

COMMISSIONERS' MEETING MINUTES
OCTOBER 26, 2011

Commissioner Chairman Rodney D. Ruddock called the regular meeting of the Indiana County Commissioners to order at 10:33 a.m. in the Commissioners' Hearing Room.

ROLL CALL

Chairman Rodney D. Ruddock, present Commissioner David S. Frick, present
Commissioner Patricia A. Evanko, present

Also in attendance were Solicitor Michael T. Clark, Chief Clerk Robin Maryai and others. Members of the news media present were Sam Kusic and Jeff Himler.

PLEDGE OF ALLEGIANCE

Commissioner Ruddock led those present in reciting the Pledge of Allegiance to the American Flag.

APPROVE MINUTES...OCTOBER 12, 2011

A motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve the minutes of October 28, 2011 as submitted.

PUBLIC COMMENT

There was no public comment.

PROCLAMATION...POWER OF 32

After a proclamation was read by Mr. Frick, a motion was made, seconded by Ms. Evanko and unanimously carried to endorse the Power of 32 Vision for a Thriving Future by 2025, and vows to continue to work in coalition with our partners across the region to achieve the vision.

ANNOUNCEMENT...PUBLIC PARKING

Bill Sink, Director of County Facilities, explained that the courthouse paving project is near completion where the old County Jail once stood. He said 19 additional spaces have been added to the lot and of those 19 spaces, 10 will be available for public parking with a 45-minute time limit and is intended only for those who have business in the courthouse.

AUTHORIZATION OF SURPLUS EQUIPMENT

At the request of Robin Maryai, Chief Clerk, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to authorize the sale of surplus equipment. The items are a 1992 Dodge Van and a 1967 Military Trailer. Bids will be received until Monday, November 14th at 10:30 a.m. and awarded on November 16, 2011.

BIDS...MICROWAVE RADIO NETWORK FOR THE 911 PUBLIC SAFETY RADIO PROJECT / 10182011

Commissioner Ruddock read a letter from Tom Stutzman, Director of Emergency Management Agency, endorsing the recommendation of L. R. Kimball and Associates' review of our recent request for proposal of the Public Safety Radio Project, Microwave System bids. After extensive review and discussion, I, along with L. R. Kimball and Associates, recommend that Indiana County enter into final contract negotiations with Motorola / Alcatel on this Project. As noted in a letter from L. R. Kimball, a detailed comparison of the two bidders was made, and we have

identified several items within the bid that need detailed negotiation before a contract is signed. As recommended by L. R. Kimball Associates the final agreement with Motorola / Alcatel shall be completed as a “not to exceed” base contract for \$1,529,473.00. As we continue to move this project forward our goal is to seek ways to enhance the delivery of public safety communications at the least possible cost.

John Cunningham from L. R. Kimball was present and explained this is the last major component of the Public Safety Radio Project. Microwave will be used to connect those sites that will not be connected to fiber. To accomplish this L.R. Kimball prepared a request for proposal outlining the connection that needed to be made. Those requests for proposals went out and a pre-bid meeting was held with seven potential vendors and three vendors’ submitted bids. One of the bids were absent a bid bond and then Kimball reviewed the other two in relation to the requirements there were outlined in the RFP. They did a point by point comparison and looked at the scope of work that was presented, checked the ability of the two vendors to do the work in the time frame needed and it was determined that bids were sufficient. The two vendors were brought in to clarify and to provide additional information specific to their proposals. It was then explained to the two bidders that we planned on issuing the contract with the option to connect to Cambria County by microwave as part of the base project. Both vendors then responded back with their best and final pricing based on the clarification. It was recommend from Kimball to Tom Stutzman to contract with Motorola Solution and made three very specific components of the recommendation.

1. Ask Motorola Solutions to provide microwave for the basic 15 site public safety radio system \$1,313,877, with the Cambria County option add \$215,596.00, for a total of \$1,529,473.00. This was \$39,851.00 less than Aviat Network.
2. It is asked by the Board of Commissioners to use the existing Motorola Solutions Contract and amend it with the microwave piece.
3. Kimball is asking the board not to exercise the Westmoreland and Cambria options but will negotiate with Motorola so that they hold the pricing should it prove to be the most cost effective way to connect the three counties.

A motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve the low bid received from Motorola / Alcatel in the amount not to exceed \$1,529,473.00.

