

The Board of Mifflin County Commissioners met for their Regular Meeting on Thursday, December 31, 2008 at 9:00 a.m. In attendance were Commissioners Mark A. Sunderland, Otis E. Riden, Jr. and Robert A. Reck; Chief Clerk Cathy Romig; and, Confidential Clerk Shirley Haller. Solicitor Patricia Gardner was +absent.

Kiernan Schalk of "The Sentinel" was the only representative present for the news media.

Guests present were Treas. Gerald Hepler; Planning Dir. Bill Gomes; Fin. Mgr. Kathy Bobeck; Human Services Dir. Allison Fisher; Nick Soccio; Helen Kirk; and, Larry Clark.

The meeting was called to order by Chairman Sunderland at 9:00 a.m.

I. A moment of silent prayer was observed as the Invocation.

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

III. Approval of Minutes:

Motion was made by Commissioner Riden to accept the minutes of the Regular Meeting of December 18, 2008 as received. Seconded by Commissioner Reck. Motion carried.

IV. County Treasurer's Report: 12/18/08 to 12/31/08

General Account Starting Balance		\$.41
Credits (Deposits) Receipt #41017 to 41154			313,502.54
Dir. Deposit, Child Support			2,091.68
Transferred from Cap. Reserve (Gen.Acct.Side)			238,598.00
Deposit, TRAN plus Interest			1,811,265.20
Debits (Bills Paid) Ck. #69581 to 69730			2,028,578.46
Transferred to Cap. Reserve (Gen.Acct.Side)			6,781.00
Transferred to Payroll, Ck. #39973 to 40218			330,097.55
Interest Rate This Week - .29%			
	Ending Balance		.82
Liquid Fuels Bal.	JVB @ .29%		199,233.62
911 Acct. Balance	JVB @ .29%		43,759.15
Capital Reserve Acct.	JVB @ .62%		2,032,630.30
Breakdown	General Acct.		986,635.77
	TRAN Acct.		Cash In 12/31/08
	ANNEX Proj.		Closed Out
	911 Acct.		2,045,994.53

Motion was made by Commissioner Riden to accept the Treasurer's report as received, subject to audit. Seconded by Commissioner Reck. Motion carried.

V. Approval of Bills:

Motion was made by Commissioner Reck to approve payment of bills from the following accounts:

1. General Fund, Accounts Payable: Ck. #69581 to 69730 in the amount of \$2,028,578.46
2. Payroll Account: Ck. #39973 to 40218 in the amount of \$330,097.55

3. *9-1-1 Telephone Account:*

*Ck. #2608 – Embarq Communications, Inc. – 1 Acct. - \$160.00
EFT – to Gen. Account (Reimb.) - \$227.40*

4. *LEPC Account:*

*Ck. #3124 – Gene Long – Mileage Reimb. - \$17.63
Ck. #3125 – Snedeker Energy LLC - \$2416.72
Ck. #3126 – Care Trak International, Inc – Inv. #1369 - \$178.67
Ck. #3127 – Frey Motors – Inv. #CHCS63863 - \$210.89*

5. *Liquid Fuels Account:*

*Ck. #1456 – Mid-State Paving – Bal. of T321 over Meadow Creek - \$964.15
Ck. #1457 – Derry Township – Rd. & Bridge Winter 2009 Maint. - \$1,200.00
Ck. #1458 – Mid-State Paving – T465 over Treaster Run - \$10,229.25
Ck. #1459 – Derry Township – Proj. #08-44205-1C00 - \$21,543.50*

Motion seconded by Commissioner Riden. Motion carried.

VI. Committee Reports:

*Commissioner Riden: Nothing to report
Commissioner Reck: Nothing to report
Commissioner Sunderland: Nothing to report*

VII. Public Comment:

Helen Kirk had the following suggestions: (in light of the budget crunch)

- 1. Eliminate Accounts Payable Clerk and combine those duties with Payroll Clerk duties.*
- 2. There are too many personal E-mails being sent – too much “playing” on the internet.*
- 3. Offices with codes – Public are left behind the counters – this should be eliminated*
- 4. Think about installing a “Time Clock” – too many employees are “yo-yoing” (wasted time)*

Larry Clark commented that he agrees with the E-mail problem. A program could be installed to eliminate games and play.

