

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, October 16, 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 10:04 a.m.

A silent prayer was observed, during which time Commissioner Ambrosini asked everyone to remember the death of former Senator Arlen Specter.

The pledge of allegiance was recited.

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

**Buildings and Grounds**

Consider a motion to bid out the 2013 materials and supplies including janitorial, vehicle tires, gasoline and diesel fuel.

Consider a motion to bid out grass cutting, restroom cleaning and trash removal at the three county parks.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Public Comment on Agenda Items**

**Jerri Mazza** said regarding the proclamations that October is Breast Cancer Awareness Month and she thinks the commissioners should recognize that and urged any woman who hasn't gotten a mammogram this year to get one because early detection is the key to beating cancer.

**Donnie Coleman** said his public comment is that he is there to support a veteran for the VA director. He said the county has been through this a lot of times and it's the same old story. He said out of respect for the veterans in this county, he thinks we should have a veteran to run the office. He said regarding pay- that is between the commissioners and the other people. She said regarding Madonna Nicklow, he has supported her getting more money. He said he can't support her running the place because he prefers a veteran. He said he goes to group therapy every Thursday, adding there are 71 signed up, mostly Vietnam veterans. He said he took a hand poll last Thursday and the majority of them want a veteran in the position. He said he feels that his job on the veterans liaison committee is to relay their interests to the commissioners. He said it isn't all about what he wants, it's about what the veterans want in the county, adding that should be respected.

**Mr. Coleman** said if you serve your country you are a different type of person. He said when you are a war veteran, you are a totally different type of person. He said a lot of times what you believe in, you go overboard with it. He said even if he were the only person to believe it, he would still be standing at the podium. He said last Tuesday there was the agenda meeting, and some people came from his group and it was misinterpreted and they were supporting Madonna and the liaison committee were supporting her and that was totally wrong. He said the liaison committee is kind of split down the middle who supports Madonna and who supports a veteran. He said that was the wrong, adding that he didn't know if that was the newspaper or what. He added that he speaks for himself. He said he thought all the members should have been there together. He said he brought a veteran from the Iraq and Afghan wars and he lost both legs. He said the veteran is going to tell his story from the horse's mouth. Mr. Coleman said the veteran called him on the phone and when he did, he said that the Vietnam veterans had it worse than later veterans do. He said he hopes all of the commissioners open their eyes a little bit.

**Mr. Coleman** said he is one of the sons from Fayette County. He said he is one of our heroes and he should be treated as such. He said he isn't a baseball or football star, he is a genuine, honest hero, and that is the way he should be treated, adding that he is very humble. Mr. Coleman said he wants what this country and all of us owe to him. Mr. Coleman said when he goes into the office to talk, he wants to talk to a veteran. He said he is going to tell his story, and he asked the commissioners to please take care of him. He said he is one of millions across the country. Mr. Coleman said his wife tells him he can't change the whole world, but if he can do something about his little community, Lemont Furnace, for veterans, that is the only reason he is at the meeting. Mr. Coleman said he is there to help him and the veterans in the county and that's the only reason, and he hopes they believe that.

**Brandon Rumbaugh** said he just retired from the U.S. Marine Corps about two weeks ago and moved home. He said in August he started school at Penn State Fayette and he didn't officially retire until September 29 and he didn't start the process of transferring everything from the hospital until now because he was still on active duty. He said once he was retired he started transferring everything and he didn't know where to go so he went to the VA office in Uniontown. He said his active duty pay stopped on Oct. 1 and

he wasn't receiving a paycheck from the VA like he should be so he called the VA office and he wanted to see if they could assist in the process of making sure the paperwork is being done and to see where his application stood. He said he called the office and spoke with a Madonna and he explained his situation a little bit and let her know what was going on. He said she asked him to fax, e-mail or mail a copy of the award letter from the VA, which he didn't get. He said all he had was his DD214 which states that he was medically discharged from the Marine Corps at 100 percent disabled. He said he asked her the next step in the process and the only response he got was that she never worked with anyone who was 100 percent disabled so she didn't really know what to do.

**Mr. Rumbaugh** said he was given a standard 1-800 number to call and everybody who has dealt with the VA knows that there is a 1-800 general number to call for everything. He said he felt that wasn't the way to go about it. He said if she really cared at all, she would have invited him into the office, sat down and got to know him a little better and tried to work on the processing he was trying to accomplish. He said after that, he mailed his DD214 and didn't hear anything for a few days and he got a call from the office of Congressman Mark Critz and a lady by the name of Sarah who offered to give him help. He said he went into his office and when he got there, there were several papers printed off for him to look at, print out and sign. He said in addition to his pay, there were other things that he was eligible for that he didn't know about. He said she went out of her way to help him and it isn't her job to do that. He said being a veteran, she knew the process better than he did. After that, Mr. Rumbaugh said she contacted the VA and called them for a week straight. He said the lady handling his file was on vacation and she got back on Monday and he is waiting to hear from her. He said basically he went to an outsider that he shouldn't have had to go to because the VA should have been waiting and should have known everything that needed to be done. He said he shouldn't be begging them for help and then be pushed off to someone else. He said someone who had nothing to do with his situation did everything for him.

**Commissioner Zapotosky** she he too used to work for two U.S. Congressmen and that is one of the roles of Congressional aides is to handle constituent issues such as veterans or social security issues, adding that they do handle that as a part of their job description. He said in the final analysis, veterans benefits are administered by the federal government. He said Congressman Critz serves in the U.S. House of Representatives so at times they have direct contact and he only says that because he used to do that himself. Mr. Rumbaugh said he doesn't disagree, but if someone is in a position at the VA, they shouldn't let a veteran walk away and get help from someone else. He said they should alleviate that step altogether and just get help from the VA instead of having to go somewhere else. He said that step can be cut out if there is somebody in that office that knows exactly what to do. He said then it won't be a big mess of transferring paperwork from person to person. He said he feels a veteran should be in that position.

