

Wednesday, April 16, 2014

The second regular meeting of April of the Pike County Commissioners was called to order by Commissioner Caridi at 9:00 a.m. at the Pike County Administration Building, followed by the "Pledge of Allegiance" to the flag.

PRESENT: Commissioners Caridi, Osterberg and Wagner; Chief Clerk Orben; Solicitor Farley.

Public Comments/Questions concerning today's agenda.

Presentation of Certificate of Appreciation to Tammy McCullough, Children & Youth Director, which was read by Commissioner Wagner.

Motion: by Commissioner Osterberg and seconded by Commissioner Wagner, to recess the Commissioners' Meeting to hold a Retirement Board Meeting.

Vote: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

A RETIREMENT BOARD MEETING WAS HELD.

Motion: by Commissioner Osterberg and seconded by Commissioner Wagner, to reconvene the Commissioners' Meeting.

Vote: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to approve the April 16, 2014 Agenda.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to approve the April 2, 2014 Commissioners' Meeting Minutes.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to approve the April 3, 7 and 8, 2014 Conference Minutes.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to approve payment from **GENERAL FUND (County Bills)**, in the amount of \$119,887.34, subject to further review.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to approve payment from **ACT 44 FUND (Bridge repairs)**, in the amount of \$29,107.41.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to approve payment from **HOTEL TAX FUND (SEO maint.-blog post)**, in the amount of \$449.00.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to approve payment from **PC EMPLOYEES' HEALTH INS. FUND**, in the amount of \$69,895.31.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

OLD BUSINESS: None.

NEW BUSINESS:

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to adopt Resolution No. 14-11, Month of the Young Child, April 2014, which was read by Commissioner Osterberg and presented to Louann Genovas, President, and Jill Gamboni, Treasurer of R.E.E.C.H.E. Ms. Genovas gave an overview of the programs offered.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Wagner and seconded by Commissioner Osterberg, to advertise for bids for the CDBG Matamoras Borough Emergency Generator Project.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to execute the Certificate of Cost Allocation Plan from Maximus Consulting for the year ended December 31, 2012.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Wagner and seconded by Commissioner Osterberg, to authorize the Chairman to execute the PCCD Award Acknowledgement Letter for Juvenile Accountability Block Grant funds for the project "Graduated Sanctions" in the amount of \$10,000, on behalf of the Juvenile Probation office.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MOTION: by Commissioner Osterberg and seconded by Commissioner Wagner, to authorize the Chairman to execute the Intergovernmental Agreement for the Establishment of the North Eastern Counties (NECORE) 9-1-1 System Project between Wayne, Pike, Lackawanna, Luzerne, Monroe, Northampton, Carbon, Schuylkill, Susquehanna and Lehigh Counties, and the cities of Allentown and Bethlehem, on behalf of the Communications Center.

VOTE: Commissioners Caridi, Osterberg and Wagner voted 'aye'. Motion carried.

MISCELLANEOUS:

Commissioner Caridi wanted to clarify with regard to the Courthouse expansion that the Commissioners have been in contact with the Pennsylvania Museum and Historical Commission on numerous occasions through the engineer, as well as through the

Solicitor and Commissioner Wagner, who have looked at the statutes and regulations upon which the County must comply. Commissioner Caridi asked Solicitor Farley to explain the relationship between the County and the Pennsylvania Museum and Historical Commission and the County's responsibilities. Solicitor Farley said that the position has been stated by opponents to the removal of the Kenworthy Building that the Pennsylvania Museum and Historical Commission has authority and can determine if the County can demolish the Kenworthy Building. The Solicitor did the research to confirm the authority or determine if the authority is inaccurate, and found a recent case in 2005 called *Gouldsboro vs. Commonwealth of Pennsylvania Department of Education*, which is right on point. In that particular case, the school district wanted to demolish a historic building. The Museum Commission said that because the school district is regulated by the Department of Education, they are a Commonwealth agency, and the Commission has the authority to regulate whether or not the building can be demolished. The Commonwealth Court said that the section that applies to demolition which is Section 508 of the Historical Commission relates to the demolition of a building if it is owned and controlled by a Commonwealth agency, but if it is owned by a political subdivision, i.e., the school district, county, township, the Museum Commission does not have the authority to regulate. There is a Section 507 that states that political subdivisions have certain obligations, but not under Section 508, which relates to demolition. Solicitor Farley had a conversation recently with Ms. Fredericks of the Museum Commission who said she wanted to have a three way conversation that included her Attorney Tammy Snyder Queen. Instead now Solicitor Farley was told to send a letter to the attorney and then they would have a discussion, which is fine. The case that Solicitor Farley cited was affirmed in another case. The same rationale was again adopted by the Commonwealth Court in a future case using the same theory. It is now clear that anyone who suggests that the Museum Commission can regulate the demolition of the Kenworthy building is inaccurate. Solicitor Farley believes that Ms. Fredericks does not disagree with him. She seemed to be knowledgeable of the case. During their last conversation Ms. Fredericks said that she understood, but was just using the DEP permit which requires comments from the Museum Commission. He told her that even if she made comments, her comments cannot relate to the demolition. She has no authority to the demolition of that building. Solicitor Farley will be sending a letter to the attorney as agreed. In fairness to the Commissioners, he wanted the press to be aware that the Museum Commission has no authority over the demolition or removal.

