

September 23, 2008

McKean County Commissioners in regular session assembled on Tuesday, September 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, Elizabeth Splain, Kristin Safran, and Mary Williams.

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 August 26, 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.

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

1. Alcohol & Drug Abuse Services, Inc. - \$8,747.00 – representing a portion of their budget allotment for April 1 through June 30, 2008.
2. Northwest Engineering, Inc. - \$9,469.19 – representing payment for professional services rendered for the Boyer Bridge Project for the period ending August 31, 2008 - McKean Boyer Bridge Project Fund.
3. Office of Human Services - \$6,250.00 – representing their 1st quarter budget allotment for fiscal year 2008-2009.
4. Foster Township - \$11,090.00 – representing payment for their completed Liquid Fuel Project for the year 2008 – Liquid Fuel Fund.
5. YWCA - \$4,178.00 – representing the September payment for the 2008/2009 Homeless Assistance Program they administer for the county – Grants Public Welfare Fund.
6. Mt. Jewett Borough - \$2,251.00 – representing payment for their completed Liquid Fuel Project for the year 2008 – Liquid Fuel Fund.
7. Cox Surveying - \$7,070.00 – representing payment for professional services rendered for performing a survey of 2 parcels of land deeded to McKean County in 1942 known as the Elisha K. Kane Highway Forest.
8. Northwest Engineering, Inc. - \$10,037.13 – representing payment for professional services rendered for the McKean County Bridge Inspection Program for the period ending September 23, 2008 – 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 approve the following county aid applications for the year 2008.

1. Ceres Township \$5,623.00
2. Liberty Township \$9,284.00
3. Norwich Township \$2,895.00

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 issue real estate tax exemptions for the following properties.

1. University of Pittsburgh – 320 W. Corydon Street, Bradford, Pa. – Property used for activities relating to the educational Mission of the University.
2. City of Bradford – 24 State Street, Bradford, Pa. – Vacant land may be used for future redevelopment.
3. City of Bradford – 76 Bank Street, Bradford, Pa. – Structure will be demolished by the city.

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 Gregory and Terri Seal for the years 2006 and 2007 to correct an error in their assessment as it was erroneously assessed as a manufactured home instead of a double-wide.

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 Public Defender's Office. The cost is \$.011 per copy.

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 fax machine for the Juvenile Probation Department. The cost is \$315.00 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 cooperative agreement between the Pennsylvania Fish and Boat Commission and McKean County Juvenile

Probation Department to facilitate the Commission's payment of \$125,000.00 to the Boondocs 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 enter into a provider agreement with BioReference Laboratories for on site laboratory services 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 adopt the following resolution.

RESOLUTION 18 OF 2008

A RESOLUTION APPOINTING MACHINE INSPECTORS TO SERVE DURING THE GENERAL ELECTION-NOVEMBER 4th, 2008

WHEREAS, the McKean County Board of Elections is, pursuant to 25 P.S. 2641(b), comprised of the county commissioners of such county; and

WHEREAS, pursuant to 25 P.S. §2674, the County Board of Elections shall, prior to each primary and election, appoint for each additional voting machine to be used in such district, one qualified registered elector of the county to serve as machine inspector therein for such primary or election.

WHEREAS, the list of individuals listed on “Exhibit A” will receive election officer training and are willing to serve in this capacity;

WHEREAS, the McKean County Board of Elections, desire to appoint the individuals, listed on “Exhibit A”, as Machine Inspectors for the General Election scheduled on November 4th, 2008.

NOW THEREFORE, this 23rd day of September, 2008, the McKean County Election Board RESOLVES and enacts as follows:

1. The individuals listed on “Exhibit A” are appointed as Machine Inspectors to serve in this capacity during the General Election-November 4th, 2008.
2. The Director of Elections of McKean County is to provide training necessary for the appointed Machine Inspectors to carry out their duties.

