

A meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Tuesday, November 17, 2015 at the Public Safety Building, Uniontown PA.

**In attendance-**

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

**Commissioner Ambrosini** called the meeting to order at 10 a.m. A silent prayer was held. The pledge of allegiance was recited. Commissioner Ambrosini said there was one amendment to the agenda.

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zapotosky to amend the agenda to add the following:  
The Board of County Commissioners of Fayette County (the "County") desires to explore the creation and organization of an authority to be designated the "Fayette County Sports & Exhibition Authority" for the purpose of developing sports, entertainment and exhibition facilities in the County and does hereby authorize Dickie McCamey & Chilcote, P.C., and Dinsmore & Shohl LLP, as joint special counsel, to prepare the documents and perform the tasks required in connection with the creation and organization of the Fayette County Sports & Exhibition Authority, including the advertising or required notices; provided, however, that final adoption of the resolution signifying the County's intention to organize the Fayette County Sports & Exhibition Authority and set forth the proposed articles of incorporation for the Fayette County Sports & Exhibition Authority will be considered at the meeting of the Board of County Commissioners on December 15, 2015 or such later date as determined by the County.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Proclamations**

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

World Pancreatic Cancer Day November 13, 2015

Great American Smokeout November, 19, 2015

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** the motion, Commissioner Ambrosini read the proclamation for World Pancreatic Cancer Day. Commissioner Zapotosky read the proclamation for Great American Smokeout Day. A representative of Fayette County Drug and Alcohol spoke about the Great American Smokeout Day.

**Public Comment on Agenda Items**

**Marybeth Homistek** said she knew she has three minutes, following a statement by Commissioner Ambrosini. She said before she starts, she wants to know if anybody in the back is going to tell her to shut the Hell up. Commissioner Ambrosini asked her to address the commissioners and not the audience. Ms. Homistek said she had a question about the sports authority, asking what it is, is it for the ball team and where the money will come from. Commissioner Ambrosini said someone will discuss it later in the meeting. Ms. Homistek asked if it was funded by the county and Commissioner Ambrosini said they don't expect it to be, no. Commissioner Zimmerlink said no one can ask a question because they just learned of it just now. She said there are two options to allow the public to discuss the proposal. She said the public should have the opportunity to discuss the issue, adding that she was brought up to date with it on Friday.

**Adult Probation Office**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a contract between the County of Fayette and contractor Melanie Snyder for consulting services to assist the Fayette County Justice Advisory Board in developing a plan to improve outcomes for people released from prison.

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 enter into an agreement with RBA Professional Data Systems Inc., State College, PA for Website Hosting and Maintenance Services for the Fayette County Assessment Office.

COST PROPOSAL

**Option 1 – Three year proposal**

**One Time Cost**

Application Development

Design and Development of the base application \$24,500

Recurring Cost

Maintenance and Hosting for first year included \$0.00

Maintenance and Hosting for years two & three \$24,500

Maintenance and Hosting per year beginning with year four \$24,500  
(plus annual CPI adjustment)

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a vote, the commissioners clarified that they were going with the three-year option.

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

Brian Matthew Sheetz	300 Lucy St	Lemont Furnace, PA	25-27-0091-10
	Effective 2015	School Tax	
John Robert Keeney	37 Redstone St	Republic, PA	30-23-0108
	Effective 2016	Tax Year	
Floyd Wayne Coddington	6686 Sixth St.	Grindstone PA 15442	30-10-0167
	Effective 2016	Tax Year	

Lawrence Franklin Vilk 62 Lemon St Uniontown PA Effective 2015 School Tax	38-04-0559
William James Conn 163 Dawson Rd Vanderbilt PA 15486 Effective 2016 Tax Year	40-01-0059

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

**Motion passed unanimously**

**Behavioral Health Administration**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve agreements and modifications, as listed:

**HealthChoices Amendment #4 - 2016**

Department of Human Services/Fayette County	N/A	2016
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**HealthChoices Fee-For-Service Agreement - 2016**

Maher Duessel, Certified Public Accountants	\$18,600	Year Ended 12/31/15
Tidgewell Associates, LLC.	\$150/per hr.	1/1/16-12/31/16
Lawrence J. Tabas, Esquire (Obermayer, Rebmann, Maxwell, Hippel & LLP)	\$300/hr.	1/1/16-12/31/16

