

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, November 19, 2013 in the Public Service Building, Uniontown, Pa.

In attendance-

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

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

The Rev. Ewing Marietta said a prayer.

The pledge of allegiance was recited.

Commissioner Ambrosini said there are two amendments to the agenda. He said one is for a proclamation for Pancreatic Cancer Month, which is November. He said the other is to consider approving the seismographic surveys on some county properties by a company by the name of Cougar Land Services. Commissioner Zapotosky asked who made the request, with Commissioner Ambrosini responding that it was from the director of Public Works. He said the parcels in question are a number of smaller parcels in the following areas: Springhill Township, Nicholson Township, German Township and Masontown area. He said the largest parcel is 28 acres and described where the parcel is located. Commissioner Zapotosky asked Mr. Bob Carson what the purpose of the testing is. Mr. Carson said they want to do testing because a well company wants to drill. He said it is a contracted company that works for the well company. Commissioner Ambrosini said it appears that there is a small stipend to the county of \$231.15. Commissioner Zapotosky asked if there is a motion to amend the agenda for both of those items. He said he would second the motion if there is a first. Commissioner Zimmerlink suggested handling them separately.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to amend the agenda to add:

Consider a motion to proclaim November 2013 as Pancreatic Cancer Awareness Month

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked the solicitors if they have an opinion on the request. Solicitor Burkley said he did look at it, as did Solicitor Cupp, and it is a standard, typical, seismographic testing agreement, adding that he has seen them several times. He said companies typically do that in areas they are researching to see if there is oil and gas that is available. He added that it is a standard agreement. Commissioner Zimmerlink said to Solicitor Burkley that he was just handed the paper five minutes before the meeting started, adding that there hasn't been discussion or review. Solicitor Burkley said he was asked what the agreement was and he said he has seen the agreement. He said whether he looked at it two days ago or today, it is a typical seismographic testing agreement. He said that is all he said and that is all he was asked to look at. Commissioner Zimmerlink said that he is saying that based on reading this one page document that you think that it is OK for the county to enter into the agreement. Solicitor Burkley said he isn't making an opinion as to whether or not the county should enter into the agreement, he is indicating to her and the board that he has read the proposed agreement and that is this board decides that it is good policy to enter into a typical agreement in the industry for those types of testing.

Commissioner Zimmerlink asked Solicitor Cupp if he looked at the agreement. He said he read it the same time that Solicitor Burkley got it, which was 10 minutes ago. He said he recalled getting an e-mail that referred to something that if he has a recollection it is very vague. He said he was unaware it was a matter to be discussed at the meeting or he would have researched his correspondence to see if he got anything else. Commissioner Zapotosky asked Mr. Carson if he spoke with anybody from the firm to see if there was any time sensitive nature to this. Mr. Carson said there is always a time sensitive nature. Commissioner Zapotosky said he believes the matter could go under additional review. Mr. Carson said he didn't think additional review would hurt. Commissioner Zimmerlink said it goes beyond hurt, what needs to occur is a full commissioner discussion on that agreement and anything else that they propose voting on before it gets on the agenda. Commissioner Zapotosky said that is what he was suggested, adding that he will not make a motion and they need to move on.

Public Comment on Agenda Items

Evelyn Hovanec promised she wouldn't take 15 minutes. She said she was at the meeting on behalf of a group of people, not just herself, adding that she will limit her comments. She said since the prison is mentioned at least three times in the agenda that what she has to say is legitimate. She said she believes in open government and has always believed in public discussion of all issues. She said she has decided that the group and herself, adding that they have thought about it for quite a while, so she is there to present public information about something they will soon know about. She said she sent a request for a public referendum to the Bureau of Elections and she spoke with Larry Blosser from the election bureau about referendums and he gave her a lot of stuff that she has been reading for the past month or so, laws, and she is getting to be an attorney, by the way. She said she was there to inform the commissioners and the public that they filed a request for a referendum yesterday.

Mrs. Hovanec said she wanted to tell them what the request is. She said they have talked about the prison and they have disagreed on that. She said when you are talking about \$30 to \$60 million and two or three generations having to pay for it, it seems that the resolutions passed by two of the commissioners are not sufficient in her mind to allow the county to borrow that kind of money and for the next 30 years, to 2047 and at that point, they will be harnessing people to this for generations. She said yesterday she sent it in, adding that she wouldn't read the entire thing. She said the e-mail serves as the official request for a binding referendum question pertaining to all resolutions related to relocation the building at a cost of at least \$30 million or more for a new prison passed by Commissioners Ambrosini and Zapotosky at the October 2013 commissioners meeting be presented to Fayette voters for a yes or no vote on the Spring 2014 primary ballot. She said their intention is to ensure that all resolutions pertaining to buying, funding, building, relocating the county prison passed by the two county commissioners at the October 13, 2013 meeting be repealed, rescinded, and declared null and void. She said she also asked for the issues that need to be solved, timelines, etc. which is the logical next step. She said it is their intention to pursue this because it affects all of Fayette County for many years.

Mrs. Hovanec said it is not a decision to be made by two people it is about the funds of the county. She said she thought about it and the major issue is the borrowing of the \$30 million plus double at \$60 million to be paid for over 30 years and it seems to her that is growing. She said she decided that since that is the crux of the problem, the \$30 million, if the commission is willing today to choose to adopt a resolution to refrain to adopt a legal resolution that they will not float this \$30 million bond, then they would consider withdrawing the referendum issue. She said if they insist that they need this \$30 million and that has to be gotten before they can start, then she supposes they will have a referendum. She said it will be a binding referendum and she expects there will be problems and one of those is that the election board has three of the commissioners on the board and since they have worded this the way they have, she would find it difficult for those commissioners who voted for and are leading the charge for the new prison will find this very difficult to be objective, at least she would be. She said she is suggesting that they recuse themselves from the issue when it gets to the election board unless she has nothing to say about it, she is just saying that it seems to be the legitimate thing to do. She said if she were in their position, she would recuse herself.

Mrs. Hovanec said that is it. She has met with groups of people and she has 45 to 50 names of people who are interested in working with this and there are probably others and if they would like to join them, there are five people at the core, Ralph and Geraldine Mazza, Evelyn Hovanec, David Show and John Buchanan. She said there are others whose names do not appear. She said they do want a referendum and if they don't get that, they will have to look for another step. She said either there will be a referendum or pass something saying they will not borrow or float a bond. She said if they do that, they will rethink it. She said that is her proposal and she is presenting it on behalf of the "Referendum Group," which is what they call themselves and she will not take up any more of their time.

Kathryn Jones said that she is there because she believes that the public should be aware that Mr. Ambrosini and Mr. Zapotosky are fully aware of the illegal drugging of inmates in our prison, adding “don’t stop me,” for the purpose of facilitating the shipping and handling of said prisoners and they stuffed the prison to get a new one. She said if there is an ethical attorney in the room, saying don’t roll your eyes, she believes that if there is an ethical attorney in the room they can obtain an injunction to prevent either of them from acting on this prison project until they have answered for the abuses that take place at the Fayette County Prison. Commissioner Zapotosky said they do not put people in the Fayette County Prison. Ms. Jones said stop now. Commissioner Zapotosky said they do not sentence the people to go to jail, that is done by the courts. Ms. Jones said she believes they have colluded with other elected officials to overcrowd the prison.

Ralph Mazza said the prison is being financed from money from Marcellus shale gas and Lady Luck casino. He said they are both unstable incomes. He said the gas wells each last 15 years and every five years the money diminishes and at the end of 15 years it stops. He said the money from the casino is unstable because you don’t know what you are getting, you get whatever their business is. He said right now they have laid off a whole bunch of people and they are not doing the business they once did. He said now they are involved in having to build a sewage plant for sewage. He said if the prison costs \$30 million, it will also cost a lot for the sewage plant. He said they will have to float a bigger bond than \$30 million, in fact a supervisor from North Union built a sewage plant and it cost between \$10 and \$17 million. He said they will have to add to that \$30 million with unstable income. He asked how many inmates there are farmed out, he said it is his understanding there are 45.

Commissioner Ambrosini said he wasn’t sure but they typically have 20 to 42 percent of the population is rented out on a monthly basis. Mr. Mazza said he heard there are 45 people, eight of which are women and there are 28 women in our own jail. He said that makes 36 women and they just leased property for a women’s facility. He said there will be 37 men farmed out, so with 36 women at the rented out property, that would leave one person farmed out because you can bring back 36. He said his question is, why do we need a prison? Marybeth Homistek asked what it means to rescind the volunteer internship of someone. Commissioner Zapotosky said they didn’t want to do the internship.

Joe Schiffbauer said he specifically asked at one of the prison evening meetings if there was a sewage processing facility designed with this prison and also the costs were included and the answer was yes and he elaborated on it and three or four days later he finds out in the paper that there were no sewage plans. “We were lied to,” he said. He said they need to stop this prison because the public is being misinformed. He said it needs to stop. Chuck Yeskonich, who described himself as being from the lesser end of the county or the “suppressed people,” said he followed the agenda and he said he is a lifelong property owner in the county and he thinks on the seismic study you have addressed that, hopefully. He said he wants to be certain, as an example, people came to his property to do it one day, on a Sunday to boot. He said us so called farmers have springs as a water supply. He said it is a good thing he caught them, he had just

come from church on this particular day, and they were going to drill 100 feet from the spring that has never gone dry. He said it is like Old Faithful and has been there for 100 years that he is aware of. He said they were going to set off a charge and who knows what is going to happen when this is done in the farming community. He said he isn't going to run after someone trying to get a bond secured some way after the fact because they won't be around. He said he just hopes that the county will protect this kind of thing. He said he thinks they have done that per a review. He said he just wants to make certain that before they act they try to protect the poor people.

Marybeth Homistek asked if the county knows the amount of the lease for the Neubauer property. Commissioner Ambrosini said no. Rev. Ewing Marietta said it may not be the proper time, but he wants to invite the commissioners and Fayette County to come out on this momentous occasion as they honor God's Holy Scriptures this Saturday at 5:30 at church. He said Saint John's in Connellsville and Animal House has offered parking. He said it is the basis for our laws and it is time to stand up and say that these are where our freedoms are found. He said Rev. Thompson is inviting everyone to come. Kathryn Jones said our laws can be found in the Magna Carta and not the Bible.

Commissioner Zimmerlink said before they move on, she wanted to make a couple comments on the statements made. She said to Mr. Yeskonich that when there was seismic testing in Fayette County many, many months ago, closer to a year, there were a lot of questions asked by residents because people were coming on neighboring properties and going on to theirs, and there have been complaints, her in particular, and she didn't know if the other commissioners have had complaints that not only were they on the property but also there were some damages and they were concerned about springs and well waters. She said it isn't just the farms but—adding that she did get a lot of calls from the farmers, but also from residents. She said even though the agreement that the company forwarded, which is a one-page agreement, and an exhibit that they will pay \$231, the county doesn't need \$231 that badly to just agree to sign an agreement. She said they have as sitting commissioners have a responsibility to this seismic because they are county owned parcels.

Commissioner Zimmerlink said the exhibit that was attached to the agreement that they asked to place on the agenda for a vote doesn't even have parcel numbers on it and it is not specific. She said that is why she was not supportive because they need to not just table this or not take any action and then in December or January come back, they actually need to have a discussion with the commissioners, with this company as well as one, two, three county solicitors and be very specific because of the issues that you raise. She thanked him for bringing that up. Mr. Yeskonich said he wanted to make certain that there wasn't going to be a blanket agreement that is going to encompass the county, which would be the private property owners.

Commissioner Zimmerlink said the statement that Mr. Schiffbauer made about the Bullskin Township, she was present and he is absolutely right, that question was asked and it was stated specifically that the sewage was included. She said Kathryn Jones made a comment that two out of the three commissioners are aware—with Ms. Jones

replying it was more like an accusation- Commissioner Zimmerlink said they have never spoken. Ms. Jones said they spoke on the street a couple of months ago, with Commissioner Zimmerlink saying that she made a comment about a sign she was holding and she made a comment saying you are one of them. She said they have never spoken. Ms. Jones said she spoke with the other two in the room. Commissioner Zimmerlink said she wasn't part of that and that may be at her doing, adding that she didn't know what doing it was. Ms. Jones said it was Mr. Zapotosky's doing and Mr. Ambrosini and Mr. Miller tagged along. She said they told her that Commissioner Zimmerlink wasn't interested but based on what she read lately, she may have not been made aware. Commissioner Zapotosky said that Ms. Jones sent an e-mail out to all three commissioners, correcting that it was just sent to him and they were not able to meet on the week he had scheduled because they were required to be at the federal courthouse with the trial of the Church of Universal Love and Music.

Commissioner Zapotosky said subsequently he had asked Ms. Jones to meet with him after the agenda meeting and they met here and Mr. Ambrosini stayed and Mr. Miller was informed by me to attend the meeting because Ms. Jones had some questions regarding some of the actions in the jail that he wasn't able to answer without his. Ms. Jones said it was regarding the illegal drugging of inmates. Commissioner Zimmerlink said she doesn't know anything about the meeting and they just heard that it was a meeting the Commissioner Zapotosky scheduled. She said she didn't decline to come to the meeting, she didn't know about the meeting. She said she gets tired of saying that no one is telling her anything. Commissioner Zapotosky said it was a meeting he set up. Commissioner Zimmerlink said she didn't refuse, she didn't know about it. She said if she wishes to meet with her on that subject matter, let her know by either staying for the end of the meeting or calling her at a later time and she will schedule. Ms. Jones said she will stay after the meeting to discuss meeting again, with evidence.

Commissioner Ambrosini said before they go to the Fayette County Redevelopment Authority, he asked if there was anybody there for Pancreatic Cancer. He read the proclamation for Pancreatic Cancer Awareness Month.

Proclamations

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to proclaim November 2013 as Pancreatic Cancer Awareness Month

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Fayette County Redevelopment Authority

Executive Director Andrew French asked the commissioners to consider adoption of a resolution which designates a representative from the county to participate in the development of a Tax Increment Financing (TIF) Plan for the Fayette Crossing Development project at the Fayette County Business Park in South Union Township. He said he did provide each of the commissioners with a copy of the resolution and as a bit of background, this initiative relates to development at the Fayette County Business Park in South Union Township. He said in 2000, 2001 the county conveyed 277 acres to the redevelopment authority and they have been successful in their initiative and it is 2/3 developed and one of the cornerstone pieces of the development has been the Fayette Crossing development which represents the Super Walmart complex with over 250,000 square feet of retail, commercial and restaurant space. He said over the past year they have been working with Cedarwood Development and Fayette Crossing on the next phase of development and they have begun discussions using Tax Increment Financing as an initiative to support the development of the next phase of the park. He said the TIP act was approved by the Commonwealth in the early 1990s and it has been used throughout the Commonwealth as well in other parts of the country as an innovative financing tool for development. He said it isn't a tax forgiveness program, rather it proposes to use some of the increased property tax revenue that is generated by a development to help pay the debt service that will be incurred to install the infrastructure to facilitate that.

Mr. French said the business park overall from the beginning in 2000, 2001, it generates about \$1 million in property taxes for the county, township and school district each year. He said prior to the development it generated zero because it was owned by the county and then subsequently owned by the redevelopment authority but with the development that has occurred on that 277 acres, it generates over \$1 million in property taxes. He said this is not to approve the TIF, this is initially the first step in this initiative, simply to talk about the creation of a TIF plan so the resolution requests that the county agrees to cooperate with the redevelopment authority and the other taxing bodies, South Union Township and the Laurel Highlands School Board to put together a committee to create a TIF plan and they also ask that the county appoint a representative to serve on that committee and once that TIF plan would be developed it would have to come back to each of the taxing bodies for their consideration and approval. He said in the audience are representatives from Cedarwood Development and their counsel if the commissioners want them to give their presentation with the specifics of the development and the TIF plan.

