

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, JUNE 15, 2023
10:00 A.M.**

Present: Commissioner Metzger, Commissioner Mussare Commissioner Mirabito, Director Matthew McDermott, and Solicitor Chris Kenyon.

ADDITIONS/REVISIONS TO AGENDA NOT PREVIOUSLY POSTED

- Action Item 8.1 – Vote to approve Resolution 2023- 12 authorizing Loan to FAMVEST for Lycoming Mall Project contingent upon final Solicitor review.

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

1.0 OPERATIONS

- 1.1 Opening Prayer
- 1.2 Pledge of Allegiance

Brief adjournment for an executive session.

- 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

John Shireman, Jersey Shore – Expressed his opinion that a there should have been a presentation about the mall project a long time ago. He feels that there were processes that were overlooked since it seems that they have not decided where the money is coming from. Mr. Shireman asked when the poll workers are getting paid and commented that it shouldn't take five weeks. Mr. Shireman also commented that if the mall project goes belly up the county would never recover the money with all the legal fees.

Mr. Metzger responded that the paperwork was brought to them today to be signed. Once signed they checks will be processed.

Mr. Mirabito agreed that they need to look at how this process can be done more expediently in the future.

2.0 BID OPENING

- 2.1 Krista Rogers – Open the following bid:
 - Flood Mitigation, Acquisition and Demolition

Flood Mitigation, Acquisition and Demolition Project		
Company Name	Submitted Amount	Date Submitted
Steinbacher Enterprises, Inc.	\$84,464.00	6/8/2023 10:52 AM
Earthmovers Unlimited, Inc.	\$97,843.00	6/9/2023 2:25 PM
Pine Mountain Excavating	\$165,698.00	6/8/2023 3:32 PM
Ben Washington General Contractors LLC	\$154,000.00	6/9/2023 3:47 PM
A R Popple TKG & EXC, LLC	\$94,700.00	6/9/2023 2:19 PM
G & R Excavating & Demolition Inc.	\$144,267.00	6/8/2023 4:13 PM

3.0 REPORTS

3.1 Kalen Barnes – Vote to ratify invoices due through 6/21/23 to be paid 6/14/23 in the amount of \$1,466,515.11.

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

4.0 INFORMATION ITEMS

4.1 FAMvest – Overview of Lycoming Mall Project Presentation made by Ara Kervandjian FAMVEST.

Presentation included:

FAMVEST does not have any plans to house illegal immigrants and they do not have any agreement with the INS to do so.

He presented some history, facts about the company and projects they have been engaged in which have brought both temporary and permanent jobs to the area.

Explained it is a multi-phase project with a mix of uses including but not limited to retail, hospitality, healthcare facilities, residential units, full service and quick service restaurants.

Development is a complex, competitive business. Most national tenants require confidentiality when entering into the market and landlords have their own confidentiality concerns. FAMVEST shares designs, uses and names of tenants once tenant commitments are made in writing.

The location and commercial potential of the mall property is strong. Property has opportunity.

Came away from a recent conference actively engaged in tenant discussions and have confidentiality agreements with a number of large tenants for the project.

Reviewed Financial Support and Investments for the project

Thanked all those involved for their support with this project.

Mr. Mirabito made the following points as a follow-up:

The Government programs were out of money. This partnership is modeled after the Business in One Sites program

Last US census indicated a decline in population in Lycoming County. A decline in population kills the community.

Everything in the community is interrelated. The mall being vacant affects the infrastructure, the tax base, etc. Commissioners felt they needed to kick start the redevelopment.

Local bank did the underwriting to determine if the company had the resources to pay. The solicitors have also reviewed the documents.

Commissioners did their due diligence to protect the taxpayer's money and work toward building the economic future of the County.

Mr. Metzger read question/concerns from constituents.

Question – Is the intent of the new owner to let the mall remain vacant and come back for tax breaks?

Answer – We have already invested time, money and effort into the projects and have daily expenses and costs. We plan on moving forward as quickly as possible, as responsibly as possible as we formulate a design for the building and at the same time maintain the property in as safe a manner as possible with a safe transition for the remaining tenants.

Mr. Mirabito – The public wants to make sure that there is a good faith effort to develop the land.

