

February 23, 2010

McKean County Commissioners in regular session assembled on Tuesday, February 23, 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 Martha Knight, Christopher McLynaten, Joe Burns, Harold Moore, Joe Orr, Roy Hamilton, Robert Bosworth, Buddy Franklin, Derek Harrison, Ken Bush, Joe Wagner, James Miller, Amy Pierce, and Skip Linnan.

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 February 9, 2010 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.

WHEREAS, it is now the time and place as advertised for opening bids for the window replacement project for the Penn State Building and;

WHEREAS, the following bids were received:

1. Falk Construction, 702 E. Mill Street, Port Allegany, Pa. 16743
Single Hung Windows \$4,432.00
Double Hung Windows \$4,384.00

Check enclosed for \$443.00 with bid.

2. Hammer & Nail Contracting, 9716 Route 46, Smethport, Pa. 16743
Single Hung Windows \$5,864.61
Double Hung Windows \$6,134.93

Check enclosed for \$586.46 with bid.

3. Moran Construction, 120 Race Street, Ridgway, Pa. 15853
Single Hung Windows \$3,750.00
Double Hung Windows \$4,470.00

Check enclosed for \$447.00 with bid. No proof of insurance enclosed with bid.

4. The Window Source, 1001 State Street, Suite 1400, Erie, Pa. 16501
Single Hung Windows \$4,080.00
Double Hung Windows \$4,720.00

Check enclosed for \$420.00 with bid. No proof of insurance enclosed with bid.

5. Windows Express, 113 S. 6th Street, Olean, NY 14760
Single Hung Windows \$5,074.96
Double Hung Windows \$4,964.80

Check enclosed for \$508.00 with bid.

NOW, THEREFORE BE IT RESOLVED that the Commissioners accept the bid of Moran Construction in the amount of \$3,750.00 for single hung windows subject to review by the county solicitor and compliance with the bid specifications.

The above resolution was made by Mr. Pingie, seconded by Mrs. Church.

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

WHEREAS, it is now the time and place as advertised for opening the bids for the courthouse renovation project and;

WHEREAS, the following bids were received:

1. Fred L. Burns, Inc., 269 McClain Watson Road, Shippenville, Pa. 16254

Base Bid	\$852,600
Alternate # 1	\$ 23,000 (Add)
Alternate # 2	\$ 30,000 (Deduct)

Bid bond included with bid.

2. Carl E. Swanson & Sons, Inc., 136 Hilton Street, Bradford, Pa. 16701

Base Bid	\$978,470
Alternate #1	\$ 46,230 (Add)
Alternate #2	\$ 89,991 (Deduct)

Voluntary Alternate – Deduct \$25,000 for Field Testing of Windows

Bid bond included with bid.

3. J C Orr & Son, Inc., 438 Seventh Avenue, PO Box 1152, Altoona, PA. 16603

Base Bid \$808,850
Alternate #1 \$ 47,947 (Add)
Alternate #2 \$ 89,991 (Deduct)

Bid bond included with bid.

4. Spoleta Construction, LLC, 7 Van Auker Street, Rochester, NY 14608

Base Bid \$932,900
Alternate #1 \$ 43,400 (Add)
Alternate #2 \$ 81,000 (Deduct)

Bid bond included with bid.

5. Bob Cummins Construction Company, 50 Songbird Road, Bradford, Pa. 16701

Base Bid \$891,800
Alternate #1 \$ 45,066 (Add)
Alternate #2 \$ 62,000 (Deduct)

Bid bond included with bid.

6. Mistick Construction Company, 1300 Brighton Road, Pittsburgh, Pa. 15233

Base Bid \$988,000
Alternate #1 \$ 23,400 (Add)
Alternate #2 \$ 40,000 (Deduct)

Bid bond included with bid.

Mr. DeMott – Asked Joe Wagner to explain what Alternate 1 and Alternate 2 were for.

Mr. Wagner – Alternate 1 was to add exterior applied muntins in combination with between the glass muntins as indicated on the drawings and Alternate 2 was to deduct for the new generator installation as the existing generator and transfer switch shall remain.

Mr. Pingie – Do we know what the voluntary alternate of \$25,000 was for?