Randy Hake, vice president of development for Cedarwood Development of Akron, Ohio said they have developed in all parts of the country but they are proud of the development in Fayette County to bring the Super Walmart into the community in 2007. He said Cedarwood Development purchased 55 acres of the 277 acres of the business park in 2007. He said the Walmart opened in 2008, followed by Applebees, Sonic, IHOP, the small shop building adjacent to the Walmart Supercenter and in conjunction with that facilitated the Matthew Drive expansion project around our facility. He said they didn't perform that work but worked in concert with all the government agencies and the turnpike commission. He said what they have is an illustration from Google Earth view of what is at the site now. He said you can see 14 acres of undeveloped property. He

showed another picture that illustrates their vision for the balance of the project. He said it could consist of 150,000 feet of new retail including a national home goods store, a sporting goods store, women's apparel, pet's supplies, a shoe store and possibly a small restaurant on an end cap. He said the creation of a pad for an additional lodging facility but the struggle is since the downturn in 2008 the retail sector has started to come back and they have been able to attract some of the national retailers and they have proposals back and forth with them to secure leases. He said they have challenges with regard to the development because the Pittsburgh seam of coal runs under the project and they have to address the mines and they are having trouble with the hurdle of the project with respect to their costs. He said to put the rest of the infrastructure in place, the Walmart and the small shops are fully taxed.

Mr. Hake said they came up with a gap in their financing package that the TIF is a tool that they could use together to complete this project. He showed the overview of the project, saying the end elevation would be a new lodging facility, a home goods store, a sporting goods store, the fashion store and the balance of the shopping center. He said they are just getting started, they are not requesting any type of approval, they are requesting that they join in and help them march down the road to trying to come up with a plan to come back to all the taxing bodies for subsequent approval. He said Jeff Mills of Reed Smith, who is part of the team, brief them on the details. Mr. Mills said he has been involved in TIF projects all around the state and although TIF is a new word to Fayette County it has been used all around the state and all over the country.

Mr. Mills said to give an example of some successful projects in western PA, in East Liberty there is a revitalization going on in the city of Pittsburgh. He said there is a new Target there as well as a Bakery Square development and they both have used TIF as a method to help spread the gap. He said in Mercer County just last year, TIF was new to Mercer County as well, and they did a development for a Kohl's anchored development, which is smaller. He said Station Square in the city of Pittsburgh is a TIF project as well. He said the Mall at Robinson in Robinson Township, Pennsylvania is a TIF as well. He said many people have gone to the Tanger Outlets in Washington County and that project could not have been done without a TIF. He said those are some examples of TIFs used in other parts of western Pennsylvania. He said one of the things that is critical to mention is jobs. He said this project alone construction wise is 233 new jobs for the construction phase and going forward there would be over 600 new jobs on a full time basis. He said those are important aspects and another important aspect of the TIF is you are really not giving up any taxes you are currently getting. He said this is the increment or the delta that is currently or will be created as a result of the real property taxes generated.

Mr. Mills said currently the county is receiving \$3,000 in real property taxes. He said through the TIF and through their proposal, in addition to all the jobs being created, the county would still gain an additional \$13,000 plus the jobs so they view this as for development purposes and job creation as a win-win, not just for the developer but also for the taxing bodies by gaining the additional increment in additional revenue funding. He said for purposes of today's meeting they are requesting—adding that the authority took action two weeks ago in which they agreed to act as the conduit for this TIF

process. He said the county is the first taxing body that is being approached to appoint one commissioner to serve on the committee for the TIF plan. He said in December they will go to South Union Township and then in front of the Laurel Highlands School District to ask for a representative from each of the taxing bodies to work with the authority and the developer to come up with the TIF plan for this project to work. He said today they have a resolution for the commissioners to designate a representative to participate in the development of a TIF plan. He said once the plan is developed, they will come back to ask the county to participate in the TIF. He said today is simply the process of designating a representative. Mrs. Hovanec said she wasn't clear what a TIF is. Mr. Mills said it is Tax Increment Financing which is a method to use the incremental amount gained from the \$3,000 level that the county is currently getting to the future taxes that will be generated after the development is created.

Mrs. Hovanec said that doesn't explain it to her. She said what she wants to know is how much in the way of taxes will it cost the county to do this. She said she knows the county will get \$10,000 or \$13,000, whatever he said. She asked how much the county is losing on the other end by doing this. Mr. Mills said they are not losing anything because they are not going to gain it unless they participate. He said in a sense the increment would not be created without the participation of the taxing bodies. Mrs. Hovanec said it isn't very clear to her and Mr. Mills said there will be additional information coming and this is just asking the county to help be part of a process. Mrs. Hovanec said it is the first step. Commissioner Zapotosky said currently the county is receiving how much? Mr. Mills said \$3,000 a year. Commissioner Zapotosky said at the completion of the project the development will be assessed at X amount of dollars, correct? Mr. Mills said correct. Commissioner Zapotosky said obviously that would increase but by virtue of participating in this TIF this committee will address some percentage that that new amount will be reduced by to absorb the debt service of the development for the infrastructure. Mr. Mills said that is correct.

Commissioner Zapotosky said that in and of itself is the revenue that will be used, with Mr. Mills saying the increment will be used. He said the specifics will come about as a result of the TIF meetings. Commissioner Zimmerlink said regarding the specifics, using the papers presented to the commissioners, how did he derive the figures? Mr. Mills said it is all part of the TIF committee but initially the developers have proposed an 80/20 split, so the increment is 20 percent of that additional increment will go to the county, so it will get \$15,887 and the remaining 80 percent would go to pay the debt service. Commissioner Ambrosini asked the audience to keep the chatter down. Commissioner Zimmerlink said she was trying to understand the printout. She said for purposes of today's meeting, it is to adopt a resolution which would designate an individual from the county to participate in developing the plan. She said then they would also go to the Laurel Highlands School District and the township. She said so there would be individuals from each of the taxing bodies representing them and they would sit down with Andrew French, whose agency is the conduit of this to come up with the TIF plan.

Commissioner Zimmerlink said the TIF is the tax incentive financing so once they do this today—first off it won't go if the other two taxing bodies do not nominate a person

and they agree to at least take this step. She said let's assume that South Union Township and Laurel Highlands will, then the next step will be for all the parties to get together to work on the plan and use these numbers. She said basically what this is, Mr. Hake said that this was a tool to help develop the property, a financing tool. She said the three taxing bodies would be giving up any increase in revenue but you are not getting any increase. She said in order to make this development a go, the three taxing bodies would give up—once the development is done and it is open and ready for business, instead of the county having \$3,000 a year you are anticipating that your tax bill will be \$15,887 under this scenario. She said the numbers that she is saying is your breakout, which is not written in stone and right now the county is receiving \$3,000 so the county would get \$15,000 so the county would not receive is \$12,000 in that increase for 20 years. Mr. Mills said the county always gets the base tax plus whatever isn't pledged in the TIF note. Commissioner Zimmerlink said under this scenario, South Union's base is \$400 and they would get \$2,000 so they would give up \$1,700. She said the bigger player in this would be Laurel Highlands School District because now under this scenario, they get \$10,000 but would gain an additional \$43,000. Mr. Mills said they would be giving up the additional increment.

Mr. Mills said one thing is that the county doesn't necessarily benefit from this as much but both the township and school district benefit from a mercantile tax which is rather significant as well as an occupational privilege tax so based on the jobs creation and net sales the township and the school will benefit from additional taxes other than simply real property taxes. Commissioner Zimmerlink said you have to have all taxing bodies in agreement with this. Mr. Mills said for this development, yes but with other TIF plans they have had taxing bodies participate and you don't have to legally have all three but for methods of financing this we need all three, as far as the increment is concerned. Commissioner Zimmerlink said to begin the TIF plan, all three taxing bodies need a representative. Once the plan is developed, they will come back to all three taxing bodies and ask them if they will participate separately. Commissioner Zepotosky said it is a wonderful opportunity to enhance the business park and today's climate incentives are a necessity. He said if you don't do it, somebody else will. She said they have learned that. He said without the TIF the project wouldn't occur so the bottom line is that this is necessary to enhance the business park, which he hopes they all support and it won't magically happen.

Commissioner Zimmerlink said this is the first time the TIF would be used in Fayette County although you had mentioned other counties or municipalities. She said this is basically helping them to develop. Mr. Mills said it is helping each other to bring 500 or 600 jobs to your community. Commissioner Zimmerlink said that is one way to say it and there are no guarantees and she doesn't want to get into how many jobs were created or retained because, quite honestly, it's not accurate. She said she isn't going to go there but more importantly is Cedar Creek and Fayette Crossings wants to develop and the bottom line is you don't have enough money to do it out of your own pockets so what they need is financing tools and one of the financing tools is this new thing to Fayette County, although it is not new to Pennsylvania, is the TIF plan, which would be that the taxing bodies would agree to not take any increased value for 20 years so you can develop. Mr. Mills said what they are proposing is an 80/20 split and with that split

there would be additional tax money. Commissioner Zapotosky said is going for infrastructure costs, not for the carpet for the new sporting goods store, it's not—it's going for infrastructure which will only enhance the business park, not based on just that development but for the possibility of future development. He said the question is do we support development or do we want to let the property remain barren. Commissioner Zimmerlink said the question isn't a matter of supporting it, it is does the county or the other two taxing bodies want to assist in helping to finance it. Commissioner Zapotosky said that is correct.

Commissioner Zimmerlink said if someone says no it doesn't mean you don't want economic development, it only means that you don't want to use any increase in taxes toward that and go through that plan, it doesn't mean that you--- if anyone disagrees with it, it doesn't mean you don't want to develop it, it only means we don't want to use any potential increase in taxes. Commissioner Zapotosky said his point is that you wouldn't see an increase in taxes unless the property is developed. He said there wouldn't be that increase without the development, you would be receiving the \$3,000 regardless, you wouldn't see any increase. Commissioner Zimmerlink said this here would be a TIF bond, right? Mr. Mills said it would be a similar bond, but it will be a very small note, it would be a \$2 million to \$3 million note. He said that isn't pledging the taxing power, it is pledging the future increment. Commissioner Zimmerlink said right now the property in question is just vacant land. She asked if there is any infrastructure, sewage, things of that nature. Mr. Mills said there is sewage, but they need water, telephone, electric, gas.

Commissioner Zimmerlink said the pages that say what the TIF can be used for would be water, sewer, sanitary sewer, that type of infrastructure. Mr. Mills said it is also for the stabilization of the mounds. Commissioner Zapotosky said so far the county has only utilized the LERTA and KOZ for tax incentives, so this would be a new approach. He said obviously it has been used in other areas but the first time in Fayette County. Commissioner Ambrosini asked Mr. Mills if he could answer a question about the TIF process. Mr. Mills said it is governed by the TIF Act and all action is governed by that act. He said this is the first taxing body action that is required. He said now they are not asking for participation, just for a representative. Commissioner Ambrosini asked Mr. French about when the county started to develop the business park. He asked where the initial money came from for the infrastructure when the business park was first developed. Mr. French said when the property was conveyed to the authority in 2000/2001, the county at that time had issued a bond to fund a number of different projects throughout the county and the commissioners agreed to provide the authority \$2 million out of the bond issuance for the initial infrastructure work at the business park.

Mr. French said to date they have been able to use that \$2 million and they got a little from South Union Township and their Community Development Block Grant program but a lot of the money has come through different grants they have obtained from the state. He said to date they have invested about \$17 million in public funds for development of the business park, \$7.5 million of that was invested by PennDOT and the turnpike commission on the road that runs through the business park. He said there

has been a tremendous amount of private investment at the park and they are at well over \$75 million for other infrastructure and building construction that has taken place. Commissioner Ambrosini said it has been public money to one degree or another, either through grants or through the bond issue, which the county pays for. Mr. French said that \$17 million was public. Commissioner Ambrosini said as they develop that park, a lot of that was up front money. He said they invested that money to attract businesses and jobs to the area. He said this is similar but different in that we're guaranteed to get growth. He said this isn't up front money, this is after the fact money. He said the developers come in and build the business and we help pay for some of the infrastructure afterwards. He said we get the jobs and the growth and the contracting jobs and construction jobs up front. Mr. French said the benefit that they have is that initial investment was speculative in that they were putting in the infrastructure and the businesses came in afterwards.

Mr. French said what is good is that there is a partnership with Cedarwood and Fayette Crossing that they are already in our court in terms of if we make this investment they are ready to develop the property and make it happen. Commissioner Ambrosini said the assistance in the infrastructure takes place over 20 years and they don't have to give anybody a lump sum up front. Mr. French agreed. Commissioner Ambrosini said it seems like a very reasonable way to invest in this county in terms of infrastructure, creating jobs and bringing additional prosperity to the area. Mr. Mills said it is important in these processes to look at the strength of the developer and working with Cedarwood based on what they have already created to date it is the fifth highest assessed property in Fayette County. He said with the additional development, they will be probably the second highest as far as the total assessed value in the county. He said the Fayette Crossing Development as a whole is the highest assessed property in the county, with Mr. French saying it is assessed at \$43 million. Mr. Mills said there is a very strong developer here.

Geraldine Mazza asked if Fayette County can afford it with all the other money they are spending. Commissioner Zapotosky said if the development isn't done, they won't receive the increase. Evelyn Hovanec commented, saying that this is one set of circumstances and it doesn't preclude any other development. She said maybe there is another developer, adding that the range of stores she isn't impressed with. Mr. French said they wouldn't do it on this property, because this property is owned by Fayette Crossing. Various comments were made about the proposed jobs and stores at the site. Ralph Mazza asked if a local company did the development. Commissioner Zimmerlink confirmed that Cedarwood Development owns the land, it isn't county land and no one else can develop it because you own it, unless you sell it to another developer. She said basically what they are saying is that they already developed one area and they own another area and they want to develop it but they can't do it on their own because they don't have enough money in your budget. She outlined the amount of the bond and confirmed that the project is \$22 million.

Commissioner Zimmerlink asked if they use local contractors and Mr. Hake said yes. She said by local she means Fayette County and not southwest region. Mr. Hake said they have a sister construction company that built the Walmart and the small shops. He

said at the time, Penn Development did the ground work. He said the majority of the subcontractors were from this area. He said the construction manager hires individual subcontractors. Kathryn Jones asked what the scope of work is for the subcontractors. Mr. Hake said for each site, each area has a list of selected contractors and you get on the list by calling him. She said what she is hearing is they are asking to develop outlets for Chinese goods and they are going to further enslave her community in minimum wage part time jobs. She said she isn't hearing anything beneficial to this county, not one thing. Commissioner Ambrosini asked Mr. Hake if the TIF is statewide and there are other companies and other counties that have employed this process. He said it isn't that their pockets aren't deep enough, it is that they are in competition, as is Fayette County, with every other developer across the state and this is just a tool to level the playing field. Mr. Hake said yes, but this request is specific to this project. He said the other \$18 million they spent on site work to level the land, they took 80 feet off of it to make the land level 6 or 7 years ago. He said they have invested in that property that they are now trying to finalize the project.

