

June 25, 2008

On the above date at 10:30 A.M., the Luzerne County Board of Commissioners convened a special meeting with the following present: Maryanne Petrilla, Chairman; Gregory Skrepenak, Commissioner; Stephen Urban, Commissioner; via telephone, Douglas Pape, Chief Clerk/County Manager; William G. Brace, Deputy Chief Clerk; Brain Bufalino, County Solicitor; Tom Pribula, Chief of Budget and Finance; Anthony J. Martinelli, Acting Controller; Joseph DeVizia, Director of Human Services; Andrew Reilly, Community Development; Gregory Hunsinger, Director of Purchasing; Joseph Gibbons, Engineer;

Maryanne Petrilla called the meeting to order and asked everyone to join in saying the Pledge of Allegiance.

It is noted that all meetings are electronically recorded.

Commissioner Petrilla requested that the record reflect that Commissioner Urban was participating via speaker phone.

**ANNOUNCEMENTS:**.....**Douglas A. Pape**  
**County Manager/ Chief Clerk**

No Announcements

**RECOGNITIONS:**.....**Commissioner Maryanne C. Petrilla**  
**Chairman**

No Recognitions

**PUBLIC COMMENT:**

Tom Dombrowski stated he was concerned about the \$88.7 million that the county was borrowing. Mr. Dombrowski stated that he checked with the Public School Building Authority and was informed that they may possibly be able to loan LCCC money. Mr. Dombrowski commented then the county would not have to loan them a nickel. Mr. Dombrowski stated he contact Mr. Leary from LCCC to provide him with this information however no one ever got back to him. Mr. Dombrowski also stated that he previously recommended to the county that they purchase hybrid vehicles. He stated if the county is going to spend \$3.5 million on vehicles they should be on the forefront and purchase hybrids. Mr. Dombrowski requested that the county not give any money to LCCC unless they are refused from the Public School Building Authority. Mr. Dombrowski stated that people on committees from LCCC were approving the use of funds. Commissioner Skrepenak responded that the committees were not approving the use of funds; everything came before the board for approval. Commissioner Skrepenak went on to explain stating that the financing for the college was \$10 million in grant money from the state and the county was the match. Commissioner Skrepenak stated the total \$20 million would come from the county in the beginning, and be bonded, and then the \$10 million would come back. Mr. Dombrowski stated that these funds would not have to be bonded. He again stated that these funds could have been covered by the Public School Building Authority.

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**COMMUNICATIONS – DOUGLAS A. PAPE, COUNTY MANAGER/CHIEF CLERK**

**MOTION**

**Contracts for Children and Youth and Transportation**

**REQUEST A MOTION TO APPROVE/RATIFY THE FOLLOWING CONTRACTS FOR THE PROVIDERS, SERVICES, TERMS AND RATES SPECIFIED:**

<b><u>PROVIDER</u></b>	<b><u>SERVICE</u></b>	<b><u>TERM</u></b>	<b><u>RATE / CONTRACT CAP</u></b>
<b><u>CHILDREN &amp; YOUTH:</u></b>			
Children’s Service Center	Fuctional Family Therapy	7/1/08-6/30/09	\$19.00/qtr hr. \$15,000.00 CAP
Children’s Service Center	Psychological Services	“ “	
	Individual Psychotherapy 45-50 min session NBHCC rate		\$60.00/session
	Individual Psychotherapy 20-30 min session NBHCC rate		\$30.00/session
	Group Psychotherapy Min 2 individuals, max of 10 These contract rates only apply To Non-MA eligible children		\$5.00/15 min. \$10,000.00 CAP
Catholic Social Serv. Hazleton	Psychological Services	“ “	
	Individual Psychotherapy 45-50 min session NBHCC rate		\$60.00/session
	Individual Psychotherapy 20-30 min session NBHCC rate		\$30.00/session
	Group Psychotherapy Min 2 individuals, max of 10 These contract rates only apply To Non-MA eligible children		\$5.00/15 min. \$10,000.00 CAP
Family Serv. Assoc Of Wyoming Valley	Psychological Services	“ “	
	Individual Psychotherapy 45-50 min session NBHCC rate		\$60.00/session
	Individual Psychotherapy 20-30 min session NBHCC rate		\$30.00/session
	Group Psychotherapy Min 2 individuals, max of 10 These contract rates only apply To Non-MA eligible children		\$5.00/15 min. \$10,000.00 CAP
Valley Counseling	Psychological Services	“ “	
	Individual Psychotherapy 45-50 min session NBHCC rate		\$60.00/session
	Individual Psychotherapy 20-30 min session NBHCC rate		\$30.00/session
	Group Psychotherapy Min 2 individuals, max of 10 These contract rates only apply To Non-MA eligible children		\$5.00/15 min. \$20,000.00 CAP
Hands of Hope	Child Abuse Protection And Summer Program	“ “	\$37,142.00

