

April 28, 2009

McKean County Commissioners in regular session assembled on Tuesday, April 28, 2009 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, George Petrisek, Martha Knight, and John Weible.

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 9, 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.

M oved by Mr. Pingie, seconded by Mrs. Church, to approve payment of the following invoices:

1. YWCA - \$4,178.00 – representing the April payment for the 2008/2009 Homeless Assistance Program they administer for the county – Grants Public Welfare Fund.
2. Area Transportation Authority - \$313,247.00 – representing the 2nd quarter actual and 4th quarter advance payment for the Medical Assistance Transportation Program they administer for the county – Grants Public Welfare Fund.
3. Northwest Engineering, Inc. - \$7,465.38 – representing payment for professional services rendered for the Galico Bridge Replacement Project for the period ending April 19, 2009 – Galico Bridge Project 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 real estate tax refunds to the following individuals for the year 2009.

1. Albert & Karen Bokma - \$87.72 – Property was combined with another parcel.
2. Jeffrey Shrubbs - \$31.93 – Property was adjusted per a formal appeal.
3. Tammy Bressler - \$16.01 – Property was adjusted per a formal appeal.

4. Duane & Stephanie Wolfe - \$980.14 – Property was adjusted per a formal appeal.
5. Bruce & Tammy Ireland - \$387.43 – Property was adjusted per a formal appeal.
6. Twin Tier Enterprises, Inc. - \$121.27 – Property was adjusted per a formal appeal.

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 real estate tax exemptions.

1. Bradford Regional Airport Authority – 12.85 acres of land on Route 59 that they own – land will be used for future expansion of the Airport.
2. Friendship Table - .18 acres of land on 21 E. Corydon Street, Bradford, Pa. and .05 acres of land on 23 Rear E. Corydon Street, Bradford, Pa – Tax exempt organization.

Mr. DeMott – Mentioned that the airport property was originally over 14 acres – it does have a house on it and that portion of the property remains taxable.

George Petrisek – Do they have plans right now for future expansion?

Mr. DeMott – There is possible future expansion – future economic development of the area – it is also a property that is very close to the flight way and the airport wanted to be able to control what might be built on there – they also acquired the mineral rights. The property is right off the main runway.

Martha Knight – What proof does a tax exempt organization need to have to show they are tax exempt? Do they show that their corporation is tax exempt – a 501C3 or what?

Mr. DeMott – We had a discussion about this – there are a number of organizations around the county that serve the public interests that have been given tax exempt status.

Ms. Knight – You give them that, but they don't necessarily have that in other forms?

Mr. DeMott – Correct.

Ms. Knight – Like for federal income purposes or whatever? It is county property tax that you give them?

Mr. DeMott – Yes, we have churches, the YMCA, public libraries, some non-profit health care groups like the hospitals for example.

Ms. Knight – So most of them would be tax exempt for all the other purposes that I mentioned, but just for the real estate part of it, you can give that even if they aren't tax exempt for other purposes?

Mr. Hartle – I would say no. They would have to be at least a tax exempt organization.

Ms. Knight – By incorporation?

Mr. Hartle – Right or religion. Not necessarily a corporation, you can also be tax exempt without being a corporation.

Ms. Knight – If you had a 501C3 for instant?

Mr. Hartle – That is one example where you would be. The county insists that they at least be tax exempt. I don't know all the requirements right off, but that is one thing that the Commissioners are reviewing now.

Ms. Knight – And if you approve it does that carry through for the municipality and school taxes?

Mr. DeMott – No, this is only for the county tax. Each taxing authority makes their own decision on granting tax exemption status.

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 2009

A RESOLUTION AUTHORIZING REAL PROPERTY, EARNED INCOME TAX, NET PROFITS, MERCANTILE AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN McKEAN COUNTY PENNSYLVANIA DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY EXPANSION ZONE, IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF LIBERTY TOWNSHIP, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, the Board of Commissioners of McKean County Pennsylvania recognizes the need to encourage investment in a defined geographical area of Liberty Township, McKean County, Pennsylvania, as set forth in Exhibit A (for Exhibit A see complete copy of resolution on file in the Commissioners Office) that is experiencing distress characterized by one or more of the following: high unemployment, low

investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base, and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) hereinafter referred to as the “Act,” authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for designation of an area within the respective political subdivision as a Keystone Opportunity Expansion Zone granting exemptions, deductions, abatements or credits from all local taxes identified in the Act.

