requirements.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed 3-0**

**Before taking** public comment, Commissioner Ambrosini said he wanted to read a brief statement on how they are going to conduct comment sections in the meetings. He said first of all, as always, they will have five minutes to make comments, all comments will be addressed to the commissioner board and not to any other member of the audience, "we will not tolerate any personal attacks," and after you make comments, please take your seat. He said a commissioner may choose to answer or make comments if one is asked during comments and there will be no follow-up questions. He said anyone can make an appointment with any of the commissioners or all of the commissioners if they

require more time to discuss any issue. He said as a reminder, this is the county's business meeting and it will be conducted in a professional manner. He then asked Evelyn Hovanec to proceed.

**Commissioner Zimmerlink** said Mrs. Hovanec shouldn't proceed. She said first off, this is the first she has heard of it, and second, they have never discussed having time limits, and third, this no follow-up questions and make an appointment, the whole purpose of having the public attend these meetings is to ask questions, have the commissioners, who are the elected officials answer those questions before a public vote is taken. She said the same way with putting on the agenda at the last minute. She asked if there was anyone in the room, any member of the public who knew about this prison needs assessment. She asked Mrs. Hovanec if she knew, and "did I tell you?" with Mrs. Hovanec responding no. She asked if anyone else knew and then said if that item had been placed on the agenda on the proper time, which was last week, then there would have been sufficient time, more time than in prior administrations for number one, the newspapers to report the item beyond the agenda and second, so that members of the public could appear and ask those questions.

**Commissioner Zimmerlink** said she wasn't going to argue over what Commissioner Ambrosini just said because it is the first time she has heard of it, but they have never put time limits and she would always ask that members of the public take into consideration, number one, that this is a public meeting and not to go on and on but to be as pointed as you possibly can, and sometimes you cannot be because the information has not been forthcoming from your elected officials, aka your county commissioners. She said in this particular instance, the letter that was sent to Commissioner Ambrosini was dated July 5, which is before the agenda meeting, and the day he had his assistant place in her mailbox and to Commissioner Zapotosky was the day after the agenda meeting. She said if you read the letter from Sleighter Engineering, it states pursuant to a prior conversation. She said there is no excuse for that, that is the first thing, and that will be discussed later on. She said second, to spring this here on the public as far as five minute, and she agrees, no one should have personal attacks, so we won't go there, but to make an appointment for follow up questions, no. She said the public that is why you have public meetings so the members of the public can listen, ask and view for themselves the deliberation and discussion between your elected officials.

**Commissioner Zimmerlink** said before they vote, so they know, because newspapers have limited space, so they can see for themselves whether they are here or whether they see it on television, you can see for yourself the deliberation and the conversation that goes on between your elected officials, your county commissioners and how we arrived at a decision. She told Mrs. Hovanec to go and said she wouldn't hammer her down or anyone else. She said she would ask, adding that most everyone at the podium has been mindful of their time constraints because they are supposed to be discussing county business and anything that anyone speaks on at this portion of the meeting are items on this agenda and she hopes that everyone has a copy of the agenda and, quite honestly, she doesn't know how anyone in this room as a member of the public can really comment on the agenda item that Commissioner Ambrosini just spoke of when

what he read, she doesn't know if anyone really understood it or not. She said it doesn't say the amount and it isn't really particular, it's a prison feasibility study for \$24,000 so you can go from there.

**Commissioner Zapotosky** said he wanted to put his two cents in. He said he wasn't aware of the statement that Commissioner Ambrosini was going to read this morning. He said first of all, as a part of parliamentary procedure, he is the chairman and he oversees the flow of these meetings and has the discretion to utilize that gavel pursuant to the rules under Roberts. He said he didn't get what Commissioner Zimmerlink just made reference to. He said he didn't hear the same thing she heard and maybe that is the difference between the two, he doesn't know. He said what he heard is that he wants the meetings to be conducted so they can do the county's business. He said last month he sat there for over three hours and listened to a myriad of statements. Statements that ranged from political comments that he had made during his campaign, completely unprofessional, doesn't belong here, but that's last month. He said that is part of the game, he knows that.

**Commissioner Zapotosky** said there are people that come here, they have an axe in their pocket and they intend to stick it. He said that is unfortunately the price of doing public service today. He said it is a sad statement of us, we are all guilty of it, but that is what he heard Commissioner Ambrosini say is he wants to rectify that by keeping the comments directed and focused. He said he didn't hear that and he doesn't support the suppression of anyone's right of free speech, it is a sacred right and many have laid down a lot more than we can even fathom for that right. He said the bottom line is this is an opportunity for you to express yourself, but please understand and respect that we have pages and pages of county business and if it is the WMBS talk show or the Rush Limbaugh fun hour, take it somewhere else. That is what he heard Commissioner Ambrosini make reference to, he didn't hear the same thing. He said they have every right to express themselves to do it in a manner that is professional and to keep it so they can do the county's business. He said feel free to express themselves after they are done here and after he puts his two cents in. He thanked everyone for affording him the opportunity to speak.

**Commissioner Ambrosini** said in addition, if people want to speak, they can come to the agenda meeting which is the second Tuesday of every month and they afford more latitude in that meeting for exchanges. Commissioner Zimmerlink said she didn't know when that occurred. Commissioner Ambrosini said to Commissioner Zimmerlink that she probably recollects over the past several months that they have been asking people to limit themselves to five minutes. Commissioner Zapotosky said they have. Commissioner Zimmerlink said they have, not her. Commissioner Ambrosini said as chairman that is his duty to conduct these meetings in a professional manner. Commissioner Zimmerlink said it is his duty as chairman just as it was her duty when she was chairwoman and just as it was when Commissioner Zapotosky was chairman to conduct the meetings per Roberts rules and in a professional manner. She said not to do some of the things that he just said, no follow up questions and if you have any other questions, make an appointment, not after the fact. She said regardless, we'll take it as it goes.

**Commissioner Zimmerlink** said next they will have sheriff's come in. Commissioner Zapotosky said is she getting dramatic now Commissioner, "you are part of the problem." Commissioner Zimmerlink said, I'm part of the problem, at election board meetings you had. Commissioner Zapotosky said he isn't going to even tolerate it, he is going to step out for a moment, and when she wants to do business, they will do business. He said stop stirring the pot. Commissioner Zimmerlink said there have been times, and as a matter of fact, for the election board meetings where sheriff's deputies were sent down here and she specifically asked one of them why they were here and they said because they were asked by two of the commissioners to be there. And all that, and she didn't want to talk about that, and asked Mrs. Hovanec to speak.

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

**Mrs. Hovanec** said those in charge have basically put her in her place. She said let's stop right there, she is not unfamiliar with patterns. Commissioner Ambrosini said this in on agenda items right now. Mrs. Hovanec said it is going there. She said she isn't unfamiliar with this tactic, she served on the planning commission for four years and this is exactly what would happen. Commissioner Ambrosini hammered the gavel and told Mrs. Hovanec that if she wants to make general comments at the end of the meeting. Mrs. Hovanec said that is what she was going to address, they put something on the agenda without any kind of anything in the paper and it involves money. She said if it were some certain kind of personnel matter that came up, that someone needed to leave, that isn't her business and she doesn't care about that. But she does when they are asking for \$24,000 for a feasibility study on a plan that nobody has seen.

**Mrs. Hovanec** said her answer is a great big no. She said first of all, she objects to putting it on the agenda at this point and secondly, she objects until they put that plan out completely until people have a chance to digest it and decide what they want to do. She said she will talk about the rest of it later but she is objecting to their agenda, putting it, which is an intrusion, an absolute surprise.

### **Fayette County Redevelopment Authority**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adopt a resolution which approves the submission of an application requesting funding through the FY 2013 Emergency Solutions Grant (ESG) Program.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to adopt a resolution which approves a modification to the South Union

Township's FY 2011 and 2012 Community Development Block Grant (CDBG) Programs.

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 veteran by the Veterans Administration of Pennsylvania effective for the 2013 tax year

Dewayne R. Johnson 311 River Rd. Perryopolis PA 15473 Parcel 27-05-0102-02

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 as listed:

	<u>Contract Value</u>	<u>Period</u>
<b><u>Modification Agreements #1 2012-2013</u></b>		
accessAbilities, Inc.	\$50,000	7/1/12-6/30/13
Advanced Management Services	\$45,143	7/1/12-6/30/13
Diversified Human Services, Inc.	\$79,000	7/1/12-6/30/13
Therapy Connections LLC	\$67,000	7/1/12-6/30/13
Western PA School for the Deaf	\$4,500	7/1/12-6/30/13
<b><u>Base Contract Agreement 2013-2014</u></b>		
accessAbilities, Inc.	\$40,000	7/1/13-6/30/14
Arc, Fayette	\$415,444	7/1/13-6/30/14
City Mission-Living Stones, Inc.	\$79,781	7/1/13-6/30/14
Diversified Human Services, Inc.	\$86,000	7/1/13-6/30/14
Fayette Resources, Inc.	\$289,892	7/1/13-6/30/14
Integrated Care Corporation	\$95,000	7/1/13-6/30/14
Laurel House, Inc.	\$469,856	7/1/13-6/30/14
Mental Health Association in Fayette County	\$732,940	7/1/13-6/30/14
Neurological Therapy Specialists	\$12,000	7/1/13-6/30/14
Therapy Connections LLC	\$62,000	7/1/13-6/30/14

Western PA School for the Deaf	\$5,000	7/1/13-6/30/14
Westmoreland Community Action	\$10,000	7/1/13-6/30/14

**El Contract Agreement 2013-2014**

accessAbilities, Inc	(Commonwealth Funded)	7/1/13-6/30/14
Arc, Fayette	(Commonwealth Funded)	7/1/13-6/30/14
Diversified Human Services, Inc.	(Commonwealth Funded)	7/1/13-6/30/14
Integrated Care Corporation	(Commonwealth Funded)	7/1/13-6/30/14
Neurological Therapy Specialists	(Commonwealth Funded)	7/1/13-6/30/14
Western PA School for the Deaf	(Commonwealth Funded)	7/1/13-6/30/14

**Professional Service Agreements 2013-2014**

Alicia Crouse	\$7,000	7/1/13-6/30/14
Fayette Emergency Medical Services	\$5,000	7/1/13-6/30/14
The Stern Center for Developmental & Behavioral Health	\$500	7/1/13-6/30/14

Commissioner Ambrosini yes  
 Commissioner Zaptosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zaptosky and seconded by Commissioner Zimmerlink to ratify the Administrative Entity Operating Agreement between the Pennsylvania Department of Public Welfare, Office of Developmental Programs and Fayette County, effective July 1, 2013.

