

May 11, 2010

McKean County Commissioners in regular session assembled on Tuesday, May 11, 2010 at 10:00 AM in the Commissioners meeting room. Present were Commissioners Joseph DeMott, Al Pingie, and Judy Church, Chief Clerk, Audrey Irons, Solicitor, Dan Hartle. Also present were Bob Bosworth, Kyle Thompson, Ken Bush, 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 April 27, 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 replacement of the courthouse front steps; and

WHEREAS, the followings bids were received:

1. C.D.M.S. Architectural & Engineering Consultants, 156 Hemlock Road, St. Marys, Pa. 15858 - \$37,514.00 plus \$2,471.00 if it is necessary to replace both of the top side slabs.
2. Bob Cummins Construction Co., 50 Songbird Road, Bradford, Pa. 16701 - \$48,268.00
3. Carl E. Swanson & Sons, Inc., Hilton Street, Box 172, Bradford, Pa. \$69,000 plus \$18,800.00 if it is necessary to replace both of the top side slabs.

NOW, THEREFORE BE IT RESOLVED that the McKean County Commissioners close the bids and defer action on accepting or rejecting said bids until later in the meeting to give Ken time to review the bids.

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

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 bids for

the new heating, ventilating and air conditioning system (HVAC) replacement for the small courtroom, and

WHEREAS, the following bids were received:

1. Highlander Energy Products, Inc., 98 South Fraley Street, Kane, Pa. 16735 - \$16,865.00.
2. Johnson Controls, Inc., 4837 Pittsburgh Avenue, Erie, Pa. 16509 \$24,348.00.

NOW, THEREFORE BE IT RESOLVED that the McKean County Commissioners close the bids and defer action on accepting or rejecting said bids until later in the meeting to give Ken time to review the bids.

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

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 county aid application for Norwich Township in the amount of \$2,891.00 for the year 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 accept the bid of Zook Motors, Inc. in the amount of \$22,686.25 for purchasing a new SUV vehicle for the Juvenile Probation Department.

It was noted that the other bid that was received for the vehicle was from Bradford Fairway Sales & Leasing in the amount of \$25,600.00.

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 adopt the following resolution.

**RESOLUTION NO. 5 OF 2010
MCKEAN COUNTY COMMISSIONERS
2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, under P.L. 906, No. 179, of Pennsylvania's Community Development Block Grant Program for Non-Urban Counties and Certain Other Municipalities, dated October 11, 1984, the Small Communities Program became an entitlement program, and

WHEREAS, according to this Act, the County of McKean is allocated \$272,615 of the Commonwealth's Community Development Block Grant **(CDBG)** Program from the Federal Department of Housing and Urban Development, for fiscal year 2010, and

WHEREAS, the McKean County Commissioners have reviewed the requests for funding presented by the 19 non-entitlement municipalities throughout the County and the Borough of Kane, and

WHEREAS, the McKean County Commissioners have determined that the best use of these entitlement funds would be to authorize the following Activities:

OTTO TOWNSHIP	\$ 24,621	Otto Township VFD Fire Hose (51.11% LMI)
	\$ 15,926	Otto Township Park Improvements (51.11% LMI)
LAFAYETTE TOWNSHIP	\$15,000	Lafayette Township Municipal Building Unisex Handicapped Accessible Restroom (100% LMI)
HAMILTON TOWNSHIP	\$ 9,019	Wildcat Park – Charles Evans Pavilion Drainage, Walkway & Parking Lot Improvements (54.95% LMI)
SERGEANT TOWNSHIP	\$55,257	Clermont VFD New Chassis for Rescue Vehicle (52.88% LMI)
FOSTER TOWNSHIP	\$24,922	Riley Road and Foster View Drive Paving and Parking Improvement Project (100% LMI)
	\$15,000	Rew VFD – Thermal Imaging Camera (54.35% LMI)
ELDRED TOWNSHIP	\$30,599	Eldred Township VFD Emergency Backup Generator (51.76% LMI)
NORWICH TOWNSHIP	\$19,557	Norwich Township Park Playground System (53.3% LMI)
SMETHPORT BOROUGH	\$13,644	Smethport Sr. Center Building Improvements (100% LMI)

WHEREAS, it is understood that the balance of funds will be used to

administer the program, and

WHEREAS, the McKean County Commissioners have also reviewed and hereby approve the McKean County Three-Year Plan, and

NOW, THEREFORE, BE IT RESOLVED that the McKean County Commissioners herein authorize the Redevelopment Authority of the County of McKean to file the appropriate application with the Pennsylvania Department of Community and Economic Development to secure these funds on behalf of the 19 non-entitlement municipalities and the Borough of 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 NO. 6 OF 2010
BOROUGH OF KANE
2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, under P.L. 906, No. 179, of Pennsylvania's Community Development Block Grant (**CDBG**) Program for Non-Urban Counties and Certain Other Municipalities, dated October 11, 1984, the Small Communities Program became an entitlement program, and

