

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 8, 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**

- Add Information Item 4.1 – Lycoming Mall Project.

**Mr. Mirabito moved to amend the agenda. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

**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 2<sup>nd</sup> the motion. Approved 3-0**

- 1.5 Public Comment on Agenda Items Only

**Scott Miller, Williamsport – Doesn't understand why the government is underwriting the business. Doesn't think the Government should pick winners and losers. Thinks this is unfair.**

**Tom Schaech, Pennsdale, Muncy Twp.- Mr. Scheck expressed the following concerns: unanswered questions, no clear plan, no plan for public safety, no impact on Muncy Township presented, no representatives at the meeting from Muncy Township, and no representatives from FAMvest here to provide visuals, blueprints and answer questions. Closing scheduled for Friday the 16<sup>th</sup> without answers to these concerns.**

**2.0 BID OPENING**

- 2.1 Krista Rogers – Open the following bid:
  - Lysock Handicap Ramp Replacement Project (2023 budgeted item)

Lysock Handicap Ramp Replacement Project		
Company Name	Submitted Amount	Date Submitted
LUNDY CONSTRUCTION CO INC	\$85,200.00	6/2/2023 10:08 AM

### 3.0 REPORTS

3.1 Kalen Barnes – Vote to ratify invoices due through 6/14/23 to be paid on 6/7/23 in the amount of \$1,207,584.21.

**Mr. Mirabito moved to approve. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

### 4.0 INFORMATION ITEMS

4.1 FAMvest – Lycoming Mall Project

**Mr. Mirabito addressed the issues raised during the public comment. He told the public that the money is going toward the purchase of the land, not the development of it, but the public has a right to know what the developer plans on putting there. Mr. Mirabito expressed that the Commissioners did their due diligence to protect the money by requiring a first lien on the property and a guarantee on the loan. In the event something goes wrong the County will still own the land and the taxpayers would get their money back. Mr. Mirabito informed them that public money is widely used for economic development. The Commissioners will have the loan payments tracked to ensure it is paid off with in the time frame. Regarding the loan documents, they are not completed for us to sign. The Commissioners will not sign the documents until they are completed and signed by the other party and reviewed. The Commissioners also want to see a date of the expected development in the loan payments. Per Mr. Mirabito the Commissioners did not want to loan money to a developer for the place to sit empty and then be resold.**

**Scott Miller asked why doesn't the County become its own developer?**

**Mr. Metzger responded that there is a housing crisis. Developers can't afford to build anymore due to the costs of the supplies and the infrastructure. We are putting the money into the infrastructure which helps the developer get the project going.**

**Scott Miller asked what the return is for the taxpayer.**

**Mr. Mirabito responded and explained that by building more houses and encouraging people to move here the tax base is spread out. As the population shrinks the taxes are paid by a smaller population, but the needs of the county continue to grow. The Commissioners are trying to kick start the economic development so people want to come here to live which results in the cost of living being spread out over more people.**

**Scott Miller asked why not let the mall sit. Someone may come along and buy it in bankruptcy and have a wonderful plan to develop it into a wonderful, dynamic revenue generating thing.**

**Mr. Metzger responded that by doing that the people buying it may want to put in something in the County doesn't want and we will have no choice because they would own it.**

**Denitra Moffett expressed the need to look at something that is going to attract people to get off the highway and spend money, as well as benefit Muncy, be cost effective, fix the roads and encourage people to move here.**

**Scott Miller stated that there are federal and state programs for that.**

**Mr. Mirabito explained that those programs are out of money. The Commissioners modeled the program after a state program called Business First Starts that kick start economic development. Another problem they considered is what happens when buildings sit empty and the problems that attracts. The goal was to tackle the problem before it becomes worse, mimic the state program which is a loan program, not a grant program and encourage economic development.**

**Mr. Metzger added that each year the mall owner came back to appeal his taxes. Last year he received a \$79,000 reduction. This gets passed onto every tax payer. As each store left the taxes decreased on the mall and got passed back on the taxpayers. We have to try to kick start something over there to make it productive for the County. The developer can't negotiate contracts until they own it. They have discussed ideas with us.**

**Cathy Burns asked if there is anything specific in the contract that would prevent them from making this into another New York City where we have a ton of non-tax paying people, illegals being brought in because it's being set up as a residential project. I agree we need to do something, However, if it turns out the retail or restaurants aren't going in there to attract and it becomes a housing development then it's on our shoulders again.**

