

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
PUBLIC MEETING MINUTES
THURSDAY, DECEMBER 8, 2022
10:00 A.M.**

Present: Commissioner Metzger, Commissioner Mussare, Commissioner Mirabito, Director Matthew McDermott, and Solicitor J. David Smith (via telephone).

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 on Agenda Items Only

2.0 REPORTS

- 2.1 Kalen Barnes – Vote to approve accounts payable cash requirement report. Presented for ratification, invoices due December 14, 2022, paid on December 7, 2022 in the amount of \$2,052,237.25.

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

3.0 PERSONNEL ACTIONS

- 3.1 Jessica Segraves – Approve the following Personnel Actions as conditional offers of employment, subject to the successful completion of a background check and all other employment conditions:

- Facilities Management – Katja Frye, Custodial Supervisor, Internal Transfer, Paygrade 7, \$20.46 per hour, 75 hours per Pay Period, Anticipated Transfer Date: December 11, 2022.
- Facilities Management – Lauren Bower, Custodial Worker, Full-Time Replacement, Paygrade 2, \$12.21 per hour, 75 hours per Pay Period, Anticipated Start Date: December 19, 2022.
- Commissioners Office – Holly Bell, Administrative Coordinator, Full-Time New Position, Paygrade 6, \$33,460.94 per year, 75 hours per Pay Period, Anticipated Start Date: December 12, 2022.

PERSONNEL ACTIONS (continued)

- Budget and Finance – Ashley Kruelle, Financial Technician, Full-Time Replacement, Paygrade 6, \$17.18 per hour, 75 hours per Pay Period, Anticipated Start Date: December 27, 2022.
- Community Planning and Development – Christine Gartelman, Full-Time New Position, Paygrade 4, \$14.44 per hour, 75 hours per Pay Period, Anticipated Transfer Date: December 25, 2022.

Mr. Mirabito moved to approve 3.1, Mr. Mussare 2nd the motion. Approved 3-0

4.0 ACTION ITEMS

- 4.1** Jessica Segraves – Vote to approve revision to Policy 407 - Payment for On Call.

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

- 4.2** Matthew McDermott – Vote to approve the reappointment of the following individuals to the Conservation District:

- Joseph Radley: Effective 1/1/2023 and ending 12/31/2026 (4-year term).
- William Kahler: Effective 1/1/2023 and ending 12/31/2026 (4-year term).

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

- Commissioner Richard Mirabito: Effective 1/1/2023 and ending 12/31/2024 (1-year term).

Mr. Metzger moved to approve. [Mr. Mirabito abstained]Mr. Mussare 2nd the motion. Approved 2-0.

- 4.3** Mya Toon – Vote to approve Amendment to Financial Assistance Grant Award for the Greater Williamsport Levee Rehabilitation Project with the U.S. Department of Commerce.

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

- 4.4** Mya Toon – Vote to approve Agreement with Cybergenetics (2023 budgeted item).

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

- 4.5** Mya Toon – Vote to approve Agreement with National Medical Services, Inc. (2023 budgeted item).

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

- 4.6** Mya Toon – Vote to approve Inmate Housing Agreement with Clinton County (2023 budgeted item).

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

- 4.7** Jerry Kennedy – Vote to approve annual maintenance and support invoice for the various software modules within our financial system (2023 budgeted item).

ACTION ITEMS (continued)

- 4.8 Jerry Kennedy – Vote to approve annual support and communications services invoice for Adult Probation’s case management software (2023-budgeted item).

Mr. Mirabito moved to approve both 4.7 & 4.8. Mr. Mussare 2nd the motion. Approved 3-0

- 4.9 Jason Yorks – (via telephone) Vote to approve annual landfill aerial mapping quote with WSP USA Corporation (2023 budgeted item).

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

- 4.10 Beth Baylor – (via telephone) Vote to approve Memorandum of Understanding with Robert Patrick McHugh.

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

- 4.11 Beth Baylor – (via telephone) Vote to approve Agreement with Keystone Communications, LLC (2023 budgeted item).

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

- 4.12 Beth Baylor – (via telephone) Vote to approve Agreement with Keystone Communications, LLC (2023 budgeted item).

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

5.0 COMMISSIONER COMMENT

Mr. Mirabito recapped the history of Commissioners and Controller legal issues regarding Accounts Payable/ Receivables, Payroll and General Ledger. Stating, around the end of 2017 the Commissioners were approached by Controller and her lawyer from Pittsburgh. The Controller and her lawyer *demand*ed the Commissioners *transfer those fiscal systems to the Controller’s office* (systems in place with Fiscal Services for over 20 years) *or be sued* (alleging changes to the PA Code). At that time, two on the Board of Commissioners chose to comply. They did so without any notification from CCAP (County Commissioners Association of Pennsylvania) that a change to the Code had occurred effecting those operations. Upon submission to those demands and during the initial transfer of those services and employees from the Fiscal Department in 2017 - the Controller refused to keep, and displaced *one* long-term employee having most payroll experience.

Mr. Mussare interjected, at that time in 2017, he disapproved of the changes being demanded by the Controller, his reason -- there were very few issues with those fiscal processes at the County for decades. He added, in 2017 the Commissioners did not file anything with the courts regarding those first interactions and demands by the Controller.. He further added, during the most recent legal proceedings - the Controller *did not* deny stating she would not sign any checks for the County of Lycoming (such as to remove her name from the ledger, if the 2017 move was reversed).