WHEREAS, according to this Act, the Borough of Kane is "entitled" to \$105,379 from the 2010 Community Development Block Grant Program, and

WHEREAS, in accordance with Act 179, applications for eligible entitlement boroughs, towns and townships with populations less than 10,000 will be submitted by Counties, and

WHEREAS, the McKean County Commissioners and the Borough Council of Kane has determined that the best use of these entitlement funds would be to authorize the following activity:

KANE BOROUGH	\$ 25,000	Spot Demolition (Slums & Blight)
	\$ 15,000	Evergreen Park Electric & Lighting (56.14% LMI)
	\$ 46,411	Evergreen Park Creative Playground Replacement (56.14% LMI)

WHEREAS, it is understood that the balance of the funds will be used to administer the program, and

WHEREAS, the McKean County Commissioners have reviewed and hereby

approve the Borough of Kane's Three-Year Plan, and

NOW, THEREFORE, BE IT RESOLVED that the McKean County Commissioners herein authorize the Redevelopment Authority of the County of McKean to file the appropriate applications with the Department of Community and Economic Development to secure these funds on behalf of the Borough of 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 NO. 7 OF 2010
MCKEAN COUNTY COMMISSIONERS
FAIR HOUSING RESOLUTION**

LET IT BE KNOWN TO ALL PERSONS of the County of McKean that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Pennsylvania Human Relations Act. It is the policy of McKean County to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex, national origin, handicap or disability, or familial status (families with children). Therefore, the McKean County Commissioners do hereby pass the following resolution:

BE IT RESOLVED, that within available resources, the McKean County Commissioners will assist all persons who feel they have been discriminated against because of race, color, religion, ancestry, sex, national origin, handicap, disability or familial status (families with children) to seek equity under federal and state laws by filing a complaint with the Pennsylvania Human Relations Commission of the U.S. Department of Housing and Urban Development, and

BE IT FURTHER RESOLVED, that the McKean County Commissioners shall publicize this Resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the Pennsylvania Human Relations Act, and any local laws or ordinances, and

FURTHER PUBLICITY will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

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. 8 OF 2010
MCKEAN COUNTY COMMISSIONERS
DISPLACEMENT POLICY

WHEREAS, on June 8, 1992, the McKean County Commissioners adopted an amended Displacement Policy which indicated that the Redevelopment Authority of the County of McKean would not, as a general policy, undertake activities which would involve the permanent involuntary displacement of residents unless such activities are considered to be in the best interest of the Municipality and/or the County of McKean, and

WHEREAS, said policy provided that if any displacement would take place, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 would be adhered to, and

WHEREAS, said Displacement Policy will be applied to the 2010 Community Development Block Grant allocation for McKean County and the Borough of Kane entitlement.

NOW, THEREFORE, BE IT RESOLVED that the McKean County Commissioners on behalf of the McKean County and the Borough of Kane Community Development Block Grant entitlement, herein adhere to the adopted June 8, 1992 Displacement Policy to meet the necessary relocation requirements relative to the Community Development Block Grant 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 adopt the following resolution.

RESOLUTION NO. 9 OF 2010
McKEAN COUNTY COMMISSIONERS

GRANTEE'S STATEMENT OF GOALS

NATIONAL PROGRAM FOR
MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

EXECUTIVE ORDER 11625

1. McKean County hereby sets as its goal for utilization of minority and women owned businesses through its contracts for public works, site clearance

and demolition, supplies and services, a goal of .5 percent for the 2010 Community Development Block Grant Program. This percentage will be utilized by the Grantee's administering agency, the McKean County Redevelopment Authority.

2. As part of the preparation of the contract documents, McKean County will analyze the specific construction, site clearance and demolition projects and will determine for each specific contract, a goal and percentage amount which represents in the judgment of McKean County and/or the McKean County Redevelopment Authority as to the maximum feasible involvement of minority and/or women owned businesses. Thus, individual projects may vary from the stated percentage goal. It is expected during the course of the year, however, that the total volume awarded to minority and/or women owned businesses will approximate goals stated above.

3. If applicable, the Redevelopment Authority of McKean County is familiar with the McKean County Affirmative Action Program for Minority and/or Women Owned Business Enterprise and will comply with the plan in all contracts for public works, supplies and services funded by the Community Development Block Grant Program.

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

Mrs. Church – Mentioned that the Commissioners will be presenting checks within the next few days to the senior centers, to the McKean County Fair Association, and to the McKean County Historical Society for their 2010 budget allotments.

Martha Knight – How much are these for – are they the same as last year?

Mrs. Church – The senior centers each receive \$8,000.00; the McKean County Fair Association will receive \$10,000.

