

Commissioners:

SCOTT L. METZGER
Chairman

TONY R. MUSSARE
Vice Chairman

RICHARD MIRABITO
Secretary



MATTHEW A. McDERMOTT
*Director of Administration
and Chief Clerk*

J. DAVID SMITH
Solicitor

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**LYCOMING COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
Tuesday April 6, 2021
10:00 A.M.**

Present:

**Commissioner Metzger
Commissioner Mussare
Commissioner Mirabito
Director McDermott
Solicitor Smith- Via Phone**

OPERATIONS : Opening Prayer and Pledge of Allegiance led by Mr. Metzger.

1.0 OPERATIONS

- 1.1 Opening Prayer
- 1.2 Pledge of Allegiance
- 1.3 Convene Commissioners' Public Meeting
- 1.4 Approve the Minutes of the Previous Meeting **Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.**
- 1.5 Public Comment (Agenda Items Only) **None**
- 1.6 **Presenting Proclamation- Safe Digging Month**

1.7 **Employee Service Awards:**

Jerold Ross – Coroner – 10 Years

Corey Persun- APO – 20 Years

Adam Welteroth – Prison – 10 Years

Mary Denise Moser – Conservation – 20 Years

2.0 **ACCOUNTS PAYABLE CASH REQUIREMENT**

Nicki Gottschall – Approve the following cash requirement report(s):

- 2.1 Nicki Gottschall- Approve accounts payable Cash Requirements Report through April 14, 2021 for payment April 7, 2021 in the amount of \$1,133,663.80.
Mr. Mussare moved to approve. Mr. Mirabito 2nd the motion. Approved 3-0.

3.0 **TDA ACTION**

Roxanne Grieco – Approve update to the TDA Report:

3.1 District Attorney- Central Processing Center

- Reclassify one (1) Part-Time Central Processing Officer to a Part-Time Director of Central Processing.
- Reclassify one (1) Part-Time Central Processing Officer to a Part-Time Assistant Director of Central Processing.

Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.

4.0 **PERSONNEL ACTIONS**

Roxanne Grieco – Approve the following personnel action(s):

Mr. Mirabito moved to approve all. Mr. Mussare 2nd the motion. Approved 3-0.

- 4.1 DA-Central Processing Center-- Joseph W. Hope, Part-Time Reclassification Position, Director of Central Processing, Paygrade CPO, \$23.00/ Hourly. Not to exceed 1000 hours annually. Effective 4/18/21.
- 4.2 DA-Central Processing Center-- Timothy B. Nelson, Part-Time Reclassification Position, Assistant Director of Central Processing, Paygrade CPO, \$21.00/ Hourly. Not to exceed 1000 hours annually. Effective 4/18/21.

- 4.3 Planning & Community Development- Mark L. Haas, Full-Time Replacement Position, Subdivision & Land Development Administrator, Paygrade 8, \$38,933.97/Salary. Effective 4/19/21.
- 4.4 Pre-Release- Kaitlin N. Lunger, Full-Time Replacement/Promotion, Female Work Crew Foreman, Paygrade 7, \$18.26/Hourly. Effective 4/18/21.
- 4.5 Pre-Release- Timothy P. Leibensperger, Full-Time Replacement, Resident Supervisor, Paygrade 6, \$16.76/Hourly. Effective 4/19/21.
- 4.6 District Attorney- Corrina Schaefer, Full-Time Replacement Clerk III Position, Paygrade 4, \$14.09/Hourly. Effective 4/12/21.

Recess Commissioners' Public Meeting

5.0 SALARY BOARD ACTIONS

Roxanne Grieco – Approve update to the following salary schedule(s):

Ms. Gottschall moved to approve. Mr. Mussare 2nd the motion. Approved 4-0.

- 5.1 District Attorney- Central Processing Center
- Reclassify one (1) Part-Time Central Processing Officer to a Part-Time Director of Central Processing @ \$23.00/hour.
 - Reclassify one (1) Part-Time Central Processing Officer to a Part-Time Assistant Director of Central Processing @ \$21.00/hour.

