Commissioners:

R. JACK MCKERNAN Chairman

TONY R. MUSSARE Vice Chairman

RICHARD MIRABITO Secretary

Telephone (570) 320-2124 Fax (570) 320-2127



COUNTY of LYCOMING 48 WEST THIRD STREET WILLIAMSPORT, PA 17701 J. DAVID SMITH Solicitor

MATTHEW A. McDERMOTT

Director of Administration

and Chief Clerk

www.lyco.org county.commissioners@lyco.org

Minutes of the Meeting of June 27, 2017 Board Room, Executive Plaza Pine Street, Williamsport

Commissioner McKernan - Present Commissioner Mussare - Present Commissioner Mirabito - Present

Solicitor Smith - Present

1.0 OPERATIONS

1.1 CONVENE COMMISSIONERS MEETING. The meeting was convened at 10:04 a.m.

2.0 ACTION ITEMS

- 2.1 APPROVE CASH REQUIREMENTS REPORT. A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), approved accounts payable cash requirement report through July 5, 2017, for payment on June 28, 2017, in the amount of \$1,674,239.18.
- 2.2 APPROVE CASH REQUIREMENTS REPORT. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved accounts payable cash requirement report through July 12, 2017, for payment on July 5, 2017, upon review and approval by Commissioners.
- 2.3 AWARD CONTRACT TO BIMBO BAKERIES. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), awarded contract for bread products to Bimbo Bakeries USA Inc.
- 2.4 AWARD CONTRACT FOR INMATE DETENTION ITEMS. A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), awarded Award contracts for inmate detention clothing and supplies to the following on a per item as needed basis:

- Americare Products Inc, Bob Barker Company Inc, Charm Tex, KAR Wing Trading Co Inc, O.D. Taragin, Tab Textile Co Inc and Victory Supply Inc.
- 2.5 APPROVE PSA WITH GLEN MILLS. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved Professional Service Agreement with Glen Mills for 2016-2017 for the Juvenile Probation Office.
- <u>2.6 APPROVE PSA WITH DON MARTINO.</u> A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), approved professional service agreement with Don Martino, Esquire for the Juvenile Probation Office.
- 2.7 APPROVE PSA WITH JEFF YATES. A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), approved professional service agreement with W. Jeffrey Yates, Esquire for the Juvenile Probation Office.
- 2.8 APPROVE PSA WITH COMMUNITY SOLUTIONS. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved professional service agreement with Community Solutions for 2017-2018 for the Juvenile Probation Office.
- 2.9 APPROVE PSA WITH CROSSROADS. A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), approved professional service agreement with Crossroads Counseling, Inc. for 2017-2018 for the Juvenile Probation Office.
- 2.10 APPROVE PSA WITH RAY MCGINNIS. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved professional service agreement with Ray McGinnis for 2017-2018 for group and family counseling for the Juvenile Probation Office.
- Mr. Mirabito noted that he is close personal friends with Mr. McGinnis. Solicitor Smith said there is no conflict.
- 2.11 APPROVE PSA WITH HOPE. A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), approved professional service agreement with HOPE Enterprises /Dr. Dowell Neuropsychological Services for 2017-2018 for neuropsychological services. for the Juvenile Probation Office.
- 2.12 APPROVE AMENDMENT TO WATS AGREEMENT. A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), approved amendment to agreement with PA Department of Transportation for WATS program #520903.
- 2.13 APPROVE DCNR GRANT EXTENSION. A motion by Mr. Mussare and seconded by Mr. Mirabito and passed (3-0), approved Approve grant agreement with DCNR for River Walk Extension C2P2 Grant #BRC-TAG-22-47.