Commissioner Ambrosini yes  
 Commissioner Zaptosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zaptosky and seconded by Commissioner Zimmerlink to ratify the Infants, Toddlers, and Families Medicaid Waiver Operating Agreement between the Pennsylvania Department of Public Welfare, Office of Child Development and Early Learning and Fayette County, effective July 1, 2013.

Commissioner Ambrosini yes  
 Commissioner Zaptosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**Bridge Department**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zaptosky to award vehicle sales to the following for bid 13-09: a 1979 Chevrolet Dump

Truck C70 for \$200 for Raymond Eicher of Fairchance; and a 1994 Oldsmobile 88 for \$402; a 2003 Ford Crown Victoria for \$308; a 2001 Ford Crown Victoria for \$208; a 1984 GMC Dump Truck 7000 for \$550; a 2000 Jeep Cherokee Sport for \$505 and a 1998 Ford Explorer for \$508, all to B&G Auto Sales of Uniontown for a total of \$2,481.

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 donate a 1995 Ford Crown Victoria, Vin# 2FALP71W7SX157460 - Plate No. MG1429D, to the Fayette County Firemen's Association for fire school training.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Children & Youth Services**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify a **FY2012-13 Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Gannondale**, 4635 East Lake Road, Erie, PA 16511-1410 for group home placement services on an as needed basis. The rates are as follows:

Initial Clothing		\$ 250.00
Cert. #410400	New Horizons ITU	\$ 231.25 per day
Cert. #411520	Bethany Cottage	\$ 162.49 per day

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a **FY2013-14 Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Gannondale**, 4635 East Lake Road, Erie, PA 16511-1410 for group home placement services on an as needed basis. The rates are as follows:

Initial Clothing		\$250.00
Cert. #410400	New Horizons ITU	\$ 231.25/ day

Cert. #411520      Bethany Cottage      \$ 165.74/ day

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 a **FY2012-13 Purchase of Service Agreement** between the County of Fayette through Fayette County Children and Youth Services / Fayette County Juvenile Probation, and **City Mission – Living Stone, Inc.**, 155 N. Gallatin Avenue, Uniontown, PA 15401 for group home placement/shelter services on an as needed basis. The rates are as follows:

Initial Clothing		\$ 250.00	
Home Again Shelter	Cert #416250		\$ 165.00/day

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a **FY2013-14 Purchase of Service Agreement** between the County of Fayette through Fayette County Children and Youth Services / Fayette County Juvenile Probation, and **City Mission – Living Stone, Inc.**, 155 N. Gallatin Avenue, Uniontown, PA 15401 for group home placement/shelter services on an as needed basis. The rates are as follows:

Initial Clothing	\$ 250.00	
Home Again Shelter	Cert #416250	\$ 168.30/day

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Commissioner Zimmerlink** said the contracts for 2012/13 end June 30, 2013 and those should be ratifying, instead of approving, adding that all those that say 2012/13 should say ratifying. She said there is no objection, they should just say ratify. Commissioner Zapotosky said as a point of reference to the public, these are contracts that have clearly expired and the 2012/13 year would have expired as of July 1 or June 30 of 2013 but because the state and the way that they process contracts with other agencies like CYS, sometimes they have to go back in time to approve, to ratify in this

case, the contract. So no objection to the use of ratify on the items that are purchase of service agreements that list the fiscal years 2012/2013.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify a **FY2012-13** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Families United Network, Inc.**, Post Office Box 264, Muncy, PA 17756 for foster care and group home services on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00

Cert. #437510 Outcome Focused Foster Care – Child Class CK \$ 58.04/day

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a **FY2013-14** Purchase of Service Agreement between the County of Fayette through Fayette County Children and Youth Services / Fayette County Juvenile Probation, and **Professional Family Care Services, Inc.**, 937 Menoher Boulevard, Johnstown, PA 15905 for group home placement/shelter services on an as needed basis. The rates are as follows:

Initial Clothing	\$ 250.00	
Foster Family Care - 331020 Class FF		\$ 59.74/day
Non-Placement Services		
Family Group Decision Making		
Standard Services		
Unsuccessful Referral	\$ 250.00/referral (max. 3 hours)	
Successful Referral	\$1,000.00 (max. 10 hours)	
Successful Conference	\$2,200.00 (max. 30 hours)	
Emergency Services		
Unsuccessful Referral	\$ 185.00/referral (max. 3 hours)	
Successful Referral	\$ 500.00 (max. 10 hours)	
Successful Conference	\$1,000.00 (max. 30 hours)	
Blended Family Decision Making		
Successful Referral	\$ 1,500.00	
Successful Meeting	\$ 3,000.00	
Reunification Services	\$ 60.00/hr.	

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 a **FY2012-13** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Adelphoi Village, Inc.**, 354 Main Street, Latrobe, PA 15650 for foster care and group home services on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00	
	PER DAY
Sexual Offenses Male (La Sa Quick)	\$ 257.80
Sexual Offenses Male	\$ 199.80
Female Intensive MH Focus	\$ 266.48
Male Intensive	\$ 189.90
Female Intensive	\$ 223.40
Independent Living	\$ 187.80
Secure	\$ 305.90
Shelter	\$ 194.75
Foster Family – Cert #423940	
Foster Care Class AA	\$ 70.35
Foster Care Class AB	\$ 80.78
Foster Care Class AC	\$ 83.80
Non-Placement Services	
Multisystemic Therapy Services (non-MA)	\$ 67.63/day
*Day treatment (general)	\$ 85.00/day
Sex Offender Services	\$ 65.00/hr.
Sex Offender Assessment/Test	\$ 250.00/test
Fayette Community Services	\$ 31.40/day
Diagnostic Evaluation	\$2,400.00/eval

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 **FY2013-14** Purchase of Service Agreement between the County of Fayette through Fayette County Children and Youth Services and **CPP Behavioral Health**, 253 S. Mt. Vernon Avenue, Uniontown, PA 15401 for psychiatric evaluations, individual/family/group therapy and medicine management services on an as needed basis. The rates are as follows:

Intake (per session)	\$ 80.00
Psychiatric Evaluation (per session)	\$250.00
Medicine Management (10-15 minutes)	\$ 55.00
Individual Therapy (per hour)	\$ 70.00
Family Therapy (per hour)	\$ 80.00
Group Therapy (per 15 minutes)	\$ 8.00

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 **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Kimberly D. Kovach, Esq.**, 23 Morgantown Street, Uniontown, PA 15401. Attorney Kovach was court appointed to represent children in dependency proceedings. The rate for her services is not to exceed \$1,000.00 per month.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** seconding the motion, Commissioner Zapotosky said these are attorneys appointed by the courts in dependency cases and previous to this motion the attorneys that were appointed received \$65 an hour and the agency now is going to be paying them a top rate of \$1,000 a month and this will result in a savings based on past figures of hours expended by dependency case counsel.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & **Anthony Iannamorelli, Esq.**, 9 Court Street, Uniontown, PA 15401. Attorney Iannamorelli was court appointed to represent children in dependency proceedings. The rate for his services is not to exceed \$1,000.00 per month.

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 **FY2013-14** Purchase of Service Agreement between the

County of Fayette, through Fayette County Children & Youth Services and **Connellsville Counseling & Psychological Services, LLC**, 416 South Pittsburgh Street, Connellsville, PA 15425 for clinical services provided to children & adults on an as needed basis. The rates are as follows:

Psychological Evaluation / Testing	\$125.00 per hour
Court Testimony / Reports	\$125.00 per hour
Counseling	\$ 75.00 per hour
Travel	\$ 75.00 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 **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services and **Connellsville Counseling & Psychological Services, LLC**, 416 South Pittsburgh Street, Connellsville, PA 15425 for Independent Living (IL) Youth on an as needed basis. The rates are as follows:

Life Skills Training	\$ 75.00 per hour
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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 **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Juvenile Probation, and **County of Jefferson** on behalf of the **Jefferson County Detention Center**, a division of Jefferson County Juvenile Court, 16011 State Route 7, Steubenville, Ohio 43952 for placement of delinquent youth on an as needed basis. The rates are as follows:

Per day per bed (includes an educational rate of \$30.00 per school day).  
Medical, psychological and other expenses not included \$ 145.00/day/bed

