

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, December 18, 2012 in the Public Service Building, Uniontown, Pa.

In attendance-

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

Chairman Ambrosini called the meeting to order at 10:01 a.m.

A prayer was given by Rev. Ewing Marietta.

The pledge of allegiance was recited.

Public Comment on Agenda Items

Rev. Marietta thanked the commissioners for supporting the 10 Commandments monument in Connellsville. He said it will be placed on a piece of granite and brought to the February meeting. He said he is excited the commissioners have decided to join the fight and call the monument a historic landmark and thanked them before asking everyone to give the commissioners a round of applause.

John Cofchin handed out copies to each of the commissioners of the audit information that must be filled out regarding the expenditure of Act 13 Marcellus Shale funding for the PUC. He said it outlines the expenditures that the county makes for Act 13 monies. He said in his reading of the law under use of funds, a county or municipality receiving funds she use the funds only for the following purposes associated with natural gas production from unconventional gas wells within the county. He said a list is included, which he wouldn't read, but he said what the list doesn't include is using impact fee funds to prop up an underfunded pension fund. He asked if the county is using money to prop up a pension fund, to which Commissioner Zimmerlink responded it is \$110,000. Mr. Cofchin said he did a search on the act and there is not one word that addresses pension funds, retirement funds, benefits to county employees. He said it his view the plan to spend that money is out of balance.

Mr. Cofchin said the PUC provides law specific guidance on how the money can be spent. He said it includes waterways, water, road maintenance and all the things that would be associated with impacts relating to natural gas drilling in Fayette County. He asked Commissioner Ambrosini how a pension plan related to the impact fee. He asked what impacts to the pension plan natural gas drilling had. Commissioner Ambrosini said he is correct in the assumption that there are a lot of things in the act that aren't

specifically addressed to not support, which means the act is fairly vague. He said there are items that will be hashed out by the solicitors in the future. Mr. Cofchin asked if there is a solicitor's opinion on whether or not the use of impact fee money is appropriate. Commissioner Zapotosky said Mr. (Sam) Lynch had conveyed the provision of the portion you are referencing is monies due to the county's general fund based on a lack of payment by the courts of the employee's ARC (annual retirement contribution) and he classified it under judicial services, which is item 10 on the list of appropriation.

Mr. Cofchin asked if Mr. Lynch is a solicitor. Commissioner Zapotosky said he is a financial consultant. Mr. Cofchin said he called the assistant counsel for the Public Utility Commission and she said the county needs a solicitor's opinion. He said they should get a solicitor's opinion and not the opinion of a financial consultant to say yea or nay about whether or not it meets the standard for expenditure of funds. He said the day before he spoke with another gentleman, the deputy chief counsel for the PUC. He said his phone number is 717-787-500. Mr. Cofchin said that the gentleman said the PUC will not provide the county with a legal decision but in his reading of the law, he sees no reference at all to pension funds being an appropriate expenditure of impact fee money.

Commissioner Ambrosini asked if the attorney said it wasn't an appropriate expense. Mr. Cofchin asked if they look at the report they have to fill out by April, if they can pick out pension fund in the group. Commissioner Ambrosini said there are a lot of things that can't be picked out. Mr. Cofchin said law specific, not law general and not some idea that pops into their head and law specific outlines impact related to natural gas. He said it doesn't talk about shortfalls in the budget, it talks about impacts relating to natural gas, which is pretty specific. Commissioner Zapotosky said of the Act 13 monies that were budgeted, a portion was used for the 911 system, asking if that is appropriate. Mr. Cofchin said absolutely, adding that he plugged some numbers into his sheet. He said \$507,000 for the 800 megahertz switch. He said that is very clear because it is emergency preparedness. He said nobody can argue, what can be better. He said look at West Virginia they had a big explosion and nobody can argue against emergency preparedness. Commissioner Zapotosky also said a portion is being used for Penn State Agricultural Extension. Mr. Cofchin said \$60,000 for management, conservation district. He said it is reasonable and acceptable.

Mr. Cofchin said \$28,000 for records management, which he said seems reasonable and he has no argument. He said he sees no mention whatsoever to use the money for pension funds, and that is the issue of his challenge. He said he wanted to formally request a solicitor's opinion, which is the first step in the process of making a formal complaint. Commissioner Ambrosini said he wanted to explain what the process is going to be. He said every bit of money that comes out of Act 13 will be voted on after the first of the year as individual resolutions. Commissioner Zimmerlink said it should be voted on at the meeting because it is a part of the general fund budget so it has to be done simultaneously. Commissioner Zapotosky said they are not going to delay the passage of the budget, adding that if they have to amend the agenda to itemize and make resolutions regarding the Act 13 funds, they will do so. Commissioner Zimmerlink said they can do both and that is what "your consultant suggested." She said they

should be passing a budget at the meeting as well as the impact fees budget “today.” Commissioner Ambrosini said there are a lot of things in the general fund that will be voted on after the first of the year. Mr. Cofchin said the deputy chief counsel for the PUC would not give him a legal opinion but he said if you plug in a number or an activity into this audit and it doesn’t match the intent and purpose of the impact fees, “that’s a red flag.”

Menallen Township Supervisor Joe Petrucci presented a resolution to the commissioners that he said was or will be passed by all 24 townships at their respective December meetings. He said it was done so in unity because by far the township government was by far the most impacted government impacted by the gas wells. He said they presented their position at the previous commissioners meeting and he would hope the commissioners would help them in their never-ending endeavor to provide safe roads for the residents to travel on. Commissioner Zapotosky said he has no problem sitting down with the supervisors to utilize a program for the Act 13 money. He said there should be a partnership and he would be willing to do that. He said whether it be some form of quasi CDBG or quasi liquid fuels replacement, something of that nature, he would be willing to sit down and work out the numbers. Supervisor Petrucci said his concern now is that it needs to be worked out now because the budget has to be passed.

Commissioner Zimmerlink said the budget includes Act 13 money from 2012 as well as setting aside Act 13 2013 money that the county has not yet received. She said that money is for the switch for 911 and it has a bearing on the budget. She said for the funds that will be taken from Act 13 2012 impact fee shale money they should be voted on at the meeting and for 2013 money that can be handled in 2013 because the county hasn’t yet received those funds. She said in her opinion it would be wrong to vote on 2013 Act 13 money because the county hasn’t received them, but there has been money set aside for those purposes. She said yes, they should be stipulating, by resolution, the decisions that were made in the general fund budget. Commissioner Zapotosky said the Act 13 money is in a separate account not included in the general fund. He asked Controller Lally if that is correct, to which Commissioner Zimmerlink responded “of course it is.” Commissioner Zapotosky said those funds are separate from the general fund. Commissioner Zimmerlink said in the general fund you will be see transfers in an out of Act 13 money.

Commissioner Zapotosky said they are utilizing a portion of the Act 13 money. Commissioner Zimmerlink asked what the difference is between doing it at the meeting and next month. Commissioner Zapotosky said he has no problem with approving a resolution but other Act 13 items have yet to be determined. Commissioner Zimmerlink said they would only vote individually on those items. Commissioner Zapotosky said any other Act 13 proposals would have to be worked out and then brought to another commissioners meeting. Commissioner Zimmerlink said at the meeting they should be voting on a resolution yea or nay on the ARC pension of \$110,000; conservation district of \$60,000; records department \$28,340 to cover a portion of the individual’s salary; and the fourth is the Motorola payment of \$506,590. She said those are four resolutions that go simultaneously with passing the budget. She said they should vote on nothing else

because nothing else is covered in the budget. She said other items to be taken from Marcellus Shale impact fee would be done at a later time. She said for the 2013 budget, a decision has been made for four uses of the impact fee of 2012, which would be voted on "today."

Supervisor Petrucci asked if the township supervisor's proposal has been discussed, with Commissioner Zimmerlink responding that the three of them in the room together have not discussed it. Commissioner Zapotosky said the proposal was 60 percent. He said as he told Supervisor Petrucci, and he would say on the record that he would engage in discussions for some program comparable to compensate for the losses for the CDBG program and the liquid fuel. Commissioner Zimmerlink said that is Commissioner Zapotosky's opinion. She said she read in the paper that Commissioner Ambrosini wants to do it on a case by case basis in each township for each project. She said that is what she read in the paper and he would have to say if he was quoted correctly. Commissioner Ambrosini said the program that he would like to implement is that the supervisors request a project and the commissioners view them on a case by case basis and they are evaluated on their merit and based on how they are prioritized. He said most of the money is going to be used to benefit the municipalities anyway whether through a specific request or an agreement of the board of commissioners.

Supervisor Petrucci said they are looking for an agreement, at least in the first few years of the money. Commissioner Zimmerlink asked if anyone wanted to know her opinion. She said her opinion is that, first off, at the end of the day after the 2013 budget is passed, out of the 2012 Act 13 funds, there will be about \$500,000. She said they started out with \$1.4 million and they will spend over \$700,000. She said her opinion is she doesn't agree to do an agreement with a certain percentage for this year and years to come with the municipalities only because they don't know what the impact fees will be in future years. She said right now it is \$1.4 million, and she doesn't know what it will be next year. Supervisor Petrucci said it will fluctuate. Commissioner Zimmerlink said that is why she doesn't want to enter into a specific agreement with municipalities for a specific percentage for this year and future years. She confirmed that she would like to revisit it every year. She said as far as the commissioners sitting down and picking and choosing what projects and what municipalities, no. She said she thinks that the township supervisors know their own areas and what their needs are. She said she would prefer to give a set amount of that \$500,000.

Commissioner Zimmerlink said would the amount be 60 percent? No. Would it be 50 percent? No, but it would be a specific amount for each township. She said the 24 townships believe it would be beneficial for the same amount for each township. Supervisor Petrucci said the only reason they were talking about percentages is that the amounts do change. He said next year and in 2014 it will go down and it may go up in 2-15. He said rather than putting a price or how much money, they wanted a percentage, which would help so they can do projections in their budgets. Commissioner Zimmerlink said the county doesn't know what is going to come our way as far as what expenses may be in how the county will be impacted in the year 2013 or 2014. She said the county may need those monies and that is why she wouldn't want to commit a certain percentage for future years. She said for this year, either a dollar figure

or percentage, “the bottom line is the bottom line.” She said she would revisit it on every year. Supervisor Petrucci said their proposal would be out of the county’s \$1.4 million, is there are nine entitlement townships for CDBG funds. He said there were 11 but two were cut out, going from \$100,000 a year down to nothing. He said now there are 15 non-entitlement townships. He said personally he never thought that was fair, and they will take the money in their township, and all it is are federal funds coming back to you. He said the proposal is \$15,000 for the non-entitlement townships and the nine entitlement townships getting \$10,000 each. He said that would leave the county with \$1.1 million. Commissioner Zimmerlink said minus the \$700,000 the commissioners are going to spend today, or earmark to spend today.

