

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

In attendance-

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

Rev. Marietta told the commissioners that he is working to keep the 10 Commandment monument in Dunbar at its current site, where it has been located since 1957. He explained in 1943 when the Fraternal Order of Eagles started a youth commission and in 1946 a Judge had a 16-year-old come before him who had injured someone severely while driving a car. The Judge then discovered that the teenager didn't know the 10 Commandments and placards were placed with them written throughout the area. He said in 1956 Cecil B. DeMille made the film the 10 Commandments and it was shown in Connellsville, which had four theaters at the time. He said the monument was then placed at the site. Rev. Marietta said the monument was promoting good citizenship, not a particular religion.

Rev. Marietta said in 1958 the ACLU approved the monument. He said in September, Connellsville was told it had to be moved and was threatened with a lawsuit. He said he is asking the county commissioners to stand up for it. He said it is a historical monument, adding that our freedoms are guaranteed in our Constitution. He said he drew up a proclamation for the commissioners designating the monument a historic landmark by the county of Fayette, signifying the rock of American law and jurisprudence, and then read the proposed proclamation, which designates the monument as historic. Commissioner Zapotosky said he explained to the pastor that the commissioners don't have the governing authority to designate anything as a historical landmark, that would be up to the Pennsylvania Historic Museum Commission, and Rev. Marietta is working on that.

Commissioner Zapotosky said he agrees that the 10 Commandments is the moral cornerstone of our nation and would gladly support any initiative to advance that message. Rev. Marietta said the proclamation states the commissioners believe it is a

historic landmark, which Commissioner Zapotosky said he does as a commissioner and as a human being. Commissioner Ambrosini said everyone is aware of how this country was founded, based on religious freedoms, adding that it is a worthy cause to support, but he believes it must be reviewed by the solicitors to avoid any litigation in the future. Commissioner Zimmerlink said she agrees that the county commissioners have no authority to designate anything as a historic landmark, that is up to the Pennsylvania Historical and Museum Commission and there is a process that must be followed. She said if the commissioners proclaim it as read, it designates it as a historic landmark.

Commissioner Zimmerlink said the commissioners have no authority to designate a historic landmark. Commissioner Zapotosky said it would merely be symbolic. Commissioner Zimmerlink said it is OK to be symbolic but they still have no authority to make such a designation and she would prefer to not proclaim something that the commissioners have absolutely no authority to designate. Commissioner Zapotosky said perhaps it could be rephrased. Commissioner Zimmerlink said that with respect to litigation, two months ago a group wanted a proclamation for something regarding Marcellus Shale impact fee. She said the majority of the board was hesitant and she would think the thinking process would be the same. She said if anything, it could be changed that the 10 Commandments have a historic significance. She said pending the litigation and pending the status of the application, the commissioners should review it and make the decision whether or not to sign on to it.

Commissioner Zimmerlink said it isn't just the commissioners; they need to get public input. She said it isn't just a proclamation, it goes deeper than that. She said she has been through the process and it is long and exhaustive. Rev. Marietta said they are seeking a national designation and not a state designation for a historic landmark. He said he was hoping that the county could make a proclamation, symbolic or not, because it helps to get the ball rolling. He said he understands and they will go back to the drawing board and see if they can change some wording. Commissioner Zapotosky thanked him for the efforts, saying it is a good thing. He said the marker was there for decades and those 10 Commandments are the cornerstone of the Judeo-Christian society on which we were founded. He thanked Rev. Marietta, adding that he will support the initiative provided it meets the legal muster. Commissioner Zapotosky wished Rev. Marietta a Happy Thanksgiving and Rev. Marietta did the same, inviting everyone out for dinner at his church.

Public Comment on Agenda Items

Commissioner Ambrosini said he sees a lot of hardworking township supervisors today, and they came to make public comments and he is sure they want to get back to work to efficiently and effectively spend the taxpayer's money and he asked for a spokesman. Menallen Township Supervisor Joe Petrucci came forward, he joked that he was taking off his "Pitt" hat so he didn't offend any Penn State fans, which Commissioner Ambrosini said he appreciated. Supervisor Petrucci said he was representing the township supervisors association. He said all 24 townships were represented at the meeting. He said the Act 13 impact fee is the single largest issue they have ever faced. He then read from a statement which said the supervisors were at

the meeting because of their concern with the impact of the Marcellus Shale drilling. He said the safety issues on the road and how to pay for them is the biggest concern. He said the Act 13 money allotted to the townships falls short of what is needed to address the problems caused by the drilling and pipeline process.

Supervisor Petrucci said they have learned through the drilling of the conventional wells what the actual damage to the road system is. He said what is happening with the Marcellus Shale process is and will be more severe. He added that the Utica Shale, which holds more than the Marcellus, is not yet tapped. He said a conservative estimate is there will be 30 to 50 years of drilling activity. Our county does not own the road system and is in no way impacted in the adverse way the townships are, Petrucci said. He said the Act 13 funding is a windfall for the county when compared to the township's needs for the funds. He said the important point to remember is that the township constituents and the county constituents are one in the same.

Supervisor Petrucci said he realizes that the commissioners are being tugged at from every direction by others. He said the other causes and intentions likely all have merit but the big question is how are they impacted, which he said isn't as much as the townships. He said collectively, the supervisors have become experts as to what happens to the roads, adding that collectively, they have over 700 years of experience and they are more qualified by far than anyone else on this critical matter. He said looking at the road systems in the townships, most started as horse and buggy roads back in the 1920s and before. He said as automobiles such as Model A and Model T, they started to make improvements to the roads.

Supervisor Petrucci said the roads evolved from dirt roads to roads that had to be paved. He said township supervisors were allowed to back then, and still are because it wasn't removed from the code book, go onto properties to quarry stone to build roads. He said the stone they quarried was always sandstone. He said in the 1930s they started to do "pancaking" or tar and chipping to the roads, which was standard procedure for more than 20 years. He said in the early 1950s and early 1960s some roads were paved, but not many. He said now there are those roads with four, five, six inches of pavement on top. "So they're not good roads," Petrucci said.

Supervisor Petrucci said they had enough trouble taking care of the roads as they were, but now they have Marcellus Shale drilling. He said to frack one well, it takes 3,000 heavyweight trucks carrying the water to do that, and it takes four to five million gallons of water to frack a well. He said for the second and third wells, it is 20 percent less traffic because some of the water is reused. He said basically it takes 7,000 to 9,000 trucks traveling on these roads. He said they pulverize the roads, and that happened on the shallow wells. He said with the Marcellus Shale wells, it's much, much, much worse. He said the gas companies have been pretty cooperative and they have come in and paved most of the roads they have destroyed.