**Commissioner Zapotosky** said he still wants to follow up with him on some of the other issues they discussed. Kelly Myers said she used to work as a masters level social worker for Hospice and she was working with World War II veterans. She said she took it upon herself to learn as much as she could about the VA system. She said

there are a lot of homebound people and she started learning and helping with forms. She said she understands you have to become a service officer, but she would meeting with family members and talk them through it as much as she could. She said when she originally trained by a social worker a few years ago and the comment that was made was don't even bother calling this office because it is worthless. She said that was told to her, was people were being directed to an AMVETS service office who comes to Hopwood once a month, which is very limited. She said she saw some of the problems first hand with trying to get help. She said she saw first hand the issues. She said if the commissioners are controlling the hiring of the director they should say what kind of expertise the director is there for if not for 100 percent service connected disabled veterans what area are they experts in so they know what veterans to direct to the office.

**Commissioner Zapotosky** said there is a myriad of applications that veterans could be eligible for such as aid and attendance, vocational rehabilitation, job training as an example. He said they are all administered by the VA, which is a federal branch of government. He said the state mandates that there is a county office and he said he is pleased to say that the county benefits, which is largely based on the veteran and the condition that they have. He said the county's benefits and awards by comparison to other counties are much greater. He said he doesn't know the statistics, but the county is getting the benefits to the veterans. He said it could be service, connected, or it could be non-service connected, it could be aid and attendance, there is a variety of things. He said it could be educational benefits, it could be a number of things. Mrs. Myers said she didn't mean to offend anything, with Commissioner Zapotosky responding that it is a good question. He said around \$8 million to \$10 million worth of benefits last year were provided to residents of the county. Mrs. Myers said it is a difficult system to get through. Commissioner Zapotosky said he worked for two Congressmen and you could bang your head against the wall sometimes.

**John Cofchin**, a veteran and Fayette County resident, said Commissioners Zapotosky and Zimmerlink were both in attendance at a meeting two years ago discussing this very topic and he said when he left the meeting he felt pretty good about the result. He said he thought they had built a foundation and an agreement that whatever internal difficulties that existed would be ironed out. He said he also thought they made a commitment to excellence for the department. He asked Commissioner Zapotosky if he agreed, with Commissioner Zapotosky responding that he remembered the discussion. Mr. Cofchin asked what happened between then and now. He said they seem to have backslid to party politics and mediocrity. He said he wanted the commissioners to look him in the eye and say there are no qualified veterans in Fayette County or in this region to fill that position. Commissioner Ambrosini said he believes that everyone who was interviewed was qualified to some degree or another.

**Mr. Cofchin** told Commissioner Ambrosini he was waffling. He asked if there is a veteran qualified to fill the position or not. He said if there isn't an individual who can competently fill the job, he understands. He said the veteran is due and he again asked if there were no qualified applicants. Commissioner Ambrosini said he gave his answer, which Mr. Cofchin said it was a political answer. Commissioner Ambrosini said it was an

accurate answer. He asked if there was a qualified individual from Fayette County who applied for the position who is a veteran. An unidentified member of the audience said Madonna is a certified and qualified individual. Mr. Cofchin asked if she is a veteran, and when the answer was no, he said it was strike one. The unidentified man then said that she was a citizen of Fayette County and she has been holding the office together since 2005. The man said he called the veteran three times and his phone recorder is full and he didn't answer his calls. He said he is at the meeting to support Madonna.

**Mr. Cofchin** said he wasn't at the meeting to speak against Madonna or anyone. He said the man should close his eyes and think what does the director of veterans affairs, what does that say to you. The man responded that is the person who should know everything about that office. Mr. Cofchin said he has no problem with everybody knowing everything. He said the problem with politicians is that they suck up to veterans and "we love you so much, thank you so much, appreciate you so much, and when it is "showtime" you become politicians again." Mr. Cofchin asked if there was a qualified veteran, which Commissioner Zimmerlink responded yes. When he asked her to elaborate, she said she would when the time comes.

**Commissioner Zapotosky** said he had one point to make. He said the commissioners did make significant strides. He said the previous director, Tod Conner, was in the position for a little more than two years and he did a wonderful job, adding that the office had a cohesive unit and the success rate of claims was increasing. He said the quality of service was without question very good, adding that he visits the office once a week. He said Tod Conner had a girlfriend and they moved to Los Angeles. Mr. Cofchin said that is the reality of life. He said that gentleman is gone, and it is inconceivable to him that there are 12,000 or so veterans in Fayette County, thousands more in the region, and they couldn't find an individual who could competently do this job.

**Leo Smith** said he was at the meeting in support of Madonna. He said 10, 15 years ago there was a veteran's office and nothing was being done for veterans. He said when Rob Hixson came in, so did Madonna. He said she knows the office frontwards and backwards. He said she isn't a veteran but her husband was so that gives her a half a step. He said there are qualified veterans but none would be as qualified as Madonna. He said regarding veteran's preference, if the non veteran is more qualified the job should go to them, and not the veteran just because they are a veteran. He said he is a veteran and he supports veterans but he thinks the veteran's office could get the most help from Madonna at this point.

**Madonna Nicklow** said she has been with the county for 26 years, including 15 in the tax claim bureau and the last 11-plus in the VA office. She said when she transferred to the office in 2001 she said she would try to make that office the best one in the Commonwealth because the commissioners at the time asked her to try to do that. She said then Rob Hixson came on board as director and they moved forward ever since. She said she trained nine directors since Rob left in 2003. She said she has the qualifications and she doesn't know what the misunderstanding was with Mr. Rumbaugh, and federal law doesn't allow, but since he is here, she has his paperwork and never said anything about an e-mail when she spoke to him. She said she came

from a family of military people and she was raised with respect and would never disrespect anyone. She said she didn't know of any complaints about her, adding that she could have brought a building full of people but she thought she really didn't need to do that. She said when she spoke with Brandon he had just been discharged, adding that she wanted to give him his paperwork back. She said when she spoke to him she wanted to know if it would be easier to come in to the office or send it in because she couldn't understand that the claim was filed already and she wanted to know where it was so she could see where it was. She said she didn't just want to throw something out there to support a claim when she didn't know where the claim was at.

