

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, July 17, 2012 in the Public Service Building, Uniontown, Pa.

In attendance-

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

Chairman Ambrosini called the meeting to order at 10:06 a.m.

A prayer was given by Pastor Ewing Marietta.

The pledge of allegiance was recited.

Public Comment on Agenda Items-

Ralph Mazza spoke about an item under Commissioners in which “the chairman is authorized to forward any work assignment decision made by the board of commissioners to interim solicitor Ken Burkley.” Mazza said the only information he has is what he read in the newspapers. He said Burkley is an interim solicitor but he was under the understanding that Burkley was hired as a consultant to oversee the present set-up of the solicitors and their duties, etc. and to streamline the office and to keep from getting the county from getting in any “high-priced suits.” He said he would appreciate if someone would clarify exactly what Burkley’s duties are.

Commissioner Ambrosini said he would be “delighted” to explain that. He said to explain the hiring, he has to back up and explain a little about why the commissioners think it is necessary to change some things. He said over the past three years the county’s insurance premiums have doubled. He said they went from about \$300,000 to \$636,000 this year. He said that is a significant amount, adding that last year the deductibles rose from \$10,000 to \$25,000 per case in addition to the premiums. He said the cost that the public is paying for is more than \$636,000. Also, he said the county has a self-paid insurance program in which PCORP manages but if the county pays out claims or incurs legal fees those costs are paid for by the taxpayers which is a direct pass-thru. He said any time the commissioners see a cost double in a pretty short period of time, that’s a message that something needs to be done and that is occurring.

Commissioner Ambrosini said the commissioners recognize that there are some lawsuits that are fairly “bizarre,” adding that is the word of the director of the insurance company. He said the county needs to do something now and in a big, positive way. He said what the county decided to do is bring in an impartial individual to help redesign the solicitor’s office and to develop skill sets to adopt a litigation avoidance posture. He said

the culture needs to change. Also, he said Burkley will help interview and hire the new solicitor's department. He said the county will also develop educational tools and advisory-type process to go out and help the solicitors on the boards and authorities develop litigation avoidance posture. He said if the boards and authorities in the county have lawsuits against them such as the airport authority or the zoning hearing board, those suits get paid for by the county, or claims that are paid out. This is a wide and encompassing effort, he said, adding that it is needed to put in check the "runaway insurance problem." He said if the county's insurance premiums and deductibles double in the next three years, the public shouldn't vote for any one of the commissioners at the table. He said the commissioners are trying to manage and mitigate the problem to save the taxpayers money, adding that it is a big problem. He asked if that answered the question.

Mr. Mazza said he understands what Commissioner Ambrosini is saying, but questioned the wording of interim solicitor and asked if Burkley will take over the work of the current solicitors. Commissioner Ambrosini said there will still be two county solicitors. He said the only reason Burkley is going to act as a solicitor is to review some of the cases- both good and bad that have occurred-and get some details of where the county isn't doing too well. He said there are at least two cases in which the county has tried to enforce zoning ordinances. He said in those two cases the county has been sued and has paid out big claims. He said he would like to know the details of that, adding that it must be stopped.

Mr. Mazza said the zoning ordinances are a joke. He said he asked DEP (state Department of Environmental Protection) about zoning ordinances, adding that if DEP decides to rule against an ordinance, it is worthless. He said a representative from DEP confirmed that he could overrule any ordinance. He added that any decision made by a zoning board is a waste of money because the DEP could step in and give an exception for anything, adding that you can have 10 zoning boards and it doesn't add up. He said what bothered him most was the article in the paper, saying the way the article was written it gave the power to make decisions to one commissioner, and as long as he has been coming to meetings, the commissioners are a triumvirate and have equal power.

Commissioner Ambrosini explained that Ken Burkley has his marching orders and he knows what he needs to do and it is everything he just talked about. He said there should be no reason to give him any additional items but if there is, the three commissioners will decide on it. He said the only thing the motion says is that I will be the conduit to deliver that message to him. He said basically it is a management-style tweak that maybe people aren't used to. He said this should promote discussion among the commissioners, which he added can't be done enough. He said it also should promote the democratic process.

Mr. Mazza said the paper said one thing but now Commissioner Ambrosini is saying all three commissioners will decide. Commissioner Zapotosky said he asked at the agenda meeting if the motion prevents either himself or Commissioner Zimmerlink from engaging Mr. Burkley in any form of communication and the answer was that it does not prevent them from doing so. Mr. Mazza said he understood from the beginning that the

commissioners had the right to communicate. Mr. Mazza said he understood that only Commissioner Ambrosini could communicate with Ken Burkley, which isn't the way county government works.

Commissioner Zimmerlink said she wanted to interject. She cited mention of tweaking management styles, adding that county code dictates management styles, adding there are three commissioners. She said saying that it is going to help the democratic process "absolutely it won't help the democratic process." She said it is a continuation of what she has been going through for years. She said stating that Ken Burkley is an impartial individual, adding that she wasn't "going to go there," is absolutely totally incorrect. She said she never met the individual but yet he was selected, so how could the selection be impartial. She said the first time she ever met Burkley was on July 2, adding that the selection was made prior to it even coming to the board for a vote. She said Commissioner Ambrosini even said publicly that he spoke with Ken Burkley prior to taking office. She said "this impartial is the most ridiculous word I've ever used," adding that it couldn't be impartial. She said the second point is when Commissioner Ambrosini talks about boards and that the county solicitor is to be involved in boards. She said boards and authorities are set up by code to be autonomous, adding there is a reason for that. She said if the airport has a lawsuit that the county pays for it. She said the airport has its own insurance, and it doesn't fall under the county insurance, citing the name of the company as Old Republic, per Commissioner Zapotosky. She said unless a county commissioner or official is sued, the airport has its own insurance for lawsuits.