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

<b>FUND:</b>	<b>GENERAL FUND</b>		
	<b>DATE:</b>	16-Jul-13	
<b>CASH:</b>	Checking Account	United Bank	\$11,045,681.34
<b>Funds Owed to General Fund</b>			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 1,250,000.00	
	911 Project Fund	\$ 160,000.00	
			\$ 1,440,000.00
	Arc Payments Due		
	Intermediate Punishment Fund-3yrs	\$ 40,651.26	
	Offenders Supervision Fund-3yrs	\$ 87,758.28	
	Domestic Relations	\$ 94,110.66	
	Victim Witness	\$ 4,271.61	
	Records Improvement	\$ 2,325.32	
	Fredericktown Ferry	\$ 5,054.04	
			\$ 234,171.17
	Central Service Payments		
	C-17 Fund-2yrs	\$ 9,005.00	
	Offenders Sprvsn-3yr	\$ 39,369.00	
	Intermediate Punishment-3yrs	\$ 19,532.00	
	Victim Witness Fund	\$ 10,780.00	
			\$ 78,686.00
	<b>Funds General Fund Owes</b>		
	Tax Anticipation Note	\$ 5,000,000.00	
<b>Budget Year</b>	<b>Net Position</b>		<b>\$7,798,538.51</b>
			<b>Year to Date</b>
Total 2013 Revenues			\$ 21,253,547.08
Total 2013 Expenditures			\$ 13,589,249.82
Total 2012 Expenditures paid in 2013			\$ 3,287,640.10
<b>Capital Reserve Fund Balance</b>			<b>\$ 24,934.88</b>
<b>Bond Fund Balance</b>			<b>\$ 209,023.83</b>

## **Election Bureau**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the Election Bureau director's attendance at the 2013 PA County Election Official Conference, to be held in Philadelphia August 19<sup>th</sup> through August 22<sup>nd</sup>. The budgeted cost of \$700.83 includes lodging for 3 nights and the registration fee.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

## **Human Resource Department**

### **Commissioners Office**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Jessica Arbore effective June 28, 2013.

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 hire of Kelsey Colderen as a Summer Clerk at \$7.25/hr. effective July 22, 2013.

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 I, Julie Cameron, effective June 28, 2013.

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 hire of Christina Larrabee as a Caseworker I at \$15.12.hr. (\$29,484 annually) effective July 1, 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**EMA**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Shift Supervisor, Lisa West, effective July 30, 2013.

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, Steve Corcoran, effective June 24, 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Tech B Mechanic, John Johnson, effective July 8, 2013.

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 hire of Gary Applby as a Part Time Bus Driver at \$11.40/hr. effective June 24, 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Part Time Bus Driver Gary Applby effective June 28, 2013.

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 hire of Eric Stenger as a Part Time Bus Driver at \$11.40/hr. effective June 24, 2013.

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 hire of Jonathan Pierce as a Part Time Bus Driver at \$11.40/hr. effective June 29, 2013.

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 hire of Alton McCollum as a Part Time Bus Driver at \$11.40/hr. effective June 29, 2013.

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 hire of Richard Curcio as a Part Time Bus Driver at \$11.40/hr. effective June 29, 2013.

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 hire of Lori Randall as a Full Time Bus Driver at SEIU Pay Grade 7 at \$11.40/hr. (\$22,230 annually) effective June 24, 2013.

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 hire of John Ford as a Full Time Bus Driver at SEIU Pay Grade 7 at \$11.40/hr. (\$22,230 annually) effective June 29, 2013.

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 hire of Dan Schreckengost as a Full Time Bus Driver at SEIU Pay Grade 7 at \$11.40/hr. (\$22,230 annually) effective June 29, 2013.

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 hire of Sean Hixon as a Full Time Bus Driver at SEIU Pay Grade 7 at \$11.40/hr. (\$22,230 annually) effective June 29, 2013.

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 hire of Elmer Mosako at \$14.46/hr. (\$28,197 annually) effective June 24, 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Human Resources**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to table the collective bargaining agreement between the County of Fayette Board of Commissioners and Prison employees represented by United Mine Workers of America (UMWA) for the period of January 1, 2013- December 31, 2015.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Commissioner Ambrosini said the agenda was to consider approving the agreement, but as Commissioner Zapotosky said earlier in the meeting, that election had resulted in a tie vote so the United Mine Workers will have to hold another election to vote, so they will table the potential approval based on that vote.

**FCBHA**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the resignation due to retirement of Deputy Mental Health Administrator 1 Carol Over, effective July 10, 2013.

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 accept the resignation due to retirement of Mental Health Program Specialist 2, Clinton Anderson, effective July 5, 2013.

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 Marianne Mehalik, Clerk Typist 2, at \$10.90/hour (\$21,255.00 annually), effective July 29, 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Tax Assessment**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation due to retirement of Assessor III, Candace McCahill, effective June 28, 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Office of Human and Community Services**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to enter into a service agreement with UniFirst for 60 months beginning July 1, 2013 for maintenance uniforms, shop towels and mats for the following amounts.

Shirt	\$ .25
Pant	.30
Jacket	.54
Coveralls	.92
Mats	5.25
Shop towels	.07

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 advertise an RFQ for architecture/engineering services for employee parking lot expansion and call center renovations.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink abstain

**Motion passed 2-0**

**After the** vote, Commissioner Zimmerlink said to Chief Clerk Revak that at the agenda meeting, Kim Renze said he would provide additional information since the agenda meeting and she didn't receive anything, and Chief Clerk Revak said she didn't receive any additional information.

**Planning and Zoning**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve RZ 13-3, Gregory Winslow, Perry Township, for a change of zone from R-1 Moderate Density Residential to A-1 Agricultural-Rural.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink to deny RZ 13-4, Atlas Crossing Properties, Inc., North Union Township, for a change of zone from R-1 Moderate Density Residential to A-1 Agricultural-Rural. The motion died due to a lack of a second.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve RZ 13-4, Atlas Crossing Properties, Inc., North Union Township, for a change of zone from R-1 Moderate Density Residential to A-1 Agricultural-Rural.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**Prior to** making a motion, Commissioner Zapotosky said pursuant to the zoning laws, the property was contiguous with another A-1 property, as was the previous one.

## **Public Works**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to accept \$5,000 of a matching grant from PCorp/CCAP to improve our Risk Management at the Counties Properties for slip resistant strips to be installed on the steps that are not slip protected and additional lighting in the front entry area and to designate allocation of the matching \$5,000 amount from the contingency line item.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink abstain

## **Motion passed 2-0**

**In making** the motion, Commissioner Zapotosky said it is a good project. Commissioner Ambrosini said it is one of those projects that help us reduce our litigation avoidance issues. After the vote, Commissioner Zimmerlink said she was going to abstain because she was waiting for information.

## **Tax Claim**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the following bids from the June 4<sup>th</sup>, 2013 Repository Sale Bid Opening, subject to all conditions being met.

High Bidder	Amount of Bid	Twp./Municipality	Parcel Number
Steve Sutch/Intsec Corp.	\$167.00	Brownsville Township	03-07-0006
Steve Sutch/Intsec Corp.	\$188.00	Brownsville Township	03-07-0012
Steve Sutch/Intsec Corp.	\$100.00	Brownsville Township	03-07-0007
Steve Sutch/Intsec Corp.	\$223.00	Brownsville Township	03-07-0010
Steve Sutch/Intsec Corp.	\$220.00	Brownsville Township	03-07-0004
Steve Sutch/Intsec Corp.	\$100.00	Brownsville Township	03-07-0009
Steve Sutch/Intsec Corp.	\$100.00	Brownsville Township	03-07-0008
Paul V. Hape	\$157.50	Brownsville Township	03-06-0136
Paul V. Hape	\$183.50	Brownsville Township	03-06-0130
Paul V. Hape	\$157.50	Brownsville Township	03-06-0132
Jessica Garcia/Toledo Investment	\$168.50	Luzerne Township	19-27-0127
Jessica Garcia/Toledo Investment	\$295.66	Luzerne Township	19-26-0059
James Clark	\$250.00	Redstone Township	30-15-0057
Brian King	\$201.00	Redstone Township	30-23-0156
Brian King	\$201.00	Redstone Township	30-10-0143

Brian King	\$201.00	Redstone Township	30-23-0155
Jessica Garcia/Toledo Investment	\$101.00	Redstone Township	30-35-0095
Gary Jaynes	\$300.00	Masontown Borough	21-06-0029
Jessica Garcia/Toledo Investment	\$101.00	Point Marion Borough	29-03-0019
Jessica Garcia/Toledo Investment	\$384.79	North Union Township	25-04-0048
Jessica Garcia/Toledo Investment	\$219.25	North Union Township	25-04-0047
Jessica Garcia/Toledo Investment	\$220.24	Uniontown City	38-18-0004
Jessica Garcia/Toledo Investment	\$168.00	Menallen Township	22-13-0180
Jessica Garcia/Toledo Investment	\$168.61	Menallen Township	22-13-0191
Jessica Garcia/Toledo Investment	\$173.59	Fayette City Borough	12-03-0232
Jessica Garcia/Toledo Investment	\$180.00	Fayette City Borough	12-03-0282

Total \$4,930.14

Commissioner Ambrosini yes  
Commissioner Zaptosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Veterans Affairs**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zaptosky to grant approval for Madonna Nicklow and Glenn Siple to attend the required DMVA accreditation and re accreditation class and also the NACVSO new certification and recertification class the week of September 8<sup>th</sup> thru September 13, 2013 in Mechanicsburg, Pa. with all hotel expenses paid by Pa. Department of Military and Veterans Affairs.

Commissioner Ambrosini yes  
Commissioner Zaptosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Commissioners**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zaptosky to table executing an LEO WIB agreement between the County of Fayette and Workforce Investment Board.

