

January 26, 2010

McKean County Commissioners in regular session assembled on Tuesday, January 26, 2010 at 10:00 AM in the Commissioners meeting room. Present were Commissioners Joseph DeMott, Al Pingie, and Judy Church, Chief Clerk, Audrey Irons, County Solicitor, Dan Hartle. Also present were Kathy Roche, Angie Tennies, and Martha Knight.

The meeting was called to order by Mr. DeMott, followed by the Pledge of Allegiance and a moment of silence.

Moved by Mr. Pingie, seconded by Mrs. Church, to approve the minutes of the December 22, 2009 meeting.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Mr. DeMott – Opened the meeting for public comment.

No public comment.

Moved by Mr. Pingie, seconded by Mrs. Church, to grant permission to Conquest on behalf of Seneca Resources, to include McKean County in conducting a seismic test to identify a rock formation which has the potential of holding hydrocarbons including natural gas on property the county owns.

Mr. DeMott – Explained that this concerns a piece of property the county owns the surface rights on which is located just this side of Mt. Jewett – it is approximately 100 acres of land – it is just down the hill from the rest area.

Martha Knight – Is it forested?

Mr. DeMott – Yes.

Ms. Knight – Who owns the mineral rights?

Mr. DeMott – Seneca Resources.

Ms. Knight – And Conquest is a contractor of their's?

Mr. DeMott – Yes.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to approve payment of the following invoices:

1. A. L. Blades & Sons, Inc. - \$280,051.12 – representing payment for the Boyer Crossing Bridge Replacement Project for the period ending December 31, 2009 – McKean Boyer Bridge Project Fund.
2. YWCA - \$3,452.00 – representing the January payment for the Homeless Assistance Program they administer for the county – Grants Public Welfare Fund.
3. Northwest Engineering, Inc. - \$5,023.21 – representing payment for professional services rendered for the Galico Bridge Replacement Project for the period ending January 17, 2010 – Galico Bridge Project Fund.
4. Area Transportation Authority - \$12,540.50 – representing a portion of their budget for January 1 through March 31, 2010.
5. Area Transportation Authority - \$551,752.00 – representing the second quarter advance payment for the Medical Assistance Transportation Program they administer for the county – Grants Public Welfare Fund.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to issue a real estate tax refund to Beverly & William Black for the years 2006 through 2009 in the amount of \$41.44 to correct an error in their acreage.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to enter into agreements with the following service providers for the Department of Human Services.

North Central Pa. Regional Planning (Independent Living Program)
Pyramid Healthcare, Inc. (CYS)
Morning Glow Manor (MH) (Contract and Business Addendum)

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to enter into a maintenance agreement with Karpinski's Office Systems (KOS) for a copy machine for the McKean County Conservation Office. The cost of the agreement is \$290.00 per year.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to enter into a Hazardous Material Emergency Preparedness Grant Agreement with the Pennsylvania Emergency Management Agency (PEMA). The grant is in the amount of \$4,200.00 for the period of October 1, 2009 through August 31, 2010.

Ms. Knight – So you are getting a grant from them?

Mrs. Church – We are applying for it.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to exonerate John & Susan Shedio in the amount of \$602.40 representing only the county's interest that was added to their 2007 delinquent taxes for property they own in Kane with the stipulation that their taxes be paid in full within thirty (30) days. This action represents only the county portion of their delinquent 2007 taxes.

Mrs. Roche – Explained that we had discussed this previously – this is for the Kane Handle Plant in Kane – they have requested a reduction in their taxes to this board before – they have gone to the Kane Area School District and to Kane Borough – they have been denied at every juncture and now they are asking for the county to remove our fees and our interest – the fees total \$390.00 and the interest for the county is \$602.40 – the fees are monies that the county has actually spent in trying to collect the taxes – so it would be my position that since the county has already spent this money not to exonerate them for the fees, but if you wanted to consider exonerating them for the county portion of the interest contingent upon receiving payment which we haven't received yet. I feel that we need to get them to pay or this property will go up for tax sale in September of 2010 – we had previously removed the property from the September 2009 tax sale.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to deny the request of Barbara Major and E. Michael Caulkins to exonerate the outstanding balance of \$3,916.74 due on their property located at 31 Laurel Lane, Port Allegany, Pa. for the years 2007 and 2008 for their delinquent real estate taxes.