Commissioner Zimmerlink said as far as the word "bizarre," or if the premiums go up don't vote for anyone, Commissioner Ambrosini said that, she didn't. She said if someone wants to file a lawsuit against the county, it can't be avoided because they are going to file it. She asked if anyone knew how many lawsuits have been filed against the county by prison guards that have been terminated. She said nobody ever talks about those; they only talk about "this one." She said nobody talks about when a terminated prison guard files and then the county has to deal with that. She said there are so many lawsuits and she isn't going to take the time to go through them, adding that it is more than just one. She said when she hears that he already has received his marching orders and there's no reason to give him additional items that bothers me too. Who gave him his marching orders?

Commissioner Ambrosini asked Commissioner Zimmerlink if she wanted him to answer that, and she responded no. She said the contract is very clear she said county code says a county has a solicitor and if officials chose, under Section 903, can have no more than three assistant county solicitors. She said is confused with the wording on the agenda because the wording is different than what it said on the Thursday Agenda Meeting and she not sure how that happened. She then asked the Chief Clerk how the wording changed from Thursday.

Commissioner Ambrosini asked if he could answer that. Commissioner Zimmerlink said no that she was asking the Chief Clerk. She then asked again when that resolution was passed Thursday; how did the wording get changed?

Chief Clerk Amy Revak said that Commissioner Ambrosini asked her to change it.

Commissioner Zimmerlink said that is not permitted. She said she cannot believe this. She continued that Commissioner Ambrosini cannot change a resolution. She said everyone knows the process to change it and she has a problem with this. She stated that the contract is very clear. She then read the contract wording. She continued by reading section 902 explaining what chief solicitor is supposed to do. She said the contract is very clear. With this new proposed resolution stating that the majority of commissioners need to agree to send work assignments to Ken Burkley she says no to. She said it will probably be passed however, she will not follow it. She said as her being an elected official to pick up the phone and call any of the solicitors for any question that follows under any county code or work under county commissioners, she will do so. She said she is going to do her job as a county commissioner and no one is going to stop her.

Commissioner Zimmerlink said she is not yelling at anyone although it may sound like she is.

Commissioner Zapotosky said it was clearly established at the agenda meeting that neither Commissioner Zimmerlink nor himself would be prohibited from making any contact from Mr. Burkley in any form. He said he is not sure where there is any confusion on that. He said that the chief clerk was just following what her boss told her to do. He continued saying that it was his understanding that the purpose of this was to streamline the process and whatever action the commissioner requested from Mr. Burkley to perform would be the conduit of the chairman. The chairman is the point of contact. He said that was his understanding.

Mr. Mazza asked how the agenda item got changed when it was not the proper procedure.

Commissioner Zimmerlink said that everyone knows the procedure including the chief clerk. No one can change the wording. She then explained that if she wanted to ask Mr. Burkley something and the other two voted no then she cannot do it.

Commissioner Zapotosky said getting communication was not a part of that. He said it was his understanding that if there was to be a project that would be of significant detail then they would get together to decide.

Commissioner Zimmerlink said work assignment means work assignment. She continued that there is nothing that would deviate from his work, because the resolution stated that Mr. Burkley would serve as acting as the chief county solicitor and to respond the needs of the commissioners.

Mr. Mazza said county business should be discussed by county commissioners. He said he understands where Commissioner Ambrosini is coming from. It comes from the

corporate world. In the corporate world the CEO has the right to make the decision because he is responsible for it alone.

Commissioner Zimmerlink said she came from the corporate world in the private business before she became commissioner too and served as chair for four years as well. She said you have to learn of the job of the county commissioner, take the classes, and you have to understand county code. She said that she doesn't care where you are from, that's your job when you take the office.

Mr. Mazza said this gets more and more perplexing as we learn more and more. He said he thought Mr. Burkley was only to be solicitor not chief solicitor.

Commissioner Ambrosini said it is acting chief solicitor to get a feel for what the processes are here so he can help redesign the county's new solicitor's office.

Commissioner Zapotosky asked when the end is on the contract.

Commissioner Ambrosini said employment started on the first of July and will go to the end of December. He continued saying that we only have a short amount of time for him to do a lot of work. We have some interesting and innovated processes to go through to attack this insurance snowball.

Mr. Mazza asked if Mr. Burkley is going to interact with the present solicitors.

Commissioner Ambrosini said yes it is a requirement.

Commissioner Zimmerlink said she would hope so. She said she can tell you that any communication that e-mails initiated by the commissioners and assistant solicitors; Sheryl Heid's name wasn't included on any of those. Nor was she included on the July 2nd initiative introduction.

Mr. Mazza said he is still perplexed.

Commissioner Ambrosini said that the commissioners should ask the solicitor if there is any part of this motion that is inappropriate.

Solicitor John Cupp said if you change the motion from the agenda meeting to today; you should have a motion to change the agenda to consider it the way its to be.

Commissioner Zimmerlink said which they had done before in this administration.

Commissioner Ambrosini agreed. He said the reason he had the chief clerk to change it was because it was not understood correctly. He then asked the solicitor if he could now amend the motion before they continue with public comment.

Solicitor John Cupp said yes.

Commissioner Ambrosini made the motion to amend.

Commissioner Zimmerlink asked Commissioner Zapotosky's assistant and former acting Chief Clerk Kathy Winkler to pull out the resolution of the language from the agenda meeting.

Commissioner Zapotosky read the motion from the agenda meeting.

Commissioner Ambrosini said he would like to amend to the new language.

Commissioner Zapotosky said he would like to add that it does not preclude any of the commissioners from any form of communication.

Commissioner Zimmerlink said she would like to define work assignments.

Commissioner Ambrosini said it would be what they said in this motion. It will be a decision by the board of commissioners.

Commissioner Zimmerlink asked if it would be a unanimous decision.

Commissioner Ambrosini said hopefully it is.

Commissioner Zimmerlink asked if two commissioners say no and one says yes then what? It doesn't get advanced?

Commissioner Ambrosini said it doesn't get advanced.

Commissioner Zimmerlink said that's the problem.

Commissioner Ambrosini said that is the democratic process.

Commissioner Zimmerlink said its not. She said all three commissioners were elected to do a job and they cannot stop her from doing that.

