

Lewistown, PA

December 16, 2021

The Board of Mifflin County Commissioners met for their Regular Meeting on Thursday, December 16, 2021 at 9:00 a.m. In attendance were Commissioners Kevin Kodish; Mark Sunderland; Robert Postal; Chief Clerk Cathy Romig; Solicitor Stephen Snook; Treasurer Deb Civitts; and Fiscal Affairs Assistant Makyla Henry.

Brian Cox was present from The Sentinel.

Guests present were Chastity Fultz, Diane Griffith, NuVisions President Jonathan Cunningham, MCIDC President Nick Felice, and Elections/Veterans Affairs Director James Conway.

The meeting was called to order at 9:02 a.m. by Commissioner Sunderland.

I. Invocation: *The Invocation was given by Commissioner Kodish.*

II. Pledge of Allegiance: *The Pledge of Allegiance was said by all present.*

III. Approval of Minutes:

Motion was made by Commissioner Postal to accept the minutes of the Regular Meeting of December 2, 2021. Commissioner Kodish seconded the motion. The motion was unanimously approved.

IV. Approval of Bills:

1. General Fund, Accounts Payable

Ck. #'s 135451-135615 and EFT #'s 28692-28794 in the amount of \$730,411.93

2. Payroll Account

Ck. #'s 79273-79281 and Direct Deposit Advice #'s 41701-41930 in the amount of \$367,727.09

3. 911 Account

Ck. #'s 52274-52278 and EFT #'s 20867-20869 in the amount of \$3,123.26

4. Liquid Fuels Account

Ck. #'s 1705-1706 in the amount of \$11,535.00

5. Act 152 Account

Ck. # 4 in the amount of \$9,100.00

6. PIB Account

Ck. # 2000005 in the amount of \$171,033.69

7. CDBG Account

Ck. #'s 1579-1580 in the amount of \$43,762.57

Motion was made by Commissioner Postal to approve payment of bills as listed above. Commissioner Kodish seconded the motion. The motion was unanimously approved.

V. Treasurer's Report:

TREASURER'S REPORT

12/1/2021-12/14/2021

General Account Starting Balance	\$982,141.41
DEBITS	
Deposits Receipts #109212-109381	237,174.22
Transfer from	0.00
Transfer from CAPITAL RESERVE	0.00
Transfer from LEPC	386.72
Voided Checks	587.40
Transfer from MC CHIRP	109.02
Interest	0.00
TOTAL DEBITS	\$238,257.36
CREDITS	
Bills Paid CK #'S 135451-135615, EFT'S # 28692-28794	730,411.93
Transfer to Payroll CKS 79273-79281, DD 41701-41930	367,727.09
ADJUSTMENT	0.00
NSF CHECKS	0.00
TRANSFER TO ACT 152	0.00
TOTAL CREDITS	\$1,098,139.02
<u>Ending Balance (Interest @ 0.310% as of 12/14/2021)</u>	<u>\$122,259.75</u>
Liquid Fuels	
Invested at JV Bank @ 0.31% as of 12/14/2021	\$274,496.53
Liquid Fuels - Act 89	
Invested at JV Bank @ 0.31% as of 12/14/2021	\$441,700.39
911 Telephone Account	
Invested at JV Bank @ 0.31% as of 12/14/2021	\$1,018,834.78
LEPC	
Invested at JV Bank @ 0.31% as of 12/14/2021	\$29,990.32
Local Use Fund	
Invested at JV Bank @ 0.31% as of 12/14/2021	\$538,537.99
Capital Reserve Account	
Invested at JV Bank @ 0.350% as of 12/14/2021	\$11,326,150.73
Report Subject to Audit	

Motion was made by Commissioner Postal to approve the Treasurer's Report as received, subject to audit. Commissioner Kodish seconded the motion. The motion was unanimously approved.

VI. Meetings and Events:

Chairman Sunderland:

*Retirement Board
Christmas Parade*

Commissioner Postal:

*SEDA-COG Natural Gas Planning Meeting
SEDA-COG Natural Gas Board Meeting
SEDA-COG JRA
Central Counties Youth Center
JVBS Consumer Advisory Board
Local Elected Officials/Workforce Meeting
Joint WDB/LEO Board Meeting
DLI Board Meeting
Internal Meetings: 2022 Budget, Tax Services,
MCCF, and Annex Project*

Commissioner Kodish:

*2022 Budget Review Meeting
Retirement Board
SEDA-COG Executive Committee
SEDA-COG Board
PIMCC Finance Committee
Regional Services Executive Committee*

VII. Public Comment:

Commissioner Kodish said the overall budget decreased from approximately \$36,250,000 to \$32,050,000 – a decrease of approximately \$4,200,000 – with the budget being in balance with no tax increase for the coming year of 2022.

