

**COMMISSIONERS' MEETING MINUTES**  
**JUNE 26, 2019**

Commissioner Chairman Michael A. Baker called the regular meeting of the Indiana County Commissioners to order at 10:30 a.m. in the Commissioners Hearing Room.

**ROLL CALL**

Chairman Michael A. Baker, present  
Commissioner Rodney D. Ruddock, present  
Commissioner Sherene Hess, absent

Also, in attendance were Solicitor Matthew T. Budash, Chief Clerk Robin Maryai and others. Members of the news media present were Josh Widdowson, Greg Rienbold and Chauncy Ross.

**PLEDGE OF ALLEGIANCE**

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

**APPROVE MINUTES...JUNE 12, 2019**

A motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the minutes of June 12, 2019.

**PUBLIC COMMENT**

There was no Public Comment.

**EXECUTIVE SESSIONS**

There was an Executive Session held on June 19, 2019 at 2:30 p.m. to discuss legal matter pertaining to the Route 22 Pedestrian Bridge.

**RESOLUTION...URGING THE REAUTHORIZATION OF COLLECTION OF FEES TO THE ABANDONED MINE LAND RECLAMATION FUND**

After the following Resolution was read by Mr. Ruddock, a motion was made, seconded by Mr. Baker and unanimously carried to approve the Resolution urging the reauthorization of collection of fees to the abandoned mine land reclamation fund.

**RESOLUTION URGING THE REAUTHORIZATION OF COLLECTION OF FEES TO THE ABANDONED MINE LAND RECLAMATION FUND**

**WHEREAS**, Substantial coal mining has occurred in Pennsylvania for more than 130 years, and the industry has been a significant employer of our citizens for most of these years; and

**WHEREAS**, Abandoned mines pose hazards in Pennsylvania of dangerous shafts, mountains of black waste, scarred landscapes, acidic drainages polluting more than 5,500 miles of our streams and other hazards threatening human health and safety and depressing local economies; and

**WHEREAS**, At least 44 of Pennsylvania's 67 counties are affected by abandoned coal mines; and

**WHEREAS**, At least 1.4 million Pennsylvanians live within one mile of abandoned mine lands;

and Pennsylvania's estimated cleanup cost is \$15 billion; and

**WHEREAS**, Abandoned mines and abandoned mine lands create negative impacts on local economies by destroying recreational opportunities, lowering land values, leaving desolate communities once the mines are exhausted and ruining sites for further residential, forestry, commercial or agricultural uses, and threaten the human health and safety of people living in our coal field communities; and

**WHEREAS**, Reclamation of abandoned mine sites can add to the economy by creating jobs, increasing community pride, increasing property values, decreasing stress-related costs through stream-based recreation, restoring the health of the environment and providing future sites for commercial or industrial endeavors; and

**WHEREAS**, Congress established the Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 to reclaim areas abandoned before 1977 and the modern environmental standards requiring mine operators to reclaim their sites; and

**WHEREAS**, The Surface Mining Control and Reclamation Act of 1977 imposed on coal operators a fee of 35 cents per ton on surface mined coal, 15 cents per ton on underground mined coal, and 10 cents on lignite to provide a source of revenue for the Abandoned Mine Reclamation Fund to help finance the reclamation and remediation of lands mined prior to 1977; and

**WHEREAS**, The Scope of the abandoned mine problem continues to outpace available resources; and

**WHEREAS**, In 2006, the Congress of the United States re-authorized the Surface Mining Control and Reclamation Act of 1977 to extend fee collection through 2021, increase the "Set Aside" for acid mine drainage from 10% to 30%, and provide for mandatory distribution of AML funds; and

**WHEREAS**, The fees collected and deposited into the federal AML Fund are derived from a per-ton fee assessed on each ton of coal mined by the active mining industry and can only be used for purposes authorized under Title IV of the Surface Mining Control and Reclamation Act. The AML Fund is not derived from a tax and is not funded from the US Treasury.; and

**WHEREAS**, The collection of fees on mined coal applied to Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 is set to expire in 2021; and

**WHEREAS**, Pennsylvania has relied upon the Abandoned Mine Reclamation Fund as a Primary source of money to clean up toxic mine water in our water supplies, restore land, extinguish mine fires and eliminate other dangerous abandoned mine hazards.