Supervisor Petrucci said the drilling companies fight the supervisors every step of the way on taking care of the real problem. He said they come in and do "paint job," which is to pave one or two inches, but five years down the road, the spider cracking starts

and the roads fall apart and they are stuck. He said it isn't cheap to pave a mile of road, with it costing \$500,000 to pave a mile of road. Commissioner Zapotosky asked if the amount of the impact fee that has been allocated to the county or to the municipalities falls short of what is needed to maintain the problems that will be incurred on the roads over the next 20 to 30 years. "Absolutely," Supervisor Petrucci agreed. Commissioner Zapotosky said there will have to be steps taken at levels higher than the people in this room to correct this action. Supervisor Petrucci said townships are only allowed to bond a road for \$12,500 per mile, the amount of which was established in 1978. He said they have been trying to get it changed ever since and it falls on deaf ears to the Legislature.

Supervisor Petrucci said the lobbying for the trucking and logging industries are very strong and they make sure that doesn't get changed. Petrucci said to hope it will be changed in the future would be, "wishful thinking at best," Commissioner Zapotosky said. Petrucci said they like to say that townships take a quarter and turn it into a dollar and PennDOT takes a dollar and turns it into a quarter. He said they do with a lot less every year and they have mandates. Perry Township Supervisor A.J. Boni said that by this time next year every township in the room will be dealing with Marcellus Shale issues, which means they have to check the outflow of any streams. He said the townships will have to have an engineering firm go out and survey all the pipes and that will come with a cost. He said over the years, they have spoken with the commissioners about the liquid fuel situation and they understood that the money was needed to repair the problems. He said they are just asking for some of that money to be put back.

Commissioner Zapotosky said the county is having the same problems, just in different forms of unfunded mandates, giving CYS as an example. He said they are all in the same boat, because they are catching the shortfall from the federal government and the state government and it is coming down to the counties and it is coming down to the local government level. Supervisor Petrucci said the townships are impacted greater than anyone. He said when the law was enacted, legislators from the east who have no Marcellus Shale impact want some of that money. Commissioner Zapotosky said it is a different set of unfunded mandates.

An unidentified supervisor said it is amazing the amount of damage that is incurred on German Township roads. He said it costs \$300,000 to one bridge in. He said the roads were built for Model Ts and the commissioners have no idea how many people call to complain about the dirt and the dust and the noise. He said German Township is getting impacted more than any other township with the wells and everybody has their hand out wanting money. Supervisor Petrucci said one of the problems that has come up is that at first, the companies wanted to help and now with an impact fee, the attitude has changed. He said the way it is starting to go is they ask why they should help when they have to pay. The German Township supervisor said right now the township has to replace seven bridges. Supervisor Petrucci said the oil company now wants to know how the township came up with the ordinance to put a 10 ton weight limit on the road. He said it will cost thousands of dollars to redo ordinances if they get challenged in court.

Another supervisor said the county makes them get permits for everything they do and it is absurd and it costs lots of money. German Township Supervisor Floyd Gladman said as an example when the guiderrails are put up, they look good but once they start getting hit the supervisors have to replace them and it comes out of their pocket. Supervisor Petrucci said another thing the state did this year is when someone gets a traffic violation like the heavyweight trucks, which is a substantial amount of money, the townships were getting half of it for year, but the state took it off of the townships this year. He said they are taking money and mandating. Supervisor Boni talked about the costs involved with laying a line. He said he spoke with the commissioners about the bridges and he understands that the county has bridges too. He said they are bonding the township roads but he doesn't know if the bridges are being bonded and that is a problem.

Supervisor Petrucci said Redstone Township has a problem in which they paved a road three years ago. A Redstone Township Supervisor explained that three years ago two major roads in the township were paved for \$300,000 and they are already starting to crack up. He said they will get money from the impact fee but it won't go far enough. Supervisor Petrucci said the money has been dropped into the lap of the commissioners and they are impacted in some legal ways but not the way the townships are. "We're after your money, I would like to have it all," Petrucci said. He said he knows that isn't going to happen. Supervisor Petrucci said he didn't bring all the supervisors to the meeting to put undue pressure or political pressure. He said there is more integrity in the room than they can believe. He said those guys don't make enough money, they work their butts off, they go out in icy road conditions, they are passionate about this and that's why they are here.

Supervisor Petrucci said they have a suggestion about what they want to see happen with the money. He said they know there are great causes out there including the 911 system which affects everybody in the county. He said there is also the HazMat system which could get some money and help everyone. He said what he thinks needs to happen is to have a permanent county ordinance to redistribute the Fayette County Act 13 impact fees at a rate of 60 percent each year. He said those funds would be divided equally among all 24 townships. He said the merits are obvious as it allows for transparency to the public and it transcends administrations. Commissioner Zapotosky said his math isn't that good, and he asked what that would equate to each township. Controller Sean Lally said it would be \$60,000 for each township using the \$1.4 million fee amount. Supervisor Boni said using 60 percent of that total, the amount would be about \$26,000 for each township. Supervisor Petrucci said that doesn't sound like much but for \$30,000, Menallen Township put 4,600 feet of water line in and with that money, that's fixed.

Supervisor Petrucci said that is an impact. Commissioner Zapotosky said ultimately it doesn't resolve the biggest problem, which is that the county still needs more money to come from the state to pipe down to the townships for road infrastructure repair. He said that would be the answer to the problem. Supervisor Petrucci said they can't solve every problem, adding that the state was supposed to change the bonding amount

since 1978. Commissioner Zapotosky said the state has been supposed to fund the courts since 1981 and that hasn't happened yet either so he understands the frustration.

Supervisor Boni said the actual proposed amount is \$29,100 for each township. Supervisor Petrucci said that will change every year because the fee the drillers pay will drop next year and then in the future. He said the state takes 40 percent and 60 percent goes to the municipal level. He said as the number of wells drilled changes, the figure will fluctuate and change every year but they will know and they can plan with the budgets. He said right now there are 378 wells that are permitted and 246 wells are being drilled or developed. He said a lot are vertical, and for those the companies pay only 20 percent of what a horizontal well fee is, which is \$10,000 instead of \$50,000 this year. He said everyone he spoke with such as Chevron said there will be nothing but horizontal wells from now on, which will be the bigger paying wells. Supervisor Petrucci said that's where they are and having an ordinance would be better, repeatable and transparent. He said the commissioners may not want to give the townships 60 percent.

Commissioner Ambrosini said he wants to make a few comments about the process, adding that he will try to be brief. He said over the last several months they had approximately 203 people sit down and draft the Act 13 Bill. He said those people are called the state legislators. He said along with the Governor, there were a number of associations, including the township supervisors association who weighed in and applied political pressure on the development of that bill as did the County Commissioners Association and industry associations. At the end of the day, the flat tax method was decided. He said if there is anybody in the room that didn't hear he was against the flat tax he will make it clear right now. "We should have a production tax. That was the first mistake on the Act 13 Bill," Ambrosini said.