A primary reason for the budget reduction is that we have nearly completed the \$3.3 Million Annex Renovations that were included in the 2021 budget and for which we are receiving a \$1.5 Million RACP grant through the State. The renovation will eventually allow restructuring of office locations to reduce costs, provide better security for offices in need, and allow for a more efficient work environment for the effected offices.

Another reason for a reduced budget total is an overall decrease in the total of state grant-related planning projects by approximately \$350,000 attributed to the completion (or near completion) of the Reedsville Streetscape Project. Our Planning Department is still proceeding with the extension of the Juniata River Trail, which is supported by two (2) state-level grants.

Personnel has always been a big cost driver at the County and will continue to be in future years. Approximately \$15.5 Million of our annual budget – or nearly 50% - is attributable to salaries and benefits. Regarding personnel and positions, we've taken

opportunities as they've presented themselves to try to reorganize and restructure departments and positions to maximize staff efficiency. We reduced positions in our Correctional Facility by reorganizing space usage. We've contracted with service providers to perform duties at lower costs instead of creating new positions or filling vacant positions. On the benefit side, we've partnered well with our local community provider – Geisinger – to manage our health insurance and keep premium increases at a manageable level over the last three (3) years.

Ultimately, with the budget balanced, the County will continue to look for creative ways to effectively administer our local government, efficiently manage its personnel and make staffing-level and staffing-composition adjustments when needed, and look to provide as much support through beneficial programs for our local community so that Mifflin County continues to grow as a place for individuals

VIII. New Business:

A. Request for exoneration of 2021 county portion per capita taxes:

- *Brown Township Tax Collector Cheryl Hartzler – 17*
- *Wayne Township Tax Collector Mary Ellen Reed – 13*
- *Armagh Township Tax Collector Linda Marks – 12*
- *Lewistown Borough Tax Collector Erin Anewalt – 19*
- *Derry Township Tax Collector Bret Treaster – 19*
- *Granville Township Tax Collector Billi Weaver - 17*
- *Juniata Terrace Borough Tax Collector Billi Weaver - 2*

Motion was made by Commissioner Postal to be approved. Commissioner Kodish seconded the motion. The motion was unanimously approved.

B. Request for exoneration of 2021 county real estate tax bill and relieve the Tax Collector from collecting this bill:

- *Parcel No's 16,16-0100 and 16,16-1200 located in Derry Township acreage corrections were made to each parcel and they will be rebilled - \$1,204.83 and \$891.01*

Motion was made by Commissioner Postal to be approved. Commissioner Kodish seconded the motion. The motion was unanimously approved.

C. Request for a refund of a portion of the 2015 through 2020 County real estate taxes:

- *Parcel No's 16,16-1200 and 16,16-0100 located in Derry Township – Acreage adjustments were made to each parcel - \$1,970.42*

Motion was made by Commissioner Postal to be approved. Commissioner Kodish seconded the motion. The motion was unanimously approved.

D. Application for County Aid – 2021 Liquid Fuels Allocation:

- *Union Township - \$4,656.00*
- *Kistler Borough - \$1,000.00*

Motion was made by Commissioner Postal to be approved. Commissioner Kodish seconded the motion. The motion was unanimously approved.

E. Encumber \$40,000.00 Liquid Fuels Funds for Maintenance on Shawver Road Bridge

Motion was made by Commissioner Postal to be approved. Commissioner Kodish seconded the motion. The motion was unanimously approved.

- F. *Resolution No. 21 of 2021 amending Resolution No. 19 of 2021 to approve budget modifications for the Brown Township FFY 2020 CDBG Program*

**RESOLUTION NUMBER 2021-21
MIFFLIN COUNTY COMMISSIONERS
ON BEHALF OF THE BROWN TOWNSHIP SUPERVISORS**

**AMENDING RESOLUTION NUMBER 2021-19
ADOPTED ON NOVEMBER 18, 2021**

**APPROVING BUDGET MODIFICATIONS
TO THE FFY 2020 CDBG PROGRAM**

WHEREAS, the Mifflin County Commissioners on behalf of the Brown Township Supervisors previously adopted Resolution Number 2021-19 on November 18, 2021;

WHEREAS, an error was made regarding project funding amounts and this resolution is a corrective resolution of previously adopted Resolution 2021-19;

WHEREAS, the Brown Township Supervisors and the Mifflin County Commissioners on behalf of the Brown Township Supervisors, funded Single Family Owner Occupied Housing Rehabilitation in FFY 2020 in the amount of \$76,033.00;