Commissioner Ambrosini yes  
Commissioner Zaptosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** making a motion, Commissioner Zimmerlink said after the agenda meeting the executive assistant to Bill Thompson notified her and said that state is no longer requiring the WIB board and the county to have an agreement so the item is not to be voted on and not to execute the agreements that were sent to the commissioners. She said not at this time so they can decide whether or not to table and then made a motion to table it.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to rescind resolution 12-11-21-34 regarding rehabilitation of the Fredericktown Ferry.

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 June 18, 2013 Commissioners regular meeting minutes.

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 award a contract to Sleighter Engineering/Crabtree, Rohrbaugh & Associates architects to perform a needs assessment of a facility study and site study for future Fayette County Jail requirements for \$24,000.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**Prior to** making a motion, Commissioner Zapotosky said as Commissioner Zimmerlink said earlier, they did receive last week in our inboxes there was information pertaining to this so they were aware of it, at least this board was. He said he had a question for Commissioner Ambrosini whether or not the price is not to exceed \$24,000 and Commissioner Ambrosini said it is a firm price bid of \$24,000, which means it will not exceed that. Commissioner Zapotosky asked if this was a result of the advisory group, saying to Controller Lally that he has been involved with the group and he can chime in too. He asked if this is the recommendation at this point. Controller Lally said that is correct. He said it is a needs-based assessment to evaluate the cost per unit of what it would cost to do nothing, what it would cost to erect a new prison and what it would cost

to modify the existing prison. He said it is a very comprehensive study. Commissioner Zapotosky said what he hears is and he thinks it is very important to answer this question, and he thinks they have all gone back and forth, do we need one, do we not need one, clearly we have a population issue, we have taken some measures to try to reduce that, but that isn't going to be the answer for everything. He said the adult reporting center or indigent care approaches, this population as it was told to the board of commissioners in 2000 and subsequently in 2003 or 2004 again. It was told to this board that is population was going to increase and yet for that 10-plus years this board took no action.

**Commissioner Zapotosky** said he thinks it is important that they have some factual data to extract to present to the public regarding the end result. Do we need and if we do, this is the cost, this is what you are going to incur. He said this study will be conclusive to giving us that type of data, is that what Controller Lally is telling him? Controller Lally said it is, the way that the study is formulated is that at the end of the study, all costs are broken down to a unit cost per inmate, so the option historically the cost of doing nothing in other counties amounted to \$59 and change per inmate. He said the cost of the erection of a new prison put the unit cost of \$31 and some odd cents. He said there was a significant statistical variance between doing nothing and creating a new structure to accommodate the needs. He said part of the problem as they have all discussed at all of these meetings is overcrowding in the jail and what it is costing to rent cells out to other counties. He said it is significant and we are on the way to spend \$1.5 million this year.

**Commissioner Zapotosky** said again they are on base and with mandatory sentencing he doesn't see that problem being alleviated with quick fixes. He said they are trying to take some steps regarding working with the courts for the development of a Day Reporting Center which will offset some of the sentences. But right now they had estimated it was around 50. He said they are looking at indigent care with house arrest, and again these are all interim fixes. He said he thinks it is important that they do have something to the public concrete where it has information from somebody that has done this before. He said just as a question, Crabtree, he knows they have done schools, by hearing the name they did Albert Gallatin and Uniontown, maybe, or Laurel Highlands. Commissioner Ambrosini said Uniontown.

**Commissioner Zapotosky** said he knew they did two of the schools in the area. He said they have correctional facility experience. Controller Lally said they have done 70 projects throughout the county in the correctional industry and they are a very large firm and they have over 90 employees. Commissioner Zapotosky asked Commissioner Ambrosini that based on him working, he feels comfortable that Crabtree can provide us. He said one thing he wanted to say regarding his opinion is that once they participate at this level they can't skew information for down the road. He asked if this is their phase of this project. Controller Lally said yes, and as he had alluded to, the independence issue is being covered because the data they are extrapolating will be straight out of our system. He said any economic numbers that go into the study will come directly from New World Systems and previously Munis so they can do the

historical data. Commissioner Zapotosky asked what the time frame is for the completion of the findings. Controller Lally said he is hoping it to be in two months.

**Commissioner Zapotosky** said he thinks it is important that they are able to present to the public what this really is about is that it isn't about building a new prison. He said he doesn't think anybody at this table wants to spend \$25 or \$30 million on a new facility. He said the question is do they just turn their head and pretend it doesn't exist. He said we have a facility that was constructed in 1889. He said he doesn't think anybody was around here at that time. He said that just shows the antiquated nature of that facility and how not only is it exposing us to liability and litigation because a large percentage of our civil cases end up being related to our correctional facility. He said also, from a humanitarian standpoint we have individuals that are being housed in a facility, and not just individuals but people that work there, they have worked there 30 years, and this facility is so antiquated that if any of you went, and maybe you should, go look in the kitchen.

**Commissioner Zapotosky** said he had to go into the kitchen last summer and there was stuff dropping from the ceiling and he wouldn't want his relative to eat there and he wouldn't want his worst enemy to eat there. He said these are things that we need to look at as a people. As a people, do we want to take this step and we have another aspect of this which is from a moral decency side. He said I know if you went on vacation, you would put your dog in a kennel, a pretty qualified one and we should want our people and our staff in a facility that equates to something that is at least decent. Controller Lally said as a point of information, in 2005 the annex was built at a total cost of \$1,240,000. He clarified that it was \$1,231,880.74 and that same year we had proposals to erect a new prison coming in at \$17,800,000. So it was seven percent of the total project cost to put up a metal Butler building to the right of the prison that is only a temporary fix at best.

**Commissioner Zapotosky** said again, you can look at this a number of ways and we are going to have to answer that question down the road. Do we want to look at short term fixes? He said that is something this board is going to have to undertake. Do we want to still write checks to Greene County this year for \$1 million and next year it could be higher or it could be lower, we don't know. He said the question is do we want that type of an approach, do we want to do another steel building and then throw this in the lap of another board of commissioners and future taxpayers because the costs aren't going to decrease they are just going to increase as statistically it has shown at the completion of these studies in the early part of 2000. That's going to be a question that this board is going to have to face, Zapotosky said. He said he realizes it isn't the political thing to do but sometimes we are not elected for the political thing we are elected to do the right thing and even if that is at our own expense. He said we will say and then made a motion for the study but he wanted it to be extremely detailed and he would like to see a detailed copy of the contract before I sign it. He said as to the timeframe to this project, interim he would also like to see that they provide us with some interim reports as to their findings because, "I have to be honest, I haven't been in the loop on this project as much as I want to" and he thinks it is time the commissioners take this project under our wing.

**Commissioner Ambrosini** said before anyone seconds the motion, he wanted to point out that doing the process of having a working group look at this issue, the working group is comprised of a lot of people, both county employees and private citizens that are involved and maybe retired law enforcement, faith-based organizations, human services organizations so it has a pretty wide view and a very wide input. He said they are not looking at this issue in a very narrow perspective, it is very wide. He said he personally wanted to thank everybody that has been involved in the working group because they have dedicated a lot of their personal time, they worked very hard and as he has indicated in the past, probably to date over the last eight months, they have accumulated over 3,000 working hours of volunteer support. He said the step they are taking today is certainly an important step but the important part of this step is to provide due diligence. He said it is important for us to have a professional organization that has done these needs assessment studies come in and provide us with the facts.

**Commissioner Ambrosini** said to accumulate all the data even though they have all been working hard at this, we still need to have some input from the experts. He said that is what this is doing and he is sure the Controller is painfully aware of the fact that for every month we delay determining what the solution is we are spending in excess of \$100,000 sending that outside the county for renting inmates outside the county. He said that is over \$100,000 every single month. He said they can't ignore that. He said there are a lot of other issues regardless of the overcrowding, there are a number of other issues that the Day Reporting Center can address. He said they adopted that reporting center process in May of this year and they are going through the process of putting it in place and it will go in place September 1 and they expect and they will ensure that is a successful process.

**Commissioner Ambrosini** said not only looking at the process of alternative sentencing but the process of helping people change their lives so they can become productive citizens. He said it is a helping hand, it is guidance, it's counseling, it's training in various areas and our unfortunate offenders that have made bad choices in their lives need some help. He said that is what part of this program is meant to do and they look forward to that being very successful. He said they will monitor the process along the way and where it needs adjusted or modified to ensure success we will certainly do that. He said the sum of the areas where the Day Reporting Center can't help us, and Commissioner Zapotosky did a very good job alluding to this is that it can't address our high operating costs in our existing facility. He said they have high operating costs for a number of reasons; logistically the facility was built in 1889 and it was not capable of utilizing the new modern supervisory techniques which will reduce our operating expenses substantially and will be safer for not only the correction's officers but for the inmates.

**Commissioner Ambrosini** said the existing facility has unacceptably high litigation risks and unfortunately we are involved in some of those as we speak. He said non-compliance of building codes and they will address the cost possibly, the cost of correcting those if it is possible to correct some of those compliance issues, building code issues. He said they have, as Commissioner Zapotosky indicated, they have a woefully inadequate kitchen facility so adding on to our existing facility and not having

room or the funding, which would be extremely costly to renovate our existing facility, which he is sure they will find out in their due diligence process. He said they don't have counseling rooms and they don't have an adequate chapel facility and they have no good training facilities and he could go on and on but these are issues that will all be addressed in the due diligence efforts of this needs assessment. He said he thinks they owe that to the community. Commissioner Zapotosky asked if CJAB will be participating in the needs assessment, asking if Commissioner Ambrosini will be reaching out to CJAB. Commissioner Ambrosini said they do have the deputy court administrator involved in the working group, so the answer is yes, they have been involved, and they certainly will continue to be involved.