LHF Development	Comprehensive Family Assessments, Consultation to staff, Court testimony	“	“	\$65.00/hour \$80,000.00 CAP
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<b><u>PROVIDER</u></b>	<b><u>SERVICE</u></b>	<b><u>TERM</u></b>	<b><u>RATE / CONTRACT CAP</u></b>
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**CHILDREN & YOUTH: (Continued)**

Children’s Service Center	Comprehensive Family Assessments, includes Consultation to C&Y staff Per & post testing, attendance In case staffings, court testimony	“	“	\$75.00/hour \$20,000.00 CAP
McGlynn Learning Center	Community Based Prevention/Education	“	“	\$42,235.00
REACH, Inc.	Outreach & Support to At-Risk Families	“	“	\$37,142.00
Victims Resource Center	Prevention/Education Program	“	“	\$30,000.00
Catholic Social	Truancy Prevention	“	“	\$65,000.00
Children’s Service Center	Forensic Evaluations	“	“	\$450.00/evaluation

**TRANSPORTATION:**

<b><u>PROVIDER</u></b>	<b><u>SERVICE</u></b>	<b><u>TERM</u></b>	<b><u>RATE</u></b>
Jack Williams	Wiper Service	7/1/08-6/30/09	Ford/168.78/ Parts/Labor Inc.  Dodge/161.02/ Parts/Labor Inc.
	Tire Service Mount & Balance	7/1/08-6/30/09	\$14.95
	Tire Rotation	7/1/08-6/30/09	\$14.95
	Repairs	7/1/08-6/30/09	\$14.95
Pompey Dodge	Tune-Ups	7/1/08-6/30/09	Dodge/284.19 Parts/Labor Inc.  Ford 5.4 234.36 Parts/Labor Inc.  Ford 6.8 \$366.49 Parts/Labor Inc.

It was moved by Commissioner Skrepenak, seconded by Commissioner Urban  
**“AYES” PETRILLA, SKREPENAK, URBAN**

## MOTION

### **Termination of Lease Agreement between Luzerne County & PA Child Care**

Request a Motion to Authorize the Chairman of the Board of Commissioners of Luzerne County to execute on behalf of Luzerne County a Termination of Lease Agreement between Luzerne County and PA Child Care, LLC (“PACC”) whereby the lease dated November 17, 2004 between Luzerne County and PACC relative to the juvenile detention and treatment facility located at 701 Sathers Drive, Vogelbacher Industrial Park, Pittston Township, Luzerne County, shall be terminated by mutual agreement of the parties as of June 30, 2008, subject to the terms and conditions of the Termination of Lease Agreement.

Commissioner Petrilla asked Attorney Bufalino to explain the motion.

Mr. Bufalino stated that the agreement would terminate the lease effective June 30, 2008 by mutual agreement of PA Child Care and the County. Mr. Bufalino stated when the county leased the premises, PACC transferred over to the county certain assets, such as furniture, pictures, etc. and pursuant to this agreement the county will be giving it back. Mr. Bufalino explained that PACC gave it to the county for \$1 and we would be giving it back at that same rate. Mr. Bufalino stated that the county will pay for whatever is owed under the lease from present day to June 30, 2008; however Mr. Bufalino stated that he spoke with counsel from PACC before the meeting and was informed that the county did not owe anything. Mr. Bufalino went on to explain that there was a mutual release in the agreement where by both PACC and the county release each other from any potential claims that may exist in respect to this transaction prior and beyond. Mr. Bufalino stated that this will terminate the lease at the Juvenile Detention Center.