Answer – Our intent is to develop as soon as possible.

Mr. Mussare explained that government can help invest in communities in a variety of ways and cited some examples. He stated that the Commissioners have invested in the community and listed several examples of this. The County has been blessed by the ACT 13 money. They have looked at ways to leverage the money and get a good return. The language of the law does not prohibit it from being used for loans. He assured the public that the money for the project is not being taken out of tax money. It is being taken out of government funds. Lycoming County is being looked at by businesses all over. We want to make it attractive.

FAMVEST responded that Lycoming County is one of the most progressive Counties he has worked with in the past three years. Developers follow other developers. I see that happening here. There is a rush to a market here and that is what you want. Tenants and developers see growth happening here. What comes after commercial growth is residential growth.

Mr. Mussare pointed out that FAMVEST has an agreement that is about to expire. We don't want to lose the opportunity only to hope someone else comes in.

Mr. Mirabito reiterated that stores leaving and decreasing population decreases the tax base and increases what each person has to pay in taxes.

Mr. Metzger expounded on the point that you need to spend money to make money. He cited several examples where the Commissioners have done that. Mr. Metzger also gave some examples of where they leveraged the ACT 13 money and the return they received.

Jason Fink, Chamber of Commerce – Thanked Commissioners for taking a new approach to economic development in Lycoming County. Our population loss is one of the biggest issues. We have seen great successes with the companies that have invested here. Companies have expressed concerns about where they are going to get their employees. We need to do more to get people to move here. If we don't take advantage of this opportunity it will continue to be a drain on the community. FAMVEST is very credible and have been one of the better developers for the community. We appreciate their investment in our community. He urged the public to read and learn about the company. Chamber has a Business Infrastructure Development Program that is a loan pool that allows us to support business development. We see the value of this project and provided a \$500,000.00 loan to them with similar terms as the county has. The Lycoming Economic Foundation has also provided a \$1,000,000.00 loan. The business community has a stake in the project also.

Mr. Mussare expressed that County Government needs to be the ones to spur economic development. Federal and state funds won't always be available. Money should be put in an investment and added to yearly so it can be used for development in the future when needed. If this was done it would be amazing how the county could grow. I would offer that to the next set of Commissioners to consider.

Kevin Weinoffer, Muncy Bank. Assured the public that they did their due diligence before lending the money. They are supportive of the project. The project will transform Muncy Township and the area.

Gary Jones, Muncy Township, Gary is a member of the Muncy Township Zoning Board. He asked Ara several questions:

Q- On the property coming into Muncy Township is there going to be subdivided property off of that to other entities?

A – There could be a range of entities for different purposes that are all related.

Q – With the entities is there a possibility you will be other members of an organization, you might be a general partner or a limited partner?

A – I can't speculate on the structure of this.

Q – Are there any other limited partners?

A- One more member that isn't present today.

Q- If there is a subdivision is there a clause in the mortgage to have a payback in releases of these mortgages if they are subdivided off?

A – There is a provision in our documents that any reduction in acreage through subdivision would trigger a reappraisal of the property and whatever reduction in price that has occurred the Muncy Bank and County would receive a reduction accordingly against the principal.

Q – Is there any plans for venture capital infusion of money?

A – I won't comment on that at this time.

Q- Presently are there no shares available for this company for sale?

A-No.

Q- If the Commissioners would vote no is there a plan B?

A-We always have a plan B, but at this point we are counting on moving forward just because of the time constraints we have.

Q- Did you do a financial forecast projection that you provided to the bank and the Commissioners?

A-No financial forecast, just a planned development such as we described. The entire acquisition is based on the appraisal of the land, our ability to do what we have done in the past and our personal guarantees. Conventional financing would require us to have these in the future.

Q- The roadway around it, is it going to stay the same? Are the tenants on the outer perimeter paying towards the upkeep of the roadway? Are you planning on maintaining it?

A-I have no comment on that at this time except that we know that it needs improvement.

Q – I heard something about a PennDOT grant?

A- One of the uses of our capital is for road improvements. So, part of the plan is for some improvements right at the entryway as you come into the circle.

Q- So there is an agreement for easements, restrictions, covenants, private road maintenance from the current owner with the tenants that are still there?

A-There are some.