- 2.14 APPROVE PURCHASE FROM MITEL. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved purchase from Mitel for VoIP telephones and licenses off of state contract in the amount of \$89,937.52.
- 2.15 APPROVE RERF GRANT RECEIPT. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved grant receipt from PEMA for 2017-2018 Radiation Emergency Response Fund in the amount of \$5,876.
- 2.16 APPROVE AMENDMENT TO AGREEMENT WITH STEP. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved amendment to subrecipient monitoring contract with STEP, Inc. for 2015 PHARE.
- <u>2.17 APPROVE AGREEMENT WITH MICROSOFT.</u> A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved renewal agreement with Microsoft for Software licensing.
- 2.18 APPROVE AGREEMENT WITH MICROSOFT. A motion by Mr. Mirabito and seconded by Mr. Mussare and passed (3-0), approved renewal agreement with Microsoft for SQL licensing.
- **6.0 COMMISSIONER COMMENT**. The floor was opened to commissioner comment and the following were received:
 - Mr. Mirabito again encouraged citizens to contact their legislators and voice their concerns on the negative impact on counties that the proposed state and federal budgets will cause.
 - Mr. Mussare said that it is important to know that local taxes may have to be increased to make up the deficiencies these proposed budgets will create. We need pension reform to reduce taxes.
- **7.0 PUBLIC COMMENT**. The floor was opened to public comment and the following were received:

Todd Lauer from Jersey Shore asked the status of the emergency water heaters at the prison.

Mya Toon responded that the PO was processed.

Director McDermott explained that there is a 4-6 week lead time for the parts. John Bogle of Williamsport provided a copy of his research which is attached. He explained he is dissatisfied with the Visitor's Bureau being run by the Chamber of Commerce. He said that the Chamber of Commerce is not a charitable organization, but a 501(C)(6), a business association, similar to a labor union. It should not be given public monies. The financials they provide do not give much information. If money is being merged between the Chamber of Commerce and the Visitor's Bureau, it would be inappropriate and illegal.

Mr. Bogle raised several questions on the financials.

Mr. Mussare suggested he contact the Chamber and its board members to ask these questions.

John Bogle replied that you pass the money through to the Visitor's Bureau so you have fiduciary responsibility to know where it goes.

Mr. Mirabito agreed with Mr. Bogle. He explained that the Commissioners scrutinize all other expenses/bills, but not the hotel tax money. He added that the commissioners appoint to all authorities and boards, but they do not appoint members to the Tourist Promotion Agency. The Chamber of Commerce is creating a shell game with the Visitor's Bureau and the C of C. We are being delinquent in our responsibilities to know where this money is being used. Mr. Mussare commented that there are constituents that have issues greater

Mr. Mussare commented that there are constituents that have issues greater than this who need help. We already addressed this.

Mr. Bogle continued asking questions on how the money is being spent. He wants more details on how it is being used.

Mr. Mirabito said we do not get answers from the Chamber, and these issues have not been vetted. Mr. Mirabito noted that he has been in office 18 months and has been stone walled by the Chamber in response to questions about the use of hotel tax money. He asked the CofC pointed questions and they did not answer. This is public money!

Mr. Bogle went over addition information in his research.

Mr. Mirabito made a motion to suspend payment to the Chamber of Commerce/Visitor's Bureau and hold that money in the Treasurer's until the answers are received and it is determined that this money is being used correctly. This motion died for lack of a second.

Mr. McKernan said that he will give the document provided by Mr. Bogle to the Chamber to ask for answers. He said that he did not want to hold a trial without the defendant [Chamber of Commerce] present.

Mr. Mussare suggested a meeting be held outside the public meeting to discuss these issues with whoever would like to attend.

Mr. Bogle addressed the issues of the salaries for Jason Fink and Vince Matteo.

Mr. Mussare said this is a public meeting where there are rules to be followed (Robert's Rules) and we are not following them. This is not a town hall meeting!

Mr. Mussare excused himself at 12:00 p.m. as he had to attend another meeting.

Mr. Mirabito asked Beth Johnston if we pay the CofC membership dues.

Beth Johnston replied yes, and have for over 18 years.