**Ms. Nicklow** said she needed help from Mr. Rumbaugh. She said she received the papers in the mail and it is dated Oct. 3. She said she tried to contact him the date she received it and it was either the 4<sup>th</sup> or the 5<sup>th</sup>. She said the county was off on Oct. 8 and she received a call from Brandon on Oct. 9 at 12:46 p.m. She said she didn't get back to him that day and on Oct. 10 she was out of the office on a personal day and on Oct. 11 she was at a service officers meeting in Pittsburgh and on Oct. 12 she was at an annual fair for state Rep. Deberah Kula. She said when she got back to the office on Friday, Oct. 12 she heard Commissioner Zapotosky asking if she knew Mr. Rumbaugh and she said I did and I explained to Commissioner Zapotosky when she said to Brandon. She said she doesn't know how it got blown out of proportion but she isn't that type of person. She said she goes above and beyond and filed and appeal with the Treasury over a veteran that they wanted to take half of his social security saying he owned \$26,000 back to the VA and he did not. She said there was a fiduciary set up by a lawyer out of Pittsburgh who handled his money and he never received any, adding that she had to file that appeal.

**Commissioner Zapotosky** said, no disrespect, but he doesn't want to go case by case. Ms. Nicklow said she does care about veterans and she has and the commissioners have received all the recommendation letters. She named all eight senders of recommendation letters. She said if she didn't know the job and know the office and would never have applied for the position. Lanny Golden, a disabled Vietnam veteran, said Mr. Rumbaugh has only been out of the service for two weeks and he has guys trying to get benefits that were wounded 40 years ago. "It's a slow process," he said. Mr. Golden said he is in support of Madonna but he is in support of a veteran getting the job, but they tried that, adding that he worked with every one of the directors. He said they all seemed earnest but they didn't have the salt. He said originally he was against Madonna because she isn't a veteran, adding that he has heard things and he has worked with her for four or five years on his and others claims and she has been outstanding. Hew said the commissioners see the applicants first.

**Mr. Coleman** said Mr. Rumbaugh knows the VA system is slow and he is leaving. "We don't have to listen to your crap," Mr. Coleman said. Mr. Golden said they tried giving the job to veterans and he thinks they should give Madonna a try. He said he went to Critz' office twice and filled out forms and hasn't received a response in two years. He said he gives his paperwork to Madonna and he gets it back, adding that he is nobody although he has gotten his picture in his paper lately. He said give her a shot, adding

that there should be a probationary period and he thinks she earned her shot. He said the commissioners see them first.

**Commissioner Zapotosky** said before Mr. Golden steps down, it would behoove everyone to give him applause for the work he did in the MIAP(Missing In America Project) program, although the commissioners didn't do a proclamation. Following a round of applause, Mr. Golden said there is still work to do, adding there is one site with 1,000 cremains.

**Commissioner Zimmerlink** said she wanted to correct the statement that the commissioners see them first. She said when the applications are received by the HR department, the HR department separates the papers, separates them for meeting the minimum qualifications and not meeting the qualifications and then the liaison committee interviews those who meet the minimum qualifications. She said in this instance, there were nine veterans who applied and one non-veteran. She said the liaison committee interviewed the nine veterans and then narrowed that list down to two veterans and one non-veteran and two of the three county commissioners interviewed them. She said she wanted to make the record clear. She said the commissioners do not see all of them, they see the ones the liaison committee sends them, adding that she wanted to make sure everyone understands the process.

**Alex Mercosky**, the Commander of the New Salem American Legion, said when Tod Conner was in there he asked questions and gave him papers to get filled out and he never got them filled out. He said he then talked to Madonna and within two days he got the papers back. He said the guy in the position before Tod had no answers at all for him. He said when flags and markers for graves were needed Madonna called ahead of time and told him to send her a date when he could pick up all the stuff. He said he had other churches help with the markers and everything was taken care of and everything he ever needed he talked to Madonna and he got it. He said the other director didn't help. Commissioner Zapotosky said Allen Ryan was before Tod Conner.

**Mr. Mercosky** said he didn't get any answers from the other guy when he asked questions but when he asked Madonna, if she didn't know that day, she did the next day or the day after. He said she is well qualified, adding that he is a veteran of the Korean War. He said all the men and women who served are his brothers and sisters. He said there were two veterans running the office who left and he didn't think they were qualified and they couldn't do the job. He said he knows that Madonna can do the job and he would appreciate anything they can take into consideration.

**Donald Bragg** said he has been a resident of Fayette County for 37 years. He said in 2003 he had his first experience with the VA and Madonna Nicklow. He said she has been fantastic. He said all his paperwork has been handled by her. He said he had a meeting set up with Tod Conner and he didn't make it but Madonna helped him. He said he would like to see her be a veteran but she isn't. "She is what she is," he said. Mr. Bragg added that he doesn't think they will find a better person.

## **Proclamations**

**Jennifer Soisson** thanked the commissioners for acknowledging October 2012 as Domestic Violence Awareness Month. She said it isn't just the agency of Domestic Violence Services of Southwestern PA, it is everyone that creates that awareness. She said there are a lot of awareness months but this one affects everyone and strikes close to home. She said \$4.1 million on emergency room visits is being spent this year dealing with domestic violence victims. She said it is an ongoing issue and she appreciates raising that awareness.

**Commissioner Ambrosini** then read the proclamation for October 2012 as Domestic Violence Awareness Month. Commissioner Zapotosky then read the proclamation for October 2012 as Dignity and Respect Month. Commissioner Ambrosini then asked Denise Robinson to read the proclamation of National Business Women's Week Oct. 22-26, 2012.

**Commissioner Zimmerlink** then said that the commissioners read all the proclamations, adding that she is a member of the BPW. She said Ruth Walters was representing Connellsville, Lisa Malego from Connellsville and Denise Robinson from Uniontown was present as well as a representative from Masontown. Commissioner Zapotosky is a member and is originally from Masontown. Commissioner Zimmerlink then read the National Business Women's Week Oct. 22-26, 2012 Proclamation. Ms. Robinson said the event will be celebrated during the week, beginning on Sunday with an ecumenical event with three states, WVA, Ohio and Pa, coming together. She said events will be held throughout the week to draw attention to the pay inequity. She said BPW started in 1919 to try to get women the right to vote. She said 93 years later, they are still trying to get women to go out and register to vote on Election Day because it is a huge right and everyone should take advantage of it. She thanked the commissioners for support of the pay equity rally in the spring and she said they are hoping to have another one next spring.