Adjourn Salary Board Actions

Reconvene Commissioners' Public Meeting

6.0 ACTION ITEMS

- 6.1 Mya Toon- Vote on Grant & Monitoring Agreement with Central Pennsylvania Gold Star Family Monument. Act 13 Legacy Funds. \$43,000 for the Gold Star Families and \$7,000 for the Intruder project at Lycoming County Veterans Memorial Park.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.2 Mya Toon- Vote on agreement with Suzanne Mannes, for professional services. Not to exceed \$20,000.00.
Mr. Mussare moved to approve. Mr. Mirabito 2nd the motion. Approved 3-0.
- 6.3 Mya Toon- Vote on Resolution with TCF National Bank. 2021 budgeted item.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.

- 6.4 Mya Toon- Vote to award RFP for tower steel for two 250' towers for the Hesker Hill and Hughesville sites to Daley Tower Service, Inc. In the amount of \$298,918.00.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.5 Mya Toon- Vote on WDGC Golf Cart Loan Agreement in the amount of \$441,525.00.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.6 Kristin McLaughlin- Vote on CDBG FFY 2021 Citizen Participation Plan.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.7 Kristin McLaughlin- Vote on CDBG FFY 2021 Language Access Plan.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.8 Kristin McLaughlin- Vote on STEP FFY 2017 CDBG - Subrecipient Agreement Amend 1.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.9 Ken George- Vote on Amendment to Agreement with Air Management Technologies, Inc. Extend the term of the Agreement to May 31, 2021, in order to complete the project.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.10 Jason Yorks- Vote on Tarps and Chains Purchase with Southwestern Sales Co. 2021 operating budget. In the amount of \$13,431.58. 2021 budgeted item.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.11 Jason Yorks- Vote on National Pollutant Discharge Elimination System general permit application. Digger project. 2021 Budgeted item.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.12 Jason Yorks- Vote on Ford F-550 Weld Truck Purchase. In the amount of \$124,333.56. 2021 Budgeted item.
Mr. Mussare moved to approve. Mr. Mirabito 2nd the motion. Approved 3-0.
- 6.13 Jason Yorks- Vote on the purchase to replace the final drive for RMS Volvo Haul Truck in the amount of \$27,088.51. Proprietary item.
Not a 2021 budgeted item
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.14 Jason Yorks- Vote on Contract 2021 Highway Equipment PSA signed by Contractor. 2021 Budgeted item.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.15 Jason Yorks- Vote on Amendment to Agreement 2021 Muncy Creek Twp. DORA Addendum signed by Contractor.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.

- 6.16 Jason Yorks- Vote on Amendment to Agreement with Accent Wire Tie. 2021 budgeted item.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.
- 6.17 John Lavelle- Vote on Ryland settlement agreement in the amount of \$22,500.00. County will pay Ryland \$20,000 and LDG \$2,500.
Mr. Mussare moved to approve. Mr. Mirabito 2nd the motion. Approved 3-0.
- 6.18 Beth Baylor- Vote on the purchase of (3) new licenses with APCO International Inc in the amount of \$16,842.00. 2021 budgeted item.
Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.

7.0 COMMISSIONER COMMENT

Mr. Mussare commented about HR1. He asks that you contact your Representatives.

Mr. Mirabito commented in regards to a mass vaccination site. He also asks that everyone get vaccinated. If you are not sure- Please do your research.

He also believes the Commissioners should consider the education program to educate everyone about the virus and vaccines.

8.0 PUBLIC COMMENT

Karen Koch-Center of Independent Living- Asking for an update in regards to the PEMA Category B funding.

Scott Miller- Williamsport- Read his prepared statement to the Commissioners. Would like it attached for public record. Letter is attached to meeting minutes.

9.0 NEXT SCHEDULED MEETING

The agenda was fully completed and all items were voted on today. The next Commissioners Public Meeting will be held on Tuesday April 13, 2021 at 10:00 A.M. in the Commissioner's Briefing Room, 1st Floor, Executive Plaza, 330 Pine Street, Williamsport, PA 17701.

****Please refer to video recording of meeting for more detailed information.**

<https://www.youtube.com/channel/UCSRDCV2YEBfonPDRfPMnEu>
[w/videos](#)

Today I am going to talk about three words. Faith. Moral's. Constitutional. I will try to keep my comments within the time limit.

