

December 22, 2009

McKean County Commissioners in regular session assembled on Tuesday, December 22, 2009 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 Angie Tennes 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 10, 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 deny the request of John Archer to have his 2010 appeal decision made retroactive for the 2009 tax year.

Mrs. Tennes – Mentioned that the property was located in Mt. Jewett – the appeal board granted his 2010 appeal and then Mr. Archer wanted to have it applied to his 2009 assessment. She sent letters to Mt. Jewett Borough and the Kane Area School District with his request and received letters back from both municipalities stating that they were denying his request.

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. Lewis Run Borough - \$1,192.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
2. Liberty Township - \$9,272.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
3. Mt. Jewett Borough - \$2,251.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – 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 issue a real estate tax exemption for 2009 to the following:

1. Care for Children - .82 acres of land on 723 E. Main Street, Bradford, Pa. – Non-profit corporation – they are planning to build an administrative office, pre-school, health clinic and community center for children.
2. Norwich Township – 3.22 acres of land on 3855 W. Valley Road, Smethport, Pa. – owned by the municipality.

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 two individuals to the Headwaters RC & D Council for a one year term.

Debbie Lunden – Planning Representative  
James Clark – Commissioner’s Representative

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 Lawrence Stratton, Jr. to the McKean County Planning Commission for a four year term.

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 reappoint the following individuals to the North Central Pa. 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 Official)  
Debbie Lunden (Planning Rep.)  
Dr. Livingston Alexander (Education/Workforce Development Rep.)  
Tom Riel (City Rep.)  
Sara Andrews (Alternate Bfd. 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 North Central Pa. 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 Board 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 accept the interest quote of PNC Bank for 2.15 % for McKean County's 2010 Tax and Revenue Anticipation Note.

Mrs. Irons – Mentioned that the other quote the county received was from Northwest Savings Bank for 2.25 % to 2.55 %.

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 Systems (KOS) for a copy machine for the Treasurer's Office and for the Commissioner's Office. The cost of the agreement is \$336.00 per year for the Treasurer's office and \$334.80 per year for the Commissioner's Office.

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 service provider agreements with the following providers for the Department of Human Services.

MH/MR Contractual Agreement Extension - The Guidance Center

Purchase of Service Agreements

The Bair Foundation  
Children's Center  
Diakon Youth Services  
Kids Peace  
Laura Walker Project  
Laurel Youth Services  
Phoenix Youth Services  
White Deer  
Glade Run Lutheran Services

Clearbrook, Inc.  
The Bradley Center

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 2010 in the Commissioners meeting room, 500 West Main Street, Smethport, Pa. 10:00 AM on the second and fourth Tuesdays of each month during the year 2010 beginning with the month of February. The January meeting will be held on Tuesday, January 26, 2009 at 10:00 AM. 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 4, 2010 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. 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 2010, 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 22 OF 2009

#### 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 second and fourth Tuesdays of each month at 10:00 AM, during the calendar year.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. A quorum for the conduct of business shall consist of two members.
15. All members present shall vote on every question, either Yes, No or Abstain.
16. 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.
17. 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.
18. 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.
19. 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".

20. 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”.
21. 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 22<sup>nd</sup> day of December, 2009 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 23 OF 2009

#### A RESOLUTION ESTABLISHING THE SALARY FOR NON-BARGAINING UNIT AND BARGAINING UNIT COUNTY EMPLOYEES AND FOR THE ELECTED OFFICIALS FOR THE YEAR 2010

**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 2010 county budget; and

**NOW THEREFORE**, this 22<sup>nd</sup> day of December 2009, it is hereby **RESOLVED**

and enacted as follows:

1. That effective January 1, 2010, 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, 2010 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, effective January 1, 2010 shall receive an increase of three and a half per cent (3.5%).
4. That effective January 1, 2010, all elected officials shall receive a cost of living increase in the amount of one per cent (1%).