Mr. Mirabito asked why we are a Chamber member and not a member of other organizations like the West Branch Builders Association.

Mr. McKernan asserted that he fully supports the county being a Chamber member. It works for the community toward economic development.

Mr. Mirabito made a motion to put out a Request for Proposal for the use of hotel tax money.

This motion died for lack of a second.

Mr. Bogle commented that the current vision of the Visitor's Bureau is narrow because it has taken on the interests of the Chamber. The two should be separate!

Mike Hyde of Montoursville emphasized this is not just a "John Bogle issue". There are several present to support his view. He wanted to know when they can expect answers. He added information that the visitor's guide on the website is from 2012-2013. There are numerous other errors as well.

Glenda Hyde of Montoursville voiced concerns with the current health care bill and the proposed cuts to Medicaid. She is concerned with the affects on her taxes going up.

Mr. McKernan replied to Mrs. Hyde and said we hear you and agree. We are working on it and trying to look out for the citizens of our community.

Verna Carruso of Williamsport added that she continues to call various legislators to voice her concerns on the budget and it falls on deaf ears. She requests the Commissioners do this.

Mr. Mirabito made a motion to set aside money from the hotel tax monies to do a forensic audit on the Visitor's Bureau and hold the remaining money in the treasurer's office.

This motion died for lack of a second.

Mr. Mirabito made a motion to set aside the increased tax that will be effective July 1, 2017, when it goes from 3% to 5% and hold it at the Treasurer's office until these issues are resolved.

This motion died for lack of a second.

- **8.0 NEXT REGULARLY SCHEDULED MEETING.** Mr. McKernan announced the next regularly scheduled meeting to be held Thursday, June 29, 2017.
- **9.0 ADJOURN COMMISSIONERS' MEETING**. The meeting was adjourned at 12:33 a.m.

Lets agree on the general situation. The Chamber of Commerce is a non-profit organization but it is not a charitable organization, instead, it is defined by the IRS as a business league, a 501(c)6.

Contributions to the Chamber are not tax deductible but membership fees are as business expenses. The Chamber's primary goal is to benefit its member's businesses. An analogy would be to labor unions which have a 501(c)5 IRS designation and operates under very similar rules.

Both business leagues, like the Chamber, and labor unions are politically active. Having the Visitors Bureau in the Chamber is just a bit more logical than giving it to the local Steam Fitters Union. In either case a great amount of oversight and skepticism should be applied. Allowing the host organization to poach public money from the Visitors Bureau would be both inappropriate and illegal.

Clearly, this needed oversight has not happened. From what can be gleaned from the VB's extremely meager financial reporting raises a number of questions. It is evident that the Visitors Bureau is top heavy with executive salaries and administrative costs and is inefficient in doing tourists promotion. The claim that having the VB in the chamber is costs efficient is simply not true since only 41% of the public funds were used for tourists promotion in 2016 and much of that is questionable. The Visitors Bureau is operating primarily as a contracting and granting agency doing little tourist promotion itself.

Instead of serving the county as a whole the VB functions are very concentrated. The large bulk of the promotion funds were spent within three miles of the VB office and most of the the funded events happen in that small area, often within the two weeks of the LL World series.

The Financials

Grand Slam Parade 94,075

To separate public from private monies, encapsulated activities like the Grand Slam Parade which have private sources of funding, along with other funding sources, have been separated out showing income, expenses, and net.

costs net	8 <u>5,345</u> 8,730	
Visitors Guide cost net lease rent	36,335 36,585 (250) 28,500 25,000 3,500	Primarily a Chamber directory



RE tax

-8.394

net (4,894)

Tour Packages

4,941

costs <u>4,660</u> net 281

souvenirs/consignments

5933

costs <u>5429</u>

net 504

Miscellaneous

2,867

1,916

951

carried over from previous year 18,334

carried on to next year

18,609

net

total net income from enterprises

5,322

335

interest income

1,091

Hotel Tax revenues

648,864

total spendable income for 2016 655,277

Salaries, payroll taxes and fringe benefits 221,955 = 34% of total income

Unclear if Jason Finks salary reported on 2015 form 990 includes payroll tax. His
salary as reported in 2015 would make up 56% of the VB's compensation.