VIII. Old Business: *None*

IX. New Business:

A. Purchase of Service Agreement for use by Children & Youth:

- Wardell & Associates, Inc – Bellefonte, PA*

Motion was made by Commissioner Riden to approve the Purchase of Service agreement as listed above. Seconded by Commissioner Reck. Motion carried.

B. Renewal of Electrical/Maintenance agreement with G.R.Sponaugle, Harrisburg, PA for the generators - \$5,116.00 per year – two-yr. agreement:

Motion was made by Commissioner Riden to renew the agreement with G.R. Sponaugle as noted above. Seconded by Commissioner Reck. Motion carried.

C. *Renewal of Water Management Services for the HVAC Systems at the Courthouse and Correctional Facility with Rochester Midland Corp., Rochester, NY:*

- *Correctional Facility - \$840.00*
- *Courthouse - \$2,625.00*

Motion was made by Commissioner Riden to renew the contract for renewal of Water Management Services as listed above. Seconded by Commissioner Reck. Motion carried.

D. *Hiring of Megan Kauffman as a Caseworker for Children & Youth effective January 5, 2009:*

Motion was made by Commissioner Reck to approve the hiring of Megan Kauffman as Caseworker as listed above. Seconded by Commissioner Riden. Motion carried.

E. *Amend the Right to Know Policy:*

The policy is as follows:

MIFFLIN COUNTY RIGHT TO KNOW POLICY

Open Records Officer of MIFFLIN COUNTY:

Chief Clerk
Cathy Romig
20 North Wayne Street
Lewistown, PA 17044
717-248-6733
Fax 717-248-3695
E-mail: cromig@co.mifflin.pa.us
Web: www.co.mifflin.pa.us

Office of Open Records within the Pennsylvania Department of Community and Economic Development

Address: Commonwealth Of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
717-346-9903

E-Mail: openrecords@state.pa.us

Executive Director: Terry Mutchler

Deputy Director: Barry Fox

Open Records

Officer Registration: Please e-mail OROregistration@state.pa.us with the Open Records Officer's name, business address, phone number, fax number and e-mail address. Also include the name of the local agency represented and the department if applicable.

MIFFLIN COUNTY RIGHT TO KNOW POLICY

APPROVED DATE: December 31, 2008
January 1, 2009

EFFECTIVE DATE:

I. PURPOSE

On February 14, 2008, Act 3 of 2008 was passed into law amending the Pennsylvania Right To Know Law (65 P.S. §67.101 et seq.). The Act governs the rights of the public to inspect and obtain copies of public records. Mifflin County (the “County”) recognizes the value of the public’s right to information and is committed to continually improving public access to information and fostering public participation in the decision-making process. The effective date of the Act is January 1, 2009.

II. DEFINITIONS

A *Public Record* is defined pursuant to 65 P.S. §67.101 as “a record, including a financial record, of a Commonwealth or local agency that:

- *Is not exempt under section 708;*
- *Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or*
- *Is not protected by a privilege.”*

III. REQUEST FOR PUBLIC RECORDS

All Right-to-Know Law requests must be in writing and must be received by the Open Records Officer of the County. The contact information for the County’s Open Records Officer is attached as Appendix A.

Written requests must include:

- Name of person requesting the records.
- Mailing address to which a written reply and/or the requested information can be sent.
- Identify or describe the specific records being sought. The request must be sufficiently specific to enable the County to ascertain which records are being requested, and include the date of the information requested as well as type of information, and the county department which has custody of the record.
- The written request does not need to include an explanation of the requestor’s reason for the request or the requestor’s intended use of the record(s).
- An agreement to reimburse the cost of reproducing the records requested.

See Appendix B for a sample request form.

