

COMMISSIONERS' MEETING MINUTES
NOVEMBER 14, 2012

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 Randy Wells, Nick Ruffner and Greg Reinbold.

PLEDGE OF ALLEGIANCE

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

APPROVE MINUTES...OCTOBER 24, 2012

A motion was made by Ms. Evanko, seconded by Mr. Frick and unanimously carried to approve the minutes of October 24, 2012 as submitted.

PUBLIC COMMENT

There was no public comment.

PROCLAMATION...JANET NEAL – VOLUNTEER OF THE YEAR

After a proclamation was read by Mr. Ruddock a motion was made, seconded by Ms. Evanko and unanimously carried to acknowledge and congratulate Janet Neal for her award of Volunteer of the Year and for the difference she has made in Indiana County.

PROCLAMATION...NATIONAL CAREGIVERS MONTH

After a proclamation was read by Ms. Evanko a motion was made, seconded by Mr. Frick and unanimously carried to proclaim the month of November as National Family Caregivers Month, Generations of Caring 2012 in Indiana County.

APPOINTMENT OF MARIE MILIE JONES AS SPECIAL COUNSEL OF RECORD / DISTRICT ATTORNEY

At the request of District Attorney Patrick Dougherty, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to appoint Marie Milie Jones as Special Counsel of Record to defend Mr. Dougherty in a federal suit filed by Sanford Edwards, an inmate at SCI Mahoney in Frackville. Mr. Edwards has exhausted every appeal at the state level and is now suing Mr. Dougherty in federal court and asking that biological evidence from the case be turned over for DNA testing. Mr. Edwards was convicted in 1979 for the homicide of Edith Morford and was sentenced to life in prison in 1980. The lawsuit is against the District Attorney's Office and Solicitor Mike Clark recommended the county retain Marie Milie Jones because of her experience in handling federal litigation cases.

AGREEMENT...COMMONWEALTH LAW ENFORCEMENT ASSISTANCE NETWORK (CLEAN) / PROBATION

At the request of Mike Hodak, Chief Probation Officer, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve the Commonwealth Law Enforcement Assistance Network Agreement for information exchange in the amount of \$3,500.00 for the period of one year. The motion also allows Commissioner Ruddock to sign the agreement on behalf of the County. This will allow the Probation Office to comply with the Adam Walsh Act which is a federal mandate for the registration of sex offenders.

RECOMMENDATION FROM INDIANA COUNTY PLANNING COMMISSION TO FILE LEGAL ACTION AGAINST CHARLES ALTEMUS AND ILDRED ALTEMUS – ROAD CONSTRUCTION PROBLEM – CHERRYHILL TOWNSHIP / PLANNING

At the request of the Indiana County Planning Commission, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to file a legal complaint against Charles Altemus and Mildred Altemus for completion of a road in their Plan of Lots in Cherryhill Township. A second legal action will request the Court to order Altemus through temporary injunctive relieve to restore the road to a condition prior to his work in June which would permit the property owners to access their homes and provide maintenance for the private road this winter.

The Indiana County Subdivision Ordinance requires that the public road improvements be constructed to local Cherryhill Township specifications, and be dedicated to the Township for public use and maintenance. The road improvements have never been completed since Mr. and Mrs. Altemus acquired the property in 1998. Four families use the road for access to their homes.

There have many meetings, letters, phone calls and other correspondence from County officials, Solicitors and staff during the last 14 years in an attempt to have the developer complete the road work and resolve this problem. This recommendation to file the legal action comes only after the years of efforts, the loss of another construction season and only minimal progress from Altemus this year. The road and access for some of the property owners to their homes in the development is actually worse after Mr. Altemus attempted to do some road work in the middle of summer without restoring their access.

Commissioner Ruddock commented that the Board was aware of this issue and a meeting was organized with the Altemus Family and the Planning Commission to discuss the issues and remedy the problem so it would not lead to legal action. Commissioner Ruddock said they are fearful the road will be unsafe for winter driving and that there is a possibility the four affected homeowners might sue the county for not enforcing the ordinance.

APPOINTMENT OF TOM RIVOSECCHI AS SPECIAL COUNSEL OF RECORD

At the request of the Indiana County Planning Commission, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to appoint Tom Rivosecchi as Special Court to assist the County with this legal action against Charles Altemus and Mildred Altemus. It is noted that County Solicitor Michael Clark has a conflict of interest with this matter.

CHANGE ORDER – EMERGENCY MANAGEMENT AGENCY RE-ROOFING PROJECT

At the request of the Office of Planning & Development and the Indiana County Emergency Management Agency, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve Change Order #1 in the amount of \$10,000.00 with CNC Construction, Inc., for the EMA Re-Roofing Project. Change Order #1 is for the replacement of approximately 400 s.f. of deteriorated plywood sheathing and mineral board. The contract amount with approval will be \$78,944.00. Project funding is through the Indiana County Capital Budget funds.

BUDGET REVISION – 2010 CDBG COMPETITIVE – INDIANA COUNTY “OBO” GLEN CAMPBELL BOROUGH

At the request of the the Office of Planning & Development, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve a contract budget revision for the 2010 CDBG Competitive Program for the Glen Campbell Water System Improvements Project. The original construction bid on the project came in under estimate. For that reason, additional construction work items were added to the project. The construction work items added incurred additional engineering fees. The Office of Planning & Development is requested that the administrative line item be reduced by \$419.39 from \$20,500.00 to \$20,080.61 and the construction line item be increased by the same amount. The construction line item will be revised from \$475,000.00 to \$475,419.39. The total CDBG contract for the project is \$500,000.00.