WHEREAS, the Brown Township Supervisors and the Mifflin County Commissioners on behalf of the Brown Township Supervisors have decided to reduce Single Family Owner Occupied Housing Rehabilitation by the amount of \$33,621.00, leaving a balance of \$42,412.00, and create the Walnut Street Sidewalk Project Phase 2 in the amount of \$33,621.00;

WHEREAS, the Brown Township Supervisors adopted a resolution on November 15, 2021 approving said budget modifications and authorized the Mifflin County Planning and Development Department to complete and submit said modification request and required documentation to the Pennsylvania Department of Community and Economic Development for review and approval;

WHEREAS, the Brown Township Supervisors conducted a public hearing on Monday, November 15, 2021, in accordance with the County's Citizen Participation Plan;

WHEREAS, it is the requirement of the Pennsylvania Department of Community and Economic Development, to modify the Brown Township FFY 2020 program funding budget, so as to complete the following actions:

- 1. Reduce FFY 2020 Single Family Owner Occupied Housing Rehabilitation by the amount of \$33,621.00, leaving a balance of \$42,412.00.*
- 2. Add the Walnut Street Sidewalk Project Phase 2 to FFY 2020 in the amount of \$33,621.00.*

NOW, THEREFORE, BE IT RESOLVED, by the Mifflin County Commissioners as follows:

- 1. That this resolution is corrective of previously adopted Resolution Number 2021-19 that contained incorrect funding amounts.*
- 2. That the program modifications affecting the Brown Township FFY 2020 program budget is approved by the Mifflin County Commissioners on behalf of the BTS through the adoption of this Resolution.*
- 3. That the Mifflin County Planning and Development Department is authorized to complete and submit said modification request and required documentation to the (PA- DCED) for review and approval.*

Chastity spoke at the meeting and said about how on November 18th she came for an approval on a budget modification resolution. We are moving some funds around for

Brown Township to fund their sidewalk project. The wrong amounts were listed on the last resolution, but she came to correct the errors. The errors that were made on Resolution No. 2021-19 was adopted on November 18th. The correct amounts are reducing single family owner occupied housing rehabilitation by \$33,621.00, leaving a new balance of \$42,412.00. We are creating a Walnut Street side walk project phase II in the amount of \$33,621.00.

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

- G. Reappointment with Mark Merrifield, Lewistown, PA to a five-year term on the Mifflin County Hospital Authority – term expires December 31, 2026*

Motion was made by Commissioner Postal to be approved. Commissioner Kodish seconded the motion. The motion was unanimously approved.

- H. Cooperation Agreement with Mifflin County Industrial Development Authority and NuVisions Center*

NuVisions President Jonathan Cunningham said at the meeting in January of 2021 they were awarded \$1 million RACP Award with the support of Senator Jake Corman and Representative John Hershey. We are approaching this as a 2 phase project. We are about to start construction at the Depo Street location tentatively February 2022. With that project phase completing by August or September 2022, then our Admin and Social Services Department will move into the office building. Our window treatment and production department will move into the newer warehouse on site and our commercial janitorial team will also move into that property. Once phase 1 is finished, we will begin designing the Valley Street location. The estimated start date is January 2023. By December 31, 2023 the Valley Street location will be completed. Our goal for that location is to bring it to more modern standards and give us the ability to grow. Commissioner Postal asked how many clients/customers they had, and Jonathan said it is about mid 80's.

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

- I. Host Indemnity Agreement between Mifflin County, Mifflin County Industrial Development Authority and NuVisions Center for Mifflin County to act as the host as a part of the grant application process*

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

- J. Project Indemnity Agreement between Mifflin County, Mifflin County Industrial Development Authority and NuVisions Center for Mifflin County to act as the host as a part of the grant application*

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

- K. Appointment of Mel Parker (Lewistown Borough) to a five-year term on the Mifflin County Municipal Authority*

Motion was made by Commissioner Postal to be approved. Commissioner Kodish seconded the motion. The motion was unanimously approved.

- L. Resolution No. 22 of 2021 Authorizing Mifflin County to enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., and agree to the terms of the Pennsylvania Opioid Misuse and Addiction Abatement Trust*

RESOLUTION NO. 22 of 2021

*Authorizing **County of Mifflin** to Enter Into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., and Agree to the Terms of the Pennsylvania Opioid Misuse and Addiction Abatement Trust.*

WHEREAS, *the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death. The Commonwealth of Pennsylvania and Pennsylvania local governments **spend billions of dollars each year** to address the direct consequences of this crisis.*

WHEREAS, *since at least 2017, state and local governments in Pennsylvania and around the United States have been pursuing investigations and litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the impact on of the Opioid Epidemic on the **County of Mifflin** (“County”) and resources necessary to combat the opioid epidemic;*