The County will not grant anonymous requests.

IV. REQUEST FOR INSPECTION OF PUBLIC RECORDS

To inspect requested records, an appointment with the Open Records Officer should be made by the requester. Public records are open to inspection and for duplication during normal office hours, 8:00 am to 4:30 pm Monday through Friday, except for holidays, subject to the regulations set forth herein. When the requester arrives to review the records, the person will be asked to present photo identification or some other form of positive identification.

No records may be removed from the County offices.

V. OPERATING PROCEDURES

Within five business days of receipt of a written request:

- The Open Records Officer will record the request in a logbook, compute the date for response (five business days from the receipt of the request), make a copy of the request and create a file for the request and subsequent correspondence.
- The Open Records Officer will do a thorough search for the requested records, contact any appropriate individuals or agencies having involvement with or knowledge of the requested records, and identify any exempt records or other records not subject to disclosure under the Right-to-Know Law.

- The Open Records Officer shall review, sign, mail and log the response to the requester. A response must be sent within five business days of receiving any written request. The response may be one of the following:
 - a. The requested records will be provided. The response will also include appropriate information about how and when the requester can visit the County Courthouse to view and duplicate the requested records.
 - b. The request may be denied. If a request is denied in whole or in part, the denial will contain a description of the records requested, the reasons for the denial, including citation of supporting legal authority, the name, title, business address, business telephone number, and signature of the person on whose authority the denial is issued, a date of the response, and the procedure to appeal the denial of access under the Right To Know Law.
 - c. The response may be a statement that the County needs additional time (not to exceed thirty days) to respond if one or more of the following reasons apply:
 - i. The requested records require redaction (blacking out of sections of the records that are not public).
 - ii. The requested record requires retrieval from remote location.
 - iii. The requested records require legal review.
 - iv. The requestor has not complied with the County's Policy.
 - v. A timely response cannot be made due to staffing limitations.
 - vi. The requestor refuses to pay the applicable fees set forth by this Policy.
 - d. The response shall include any applicable fees; in the case of an extension, estimated applicable fees shall be included.

After the Open Records Officer responds that some or all of the records requested are available:

- a. The Open Records Officer will provide access to the records as arranged with the requester.
- b. If the records are electronic, the Open Records Officer may convert the electronic records to paper form if requested by the requester.
- c. If the County will make copies, and if copying costs are expected to exceed \$100, the Open Records Officer will collect a deposit equal to the lesser of \$100 or 25% of the estimated cost of reproducing the records before copying and log payment upon receipt. Upon delivery of copies, the Open Records Officer will collect any unpaid fees and log payment upon receipt.

VI. APPEAL OF DENIAL

If a requester wishes to dispute a denial by the County, the requester must file a written appeal with the Office of Open Records which shall include the reasons why the requester believes the records requested are subject to disclosure and the County's reasons for denial of the request. The appeal shall be sent to:

Commonwealth Of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

The appeal must be mailed to the Office of Open Records within fifteen business days of the mailing date indicated on the County's response.

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE COUNTY:

AGENCY FIVE DAY RESPONSE DUE:

APPENDIX C

SCHEDULE OF FEES

Record Type	Fee
Copies – a photocopy is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5” x 11” page	\$0.25 per page
Certification of a Record	\$1.00 per record, not per page. Please note that certification fees do not include notarization fees.
Specialized documents such as, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media	Actual Cost
Redaction Fee	No redaction fee may be imposed
Conversion to Paper	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium (Sec 1307(e)).
Postage Fees	Fees for postage may not exceed the actual cost of mailing.

Motion was made by Commissioner Riden to adopt the amended Right to Know Policy as listed above. Seconded by Commissioner Reck. Motion carried.

F. Appoint the Chief Clerk as Right to Know Officer:

Motion was made by Commissioner Reck to approve the appointment of the Chief Clerk as Right to Know Officer. Seconded by Commissioner Riden. Motion carried.