CHANGE ORDER/ENGINEERING CONTRACT...2010 CDBG COMPETITIVE/INDIANA COUNTY “OBO GLEN CAMPBELL BOROUGH / PLANNING

At the request of the Office of Planning & Development, a motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve Change Order #2 for the contract with The EADS Group, Inc., of Altoona, PA. The requested change order increases the contract amount by \$3,409.98 for additional permitting fees. These additional permits were required in order to utilize uncommitted CDBG funds that remained after the original contract work. The change order revises the total contract amount from \$91,952.85 to \$95,362.83. There are sufficient project funds to provide for the change order costs.

FCC WAIVER FOR THE INDIANA COUNTY COMMUNICATIONS PROJECT / EMA

Commissioner Ruddock wanted to the public to know how critical the upgrade for the Indiana County Communications Project. The county borrowed a significant amount of money about two years ago to move the project forward and will need to supplement additional funding for the project in the next couple month. We were concerned about the deadline for the installation for the project by January 2013. Commissioner Ruddock read some comments from a letter received by the Federal Communications Commission to why we made the investment and why it is a critical piece of their commitment of infrastructure upgrade for Indiana County so the public knows their money is being spent wisely. The County submitted for the waiver to allow it to complete the transition out of the VHF band and onto a new 800 MHz system. When we submitted for the waiver the county had to demonstrate that the purpose of the rule would not be served or would be frustrated by application to the present case, and that a grant of the waiver would be in the public interest. All narrowbanding waiver requests “will be subject to a high level of scrutiny” under the waiver standard. Indiana County has presented sufficient facts to

meet the high standard for grant of the requested waiver. Given the progress the County has made in transitioning out of the VHF band and to a new 800 MHz system, strict application of the narrowbanding rules would be unduly burdensome, as it would require the County to spend significant time and money to narrowband a system it intends to abandon six months later. The County has shown diligence in planning its transition to the 800 MHz band and has invested substantial resources in preparation for migration to its new 800 MHz system. We believe the new system will significantly upgrade the County's communications capabilities, which will improve the safety and reliability of its operations, and is therefore in the public interest. They conclude that the six-month waiver period requested by the County is no more than is reasonably necessary to complete narrowbanding.

BIDS...T-562 DIXON RUN BRIDGE

At the request of Robin Maryai, Chief Clerk, a motion was made to award the low bid received from Francis J. Palo, Inc., Clarion, Pa for the construction of the T-562 Dixon Run Bridge in the amount of \$448,278.00. It is noted that there were 15 bids received.

BOARD APPOINTMENTS...TRI-COUNTY WORKFORCE INVESTMENT BOARD

A motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve the re-appointments of Frank Holuta, Robert Joseph and Elizabeth Duncan to the Tri-County Workforce Investment Board; terms to expire September 30, 2015.

BOARD APPOINTMENTS...SOIL CONSERVATION

A motion was made by Ms. Evanko, seconded by Mr. Ruddock and unanimously carried to approve the Soil Conservation Board re-appointments of David W. Orr, Creekside, PA as Farmer Director; Term to expire January 1, 2017 and David S. Frick, Commissioner Member; Term to expire January 1, 2014.

BOARD APPOINTMENT...INDIANA COUNTY MUNICIPAL SERVICES

A motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve the appointment of Joseph LaVan, Home, PA to the Indiana County Municipal Services Board; term to expire January, 2018.

ACCEPTANCE OF CHECK...L.R. KIMBALL & ASSOCIATES

Commissioner Ruddock said at a prior meeting the County approved installing a fluid cooler at the Indiana County Jail to rectify the air condition problem. He noted that it would be done at no additional cost or burden to the County. A motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to approve receipt of a settlement check in the amount of \$71,100.00 from L. R. Kimball & Associates. Commissioner Ruddock thanked Solicitor Michael Clark for his work in this matter and noted that the fluid cooler is working very well however the situation continue to be monotored.

CONSIDERATION OF ORDINANCE RELATING TO THE 2012 GENERAL OBLIGATION NOTE

Mark Lundquist, Financial Advisor for the County, was present and explained that the County has several notes outstanding. There are three notes for the financing of the Jail, a line of credit for the 911 Communications Project, two for pension and one that was used for smaller capital projects. He has been working with local banks to renegotiate the interest rate terms and caps to allow the county to benefit from the current low interest rates. He has not yet secured final

approval from bank which includes S&T Bank, First Commonwealth, Farmers Merchant, Indiana First, Marion Center and First Summit. In anticipation of the refinancing, State law requires advertising intention to consider an ordinance. It was advertised that the county would move forward; however due to the final terms have not been completed, he asked the board to table action on the ordinance until the November 28, 2012 Commissioner Public Meeting. A motion was made by Mr. Frick, seconded by Ms. Evanko and unanimously carried to table action on the ordinance until the November 28th meeting.

COURTHOUSE CLOSED...NOVEMBER 22 & 23, 2012 THANKSGIVING DAY HOLIDAY

Commissioner Ruddock announced that the courthouse will be closed on November 22 & 23, 2012 for the observance of the Thanksgiving Day Holiday.

OTHER BUSINESS

There was no other business.

NEXT REGULAR MEETING...NOVEMBER 28, 2012, 10:30 A.M.

The next regular scheduled Commissioners' Public meeting will be held on Wednesday, November 28, 2012 at 10:30 a.m. in the Commissioners' Hearing Room.

ADJOURNMENT

With no other business to come before the Board at this time, Commissioner Ruddock adjourned the meeting at 11:10 a.m.

Patricia A. Evanko, Secretary

Rodney D. Ruddock, Chairman