WHEREAS, approval of benefits provided in the Act will result in improving both the economic, physical, and social conditions within the proposed new Keystone Opportunity Expansion Zone by stimulating existing businesses employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the herein described tract(s) of land by the termination date of the new zone under the Act.

NOW, THEREDORE, BE IT RESOLVED by the Board of Commissioners of McKean County that effective as of this date 01-01-2010, contingent only upon DCED’s approval of the application for the Proposed new Keystone Opportunity Expansion Zone, the following provisions shall apply:

1. Real Property Tax on the herein described tract(s) is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to terminate 12/31/2020.
2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The County of McKean also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed new Keystone Opportunity Expansion Zone attributable to business activity conducted with said zone and benefits terminating on 12/31/2020.
3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.
4. This resolution shall be effective upon execution, conditioned upon the approval of the application by DCED.

RESOLVED AND ENACTED by the Board of Commissioners of McKean County, Pennsylvania, this 28th day of April, 2009.

The above resolution was for 10.2034 acres of vacant land in Liberty Township conveyed to Portage Industrial L.L.C.

Mr. DeMott – We have been talking about more industrial expansion of that area for a long time – the Borough has talked about running water and sewer out to that area – the property is in Liberty Township – it is directly across the river from the borough – it does have railroad sidings – it is out of the floodplain – it has industrial utilities out that way so it would be a good site for more industry.

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 10 OF 2009

A RESOLUTION AUTHORIZING REAL PROPERTY, EARNED INCOME TAX, NET PROFITS, MERCANTILE AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN MT. JEWETT BOROUGH DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY EXPANSION ZONE, IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF MT. JEWETT BOROUGH, MCKEAN COUNTY, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, the County of McKean, Pennsylvania recognizes the need to encourage investment in a defined geographical area of the County of McKean, “ *as set forth in Attachment ‘A’* that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial deteriorated tax base, and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) hereinafter referred to as the “Act,” authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for designation of an area within the respective political subdivision as a Keystone Opportunity Expansion Zone granting exemptions, deductions, abatements or credits from all local taxes identified in the Act.

WHEREAS, approval of benefits provided in the Act will result in improving both the economic, physical, and social conditions within the proposed new Keystone Opportunity Expansion Zone by stimulating existing businesses employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the herein described tract(s) of land by the termination date of the new zone under the Act.

NOW, THEREFORE, BE IT RESOLVED by the County of McKean, Pennsylvania that effective as of this date 01/01/2010, contingent only upon DCED's approval of the application for the Proposed new Keystone Opportunity Expansion Zone, the following provisions shall apply:

1. Real Property Tax on the herein described tract(s) is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to terminate 12/31/2020.
2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The County of McKean also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed new Keystone Opportunity Expansion Zone attributable to business activity conducted with said zone and benefits terminating on 12/31/2020.
3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.
4. This resolution shall be effective upon execution, conditioned upon the approval of the application by DCED.

RESOLVED AND ENACTED by the Commissioners of the County of McKean, Pennsylvania, this 28 day of April, 2009.

Attachment 'A'

Parcel A- Kushequa Properties, Inc.

This 19.91 acre property is located at 2 Hacker Street in Mt. Jewett. The unoccupied 38,500 sq. foot building was the former site of Keystone Thermister. The facility is a steel building with cement floors and metal interior walls and enough space to house 2 industrial or manufacturing businesses with 20,000 sq. feet or three to four smaller entities. Located in McKean County, the property is listed on in the assessment office as District 13 Map 6 Parcel 304.

The property is currently owned by Brian Sees and is being marketed to several local companies.

John Weible – The building is not occupied right now and they are looking to try to market it and bring business in and having this exempt status will help them market the property. The exemption will start 1-01-2010 and will terminate on 12-31-2020.

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 Statement of Agreement with Elk County HMRT, a state-certified hazmat team, to discuss continuation of hazardous material response coverage within McKean County. (See complete copy on file in 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 send a letter of support to North Central Pennsylvania Regional Planning and Development Commission for their efforts to pursue funds for the construction of a multi-county carrier independent fiber optic telecommunications infrastructure network.

