

May 26, 2009

McKean County Commissioners in regular session assembled on Tuesday, May 26, 2009 at 10:00 AM in the Commissioners meeting room. Present were Commissioners Joseph DeMott and Judy Church, Chief Clerk, Audrey Irons, County Solicitor, Dan Hartle. Also present was George Petrisek.

The meeting was called to order by Mr. DeMott, followed by the Pledge of Allegiance and a moment of silence.

Moved by Mrs. Church, seconded by Mr. DeMott, to approve the minutes of the May 14, 2009 meeting.

Vote on the above resolution, DeMott - yes. Church - yes. Two - yeas. No - nays. Carried.

Mr. DeMott - Opened the meeting for public comment.

No public comment.

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

1. Northwest Engineering, Inc. - \$2,858.25 - representing payment for professional services rendered for the McKean County Bridge Inspection Program for the period ending May 12, 2009 - Liquid Fuel Fund.
2. Northwest Engineering, Inc. - \$4,500.00 - representing payment for professional services rendered for the Boyer Crossing Bridge Project for the period ending May 17, 2009 - McKean Boyer Bridge Project Fund.

Vote on the above resolution, DeMott - yes. Church - yes. Two - yeas. No - nays. Carried.

Moved by Mrs. Church, seconded by Mr. DeMott, to approve a county aid application for Lafayette Township in the amount of \$5,489.00 for the year 2009.

Vote on the above resolution, DeMott - yes. Church - yes. Two - yeas. No - nays. Carried.

Moved by Mrs. Church, seconded by Mr. DeMott, to enter into an agreement with Inmate Telephone, Inc. (ITI) for providing a non-coin operated telephone system for use by the inmates at the McKean County Jail.

Mr. DeMott - Mentioned that all the costs for the agreement are covered by associated fees.

Vote on the above resolution, DeMott - yes. Church - yes.
Two - yeas. No - nays. Carried.

Moved by Mrs. Church, seconded by Mr. DeMott, to approve the County Mental Health Plan for fiscal years 2009 through 2012 for the Department of Human Services.

Vote on the above resolution, DeMott - yes. Church - yes.
Two - yeas. No - nays. Carried.

Moved by Mrs. Church, seconded by Mr. DeMott, to enter into an agreement with the Office of Child Development and Early Learning, Pennsylvania Department of Public Welfare for the Department of Human Services.

Vote on the above resolution, DeMott - yes. Church - yes.
Two - yeas. No - nays. Carried.

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

RESOLUTION 13 OF 2009

2004 KANE BOROUGH COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROGRAM REVISION RESOLUTION

WHEREAS, on April 13, 2004, the McKean County Commissioners allocated \$40,000 of the 2004 Community Development Block Grant Program (CDBG) program funding to the Kane Borough Spot Demolition Program, and

WHEREAS, the 2004 CDBG Kane Spot Demolition Program came in under budget leaving an unexpended balance of \$2,291.31, and

WHEREAS, Kane Borough has requested that this unexpended balance be used to assist with the 2006 Kane Borough LMI Sidewalk Replacement Program, and

NOW, THEREFORE, BE IT RESOLVED by the McKean County Commissioners to approve this revision of the 2004 McKean County on behalf of Kane Borough CDBG Program to reallocate \$2,291.31 remaining from the Kane Spot Demolition Program to a \$2,291.31 Kane LMI Sidewalk Replacement Program.

BE IT FURTHER RESOLVED that the 2004 Kane LMI Sidewalk Replacement Program funding will be used to assist the 2006 Kane LMI Sidewalk Replacement Program.

Vote on the above resolution, DeMott - yes. Church - yes.
Two - yeas. No - nays. Carried.

Mr. DeMott - Opened the meeting for public comment.

George Petrisek - Asked about the cost of the agreement with the Inmate Telephone, Inc. - the \$34,935.00 is that annually?

Mr. DeMott - That is not actually a cost to the county - the cost is re-cooperated from user fees.

Mr. Petrisek - And that money will come back to the county in user fees?

Mr. DeMott - Yes.

Mr. Hartle - I believe in the past there hasn't been any cost to the county.

Mr. DeMott - Right.

Mr. Petrisek - Asked if the county has received reimbursement for the District Attorney's salary?

Mr. DeMott - We just received supplemental checks for the years 2006 and 2007. We have not received any reimbursement for the year 2008. The state's position is that they passed a law that said they had to reimburse the counties from a fund that is based on restitution from inmates, etc. - the fund does not receive enough money to come close to paying what the state owes the counties, but what they are doing is as they receive money in that fund they are paying back bills. In theory they are paying the counties, but they are several years behind on those payments and I don't believe that with the current structure that they are ever going to receive enough money into that fund to pay their obligations to the county and that is really the bone of contention between the County Commissioners Association and the state.

Mr. Petrisek - Is there a lawsuit in progress?

Mr. DeMott - The way it was explained to me was that for the 2009 funds which they have not paid us, we can't actually take legal action until 2010, because even though they didn't budget the money in theory they could pay the money during that period and then they won't be in violation of their own law. As far as I know, this isn't a contract between the county and the state, this is state law that the state legislature passed as though they are going to pay it and so in effect they wouldn't be in default of their own law, if they don't pay us. The legal issue is probably whether they have the responsibility to pay us for that salary or if they only have to pay us, if they generate enough funds into that fund.

Mr. Petrisek - Have they paid 2008?

Mr. DeMott - No.

Mr. Petrisek - What percentage of his salary do they pay?

Mr. DeMott - I don't recall off hand. You can check with Dustin - it is in the budget so he will know exactly what the percentage is.

Mr. Petrisek - And the District Attorney gets what percentage of the Judge's salary?

Mr. DeMott - He gets the Judge's salary minus a \$1,000.

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

Vote on the above resolution, DeMott - yes. Church - yes. Two - yeas. No - nays. Carried.

Chief Clerk