**Mr. Metzger responded that what was shared with the Commissioners was a mixed use possibly a grocery chain, possibly a hotel, possibly some middle scale retail and possibly senior housing. When we asked them about immigrant housing they said no.**

**Cathy Burns responded everyone says no, but they are being taken to every city and every county. If that door is left open we have no recourse.**

**Mr. Metzger stated that all they can do is look at the company's track record. He talked about other projects this company completed locally. They have followed through on their commitments and have a good track record.**

**John Brindger reported that he has worked with FAMvest in the past and stated that their track record is very solid. He further reported that it is very difficult in today's market to get developers to step up and help with economic development due to the rising costs. In his opinion there is no other company who could take on this project and do it with excellence. John also commended the Commissioners for their foresight. Such as the Digger project. You have to spend some money to makes some money. That created jobs, which created money. I think FAMvest will do the same thing with the mall. They are the only company I know that can the job and do it well. They are very connected, very responsible. I have worked with one of the developers for 20 years. They have a solid track record. This will help them kick start**

something great. It's a different model today. Some of the Boutique malls in larger areas are surviving. For someone to step up and invest their own money and get a kick start, not too many people would do that. I also commend the Commissioners for their foresight to intercept the future and look ahead.

Charlie Busch stated that intentions are not necessarily promises. It is a lot of money to hope something happens. He would like to see more transparency for the public to know what we are spending the money on, what is going to be there. I would like it to succeed. He pointed out the changes in retail, brick and mortar stores. He believes that there needs to be parameters. Charlie referenced federal housing programs that subsidize the undocumented immigrants that are coming here and he hopes the residential intention doesn't turn into that because there is nothing else that could happen with the property.

Mr. Mussare responded that elected officials sometimes have to make tough decisions. We are a County Government, not a municipality. We need to look at the whole picture and we base our decisions on that. Mr. Mussare referenced the three P's- Public Private Partnerships. We need this to get anything done due to the cost. There are so many regulations, stipulations, the legal side of it all. Mr. Mussare stated he can't make decisions based on what he feels. As long as there is a return on the investment, as long as it is secured I would probably have many constituents say do it. We look at it as a good return on our investment and we get our money back. Susquehanna throughway was put in for a reason. It was put in for speed, development and access. We know that there are exchanges going down that highway that are going to get developed. If this a catalyst for the development and it is pretty secure and we have a great developer then now is the time.

Charlie Busch questioned if Muncy Bank was still partnering with this. He stated that there are a lot of ancillary things that have to be considered. Who is going to take care of fixing the road circling the mall which is in really bad shape. Charlie stated that he thinks it is a great project but the fine points need to be looked at.

Mr. Metzger stated that he hopes FAM vest will be able to be at next meeting.

Gary Jones. He was hoping to get a visual of the plans today. He believes a visual will help everyone. Muncy Township has recently taken back both planning and zoning and are no longer under the umbrella of the county. If housing is going to be part of the project the area will need to be rezoned to include residential. As a Zoning Hearing Board member, I will listen to the public and the developers when it is presented at a meeting. Are the owners going to be in the management of all properties in the future? How is this going to be split up? What kind of subdivision is going to be done to the property? As far as housing I think you would have a very difficult time getting it through, which doesn't kill the deal. Retail has gone by the wayside. We need transparency. I think that FAMvest needs to do really good presentation for the community and answer questions. Gary asked what will remain in the ACT 13 money.

Mr. Mussare answered that it is close to 16 million left.

**Gary Jones stated he supports the development of the mall but needs more confirmation on what's going to be going on. Gary would like to see the County and the municipality consider doing some cost-effective, affordable housing for young people to own. Is it a possibility that the money can be used for such a project? He encouraged the Commissioners to have FAMvest here next week to do an open presentation as to what we would be looking at for zoning variances.**

**Mr. Mirabito responded that this is all subject to zoning. The people will be dealing with Muncy Township for the zoning. He announced that they recently found out that ACT 13 money cannot be used for the project. Other money sources will have to be used. He also pointed out that the population has changed based on the recent census and the redistricting of Senator Yaw's office. Mr. Mirabito commented that we as a community must be welcoming. We are all children of immigrants. If we aren't welcoming as a community people won't want to come here to live.**

**Gary Jones asked what other funds would be looked at to replace the Act 13 funds.**

**Mr. Metzger responded that they will be researching that and have that discussion. His main concern is that the loan is secure and there is transparency from the developer, what the developer can divulge to us so we can make a decision.**