Mr. Wagner – It was for site window testing after installation of the windows.

Mr. DeMott – So with Alternate # 2 our option would be to install the generator ourselves?

Mr. Wagner – Yes.

Moved by Mr. Pingie, seconded by Mrs. Church, to close the bids for the project.

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

Moved by Mrs. Church, seconded by Mr. Pingie, to defer action on awarding the bid to allow their architect and solicitor time to review the bids and pending their decision to award the bid on March 9th, 2010.

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. Alcohol & Drug Abuse Services, Inc. - \$15,722.00 – representing a portion of their budget allotment for the period ending September 30, 2009.
2. Office of Human Services, Inc. - \$12,666.66 – representing a portion of their budget allotment for fiscal year 2009-2010.

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.

Perseus House, Inc. (CYS)
Lakeshore Community Services (Letter of Agreement)
The Guidance Center (Letter of Agreement)
Erie County Office of Children and Youth (Foster Care 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 approve a grant application for the Emergency Shelter Grant by the YWCA and submit the application to the Department of Community and Economic Development for their approval. The grant funds will be used to fund homeless prevention activities in the form of rental assistance and operating expenses of the only homeless shelter serving McKean County and for administrative costs.

Amy Pierce – Commented that last year DCED decided not to fund any homeless prevention with this grant so we adjusted our application to also fund shelter expenses.

Mr. Pingie – How much is the grant for?

Ms. Pierce - \$59,966.00.

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

Moved by Mr. Pingie, seconded by Mrs. Church, to enter into an agreement with James P. Miller for representation in court-appointed cases between his law firm and the County of McKean for an annual fee of \$48,000.00.

Mr. Hartle – Has reviewed the contract and has spoken with Mr. Miller. It appears to me that there are at least 3 winners in this for the indigent clients – it will provide very competent representation for free, the county could very easily save a substantial amount of money, and it will ease the burden on the other members of the bar of being given so many appointments.

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

Martha Knight – What court appointed cases in particular is this agreement for?

Mr. DeMott – In the public defender's office there are sometimes even with Children and Youth cases the attorneys in the Public Defender's Office may have a conflict with a particular client and there is a significant amount of time that the regular staff cannot defend somebody and they are entitled to their own attorney so the Judge appoints an attorney in that case to represent these people and basically what the Judge is doing is taking about half of that annual work load and we are contracting with Mr. Miller to represent those people and those cases. There will still be some representation needed from other attorneys and there maybe some instances where Mr. Miller has a conflict himself where he cannot represent one of these people either in which case again somebody else will have to be appointed. This is an economical thing for us to do and it is something that will help ease the burden on assigning attorneys to these types of cases.

Ms. Knight – Wasn't he a magisterial judge once?

Mr. Miller – Yes I was.

Ms. Knight – And you were solicitor for various municipalities?

Mr. Miller – I am no longer a solicitor for any of the municipalities.

Moved by Mr. Pingie, seconded by Mrs. Church, to enter into an agreement with E & M Engineers for increasing the estimated fees for providing the special inspections for the McKean County Jail Project by \$36,069.00 which would make the total estimated contract amount \$47,122.35.

Mr. Pingie – Mentioned that he was rather disappointed in the amount that we were given up front and now the engineering firm is coming back for a much larger amount. I understand that there are more inspections and the weather hasn't cooperated and as far as the construction goes I do know that we do need this particular type of service to make sure our construction people are doing everything the way it is supposed to be.

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

Ms. Knight – Is this for code inspection?

Mr. DeMott – No, this is for construction inspections – they do compaction tests on the foundation, they test the concrete, they test the steel, they test everything as the construction progresses to make sure the work is done properly and the materials meet the specifications.

Moved by Mr. Pingie, seconded by Mrs. Church, to appoint Virginia Fass to the McKean County Housing Authority and to the McKean County Redevelopment Authority to complete the unexpired term of Ann Kanally whose term expires on November 22, 2010.

Mr. DeMott – Expressed his thanks to Mrs. Kanally for her years of service on the 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 appoint Ron Tanner to the Alcohol and Drug Abuse Services Board. His term will begin immediately and will expire on March 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 accept the proposal from CobraHelp for administering the Cobra Insurance for the retired county employees effective April 1, 2010.

