

**COMMISSIONERS' MEETING MINUTES**  
**OCTOBER 13, 2021**

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, zoom

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...SEPTEMBER 22, 2021**

A motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve the minutes of September 22, 2021.

**PUBLIC COMMENT**

There was public comment. Barbara Barker asked the board to consider allocating funds from the PA Cares dollars to the Department of Health Office in Indiana. Arlene Wanatosky made comment regarding Free & Fair Elections. Josie Cunningham made commend regarding the recent postcard sent to voters about voted ballot return deadline.

**EXECUTIVE SESSIONS**

There were an Executive Sessions held on October 12, 2021 at 11:15 a.m. to discuss legal matters and status update on the Route 22 pedestrian bridge project.

**COVID 19 UPDATE**

Thomas Stutzman Indiana County remains in the high rate of community transmission. CDC reported that Indiana County has seen an 11.3% decrease in positive cases rates, 4.35% decrease in hospital admissions, 10.71% in ICU admissions, and a 120% increase in covid related deaths. At the last meeting it was reported that the National Guard would be deployed to IRMC to assist with covid testing; however, due to the specific testing requests, PEMA and the Department of Health immediately provided IRMC with options outside the National Guard troops to specifically address the certification levels of personnel they were seeking. IRMC has resumed their weekly covid vaccinations at the KCAC and 2,085 residents of Indiana County have received their booster shots. Initial vaccinations are not being widely sought and 47.4% of those eligible in Indiana County are vaccinated.

**PROCLAMATION...NATIONAL BUSINESS WOMEN'S WEEK**

After a proclamation was read by Ms. Hess, a motion was made, seconded by Ms. Gorman and carried unanimously to proclaim the week of October 17 -0 23, 2021 as National Business Women's Week and encouraged all citizens to recognize the many ways in which women have contributed to the success of our businesses and the advancement of their professions.

### **PROCLAMATION...DOMESTIC VIOLENCE AWARENESS MONTH**

After a proclamation was read by Ms. Gorman, a motion was made, seconded by Mr. Keith and carried unanimously to proclaim the month of October as Domestic Violence Awareness Month and urged all citizens to work towards the elimination of domestic violence in our community.

### **PROCLAMATION...COMMUNITY PLANNING MONTH**

After a proclamation was read by Mr. Keith, a motion was made, seconded by Ms. Hess and carried unanimously to proclaim the month of October, 2021 as Community Planning Month in Indiana County and recognized the many valuable contributions made by professional community and regional planners.

### **OPIOID LITIGATION**

Attorney Bob Marcus was present and reviewed the settlement overview of the Opioid Litigation as follows:

After years of negotiations, two proposed nationwide settlement agreements have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerosourceBergen and one manufacturer, Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (Janssen).

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion. Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. Pennsylvania has joined both Settlements. Second the subdivisions within each participating state must then decide whether to participate in the Settlements. Indiana has joined the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

A motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to grant Marcus and Mack the authority to sign settlement documents on behalf of Indian County.

Attorney Marcus further explained that the firm McKinsey and Company, Inc. played an integral role in creating and deepening the opioid crisis. Specifically, it was recently revealed that in the years following Purdue's 2007 guilty plea for misleading marketing OxyContin, Purdue hired McKinsey to increase OxyContin sales. Five years after Purdue's 2007 guilty plea, OxyContin sale tripled.

In February of this year McKinsey reached a \$573 million agreement with attorneys general in 47 states, the District of Columbia and five territories. This settlement purports to release any and all claims that could be brought against McKinsey as a result of their opioid-related conduct, including any claims that could have been brought by cities, counties and tribal governments. Following the announcement, there has been debate about whether the settling attorneys general have the authority to release the claims of cities and counties and recently, a new MDL was formed in the Northern District of California to litigate the claims of cities, counties and tribes against McKinsey.

Attorney Marcus explained the board has the option to participate, not to participate or if you do nothing the consortium will file regardless to protect the county's interests. Solicitor Budash recommended that the County participate, and it sends a signal to the Consortium that the Indiana County is very interested in the settlement and wants a seat at the table. A motion was made by Mr. Keith, seconded by Ms. Hess and carried unanimously to advise the consortium to initiate a claim against McKinsey.