Supervisor Petrucci said that would be about \$315,000 to the townships. He said he can assure the commissioners that the money would be spent prudently and ethically as they always did. Commissioner Zapotosky said there is also the point of the audit and the county would have to justify the use of the expenditure. Supervisor Petrucci said they would have to work that out and follow the guidelines. Commissioner Zimmerlink said the CDBG monies are for sewer, water and road projects. She said the last time Supervisor Petrucci was at the meeting, there was a lot of discussion about the county bridges. She said all the commissioners received an e-mail that CCAP and PUC and PennDOT have released the final figures for how much each of the counties will receive for their at-risk bridges. She said they all knew, and if anyone didn’t know, they should have known, that each county was going to get a minimum of \$40,000 for the at-risk bridges. She said there were evening meetings and it was going to be a minimum of \$40,000. She said they did issue the final report a few days ago and for the TIP program, PennDOT, CCAP and SPC, which both she and Commissioner Ambrosini both serve on, and the county is actually going to get around \$191,000 in Fayette County for the at-risk county bridges.

Commissioner Zimmerlink said that is going to happen and that is money that hasn’t even been talked about here. She said that is in addition to the \$1.4 million. Commissioner Zapotosky said the county will get \$191,962 for bridges. Commissioner Zimmerlink said there was talk at last month’s meeting to utilize some of the impact fee money for county bridges. She said there was to be \$40,000 minimum and the county just found out it will be \$192,000 for argument’s sake. Commissioner Zapotosky said they were just notified of that a few days ago. Commissioner Zimmerlink said it is based on population and there are about 136,000 people. Supervisor said what he is asking for is about 20 percent of the total and he would like the commissioners to consider the percentage and he would like an ordinance in the future for funding. He said there are advantages because it gives the municipalities some stability because then they will know what they might be getting. He said they know it will come next year, but it will be less. He said what they are trying to do is make up for the CDBG money they lost. He said they lose money each year instead of gaining money and they could always raises taxes but nobody wants to do that.

Commissioner Zapotosky said they shouldn’t forget that they are losing money from the federal and state government and they should keep their eye on the ball. He said that is where the cuts are being made and the results are being felt at lower levels of

government and he thinks that is irresponsible of those two branches. Supervisor Petrucci agreed with that assessment. Commissioner Ambrosini said the county is not immune from those cuts either. He said the county is getting hit pretty hard from state and federal cuts and it is a balancing act and they will be more than willing to work with the townships. He said he would suggest that they set up a meeting, to which Supervisor Petrucci said he has been trying to have since April. Commissioner Zapotosky said they could set up a date after the holiday. Commissioner Ambrosini said they would have questions. Supervisor Petrucci mentioned last month, to which Commissioner Zapotosky said last month they wanted 60 percent. Commissioner Ambrosini said he didn't want to negotiate at the meeting.

Supervisor Petrucci said they are down to begging, which Commissioner Zapotosky said he didn't think they needed to beg, instead they should sit down and develop a program, whether on a percentage basis or otherwise. He said all three commissioners have different but the same ideas and they need to determine which is palatable to the consensus of the board. Supervisor Petrucci said they all want to take care of their constituents. He said as long as there is no adversarial positions. Commissioner Zapotosky said it has to be a partnership. He said the bridges are connected to township roads. He said they need to partner and work together to make a safe system for the constituency. Commissioner Zimmerlink said she doesn't think it is all that complicated, they know how much money they have, and what their needs are, they need to come up with a figure and it is mathematics. Commissioner Ambrosini said additionally it is important for the townships and municipalities to know what kind of burden is on the county also. He said it is important that the information goes both directions to come up with an equitable solutions. Supervisor Petrucci said they do realize what the problems of the county are.

An unidentified supervisor said they asked for the "so-called meeting" months ago. He said they need to sit down and hash it out. He said if the three guys, or two guys and a lady sit down with them, that's what they need to do, call it a work session or whatever.

Commissioner Zapotosky said they need to amend the agenda for utilization of Act 13 money. Commissioner Ambrosini said before they go there, he wanted to make some comments. He said the passage of the budget is on the agenda and he would feel a little uncomfortable since they talked about passing the Act 13 resolutions on a case by case basis throughout the course of the year, he would feel uncomfortable with making those resolutions until they have had their solicitors look at those uses on a case by case basis. Commissioner Zimmerlink said then the budget is not going to be able to balance because those revenues are in the general fund budget. Commissioner Zapotosky said if there is an issue with any expenditure, they need to address that. Commissioner Ambrosini said he isn't sure that is the case, but perhaps Solicitor Cupp, although he wanted to say something before asking Solicitor Cupp. He said there are a lot of revenues in the budget that are anticipated, even the property tax. He said they won't get that until sometime next year and he is not sure it is necessary to pass the resolutions now. He said obviously they will pass resolutions later on in the 2013 budget year anyway. He said he doesn't feel it is necessary or appropriate to pass the Act 13, even the four items they have in the budget, today.

Commissioner Zimmerlink said it is both necessary and appropriate. She said granted there is revenue, but revenue and funding streams are anticipated but they know for certain they are earmarking impact fees as revenue in order to balance the budget. Solicitor Cupp said the budget is a target. He said they anticipate they will hit that target with both revenues and expenses. He said when they pass the budget they acknowledge what the targets are. Commissioner Zapotosky said those are included by virtue of passage of the budget. Solicitor Cupp responded, yes. He said in reality because they pass the budget, they make the allocation of the funds. He said it isn't necessary to those in separate motions because when they pass the budget they have in essence done that. Commissioner Zimmerlink said it is necessary to have resolutions showing the use of the money. Solicitor Cupp said when they pass the budget they have done that. Commissioner Ambrosini said they are talking about two different things. He said they are talking about the passage of a budget, which is a spending plan. He said when they get to making a resolution individually for any Act 13 money that is more of a legal resolution because it will be voted on. He said he feels they should be doing that only and after a review from the county solicitors that they are making those in an appropriate fashion.

Commissioner Zimmerlink said she told the commissioners during budget meetings about some of the guidelines with the impact fee and it got put in the budget anyway. She said they had meetings, at least eight meetings in the last 20 days. She said no one mentioned getting a solicitor's opinion even though she said it isn't the intent of the legislation and a majority said go ahead and put it in. She said you would think they would ask those questions before today and not after. She said if that is not the case, they will have \$110,000 or whatever the amount is and there won't be a budget that is balanced. Commissioner Zapotosky said Mr. Lynch indicated that they could utilize the money under judicial services under the ARC because the cost that is being incurred are based on the courts thus it falls under item 10, judicial services. He said he thinks they should proceed, and he agrees with Solicitor Cupp that by passing the budget they are acknowledging the appropriation of the Act 13 budget. He said by virtue of those being in there, they are approving the appropriations. Commissioner Zimmerlink said what that means to her is that it will be a majority decision in January, or in January if it is determined that one of those four items then they will not have a balanced budget. She said they will find out in January that the budget is not balanced.

Commissioner Zimmerlink made a motion to amend the agenda to include separate allocations of the Marcellus Shale impact fee of 2012. Commissioner Ambrosini said none of those resolutions were included in the agenda. Commissioner Zimmerlink said go back several months, and watch the film or listen to the tape and there are many times something is sprung at the beginning of a meeting. She said an agenda can be amended. Commissioner Ambrosini said it can be but he strongly recommends that they don't do that. Commissioner Zimmerlink said she made a motion and if it fails, it fails. Commissioner Zapotosky said they already got the recommendation from counsel that they don't do it. He said Solicitor Cupp knows the law better than he does and he will acknowledge his opinion. Commissioner Zimmerlink said they just have to call for a second and if there is none, they can move on. Commissioner Ambrosini asked for a second, and receiving none, said the motion dies for lack of a second.

Mr. Cofchin asked for a little clarity, asking what the legal decision is. He said they are citing Mr. Lynch and throwing him under the bus. Commissioner Zapotosky said they are not throwing him under the bus. Mr. Cofchin said Mr. Zapotosky is making the decision and the vote and, not Mr. Lynch. He said the question is- is it appropriate to use Act 13 money for the purpose of propping up an underfunded pension. He said his position is no, it is not, and that is the decision they need, not a procedural decision about votes. He said the issue is whether or not it is appropriate to spend Act 13 money for pension funding. He said that is the decision they need, and he would like a copy of that in writing. Commissioner Ambrosini said they should move on, adding that Mr. Cofchin would get his decision in writing.

Commissioner Zapotosky said he wanted to advance the agenda and move approval of the budget up. Commissioner Zimmerlink disagreed, saying they would get to the other items fairly quickly. Commissioner Zapotosky said he hopes so, adding that is fine.

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 he has been deemed a 100% disabled veteran by the Veterans Administration of Pennsylvania effective for the 2013 tax year.

Thomas E Reckner Jr. 385 Messmore Rd. McClellandtown PA 15458 Parcel 15-28-0252

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 2-year contract with Resource Technology Corporation of State College PA. The contract terms are \$1,000.00 per month, listed in the 2013 budget request. The company provides mineral valuation and GIS support services to the Assessment Office.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Behavioral Health Administration

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

<u>Modification Agreement #1 2012-2013</u>	<u>Contract Value</u>	<u>Period</u>
City Mission – Living Stones, Inc.	\$84,143	7/1/12-6/30/13

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 approve a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services & **Mark Mehalov, Esquire, 18 Mill Street Square, Uniontown, PA 15401** to represent the interest of children in dependency proceedings. The rate for the service is \$65.00 per hour.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a FY2012-13 Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services, and Avanco International, Inc., 1751 Pinnacle Drive, Suite 425, McLean, VA 22102, for software upgrades at a cost of \$6,048.00.

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 the lease of 2 vehicles through the statewide contract program at a total cost of \$49,295 for 60 months paid in 20 quarterly payments at an amount of \$2,825.64 each.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink asked why authorization for advertising for rental space was not listed on the agenda. Chief Clerk Revak said it wasn't moved on to the agenda. Commissioner Zimmerlink said it was, adding that they didn't vote to enter into a lease agreement, but then she made a motion to authorize advertising for CYS. Chief Clerk Revak confirmed she did not place that motion on the agenda, and then read from her notes exactly how the motion was stated at the agenda meeting.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to authorize the county to seek a Request for Proposals to lease additional office space for CYS.