Q-Are you planning on using that or preparing a new one?

A-That's yet to be decided.

Q-MPDIS permits for storm water, has that been looked into yet?

A-Way too early.

Q- Remediation of the parking lot- might be some contamination in the soil- I understand there was an EPA grant given for Phase I and II?

A-There are grant programs that are available for environmental assessment. We have conducted an environmental assessment and have found no hazards at this time. That was shared with the County and the Bank.

Q- So that was done. Phase 1 or II?

A-Mr. Mirabito answered that it was Phase I and is part of the loan document. It is an environmental indemnity. He also indicated that it is available for the public.

Q-We want to work with you at Muncy Township. It is a valuable property to us. We would like to extend an invitation to meet with Muncy Residents. Last night's meeting was heavily debated, a lot of rumors and everything else. Unfortunately, a 10 am meeting on a Thursday Morning is impossible for most residents to come.

A-We appreciate the invitation. We look forward to working with Muncy Township. We want to get our ducks in a row, have our plan and we want to take advantage of meeting with a subset of the planning commission, staff and supervisors. We look forward to doing all these things as our plans unfold.

Q-So are your plans 25% through, 50%?

A-I can't comment on that right now.

Marc Sortman, Loyalsock Township- Marc provided a positive reference for FAMVEST based on the work they have completed within Loyalsock Township. In addition, he reported that they helped out on several issues and went above and beyond.

Mark Lusk, Sheriff- Mark reported to the public that the mall was almost sold twice prior in a sheriff sale. It could be sold to anyone and there would be no control over what the buyer did with it. There would be minimal control over how that property was used.

Mr. Mirabito pointed out that he is a local developer that lives in Muncy. The current owner of the mall lives in a New York.

John Eisly, Muncy Township The only thing I am hearing in the future is a county reassessment. I want to know how this is going to affect us.

Mr. Mirabito Informed him that there hasn't been a vote on a reassessment. It is totally separate from this project. It is an issue that affects the equitable distribution of taxes within a community. Last reassessment was done in 2004.

Mr. Mussare – County Commissioners always lobby the state legislators to make it a state law. Pennsylvania is one of six states that leave the decision to do reassessments to local governments. In the past when a board of Commissioners decides to do a reassessment they get voted out. I have advocated that we need to do a reassessment. Our values are off by approximately 47%. That's a lot of money. Mr. Mussare explained the value of reassessment and the effects of not doing a reassessment. A reassessment appropriates it to the right individuals for the right assessed value. If we don't do a reassessment we are not being responsible and taxes will be raised for everyone.

Mr. Mirabito reported that it would take approximately three years if the Commissioners voted on doing a reassessment.

5.0 PERSONNEL ACTIONS

- 5.1 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 as outlined in Attachment (A).

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

Recess Commissioners' Public Meeting for the Salary Board

6.0 SALARY BOARD

- 6.1 Convene Salary Board.

- 6.2 Matthew McDermott – Vote to approve the following salary board actions as outlined in Attachment (B).

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

- 6.3 Adjourn Salary Board.

Reconvene Commissioners' Public Meeting

7.0 TDA ACTIONS

- 7.1 Jessica Segraves – Approve the following TDA actions as outlined in Attachment (C)

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

8.0 ACTION ITEMS

- 8.1 Matthew McDermott – Vote to approve Resolution 2023-13 authorizing Loan to FAMVEST XII-Lycoming Mall, LLC for the Lycoming Mall redevelopment project subject to the final review and approval of the loan documents by the County Solicitor.

Mr. Mussare asked Mr. Kervandjian to reiterate what happens if they sell any parcel of it how would it affect the County?

Mr. Kervandjian responded that the provisions are if and when they would subdivide any parcel of the property the entire property would be reappraised. Any reduction from the current valuation would be paid to the County and the Bank. If some of the land is sold for a profit then that would also be paid to the County and Bank.

Mr. Mussare asked if there is any chance of selling parcels for below market value.

Mr. Kervandjian answered not that I see. Our intention is to make money on the project and gave an example.

Mr. Mirabito told the public that the loan is being made on the land as collateral. The reason FAMVEST hasn't told us what the income and expenses are is because the nature of the loan is based on the land as the collateral. We had an independent appraisal completed that showed the land has the necessary value and then the first lien and personal guarantee for both the County and the Bank, both are protected.