**Denise Artly stated she would like to see something done with the property and the road fixed. She is looking forward to hearing from FAMvest next week. She wants to see transparency.**

**Lori Butler stated that the mall situation needs to be dedicated to the youth. She suggested a facility for gymnastics, an indoor ice rink for ice hockey, something for the community. Lori indicated that she is against any housing and hotels. There is not enough around here for the youth.**

**Tom Schaeck stated that we need to get that blight taken care of. He reiterated his earlier remarks. He added that many of the jobs created will be transitory then what will you have left? What happens if the developer comes back at a later date and asks for a tax break? Do we have a guarantee that he won't come back for a tax break which will fall on the tax payers?**

**Mr. Metzger asked Tom what emergency services were there and are there now.**

**Tom Schaeck responded that law enforcement is decreasing. They continue to be in place on paper.**

**Scott Miller wanted to know if the company has so many assets why do they need to have 5 million from the County. Since they haven't approached the planning board we don't know if they will be able to get the residential. Scott expressed that he was very disappointed that FAMvest didn't have a plan B in place to make a presentation today. It will come down to 24 hours to sign the paper.**

**Mr. Mirabito responded that the Commissioners will not be pressured to make a decision. The closing can be postponed.**

**Mr. Metzger thanked everyone for coming and invited them back next week. He also let everyone know the Commissioners will not be pressured into signing anything. They will continue to work on this throughout the week.**

**Mr. Mussare talked about the difficult time for businesses in 2008. There was no activity in Lycoming County. We lost population and developers. There was a culture change in leadership and a refusal to accept the decline and blight. When elected officials decide to do something it is not without vision. The vision not only comes from the officials, but from the people. As soon as it came out that the County was willing to put money into the economic development three major developers are coming in. This, by no means is the last that the County will be approached for business opportunities. We have one knocking on the door right now. So, you decide if you want to stay stagnant. A County Commissioner or Township supervisor wants success, a good future and opportunities for the people and children. Neighboring counties are growing. That's how you get it. Due to the prices people can't build a house for \$150,000. To me this is a great project! All the questions aren't answered yet.**

**Charlie Busch responded that during 2008 they were working to make the Crossing Plaza happen.**

**Mr. Metzger thanked Charlie for the Crossing Plaza. Without that the County would be worse off.**

**The farm land that the County bought for the landfill is now an industrial park. At the time the Commissioners took a chance. The developer took a big chance coming here but chose Lycoming County over another location because he liked the people here and the work ethic. Now we have additional businesses interested in building there. We had to put a lot of money up front to develop that, we had to have the vision to do it and now we are seeing it come to fruition. This is creating more jobs, more taxes and people moving here. The sale of this building is bringing a hundred corporate jobs to the downtown. You have to have vision. That's what we feel we are doing, but there has to be more transparency. The mall will never be what it used to be. This is a proven developer that does what he says he is going to do. You have to have trust. With the right plans we will be moving in the right direction.**

## **5.0 PERSONNEL ACTIONS**

- 5.1 Jessica Segraves –Presented by Matthew McDermott- 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 2<sup>nd</sup> the motion. Approved 3-0**

Mr. McDermott highlighted the recruiting efforts of the Human Resource personnel, reporting that in January there were 60 openings, in March there were 48 and currently there are 26.

## **6.0 ACTION ITEMS**

**6.1** Mya Toon –Presented by Matthew McDermott- -Vote to approve Amendment to Agreement with Centre County (2023 budgeted item).

**Mr. Mirabito moved to approve. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

**6.2** Mya Toon – Presented by Matthew McDermott - Vote to approve Lease Agreement with Lycoming County Housing Authority (2023 budgeted item).

**Mr. Mirabito moved to approve. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

**6.3** Mya Toon – Presented by Matthew McDermott - Vote to approve the list of contracts approved by the Director of Administration for the month of May.

**Mr. Mirabito moved to approve. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

**6.4** Nancy Ackley – Presented by Matthew McDermott - Vote to approve Agreement with County of Jefferson (2023 budgeted item).

**Mr. Mirabito moved to approve. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

**6.5** Sal Vitko – Vote to approve purchase with Best Line Equipment to pressure wash a utility trailer (2023 liquid fuel funds).

**Mr. Mirabito moved to approve. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

**6.6** Jerry Kennedy – Vote to approve annual support and services renewal with Melillo Consulting (2023 budgeted item).