**Modification Agreement #1 2014-2015**

Chestnut Ridge Counseling Services, Inc.	\$2,089,015	7/1/14-6/30/15
Fayette Resources, Inc.	\$390,854	7/1/14-6/30/15

**Modification Agreement #2 2014-2015**

Fayette Resources, Inc.	\$393,154	7/1/14-6/30/15
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**Modification Agreement #3 2014-2015**

The Arc, Fayette	\$577,228	7/1/14-6/30/15
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**Professional Services Agreement 2015-2016**

Morris Morrison Development Group, LLC	\$3,800	10/15/15
Morris Morrison Development Group, LLC	\$3,800	10/15/15
Morris Morrison Development Group, LLC	\$3,800	10/15/15
Morris Morrison Development Group, LLC	\$3,800	10/16/15
Morris Morrison Development Group, LLC	\$3,800	10/16/15
Morris Morrison Development Group, LLC	\$3,800	10/22/15
Morris Morrison Development Group, LLC	\$3,800	10/22/15

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Bridge Department**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky approve McTish, Kunkel and Associates as the Engineer of Record for the Fayette County Bridge Department for a five year period starting December 1, 2015.

The top three scoring proposals:

1. McTish
2. SAI
3. EADS Group

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 Reimbursement Agreement Number R15120015 involving Final Design of Bridge 162 located in Georges Township (Mountain Creek-Reeses Bridge). The amount PennDOT is appropriating is \$57,000, and the county is allocating \$63,000 (Commissioner's agreed to allocate Act 44 funds in June 2015).

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Children and Youth Services:**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve a FY2015-16 Purchase of Service Agreement between the County of Fayette, through Fayette County Children & Youth Services & James Geibig, Esquire, 662 North Main Street, Greensburg, PA 15601. Attorney Geibig was court appointed to represent children in dependency proceedings. The rate for his services is \$1,000.00 per month.

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 accept the recommendation of the Fayette County Children and Youth Advisory Board to remove Jacqueline Fritts as a member of the Advisory board effective immediately.

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 accept the recommendation of the Fayette County Children and Youth Advisory Board to remove Christopher Parrill as a member of the Advisory board effective immediately.

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 accept the Co-stars Pa State Contract bid from Delany Furniture for cubicles, desks and chairs for the new addition to the CYS building for a total cost of \$100,103.15.

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 accept the Co-stars Pa State Contract bid from Delany Furniture for replacement of cubicles, desks and chairs for the existing office. The purpose of this purchase is to increase the usable space in the current structure for staffing purposes. The total cost for this purchase is \$143,579.04.

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 accept the Co-stars Pa State Contract bid from Delany Furniture for replacement of the current filing system to a high density filing system in order to increase the usable space in the current structure. The total cost for this purchase is \$26,732.36.

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 a bid to purchase carpeting for the existing CYS building, replacing the current carpet that is in need of replacement.

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 allow the agency to go through Co-stars to lease 4 vehicles for CYS.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Controller**

Chief Deputy Controller Scott Abraham presented the following financial condition of the county.

# Office of the Controller

Fayette County, Pennsylvania



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

**FUND:** GENERAL FUND

**DATE:** 17-Nov-15

**CASH:**

Checking Account      United Bank      \$2,380,946.10

**Funds Owed to General Fund**

Arc Payments Due			
	Intermediate Punishment Fund-3yrs	\$	40,651.26
	Offenders Supervision Fund-3yrs	\$	87,758.28
Central Service Payments			
	C-17 Fund-3yrs	\$	12,490.00
	Offenders Sprvsn-4yr	\$	56,740.00
	Intermediate Punishment-4yrs	\$	29,053.00
		\$	226,692.54

**Funds General Fund Owes**

Tax Anticipation Note	\$ 1,000,000.00	
		\$ 1,000,000.00

**Budget Year**      **Net Position**      \$1,607,638.64

<b>Total 2015 Revenues</b>	\$	<b>Year to Date</b>	24,832,883.94
<b>Total 2015 Expenditures</b>	\$		23,793,261.32
<b>Total 2014 Expenditures paid in 2015</b>	\$		1,753,401.77

<b>Capital Reserve Fund Balance</b>	<b>Fund 51</b>	\$	221,629.51
<b>Bond Fund Balance</b>	<b>Fund 53</b>	\$	50,662.78
<b>Act 13 Marcellus Shale Balance</b>	<b>Fund 13</b>		
		Balance in Bank	\$2,082,914.65
		Rec'd in 2015	\$1,541,325.71

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

**After giving** the report, Mr. Abraham directed anyone with questions to call the Controller's office.

## Human Resources

### FCBHA

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the promotion of Benjamin K. Crable from County Casework Supervisor to County Mental Retardation Program Specialist 1 at \$22.58/hr. (\$44,031.00 annually), effective November 23, 2015.

