

COMMISSIONERS GENERAL SESSION
April 21, 2014

**Present at the meeting were
Commissioners:**

Brenda K. Benner-Chairman
Stephen C. Naylor-Vice-Chairman
Paul L. Rudy Jr.- Secretary
Kathy Burkholder-Chief Clerk
William R. Bunt- Solicitor

Present from the Press: Sean Sauro, Perry County Times

Present from the Public: Allen Metzger, Dave Magee, Donna Ellenberger, Russ Hoover, Edward Albright, Linda Hefenfinger, Glenn Holliman, Barb Holliman

Commissioner Benner opened the meeting at 10:00 AM on April 21, 2014 with the Pledge to the Flag and a moment of silence.

Public Comment: None

Commissioner Naylor made a motion to approve the minutes of April 14, 2014. Commissioner Rudy seconded the motion. Motion carried.

Commissioner Rudy made a motion to approve the warrant list for April 21, 2014 in the amount of \$128,026.50, with an exception of an invoice for Nauman Smith Shissler & Hall, LLP in the amount of \$1,435.00 until the amount of the invoice is resolved with the billing for Commissioners hours and the dates. Commissioner Naylor asked what needed resolved. Commissioner Benner seconded the motion. Motion carried. Commissioner Naylor noted let the minutes reflect that this was not the first time

Commissioner Rudy made a motion to approve the Independent Contractor Agreement with Kathleen Penn until the replacement of a Chief Fiscal Officer is done on an "as needed" basis for an hourly rate of \$30. Commissioner Benner seconded the motion. Motion carried. Commissioner Naylor abstained because of Kathy being a family member.

Based on the recommendation of Seda-COG, Commissioner Naylor made a motion to approve the following Sub Recipient Agreements with Blain Borough for use of CDBG (Community Development Block Grant) funding for water system improvements, and a raw water reservoir liner.

FFY 2009-\$59,903

FFY 2010- \$5,129.03

FFY 2012-\$21,000

Commissioner Rudy seconded the motion. Motion carried.

Employee Status:

Commissioner Naylor made a motion to approve Andrea Biezd, Aging Care Manager, effective April 22, 2014 at a rate of \$15.35 hourly. Commissioner Rudy seconded the motion. Motion carried.

Commissioner Rudy made a motion to accept the letter of resignation for Stevie Jo Heller, Chief Fiscal Officer, effective April 25, 2014. Commissioner Naylor seconded the motion. Motion carried.

Commissioner Rudy made a motion to accept the letter of resignation for Jessica McNaughton, C&Y Caseworker, effective April 25, 2014. Commissioner Naylor seconded the motion. Motion carried.

Solicitors Report- Nothing that required Action.

Open Forum for the Press: Question were asked and answered.

Public Comments: Comments from the public were made regarding auditing of the Sheriffs Permits to carry firearms. Linda Hefenfinger asked if there was any updates on the status of the request by the county auditors to

see the names of people that have applied for permits. Commissioner Benner noted that the sheriff made two attempts to provide the auditors with information but the auditors did not accept it.

Commissioner Rudy stated that each commissioner has tried to resolve the issues with the sheriff and auditors and Commissioner Naylor has asked for case law from each party to try to determine which department is correct and no one could come up with a resolution. Commissioner Rudy explained that before approving the solicitor's agreement it was for a fee of \$270 per hour with no limit on the amount of time. Commissioner Benner and Rudy made a motion to put a cap not to exceed \$2,000 without the approval of the Board before incurring additional legal fees in excess of the \$2,000. Commissioner Naylor did not approve of the \$2,000 limit. Commissioner Naylor also added that he did not see this as a political move or violation of the 2nd Amendment.

Ed Albright noted that in a previous meeting Sheriff Nace made the comment he could be sued \$1,000 per occurrence as a result of releasing the names of license to carry firearm permits. He wondered why the county solicitor could not call the state police commission and ask for an answer to this request and resolve the matter.

Donna Ellenberger asked when they will be up for re- election and have the public remember that the auditors work for the citizens of Perry County and they will have the final say in the matter.

Commissioner Naylor made a motion to adjourn at 10:30 a.m. Commissioner Rudy seconded the motion. Motion carried.

Kathy Burkholder, Chief Clerk

Paul Rudy Jr., Secretary