**Erica Usher** from the Fayette County Drug and Alcohol Commission thanked the commissioners for issuing proclamations for her office. She said this year will mark the 37<sup>th</sup> Great American Smokeout. She said it is the perfect day to quit and they are putting information out to everyone. Commissioner Zapotosky said he wanted to applaud the office for getting the message about not smoking and drinking out to the young people, particularly at prom season. Ms. Usher said there was a tobacco use event at schools that day she was going to attend.

**Commissioner Ambrosini** read the Great American Smokeout Day Nov. 15, 2012 Proclamation, saying he was a big advocate of anti-smoking. Regarding the Proclamation of Child Grief Awareness Week, November 12-16, 2012, Walter Wally, the program coordinator of the Caring Corner in Uniontown at the East End Community Center spoke. He said they promote Child Grief Awareness Week because of the importance it has upon the community and the effect grief has on children as well as adults. He said there are no boundaries in grief, adding that everyone has probably experienced grief. He offered statistics on how grief affects children. He said Ms. Usher

mentioned about the Great American Smokeout, adding that in the future they will bring an initiative into the schools to meet the needs of the children who are grieving. He gave statistics, including the fact that 80 percent of incarcerated inmates have experienced grief in some form. He said that has led to drug and alcohol abuse and substance abuse. He said it is important to support the children. In 2008, Highmark put out a grant to form the Caring Corner, he said. He said there were two years of sustainability under the grant enabling a program to meet the needs of grieving children. He thanked the commissioners for opportunity to support awareness. He said the office of State Rep. Timothy Mahoney and the Drug and Alcohol Commission have been supportive, as well as state Sen. Rich Kasunic. He said in October there will be events. He said a three-day grieving period in our communities is all we allow but it takes a lot longer. He said as we acknowledge Grief Awareness Week, we should remember Nov. 15 as Child Grief Awareness Day as proclaimed by Gov. Rendell. He introduced Kelly Myers, who went through the program.

**Mrs. Myers** said she and her family started going to the Caring Corner over a year ago, adding there have been two losses in the family and they have grieving children. She said she got a telephone call from a bereavement support person after her 10 ½ month old baby son died tragically in a house fire. She said she got a call a month later and learned about the Caring Corner. She said three years ago she lost her daughter's father also when her daughter was at the end of her kindergarten year. She said her daughter was close to her father, and they were still a family. Mrs. Myers said her little girl has been affected in two ways by death. She said her daughter was always interested in holding the baby and she also lost her dad. She said after learning about Caring Corner, she and her husband went as grieving parents really needing that support. She said they are on their fourth 10-week session.

**Mrs. Myers** said she and her husband are doing quite well but they go back for support for other people, particularly for her baby girl. She said being a social worker with her training in mental health, she normalized her grief and didn't hide her crying from the kids and all of it can't be done within the family. She said her kids needed her to be strong for them. She said the kids go into a separate room with volunteers for the second half. She said it isn't like psychotherapy where they make her daughter talk, there are activities used as an indirect way to explore their feelings. She said they keep going and her daughter is now at a point where she talks about the loss of her father. She said her daughter originally said she didn't want to talk about things that make her sad. She said now she has made a collage and a memory box and other activities, but she isn't there with her baby brother yet. She said she also has a stepson who goes who lost his baby brother. She said they both love going and it is an amazing program.

**Mrs. Myers** said it crosses all boundaries, rich, poor and all races. She said one in 20 children will experience the loss of a parent. She said her daughter gets to be around a safe place with other kids who have lost their father too. She said she appreciates the program and wants the message to get out about the Child Grief Awareness Week. She said they will keep going so the kids have a safe, comfortable place to express grief if they can't express it to her. Commissioner Zapotosky asked if the children communicate with each other. Mr. Wally said they are a support group, not therapeutic or counseling

and they interact. She said the sessions are every Monday, and it is free. He said the kids interact for 50 minutes and then break off into age-specific groups. He said the current group has broken all records as far as the numbers. He said as they break into groups, they interact. He said one child just opened up after 33 sessions and telling their story. Commissioner Zapotosky asked if it is faith based, and Mr. Wally said it is not but if that comes up, they get people to network with local churches.

**Commissioner Ambrosini** asked Commissioner Zapotosky to read the proclamation as the child advocate, with Commissioner Zapotosky saying it would be an honor. Mr. Wally said there will be ads in October for the upcoming program. He said Fayette County was targeted as one of the highest populations of children that lost parents. He said his hopes are to meet the needs in a dynamic way and to become a diamond in the rough. He said it is time to pull together, thanking those that have helped them. He said they are no longer funded but the key is to keep awareness up.

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

October 2012 as Domestic Violence Awareness Month

October 2012 as Dignity and Respect Month

National Business Women's Week Oct. 22-26, 2012

Great American Smokeout Day Nov. 15, 2012

Proclamation of Child Grief Awareness Week November 12-16, 2012

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Fayette County Redevelopment Authority**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve adoption of a resolution which approves submitting an application by the County to the Pennsylvania Housing Finance Agency (PHFA) Pennsylvania Housing Affordability and Rehabilitation Enhancement (PHARE) Fund for \$165,000.

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

Salvatore Ross 382 Hardy Hill Rd. Dunbar, PA 15431 09-33-0140-12

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**William Lukach** asked the commissioners to consider leasing natural gas rights to Chevron Corp, for parcel 19-32-0022 (0.502 acres) in Luzerne Township, which was tabled last month. Commissioner Ambrosini asked Solicitor Cupp about the issue, saying there were questions. Solicitor Cupp said he circulated a memo that explained the position of the lease. He said it was proposed and the lease is standard verbage and the important part is the payment terms. He said if the commissioners approve the lease, the oil and gas company will do a search and determine if the lease is worthwhile. He said if it is, they will pay payments of \$1,000 and acre, and the county has a half-acre so the county will get \$500. He said if after the investigation it is determined that there isn't a good title or the other property owners won't enter into leases, that gas costs are too low, the county won't get the payment and the document will become null and a step may have to be taken to have it voided on the record, or not. He said that is probably the more likely circumstance. He said the parcel should maybe be put back on the tax rolls. He said it is questionable whether it would be worth the \$500 the county would potentially get as payment.

