

**October 27, 2009**

**McKean County Commissioners in regular session assembled on Tuesday, October 27, 2009 at 10:00 AM in the Commissioners meeting room. Present were Commissioners Joseph DeMott and Al Pingie, Chief Clerk, Audrey Irons, and County Solicitor, Dan Hartle. Also present were Kathy Roche, Angie Tennies, 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 Mr. DeMott, to approve the minutes of the October 15, 2009 meeting.**

**Vote on the above resolution, DeMott – yes. Pingie – yes. Two – yeas. No – nays. Carried.**

**Mr. DeMott – Opened the meeting for public comment.**

**No public comment.**

**Moved by Mr. Pingie, seconded by Mr. DeMott, to approve payment of the following invoices:**

1. A. L. Blades & Sons, Inc. - \$96,552.25 – representing payment for Boyer Crossing Bridge Project for the period ending October 16, 2009 – McKean Boyer Bridge Project Fund.
2. Bradford City - \$16,843.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
3. Bradford Township - \$10,899.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
4. Corydon Township - \$1,327.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
5. Kane Borough - \$7,817.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
6. Norwich Township - \$2,895.00 - - representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
7. Smethport Borough - \$7,396.00 – representing payment for their completed Liquid Fuel Project for the years 2008 and 2009 – Liquid Fuel Fund.
8. Wetmore Township - \$6,071.00 – representing payment for their completed Liquid Fuel Project for the year 2009 – Liquid Fuel Fund.
9. Northwest Engineering, Inc. - \$19,680.00 – representing payment for professional services rendered for the Galico Bridge Replacement Project for the period ending October 18, 2009 – Galico Bridge Project Fund.

10. Northwest Engineering, Inc. - \$42,314.00 – representing payment for professional services rendered for the Boyer Crossing Bridge Replacement Project for the period ending October 18, 2009 – McKean Boyer Bridge Project Fund.
11. IA Construction Corporation - \$23,716.88 – representing payment for the Allen Street Bridge Paving Project – Liquid Fuel Fund.
12. YWCA - \$20,890.00 – representing the July through November payments for the 2009/2010 Homeless Assistance Program they administer for the county – Grants Public Welfare Fund.
13. Area Transportation Authority - \$12,099.00 – representing the 1<sup>st</sup> quarter advance payment for the Medical Assistance Transportation Program they administer for the county – Grants Public Welfare Fund.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to approve a county aid application for Liberty Township in the amount of \$9,272.00 for the year 2009.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to enter into a service provider agreement with the County of Tioga for the Department of Human Services.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to award the proposal to E & M Engineers and Surveyors, PC for Special Inspection Services for the McKean County Jail Project. The estimated fee for this work is \$23,500.00.

The other proposal that was received was from SJB Services, Inc. who quoted hourly rates, etc. for their different services.

Mr. Pingie – I would prefer going with a set amount rather than an open checkbook.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to award the bid to Falk Construction in the amount of \$12,168.26 for the window replacement project for the old county home building that houses the Planning Commission, Soil and Water Conservation, Economic Development and Recycling Offices subject to review by the county solicitor and the construction manager for the project.

Other bids that were received for the project were as follows:

Hammer and Nail Contracting - \$19,326.80  
Carl E. Swanson & Sons, Inc. - \$30,700.00

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to accept offers from the following individuals for purchasing property from the McKean County Repository for unsold property.

Bidder	Address	Bid Amount
Richard Middaugh	143 E. Main Street Bradford, Pa.	\$ 261.00
Richard Middaugh	Rockland Avenue Bradford, Pa.	\$ 651.00
Richard Middaugh	233 Jackson Avenue Bradford, Pa.	\$1,010.00
Richard Middaugh	32 High Street Bradford, Pa.	\$1,010.00
Blaine Puller	Sackett Hollow Rd. Norwich Township	\$ 50.00
Eddie Arnold	Summit Road Foster Township	\$ 250.00
Richard Smith	Looker Mt. Trail Lot 11, Rixford, Pa.	\$ 50.00
Richard Smith	Looker Mt. Trail Lot 17, Rixford, Pa.	\$ 50.00
Richard Smith	Looker Mt. Trail Lot 22, Rixford, Pa.	\$ 50.00
Michael Cahill	2 Collins Court Bradford, Pa.	\$ 250.00
Jim & Mary Amacher	44 Maplewood Avenue Bradford, Pa.	\$ 251.00

Lisa Nichols	256 N. Branch Road Eldred, Pa.	\$ 50.00
Eddie Arnold	Wilson Avenue Port Allegany, Pa.	\$ 250.00

Kathy Roche – Mentioned that the \$50 bids were for mobile homes that the property owners want to demolish from the property. The bid from Jim & Mary Amacher was an exception from the normal requests for purchasing property from the county repository as they have already demolished the building on the property. The property that Lisa Nichols is requesting to purchase was previously approved for sale in January of this year by Steven and Jennifer Mentz who never paid for it so I contacted Lisa Nichols the second highest bidder to see if she was interested and processed her bid. I did receive a higher bid for the property on Wilson Avenue for \$251.00 from AVS Properties, but in researching their company I found a listing in the Arkansas Corporation Bureau for them showing that their license has been revoked – I have no way of knowing if this is the same entity, but however, I believe we should err on the side of caution and accept the lower bid.

Mr. DeMott – Thanked Kathy for all her research and work on getting the bids.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to adopt the following resolution.