“EXHIBIT A”

MACHINE INSPECTORS

General Election-November 4th, 2008

Annin Township	Marjorie Adams 2269 Annin Creek, Turtlepoint
Bradford City-2nd Ward	Susan Niegowski , 285 Congress St., Bradford
Bradford City-3rd Ward-2nd District	JoAnn Walter , 34 Harding Ave., Bradford
Bradford City-4th Ward	Patricia Rizzuti , 7 Jackson Ave., Bradford
Bradford City-6th Ward-1st District	Linda & Thelma Dent , 23 Glenwood Ave., Bradford
Bradford City-6th Ward-2nd District	Richard Cavallero , 26 Chamberlain Ave., Bradford
Bradford Township-1st District	Margaret Price , 113 Hemlock St., Bradford
Bradford Township-2nd District	Linda Slike , 650 W. Washington St., Bradford Barbara Smead , 925 W. Washington St., Bradford,
Eldred Township	Earl Albert Hand , 502 Slack Hollow Rd., Eldred
Foster Township-1st District	Maureen Watson , 425 Derrick Rd., Bradford
Foster Township-3rd District	Virgina Hinaman , 92 Tuna Cross Road, Bradford James L. Brown , 66 Derrick Rd., Bradford

Kane Borough-1st Ward

Kathryn Hillman, 16 S. Elk Ave.,
Kane

Kane Borough-3rd Ward

Rosella Marconi,
17 Hemlock Ave., Kane

Keating Township-1st District

Kerry Fetter,
1275 Dugout Rd., Smethport

Keating Township-2nd District

Richard C. Tanner,
2860 E. Valley Rd., Smethport

Liberty Township

Gertrude Whipkey,
183 Pleasant St., Port Allegany

Mount Jewett Borough

Patricia Keesler, 15 Poplar St.,
Mount Jewett

Smethport Borough

Rebecca Funk, 705 W. King St.,
Smethport

Wetmore Township

Betty Drake, 22 Grandview Rd.,
Kane

Mary Hanold, 188 School St., Kane

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 19 OF 2008

A RESOLUTION REGARDING “PASSIVE ELECTIONEERING WITHIN THE POLLING PLACE”

WHEREAS, the McKean County Board of Elections is, pursuant to 25 P.S. 2641(b), comprised of the county commissioners of such county; and

WHEREAS, the McKean County Board of Elections is in receipt of a memo from the Department of State in regard to “Passive Electioneering within the Polling Place” stating their advice during the 2008 General Primary election remains the same. “We believe that if such electioneering remains passive and the voter takes no additional action to attempt to influence other voters in the polling place, then the wearing of clothing or buttons would not constitute “electioneering” as that term is used in section 1220(c) of the Pennsylvania Code, 25 P.S. §3060(c)”.

WHEREAS, the term “electioneer” is not defined in the PA Election Code. Section 302(f) of the Election Code, 25 P.S. §2642(f), provides for the county boards of elections shall “make and issue such rules, regulations and instructions, not inconsistent with law, as they may deem necessary for the guidance of voting machine custodians, elections officers and elections.” 25 P.S. §2642(f). Furthermore, section 302(g) provides that the county boards of elections shall “instruct election officers in their duties...to the end that primaries and elections may be honestly, efficiently, and uniformly conducted.” 25 P.S. §2642(g).

WHEREAS, the McKean County Board of Elections primary concern is that no duly registered person be turned away at the polls.

WHEREAS, the McKean County Board of Elections believe there is an important distinction between individual voters who wear clothing or political buttons and those who are watchers at the polling place. Because watchers may be present throughout the day at the precincts and because voters cannot necessarily distinguish between watchers and district election officials the McKean County Board of Elections do prohibit watchers from wearing any clothing or political buttons that show or advocate the election of a candidate or candidates of a specific political party.

NOW THEREFORE, this 23rd day of September, 2008, the McKean County Election Board RESOLVES and enacts the following policy:

1. The wearing of clothing or buttons by the voters within the polling place will not constitute “electioneering” as that term is used in section 1220(c) of the Pennsylvania Code, 25 P.S. §3060(c), as long as such electioneering remains passive and the voter takes no additional action to attempt to influence other voters in the polling place.