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:	17-Dec-12	
CASH:	Checking Account	United Bank	\$ 1,251,944.19
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
			\$ 1,440,000.00
	Arc Payments Due		
	Intermediate Punishment Fund-2yrs	\$	22,569.82
	Offenders Supervision Fund-2yrs	\$	47,032.42
	Domestic Relations-1yr	\$	20,381.26
			\$ 89,983.50
	Central Service Payments		
	C-17 Fund-2yrs	\$	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		
	ARC Payment	\$	794,797.75
			\$794,797.75
Budget Year 2012	Net Position	\$	2,065,815.94
			Year to Date
Total 2012 Revenues		\$	25,828,480.29
Total 2012 Expenditures		\$	23,101,470.10
Total 2011 Expenditures paid in 2012		\$	2,030,829.03
Capital Reserve Fund Balance		\$	63,009.15
Bond Fund Balance		\$	306,932.30

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

Commissioner Zimmerlink said during the budget meetings the commissioners were informed that cash was needed for payroll for CYS and also for adopted parent's checks. Controller Lally said foster parents checks. Commissioner Zimmerlink asked if

the \$1.2 million will cover it or not. Controller Lally said he will check into it further. He said CYS does owe the general fund over \$1.2 million so that complicates the matter even further. Commissioner Zimmerlink said Jeanine, the chief deputy came in and said less than \$500,000, or about \$250,000 was needed- up to \$300,000, asking Chief Clerk Revak the figure. Controller Lally confirmed, with Commissioner Zimmerlink saying she asked about the cash balance and Mr. Lynch and Jeanine confirmed and she said they had to make a decision because there was the payroll and the foster checks. She said the discussion was, which she disagreed with, to have the impact fees lend CYS the \$300,000 with the stipulation that it would be properly returned. She said she was told it was a matter of urgency and the reason she is bringing it up is because of the checking account balance of \$1.2 million. Commissioner Zapotosky said he thought they had addressed it, but Controller Lally said he would get an answer by the end of the meeting.

Courts

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to renew the lease between Soberdash Brothers Venture II, 1107 University Drive, Dunbar, Pennsylvania, 15431 and the County of Fayette for the office of Magisterial District No. 14-01-02, for a term of 2013 to 2018, at an annual increase of 2 percent.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to appoint Magisterial District Judge Ron Haggerty Jr, Controller Sean Lally, and State Constable Claude Saynes to the Constable Review Board; with State Constable Phillip Varndell as the alternate for the 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

District Attorney

Prior to voting on a lease agreement, Commissioner Zapotosky said it should be pending solicitor approval. Solicitor Cupp said they were supposed to get something back from the solicitor for the airport authority and they haven't but if they do, they will be OK. Commissioner Zimmerlink asked what section, to which Solicitor Cupp said they should give 24-hour notice because there could be sensitive material or other things there that shouldn't be looked at.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adopt a resolution to enter into a lease agreement with the Fayette County Airport Authority for a one-year lease for the Drug Task Force at a cost of \$1,850 per month, pending solicitor approval.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Commissioner Zapotosky said it is a building that will house the drug task force as well as the grand jury. Commissioner Zimmerlink said she voted no because they should have solicited proposals like they are doing for CYS and other buildings. Commissioner Zapotosky said he thinks the selection of the building should be done by law enforcement based on their needs and what they feel is necessary for what they need to do their job. He said he isn't going to intervene or ask for proposals. Commissioner Zimmerlink said she never said it shouldn't be their selection, she said they should seek proposals, adding there are a lot of places in Fayette County. Commissioner Zapotosky said they selected a selection and that is their choice. Commissioner Zimmerlink said they made one selection, adding that it doesn't matter, it is passed.

Emergency Management/911

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to consider ratification of the following annual service agreement for 9-1-1:

InterAct CAD/GIS Software System, \$40,092.90

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 consider ratification of the following annual service agreement for 9-1-1:

CenturyLink for the 9-1-1 telephone system, \$30,984.60

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Fayette County Office of Human & Community Services

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to assign the FCOHCS Director (Lori Groover-Smith) as the authorized official in dotgrants to assign roles within dotgrants.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the purchase of 3 Ford buses and 1 Freightliner bus from state contract #4400008420. Total cost not to exceed \$370,890.

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 change order #3 with Scheidt and Bachmann for \$6,713 to program software to capture transfer passenger data.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resource Department

Human Resources

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a modification to County Paid Sick Time policy 7.4 regarding sick time donation.

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 approve the hire of Michael Carr as a P/T IT Assistant at \$9.50/hr effective December 27, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the 150-hour volunteer internship of Laurel Business Institute, Information Technology major, Norman Walk, effective January 16, 2013.

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 approve the promotion of Assessor II, Kendall Phillips to Assistant Director/ Clean and Green Assessor at Non Union Supervisory Pay Grade 10 Step A \$31,824, effective January 2, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Tax Claim

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire of Marjorie Stefanini as an Accounts Clerk I at SEIU Pay Grade 3 Step A \$10.00/hr (\$19,500) effective January 7, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

Veteran Affairs

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the temporary promotion, of Perry Russell from Per Diem to Full-Time Van Driver, while the current Full Time Van Driver is off work on a leave, at SEIU Pay Grade 3 Step A \$9.71/hr, effective 12/18/12.

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 RZ 12-9 Rex O. & Heather Murphy, Dunbar Township, for an extension of an R-2 High-Density Residential on property currently zoned A-1 Agricultural-Rural.

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 RZ 12-10 Suzanne M. Marsh & Craig A. Edmond, Springhill Township, for a change of zone from M-1 Light Industrial to A-1 Agricultural-Rural.

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 amending the November resolution to remove Codesys CodeConsulting, Inc. (Pittsburgh) from the UCC third-party inspector list as they have declined to renew the agreement.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners

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

11-09-12 to 12-10-12			
Department	Cost Center	Debit	Credit
Planning and Zoning			
Materials UCC	01417252000	\$1,600	
Materials ZHB steno	01417153130		\$1,600
Treasurer			
Assoc. dues	01413954200	\$600	
Materials/supplies	01413952000		\$600
Materials/supplies	01413952000	\$100	
Telephone	01413953200		\$100
Public Works			
Repairs to bldgs	01417453730	\$3,000	
Auto maintenance	01417453741		\$3,000
Repairs to bldgs	01417453730	\$100	
Telephone	01417453200		\$100
Repairs to bldgs	01417453730	\$3,400	
Travel solid waste	01427053301		\$3,400
District Attorney			
Professional services	01419453100	\$1,000	
Postage	01419453250		\$1,000
Professional services	01419453100	\$2,000	
Materials/supplies	07419852000		\$2,000
Professional services	01419453100	\$250	
Photocopy	07419852200		\$250
Victim/Witness Services			
Misc. expense	07419852100	\$1,834.97	
Health insurance	07419851560		\$1,834.97
Travel	07419853300	\$1,003.50	
Health insurance	07419851560		\$1,003.50
Contract services comp.	07419853010	\$150.66	
Health insurance	07419851560		\$150.66
Misc. expense	07419852100	\$76.90	
Worker's Comp	07419853540		\$76.90
Prothonotary			
Association dues	01419554200	\$135	
Telephone	01419553200		\$135

Magisterial District Judges			
Life insurance	01418651580	\$234	
Health insurance	01418651560	\$2,000	
Materials/supplies	01418652000		\$2,234
Adult Probation			
Drug testing	01423653191	\$2,500	
Materials/supplies	01423652000		\$2,500
Telephone	01423653200	\$1,300	
Travel	01423653300		\$1,300
Information Technology			
Part time salary	01411251450	\$2,100	
Full time salary	01411251400		\$2,100
Commissioners			
Contingency	01499959040	\$2,500	
Liability insurance	01487053520		\$2,500
Controller			
Contract services comp	01413353010	\$2,500	
Materials/supplies	01413352000		\$2,500
Prison			
Jail cell rentals	01423253830	\$72,600	
Medical services	01423253020		\$72,600
Food services	01423252290	\$51,400	
Medical services	01423253020		\$51,400
Food services	01423252290	\$23,600	
Materials/supplies	01423252000		\$23,600
Fuel/light	01423253600	\$11,400	
Materials/supplies	01423252000		\$11,400
Fuel/light	01423253600	\$8,600	
Telephone	01423253200		\$3,000
Uniforms	01423252735		\$3,000
Training	01423253350		\$2,000
Postage	01423253250		\$600
Total Debits	\$195,885.03	Total Credits	\$195,885.03

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 November 21, 2012 regular commissioner meeting minutes.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a 2013 agreement between Fayette County and Southwestern Pennsylvania Legal Services, Inc. for CYS services at a cost of \$45,000.

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 extending the audit services for the years ending Dec. 31, 2013, 2014 and 2015 with Zelenkofske Axelrod LLC for the financial and single audit and the June 30 FACT audit at a cost of: \$77,340 for the financial and single audit and \$12,240 for the June 30 FACT audit for 2013; \$78,890 for the financial and single audit and \$12,485 for the June 30 FACT audit for 2014; and \$80,465 for the financial and single audit and \$12,735 for the June 30 FACT audit for 2015.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to extend the contract with the interim county solicitor as needed.

Prior to a vote, Commissioner Zimmerlink asked what the purpose of the extension is. Commissioner Ambrosini said the purpose is to complete the goals and objectives set forth in the original contract. Commissioner Zimmerlink asked if anything has been started on that, adding that she hasn't seen anything. Commissioner Zapotosky suggested that they sit down with the solicitor to go over where they stand. Commissioner Zimmerlink said there should be a time limit, adding that as needed could go on forever. Commissioner Zapotosky said he thinks they should have the meeting the first of the year to find out where he stands and where they need to go.

Commissioner Zimmerlink said during budget meetings when she asked Sam Lynch about the county solicitor budget he said he put the money in there through February and adjusted February because of possible changes. She said of all the departments that's the one that didn't come for a discussion other than a question of a consultant.