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

## **RESOLUTION 24 OF 2009**

### **ESTABLISHMENT OF REAL ESTATE AND PER CAPITA TAX RATES FOR THE YEAR 2010, AND ADOPTION OF THE BUDGET FOR THE YEAR 2010**

**WHEREAS**, the Board of Commissioners is required to establish tax rates for real estate and per capita taxes to be levied in the year 2010; 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 22<sup>nd</sup> day of December, 2009, the Board of Commissioners of McKean County hereby **RESOLVES** and enacts as follows:

1. That a tax levy for the year 2010 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 2010 is established at the rate of five dollars (\$5.00).
3. That with the above tax schedule as described, the budget for the year 2010 for McKean County, is hereby adopted.

It was noted that the total budget for the year 2010 is \$30,047,296.44.

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 2010 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 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, NATIONAL ASSOCIATION FOR THE PURCHASE OF THE NOTE; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the above-named Municipality, duly organized and subsisting as a political subdivision of the Commonwealth of Pennsylvania (the "Local Government Unit") anticipates the receipt of both current taxes and current revenues during the fiscal year ending December 31, 2010; and

WHEREAS, the Local Government Unit desires to borrow for the purpose of meeting current expenses by issuing a note, to be repaid from, inter alia, those taxes and revenues, all in accordance with the Local Government Unit Debt Act (the "Debt Act"), as codified by the Act of December 19, 1996, P.L. 1158, No. 177, as amended; and

WHEREAS, as required by Section 8126 of the Debt Act, the Chief Legislative Officer (being, as appropriate, the President or Chairman) and/or the Chief Administrative Officer (being, as appropriate, the Secretary, Chief Clerk or Manager), or their duly elected and acting successors on the Governing Body (being, as appropriate, the Board of Commissioners, the Council or the Board of Supervisors), with properly delegated authority (the "Designated Officers") of the Local Government Unit have, not more than thirty (30) days before the date on which this Note Resolution is being adopted and furthermore hereby confirm on this date, made an estimate, from taxes now levied and assessed and from other budgeted revenues, of the taxes and revenues to be received and the expenditures to be made during the period when the Note will be outstanding and have certified that estimate by a duly executed document (the "Certificate as to Collections and Expenditures"); and

WHEREAS, PNC Bank, National Association (acting either as principal for its own account, or as agent for the investment account of an unnamed principal, as it may choose) (the "Purchaser"), has submitted an acceptable proposal (the "Proposal") for the purchase of the Local Government Unit's Note;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body as follows:

Section 1 -- Authorization. The Local Government Unit hereby authorizes the issuance of a tax and revenue anticipation note in the principal amount and with the specific Terms (the "Note") stated in the foregoing and attached Certificate and Transmittal to the Department of Community and Economic Development.

Section 2 -- Form. The Note shall be designated "Tax and Revenue Anticipation Note, Series 2010." The Note shall be in the form of a single instrument, in a denomination equal to the principal amount. The Note shall bear interest at the applicable interest rate stated in the Terms on the principal amount thereof, payable at maturity.

The Note may be subject to redemption prior to maturity, in accordance with the Terms and the Purchase Proposal as set forth by PNC Bank, National Association, (and may be subject to the receipt by the Purchaser of the Cost of Prepayment, if any, as defined in the Note) will be in registered form, without coupons, will be negotiable and dated the date of delivery, and will be payable as to principal and interest on December 31, 2010 (unless subject to earlier redemption or prepayment), upon presentation by the owner to the Local Government Unit, in the coin or currency of the United States of America that is legal tender for the payment of public and private debts at the time and place of payment.

