

December 23, 2008

McKean County Commissioners in regular session assembled on Tuesday, December 23, 2008 at 10:00 AM in the Commissioners meeting room. Present were Commissioners Joseph DeMott, Al Pingie, and Judy Church, Chief Clerk, Audrey Irons. Also present were Dan Hartle and Fran DeLancey.

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

Mrs. Church – Pointed out that the employees get an extra pay this year, but all the elected officials do not get the extra pay because it would make 27 pays for them and we only get 26 pays by law so on the 31st everyone else gets paid except the elected officials.

Moved by Mr. Pingie, seconded by Mrs. Church, to approve the minutes of the December 18, 2008 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 approve payment of the following invoices:

1. Bradford Township - \$10,899.00 – representing payment for their completed Liquid Fuel Project for the year 2008 – Liquid Fuel Fund.
2. Northwest Engineering, Inc. - \$5,660.42 – representing payment for professional services rendered for the 2006 Bridge Inspection Program – Liquid Fuel Fund.
3. Area Transportation Authority - \$35,255.75 – representing a portion of their budget allotment from the period of April 1 through December 31, 2008.
4. McKean County General Fund - \$53,159.32 – representing interest payments that were paid out of the General Fund for the Galico Bridge Replacement Project – Liquid Fuel 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 reappoint A. James McGill to the McKean County Housing Authority and the McKean County Redevelopment Authority for a five year term on both authorities.

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 reappoint the following 3 individuals to the McKean County Industrial Development Authority for a five year term

Patricia Witchen
Richard Danielson
Ray McMahan

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 reappoint the following individuals to the Headwaters Resource Conservation and Development Council (RC&D) for a one year term.

Debbie Lunden – Planning Rep.
James Clark – Commissioners Rep.

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 reappoint the following individuals to the North Central Pennsylvania Regional Planning and Development Commission's full board of directors for a one year term.

Joe DeMott (County Rep.)
Al Pingie (County Rep.)
Robert Esch (Industry Rep.)
Tim Yohe (Municipal Elected Officials)
Debbie Lunden (Planning Rep.)
Dr. Livingston Alexander (Education/Workforce Development Rep.)
Tom Riel (City Rep.)
Sara Andrews (Alternate Bradford City Rep.)

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 reappoint the following individuals to the North Central Pennsylvania Regional Planning and Development Commission's Executive Committee for a one year term.

Joe DeMott (County Rep.)
Robert Esch (Industry Rep.)

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 reappoint Judy Church to the Office of Human Services for a one year term.

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 appoint Fred Fesenmyer to the Bradford Regional Airport Authority to complete the unexpired term of Clifford Lane's that expires on 12-31-2012.

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 reappoint the following individuals to the North Central Pennsylvania Regional Planning and Development Commission's Comprehensive Economic Development Strategy Committee (CEDS) for a two year term.

Debbie Lunden
Robert Veilleux
Raymond McMahan
Sara Andrews

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 appoint Joe DeMott to the North Central Pennsylvania Regional Planning and Development Commission's Comprehensive Economic Development Strategy Committee (CEDS) for a two year term.

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 appoint Chase Miles to the McKean County Conservation District to complete the unexpired term of Charles Irons that expires on 1-1-2011.

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 quote from Burns & Burns Associates in the amount of \$73,984.00 for the county's workers compensation premium.

It was noted that the county also received a quote from PComp – the county’s association, in the amount of \$83,389.00.

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

Moved by Mr. Pingie, seconded by Mrs. Church, that notice is hereby given that the McKean County Commissioners, in their various capacities designated by law, will hold their regular meetings for the year 2009 in the Commissioners meeting room, 500 West Main Street, Smethport, Pa. 10:00 AM on the fourth Tuesday of each month during the year 2009. Regularly scheduled meetings may be canceled by giving notice to the media and the public at the previous regularly scheduled meeting, or by giving public notice through the media and posting on the bulletin board in the Rotunda of the Courthouse. If any special meeting shall be called, publication of notice of said meeting shall be by local newspaper of general circulation at least twenty-four (24) hours in advance of said meeting; additionally, notice of same shall be posted at least twenty-four (24) hours in advance of said meeting on the bulletin board in the Rotunda of the Courthouse. Notice is also given that the McKean County Commissioners will hold their regular meeting for the Retirement Board at 1:00 P.M., and their regular meeting for the Salary Board at 1:30 P.M., on the first Tuesday of each month in the Commissioners meeting room. The January meeting for the Retirement Board and the Salary Board will be held on Monday, January 5, 2009 at 10:00 AM and 10:30 AM. If any regularly scheduled meeting falls on a Holiday, then said meeting shall be held the following scheduled workday, unless Notice is otherwise given. Emergency meetings not requiring “Notice” under the Act shall be posted and published in advance if possible, and posted and published within (48) hours after the meeting is held. Notice is also given that the McKean County Commissioners will hold weekly public work sessions every Thursday at 10:00 AM in the Commissioners meeting room as necessary. This schedule shall remain posted on the bulletin board in the Rotunda of the McKean County Courthouse, in public view, for the remainder of the year 2009, in compliance with the aforementioned “Act.”