Commissioner Skrepenak questioned if it would only be terminated under the terms that were set. Mr. Bufalino responded, yes, its termination pursuant to the terms of this termination. Commissioner Skrepenak responded, so in fact if we don’t approve all these motions then the termination does not mean a thing? Mr. Bufalino stated that this is an agreement between the parties for a termination of this lease. Commissioner Skrepenak replied that his question was not on the termination of the lease. He stated that he voted for the termination in February. He stated his question was on the other issues with the lease such as the detention beds, fire setter, and treatment. Commissioner Skrepenak asked if these issues would have any impact on this motion. Mr. Bufalino replied, no, one is not contingent on the other and that was why it was before the board in four separate motions. Mr. Bufalino stated that the termination of the lease and the termination of the Mid Atlantic agreement were tied to each other.

It was moved by Commissioner Urban, seconded by Commissioner Petrilla  
**“AYES” PETRILLA, SKREPENAK, URBAN**

## MOTION

### **Termination of Juvenile Detention Facility Management Agreement**

Request a Motion to Authorize the Chairman of the Board of Commissioners of Luzerne County to execute on behalf of Luzerne County a Termination of Juvenile Detention Facility Management Agreement between Luzerne County and Mid-Atlantic Youth Services Corp. (“MAYS”) whereby the Juvenile Detention Facility Management Agreement dated May 1, 2005 between Luzerne County and MAYS relative to the juvenile detention and treatment facility located at 701 Sathers Drive, Vogelbacher Industrial Park, Pittston Township, Luzerne County, shall be terminated by mutual agreement of the

parties as of June 30, 2008, subject to the terms and conditions of the Termination of Juvenile Detention Facility Management Agreement.

Commissioner Urban requested that Mr. Bufalino review the agreement and asked if the county would be transferring the license over to PACC. Mr. Bufalino responded that the county would no longer be the license holder for the facility. Mr. Bufalino stated that the county will no longer be the tenant so there was no need to have Mid Atlantic manage the facility on the county's behalf. Mr. Bufalino stated the accrued obligation would be zero due from the county. Mr. Bufalino stated that the agreement contained mutual release provisions. Commissioner Skrepenak questioned what would happen with the National Lunch Program. Commissioner Skrepenak stated that the county is the applicant and receives reimbursements. Mr. Bufalino stated the county would no longer have any involvement in the program that it would now be by the bed owner and manager of the facility. Mr. Bufalino stated that the agreement drafted had two provisions in it. The first is the county can be credited for any amount owed and the second stated the county can request an audit between now and the end of the year. Commissioner Urban questioned if a motion should be made for an RFP to conduct an audit. Commissioner Skrepenak replied that he had no problem doing one however it could be decided on at a later time.

It was moved by Commissioner Skrepenak, seconded by Commissioner Urban  
**“AYES” PETRILLA, SKREPENAK, URBAN**

#### MOTION

#### **Agreement Between PA Child Care, LLC and Luzerne County As To Secure Detention Beds**

Request a Motion to Authorize the Chairman of the Board of Commissioners of Luzerne County to execute on behalf of Luzerne County an Agreement Between PA Child Care, LLC and Luzerne County As To Secure Detention Beds whereby Luzerne County shall, effective July 1, 2008, contract for the use of twelve (12) secure detention beds at the juvenile detention and treatment facility located at 701 Sathers Drive, Vogelbacher Industrial Park, Pittston Township, Luzerne County, for an initial term of one (1) year and shall pay PA Child Care, LLC Two Hundred Eighty-five and 00/100 Dollars (\$285.00) per day for each of the twelve (12) secure detention treatment beds at the facility, regardless of actual utilization of those beds, but subject to Luzerne County's right to be credited for the total amount of the rates paid by other Counties or States that utilize one (1) or more of the twelve (12) secure detention treatment beds that are not utilized by Luzerne County.