**NOW THEREFORE BE IT RESOLVED:** Indiana County urges Congress of the United States to reauthorize the collection of fees on mined coal at the restored 1977 levels of 35 cents per surface mined, 15 cents deep mined, and 10 cents on mined lignite; and

**FURTHER:** That the collection of fees be for at least 15 additional years and through 2036; and

**FURTHER:** The SMCRA Title IV grants should be exempt from sequestration and all Title IV sequestered funds should be given back to the states, retroactive to FY 2013; and

**FURTHER:** That the mandatory distribution for minimum program states be raised to \$5 million; and

**FURTHER:** That a direct line item for emergency projects be established in OSMRE's budget to reflect the need for remediating AML emergencies in all states and tribes.

**FURTHER:** That mandatory distribution of future allocated reclamation fees continue for the intended purpose of cleaning up abandoned mine problems; and

**FURTHER:** That the annual distribution of funds continue to be formulated to adequately address the abandoned mine problems of all states and to allow the states with the most problems to correct them much more quickly; and

**FURTHER:** That the current definitions of Reclamation Priorities be maintained to adequately correct all land and water problems created by abandoned mines including water polluted by acid mine drainage; and

**FURTHER:** That future allocations from the Abandoned Mine Reclamation Fund be used by the states in ways that promote reclamation, leverage private investment, and encourage development where appropriate, and to be used to complement or match other funds available for redevelopment of abandoned mine land sites; and

**FURTHER:** That transfer of interests generated on the Fund be maintained to the Combined Benefit Fund to defray health costs for retired miners and their dependents whose companies have bankrupt or are no longer in business.

**FURTHER:** That the SMCRA 30% Set-Aside option be maintained.

**NOW, THEREFORE BE IT RESOLVED** that:

Indiana County supports reauthorization of SMCRA Title IV fees by Congress.  
DULY ADOPTED at the regular meeting of the Indiana County Commissioners this 26<sup>th</sup> day of June, 2019.

INDIANA COUNTY BOARD OF COMMISSIONERS

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Michael A. Baker, Chairman

ATTEST:

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Rodney D. Ruddock, Commissioner

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Robin Maryai, Chief Clerk

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Sherene Hess, Commissioner

**LEASE EXTENSION...PENN PARTS CO. / DISTRICT JUSTICE OFFICE IN BLAIRSVILLE**

At the request of Robin Maryai, Chief Clerk, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the first five-year renewal extending the current lease dated January 25, 2012 to January 25, 2024. The extension also includes a 4% increase each year as stated in the original lease.

**RADIO REPLACEMENT...MOTOROLA / EMA**

At the request of Tom Stutzman, Emergency Management Agency, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the radio replacement purchase from Motorola for the Sheriff's Office in the amount of \$77,242.15. This reflects a 25% State Contract Price reduction from the manufacturer's list price with another 25% added for the ICORRS / Region 13 discount. This request will replace 20 portables currently in use by the Sheriff's Office with 25 APX 4000 portable radios and will permit migration of all law enforcement agencies in the Central Zone to an encrypted communication platform. Each of these radios will include a portable microphone, with "officer down" emergency alerting and passive "silent" communications integration. The old radios will be repurposed to the County Coroner's Office, Parks and Airport.

**CHILD ACCOUNTING & PROFILE SYSTEM (CAPS) APPLICATION SERVICE PROVIDER AGREEMENT / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the Application Service Provider Agreement providing CYS with 24-hour system access for up to 50 authorized users. The system provides secure client data, backup and/or recovery of client data on a daily and weekly basis, and telephone support. The \$32,442.05 prorated annual fee is shared by all counties and is paid through the Information & Technology Grant. Term of the agreement is from July 1, 2019 to June 30, 2020.

**HIPAA BUSINESS ASSOCIATE AGREEMENT ADDENDUM / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the HIPAA Business Associate Agreement Addendum. The HIPAA Privacy and Security Rules require Indiana County Children & Youth to enter into this agreement with Avanco International, Inc. to obtain satisfactory assurance that Avanco International, Inc. will appropriately safeguard all Protected Health Information that they receive from, creates or receives on behalf of Indiana County Children & Youth. The purpose of this HIPAA Business Associate Agreement Addendum is to satisfy such standards and requirements of HIPAA and the HIPAA Regulations.