Mr. Hake said the banks request more equity these days and it used to be 5 percent down and now it's 30 percent. He said the equity piece, the finance components, the increased construction costs and the down side with what the tenants are willing to pay in the economy for us to get over the delta that Jeff recited earlier. Commissioner Zimmerlink said it is that Cedarwood Development's pockets aren't deep enough. She said they just said time and time again in the last half hour that it is a financing tool. She said she understands that, it is a \$22 million project and it is tough out there and you need financing. She said the other this is that just because this is statewide and of course Mr. Mills you will bring to us all of the projects that were favorable but you aren't going to put any in here that fell through the cracks. She said for the purposes of the public and for their purposes, not every TIF plan that has been initiated has that plan gone through. Mr. Mills said that is why the strength of the partner is very important. Commissioner Zimmerlink said there were areas in Montgomery County and Allegheny County in which a retailer came in and it fell through. She said not every TIF plan will work, there are other issues, there are positives and negatives.

Commissioner Zimmerlink said for the purposes of today, they are asking the commissioners to designate an individual to sit on this committee with the taxing bodies to make these discussions and to look at the bigger picture, what specifically will it cost the county and costs are giving up the costs in revenue rather than revenues that are not concrete as well as Laurel Highlands and the township and then once the TIF plan has been developed, and do you have to have public meetings? Mr. Hake said the TIF committee will meet to come up with the plan and once it is created, it will come back to the taxing bodies and the taxing bodies will make a decision whether they are in or out. She asked about what public meetings means, as in coming back to the commissioners and school board so any member of the public in the district will need to pay attention and attend those meetings as well.

Commissioner Zapotosky said as far as success or failure, he would hope and trust that there are stipulations in the agreement that would allow for the 20 year program to be contingent on the development succeeding. Commissioner Zimmerlink said that is

part of the plan. Commissioner Zapotosky said until they are a success there won't be an increase in the assessed value. He said whether they approve this or not, you won't see an agreement and assessed value until the project is complete and an assessment is done, thus increasing the tax revenue from the \$3,000 currently to X amount that is subsequently reached at the conclusion of the development. He said it goes back to his previous statement that if they don't do something there, and you own the property, it remains barren at \$3,000 a year with no jobs and no investment in the county whatsoever whether they are retail jobs or not retail workers do perform a task that is necessary. He said we need retail workers, we need hotel workers, we need restaurant workers, these are still jobs that provide for a household income. He said the construction jobs are essential. He said without a favorable conclusion, there is no TIF.

Evelyn Hovanec said they are overbuilding and our population is going down and our developments are going up. She asked who is going to shop at all that? Commissioner Zapotosky said that he trusts that as a developer they do extensive research and he trusts that the prospective retail establishments that can't be named at this point, but you know who they are, do extensive research on the demographics of an area to determine whether or not there is success or failure. Mr. Hake said each tenant does their own research and they provide them with base data because they may be from Chicago or St. Louis. He said they send them their base data and they get their people to come in and verify everything and they do a sales projection and they move forward. Commissioner Zapotosky said those are positive indicators for people who have made contact regarding the development in Fayette County. He said they need to look at the glass being somewhat half full once in a while. He said they are good indicators.

Commissioner Ambrosini asked for a motion for a representative to participate in the TIF plan.

Fayette County Redevelopment Authority

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adopt a resolution which designates Chairman Al Ambrosini as a representative from the county to participate in the development of a Tax Increment Financing (TIF) Plan for the Fayette Crossing Development project at the Fayette County Business Park in South Union Township.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to the vote, Commissioner Zimmerlink said she didn't think they should nominate a commissioner, it isn't required as a commissioner. Mr. Hake said typically they always see a member of the prospective acting bodies, be it a commissioner, school board member or township supervisor. Commissioner Zimmerlink said that it states that the board designates a person or his or her designee as the county's representative to work

with the developer and authority in preparing the TIF plan. She said they should nominate someone from the tax assessment office which would be director Bill Lukach because he would be familiar with that. She said she will support a motion to take this step but her hesitation is to nominate one of us three because it will be like pulling teeth to find out what is going on. Commissioner Ambrosini said there is a motion on the floor and Commissioner Zimmerlink said it hasn't been seconded and Commissioner Ambrosini seconded it and asked for a vote. Commissioner Zimmerlink said that is a way to shut her up and asked Commissioner Zapotosky to amend his motion and name another individual. Commissioner Zapotosky said the reason he nominated the chairman is that it needs the eyes and ears and the participation of a decision maker. He said he would trust and hope that Commissioner Ambrosini and the other representatives and the public would be aware of the TIF committee.

Commissioner Zapotosky asked if the committee meetings are traditionally open to the public and the answer was traditionally no but often the members would go back and discuss it with their respective members. Commissioner Zimmerlink said that isn't going to happen and Commissioner Zapotosky said he would like to think that it would happen and he thinks one of them should participate and you are recommending that as well? Mr. Hake said the commissioners are going to make the decision of whether to participate or not and that is why typically that is why those taxing bodies always put one of the representatives on it. Commissioner Zimmerlink said of course it will come back to them but it is the parties sitting at the table with the redevelopment authority in helping to develop the plan. She said she wants to be in the know and there is no guarantee she will be in the know.

Commissioner Zimmerlink said it will get passed and she will vote for this, hesitating because she doesn't want Commissioner Ambrosini to be the designee but she will be asking for updates from Commissioner Ambrosini as well as from the developer. She told Mr. French that she hopes when she asks for updates they are forthcoming. Commissioner Zapotosky asked and suggested that since the redevelopment authority is going to act as the conduit that Mr. French provides a detailed report to the actions of the TIF committee not only to the commissioners but to the local media so if they want to run a story on that so that information can be shared not only with us, but with the residents of the county. He said he would suggest that and he would hope they take that into consideration. Mr. French said absolutely.

Adult Probation Office

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify a Microsoft license transfer for the state Unified Case Management System between the Commissioners Association of Pennsylvania and Fayette County.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Assessment Office

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

Cloyd A. Eichelberger 307 Boulevard Ave. Pt. Marion PA 15474 Parcel 29-02-0129

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 grant approval to send six assessors to a Laurel Mountain Chapter Meeting in Somerset County on Friday Dec.13 at no cost to the County.

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 exonerate the 2013 county tax bill for the Oak Grove Cemetery in South Union Township, parcel 34-04-0017.

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 agreements and modifications as listed.

	<u>Contract Value</u>	<u>Period</u>
<u>HealthChoices Agreement - 2014</u>		
DPW/Fayette County	N/A	2014
<u>HealthChoices Fee-For-Service Agreement - 2014</u>		
Mark Fox & Associates LLC	\$100/per hr.	1/1/14-12/31/14
Tidgewell Associates, Inc.	\$150/per hr.	1/1/14-12/31/14

Lawrence J. Tabas, Esquire \$300/hr. 1/1/14-12/31/14
(Obermayer, Rebmann, Maxwell, Hippel & LLP)

Modification Agreements #1 2012-2013

Goodwill of Southwestern PA \$577,200 7/1/12-6/30/13

Modification Agreements #2 2012-2013

Arc, Fayette \$420,788 7/1/12-6/30/13

Base Contract Agreement 2013-2014

Rehabcare Group East, Inc. \$28,000 7/1/13-6/30/14

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 advertise for bids for the lease of one 2014 Ford Explorer 4WD (or equivalent model) for Fayette County Behavioral Health Administration to replace a vehicle that is being retired.

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 and Fayette County Juvenile Probation Office and **Auberle**, 1101 Hartman Street, McKeesport, PA 15132 for Residential Providers including group home setting on an as needed basis. The rates are as follows:

Initial Clothing - \$250.00	PER DAY
417100 – Hartman Street Residential	\$ 162.89
437480 – GOAL Program	\$ 162.89
44370 – Gate Bloom Program	\$ 162.89

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve **Agency managed foster home board rates**, along with monthly & emergency clothing allowances for **FY 2013-14**. The County Board of Commissioners must take this action annually. The rates listed below are the same as last year.

Board/Day	Title IV-E	Non-IV-E	Clothing/Month
Ages 0-12	\$ 17.00	\$ 8.50	\$ 45.00
Ages 13-15	\$ 20.40	\$ 10.20	\$ 60.00
Ages 16-21	\$ 27.40	\$ 13.70	\$ 75.00
* Emergency rate	\$ 50.00	\$ 25.00	*First 3 days (if placement occurs after hours).
** Specialized rate	\$ 40.00	\$ 20.00	**If determined by Agency to be applicable.

Emergency clothing allowance - \$250.00

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services, and **Avanco International, Inc.**, 11325 Random Hills Road, Suite 350, Fairfax, VA 22030, for child accounting and profile system application service agreement relating to support services. The cost for this service is \$7,559.00 per quarter.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to **approve** a **FY2013-14** Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services, and **Avanco International, Inc.**, 11325 Random Hills Road, Suite 350, Fairfax, VA 22030, for a business agreement for Consulting and Ad Hoc IT Services and Support. The rates are as follows:

Research Analyst	\$ 54.50/hr.
Junior Programmer	\$ 65.40/hr.
Junior Programmer Analyst	\$ 73.00/hr.
Programmer Analyst	\$ 76.20/hr.
Senior Programmer Analyst	\$ 78.70/hr.

Developer	\$ 92.50/hr.
Senior Developer	\$111.20/hr.
Project Director	\$104.00/hr.

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 resignation of Fayette County Children & Youth Services Advisory Board Member, Cindy Ridley, effective October 24, 2013. The Advisory Committee voted unanimously to accept Cindy's resignation on October 28, 2013 at the regular meeting.

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 reappointment of Debbie Cooper to a 3-year term on the Fayette County Children & Youth Services Advisory Committee. Ms. Cooper's current term expires on December 31, 2013. The new term will expire on December 31, 2016. The Advisory Committee voted unanimously, at the October monthly meeting, to recommend her reappointment to the commissioners at the November meeting.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a Request for Qualifications for architects/engineers to draft plans for the building addition at the current CYS location.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Controller

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

Office of the Controller

Fayette County, Pennsylvania

SEAN P. LALLY
Controller



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

FUND:	GENERAL FUND		
	DATE:	19-Nov-13	
CASH:	Checking Account	United Bank	\$6,805,699.85
Funds Owed to General Fund			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 1,250,000.00	
	911 Project Fund	\$ 160,000.00	
	Due to General Fund		
	Ferry Insurance Policy	\$ 12,260.00	
			\$ 1,452,260.00
	Arc Payments Due		
	Intermediate Punishment Fund-.3yrs	\$ 40,651.26	
	Offenders Supervision Fund-3yrs	\$ 87,758.28	
	Domestic Relations	\$ 94,110.66	
	Victim Witness	\$ 4,271.61	
	Records Improvement	\$ 2,325.32	
	Fredericktown Ferry	\$ 5,054.04	
			\$ 234,171.17
	Central Service Payments		
	C-17 Fund-2yrs	\$ 9,005.00	
	Offenders Sprvsn-3yr	\$ 39,369.00	
	Intermediate Punishment-3yrs	\$ 19,532.00	
	Victim Witness Fund	\$ 10,780.00	
			\$ 78,686.00
	Funds General Fund Owes		
	Tax Anticipation Note	\$ 5,000,000.00	
Budget Year	Net Position		\$3,570,817.02
			Year to Date
Total 2013 Revenues			\$ 26,156,078.02
Total 2013 Expenditures			\$ 23,522,065.75
Total 2012 Expenditures paid in 2013			\$ 3,287,640.10
Capital Reserve Fund Balance			\$ 61,334.12
Bond Fund Balance			\$ 209,058.77

Courts

A motion was made by Commissioner Zapotosky to consider approving a motion to enter into a lease with the city of Uniontown for 2 years at the former police station at 80 N. Beeson Ave, Uniontown, PA 15401, parcel 38-04-0141 for the temporary central court location with rent being \$1,500 a month; effective the 1st Monday in January 2014.

Commissioner Zimmerlink asked who the parties are to the lease agreement, saying it is the city of Uniontown, with Commissioner Zapotosky adding it is with the county. Commissioner Zimmerlink asked where the lease is. Commissioner Zapotosky asked if the lease had been drafted, with the solicitors reporting that they hadn't received anything. Court administrator Karen Kuhn said her understanding is that the lease is between the county and the city. Commissioner Zimmerlink said that is how all of them are and the lessor is the city and the lessee is the county. She said she was asking for clarity purposes. She said they don't have a lease agreement but they are being asked to enter into a lease so she said she would make a motion to table this until the county receives a lease agreement and they have a review. Commissioner Zapotosky said before he seconds the motion, he asked Chief Clerk Revak if there has been any communication between the city of Uniontown and the county, whether it be her or any member of the courts or has there been any discussion outside of this being an idea, have we done anything to advance the idea.

Chief Clerk Revak said she can only speak for herself but she hasn't had discussions with the city. Commissioner Zapotosky said Tammy Lambie provided you with the text of this resolution but we have nothing else until we speak with Miss Lambie, Miss Kuhn is not aware and they need to speak with Miss Lambie to find out the particulars on this lease. Chief Clerk Revak clarified that there was a motion and not a second and that Commissioner Zimmerlink said she wanted it tabled but there wasn't a motion for that. Commissioner Zapotosky said his motion is moot and he is seconding a motion to table. Commissioner Zimmerlink said the chair read the wording and the motion was made and she is asking questions. She said you can't pass or adopt a lease that they haven't seen.

Commissioner Zimmerlink said regarding the \$1,500 amount, the only discussions as far as she understands is the letter from the President Judge sent to the three commissioners in the middle of October and he said that the courts had conversations with the city of Uniontown to lease the Uniontown jail and that was the parcel and for \$1,500 a month and that the city would pay for the renovations, which would be up to \$10,000. She said that is the only thing that has been presented to the three commissioners. She said she will make a motion to table but they also have to look at this because one of the statements that the courts are making are that by entering into this lease for only a two-year period at \$1,500 a month, which would be \$18,000 a year that it would reduce the transportation costs of inmates to preliminary hearings. She said they don't have any facts and figures on that and before they move to have discussions with the city of Uniontown they need to have a cost analysis and a discussion with the courts.

Commissioner Zimmerlink asked Ms. Kuhn which office provides the transportation of inmates to preliminary hearings. Ms. Kuhn said the police departments do, and not the constables only in private criminal matters. Commissioner Zimmerlink said the statement that was made that this would decrease the transportation costs, when the police transport do they bill the county? Ms. Kuhn said no. Commissioner Zimmerlink said that is why she is tabling this, it is not because they don't have a lease agreement it is because the letter they received said the Court of Common Pleas wants to establish a central court for a two-year period and that it says in discussions with the city of Uniontown the county has been provided the opportunity to lease the old police station for a period of two years and that the city would pay to renovate it and it says this building is ideally located and will save significant transportation costs of inmates to their preliminary hearings. She said the basis of entering into a lease agreement and having a central court, the basis as to Judge Wagner's letter is to save significant transportation costs of the inmates and the county doesn't pay them anyway.

Commissioner Zimmerlink said the police pay them, according to Ms. Kuhn. She said the ends may not justify the means because that would be \$18,000 and they have to discuss the cost of utilities as well and for central court you would have to have someone there from 9 a.m. to 5 p.m. Ms. Kuhn said it would be staffed by current staffing and the rent for the facility would be from the savings of closing the eighth magisterial district. She said the furniture would be carried over to the central court. Commissioner Zimmerlink said that is incorrect, according to the letter to the three commissioners it specifically says the money for the cost of the lease, the significant savings for the cost of transportation is what is offsetting it. She said the merger of the magisterial districts, that cost savings would be used to hire additional APO officers for the Day Reporting Center as well as for the treatment courts. Ms. Kuhn said they gave the option of what the savings would be used for. Commissioner Zimmerlink said it isn't just let's table it and have a lease agreement, we actually need to have budgetary discussions about where the money would come from and if it would be a viable use because it is \$18,000 a year for a two year period. She said they should look at what those cost savings may or may not be. She said she would make a motion to table.