She said she still thinks it needs a date certain. Commissioner Ambrosini then said there is a motion on the floor and a second and called for a vote.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Prior to a motion on awarding the 2013 \$5 million TRAN note, Commissioner Ambrosini announced that the information on the number of proposals is available. Commissioner Zimmerlink asked how many financial institutions responded, with Chief Clerk responding that there were five proposals. Commissioner Zapotosky asked which was the lowest, with Chief Clerk Revak responding that it was PNC Bank at 1.27 percent. Commissioner Zimmerlink said for these proposals, it doesn't have to be the lowest but it has to meet all of the other requirements in the scope of work. Commissioner Zimmerlink asked if they all met the requirements, to which the answer was yes. Commissioner Zapotosky then started to make a motion, and Commissioner Zimmerlink confirmed that it was PNC Bank from Monroeville and the rate is 1.27 percent. She said the one that came next was 1.29 percent, then 1.34 percent, with the county receiving two of those and the highest was 1.75 percent.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the 2013 TRAN note for \$5 million from PNC Bank of Monroeville with a fixed interest rate of 1.27 percent.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to making a motion on adoption of the 2013 general fund budget, Commissioner Zapotosky said he wanted to make one point before they go any further. He said they were discussing the \$110,000, he asked Controller Lally to correct him if he is wrong, but he said these are the court employee's pension withholdings, so technically it is part of the employment for judicial services. Controller Lally said he agrees with that. Commissioner Zapotosky said the county is funding using other aspects of Act 13 with the hiring of personnel. He said he puts it under category 10 (judicial services) and he thinks it has merit and it will be subject to audit. He said if they are going to pay Penn State Ag for employment services while judicial services also has employment requirements "this is a part of the employment package, is it not?" Controller Lally agreed that it is. Commissioner Zapotosky said he wanted to make that point clear, that they are not just shifting money to the pension plan. He said this is a part of the judicial branch and their employees, no different that Penn State Ag or anyone else, employment is employment.

Controller Lally added that it is very akin to payroll deductions that are taken out of every employee including elected officials. He said there is FICA, unemployment compensation, and an ARC is a cost of doing business. He said for every employee the county employs, a portion of their wages is contributed to the ARC for their future benefit. Commissioner Zapotosky said he wanted to make a point that it is a part of the employment package no different than an appropriation to fund another hiring of another position at another agency. Commissioner Zimmerlink said she agrees with Controller Lally with the exception of the last statement that Commissioner Zapotosky made. She said he defined what ARC was. She said she isn't going to argue with Lally because he isn't a decision maker and he isn't going to argue with her, and Commissioner Zapotosky said he isn't going to argue with anybody.

Commissioner Zimmerlink said she isn't going to debate the issue because it isn't necessary at this time. She said the issue is whether or not those funds from the impact fee can be earmarked for those purposes. She said the other issue is just for clarification purposes, it is not Penn State that is getting money, it is the Conservation District. Commissioner Zapotosky apologized for the mistake. Commissioner Zimmerlink said Act 13 is very specific, and she knows it was in the paper that Sam Lynch made this suggestion. She said that was talked about at all of their public meetings, about the conservation district manager and sat in the back row during the impact fee meeting and made that suggestion. She said back in October they had a letter that he requested additional funding. She said it was \$38,000 in salary, confirming with Chief Clerk Revak, plus the benefits, and then there is extra in there for offsetting of office expenses. She said the impact fee is very specific that it can be given to a conservation district for the purposes of Marcellus Shale education and so forth and that's why she supports it.

Commissioner Zimmerlink said ARC funds are different and she understands that Sam Lynch, who is \$160 an hour, and she is sure they are going to listen to his opinion on it, he says it falls under judicial services and it is going to be a matter of what they agree to and she doesn't think that it does. Commissioner Zapotosky said he understands and he doesn't want to debate but he wants to make sure he clarifies that employment is employment and benefits out of that money going to the conservation district, there's pension money in that money allocated. He said on the ARC for the judicial side of the courthouse, it is how you look at it. Commissioner Zimmerlink said that \$110,000 includes the court system which is adult probation, juvenile probation, those types of offices. She said to pull the act and read the definition of judicial services and it is for any impact that the Marcellus Shale drilling has had on the court system, meaning additional cases, additional salaries, things of that nature, not a pension payment that actually was due back in 2011 and 2012 that they never paid. She said they will get a legal opinion on it and then they will make a vote on it.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adopt a 2013 general fund budget with revenues of \$29,258,917 and expenditures of \$29,258,917 and a millage rate of 4.51448, with an anticipated balance at the end of the year of \$2,207,540.

Commissioner Ambrosini yes

Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Commissioner Zimmerlink said she was hoping that the budget meetings would result in a spending plan that would not only control expenses but place the general fund in a more financial healthier situation or position but that is not the case. She said they just heard from Commissioner Ambrosini of a fund balance of \$2.2 million, but they also heard earlier in the meeting what the financial condition of the county was. She said given the 2012 one mill tax increase brought in \$4.4 million, plus the 1.44 million in impact fees and the nearly \$200,000 in the at-risk county bridges, our general fund should be in a much healthier financial situation. She said granted commissioners either in this county or in any of the other 66 counties, they are not going to agree on every line item, that's a given, but you should agree on an overall spending plan.

Commissioner Zimmerlink said at the very beginning of the budget meetings, she thought they would make cuts and control expenses but they are also going to be able to because of the additional revenues, have a healthier financial situation with our general fund, and we don't. She said there are no monies set aside in the capital reserve, which it totally different from capital outlay and there are no monies set aside for operating budget. She said she thought they would be in a better position and they aren't and the reason is because of the overall spending plan. Commissioner Zapotosky said he sat in those meetings, and asked to be corrected, and asked if she made any suggestion to make any reductions. Commissioner Zimmerlink said yes she did.

Commissioner Zimmerlink said they are all listed, ask Sam, he wrote them all down. She said the Chief Clerk was then, and Commissioner Zapotosky was in and out and he wrote them all down. Commissioner Zapotosky said there were things she was opposed to. Commissioner Zapotosky said he never received any information on anything. Commissioner Zimmerlink said it was at the meeting. She said giving the public some specifics, because reading off numbers doesn't mean anything, she would give some information on the expenditure and revenue side, just taking information from the top of her head. She said she would give general information, not saying that she agrees or disagrees, of things in the budget. She said there is a 3 percent pay increase for non-union, adding that she didn't take her 3 percent this year. She said in the commissioner's office there is a funding of a receptionist position that wasn't funded last year. She said she doesn't think they need a receptionist; they have staff that could handle that.

Commissioner Zimmerlink said that is a \$25,000 salary and in addition you have to add health benefits. She says she doesn't have an administrative assistant, she chooses not to, but she put in \$8,200 for part-time in the event she decides to have one. She said in the planning and zoning office there is a new position to be funded and that is a grant writer with between \$25,000 and \$30,000 salary. She said they heard earlier that the state and federal funding streams are limited. She said why have a grant writer if there are not grants to seek. She said they already have one grant writer, so she

didn't think that was necessary. She said the Drug Task Force, first time since she has been a commissioner; the general fund is giving the drug task force \$73,000. She said she wanted to continue, adding that it was off the top of her head. She said normally for reclassifications, money is set aside in a line item, and in this instance there was \$8,500 to \$9,000 in the controller's office for two positions for reclassification.

Commissioner Zapotosky said he wanted to comment on the drug task force, saying it is imperative that the county steps up to offset the reduction they have seen from the state. He said in light of what is happening in our society, what more worthy of an investment do we have than preventing this type of crime. Commissioner Zimmerlink said just for purposes of newspaper, at the beginning she said these were additional general fund items. Commissioner Zapotosky asked if she supported the drug task force and Commissioner Zimmerlink said she wouldn't have given \$73,000. She said she was and am only giving examples of what the general fund budget includes. She said she wasn't going through what she agreed and disagreed with at this particular time. Commissioner Zapotosky said everything she cited she was in disagreement with. Commissioner Zimmerlink said the task force she is in agreement with. Commissioner Zapotosky said at the meeting she said no. He said when they were going over the appropriations; she didn't think they should fund the drug task force. Commissioner Zimmerlink said she said that's the budget, adding that she thought they should do less than \$73,000. "How quickly our words change in public," Commissioner Zapotosky said. Commissioner Zimmerlink said it was \$73,000 out of \$29 million. She said it was a public meeting.

Commissioner Zapotosky said \$1.4 million of revenue is going to pay for the ARC, so always keep in mind that is something that is knocking at our door every year. He said of a budget of \$29 million, \$1.4 million is going for the ARC. He said as far as the reception position goes, it's a mockery that someone has to ring a bell, hopefully somebody hears it, and then somebody has to run out, and it's been me on occasion and you on occasion. Commissioner Zimmerlink said the assistants can take turns and Commissioner Zapotosky said what if they are on the phone, then a constituent has to wait. Commissioner Zimmerlink said to make it clear, because this is what is always written in the newspaper, that it is a \$1.4 million ARC payment. She said that leaves the impression with the taxpayers that is what the general fund is paying. She said there are other departments that are paying their proportionate share. She said it isn't a total of \$1.4 million. Commissioner Zapotosky said it is 60 percent of the \$1.4 million. Commissioner Zimmerlink said if they are going to be clear, they will be clear, adding that it is less this year, last year it was \$1.5 million. Commissioner Zapotosky said CYS is a wash, because the county ends up paying it in the long run. He said the county has never been paid by the courts since they have implemented the program of the cost share for the ARC. He said he isn't going to get into a debate, but he disagrees with some of the things Commissioner Zimmerlink brought up. Commissioner Zimmerlink said she just brought up a few.

Commissioner Zapotosky said he thinks the budget this year is progressive, it's solid and if anybody had any draconian cuts they wanted to make, they could have brought them to the table. Commissioner Zimmerlink said she did bring them to the table and

she was sitting there and Sam Lynch wrote them all down. Commissioner Zapotosky asked if anyone received any cuts, to which Commissioner Zimmerlink replied that it was a public meeting and she said it at the table. Commissioner Zimmerlink said to Chief Clerk Revak- not to put you in the middle but you have to answer because you were sitting there- did I not go through the cuts Chief Clerk? Chief Clerk Revak replied that she believed there was a meeting after. Commissioner Zimmerlink interrupted, saying, not a meeting after, this was the budget meetings. She said you and I were sitting there. Chief Clerk Revak said we were there and the other two commissioners were not there. Commissioner Zimmerlink asked where they went and Chief Clerk Revak responded that she didn't know. Commissioner Ambrosini said it was after the meeting had ended. Commissioner Zimmerlink said Commissioner Ambrosini kept walking back and forth with his cup of coffee. Commissioner Zimmerlink said it wasn't an ended budget meeting. She asked how it could be ended if Sam Lynch was there, adding that they shouldn't pay him for that hour that he sat there. She said, to make it very clear, it is the overall spending plan, given the increase in the at-risk county bridges, \$1.4 million in Marcellus Shale funding, a one mill tax increase that brought in \$4.4 million, our general fund should be in a healthier position. She said granted they won't agree on every line item but they should be in a healthier position. She said there should be money set for capital reserve and operating reserve.