**Solicitor Cupp** then asked if there were additional questions. Although Commissioner Ambrosini said that pretty much wrapped it up, Solicitor Cupp said if he were to look into the future, he doesn't think it will amount to anything but it may, adding that he doesn't have his crystal ball tuned up. Solicitor Burkley said he discussed it with Solicitor Cupp at length and he agrees. Commissioner Ambrosini then asked for a motion to enter into a lease agreement. He said it appears that if the county enters into a lease agreement, it can receive possibly \$500. Solicitor Cupp said the county may receive more if they pool parcels together and have a lot of gas production. Commissioner Ambrosini said if the county doesn't enter into the lease agreement, they will get nothing, adding that it doesn't leave much choice. Commissioner Zapotosky said he would look at it as they should see what is being done with the surrounding properties, which could give the county more leverage if the half-acre is needed, to which Solicitor Burkley agreed.

**Commissioner Zimmerlink** said at last month's meeting it was approved and then not approved after she raised objections. She said it was approved, not by her, 2-1 and she

raised objections. She said there is too much uncertainty. Commissioner Zapotosky then said there wasn't a motion. Commissioner Ambrosini said it would be tabled, but Commissioners Zapotosky and Zimmerlink said there would be no action. Mr. Lukach said he would call the leasing agent and tell him that the county isn't interested at this time. Commissioner Zimmerlink said to tell the leasing agent that the commissioners did not approve the action today.

**Behavioral Health Administration**

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

<b><u>Base Contract Agreement 2011-2012</u></b>	<b><u>Contract Value</u></b>	<b><u>Period</u></b>
Pressley Ridge Family Based Mental Health Services	\$2,962	5/1/12-6/30/12
<b><u>Modification Agreement #2 2011-2012</u></b> accessAbilities, Inc.	\$25,500	7/1/11-6/30/12
<b><u>Modification Agreements #3 2011-2012</u></b> Diversified Human Services, Inc.	\$100,320	7/1/11-6/30/12
Laurel House, Inc.	\$721,547	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 Ambrosini to approve a FY2012-13 **Purchase of Service Agreement** between the County of Fayette, through Fayette County Children & Youth Services & **Patrick C. McDaniel, Esquire**, 50 East Main Street, Uniontown, PA 15401 to represent the interest of children in dependency proceedings. The rate for the service is \$65.00 per hour.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**Controller**

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

## Office of the Controller

Fayette County, Pennsylvania

**SEAN P. LALLY**  
Controller



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

<b>FUND:</b>	<b>GENERAL FUND</b>		
	DATE:	16-Oct-12	
<b>CASH:</b>	Checking Account	United Bank	\$ 6,888,963.93
<b>Funds Owed to General Fund</b>			
	Temporary Loans		
	Victim Witness Fund	\$ 30,000.00	
	Children and Youth Fund	\$ 1,250,000.00	
			\$ 1,280,000.00
	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
	<b>Funds General Fund Owes</b>		
	Tran Note		\$ 4,500,000.00
<b>Budget Year 2012</b>	<b>Net Position</b>		<b>\$ 3,837,633.43</b>
			<b>Year to Date</b>
	Total 2012 Revenues		\$ 24,141,896.75
	Total 2012 Expenditures		\$ 19,809,477.36
	Total 2011 Expenditures paid in 2012		\$ 2,030,829.03
	<b>Capital Reserve Fund Balance</b>		<b>\$ 66,390.42</b>
	<b>Bond Fund Balance</b>		<b>\$ 326,130.77</b>

**Commissioner Zapotosky** directed Chief Clerk Revak to follow up with CYS to get a better understanding of the \$1.25 million and the reimbursements and what they are. He said there is always a shortfall with cash and money is needed. Controller Lally said it is a big concern, adding that every year he has been controller there has been a carryover balance from CYS. He said last month it was \$1.7 million and the county got \$500,000, which brought the balance down to \$1.25 million. Commissioner Zapotosky said he doesn't want to get to November and December and see it go up to \$1,750,000, which is what usually happens.

## **Courts**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the modifications to the Constable Handbook. Modification consists of adding appropriate wording and an approved contract (approved by the Bureau of Child Support Enforcement) that any constable must sign if they choose to serve Domestic Relations bench warrants.

This contract is mandatory based on the Bureau of Child and Support Enforcement (BCSE) guidelines for Domestic Relations to receive reimbursement of state funding for service of warrants pertaining to Child Support. This contract is solely for the purpose of Domestic Relations and the service of Domestic Relations warrants.

**Commissioner Zapotosky** said it is being done as a result of a finding of an audit, which Court Administrator Tammy Lambie confirmed.

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 Fayette County's "Hazardous Materials Emergency Response Plan for Unconventional Well Sites" as required by State Law.

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 approve Federal Certifications and Assurances for Federal FY 2013.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the change order #2 with Scheidt and Bachmann for purchase of 4 smart card processors for spare buses at a cost of \$3,430 each or \$13,720.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Human Resource Department**

**Bridge Department**

**Dominick Carnicella**, human resource director, said one application was received for the position of superintendent in the Bridge Department from internal employee William Arnold. He said Mr. Arnold is currently the working supervisor of the department and has been in that position for six years and has worked for the bridge department for 15 years. Mr. Carnicella said Mr. Arnold can do any job at the department, he has a heavy equipment license, a CDL and a state inspection license. Commissioner Zapotosky said Mr. Arnold has some pretty big shoes to fill, adding that the position is vacant due to the passing of Paul Nixon, who served the county in his position very well. Commissioner Zapotosky said he thinks Mr. Arnold is very competent, if not to fill the shoes, to definitely put his foot in. Mr. Carnicella said Mr. Arnold is well qualified.