Faith is believing in something you can neither prove nor disprove. I cannot prove or disprove the existence of God.

Morals or morality is something one does even if no one is watching or will ever know you did or didn't do.

Constitutional means allowed, lawful, legal. Therefore UN-Constitutional would mean Not allowed, UN-lawful, and Illegal.

From the United States of America's, State Department official web site I submit to you, the County commissioner's, the following; The Indian removal act. ***Reading the first paragraph.*** Please insert a copy of it to the official record.

Next I remind you Commissioner's of documents I already provided about the Commonwealth of Pennsylvania and rulings by "OUR" State Supreme Court; Where the court ruled not once, but twice, that use of the royalties from fracking on state lands was to be used only for environmental mitigation efforts. And any other purposes were UN-Constitutional. **From the Bay Journal.

Why do I bring these things up? I can clearly show the United States of American has violated it's own Constitution and The Commonwealth of Pennsylvania also has violated it's Constitution.

Why does this matter to us at the county level? Or the personal level? It demonstrates that the Government at both the Federal level and the State level do not care about Faith in the government to be moral, or legal in it's actions, or lack thereof.

So where am I going with this? I mean what can you and I as minor players do about it? We do not control the Federal government or the State government. I shall show you where you three as County Commissioner's have a definite role in taking some sort of action.

A year ago the Governor ordered nursing homes to accept Covid positive people into them. Even if they didn't want to. But less than 48 hours prior to this order the Secretary of Health, Rachel Levine, removed their mother from a nursing home. Now, I assume the Secretary of Health

and the Commonwealth of Pennsylvania have at their disposal experts in health and medicine. So therefore the Secretary of Health, Rachel Levine, Knew or should have known the inherent risks in placing Covid positive people in nursing homes and demonstrated this prior knowledge by removing their own mother from a nursing home before the order took effect.

But now how does this effect you, the County Commissioners? Well early on the nursing home in Jersey Shore was the single place in Lycoming County that caused the most deaths in Our county. YOUR county. You three are the one's we elected to protect your citizen's. What actions are you three going to do about this?

I think I have shown that the government knew they were putting your citizen's at risk of illness and death. I therefore am requesting the Lycoming County Commissioner's take legal action(s) against the Commonwealth of Pennsylvania to seek compensation for the illnesses and wrongful deaths directly attributed to the order by Governor Wolf.

If I am to have Faith in the government to do the Moral and Constitutional thing I hope and pray that you three will do the right thing and stand up for what was done on your watch, in your county.

In short to accidentally kill someone is manslaughter. To purposely kill someone is murder. To purposely kill a select group of people is Genocide. I personally believe Governor Wolf and Rachel Levine conspired to commit acts of genocide by ordering Covid positive patients into nursing homes. Against the wishes of said nursing homes.

Did not the guards at Auschwitz play a part in the Holocaust?

I WAS JUST Following ORDERS.



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MILESTONES: 1830–1860

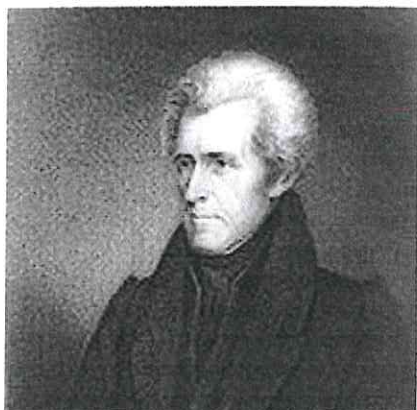


NOTE TO READERS

“Milestones in the History of U.S. Foreign Relations” has been retired and is no longer maintained. For more information, please see [the full notice](#).

Indian Treaties and the Removal Act of 1830

The U.S. Government used treaties as one means to displace Indians from their tribal lands, a mechanism that was strengthened with the Removal Act of 1830. In cases where this failed, the government sometimes violated both treaties and Supreme Court rulings to facilitate the spread of European Americans westward across the continent.