Commissioner Ambrosini said it should have been a production tax which would give the county three times the amount of money they are getting. Supervisor Petrucci said it is done that way in West Virginia and New York, with Commissioner Ambrosini adding that it is done that way in most other states for Marcellus or Barnett Shale. He said he would guess that Petrucci would say that the state doesn't need their 40 percent either. Supervisor Petrucci said he would never say that. Commissioner Ambrosini said the county received \$3.8 million this year, \$2.4 million to the municipalities and \$1.4 million came to the county. He said the county isn't going to spend much money on things that aren't going to help the townships anyway. Supervisor Petrucci said the biggest part of their oath is to protect the health, safety and welfare of their citizens. He said they are impacted and they have to use their resources on top of the resources they are getting from the gas companies. He said the county isn't impacted whatsoever, this is the pie in the sky that dropped on you.

Commissioner Ambrosini said he has to take issue with that statement. He said the county has 63 county bridges, a number of which have weight limits reduced down to 3,000 pounds, adding that you can't drive an SUV on them. Supervisor Petrucci asked what roads those county bridges are on, they are all on township roads, not state roads. Commissioner Zapotosky said everyone is in the same boat. Commissioner Ambrosini said if the county doesn't repair those bridges, it hurts the townships. He said all the

CYS and MH/MR numbers are going down. He said it isn't a big secret that the federal and state governments are reducing the number of support they are giving local municipalities but the mandates aren't going away. Supervisor Petrucci said the CDBG (Community Development Block Grant) money has gone down 30 percent. "We're doing more with less," Petrucci said. He said that Commissioner Ambrosini is saying he isn't in favor of the flat fee and no one is. He said the Governor needed to do something and he wanted his cracker plants here and that was the gift. He said the county needs, but it doesn't really need because if it wasn't there, they would still be conducting county business and fixing bridges with liquid fuel money, this is pie in the sky. Commissioner Zaposky said they have been operating with bandages on the bridges, it's been a rough, rough road with the liquid fuel. Commissioner Ambrosini said if they could have used the liquid fuels money to solve all the bridge problems, it would have been done.

Supervisor Petrucci said on every township road in this county there are leases for gas and there is going to be drilling on every township road. He said not every, but most township road is going to get affected and where there are bridges, they will be affected. He asked if the commissioners know they can bond their bridges. Menallen Township Supervisor John Yantko, president of the Fayette County Township Supervisors Association, said he wanted to thank Supervisor Petrucci for being the spokesperson. He said he wanted to elaborate on a few things. He said there are three supervisors with at least 75 years of experience, which is more than the commissioners have all put together. He said talking about liquid fuels and bridges, there are bridges in the township that don't have to be rebuilt. He said a pipe can be used as long as it is the size that the hydraulic flow can handle. He said not replacing a bridge with a bridge will save the county thousands of dollars. He said some of the bridges the county builds are overkill in his opinion.

Supervisor Yantko said there was never that kind of truck traffic, and they can put the same thing in with a pipe. He said even though Menallen Township didn't get the wells, they got the impact more than a lot of people do. He said the townships used to get county aid and that helped. He said the cost to pave a mile of road today compared to when he started is four-plus times. Commissioner Ambrosini said they are looking at not replacing bridges, to which Supervisor Yantko responded that it should have been done years ago. Commissioner Ambrosini said he wasn't here years ago and they have to use every advantage to be efficient and effective. He said if more non-structural bridges can be put it at less cost and they can eliminate the cost of routine bridge inspections. Supervisor Yantko said the township has done the work and the county bridge department can put a pipe in.

Commissioner Ambrosini said the bridge department has done a lot with very little and we will continue to get more efficient. He said they still need to get a commissioners meeting in, so if they could make final comments and wrap it up, he would appreciate it. Supervisor Petrucci said he wants an answer. Commissioner Ambrosini said from the county's perspective, every dollar that will be spent will be prioritized. He said there were already requests from township supervisors to do certain things and they will look at them seriously and where they make sense they will be done. Supervisor Petrucci said the county sits on all this money and each year there will be people coming to

them. He said they are laypeople, to which Commissioner Ambrosini responded that he has an engineering background and he isn't a layperson. He said he probably understands more about bridge construction than a lot of people. Supervisor Petrucci said Commissioner Ambrosini doesn't understand road construction as much as they do. "We live it, we breathe it, we see it and there's nobody at PennDOT that knows more than this crew," he said.

Supervisor Petrucci said when Act 13 was done, they didn't have somebody like the township supervisors out there telling them what was going on. He said they would like to get an answer, adding that the most important thing is the safety of the people who have to travel those roads. He said the townships take care of about 1,600 miles of roadway and get \$1.8 million from the state, not counting their own budgets. He said PennDOT has less than 800 miles of road in Fayette County and their budget is \$19 million. He said if that doesn't blow your mind, nothing will. He said they have the same problems they do with union shops and wages. Commissioner Ambrosini said things are done to different specifications, to which Supervisor Petrucci disagreed.

Supervisor Petrucci said he thinks they presented their case, adding that they need every dollar they can get and they don't get enough. He said he'll negotiate, and only take 50 percent of the money. He said there will be a big pile of money for the county to spend, adding that they are not asking for all of the county's money. He asked what if they get a couple of unscrupulous county commissioners that say they will spend \$100,000 in one community, another \$80,000 over here and give another group money and I will have their votes forever. He said it can happen with township supervisors too. He said that money will be a problem to them. He said if the commissioners came out and said that 50 percent of the money is going to the townships and all the people with integrity will spend it, adding that they have a track record of spending money properly, half their problem is solved. "Take your other half and do what you want with it. We need it," Petrucci said. The township supervisors then exited the meeting.

Bob Softcheck, general manager of the North Fayette County Municipal Authority, read a letter explaining the need for an extension of the authority for 50 years. He said initially when it formed in 1955, it was only for 50 years. In 1975, he said the county commissioners joined the borough of Dunbar and in December of 1978 articles of incorporation were amended again to extend to 50 years, meaning the authority will cease to exist in December 2028. He said in 2010, the townships of Lower Tyrone and Perry approached the NFCMA to undertake an expansion of the water system in their townships for 130 customers. He said the project was \$3.1 million and it was funded by a \$1 million grant from DCED, a \$1.07 million grant from US. Department of Agriculture, a \$112,000 borrower contribution and a \$967,000 40-year loan from the U.S. Department of Agriculture Rural Development. He said if the loan closes out in 2052, the authority would not be existence then. He said that is the reason for the extension, which would be 50 years from the date the articles are approved, to December of 2062 and could be dissolved at any time prior.

Commissioner Zapotosky said at the agenda meeting the agenda merely said a 50-year agreement and all of us were a little confused. Commissioner Zimmerlink said at

the agenda meeting when that item came up she asked staff what the item was about and there was just “I don’t know, shrugging of shoulders” and it was “I don’t know, I’ll get that information and that was the response back,” Zimmerlink said. She said within an hour of that meeting, staff forwarded copies of e-mails from Lisa Chiesa of Thorp Reed, Ken Burkley, our solicitor, John Cupp and Amy Revak, chief clerk. She said it was informative, but the problem was, “and it’s our staff problem that needs to be corrected, is all those e-mails started back in October.” Commissioner Zimmerlink said what needs to be done is to make sure that “staff” knows when a request is made that they immediately inform the three commissioners. She said she had three days to find out what it was all about when four or five other people had all the communications 45 days ahead of time and with a simple button of forwarding it would have been resolved. She said it wasn’t the fault of Mr. Softcheck, his agency made the proper request to the proper person, there is an internal issue that needs to be taken care of. She said thank you for the information, they have the resolution and thank you for explaining it again.