2. Prohibit watchers from wearing any clothing or political buttons that show or advocate the election of a candidate or candidates of a specific political party.

3. The Election Director will instruct election officers in their duties as it pertains to this issue to ensure that all primaries and elections may be honestly, efficiently, and uniformly conducted.

George Petrisek – Is this something new?

Mr. DeMott – No, it is a clarification to the election officers at the polling place that are charged with enforcing the election laws. The question was posed by state officials as to how each county was going to interpret the state law. Judy Ordiway received correspondence from the state pointing out this issue and noting that we had to decide how we were going to deal with it.

Mr. Hartle – I think it is a balance between constitutional right for expression verses active electioneering.

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 provider agreements with Mary Buzard for the Department of Human Services.

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 the grant money McKean County received for recycling in the county as follows:

Annin Township	\$ 320.95
Bradford Township	410.07
Corydon Township	49.90
Eldred Township	201.15
Foster Township	3,251.12
Hamilton Township	37.61
Hamlin Township	4.57
Kane Borough	984.27
Keating Township	348.77
Lafayette Township	447.28
Lewis Run Borough	64.49
Liberty Township	2,516.08
Mt. Jewett Borough	115.58
Otto Township	9.88
Port Allegany Borough	8,184.49
Sergeant Township	18.91
Smethport Borough	363.37
Wetmore Township	49.00
Signs	5,000.00
Literature Boxes	280.00
Surveillance Cameras	800.00
Glass Collection Programs	11,000.00

Miscellaneous	162.51
Total	<u>\$34,620.00</u>

The above distribution was allocated by a formula devised by the Recycling Advisory Committee as follows: Base: Residential tons minus 15% plus any commercial tons minus 15% equal to residential x \$5.00 commercial. Any tons (after 15% residue is eliminated) over residential x \$10.00. Bonus: residential plus commercial x municipalities recycling rate x \$1.00. (The Commissioners chose to allocate one half of the grant money they received for recycling to the municipalities based on the formula created by the Recycling Advisory Committee and to use the other half of the funds for signs, literature boxes, surveillance cameras, glass collection programs, and miscellaneous to improve the recycling program around the county as listed above.)

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

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

RESOLUTION 20 OF 2008

Approval of the McKean County Industrial Development Authority

\$529,000 Tax-exempt Revenue Note, Series of 2008 for the

Bradford Ecumenical Home, Inc. Project

WHEREAS, the McKean County Industrial Development Authority, hereinafter referred to as "the Authority" is a body corporate and politic existing under the laws of the Commonwealth of Pennsylvania pursuant to the Pennsylvania Economic Development Financing Law, as amended, hereinafter referred to as the "Act";

WHEREAS, the Act, among other things, empowers authorities created thereunder to borrow money and to make and issue bonds, notes, and other evidences of indebtedness for the various purposes set forth in the Act and to secure payment of such bonds, notes and other evidences of indebtedness or any part thereof by pledge or deed of trust of all or any of its revenues and receipts;

WHEREAS, Bradford Ecumenical Home, Inc., a Pennsylvania non-profit corporation, intends to undertake a project consisting of roof replacement at its existing long-term care facility located in the City of Bradford, McKean County, Pennsylvania, hereinafter referred to as the "Project";

WHEREAS, in order to provide the funds for the Project, including a portion of the expenses incurred in the financing of the Project, the Authority has agreed to issue its tax-exempt note or notes, hereinafter referred to as the "Note", in the maximum principal amount of \$529,000;

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

1. That the Project, the issuance of the Note, and the undertaking and completion by the Authority of all other matters necessary or convenient for the conclusion of the Project and the financing described hereinabove are hereby approved and the Chairman is authorized and directed to execute the Certificate of Approval in the form to be presented to the Commissioners.
2. That nothing in this Resolution shall be construed to pledge the credit or taxing power of the County of McKean, Pennsylvania, nor shall such County be in any manner liable for any indebtedness arising out of this transaction.