Office expenses and administration

60,416 = 9 % of total income

(not including employee compensation and rent)

The Chamber declared its office expenses as 56,897 on form 990 in 2015. Did the Chamber merge its office expenses with the Visitors Bureau's using public funding to pay for some or all of it or did the Chamber and VB spend approximately 117,000 on office and administration?

Grants to Chamber member organizations 101,568 = 15% of total income It appears that all the organizations that received grants were Chamber members. Were any grants ever given to non Chamber organizations?

promotion and public relations 262,485 + postage 6,352 = 268,838 or 41% of total income

The Chamber claimed a 191,355 expenditure for promotion on their 990 in 2015. Was this additional to the amount the Visitors Bureau claimed to have spent (thus approximately 454,000) or was it merged? Was the postage expenditure for the VB, or the Chamber, or merged?

The Items below are itemized expenditures from the VB's Promotion budget from January 1st to Sept 30, 2016. These are normal oversight questions.

sponsorships Crosscutters/Hiawatha	37,345	Any restrictions of use on these grants?
Adtrak 112 monthly + occasional other charges	1,344+	What service?
Impact advertising 1,100 monthly + 3663	23,663+	What was the service?
Small Business Saturday	770	Chamber expense?
Grant Reception costs	418	Chamber PR?

Expenses for LL + grand slam parade reported within promotion budget 56,669

The grand Slam Parade was already expensed-out above for 85,345. Did the parade cost 142,014 or is all or part of the 56,669, in the promotion budget, double billing? The Visitors Bureau paid to bring Johnny Bench to town, 5,600, but the Chamber used him to headline their Grand Slam Breakfast, charging admission, giving Chamber members a discount. The Chamber reported 75,000 income from the breakfast in 2015. There is no evidence, however, that the Chamber compensated the VB for his appearance at their function. Did the Chamber compensate Johnny Bench separately?

Wilson Trophy-WWW	7,004	What? For whom?
BWP Bats	1,048	There is a souvenir enterprise already listed. Where the bats and T-shirts part of that or
Teamwork Graphics T-shirts	2,312	separate. If so why?
MAB Celebrity Services- Rodriguez WWW-Rodriguez	20,000 1,012	What services? Worth the costs? What is WWW?

The Visitors Bureau gives a year end accounting for the money they spent on promotion in the form of a checkbook registry: date, paid to, one or two word discription, and amount. The report dated as January 1, 2016 through December 31, 2016 suddenly ends on September 30th leaving three months and \$100,000 unaccounted for. Why was that was done? Where did the money go?

Other Questions

- Has the Visitors Bureau joined PAWilds Marketing? When will that decision be made, and who will decide?
- The proposed Sports Complex is a stated goal for the Visitors Bureau. What studies are being done to confirm this is the best use of public money?
- During 2015, the TPA granted \$500,000 to help fund the Liberty Arena project in the Williamsport area. Since the \$500,000 was public money, what rights to the Liberty Arena are granted to the public? Has the VB looked at how well the Arena is being used? How many tourist has the Arena attracted? What is the VB's return on its investment? Why did the TPA provide a half million dollar grant to an individual to start a private business?

Conclusion

The Visitors Bureau and Chamber have likely merged some of their finances and functions. The result it a dysfunctional Visitor Bureau and a Chamber that appears to have become parasitic on the VB's public funding.

Two things should happen:

- First, a thorough forensic audit should be ordered of the accounts of the Chamber and its Visitors Bureau function.
- Second, Lycoming County Commissioners should establish an independent TPA with a diverse board of trustees charged with hiring a director and staff and overseeing a strategic plan for developing the tourism industry for the entire county.