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. 26 OF 2008

A RESOLUTION OF THE COUNTY OF McKEAN

WHEREAS, the Board of County Commissioners of the County of McKean is desirous of insuring the greatest possible access by its Citizens to the business and rightful concerns of said Citizens; and

WHEREAS, the Board of County Commissioners of the County of McKean is desirous of insuring that the orderly conduct of business at Meetings is accomplished in a

manner consistent with the laws of the Commonwealth and the Constitution of the United States; and

WHEREAS, the Board of County Commissioners of the County of McKean has determined that to accomplish these ends it is necessary to have an established set of Rules and Regulations for the Conduct of Meetings and Order of Business;

NOW THEREFORE, BE IT RESOLVED that the following **RULES AND REGULATIONS FOR THE CONDUCT OF MEETINGS AND ORDER OF BUSINESS** are hereby adopted.

1. Roberts' Rules of Order shall apply, except where a specific rule to the contrary is prescribed.
2. All meetings, regular and special, shall be held in the Commissioners meeting room, 500 West Main Street, Smethport, Pa. unless "Notice" is given of a change of location in accordance with the provisions of the Act of 1998, Oct. 15, P. L. 729, No. 93, § 1, (65 Pa. C.S.A. §701 et seq) commonly known as the "Sunshine Act".
3. All "Official actions" and "deliberation", as defined by the "Act", shall take place at a meeting which is open to the Public unless subject to the exceptions set forth in § 707 of the "Act" relating to executive sessions.
4. The Order of Business shall be as set forth in the Model Agenda adopted by the Commissioners for the Conduct of Meetings.
5. The Board of Commissioners shall organize on the first Monday of each January which occurs every four years after the first Monday of January, 2008, at which time they shall elect a Chairman, a Vice Chairman and a Secretary.
6. Regular meetings shall be held on the fourth Tuesday of each month at 10:00 AM, during the calendar year.
7. Public work sessions will be held every Thursday at 10:00 AM in the Commissioners meeting room as necessary.
8. If any regularly scheduled meeting falls on a Holiday, then said meeting shall be held the following scheduled workday, unless "Notice" prescribed by the "Sunshine Act" is otherwise given.
9. If any special meeting shall be called, publication of notice of said meeting shall be by local newspaper of general circulation at least twenty-four (24) hours in advance of said meeting; additionally, notice of same shall be posted at least twenty-four (24) hours in advance of said meeting on the bulletin board in the Rotunda of the Courthouse.

10. Emergency meetings not requiring Notice under the “Act” shall be published as soon prior thereto as possible and within (48) hours after the meeting is held.
11. Regular meetings of the Retirement Board shall be held at 1:00 P.M. and regular meetings of the Salary Board shall be held at 1:30 P.M. the first Tuesday of every month in the Commissioners meeting room unless notice is given of a change of location. If any regular scheduled meeting falls on a Holiday, then said meeting shall be held the following scheduled workday.
12. Regularly scheduled meetings may be canceled by (1) giving notice to the media and the public at the previous regularly scheduled meeting, or (2) by giving public notice through the media and posting on the bulletin board in the Rotunda of the Courthouse.
13. All “Official actions” and “deliberation”, as defined by the “Act”, shall take place at a meeting which is open to the Public unless subject to the exceptions set forth in § 707 of the “Act” relating to executive sessions.
14. All official documents and instruments shall be executed in the name of the County by the three County Commissioners; the Official Seal shall be affixed, and the Chief Clerk shall attest thereto.
15. A quorum for the conduct of business shall consist of two members.
16. All members present shall vote on every question, either Yes, No or Abstain.
17. The Chief Clerk, or in her absence the Director of Voter Registration/Elections, shall keep the record of the proceedings at all meetings held by the County Commissioners.
18. Written Minutes shall be kept of all open meetings and shall include: (1) the date, time and place of the meeting;(2) the names of members present; (3) the substance of all official actions and a record by individual member of the roll call votes taken; (4) the names of all citizens who appeared officially and the subject of their testimony.
19. These Rules and Regulations shall apply to all meetings of the County Commissioners in all of the various capacities in which they are named under the Law.
20. These Rules and Regulations may be altered at a Regular Meeting or Special Meeting held in conformity with law, as required to comply with any of the provisions of the Act of 1955, August 9, P.L. 323 as amended, known as the “County Code”; the Act of 1957, P.L. 442 as amended, known as the “Right

to Know Act”; and the Act of 1998, Oct. 15, P.L. 729, No. 93, § 1 known as the “Sunshine Act”.