G. Appointments/Reappointments to the Local Emergency Planning Committee – 1-yr. terms (12/31/08 to 12/31/09):

- *Robert Barlett, Lewistown, PA*
- *Don Hartzler, Belleville, PA*
- *Ryan Barlett, Lewistown, PA*
- *Brian Williams, Lewistown, PA*
- *Robert Keller, Belleville, PA*
- *Rhoda Yoder, Lewistown, PA*

- Christopher Gerwick, Reedsville, AP
- Dale Stehley, Burnham, PA
- Robert Schell, Jr., Lewistown, PA
- Deb Bargo, Lewistown, PA
- Judi Smith, Lewistown, PA
- Lisa Swisher, Lewistown, PA

Motion was made by Commissioner Reck to approve the appointments/reappointments to the LEPC as listed above. Seconded by Commissioner Riden. Motion carried.

H. Appointments/Reappointments to the Alert & Advisory Committee – 1-yr. terms (12/31/08 to 12/31/09):

- Lynn Fleming, Allensville, PA
- Jeremy Breon, McVeytown, PA
- Pat Shoop, Lewistown, PA
- Rhoda Yoder, Lewistown, PA
- Dan Aumiller, Lewistown, PA
- Shari Spicher, Belleville, PA
- Raymond Deavor, McVeytown, PA
- Brian Fleegal, Burnham, PA
- Phil Lucas, Lewistown, PA

Motion was made by Commissioner Reck to approve the appointments/Reappointments to the Alert & Advisory Committee as listed above. Seconded by Commissioner Riden. Motion carried.

I. Resignation of Deborah Crisswell from the position of Secretary in the Probation Department effective January 3, 2009:

Motion was made by Commissioner Riden to accept, with regret, the resignation of Deborah Crisswell as noted above. Seconded by Commissioner Reck. Motion carried.

J. Request for real estate refund:

- Parcel No. 16-05-105 located in Derry Twp. – over two acres as well as all structures were taken from the parcel by PennDOT in May, 2000. County Portion - \$2,017.10 (2003 – 2008)

Motion was made by Commissioner Reck to approve the request for real estate refund as listed above. Seconded by Commissioner Riden. Motion carried.

K. Application for County Aid – 2008 Liquid Fuels Allocation:

- Armagh Township - \$15,312.50

Motion was made by Commissioner Riden to approve the application for County Aid – 2008 Liquid Fuels allocation as listed above. Seconded by Commissioner Reck. Motion carried.

L. Community Services block Grant Agreements for the period 1/1/09 to 12/31/09:

- Shelter Services, Inc., Lewistown, PA – Emergency Shelter - \$19,017.00
- Tuscarora Intermediate Unit, Lewistown, PA – Project Yes - \$7,216.00
- Tuscarora Intermediate Unit, Lewistown, PA – Case Management - \$20,974
- Tuscarora Intermediate Unit, Lewistown, PA – Life Skills - \$20,445

- *Mifflin county Human services, Lewistown, PA – Grant Administration – \$7,516*

Motion was made by Commissioner Riden to approve the CSBG agreements as listed above. Seconded by Commissioner Reck. Motion carried.

M. Amendment to the contract with the EADS Group, Inc for the increase in inspection services for the additional construction along south Main Street for Phases I and II of the Monument Square Streetscape Project. Increase of \$9,480 will be covered by the Home Town Streets Program Funding:

Motion was made by Commissioner Reck to approve the amendment to the contract with the EADS Group, Inc. as listed above. Seconded by Commissioner Riden. Motion carried.

N. Amendment to the contract with the EADS Group, Inc. for the increase in design work for the additional construction along South Main Street for Phases I and II of the Monument Square Streetscape Project. Increase of \$508.38 will be covered by the DCED Growing Greener II Funding:

Motion was made by Commissioner Reck to approve the amendment to the contract with the EADS Group, Inc. as noted above. Seconded by Commissioner Riden. Motion carried.

