

The regular meeting of the Clearfield County Commissioners was held on Tuesday, April 23, 2019 with Chair Sobel conducting the meeting. The following were in attendance: Commissioners Scotto and McCracken; Kim Kesner, Solicitor; Tom Adamson, Controller; Dave Glass, Commissioner Candidate; Bryan Snyder, Commissioner Candidate; David Twoey, Commissioner Candidate; Heather Bozovich, Esquire; Terry Koury, Clearfield County Area Agency on Aging; Darin Glass, citizen; Patrick Hl. Johnson, Sr, VFW; Bill Hewitt, Past Commander VFW Post 7043; Barry Peters, Commander VFW Post 7043; John E. McMahon, Chaplain VFW Post 1785; John Rowles, VFW, Anthony D'Amico and Michael D'Amico, D'Amico Law Office; Yvonne Lehman, WOKW; Jessica Shirey, gantdaily.com; Diane Byers, Progress/Courier Express; Lisa McFadden, Chief Clerk.

Minutes of the previous meeting of April 9, 2019 were approved by motion of Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

#### Personnel Changes

##### New Hires

Molly Sheeder, Temporary Part-time Department Clerk III Prothonotary/Clerk of Courts, effective 4/22/19.

Brad Stubbs, Adult Probation Officer, effective 5/3/19.

##### Separations/Retirements

Paul Dunlap, Fiscal Operations Officer/CYS, effective 5/3/19.

Jeffrey Rhone, Deputy Sheriff, effective 5/17/19.

Frances Selvage, Nurse/Jail, effective 5/31/19.

Motion to approve the personnel changes by Commissioner McCracken, seconded by Commissioner Scotto; motion carried unanimously.

Public Comment – John Rowles spoke on behalf of the Veterans and presented the Board with a petition of over 600 names requesting that the Board reinstate the full-time secretarial position in the Veteran's Affairs office. Mr. Rowles spoke about continuing to hear the County Jail is over-crowded and asked why the County is not considering building on to the prison to add additional beds instead of sending inmates to other counties at a cost in excess of \$20,000 per month. He said Clearfield County is paying other counties to expand their jails. In the late 80's Clearfield County was housing inmates from Pittsburgh and that funded the costs of the jail. Mr. Rowles also spoke of the Warden trying to fire two good corrections officers that took two years to get them back to work and pay them back wages. He also spoke that inmates are damaging the prison and not being charged for the damages.

Controller Adamson presented the following bills for approval: General Fund, \$756,328.90; Liquid Fuels Fund, \$694.34; 911 Fund, \$22,319.4-; Children Youth Services, \$376,175.68; Domestic Relations, \$8,347.04. Approval of the bills by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

## OLD BUSINESS

Solicitor Kesner presented an Agreement with Technology Enterprise Group for a software package to be used at the 911 center. Mr. Kesner explained that the agreement was presented at a previous meeting and he had objected to the warranty and automatic renewal of the agreement. Jeremy Ruffner contacted TEG and they are willing to amend Paragraph 5 so the agreement will not automatically renew after the trial period of the software program. Solicitor Kesner also advised that if the County chooses to continue with the software that the warranty provision should be excised or changed as it places all of the risks on Clearfield County. Motion by Commissioner McCracken to execute the agreement upon the condition that the agreement does not automatically renew at the end of the trial period, seconded by Commissioner Scotto; motion carried unanimously.

## NEW BUSINESS

Terry Khoury asked the Board to Proclaim May as Older Americans Month in Clearfield County and urged every resident to take time during this month to recognize older adults and the people who serve them as essential and valuable members of our community. Motion to adopt the Proclamation by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