Ms. Knight – Is there a difference in cost of switching companies?

Mr. DeMott – Yes, we will have a significant savings – we don't actually have that many people in the Cobra program and instead of paying a flat annual rate we feel we can save some money with this company as they have lower minimums, etc.

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 maintenance agreements with Cleveland Brothers Equipment Company, Inc. for the generators at the 911 Facility and the (3) Tower Sites: Prospect, Hedgehog, Gibbs Hill and for the McKean County Jail.

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 low bids as listed below for each item for the janitorial supplies:

<u>Company</u>	<u>Product</u>	<u>Price</u>
Chudy Paper	Bathroom Cleaner	\$ 18.42
Janitor Supply	Bathroom Cleaner-concentrated	\$ 58.30
Janitor Supply	Disinfectant/Cleaner/Deodorizer	\$ 16.16
Janitor Supply	Neutral Disinfectant-concentrated	\$ 27.39
Janitor Supply	Air Freshener	\$ 29.16
Janitor Supply	Dust Mop Treatment	\$ 22.52
Janitor Supply	Wood Polish	\$ 30.20
Janitor Supply	Glass Cleaner	\$ 21.10
Janitor Supply	Glass Cleaner-concentrated	\$ 61.00
Clearfield Wholesale	Floor Stripper	\$ 35.40
Janitor Supply	Floor Stripper	\$ 35.15
Janitor Supply	Baseboard & Wax Stripper	\$ 29.68
Clearfield Wholesale	Floor Wax	\$ 49.50
Janitor Supply	Floor Restorer	\$ 48.60
Clark & Anderson	Wax Applicator	\$ 7.75
Chudy Paper	Urinal Block & Screen	\$ 12.00
Clark & Anderson	Spray Heads	\$ 1.25
Clearfield Wholesale	Small Gloves	\$ 39.80
Clearfield Wholesale	Medium Gloves	\$ 39.80
Clearfield Wholesale	Large Gloves	\$ 39.80
Clearfield Wholesale	X-large Gloves	\$ 39.80
Chudy Paper	Feather Duster	\$ 4.37
Chudy Paper	Wet Mop Frame with handle	\$ 8.13
Clark & Anderson	Wet Mop Heads	\$ 4.25
Chudy Paper	Dust Mop Handle	\$ 8.47
Clark & Anderson	Dust Mops	\$ 6.96
Chudy Paper	Dust Mop Frame	\$ 3.77
Chudy Paper	Dust Mop Frame	\$ 3.77
ZEP	Mop Bucket	\$ 69.95
Janitor Supply	Hand Cleaner	\$ 29.80
Zep	Hand Cleaner	\$ 10.40
Janitor Supply	Disinfectant Wipes	\$ 30.05

Clearfield Wholesale	Multi Cleaner	\$ 30.90
Jamestown Soap	Cleanser	\$ 24.20
Janitor Supply	Disinfectant/Germicide	\$ 33.05
Clearfield Wholesale	Bleach	\$ 1.65
All American Poly	Trash Liner	\$ 12.23
All American Poly	Trash Liner	\$ 7.79
All American Poly	Trash Liner	\$ 20.19
Clearfield Wholesale	Trash Liner	\$ 13.50
All American Poly	Trash Liner	\$ 17.17
Pyramid School Products	Floor Pads	\$ 12.15
Pyramid School Products	Floor Pads	\$ 12.15
Pyramid School Products	Floor Pads	\$ 12.15
Unipak	Toilet Tissue	\$ 31.69
Janitor Supply	Kitchen Towels	\$ 19.61
Janitor Supply	Rolled Paper Towels	\$ 17.38
Janitor Supply	Folded Paper Towels	\$ 18.45
Jamestown Soap	Hand Sanitizer	\$ 34.69
Janitor Supply	Hand Sanitizer	\$ 44.95
Jamestown Soap	Disinfectant/Sanitizer	\$ 82.30
Jamestown Soap	Detergent	\$ 88.40
Jamestown Soap	Laundry Detergent	\$103.95
Jamestown Soap	Laundry Additive	\$ 98.20
Jamestown Soap	Laundry Bleach	\$103.70

Ken Bush – Read the bid specifications for the above products. Mentioned that they received bids from 13 different companies for the above products – there were only 2 bidders that tried to bid for the majority of all of the items – there was no bidder that bid on all of the items. There was one item that nobody bid on.