The exact form of the Note will contain an unconditional promise to pay the principal of and interest on the Note to the owner when due, will pledge, and grant a security interest in, the collateral identified in Section 5 of this Resolution, will recite the valid issuance of the Note under the Debt Act pursuant to proper corporate authority, will prohibit personal recourse against officials of the Local Government Unit, will certify proper achievement of all conditions precedent to the issuance of the Note and will designate the Note as a "qualified tax-exempt obligation" under Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 3 -- Execution and Delivery. The Note will be executed by the Chief Legislative Officer of the Governing Body and will have the corporate seal (or a facsimile thereof) of the Local Government Unit affixed thereto or printed thereon, duly attested by the Chief Administrative Officer. To the extent that any one signature on a Note is manual, the other signatures may be facsimile. The Designated Officers are further authorized and directed to deliver the Note to the Purchaser, upon the terms and conditions hereinafter and in the Proposal provided, receive the proceeds therefore, execute and deliver such certificates and other closing documents and take such other action as may be necessary or appropriate in order to effectuate the proper issuance, sale and delivery of the Note.

Section 4 -- Filing. The Designated Officer is hereby authorized and directed to certify and transmit copies of this Note Resolution, the Proposal and the Certificate as to Collections and Expenditures (which includes a calculation of the cumulative cash flow deficit calculated in accordance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and United States Treasury Department Regulation §1.148-6(d)(3)(iii)(B)), the contents of which are hereby approved, with the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

Section 5 -- Security. As security for payment of the Note, the Local Government Unit pledges and grants for the benefit of the owners, from time to time, of the Note, a first lien and charge on, and security interest in, all of the taxes, accounts and general intangibles, including "Total Revenues" (as defined in the Debt Act) to be received during the period that the Note will be outstanding, together with such amounts to be received during fiscal years subsequent to the year during which the Note is issued in the event that the Local Government Unit defaults on the payment of principal or interest on the Note.

The Local Government Unit hereby authorizes and directs the Purchaser to file a financing statement pursuant to the Uniform Commercial Code to perfect the security interest hereby created. All expenses of such filing shall be borne by the Local Government Unit.

In the event of any default on the Note or hereunder, the Local Government Unit agrees to pay the reasonable expenses of the Purchaser (including court costs and attorney's fees) incurred in collecting the amounts due.

Section 6 -- General Obligation. The Note issued pursuant to this Note Resolution shall be a general obligation of the Local Government Unit. The Local Government Unit hereby covenants with the owners from time to time of the Note that if funds are not available for the full payment of the Note within the fiscal year in which issued, then the Local Government Unit will either (1) include the amounts necessary to pay the Note in its budget for the next fiscal year, pursuant to Section 8125 of the Debt Act, to the extent then permitted by applicable law; (2) fund such amounts within the next fiscal year in accordance with Sections 8129 and 8130 of the Debt Act; or (3) provide for payment of the Note by any combination of (1) and (2), in all events, upon notice to and with the consent and agreement of the Purchaser, and provided furthermore that in such an event of default, if the Local Government Unit shall have executed and delivered certain credit, collateral and/or security application(s) or agreement(s) pursuant to Section 10 hereof, the general obligation pledge of payment made by this Section 6 shall include and encompass all amounts in addition to stated principal and interest due in respect of the Note by the terms of such credit agreements and shall conform to the manner and procedures for payment, if any, set forth therein, or provided at the direction of the Purchaser, either as owner or subrogee of the Note.

Section 7 -- Tax Covenants. (a) The Local Government Unit hereby covenants with the owners from time to time of the Note that it will make no use of the proceeds of the Note which, if such use had been reasonably expected on the date of issue of the Note, would have caused the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code and the Regulations thereunder and that it will comply with the requirements of the Code and the Regulations throughout the term of the Note.

(b) If the principal amount of the Note, plus the principal amount of all other tax-exempt obligations issued and to be issued by the Local Government Unit, or by a subordinate governmental unit within its jurisdiction, during the calendar year in which the Note is to be issued, exceeds \$5,000,000, and if the gross proceeds of the Note are invested at a yield greater than the yield on the Note and are not expended, or deemed to have been expended pursuant to in Section 148(f)(4)(B)(iii) of the Code, within six (6) months from the date of issuance, the Local Government Unit covenants that it will rebate to the U.S. Treasury, within sixty (60) days after the maturity date of the Note, that amount of investment income on the Note proceeds which exceeds the amount which would have been earned had the Note proceeds been invested at a yield equal to the yield on the Note.