**Commissioner Zapotosky** said as the Day Reporting Center, they are not coordinating this, it is being done by people who know what they are doing and it is being done by members of the courts and related justice agencies and the district attorney. He said he wanted to thank them and September is right around the corner and they are anxious to get this program kicked off and see that it works effectively. He said as he said he doesn't think anybody wants to talk about a new prison but it is here and we have no choice, at least to talk about it. Commissioner Ambrosini then seconded the motion and the vote was taken.

**After the vote**, Commissioner Zimmerlink said everything that was talked about was on whether or not a prison was needed or not needed and the issue before the commissioners and the vote was whether or not to enter into an agreement for a contract for \$24,000 with Sleighter Engineering and Crabtree and Associates. She said there has been no information presented to date reading the selection of an engineering firm to perform a prison needs assessment. She said earlier Commissioner Ambrosini said he would like to award this bid and there have not been bids. Commissioner Ambrosini said he didn't say that he said award a contract. Commissioner Zimmerlink said that he said bid, and pull the tape back and it says bid and she wrote what he said. Commissioner Ambrosini said it was a contract and he had contract written down.

**Commissioner Zimmerlink** said she isn't going to argue over it because he said bid and as long as the tape is not erased you can replay it but it did say bid. She said again, there has been no indication to date that any other engineering firm has been approached or has provided any information as to what their scope of work would be or the cost involved. She said in addition to that, there has been at least two large facility construction companies that has been presented to the public and to the commissioners and that is Crabtree and Associates that was apparently at one of the prison working group meetings and then another company but there has been no indication as to if the second company, and she didn't recall the name off of the top of her head, but that's the company that the members of the prison working group went with to tour Franklin County. She said so you have the company, asking Controller Lally what the name of that company is, with Controller Lally responded "CLG."

**Commissioner Ambrosini** said the company that designed Franklin County is RL Kimball Associates. Controller Lally said the company that they met with and went to see the prison was CLG. Commissioner Ambrosini said they toured with the two former

county commissioners for Franklin County that were in office when they built that. Commissioner Zimmerlink said regardless, this Crabtree company is giving a cost of \$24,000 in association with Sleighter Engineering. She said there has been another company, which is this CLG or whatever the name of the company is that presented a tour of the Franklin County. She asked what criteria was used to select either that company vs. this company and what was their amount, did they offer an amount that was higher, the same or under \$24,000 and then there was even as one of the commissioners said earlier, unsolicited information that was sent to the commissioners and that was a third or a fourth company. So, what selection process was used to select the large facility construction manager? She asked what criteria was that. Commissioner Ambrosini said they haven't selected a large facility construction manager.

**Commissioner Zapotosky** said CLG isn't a construction manager or an architect, are they? Commissioner Zimmerlink said a company called Crabtree- there has been no seeking of competitive bids. She said Crabtree Associates is the same type of company as CLG and is the same type of company as that third company and she said she doesn't recall the name. She said they have had at least a minimum of three companies, they all performed the same scope of work and only one company was selected and we have no knowledge of the other amounts, did they present scope of work or associated costs, no. She said the county should have done a request for proposals for this. Commissioner Zapotosky said CLG isn't on the same playing field as Crabtree, CLG is an architectural firm, with Commissioner Ambrosini saying it is a construction management firm. Commissioner Zimmerlink said there are the same, both companies have been instrumental in building prisons and schools as well as other large facilities and they are all on the same playing field.

**Commissioner Zimmerlink** said there was no competitive selection process in something like this and there should have been. She asked what was the criteria used to select Sleighter Engineering and were there any other engineers that were discussed or talked to and what was the selection criteria used to choose Crabtree over any of the other companies that we know of and why wasn't a request for proposals done to solicit some other information and some competitive bids. Commissioner Zapotosky said because of the cost, they are defining this as a proposal. Commissioner Zimmerlink said they were entering into a contract. Commissioner Zapotosky said this is a proposal and there is a difference between bid and proposal. He said he asked the question too, was this selected based on the work of the prison advisory group. Commissioner Zimmerlink said they are members of what, the prison advisory group, the employees and she said she isn't going to get into the qualifications of the prison working group, she said she isn't going to be sucked into that. She said the issue before us now is whether the county commissioners have done a selective process to arrive at the best possible price for these services.

**Commissioner Ambrosini** said first of all, with Commissioner Zimmerlink saying "the answer is no." Commissioner Ambrosini continued that CLG is—"I will answer your questions commissioner." He said first of all, CLG is not an architectural firm, it's a construction management firm and they work with architects like RL Kimball and

Associates and the only thing that they had proposed to us is to provide construction management services. He said the architectural team of the working group has talked to many architectural firms that are experts in the field of jails and he thinks it is appropriate for them to do that. He said a couple of the firms that they knew about they went out and requested information and data capabilities from a lot of the companies obviously contacted us providing us with unsolicited requests for data and so forth. He said he wanted to remind everybody that when this whole process started, and when they formed the working group to look at possible solutions for these issues we invited the press to every one of our meetings. He said he thinks the press has done an excellent job of providing updates to the citizens through the print media. He said it is not like they have been doing any of this in a vacuum.

**Commissioner Ambrosini** said in terms of why they selected this firm, they selected this firm on their capabilities. He said this is a professional services contract. Commissioner Zimmerlink asked how much the others were. Controller Lally said it is proprietary and there are no others. Commissioner Zimmerlink asked how much the others said they would charge. She said kudos to the press for coming to meetings, but that doesn't mean that the county commissioners should not and is not responsible to seek competitive bids. She said whether the press are at these conference room non-commissioned advisory, informational gathering groups or not that does not mean that the county commissioners are not to seek out the scope of work, open it up and seek competitive prices. She said there is no excuse for not doing that. She said they are mentioning private citizens and one of these days she would urge the reporters to print who everyone is and what their capacity is because the majority are county employees.

**Commissioner Zimmerlink** said regardless of whether or not they are volunteers, employees, faith based, none of that matters, what matters is the county commissioners entering into a contract and how was it solicited and was the scope of work presented to more than one company and what was their responses. She asked how many other engineering companies were sought out and then when they were sought out, what did they come back with as far as the cost and the work that they would perform. In addition to that, you never heard me mention the word architect, I called Crabtree Associates a large facility construction company, which is on the same playing field as CLG and she would urge the reporters and any members of the public to come and look at the documents presented by this Crabtree, CLG and this other company which I cannot think of the name of. She said it was unsolicited information- and compare exactly the type of work that they do. She said they all do the same thing. CLG is a company and it doesn't matter whether they were former Commissioners of Franklin County or not. She said the point is they own a business and they have been instrumental in providing the same type of services as is being provided from Crabtree.

**Commissioner Zimmerlink** said so much so that apparently you thought enough of them to meet with them here in Fayette County as well as have them take you on a tour. So what criteria was used and what amount or were they even asked to submit a scope of work. "And if not, why not?" She said they are on the same playing field. She said even if they weren't, giving this cost and we are not talking about whether it is needed or not needed, is whether or not we have sought out scope of work and a request for

proposals, qualifications, it doesn't matter what you call it, it is a competitive cost amount. She said that is their responsibility, it's not the responsibility of a prison working group, it's not the responsibility of the public or the controller, it is the responsibility of the three county commissioners to do so. She said and to not do it, it is wrong not to have done that. Commissioner Ambrosini said first of all, this is a professional contract agreement and there are allowances for the county to enter into professional agreements with various people based on qualifications, capabilities and not the lowest bid. Commissioner Zimmerlink said not for a large construction facility manager there is not. Commissioner Ambrosini said that is a professional service that certainly falls into that. Commissioner Zimmerlink said "pull the county code Commissioner Ambrosini." She said even if he doesn't want to pull the county code for an explicit definition of that, regardless of that, have we as three county commissioners sought out other competitive bids.

**Commissioner Ambrosini** said they have talked about it with about everybody they can possibly talk to on the basis of their capabilities, not cost. He said simply because this is much too important. "We're not bidding out ball point pens folks," Commissioner Ambrosini said. He said this is a professional service and the most important thing is that they have talked to everybody that they possibly could that is out there and they chose a company that has the capability of doing this process. Commissioner Zimmerlink asked what other engineering firms. Commissioner Ambrosini said the reason they liked them is because not only can they do the proper economic evaluations, but they have already made the recommendations to other counties to do nothing. He said they looked at, does this county need a prison, and they did the due diligence, they did all the background and they made the recommendations to that county that, no you don't need to build a prison so that company is the type of company that we need to do that needs assessment study.

**Commissioner Ambrosini** said they can play games with dragging this out but we are talking about a \$24,000 contract, we can drag it out another month, two months, three months but it is going to cost us over \$100,000 a month by not doing this and finding the solutions we need to obtain in a timely manner. He said that is the key, we don't have the luxury because every month that we delay finding our solutions and doing something about it is going to cost the taxpayers over \$100,000. He said that is their due diligence as this board of commissioners and that is why they are moving ahead to do their due diligence so the public can see up front the actual costs and the actual options and see what the choices are. Commissioner Zimmerlink said there are no choices because they just selected one. Commissioner Ambrosini said you have to look at the big picture. Mrs. Hovanec asked if it had been five minutes, with Commissioner Zimmerlink responding that is only for the public, not for the commissioners. She said the vote has been taken and Commissioner Ambrosini said let's move on.

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

## **TRANSFERS 2013**

6/5/13 to 6/25/13

Department	Cost Center	Credit	Debit
<b>Assessment</b>			
Auction expenses	01413652410		\$2,000
Photocopy/printing	01413652200	\$2,000	
<b>Total Debit</b>	<b>\$2,000.00</b>		
<b>Total Credit</b>	<b>\$2,000.00</b>		

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

#### **Public Announcements**

**Commissioner Ambrosini** said there weren't any public comments but he cautioned everyone to make sure they drink a lot of water or Gatorade because the extreme heat has a very adverse effect, especially for the golfers out there.