Mr. Mussare asked if there was anything in the documents protecting the County and Bank if FAMVEST decided to sell the property at a lesser value.

Kevin Weinhoffer responded and explained how both were protected.

Mr. Mirabito moved to amend the written document to reflect a correction. Mr. Mussare 2nd the motion. Approved 3-0

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

- 8.2 Mya Toon – Presented by Matthew McDermott - Vote to approve Amendment to Subrecipient Agreement with Lycoming County United Way in the amount of \$38,850.00. (HAP funded).

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

- 8.3 Mya Toon – Presented by Matthew McDermott - Vote to approve Proposal for the installation of steam humidification and dehumidification humidity control systems with Air Management Technologies, Inc. in the amount of \$79,000.00 (Payroll Convenience Funds).

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

8.4 Jessica Segraves – Vote to approve Resolution 2023-11 the County of Lycoming 457(b) Deferred Compensation Plan for the CARES Act.

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

8.5 Jessica Segraves – Vote to approve Eligible Governmental 457 Plan Agreement.

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

8.6 Jessica Segraves – Vote to approve 457(B) Deferred Compensation Plan Amendment to Implement Secure Act and Other Law Changes.

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

8.7 Jason Yorks – Vote to approve Amendment to Agreement with Cedar Run Environmental Services Inc. (2023 budgeted funds).

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

8.8 Jason Yorks – Vote to approve the submission of DEP annual compliance history reports for the Landfill and Transfer Station.

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

8.9 Jason Yorks – Vote to approve the purchase of (2) hydraulic cylinder replacements with Spector Manufacturing, Inc. in the amount of \$31,000.00. (2023 budgeted item).

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

8.10 Jerry Kennedy – Presented by Matthew McDermott -Vote to approve Core Network Maintenance and Support Renewal in the amount of \$33,987.44 (2023 budgeted item).

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

8.11 Jerry Kennedy – Presented by Matthew McDermott -Vote to approve Folder-Inserter Machine Lease Agreement with Quadient Leasing, Inc. in the amount of \$585.50 per month (Act 88 funded).

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

9.0 COMMISSIONER COMMENT

Mr. Mirabito announced that the Commissioners and Judge Butts, along with the Covation, Center initiated the Second Chance Hiring Summit being held today at Penn College. There was a good turn out for the event. Approximately one in three people have some type of criminal record that makes finding a job difficult. There are approximately 1200 to 1600 job openings in the County. He encouraged employers to look at people with criminal records for open positions. Often the charges were for something that happened in their youth.

10.0 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

Richard Houser, Loyalsock. Richard expressed his view on immigration and the governments response to it. He asked about the ICE facility on Reach Road and what is going on. He asked for assurances that the local government officials will repel this.

Mr. Metzger responded that they have been in contact with ICE on Reach Road. A date has been scheduled for a tour. Once the tour is completed and we get the reports we will share with the public what we can. For security reasons and confidentiality this tour is for government officials only, not the public. During prior conversations with them they indicated that this facility is used as a processing center, not for housing individuals.

Tom Adams, Williamsport. Tom quoted proverbs. He expressed his views on the PRIDE flag flying during the president's speech and his views on the present administration.

Lori Butler, Williamsport. Lori stated that she agrees with Mr. Houser's comments and expressed her views on immigration.

YOU TUBE PUBLIC COMMENT

Jacob StopperFirst



KeystoneChiefsecond

Welcome to live chat! Remember to guard your privacy and abide by our community guidelines.

[LEARN MORE](#)



Carlos SaldiviaCan you also post a county link to see ones property assessed value?

William FendersonHow about nonprofit organization for taxes looks to be around 1.1Billion Dollars???

KeystoneChiefCongrats Lycoming County! We own a mall. It's like Christmas. Maybe a new Blockbuster Video! Beautiful tie Commissioner Tony Mussare!



KeystoneChiefThe ground zero of racism in Lycoming County is in those nesbit river lots...and they wear uniforms.

Carlos SaldiviaWho from the county will be charged to oversee the mall development investment?