Lycoming County Visitors Bureau Statements of Activities Months and Years Ended December 31, 2016 and 2015

REVENUE	
Grand Slam Parade 25.00 (25.00) 94,075.00 75,075.00	40 000 00
Interest Income 119.45 83.97 1,090.72 1,889.00	40,000.00 750.00
Lease Income () 2,750,00 2,000.00 28,500,00 8,000,00	24,000.00
Miscellaneous 182.26 1.88 2,867.48 646.75	500.00
Reimbursements - (9,102.70) - 2,978.39	0.00
Poor Toy	385,000.00
Souvenirs/Consignment 177.43 626.05 5.933.31 6.026.26	3,500,00
Tour Packages - 75.00 4.941.00 3.331.00	2,500.00
Un-utilized Travel/Tourism Funds 6,150.84 - 18,834.46	0.00
Visitors Guide 36,335.00 41,055.00	45,000.00
TOTAL REVENUES 117,203.51 54,187.57 841,440.55 850,268.78	801,250.00
EXPENSES	
ADVERTISING & PROMOTIONAL	
Grand Slam Parade , 나 , bull , 2,000.00 200.00 85,324.83 81.157.60	65,000.00
Postage 149.76 211.64 6.357.26 4.379.88	5,000.00
Promotion/Public Relations 49,041.16 18,939.43 262,484.52 179,742.40	240,000.00
TOTAL ADVEDTIDING & DOMOTIONAL FLAGRAGE	310,000.00
GENERAL & ADMINISTRATION	
Audit/Professional Fees 553.33 363.33 14,727.29 20,385.54	12,595.00
Depreciation 628.93 602.52 7,547.15 9,353.81	7,500.00
Information Technology 426.67 151.67 3,272,97 2,693,10	3,320.00
Insurance 513.33 519.46 5,799.73 4,270.08	6,500.00
Maintenance 386.22 406.47 5,086.41 4,694.20	5.000.00
Mileage 1,800.00 1,800.00 2,339,19 2,510,37	2,500.00
Office Equipment 55.12 788.33 4,035.44 6,649.22	6,000.00
Office Supplies 898.16 273.94 4,814.67 2,772.56	3,000.00
Rent 2,083.50 2,083.50 25,002.00 20,551.49	25,002.00
	232,756.00
Telephone 235.02 743.27 2,727.81 4,560.00	3,500.00
Training - 265.00 369.00 Travel information Center - 66.69 2.751.37	1,250.00
1 Hills - fi	0,00
2,000.00 10,000.04 0.904.30	10,000.00
TOTAL GENERAL & ADMINISTRATION 26,695.41 29,553.60 307,372.95 = 36,5 318,838.50	318,923.00
OTHER	
Dues - 1,868.00 980.00	3,000.00
Meetings/Seminars 94,98 148,32 876.93 1,902.41	2,000.00
Miscellaneous 814.74 672.54 1,916.24 1,969.96	1,000.00
	102,750.00
Souvenirs/Consignment - 749.54 5,429.14 5,164.85	3,200.00
Taxes-R.E., Other 775.86 727.62 8,394.38 3,638.24 Tour Packages 486.00 4.659.75 3.065.00	00,008,6
\(\(\frac{1}{2}\) \(\frac{1}{2}\) \(\frac{1}{2	1,500,00
TOTAL OTHER	47,000.00
TOTAL OTHER 9,753.57 10,784,02 161,297.44 161,479,22	169,250.00
TOTAL EXPENSES 87,639.90 59,688.69 822,832.00 745,597.58	798,173.00
NET REVENUES 29,563.71 (5,501.12) 18,608.55 104,669.20	3,077.00
EXPENSES - NONBUDGET	
Grant Expense - 500,000,00	0.00
Loss on Disposal of Assets - 21.864.89	0.00
TOTAL EXPENSES - NONBUDGET 521,864.89	0.00
REVENUE OVER (UNDER) EXPENSES \$ 29,563.71 \$ (5,501.12) \$ 18,608.55 \$ (417,195.69) \$	3,077.00