Commissioner Zaposky said Tammy Lambie had great timing because she just walked in. He asked her if there has been a lease prepared for the central court between the county and the city. Ms. Lambie said the Chief Clerk has a standard lease that the county uses and the city is in agreement with the amount and said they would sign off on it. Commissioner Zimmerlink asked who did the negotiations and Ms. Lambie said she spoke with them and came up with an agreement with them in the event you guys would agree to the lease. Commissioner Zimmerlink said it is for \$1,500 and what about utilities? Ms. Lambie said they are extra, as they are in all of the offices. She said they would add the cost of insurance for the contents and what about equipment and staff? Ms. Lambie said because they are closing an office, they are switching staff to the office. She said it is basically a wash because they are closing one office and opening a central court. She said there will be costs for fees for moving utilities but that is minimal.

Commissioner Zimmerlink said she is saying it is a wash but according to the second page of the Judge's letter it is saying that with the savings of the consolidation the

monies would be used to hire additional staff for the treatment court and the Day Reporting Center. Ms. Lambie said the President Judge gave them the option of either having a central court or hiring additional probation officers. Commissioner Zimmerlink said before the Chief Clerk or anyone can prepare the lease, we need to have a discussion. Ms. Lambie said that is why it was on the agenda for a discussion because normally the lease isn't even prepared until it has been approved. Commissioner Zapotosky said this was language allowing us to enter into an agreement to prepare a lease. Ms. Lambie said it is the same language for every lease and it is a general standard lease with all the landlords throughout the county. Commissioner Zimmerlink asked if that standard lease was used for Mr. Liptak. Chief Clerk Revak said we used standard language using similar leases with his location and information.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to table a motion to enter into a lease with the city of Uniontown for 2 years at the former police station at 80 N. Beeson Ave, Uniontown, PA 15401, parcel 38-04-0141 for the temporary central court location with rent being \$1,500 a month; effective the 1st Monday in January 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resource Department

CYS

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the hire of Melanie Hlatky as a Caseworker I at \$15.12/hr. effective November 25, 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, Ronald Hall, effective November 4, 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 approve the hire of Robert Scott as a Part Time Bus Driver at \$11.40/hr., effective November 21, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

FCBHA

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the promotion of County Caseworker II, Kenneth A. Dillinger, to Mental Health Program Specialist 1 at \$21.32/hour (\$41,574 annually), effective November 25, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resources

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve Highmark to perform finger stick blood screenings (full lipid panel; cholesterol, glucose etc.) during the health fairs at a per test cost not to exceed \$51/ screening.

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 rescind October resolution approving the 240-hour volunteer internship of CAL U Communications and Leadership student, Bethany Frazee, effective January 6, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the volunteer internship of PSU Fayette Management and Marketing major, Lakayla Truley, for a 300 hour volunteer internship effective January 13, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Information Technology

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to rescind the October resolution approving the hire of Mathew King as a Part Time IT Assistant at \$9.50/hr. effective October 21, 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 table the hire of TBD as a Part Time IT Assistant at \$9.50/hr. effective TBD.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Commissioner Ambrosini said there should be no action and Commissioner Zapotosky made a motion to table.

Public Defender

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the resignation of Assistant Public Defender, Benjamin Goodwin, effective November 1, 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 Charity Krupa as an Assistant Public Defender, at Non-Union Non-Supervisory Pay Grade 9 Step A, \$24,589.50 effective November 20, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prison

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the volunteer internship of PSU Fayette Human Development and Family Studies Major, Casey Fortuna, effective January 6, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the volunteer internship of PSU Fayette Administration of Justice Major Mary Arbogast, effective January 6, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Tax Assessment

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the lateral transfer of Controller's Office Auditor, Michael Zimcosky, to the Grant Monitor/Tax Collection Reconciler position in the Tax Assessment office, effective October 4, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Veteran Affairs

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Per Diem Van Driver, Cheryl Thomas, effective September 25, 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 due to retirement of Full Time Van Driver, William Marva, effective December 19, 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 promotion of Per Diem Van Driver, Todd Naponic, to Full Time Van Driver at SEIU Pay Grade 3 Step A, \$10.00/ hour (\$19,500 annually), effective December 20, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning and Zoning

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the technical design and price proposal (submitted by McTish, Kunkel and Associates) for \$430,695.10 with PEMA paying 75 percent and FEMA paying 25 percent for the Coolspring Bridge No. 7 replacement project.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making a second, Commissioner Zimmerlink said the resolution is unclear and she understands there is a motion on the floor but if it is approved as stated, it doesn't tell us anything. She asked what the amount is. Commissioner Zapotosky said they had met with Arthur Cappella the other day and he had given us the figures. He said the construction cost was \$800,000 and the planning and design was \$400,000 and the county doesn't have to pay anything. He said it will be provided pursuant to a disaster application to FEMA, which will pay 75 percent and the state, PEMA, will pick up the balance. FEMA is the federal end and PEMA will pick up the balance of 25 percent, Commissioner Zapotosky said.

Commissioner Zimmerlink asked what the dollar amount is. Commissioner Zapotosky said he is basing in on the meeting in which Andrew said \$800,000 for the construction cost and \$400,000 for planning and design. Commissioner Zimmerlink said that it said around \$400,000. She said since that meeting McTish sent "all of us" an e-mail with a price breakdown. She said the proposed summary with the total engineering cost is \$430,695.10. She said the motion should be with that amount with PEMA paying 75 percent and FEMA paying 25 percent.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to grant approval for Arthur Cappella to be assigned as the signatory for the FEMA and PEMA reimbursement process for the Coolspring Bridge No. 7 replacement project.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making a motion, Commissioner Zimmerlink confirmed that the reimbursements would only come from PEMA and FEMA at 25 and 75 percent, respectively.

Prison

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify an agreement with Cambria County to house Fayette County inmates.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Kathryn Jones said based on the accusations on the floor, she didn't believe the commission could approve the motion. Commissioner Ambrosini asked her not to make comments during the meeting, saying she will have the opportunity at the end of the meeting to make any comments she chooses to. Commissioner Zimmerlink said this is a ratification, as it has already been entered into, adding that she knows what a ratification is. Chief Clerk Revak confirmed that it is a ratification.

Public Works

A motion was made by Commissioner Zapotosky to approve the contract with Otis Elevator for repairing/ upgrading the 2 Public Elevators in the Public Service Bldg. for \$28,665.00. The contract for this work requires fifty percent (50%) down payment in the amount of \$14,333.00.

Commissioner Zimmerlink asked Bob Carson, the director of Public Works, if the \$14,333.00 was budgeted and available. Mr. Carson said the money is not budgeted in his budget. He said the elevator broke down in August of 2013. Commissioner Zimmerlink asked if there was any money in his budget, adding that she knows the answer is no. Mr. Carson said there isn't money to cover that, he is hoping there is something in the contingency plan to cover that. Commissioner Zimmerlink asked if Mr. Carson or anyone in his office has had discussions with anyone in the Controller's office or the Chief Clerk to determine where the money would come from. She said to approve the contract they have to designate where the money is going to come from. She said Chief Clerk, you work on the budget, where would a line item like this would the money come from. Chief Clerk Revak said Mr. Carson is correct and it would probably have to come from contingency. Commissioner Zimmerlink asked how much is in the contingency line item right now. Chief Clerk Revak said there is way more than that amount.

Commissioner Zimmerlink asked Controller Lally if he has documentation to show them. Commissioner Zapotosky said he would have thought that they would have had it addressed prior to coming here today. He said after the agenda meeting would have been an opportunity to address that question. He asked if Mr. Carson or Mrs. Revak had spoken to the Controller's office regarding that issue. Mr. Carson said no. Chief Clerk Revak said there is money available in contingency if the commissioners would choose to do so. Commissioner Zimmerlink asked Mr. Carson if when he says contingency he is referring to a specific line item. Mr. Carson said he didn't know and Commissioner Zimmerlink said what is the line item number. She said they need to get away from the resolutions that get passed when it doesn't get designated specifically. Controller Lally said he was attempting to contact his Chief Deputy, but she may be at lunch. Commissioner Zapotosky said they can come back to that, adding that he would withdraw his motion with the purpose of returning to the item. Solicitor Burkley said they can return to it. Commissioner Zimmerlink said she didn't say they couldn't return to it, you can't pass something that doesn't make any sense.

Commissioner Ambrosini asked what the companies are for janitorial supplies, gasoline and diesel fuel and tires and mechanical services, saying he only has TBD on

his agenda. Commissioner Zimmerlink said Mr. Carson sent an e-mail this morning to the three commissioners and the Chief Clerk. She said all three were bid in the newspaper. She asked how many bids were received, adding that the Chief Clerk is whispering 10, is that right? Mr. Carson said there were eight bidders that received the low bids and there were two that didn't receive any. He said of the 10 bidders, eight were successful on various items. He gave the names of the low bidders.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award the contract to the following low bidders for Bid 13-13 for various janitorial supplies as long as they meet or exceed the quality and performance of currently used janitorial supplies for the period of January 1 to December 31, 2014.

Janitors Supply Inc. of Smock; Steratore of Eighty Four; Interboro Packaging Corp. of Montgomery, NY; Mark IV Office Supply of Uniontown; Calico Industries of Annapolis Junction, MD; Liberty Distributors of Triadelphia, WV; Ultimate Strap and Pack of Spring Valley, NY and Pyramid School Products of Tampa, FL.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Controller Lally said he has the information they had requested and Commissioner Zimmerlink asked to wait since they were awarding bids.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award the contract to Center Independent Energy of Pittsburgh for Bid 13-14 for Gasoline and Diesel fuel for the term of January 1, 2014 through December 31, 2018.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to award the contract to Expert Tire of Uniontown for all passenger vehicle, light truck, SUV and Van tires, alignment and mechanical work and to Bob Sumerel Tire of Uniontown for all large truck and equipment tires, alignment, mechanical work and emergency road Service for Bid 13-15 for the term of January 1 through December 31, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

The motion was approved following a discussion about the bids.

Controller Lally said the contingency line item is 52910 and the initial budget was \$252,252 and that was amended to \$228,588.50 and we have used \$37,014.30 out of that line item and it has a remaining balance of \$191,494.20. He said with the expenditures Mr. Carson is proposing it would leave \$162,829.20. Commissioner Zimmerlink said the contingency line item was for contingencies, this here should be taken out of Capital Project or Capital—not contingency. Controller Lally said the Capital Reserve fund balance has a balance of \$61,334.12. Commissioner Zimmerlink said it can't be capital reserve, that is for large items, what about capital projects? She said the contingency line item is there for things they would normally—adding that she wasn't going to go there. She said it could also be under capital project per their discussions with the financial consultant. She said that is what he is recommending that the county start to do. Commissioner Zimmerlink said they may need the contingency for the legal fees for Munchinski or others, asking if a bill came yet. Solicitor Burkley said she is right, with Commissioner Zimmerlink asking him to say that louder.

Commissioner Zimmerlink said she knows it needed, but \$15,000 is \$15,000. She asked Controller Lally if he sees anything else. Controller Lally said he doesn't know what Munchinski has in store for us but he knows it is going to be a lot. He said we have to balance the need and ask if we need to fix the elevator or not. Commissioner Zimmerlink said the resolution isn't to say whether or not we are going to repair, the resolution is to enter into a contract with Otis Elevator and to pay \$28,000. Mr. Carson said the lead time is four to six weeks on getting the supplies for the elevator so you are looking at December before they would start. Commissioner Zapotosky confirmed that this is to repair the elevator so it is a contract asking them to repair something that is broken. Mr. Carson said it has been out of service since August. Commissioner Zimmerlink said they have to designate where the money is going to come from. She said he is asking for the \$14,200 but actually it is to approve a contract for \$28,000.

Commissioner Zimmerlink asked if the money would be paid in 2014. Mr. Carson said half would be paid in 2014 and half would be due now. Controller Lally said they wouldn't order parts until a contract is approved. Commissioner Zimmerlink said she was going to make a motion and asked Mr. Carson if he had the contract and he said he didn't have it with him. He said he e-mailed it to all the commissioners, adding that there were two contracts.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the contract with Otis Elevator for repairing/ upgrading the 2 Public Elevators in the Public Service Bldg. for \$28,665.00 and authorizing the (50%) down payment in the amount of \$14,333.00 from the 2013 general fund budget to be taken from either the Capital Project or the Contingency Fund, depending on the money available and a review with the financial consultant who is preparing the budget and his

statement that certain line items for repair should be taken out of capital rather than contingency.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink said prior to the vote that is her resolution after a review with the Controller and consultant Sam Lynch. She asked Mr. Carson if he budgeted for the 2014, with Mr. Carson replying that he budgeted the entire amount in 2014 and was working on a contingency should this contingency not work.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to appoint ADL High Voltage of Carnegie as the exclusive agent for obtaining quotes for Electric Energy Generation for all of Fayette County's meters.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Commissioner Zimmerlink said the Controller said there was already an agreement. Mr. Carson said there was an agreement but it had to do with the gas and the last provider was UGI Energy and they took care of that for us. Commissioner Zimmerlink asked if they had a current agreement with ADL. Mr. Carson said they changed their name in the past year, with Commissioner Zimmerlink adding that was for natural gas. Mr. Carson said it was UGI and we had a contract with them.

Tax Claim

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the following bids from the November 5, 2013 Repository Sale Bid Opening, subject to all conditions being met.

Bidder name	Parcel Number	Amount of Bid	District
Adrian Airey	38-10-0341	\$165.59	Uniontown City
James Vasiloff	19-05-0144	\$220.00	Luzerne Township
George Pellick	30-10-0028	\$275.00	Redstone Township
Lenny Johnson	05-09-0443	\$300.00	Connellsville City
Scott Jordan	36-14-0114	\$101.00	Springhill Township
Scott Jordan	36-08-0114	\$101.00	Springhill Township
John Rice	19-05-0005	\$205.00	Luzerne Township

Total \$1,367.59

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Veterans Affairs

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to purchase 2014 flags from Flag Zone at a cost of \$16,128.00 for 28,800 US Flags which is 56 cents each includes shipping and American Made (DOMESTIC DOWELS)

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to a motion, Commissioner Zimmerlink said there had been an issue and Solicitor Cupp was supposed to discuss it with Solicitor Burkley and make a determination on it. Solicitor Cupp said the specifications asked for a sample to be included with the proposal at the time of the bid and the specimen that Veterans Affairs office chose had a better specimen. He said the specimen provided by the other bidder that was slightly lower was not of the same quality as the bid being proposed for adoption. Commissioner Zimmerlink asked if it was the same quality or if it was the unpainted markers. Solicitor Cupp said it is the quality, it isn't just that they were unpainted it was that they were a different quality. He said they were thinner and less defined. Commissioner Zimmerlink said at the agenda meeting she asked Solicitor Cupp to review the bid specs that were prepared by the director of Veteran's Affairs to determine if those specs were very clear before she made her letter writing and telephone call because the lowest bidder is not who is listing on the agenda, with Solicitor Cupp confirming that is true for Crowther & Porter.

Commissioner Zimmerlink said she wants to avoid having another bidder come in and saying that they awarded a bid and it didn't follow the specifications. She said her question to him is has he done that and is he confident that if an issue would be raised by the lower bidder that we as the county would be able to argue that. Solicitor Cupp said they asked for a specimen to review. He said we did not provide in our specs how we were going to review that specimen. He said that creates a question and he isn't sure he can exactly answer that question. He said we wanted a specimen so we could review it and we did not say that if the specimen did not meet certain qualifications as to the profile of the indentation, the painting, the finishing, we would reject it, we didn't say that. He said we said that they had to provide a specimen for us to look at.