#### **Public Comments**

**Bill Orbash** said he has been in construction and he unloaded the concrete cells for the women's prison in Greene County off the trailers that they used on the remodeling. He said they used concrete cells made in Alabama and he sent up a list of a couple contractors from the Pittsburgh area that he knows have local people working for them and they can give you some advice on prisons. Commissioner Zapotosky said that is important too because if they are going to invest in a project of this magnitude you want it to have as much economic impact as well and benefit if there is such a word.

**Al Packan**, who lives at 296 Krulock Road, Uniontown, chairman of the Dunlap Lake Task Force Committee, read the following prepared statement:

Presenter -Al Packan, Chairman of Dunlap Lake Task Force Committee  
296 Krulock Rd  
Uniontown,PA 15401  
724-245-6259

Topic- Maintenance Concerns at Dunlap Lake Park

Date: July16,2013

I am Al Packan and I reside at 296 Krulock Road, Uniontown. I am chairperson of the Dunlap Lake Task Force Committee, a committee which was formed approximately ten years ago and which represents thousands of people who use the lake. Our committee has worked with the county over this span of time in an attempt to make Dunlap Lake Park one of the finest parks in Fayette County. This now takes me to the many issues at the park which are of great concern to many individuals who use the park.

First, approximately four years ago our group was told by county officials at a meeting held at the lake that a grant approximating \$41,000.00 was awarded to the county for the construction of a sanitary up to date restroom. Four years have passed and yet nothing has happened. People who spend time at the park should not have to use restrooms which were built in the mid seventies and which are disgusting and unsanitary. Recently port a jons were installed, but I was told that these are only temporary. Sanitary restroom<sup>s</sup> have always been the top priority of our committee. We are therefore requesting that the construction of sanitary restroom<sup>s</sup> be initiated especially since the money is available.

Next, the many facilities in the park are in dire need of maintenance. This includes pavilions, picnic tables, playground areas, handicap walkways, handicap fishing piers and water fountains, among others. Upon entering the park near the boat launch area, there is a large sign indicating that Fayette County is responsible for the maintenance of the park. Unfortunately, proper maintenance has been lacking. In fact, conditions are so poor with various structures that liability can become an issue for the County. The collection of garbage and grass cutting is not happening on a regular basis. When garbage is not collected regularly, it piles up to the point whereby the wind blows it about which makes it unsightly. Our group periodically has clean up days at the lake whereby we do pick up litter. However, because garbage is not being collected regularly, causing additional litter, some of our members are becoming reluctant to continue with our litter pick up program. The minimal grass cutting at the lake is prohibiting people from using all of the facilities at the lake and certainly creates an unsightly environment.

I, along with the many individuals who recreate at the lake, are very concerned with the declining conditions at the park. In fact, I have lived near the lake for 38 years and I have never seen it in worse condition than it is now. This facility was built to attract people not to turn them away.

In conclusion, if our county wants to project a positive image with this park and if it wants to enhance tourism, then a viable maintenance plan should be developed and implemented. In 2007 a plan was developed for the county which covered parks, recreation, open space, green ways and trails. This could be a valuable tool in planning ahead in the areas noted.

Dunlap Lake Park has always been a popular recreational site for individuals and families both within and outside our County. In order for this popularity to continue and even improve we are here today to enlighten you and ask for your assistance to improve the conditions at the park.

**Mr. Packan** thanked the commissioners and said there was one more thing that he wanted to mention. He said there is misinformation on the Fayette County website about the park. He said it indicates 30 acres and it is actually 50 acres. He said there is a plaque stating that it is 50 acres. He said also, there is not a baseball field, there is a soccer field. He asked the commissioners to pass it along to whomever is responsible for it. He then passed out his documents to the commissioners.

**Bob Logue** then said he wanted to reiterate what Mr. Packan said, adding that there are liability issues out there. He then read the following prepared statement and presented photographs to the board.

Testimony and Questions respectfully submitted to the Fayette County Commissioners, Tuesday, July 16<sup>th</sup>, 2013

Subject: County Parks, most notably Dunlap Lake Park

My name is Bob Logue, a resident of Fairbank in Fayette County. Thank you for affording me the opportunity to express my concerns regarding our county parks—most notably Dunlap Lake Park; and ask my three questions:

I have shared with each of our commissioners a set of photos in an envelope. Please keep them in order as I wish very briefly explain each one.

Photo: A-- The signage at the main entrance of the park—expressing the fact that maintenance of Dunlap Lake Park is the responsibility of Fayette County Government.

Photo: B – Shows Trash both in the overflowing barrel and on the ground. This photo was taken July 3<sup>rd</sup> at 5 PM. Guests coming to the park for a July 4<sup>th</sup> picnic...or any day thereafter through today...would be confronted by this mess. The trash was still there this morning. It has not been collected in almost two weeks. Obviously we have an ongoing pollution problem that you are not addressing.

Photo B1. A similar situation at another of the Dunlap Lake pavilions...

Photo C: Displays the badly overgrown area of the park designated for children's fishing. Buried there in the weeds is the sign designating the children's fishing area. The grass and weeds in some of that area are taller than the children.

Photo: C1—is the side area in the Children's fishing section. Look carefully and you can see a bench there, nearly covered by weeds. With snakes and ticks would you take your kids or grandkids there to fish?

Photo: C2 –is also the Children's fishing area along the road. None of these weeds have been cut at all this year.

Photo: D—Shows one of the water spigots. There are three of these in the park. Each one has its own well. Last year on each of the brick structures there were large signs stating: Non-Potable Water...in other words...don't drink it or cook with it. The water is now on again...has been for a month or two. but the signs are gone. Does that mean the water is now safe to drink and cook with? Has the water been tested by the Health

Department since last year when it was non-potable.

We may be risking the health of those who might consume it. May I view the copy of the certificate from the health department indicating the water is safe to consume? Where can I find that health certificate to view?

Photo E: Depicts the Children's play area. The weeds again are evident...and where I have drawn lines on the photo, the county about two years ago removed the sod to make a handicapped path from the paved road down to the swings at two different play areas. Once the sod was removed, nothing further was done. Apparently this supposed ramp does not meet ADA requirements. Are we as a county concerned with handicapped accessibility?

Photo F: Displays the children's swings Three years ago or so, wood chips were placed there to cushion any child who might fall. The wood chips have not been replaced in two years...and what was there is compacted, deteriorated or washed away. That leaves no protection for the children. Do we care about our children in Fayette County government?

Photo G: This is the handicapped fishing area. The paved walkway is to the right, of course. Handicapped folks in wheel chairs could fish there from their wheel chairs...if they can reach over the weeds that are quite high between the walk area and the water. These weeds have not been cut since last year. Does Fayette County care about our disabled folks?

Photo G 1: Shows one of the benches along the handicapped fishing walkway. For those disabled folks who may use a walker or can walk a bit but would like to sit on a bench and fish....they first must find this bench amidst all the weeds. Would you sit there?

Photo G2. I took that photo while sitting on that weed covered bench. This photo is what the disabled person sitting on the bench would encounter while looking toward the lake. Would you like to try fishing over that mess?

Photo H: The last one shows the overgrowth along the end of the dam where the water enters the lake. Fishermen and women often try fishing from that end. In the middle of that photo...you can almost see a trash barrel that at one time was accessible but now is smothered by weeds that have not been cut since 2012.

In summary: It has become apparent to me that all of these things I have shown you...and Al Packan addressed in his remarks...are NOT the

problem. They are the symptoms of a much deeper problem---called neglect. Our county parks are quite apparently a very low priority to our commissioners and other county officials. That is a tragedy.

Parks are an essential and important component of the quality of life that attracts people to want to live in a county. People need recreation. They love to gather for picnics, graduations, birthdays, anniversaries...but would you want to schedule such an event...or just a day out at the park in this mess? Out-of- towners coming to some event at Dunlap Lake Park would surely go away saying....I sure wouldn't want to live in a county where the officials are derelict in their duties...and care so little about their parks. The neglect reflects on all of us.

My questions, please:

- Is there a line item in our county budget that specifically provides funding for our three county parks relative to maintenance, upgrading and security? May I please be made aware of how much is in the 2013 budget for our three county parks? May I also be told at some future time, what the budgeted amount for the county parks was in 2012...and what that money was spent on? Who should I speak with to get that information?
- Is there an ordinance, and may we see it...regarding littering, alcohol or drug activity, or destroying property at Fayette County's three parks? What are the penalties? Why are there no signs at the parks stating those penalties? Who would enforce that ordinance?
- How much does the hotel/motel room rent tax raise. Does it all go to Laurel Highlands Tourist and promotion? Why can't some of that money be diverted to a fund to address park maintenance and upgrades?

Parks are especially important to low income folks/fixed income folks. Many live in apartments and this nearby park would be an outlet for them to recreate. I hope you will use some of the Marcellus Shale money, the hotel/motel tax money...or the money from Lady Luck Casino to care for our parks...the treasures that too often are ignored by our commissioners and county government in general. Thank you.