Mr., Mirabito indicated a couple of years after those systems went to the Controller, errors and problems began to arise with payroll -- errors were left uncorrected after multiple correction requests, some for months. The Commissioners then wanted to put the fiscal services back the way they were and worked for several years, they approached the Controller. The Controller then indicated that if those service were transfer back to Fiscal – she would not sign any checks.

Knowing halting payments via no signatures that would cause a great disservice and harm to our employees and vendors, the Commissioners filed an injunction. The Controller did not appeal. The courts later decided because the threat of no signed checks did not occur -- no *real* harm had been done. Subsequent to that, that decision it was later vacated by a visiting judge who presented why the that first ruling was incorrect. The Controllers had a certain amount of time to appeal, and she did not.

Mr. Mirabito noted the Controller has now sued the Commissioner again. There will be a Media Release today. Most importantly, Mr. Mirabito wants the public to understand the Commissioners decisions are based principles and their interpretation of code and their duties – this is not personal in regards to the Controller.

Mr. Mussare states their job is to look out for the taxpayers. [Mr. Mussare read from Pennsylvania County Code]. Then stated, they are moving forward with the appeal. He noted the Commissioner are listed as the Plaintiff's in these cases and said es, it will cost money – it is for the principle of the code and law as they read and interpret their duties.

Mr. Metzger spoke of being involved Controller conflict with this since 2020. He in the past has tried to resolve this conflict and later tried to offer other compromisea. The answer(s) from the Controller and her current lawyer were “no”. He understands the need to stand for principles and the law. Stated he is *...done with this - because it is costing too much money – but does not like to be threatened.* He and his colleagues are going through with the appeal.

Forrest Lehman added an additional information item: Poll Worker checks are going out this week. He also noted how much we all appreciate our Poll Workers.

6.0 GENERAL PUBLIC COMMENT

Speakers who wish to address the Board of Commissioners will be limited for no more than three (3) minutes on any particular item. The speaker must state his/her name and address for the record. Any deviation from this rule must be approved by the Board Chairman.

Thomas Adams/Williamsport Topics: Courts; Golden Rule; Moral Fabric; Laws; and read a George Washington Quote;

YouTube Public Comments: None

7.0 NEXT SCHEDULED MEETING

The next Commissioners Public Meeting will be held on Thursday, December 15, 2022, at 10:00 A.M. in the Commissioner's Board Room, 1st Floor, Executive Plaza, 330 Pine Street, Williamsport, PA 17701.

To view this Commissioners Public Meeting please follow the link below:

<https://www.youtube.com/watch?v=egMrP3XUy74>

MEDIA RELEASE

The Court recently issued a decision in the litigation instituted against the Commissioners by the controller. There have been a number of comments circulating in the press and in social media regarding the decision, many of which suggest the need for our explanation to clarify where we stand.

Initially, for decades the functions of general ledger, payroll, and accounts payable were housed within the County's finance department, not in the controller's office. This structure was productive, and continued under both the former controllers and for fifteen plus years with the current controller. During this entire period, the current controller was able to exercise the functions of that office and no litigation was filed by her or otherwise occurred.

Several years ago the controller demanded that these functions be transferred to her office. Through her attorney at that time, litigation was threatened against the County. Although things were running smoothly as they were then set up, the Commissioners acquiesced to the controller's demand rather than to allow the controller's litigation threat to unfold.

However, it became apparent that these transferred functions were not being effectively performed under the controller's supervision; even more critically, the controller limited the County's access to records for review and oversight purposes, thereby impeding the Commissioners' ability to fulfill their statutory mandate to "manage and administer" the fiscal affairs of the County. Furthermore, the controller threatened to withhold her signature on County payroll checks, which would have had a disastrous impact for the County.

As a result of the threat, the County sought an injunction to prevent a catastrophe from occurring. The Commissioners also returned to the County the transferred functions, where they had been performed for many, many years. The lawsuit ended and the Commissioners believed the matter to be closed.

However, in December of 2021, the controller filed her own new lawsuit to force the

Commissioners to transfer the functions to her office. It was the controller who sued the County, not the other way around. The County felt compelled to defend this litigation because of the Commissioners' overarching responsibility to the taxpayers to maintain oversight and control of fiscal affairs as against the controller's prior efforts to withhold critical information. This litigation resulted in the recent decision. The result, which is favorable to the controller, fails to properly account in the Commissioners' opinion for their obligation, as expressly spelled out in the County Code, to be the responsible managers and administrators of the fiscal affairs of the County. The court's decision does not resolve the issue of whether the controller can withhold, as she has threatened to do, the County's full access to the records it needs for the effective management and administration of the fiscal affairs of the County, so that it can protect the County's employees and taxpayers.

The background noise suggests that the Commissioners are trying to wrest power from the controller. They are not. They are simply trying to perform the jobs they were elected to do and are directed by law to do. There is also some suggestion that the Commissioners' actions occurred because the present controller is female. That also is not the case. Indeed, the prior controller under which the present arrangement operated exclusively for decades was a male. The Commissioners' only desire to make sure that they are properly managing the fiscal affairs of the County, which is their duty by statute and their obligation to the taxpayers. Their actions are only intended to further that mission. For these reasons, the Commissioners will be pursuing an appeal of the decision.