Commissioner Zapotosky said the bid threshold has been increased to \$18,000 and we are under that and based on the criteria under the bid process, we have extended ourselves even more by doing what we have done. He said Ms. Madonna Nicklow has shown all three of them the markers and the difference in quality could clearly be seen between Marker A which she has listed and Marker B. He said based on that alone and based on not exceeding the threshold under the law, we have the choice to determine a recommendation of whomever, in this case Ms. Nicklow. Commissioner Zimmerlink said he missed the point. She said the bid process was done correctly in that because the bid threshold law has been changed, she isn't talking about the method. Commissioner Zapotosky said he is talking about the selection. Commissioner Zimmerlink said there is no qualms about the method in which the county solicited the bid, there are all under that understanding. She said specifically she is asking regardless of which method they take, they have to be specific in their scope of work, correct? Solicitor Cupp said yes.

Commissioner Zimmerlink said whether they do a telephone bid, a written bid, a bid in the newspaper or an RFQ or whatever the situation calls for, regardless, we as the county must be specific in the scope of work of their bid. She said she isn't questioning the method, her question is if they were specific so it allowed for each of the bidders because it isn't just Flag Stone it is also another company, correct? Solicitor Cupp said Flag Zone is a different contract. Commissioner Zimmerlink said right. Solicitor Cupp said that is for flags and Crowther & Porter is for markers. Commissioner Zimmerlink said there was another bid, correct, and he was lower, and the question is was it clear enough in the bid specs that if that company comes back he is confident that we will be able to say no, we were permitted not to go with your bid based on the way the spec was written. Solicitor Cupp said we asked for a specimen for our review. He said we probably should have said in there that if the specimen does not meet with our standards that we would reject it, but we didn't say that. Commissioner Zimmerlink said she knows, that is why she is saying all of this.

Commissioner Zimmerlink said that is why she brought it up at the agenda meeting and she wants to know that if this gets awarded to Crow, whatever the name is, is there going to be an issue that we as the county will not be able to defend. Solicitor Cupp said they can defend the issue. Commissioner Zimmerlink asked if he feels confident. Solicitor Cupp said it is clear that the specimen that they got from those people is better than the specimen from the other people. He said they wouldn't have asked for a specimen if they weren't going to look at it to see if it was better. Commissioner Zimmerlink said they should make a note that the specs don't go out whether it is by letter or telephone or anything until they have legal review. She said it is always done that way in the past and she doesn't know why that wasn't the case in this instance. Solicitor Burkley said he discussed it with Solicitor Cupp and you can't guarantee that someone won't object or complain but if it is implicit in requiring a sample, you know that is a part of it.

Commissioner Ambrosini said the quotes are for Flag Zone at a cost of \$16,128.00 for 28,800 US Flags which is 56 cents each includes shipping and American Made (DOMESTIC DOWELS). Commissioner Zimmerlink said there were no issues on that, confirming with Solicitor Cupp.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to purchase 2014 markers from Crowther & Porter LLC at a cost of \$9,628.00 for 1,450 markers which is \$6.64 each includes shipping.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

In making a motion, Commissioner Zapotosky said they discussed the questions based on the quality of the samples. Commissioner Zimmerlink said she would second it based on the statements made by the solicitor.

Commissioners

A motion was made by Commissioner Zapotosky to consider amending the resolution approved at the October 15, 2013 meeting for commissioner work sessions to begin at 11 a.m. on the third Thursday of each month. Commissioner Zimmerlink said you can't do it that way, with Commissioner Zapotosky saying, you can't? and Commissioner Zimmerlink responding no. Commissioner Zimmerlink said the resolution was passed and these are not just commissioner work sessions. Commissioner Zapotosky said weren't we doing it at 10 o'clock and Commissioner Ambrosini said initially it was 9:30 a.m. and they are just moving it to 11. Commissioner Zimmerlink said that isn't what they are doing. She said the motion that was passed was to have commissioner work sessions for the purpose of discussion regarding the new jail and related matters to be held on the third Thursday at 9:30. She said there is no reason why they need to change it to 11 o'clock. She said that motion was passed unanimously.

Commissioner Ambrosini asked Chief Clerk Revak if she had a copy of that resolution and she responded that she didn't print out the resolutions until after the minutes are approved. Commissioner Zapotosky said they passed this at the agenda meeting. He asked if the previous resolution is subject to amendment by virtue of the act of a resolution today. Solicitor Burkley said he doesn't see why it isn't amendable. He asked what the objection is. Commissioner Zimmerlink said the objection is to change it. Commissioner Zapotosky said he is asking the question and the question would then be this language here, if passed would be changing the time from 9:30 to 11. Commissioner Zimmerlink asked why, when they all agreed it would be at 9:30. Commissioner Ambrosini said he didn't understand that the thinking on the part of Commissioner Zimmerlink would be that the meeting would be in place of the project team meeting for the group working on the prison project. He said that she mentioned in that meeting that they should abolish the project team. Commissioner Zimmerlink said she didn't do that in a motion. She said the prison working group can change their schedule because they are not advertised meetings and they can make theirs at 11 o'clock. She said having the meetings at 9:30 are so that they can have the commissioners be available and allow to attend meetings and have the discussion regarding any actions that are going to be taking place with respect to the new jail and

the women's annex and everything. She said if you have it at 11 o'clock after the prison group meets, you have two commissioners who can't even attend so they miss all that and in essence it would be defeating the purpose.

Commissioner Ambrosini said she can attend any meeting that she would like, with Commissioner Zimmerlink responding that she can't. She said it has been made very clear that the commissioners cannot attend a prison working group meeting if they haven't been advertised. She said the Sunshine Law precludes her from attending whether he agrees with her or not or whether she agrees with the PNA attorney or not, it makes no difference that she cannot attend those meetings. She said it wasn't just her opinion, she can give legal opinions as well, adding that was a legal opinion. She said the issue is work sessions. Commissioner Zapotosky said his issue is that he has breakfast meetings, early morning meetings prior to 9:30 a.m. that would overlap the 9:30 a.m. start. He said he is speaking of schedules, which they all have and he isn't speaking of the prison working group, which he doesn't attend. He said he stops in, says hello and thank you for your service. He said he did attend the public meetings, as they all did. He said he would have to adjust his schedule and that is the question. She said he will adjust his schedule as much as possible but he wasn't aware of the 9:30 conflict with previous schedules.

Commissioner Zimmerlink said that is what was discussed at the meeting. Commissioner Zapotosky said he wasn't aware of his schedule at the time, that is all he is saying. He said he would be more than willing to work with both of them to set up a time that fits all three of them. He said all three have different schedules and he isn't trying to be combative. Commissioner Zimmerlink said let's do that, let's go back and check schedules. She said the resolution that was unanimously passed last October said the third Thursday at 9:30 and if now two of the individuals who also voted for it are saying that it is a conflict then we can circulate some other dates. Commissioner Zapotosky said he is willing to accommodate both of them if they are willing to work with him. Commissioner Zimmerlink said they need to have the commissioner work sessions prior to the prison working group for that all three or the majority of them can be sitting in a room and they can have the discussions to find out exactly what is going on and then that can be relayed to the prison working group that yes the commissioners have administratively said to go ahead and move forward and the prison working group go ahead and do what they need to do.

Commissioner Zimmerlink said having it after the fact isn't serving any purpose. She said if they need to change the commissioner work sessions as it relates to the jail then they will have to revisit that next month. Commissioner Ambrosini said there would be no action on the item.

Commissioner Ambrosini asked for a motion to consider approval to increase the contracted constable hourly rate for 2014 for the Fayette County booking Center to \$16 per hour. When no motion was made, Commissioner Ambrosini asked Tammy Lambie to outline why the request was being made. Ms. Lambie said they were trying to come up with alternatives to using constables because there aren't any constables at this time that want to work for \$15 an hour. She said they tried to get task force members to take

over for \$18 an hour but they cannot do that because of a problem with payment. She said constables working with the booking center were agitated because they were working for \$15 an hour and the task force members were getting \$18 an hour and the city police officers are paid \$27 an hour so there is a big span of different wages that are being paid. She said she would like to have an increase for the 2014 contract. She said for 2013 it comes out of the booking center fund and for 2014 the majority of it will come from the booking center but the commissioners will have to put in some to balance the budget. Commissioner Zimmerlink said that is why she is bringing it to them because for the increase for 2014 it would have to be budgeted. Ms. Lambie said also because of the contracts for the booking center because the booking center is a county vicinity and the contracts are with the commissioners and the booking center so it would ultimately be the commissioner's decision.

Commissioner Zimmerlink said in the proposed budget that was put on the table right before the meeting, was that placed in the budget, for the increase, Chief Clerk? Chief Clerk Revak said she wasn't sure. She said if the request was made, she is sure it would have been placed in there. Ms. Lambie said she requested \$16 an hour for her department. She said until the budget is passed, she would say to table it.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to table approval of an increase the contracted constable hourly rate for 2014 for the Fayette County booking Center to \$16 per hour.

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 October 15, 2013 regular commissioner meeting minutes.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini said he wanted to table bids for the 2014 TRAN note because they do not have enough information to determine what the amount should be.

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zimmerlink to table advertising for bids for the 2014 TRAN note, amount depending on budget requirements.

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 table accepting the proposal to purchase the Fredericktown Ferry made by Blank River Services Inc. for \$20,000.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to the vote, Commissioner Zimmerlink said in September or October at the commissioners meeting, the RFP was sent out for the ferry and after the RFP was sent out--- if both solicitors recall she sent them something and asked them to give her a call on it and she hasn't heard from either of them, there are a couple of issues with this and they need to make certain that everything that was done under this transfer and the closing is within the ordinance agreement that been adopted and passed by both Fayette and Washington. She said there were no bids or proposals. So, the proposal was advertised and there was no response, is that correct? Chief Clerk Revak said there were no proposals received. Commissioner Zimmerlink said there were discussions and disagreement on how the proposal was written based on the motion that she passed. She said that is a minor issue compared to the bigger issue. She said there were no proposals received and we just received this letter from Blank River Services.

Commissioner Zimmerlink asked if anyone knows how that occurred. Commissioner Ambrosini said when we sent out the RFPs we got responses from people that were interested in purchasing the ferry and said they were not going to respond. He said he asked Bill Arnold, who manages the ferry for the county, to make some follow-up calls for anyone who was interested because there was a non-response. He said this is one of the people he must have called who is interested in purchasing the ferry. Commissioner Zimmerlink said she didn't know that occurred and asked if those calls were made before, after or during the RFP. Chief Clerk Revak said after we didn't receive any proposals. Commissioner Zimmerlink said to Commissioner Ambrosini that he contacted the department head and asked him to seek out some proposals. Commissioner Ambrosini said he asked him to make some follow-up calls. Commissioner Zimmerlink said they can't do it that way.

Solicitor Cupp said he thinks they should defer action, with Commissioner Zimmerlink saying, absolutely. She added that she isn't going to make a motion to table, adding that you almost have to because it is on the agenda. She asked if anyone has read or reviewed the ordinance agreement between both counties to make certain that Washington County also agreed to discontinue the service. She said she looked for a resolution and she doesn't have that. She said there was an e-mail from Chief Clerk

Revak that Washington County did pass a resolution and she looked on their web site from June, July to date and she can't find any resolution where the Washington County commissioners – and if we don't have that resolution it won't be in accordance with this resolution and agreement. She said if it were accepted, how would the money be divided?

Commissioner Ambrosini said it wouldn't because the ownership of the boat is solely Fayette County's. Commissioner Zimmerlink said she has documentation that says otherwise. She said that he mentioned that before at one of the meetings and it was in the newspaper that Fayette County owns this, how do you know that Fayette County owns it? Commissioner Ambrosini said he has a document that indicates that Fayette County is the owner. He said Fayette County is the only name on the document and he would be more than happy to share that with her. Commissioner Zimmerlink said it is titled in Fayette County's name and according to the ordinance agreement that was signed by both county commissioners, Washington and Fayette, back in the late 70s or early 80s and it specifically says it is owned by both but however for purposes of convenience it would be titled under Fayette County. She said before they take this step, with Solicitor Burkley asking for a copy and speaking about the resolution, Commissioner Zimmerlink said in addition to getting a copy of the resolution, they have to determine the ownership. She said she has the document that states otherwise and if Commissioner Ambrosini has something else he can show her.

Commissioner Ambrosini said he can't remember but it is a certificate of ownership document or something and is at his files at the office. The commissioners then voted on the motion.

Commissioner Ambrosini asked for a motion to approve a tentative 2014 general fund budget with revenue of \$32,060,691 and expenditures of \$35,074,428 (for a deficit of \$3,013,737) and a millage rate of 4.51448. He said it is the same millage rate. He said in the budget process they always get requests for more than what actually ends up being adopted. He said this the difference is working with the department heads and row officers to get us to balanced budget at the same time that we ourselves are reviewing it. He said we are doing a two-step process at the same time. He said if we wait to get to balanced budget to issue a tentative budget, it is going to push us to the end of the year which is—we have to do both anyway so let's do it at the same time. He added that the other thing that this does is makes things transparent in terms of what some of the departments and row offices are asking. He said that gives them the opportunity to voice their opinion on why they need the extra money and it is an effort to be additionally transparent. He said at the same time we can work on both of these issues.

Commissioner Zimmerlink said first off, you don't propose a tentative budget, that isn't what you do, you propose a budget, put it out for public inspection for 20 days and then you adopt it. She said there is no way she would vote to approve a budget, asking Commissioner Ambrosini to read the motion. He said it is to approve a tentative 2014 budget. Commissioner Zimmerlink said it isn't in county code to propose a tentative budget, what we do is propose a budget with the numbers of what the spending plan is

with the numbers for 2014, that's the proposed budget, read the papers, that's what every other county does, that is what townships do, and then you put it out for public inspection for 20 days and then you adopt it. She said in that 20 day period if there are some minor changes, those changes are made and the public has an opportunity to review and inspect it. She said the transparency comes at the public budget meetings. She said she would strongly suggest that they not propose a proposed budget because they didn't have any numbers or anything until this morning. She said when she came in the room she found the first important five pages of the budget. She said the only thing that has happened is the budget meetings and Sam Lynch, the financial consultant who is being paid to help the county prepare this budget and provide the technical assistance, confirmed that the budget numbers are everything the departments have asked for.

Commissioner Zimmerlink said everything that the departments have asked for is in the budget. She confirmed with Chief Clerk Revak that is correct. Commissioner Zimmerlink said the Chief Clerk and Sam Lynch worked on the budget up through Friday and he was here yesterday and all of the numbers that are in the expenses is as some people call it the wish list of each department. She said the Chief Clerk and Sam Lynch inputted the figures. She said other than inputting the request under the New World accounting system and then printing this out, there haven't been any meetings with us three to make any changes. She said to put this out for public inspection is disingenuous because you are saying to the public, here is the budget, this is what the departments want, inspect it for 20 days and we'll come back and adopt it. She said she is looking at the figures and what are the expenses, \$32 million for the revenue and expenditures is \$35 million. She said it is a \$3 million deficit. She said she strongly suggests that they not take any action and propose a budget that is more accurate.