**CHILD ACCOUNTING AND PROFILE SYSTEM (CAPS) VERSION 15 UPGRADES / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the Child Accounting and Profile System (CAPS) Version 15 Upgrades. These upgrades are fully comprised of the mandatory CWIS (Child Welfare Information Solution) Upgrades and are shared by 56 CAPS counties. The total cost of the CWIS upgrades for all counties is \$499,667.50. The cost has been proportionally allocated across all counties based on the number of users in each county compared to the total number of CAPS users. The cost of the upgrade to Indiana County is \$6,126.38 and will come from the IT Grant.

**CONSULTING SERVICES ADDENDUM TO CHILD ACCOUNTING AND PROFILE SYSTEM APPLICATION SERVICE PROVIDER AGREEMENT / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the Consulting Services Addendum to the Child Accounting and Profile System Application Service Provider Agreement. The addendum allows for Avanco to provide consulting services to CYS if requested and agreed to by Avanco. Consulting Services could include addressing new software and hardware issues unrelated to CAPS issues already covered under the agreement, advising issues related to systems, addressing technical vendor relations, county strategic plan support, system research and design, project assessment and management, systems analysis, data conversion and integration, systems administration, design and development, business process engineering and review, application review and modification, minor software development, report development, and training and technical knowledge transfer. The consultant fees vary from \$54.50 to \$125.00 per hour depending on which consultant is utilized. Fees will be paid from the IT Grant.

**LEASE PROPOSAL...INDIANA COUNTY DEVELOPMENT CORPORATION (ICDC) / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the lease between Indiana County and Indiana County Development Corporation (ICDC) beginning May 1, 2019 and April 30, 2029. The sublet space will be at the rate of \$16.00 per square foot for May and June of 2019. Beginning July 1, 2019, the rate will be \$16.50 per foot then increased 2% per annum on May 1<sup>st</sup> of each year during the term of the lease.

**CONTRACT...HANDYMAN FOR HIRE, INC. / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve for FY 19-20 with Handyman for Hire, Inc. to provide General Maintenance at the 280 Indian Springs Road Location at the rate of \$40.00 per hour and \$45.00 for plumbing and electrical services and will be utilized on a as need basis.

**CONTRACT...SERVICE MASTER OF INDIANA COUNTY / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve for FY 19-20 with Service Master of Indiana County to provide cleaning services twice a week at a rate of \$655.00 per month plus other services by request at a negotiated rate.

**SOLICITOR AGREEMENTS FY 19-20 / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the solicitor agreement for FY 19-20 with William J. Carmella, Esq. at the rate of \$150.00 per hour plus travel time when needed. Mr. Carmella will represent the agency in dependency hearings, attends meetings for case reviews, prepares for termination proceedings, appeal hearings and agency concerns or issues.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to approve the solicitor agreement for FY 19-20 with Thomas Rivosecchi, Esq. at the rate of \$120.00 per hour plus travel time when needed. Mr.

Rivosecchi will represent the agency in dependency hearings, attends meetings for case reviews, prepares for termination proceedings, appeal hearings and agency concerns or issues.

#### **GUARDIAN AD LITEM FY 19-20 / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve an agreement for FY 19-20 with Thomas Kauffman for Guardian ad Litem for dependent children at a rate of \$100.00 per hour for GAL plus travel time when needed. He also represents CYS as a juvenile Defender for status offenders at the rate of \$900 per month. Attorney Kauffman will also be assigned as solicitor at the rate of \$120.00 per hour plus travel time when needed. He represents the agency in dependency hearings, attends meetings for case reviews, prepares for termination proceedings, appeal hearings and concerns or issues.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve an agreement for FY 19-20 with Zubin F. Billimoria, Esq. as Guardian ad Litem for dependent children at the rate of \$100.00 per hour plus travel time when needed. He will find his own substitute when needed and attends team meetings and visits youth in the placement settings.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve an agreement for FY 19-20 with Joelyssa Johnson, Esq. as Guardian ad Litem for dependent children at the rate of \$100.00 per hour plus travel time when needed. He will find his own substitute when needed and attends team meetings and visits youth in the placement settings.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve an agreement for FY 19-20 with Katrina Kayden, Esq. as Guardian ad Litem for dependent children at the rate of \$100.00 per hour plus travel time when needed. He will find his own substitute when needed and attends team meetings and visits youth in the placement settings.

