



Luzerne County Council
January 08, 2019
Luzerne County Court House
Council Meeting Room
200 N. River Street
Wilkes-Barre, Pa. 18711

Minutes
January 8, 2019 Voting Session

Call to Order

The Luzerne County Council convened for a Voting Session in the Council Meeting Room of the Luzerne County Courthouse on Tuesday, January 08, 2019, at 6:01 PM. The meeting was called to order by Chair Tim McGinley.

Pledge of Allegiance and Moment of Silence

Roll Call

Present

Harry Haas
Linda McClosky Houck
Eugene Kelleher
Tim McGinley
Chris Perry
Sheila Saidman, Esq.
Robert Schnee
Stephen A. Urban
Matthew Vough
Jane Walsh Waitkus

Also Present

C. David Pedri, Esq., County Manager
Shannon Crake Lapsansky, Esq., Assistant County Solicitor
Sharon Lawrence, Clerk of Council

Shannon Crake stated there was an Executive Session held prior to the meeting regarding litigation, specifically the item listed on the work session, the Estate of Gilliam v. Schindler Elevator Corporation, et al., and Luzerne County v. Schindler Elevator Corporation.

Recognitions/Ceremonial Proclamations

None

Additions to/Deletions from Voting Session Agenda

Ms. Houck requested Work Session Item 2, a resolution approving the settlement of pending litigation in the matter of Estate of Gilliam v. Schindler Elevator Corporation, et al., and Luzerne County v. Schindler Elevator Corporation, be moved to the Voting Agenda. Mr. McGinley agreed and moved it to the Voting Session Agenda as Item 4.

Adoption of Voting Session Agenda

Motion to Adopt: Mr. Kelleher

Second: Ms. Saidman

Vote:

Ten (10) Ayes – Unanimous

The Voting Session Agenda is adopted (10-0)

Public Comment on Voting Session Agenda Items

Mark Rabo (Hazleton) spoke about the resignation of Council Member Ed Brominski and his service. He thanked him for all he has done and wished him well. Mr. Rabo commented on the Planning Commission and stated they do not hold regular meetings.

Old Business

None

New Business

Motion to adopt minutes of the December 04, 2018 Voting Meeting

Motion by: Ms. Saidman

Second: Ms. Waitkus

Vote:

Nine (9) Ayes by Mr. Haas, Ms. Houck, Mr. Kelleher, Mr. McGinley, Mr. Perry, Ms. Saidman, Mr. Schnee, Mr. Vough and Ms. Waitkus

One (1) No by Mr. Stephen A. Urban

Motion Passed (9-1)

The December 11, 2018 Voting Meeting Minutes are Adopted

1. Introduction of ordinance amending the Capital Plan Budget for Luzerne County

Ordinance Introduced by County Manager David Pedri

No Vote

2. Introduction of ordinance amending the Capital Plan Budget for Luzerne County (911)

Ordinance Introduced by County Manager David Pedri

No Vote

3. Motion to adopt resolution approving the settlement of pending litigation in the Matter of Dacey v. County of Luzerne, Luzerne County, No. 1893 of 2015

Motion by: Ms. Saidman

Second: Ms. Waitkus

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

ADDED:

4. Motion to adopt resolution regarding resolution approving the settlement of pending litigation in the matter of Estate of Gilliam v. Schindler Elevator Corporation, et al., and Luzerne County v. Schindler Elevator Corporation

Motion by: Ms. Saidman

Second: Mr. Kelleher

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

5. Motion to adopt resolution declaring the Elected Position of Luzerne County Council Member Vacant Due to Resignation

Motion by: Mr. Kelleher

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

6. Motion to approve Procedure To Fill Vacancy On The Luzerne County Council

Motion by: Mr. Kelleher

Second: Mr. Vough

Roll Call Vote:

Ten (10) Yes – Unanimous

Procedure is Adopted (10-0)

7. Motion to adopt resolution declaring a vacancy on the Luzerne County Board of Elections and Registration

Motion by: Mr. Kelleher

Second: Mr. Perry

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

8. Luzerne County Council Member Nominations and Appointments to:

8a. Luzerne Conservation District Board term 1/1/2019 to 12/31/2019

Motion to Open Nominations by: Mr. Kelleher

Second: Mr. Schnee

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Mr. Kelleher nominated: Matthew Vough

Second: Mr. Schnee

Motion to Close Nominations by: Ms. Saidman

Second: Mr. Haas

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to approve a resolution appointing Matthew Vough to the Luzerne

Conservation District Board:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

9. Authorities Nominations and Appointments to:

9a. Luzerne County Convention Center Authority (1) term 1/1/19 to 12/31/2023

Motion to Open Nominations by: Ms. Houck

Second: Mr. Stephen A. Urban

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Ms. Saidman nominated: Peter Biscontini