#### **AGREEMENT...THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP) / ICCAP**

At the request of Aimee Kemp, Director of Food Distribution at ICCAP, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve the Program Management Agreement and the Emergency Food Assistance Program (TEFAP) with the Pennsylvania Department of Agriculture. The Program provides for the responsible distribution of commodity and program funds received by the Commonwealth of Pennsylvania from USDA for administration of the Emergency Food Assistance Program. The term of the agreement is from October 1, 2021 through September 30, 2026. It is noted that ICCAP is the lead agency for Indiana County.

#### **BIDS 092021)...911 DISPATCH CENTER ACCESS FLOOR PROJECT / EMA**

At the request of Robin Maryai, Chief Clerk, a motion was made by Ms. Hess, seconded by Mr. Keith and carried unanimously to accept the bid received from Compu-Site Technologies, Inc. in the amount of \$31,659.00 for the 911 Dispatch Center Access Floor Project. It is noted that only one bid was received.

#### **PCOMP SAFETY IMPROVEMENT PROGRAM GRANT APPLICATION**

At the request of Robin Maryai, Chief Clerk, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously approve the PComp Safety Improvement Grant Application be submitted to CCAP in the amount of \$16,615.65. This grant will be used to replace the elevated flooring in the 9-1-1 Center.

#### **EQUIPMENT PURCHASE...PALCO / INDIAN HAVEN**

A motion was made by Mr. Keith, seconded by Ms. Gorman and carried unanimously to approve under CoStars pricing the purchase of a generator from Palco, Norvelt, PA in the amount of \$207,155.00 for the Communities at Indian Haven.

#### **GRANT APPLICATION...CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATION ACT (CRRSAA) / AIRPORT**

At the request of Rick Fuellner, Airport, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve the Coronavirus Response and Relief and

Supplemental Appropriation Act Grant Application in the amount of \$13,000.00. This grant has no local match and can be used for operating expenses at the Airport.

**CONTRACT AGREEMENT – 2021 EMERGENCY SOLUTIONS GRANT / PLANNING**

At the request of LuAnn Zak, Office of Planning & Development, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve entering into an Emergency Solutions Grant (ESG) contract agreement with the Commonwealth of Pennsylvania through the Department of Community and Economic Development (DCED) for \$105,618.00. Indiana County’s service provider for the contract is the Indiana County Community Action Program (ICCAP). This is an 18-month contract that will provide for Rapid Re-Housing financial assistance and housing services, data collection and administrative funds. The original application request was for \$151,300.00 however due to the high volume of statewide requests for assistance DCED reduced the award amount by \$45,682.00. Approval includes for the Commissioners to complete the required e-signature contracting process and for Commissioner Keith to sign all paperwork.

**FOUR-FACTOR ANALYSIS AND LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENCY PERSONS – HOME (HOME INVESTMENT PARTNERSHIP PROGRAM) / PLANNING**

At the request of Christina Coleman, Office of Planning & Development, a motion was made by Ms. Gorman, seconded by Mr. Keith and carried unanimously to approve the Four Factor Analysis and Language Access Plan (LAP) for the 2021 HOME program. The Four Factor Analysis and LAP are required to meet program compliance with the federal and state regulations of HUD and the Pennsylvania Department of Community and Economic Development for Limited English Proficiency. The Four Factor Analysis identifies the County’s municipalities that meet the 5% population threshold for residents speaking English “Less than Well”; and the LAP contains the plan to address the types of language assistance to be provided, on an as needed basis, to ensure access to Indiana County’s HOME program by LEP persons. The Townships of East Mahoning, North Mahoning, South Mahoning and West Mahoning each have a population of residents above the 5% threshold who speak English “Less than Well”. These measures will be in place throughout the implementation of the HOME program and the documents will be placed in the 2021 HOME program master file.