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 Samantha L. McCarney-Michael, County Caseworker 2 at \$15.54/hour (\$30,303.00 annually), effective December 2, 2015.

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 2016 Fayette County Behavioral Health Administration Compensation Plan for the period January 1, 2016 through December 31, 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

#### **Motion passed unanimously**

### Building and Grounds

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the selection of Cynthia Parker, NCOA clerical worker for onsite job training effective November 2, 2015. Hours to average 16 to 20 per week.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

#### **Motion passed unanimously**

## **Children & Youth Services**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the resignation of Maria Riddell, Caseworker I, effective November 13, 2015.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

## **FACT**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to ratify the transfer of Kathy Winkler to Transportation Info Specialist II effective November 2, 2015.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to ratify the promotion of Bruce Wolfe to Bus Driver full time at \$11.86/hr. (\$23,127 annually) effective October 5, 2015.

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 selection of James McSurdy to FACT Bus Driver FT at \$11.86/hr. (\$23,127 annually) effective October 5, 2015.

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 ratify the move of HR Technician, Angela Wyandt from a part-time position to a full-time position on November 16, 2015.

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 selection of Gus Gerard, NCOA worker effective September 21, 2015. Hours to average 16 to 20 per week.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink to table the extension of the Service Agreement with the County of Fayette to Dec 31, 2019 for the services of Gary Sefchok and Associates concerning county employee benefits.

**After making** a motion, Commissioner Zimmerlink said in was in July 2014 when the board approved a contract with Sefchok and Associates through December 31, 2017. She said there is no reason for them to take action at this time, although he had submitted an e-mail with some new rates and those rates should be reviewed by the new board of commissioners for the new year since it will be though 2018 and forward. She said this agreement here would extend it through 2019 and they just unanimously passed to extend it through 2017. Commissioner Zimmerlink said there have been no discussions with Sefchok and Associates about his new rates, and if there was, it didn't take place in the appropriate manner because the existing contract doesn't expire until 12/31/17. The motion died when it didn't receive a second.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the extension of the Service Agreement with the County of Fayette to Dec 31, 2019 for the services of Gary Sefchok and Associates concerning county employee benefits.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

**Motion passed 2-1**

**In making** the motion, Commissioner Zapotosky said Mr. Sefchok has saved the county in excess of \$1 million if not more. He said he has been an asset in the very complex world of health care in making adjustments when needed. He spoke about how Mr. Sefchock saved the county money and would be an asset no matter which board is going to serve, adding that is only his opinion. Commissioner Zimmerlink said it isn't about the individual, it is about the negotiation and it is the responsibility of the commissioners to negotiate the best possible prices and when that doesn't happen, the board of commissioners is doing a disservice to all those involved. She said there was no negotiation, there was an e-mail sent with rates given. Commissioner Zapotosky said they approved an extension in 2014. In seconding the motion, Commissioner Ambrosini said Mr. Sefchok has done an excellent job and he anticipates he will continue to do so, saving money for the taxpayers of this county.

### **Planning and Zoning**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve RZ 15-8 Robert K. & Ada E. Clark, North Union Township, requesting an extension of B-1 General Business on property currently zoned A-1 Agricultural- Rural.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Public Works**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to advertise for bids to supply custodial supplies delivered to various buildings in the Uniontown area within 4 miles of 61 E. Main Street, Uniontown, PA. 15401 for the year 2016.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Prior to** a motion, Commissioner Zimmerlink clarified that the four mile radius is for the delivery and not the vendor.

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to advertise for bids to supply tires, wheel alignments and/or other steering axle mechanical work for the year 2016.

Commissioner Ambrosini yes

Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Tax Claim**

**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Zapotosky to approve a motion to accept the following bids from the November 3, 2015 Repository Sale Bid Opening, subject to all conditions being met.