Andrew Jackson

As the 19th century began, land-hungry Americans poured into the backcountry of the coastal South and began moving toward and into what would later become the states of Alabama and Mississippi. Since Indian tribes living there appeared to be the main obstacle to westward expansion, white settlers petitioned the federal government to remove them. Although Presidents [Thomas Jefferson](#) and [James Monroe](#) argued that the Indian tribes in the Southeast should exchange their land for lands west of the Mississippi River, they did not take steps to make this happen. Indeed, the first major transfer of land occurred only as the result of war.

In 1814, Major General Andrew Jackson led an expedition against the Creek Indians climaxing in the Battle of Horse Shoe Bend (in present day Alabama near the Georgia border), where Jackson’s force soundly defeated the Creeks and destroyed their military power. He then forced upon the Indians a treaty whereby they surrendered to the United States over twenty-million acres of their traditional land—about one-half of present day Alabama and one-fifth of Georgia. Over the next decade, Jackson led the way in the Indian removal campaign, helping to negotiate nine of the eleven major treaties to remove Indians.



Depiction of William Weatherford surrendering to Andrew Jackson after the Battle of Horseshoe Bend

Under this kind of pressure, Native American tribes—specifically the Creek, Cherokee, Chickasaw, and Choctaw—realized that they could not defeat the Americans in war. The appetite of the settlers for land would not abate, so the Indians adopted a strategy of appeasement. They hoped that if they gave up a good deal of their land, they could keep at least some a part of it. The Seminole tribe in Florida resisted, in the Second Seminole War (1835–1842) and the Third Seminole War (1855–1858), however, neither appeasement nor resistance worked.

From a legal standpoint, the United States Constitution empowered Congress to “regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” In early treaties negotiated between the federal government and the Indian tribes, the latter typically acknowledged themselves “to be under the protection of the United States of America, and of no other sovereign whosoever.” When Andrew Jackson became president (1829–1837), he decided to build a systematic approach to Indian removal on the basis of these legal precedents.

To achieve his purpose, Jackson encouraged Congress to adopt the Removal Act of 1830. The Act established a process whereby the President could grant land west of the Mississippi River to Indian tribes that agreed to give up their homelands. As incentives, the law allowed the Indians financial and material assistance to travel to their new locations and start new lives and guaranteed that the Indians would live on their new property under the protection of the United States Government forever. With the Act in place, Jackson and his followers were free to persuade, bribe, and threaten tribes into signing removal treaties and leaving the Southeast.

In general terms, Jackson’s government succeeded. By the end of his presidency, he had signed into law almost seventy removal treaties, the result of which was to move nearly 50,000 eastern Indians to Indian Territory—defined as the region belonging to the United States west of the Mississippi River but excluding the states of Missouri and Iowa as well as the Territory of Arkansas—and open millions of acres of rich land east of the Mississippi to white settlers. Despite the vastness of the Indian Territory, the government intended that the Indians’ destination would be a more confined area—what later became eastern Oklahoma.

https://www.bayjournal.com/news/policy/group-sues-pa-for-violating-state-s-environmental-rights-amendment/article_af11c8eb-b642-522f-9ac3-49a966601d88.html

Group sues PA for violating state's Environmental Rights Amendment

By Ad Crable

Dec 2, 2019

In 2017, Pennsylvania's environmental laws were turned upside down when the state Supreme Court ruled that the state, and possibly municipalities, were trustees of public lands and required to protect them for future generations.



A lawsuit by the Pennsylvania Environmental Defense Foundation charges that Pennsylvania is violating the state's Environmental Rights Amendment by allowing hydraulic fracturing for natural gas in state forests.

Ad Crable

Seizing on that broad and still unsettled mandate, the Pennsylvania Environmental Defense Foundation is suing the state agency responsible for 2.2 million acres of state forests, saying it is violating its stewardship obligation by leasing public forestland for the hydraulic fracturing of natural gas.

To date, the state Department of Conservation and Natural Resources has collected more than \$1.1 billion in revenue from fracking leases on 139,000 acres. By an act of the state legislature, the revenue has been used to help the state meet its budget and to fund the agency, despite protests from environmental groups.