Commissioner Ambrosini said he wanted to elaborate on that. He said he wanted to start out by saying financial advisor Sam Lynch indicated that this is probably the most realistic budget that we have ever had in the county. He said one of the, he said they do have a lot of significant issues with a lot of underfunding with budget cuts from state and federal as Commissioner Zapotosky mentioned, especially CYS is hit hard. He said the mandated portion of that did not go away. He said the other issue is that the county spent, as Controller Lally mentioned, we paid \$2 million in 2012 revenues to fund 2011 shortfalls. He said one of the other things is that in 2011 the ARC payment was underfunded so that does cost more going forward. He said, in fact, when they did vote to pay the actual calculated ARC in 2012 of \$1.5 million, Commissioner Zimmerlink voted against it. Commissioner Zimmerlink said they don't have to fully fund an ARC payment, a lot of counties aren't doing it. Commissioner Ambrosini said she just mentioned that the ARC payment this year is lower and that is because we did fully fund it. Commissioner Zimmerlink said no, it's not.

Commissioner Ambrosini said he would give a specific example. He said in 2011 the ARC payment was underfunded by \$300,000. He said that \$300,000 is going to cost the county \$40,000 a year for the next 15 years. "You do the arithmetic and see how wise that is," Ambrosini said. He said we have to take fiscal responsibility now. "We can't keep kicking the can down the road for whatever reason," Ambrosini said. He said that is what they are doing and it is making sense and it is working for us. Commissioner Zapotosky asked Controller Lally if he agreed with that assessment, to which Controller Lally replied that he absolutely would. Controller Lally said underfunding the pension is an additional \$40,000 to the pension fund over the next 15 years, which is \$600,000 on a \$300,000 deficit. Commissioner Zapotosky said the county has probably one of the best actuaries, one of the most thorough and detailed actuaries in Mr. Frelander.

Controller Lally said he is “fabulous” but a little dry.” Commissioner Zapotosky said that is an understatement.

Public Comments

Jerri Mazza said regarding extending the contract for the interim county solicitor, there are attorneys in Fayette County and she doesn’t understand why we need somebody from outside the county. She said that when he was brought on board, they said he would be gone in December and now they are asking to keep him on. “I just want you to know Al that you cost me some money,” Mazza said. She said when the solicitor was brought in she had a debate with someone about whether he would be gone in December or not. She said they emphatically told her not to believe what Commissioner Ambrosini said, that he will be the final solicitor for the county. She said she stood up for him, saying that if Al says he will be gone in December, he will be gone in December. She said they made a bet and now she has to reach in her pocket and pay her debt. She said that’s OK, she can pay her bet. She said she is very disappointed.

Commissioner Ambrosini asked if she would like him to respond. Mrs. Mazza responded that she doesn’t know how he can respond. She said what can you say, adding that her brain is in park this morning. She said she doesn’t know what he could say to justify keeping him on. She said if he hasn’t been able to do the job he was hired to do, which is revamp the solicitors department, then he needs to go for lack of production on his part, adding that’s all she is going to say. She said she is so disgusted with the whole county commissioner board, and she is done.

Commissioner Ambrosini said he wanted to respond to that, adding that she raised a good question. He said originally they brought Attorney Burkley in to be impartial. He said there are a number of things to do; reorganize the solicitor’s department, and one of the things that he indicated and didn’t make any secret of it, which is a liability problem with frivolous lawsuits in this county. And so the efforts to attack the litigation avoidance issues that we need to establish are very important. He said if we keep this guy a few more months to accomplish the goals and objectives that we originally started out to attack, he would much rather do that than say, OK Ken, you’re done without accomplishing the goals and objectives. He said for every month he is here, the county is saving one thousand bucks because we are not paying for any health care benefits. He said those are real dollars when it comes to the county and we are not spending any more money by having him address these problems. He said he will admit that the lawsuit problem in this county is much greater than he had imagined.

Commissioner Ambrosini said our liability premiums increased from three years ago from \$300,000 to \$636,000 today. He said everyone just saw the budget and that amount is a significant portion of our \$29 million budget. Mrs. Mazza said Fayette County isn’t facing lawsuits because of the solicitors; Fayette County is facing lawsuits because the people working for the county are not doing their jobs properly. Commissioner Zimmerlink said those premiums did not jump from \$300,000 to \$600,000 in a year or so. Commissioner Ambrosini said he said three years. Commissioner Zimmerlink said secondly, the premium also includes, it’s not just the

premium it's also the costs and the awards. Also, she said it is not just what you read in the paper. "Do you know how many lawsuits we have under that \$600,000 premium that he is talking about?" she asked. She said FACT, slip and fall, automobile, prison, there's so many, you would be surprised. She said what you always hear is that it jumped from here to here and it is always a certain lawsuit or two. Let's talk about all the lawsuits that perhaps I was not named but other commissioners were named. She said you never hear about those lawsuits and you have to put it into perspective. She said the second thing is as far as solicitor Burkley is concerned, he is paid \$4,000 a month and he has been here since June for \$24,000. Commissioner Zimmerlink said in the budget that was just passed, salary department head, \$24,000 July through December, \$4,000 a month. She said this budget here, just passed, the solicitor department head salary is \$39,000 and for salary assistant \$54,500. So think about it, is that two assistants? No. Would that be Cupp and Heid? Surely they don't make only \$25,000 a piece. She said think about it, \$39,000 for the head solicitor for the 2013 budget and \$54,500 for salary assistants. She said last year there were assistants and they wouldn't make \$25,000 a piece so some decisions had to be made. She said she asked questions and she was told no decisions were made, lets move on to the next item in the budget meeting.

Mrs. Mazza said there are competent people and as far as she is concerned, Fayette County people should be hired. Commissioner Zimmerlink said the only other thing she will say about the interim solicitor is that 80 percent of the time when there are communications between the chief solicitor Burkely and John Cupp she is copied on after the fact, after decisions have been made. She said most of the things that she is privy to is his response when our Pittsburgh law firm sends information and provides the county with an update, he writes "I agree." She said there are a lot of discussions when they have one legal issue there are the two county solicitors talking about it in an e-mail, which she really thinks is a big waste. She said one thing that really upset her, which she just found out about, is if there is a county problem it would only involve Commissioner Ambrosini as the first line of communication. She said a meeting occurred with another elected official present and a solicitor and a decision occurred, present company excluded. She said that should have never occurred and there should never be an e-mail that says first line of communication with one commissioner. Mrs. Mazza said she thought they had three commissioners, with Commissioner Zimmerlink responding that she won't say, and Commissioner Ambrosini saying, we do.

Commissioner Zimmerlink said she will follow up on that issue, and it is a very important issue. Controller Lally said he had been asked a question earlier about foster families pay. He said those checks were cut on Friday and a loan was made out of the Act 13 to repay it as quickly as possible. Commissioner Zimmerlink said wait a minute, how did that happen. She said don't anyone in this room say that Angela wasn't there, go check the security cameras in the courthouse, I've been there. She asked who gave the approval out of Act 13 monies a loan. She asked if anyone signed off on it, and if so who? Controller Lally said those two. Commissioner Zapotosky said he signed off on the approval for the funding, adding that he didn't know if it said Act 13 transfer on it. Controller Lally said it was a requisition. Commissioner Zimmerlink asked where the monies are coming from. Commissioner Zapotosky said it was just a requisition form and Controller Lally said the monies are coming from Act 13. Commissioner Zimmerlink

said authorizing that the monies be taken from Act 13. Commissioner Zapotosky said it was a requisition. Commissioner Zimmerlink said a requisition is authorizing payment. Commissioner Zapotosky said it didn't specifically state Act 13 money. Commissioner Zimmerlink asked where the money came from, asking why anyone would sign without knowing. Controller Lally said the money came from Act 13. Commissioner Zimmerlink said it is coming from the Controller and he just read his whatever that's called over there, I pad, I phone. Commissioner Zimmerlink said who signed, two of the three commissioners, asking where she was. She said check the security cameras and ask the assistants, she has been in the courthouse every day this week. Commissioner Zapotosky said it was in the box.

Commissioner Zimmerlink said she thought they weren't going to, adding that she is going to stop. Commissioner Ambrosini said the fact of the matter is that was discussed in the conference room with Sam Lynch and all three commissioners and Jeanine (Wrona) came over and talked to us all about it. Commissioner Zimmerlink said one suggestion is a temporary loan and she said no, they need to talk about if the money can be used for that, and then "up everybody goes." Controller Lally said that earlier in the meeting Commissioner Zimmerlink said she approved, or suggested that. Commissioner Zimmerlink said she would never suggest that. "No no no no no," she said. Commissioner Zimmerlink said Sam Lynch takes very good notes, especially when she says things. She said she actually asked where the money would come from and Commissioner Ambrosini said it can't come from the cash balance and she looked at Sam Lynch and he said there is no cash flow. She said the comment that came out of her mouth was a one mill increase, \$4.4 million, and "we have no money." She said that is what she said.

Commissioner Zimmerlink said she then said it shouldn't be used for that, we should look for other purposes and not a loan from Act 13 money. Controller Lally said he thinks the issue was being addressed. He said \$2 million in bills are being paid out of this current budget, which is half of the millage increase. He said with a \$1.4 million ARC, you have almost eaten the whole thing. He said if there isn't cash available there is only one reason, this isn't the time of year the government collects revenues. Commissioner Zapotosky said it is a constant problem they have with all departments at the end of the year. He said they are always cash strapped. He said that is why they move so quickly on the TAN is to recover at the beginning of the fiscal year. Commissioner Zimmerlink said they increased revenue from the millage increase and monies need to be set aside in an operating reserve. She said county code suggests an operating reserve account just like a capital reserve account. She said the spending plan isn't setting money aside for these end of the year purposes. Controller Lally said he fully agrees that we need to have a reserve fund but when you are operating at a deficit going into the next fiscal year, how does that happen?

Commissioner Zimmerlink said one mill increase, \$4.4 million, a better spending plan. Commissioner Zapotosky said how much is eaten out of the ARC right off the bat.

Marcy Ozorowski and Karen Blocker, employees of Highlands Hospital, said they are at the meeting to ask the commissioners why they have not received a response to their

attorney's many requests for a meeting with all the commissioners to discuss the awarding of the Value Behavioral Health contract to another county hospital. She said letters were sent to them and counsel requesting such a meeting. She said the hospital gave a series of dates: Oct 25, 29, 30, 31, Nov. 1, 2, 5 and 6, all available dates asking if they were willing to meet. She said they are there to tell them that the employees have had their hours cut, they are losing their health insurance coverage because of this, and Behavioral Health admissions have been adversely impacted by the awarding of that contract. Ms. Ozorowski said the overall effect on the continued lack of admissions will be devastating to our facility and our community. She said to date the hospital has received no response nor to her knowledge has any attempt been made to resolve this situation. She said the only commissioner that agreed to meet with Highlands Hospital officials was Commissioner Zimmerlink. She said Commissioner Ambrosini was quoted in the Herald-Standard saying he is willing to consider such a meeting.