11.0 NEXT SCHEDULED MEETING

The next Commissioners Public Meeting will be held on Thursday, June 22, 2023, at 10:00 A.M. in the Commissioner's Board Room, 1st Floor, Executive Plaza, 330 Pine Street, Williamsport, PA 17701.

To View This Meeting Follow The Link Below:

<https://www.youtube.com/watch?v=vk1HCouvbVw>

ATTACHMENT (A)

PERSONNEL ACTIONS:

- Courts – Gabriel Hockman, Clerk III, Part-Time Replacement, \$14.44 per hour, not to Exceed 1000 hours, Anticipated Start Date: June 25, 2023.
- Prison – Christopher Marshall, Correctional Officer I, Full-Time Replacement, \$20.00 per hour, 80 hours per Pay Period, Anticipated Start Date: July 2, 2023.
- Department of Public Safety – Zoey Morse, Telecommunicator Trainee, Full-Time Replacement, \$18.72 per hour, 80 hours per Pay Period, Anticipated Start Date: July 10, 2023.
- Department of Public Safety – William Miller, Emergency Management Specialist – Training, Full-Time Replacement, \$20.92 per hour, Anticipated Transfer Date: June 25, 2023.
- Pre-Release Center – Joshua Johnson, Resident Supervisor I, Full-Time Replacement, \$18.10 per hour, 80 hours per Pay Period, Anticipated Start Date: June 26, 2023.
- Resource Management Services – Chuck Snyder, Workcrew Foreman, Full-Time Replacement, \$20.27 per hour, 80 hours per Pay Period, Anticipated Transfer Date: June 25, 2023.

ATTACHMENT (B)

SALARY BOARD ACTIONS:

- Request to approve the long-term vacancy coverage pay for the following employee:
 - Courts - Catherine Winder, MDJ Court Supervisor

- Request to approve exempt straight-time pay for the following employee:
 - Budget and Finance - Carissa Seals, Accountant II

- Request to approve a one-time 1% compensation policy adjustment for certification acquirement for the following employee:
 - Ashley Beatty-Heist – Assessment Office, Lead Field Assessor, \$21.73 per hour, Full-Time 75 hours per Pay Period.

- Request to approve the following reclassifications:
 - Voters Services Department – Add a Full-Time, 75 hours per Pay Period, Paygrade 6, Elections Specialist position.

 - Voters Services Department – Remove a Full-Time, 75 hours per Pay Period, Paygrade 5, Voters Services Administrative Specialist position.

- Request to approve the following reclassifications effective July 1, 2023:
 - Conservation District – Request to reclassify the following positions/employees from a Paygrade 8 to a Paygrade 9
 - Carey Entz-Rine – Watershed Specialist
 - Kellen Mrochko – Erosion and Sediment Control Technician
 - Emily Bruce – Dirt and Gravel Roads Technician
 - Rodney Morehart – Chesapeake Bay Program Technician
 - Timothy Heyler – Agricultural Conservation Technician

 - Conservation District – Request to reclassify the following positions/employee from a Paygrade 6 to a Paygrade 7:
 - Tina Jedrzewski – Administrative Specialist

 - Conservation District – Request to reclassify the following positions/employee from a Paygrade 11 to a Paygrade 12:
 - Matthew Long – Conservation District Manager

ATTACHMENT (C)

TDA ACTIONS:

- Request to approve the following reclassifications:
 - Voters Services Department – Add a Full-Time, 75 hours per Pay Period, Paygrade 6, Elections Specialist position.

 - Voters Services Department – Remove a Full-Time, 75 hours per Pay Period, Paygrade 5, Voters Services Administrative Specialist position.

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 - Conservation District – Request to reclassify the following positions/employees from a Paygrade 8 to a Paygrade 9
 - Carey Entz-Rine – Watershed Specialist
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 - Emily Bruce – Dirt and Gravel Roads Technician
 - Rodney Morehart – Chesapeake Bay Program Technician
 - Timothy Heyler – Agricultural Conservation Technician

 - Conservation District – Request to reclassify the following positions/employee from a Paygrade 6 to a Paygrade 7:
 - Tina Jedrzewski – Administrative Specialist

 - Conservation District – Request to reclassify the following positions/employee from a Paygrade 11 to a Paygrade 12:
 - Matthew Long – Conservation District Manager