Mr. DeMott – We were on the forefront a year ago of getting fiber optic cable strung within our county and now there is a regional push to extend that project into other counties and North Central is looking for a letter of support from all the counties in the area hoping to find some funding to help their project.

George Petrisek – Does this also include Zito Media as well?

Mr. DeMott – Most likely, although it is not restricted to them, but Zito has been working with North Central and with a number of other organizations to try to extend the fiber optic system and I believe it is a fourteen county area that is involved currently. I know there is a potential for some recovery money – that is one of the stated areas that the federal government would fund.

Continued discussion on the fiber optic project.

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. 11 OF 2009

A RESOLUTION APPOINTING MACHINE INSPECTORS TO SERVE DURING THE MUNICIPAL PRIMARY ELECTION-MAY 19th, 2009

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 May 19th, 2009.

NOW, THEREFORE, this 28th day of April, 2009, 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 Municipal Primary Election-May 19th, 2009.
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

MUNICIPAL PRIMARY ELECTION-May 19th, 2009

Annin Township	Cathy Causer, 555 Long Hollow, Turtlepoint
Bradford City-2 nd Ward	Susan Niegowski, 285 Congress Street, Bradford
Bradford City-3 rd Ward-2 nd District	Sally Mangel, 56 Fista Circle, Bradford,
Bradford City-4 th Ward	Margaret Lent, 162 Williams Street, Bradford
Bradford City-6 th Ward-1 st District	Linda Dent, 23 Glenwood Ave., Bradford,
Bradford City-6 th Ward-2 nd District	John Baxter, 63 Cornen St., Bradford,
Bradford Township-1 st District	Donna McCreadie, 2 Creekside Dr., Bradford,
Bradford Township-2 nd 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-1 st District	Maureen Watson, 425 Derrick Rd., Bradford,
Foster Township-3 rd District	Virginia Hinaman, 92 Tuna Cross Road, Bradford
	James L. Brown, 66 Derrick Rd., Bradford
Kane Borough-1 st Ward	Kathryn Hillman, 16 S. Elk Ave., Kane
Kane Borough-3 rd Ward	Ron Swanson, 633 Wood Street, Kane

Keating Township-1st District
Keating Township-2nd District
Liberty Township
Mount Jewett Borough
Port Allegany Boro-1st District

Kerry Fetter, 1275 Dugout Rd., Smethport
Richard C. Tanner, 2860 E. Valley Rd., Smethport
Gertrude Whipkey, 183 Pleasant St., Port Allegany
Patricia Keesler, 15 Poplar St., Mt. Jewett
Patricia Thompson, 311 E. Arnold Ave.,
Port Allegany
Rebecca Funk, 705 W. King St., Smethport
Betty Drake, 22 Grandview Rd., Kane
Mary Hanold, 188 School St., Kane

Smethport Borough
Wetmore Township

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 proclaim May 7, 2009 as a National Day of Prayer.

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 advertise for bids for purchasing and installing two (2) thermal 24,000 BTU Mini-Split Air Conditioning Systems and to purchase and install one (1) 10” and one (1) 8” motorized damper for existing ductwork for the 911/Emergency Management Building.

Mr. Pingie – Mentioned that the air conditioning units will also be used to keep the equipment cool at the 911/Emergency Management Building.

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

Mr. DeMott – Mentioned that he has received correspondence from the county engineer and it seems that there has been a great deal of interest in the Boyer Bridge Project so we are looking for multiple bids on the project.

We have been using the services of R. W. Larson Architects looking at several improvement projects in the county - one of which would be a project at the jail. There are 2 projects that we are considering at the jail – one would be building a new kitchen and garage area and the other would be an improvement to the booking area and some parking. We changed our food service in January to preparing meals in house instead of offering pre-packaged meals. We are going to see a savings of a little over \$100,000 this year in food costs for the jail, but we feel in order to continue this for a broad period of time that we do need to upgrade our kitchen facility.

The second project that we would be looking at would be the construction of a work release unit. This would be a separate building close to the jail and it has been considered for some time. This would be a 27 bed facility for work release inmates. This would

accomplish several things – it would help the over crowding situation at the jail, it will also help with jail security because those people that are leaving the jail for work will not have to come back into the jail and that will cut down on the possibilities for bringing contraband back into the jail.

I know the next question will be how much will this cost – I don't want to throw those cost estimates out there because these are items that we have to bid, but if we are going to get going in this construction season, we are going to have to move on with this project.