**Commissioner Zimmerlink** said she spoke with Mr. Arnold that morning, adding that there was supposed to be an interview the prior day. She said the pay grade, and with his work experience and years of service it would be Pay 14 Step E, which is \$40,404.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the hire of William Arnold as Superintendent at an annual salary \$40,404, effective October 16, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

## **CYS**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Caseworker, Adrienne Mitchell, effective September 28, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire of Joshua Wilson as a Caseworker at \$15.12/hr (\$29,484) effective Oct. 17, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

## **Human Resources**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to renew the agreement with Highmark Blue Cross Blue Shield for health insurance coverage for January 1, 2013- December 31, 2013 with a 4.25 percent increase over this year.

**Commissioner Zimmerlink** said the rates should always be in the resolutions. Mr. Carnicella said it is an estimate, but it is a 4.25 percent increase over this year.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve the agreement with Delta for dental insurance coverage for January 1, 2013- December 31, 2014 at a savings of \$28,000 over this year's cost.

**Mr. Carnicella** said rates are based on coverage that is chosen, adding that there is a savings of \$28,000 over this year's rates. Commissioner Zimmerlink confirmed that it is a new contract.

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 renew the agreement with Davis Vision for vision insurance coverage for January 1, 2013- December 31, 2014 at the same rate as this year.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the agreement with Prudential for Life Insurance coverage for January 1, 2013-December 31, 2015 at the same rate as this year for coverage of up to \$200,000.

**Mr. Carnicella** said the prior company provided up to \$100,000 in coverage, which this company provides up to \$200,000 in coverage.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the agreement to continue to retain the Independent Insurance Consulting Services of Gary Sefchok and Associates for January 1, 2013- December 31, 2015.

**Commissioner Zapotosky** said in making the motion that Gary Sefchok has been instrumental in keeping health care costs to a minimum.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Mr. Carnicella** said there were three prices received for each the flu shots and biometric screenings, which are next on the agenda. Under flu shots, he said he got

Rite Aid at \$21 each, which would be recommended. He said CVS was \$22 each and Walgreens' was \$26 each.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the agreement with Rite Aid for \$21 each to provide flu shots during the County Employee Health Fair on October 30<sup>th</sup> and November 2<sup>nd</sup>.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Mr. Carnicella** said regarding biometric blood screenings, he also got three prices. He said Provant, the recommended, was \$30 each, Highmark's vendor was \$51 and Total Wellness was \$45.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the agreement with Provant for \$30 each to provide biometric screenings during the County Employee Health Fair on October 30<sup>th</sup> and November 2<sup>nd</sup>.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Information Technology**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the 150-hour volunteer internship of LBI Information Technology Major, Chris Howel, effective October 17, 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 Ambrosini to approve the 20-hour volunteer internship of Chicago School of Professional Psychology, Masters of Forensic Psychology major (currently a Department Clerk in the Coroner's office, plans to volunteer on her lunch hour), Alissa Williams, effective October 17, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

#### **Tax Assessment**

**Mr. Carnicella** said for the position of director of the assessment office, there were two candidates, including an internal candidate who has been the assistant director for 10 years. He said Mr. Lukach would be well qualified, adding that he is a certified Pennsylvania assessor. Commissioner Zimmerlink said they interviewed two people, and confirmed with Mr. Carnicella that the other person who was interviewed said that her requested salary exceeds the county's salary range.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the hire of William Lukach, as Director at an annual salary of \$40,950, effective October 16, 2012.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**Mr. Carnicella** said he wanted to remove a motion to consider approving the hire of Gregory Golbach, as Mapping Technician at SEIU Pay Grade 7 Step A \$11.07/hr (\$21,586.50) effective TBD. He said Mr. Golbach is no longer interested in the position and he would reopen it for applications. Commissioner Zimmerlink asked if he was an internal applicant. Mr. Carnicella said he was not an internal applicant. He said there was an internal applicant but that person withdrew their bid. Commissioner Zimmerlink asked how many people were interviewed, to which Mr. Carnicella responded three. Commissioner Zimmerlink then asked if Mr. Carnicella and the acting director were prepared to give another name. Mr. Carnicella said the internal applicant withdrew her bid and the third person is no longer interested so there isn't an applicant to recommend.

#### **Veteran Affairs**

**Mr. Carnicella** said there were 26 applications received for the director position, nine of which met the qualifications. After Mr. Coleman said he couldn't hear, Mr. Carnicella repeated that information, clarifying that they met the minimum qualifications following a question from Commissioner Zapotosky, adding that there was an internal applicant as well. He said that six of the nine applicants were veterans. He said he and the veterans liaison committee interviewed the nine applicants and they recommended two for a second interview along with Madonna Nicklow. He said he and the commissioners interviewed the three applicants. Commissioner Zapotosky said, for the record, he

participated by telephone. Mr. Carnicella said of the applicants, Madonna Nicklow is the most qualified applicant for the position. He said she has 26 years of experience with the county, 11 years of experience in the veteran's affairs office. He said she is certified to process veteran benefits and has acted as a supervisor in the absence of a director and has shown she is very capable to perform the position. He said during her time she has demonstrated her dedication and passion for the position and that's why he is letting the commissioners know he feels she is the most qualified applicant. Commissioner Zimmerlink said there were two veterans, and for one, his salary request exceeded the salary range. She said the other individual said she would accept the salary range if she was selected.

**Commissioner Zimmerlink** made a motion to hire Sarah Smith as the veterans affairs director at an annual salary of \$32,994 and upon certification to the increased rate. After Commissioner Ambrosini asked for a second, Commissioner Zapotosky said based on the qualifications that he reviewed and then spoke with the applicant, and reviewing the numerous recommendations, as much as he would love to hire a veteran, he said the factors clearly weigh in Ms. Nicklow's favor. He said based on her resume and based on her years of experience. He said Miss Smith is a fine person and she worked in the VA office in Greene County for two years. He said when they are comparing apples to apples there is no comparison based on the years of experience and the qualifications. He said then reading letters of recommendation from Generals, the deputy Adjunct General from the Department of Military Affairs and some of the other ones it's clear that she can perform this job and we should take that step if my colleagues would agree. Commissioner Ambrosini again asked for a second and hearing none, said the motion failed due to lack of a second.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the hire of Madonna Nicklow, as Director at an annual salary of Pay Grade 11, Step F, \$38,161.50, effective October 16, 2012.