Proclamations

Commissioner Ambrosini read the proclamation for Pancreatic Cancer Awareness Month. He said the next proclamation is for adoption awareness month. He asked Commissioner Zapotosky to read it because he is “very familiar with the process.”

Commissioner Zapotosky said he is very proud to be an adoptive parent and read the proclamation.

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

November 2012 as Pancreatic Cancer Awareness Month

November 2012 as Adoption Awareness Month

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini added that people who adopt children are very special people and he acknowledged Commissioner Zapotosky for those efforts and to make a difference in somebody else’s life. Commissioner Zapotosky thanked him, adding that the difference that was made was made by his son and not himself. “God bless all the children,” Commissioner Zapotosky said.

Commissioner Zimmerlink asked if the commissioners could move up the agenda item for Veteran’s affairs office since director Madonna Nicklow was sitting in the audience for an hour. She said department heads are not normally at the meeting, but

Nicklow wasn't at the agenda meeting, and asked if it could be moved up so she could return to her office.

Madonna Nicklow then read her agenda item, adding that of the flags, Greene County is asking for a number of flags and the total is 64 dozen for Greene and 2,400 dozen for Fayette.

Veterans Affairs

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to grant approval to advertise for the following:

FLAGS Quantity 36,288

Flags shall be American Flags, 12x18 inches on staff with a gilt spear securely fastened to the dowel: dowels shall be 3/8" in diameter and made from domestic lumber. Flags shall have fifty (50) stars. Flags are to have four (4) staples.

All flags shall be "American made and color fast" according to the flag law H.B. 968.

MARKERS

Markers shall be made of aluminum with 20 inch rod to accommodate a flag with a 3/8" diameter staff. All markers must be the standard 6" diameter regulation.

World War I 200 each; World War II 200 each; Korea 400 each; Vietnam 400 each; Persian Gulf 200 each; War on Terror 200 each; US War Vet. 500 each

TOTAL 2100 Markers

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 real estate tax exemptions as they have been deemed 100% disabled veterans by the Veterans Administration of Pennsylvania effective for the 2013 tax year:

Mark L. Sweitzer 113 Sweitzer Rd. Markleysburg, PA 15459

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 grant approval to send four certified assessors for 3 hours of required continuing education classes on December 12th 2012, at no cost to the county, to Oakhurst Restaurant, Somerset PA.

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 Value</u> | <u>Period</u> |
|---|--------------------------------|---------------------|
| <u>Base Contract Agreement for Fiscal Year 2012-2013</u> | | |
| East End Community Center | \$6,000 | 7/1/12-6/30/13 |
| <u>HealthChoices Agreement for Professional Services – 2013</u> | | |
| Lawrence J. Tabas, Esquire (Obermayer, Rebmann, Maxwell, Hippel & LLP) | \$300/hr. | 1/1/13-12/31/13 |
| <u>HealthChoices Service Agreement - 2013</u> | | |
| Allegheny HealthChoices, Inc. | \$100/per hr Up to \$74,500 | 1/1/13-12/31/13 |
| Maher Duessel, Certified Public Accountants | \$17,900 | Year Ended 12/31/12 |
| <u>HealthChoices Fee-For-Service Agreement - 2013</u> | | |
| Mark Fox & Associates LLC | \$100/per hr. | 1/1/13-12/31/13 |
| Tidgewell Associates, Inc. | \$150/per hr. | 1/1/13-12/31/13 |
| <u>Modification Agreements #1 2011-2012</u> | | |
| Chestnut Ridge Counseling Services, Inc. | \$2,214,713 | 7/1/11-6/30/12 |
| Goodwill Industries of Southwestern PA | \$760,947 | 7/1/11-6/30/12 |
| Rehab Care, Inc. | \$25,000 | 7/1/11-6/30/12 |
| <u>Modification Agreements #2 2011-2012</u> | | |
| Fayette Resources, Inc. | \$862,846 | 7/1/11-6/30/12 |
| Rehab Care, Inc. | \$21,500 | 7/1/11-6/30/12 |
| <u>Modification Agreement #3 2011-2012</u> | | |

Arc, Fayette \$486,241 7/1/11-6/30/12

Modification Agreement #4 2011-2012

Laurel House, Inc. \$842,381 7/1/11-6/30/12

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 FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Juvenile Probation, and **Jumonville**, 887 Jumonville Road, Hopwood, PA for the provision of competency-based & victim awareness training and education for delinquent youth. This is a repetitive three session group-based program at a rate of \$1,120.00 per session.

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 **Caton Design Group**, 106 West Ridgeview Drive, Suite A, Uniontown, PA for Website redesign with content management software (CMS). This is a projected cost estimate to include approximately 18 hours @ \$50.00 per hour of professional design time to redesign the website (one-time fee) and an additional 4 hours of free training for staff to be able to manage and update the web site in house. This will further allow for the requirements to make the site accessible for modified formats such as screen readers.

Projected timeline for website redesign is approximately 3 weeks after receiving \$450.00 down payment for the design. The balance of design charges is due upon launching the new website. The total cost is \$900.00.

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 upgrade of the cell phone system to include a data package that will be used by caseworkers in the field to access the data management. We will continue to have 15 phones and will replace our current phones with Samsung Stratosphere smart phones at a cost of \$0 and the monthly cost will be \$890.25.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to advertise for bids on the purchase of 6 Tablet PCs to be used by the new staff the agency is requesting.

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 purchase 19 Fujitsu Port Replicators at a cost of \$159.00 each for a total cost of \$3,021.00. These will be utilized as docking stations in the work areas for staff and the tablet PC previous acquired and requested above.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Controller

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

Office of the Controller

Fayette County, Pennsylvania

SEAN P. LALLY
Controller



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

| | | | |
|--------------------------------------|-----------------------------------|-----------------|---------------------|
| FUND: | GENERAL FUND | | |
| | DATE: | 19-Nov-12 | |
| CASH: | Checking Account | United Bank | \$ 6,498,054.64 |
| 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 | | | |
| | Tran Note | \$ 4,500,000.00 | |
| | ARC Payment | \$ 794,797.75 | |
| | | | \$5,294,797.75 |
| Budget Year 2012 | Net Position | | \$ 2,811,926.39 |
| | | | Year to Date |
| Total 2012 Revenues | | | \$ 25,022,658.13 |
| Total 2012 Expenditures | | | \$ 22,040,431.54 |
| Total 2011 Expenditures paid in 2012 | | | \$ 2,030,829.03 |
| Capital Reserve Fund Balance | | | \$ 62,983.26 |
| Bond Fund Balance | | | \$ 306,919.22 |

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

Controller Lally told the commissioners they need to advertise for the 2013 TRAN note immediately if not sooner, to which Commissioner Zapotosky replied it is on the agenda.