Ms. Ozorowski said they would like to know when they can expect to hear that a meeting has been scheduled and hope they sincerely realize that they cannot afford to have layoffs to make you understand how serious the situation is. Commissioner Zapotosky said there has been some exchange between the attorneys and therein lies the dilemma. He said there are two attorneys going back and forth regarding the logistics of the meeting. He said he has no problems meeting with Highlands. Ms. Ozorowski said they are there to broker. Commissioner Zapotosky said he has responded to every request that Highlands has made. Ms. Ozorowski said if there was a specific meeting set, Commissioner Zapotosky said "tomorrow morning he would be there."

Commissioner Zapotosky said it has to be discussed between the attorneys since there is an engagement between the attorneys. Ms. Ozorowski asked why they can't tell the attorney they want to discuss it, adding that it has been going on for months. Commissioner Zapotosky said the attorney has been going back and forth with Mr. Burkley on this. Ms. Blocker said there were e-mails between attorneys Rullo and Burkley asking if there was an answer and it was no. She said there has been no response from any commissioners to meet with Highlands and they want to know what the holdup is. Commissioner Ambrosini said he has been willing to meet all along. Ms. Ozorowski said she saw him in the hospital lobby and he said he would do whatever he can to help them.

Commissioner Ambrosini asked Ms. Ozorowski to keep in mind that there were two meetings set up and on both occasions Attorney Rullo, attorney for Highlands, and Michelle Cunningham, CEO, failed to attend. He said the last meeting was cancelled, reinstated and the meeting was held. Ms. Ozorowski said she didn't want to have that conversation; she wanted to "wipe all that gone." She asked to get a meeting and get it done. Commissioner Ambrosini said they have already taken steps to set up the parameters of the meeting and he suggests it is held in the meeting room. Ms. Ozorowski said she wanted them to come to Highlands because if they need information, it is right there. She said he is the one talking about cutting out the middleman and getting the job done, there is the place to do it.

Commissioner Ambrosini said the problem now is that Ms. Cunningham doesn't want selected people to attend that meeting. Ms. Ozorowski said they want all three commissioners, their attorney, the hospital officials and attorney is all they ask. Commissioner Ambrosini said he thinks that everyone mentioned in the July 13, 2012 letter, it would be common courtesy for them to be invited so they can ask questions. Ms. Ozorowski said they should meet first and then talk about that. Commissioner Ambrosini said they want to be careful. He said he thinks it is beyond that, adding that they attempted that months ago. Ms. Ozorowski asked the commissioners if they would meet with Highlands officials. Commissioner Zapotosky said he can't get Highlands officials to respond to him. He said he sent e-mails to the CEO and asked if he got a response back. Commissioner Zimmerlink said solicitor Burkley told them not to respond and she got an e-mail because she picked up a phone.

Commissioner Zapotosky said he isn't talking about Ken Burkley, he has sent numerous e-mails to the CEO and hasn't gotten a response and was told by Ms. Blocker that she was told not to respond. He asked what they are going to do. Commissioner Zimmerlink said the meeting that was scheduled was cancelled because of executive session, public meeting. She said she picked up the phone and called Attorney Rullo's office because she went upstairs and saw Commissioner Zapotosky in the hall and he went up looking for everyone and came back down. She said she called Attorney Rullo's office after she said to Ken Burkley and individuals in the room – are we waiting for Attorney Rullo or anyone from Highlands and they said that it doesn't look like they are coming. She said she went downstairs and read an e-mail that it was cancelled and she called Attorney Rullo and they had to find him because he was enroute and they connected me and he said it was his understanding that it was cancelled. She said all the dates that were listed, she sent back to Burkley that she was available, to pick any of those dates.

Commissioner Zimmerlink said recently, either Thursday or Friday, Attorney Rullo sent an e-mail Burkley and said please see enclosed e-mail. She said Rullo was asking why they haven't met and Ken Burkley sent FYI please advise. She said she e-mailed back saying pick a date, she will be made available, and she said as long as it isn't a commissioner meeting date and there isn't anything else scheduled. She said Commissioner Ambrosini wrote back and said he would do it under certain parameters and conditions, one being as he just said that all the people that were accused it, and that was the word he used, in the July 13 letter were present. Commissioner Ambrosini said that he said mentioned. Commissioner Zimmerlink said he had the word accused in there, to which Commissioner Ambrosini said in his e-mail, he did. Commissioner Zimmerlink said as well as Uniontown Hospital, to have it here and there was another one.

Ms. Ozorowski said it isn't about Uniontown Hospital, it is about Highlands Hospital. Commissioner Zimmerlink said this isn't about all of that and she doesn't know what Commissioner Zapotosky said but "again, I am available and I will meet," she said. Commissioner Zimmerlink said going back and forth with attorneys and parameters. Ms. Ozorowski said this has been going on since May, with Commissioner Zapotosky saying, "since July." Commissioner Zimmerlink said July 13. Commissioner Zapotosky

said he was contacted on July 14 or 15. He said he remembered the conversation with Ms. Blocker and the contract was signed. Ms. Ozorowski said they were discussing that the drug task force is a worthy cause. She said if what has happened recently in Uniontown doesn't show how worthy mental health is in this community. She said the commissioners can't even get together. Commissioner Zapotosky said he agrees with them. Commissioner Zimmerlink said she will meet and there are no parameters as far as in the letter be present or Uniontown. She said Highlands is asking for that meeting and she has no problem with meeting. Ms. Ozorowski said she didn't know if Uniontown wanted to be involved. Commissioner Zimmerlink said she has not had communication with them at all.

Commissioner Zapotosky said it is about Highlands and not Uniontown. Commissioner Zapotosky said it stems from the contract that was awarded. Ms. Ozorowski said they want to know why that contract was awarded. She said the commissioners can answer that question. Commissioner Ambrosini said that is incorrect, the only person that can answer that is Value Behavioral Health since they are the ones that select the services, the hospital services for inpatients behavioral health. He said it is a state contract, not a county contract. Ms. Ozorowski said they approve those contracts. Commissioner Ambrosini said they do not approve those contracts. Ms. Ozorowski said that isn't what the former attorney for DPW said in an article that was in the newspaper. She said that would be John Caine, who said that the county's behavioral health administration does oversee the day to day operations of the program but the county is legally responsible for approving all contracts that involve the expenditure of public funds under state regulations.

Commissioner Zimmerlink said to add to that from the letter, adding that she isn't going to take sides until she sits down and gets the information, but since they are talking about behavioral health attorneys Lawrence Tabas was very supportive, adding that they know what the results of what his legal opinion was. She said that was all discussed, openly, publicly, everything. She said the other letter came in and it said private and confidential. She said that letter was favorable to Highlands. She said why is it that Ken Burkley sends an e-mail cautioning every commissioner not to discuss because of the potential litigation. She said Tabas' letter was freely discussed that was favorable to Uniontown but Caines letter, not one peep. She said the point is that they need both attorneys and they need to sit down. She said they are contradictory legal opinions and they both worked for DPW. She said they need to have a discussion about that.

Commissioner Ambrosini said that is exactly why they need to have all parties in a public meeting. Ms. Ozorowski said they need to agree with the commissioners, their counsel and Highlands and their counsel to have a meeting. Commissioner Zimmerlink said she will do that. Commissioner Ambrosini said that Ms. Ozorowski just got done saying the meeting should be held at Highlands Hospital because all of the information is there. He said if they don't have all the parties, that is incorrect. Ms. Ozorowski said it is Highlands Hospital concern. They can take it to them and they can take it back to the other parties. She said they are asking for this one meeting, adding is it really that hard? Commissioner Zimmerlink responded no. Commissioner Ambrosini said it isn't that

complicated, but when they start excluding parties from the conversation, they aren't going to come up with all the facts. Following some comments from the audience, Ms. Ozorowski asked them to come to Highlands. Commissioner Ambrosini said the problem is that Ms. Cunningham made accusations across the board to a lot of different parties. He said if they exclude some of those parties, what do you think the stance is going to end up with. He said they are already sending correspondence back and forth between Mr. Tabas and the consultant who is a former employee of DPW. He said he is now a consultant on his own. Commissioner Zimmerlink said he is also an attorney, with Commissioner Ambrosini adding that he has his own firm.

Ms. Ozorowski asked Commissioner Ambrosini to put it behind him and to come to Highlands Hospital. Commissioner Ambrosini said he wanted to point something out that seems to be missed in the rush. He said he initiated the dialogue with Highlands Hospital back in March or April, adding that Michelle Cunningham came to his office. He said they sat down and he suggested how the county could help Highlands Hospital. He said she left that day with no commitment. He said then this July 13 letter shows up that makes a lot of false accusations. He said he thinks it is vitally important that in a public setting, so everyone can see what is going on, that each of those accusations are addressed fully and settled. He said they can't do that with only half the people in a room. Ms. Ozorowski said don't call it a meeting, call it a work session. Commissioner Zimmerlink said it doesn't matter what you call it.

Commissioner Ambrosini said what is interesting about the whole deal is they went through a month-long e-mails back and forth with Mr. Rullo and he wanted to have a public meeting. He said now all of a sudden he doesn't want to have one, asking what is the story there. Ms. Ozorowski said he can't get one, with Commissioner Ambrosini saying he can get one, he is insisting on one. Ms. Ozorowski said why won't he come to Highlands. She said they vote, they are the employees of the hospital and they are asking the commissioners to come to Highlands Hospital. She said let's get a date. Commissioner Ambrosini said he would come any place and talk to anybody at any time but they must have the public meeting to actually get the facts out in front of everybody. He said he would go to Highlands Hospital and talk to the union and administration, he will talk to anybody but he must insist that they have a public meeting with all the parties involved to make sure the facts are clear and settled upon. Ms. Ozorowski said he keeps saying all the parties involved.