Commissioner Zimmerlink said have a sit down, none of us sat down and we have worked on the budgets before and prior to having the proposed budget we went through and said, OK a department wants this, but we instructed the department head, chief clerk and Sam Lynch what numbers to put in. She said please don't say time is of the essence because they have until December 31 to adopt the budget. She said they have to have it out for inspection for at least 20 days so it would behoove us to go back to Sam worked until Sunday evening, did he not Chief Clerk. Chief Clerk Revak said he worked on it yesterday to put the numbers in and there haven't been any meetings with us to say what we would agree to or not to agree to, so that is why this budget 35 and 32 million. She said they should sit down now that they have the numbers as the commissioners should inform Sam Lynch and Amy, the Chief Clerk, what we agree to and then we can come back and have a special meeting and propose the budget and have it out for the 20 days and adopt it before the December 31. To propose something here, there has been no discussion, nothing, it's just the wish list.

Commissioner Zaposky said he agrees and disagrees with his colleague. He said minor changes is not an accurate assessment of previous budgets. He said previous administrations have had deficits in excess of \$1.5 million, \$2 million. He said one of the things they have strived to do is to get it as true to form as possible and obviously we are not there yet. He said it is important that we understand the time restraint and

contrary to a comment made a couple years ago, we have until December 31 at midnight to pass a budget. He said if they fail to do that, the county loses federal and state funding and loses its rating, there are a lot of drawbacks to that. He said they can have special meetings and he said regarding Commissioner Ambrosini's comments, one of the aspects of being a commissioner and regarding the budget—he can say that there have only been two signatures, and no disrespect, he understands that there have only been two signatures on the last several budgets and as far as disingenuous goes, if you support all this getting together and coming up with numbers, then the end result is you should support the budget itself but that has not been the case. He said he wants people to understand that every year they are hit with a tremendous amount of requests from departments. He said all of them come with a story and credibility and we all know that everybody is working harder and we would love to be able to provide the requests that everyone makes but unfortunately it is not feasible.

Commissioner Zapotosky said he would like to get together to come up with a budget that all three can agree on by the 31st and he thinks the points that Commissioner Zimmerlink made have merit and he thinks that Commissioner Ambrosini made points that also have merit. He said this is what the row officers tell us that they need and what we have to do is reduce this down by \$3 million and he agrees that tentative is not the word to use because it is a proposed budget and it is clearly going to be changed and hopefully greatly changed by the 31st. He said both his colleagues raised good points and they have to pare this down by \$3 million. He said that will be an arduous task and he hopes that the offices understand that their requests, although they think they have merit, we have to operate on a structure based on the revenue received. He said he thinks the people of Fayette County have a right to see what we now have to do is pare down the budget. He said he thinks that is a great point as well.

Commissioner Zimmerlink said quickly to follow up, she said she didn't say they shouldn't pass it before December 31. She said when you propose a budget you say to the taxpayers, people this is what we are proposing, look at it inspect it for 20 days and in 20 days when you come back it is going to be very similar to that, not a \$3 million deficit. She said the second part is that he is somewhat incorrect on whether she has passed prior budgets but it wouldn't matter because they are talking about 2014. She said when they have an obligation to be as true to form as possible and we are not there yet, you just made my point. She said this budget that is being asked to be presented to the public for inspection for 20 days is not as true to the form as possible and the reason it is not as true to form as possible, your words, the reason it is not is because this is the first time that I have been a commissioner that the numbers from the department heads and row officers were just inputted into a proposed budget without any discussion with the commissioners and set for public inspection for 20 days. She said he mentioned something about camaraderie, she is on the record and wants to have and she has asked for a number of years, and she isn't going to go back and talk about when Commissioner Ambrosini was here, wasn't here.

Commissioner Zimmerlink said the whole idea of the budget meeting is for us three or the majority to go through. She said Sam Lynch said, and he should be here because he is the financial consultant, that we are paying to put these numbers together. He said

that these numbers are just numbers that are put in and in past practice we tweaked those numbers before we even presented it to the public. We have never just put all the numbers in and said, OK, public here it is. She said this is not true to the form, she said they can all agree that none of them have had conversations with each other in any of these public budget meetings and with the Chief Clerk who was present and Sam Lynch for those three or four days and those were specifically for the department heads to come in and, there are department heads sitting here now, they came in, they looked at a screen and said this is what we put in the budget and that was it. Then they got up and they left. She said after they left this is what came of it. She said there is no way they should propose this because it is in no way close to what we are going to do.

Commissioner Ambrosini said it isn't correct that the department heads just came in and left. He said they provided documentation that in most cases explained why they were asking for additional money. He said there was a two-way conversation with most of the department heads except if they came in and said they just wanted what they had last year, but we did discuss all their proposed increases, at some length in fact. Commissioner Zimmerlink said no one is saying they didn't have the meeting, there were times you and I were there, there were times Commissioner Zapotosky was there. Commissioner Ambrosini said he wants to let the people know what happened at those meetings, you are making it sound like they just came in and said, here's my wish list and went away. Commissioner Zimmerlink said they talked about the wish list and what they wanted and these are the numbers, as Sam Lynch confirmed and the Chief Clerk confirmed. She said there was at the end of the day the figures that the department heads and row officers gave and after we had the discussion, those numbers that were given were inputted into the New World system, thus making this document. She asked Chief Clerk Revak if that is what occurred, adding that is part of her responsibility as a county employee, as the Chief Clerk.

Commissioner Ambrosini said the Chief Clerk did her job. Commissioner Zimmerlink said she wanted her to confirm that and Chief Clerk Revak said yes, she confirmed that. Commissioner Zimmerlink said no one is saying she didn't do her job, she is getting confirmation again and after the department head left and if we had a five-minute discussion or a 15 minute discussion you can confirm because you are here and that is your job as the Chief Clerk because Sam Lynch, I can't ask him because he isn't here, you are confirming again—right, that whatever they asked for is in this document without any changes, correct. Chief Clerk Revak again confirmed that was correct and Commissioner Zimmerlink said it isn't a true budget then. Commissioner Zapotosky said the only true budget is the budget that is presented at the – asking for the floor. He said the only true budget is the budget that is prepared and put up for final passage. He said historically they have done it where they have done three lines, and it has VZ, AZ and AA or whatever order you want to put them in and you go through line item, let's use materials and supplies for Row Office A, they request \$2,500, well I may put \$2,200, somebody else may put \$2,100, somebody else may put \$1,800. He said then they go back and forth until they come to an agreement as to what the final number should be. He said then they present a proposed budget that has a deficit. He said the first year this administration took office they had a tremendous deficit and they had to reopen the budget further than that but let the record know that, he knows because he was the

chairman and he had to withdraw two expenditures, juvenile probation as well as the ARC payment in order to bring the budget to zero to get it finally agreed to by two commissioners for final passage. He said they reopened the budget in the middle of January and that is all for the record and it is true, ask Sam Lynch, who told him how to get the budget to zero because no one wanted to support a tax increase for that year.

Commissioner Zapotosky said he had to reopen the budget in January and addressed the actual deficit. He said the budget is important to get done and get done on time. He said this is just the start and whether they vote on it today or next week, they are going to have a deficit they have to wipe out by the end of December. He said everything else is pomp and circumstance. He said the bottom line is they have to pass something that is posted for 20 days pursuant to the law and make sure they are in that compliance and from the time they pass whatever until the end of December, we have to come up with a final budget and that is the real budget. Commissioner Zimmerlink said the only time you can reopen a budget—there is county code, it doesn't matter, they are talking about the 2014 budget. Commissioner Zimmerlink said Commissioner Zapotosky said something that was very important, which was when you have the budget meetings and after the department heads and row officers give us their numbers, their wish list, then the three commissioners, whoever they may be, whether the past administration or the current administration, we would all come up with a figure and something was chosen and it was put into the document and then proposed.

Commissioner Zimmerlink said he is absolutely right and that is what is missing in this instance. She said that is something that they did not do and it hasn't been done. She said that is the way it is supposed to be done and that is what she is trying to get done. Commissioner Zapotosky said if it was done, adding he is saying with the utmost respect, if it was done by all three parties consistently, he has no problems, but he thinks at this point he doesn't know if repeating history is a good thing or a bad thing, starting a process in a different manner may be a more motivating factor. He said the bottom line is they have to get this done. Commissioner Zimmerlink said they have time to do it, but would somebody make a motion, there is no way, this isn't how you propose a budget. She said there is no way that the commissioners can approve a resolution that proposed the spending plan for 2014 when they have not even discussed and agreed what should go in those line items. Commissioner Zapotosky said this was a budget that was proposed that we need to now correct and you can go back and forth on the definition of proposed and he is sitting here, asking Commissioner Ambrosini if he has any comment on this document.

Commissioner Ambrosini said to be honest, they need to work on this to get it done in a timely manner. He said the more time they can work on it, the more accurate it can be. He said they have been working on this since October and they are finally getting some of the numbers. He said unfortunately when you start the budget process there are a lot of numbers that are not available or not accurate. He said as you go along, the more accurate those numbers are. He said the more you can sit down with the department heads and discuss details, as we have already done. He said he agrees with Commissioner Zapotosky that there were things done in the past that weren't accurate or done properly. He said there are a number of ways you can attack this

budget issue and he thinks the process hopefully we can do is going to add a little more accountability to the row offices and some departments that are asking for what they think are legitimate requests. He said he would encourage the public to look at what they spent last year and what they are requesting this year. He said if it is a substantial amount more the public has the opportunity to talk to the individual row officers or department heads in some cases. He said it is more important for the row officers, because they are elected officials and they should have some accountability also. He said it doesn't matter what they have to do to get to the bottom line what is important is that the public know where we are starting from.

Commissioner Zimmerlink said right, that is why she wants it to be accurate because right now it is now. She said this was the first time that a budget has ever been proposed that only has a numbers that the department heads and row officers and there hasn't been any discussion with the three of us and the staff as to what to put in, this is exactly what everybody wants without any modifications. She said to present this is wrong to do and the better thing to do is go back, clean this up and then propose it, we need a week to do that, go back, propose it and go from there. Commissioner Zapotosky said they will still have a deficit. Commissioner Zimmerlink said this is a \$3 million deficit, with Commissioner Zapotosky not disagreeing that it is a \$3 million deficit. He said he is implying historically, and she is basing it on history but they have always proposed a budget that had a deficit. He said he would prefer it would be under \$3 million but the bottom line is it has always had a deficit in excess in most cases. He asked Controller Lally if the proposals have always been in excess of \$1 million. He said the tweaking process begins after this has been voted on and then their feet are to the fire to get this thing down to where it is balanced and that is the only outcome he is concerned with. He said how they get there is irrelevant, as long as they get there by Dec. 31 we are at zero.

Commissioner Zimmerlink asked if he is comfortable with proposing a budget to the public that consists of all of the requests that the department heads and the row officers asked for without any input and decisions from any of the three county commissioners. Commissioner Zapotosky said from the perspective that this is the reality that we have to deal with in the budgetary process, yes I am, from this perspective, this is what we received from all of the department heads and row offices. He said this is our task that we have to reform is to eliminate that excess revenue. He said he isn't pleased that they aren't in a better position budgetarily, he would wish that folks would live within restraints but, you call it a wish list, I guess it is just that but the reality is, and he thinks that people have a right to know this is what there are other offices, this is what Row Office A, B and C have said they need. He said at the end we are the ones who are culpable for the final decision and we are the ones that are viewed by the public based on the final decision. He said this is the start of it and people have a right to see it. He asked if she believe that people should know what the budget requests are. Commissioner Zimmerlink said of course, that is why you have public budget meetings.

Commissioner Zimmerlink said this is the county commissioners preparing a spending plan for 2014 and she isn't going to propose that, asking someone to make a motion. Commissioner Zapotosky said he is trying to say this is the start of the process

and the real work begins after this. He said whatever is proposed, the true work comes after that until they get down to the brass tacks of where they are going with this budget. He said nobody sitting here, at least he isn't going to support a \$3 million deficit to be absorbed. No way in heck. Commissioner Zimmerlink said you propose it, that is the point, you clean it up before you propose it to the public. Commissioner Zapotosky said the final budget is the final product in my opinion. Commissioner Zimmerlink asked someone to make a motion so they can move on. Commissioner Ambrosini said he wanted to point out that at the meetings with the row offices and department heads, nobody came in and he wanted to offset the wish list label, nobody came in to those meetings and sat down and said this is my wish list, they came with serious requests and they provided documentation along with those requests and reasons. He said there is a lot of hard work to do here, but everybody should shoulder some accountability and the public should get a chance to see what we are faced with and the process we have to go through to make sure we have a balanced budget. He asked the solicitors if he changes the word from tentative to proposed if that would suit the county code.

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to approve a proposed 2014 general fund budget with revenue of \$32,060,691 and expenditures of \$35,074,428 (for a deficit of \$3,013,737) and a millage rate of 4.51448.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

In seconding that motion, Commissioner Zapotosky said this is purely a proposal that was received by the board of commissioners from the respective row offices and agencies and that includes the courts, understanding that the board of commissioners will strive to reduce the deficit and have a balanced budget by the statutory requirement of December 31, 2013.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to table making three appointments to the Fayette County Conservation District board of directors, including two public members and one commissioner member.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to the vote, Commissioner Zapotosky made a motion to appoint Warren Dick to the Conservation District. Commissioner Zimmerlink asked if it was as a public member. Commissioner Zapotosky said as a farmer member. Commissioner Zimmerlink said that

it says two public members and Commissioner Ambrosini said the inference was two other members other than a commissioner. Commissioner Zimmerlink said it shouldn't be an inference because there are categories. Commissioner Zapotosky said he is a farm rep. Commissioner Ambrosini said there is a farm rep and one public rep and he asked for a motion to appoint a farm rep. Commissioner Zapotosky said he made the motion to appoint Warren Dick as the farm representative. He said that vacancy is up, it is his understanding that it is a vacancy. Commissioner Zimmerlink said for the next vacancy, are they going to appoint another farm rep, and Commissioner Ambrosini said no, a public rep because that is the other one that is up. Commissioner Zapotosky said there is another one that was created due to the passing of a representative. Commissioner Zimmerlink said she has two questions and she knows there is a motion on the floor. Commissioner Zapotosky said he would withdraw the motion for the purpose of discussion. He said he was told we need to make the appointments.

Commissioner Zimmerlink asked Chief Clerk Revak if she sent out the letters to all of the nominating committees. Chief Clerk Revak said yes. Commissioner Zimmerlink asked when that was done, and Chief Clerk Revak said a while ago. Commissioner Zimmerlink said some nominating committees said they didn't—and asked if we only got two back. Chief Clerk Revak said yes, we only received two back. Commissioner Zimmerlink said they were from the fair board and the farm bureau. She asked how many there were and Chief Clerk Revak said she got a list from the state conservation district of the approved nominating committees for the county and she sent them out. She said she thinks there were eight or nine, she didn't know exactly.

Commissioner Zimmerlink said there two one or two who said they didn't receive letters, adding that she just found that out yesterday. She said the other this is that she heard the Warren Dick doesn't want to be appointed and she just found that out yesterday. Commissioner Ambrosini said they have a letter asking for reappointment. Commissioner Zapotosky asked if it was Doug Petro or Warren Dick that told her that. Commissioner Zimmerlink said she called Doug Petro to find out about this. She said the agenda item said two public members and that is incorrect. Chief Clerk Revak said it was her error, she's not perfect. Commissioner Zimmerlink said she understands that she isn't perfect and this isn't a reflection on you or your job or anything, they are looking at resolutions and everybody knows that every time they do board appointments it always gets screwed up. She said if you look at last year, especially with this particular board, the people were appointed and then resolutions were rescinded, just pull the record. She said she doesn't want this to happen again. She said they don't have any nomination for a public rep. She said you can believe me or not, but here is what happened.