**\$50,000 CARES ACT REVOLVING LOAN FUND (CARES ACT RLF) LOAN TO CONEY ISLAND RESTAURANT, INC. / PLANNING**

At the request of Angela Campisano, Office of Planning & Development, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve a \$50,000 term loan from the Indiana County CARES Act Revolving Loan Fund (RLF) to Coney Island Restaurant, Inc. The Coney Island Restaurant is a long-standing, family-operated full-service restaurant. They started in 1968 in downtown Indiana. All of the proceeds of this loan will solely be used as working capital to pay for critical operating expenses such as payroll, utilities, and inventory to alleviate economic injury caused by the COVID-19 pandemic disaster. The interest rate is 0.0% fixed for the term of the loan. There is no payment for the first twelve months; then 60 months of principal. The Borrower will retain 32 full-time equivalent employees as a result of these funds. The application was reviewed and approved by the Revolving Loan Fund Loan Review Committee.

**GRANT APPLICATION – RACP – JIMMY STEWART AIRPORT IMPROVEMENTS / PLANNING**

At the request of Byron Stauffer, Office of Planning & Development, a motion was made by Mr. Keith, seconded by Ms. Gorman and carried unanimously to authorize the submission a Redevelopment Assistance Capital Program (e-RACP) application seeking up to a \$2,000,000 grant through the Commonwealth of Pennsylvania, Office of Budget for infrastructure projects and related expenses for the construction of a new hangar facility at the Indiana County – Jimmy Stewart Airport, located in White Township. The project is necessary to attract additional aircraft to the airport and is envisioned as a multi-phased project resulting in securing various funding sources. The RACP program does require a \$1 for \$1 match and thus every effort to seek additional project funding assistance is underway. This project will be developed in collaboration with the Indiana County Airport Authority and the authorization for a Cooperation Agreement is hereby requested. Authorization also allows for Commissioner Keith and the Executive Director of the Office of Planning & Development to submit the RACP application and for any two Commissioners to execute documents is also requested.

**MEMORANDUM OF UNDERSTANDING – INDIANA COUNTY CENTER FOR ECONOMIC OPERATIONS / PLANNING**

At the request of Byron Stauffer, Office of Planning & Development, a motion was made by Ms. Gorman, seconded by Mr. Keith and carried unanimously to approve entering into a Memorandum of Understanding (MOU) between the County acting through the Board of Commissioners, the Indiana County Chamber of Commerce, the Indiana County Development Corporation, the Indiana County Tourist Bureau, and Indiana University of Pennsylvania, collectively referred to as the CEO Affiliates. In 1994, the Indiana County Center for Economic Operations, commonly referred to as the CEO, was established to serve as an integrated service delivery system spearheading economic development efforts in Indiana County by facilitating access to resources and information and assisting businesses in their efforts to grow and expand. One of the ways the CEO Affiliates plan to work together is to jointly assist the funding of coordinated economic development marketing efforts to foster increased business growth throughout Indiana County. In support of this collective effort, the County Commissioners' contribution shall include providing equal to one-half (1/2) of a full-time equivalent (FTE) staff person within the Office of Planning & Development in order to support marketing and related activities pursuant to the MOU. The CEO Affiliates have also committed assistance in the development of a comprehensive Economic & Workforce Development Plan. The MOU term shall run through December 31, 2022. This request also includes authorizing Commissioner Keith to execute the MOU on behalf of the Board of Commissioners.

**CYS SOLICITOR...THOMAS RIVOSACCHI, ESQ. / CYS**

At the request of Terrence Redd, CYS, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve a contract 21-22 with Thomas Rivosacchi, Esquire as Solicitor when needed for Indiana County Children & Youth Services at a rate of \$120.00 per hour plus travel time when needed. He will represent the agency in dependency hearings, attend meetings for case reviews, prepare for termination proceedings, appeal hearings and agency concerns or issues.

**CYS GUARDIAN AD LITEM...THOMAS KAUFFMAN, ESQ. / CYS**

At the request of Terrence Redd, Children & Youth Services, a motion was made by Mr. Keith, seconded by Ms. Gorman and unanimously carried to approve an agreement for FY 21-22 with Thomas Kauffman, Esq. as Guardian ad Litem for dependent children at the rate of \$100.00 per

hour plus travel time when needed. He will also represent dependent children as a Juvenile Defender for status offenders at a rate of \$200.00 per hour. Attorney Kauffman will also be assigned as Indiana County Children and Youth Services Solicitor at a rate of \$120.00 per hour plus travel time when needed. He represents the agency in dependency hearings, attends meetings for case reviews, prepares for termination proceedings, appeal hearings and agency concerns or issues.