Emergency Management/911

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the Annual Motorola Service Agreement for 2013 in the amount of \$ 67,330.44 paid quarterly, an increase of \$1961.52 over 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Courts

Regarding a motion to approve a purchase for Tazer cartridges and training, Commissioner Zimmerlink said there isn't a 2012 Capital Outlay for the courts and it should say Capital Fund 51.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the purchase of 30 training Tazer cartridges from Witmer and Associates, to be paid out of Capital Fund 51 for mandatory yearly certification for Fayette County Court Security. The cost of each cartridge is \$19.95 each for a total cost of \$598.50.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resource Department

CYS

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the promotion of Caseworker II, Robert Madison to Casework Supervisor at \$20.52/hr (\$40,014) effective November 26, 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 Kevin Hansen as a Caseworker at \$15.12/hr (\$29,484) effective December 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 Zimmerlink to approve the hire of Juli Heasley-Cameron as a Caseworker at \$15.12/hr (\$29,484) effective December 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 Zimmerlink to approve the hire of Ashley Crissey as a Caseworker at \$15.12/hr (\$29,484) effective December 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 Zimmerlink to approve the hire of Heather Hess as a Caseworker at \$15.12/hr (\$29,484) effective December 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 Zimmerlink to approve the hire of Matthew Sullik as a Caseworker at \$15.12/hr (\$29,484) effective December 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 Zimmerlink to approve the hire of Mindi Tate-Sullivan as a Caseworker at \$15.12/hr (\$29,484) effective December 3, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

EMA

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the promotion of P/T Dispatcher Tiffany Shade-Spolan to an F/T Dispatcher at \$12.42/hr (\$25,833.60) effective December 2, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

FACT

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the hire of Donald Gallagher as a P/T Bus Driver at 11.07/hr effective November 13, 2012.

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 approve the 2013 Fayette County Behavioral Health Administration Compensation Plan for the period January 1, 2013 through December 31, 2013. The annual increment will be approximately three percent (3%). The Longevity/Seniority Increment will continue to be a movement of one step (approximately three percent (3%)) on the approved salary schedule.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Human Resources

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to ratify the collective bargaining agreement between County of Fayette Board of Commissioners and Children and Youth Services employees represented by Pennsylvania Social Services Union, SEIU Local 668 for the period of January 1, 2012-December 31, 2014.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink abstain

Motion passed 2-0

Information Technology

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the promotion of P/T IT Assistant Michael Miller to the IT Technician at Non-Union Non-Supervisory Pay Grade 10 Step A \$12.71/hr (\$24,784.50) effective November 21, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prison

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the 480-hour volunteer internships of the following:

Penn State Fayette, Human Development and Family Studies major, Rebecca Williams;
Penn State Fayette, Human Development and Family Studies major, Sarah Scully;
Penn State Fayette, Criminal Justice major, Stephanie Conway and Penn State Fayette, Criminal Justice major, Caitlin Lemon, effective January 2, 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 ratify the temporary hire of Kelli Ash, as a Department Clerk I at 9.41/hr, effective November 14, 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 Patricia Hoban, as Mapping Technician at SEIU Pay Grade 7 Step A \$11.07/hr (\$21,586.50) effective November 26, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Veteran Affairs

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the transfer of Accounts Clerk I in Tax Claim, Donald Siple, to the Chief Veteran Service Officer at SEIU Pay Grade 11 Step A \$12.70/hr (\$24,765), effective December 3, 2012.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zapotosky said Siple is a veteran and a service officer at the VFW during his motion.

Information Technology

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify the purchase of a 36,000 BTU air conditioning unit at a cost of \$3,000 for the computer room to be paid out of Capital Fund 51.

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 renew the annual agreements with the following third-party agencies to perform inspections for the UCC for a period from Nov. 20, 2012 to Oct. 31, 2013:

Middle Department Inspection Agency, Inc., Wexford
Steel City Inspection Agency, Inc., Pittsburgh
National Inspection Agency, State College
Middle Atlantic Inspection Agency, Sycamore
K-2 Engineering, Uniontown
Tri-State Safety Inspections, Uniontown
Codesys Code Consulting, Inc., Pittsburgh

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Commissioners

A motion was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the October 16, 2012 regular commissioner meeting minutes.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

Prior to the vote on seeking the TRAN note, Commissioner Zimmerlink said there should be a not to exceed amount. Controller Lally said the maximum amount that can be taken out is \$5 million. He said as the budget develops, he would have a better number. Commissioner Zapotosky said the maximum is \$5 million, and he asked Lally if the county needs \$5 million. Controller Lally said with 2 or 2.5 percent, he would rather be on the side of caution than the side of not caution. He confirmed with Commissioner Ambrosini that the county borrowed \$4.5 million this year. Commissioner Zimmerlink said the motion needs to state a not to exceed, saying there can't be an incomplete motion.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a motion to advertise for bids for the 2013 TRAN note, not to exceed \$5 million.

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 creation of a separate bank account for Marcellus Shale proceeds.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to advertise for bids for the rehabilitation of the Fredericktown Ferry.

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 a proposed tentative 2013 general fund budget with revenue of \$27,774,715 and expenditures of \$25,608,119 and an unchanged millage rate of 4.51448 and an estimated fund balance at the end of the year of \$404,079.95.

Commissioner Zapotosky said it is only proposed.

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink no

Motion passed 2-1

Commissioner Zimmerlink said she voted no because the county budget should be prepared with the three county commissioners sitting down at the public meeting and providing the direction with the staff on how to input the numbers. She said other than having the department meetings there has been no discussion on projected 2013 specific requests. Hopefully we have those meetings which should have occurred when these numbers were being plugged into the line items.

A motion was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a resolution for the extension of the life of the North Fayette Municipal Authority by 50 years.

Commissioner Ambrosini yes
Commissioner Zapotosky yes

Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Ambrosini asked for a motion to solicit letters of interest detailing plans along with documentation of past experience for implementation of an Adult Day Reporting Center Program for the Fayette County Courts. Commissioner Zapotosky said he would have it done by Monday to get letters out. Commissioner Zimmerlink asked if a motion was being made as written. She said instead of letters of interest, which is different than requests for proposals. She said it is too important and it should say to solicit a request for proposals. She said when she took office in 2004 the discussion of overcrowding was held. She said by 2007, the commissioners and prison board gave a list of items to the criminal justice advisory board but nothing happened to take it to the next step to implement the county day reporting center. She said there was to be a change in the administration. She said the one company the county listened to was BI, which came to the CJAB meeting at the request of the President Judge.

Commissioner Zimmerlink said in 2007 “that same company had been contacted by me and I gave that information to the new board of commissioners.” She said four years later, it is the same company. She said other agencies need to be solicited who may be able to provide the service. She said the information is the proposal shouldn’t be released. She said it is important not for department heads to contact individuals and getting prices because that doesn’t meet all of the requirements for county code. She said the court system contacted the company, called GO Group and they presented the information and gave the cost. She said the county needs to allow and permit other vendors to provide the same information. Commissioner Zapotosky asked if it would be a request for proposals, to which he said he would agree.

