

**COMMISSIONERS' MEETING MINUTES**  
**JULY 10, 2024**

Commissioner R. Michael Keith called the regular meeting of the Indiana County Commissioners to order at 10:30 a.m. in the Commissioners Hearing Room.

**ROLL CALL**

Chairman R. Michael Keith, present  
Commissioner Robin A. Gorman, present  
Commissioner Sherene Hess, present

Also, in attendance were Solicitor Matthew T. Budash and Chief Clerk Robin Maryai.

**PLEDGE OF ALLEGIANCE**

Commissioner Keith led those present in reciting the Pledge of Allegiance to the American Flag.

**APPROVE MINUTES**

A motion was made by Ms. Gorman, seconded by Mr. Keith, and carried unanimously to approve the minutes of June 26, 2024.

**PUBLIC COMMENT**

There was no public comment.

**EXECUTIVE SESSIONS**

There were no Executive Sessions.

**AMENDMENT TO THE OPIOID LITIGATION**

Attorney Bob Marcus, who represents the county for the Opioid Litigation, was present and explained in November 2018, Judge Polster issued an order directing all plaintiffs who had filed cases in the MDL 2804 National Prescription Opiate Litigation to amend the complaints to add additional defendants on or before March 16, 2019. Cases filed after the November 2018 order were to be amended within ninety days of being docketed in MDL 2804. After the complaints were initially amended, the cases were stayed indefinitely pending litigation to allow for the bellwether trial selection.

Since then, on May 27, 2024, Judge Polster entered an order lifting the stay on substantive filings in non-bellwether cases and granting the Plaintiffs' Executive Committee leave to file motions to amend complaints to add additional defendants in addition to the PBMs. Judge Polster directed the PEC to file a single motion for each defendant it wished to add as new defendant for amendment purposes on or before July 22, 2024.

The Court has indicated that this will be the final opportunity for any political subdivision to request to attempt to amend its complaint. Failure to include your subdivision for complaint amendment consideration could result in your subdivision's inability to participate in future settlements with any remaining unnamed defendant and not receive any settlement proceeds.

Attorney Marcus further explained that the July 22, 2024 deadline will most likely be the last opportunity to amend your opioid complaint to add additional defendants absent extraordinary circumstances. Defendants have indicated their intent to challenge the motions to amend due on

July 22, 2024. Beyond this deadline, defendants will have an even stronger argument to oppose any further attempts to amend the pleadings to add more defendants. By amending your complaint and adding defendants, your subdivision will be in the best position to receive future settlements funds. Participation in future settlements may be limited to only those subdivisions that named a particular defendant.

The Court has instructed Lead counsel for each plaintiff seeking amendment of any listed complain shall sign the motion to indicate that – should any listed cases be chosen as a bellwether – both counsel and plaintiff-client are prepared to spend the time and money necessary to prosecute the case against each defendant. The Court will consider strong sanctions against any counsel and/or plaintiff that seeks to dismiss their case or their claims against a named defendant if or when it is chosen as a bellwether.

Plaintiffs must carefully consider factors such as, but not limited to, record retention as of the date of the original complaint, willingness to undergo extensive paper and testimonial discovery, the human resources necessary to meet discovery deadlines, and the possibility of in-person client appearances in Cleveland, Ohio.

Based on the recommendation of Attorney Marcus, a motion was made by Ms. Gorman, seconded by Mr. Keith and carried unanimously to approve filing an amended complaint against the following 3 new companies: Ahold Delhaize, Indivior, Inc. and Mylan.

#### **GRANT APPLICATION FOR JAIL-BASED VIVITROL PROGRAM FUNDING / DRUG & ALCOHOL**

At the request of Amanda Schroeder, Drug & Alcohol Commission, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve a grant application for Jail-Based Vivitrol Program in the amount of \$105,476.00. This is a 24-month grant from October 1, 2024 through September 30, 2024 and will provide vivitrol to inmates at the Indiana County Jail.

#### **MEMORANDUM OF UNDERSTANDING...PSSU CYS**

At the request of Melissa Miller, Assistant Chief Clerk/Personnel Director, a motion was made by Mr. Keith, seconded by Ms. Gorman and carried unanimously to approve a Memorandum of Understanding with PSSU for the new Children & Youth Supervisor meet and discuss unit. This MOU is for the 6 supervisors and 1 program specialist in the CYS department and provides for a 4% increase each for a 3-year agreement for calendar years 2024, 2025 and 2026.

#### **MEMORANDUM OF AGREEMENT...AFSCME COURTHOUSE UNIT**

At the request of Melissa Miller, Assistant Chief Clerk/Personnel Director, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve a Memorandum of Agreement with AFSCME (Courthouse Unit). This MOA is to adjust the starting rates of pay for the Maintenance Worker classification positions due to recruiting issues.

