

COMMISSIONERS' MEETING MINUTES
SEPTEMBER 23, 2015

Commissioner Chairman Rodney D. Ruddock called the regular meeting of the Indiana County Commissioners to order at 10:30 a.m. in the Commissioners' Hearing Room.

ROLL CALL

Chairman Rodney D. Ruddock, present
Commissioner Patricia A. Evanko, present
Commissioner Michael A. Baker, present

Also in attendance were Solicitor Michael Clark, Chief Clerk Robin Maryai, and others. Members of the news media present were Randy Wells, Jeff Himler and Josh Widdowson.

PLEDGE OF ALLEGIANCE

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

APPROVE MINUTES...SEPTEMBER 9, 2015

A motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve the minutes of September 9, 2015 as submitted.

PUBLIC COMMENT

Present and making comments regarding the Indiana County Tax Reassessment were Tim Wood, Ann Parow, Michele Rapach, Tammy Curry, Toni Schaffron, Pearlina Donahey, Denice George, Janice Starry, Mary Jo Tyger, Richard Wilhelm, Larry Moretti, Sally Kalanavich, Keith Isenberg, Karen Smith and Vernon Blystone.

EXECUTIVE SESSIONS

Commissioner Ruddock announced that there were Executive Sessions held on the following days to discuss legal issues:

September 15, 2015 at 2:00 p.m.
September 22, 2015 at 10:40 a.m.

REASSESSMENT UPDATE / PEDERSON COURT CASE

Commissioner Ruddock asked Tim Barr from EST to give an update on the Reassessment and the Pederson Court Case. Mr. Barr said on September 22nd approximately 2,700 reassessment notices were mailed. About 87% of those were reductions with more than half of those adjustments greater than \$25,000. The informal reviews concluded on September 18th with about 11,000 parcels or about 6,100 property owners coming through the informal review process. There were about 264 revised notices which were a result of property owners going to the Assessment Office to correct various issues with their properties. Many of those were common owners consolidating adjoining properties into one tax bill for tax purposes resulting in one site value instead of two and a lower tax bill. He reminded everyone that you do not need to deed these properties together.

Mr. Barr gave an update regarding the Pederson Court Case from Monroe County relating to sheds. Pennsylvania Law has always established that buildings are real estate unless it is a mobile home in a park that is not connected to utilities and not affixed to the ground. The Commonwealth put together a technical group to consolidate assessment law into one law. It was a clerical process during that consolidation that the phrase was inadvertently inserted during the codification of the three major assessment laws. As a result the Pederson decision is contrary to General Assembly's objective in this section, there was no intent to change current law with the regard to the assessment of sheds and other buildings. Mr. Barr said the reassessments Joint Management Council represented by vendor and county representatives discussed the Pederson Case. He said they contacted CCAP and had documentation from the Legislature saying Pederson is going to be made mute because the Legislature will fix the clerical error. Therefore resulting that when the notices were mailed in July the 200 square foot sheds were not removed. After the notices were sent to the printer, the house bill came up for a vote but did not pass. This issue is very muddy and the Legislature is in the process of changing the law again. The Legislature has not given clear directives on the issue.

Mr. Barr said these types of "sheds" represent a very small percentage of the overall tax base. These "sheds" are buildings 200 square feet or less that do not have electricity or any kind of attachment to the ground other than gravity. Someone from the audience said the law says it should not be taxable. Mr. Barr said no, right now there is a court case that under specifics circumstances of that court case they should not be taxable. Mr. Baker reminded Mr. Barr that that is case law. Tammy Curry said she visited the tax office regarding the shed issue and was told that they were not aware of this issue. Commissioner Ruddock said the Tax Assessment Office is aware of the Pederson Case. He said we want to do what is right for the citizens and are looking at a process by which we can remove those particular items from the tax rolls. We want you to simply make a request to do so and will take you on your word that it is unattached and doesn't have any gas, oil, water or sewage and if so it will be removed from your tax rolls. We cannot do that until we go through the legal checks on that particular requirement and that will be processed as a separate item for our tax plan. It will not be an appeal process but simply your submission to have that removed based upon the information provided.