Commissioner Skrepenak stated that he had a lot of questions on this issue. Commissioner Skrepenak questioned Frank Castano what the reimbursement rate was on this. Mr. Castano replied the rate was \$236 for detention, \$308.44 for fire starter/sexual offender, and \$292.48 for treatment beds. Commissioner Skrepenak questioned if the county was responsible for 50% of those numbers. Mr. Castano replied that it was a 50/50 split for detention beds and 60/40 for the treatment beds. Commissioner Skrepenak asked if the state negotiated two other detention bed contracts for the county and questioned where they were located. Mr. Castano replied they were with Burks County and Lehigh County. Commissioner Skrepenak questioned their rates. Mr. Castano replied that the rate was \$307 for Burks County and \$290 for Lehigh County. Commissioner Skrepenak questioned if anyone spoke to Judge Lupas. Commissioner Skrepenak stated it was his understanding that he was sending the juveniles home before they were adjudicated. Commissioner Skrepenak stated that only four beds were currently being used. Commissioner Urban stated that he felt the commissioners should speak with the new judge and see what his intentions were. Commissioner Urban stated they should get some answers before the county leases twelve beds that may not be needed. Commissioner Skrepenak stated that since the county is responsible for the rate and doesn't need the beds, has anyone calculated the rates for travel time for Burks and Lehigh County. Commissioner Skrepenak questioned if it was cheaper to send them out of county instead of keeping them here. Mr. Castano replied that Burks County was 1 hour and 45 minutes away and Lehigh County was 1 hour and 11 minutes away. Mr. Castano stated Tioga County was 2 ½ hours away. Commissioner Skrepenak stated he spoke with Nicole Rumsberg, the director of Juvenile Centers in Pa., and was informed it was a state wide policy that the highest rate established by the state was \$500, and Luzerne County's is \$236.58. Commissioner Skrepenak stated that confused him because when you look back in the records before the lease was even signed, the rates were \$280 and prior to that were \$268. Commissioner Skrepenak stated that he did not know why the state was being so unreasonable.

Commissioner Skrepenak stated that the states argument with the lease has been actual cost when in fact the actual cost for the county will be \$285. Commissioner Skrepenak stated that the county is being penalized for reasons that he did not understand. Commissioner Urban replied that it was his understanding that when the county was using the old detention center the amount was \$180, then when PACC came in they established rates on their own with a take it or leave it attitude. These rates continued to increase every couple of months with no explanations from Paul McGarry. Commissioner Urban stated that the state finally audited PACC and stated an acceptable rate based on the facility and the cost to run it. Commissioner Skrepenak stated that he understood; however back in 2003 the county had an agreement with Dauphin County at a rate of \$288. Commissioner Skrepenak stated that he was talking about the rate today, when the state has a policy not to exceed \$500 and Luzerne County is capped at \$236. Commissioner Skrepenak stated that the county had to aggressively go after the state again and appeal their decision. Commissioner Skrepenak questioned why the county would sign a lease where right from the beginning the county would be responsible for \$55 from the general fund. Commissioner Petrilla responded that it would cost more to send the juveniles somewhere else. Commissioner Skrepenak responded not if the county receives a reimbursement back. Commissioner Petrilla stated that Commissioner Skrepenak was not taking into consideration the staff and what it would take to transport them. Commissioner Skrepenak responded that at \$55 it would be cheaper to send them to other facilities if the county did not need the beds. He stated that the county would be reimbursed at a higher rate. Commissioner Urban commented that Judge Lupas' policy may be that he doesn't need that many beds. He recommended that the commissioners talk to Judge Lupas and see what his philosophy is and if he would be sending juveniles home. Mr. Bufalino stated that there had been repeated attempts to see if the twelve bed number was appropriate. He stated on three and four occasions he had been told by the Juvenile Probation Department and the courts that the twelve bed number was accurate. Mr. Bufalino stated that the agreement also provides for the ability to have other counties or states utilize the beds that were not being used. Commissioner Skrepenak stated that if the beds were not being used the county was still responsible for the cost of them. Commissioner Skrepenak stated that his point was if the county is being reimbursed \$307 for Burks County and \$290 for Lehigh County and only being reimbursed for \$236 for Luzerne County right off the bat the county is receiving more money for reimbursements. Commissioner Skrepenak stated taking into consideration that the county has to make up the difference between \$285 and \$236, it's more feasible to just send the juveniles out of the county. Mr. Bufalino replied when a child is placed in detention they must have a hearing within seventy two hours, so if a placement is made out of the county at a great distance you have to consider the travel cost and overtime. Commissioner Skrepenak questioned if the rates for the fire starter and secured treatment were up to par. Mr. Castano replied the difference between the detention beds and treatment beds were they were reserving the twelve detention beds, and the treatment beds were as needed. Commissioner Skrepenak questioned if the state reimbursement was equal to the amount in the lease. Mr. Castano replied that it was \$335 for treatment with a reimbursement of \$292, and \$347 for the fire starter with a reimbursement of \$308.44. Commissioner Skrepenak questioned if it was a first come basis in Burks and Lehigh County. Mr. Castano replied that it was, and that there were no guarantees. Joseph DeVizia commented that many attempts were made to get the rate increased buy the state. He stated that it was discussed at length with the Probation Department about transporting juveniles to other areas and the risks involved. He stated after looking at the overtime and the risk, they felt the county should lease the twelve beds and see how it went and then make adjustments if necessary. Commissioner Skrepenak replied that the county should consider going after the state because of the cap of \$236. Commissioner Skrepenak stated that it was wrong. He stated that he understood the county needed the beds but the state was being unreasonable. Mr. Castano stated that he felt it was the county's responsibility to keep the juveniles here in Luzerne County. He stated when you factored in the travel it could be more expensive to transport to other counties. Commissioner Skrepenak stated that there were real dollars involved for what the county would be responsible for.