#### **MEMORANDUM OF UNDERSTANDING...BUTLER COUNTY / JAIL**

At the request of Robin Maryai, Chief Clerk, a motion was made by Ms. Hess, seconded by Mr. Gorman and carried unanimously to approve a Memorandum of Understanding with Butler County to house inmates over the age of 18 at the rate of \$60.00 per day plus all medical expenses accrued by the transferred inmates.

**CONTRACT AWARD – YMCA OF INDIANA COUNTY BOILER & HW HEATER REPLACEMENT PROJECT / PLANNING**

At the request of David Morrow, Office of Planning & Development, and on behalf of the YMCA of Indiana County and Thomas R. Harley, Architects, LLC., a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to enter into a contract agreement with Davis Brothers Heating & Air Conditioning from Indiana, PA for the YMCA of Indiana County Boiler & HW Heater Replacement Project. The contract award request in the amount of \$123,400 is to install 5 new boilers and 2 new hot water heaters. A total of four proposals were submitted ranging from low bid by Davis Brothers Heating & Air Conditioning of \$123,400 to a high bid of \$265,000. This project is being funded with Redevelopment Assistance Capital Program (RACP) funds and YMCA funds.

**OPTION TO PURCHASE – AGREEMENT / PLANNING**

At the request of LuAnn Zak, Indiana County Office of Planning & Development and on behalf of the Indiana County Community Action Program, Inc. a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to enter into to an Option to Purchase Agreement with Mystic Brooke Development, L.P. of Indiana, Pennsylvania. The “Option” will secure a parcel of vacant ground located in White Township for a proposed project that is in the development and application phase. The requested option is for a nine-month timeframe and will cost \$1.00 (One dollar). Indiana County and ICCAP are working in partnership to develop a proposal for a HOME-ARP Non-Congregate Shelter application for the August 30, 2024 deadline. The proposed project would construct a non-congregate shelter to temporarily house homeless individuals and/or families while working with them to secure permanent housing solutions. The facility will include administrative offices for the case management staff of ICCAP. A public hearing on the proposed application is scheduled for Thursday, July 11<sup>th</sup> at 10:00 AM at the Indiana County Courthouse in the Commissioners Hearing Room.

**GRANT AGREEMENT – PENNDOT COMPREHENSIVE AVIATION DEVELOPMENT PROGRAM – CONSTRUCT HANGAR, APRON, TAXIWAY AND PARKING LOT PROJECT – JIMMY STEWART AIRPORT / PLANNING**

At the request of Byron Stauffer, Office of Planning & Development, and in collaboration with Indiana County Municipal Airport Authority, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve a Resolution authorizing the signing of a Comprehensive Aviation Grant Agreement with the Pennsylvania Department of Transportation to accept a \$1,500,000.00 grant award through the Aviation Development Program. The Aviation Development Program requires a 25% local match commitment, or \$500,000.00 as outlined in the Resolution for the construction and related costs for the Construct Hangar, Apron, Taxiway and Parking Lot, the “Project” related to a new 12,000 square foot corporate hangar facility and related infrastructure improvements at the Indiana County – Jimmy Stewart Airport, located in White Township, which will leverage an additional \$4,946,000.00 of Federal and State funding. Authorization also allows for Commissioner Keith, Chairman to sign the PennDOT Comprehensive Aviation Grant Agreement on behalf of the County of Indiana.

**RESOLUTION – AIRPORT LAND DEVELOPMENT ZONE DESIGNATION APPLICATION – JIMMY STEWART AIRPORT / PLANNING**

At the request of Byron Stauffer, Office of Planning & Development, and in collaboration with the Indiana County Municipal Airport Authority, a motion was made by Mr. Keith, seconded by Ms. Gorman and carried unanimously to approve a Resolution to authorize the filing of an application and parcel affidavit to the Pennsylvania Department of Community & Economic

Development to request up to 50-acres of vacant property at the Jimmy Stewart Airport, located in White Township, be designated as an Airport Land Development Zone (ALDZ).

The Airport Land Development Zone (ALDZ) program was established to encourage and promote the creation of new jobs on land and buildings owned by airports within this Commonwealth, while accelerating economic activity at and around airports on undeveloped land or vacant buildings owned by airports that can provide new revenue sources for airports. The ALDZ program is an incentive-based tax credit program to foster development on this vacant land.

Authorization is requested for Commissioner Keith, Chairman to be authorized signatory as well Commissioners Gorman and Hess, as may be needed to sign on behalf of the County of Indiana. The request authorizes the Executive Director of the Office of Planning & Development in collaboration with the Airport Manager to submit the application to DCED.

**OTHER BUSINESS**

There was no other business.

**NEXT REGULAR MEETING...JULY 10, 2024 AT 10:30 A.M.**

The next regular scheduled Commissioners' Public meeting will be held on Wednesday, July 10, 2024 at 10:30 a.m. in the Commissioners' Hearing Room.

**ADJOURNMENT**

With no other business to come before the Board at this time, a motion was made by Ms. Hess, seconded by Ms. Gorman to adjourn the meeting at 10:58 a.m.

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Sherene Hess, Commissioner

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R. Michael Keith, Chairman