**RESOLUTION NO. 18 OF 2009**

**DECLARING THE OFFICIAL INTENT OF MCKEAN COUNTY, PENNSYLVANIA  
TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS  
OF BONDS TO BE ISSUED BY THE COUNTY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the County expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond;

WHEREAS, the County has determined to make this declaration of official intent (“Declaration”) to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MCKEAN COUNTY, PENNSYLVANIA AS FOLLOWS:

1. The County proposes to undertake the (i) Renovations and Improvements to the McKean County Jail, and (ii) Renovations and Improvements to the McKean County Courthouse (collectively, the “Project”).

2. The County reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of bonds in an estimated maximum principal amount of \$4,000,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of the lesser of \$100,000 or 5% of the issue; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the County based on the facts and circumstances known to the County as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the bonds described in paragraph 2 are consistent with the County’s budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the County are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the County’s budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to adopt the following resolution.

## **RESOLUTION 19 OF 2009**

**A RESOLUTION DESIGNATING THE MCKEAN COUNTY INDUSTRIAL DEVELOPMENT COUNCIL, INC. AS THE INDUSTRIAL DEVELOPMENT ORGANIZATION FOR MCKEAN COUNTY FOR FISCAL YEAR 2009-2010**

**WHEREAS**, the General Assembly of the Commonwealth of Pennsylvania has enacted and amended the Industrial Development Assistance Law for the purpose of promoting the welfare of the people of the Commonwealth by the rendering of financial assistance to industrial development organizations engaged in promoting the development and expansion of business, industry and commerce in the respective counties of the Commonwealth; and

**WHEREAS**, pursuant to the provisions of the Industrial Development Assistance Law, only one such industrial development organization shall be designated and qualified in each county to receive such financial assistance in accordance with the provision of said law; and

**WHEREAS**, to so qualify for such financial assistance an industrial development organization must be designated for that purpose by the Board of County Commissioners of the county which such industrial development organization is to represent; and

**WHEREAS**, the McKean County Industrial Development Council, Inc., with its principal office at 17137 Route 6, Smethport, PA 16749 has been designated by the Board of Commissioners of the County of McKean to be the industrial development organization to represent said county for the purposes of the Industrial Development Assistance Law.

**NOW THEREFORE**, this 27<sup>th</sup> day of October 2009. it is hereby **RESOLVED** and enacted as follows:

That the McKean County Industrial Development Council, Inc., is hereby designated as the Industrial Development Organization for the County of McKean to receive the Local Economic Development Assistance Program (LEDA) funds for McKean County, with full power and authority to represent said county in all matters relevant to and for all purposes of the Industrial Development Assistance Law subject to the approval of the Pennsylvania Department of Community and Economic Development for fiscal year 2009-2010.

Mr. DeMott – This is a designation that we have to make so they can receive state funding.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to enter into a construction agreement with Lobar, Inc. for the McKean County Jail Project subject to our solicitor's review of the agreement.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to accept the quote from Ohio Casualty in the amount of \$2,404.00 for providing construction insurance for the McKean County Jail Project.

Mr. Pingie – Stated that buying the coverage directly for the county would cost less than having the contractor obtain the coverage and bill the county for the premium.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to accept the quote from CCAP Insurance Program in the amount of \$15,712.00 for providing the renewal coverage for the tax collectors for McKean County for a four year period effective January 1, 2010 through December 31, 2013.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to adopt the following resolution.

#### RESOLUTION 20 OF 2009

#### AUTHORIZATION TO PROCEED WITH SECURING A TAX REVENUE ANTICIPATION NOTE

**WHEREAS**, during the months of January and February of each year the County experiences a negative cash flow due to the fact that revenues from the upcoming year's real property assessment are not yet payable; and

**WHEREAS**, the Local Government Unit Debt Act recognizes this to be an annual occurrence and provides a procedure for the securing of a Tax Revenue Anticipation Note; and

**WHEREAS**, the Board of Commissioners desires to secure a Tax Revenue Anticipation Note in an amount not to exceed \$3.5 million dollars which pursuant to the Local Government Unit Debt Act will be repaid within the current fiscal year.

**NOW THEREFORE**, this 27<sup>th</sup> day of October the Board of Commissioners of McKean County hereby **RESOLVES** and enacts as follows:

That the Board of Commissioners is authorized and directed to commence the procedures necessary to secure a Tax Revenue Anticipation Note for the 2010 fiscal year.

Mr. DeMott – Stated that the county may not need to borrow that much money – asked Dan if there was a problem with adopting the resolution as it is worded?

Mr. Hartle – No.

Mrs. Irons – The resolution states “not to exceed \$3.5 million dollars”.

Mr. DeMott – Okay.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to deny a request from Daniel & Sandra O’Brien for proration of their 2008-2009 property taxes on property they own at 17 Forman Street, Bradford, Pa. The Commissioners are in agreement with the existing policy in use by the assessment office, since there is no interim tax billing; a structure existing at the beginning of the year is taxed for that year.

Mrs. Tennes – Upon your written decision, I will notify the O’Brien’s that their request has been denied.

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

Moved by Mr. Pingie, seconded by Mr. DeMott, to approve the request from PennDot to receive a complimentary copy of the entire McKean County Tax Parcel GIS data layer for their use.

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

Mr. DeMott – Opened the meeting for public discussion.

Martha Knight – Asked what the agreement with the County of Tioga was for?

Mr. DeMott – It is for providing residential services for juveniles for the Department of Human Services.

Ms. Knight – Under what circumstances are individuals placed in their facility?

Mr. DeMott – These are court ordered placements.

Ms. Knight – The bids you received for the window replacement project – wasn’t there quite a bit of disparity between the bids?

Mr. DeMott – Yes, we will have to review the bids with our construction manager to make sure we are comparing apples to apples.

Moved by Mr. Pingie, seconded by Mr. DeMott, to adjourn the meeting.

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

Chief Clerk