Mrs. Tennes - Their 2009 assessment taxes were adjusted as a result of a formal appeal. The 2007 and 2008 taxes are based on their original assessment prior to the appeal board rendering their decision in 2009.

Mr. Hartle – They did not appeal their 2007 or 2008 taxes?

Mrs. Tennes – No, they did not.

Mrs. Roche – If we grant them an exoneration for their 2007 and 2008 taxes, we would be setting a precedent and through the research I have done when an appeal comes before the assessment board that is the year they are looking at – the law specifically addresses that issue and states that it is not for prior years.

Ms. Knight – So they didn't file timely for a reduction in their 2007 and 2008 taxes?

Mrs. Tennies – The appeal they filed was effective for the 2010 tax year, however, we were in the 2009 calendar year and the appeal board authorized the assessment office to exonerate their current 2009 taxes so they got an adjustment on their 2009 taxes.

Mr. Hartle – The law Kathy mentioned governs the appeal board – there really isn't any case law that governs the Commissioners, but it would be my opinion that you would be opening a can of worms.

Mrs. Church – What is the total amount that they owe for 2007 and 2008?

Mrs. Roche – The total for both years is \$3,916.74.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to adopt the following resolution.

RESOLUTION NO. 1 OF 2010

2006 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REVISION

WHEREAS, from the 2006 McKean County CDBG Program, \$25,450 was allocated to the Eldred Borough Sewer Infiltration Reduction Project, and

WHEREAS, the sewer line televising has been completed and the Borough intends to undertake future sewer line replacements based on the televising results, and

WHEREAS, The 2006 Eldred Borough Sewer Infiltration Reduction Project has an unexpended balance of \$19,575.94, and

WHEREAS, 2009 CDBG and 2009 CDBG-Recovery Act funding was used to fund the Eldred Borough Sewer Treatment Plant (STP) & Lift Stations Standby Generators Project, and

WHEREAS, it has been found that the Eldred STP & Lift Stations Generator Project is in need of additional funding, and

WHEREAS, it has been determined to be in the best interest of Eldred Borough to reallocate the remaining \$19,575.94 from the 2006 CDBG Eldred Sewer Infiltration Reduction Project to assist with the 2009 CDBG and 2009 CDBG-R Eldred Borough STP & Lift Stations Standby Generators Project, and

WHEREAS, this reallocation of funds will also assist with expending the 2006 CDBG funding in a timely manner, and

WHEREAS, a revision of the 2006 McKean County CDBG Program is necessary to undertake this change in the use of funds, and

NOW, THEREFORE, BE IT RESOLVED by the McKean County Commissioners to approve this revision of the 2006 McKean County CDBG Program.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to allocate \$125,000.00 of the County's Liquid Fuel monies to the 22 municipalities for the year 2010 based on population and mileage figures.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to purchase 3 additional voting machines for McKean County out of the Help America Vote Act (HAVA) grant money.

Ms. Knight – Where would the machines go?

Mrs. Church – I know one of them is going to the Smethport Borough polling place. I think they are going to place one in one of the Bradford polling places. We are trying to put them in polling places that have a higher number of people voting. You can check with the Election Office for the exact locations.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to accept the resignation of James Tarasovitch as a member of the McKean County Solid Waste Authority effective immediately and to send him a letter of appreciation for his years of service on the authority.

Ms. Knight – How long has he served on the Authority and where is he from?

Mr. Pingie – Three or four years – he was appointed by the prior board and he lives in Bradford Township. He has been relocated to Minnesota.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Mr. DeMott – Opened the meeting for public comment.

Ms. Knight – Have you received any money from the Production Company for the generous use of the Sheriff's equipment and manpower? What would be the county's recourse to collect the money that is owed to the county?

Mr. DeMott – We would consult with our solicitor.

Mr. Hartle – Did Brad have a contract with them?

Mr. Pingie – I believe he did.

Moved by Mr. Pingie, seconded by Mrs. Church, to adjourn the meeting.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Chief Clerk