Commissioner Wagner commented that there is also a section that Solicitor Farley is aware of under the County Code, which specifically states that the County has the power to move and demolish buildings in regard to construction projects. Commissioner Wagner stressed that even though Solicitor Farley found the case, and even though there is the section in the County Code, the Commissioners are intent to not demolish. An offer was made to the Historic Trust to move the building up the street to one or two County-owned lots, and give \$40,000 towards that, which would be the cost of demolishing the building. A letter was sent to the Historic Trust stating this and the Commissioners are awaiting a response. If this building means that much to them and the Commissioners are willing to give \$40,000 and also give one or two county taxpayer lots for them to relocate the building on and maybe lease from the County and use for whatever they want, let them step up to the plate and see if the building really means as much as they say it does.

Commissioner Osterberg mentioned that the Commissioners didn't realize they had to send an official letter as the offer was repeated at the Commissioners' meetings and Borough Council meetings several times, but the Historic Trust claimed they were not aware of the offer. The Commissioners have now made it official by sending a letter and asked for at least comments from the Historic Trust within two weeks if there is an interest. If there is an interest then the offer will be finalized.

Commissioner Caridi said that the Commissioners understand that the County has certain statutory authority, but they also want to be respectful to the municipal leaders, and that is why they are availing themselves, and the engineer, to go to the Planning Commission, the ARB, the Borough Council. The Commissioners want to have a harmonious working relationship with the municipal leaders in Milford as this is where the County Seat is located. There has been a lot of criticism from certain individuals in the community. The Commissioners have listened and tried to analyze where it is prudent to be taken under consideration to look at changes. Commissioner Caridi said that there was an individual at the last Commissioners' meeting that made a statement that he had a better plan to save money, consolidate work space, and save resources as far as storage. The Commissioners thanked him and asked for the plans to look at, and to this date, nothing has been forthcoming. Commissioner Caridi said every effort was made to be communicative and respectful. The point of this conversation is that the County intends to move forward through the respected and elected municipal officials that have been voted in by the members of this community with the plans that they have, with certain adjustment, taken their advisement for architectural softening of the structure that has been proposed. They want to be sensitive to the community, but they are moving forward because the needs of the court and this community to have a modern day judicial system housed in a modern day secured court facility.

Commissioner Wagner put is simply by stating that the Commissioners have taken a cooperative approach probably more than the statutory law or case law requires.

Commissioner Osterberg said it is also important to note that a local newspaper article makes claims that there is a plan that they supposedly have but haven't showed the Commissioners yet, that is going to save \$850,000. Commissioner Osterberg continued by saying that it is easy to save \$850,000 if you are going to scale the building down to a useless building that does not fulfill the needs of the County. If it does not fulfill the needs, then there is no point. The other issue that keeps coming up, which Commissioner Osterberg has discussed with the engineers, is the number of bathrooms which they say is 18 bathrooms. The engineers said that it really has to do with the fact that it will be a secure facility. There are a lot of bathrooms, but can you scale them back? But to say that this is an oversized building because of the number of bathrooms, it has to do with the security type of building, and number of secure hallways. If the building is going to properly constructed with secure hallways, they you will need bathrooms within those secure hallways. What is the point of making it secure if the person is going to leave the secure hallway to go to a non-secure hallway to go to the bathroom. There are comments made that are not fair because they are not explained with the exact reasons. Just like saying that they are going to save \$850,000 by going with our plan, but yet they have failed to produce a plan. The plan is to cut the building down by half the size. If you cut the building down you can save money, but it does not fulfill the needs.

ADJOURNMENT: THE NEXT REGULAR MEETING OF THE PIKE COUNTY COMMISSIONERS WILL BE HELD ON WEDNESDAY, MAY 7, 2014, AT 9:00 A.M., AT THE PIKE COUNTY ADMINISTRATION BUILDING.