Second: Mr. Vough

Ms. Houck nominated: James Reino

Second: Mr. Haas

Mr. Stephen A. Urban nominated: Ed Harry

Second: None

Motion dies for lack of a second

Mr. Vough nominated: Joseph Cotter

Second: Ms. Waitkus

Motion to Close Nominations by: Mr. Kelleher

Second: Ms. Waitkus

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote (1 name):

Mr. Haas: Reino

Ms. Houck: Reino

Mr. Kelleher: Biscontini

Mr. McGinley: Biscontini

Mr. Perry: Biscontini

Ms. Saidman: Biscontini

Mr. Schnee: Biscontini

Mr. Stephen A. Urban: Reino

Mr. Vough: Biscontini

Ms. Waitkus: Biscontini

Results:

Biscontini 7

Reino 3

Roll Call Vote to adopt a resolution appointing Peter Biscontini to the Luzerne County

Convention Center Authority:

Motion by: Mr. Schnee

Second: Ms. Waitkus

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

9b. Luzerne County Flood Protection Authority (1) term 1/1/19 to 12/31/2023

Motion to Open Nominations by: Mr. Kelleher

Second: Mr. Perry

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Ms. Houck nominated: Molly Mirabito

Second: Mr. Vough

Mr. Kelleher nominated: William Hardwizk

Second: Mr. Schnee

Motion to Close Nominations by: Mr. Haas

Second: Mr. Vough

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote (1 name):

Mr. Haas: Hardwizk

Ms. Houck: Mirabito

Mr. Kelleher: Hardwizk

Mr. McGinley: Hardwizk

Mr. Perry: Hardwizk

Ms. Saidman: Hardwizk

Mr. Schnee: Hardwizk

Mr. Stephen A. Urban: Hardwizk

Mr. Vough: Mirabito

Ms. Waitkus: Mirabito

Results:

Hardwizk 7

Mirabito 3

Roll Call Vote to adopt a resolution appointing William Hardwizk to the Luzerne County Flood Protection Authority:

Motion by: Mr. Schnee

Second: Mr. Vough

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

9c. Luzerne County Redevelopment Authority (1) term 1/1/19 to 12/31/2023

Motion to Open Nominations by: Mr. Kelleher

Second: Ms. Waitkus

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Mr. Haas nominated: Stephen Phillips

Second: Mr. Kelleher

Motion to Close Nominations by: Ms. Saidman

Second: Mr. Kelleher

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to adopt a resolution appointing Stephen Phillips to the Luzerne County

Redevelopment Authority:

Motion by: Mr. Kelleher

Second: Mr. Perry

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

9d. Luzerne County Transportation Authority (2) terms 1/1/19 to 12/31/2023

Motion to Open Nominations by: Mr. Schnee

Second: Mr. Vough

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Mr. Schnee nominated: Joseph Padavan

Second: Ms. Waitkus

Ms. Houck nominated: Sean Robbins

Second: Mr. Kelleher

Mr. Haas nominated: Thomas Grimes

Second: Mr. Stephen A. Urban

Motion to Close Nominations by: Ms. Houck

Second: Ms. Saidman

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote (2 names):

Mr. Haas: Grimes, Padavan

Ms. Houck: Robbins, Padavan

Mr. Kelleher: Robbins, Padavan

Mr. McGinley: Robbins, Padavan

Mr. Perry: Robbins, Padavan

Ms. Saidman: Robbins, Padavan

Mr. Schnee: Robbins, Padavan

Mr. Stephen A. Urban: Robbins, Grimes

Mr. Vough: Robbins, Padavan

Ms. Waitkus: Robbins, Padavan

Results:

Robbins 9

Padavan 9

Grimes 2

**Roll Call Vote to adopt a resolution appointing Joseph Padavan to the Luzerne County
Transportation Authority:**

Motion by: Mr. Schnee

Second: Ms. Houck

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Sean Robbins to the Luzerne County

Transportation Authority:

Motion by: Ms. Houck

Second: Mr. Perry

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

10. Boards and Commissions Nominations and Appointments to:

10a. Luzerne Conservation District Board (2) terms 1/1/19 to 12/31/2022

Motion to Open Nominations by: Mr. Kelleher

Second: Mr. Vough

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Mr. Haas nominated: Leonard Burger

Second: Mr. Stephen A. Urban

Mr. Vough nominated: John Wilkes

Second: Mr. Stephen A. Urban

Motion to Close Nominations by: Ms. Houck

Second: Mr. Kelleher

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to adopt a resolution appointing Leonard Burger to the Luzerne

Conservation District Board:

Motion by: Mr. Kelleher

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing John Wilkes to the Luzerne Conservation District Board:

Motion by: Mr. Vough

Second: Mr. Kelleher

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

10b. Luzerne County Community College Board of Trustees (3) terms 1/1/19 to 12/31/2024

Motion to Open Nominations by: Mr. Schnee

Second: Ms. Houck

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Ms. Waitkus nominated: Holly Evanoski

Second: Mr. Vough

Mr. Kelleher nominated: David Usavage

Second: Ms. Houck

Ms. Houck nominated: Susan Unvarsky

Second: Ms. Saidman

Mr. Haas nominated: Paul DeFabo

Second: Mr. Stephen A. Urban

Motion to Close Nominations by: Mr. Vough

Second: Ms. Waitkus

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote (3 names):

Mr. Haas: Evanoski, Usavage, DeFabo

Ms. Houck: Evanoski, Usavage, Unvarsky

Mr. Kelleher: Evanoski, Usavage, Unvarsky

Mr. McGinley: Evanoski, Usavage, Unvarsky

Mr. Perry: Evanoski, Usavage, Unvarsky

Ms. Saidman: Evanoski, Usavage, Unvarsky

Mr. Schnee: Evanoski, Usavage, Unvarsky

Mr. Stephen A. Urban: Evanoski, Usavage, DeFabo

Mr. Vough: Evanoski, Usavage, Unvarsky

Ms. Waitkus: Evanoski, Usavage, Unvarsky

Results:

Evanoski 10

Usavage 10

Unvarsky 8

DeFabo 2

Roll Call Vote to adopt a resolution appointing Holly Evanoski to the Luzerne County

Community College Board of Trustees:

Motion by: Ms. Waitkus

Second: Mr. Schnee

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing David Usavage to the Luzerne County

Community College Board of Trustees:

Motion by: Mr. Kelleher

Second: Mr. Vough

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Susan Unvarsky to the Luzerne County

Community College Board of Trustees:

Motion by: Mr. Haas

Second: Mr. Schnee

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

10c. Luzerne County Convention and Visitors Bureau Board of Directors (5) terms 1/1/19 to 12/31/2022

Motion to Open Nominations by: Mr. Haas

Second: Mr. Perry

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Ms. Waitkus nominated: William Conyngham

Second: Mr. Kelleher

Ms. Houck nominated: Jason Jarecki, Patricia Kobela, Carla Thaller and Amanda Yakus

Second: Mr. Stephen A. Urban

Motion to Close Nominations by: Mr. Haas

Second: Mr. Vough

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to adopt a resolution appointing William Conyngham to the Luzerne County Convention and Visitors Bureau Board of Directors:

Motion by: Mr. Schnee

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Jason Jarecki to the Luzerne County Convention and Visitors Bureau Board of Directors:

Motion by: Mr. Vough

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Patricia Kobela to the Luzerne County Convention and Visitors Bureau Board of Directors:

Motion by: Mr. Stephen A. Urban

Second: Mr. Kelleher

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Carla Thaller to the Luzerne County Convention and Visitors Bureau Board of Directors:

Motion by: Mr. Schnee

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Amanda Yakus to the Luzerne County Convention and Visitors Bureau Board of Directors:

Motion by: Mr. Kelleher

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

10d. Luzerne County Farmland Preservation Board (2) terms 1/1/19 to 12/31/2021

Motion to Open Nominations by: Mr. Vough

Second: Mr. Kelleher

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Ms. Houck nominated: Jon Lucas and Linda Thoma

Second: Mr. Stephen A. Urban

Motion to Close Nominations by: Ms. Houck

Second: Ms. Saidman

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to adopt a resolution appointing Jon Lucas to the Luzerne County

Farmland Preservation Board:

Motion by: Mr. Stephen A. Urban

Second: Mr. Vough

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Linda Thoma to the Luzerne County

Farmland Preservation Board:

Motion by: Ms. Houck

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

10e. Luzerne County Planning Commission (3) terms 1/1/19 to 12/31/2021

Motion to Open Nominations by: Ms. Houck

Second: Mr. Schnee

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Ms. Houck nominated: Karen Fleisher, Richard Kramer and Gary Swartz

Second: Mr. Stephen A. Urban

Motion to Close Nominations by: Ms. Saidman

Second: Mr. Schnee

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to adopt a resolution appointing Karen Fleisher to the Luzerne County

Planning Commission:

Motion by: Mr. Kelleher

Second: Ms. Houck

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Richard Kramer to the Luzerne County

Planning Commission:

Motion by: Mr. Stephen A. Urban

Second: Mr. Schnee

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Gary Swartz to the Luzerne County

Planning Commission:

Motion by: Mr. Stephen A. Urban

Second: Ms. Saidman

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

10f. Luzerne County Recreational Facilities Advisory Board (1) term 1/1/19 to 12/31/2021

Motion to Open Nominations by: Mr. Kelleher

Second: Ms. Waitkus

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Mr. Haas nominated: Michele Schasberger

Second: Mr. Kelleher

Motion to Close Nominations by: Mr. Stephen A. Urban

Second: Mr. Vough

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to adopt a resolution appointing Michele Schasberger to the Luzerne County Recreational Facilities Advisory Board:

Motion by: Mr. Stephen A. Urban

Second: Ms. Saidman

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

10g. Luzerne/Wyoming Counties Area Agency on Aging Advisory Board (4) terms 1/1/19 to 12/31/2021

Motion to Open Nominations by: Mr. Kelleher

Second: Mr. Perry

Vote: Ten (10) Ayes - Unanimous

Nominations Open

Mr. Schnee nominated: Patricia Besermin, Joanne Corey, Noah Davis and Dominick Trombetta

Second: Mr. Stephen A. Urban

Motion to Close Nominations by: Mr. Kelleher

Second: Ms. Saidman

Vote: Ten (10) Ayes - Unanimous

Nominations Closed

Roll Call Vote to adopt a resolution appointing Patricia Besermin to the Luzerne/Wyoming Counties Area Agency on Aging Advisory Board:

Motion by: Mr. Kelleher

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Joanne Corey to the Luzerne/Wyoming Counties Area Agency on Aging Advisory Board:

Motion by: Mr. Stephen A. Urban

Second: Ms. Saidman

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Noah Davis to the Luzerne/Wyoming Counties Area Agency on Aging Advisory Board:

Motion by: Mr. Kelleher

Second: Mr. Stephen A. Urban

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Roll Call Vote to adopt a resolution appointing Dominick Trombetta to the Luzerne/Wyoming Counties Area Agency on Aging Advisory Board:

Motion by: Mr. Stephen A. Urban

Second: Ms. Houck

Roll Call Vote:

Ten (10) Yes – Unanimous

Resolution is Adopted (10-0)

Public Comment

Greg Griffin (Swoyersville) thanked Chairman McGinley for speaking with the Task Force. He spoke about Jen Andes and the Times Leader article on the Opioid Epidemic. Mr. Griffin updated Council on his committee's actions and new members. Mr. Griffin provided a handout and stated he would be contacting Council via email.

Mr. Schnee thanked Mr. Griffin and his group for all of their hard work.

Mark Rabo (Hazleton) thanked Council for giving residents the opportunity to serve on Authorities, Boards and Commissions. Mr. Rabo also commented on the Opioid Epidemic and funding. He spoke about updating the County Zoning Ordinance. Mr. Rabo concluded by paying respect to Attorney Pasco L. Schiavo who recently passed away and asked Council to adjourn the meeting in honor of Attorney Pasco L. Schiavo.

Brian Shiner (Kingston) stated in December he sent the County Manager and Council an email that the agendas and minutes from March to April were not available and did not receive any response. He also stated that it has been 294 days since he filed a formal complaint with the District Attorney with no response. Mr. Shiner urged Council to pass a resolution that all documents on the website must be searchable. Mr. Shiner commented on passed ordinance O-2018-4 regarding the \$5.00 fee and it is not yet in effect because of the sunset provision in it.

Mr. McGinley responded he received his email regarding the website information and it has been forwarded it to the IT Department.

Eugene Kelleher spoke about Authorities, Boards and Commissions, openings, and future interviews.

Robert Schnee spoke about the people who volunteer for Authorities, Boards and Commissions and thanked them for their service.

Stephen A. Urban spoke about the Flood Protection Authority and the new Storm Water Fee and its' use. He hopes the WVSA thinks about what the fee is doing to the people of the County.

Mr. McGinley reminded everyone that the Council does not control the fee nor the implementation of it.

Mr. Haas agreed and stated it was unfair and should be funded by the government entity who mandated it.

Sheila Saidman spoke about Mr. Brominski and recognition of his service by Council.

Mr. McGinley asked for a motion to adjourn on behalf of Attorney Schiavo and the service of Mr. Brominski.

Motion to adjourn: Mr. Stephen A. Urban

Second: Ms. Saidman

Vote:

Ten (10) Ayes – Unanimous

Meeting Adjourned at 7:17PM

Respectfully Submitted,
Sharon Lawrence
Clerk of Council

* Audio of this meeting can be found in its entirety on the County Council webpage <http://www.luzernecounty.org/county/luzerne-county-council> or by contacting the Office of the Clerk of Council at (570) 825-1634 or via email to sharon.lawrence@luzernecounty.org