11-3-2015 Results

Bidder	Parcel	Twp./Mun	Amount	Status
Floyd Armel	30-37-0005	Redstone Twp.	\$320.00	ok
Alice Adams	30-07-0037	Redstone Twp.	\$400	ok
Khaled Khan	38-13-0352	Uniontown City	\$320	ok
Rejected Bid				
Mary Hazelbaker	41-13-0095	Washington	\$850	Parcel Not on list
Total \$1,040.00				

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**Commissioners**

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Zimmerlink to approve the September 15, 2015 commissioner meeting minutes.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink to table the re-appointment of John Cupp as a public representative and Daniel Komarinski as a farmer representative to the Conservation District, both with terms to expire December 31, 2019.

**In making** the motion, Commissioner Zimmerlink said neither appointment expires until 12/31/15. She said the letters went out in September asking for responses by November 2 and many of the nominating agencies had not had an opportunity to work on this and some did not have a meeting. She said in the month of January they can make the appointments. She said as everyone knows, members continue to serve until otherwise appointed. She said her motion is to table to allow the other nominating entities to respond. She said they only received one response from one nominating entity although letter were sent. The motion died when it did not receive a second.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to approve the re-appointment of John Cupp as a public representative and Daniel Komarinski as a farmer representative to the Conservation District, both with terms to expire December 31, 2019.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

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

**In making** the motion, Commissioner Zapotosky said letters were sent out and ample time was given and the terms fall within the 2015 year, so he makes the motion. Commissioner Zimmerlink said all the boards fall within the 2015 year and she doesn't see any appointments other than the one they did for Dale Malinzak last month. Commissioner Ambrosini asked Solicitor Cupp if he had any comment and Commissioner Zimmerlink said he is also a member so he should reserve comment on that. Chief Clerk Revak said DCED sends letters every year and they want appointments by December 1 and it is unique to any of the county boards. Commissioner Zimmerlink said she spoke with Doug this morning and there is no issue, she spoke with Doug, the letters should have gone out earlier, she isn't going to argue the point with you, my motion was made, it died due to lack of second. She said you don't send something out 30 days ahead of time.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to rescind the resolution adopted November 5, 2015, which approved funding recommendations for Fayette County's 2015 Local Share Account (LSA) Program application being submitted by the Fayette County Redevelopment Authority to the Pennsylvania Department of Community and Economic Development (DCED) to allow for changes to be made by the next board of commissioners.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

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

**Prior to** a motion, Commissioner Zapotosky said he made the motion because there was a set of guidelines established by the redevelopment authority and by the steering committee and they set the date the applications must be due by and there are monies being set aside and in some cases they will start the projects based on the presumption they have received the money. He said they all have economic impacts to the county and to keep them in the state of limbo. After a motion and a second, Commissioner Zimmerlink said the motion didn't say to allow the commissioners to make changes, and you can play back whatever tape you want, it said with the understanding that the new board may have changes they may entertain some changes. She said Andrew French was standing there and she asked him if that was OK. She said that motion passed 2 to 1, and to rescind something that wasn't passed doesn't make sense because she didn't say to allow, she said with the understanding that the new board may make modifications. She said they can pass it and if the new board wants to change, they can, so it is moot.

**Commissioner Zapotosky** said modifications mean change, he said it is semantics. Commissioner Zimmerlink said it isn't semantics. Commissioner Zapotosky said a list has been approved by the director and his board and it has been submitted to DCED. Commissioner Zimmerlink said she didn't say anything about modify or change, what she said was the motion is to allow for changes to be made by the next board of commissioners. She then said what the resolution said. She said she wouldn't argue any further, but they are rescinding something that wasn't passed.

The motion was "**A motion** was made by Commissioner Zimmerlink and seconded by Commissioner Ambrosini to adopt a resolution which approves funding recommendations for Fayette County's 2015 Local Share Account (LSA) Program application being submitted by the Fayette County Redevelopment Authority to the Pennsylvania Department of Community and Economic Development (DCED), with the understanding and clarification and understanding that there could be modifications when the new board of commissioners, either between now and January 31 and when the new board take office in January."

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adopt a resolution which approves funding recommendations for Fayette County's 2015 Local Share Account (LSA) Program application being submitted by the Fayette County Redevelopment Authority to the Pennsylvania Department of Community and Economic Development (DCED).

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

### **Motion passed unanimously**

**After the** vote, Commissioner Zimmerlink said whether they agree with it or not, the new board of commissioners can look at it and she is certain at least two will look if not all three and if there are changes, that board has the ability to make those

modifications. She then went on to talk about the motions and the plan. Commissioner Ambrosini said the application process has closed and you can't make changes to what has been submitted.