Commissioner Zapotosky agreed with her, stating that communication like that was what he was trying to get on the motion. He then asked Commissioner Ambrosini if the language meant that a majority vote would only require if a project above the traditional role of the solicitor. Something extensive in research and detail that would cause him to move away of what his charge is regarding the litigation avoidance for that type of matter.

Commissioner Zimmerlink said she understood that, but there is no way it can go beyond when you say that he serves as the solicitor as per Section 902.

Commissioner Ambrosini said that the contract clearly states that Mr. Burkley is a consultant.

Commissioner Zimmerlink said it does not. She told Commissioner Ambrosini that he should read it. She then read the language of the contract. She said Burkley is a contractor because he isn't a county employee.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to amend the agenda to change the wording of the motion authorizing the chairman the authority to forward any work assignment decisions made by the board of commissioners to interim solicitor Ken Burkley.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Jerri Mazza said that she doesn't understand legal procedure, but if Commissioners Zapotosky and Zimmerlink vote for the motion, they are giving away a lot of their power. She does not feel that this motion is right. She said that the county has three equal commissioners and she feels that neither Commissioner Zapotosky nor Zimmerlink should go to Commissioner Ambrosini to talk to Mr. Burkley.

Commissioner Zapotosky said that his addition to the amended motion was that all three commissioners could have communication with Mr. Burkley. Commissioner Ambrosini is just acting as the point of contact. If there is any project that would require and extensive research the commissioner would meet together to decide what goes to Mr. Burkley.

Commissioner Ambrosini said if he decided to give Mr. Burkley a massive work assignment and both Commissioners Zapotosky and Zimmerlink said no, then he would not be able to give him that work assignment. No one has more authority than the other two.

Commissioner Zimmerlink said that is the point, but having a resolution he is changing the terms of the contract.

Commissioner Zapotosky said that Mr. Burkley has been receiving e-mails about litigation matters. So he has been performing his role under 902 correct?

Commissioner Zimmerlink said she does not know. She does not know what he replied to those e-mails.

Mr. Mazza asked if Commissioner Zapotosky has a project for Mr. Burkley, he has to go to the other two to be approved? She said that is not the way county government works.

Commissioner Ambrosini said that the project would be discussed between the three commissioners.

Mr. Mazza asked why?

Commissioner Zimmerlink also asked why?

Commissioner Zapotosky said Commissioner Zimmerlink is right that Mr. Burkley was hired as interim solicitor by definition. The intent was also for Mr. Burkley to act in a consulted capacity to do assessments of the current solicitor structure. He feels the problem is the interpretation of the consultant.

Commissioner Ambrosini asked if there were any more comments, which there were none.

Fayette County Redevelopment Authority

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to adopt the attached resolution which approves the submission of an application requesting funding through the Emergency Solutions Grant-Hearth (ESG-H) Program. This approval will authorize the Commissioners to sign and submit the application for assistance and will also approve execution of the attached Cooperation Agreement which highlights the Redevelopment Authority's responsibilities for administration of the ESG-H Program on behalf of the County.

Commissioner Zapotosky said that this funding is to provide emergency shelter and prevention of homelessness. The title was changed just too clear things to know what we are voting on.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Assessment Office

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

Barry L. Lynch	201 Social St	Perryopolis	28-08-0089
Joel Melendez	416 Stone Church Rd	Grindstone	30-31-0003
Harold P Tawney Jr	10 Volek Rd	Smithfield	36-07-0036-01
Lanny R Golden	62 Scotto Dr	Lemont Furnace	25-30-0041-05

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>Contract Agreements</u>	<u>Contract Value</u>	<u>Period</u>
<u>Professional Agreements 2012-2013</u>		
Alicia Crouse, Contractor	\$12,600	7/1/12-6/30/13
Cheryl McNeil	\$1,300	7/1/12-6/30/13
David B. Reiss, Attorney-At-Law	\$185/hr.	7/1/12-6/30/13
Sign Language Interpreting Professionals	\$800	7/1/12-6/30/13
The Stern Center for Developmental & Behavioral Health	\$1,000	7/1/12-6/30/13
VITALink, Computers & Supplies	\$1,300	7/1/12-6/30/13
<u>Base Contract Agreements 2012-2013</u>		
AccessAbilities, Inc.	\$40,000	7/1/12-6/30/13
Allegheny Intermediate Unit	\$554,692	7/1/12-6/30/13
Arc, Fayette	\$443,444	7/1/12-6/30/13
Chestnut Ridge Counseling Services, Inc.	\$2,051,513	7/1/12-6/30/13
City Mission-Living Stones, Inc.	\$79,781	7/1/12-6/30/13
Crosskeys Human Services, Inc.	\$1,098,851	7/1/12-6/30/13
Diversified Human Services, Inc.	\$94,000	7/1/12-6/30/13
Goodwill of Southwestern PA	\$486,213	7/1/12-6/30/13
Integrated Care, Corporation	\$75,000	7/1/12-6/30/13
Laurel House, Inc.	\$530,052	7/1/12-6/30/13
Neurological Therapy Specialists, Inc.	\$35,000	7/1/12-6/30/13
Therapy Connections LLC	\$57,000	7/1/12-6/30/13
Western PA School for the Deaf	\$8,000	7/1/12-6/30/13
<u>EI Contract Agreement 2012-2013</u>		
AccessAbilities, Inc.	(Commonwealth Funded)	7/1/12-6/30/13
Arc, Fayette	(Commonwealth Funded)	7/1/12-6/30/13
Diversified Human Services, Inc.	(Commonwealth Funded)	7/1/12-6/30/13
Integrated Care Corporation	(Commonwealth Funded)	7/1/12-6/30/13
Neurological Therapy Specialists, Inc.	(Commonwealth Funded)	7/1/12-6/30/13
Western PA School for the Deaf	(Commonwealth Funded)	7/1/12-6/30/13
<u>Fee-For-Service Agreement 2012-2013</u>		
Fayette Emergency Medical Services	\$5,000	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 ratify the FY2010-11 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Summit Schools, Inc.**, 839 Herman, PA 16039 for placement services utilized on an as needed basis for delinquent youth. The rate is as follows:

Initial Clothing \$250.00	Rate
472040 – Unit ID: SU	\$99.20 per day

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the FY2010-11 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Community Specialist Corp., d/b/a The Academy**, 900 Agnew Road, Pittsburgh, PA 15227 for placement services utilized on an as needed basis for delinquent youth. The rate is as follows:

Initial Clothing \$250.00	Rate
472040 – Unit ID: DU	\$149.95 per day

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Holy Family Institute**, 8235 Ohio River Blvd. 00 Agnew Road, Pittsburgh, PA 15227 for placement services utilized on an as needed basis. The rates are as follows:

Initial Clothing \$250.00

Rate

443210 – Unit ID: RE	\$162.91 per day
443290 – Unit ID: RE	\$162.91 per day
438480 – Unit ID: RE	\$162.91 per day
457730 – Unit ID: RE	\$162.91 per day
441990 – Unit ID: RE	\$162.91 per day
408840 – Unit ID: RE	\$162.91 per day
408830 – Unit ID: RE	\$162.91 per day

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **Wesley Spectrum Services, Inc.**, 221 Penn Avenue, Pittsburgh, PA 15221 for foster home placement services utilized on an as needed basis for dependent youth. The rates are as follows:

Initial Clothing \$250.00

423960 - Foster Family Care	Rate
Class A A	\$52.02 per day
Class BB	\$55.65 per day
Class CC	\$65.55 per day
Class DD	\$73.66 per day

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services / Fayette County Juvenile Probation, and **NHS Pennsylvania**, 4321 Sturbridge Drive, Harrisburg, PA 17110 for placement services utilized on an as needed basis for dependent & delinquent youth. The rates are as follows:

Initial Clothing \$250.00

423960 - Foster Family Care	Rate
Therapeutic Foster Care	\$28.72 per day
Foster Care Plus	\$84.10 per day

Residential

303480 - Intermediate Secure	\$251.00 per day
303470 – Secure Residential	\$251.00 per day

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the FY2011-12 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services & **Jason Taylor, Esq.**, 84 East Main Street, Uniontown, PA 15401. Attorney Taylor was court appointed to represent children in dependency proceedings. The rate for his services was **\$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 of a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **Connellsville Counseling & Psychological Services, LLC.**, 416 South Pittsburgh Street, Connellsville, PA 15425 for clinical services provided to children & adults on an as needed basis. The rates are as follows:

Psychological Evaluation / Testing	\$125.00 per hour
Court Testimony / Reports	\$125.00 per hour
Counseling	\$ 75.00 per hour
Travel	\$ 75.00 per hour

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services and **The Stern Center For Developmental & Behavioral Health**, 110 South Arch Street, Connellsville, PA 15425 for clinical services provided to children & adults on an as needed basis. The rates are as follows:

Psychological Evaluation / Testing	\$125.00 per hour
Court Testimony / Reports	\$125.00 per hour
Travel	\$ 85.00 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 Juvenile Probation, and **County of Jefferson** on behalf of the **Jefferson County Detention Center**, a division of **Jefferson County Juvenile Court**, 16011 State Route 7, Steubenville, Ohio 43952 for placement of delinquent youth on an as needed basis. The rate for detention service is **\$130.00 per day**.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Controller

Financial condition of the county. Sean Lally presented the following to the commissioners:

Office of the Controller

Fayette County, Pennsylvania

SEAN P. LALLY
Controller



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

FUND:	GENERAL FUND		
	DATE:	17-Jul-12	
CASH:	Checking Account	Centra Bank	\$ 9,296,789.76
Funds Owed to General Fund			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 1,750,000.00	
			\$ 1,780,000.00
	Arc Payments Due		
	Intermediate Punishment Fund-2yrs	\$ 22,569.82	
	Offenders Supervision Fund-2yrs	\$ 47,032.42	
	Domestic Relations-1yr	\$ 20,381.26	
			\$ 89,983.50
	Central Service Payments		
	C-17 Fund-2yrs	\$ 5,365.00	
	Offenders Sprvsn-3yr	\$ 39,369.00	
	Intermediate Punishment-3yrs	\$ 19,532.00	
	FACT	\$ 16,827.00	
	Victim Witness Fund	\$ 5,390.00	
			\$ 86,483.00
Funds General Fund Owes			
	Tran Note		\$ 4,500,000.00
Budget Year 2012	Net Position		\$ 6,753,256.26
		Year to Date	
Total 2012 Revenues		\$ 21,269,209.15	
Total 2012 Expenditures		\$ 13,596,520.02	
Total 2011 Expenditures paid in 2012		\$ 2,030,829.03	
Capital Reserve Fund Balance		\$ 66,871.61	
Bond Fund Balance		\$ 617,740.02	

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No action was taken on a request to consider a review of Fayette County's proposed refunding opportunity for its General Obligation Bonds, Series 2002 and Series 2007, as

well as Fayette County's bond credit rating and future outlook. A discussion was held later in the meeting.

Commissioner Zapotosky said for a point of clarification, under the general funds the county did receive a reimbursement schedule from CYS. He said he hopes the money will be coming.

Courts

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to void the contracts between the Fayette County Booking Center and Philip Varndell and Robert Mankovich as of June 22, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a contract with Fayette County Booking Center and Donald Marietta, 284 Bell Grove Rd, Ohiopyle, PA 15470 to be effective June 25, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Election Bureau

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the Election Bureau director's attendance at the 2012 PA County Election Official Conference, to be held in State College August 20th through August 23rd. The cost of lodging for 3 nights will be \$419.90. The cost of the registration fee will be \$225.00.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Emergency Management/911

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the following Service Agreements with Staley Communications for 9-1-1 operations:

Contract # 1403-00 for Bi Directional Amps, Kenwood Repeater, Control Station cost of \$ 2,130.00 annually.