21. In order to insure the proper conduct of meetings and the maintenance of order, the Chairman may rule a person out of order who causes a public disturbance which disrupts the orderly conduct of the meeting or consistently and continuously raises issues which are not “comments on matters of concern, official action or deliberation which are or may be before the board.” The Chairman, in the interest of preserving the time available to conduct the business of the Board, may limit the amount of time allocated to each individual who addresses the Board. The Chairman reserves the right to expel any individual who behaves in such manner as to, in the Chairman’s opinion, disrupt the meeting and prevent the orderly conduct of business. This regulation shall be applied so as to preserve and not violate the intent of the Act of 1998, Oct. 15, P.L. 729, No. 93, § 1 known as the “Sunshine Act”.
22. These Rules and Regulations shall be conspicuously posted and remain posted on the bulletin board in the Rotunda of the McKean County Courthouse until changed or amended.

This Resolution is hereby approved by the Board of County Commissioners of the County of McKean at a meeting of the Board of County Commissioners held on this 23rd day of December, 2008 in lawful session assembled.

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 designate the working hours for the courthouse from 8:30 AM to 4:30 PM .

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 27 OF 2008

A RESOLUTION ESTABLISHING THE SALARY FOR NON-BARGAINING UNIT COUNTY EMPLOYEES FOR THE YEAR 2009

WHEREAS, the Board of Commissioners desires to provide a cost of living increase in salary to all non-bargaining unit county employees; and

WHEREAS, the Board of Commissioners provided for a cost of living increase in the amount of two and a half percent (2.5%) within the 2009 county budget; and

NOW THEREFORE, this 23rd day of December 2008, it is hereby **RESOLVED** and enacted as follows:

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

1. That effective January 1, 2009, all non-bargaining unit employees shall receive a cost of living increase in the amount of two and a half per cent (2.5%).
2. That pursuant to collective bargaining agreements, effective January 1, 2009 all employees who fall under the Commissioner's Residual Unit and the 911 Unit shall receive an increase of two and a half per cent (2.5%).
3. All employees who fall under the collective bargaining unit at the Prison will receive no increase for the year 2009 except for longevity.

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 establish a twenty-five dollar (\$25) per visit co-pay for specialist doctor's visits for the Pennsylvania Social Services Union Commissioner's Residual Unit and non-bargaining unit county employees. (A specialist is anyone, but a general practitioner (family doctor) or an internist. All other doctors are specialists.)

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 encumber \$125,000.00 of the county's liquid fuel monies to the Galico Crossing Bridge Replacement Project.

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 rescind Resolution 74 of 2007 that was adopted on September 25, 2007 for the Galico Road Bridge Replacement Program.

Mr. DeMott – Pointed out that this was a result of a discussion with a PennDot representative – the motion was passed in 2007 stating that the county was going to repay the money for the bridge with interest from the Capital Reserve Fund. The new resolution states that we may also use Liquid Fuel Funds in that project.

Fran DeLancey – That is the only change?

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 adopt the following resolution.

RESOLUTION 28 OF 2008

A RESOLUTION AUTHORIZING THE COUNTY OF McKEAN, PENNSYLVANIA TO ENTER INTO A CONTRACT WITH NORTHWEST ENGINEERING, INC. FOR THE GALICO ROAD BRIDGE REPLACEMENT PROJECT

WHEREAS, the County owns and is responsible for the maintenance of a bridge known as the Galico Crossing Road Bridge over Potato Creek in Keating Township; and

WHEREAS, the most recent inspection on May 24, 2007 of the Galico Crossing Road Bridge indicated that its condition is “poor,” that a 5-ton restriction is imposed, and that it should be replaced as soon as practical; and

WHEREAS, the County expects to seek private or bond financing to fund the replacement of said bridge; and

WHEREAS, the County expects to make repayments from the interest accruing from the Capital Reserve Account or from the McKean County Liquid Fuel Fund; and

WHEREAS, the Pennsylvania Department of Transportation requires that the County Engineer’s submissions on the project be reviewed and approved by an independent engineer; and

WHEREAS, the County sent out a request for proposals (RFP) to perform said work; and

WHEREAS, Northwest Engineering, Inc. of Tidioute, Pennsylvania responded to said RFP, and its proposal was the most cost effective.