**A motion** was made by Commissioner Zimmerlink to table adoption of a proposal from Ford Business Machines Inc. dated November 10, 2015 to consolidate the county's copier contracts.

**After making** the motion, Commissioner Zimmerlink spoke about copier contracts being changed in July, and it should be opened up to bid. She then discussed the copier issue, saying she would discuss it even if the solicitor tells her not to. She talked about letters being sent to John Cupp and debt owed for the old copiers. She suggested that it be tabled to resolve issues. Commissioner Zapotosky addressed the reason or the termination with the other company. Commissioner Ambrosini said there is a savings with consolidating the contracts. He spoke about how many copies the county makes and the cost of doing that. Commissioner Zimmerlink talked about how it should have been bid out in July. Commissioner Zapotosky said they passed four initiatives under Costars and if that isn't applicable and you aren't singling them out. Commissioner Zimmerlink said she asks if they go to all the vendors on Costars and CYS and MH/MR have done their due diligence.

**Commissioner Ambrosini** said they bid out the contract two years ago and they should have consolidated at that time and they didn't. He said Ford's bids came in lower. He said they didn't have to do a survey, but they did, adding they are a local company. Commissioner Zimmerlink said it isn't about a particular company, so don't make it about a particular company. She said it is called advertising per county code, it is nothing more than that. She said there is a motion and a second. Solicitor Cupp said there isn't a motion and a second, the last motion was to table. Commissioner Zimmerlink said OK, I made a motion to table. Solicitor Cupp said there wasn't a second, so they need to say it died due to lack of a second. Commissioner Ambrosini said the motion died.

**A motion** was made by Commissioner Zapotosky and seconded by Commissioner Ambrosini to adopt a proposal from Ford Business Machines Inc. dated November 10, 2015 to consolidate the county's copier contracts.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink no

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

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

<b>Department</b>	<b>10/19/15 to 11/2/15 Cost Center</b>	<b>Debit</b>	<b>Credit</b>
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<b>Planning and zoning</b>			
Photocopy	01417252200	\$1,000.00	
Stenographer/ZHB members	01417153130		\$1,000.00
Magistrate filing fees	01417252425	\$1,000.00	
Stenographer/ZHB members	01417153130		\$1,000.00
<b>Magisterial District Courts</b>			
Telephone	01418620353200	\$500.00	
Materials/supplies	01418620352000		\$500.00
Equipment	01418630252300	\$500.00	
Materials/supplies	01418630252000		\$500.00
<b>Adult Probation Office</b>			
Video surveillance	01423662356	\$2,500.00	
Contract services computer	01423653010		\$2,500.00
Drug testing	01423653191	\$3,000.00	
Contract services computer	01423653010		\$3,000.00
Postage	01423653250	\$3,000.00	
Contract services computer	01423653010		\$3,000.00
Drug testing	01423653191	\$1,000.00	
Travel	01423653300		\$1,000.00
R&M Building	01417453730	\$5,000.00	
Materials/supplies	01417452011		\$5,000.00
Equipment	01417452300	\$10,000.00	
R&M auto	01417453741		\$10,000.00
<b>Register of Wills</b>			
Contract services computer	01419653010	\$25,000.00	
Equipment	01419652300		\$25,000.00
<b>Assessment</b>			
Appeals refund	01413652416	\$13,000.00	
Salary full time	01413651400		\$11,500.00
Health insurance waiver	01413651561		\$1,500.00
<b>Total Debits</b>	<b>\$65,500.00</b>	<b>Total Credits</b>	<b>\$65,500.00</b>

Commissioner Ambrosini yes  
 Commissioner Zapotosky yes  
 Commissioner Zimmerlink yes

### **Motion passed unanimously**

**Commissioner Ambrosini** said before they would vote on the authority motion, he wanted Brad Geyer to speak. Mr. Geyer said they started a project by looking at the viability of a minor league baseball team in Fayette County and as that has moved forward, it is clear it may be a viable possibility for us. He said the next step may be approving a sports and exhibition authority. He said the motion is to contract with a law office to go through the paperwork to figure out the best vehicle for working that authority, creating by laws and bringing that back to the commissioners to they can approve it. He said this is step one of formation of a board. Commissioner Zapotosky asked about what the legal review is for. He said it would likely be a nonprofit entity and

there are a number of variables that are forthcoming. He said the goal after the resolution for December is to have a path saying these are the next steps.