Contract \$10,633 for Alcatel Microwave Shots cost of \$ 16,560.00 annually, paid quarterly.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Fayette Area Coordinated Transportation- Office of Human Services

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to advertise for audit services for PennDOT Transportation Audit for FY ended June 30, 2012 and June 30, 2013.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to appoint Christopher Sparks of Connellsville to the Transportation Executive Committee representing the disability community.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0, with one abstention

Commissioner Zimmerlink said she abstained because she hadn't met or interviewed Sparks.

Human Resource Department

CYS

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to accept the resignation due to retirement of Administrator, David Madison effective August 3, 2012.

Commissioner Ambrosini said that Madison is in the room and he would like to thank him for his 31 plus years of service.

Commissioner Zapotosky also expressed his deepest gratitude to the retiring director.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to appoint Gina D'Auria as Acting Administrator, with Civil Service signatory authority, effective August 3, 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 commence the search for the next Administrator of CYS, including posting and advertising for the position, per civil service and Department of Public Welfare requirements.

Commissioner Zimmerlink said she is not sure why this is on the agenda. She then asked Madison if there is any formal action that the commissioners need to take to fill his position other than the document that he forwarded to them.

David Madison said those are the guidelines that require posting the search and sending resumes in for the position.

Commissioner Zimmerlink said the county has a Compliment Control Policy that does that. She said the commissioners have never done things like that via resolution. She said she is going to abstain, but obviously the county has to fill the position.

Commissioner Zapotosky said he put on the agenda to disclose to the public that the county will be commencing with the search to seek a replacement for Mr. Madison.

David Madison said that the procedures for advertising are very important.

Commissioner Zimmerlink said Mr. Madison was very thorough giving the information to Felice Associates and in a timely manner.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0, with one abstention

EMA

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the promotion of P/T 911 Dispatcher, Christine Reinhardt, to a F/T 911 Dispatcher at SEIU Pay Grade 9 \$12.42/hr (\$25,833.60) effective July 29, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to table the promotion of P/T 911 Dispatcher TBD to a F/T 911 Dispatcher at SEIU Pay Grade 9 \$12.42/hr (\$25,833.60) effective TBD.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

FCBHA

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to accept the resignation due to retirement of Clerk Typist 2, Carmella Amber, effective July 27, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Public Defender

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to accept the resignation of Assistant Public Defender, Daniel Taylor, effective July 20, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of Benjamin Goodwin as an Assistant Public Defender at \$23,653.50 effective July 23, 2012.

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 accepting the resignation due to retirement of Map Clerk, Jeanne Mosier effective August 1, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to accept the resignation due to retirement of Chief Assessor, James Hercik, effective August 17, 2012.

Commissioner Zapotosky said he still urges Mr. Hercik to consider all options available. He also thanked him for all he has done.

Commissioner Ambrosini said he appreciates his long valued services with the county and thanked him as well.

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 William Lukach as Acting Chief Assessor effective August 20, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Planning & Zoning Department

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the rezoning request of RZ 12-5 Christopher Lee Jordan, North Union Township, requesting an extension of A-1 Agricultural-Rural on property currently zoned R-2 High Density Residential.

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 rezoning request of RZ 12-7 Deborah Krzysial, Dunbar Township, requesting a change of zone from A-1 Agricultural-Rural to M-1 Light Industrial.

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 rezoning request of RZ 12-8 Steve Szoke, German Township, requesting a change of zone from M-2 Heavy Industrial to A-1 Agricultural-Rural.

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 adopt a debt ordinance under the Local Government Unit Debt Act in connection with Fayette County's proposed refunding opportunity for its General Obligation Bonds, Series 2002 and Series 2007.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Tim Frenz of Janney Montgomery Scott said today is the official action to adopt the final refinancing and accept the terms of the contract. He then gave a short presentation summary of information he handed out, concerning the final numbers.

Commissioner Ambrosini asked about funding a new bond; how long does it take?

Tim Frenz said it is usually about a five to ten year period.

Commissioner Ambrosini said that is a good span and asked if there is anything more specific to determine the five or ten years.

Tim Frenz said there really isn't. He mentioned that these bonds will be issued as a combination of two transactions and will cost about 14 million dollars and they have a ten year calling period, which means the county can't call those bonds until ten years. The 2007 bonds have a five year call, he said.

Commissioner Ambrosini said thank you.

Tim Frenz continued with his presentation. He said that the final number in total savings is 1.483 million dollars.

Commissioner Zapotosky asked if that was locked in.

Tim Frenz said yes, adding that if the commissioners vote to approve the transaction, it will be locked in.

Commissioner Zapotosky said he likes the 1.483 million dollars savings figure.

Tim Frenz said the way these savings are taken are \$970,000 in relief in this current fiscal year because there was a payment of each of those full bonds in November that the county will now not have to make. Then about \$500,000 next year to balance and \$12,000 in the third year and he said it's plus or minus a couple thousand dollars for the rest of the way. He said one thing to keep in mind is to measure the efficiency of a refinancing or to determine that you got a good deal is if you get enough savings for it to be worth everyone's time to do. You take your savings and you divide that into that

amount of bonds you're refinancing and if you can generate a number of two percent or greater it is accepted. He believes that the Government Finance Officers Association prefers a three percent savings.

Commissioner Zapotosky asked if the county is above that.

Tim Frenz said we are a 10.55% and we are highly efficient. He continued with his presentation summarizing each page of his handout. He stated that the borrowing rate was 3.037%.

Attorney Linda Hackett of Thorp Reed and Armstrong, county underwriters, said the debt ordinance has been distributed to the county solicitor and chief clerk. She explained that what this ordinance does is permit them to proceed with the closing. They lock in the rates as Frenz explained by executing the bond purchasing agreement. The ordinance also permits her office as bond council to handle the necessary findings for the county to file the enactment notice which is done if the commissioners determine to take action today to do the filings with the Department of Community and Economic Development. She said since the county is financing 2002 and 2007 bonds it doesn't count towards the debt because we are just replacing, adding that it's a straight refinancing. She said that this ordinance will provide to us the authority for them to issue the debt to file with the Department of Community and Economic Development. She said the anticipated closing of the action is August 21, 2012. She said after this meeting they will file their enactment notice with paper, file it with the DCED, and get ready to close on August 21st.