O. Hiring Freeze Policy:

The policy is as follows:

**MIFFLIN COUNTY COMMISSIONERS
HIRING FREEZE POLICY
DECEMBER 24, 2008**

Effective December 24, 2008, the Board of Commissioners of Mifflin County hereby institutes a hiring freeze disallowing the replacement of any position vacancy, directly or indirectly funded by or under the jurisdiction of the County of Mifflin. This policy includes all current, future and proposed new positions. Effective with this action are guidelines and directives regarding the disposition of these positions. The term of this policy is intended to be a long term measure and shall be administered at the sole discretion of the Board of County Commissioners.

The necessity of instituting a hiring freeze. The County is facing difficult long term economic challenges. In order to ensure that spending will be within the amount of revenues available to us, we must immediately take yet another action that continues the process of belt tightening. The full cost savings that occur from any hiring freeze will lag considerably behind the start of the freeze. If we are to save significant dollars for FY09, we must start now. Any dollars that can be saved due to this freeze in the current year will help us solidify our fiscal condition and reduce the potential deficit we face into the future. While we all hope that the economy and our budget base will stabilize, we must be prepared if it does not.

What is covered by the hiring freeze. All departments and agencies receiving funding for employee positions. The hiring freeze applies to all funds as well. Every position will be reviewed on an individual basis including any position funded by other than a general fund appropriation. 100% funding from federal and/or state funding, at present and in the future, will be taken into consideration. Agencies and departments must submit proof that funding is available and attest that filling the position does not obligate county funding in any manner.

Criteria used in review process. It is expected that every department will exhibit full compliance with the principles outlined above. If the department head

believes that an unacceptable detriment (based on the criteria below) is being made to the operation of that department, a request for a waiver of this policy may be submitted to the Chief Clerk and must include within its justification:

1. Is this position necessary? Can the duties of the position be covered in some other manner or deferred for some period of time?
2. Is the position required to meet public health and/or safety?
3. When did the position become vacant? Funding for positions that have been vacant for a significant period of time will not be available in the future.
4. How have the duties been covered since the vacancy occurred?
5. Why can't coverage continue in this manner?
6. What are alternatives to filling this position, such as functional reorganization?
7. What is the impact of not filling the position? Be very specific and include statistical or quantitative arguments.
8. For other than county funds, is funding available throughout the fiscal year and does filling the position obligate state funds in any manner?

The County Financial Manager, Chief Clerk and County Commissioners will be providing direct oversight and guidance as the reviews are being completed.

Other considerations. Aside from actions required through this hiring freeze, the following actions will be part of the overall effort to reduce personnel costs:

1. Overtime should be monitored with an eye to reductions wherever possible.
2. Review all personnel transactions – reclasses, temporary employees, rehires, step placements, etc. to minimize personnel costs
3. All departmental expenditures need to be examined to reduce costs to the greatest extent possible.
4. Outside Consultant Contracts
 - a. Both in order to ensure that any savings incurred by the hiring freeze will materialize and to ensure compliance with existing collective bargaining agreements, caution must be exercised in entering into any new outside consultant contracts.
 - b. Specifically, departments should not be seeking to enter into new contracts or utilize existing contracts in order to make up for the impact of not being able to fill vacancies.
 - c. Every contract will be reviewed to make sure that departments are in compliance and are not seeking to circumvent the hiring freeze.

All of the above criteria and steps are necessary to curtail expenditures. We recognize the difficulty that this approach will cause, but it is necessary that we do everything in our power to restrict spending. In order to be successful, your full cooperation is essential, expected and appreciated.

Motion was made by Commissioner Reck to approve the Hiring Freeze Policy as listed above. Seconded by Commissioner Riden. Motion carried.

P. Adoption of 2009 Budget:

There will be no tax increase in the 2009 Budget.

Motion was made by Commissioner Riden to adopt the 2009 Budget as presented. Seconded by Commissioner Reck. Motion carried.

Motion was made by Commissioner Riden to adjourn. Seconded by Commissioner Reck.

The meeting adjourned at 9:20 a.m.

Secretary

ATTEST:

Chief Clerk