NOW, THEREFORE, this 23rd day of December, 2008, it is hereby **RESOLVED** and enacted as follows:

1. That the Board of Commissioners is hereby authorized to enter into a contract with Northwest Engineering, Inc. of Tidioute, Pennsylvania to review and approve the County Engineer’s submissions on the Galico Crossing Road Bridge Replacement Project in order to meet PENNDOT requirements.
2. That the Chairman or Vice-Chairman of the County Board of Commissioners, acting alone or together with the Secretary, is hereby authorized and directed

on behalf of the County, (i) to execute and deliver such an Agreement, and (ii) to execute and deliver such additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement.

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 29 OF 2008

ESTABLISHMENT OF REAL ESTATE AND PER CAPITA TAX RATES FOR THE YEAR 2009, AND ADOPTION OF THE BUDGET FOR THE YEAR 2009

WHEREAS, the Board of Commissioners is required to establish tax rates for real estate and per capita taxes to be levied in the year 2009; and

WHEREAS, the Board of Commissioners is authorized and required under the law of Pennsylvania to prepare, approve and adopt a budget for the upcoming year.

NOW THEREFORE, this 23rd day of December, 2008, the Board of Commissioners of McKean County hereby **RESOLVES** and enacts as follows:

1. That a tax levy for the year 2009 shall be made at the rate of 8.25 mills on every dollar of assessed valuation of real estate as adjusted.
2. That a per capita tax on all persons subject to taxation for county purposes for fiscal year 2009 is established at the rate of five dollars (\$5.00).
3. That with the above tax schedule as described, the budget for the year 2009 for McKean County, is hereby adopted.

Mr. DeMott – Pointed out that there was only one change from the published budget which was a \$10,000 reduction in the District Attorney's budget.

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.

NOTE RESOLUTION

Authorizing the issuance of a Tax and Revenue Anticipation Note, Series 2009 with the terms set forth in the foregoing and attached certificate and transmittal; Approving a form of note; Authorizing designated officers to execute and deliver the note; Authorizing and directing the filing of the proceedings with the Department of Community and Economic Development; providing for the payment and security of the note; Making certain federal income tax covenants in respect of the note; Accepting the proposal of PNC Bank, N.A., for the purchase of the note; and repealing inconsistent resolutions. (See complete copy of the resolution and attachments on file in the Commissioners Office.)

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

Mr. DeMott – Opened the meeting for public comment.

Mr. DeLancey – Has the Galico Crossing Bridge Project been started yet?

Mr. DeMott – No. The Boyer Crossing Bridge Replacement Project is in the review stage by PennDot and our engineers have told us that we will be ready to bid the project in April of 2009. During that discussion it was pointed out to us that the previous board of commissioners had planned to build the Boyer Crossing Bridge in 2009 and the Galico Bridge in 2010. We have already borrowed the money for both of those projects. We are considering trying to move up the construction date for the Galico Bridge to as soon as possible. We are going to be meeting with Northwest Engineering to see if it is possible to upgrade that to build it sooner than originally planned. We are aware of Obama's administration's proposed infrastructure improvements and bridges are listed as preliminary information being provided as eligible for federal funds and so we want to have all of our engineering work done and our ducks in a row here so that if it would become an eligible federal project then we will be able to apply for those grants and begin that construction in a timely manner. The infrastructure programs that are being proposed are to create jobs and the quicker you can get people working the better your project is going to look. We want to be able to move quickly in the construction phase particularly, if we can get some federal funding. We have already borrowed the money for both of those bridges, but it would be really great, if we could pay the money back with federal funds instead of local tax payer dollars.

Mr. DeLancey – The Boyer Crossing Project is replacement of the bridge?

Mr. DeMott – Yes.

Mr. DeLancey – You referred to the published budget a few minutes ago – is that the same as the proposed budget?

Mr. DeMott – Yes. The only change in it was in the District Attorney's budget – their budget was only about 20% higher than what it was last year and we are getting less state

reimbursement for the District Attorney's salary – we reduced one of the line items back to where it was last year.

Mr. DeLancey – Did the per capita tax stay at the same rate?

Mr. DeMott – Yes. It is still at \$5.00 per person.

Mr. DeLancey – The PNC Bank – is that in Pittsburgh?

Mr. Hartle – It came out of the Meadville Office.

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