**Commissioner Zapotosky** said he realizes she is not a veteran, but said her passion for the office speaks volumes. He said he hopes that passion continues and said he will monitor, as he is sure all three commissioners will monitor the functions of that office to ensure it is addressing the 12,000 veterans of Fayette County's needs and that it does so in an affective and courteous manner. Commissioner Ambrosini said he has to agree with that, adding that it has been one of the issues that the commissioners have received a tremendous amount of feedback from various sources throughout the county and the country, adding that there were letters from outside of Pennsylvania endorsing Ms. Nicklow and pretty heart-rendering letters that described her efforts to help people that she didn't have to help in other states. He said that goes to her passion for the job, adding that he thinks she has a genuine desire to help the veterans. He said he has received a lot of remarkable support from the veterans in Fayette County. He said for those and many other reasons, not to mention her capabilities. He said he agrees that the county should have a veteran in the office and the commissioners should strive to make sure there is a veteran in the deputy directors position. He said for this case, for now, he will second the motion.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

### **Motion passed 2-1**

**Mr. Coleman** then asked as question. He said no disrespect to Madonna, but asked when they do the interviews, adding that he isn't real intelligent on that stuff as he has only been doing it for eight years on the liaison committee. He said one time they scored it and gave the veteran a 10-point preference. He asked if the commissioners gave the veterans a preference. Commissioner Zapotosky said he knew that at one time the liaison committee did a scoring tabulation, but he has never done that. He said they did that as a part of elimination of applicants. Mr. Coleman asked if that was for veterans preference. Commissioner Zapotosky said it isn't a civil service test so the extra 10 points is inapplicable in this instance. He said in previous hires, they did a scoring system. Mr. Carnicella said he believes what Mr. Coleman is referencing is a process that the liaison committee follows during the interviews to check if they would call someone in for a second interview. He said there is no scoring process done at the second interview.

**Mr. Coleman** said no disrespect to Madonna because if she wins the election, that's the way it is and he will try to support her in the best he can. He told Commissioner Zapotosky that he lied to him because he said he would always give veterans a preference. He said he can accept that. He told Commissioner Ambrosini said he was saying there was support from the majority of veterans, which in the room was three for her and one against. He said they made the decision and it was fine but he preferred a veteran. He again told Commissioner Zapotosky that he said he would always give veterans a preference and it didn't work out like that. Mr. Coleman said he was in support of getting Madonna more money but they also deserve to have somebody in the office to work with her. He said that Madonna called him and "badmouthed" Sarah Smith, adding that was wrong and illegal. He said if it was your daughter, or your son or my daughter or son trying to get that job, it isn't fair to the person applying for it. He said they need two people in the office that know a lot about the VA system. He said they don't need a handpicked person. He said something could be worked out. Mr. Coleman said they could make Madonna the director and then they could put someone like Sarah Smith in there to work with her, but he said he doesn't think the commissioners really want that.

**Commissioner Zapotosky** said he called Dominick Carnicella at 8:30 a.m. and asked him to clearly define, and he asked Mr. Carnicella to finish. Mr. Carnicella said the question was what is the county's policy. Commissioner Zapotosky then asked specifically what he asked about the qualifications. Mr. Carnicella said he asked if Madonna is more qualified than Sarah Smith. Commissioner Zapotosky said to Mr. Coleman, that was his question this morning. He said he had not made up his mind and he asked Mr. Carnicella this morning in his opinion as HR director and in his review of the applications who was the most qualified. Mr. Coleman said Madonna told him that she didn't care if she got the director's job as long as she got more money, which he

added that there is nothing wrong with that. He said that is why he worked, for money but unfortunately he said the commissioners don't want to work it out in a sensible way, or a common sense way. He said if he were Madonna he would love to have Sarah in there working with her, because then she could sit down and relax. Mr. Coleman then congratulated Madonna and said the hiring was their choice and asked Commissioner Ambrosini not to speak for all the veterans. Mr. Coleman said he appreciates the commissioners listening to him because he knows sometimes he gets "a little out of hand." There was a brief discussion among audience members and Mr. Coleman said he took a poll and out of 50 guys, most said they wanted a veteran. Mr. Coleman said people want to give him crap, but he can take it. Commissioner Ambrosini then said they needed to move on.

## **Commissioners**

### **Buildings and Grounds**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to bid out the 2013 materials and supplies including janitorial, vehicle tires, gasoline and diesel fuel.

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 bid out grass cutting, restroom cleaning and trash removal at the three county parks.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a right-of-way agreement from DCNR Ohio State Park for the Sheepskin Trail for 35 years.

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 Sept. 18, 2012 Fayette County Regular Commissioners Meeting Minutes.

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

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

**TRANSFERS  
 2012  
 09-07-12 to 10-04-12**

Department	Cost Center	Credit	Debit
<b>Adult Probation</b>			
Materials and Supplies	01423652000	\$500	
Salary Pro. Staff	01423651300		\$500
<b>Election Bureau</b>			
Travel	01412053300	\$500	
Postage	01412053250		\$500
<b>Liability Insurance</b>			
Liability Insurance	01487053520	\$6,000	
Contingency	01499959040		\$6,000
<b>Prothonotary</b>			
Association dues	01419554200		\$500
Materials and Supplies	01419552000	\$500	
<b>Veterans Affairs</b>			
Care of vet. graves	01429452802	\$800	
Department head salary	01429451200		\$800
<b>Total Debits</b>	<b>\$8,300</b>	<b>Total Credits</b>	<b>\$8,300</b>

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 an additional \$14,000 for Sam Lynch of Susquehanna Group for GASB compliance and for assistance with the 2013 budget process.