Ms. Knight – How long will it take to build it?

Mr. DeMott – Probably, by the end of the year.

Ms. Knight – Do you think you will ever be in a position of bidding your food service meals out to other organizations like meals on wheels, senior centers, etc. to make money for the county?

Mr. DeMott – That is a good suggestion. It would be worth looking into. I don't know how the licensing would work for preparing food to be served outside the facility.

Ms. Knight – I bet you have to be licensed anyway.

Mr. DeMott – Yes, we are inspected and all that.

Mrs. Church – And they are certified.

Mr. Weible – Will the expansion at the jail create new employment opportunities?

Mr. Pingie – Just maybe a few guards to check people in and out of the new facility.

Mrs. Church – It hopefully will also free up some beds in the jail and they could house inmates from other counties to generate more revenue for the county. We are looking into some grant money for the improvements.

Mr. DeMott – We hope that within the next year between the work release facility and the proposed intermediate punishment program that we can reduce the jail population in our current facility. We receive contacts from the state and from other counties to house their prisoners and so it may be an opportunity for more revenue for our county.

Ms. Knight – Aren't there costs involved in the intermediate punishment program – for example the bracelets and monitors?

Mr. Pingie – The fee for the bracelets and the monitors have to be paid for by the inmate in the program – they have to agree to the terms of that. I think the fee is around \$20 per person in the program.

Mr. DeMott – That will be outlined in the intermediate punishment program. There is some potential for some grant money to start this program and there may be some grant money for some additional probation officers that would be needed to administer the program.

Ms. Knight – Would CJAB be involved in that process?

Mr. DeMott – Yes. There is a CJAB meeting Wednesday morning, April 29th at 9:00 AM at the 911 Center.

Ms. Knight – So under the intermediate punishment plan you think that over time there would be a savings to the county as far as the prison operation is concerned?

Mr. DeMott – Yes.

Mr. Pingie – The biggest savings we will see is how long incarceration will be served by the inmates which is up to the Judge – by having the intermediate punishment plan the inmates can be on monitors and one of the key items of this is if we have an individual who has severe medical problems and once they are incarcerated the services from the state discontinue and the county absorbs that cost so if we can keep more people on house arrest our costs go down. We spend approximately \$350,000 to \$400,000 each year just on medical expenses for the jail.

Ms. Knight – So you don't or they don't get any medical assistance?

Mr. Pingie – No, it is all cut off as soon as they are incarcerated – public welfare, social security, etc. cuts them off and the county has to assume the costs.

Mr. DeMott – The actual details of that program are better known by Judge Yoder, the District Attorney, and Gary Seefeldt. I believe there will be some discussion about that at tomorrow's CJAB meeting – so they would be a better source for you on an article than I am as to the status of where we stand with the program.

Ms. Knight – Did you say the inmates are involved in the new food service at the jail? Does this have a training benefit to them where they are learning some skills?

Mr. Pingie – No, they are just involved in the delivery of the food to the other inmates and the ones that are doing that are trustees.

Ms. Church – They do some prep work and serving the meals.

Mr. Pingie – It is quite an operation. You should stop in and ask the Sheriff to show you around. If you would have compared the prepared package meals they were receiving to what they are serving now, which we did, you would see a big difference. We also went to the Warren County Jail and that is where the Sheriff's Department got the

idea of preparing our own meals for the inmates. The credit really goes to the Sheriff and his Chief Deputies taking the initiative to get this program going.

Mrs. Church – We pay for dietician services at the jail and everybody over there in the food service program has to be certified.

Moved by Mr. Pingie, seconded by Mrs. Church, to proceed with the construction of building a new kitchen, a garage area, a work release unit, and making improvements to the booking and parking areas at the McKean County Jail.

Mrs. Church – Pointed out that the Commissioners are trying to get grants to along with the project to cut the costs of it.

Ms. Knight – Any stimulus money?

Mrs. Church – We are looking at anything we can get. We can't get money for bricks and mortar, but we are looking at anything else we can get for the project.

Ms. Knight – Doesn't the criminal justice and CJAB jump in for the grant search?

Mr. DeMott – Yes, and in speaking to someone from the Bureau of Corrections, I was told these funds were going to be funneled through the CJAB's and that would be the basic fund source for criminal justice.

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