Commissioner Zimmerlink thanked Frenz and Hackett for their time and great job at this refinancing.

Commissioner Ambrosini said a major concern was that the county recently got rerated by Moody's and was disappointed that the county was rated A2 and not AAA.

Commissioner Zimmerlink said that the county is A2, not double A, noting that the distinction is very important. Commissioner Ambrosini said the rating dropped several years ago and it is still down, and still with a negative outlook. He asked what can be done to improve the rating.

Tim Frenz said he didn't want to put the rating agency "hat" on, but said he would try to interpret the rating report. He said the county did not have a bond rating prior to the last bond issue.

Commissioner Zimmerlink asked when it was.

Tim Frenz said fall 2011 was the last bond issue. He said after the market collapse in 2008, counties seeking bonds had to get rated. He said last fall the county got a rating of A2 with a negative outlook. He said every time a bond issue is completed, the county must be re-rated.

He said the last time the county was rated in 2011 and that was before the county raised revenue. He said in 2012 there was a counterbalance of the county showing steps of improving by the revenue enhancement. He explained that poor conditions that were reflected in 2010 and the steps to improve did not lead to a downgrade, but did not lead to an upgrade, and instead kept the county balanced. He said the credit agencies need to see something big through financial statements over a period of time, therefore the steps the commissioners take towards building up the fund balance and enhancing revenues will help in the future if those actions show they are working by showing more than one year of fund balance growth. He said if that happens, the rating agency will show much more of that in consideration of future ratings. He said the rating agency is positive about what the county has done, but they seem to want to see more in the future. He added that was his opinion, as he isn't a credit rating analyst.

Controller Sean Lally said his problem was that Tim Frenz said last month that the county was not going towards a downgrade, but the according to Moody's that wasn't the case. He said Moody's cited decreasing financial conditions, increased costs in health care, jail costs and other items. How does that conflict with your view, he asked.

Tim Frenz said there is an important distinction in the market with regards to credit rating. There is a difference than being on a negative credit watch and a downgrade compared to a negative outlook. Negative credit watch and downgrade is like a red flag going up that it is going to happen. He said the county is on negative outlook, but not on credit watch for a downgrade.

Commissioner Zapotosky asked by virtue of increasing the millage rate; the commissioners are addressing some of those negative outlooks. Is that correct?

Tim Frenz said that is correct. He said that the county is not on credit watch for a downgrade. Nothing has changed from the credit rating in September until now. He said a negative outlook is nowhere near as severe as if the county were on credit watch for a downgrade. He said being on credit watch for a downgrade means a downgrade is imminent, and that isn't the case for Fayette County.

Commissioner Zapotosky asked what Tim Frenz's overall opinion is based on what he has seen the county do.

Tim Frenz said he understands what the credit rating is saying that there is a continuous erosion of the financial position of the county and a continuing draw down of fund balance over a period of time. He said there are municipalities that may have high credit ratings because they have a boatload of money, adding that may not be best for taxpayers either. The less rainy day funds the county has the less flexible we can be, the more rainy day funds; the higher the credit rating. He said his opinion is to keep addressing the specific items that the county has, saying the county has done that. He if the county shows growth in the future it should take away the negative outlook.

Commissioner Zimmerlink said there are more than one factor that impact the rating report. Tim Frenz said there aren't hard formulas that are used.

Commissioner Zapotosky asked if this has become more and more prevalent since the debt ceiling issue.

Tim Frenz said it's become more prevalent since the market meltdown in 2008. He said municipalities that don't have to do bond issues don't have to deal with credit ratings.

Commissioner Ambrosini asked just to clarify; the rating does affect the interest rate which we borrow money for future capital projects.

Tim Frenz said yes it does. He said credit rating is more important if the county believes there is more borrowing to do in the future.

Controller Lally asked what the perspective on this rating to possibly being upgraded. How many years of consecutive growth would you need?

Tim Frenz said the county would need more than one. If you can show a trend, or in two years from now show how you improve, you may have a better case to address the issues that are listed, he said.

Commissioner Zimmerlink said that the interest rate is the 3.037%, and they should look at the end result, adding that the county is doing well in that regard.

Commissioner Zapotosky asked if Moody's review this annually.

Tim Frenz said not annually.

Commissioner Zapotosky asked if you can petition them to review.

Tim Frenz said yes.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to add to the duties of the Chief Clerk the job of Public Relations Officer.

Commissioner Zimmerlink asked what the Public Relations Officer job is. She said she didn't vote to place it on the agenda because she didn't have the information. She said the motion doesn't say what the duties are. She said after the agenda meeting the Chief Clerk provided her the outline of the duties. She did send an e-mail to the commissioners, HR director, and the Chief Clerk asking if this was the duties and job description. She said that the Chief Clerk responded saying the document had been approved by HR. Commissioner Zimmerlink then asked if there was nothing changed to that document.

Commissioner Zapotosky said that is the same document he has.

Commissioner Zimmerlink asked that the motion should be to add to the duties of Chief Clerk the job of PR officer and as defined in this document.

Commissioner Zapotosky said yes to his understanding.

Commissioner Zimmerlink said that she has some issue with it. She read from the document the policies that she did not agree with. She then said that there is absolutely no way she is approving this. She would caution the fellow commissioners on approving the document. She then said that according to the Chief Clerk that the document was written by a summer clerk, who has a degree in marketing/administration, under direction of Commissioner Ambrosini. She said there is nothing wrong with that, but to vote on it she is going to say no.

Commissioner Ambrosini asked the Chief Clerk if she could say what the sources were to make the document.

Chief Clerk Amy Revak said HR director; Dominick Carnicella searched other counties that have similar jobs and templates that he provided as a guideline for this document.

Commissioner Ambrosini said when he was at the spring CCAP conference he attended a session that included a public relations job for counties and was advised that counties should have a public relations officer.

Commissioner Zimmerlink asked the chief clerk if she prepared it.

Chief Clerk Revak said she did not prepare it, but did look over it.