Commissioner Ambrosini said all the parties involved. Ms. Ozorowski said they don't want Uniontown Hospital involved because it is there hospital issue. Commissioner Ambrosini said they are saying that Uniontown is the problem. Ms. Ozorowski said they awarded a contract with Value Behavioral Health is the problem, a contract that the commissioners approved. She said the commissioners approved Value Behavioral Health's contract with Uniontown. Commissioner Ambrosini said the contract mandates that Value Behavioral Health sets up the provider network. He said, not the county, as mandated by Pennsylvania Department of Public Welfare. He asked by Ms. Cunningham is asking the commissioners, they don't set up those practices. He said why didn't she go ask DPW. Ms. Ozorowski said DPW said the commissioners are the ones who handle the contract. Commissioner Zaptosky said with all due respect, they

have never in his four years, five years, passed a contract of this nature. He said he too thought what she thought but then he was informed that it was contrary. He said when you look at the litany of acute care facilities, there are 15 or 16. He said there is Mon Valley, there's Greene County, there's Westmoreland, there's Frick, there are multitudes of acute care facilities that are licensed to provide psychiatric services. He said the commissioners have never approved any of those contracts to his knowledge. Ms. Ozorowski said she can say that a former commissioner told her that they did.

Commissioner Zapotosky said he too was under the impression that they did. He said if that was the case, they would preclude the other acute care facilities, but they can't do that. He said, first of all, a patient has a choice, do they not? He said you can't mandate that a patient go to a certain hospital. He said last time he looked, that's called socialization. He said patients have rights whether they are on Highmark Blue Cross or they are receiving DPW they have the right to decide, their family members have the right to decide. He said once Uniontown got its license, adding that there are only two types of license, an adolescent psych license and a psych license, there is no in between there. He said once they got the license, adding that you guys knew we talked about this, they became eligible to apply. He said the administrator of the county's behavioral health administration has stated that she approved or authorized the issuance for Value to sign off on it. But them met the guidelines, he said.

Commissioner Zapotosky said they have churned this into butter, cottage cheese, whatever you call it, the fact of the matter is there are rights here that people have. He said he wants to help Highlands as much as anybody but the fact remains that they have restrictions. He said he is surprised, shocked and dismayed that if there was a break of DPW rules, why haven't they sanctioned the county. Ms. Ozorowski said maybe. She said it would behoove everyone to meet. She said they all need to get together. Commissioner Ambrosini said that is exactly right, they all need to get together. Commissioner Zimmerlink said move on. Ms. Ozorowski said Highlands Hospital and the commissioners and attorneys should meet, that's it. Commissioner Ambrosini asked why they don't think it's fair to ask others. Ms. Ozorowski said Uniontown isn't asking for it, they are and that's all they want.

Commissioner Zapotosky asked if the CEO will attend, and Ms. Ozorowski responded, "absolutely." The employees asked the commissioners to pick a day. Commissioner Zimmerlink said maybe if Mr. Burkley were sending less e-mails he would have time to do the litigation avoidance contract work. Commissioner Zimmerlink said they can move on. Commissioner Ambrosini said they will get that meeting. Commissioner Zapotosky wished everyone a Merry Christmas and asked everyone to keep in their hearts the families of Newtown, Ct. and the community as a whole. He said there is no question that mental health plays a role as well as other factors that came into play in that tragedy that occurred. He urged everyone to hold their kids and their grandchildren a little tighter this holiday season and keep our prayers on them because he said he can't imagine what they could be going through right now.

Ralph Mazza said he had a couple things he wanted to discuss. He said there is an attorney that they hired for \$4,000 a month and originally was hired as a consultant and

when he was hired he was made chief solicitor. Then he said for five months, he sat in the chair at the meeting and he was mute. He said every legal question that was asked was addressed to Mr. Cupp. He said the man was making more money than any chief solicitor we ever had. Commissioner Ambrosini said that was untrue. Mr. Mazza said now they want to keep him as what. Commissioner Ambrosini said he wants him to finish the job which has escalated. Mr. Mazza said he thought that the idea was that in six months he was going to do that and complete that job. He said he was chief solicitor and he never opened his mouth at the meetings, and never answered a legal question.

Mr. Mazza said that Mr. Cupp answered all the legal questions so he is wondering why we need him. Commissioner Ambrosini said the county needs him because of the original contract and the goals and objectives including litigation avoidance. He said with the education process to keep these processes from continuing and from the frivolous lawsuits that this county is exposed to from continuing. Mr. Mazza said he wanted to know what as needed means. Commissioner Ambrosini said until those goals and objectives are completed. Mr. Mazza asked how he is going to be paid, is he going to continue to collect \$4,000 a month? Commissioner Ambrosini said yes he is.

Mr. Mazza said then he will collect \$4,000 a month, and only be used as needed. Commissioner Zimmerlink said actually the agreement said it had an ending date, so that agreement needs to be modified. Mr. Mazza said he thought the ending date was today. Commissioner Zimmerlink said she doesn't have it with her, but she believes the contract says up to six months. Mr. Mazza said December would be the last month. Commissioner Ambrosini said he will continue as the interim solicitor until they establish the goals and objectives. Mr. Mazza said they will continue to keep him on, does that mean in January he will get \$4,000? Commissioner Zimmerlink said there needs to be an agreement because the agreement says for it to be four to six months and that agreement was dated either June or July.

Mr. Mazza said the agenda said to extend as needed and he wants an explanation of what as needed means. Commissioner Zapotosky said he would like to sit down and discuss with the solicitor in question where he is regarding the goals and objectives that he was brought on to attain and to let that be the bar regarding where they are going. He said all the commissioners need to know that and he would like to sit down and discuss those matters. Mr. Mazza said he is the solicitor and he asked why he wasn't sitting in that chair. Commissioner Zimmerlink said come January he wouldn't be able to be paid anyway because there isn't a contract signed and as Controller Lally and everyone has always stated that you can't pay unless you have a signed contract and the contract expires Dec. 31. Mr. Mazza said he understands that but what was passed was as needed. He said he wants to know if that salary is going to continue. He said they passed a contract that says as needed. He asked who determines as needed and how much is he going to get. Commissioner Ambrosini said they extended the contract as needed and as needed refers to the time period in the contract. He said as he stated they are going to complete the goals and objectives of that contract and then it will be completed.

Mr. Mazza said what they will have is the chief solicitor collecting \$4,000 a month and there will be an assistant solicitor doing the chief solicitor's job. Commissioner Ambrosini said no, to which Mr. Mazza replied that he is. He said he has been attending commissioner's meetings for 17 years and he said in the 17 years the only time the chief solicitor wasn't there to answer legal questions was when he was sick or something came up that he couldn't possibly be there and one of the assistant solicitors was there. He said in the six months the man has been here, adding that he has no animosity toward him because he doesn't know him, and he doesn't know what he knows or doesn't know, but he knows this- a chief solicitor is supposed to sit in at commissioners meetings and answer legal questions that come up. And the only person he has heard in the last six months answer any legal question is Mr. Cupp. He said the man they pay \$4,000 a month sat there and didn't say a word. He said the only time he spoke was at the last meeting and he consulted with Mr. Cupp.

Mr. Mazza said they are paying \$4,000 a month extra for an attorney that he doesn't understand what he is doing. He wants to know if that contract means he is going to get \$4,000 more a month from here on in. Commissioner Zapotosky said they have to extend the contract. Mr. Mazza asked if that is what they are going to do. Commissioner Zimmerlink said the resolution says extend the contract, extending means that it has to be under the same terms and conditions. She said they passed it. Commissioner Zapotosky said they have to know what he has done with the projects and where they are at with them. Mr. Mazza said in six months, you don't know what he has done. Commissioner Zapotosky said he has not received an update and he wants to sit down with Mr. Burkley and go over where he feels we need to go regarding litigation avoidance, the whole nine yards. Mr. Mazza said for \$4,000 a month, he thinks it should have been done before today. Mrs. Mazza said he can drag it out for months and Commissioner Zapotosky said that will not be the case.

Mr. Mazza said the chief solicitor before was making \$33,000, with Commissioner Zapotosky adding it was plus benefits. Commissioner Ambrosini said the chief solicitor was making \$60,000, which was \$44,000 plus benefits which would have been \$60,000. Commissioner Zimmerlink said she will have to check. Mr. Mazza said they were going to pay this guy \$4,000 a month for what? He said he is called the chief solicitor and he should be doing the chief solicitors job. Commissioner Zimmerlink said from Sam Lynch, adding that everyone knows who he is, salary department head audited for 2012 was \$35,355; audited for 2011 was \$37,214. She said "It has here the adopted amended budget was \$38,000." Commissioner Zapotosky said plus the benefits and Commissioner Zimmerlink responded that she is just talking salary, \$38,000.

Mr. Mazza said that is \$10,000 less than what this gentleman is getting as far as salary. Commissioner Zapotosky said overall costs are higher. Commissioner Ambrosini said overall costs were \$60,000, he isn't making this stuff up. Commissioner Zimmerlink said he is adding FICA and other items. Commissioner Ambrosini said he is adding it all up for the cost to the county. Mr. Mazza asked if they are paying \$32,000 for health? He said \$38,000 plus \$32,000 made \$60,000 when he went to school. He then added that it makes \$70,000. He said it is \$22,000 for benefits, which is a lot of money for health insurance.

Commissioner Ambrosini asked if there were any additional public comments and Mr. Mazza responded that he is not finished. Mr. Mazza asked if Mrs. Zimmerlink was ever reimbursed for her trip to the CCAP conference. Commissioner Ambrosini said that is a good segway into what he wants to mention. Mr. Mazza told him just to answer the question please. Commissioner Ambrosini said no she hasn't been. Mr. Mazza asked if Commissioner Ambrosini has been reimbursed and Commissioner Ambrosini said he hasn't been. He said he has been too busy to put his expense statement in in a timely manner. Commissioner Ambrosini said he wanted to explain what happened because everything was not explained in detail. Mr. Mazza said nothing was explained to him, he only knows what happened at the last meeting.

Commissioner Ambrosini said he wanted to explain. He said there was a CCAP conference in August. Mr. Mazza responded that he knows that. Commissioner Ambrosini said both he and Commissioner Zimmerlink applied, registered and went. He said they both went on Sunday and Commissioner Zimmerlink attended a committee meeting from 3 to 5 p.m. on Sunday afternoon. Mr. Mazza said he heard everything they said and Commissioner Ambrosini said that he didn't hear what he had to say. He said on Monday the conference actually starts. He said he went to the conference and participated in not only the conference, but the breakout sessions, the business meeting that CCAP does on Tuesday. Commissioner Ambrosini said on Wednesday and he had not seen Commissioner Zimmerlink on Monday, Tuesday or Wednesday throughout the whole conference. He said on Wednesday he got a text from a reporter that said Commissioner Zimmerlink filed a press release stating that she attended the CCAP conference and asked me if I wanted to add anything to it.