WHEREAS, *negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the “Settling Defendants”) have been ongoing for several years;*

WHEREAS, *negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims to settle the Litigation;*

WHEREAS, *the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively “Settlement Agreements”);*

WHEREAS, *copies of the Settlement Agreements as well as summaries of the main terms of the Settlement Agreements have been provided to the County with this Resolution;*

WHEREAS, *the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Pennsylvania including to the Commonwealth of Pennsylvania and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements (“Pennsylvania Opioid Funds”);*

WHEREAS, *Pennsylvania local governments as well as the attorneys representing those local governments have engaged in extensive discussions with the Commonwealth’s Office of Attorney General (“OAG”) as to how the Pennsylvania Opioid Funds will be allocated, which has resulted in the Proposed Pennsylvania Opioid Misuse and Addiction Abatement Trust (the “Trust”),”);*

WHEREAS, *a copy of the Trust has been provided with this Resolution;*

WHEREAS, *the Trust proposes to allocate the Pennsylvania Opioid Funds 15% to a Commonwealth Account; 70% to local governments in a County Abatement Account; and 15% to a Litigating Subdivision Account. For the avoidance of doubt, all funds allocated to Pennsylvania from the Settlements will be combined pursuant to the Trust, and 15% of that total shall be allocated to the Commonwealth of Pennsylvania (the “Commonwealth of Pennsylvania Account”), 70% to the County Abatement Account (“County Abatement Account Allocation”), and 15% to the Litigating Subdivision Account (“Litigating Subdivision Account”);*

WHEREAS, *the Counties and Litigating Subdivisions, their Associations, such as the County Commissioners Association of Pennsylvania, [other] Association and Counsel for the Subdivisions have participated in a series of meetings to draft allocation formulas. Those meetings have resulted in allocation formulas for the County Abatement Account and the Litigating Subdivision Account and establish a Local Allocation Share under*

each Account for Eligible Local Subdivisions. The funds in the County Abatement Account have been allocated to each County as described in Exhibit 1 to the resolution. The funds in the Litigating Subdivision Account have been allocated to the Litigating Subdivision or described in Exhibit 2 to the Resolution.

WHEREAS, any **County of Mifflin** that is an Eligible Local Government will receive its Local Allocation share only when it becomes a Participating Subdivision by signing the Participation Agreements to the Settlements.

NOW, THEREFORE, BE IT RESOLVED: *the County of Mifflin hereby approves and authorizes Mark Sunderland to settle and release the County of Mifflin claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements and Trust Agreement including taking the following measures:*

- 1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.*
- 2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.*
- 3. The execution of the Memorandum of Understanding agreeing to the allocations to the County Abatement and Litigating Subdivision Accounts and agreeing to be a beneficiary of the Trust under the terms set forth in the Trust. Proposed Pennsylvania Opioid Misuse and Addiction Abatement Trust by executing the signature pages to that Trust Agreement.*

BE IT FURTHER RESOLVED *that all actions heretofore taken by the Board of Commissioners and other appropriate public officers and agents of the County of Mifflin with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.*

Solicitor Steve Snook said we are here today to become a participant in this. Many other small counties are already a part of it. The initial payment will be \$1.2 million for the county. It appears that the payment will start in July, and will be going over a number of years. Mr. Snook also mentioned we will be participating in in M-O listed below. He said we need to approve Resolution No. 22 and sign the participation agreements required for M-O.

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

M. Pennsylvania Subdivision Intrastate Allocation Participation Form

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

N. Subdivision Janssen Settlement Participation Form

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

O. Subdivision Distributor Settlement Participation Form

Motion was made by Commissioner Kodish to be approved. Commissioner Postal seconded the motion. The motion was unanimously approved.

P. Personnel:

- *Hiring of part-time Correctional Officers Christian Dunn, Dakota Wileman, and Colby Brindle effective December 20, 2021*
- *Promotion of Mackenzie Roush and William Stringer from part-time to full-time Correctional Officers effective December 19, 2021*
- *Promotion of Joshua Neff from Correctional Officer to Sergeant effective December 19, 2021*
- *Resignation of Tiffany Mast from Court Reporter effective December 31, 2021*
- *Resignation of Claire Brannon from GIS Analyst effective January 5, 2022*
- *Resignation of Christine Stuck and Rachel Burchfield from Case Coordinators in the Courts effective December 31, 2021*
- *Hiring of Susan Mallard for Children and Youth Caseworker effective December 20, 2021*
- *Hiring of Shawn Curry for Public Defender effective January 1, 2022*

IX. Adjournment:

With no other business on the agenda, Commissioner Sunderland adjourned the meeting at 9:24 am.

Secretary

ATTEST:

Chief Clerk