CERTIFICATE OF APPROVAL

McKean County Industrial Development Authority Project Number – September, 2008

Applicant:	BRADFORD ECUMENICAL HOME, INC.	
Address:	100 St. Francis Drive	
	Bradford, Pennsylvania 16701	
Loan Amount:	\$529,000 (not to exceed)	

The undersigned, being the Chairman of the County Commissioners of the County of McKean, Pennsylvania, being authorized to do so, based upon information provided to the County Commissioners by the McKean County Industrial Development Authority, the Applicant, and others, and after a public meeting duly advertised and at which members of the public were afforded to opportunity to speak, does hereby certify that the creation and maintenance of jobs for McKean County residents is in the public interest. Based on these representations to us, the within Project is hereby approved; provided, however, that this approval shall be in no way a certification as to the tax exempt status of the obligations issued hereunder, or that any state or federal statute or regulation has or has not been fully complied with, or that the representation made to us to secure this approval are true.

Mr. Petrisek – Does the county end up with any responsibility or liability for this Note?

Mr. DeMott – No.

Mr. Hartle – That is spelled out in the last paragraph of the document – it states that noting in the Resolution shall be construed to pledge the credit or taxing power of the

County of McKean, Pennsylvania, nor shall such County be in any manner liable for any indebtedness arising out of this transaction.

Mr. DeMott – This would also be subject to the approval of the IDA – they are having a meeting as we speak.

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. Pingie – Pointed out that the Jail union has voted on the tentative agreement with the county for a zero percent increase in wages for the first year of a two year contract.

Mr. DeMott - There will be an adjustment in their seniority scale. We will be having our attorney look at that and when the formal document is ready we can ratify it.

Mr. Petrisek – How many people are covered under the jail agreement?

Mr. Pingie – About 12 or 13.

Mr. DeMott – Pointed out that they will be advertising for a couple of vacancies that will be occurring before the end of the year as Ben DeFibaugh is retiring as the Veteran Affairs Director and Mary Williams is leaving eventually and is currently working part time in the interim so we will be advertising for a Recycling Coordinator position and a Veteran Affairs Director.

Ms. Williams – Expressed her thanks to the Commissioners on their decision on allocating the recycling money for the county – feels the municipalities will be very satisfied with the allocation. Asked about the municipal waste ordinance concerning illegal dumping - what happens if the municipalities fine and follow through on people that are doing the illegal dumping – can they keep the money they collect in fines?

Mr. Pingie – Isn't it the responsibility of each municipality to adopt their own fines and penalties for illegal dumping because we don't have an enforcement officer to handle that. I would think it would be up to the municipality if they catch them to take them to the District Judge's Office.

Ms. Williams – Not all the municipalities have a waste or illegal dumping ordinance – the McKean County Municipal Waste Plan does have an ordinance that covers any dumping anywhere in the county – the fines are anywhere from \$300 to \$1000 and the cost of prosecution – the ordinance says that any fines would revert to the McKean County Solid Waste Authority – that is the way it is written – there is a clause when they wrote the plan in 2005 that says that if the McKean County Solid Waste Authority is no longer functioning that it reverts to the McKean County Commissioners.

Mr. Hartle – It is a two part question because the McKean County Solid Waste Authority is still active – someday it probably won't be.

Continued discussion ensued on illegal dumping.

Elizabeth Splain – Asked if the Commissioners had any plans for affordable housing for senior citizens only in the future?

Mr. Pingie – The McKean County Redevelopment Authority mainly handles the elderly housing in the county – I believe there is some construction of some homes in Bradford where the old sixth ward school was and I think that was for elderly housing and I don't know of any other projects they are currently working on. You could call Dusty Pantuso at the Redevelopment Authority and ask her that question.

Ms. Splain – I have talked to them once. I feel that the elderly are being driven out of their homes.

Mr. Pingie – I would advise you to call Dusty Pantuso again and she can provide you with any information she has available or any possible projects that may be intending to construct. We don't get into the actual construction of any of that – it is either handled by their office or individual contractors or builders.

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