Commissioner Baker said to Tim Barr that there were about 2,700 notices that went out and 87% represented a reduction and about half were \$25,000 or greater. He said that he takes little comfort in knowing that. He said he knows that when people go for their appeals that the goal is to get fair assessment but it is difficult for him to know that there are many people who won't get those reductions who can't get there to get an appeal. It strikes him as so odd that we have over estimated properties by so much and underestimated the time that it is going to take to finish this reassessment and he said he is very displeased by that. Mr. Baker said to the audience that this board of commissioners is like every board of commissioners in this Commonwealth and that is reassessment is the one and only tool that we have to correct these problems and you need to take this to the state level and you need property tax reform.

REASSESSMENT RECOMMENDATION / PETITION TO THE COURT

Commissioner Ruddock said at the last meeting the solicitor was asked to prepare a petition to send to the Common Pleas President Judge, William Martin, to review and consider providing an extension on the timeframe in which our current assessment is being developed. Solicitor Mike Clark said he was directed to prepare a petition to the court requesting an extension of the appeal period and the Clean and Green period. He said he worked on a petition along with Michael

Supinka, Solicitor for the Tax Assessment Office, and Janet Burkardt. The summary of the petition is as follows:

- As to the Notices of Change that were mailed on or about July 1, 2015, the Board of Assessment Appeals and Auxiliary Boards will continue to hear appeals and will complete those hearings by February 5, 2016;
- The Boards will continue to issue Notices of Decisions on those hearings on a rolling basis, within (2) weeks of the hearing date, and will distribute the decisions to the property owner;
- Appeals to the Court of Common Pleas may accrue from those decisions;
- Applications for preferential use assessment (“Clean and Green”) for Tax Year 2016 are due by December 15, 2015, and applications which are approved will receive preferential use treatment for Tax Year 2016;
- The County Assessment Office will certify the 2015 base year values by no later than February 15, 2016;
- Indiana County and municipalities will determine equalized and final millage rates for tax billings by no later than March 15, 2016;
- The Reassessment Change Notices mailed on or about July 1, 2015 will remain valid for Tax Year 2016, subject to any changes resulting from the formal appeal process, informal reviews and administrative revisions.

Mr. Clark said a draft was submitted to the Tax Office and all three commissioners for review and input.

A motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve the filing of the petition to the court as presented by Solicitor Clark.

PROCLAMATION...HUNGER ACTION MONTH

After a proclamation was read by Ms. Evanko, a motion was made, seconded by Mr. Baker and unanimously carried to proclaim September 2015 as Hunger Action Month in Indiana County. Jesse Miller from ICCAP was present to accept the proclamation and reminded everyone present that Saturday, September 26th is Care and Share Day in Indiana County.

AGREEMENT...KOVALCHICK CONVENTION & ATHLETIC COMPLEX

A motion was made by Mr. Baker seconded by Ms. Evanko and unanimously carried to approve an agreement with the Kovalchick Convention & Athletic Complex for use of the Toretti Auditorium on this date in the amount of \$450.00 plus costs for security to hold the Commissioners Public Meeting.

GRANT APPLICATION...VICTIM NOTIFICATION / DISTRICT ATTORNEY

At the request of Linda Callihan, District Attorney's Office, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a grant application to the Pennsylvania Commission on Crime and Delinquency in the amount of \$56,772 for the Victim Notification Program. Ms. Callihan explained that this is the second year of the grant agreement but the state has made available an additional \$14,704.00 for FY 2016.

GRANT APPLICATION...PA WORKWEAR / HUMAN SERVICES

At the request of Lisa Spencer, Department of Human Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a revised grant application for the PA Workwear Grant Program. The previous agreement signed was for 18 months of service for FY 2016-2017; however, notice was received by the Pennsylvania Department of Human Services that proposals sent in were over budget across the state. This application will be for a 15 month period beginning April 2016 through June 2017. The amount of the grant application is \$29,215.00.