**Commissioner Zimmerlink** said this resolution authorizes two law firms to explore the creation of the authority. She said once that is done, the commissioners would learn the steps of what needs to be done. She said by passing the resolution, nothing more occurs other than engaging the services of the firm. She said she is voting based on that understanding. Mr. Geyer said no paperwork is being filed, they are only getting information. Commissioner Zimmerlink said she wanted to confirm that. She asked who would pay for the firms and Mr. Geyer said it is being done pro bono and are not asking the county for any money for this work. Commissioner Zapotosky said it is a great idea. Mr. Geyer said the next step is to find out if it is feasible. Commissioner Ambrosini said it is an excellent idea and they will make sure it is productive. Commissioner Ambrosini asked what the two law firms expertise is. Mr. Geyer said they have done similar work in the past to establish authorities.

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

The Board of County Commissioners of Fayette County (the "County") desires to explore the creation and organization of an authority to be designated the "Fayette County Sports & Exhibition Authority" for the purpose of developing sports, entertainment and exhibition facilities in the County and does hereby authorize Dickie McCamey & Chilcote, P.C., and Dinsmore & Shohl LLP, as joint special counsel, to prepare the documents and perform the tasks required in connection with the creation and organization of the Fayette County Sports & Exhibition Authority, including the advertising or required notices; provided, however, that final adoption of the resolution signifying the County's intention to organize the Fayette County Sports & Exhibition Authority and set forth the proposed articles of incorporation for the Fayette County Sports & Exhibition Authority will be considered at the meeting of the Board of County Commissioners on December 15, 2015 or such later date as determined by the County, said services at no cost to the county.

**After a motion and second** were made, Commissioner Zimmerlink said stop, you can't do that. She said go back, less than an hour ago. Commissioner Zapotosky said public comment. He asked if there were any questions on the motion and Commissioner Zimmerlink said he had to withdraw the motion. Commissioner Zapotosky said he would withdraw the motion. Commissioner Ambrosini asked if there were any public comments on the item. Geraldine Mazza asked if the "lame duck" commissioners could put it aside and let the new commissioners handle it. Commissioner Ambrosini said the fact that they have three commissioners sitting before the public, they are still county commissioners until new ones are sworn in, they still have a job to do. He said they are doing their jobs. Mrs. Mazza again said it should be set aside. Commissioner Ambrosini said he will not shirk his responsibilities as a commissioner until he is finished. He said he wouldn't argue, and asked if there were any additional public comments.

**Commissioner Zimmerlink** asked Mrs. Mazza if she was done, saying she still has time and she isn't on a time limit. Commissioner Ambrosini said there is a limit. Mrs.

Mazza again said it should be tabled. Following a brief discussion, Michael Cavanagh spoke about the sports authority issue and how it came about. Commissioner Zapotosky said this initiative is a fact finding one in which information will be brought back to the commissioners to determine advancement. He said clearly the county isn't going to be throwing out the first pitch any time soon. He said the next board will play a big role, should it be feasible. He said you have to start somewhere. Commissioner Zimmerlink clarified Mr. Cavanagh's statements, and spoke about how the members of the public didn't have time to learn about the issue. Mr. Cavanagh said he didn't understand where it comes from, but it could be a good thing for the county. He asked why the agenda needed amended. Commissioner Zimmerlink asked Mr. Geyer who did the legwork. She clarified what was being asked of the commissioners.

**Mr. Geyer** said a group of people with an idea had GrantForbes LLC worked on a feasibility study for them and are working with notable folks in the baseball realm. Commissioner Zimmerlink said it is a group of individuals, not a governmental entity. Mr. Geyer said the redevelopment authority gave some money but they are not the driving force. Commissioner Ambrosini said he wanted to commend Mr. Geyer, who has been an integral part of the discussions, which started more than a year ago. He commended him for his vision and efforts to bring this to the attention of the county. He said it's nice to see individuals that have a positive outlook and are trying to do positive things. He again commended him for being a visionary and his positive attitude. Emma Jane Davis said she had a question. She asked if it was for boys and girls, grade school kids, high school kids, college age kids or senior citizens like her. Commissioner Zimmerlink asked Mr. Geyer to respond. Mr. Geyer said they are working on a study for the feasibility of a minor or independent baseball team. He said once the facility is constructed, they will work on uses. He said once it is built they will work on other uses, adding that 50 baseball games a year isn't enough utilization.