**Mr. Mirabito moved to approve. Mr. Mussare 2<sup>nd</sup> the motion. Approved 3-0**

## **7.0 COMMISSIONER COMMENT**

**Mr. Mussare announced that the County Commissioners Association of Pennsylvania filed an Amicus Brief. The organization agrees with the Commissioners and supports their decision to challenge the Controller. They are stating that the judge’s ruling usurped the power of the Commissioners and was wrong. Per Mr. Mussare the code is absolutely clear that the Commissioners have the authority and are the responsible parties for the fiscal affairs of the County.**

**Mr. Mirabito responded and explained that CCAP is saying that the system that has been in place is a legitimate way to do payroll, accounts receivable, accounts payable and general ledger.**

**Mr. Metzger reminded everyone that flag day in June 14<sup>th</sup>. He encouraged everyone to proudly display their flag. He encouraged everyone to attend the Flag Day Program put on at Penn College that is open to the public.**

**Mr. Mussare recounted an incident a constituent shared with him that occurred at Wendy’s. Six young men tried to take his drinks, but the man stopped them. Mr. Mussare stressed that there needs to be consequences for people’s actions. If there are no consequences they think they can do whatever they want and it leads to chaos. Mr. Mussare stated that we need to change the attitude of the young people and this needs to be done within the schools. There**

needs to be more discipline. We have to be tougher.

Mr. Metzger agreed that this behavior shouldn't happen anywhere, but stated schools are limited in what they can do. He believes discipline starts in the home.

#### **8.0 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

**Mr. Larry Stout, Montgomery, representing the Clinton Twp. Volunteer Fire Company. Mr. Stout spoke about the recent fires at the landfill and the great job the Clinton Twp. Volunteer Fire Company did putting out the fires. He also commended Jason Yorks, Director of Resource Management and his staff for their work, dedication and commitment. He noted that the employees showed up on their own to assist. Mr. Stout expressed the need for everyone to support and help local volunteer fire companies. He described them as silent servants who don't get the recognition they deserve. Mr. Stout also commented on the misuse of emergency/911 services.**

**Mr. Scott Miller, Williamsport -Commented on the need to send more help to Canada to fight the wild fires.**

**Mr. Tom Adams, Williamsport – Mr. Adams quoted proverbs. He commented on the need to discipline the parents as well as the children in the schools so children can have a healthy life. Mr. Adams also indicated that the community needs to be involved. Mr. Adams expressed his views on the LGBT movement and people.**

#### **YOU TUBE PUBLIC COMMENT:**

No Comments

#### **9.0 NEXT SCHEDULED MEETING**

The next Commissioners Public Meeting will be held on Thursday, June 15, 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=Nbnpf5UkS1>**



## ATTACHMENT (A)

### PERSONNEL ACTIONS:

- Department of Public Safety – Skylar Corbin, Telecommunicator II, Full-Time Replacement, \$21.37 per hour, 80 hours per Pay Period, Anticipated Transfer Date: June 11, 2023.
- Pre-Release Center – Gabrielle Aberiatis, Resident Supervisor I, Part-Time Replacement, \$18.10 per hour, not to exceed 1000 hours, Anticipated Start Date: June 12, 2023.
- Procurement – Susan Kolletzki, Procurement and Grant Officer, Full-Time Replacement, \$45,591.00 per year, 75 hours per Pay Period, Anticipated Start Date: June 19, 2023.
- Assessment – Nakisha Cramer, Field Data Collector, Full-Time Replacement, \$18.57 per hour, 75 hours per Pay Period, Anticipated Transfer Date: June 25, 2023.
- Prison – Shane Bastress, Correctional Officer I, Full-Time Replacement, \$20.00 per hour, 80 hours per Pay Period, Anticipated Start Date: July 2, 2023.
- Prison – Brandon Young, Correctional Officer I, Full-Time Replacement, \$20.00 per hour, 80 hours per Pay Period, Anticipated Start Date: July 16, 2023.
- Prison – Tim Horning, Correctional Officer I, Full-Time Replacement, \$20.00 per hour, 80 hours per Pay Period, Anticipated Start Date: July 2, 2023.
- Prison – Mark Stetts, Correctional Officer II, Full-Time Replacement, \$21.48 per hour, 80 hours per Pay Period, Anticipated Transfer Date: July 9, 2023.
- Prison – John Wagoner, Correctional Officer I, Full-Time Replacement, \$20.00 per hour, 80 hours per Pay Period, Anticipated Transfer Date: July 9, 2023.