Michael D'Amico attended the meeting to update the Board on the Law Suit Against Big Pharma. Attorney Michael D'Amico, Esq. of D'Amico Law Offices LLC of Pittsburgh said the lawsuit was filed last September to recover costs the county has had to pay out due to the opioid crisis. Since the last meeting with the Commissioners Attorney D'Amico explained, the case has been coordinated with other cases in Delaware County. According to Mr. D'Amico there were over 1700 cases filed. Delaware was the first County in PA to file that is the reason the others were filed there also. In December, they attended a meeting in Houston, Texas with other states and Multidistrict Litigation filings (MDL). MDL cases are Federal Court cases and our County case is in Pennsylvania State Court. All defendants in these pharma cases are seeking a protective order to determine what is best for their defense. Currently, the MDL has three bellwether cases that are being reviewed by Judge Polster of Cleveland, Ohio. He said Judge Polster would like to use these cases as a trial so that everyone is on the same page as he feels the defendants will not want to settle the cases individually but will want a package deal. Mr. D'Amico said there has been one trial in Oklahoma of Purdue Pharma who manufacturer OxyContin. Purdue Pharma agreed to pay \$270 million to avoid going to court. The State of Oklahoma will allocate \$200 million to fund treatment of addiction. The remaining balance will be allocated to counties and municipalities. Attorney D'Amico said they would keep the Commissioners informed with the progress of the case.

Solicitor Kesner presented Ordinance 2019-#1 Reaffirming and Ratifying the County of Clearfield's Participation in the PCORP Program. Mr. Kesner explained that the County joined the PCORP program in the 1980's through the PA County Commissioners Association. The PCORP Program is a self-funded liability insurance program for County governments. The purpose of the Ordinance is to ratify action taken when Clearfield County joined the program but are unable to produce an Ordinance from that time-period. Motion to adopt Ordinance 2019-#1 reaffirming and ratifying Clearfield County's participation in the PCORP Program by Commissioner McCracken, seconded by Commissioner Scotto; motion carried unanimously.

Chair Sobel asked for a motion to appoint Casey Friberg to the Curwensville Lake Authority. Motion to approve the appointment by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

Chair Sobel asked for a motion to approve a Care Coordination Agreement with CENCLEAR. The agreement provides for sharing of information for mutual clients of the County Children Youth Services and Probation departments. Approval of the agreement by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

Chair Sobel asked for a motion to approve a Linkage Agreement with Service Access Management (SAM). Approval by motion of Commissioner McCracken, seconded by Commissioner Scotto; motion carried unanimously.

Chair Sobel asked for a motion to approve the PA SAVIN Maintenance and Service Agreement. Solicitor Kesner explained that the PA SAVIN program alerts victims when their defenders are being released from Prison or if they have Court appearances scheduled. The program has been in place in the County for several years. Motion to approve the agreement by Commissioner McCracken, seconded by Commissioner Scotto; motion carried unanimously.

Chair Sobel asked for a motion to ratify Proclaiming Telecommunicators Week- April 14th-21<sup>st</sup>. The Commissioners thanked our County 911 staff for the very important job that they perform. Motion by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

Liquid Fuel allocation; Bradford Township, \$5,330.36; Houtzdale Borough, \$3,047.60. Approval of the allocations by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

## Solicitors Report

Solicitor Kesner reported on a letter the County Board of Elections received a letter from the PA Department of State (DOS) in regards to the Bradford Township redistricting. Solicitor Kesner explained that in February Judge Ammerman ruled favorably on a petition filed by electors in Bradford Township and approved redistricting the two precincts and set boundaries. The letter states that the boundaries do not comply with state law and do not conform with the census blocks from the most recent federal decennial census. Solicitor Kesner explained that after reviewing the matter and filing a report with the Court he indicated that the board could only set boundaries in strict accordance with census block lines. The petitioners argued to Judge Ammerman that under case authority, he had discretion not to hold to Solicitor Kesner's findings and that he could determine by the evidence to the convenience of the electors and what was in the best interest of the people. In the letter, the DOS directs the County Board of Elections to change the boundaries within 60 days. Solicitor Kesner asked the Chief Clerk to schedule a Board of Elections meeting to review and respond to the letter. Due to Commissioners Scotto and Sobel running for re-election, they cannot sit as the Board of Elections and the matter will be heard by Commissioner McCracken and two replacement members of the Election Board and have never had to deal with this type of situation. In the mean time Solicitor Kesner will contact the DOS as he has several legal issues with the letter and also what authority does the Board of Elections have to overrule a Court Order.

Lisa McFadden, Chief Clerk