Commissioner Zimmerlink then proposed seeking a request for proposals to establish an adult day reporting program and the scope of services that would be addressed would be the treatment, case management, supervision, service coordination and physical location. She said the scope of services was asked for previously. She said a sum of money is nothing to shake their hand at. Commissioner Zapotosky said he would support that in the form of a motion and would second it. Commissioner Ambrosini said they want to be careful not to list in any detail the list of services that will be provided because they were listed on one company’s proposal. He said they don’t want to limit to companies that offer different services. Commissioner Zimmerlink said that scope of services wasn’t just off of one proposal, it was from one as well as from another letter. She said in 2007 when the same company sent the packet of information, it listed the same services and it should be listed as to include, but not be limited to. She said there must be a clear direction when asking for a request for proposals and that comes from years of experience as a commissioner. Commissioner Zapotosky said in the motion it can include any additional programming that would address the issue. Commissioner Zimmerlink said the county has been burnt before because the scope of work and request wasn’t clear enough. “Been there, done that, we need to be clear,” she said.

Commissioner Zimmerlink asked the two solicitors if they had anything to offer beyond what she had mentioned. Commissioner Zapotosky said he liked that she put in including, but not limited to. She said an agency may not be able to provide a physical location. Commissioner Ambrosini said this is a service that has been making great strides in helping people incarcerated to receive training to get jobs and to help with other areas of skills training such as life skills or parenting skills. He said he looks forward to strides to be made in the future. He said the success rates of the companies needs to be compared and looked at. He said they want to make sure they are able to review the process of the companies and not ignore some state of the art procedures that are on the forefront. Commissioner Zapotosky said he thinks that satisfies it by adding including but not limited to. Solicitor Burkley said he thinks that gives it a different latitude by not leaving that language out.

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to solicit a request for proposals to establish an Adult Day reporting program and the scope of services that would be addressed would include and not be limited to the treatment, case management, supervision, service coordination and physical location of the site.

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

A motion was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to ratify changing the November meeting date to 10 a.m. on Wednesday, November 21 at the Public Safety Building.

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

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

| 10-05-12 to 11-07-12 | | | |
|-----------------------------|--------------------|--------------|---------------|
| Department | Cost Center | Debit | Credit |
| Courts | | | |
| Salary arbitrators | 01418451412 | \$1,900 | |
| Salary Viewers | 01418451411 | | \$1,900 |
| Planning and Zoning | | | |
| Travel UCC | 01417253300 | \$1,500 | |

| | | | |
|------------------------------------|-------------|------------|------------|
| Travel Planning | 01417153302 | | \$1,500 |
| UCC Pro. services | 01417253100 | \$282.28 | |
| Zoning photocopy | 01417152200 | | \$282.28 |
| Treasurer | | | |
| Travel | 01413953300 | \$800 | |
| Postage | 01413953250 | | \$800 |
| Materials/supplies | 01413952000 | \$200 | |
| Postage | 01413953250 | | \$200 |
| Public Works | | | |
| Repairs to bldgs | 01417453730 | \$750 | |
| Travel | 01417453300 | | \$750 |
| Repairs to bldgs | 01417453730 | \$4,000 | |
| Auto maintenance | 01417453741 | | \$4,000 |
| District Attorney | | | |
| Professional services | 01419453100 | \$1,000 | |
| Witness fees | 01419453171 | | \$1,000 |
| Professional services | 01419453100 | \$1,000 | |
| Witness fees | 01419453171 | | \$1,000 |
| Register of Wills | | | |
| Microfilm expenses | 01419652210 | \$500 | |
| Materials/supplies | 01419652000 | | \$500 |
| Victim/Witness Services | | | |
| Misc. expense | 07419852100 | \$2,988.13 | |
| Health insurance | 07419851560 | | \$2,988.13 |
| Materials/supplies | 07419852000 | \$123.93 | |
| Gen fund workers comp | 07419853540 | | \$123.93 |
| Juvenile Probation | | | |
| JCJC Administration | 01423752566 | \$5,000 | |
| Travel | 01423753300 | | \$5,000 |
| Prothonotary | | | |
| Part-time salary | 01419551450 | \$28.91 | |
| Telephone | 01419553200 | | \$28.91 |
| Magisterial District Judges | | | |
| Cleaning | 01418651460 | \$1,100 | |
| Assoc. dues | 01418654200 | \$200 | |
| Materials/supplies | 01418652000 | | \$1,300 |
| Veterans affairs | | | |
| Vet transportation | 01419452509 | \$3,000 | |
| Travel | 01419453300 | | \$3,000 |
| Vet transportation | 01419452509 | \$275 | |
| Veterans graves | 01419452802 | | \$275 |

| | | | |
|---------------------------|--------------------|----------------------|--------------------|
| Adult Probation | | | |
| Salary pro. Staff | 01423651300 | \$2,000 | |
| Materials/supplies | 01423652000 | | \$2,000 |
| Jury Commissioners | | | |
| Contract computer | 01418553010 | \$150 | |
| Materials/supplies | 01418552000 | | \$150 |
| Total Debits | \$26,798.25 | Total Credits | \$26,798.25 |

Commissioner Ambrosini yes
 Commissioner Zapotosky yes
 Commissioner Zimmerlink yes

Motion passed unanimously

Commissioner Zimmerlink said before public announcements or public comments, she wanted to go over, briefly, a couple county issues that don't require a vote but it needs to be discussed after the meeting. She said one item is the manner in which some of the items are being brought to the meeting and the timing of it. She said she would first speak for the two solicitors and the chief clerk and then about other department heads. She said when a request is made from a department director to either one of the three solicitors or the chief clerk, adding that has been done in the past couple weeks, it is very important for the solicitors to make sure that if the department head or chief clerk has forgotten, to make certain that the three county commissioners are informed. She said prior to numerous e-mails and research between county solicitors and third party people, they must be notified. She said a decision of a majority must be known before they can move forward on something and many times there needs to be a resolution passed before that can be done. She said she will give a couple cases in point. She said thirdly, if the commissioners are not interested in pursuing it, it will save a lot of time on the part of county solicitors and staff.

Commissioner Zimmerlink gave an example in which recently the public works director was given a request from a gas company in which the county consider a pipeline easement for one of the county parks. She said by the time it was forwarded to the commissioners, if you scroll down you can see all the conversation and back and forth between everyone other than us three. She said the commissioners may or may not want to consider it. She said there is research being done and time taken from Ken Burkley and taken from John Cupp and Sheryl Heid. She told staff to keep that in mind to make sure when a request comes through it goes to the commissioners first and it can be placed on the agenda that they want to consider it. She said the commissioners need to get involved at the onset. She said the second thing is a question for Solicitor Cupp about an e-mail that began in response to Commissioner Ambrosini's question regarding board appointments.