Mr. Pingie – The 2 bidders that bid on the majority of the items – can that be awarded as a whole?

Mr. Hartle – In my opinion, no, you are better off accepting the lowest responsible bid on each item giving the maximum savings.

Mr. Pingie – Asked Ken if he had the bids broken down per item per contractor?

Mr. Bush – Yes, I have each item broken down by each bidder. Mentioned that in the bid specifications was the quantity for the year – he worked with Rob VanGorder and tried to come up with an average of each item they have used over the last 2 years. There are a lot of items listed that we may only order one case a year and there might only be one company that bid that item. Also mentioned that he has to purchase the paper dispensers and liquid dispensers from the same company he gets the paper towels and the liquid from in order for them to fit the dispensers.

Mr. DeMott – So we won't award a bid on the paper dispensers or the liquid dispensers?

Mr. Bush – No.

Mr. Pingie – So we can go through the bids item by item and award each item to what ever bidder was the lowest for that item?

Mr. Hartle – Yes that would be the way you should do it.

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 – Under the agreement from E & M Engineers – if there is a need for a change order for the Jail Project – who would generate the change order?

Mr. DeMott – It comes through the architects working with the contractors.

Mr. Pingie – Then it gets passed on to E & M Engineers if it is something that needs inspected.

Ms. Knight – Do they have to be approved by the Commissioners?

Mr. DeMott – Yes, they have to be approved by the Commissioners.

Ms. Knight - Have you have any change orders so far?

Mr. DeMott – We have had one – we added some additional drainage around the foundation.

Ms. Knight – Asked how the agreement with Jim Miller for representation in court-appointed cases will save the county money?

Mr. DeMott – The other attorneys in the county will still be representing clients and the contract with Mr. Miller is for roughly half of the hours that we use on an annual basis for defending attorneys so there will still be significant time available for other attorneys to be appointed to these cases and the flexibility of the decision on who to appoint rests with the Judge.

Ms. Knight – So it is now just a matter of Mr. Miller by default and only if he has a conflict?

Mr. DeMott – Last year the court used approximately 1,600 hours of lawyers time to fulfill this function – the contract will Mr. Miller is to supply 800 hours over this year

which leaves another 800 hours to be covered by other members of the bar. So the Judge has the flexibility to appoint whomever he feels would best represent an individual client.

Ms. Knight – So the Judge will be aware of the availability of Mr. Miller?

Mr. DeMott – Yes, he may assign a particular case to Mr. Miller or he may assign it to another attorney – it is based solely on the discretion of the Judge.

Ms. Knight – So why do you think that Mr. Miller will be assigned so often that he will earn his \$48,000?

Mr. DeMott – The Judge has agreed to do it and he is required to take up to 800 hours in his contract.

Ms. Knight – How can you make sure the Judge assigns him that many hours?

Mr. DeMott – That is completely up to the Judge.

Mr. Pingie – The Judge has already indicated to us that the 800 hours will be assigned to Mr. Miller.

Mr. DeMott – This is a program that was instituted by the Judge to both save some money and to relieve the pressure on the members of the bar who would like to have their representations diminish.

Ms. Knight – Then if this representation – this defense is not diligent and zealous and vigorous then it is kind of a walk in the park for the prosecutor.

Mr. Hartle – All attorneys are governed by the code of professional conduct.

Mr. DeMott – We are not here to judge the ability or the potential performance of any of the attorneys – it is strictly up to the Judge and the county has entered into the contract with Mr. Miller and I don't feel it is appropriate for us to discuss that at this point.

Ms. Knight – What would be the recourse of any client that was assigned to representation by Mr. Miller?

Mr. Hartle – They could appeal the representation?

Ms. Knight – And who would represent them in that?

Mr. Hartle – By whoever the Judge would appoint to the case.

Mr. DeMott – That is all beyond the scope of the Commissioners.

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