Both uses of the money are in violation of the Supreme Court ruling and the 1971 Environmental Rights Amendment to the state constitution, argues the defense foundation, the nonprofit that initiated the lawsuit leading to the 2017 blockbuster ruling.

At that time, the court agreed with the defense foundation that money raised by DCNR through oil and gas leases and used on public natural resources shouldn't be diverted to the state's general fund.

That 4-2 ruling reiterated the wording of the amendment: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people."

This time around, in Pennsylvania Commonwealth Court, the group zeroes in on DCNR's State Forest Plan, adopted in 2016. Until then, the agency had managed oil and gas leases, timber sales and recreational uses of state forestlands with the paramount goal of maintaining the health of forests, according to the defense foundation.

But the new plan gives equal footing to the economic value of such uses and requires the agency to "balance" that value against ecosystem values, the lawsuit contends.

The lawsuit maintains that the agency, under the 2017 ruling, has an obligation to "conserve and maintain" public natural resources for the benefit of the people. "To conserve and maintain means you cannot deplete, diminish or degrade those resources. The 2016 State Forest Plan does

not reflect that you have complied with those duties,” the defense foundation said in a press release.

Also, the suit charges that the forest guide lacks any plan to repair the degradation and depletion of state forests from fracking.

After leasing for state forests began in 2008, fracking has converted 1,770 acres of that public land to shale gas infrastructure, according to DCNR’s 2018 Shale Gas Monitoring Report. That includes the construction of 238 well pads and related structures, 200 miles of new roads and 188 miles of pipeline corridors. As a result, numerous blocks of unbroken forest have become fragmented.

“We’re threatening that core forest with this continued oil and natural gas extraction, but we are not putting any of the money back in dealing with the degradation and diminution that’s occurring,” said John Childe, the defense foundation’s attorney, speaking to a forum on Pennsylvania’s forests in Harrisburg in October.

Shortly after he became Pennsylvania’s Democratic governor in 2015, Tom Wolf issued an executive order placing a moratorium on further oil and gas leases on state forests and state parks. Even so, Republican legislators in the state have introduced a bill to reopen gas drilling in state forests. They say it’s needed to fund Wolf’s Restore Pennsylvania initiative for flood prevention and stream restoration.

Childe said continuing to allow funds from public lands to be diverted for other uses could mean “the very heart of our public natural resources would be at the disposal of the General Assembly.”

The defense foundation’s legal efforts to protect state forests “have met a stonewall of opposition from the General Assembly, the governor, DCNR and Commonwealth Court,” he said. “The Supreme Court has made it clear that the people own the property and the government has no other interest in public natural resources other than as a public trustee— and they don’t know how to deal with that.”

Asked for comment on the latest lawsuit, a DCNR spokesman said the agency does not comment on legal matters.

The defense foundation suit against DCNR is just the latest in a flurry of lawsuits meant to settle the details of the Supreme Court's broad initial ruling.

An important decision emerged in July in Commonwealth Court on the issue of whether oil and gas funds could be diverted from the agency that maintains state forests and parks.

"The court appears to have decided that the Commonwealth is free to allow use of Pennsylvania's public natural resources and to apply the income however it chooses. Only proceeds from the sale of public natural resources must be returned to the public trust corpus," said David Mandelbaum, who teaches environmental litigation at Temple Law School.

He said the ruling means that the Environmental Rights Amendment "does not impose an obligation of conservation on the Commonwealth. Public natural resources can be used. The use merely has to be reasonable, in light of the right of later generations also to use the same resources."

The defense foundation has appealed the ruling to the state Supreme Court.

Two years after the court's 2017 ruling, many of the implications are still unsettled, said Martin Siegel, an environmental attorney in York.

Other court rulings seem to have held that municipal officials aren't responsible for taking exceptional steps to ensure that public lands in their midst are environmentally protected if the state already has safeguarding regulations, Siegel said.

"But there are bigger unanswered questions right now," he continued. "One big question is, is the state adequately funding environmental protection? Often, these rulings raise more questions than they answer. These things will be percolating through the system for decades."

Ad Crable

Ad Crable is a Bay Journal staff writer based in Pennsylvania. Contact him at 717-341-7270 or acrable@bayjournal.com.