Ms. Knight – Have you given the fair association that kind of help before?

Mrs. Church – No.

Ms. Knight – So this is a new thing then for the fair?

Mrs. Church – Yes, because they had their state funding cut so bad that they needed some extra money so we were able to put that in our 2010 budget.

Ken Bush – His recommendation for the courthouse front steps project would be to award the bid to C.D.M.S. Architectural & Engineering Consultants as they were the low bidder and they do meet the bid criteria and their bid is in the amount of \$37,514.00 and for Option 1 their bid is in the amount of \$2,471.00 - Option 1 is in case it is necessary to replace the two head ins on each end of the steps – if one breaks when they tear it apart they

will need to replace it and if we have to replace one side then we need to replace both sides so they look the same – if they tear it apart and it doesn't break Option 1 does not come in to effect. His recommendation for the HVAC Project for the small courtroom would be to award the bid to Highlander Energy Products as they were the low bidder and their bid is in the amount of \$16,865.00. Mentioned that both of the quotes came in under what he had anticipated.

Moved by Mr. Pingie, seconded by Mrs. Church, to award the bid to C.D.M.S. Architectural & Engineering Consultants in the amount of \$37,514.00 with a possible addition of \$2,471.00 for Option 1 for the courthouse front steps project and to award the bid to Highlander Energy Products in the \$16,865.00 for the HVAC Project for the small courtroom.

Mr. Pingie – Asked Ken if they had a time frame for starting the projects?

Mr. Bush – Either one of these projects will start immediately. The front steps will take 7 to 10 days once they start the project to complete and it will be maintained so we can still use the front entrance during the whole construction phase of the steps. We do not want to shut the front entrance down for the public.

Mr. Pingie – Do we have any use for the old steps that will be taken out?

Mr. Bush – We will have to see what they look like when they come out – they may come out in pieces which we could use as stone fill or we may be able to use them for curb edging, etc.

Mr. DeMott – We might be able to use them down at the Route 6 properties across the parking lot.

Mr. Bush – We won't know until they start to remove them.

Mr. DeMott – Mentioned that he talked to Keith Howard the other day – he is the contractor that put in the lower steps and he mentioned they should be sealed.

Mr. Pingie – They should be sealed about every five years or every couple years.

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 – Can you explain the Fair Housing Resolution you adopted at the meeting today? Are you admitting that you have been discriminating and tolerating it?

Mr. DeMott – No, we are required to reaffirm our commitment for Fair Housing from time to time – it is part of the CDBG program.

Ms. Knight – One of the resolutions talks about the displacement policy you had before and now you have this one and you are going to adhere to it and so forth – I guess that doesn't mean that you haven't been adhering to it.

Mr. DeMott – I think this goes back to the urban renewal efforts of the 60's and 70's and one of the problems with that was they were displacing entire neighborhoods of people as they were redeveloping old areas and building stadiums and arenas and office complexes, etc. – and so I believe this was adopted back in that era to say that there are rules and regulations and some considerations that you have to give people under the Fair Housing Law.

Ms. Knight – Like if you tore down an old tenement to make a new tenement?

Mr. DeMott – Right and like in Pittsburgh where they tore down 20 square blocks of the Hill district and built a civic arena there – the question is where did all those people go and that is what these regulations pertain to is trying not to displace people as things are developed especially when using federal money.

Ms. Knight – Are you going to publicize this to make sure people know about these regulations and how do you publicize it?

Mrs. Irons – The Redevelopment Authority handles that.

Ms. Knight – Do you know if they have a brochure about this?

Mr. Pingie – You can check with them.

Ms. Knight – Noticed that the Redevelopment Authority was going to be taking bids for somebody to do some rehabbing for a bunch of different places like housing units for one and for a commercial property and it had to do with a property on North Main Street – the former barber shop – I asked what it was for – whether it was for housing upstairs and they talked about a partnership thing they had originally talked about partnering with the Potter County Education Council to make some kind of community kitchen which was to be a commercial enterprise where different individuals maybe would make food and sell it.

Mr. DeMott – The problem is, say for example, if you had a product that you wanted to make in your home to sell to grocery stores, etc. they have to be prepared in a licensed inspected kitchen to meet the state food quality laws so the idea was that a lot of people couldn't afford to put in a commercial kitchen themselves for whatever product so the idea was that they would make this space and then local people could use that kitchen to produce food that they could legally sell – that was the concept. I don't know where that stands at the

moment.

Ms. Knight – They lost their partner. I think the Ed Council almost lost all their funding last year and then managed to grab onto some of it – I know they had to let staff go, etc. I didn't realize that Redevelopment does businesses.

Mr. DeMott – I think it is more at the redevelopment end than the housing end.

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

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

Chief Clerk