(c) The Local Government Unit hereby designates the Note as a Qualified Tax-Exempt Obligation pursuant to Section 265(b)(3) of the Code and represents and covenants that the total amount of its obligations so designated and to be designated during calendar year 2010 does not and will not exceed \$30,000,000.

Section 8 -- Award. The Note is hereby awarded and sold at private sale by negotiation to PNC Bank, National Association, at par, in accordance with the Proposal and its Terms as set forth in the foregoing and attached Certificate and Transmittal, which, as presented at this meeting, is hereby accepted and directed to be executed by the Designated Officers. The Local Government Unit shall pay the Origination Fee, if any, set forth in the Terms.

Section 9 -- Costs. All notice, filing and legal fees (except Note Counsel to the Purchaser, if any) properly incurred in connection with issuance of the Note will be paid by the Local Government Unit. The Designated Officers are hereby authorized and directed to pay all such reasonable expenses at the time of Settlement on the Note.

Section 10 -- Letters of Credit; Guaranty of Payment; Subrogation. The Local Government Unit acknowledges the right of the Purchaser to negotiate some or all of the Note to subsequent third-party owners, from time to time, and at any time, during the term of the Note. Moreover, the Local Government Unit recognizes that the Purchaser may choose, in its absolute discretion and at its own cost, to provide letters of credit, put agreements, collateral accounts and such other and similar guarantees of payment by the Purchaser to the third-party owner as may be necessary to facilitate the negotiation of the Note to the subsequent owners. In consideration of the beneficial interest rate afforded the Local Government Unit by the increased and facilitated marketability of the Note, and in such event, the Local Government Unit agrees, and the Designated Officers are hereby

directed, to execute and deliver any and all credit, collateral and security application(s) and agreement(s) as may be necessary in the reasonable discretion of the Purchaser and according to its standard business practices to provide further assurance to the Purchaser of its rights, either as owner or subrogee under a guaranty arrangement, to receive payment in full of the principal of and interest on the Note (and any other amounts due in respect thereof under the term of such credit agreement) when due. In the event any payment of principal or interest or both is made to any owner of any Note by a draw on a letter of credit issued by, or other guaranty of payment made by, the Purchaser such payment will not extinguish the obligations of the Local Government Unit under such Note; the Purchaser shall become the owner/subrogee of the Note with full rights to enforce payment of the amounts due in respect of the same.

Section 11 -- Note Resolution a Contract. This Note Resolution is a contract with the owners, from time to time, of the Note.

Section 12 -- Inconsistent Actions. All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

DULY ADOPTED at, and recorded in the minutes of, a properly constituted meeting of the Governing Body of the Local Government Unit held on the date set forth in the Certificate and Transmittal.

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

Moved by M r. Pingie, seconded by Mrs. Church, to accept the quote of Burns and Burns Associates in the amount of \$60,762.00 for the county's workers compensation premium.

It was noted that the county also received a quote from the Pennsylvania Counties Workers' Compensation Trust (PCOMP) – a program of the County Commissioners Association of Pennsylvania in the amount of \$74,370.00.

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

Moved by Mr. DeMott, seconded by Mr. Pingie, to table the decision 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.

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 proclamation.

**Whereas:** The Honorable Wanita H. Lane has faithfully served the people of McKean County for Thirty Five (35) years as Jury Commissioner, and

**Whereas:** The Honorable Wanita H. Lane has served the people of McKean County with dignity, honor, loyalty and dedication, and

**Whereas:** Your exemplary performance has been a benefit both to the Court System and to the Citizens of McKean County, and

**Whereas:** The Honorable Wanita H. Lane has elected to retire, and

**Now Therefore:** The McKean County Commissioners for themselves and all the people of McKean County do hereby extend best wishes to the Honorable Wanita H. Lane for a long, healthy and happy retirement and also extend our sincere appreciation to her for her 35 years of service to the County of McKean.

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 adjourn the meeting.

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

Chief Clerk