Commissioner Zimmerlink said it mentioned 40 minutes to do research and provided law and then he asked Solicitor Burkley to weigh in. She said his response is that a seat cannot be filled until it is vacant, but she doesn't know what the question is. She said they can start the process in a timely manner. She said in the past Fayette County has waited too long to make board appointments. She said they can vote in November to make an appointment in the future, and she hopes they can do that because it has been done that way. She said the day can be made effective in the future. She asked if there was a problem and if it is for one particular authority or board. She said there was an e-mail from the airport and they said they want to change their bylaws and change the terms of the board members. She said the commissioners can't hold up an entire process for numerous boards. She wants to know if there is an issue or problem.

Solicitor Burkley said he wasn't aware of that, adding that in e-mails he has shared with Commissioner Zimmerlink he is chiming in. He said he would like to follow up, adding that he thinks there is case law that states that an appointment can't be made until there is a vacancy but he can look at it. He said a lot of times the e-mails are conversations, like talking to Solicitor Cupp or talking to Commissioner Zimmerlink in the hallway of the courthouse. Commissioner Zimmerlink said she would ask Solicitor Cupp because he said in response to a question. Commissioner Ambrosini said he simply asked Solicitor Cupp when they can start appointing people to the various boards and authorities. Commissioner Zimmerlink asked if he got an answer, to which Solicitor Cupp responded that his answer was that an appointment can't be made until after there is a vacancy. Commissioner Zimmerlink said because authority appointments begin the first Monday in January and boards at the end of December. She said it becomes a problem because in January they need to reorganize.

Commissioner Zimmerlink said the county needs to begin the process and doing interviews and if they don't want to vote until January there needs to be a special commissioners meeting to make those appointments to not delay the action the boards are taking. She said there is negative feedback from boards. Commissioner Zapotosky said except last year, there were board appointments made on the reorganization of the commissioners. He said the commissioners have been consistent, to which Commissioner Zimmerlink said looking at past years, there have been times when meetings have been cancelled. She said it shouldn't be confused with a lame duck, this isn't what that is about. She said since she has been on the board in 2004, they had three county solicitors chime in that how they have been doing it is just fine. She asked the solicitors to look at it. Solicitor Burkley said past practice is if a vacancy occurs in January, you have in the past made the appointment at the December meeting, but effective Jan. 2. Commissioner Zimmerlink said that has been done that way, and they want to do it right, but they don't want to hold up boards and authorities and there is no reason why they can't start the process getting letters of interest and interviewing. She said it should be done in October.

Commissioner Zimmerlink said if they want to have a special meeting to make appointments they should not to delay appointments. She asked if it was placed in the newspaper. Commissioner Zapotosky's administrative assistant Kathy Winkler replied it was placed in the newspaper without a deadline. Commissioner Zimmerlink said that is

another issue. Commissioner Zapotosky said people should be given two weeks, or until December 10. Commissioner Zimmerlink said they can get a definitive answer. She said there was an issue with an auction for the county to bid on property on Iowa Street. She said she was extremely surprised and taken back when she received an e-mail two or three days ago. She said the e-mail included conversation in which the county wanted to bid on property and one said the commissioners wanted to bid on property. She said she asked when that occurred because she never had a conversation with her fellow commissioners. She said certain members of the staff and solicitors talk but authorization was given for an appraisal. She said discussions were made to send the public works director to bid on Saturday, there was a high price and a low price and she was thinking if there were commissioners around. She asked her fellow commissioners if they gave direction. Commissioner Zapotosky said there was a memo that he signed off on authorizing that the county take part in the auction.

Commissioner Zimmerlink said purchasing a building, such as the Iowa Street kindergarten building should be discussed, although they wouldn't want to discuss prices, there should have been an executive session called and the prices should be discussed. She said it was sold for \$180,000 and according to the appraisal the county received, the businessman who bought it got a good deal. She said there is the possibility of a great loss because of a lack of timeliness. She said she didn't see a letter, but it should be done by resolution. She said she isn't saying she is against the building, but there should be discussion. She said what are the high and lows and where is the money to come from. She said one discussion was to go to Controller Lally to get a check. She said there is an issue and a problem. She asked who typed the letter.

Commissioner Ambrosini said that letter was typed by his administrative assistant. Commissioner Zapotosky said it was in the tray. Commissioner Zimmerlink said they definitely need to have a public meeting and she asked for a copy of the letter. She said all three commissioners should sit down and give clear direction and if they missed an opportunity because of a lack of action or communication it was a shame. She added that whose money would be used, saying it was the public money and was a rhetorical question. Commissioner Zapotosky said he thought there were e-mails going back and forth regarding this and she was copied on it. Commissioner Zimmerlink said she only heard of it three days ago. She said the first e-mail was dated Nov. 12 and the auction was to occur Nov. 17. She said the courthouse was closed on the 12th. Commissioner Zapotosky said there was a letter circulated in the tray that had all three on it, and he signed off on it. Commissioner Zimmerlink said the first e-mail was Nov. 15. She said the one before that only has Bob (Carson), Ken (Burkely), John (Cupp) and Commissioner Ambrosini. She said the sale was Nov. 17 and definitely there is a problem.

Commissioner Ambrosini said in this particular case he wasn't even aware that the buildings were potentially available until Friday, Nov. 10 when he asked the director of public works to look into the buildings to see if they would be useful. He said he also contacted Solicitor Cupp to find out the process if the county wanted the buildings. He said the timeline was such that there wasn't time to call a public meeting. He said there were e-mails and the letter for signature was distributed Friday morning. He said

Commissioner Zimmerlink wasn't in the office Friday morning and that is why she wasn't able to sign it. He said the auction was Saturday and the building did go for \$180,000 and he thinks he may have gone for more if there were more bidders. He said the brief conversation on the bid was done and if the county got it, it would be good for the county. Commissioner Zimmerlink asked if anyone bid. Commissioner Ambrosini said he and the director of public works went and the price went past the county's price quickly. Commissioner Zimmerlink said the first communication is Nov. 15 and he heard on Nov. 10. She said she would strongly suggest that if one commissioner wants to initiate something, they can. She said there are emergency executive sessions. She said the courthouse was closed on Monday, but there was the rest of the week. She said an appraisal was prepared. She said it seems that the solicitors are being notified quickly and if they see her name isn't on something, she would like to get it. When Commissioner Ambrosini asked if she had another brief item, Commissioner Zimmerlink said "give me a minute, don't rush me." She said the next item is concerning requisitions and the payment of requisitions and specifically one that hasn't been paid for her.