Commissioner Zimmerlink said yesterday she contacted Doug Petro and she asked him about the positions that were available and I told him we received a letter from the fair board that they are nominating Warren Dick. She said Doug Petro said Warren Dick said he has no interest in being reappointed. She said based on that, she would suggest tabling. Commissioner Zapotosky said he was prepared to wait to do this but Ms. Revak said she received notification from the state that we had to appoint these members by December 1, which she confirmed. Commissioner Zapotosky asked if they

voted on Mr. Dick's motion. He said she spoke with Doug Petro, he said he doesn't want on it, we don't have any other recommendations. He said they got two letters and do they want to allow for the other bureaus to weigh in on it. He asked Chief Clerk Revak if the statutory requirement is to do it by the first of December and he said he doesn't think they have ever done it by then. Chief Clerk Revak said she doesn't know if they have ever done it by then, she got a big packet from the state with requirements that it has to be done by December 1, which is why she sent the eight or nine letters to the nominating organizations asking them to send names in. Commissioner Zapotosky said we only got two responses and Commissioner Zimmerlink said what about the public rep. Chief Clerk Revak said the letter was seeking nominations for openings on the conservation district, she didn't list farm rep or public rep. Commissioner Zapotosky said they only got two letters back period. Commissioner Zimmerlink said they are all for farm reps, they have no nominations for public rep, that also has to be done.

Commissioner Zapotosky asked if they wanted to advance it to see if other bureaus wanted to weigh in, and if they have any nominees they want to propose, that is fine with him. Commissioner Ambrosini said what he thinks they should do, first of all since they have a requirement to do this by December 1, lets fill the positions that we can now and then at least we are doing our due diligence and then they can go back and re-cavass all the nominating committees to see if they have any additional members to suggest for the positions we cannot fill. Commissioner Zapotosky said he made a motion to appoint Warren Dick and he doesn't doubt Commissioner Zimmerlink that Doug Petro said he doesn't want to be on it, but then they would come back and have to rescind the motion and then readvertise or solicitor for another recommendation. He said let's make sure Mr. Dick wants to be on it, I guess. Commissioner Ambrosini said he would feel more comfortable if somebody actually talked to Mr. Dick.

Solicitor Cupp said he was at the September conservation district meeting, adding that he is the treasurer of the board. He said there was no October meeting because they didn't have a quorum. He said at the September meeting Mr. Dick was willing to serve again, but that was at the September meeting which was almost two months ago. He said the November meeting hasn't happened yet. He said if you don't fill the vacancies on the board, the people who are in those offices can stay for up to 180 days and you can make a delayed appointment. She said she doesn't know what they are thinking, but that isn't the way it works. Commissioner Zimmerlink said it doesn't work that way. She said she spoke with Doug Petro yesterday and he told her that. She said let's move on, make the motion, don't make the motion but she isn't going to argue what happened at September, she is telling them that she spoke with Doug yesterday and she asked him if they have the letters, I wanted to confirm the vacancies and he said that Warren Dick had indicated to him that he doesn't want to be reappointed. She said if Doug is incorrect, so be it, but she is relaying what he said.

Commissioner Ambrosini said they have a document that says he does want to be reappointed. Commissioner Zimmerlink said it is dated October 29. She said it doesn't say he wants to be reappointed, it states that the Agricultural Improvement Association nominates Mr. Dick, that is all it says for another term and that is October 29 and yesterday was November 18. Solicitor Cupp said unless there is a provision in the state

funding of which he is unaware, he thinks they would do a greater service if they were able to wait until the December meeting, adding that he thinks he would know if there were something there. He said they should table it all until December. Commissioner Zimmerlink said for the public member, what nominating committee, did anyone nominate anyone for the public. Commissioner Ambrosini said there is no public nomination. Commissioner Zapotosky said they only received two solicitations to the letter. Commissioner Zimmerlink said it is required, Solicitor Cupp serves on the board and she served on it for a number of terms, confirm that we as the commissioners cannot just appoint another individual member for the public, we need to have the nominating committee send in the letter. She said they don't have those. Solicitor Cupp said there are different categories of members and you have to get letters from each of them and you get those letters in and then you can make a selection from them. He said if you don't get enough letters, you can't appoint anybody and the people stay in office for up to 180 days to give you an opportunity to correct the problem.

Commissioner Zimmerlink said since they don't have any nominating letters for the public, none of this should be occurring. She said no appointments should be made. She said they don't have any letters from the nominating committee for a public rep and to make matters worse, God bless his soul, poor Frank Mutnansky had passed away a few days ago. She said they now have a vacancy and they need to name another individual to finish out his term. She said then they need a commissioner rep. Solicitor Cupp said they can fill that position, with Commissioner Zimmerlink saying they don't need a nominating committee for that. Commissioner Zapotosky said we did send letters out, we didn't receive responses to the letters. He said the only responses they received were for Mr. Dick, Warren, and Paul Diamond, not Paul Diamond, Ed Rinkoff. He said they are only working with what they had. He said the reason he made the motion is he was going by the Chief Clerk saying they had to go by a statutory time. Commissioner Zimmerlink asked if he was rescinding, and then moved to table action and a vote was taken.

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to table approval of a lease for the temporary women's annex to be in effect until the new county prison is operational.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini said in making the motion prior to the vote that he was tabling because the county hadn't received a lease agreement. Commissioner Zapotosky confirmed that Mr. Neubauer hadn't sent anything for review, with Commissioner Ambrosini saying not that he had received. Commissioner Zimmerlink said she hadn't received anything either. She said during the budget meetings the business manager of the jail put a figure of \$2,500 a month in the budget for the rental amount. She asked how he came up with that amount, which is listed in the budget.

Chief Clerk Revak said she didn't recall specifically where he came up with that figure during the budget meeting. Commissioner Zapotosky seconded the motion to table, if there was no further discussion.

A motion was made by Commissioner Zimmerlink to table approval of an agreement between the county of Fayette and Chevron Appalachia for an oil and gas lease on 7.92 acres of property in Springhill Township on parcel 36-08-0131 for a five-year term with an initial payment of \$1,000 an acre and 14 percent royalty. She said that at the agenda meeting Solicitor Cupp said he would scan the document and send them over and they could talk and they haven't done that yet. Solicitor Cupp said he has the documents here and he has discussed the matter with Mr. Phillip Koury from Chevron. He said he finally got information from the planning and zoning department that the county got a grant from the McKenna Foundation to purchase the land, we didn't have a state grant, with Commissioner Zapotosky adding under Act 72.

Solicitor Cupp said they didn't have a state funding source that would inhibit them from entering into the lease. He said he has attempted to get information from the National Road Heritage Corridor and they are supposed to send him some more paperwork. He said they are probably in possession of enough information to decide. Commissioner Zimmerlink said he may be, she has nothing. She said they talked about it Tuesday and she can't approve a lease agreement without having one. Solicitor Cupp said they can talk about it and Commissioner Zimmerlink said she made a motion to table it and they can address it at the December or January meeting and they need to get the information back and for him to provide them with the documents he said he would provide to them and that is her motion. Commissioner Ambrosini said he wanted to review with Solicitor Cupp that he has reviewed the documents. Solicitor Cupp said those are the same documents that went with the e-mails and he thought that all three commissioners got the e-mails with the documents months ago. He said those are the documents that were presented by Chevron. He said Mr. Koury, a representative of Chevron, is here today and he probably knows everything in the documents as well.

Commissioner Zimmerlink asked if he talked with any of the three commissioners, with Solicitor Cupp saying no, and she added that is what needs to be done before they can enter into a lease agreement to review the terms of the agreement. She said she is making the suggestion and her motion is to table until and if you haven't talked to any of us three, which you just said you didn't, and she understands that, fine, then and she hasn't seen the lease agreement then how can she, maybe they can, but how can she approve. She said she prefers to table this, have discussions and then vote. Commissioner Zapotosky said based on Solicitor Cupp's review of the lease agreement, with Solicitor Cupp saying if they didn't get that e-mail there is a glitch in the correspondence between Mr. Koury and himself and Mr. Lukach. He said they should have gotten those documents and if they didn't get them he can make sure they get them today. Commissioner Zapotosky said he wanted to know what Solicitor Cupp's opinion of the lease agreement is and it is a standard lease agreement. Commissioner Zimmerlink said whether they got it or didn't get it, who can remember back that far, adding that he couldn't even say if he sent it out. Commissioner Zimmerlink said she reviewed for a legal and he isn't giving an opinion on whether or not the county should

enter into this lease agreement because that isn't your job, that is the job of the commissioners, you are saying that you reviewed it and from a legal standpoint, it is the same as other standard oil and gas leases. Solicitor Cupp said his recollection is that he forwarded it and he said that in his forwarding e-mail it was your call whether or not to approve it. Commissioner Zimmerlink said she made the motion to table. Commissioner Zapotosky asked what the items would be that they would discuss at this point in time.

Commissioner Zimmerlink said some of the things brought up at the agenda meeting, adding that he said he didn't have the answers to that. Solicitor Cupp said he has the answers to the questions that she raised at the agenda meeting. He said the first question was do we have a limitation on our use of the property as a result of the funding. He said it was a rather spider web investigation to find out where we got the money and we got the money from a McKenna Foundation who got the property from CSX. He said that foundation grant would not have prohibited us from doing what we are going to do, lease it to Koury's organization. He said he didn't recall if she had another question from the agenda meeting. Commissioner Zimmerlink said she would like to see the lease agreement. She asked Mr. Koury if there is any reason why if there is a 30-day delay and it is placed on the agenda for December it would cause a problem. Mr. Koury said there is some relevance based as he identified at the last meeting.

Mr. Quarry said that Commissioner Zapotosky asked in the last meeting, and he said they are in the process of construction and that parcel was identified by abstract so it may delay construction. Commissioner Zimmerlink said it will delay it if it isn't done this month. Mr. Koury said it will delay construction on the Fay Penn 14 14 well. He said he submitted the papers back in September and he was omitted from the October agenda meeting and he was present for the November agenda meeting and in that meeting they discussed and in particular said that they would put it on the commissioners meeting based on the findings and you wanted to be apprised that there were no strings attached as to restrictions preventing any type of violation according to the deed. He said Solicitor Cupp identified with Arthur Cappella that is foundation money and there are no restrictions and he did provide the deed of CSX and there are two easements inside that deed which are flow easements. He said they are all surface issues as well as fiber optics. He said it was a non-surface disturbance lease so nothing would be affected about ground. He said based on all the time that has passed, he feels it is time to make a decision on it. He said he also wanted a representative from Fay Penn Development to speak.

Alicia Thompson of Fay Penn said the parcel in question affects the leases on their Springfield property that if that lease isn't approved, the wells will not be drilled. Commissioner Zimmerlink said she understands that but she is asking if a 30 day delay is going to cause a problem. She said they all know that they would not be able to move forward without our agreement for this non-surface rights. She asked what a 30 day impact would have. Mr. Quarry said it would have an effect on the construction of the facilities. He said if they make a decision 30 days from now, it will throw them behind by two months. He said that will affect the well, based on the winter weather and the spring softness of the ground, so we are looking to do this in the winter time so we can avoid

this, Commissioner Zimmerlink added, so you are ready to go in the spring. Mr. Quarry said they want to move dirt in the winter and not the spring because in the spring it is too soft and they will sink all over the place, so now is the optimal time. He said that 30 days could end up pushing them back until summer when the ground hardens again. Commissioner Zapotosky said from a business perspective time is money, with Mr. Quarry adding that it will be costly. Commissioner Zimmerlink said to avoid these kinds of issues the solicitors and commissioners need to get on the same page with this. She said if the lease is being e-mailed over to commissioners then the next step is to have a meeting and review that lease agreement with whatever commissioner wants to have it reviewed because she doesn't want to be put in a position to approve a lease that she hasn't had the opportunity to review. She said there were some questions on this and there is a motion to table. Commissioner Ambrosini called for a second and when none was made, the motion died.

Commissioner Zimmerlink said she was asking Solicitor Cupp that there are no issues that can be raised and she would hesitantly say, with Solicitor Cupp saying he would send it to make sure she has it. Commissioner Zimmerlink said she understands where he is coming from but he has to also understand that she is a commissioner who is going to make a vote to enter into a lease agreement to lease 7.9 acres of county property for five years, receive \$1,000 and then whatever 14 percent royalty is. She said that all sounds well and good but they also have to make sure that the agreement isn't going to harm any future uses of this property and that is what she needs to go from him. She said it is county property, it is the future use, it is the whole nine yards. She asked how confident he is. Solicitor Cupp said he is confident that there is nothing that he would foresee that would come up. He said having practiced law for longer than some of the people in the room have been alive, there are always things that you can't foresee. He said he doesn't think you can ever be entirely sure of anything. Commissioner Ambrosini asked if he is reasonably confident and he replied yes. Commissioner Zimmerlink said all the issues are protecting the county property. She said he has been a county solicitor for longer, we are here. She asked if he was confident, reasonably assured that by entering into this lease agreement it isn't putting this particular county owned property in any type of jeopardy. Solicitor Cupp said he would opine that to a reasonable degree of certainty that lease will not impede any of the uses that the county would have. Commissioner Zimmerlink said she knows if she votes for this it will be thrown up at a later date that she goes ahead and passes lease agreements before. She asked someone to make a motion.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve an agreement between the county of Fayette and Chevron Appalachia for an oil and gas lease on 7.92 acres of property in Springhill Township on parcel 36-08-0131 for a five-year term with an initial payment of \$1,000 an acre and 14 percent royalty.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

Commissioner Zimmerlink said she hasn't had the opportunity to review based on what was said before.

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

10-8-13 to 11-08-13			
Department	Cost Center	Debit	Credit
Elections			
Postage	01412053250	\$720	
Software license	01412052100		\$720
Planning and Zoning			
MDJ filing fees	01417252425	\$3,000	
Engineer services	01417151430		\$3,000
EMA			
Contract services	01429153011	\$420	
Utilities	01429153600		\$420
Bridge			
Postage	24431253250	\$400	
Telephone	24431253200		\$400
Courts			
Contingency	01417952910	\$3,500	
Telephone	01418453141		\$3,500
Arbitration	01418451412	\$1,500	
Jury lunches	01418452420		\$1,500
Records Dept.			
Equipment	0141110152300	\$150	
Telephone	0141110153200		\$150
Public Defender			
Training	01415253350	\$850	
Assoc. dues	01415253300		\$850
Prison			
Professional services	01423253100	\$2,562	
Travel	01423253300		\$2,562
Indigent supplies	01423254003	\$20,000	
Expenses inmates	01423252740		\$20,000
Tax Claim			
Equipment	01413852300	\$575.21	
Materials/supplies	01413852000		\$575.21
Commissioners			
Contingency	01417952910	\$5,750	
Materials/supplies	01411152000		\$1,000

Postage	01418552300		\$4,000
Photocopy/printing	01418552200		\$750
Public works			
Travel	01455053300	\$3,500	
Materials/supplies	01417452000		\$3,500
Human resource			
Contingency	01417952910	\$360	
Coroner life ins.	01419351580		\$36
EMA life ins.	4342911051580		\$300
HR life insurance	01415551580		\$24
Veteran's Affairs			
Burials/markers	01429452530	\$5,100	
Travel	01429453300		\$5,100
Total Debits	\$48,387.21	Total Credits	\$48,387.21

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Public Announcements

None

Public Comments

Geraldine Mazza said she had a question and may have a comment after. She said her first question was whether or not the solicitor's report is ready. Solicitor Burkley said it is very close. He said he had to get information last week and this week from PCorp and hopefully that information will be available by the end of the week and hopefully that work will be completed very soon. Mrs. Mazza said maybe by the next commissioners meeting maybe he could hand her a copy. Solicitor Burkley said he didn't know if he could hand her a copy but hopefully he could hand a copy to the commissioners. She said if it is done next week, he should be able to give it to them before that. Solicitor Burkley said he is giving it to the commissioners, he isn't giving it to someone else. Commissioner Zimmerlink asked when he anticipated having the document prepared. Solicitor Burkley said he would anticipate it would be before the December meeting.