**After mentioning** picture F, Commissioner Zapotosky said some of those are not permissible pursuant to ADA and that is one of the problems. He said they have been having difficulty with Tracy Stack from DCNR acknowledging completion of some of the

older grants because of some of those specific areas such as the swing location and while he said they came in and did some excavating, that does not meet ADA requirements. He said the mulch that they put is not approved subsurface for the use for a swing set or a slide or whatever you want to call it. He said there is a lot of detailed work that has to be done, not only at that park but at the other two county parks because our kids aren't and you know Captain Al, I go down there quite a bit with my son, they are not able to use it the way you should. He said the parks plan, they finished the completion of that around 2008 and it was approved by DCNR. He said there is a funding stream that has been kind of choked by the state, but that is our issue to deal with. He said they have a lot of work to do, you are right sir. He said not an excuse, but one of the delays regarding the grass cutting and the garbage removal was that we changed our bid/ contract and it was no longer grass cutting and then somebody else come in and remove the garbage, we awarded it out where it is being done simultaneous or at least it was put out to do that simultaneous.

**Mr. Logue** said it isn't being done. He said people used to jog and walk around the park and across the dam but you can't do that anymore. Commissioner Zapotosky asked to see both men after the meeting. Mr. Packan said there are dumpsters out there that are picked up, however, the barrels that contain the trash that are accumulating throughout the week, those are not being deposited into the dumpsters so when the company comes to haul away the trash from the dumpsters, there is not much trash in the dumpsters because the county isn't taking the garbage from the cans and depositing the garbage into the dumpsters. He said it is foolish for the company to come out and pick up empty dumpsters because there is not much in the dumpsters and that is where the breakdown is. Mr. Logue said someone mentioned about using the prisoners, and he said they used to have the prisoners out there cutting the grass and the trustees did a marvelous job. He said they had great people and had a nice talk with them from time to time and the park looked very nice. He then asked to finish his presentation, adding that he commends the commissioners for putting up with all the issues and he didn't think he could put up with it for a week.

**Mr. Logue** said they need to prioritize the county parks higher. He said a lot of people are not fortunate like he is and have a yard, they live in apartments and they have to have some place to go.

**Commissioner Zapotosky** said it is a public park and it is registered by DCNR. Mr. Logue said he spoke to a woman at the park who was from Monongahela whose family had a picnic and she asked why it was in bad shape and he told her neglect. She said she told everyone to bring garbage bags before they came to the site. Commissioner Zapotosky said in a response to a question about hotel tax money, that it is given out in grants to non-profit organizations. He said there are options, such as the utilization of some of the gaming revenue, and they could throw around a couple of options. Mr. Logue asked the commissioners to get out to cut the grass soon so people can use the park for the rest of the year.

**Patrick Kelly** said his main concern is the development of the Sheepskin Trail. He said recently they tried to get letters in requesting that some of the Marcellus Shale impact

fees for the Sheepskin Trail. He said he read an article from the agenda meeting and he was thinking about attending and he didn't, adding that this is the more important meeting. Commissioner Ambrosini said they are all important. Commissioner Zimmerlink said how does the public know what they are going to talk about regarding the agenda because there are no pre stories on it. Mr. Kelly said that Commissioner Zimmerlink had made a motion to fund \$50,000 in Marcellus Shale legacy funds to farm preservation. Commissioner Zimmerlink said she would answer that. She said one was for \$50,000 out of farmland preservation out of the legacy fund and then \$50,000 toward construction of the Sheepskin Trail. She said at a later date she was going to present for the county parks as well as other items for the legacy fund.

**Mr. Kelly** said there was a remark at the meeting that throwing \$50,000 at a project that costs \$50 million isn't going to achieve anything. Commissioner Zapotosky said what he meant by that was that in the grand scheme of completion of the Sheepskin Trail \$50,000 is not going to erect the trail as we want. He said this trail began when his old boss (U.S. Rep Frank Mascara) got money for the trail in the 1990s for the trail program. He said the trail program has a history. He said what he said was that \$50,000 would not be able to satisfy the completion. He said he had not seen how the \$50,000 would have been spent and he didn't know what direction they would take, if it would be the Point Marion direction, or were they going to continue progressing past either North Union or Dunbar. He said where would they use that money? Commissioner Zapotosky said throwing \$50,000 at something, which is often discussed here, throwing money isn't always the way to go, right Evelyn? Mrs. Hovanec said she disagrees on this one.

**Mr. Kelly** said he spoke with Donna Holdorf and she said that \$50,000 could be used to leverage a grant for \$100,000. Commissioner Zimmerlink said she mentioned that and she said that it wasn't just a willy-nilly throwing out \$50,000 it was after discussion with Donna Holdorf. Commissioner Zapotosky said the county has already acted in writing a grant to DCNR and we are waiting for review of that grant. He said he has worked with Donna in the past on a number of projects and will continue to work with Donna. Commissioner Zimmerlink said this is under public comment and Mr. Kelly only has five minutes according to some, so what did Donna tell you? Mr. Kelly said that \$50,000 could be used to leverage \$100,000. He said while some grants cannot be used to leverage other grants, this funding could be used to match for other grants. He said the hotel tax cannot be used to leverage for other grants but this money would be able to be used for that purpose.

**Mr. Kelly** said at this point in time the community involvement on the south end of the county has never been higher. He said there have been huge fundraising attempts and a lot of show of support from Monongalia County and the Point Marion community. He said he doesn't think they will see a better time to strike, adding that the iron is extremely hot. He said they have met with other township leaders along the trail and people are ready to go. He said most of the trail has been permitted as wasn't the case 20 years ago and the Marcellus Shale funds are for environmental and transportation needs so it is a good opportunity to put some money toward this issue. He said communities like Outcrop and Gans are not going to see a better opportunity for revival and connecting the greater Morgantown area to the Great Allegheny Passage. He said

the best thing is to get this project rolling and the trail will complete itself and you won't see a more dedicated group of people, some of whom are in the room.

**Commissioner Zapotosky** said they shifted the scope a few years ago to Point Marion to make that connecting piece with West Virginia. He said there was money received from a former state representative of \$50,000 that they have redirected to that section. He said they do know that one of the higher costs are going to be as they get across the bridge into Springhill Township and move that way because of the cost of bridge construction. Mr. Kelly said one section at a time really does help. He said the number of people who turn around at the state line is incredible. He said he was there for five minutes the day before and he watched three people turn around at the gate because of the condition of the trail. He said there is a tree down across the trail and no one makes the trek because of how rough it is. He said one piece at a time and we can really get it going.

**Robert "Ted" Pritchard** said the question is pay now or pay later. He said the Commissioner Ambrosini is right that in these economic times we should get a bargain and the best bang for our buck in building our prison, he is absolutely correct. He said the Commissioner Zapotosky is absolutely correct that the board of commissioners knew in 2000, in fact they knew in the 1990s that they were beginning to have a prison problem and what they said was we will cross that bridge when we come to it. He said if they would have taken in hand in the early 1990s when the federal government came in and told them that they had a prison problem and built a prison we wouldn't be facing this dilemma today. He said the biggest dilemma is how they are going to pay for the prison. He said they said bond issue and said tax increase. Commissioner Zapotosky said he didn't say tax increase.

**Mr. Pritchard** said he would give an example, and he and Commissioner Zapotosky discussed this before. He said in the Recorder of Deeds office it costs \$50 to file a deed. He said in the Prothonotary's office it costs \$5 to record a civil judgment. He said it costs \$10 to record a mortgage. He said if you take a civil judgment from \$5 and make it \$50 and ten times that is \$50. He said he was 100 percent correct in his election bid for Prothonotary that he could produce \$3 million in additional revenue from the Prothonotary's office to help taxpayers defray the cost of building a prison. He said some people can see things in the future that other people cannot see. He said that Mrs. Zimmerlink is 100 percent correct that taxpayers cannot afford a new prison as it is now. He said "you two" are not giving Mrs. Zimmerlink credit, adding that she is far intelligent, above intelligent, she has a really good mind on her shoulders.

**Mr. Pritchard** said that she can see things that maybe the other two cannot see. He said at prior commissioner meetings and from talking to her on the outside, Mrs. Zimmerlink is well versed in what she is talking about. He said the three commissioners should get together and share each other's views and they should please consider Mrs. Zimmerlink's views. He said they all know Ted Turner, right, and they all know Socrates, and they all know Churchill, well they are the same as he is and he is far above intelligent. He said he doesn't know if he is or not but he has great education. He said he has law school education, he has a college degree and he is well educated in all

things. He said the SCI women's institution in Greene County, like the gentlemen said, he was there from 1984 to 1990 at the SCI Waynesburg women's penitentiary and SCI Mercer and at SCI Cresson performing exterminator services every month and he got to see everything that he wanted to see. He said he even went into the administrative offices and construction was going on regular. Mr. Pritchard said he suggests that the commissioners get together and revise the antiquated user fees. He said Mr. Cupp as an attorney for the county can tell them that filing an initial complaint is \$92 and filing a complaint for summary judgment has no charge and there is no mandated fee for that.

**Mr. Pritchard** said it isn't mandated in the code, the President Judge OKs those fees if he wants to set those fees and they can get together and revise the fees in the Prothonotary's office, the Clerk of Courts office and the zoning office for building permits and bring it up to par and you could enjoy the amenities of good parks, maintenance of the parks and they could give at least the workers at the county level a raise in their salary instead of having them overworked and paying them slave wages. He said they may disagree with him on that part but if you compare Fayette County with Washington County and even Greene County you guys are underrated and paid salaries. He said Greene County as small as it is, it is getting along better than Fayette County is. He said it has three times the staff the sheriff's department in Fayette County has. He said he is a firm believe that users of county services should pay instead of the taxpayers. He said why would you want to put your hands in the pockets of the taxpayers instead of putting your hands in the pockets of the users of the county's services. He said if they all get together to raise those fees.