Commissioner Zimmerlink said that CCAP is not going to tell you in what way shape or form to have a public relation officer. She said she is a county commissioner and she was elected to represent individuals that voted her in. She said there is no way she is going to have a public relations officer or any other title tell her that she needs approval before she can issue a press release to the media.

Commissioner Zapotosky said most organizations have a PR officer that he has been involved with. He also said that everyone is entitled to an opinion, but when your opinion contradicts other members of the board than that is your opinion and not the county's. On numerous occasions you (Commissioner Zimmerlink) have issued press releases that have contradicted the majority of the vote taken by this board. That is your right and you are entitled to it, but when you convey that as the county's position then I think you have gone above and beyond.

Commissioner Zimmerlink said she has never done that.

Commissioner Zapotosky said yes that she has sent press release to the newspaper on many occasions.

Commissioner Zimmerlink said she never said she didn't, but I never said it was on behalf of the county.

Commissioner Zapotosky said that on many occasions you contradicted the vote of previous members of the board. That is expressing the opinion on behalf of the county. He said that this department is needed because there are a lot of occasions where contact is made to offices. He said he is going to make a motion to table.

Commissioner Zimmerlink there is already a motion on the floor with a second and they need to vote. She then asked the County Solicitor if Commissioner Zapotosky could table the motion.

Solicitor John Cupp said he can move to table.

Commissioner Zimmerlink said no, there is a motion and a second to approve.

Solicitor Cupp then said that they can always take it as a priority motion and table it.

Commissioner Zapotosky said he makes a motion to table for further discussion regarding the specifics of this job because there is no question that a PR office is needed, but he does agree that they need clarity on what the job entails.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to table a motion to add to the duties of the Chief Clerk the job of Public Relations Officer.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Commissioner Zimmerlink said that after she pointed out all these details that the document must be under further discussion. She also stated that when she sends a press release to the paper that they know it's from her versus the board of commissioners. She said the statements that Commissioner Zapotosky made are preposterous and this should not be passed.

Commissioner Zapotosky said the public relations office is needed. It's important to have that type of contact with the media. He agrees that they need to look at some of the language, but when a statement is made from the county it should reflect the county and its consensus. He said he wants to table it and see if they can come up with something better.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to agree to assign the lease for the office of Magisterial District Judge Michael Defino Jr. at 113 Thornton Road, Brownsville, PA 15417 to Joseph Ciarrocchi at a term from January 1, 2012 to December 31, 2017, under the same conditions.

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 consider a motion authorizing the Chairman the authority to forward any work assignment decisions made by the board of commissioners to interim solicitor Ken Burkley, which does not preclude in any way from advancing any form of communication to Mr. Burkley by any of the county commissioners.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Commissioner Zimmerlink said what Commissioner Zapotosky added was nothing more than just a clarification.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the June 19, 2012 Commissioners regular meeting minutes.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

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

TRANSFERS				
2012				
06-11-12 TO 07-05-12				
Department	Cost Center	Debit	Credit	
Coroner				
Autopsies	014193 53180	\$500.00		
Materials & Supplies	01419352000			\$500.00
IT Department				
Contingency	014999 59040	\$1,025.00		
Software Licensing	01411252004			\$1,025.00

Total Debits	\$1,525.00
Total Credits	\$1,525.00

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Solicitor John Cupp then pointed out that the commissioners missed the agenda item to name someone to act as signatory in the absence of the Chief Clerk.

Commissioner Zimmerlink said there was a suggestion to name Bob Carson, who is a department head, to act as signatory. She said she sent an e-mail out for it to be one of the Commissioner's assistants either being Kathy Winkler, Commissioner Zapotosky's assistant or Nicole Young, Commissioner Ambrosini's assistant to sign in the absence of the chief clerk. She said it's an administrative function and it's in the county commissioners unit rather than naming a department head. She said that Mr. Carson is new however; even if he was here for years she wouldn't suggest it be him. She said it is simply an administrative function that when the chief clerk is not in the office to sign one of the other administrative assistants can do that, she would like it to be either Young or Winkler.

Commissioner Zapotosky said he feels that the signatory authority shouldn't be given to a commissioner's staff person, adding that Nancy Gabriel, who retired, had formerly signed, and although she was a member of the commissioners' staff, she wasn't assigned to a specific commissioner.

Commissioner Zimmerlink said that Mr. Carson reports to the commissioners.

Commissioner Zapotosky said he however, that he doesn't fall under just one of their offices.

Commissioner Zimmerlink said that he still reports to the commissioners and so do the commissioner's assistants. She then made motion to appoint Kathy Winkler to act a signatory in the absence of the Chief Clerk.

Commissioner Ambrosini then asked if there was a second. He then said motion dies for a lack of second.

Commissioner Zimmerlink then made a motion to appoint Nicole Young at signatory in absence of the Chief Clerk.

Commissioner Ambrosini then asked if there was a second. He then said motion dies for a lack of second.

A motion was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to appoint Bob Carson as signatory in the absence of the Chief Clerk.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Public Comments

Commissioner Zapotosky said he would like to commend Lanny Golden for successfully getting legislation passed for MIAP. (Missing in America Project). He said Golden and Ralph Mazza worked hard to get it passed. He also praised Rep. Deberah Kula.

Mrs. Mazza said what they did here today really baffle her mind with the PR document and the appointing of Mr. Carson as signatory. In her mind Mr. Carson is a maintenance man.

Commissioner Ambrosini said he is the director of public works.

Commissioner Zimmerlink said it is also building and grounds.

Mrs. Mazza said which maintenance is.

Commissioner Zapotosky said Warren Hughes used to handle buildings and grounds.

Commissioner Zimmerlink said Warren Hughes was the County Manager.

Commissioner Zapotosky said that he did have that title though.

Mrs. Mazza said regarding with the solicitor that they aren't making any sense.

Commissioner Zimmerlink said maybe a press release will be presented to say what the view of the board of commissioners is. She then said she should have let the motion get passed regarding the PR document.

Mrs. Mazza said the duty of the public relations is a joke.

Commissioner Zimmerlink said it's insulting to the residents of Fayette County.