AGREEMENT...ADVENT / INFORMATION SERVICES

At the request of Eric Leonard, Director of the Department Information Services, a motion was made by Ms. Evanko, seconded by Mr. Baker and unanimously carried to approve an agreement with Advent Communications, Inc. in the amount of \$7,599.57 to provide fiber connection between the County Annex Buildings at 801 and 827 Water Street. It is noted that this is a change order to the previous contract with Advent and is also the final link in the fiber connections with the county facilities that will be taking advantage of the new phone system purchased with Advent.

RESOLUTION RECERTIFYING THE REVOLVING LOAN FUND (RLF) / PLANNING

At the request of Angela Campisano, Office of Planning & Development, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to adopt a resolution re-certifying that the Indiana County Revolving Loan Fund is being operated consistent with the existing Comprehensive Economic Development Strategy and is being operated in accordance with the policies and procedures contained in the administrative plan. This is a housekeeping item required by the Economic Development Administration (EDA).

LIQUID FUELS / ACT 89 / ACT 13 ADMINISTRATION / PLANNING

At the request of Byron Stauffer, Office of Planning & Development, a motion was made by Mr. Baker, seconded by Ms. Evanko, and unanimously carried to submit a funding authorization to PennDOT District 10 for a \$14,900.00 application for County Aid/ Assistance on behalf of Center Township to offset eligible project costs for a 50' bridge overlay and associated delivery charges for the Long Road Bridge from either Act 89 or Act 13 dollars. The Long Road Bridge has been closed due to a deteriorated decking. The total estimated project costs are estimated at \$14,900.00 for an eight-month lease of the 50' bridge. There is an option to purchase the bridge during the lease term with 70% of the lease costs being applied to the purchase price. This bridge is on the school bus route and a significant detour is currently in place. The Township will cover costs associated with constructing the approaches. The proposed County Aid/Assistance allocation represents approximately 100% of the total estimated project costs, not including the township labor and material contributions.

PRIVATE PROVIDER AGREEMENT FY 2015-2016 / CYS

At the request of Holly Moyer-George, Children & Youth Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a Private Provider Contract with Adelphoi Education Services, Inc, Latrobe, PA for FY 2015-2015 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Holly Moyer-George, Children & Youth Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a Private Provider Contract with Family ACTS, Inc., Ford City, PA for FY 2015-2016 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Holly Moyer-George, Children & Youth Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a Private Provider Contract with Grand Beginnings Children's Center, Indiana, PA for FY 2015-2016 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Holly Moyer-George, Children & Youth Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a Private Provider Contract with C.A. Hughes and Associates, Greensburg, PA for FY 2015-2016 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Holly Moyer-George, Children & Youth Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a Private Provider Contract with Indiana Psychology Associates, Indiana, PA for FY 2015-2016 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Holly Moyer-George, Children & Youth Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to approve a Private Provider Contract with Terry O'Hara Ph. D., Pittsburgh, PA for FY 2015-2016 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

BOARD APPOINTMENTS...CITIZENS' ADVISORY BOARD / CYS

At the request of Holly Moyer-George, Children & Youth Services, a motion was made by Mr. Baker, seconded by Ms. Evanko and unanimously carried to appoint the following members to the Citizens' Advisory Board; terms expiring August 2016:

Robert A. Jones, Karen King, Kathy Armstrong, Connie L. Hill, Helen Mack, Pamela Ruffner-Vojetek, Jill Gaston, Larry D. Davis, Jr., Debra Faloon, Dawn Frederick, Stephen Lowman, Sarah Ross, Tammie J. Shetler, Ashley Pisarcik, and Barbara Postlewaite.

OTHER BUSINESS

There was no other business.

NEXT REGULAR MEETING...OCTOBER 14, 2015 AT 10:30 A.M.

The next regular scheduled Commissioners' Public meeting will be held on Wednesday, October 14, 2015 at 10:30 a.m. in the Toretta Auditorium at the KCAC.

ADJOURNMENT

With no other business to come before the Board at this time, Commissioner Ruddock adjourned the meeting at 12:08 p.m.

Patricia A. Evanko, Secretary

Rodney D. Ruddock, Chairman