Commissioner Zimmerlink said not knowing what the report would say, it may have an effect on the budget. She said now what is in the budget is a salary of \$40-some thousand and for assistants. She said it would be needed before if it will have a financial impact, she doesn't know what it is going to say. Solicitor Burkley said he has talked to people at PCorp and noticed some of the reports that are outstanding and assuming that he gets the information back this week, he would try to encourage her. Mrs. Mazza

said since the report is almost done, when do they anticipate hiring a Fayette County attorney because his job is done now and you said you hired him to do a report, and the report is finished, so now you should stick to your word, you said you would eventually hire an attorney from Fayette County to be solicitor. When do you anticipate hiring a Fayette County attorney? Commissioner Ambrosini said he anticipates interviewing in January, but it depends on when the report is finished, the commissioners' review on that report and decisions on whether or not to accept recommendations.

Commissioner Zimmerlink said that statement tells me that if you anticipate interviewing for an attorney. Commissioner Ambrosini said what he is saying is that he is trying to answer Mrs. Mazza's question and he would prefer to start interviewing in January. Commissioner Zimmerlink said they haven't even discussed how the solicitor department will be set up. Commissioner Ambrosini said he is saying that it depends on the recommendations and our decision based on the recommendations and we will issue an advertisement potentially to, with Commissioner Zimmerlink saying if they decide to. Mrs. Mazza said back in April or May, the board voted to give each township \$800, and did they receive it. Commissioner Zimmerlink said she contacted the Chief Clerk and asked her to prepare requisition to have that done and the Chief Clerk did that and those checks went out and she did get confirmation that they received them she said they went to the townships and the fire departments. Mrs. Mazza said she attended her township meeting and they hadn't gotten the check. Commissioner Zapotosky said he spoke with a representative of the firemen's association and Sean's office and Amy and all the checks are ready to go—except Trout Unlimited. Commissioner Zimmerlink said requisitions were signed. Mrs. Mazza said she knows they can't comment on litigation, but what is the status of the stolen credit card and the \$31,000 that was taken that the county paid on the credit card after it was stolen.

Commissioner Ambrosini said the state police are still working on that investigation. Commissioner Zimmerlink said they are working on it, but she doesn't believe charges have been filed, adding that is the last information she got, but that was several months ago from Bob Carson who sent all of us an e-mail in getting us an update. She said it is something that the state police is investigating. Mrs. Mazza said it seems to her that it is a pretty strange situation with this stolen credit card because she can't understand how after a credit card is stolen if bills came in on the credit card how the bills got paid on the credit card. She said somebody somewhere along the line in this county was very lax and heads should roll about this because the taxpayers cannot afford \$31,000.

Linda Bogol said she spent a lot of time calling offices and the nicest was the commissioner's secretary. She said she was told to call city hall and they said to call the licensing office and all she wanted to know what the procedure was for a permit for Fayette County for a protest march on a very large scale. She said she wanted to know the procedure and if you need a permit, how much it costs. Commissioner Zapotosky asked where and Mrs. Bogol said right down Main Street and he said it would be the city of Uniontown. Mrs. Bogol said parents, aunts, uncles and family members against CYS. Commissioner Zimmerlink asked what response she was given and Mrs. Bogol said she was told to call city hall. She said she was told to call the license office at the courthouse and they were very nasty to her. She said she wanted to have a protest

march in front of the courthouse. Commissioner Zapotosky said the city would have jurisdiction over that. Commissioner Zimmerlink said she should contact the city. Mrs. Bogol said they should listen, she sat for 3 ½ hours and the license office secretary said to her that is not allowed in the county of Fayette. She said she told them, wait a minute, do you understand what you are saying, and she said we don't do that in this county, you don't get to speak up. She said that she told her that Fayette County isn't exempt from the Constitution of the United States and they will march.

Commissioner Zapotosky said they don't even have, and whoever that person was and he would love to know the number she called because we don't even have an office that has oversight over that. She said she called 430-2910 and they directed her to the license office. Commissioner Zimmerlink said that is city hall. Mrs. Bogol said after she said that to her she clarified the law for her that anyone at any time in this country can stand up and speak when and where they choose. She said the grandparents, uncles, aunts, family people of this county are sick and tired of what happened to that child. She said she has a granddaughter and she has battled CYS for 15 years. She said she has a clean record and so does her husband and he works seven days a week. She said her granddaughter from the time she was in kindergarten put herself on the bus. She said she got a call one day she didn't know where mommy is. She said her son provides support through social security disability and the child gets a lot of support and the woman lives off of her daughter. She said she got a call that she had to get her granddaughter because they didn't know where mommy is. She said there is a reason she is telling the story because it involves CYS.

Mrs. Bogol said they go and get the child and 12 hours later, no word from Mommy. She said they called state police and CYS and CYS never responded except to do this, and she has the proof, they called her and the grandmother on her side and word for word told them everything that my husband and I said. She said they told them where they lived and where to come. She said the mother came to the steel door, beat on the door, I can't see, I have a little child and I opened the door and she beats me in the face with a shoe, all about my face, screaming every word that I had told CYS. I know you did it and I know every word you said and quoted it to us. She said that is confidential information never to be revealed. She said she took her to court and I won because she flipped on the stand and confessed to the whole thing and said she does drugs with the agent they send. She said they did nothing and laughed at me. She said she was beaten and assaulted and this problem still goes on. She said she had a niece three days old living out of a car, freezing cold and not one call answered. She said at home she has documented proof of over a decade of 100 cases where not a single call was answered. She said they are mandated, it is not an option. She said they are mandated to answer every single call whether it is legitimate or not and they answered none.

Mrs. Bogol said they tell on people and have them go after you so they can sit in their chair and collect their paycheck and she has had it. She said she was assaulted because of it and nothing was done to this day. She said her granddaughter is 15 and she began punching walls because she is so frustrated. She said the school called her because no phone number, no legitimate address, no way to reach anyone but they know I am responsible and I care. She said they begged her to take the child to the

hospital and the school reported it because they were mandated and the hospital reported it because they were mandated. She said the child was busted up punching brick walls begging for help. She said the hospital and the school called them and they did not respond. She said she never gave them her phone numbers and her granddaughter gave her name and insurance which is different. She said they never gave her numbers or name and never responded to the hospital. She said she was taking her granddaughter out of the hospital and her call phone rang. She said the registered nurse at the hospital told her that CYS said to relay to her that she should find the other 10 year old child, take them home and we will get back to you tomorrow. She said she has family members all the way to the state in this business and that is 100 percent illegal. She said they don't know me from a child molester, they don't know who I am.

Mrs. Bogol said they didn't check anything. She said that was on October 23. She said today is November 19 and she is still waiting for that call. She said they still don't know where those children are, I do, but they don't. She said they never even called and that is how CYS operates, like no other in any other part of the state. She said they are the only ones who operate that way. She said they are mandated to answer, it isn't an option. She said they haven't answered a call in 10 years that she knows about. She said she has a list of grandparents, aunts, uncles, family members, trying to save these babies and that two year old would not have died if that one call had been answered. She said the uncle got on the news and said that he called Fayette County CYS and they never responded and that child is dead, beaten to death. She said maybe we should take the agents from CYS out into the street and beat them to death. She said everybody says it isn't their problem, maybe we should do that. She said she is going to stage a march and they want a state investigation. She said it has been decades of putting up with these people. Commissioner Zapotosky said CYS is regulated and the oversight is conducted by the Department of Public Welfare. Mrs. Bogol said she did call Harrisburg about the beating and the assault conviction and Harrisburg turned it over to Greensburg and Greensburg turned it over to the agent and supervisor that I made the complaint against to investigate themselves. She said they told them to investigate themselves.

Commissioner Ambrosini said in response to a request for a march, you have to do that through the city because they have to – with Mrs. Bogol saying, city hall, because she said to maybe ask a cop. Commissioner Ambrosini said a march of the size she is talking about, the city will have to provide traffic control so nobody gets injured. Mrs. Bogol said they will set up a phone line that isn't attached to anyone's name so they can't be harmed. She said they are going to ask people to call from all over the county to that phone line and once they establish that and how many will be marching. She said they wanted to know the basic, bottom line procedures and where do we start. She said they don't want to violate the law, this is a non-violent protest and she wants justice. Commissioner Ambrosini said they can make a public announcement at next month's meeting once they have all the details hammered out. Mrs. Bogol said they are hammering out the details and they are organizing, adding that there are many and they are fed up. She said there are babies out there as we speak living in cars. She said she has gone by all the housing authority apartments and has seen the same empty

apartments for a year. She said when you call and ask why you can't give people housing they say it is a six week procedure. She said the children shouldn't be in the streets in the dead of winter when they are begging for housing that is available. She said something is going on here because they are vacant for a year. She said she will come directly to the commissioners and this meeting. She said when she does there will be a lot of people involved because they are done watching children die senselessly. Controller Lally asked if she understood that it was a city function and not a county function. Mrs. Bogol said when you can't get an answer from anybody, who do you go to. Commissioner Zimmerlink said the mayor of the city of Uniontown is Mayor Ed Fike and that is who she would contact. Solicitor Cupp said the city treasurer should issue parade permits.

Commissioner Zimmerlink said what is being suggested because it is not a county function and it is not a county function. She asked Solicitor Cupp if he was the solicitor for the city of Uniontown. Solicitor Cupp said he was city Controller. Commissioner Zimmerlink said they don't know if she needs a permit or not because it isn't their jurisdiction. She said she should go to the city treasurer and talk with the mayor, Ed Fike, but the city treasurer is the first place to go. Mrs. Bogol confirmed that the city is the place to go. Joe Schiffbauer said there was recently a tour of the prison and he asked Commissioner Zimmerlink if she was invited and she said no. She said she made a call to the DOC and learned about it in the evening the night before. She said she didn't learn about it from any warden or fellow commissioner.

Mr. Schiffbauer said apparently this is common practice with the minority commissioner and she isn't informed. Commissioner Zimmerlink said it is documented that is absolutely correct. Mr. Schiffbauer said she got 40 percent of the votes in the election and they are disenfranchising her and the voters. He said he voted for her and he takes it personally and they are disenfranchising 40 percent of the voters of this county. He said he wanted to make them aware of that. Commissioner Zimmerlink said she wasn't aware there was a tour and she read in the Tribune Review the day after that her colleagues invited the DOC secretary and when she called and asked them, they said don't you know and she said she didn't know. She said she asked for the who what when and where because she wasn't aware that Secretary Whetzel was coming. She said a half hour later the Lieutenant with the department confirmed that he was visiting to tour the facility.

Commissioner Zimmerlink said she e-mailed the warden and he said he was told on November 5 that the secretary and deputy secretary were going to visit on November 15 but he had no confirmation. She said that was sent the night before at 10 till 4. She said on Friday morning she heard all this scurrying and there was an aide to a senator and legislator standing out front of the conference room. She said she saw DA Jack Heneks and asked what was going on, was there a tour, not a tour, and there were some conversations because she asked the District Attorney is there a tour. She said she asked when he found out and he said he was called the day before. She said no one informed her and she tracked it down and sent an e-mail and she didn't get confirmation until 10 o'clock because that is when she got confirmation. She said she heard Secretary Whetzel talk for 10 minutes. Mr. Schiffbauer said when he thinks about

that he looks at the budget process and are you serious? He said you two Democratic commissioners who he knows are both intelligent and at least one is a very successful businessman, are you serious about this budget? He said are you serious that you didn't have a conversation with the minority commissioner, with Commissioner Zimmerlink saying none of them talked. Mr. Schiffbauer said they should be embarrassed and he is embarrassed about this stuff going into the newspapers and they are fueling it. He said they are fueling the negative perception of this county through their actions. He said they are disenfranchising 40 percent of the voters of the county. He said they need to think about that and it isn't a small number. Commissioner Zimmerlink said she wanted to bring up an issue about the work sessions which is why she wants them just as they apply to the new jail because there was a meeting scheduled to review the sewage issue for the new jail. She said it was scheduled for the grey room for a specific date and time with commissioners, Widmer Engineering and other individuals.

Commissioner Zimmerlink said she was ready to be there on that particular date and time and she got up in the morning and she read an article in the Herald-Standard saying that the meeting took place the day before. She said she contacted the reporter and told her that it was her understanding that it was going to take place on this particular day and she said she got a telephone call that it was changed. Commissioner Zimmerlink said no one told her. She said the county staff and one of the commissioner's assistants contacted the reporter and said it would be up at the airport at a particular time. She said she wanted to go to that meeting and she was prepared to go to that meeting. She said she showed up at that time and placed it on her calendar and then to read in the paper that it occurred the day before at a totally different location. She said it is important for the three commissioners or all of us to have the opportunity to talk with those individual who are involved with this sewage. She said she isn't going to go into details into why she wants to be at the meetings. Commissioner Zimmerlink said there is going to be a lease agreement with Neubauer and they got a letter from the city that says there is an issue with the sewage as well. She said she wants to have these meetings and to make sure she is informed about it. Mr. Schiffbauer said there should be a resolution that all three of you are informed of all action this county takes. He said they are not doing 40 percent of the taxpayers any favors.

Commissioner Zaposky said that he too was not informed of the scheduling change. He said he told Commissioner Ambrosini and he apologized. Mrs. Mazza said they got together and decided to do something, adding that it is disgusting. She said people voted her as a commissioner and you should treat her as such and they don't. Commissioner Ambrosini said there is a woman who has been waiting to speak. Marybeth Homistek asked if he looked over her shoulder and asked the same questions? She asked if a representative from Fayette County went to bid on the Iowa Street property last year. Commissioner Ambrosini said he and the director of Public Works went to potentially bid on that property and obviously they did not because the bid went too high. Marybeth Homistek said wouldn't it have been cheaper to keep bidding instead of renting. She said she wanted to applaud and commend Commissioner Zimmerlink for always standing tall and persevering and seeking the

truth with this mess of a so called agenda meeting today despite the so prevalent open hostility directed toward you to silence you. She said she gets the feeling that she is purposely left out of the loop in county politics yet she was the only one in the meeting who has a complete grasp on every item and she was fully prepared and she understood everything. She said there was so much superfluous speech today to cover people's butts and she was amazing of her ability to get through this. She said the boy's club attacking you. Commissioner Ambrosini asked if there were any additional comments. Mr. Schiffbauer said she addressed the open hostility and he sees it not only from fellow commissioners but also from county employees. He said he can't believe what he is seeing and you can take it lightly and ignore what he says but he hopes they don't because if they don't ignore it, address it and work together like they are supposed to this is going to be a better county and the voters will appreciate it. Commissioner Ambrosini said nobody would argue with that. Mr. Schiffbauer said the hostility is blatant.

Marybeth Homistek asked why he got to continue when she was stopped, and Commissioner Ambrosini said they want to keep the meetings professional and you started to make personal accusations. She said that is freedom of speech at public gatherings. Commissioner Ambrosini said it is a county business meeting and they need to keep things civil. He said personal comment doesn't mean you make accusations attacking somebody personally. Marybeth Homistek said she didn't mention any names, she just said the overbearing attitude and the boy's club. Commissioner Zimmerlink said that wasn't a personal attack. Marybeth Homistek said she did put a letter to the editor and they did take out gangbang. Commissioner Ambrosini thanked everyone for attending the meeting.

Adjournment