Commissioner Ruddock said they are cautiously and closely reviewing the original proposal for the overall project that was approved in 2010. We have had systematic upgrade requirements that have been addressed and have done a number of bid requirements as suggested. He is proud to say we are under our project expectations which is good from a financial standpoint. We still have a lot of work yet to do. We are working as a Region 13 initiative and that has helped save significant dollars to not only our county but Armstrong and the other counties as well. It is better if we work as a team at the state level and everything is working out very well.

CONTRACT AWARD – INDIANA BOROUGH INDIANA DOWNTOWN SEGMENT B¹ ECONOMIC DEVELOPMENT PROJECT

At the request of the Office of Planning & Development, E. G. & G., Inc. and Indiana Borough Work Session Committee, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to enter into a contract agreement with M. and B. Services, LLC for the Indiana Downtown Segment B¹ Economic Development Project. The contract award in the

amount of \$1,073,653.56 is for streetscape improvements on Philadelphia Streets between 5th and 6th Streets.

This project is being funded through the following funding sources:

1. Indiana Borough CDBG Entitlement Funds, funding years 2008, 2009 and 2010
2. County Liquid Fuels Funds
3. Senator White Appropriations
4. DCED (HRA) Housing and Redevelopment Assistance Funds
5. Penelec Rebate from Segment A

LOCAL GOVERNMENT ACADEMY MULTI-MUNICIPAL & COMMUNITY SUSTAINABILITY GRANT PROGRAM

At the request of the Office of Planning & Development, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to apply for a Multi-Municipal & Community Sustainability Grant available through the Local Government Academy. The total grant amount requested is \$34,000.00. This amount will be shared between Indiana County, Indiana Borough, White Township and Indiana University of Pennsylvania. The grant program requires a 10% match (\$850 per applicant). Should the grant application be accepted, the Office of Planning & Development also requests authorization to secure a Memorandum of Understanding between the partners to secure the required matching funds. The purpose of this application is to implement shared visions outlined in the Indiana Borough Comprehensive Plan (2011), White Township Comprehensive Plan (2008), Indiana University of Pennsylvania Long-range Campus Facilities Master Plan (2011), and the Draft Indiana County Comprehensive Plan.

OTHER BUSINESS

Commissioner Ruddock asked Solicitor Michael T. Clark to give an update on a tax issue regarding the Indiana University of Pennsylvania and the State. Mr. Clark explained that the Robert Shaw building which is located on the I.U.P. Campus and was formerly a K.O.E.Z Zone which has expired at which time Martin Medvetz, Chief Assessor gave notice to I.U.P of potential taxability of the property. I.U.P. filed an appeal with the Tax Assessment Appeals Board and the hearing never took place but was continued a few times. In the interim, PASHE (Pennsylvania State System of Higher Education) filed a petition with the Commonwealth Court naming Indiana County and Indiana School District at respondents basically requesting the Commonwealth Court to determine whether the county had the authority to bring them in front of the Tax Appeals Board. The county and Indiana School district filed an objection to that petition, CCAP, requested to intervene in the case and was denied. We argued the case in front of the Commonwealth Court in July and Judge McCullough denied our objections to their petition but also denied the request for summary relief that PASHE had requested which is a judgment on a plea. Since then the county filed an answer to their petition, PASHE then filed another application for summary relief basically stating to make a judgment based on the pleading. CCAP again filed an application to seek the ability to file an amicus brief. The outcome of the case could affect 14 state universities in 19 different counties in Pennsylvania. It is being watched very closely. CCAP's recent request for an amicus brief was approved by the Commonwealth Court. Briefs are due by December 5th and CCAP will be submitting a brief as

well on behalf of the other counties in Pennsylvania. Mr. Clark explained most state property is immune from taxation but the issue is when the state uses the property outside the scope of their duties or authority should that property be subject to taxation. Commissioner Ruddock said we are trying to work with I.U.P. not against them but once a company becomes profitable or is working in that direction we feel they should pay tax to be competitive along with any other business out there in that same market area. The same is being said with KCAC when groups such as the Harlem Globetrotters should that be part of the tax plan as a compensation as would any other organization. We are looking to make sure we are doing the right thing and protecting the interests of the county. That is the role we have as County Commissioners and are going to live up to that expectation.

NEXT REGULAR MEETING...NOVEMBER 16, 2011

The next regular scheduled Commissioners' Public meeting will be held on Wednesday, November 16, 2011 at 10:30 a.m. in the Commissioners' Hearing Room.

ADJOURMENT

With no other business to come before the Board at this time, Commissioner Ruddock adjourned the meeting at 11:02 a.m.

Patricia A. Evanko, Secretary

Rodney D. Ruddock, Chairman