#### **CYS LEGAL COUNSEL FOR PARENTS AGREEMENT / CYS**

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve an agreement with Erica Dussault, Esq. at the rate of \$55.00 per hour not to exceed \$1,750.00 per month. Attorney Dussault will be assigned as legal counsel to parents for dependency matters

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve an agreement with Katrina Kayden, Esq. at the rate of \$55.00 per hour not to exceed \$1,750.00 per month. Attorney Dussault will be assigned as legal counsel to parents for dependency matters

#### **PRIVATE PROVIDER AGREEMENTS FY 2021-2022 / CYS**

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Mr. Keith and carried unanimously to approve an agreement with Adoption Connection PA, Beaver, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve an agreement with Alternative Living Solutions, Latrobe, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve an agreement with Carson Valley Children's Aid, Flourtown, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve an agreement with Christian Family Services Management Corp. The Bair Foundation of PA, New Wilmington, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve an agreement with Cornell Abraxas Group, Inc., Pittsburgh, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Gorman, seconded by Mr. Keith and carried unanimously to approve an agreement with Families United Network, Inc., Muncy, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to approve an agreement with Family Care for Children & Youth, Inc., Milton, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve an agreement with Family Pathways, Butler, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Gorman, seconded by Ms. Hess and carried unanimously to approve an agreement with Merakey, Harrisburg, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

At the request of Terrence Redd, Children & Youth Services, a motion was made by Ms. Hess, seconded by Mr. Keith and carried unanimously to approve an agreement with Pressley Ridge, Pittsburgh, PA for FY 21-22 to provide services to Children & Youth Services and Juvenile Probation on an as needed basis. They provide placement services.

#### **COMMERCIAL LEASE AGREEMENT...LOUIS TATE AND DEBORA A. TATE**

At the request of Christy Donofrio, Court Administrator, a motion was made by Ms. Hess, seconded by Ms. Gorman and carried unanimously to renew the Commercial Lease Agreement between Indiana County and Louis Tate and Debora A. Tate. The terms of the agreement are from January 1, 2022 to December 31, 2031. This is the location of Magisterial District Court 40-3-01.

#### **AGREEMENT...THE ARCHER COMPANY**

A motion was made by Mr. Keith, seconded by Ms. Hess and carried unanimously to approve an agreement with The Archer Company, Rockhill, SC to assist and advise the County with conducting a Classification and Compensation Study of non-union employees at the rate of \$19,000.00.

#### **NOVEMBER 2, 2021 ELECTION ANNOUNCEMENTS**

Robin Maryai, Chief Clerk, announced October 18, 2021 is the last day to register to be eligible to vote at the November 2, 2021 Municipal Election. October 26, 2021 is the last day to apply for a civilian absentee ballot. Both can be done at [www.votespa.com](http://www.votespa.com) or by contacting the Voter Registration Office at 724-465-3852. Voted ballots can be returned to Voter Registration Office through the US Postal Service or dropped off in person at the Courthouse. A drop box is available in the lobby from 8:00 a.m. to 4:00 p.m., Monday through Friday. Except for November 2<sup>nd</sup>, the courthouse will be open until 8:00 p.m. and we will accept voted ballots until that time.

#### **OTHER BUSINESS**

Commissioner Gorman thanked Pat Cloonan and Josh Widdowson for their assistance in addressing the confusion of the postcard recently sent to voters regarding the return of voted ballots and to Sherene Hess for posting on her Facebook page as well.

**NEXT REGULAR MEETING... OCTOBER 27, 2021 AT 10:30 A.M.**

The next regular scheduled Commissioners' Public meeting will be held on Wednesday, October 27, 2021 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 11:41 a.m.

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Sherene Hess, Secretary

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R. Michael Keith, Chairman