Commissioner Ambrosini said he was still there on Wednesday and he was thinking that he hasn't seen her all week. He said he called back and said he was still there, this is what I have done throughout this thing and when he came back he learned that Commissioner Zimmerlink did go on Sunday but then she returned on Monday morning. He said the conference doesn't start until Monday morning and she got to Harrisburg- and this is her turnpike records- He said she exited the turnpike at 12:05 p.m. Sunday afternoon and she was back on the turnpike at 10:39 a.m. Monday morning. He said he doesn't want to talk about it here, but she initiated at last month's meeting. He said he wanted to handle it in an administrative fashion with Commissioner Zapotosky and myself sitting down with her. He said he wrote that note on her expense statement. Commissioner Ambrosini said it turns out that she spent \$350 for a registration fee to attend a committee meeting, which you don't have to register to attend a committee meeting on Sunday.

Commissioner Ambrosini said if she wanted to do that she could have attended that meeting, stayed the night, whatever she wanted to do and then like she did go back home on Monday morning and saved you \$350. He said that was his question and she refused to sit down with Commissioner Zapotosky and myself to answer that. He said the question is what was the reason for her going, was it to put in a press release to make everybody think she attended the CCAP conference, which she did not. Mr. Mazza said what she said was she attended the sessions she wanted to attend and

there was nothing else that she thought was interesting. Commissioner Ambrosini said if she thought that committee meeting on Sunday afternoon was important then why waste the county's \$350. Commissioner Zimmerlink said she went to the next day's meeting. She said she saw him sitting there and they listened to the same individual speak about ethics and county government. She said he sat up to the right, I sat in the back. She asked if he wants to contact other county commissioners to say who else I spoke with?

Commissioner Zimmerlink said first off, the official CCAP conference may start on Monday. "I serve on that committee," she said, adding that is why she was there on Sunday from 3 to 5 p.m. She said she, as well as nine or 10 other county commissioners across the state serve on committees of CCAP. She said there is a government committee, there is a tax assessment committee, there are a number of committees. She said they asked her to participate and she did. She said she is actually on the committee and has been named to the committee for 2013 because of her attendance and because of her input. She said she left Uniontown at 9 or 9:30 a.m., she can't remember because it was back in August, she drove to the conference, and she attended the committee meeting from 3 to 5 p.m. She said in the evening there are things that go on.

Commissioner Zimmerlink said she just dispelled what he said, he said they appointed her, CCAP appointed her. She said at Monday she went to another breakfast meeting, she was at her breakfast meeting, he was at his breakfast meeting. Commissioner Ambrosini said he did not attend the Democratic Caucus meeting. She said she was at that meeting and then she went to the 10 o'clock meeting and listened to what the individual had to say. She said on Sunday evening and on Monday morning, I went through the vendors exhibits. She said Commissioner Ambrosini said she could have downloaded all the information on the Internet, no you can't, you have to pay for the information and materials. She said in the meantime those that she chose not to attend she didn't. She said one of the conferences, as she said, was now that you are in office for seven months, is it all that you expected. She said of course she isn't going to attend that meeting. Commissioner Ambrosini said there are plenty of other ones that are important.

Commissioner Ambrosini said the most important thing is I spent three days there. Commissioner Zimmerlink said good, you are a first year commissioner, you should. Commissioner Ambrosini said he can say that there are multiple breakout sessions at any given time throughout the course of that conference. He said his biggest problem was that he wanted to go to two or three of them at each time that was scheduled throughout the day. He said it is hard to select the most important one because they are all important. He said information is continually evolving and if you are going to spend \$350 to register, you probably should take advantage of the information they are going to offer. "And I did," Commissioner Zimmerlink said. She said she has the materials and she did take advantage and she spoke with other county commissioners, adding that they discussed many things in the time frame that she was there.

Commissioner Zimmerlink said she chose to return instead of staying a second day. She said it is \$350 for the materials, and that is what she got plus she attended meetings. Mr. Mazza said he has been coming to meetings for years and he has seen many expense accounts put in and this is the first time in all the years that he has come to the meetings that he has ever heard anybody's expenses rejected. Commissioner Zimmerlink said she had several discussions about at-risk bridge funding, she had conversations with many commissioners about jail overcrowding, many things. She said it is amazing, it isn't amazing to me, I know why. Mr. Mazza said it is the first time in 18 years he has ever heard of anybody's expenses being rejected. He said nobody ever asked where they were or what they did or anything else, they were just paid. Mrs. Mazza said when someone is sent to a conference, be it Children and Youth or tax bureau or whatever department, they go on these little meetings and the county picks up their expenses.

Mrs. Mazza said what assurance do you have that they go out there and attend the meetings they are supposed to rather than gallivanting around the county that they are in? She said you have none, and without question their expenses are paid and she doesn't know why they are picking on her. Commissioner Zimmerlink said she knows why and the reason she didn't stay for the second day is that it is a dinner. Commissioner Ambrosini said she didn't even stay for the second day. He said from turnpike to turnpike for Hershey she was there for 22 hours and 40 minutes. Commissioner Zimmerlink said she doesn't set the rate for the registration of CCAP. Commissioner Ambrosini said you don't have to register, if you are just going to listen to part of the keynote speaker which talked about ethics. Commissioner Zimmerlink said "you stayed, I hope you had your ears open." Commissioner Ambrosini said he did and he is disappointed that she didn't apparently take that into account.

Mr. Mazza asked how much his expenses were. Commissioner Ambrosini said they were the same except he stayed for the conference which was two more nights. Mr. Mazza said it was over \$1,000. Commissioner Zimmerlink said he stayed two nights and she stayed one and they both paid \$350 for the registration. Commissioner Ambrosini said to answer his question, and asked from the expense statement there was a company car and the EZ Pass, which resulted in about \$725 or so of expenses to stay there 22 hours and 32 minutes. Commissioner Zimmerlink said in all her years of being a commissioner since 2004, she does not turn in any expenses and she uses her own car. She said very infrequently, and he can pull them since he got turnpike records, you had to take your time to do that, go and pull and see what expenses I have turned in. She said she is the most fiscally responsible commissioner, she has been. Commissioner Zapotosky said he has never turned in a request for reimbursement. Commissioner Zimmerlink said he doesn't go to the CCAP conferences.

Mr. Mazza said there wasn't an incident he can recall when someone would refuse the expenses. Commissioner Ambrosini said in his career, he probably signed well over 1,000 expense statements and if he would have seen a stunt like this pulled, it would have resulted in disciplinary action. Commissioner Zimmerlink said it wasn't a stunt and she took offense to that. Commissioner Zimmerlink said he needs to separate himself from Allegheny Power or General or whatever and county government, is what he

needs to separate himself from. Commissioner Zapotosky made a motion to adjourn, and Mr. Mazza responded he is still on public comment. Commissioner Zapotosky said it is getting personal and crossing the line. Mr. Mazza said "Mr. Zapotosky, I have the floor." Commissioner Zapotosky said contrary to that, the chairman has the floor at all times according to Robert's Rules of Order. Mr. Mazza said he hasn't completed his public comment. Commissioner Ambrosini asked Mr. Mazza if he has something new to say. Mr. Mazza said he has another question he wants to ask. He said the townships have all gotten money from the impact fee. He asked how some townships got way over \$300,000 in impact fee. Commissioner Zapotosky said that was done by the state. Mr. Mazza said he knew that but he wanted to know if they knew what it was based on.

Commissioner Ambrosini said it was based on the number of wells that were being drilled in their municipalities. Commissioner Zapotosky said also their roads and some of the problem is for some of the ones that didn't get as much they were classifying some of their roads as turnarounds and not roadways and that reduced some of the funding they were supposed to receive from the state. He said he didn't know the formula. Mr. Mazza said Act 13 is the stupidest law that they ever passed ever, but he just wondered how they determined, he said Wharton Township got \$380,000. Commissioner Zapotosky said German Township got \$250,000, Redstone Township got \$300,000, Uniontown got \$20,000. Mr. Mazza said there are no wells in Uniontown and they got \$18,000 less than Franklin Township and Franklin Township has dozens of wells and \$38,000 won't build a road. Commissioner Zapotosky said it was a bad law and it needs to be reviewed. Mr. Mazza said the best way to do it is the way New York did it on production. Commissioner Zapotosky said every other state does production. Commissioner Ambrosini said they have been saying that for a long time.

Mr. Mazza said he wants to know how they determined the amount. Commissioner Ambrosini said it is all laid out in Act 13. Commissioner Zimmerlink said everyone who is against the method, hopefully they contacted their legislator before they passed it. Mr. Mazza said you know they didn't. Commissioner Ambrosini said he did. Commissioner Zimmerlink said they have two rezoning, the multi dwelling and Marcellus Shale at 2:15 p.m. and the first one starts at 1:30 p.m., adding that it is 12:30 p.m. now. Commissioner Zapotosky said he wants to wish everyone a very Merry Christmas and a happy New Year and a healthy New Year. Commissioner Zimmerlink made a motion to adjourn and Commissioner Zapotosky seconded the motion. Commissioner Ambrosini called for a vote and Commissioner Zimmerlink said, "I'm sorry."

Beverly Beal asked if she was allowed to talk and Commissioner Zimmerlink said they didn't see her hand. Mrs. Beal said she is on a lot of boards, school board, housing authority board and other boards. She said she was on the board with Angela with the housing for many years and you couldn't get her to go on a trip and when she first went to Harrisburg, she paid for her own and wouldn't take a penny. She said she sees a lot of waste coming to those meetings and coming to school board meetings. "I'm not perfect but when you are squabbling over her going to a meeting for a little bit of money and I see where she is coming from, she did not want to spend the money for those two nights because I know her so she went to what was important to her," Beal said. She said she isn't taking up for Angela, Al or Mr. Zapotosky. She said she is just saying

being on all the boards she is on, "believe me." Mrs. Beal said there is so much waste in this county on all boards and it's sad. She said an attorney for \$4,000 and all this raising taxes, where is the money going. She said she feels terrible that they put her out in the public. Commissioner Ambrosini said he didn't put her out in the public, he wanted to...Mrs. Beal said she is shocked at him. Commissioner Ambrosini said he wanted to handle it administratively, it was Commissioner Zimmerlink that brought it out in the public and he wanted to make that crystal clear. Mrs. Beal said she was surprised that he would accuse her of fraud or whatever. She said that is not right. Commissioner Ambrosini said he just asked a question. Mrs. Beal said she is one of the most honest people she ever met in her life. She said she doesn't have anything to say and she never said a word about Mr. Zapotosky and she has never said a word about Ambrosini but that is awful.

Adjournment

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

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