**Mr. Geyer** said he would like to see at the end that it is used 365 days a year. Commissioner Zapotosky said an example is the Washington Wild things, a part of the Frontier League, the facility is also used by a university, WPIAL, concert venues also. He said the Frontier League is not affiliated with MLB, but this is quality, and he would love to take his family to a game. Mr. Geyer said there is a long road ahead, this is an early step. Commissioner Ambrosini said he understands that the two new commissioners have been contacted and have responded in a positive way. He said there is a Commissioner-elect there, and asked if he wanted to make comments. Commissioner-Elect Dave Lohr said he is aware of it, it is something exciting and something that has never been tried. He said it is a positive thing but is also a part of economic development and anything that gives entertainment will increase people moving here and businesses coming here. He said it is a positive thing and as soon as he heard about it, he said let's go for it. He said it could be a site for conferences and as a positive thing, it is good. Commissioner Ambrosini said there is no objection to starting the ball rolling, no pun intended.

**Mr. Lohr** said for business time is money and if you keep dragging things out, something new comes down the street and something gets missed. He said businesses don't operate on time, they operate on money. He said if they drag it out until the next

time, it is a month and a half wait, and that is foolishness and they need to get moving on things and quit dragging our feet. Another resident asked if money would be needed for that. Although Commissioner Zimmerlink asked Mr. Geyer to speak, Commissioner Zapotosky said he wanted to speak, based on his understanding of this. He said traditionally, there are corporate underwriters of the field, scoreboard, so it is a compilation of corporate monies that fund this, that is his understanding. Mr. Geyer said he would add that if an authority is created, it would be tasked with funding it without taxpayers dollars. The resident asked if the meeting will be this way next year. Mr. Lohr said he wants to listen to public comment but it will also be structured. The resident asked if it will be run that way when he is here. Mr. Lohr said he hopes not.

**Commissioner Zimmerlink** asked if he wanted to save those comments to the end. She said to follow up, at this time, you cannot tell us, of whether or not once the authority is established how this will move forward. She asked Mr. Geyer if future funding is set in stone. Mr. Geyer said he can't see a scenario where they use county millage tax dollars to make this work. He said if this project needs to boil down that low, he doesn't know if it is worth pursuing. He said they have to look at all options on the table and choose the best one.

**A motion** was made by Commissioner Ambrosini and seconded by Commissioner Zimmerlink to approve the following resolution:

The Board of County Commissioners of Fayette County (the "County") desires to explore the creation and organization of an authority to be designated the "Fayette County Sports & Exhibition Authority" for the purpose of developing sports, entertainment and exhibition facilities in the County and does hereby authorize Dickie McCamey & Chilcote, P.C., and Dinsmore & Shohl LLP, as joint special counsel, to prepare the documents and perform the tasks required in connection with the creation and organization of the Fayette County Sports & Exhibition Authority, including the advertising or required notices; provided, however, that final adoption of the resolution signifying the County's intention to organize the Fayette County Sports & Exhibition Authority and set forth the proposed articles of incorporation for the Fayette County Sports & Exhibition Authority will be considered at the meeting of the Board of County Commissioners on December 15, 2015 or such later date as determined by the County, said services at no cost to the county.

Commissioner Ambrosini yes  
Commissioner Zapotosky yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

### **Public Announcements**

**Marybeth Homistek** said she wanted to speak on behalf of Brandon Rumbaugh, and he wanted to thank everyone for their support. She further spoke about how he is

drawing attention to homeless vets. She said he is a wonderful legless man who came back from Afghanistan.

**Madonna Nicklow**, Veteran's Affairs Director, said she had an announcement, they were just approved for an 80 percent grant from the state to buy another new 2015 minibus. She said she requested the \$9,000 in her budget to pay the 20 percent. Jim Conway, representative for State Rep. Tim Mahoney, announced a food drive would be held on Saturday, November 21. Ms. Nicklow said the American Legion Post 51, this Saturday will hold a dedication and flag burning ceremony.

### **Public Comments**

**Mrs. Mazza** asked if anyone had ever had a private party at the airport. Commissioner Ambrosini said anybody who wants to use the lobby for any party, can rent it. He said it is \$50 or \$75 and is available to anyone and he had one on Election Day. Mrs. Mazza said she was told the judge of election was told to leave. Commissioner Ambrosini said that was not true. Commissioner Zimmerlink said it wasn't just about a party, it was a polling place, during the day there were individuals communicating. She spoke about concerns about the party at the site, and it will be looked into. Mrs. Mazza asked for a legal opinion about renting out a public building for private parties. Solicitor Cupp said the authority's solicitor would be the person to properly answer that question. Commissioner Ambrosini said, first of all, this is getting bizarre but he will answer the question anyway. He said the event took place in another part of the building, not where the election was occurring. He said it wasn't until they vacated the building that it was moved to the lobby. He said he can't believe they are sitting there talking about a party at the airport.