#### **PRIVATE PROVIDER AGREEMENT FY 18-19 / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve a Private Provider Contract with Community Specialists Corporation d/b/a The Academy, Pittsburgh, PA for FY 18-19 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

#### **PRIVATE PROVIDER AGREEMENTS FY 19-20 / CYS**

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve a Private Provider Contract with Counseling Wellness of Indiana County, Indiana, PA for FY 19-20 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve a Private Provider Contract with Great Expectations Day Care, Blairsville, PA for FY 19-20 to provide services to Children &

Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve a Private Provider Contract with Preventative Aftercare, Inc., Grove City, PA for FY 19-20 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide non-placement services.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve a Private Provider Contract with Family Care for Children & Youth, Inc., Milton, PA for FY 19-20 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Sarah Ross, Children & Youth Services, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve a Private Provider Contract with Keystone Adolescent Center, Greenville, PA for FY 19-20 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

#### **CONTRACT AWARD – FULTON RUN ALTERNATIVE SEWER SYSTEM / PLANNING**

At the request of Dave Morrow, Office of Planning & Development, and on behalf of White Township Supervisors and Municipal Authority and Skelly and Loy, Inc. a motion was made by Mr. Ruddock, seconded by Mr. Baker and carried unanimously to enter into a contract agreement with Bison Construction, Inc. from Fairmount, PA for the Fulton Run Alternative Sewer System Project. The contract award request in the amount of \$602,472.00 is for the installation of an S.T.E.P. (Septic Tank Effluent Pumping) treatment facility and on lot septic tank systems in the Village of Fulton Run. A total of four proposals were submitted ranging from low bid by Bison Construction, Inc. of \$602,472.00 to a high bid of \$900,655.00. The average of the submitted proposals is \$713,347.00. This project is being funded with 2014 CDBG Entitlement Funds, CFA Grant Funds and White Township Municipal Authority Local funds.

#### **GRANT APPLICATION – KEYSTONE COMMUNITIES PROGRAM – BROADBAND / PLANNING**

At the request of Byron Stuaffier, Office of Planning & Development, a motion was made by Mr. Ruddock, seconded by Mr. Baker and unanimously carried to approve a resolution to submit a Keystone Communities Program (KCP) application seeking a \$500,000 grant with the Commonwealth of Pennsylvania, Department of Community & Economic Development for partial funding to develop and implement a broadband deployment strategy to determine the delivery methodology and related costs of extending high-speed internet services to rural and underserved areas of Indiana County. The Authorization allows for Commissioner Baker and the Executive Director of the Office of Planning & Development to submit the KCP application and for any two Commissioners to execute documents is also requested.

We increasingly live in a knowledge-driven economy, making access to high-speed internet essential to our daily lives and economy. Lack of quality internet access means that businesses and farmers are not able to market themselves and conduct business online, our children miss out on learning opportunities and healthcare facilities cannot share information with specialists.

As defined by the Federal Communications Commission (FCC), Broadband or high-speed internet allows users to access the Internet at significantly higher and faster speeds than those available through “dial-up” services. Broadband is delivered in any number of ways, including Fiber Optic Cable; Digital Subscriber Line (DSL); Cable Modem; Wireless, Fixed, or Mobile; and Satellite. New technologies, including 5G, are emerging.

**COURTHOUSE CLOSED...FRIDAY, JULY 4, 2019 INDEPENDENCE DAY**

Mr. Baker announced that the courthouse will be closed on Friday, July 4, 2019 in observance of Independence Day.

**OTHER BUSINESS**

Commissioner Baker announced that the Media Event regarding Broadband at Blue Spruce Park at 1:30 p.m. on this date has been cancelled.

**NEXT REGULAR MEETING...JULY 17, 2019 AT 10:30 A.M.**

The next regular scheduled Commissioners’ Public meeting will be held on Wednesday, July 17, 2019 at 10:30 a.m. in the Commissioners’ Hearing Room.

**ADJOURNMENT**

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

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Rodney D. Ruddock, Vice-Chairman

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Michael A. Baker, Chairman