**Commissioner Zapotosky** said after making the motion that he had discussions with Sam to get a figure at the beginning of the fiscal year, adding that the county is faced with this chronically. He said he knows there are issues with GASB and compliance and the county is ahead with implementation of the new software and that's a part of this, so that is a good thing.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

### **Public Announcements:**

### **Public Comments:**

**Mr. Merkosky** said he wanted to talk about fire departments and small games of chance, adding that if they could help them out it would be appreciated because they are going downhill. He said they have no control with the money and the membership is declining, adding that New Salem members are all older and dying off and if they want to take 30 percent and give 70 percent to somebody else, any help with the small games of chance would be appreciated. He said all the veterans and firemen need the money. Commissioner Zapotosky said he would be more than delighted to write a letter to the state because the state is restricting the process and monitoring the small games of chance. He said he would be delighted to write a letter to the Governor's office regarding the issue and he would forward a copy to Mr. Merkosky for circulation, adding that he would do it ASAP. Mr. Merkosky added that when he had a parade he asked Commissioner Zimmerlink to come out and speak and the other two commissioners were busy and she came out and did a wonderful job, adding that he got numerous beautiful comments about her speech at the honor roll for the Memorial Day parade.

**Mr. Merkosky** said he wanted to thank her personally for speaking. Commissioner Zimmerlink thanked Mr. Merkosky. Commissioner Ambrosini said he realizes the hardship that the legislation on small games of chance places on the fire departments and he spoke with Senator Kasunic and Representative Mahoney about it and it was an unintended consequence of the legislation and he said they are looking at possible modifications of that. Mr. Merkosky said he had to go to a funeral for his sister-in-law. Commissioner Zapotosky offered condolences.

**Sheriff Gary Brownfield** said he previously asked the board of commissioners to amend the agenda and he wanted to know if they heard his request. Commissioner Ambrosini said no, adding that what they want to do for not only vehicles for the sheriff's office, but vehicles for the county in general is for the director of public works to work

with the sheriff to establish a set of qualifications for vehicles so the county can cost-effectively purchase the vehicles on behalf of the taxpayers. He said he didn't know if the sheriff has spoken with Bob Carson, but that was the reason not to put it on the agenda today. Sheriff Brownfield asked when that would happen, saying they are in an emergency situation because three vehicles have blown engines. He said the other two are running but are breaking down, and they are all 2001 models. Commissioner Zapotosky asked if there were two vehicles purchased in 2008, which the Sheriff replied just one. Commissioner Zapotosky said one was donated by Masontown and former Congressman Murtha. Sheriff Brownfield said the one from Masontown is in dire straits now. Commissioner Zapotosky said he thought they got two.

**Sheriff Brownfield** said Bill Arnold wrote a letter about the condition of the cars. He said they keep trying to fix them and some need transmissions and they are costing the county too much money. Commissioner Ambrosini said he will make sure that the sheriff gets together with Bob Carson and they get some of those things addressed. Sheriff Brownfield said the purchase of vehicles is done on the piggyback system so they don't have to be bid out.

**Joseph Petrucci**, a supervisor from Menallen Township, presented a handout to the commissioners before taking the podium to speak. Mr. Petrucci said he was attending to represent the Fayette County Township Supervisors Association and to speak for all the township supervisors in the county. He said in his 22 years in office he has never seen unanimous support for an issue until this issue came along. He read a letter that he presented to the commissioners which stated that it was recently brought to the commissioners' attention through a letter and at a public meeting in Perry Township the association's feeling toward the Act 13 Marcellus Shale impact fee. He said it is their belief that a portion of the Act 13 impact fee revenues designated to the county should go to the host township that is impacted by the drilling activity. He said they feel that a permanent and transparent system should be put in place to distribute the funding, adding that it should be implemented in a way that is above reproach.

**Mr. Petrucci** continued that the way it is implemented should both meet public scrutiny and should allow the townships to budget effectively for the entire 15 year time period of a well. He said they do not want all the revenues allocated to the county, just for a portion that is mutually agreed upon. He said the appointed committee is requesting a meeting to be scheduled with all three commissioners to discuss the matter further. He asked for a response ASAP, saying time is of the essence. Mr. Petrucci asked if they can expect a meeting, to which Commissioner Ambrosini responded yes. Commissioner Zimmerlink said she was at the Perry Township meeting and she heard what they had to say. She asked if the townships received the breakdown of the allocation. She said it was announced at all the meetings that the funds would be distributed on or before December 1, and there is information that it will be distributed earlier, to which Mr. Petrucci agreed. He said it is a real important issue for the townships, adding that there will be millions of dollars at stake in the future and it will be quite a problem for the commissioners to figure out how to dole the money out. He said they have good ideas and he looks forward to discussing the ideas with them.

**Mrs. Mazza** said a couple months ago the commissioners voted to hold public meetings to get input on the impact fee. She said two of the commissioners didn't show up and asked why they voted to hold the meetings if they had no intention of going and obviously don't care what the public thinks about it. Mrs. Mazza said Commissioner Ambrosini went to one meeting. Commissioner Zapotosky said he had limitations with his leg that he couldn't complete a 12 to 14 hour day. He said he can't be on his feet for a significant period of time or to even sit. Mrs. Mazza said he could show up to have his picture taken holding a shovel but he couldn't come to a meeting. Commissioner Zapotosky said two of the meetings were the week his mother-in-law died, "forgive me for having to attend the funeral," he said. Mrs. Mazza said there were six meetings. Commissioner Zapotosky said he wasn't going to debate her, because it is pointless.

**Mrs. Mazza** asked why he voted to hold the meetings. Commissioner Zapotosky said the public was entitled and they were there and they offered their opinion and they have a breakdown of how they felt the money should be spent. He said he will review that and they will go from there. He said he isn't going to get into a debate because it is not fair. Mrs. Mazza said she doesn't understand why he voted to do something and then didn't do it. She said if Commissioner Zimmerlink had the same mindset as the two of them, there would not be any meetings. She said they paid two employees from the zoning office to work overtime to attend the meetings which cost the taxpayers money. Commissioner Zapotosky said he had some medical conditions and his mother-in-law died. Mrs. Mazza said she understands he had a death in the family and she understands he has medical conditions but if he can show up to have his picture taken. Commissioner Zapotosky said it was during the afternoon and it took five minutes. Mrs. Mazza said she thinks they have their minds made up how they will dole out the money and they didn't care what the public had to say. She said they shouldn't make a big deal about voting to do something and they ignore it, adding that it is unfair to the public.

### **Adjournment**

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

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