**Mrs. Mazza** said she had never heard of that before. Commissioner Ambrosini said he is sure there are many things she has not heard of before. Commissioner Zimmerlink said that's not funny, please members of the public in the back, don't laugh. Mrs. Mazza said she is sure there are a lot of things Mr. Ambrosini doesn't know. Commissioner Ambrosini said he learns every day. Commissioner Zimmerlink said the airport wasn't always a polling place and that is why it is now an issue. She said the other thing is if political activity can be conducted at a polling place that receives state and federal dollars. Mrs. Mazza then continues past her three minutes and refuses to sit down and stop talking. Commissioner Zimmerlink then spoke about how Commissioner Ambrosini and his assistant are saying three minutes. She said the resolution doesn't say three minutes, it is two minutes. She said it is ridiculous. Following a discussion about the resolution limiting public comment, Commissioner Zimmerlink talked about the issues with the party. She said her concern is with the disruption of the voters and it needs to be addressed. Mrs. Mazza then gave some commentary about veterans and the local newspaper.

**Commissioner Ambrosini** said he supports all veterans, and they all fought for rights of this country, including the rule of law. He said they will not make a mockery of that. Commissioner Zimmerlink said more important than the state, federal and county laws, which are often wrong, are the freedoms. Marybeth Homistek said when she swore to

uphold the Constitution 34, 35 years ago, and the reason she got involved in politics two years ago is they were breaking the laws. She said she is a vet, she was a homeless, disabled vet, so she knows what she is talking about here, she has been treated brutally for two years by the men and she will be treated brutally by the next one, who is back there talking with Al's supporters and they were in the back row talking and annoying her. She said why didn't you stop them from talking. She said look at Madonna's attitude toward everybody. Ms. Nicklow said she better stay off of her, she isn't an elected official. Commissioner Zapotosky asked everyone to be mindful that regardless of their differences, we are still all human beings and we should treat each other with respect. Ms. Homistek said they were whispering and she couldn't hear. Ms. Homistek said she is concerned that in 2016 there are lawsuits that will hit the county. She asked what would happen if the county has to pay \$40 million.

**Commissioner Ambrosini** said because it is a state function, they will go after the state. He said years ago the county decided to be self-insured 32 years ago, that issue is coming back to hit us pretty hard. Commissioner Zapotosky said it is a state function, that of the District Attorney's office. Commissioner Zimmerlink said the amount she stated \$40 million, is public knowledge, and the county is picking up the tab for the legal fees. She said at this point, the county is responsible and all three of them know that. She said there have been appeals filed to try to get the state to pay and if the state isn't liable, the county will be responsible. Commissioner Ambrosini said the county would be remiss if it didn't go after it. Ms. Homistek then asked about Ford Business Machines and the outstanding balance. Commissioner Zimmerlink then outlined the history of the contract. She said no legal action has been filed. Commissioner Ambrosini said the three commissioners were told not to talk to the vendor and there are questions about the outstanding amount.

**Commissioner Zimmerlink** asked Solicitor Cupp if he contacted the company. Solicitor Cupp said the problem is that they have received invoices from someone other than someone with whom they were assigned. Commissioner Zimmerlink said nothing has been done to date and something needs to be done to take the county off the hook. Commissioner Ambrosini said the county should determine what the payment should be and if there was a breach of contract, then that needs to be discussed. Commissioner Zimmerlink said get it discussed, it has been since July. A resident asked Commissioner Zimmerlink where they can get an appeal for Section 8. Commissioner Zimmerlink said contact the housing authority, she isn't on the board. She told the resident to go to the housing authority office. Michael Cavanagh said the meeting wasn't that long, but he wanted to talk about following the rules of law. He spoke about the First Amendment and his rights to wear a shirt. He said Commissioner Ambrosini likes to grind on Mrs. Mazza. He said they are able to come to the meeting because of the veterans. He said he hopes the new board of commissioners throw out the resolution. He said the meeting lasted two hours, and that isn't that long. He said Commissioner Ambrosini owes Mrs. Mazza an apology.

## **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**