It was moved by Commissioner Petrilla  
Motion died for lack of a second.

MOTION

**Agreement/ PA Child Care, LLC & LC Treatment and Sex Offender/Fire Setter Beds**

Request a Motion to Authorize the Chairman of the Board of Commissioners of Luzerne County to execute on behalf of Luzerne County an Agreement Between PA Child Care, LLC and Luzerne County As To Treatment and Sex Offender/Fire Setter Beds whereby Luzerne County shall, effective July 1, 2008, have the right but not the obligation to utilize Treatment and/or Sex Offender/Fire Setter Beds at the juvenile detention and treatment facility located at 701 Sathers Drive, Vogelbacher Industrial Park, Pittston Township, for an initial term of one (1) year at the rates of Three Hundred Twenty-five Dollars (\$325.00) per day for each treatment bed and Three Hundred Forty Dollars (\$340.00) per day for each sex offender/fire setter bed, subject to availability at the facility.

It was moved by Commissioner Skrepenak, seconded by Commissioner Petrilla  
“AYES” PETRILLA, SKREPENAK, “NAY” URBAN

MOTION

**Board Appointment**

**NORTHEASTERN PENNSYLVANIA ALLIANCE BOARD:**

Request a Motion to Re-Appoint the following to the Northeastern Pennsylvania Alliance Board for: a two (2) year term beginning July 1, 2008 to June 30, 2010.

Todd Vonderheid  
Paul Maher

It was moved by Commissioner Skrepenak, seconded by Commissioner Urban  
“AYES” PETRILLA, SKREPENAK, URBAN

**END OF COMMUNICATIONS**

**DEPARTMENT HEAD REPORTS**

**ENGINEER’S OFFICE – JOSEPH GIBBONS, ENGINEER**

MOTION

Request a Motion to Authorize the proper officials to adopt a resolution for supplemental Reimbursement Agreement No. 048648-A in addition to existing Agreement No. 048648 with PennDOT for the reimbursement of costs incurred by Luzerne County to replace County Bridge No. 57305. The Supplemental Agreement assigns the responsibility to acquire all necessary Right-of-Way for the project to Luzerne County.

It was moved by Commissioner Skrepenak, seconded by Commissioner Urban  
“AYES” PETRILLA, SKREPENAK, URBAN

MOTION

Request a Motion to Authorize the proper officials to award the Moon Lake Pavilion Project to the lowest bidder Lowell Hartzell, Contractor, 154 North Sheridan Road, Newmanstown, PA 17073, in the amount of \$70,200.00 (Base Bid plus Alternate #2A).

It was moved by Commissioner Skrepenak, seconded by Commissioner Urban  
**“AYES” PETRILLA, SKREPENAK, URBAN**

Commissioner Petrilla thanked everyone for all the work they put into the termination of the PACC lease. She stated that it had been a difficult couple of months in which a lot of time and work had been done. She stated that it was a testament to the nobility of public service and again she thanked everyone.

Commissioner Skrepenak echoed Commissioner Petrilla’s comments.

Commissioner Urban thanked Commissioner Petrilla for all the work she put into finalizing the PACC lease.

Commissioner Petrilla stated that she hoped the commissioners continue to work with PACC so they could come to an agreement on a number of beds to have in reserve for the juveniles of Luzerne County.

**MOTION TO ADJOURN:**

It was moved by Commissioner Skrepenak, seconded by Commissioner Urban  
**“AYES” PETRILLA, SKREPENAK, URBAN**

Respectively submitted,



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Jennifer Thomas, Recording Secretary