Commissioner Zimmerlink said if the procedure isn't clear, it may have to be put on the agenda. She said in June she got notice for a CCAP conference. She said she went online, registered for the conference and paid with a credit card and she attended in August. She said it was \$599 and some odd cents. She said she went for a committee meeting Sunday, stayed overnight, "did what she had to do" and returned back. She said she wanted a month for the bank statement in September. She said on September 4 she processed it and waited all September although normally reimbursements are made within a two to four week period. She said she wanted through October and still nothing. She said she approached the chief clerk and a staff member and asked. She said within a half hour the requisition was in the tray with the chief clerk's signature. She said it had a note asking that she make an appointment with Commissioners Ambrosini and Zapotosky to discuss it. She said Commissioner Ambrosini stayed longer at the conference than she did. She said she approached Commissioner Ambrosini as Commissioner Zapotosky wasn't there and he said to make an appointment and she asked why. She said the question is why if it is a reimburseable expense. She said she stayed one night, attended a committee meeting and went to the exhibit hall and picked up materials. She said she decided not to stay a second day for \$300 a night. She said Commissioner Ambrosini chose to stay, which is fine, but she decided to come home. She said there is no reason why she shouldn't be reimbursed.

Commissioner Zimmerlink said she is a commissioner and she doesn't go to the conferences at a whim and she has served on the county government policy committee for CCAP in the past years and they invited her to serve for 2013 and she is on the Nation Gas Task Force for CCAP. She said the meeting is a day late because Commissioner Ambrosini just returned from a CCAP conference. She said she didn't go because she wondered if she would be reimbursed. She said there is no need to make an appointment and if there is an issue it needs to be stated and if it is questioned, it must be questioned by all. She said she shouldn't be precluded from attending when she has been invited. She said there are informational and some commissioners go and some don't. She said Commissioner Ambrosini has gone and he takes his wife with him and that's fine. She said she goes to conferences, she got up Sunday morning and did

what she had to do. She said if there is an issue it needs addressed. She said if there are problems, they need to be addressed and there are solicitors there now. She asked why the requisition hasn't been processed or signed off by two commissioners.

Commissioner Ambrosini said it was a three-day conference and the basic question is that if the taxpayers are being cheated here. He said there is a registration fee and it isn't cheap. He said CCAP is a good organization and if you go there is a lot of great information. He said there are committee meetings on Sunday, but the conference doesn't begin until Monday when the speaker talks about important issues. He said Tuesday is the business meeting to vote on 10 important issue in addition to electing the officers for CCAP for the next year. He said he spent Sunday, Monday, Tuesday and Wednesday at the conference and got a lot of great information that helps the county. He said if you go, go for the conference, don't go and spend less than 24 hours there and issue a press release that says I was at the conference. Commissioner Zimmerlink said Commissioner Ambrosini was in the headline and this is a reimburseable expense and has nothing to do with issuing a press release. She said she has attended CCAP conferences and stayed for more than one night. She said she stays if she wants to attend sessions. She said Hershey Hotel is \$316 and she has stayed for more than one day. She said she deemed it important to return. She said you get materials.

Commissioner Ambrosini said you can get materials online. Commissioner Zimmerlink said she isn't going to have a fellow commissioner dictate to her what sessions she should and should not attend. She said it was important to be there because she serves on the committees. She said at the business meeting there isn't all three commissioners from all 67 counties present. She said when she left, there were other county commissioners leaving. She said she didn't attend the state federal funding conference so she didn't attend. Others she said she didn't attend were the solicitors session, cyber security, doing business with the state department of corrections, stop global whining. She said Tuesday there was a business meeting which lasted a few hours and the rest of the day there was a sport clay shoot and a golf outing. She said she doesn't do either. She said Wednesday there was a session that says, "I've been in office 7 months, now what." She said she has been in office since 2004 and Commissioner Ambrosini may go but she chose not to. She said there were prizes, a dinner and closing. She said the point is she attended the sessions she felt were necessary, she got the materials and on Sunday evening, I went through the exhibit halls, saw the vendors and talked about overcrowding and other issues. She said it was very beneficial but to say I shouldn't be reimbursed, over a press release is ridiculous. She said she is asking for two commissioners to sign off on the reimbursement and process this. She said if not, it will have to be discussed at the next meeting.

Commissioner Zapotosky said for clarification purposes on Sunday she went for the government conference committee and he is asking because the taxpayers have to foot the bill for \$600 for 24 hours. He asked what goes on because he never went. He asked what happens on the evenings. Commissioner Zimmerlink said there are vendor rooms for the hospitality rooms. Commissioner Zapotosky said he has no problem reimbursing her, but \$600 is a lot of money. Commissioner Zimmerlink said the room is \$215 and

the conference is \$350. Commissioner Zapotosky said to spend less than 24 hours at a conference, and she saw the schedule in advance and she saw the issues, it wasn't a surprise. Commissioner Zimmerlink said what is happening is to see if she is taxpayer money because for years she was saving taxpayer money. She said she went and from 3 to 5 p.m. she was at the county government policy committee meeting. She said she left at 9 a.m., talked to numerous commissioners and the rest of the evening she talked to various county commissioners and others and even talked to chief clerks and then stayed Sunday night. She said Monday she attended the caucus meeting and attended the session. She said not every commissioner attends every session. She said to even go down this road and make an issue about if \$600 of taxpayers money was wasted is ridiculous. Commissioner Zapotosky said it is a costly 24 hours.

Commissioner Zimmerlink said "they don't know the valuable information she received." Commissioner Zapotosky asked her to please share it. Commissioner Zimmerlink said she didn't feel it was necessary to stay for the business meeting and other events. She said the time she was there was an effective meeting. She said to start questioning these types of things is ridiculous. Commissioner Zapotosky then made a motion to adjourn followed by a second from Commissioner Ambrosini.

Commissioner Zimmerlink said they have to have public comment.

Public Comments:

Ralph Mazza said the commissioners should take it under consideration what the supervisors are asking. He said he served on the committee of the Marcellus Shale task force and some of the roads are Pinchot, who was a Governor of Pennsylvania and the roads are not made for 38 tons plus trucks. He said they are coming and going and they smash the roads up something terrible. He said before the impact fees were awarded, PennDOT got on their backs. He said \$29,000 will hardly do the roads the townships are responsible for. He said he would think the county should take under consideration the wants and needs of the township. Commissioner Zimmerlink said the Marcellus Task Force prepared a survey and handed it out to the township supervisors. She said the surveys asked the impacts.

Mr. Mazza said he got replies from a dozen supervisors and some had no answer. Commissioner Zimmerlink said if those were presented now, all would respond. Mr. Mazza said they should take consideration the needs and wants. He said he lived in Pennsylvania all his life except two years in WWII. He said Act 13 is the worst piece of legislation ever enacted. He said it costs \$3 million to drill a well and when it is put in production in a month, they make \$3 million. They give the townships \$29,000 is ludicrous. Commissioner Zimmerlink said the county single audit for 2011 has been completed and there was a meeting with the auditors and commissioners. She said the negative findings were relative to the human resources department and discussions were held with Dominick Carnicella of Felice Associates. She said there was one negative finding for CYS in which a paragraph needs to be inserted. She said they are working to get the negative findings straightened out. She said there won't be a

press release. She said overall, 2011 monetary amounts were in fairly good shape. Commissioner Zapotosky wished everyone a Happy Thanksgiving.

Adjournment:

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

Commissioner Ambrosini yes
Commissioner Zapotosky yes
Commissioner Zimmerlink yes

Motion passed unanimously