Commissioner Zapotosky said it was tabled.

Commissioner Zimmerlink said it would have been passed because there was a motion and a second.

Mrs. Mazza said she can't figure out what they are saying.

Commissioner Ambrosini asked if there were any other comments.

Tanya Cellurale, the office manager of Joey's Auto Body, said last July she came to the commissioners offices with some concerns she had with the zoning office. She said something has arisen again. She said there was an application filed for a permit for Joe Sr. and his son, who own another business. The permit was issued in April of last year and once it was issued there was an appeal filed. She said when she was reading the appeal and application for the permit, which was issued. She said there was an appeal filed because Terry and Diane Kriss always appeal anything the Cellurale's file. She said the incorrect lot number was filled into the application by Dave Bukovan.

Commissioner Ambrosini said the issue maybe shouldn't be brought to the commissioners. Tanya Cellurale said she wanted to finish, saying it is about the zoning office. She said the old lot number was corrected and no folder was made for the issue. He said he was told to hold the file by the attorney for the Krisses because they were filing an appeal. She said her issue- although it may be a clerical error- is that it doesn't have to do with just the Krisses or Cellurales, it has to do with anyone who walks in the zoning office. She said the lawsuit was filed on a piece of property on which Joey's garage is located.

Commissioner Zapotosky confirmed that the suit was filed on the incorrect lot number. She said the hearing, which needs to be held within 60 days, was extended by the Krisses, which is their right, but there should be a time limit set. She said Joey and his son didn't receive notice of a potential date, but 14 months later, a notice was received as well as a letter to Terry Kriss from Dave Bukovan.

Commissioner Zapotosky confirmed which letter Cellurale was referencing. Tanya Cellurale said the letter wasn't sent to Joey or his son. She said she believes there should be a timeline. She said when she goes in the zoning office she gets laughed at. She said Dave Bukovan hasn't returned her call. She said now there is a lawsuit because of a clerical error. She said she is aware that Bukovan has been there for a long time, but longevity doesn't mean competency.

Tanya Cellurale said mistakes are constantly being made in the zoning office and it will mean more litigation because there are uneducated people in there. Commissioner Zapotosky said last year the issue was addressed in which Bukovan was responding in a humorous manner. Cellurale said she doesn't get return calls.

Mrs. Mazza said she had the same experience. Commissioner Zapotosky said he will look into the issue and discuss it with Bukovan and office director Sarah Rosiek. Cellurale said there is discrimination against the Cellurales and she wants to meet with the commissioners. Cellurale asked why the meetings aren't being televised.

Commissioner Zapotosky said he would check into it, adding that there is a charge.

Commissioner Ambrosini asked if there were any additional comments.

Francis Kranik said she is representing the library systems, specifically Frazier and she just wanted to thank the commissioners for supporting the libraries.

Commissioner Zapotosky said he knows it getting rougher with state funding.

Mrs. Kranik said they are fundraising in very interesting ways to make money for the libraries.

Commissioner Zapotosky said the commissioners fund the libraries \$25,000 out of the general fund.

Commissioner Ambrosini said they will do their very best to maintain that going forward. He then asked if there were any other public comments. After a light-hearted discussion about the need to go to the bathroom, bladder control, and a press release about going to the bathroom, Vicki Hartsek asked if Mr. Carson was the supervisor of another township.

Commissioner Ambrosini said Connellsville Township.

Mrs. Hartsek said he is also director of public works and will now have this new job of signatory in the absence of the chief clerk. Commissioner Zimmerlink said it is an additional duty. Mrs. Hartsek asked if he will have time to do this.

Commissioner Ambrosini said he has about as much time as anyone else in government.

Ms. Hartsek asked if he was a full time supervisor.

Commissioner Ambrosini said no.

Commissioner Zimmerlink said he is still an elected official. She said that Mr. Carson said in his interview if he got the job as Director of Public Works that he would give up his duties as a road master at Connellsville Township, adding that she didn't know if he did that or not. She said Mr. Carson said he would still attend the evening meetings of the township supervisors. She said there has been confusion, adding that Mr. Carson said he was taking over the duties of county manager Warren Hughes, but there is no longer a county manager. She said as a county employee, Mr. Carson is the director of public works and he has duties outside of the county as an elected township supervisor.

Mrs. Hartsek asked if there was any pay for acting as signatory. Commissioner Zimmerlink said it wasn't mentioned in the motion. She said this would apply when the Chief Clerk is on vacation or out for personal reasons, not when she is out to lunch. Commissioner Zapotosky said he didn't want his assistant to sign because she was his

assistant and he didn't want a conflict. He said Mr. Carson is the director of buildings and grounds and he didn't want a conflict.

Commissioner Zimmerlink said she wouldn't have made a motion with a conflict, adding that the Chief Clerk attests documents. She said there is no power, unlike a notary. She said it is simply attesting the signatures of the commissioners.

Mrs. Hartsek said she wanted to know because she heard he was a township supervisor, and she wanted to know what the new duties were and if he would get paid for it. Commissioner Zimmerlink said there will be a big stack of documents in the conference room and they must all be signed by the commissioners and Chief Clerk. She questioned why the decision was made of Mr. Carson instead of another department head. She added that she knows the reason. Commissioners Ambrosini and Zapotosky said Mr. Carson's office is right next to the office of Chief Clerk Amy Revak.

Beverly Beal asked what the role of a county commissioner is, saying it is to be CEO of the county. Commissioner Zapotosky said all three are administrators of the county. Commissioner Zimmerlink said they are all three elected officials and if they can't explain their jobs, there is a problem. Commissioner Zapotosky said the commissioners oversee zoning, land use, economic development and other types of issues, as well as oversee departments. Beal said with all the lawsuits someone isn't doing their job. She said the appointments on boards, which they handle, they should investigate people more than they appointment people on boards. She said people on boards should be honest.

Commissioner Zimmerlink agreed, saying she wished she knew the person appointed at the meeting to the transportation executive committee representing the disability community. Beal said she hopes things are done honestly.

A motion to adjourn was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini at 12:35 p.m.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously.