**Mr. Pritchard** said he is willing to get together with them on the user fees of the Prothonotary's office and he can show them and even spoke at a campaign event about getting together to discuss user fees. He said if they do, there is no need to raise taxes and they can pay the payment on the loan every year that it comes due on these user fees. He said they can enjoy a new prison. He said one thing they are not counting on is there is a new expense coming to them that they are not even seeing. He said if they remember right the insurance company said they are not going to provide coverage when a public official sues another public official. He asked Commissioner Zapotosky if that was correct. Commissioner Zapotosky said that was a PCORP ruling based on a civil case filed a few years ago, yes you are correct. He said if Mr. Lally sues and names each of the three county commissioners, you are going to have to provide your own coverage. He said your insurance company will deny coverage, he is a public official and in his slip and fall case if he names each of the three of you commissioners in his suit, you all will have to pay your own attorney's fees and provide your own coverage. Commissioner Ambrosini asked Mr. Pritchard to conclude and Mr. Pritchard said he would conclude.

**Darrell Becker**, chairman of the Agricultural Land Preservation Board of Fayette County, said he would feel like he would be remiss if he didn't also comment on the article that Mr. Kelly mentioned before. He said as a board they are extremely appreciative of the fact that the whole thought of putting money into agricultural preservation. He said that money comes from farms and to put it back in farms would be a good thing and he looks forward to working with them.

**Frances Kranick** said she wanted to thank the commissioners on behalf of the Fayette County Library System for support of the libraries.

**Evelyn Hovanec** said she wanted to talk about two items, both of which are related to what people have already said. She said don't be afraid to talk even if sometimes you get put in your place. She said her comment is on the shale legacy fund money. She said she has been on the trail since the 1990s also and she remembers when they first started the Allegheny Passage Trail because she was the chair of the tourism committee in Fayette County at that time under the Southwestern Pennsylvania Heritage. She said when they started there was no money. She said it took 30 years to get the Allegheny Passage through but it is through and Connellsville is doing very well because of it. She said Connellsville, West Newton and other places, on the map. She said she strongly agrees with his concern, if we can't afford \$50,000 and if that is what they can afford, that is what they put into it because they don't construct trails, poom. They construct them a part here and then the next part and then the next part until you finally have a trail. She said she is serving on a committee that is trying to put signs and things on the Great Allegheny Passage trail the will commemorate the coke industry. She said the problem is that everybody tore down the coke ovens and they are having problems.

**Mrs. Hovanec** said they have begun to consider if there are any in the area of the Sheepskin Trail and if there are, they need to let them know where they are and they can call the Coal and Coke Heritage Center and tell them that. She said they are in that process now, and that is for his information. She said her other complaint here is there is no support for farmland preservation which makes no sense to her. She said when all the industries are gone you have only several things left. She said you have the land if you take care of it and preserve it, you have the water, if you take care of it and preserve it and you have the air if you take care of it and preserve it. She said the general environment and the people who are left when we finish destroying whatever we intend to destroy here, she cannot see how anyone could not say that \$50,000 should be allotted to the trail out of the legacy fund, which is what it is about, it is about the legacy that is going to be left when Marcellus Shale leaves us. She said she can't see how they could say they shouldn't do the farmland preservation or the Sheepskin Trail. She said they both fit under that perfectly. She said the legacy is the money that is to be used for this and she strongly supports when everybody else has said.

**Mrs. Hovanec** said it needs to happen and it is silly to even argue about it. She said if it is being done because of personal vendettas or whatever, she is tired of that too. She said the next thing, tourism is a laugh in Fayette County, not that it isn't a good industry, it is probably the second or third on the list. She said the problem is that the Fayette County government doesn't support tourism, not really. She said every time something comes up about trail preservation or whatever, they quibble about it, but for some things we can find \$24,000. She said we need to build an economy here based on what we have that cannot be exported from here. She said that is what keeps happening, we export everything, gas, oil, coal, limestone, whatever, timber, it all leaves. She said they should set up exporting processing plants so when it leaves Fayette County we have

already gotten two or three jobs out of it, but we don't do that. She said what they do is build prisons.

**Mrs. Hovanec** said the next thing is DEP, Marcellus Shale permits. She said she wants to talk about it because it is an old problem. She said she was on the planning commission for four years from 2008 to 2012. She said she decided not to continue membership there, some for personal reasons and some because out of sheer frustration. She said on June 13 citizens came in asking that certain concerns be addressed. She said one of them is that we don't post agendas for planning commission meetings, adding that she asked for that for four years when she was there. She said she kept saying that they need to get this in the paper, people need to know. She said what she watched happening is exactly what happened here, people would come in last minute, but she knew they knew they were coming in because you could tell, they said hi, how are you and they would get their stuff on the agenda at the last minute. She said she objected but she got frustrated because it was only for some people, it wasn't for all people.

**Mrs. Hovanec** said some people could get their stuff on the agenda at second's notice. She said other people were told, you gotta do this, this is the process and then come back. She said the other thing she learned when she was there is she was the only one concerned about the permits. She said when she saw permits listed on the agenda, which sometimes they didn't get until the day of the meeting, she would look at those and she would say, what is this. She said they would say those are the DEP permits. She asked why they were looking at them and why they were on there when nobody ever mentioned them or talked about them until she saw what was happening. She said what was happening was when they were development kinds of things they got through because our current planning commission really deals with development issues, construction and development, it doesn't do much of anything else. She said they would say that they are not required to do that, but she would say, but look, you can see what is happening here.

**Mrs. Hovanec** said we are now moving into a whole new era. She said what are these horizontal wells, what does this mean, what is the water they are trying to get out of the rivers and at one time trying to run through the Uniontown sewage plant, and she cracked up on that one. She said all she is saying is we are broken and we do not handle things the right way. She said they have people who come and complain about compressor stations and that is an old problem. She said everybody says they don't do anything about that, the DEP does that. She said when those people came forward she said Thank God. She said they should post the meeting agendas far enough in advance and publically, on the website and she is suggesting in the newspapers also. She said if you don't post it people don't come and the people that are there are the ones that have an agenda that they want to accomplish. She said they accomplish it and the rest of the people say how did that happen. She said it happens so many times she can't tell how many. She said all of DEP municipal county notifications and the comment period should be advertised to the public. She said those things that nobody ever looked at that said Marcellus Shale that said we are doing this for the drilling, we are doing this for the water, compressor station. She said when they built the compressor station on New

Salem Road, there was nobody there. She said they were told that it would be a small thing over the hill that nobody would ever see.

**Mrs. Hovanec** said go out and look, it runs for at least a mile along New Salem Road and everybody can see it. She said she is saying that all DEP notices must be advertised to the public by using the website and she believes the newspaper needs to commit some time and money to this. She said either put a small article in the newspaper or an announcement area of things that citizens might be interested in. She said she agrees with her request. She said the manner of the operation, how do you send these comments to the DEP. She said they recommend they go to the planning office and then to Harrisburg to DEP. She said she isn't sure of the process but she isn't sure she wants her comments to go to our planning office. She said things get consistently lost there. She said the DEP notices should indicate to the commissioners who sit there and give away the money from the impact, who are responsible for distribution of these funds, where the county environmental and infrastructure are being impacted, disrupted and the funds should be distributed to those areas, not sitting there rolling the dice and saying hey you get \$10,000, we get \$30,000.

**Mrs. Hovanec** said she wants to see a list of what the infrastructure and environmental impacts and then she wants to know what it is going to cost to do that and she wants to see that list. She said the way they are doing it now is not the way to do it. She said the funds that they have that they are getting from Marcellus Shale will not last long, it is a receding thing. She said when they talk about the bond issue, if you take out a \$30 million bond today, and this is what Mr. Lally told me, around \$50 million is what you are going to pay. She said that is at 3 point whatever interest rate which now has gone up to 4 point something. She said for \$30 million you will be someplace at \$60 million for 30 years. She said where in 30 years are we going to be because the price of natural gas fluctuates and the more you produce the less you have and it won't last 30 years. She said the money won't be here for 30 years and in her opinion, this is a very risky thing they are doing. She said she checked Franklin County for the fun of it and she doesn't know exactly and she doesn't understand the taxes but the county millage is 25.5 and they built this brand new, great, state of the art prison about two or three years ago. She said our millage is 4.5. She said it would be three or four times what we pay now if we have to resort to taxes to pay this.

**Mrs. Hovanec** said common sense tells us we don't have the money and we won't have it. She said she would prefer if they would start a fund to develop the money so when they take out a bond, they would have 50 percent of the money there right up front. She said when she bought a house they asked if you had 20 percent to put down. She said today maybe you can get it for nothing but in the good old days when we paid attention to money, and she is sorry but she is talking to the audience and she should be talking to her friend up here. Commissioner Ambrosini asked if she could wrap it up, with Mrs. Hovanec saying she took six or seven minutes, and Commissioner Ambrosini saying she took 15. After replying "good," Mrs. Hovanec said it is wrapped up. She said she thinks they have made poor decisions here and she thinks they need to address the problem with the planning commission because it is not helping them and it isn't helping anyone else. She said in case they are interested, and they can check this, if you go to

the zoning ordinance and look at item 1000-1002, it talks about what a planning commission should do and could do. She said they will not do anything unless you direct them to do it. She said there are only two or three things that they have to do, everything else is at the discretion of the commissioners. She said apparently our commissioners, their discretion is that they don't have to do anything. She said just those two things and they hold to it, they will not move, that is not our business, the DEP does that. She said she is saying that they need to talk to the planning commission and see what it is they want the planning commission to do. She said at one time Commissioner Zimmerlink did that but got nowhere because it was one commissioner. She said they don't respond to one commissioner, there has to be at least two or three.

**Commissioner Ambrosini** thanked Mrs. Hovanec for her comments.

### **Adjournment**

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

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