Lycoming County Visitors Bureau Promotional & Advertising Detail January 1, 2016 through December 31, 2016

Date	Name	Description	Amount
01/01/16	Impact Advertising	monthly contract	1.100.00
01/04/16	Adtrak	monthly contract	112.04
01/07/15	VISA	Smaa Business Saturday	770.00
01/07/16	VISA	V8 Sign Board	510.95
01/26/16	Gina Kennedy	Welcome Center travel	101.52
02/01/16	Impact Advertising	monthly contract	1,100.00
02/10/16	Gina Kennedy	Hbg Ouldoor Show travel	190.62
02/29/16	Adtrak	monthly contract	111.73
02/29/16	Sprinkled Sweet	Grant reception	152.62
03/01/16	Impact Advertising	monthly contract	1,100.00
03/10/16	Power Play Marketing	advertising	15,750.00
03/20/16	Visitors network	Website marketing	439.00
04/01/16	Impact Advertising	monthly contract	1,100.00
04/01/16	Plankenhorn Stationery Co	sales trip	23.40
04/07/16	VISA	Grant reception	264.68
04/07/16	VISA	VB Client/Sponsor meal	444.90
04/07/16	VISA	Hiawatha Sponsorship	4,625.00
04/11/16	JFink	Hiawatha Sponsorship	2,125.00
04/30/16	Crosscullers	Sponsorship	30,595.00
05/01/16	Sun-Gazette	ad	1,016.04
05/02/16	Impact Advertising	monthly contract	1,100.00
05/07/16	VISA	VB ad-Centre Daily Times	1,753.26
05/07/16	VISA	sales trip	880.87
05/09/16	Little League Baseball	program ad	13,450.00
05/24/16	WBRE	Parade marketing	10,500.00
06/01/16	Impact Advertising	monthly contract	1,100.00
06/01/16	Impact Advertising	advertising	3,000.00
08/03/16	Greater NJ Motorcoach	Exhibition	165.00
06/07/16	VISA	sales trip	35.00
06/30/16	Adtrak	monthly contract	111.49
06/30/16	Adtrak	monthly contract	160.89 √
07/01/16	Impact Advertising	advertising	3,000.00
07/01/16	Impact Advertising	monthly contract	1,100.00
07/06/16	Impact Advertising	brewfest	633.33
07/07/16	VISA	promotion expense	73.44
07/11/16	So. Williamsport Mummers	Mummers Parade	75.00
08/01/16	Impact Advertising	monthly contract	1,100.00
08/01/16	Impact Advertising	advertising	3,000.00
08/07/16	VISA	DCA meeting	50.88
08/10/16	Colonial Radio Group	LL World Series	800.00
08/12/16	BWP Bats	www	1,048.34
08/19/16	JFink	DCA Show tickets	50.00 -
08/31/16	MAB Celebrity Services	Rodriguez-WWW	20,000.00
08/31/16	Wilson Trophy	www	7,003.87 6 ~~
08/31/16	Teamwork Graphics	WWW Tshirts	2,312.00
08/31/16	Backyard Broadcasting	advertising	6,500.00
09/01/16	Sun-Gazetle	LL Pin Booklet	375.00
09/01/16	Impact Advertising	monthly contract	1,100.00 *
09/01/16	WBRE	Website ROS/Video	10,500.00
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09/01/16	iHeart Media	www	1,519.00
09/07/16	VISA	DCA trip expenses	145.62
09/07/16	VISA	WWW/Rodriquez	1,011.65
09/07/16	VISA	www-inflatables	1,500.00
09/30/16	MAB Celebrity Services	Bench	5,600.00
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