

On the above date at 10:00 A.M., the Luzerne County Board of Commissioners convened their regularly scheduled meeting with the following present: Gregory A. Skrepenak, Chairman; Todd A. Vonderheid and Stephen A. Urban, Commissioners; Samuel T. Guesto, County Manager for Legislation/Chief Clerk; Mark R. Dingman, County Manager for Administration/Deputy Chief Clerk, James Blaum, County Solicitor; Joseph Loftus-Vergari, Director of Human Services; James Miller, Administrator of Valley Crest; Dominic DePolo, Deputy Treasurer; Stephen L. Flood, Controller; James J. Brozena, County Engineer; John J. Glushefski, Director of Road & Bridge; William P. Burke, Director of Property and Supply,; Adrian F. Merolli, Director of Planning; Sandra Russell, Director of Community Development; Salvatore Diaz, Chief of Budget and Finance.

Mr. Skrepenak called the meeting to order and asked everyone to join in saying the Pledge of Allegiance followed by a moment of Silent Prayer. It is noted that all meetings are electronically recorded.

Mr. Flood announced bids are open in the Treasurers' Office, due to miscommunication with the Engineer's office and the Controller's office bids for ADA improvements was submitted this morning's agenda and was properly advertised and will also be open this morning.

Commissioner Skrepenak reviewed the protocol for Public Comment and directed Mr. Samuel Guesto, Chief Clerk, to ensure the five-minute time limit is adhered to.

Commissioner Skrepenak introduced Kathy Bozinski and Samuel Guesto for the presentation of the Proclamations.

Request a Motion to adopt the Resolution to thank and congratulate our Children and Youth Employees on an emotion and difficult job well done, and designate the month of April in the Year 2004 as "Child Abuse Prevention Month".

It was moved by Commissioner Urban, seconded by Commissioner Vonderheid.

"AYES" SKREPENAK, VONDERHEID, URBAN

Request a Motion to adopt the Resolution to than and congratulate the Luzerne Foundation, and the committee of the Millennium Circle Fund for their dedicated work, and declare the month of April 2004 as "Millennium Circle Fund Month".

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

"AYES" SKREPENAK, VONDERHEID, URBAN

Request a Motion to adopt the Resolution to hereby applaud the efforts of these individuals and organizations, and proclaim May 8th, 2004 as "National Association of Letter Carriers Food Drive Day", and urge all residents of Luzerne County to support the letter carriers efforts to eliminate hunger by generously donating non-perishable food items to this important humanitarian effort.

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

"AYES" SKREPENAK, VONDERHEID, URBAN

Request a Motion to adopt the Resolution to recognize the outstanding benefits derived locally and nationally by the Community Development Block Grant Program, encourage the continued funding by Congress of this program which is so vital to our neighbors and proclaim April 12th through April 18th, 2004 in Luzerne County as "Community Development Week".

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

"AYES" SKREPENAK, VONDERHEID, URBAN

Commissioner Skrepenak, on behalf of the Commissioners, congratulated each group noting that without the help of each good things would not happen.

Commissioner Skrepenak reminded everyone that if you wish to address the Commissioners to see Ms. Bozinski and sign in.

PUBLIC COMMENT

Carl Goodwin provided comment on the recent dismissal of Kevin Jordan, Director, Voter Services, demonstrated signals used by referees during a football game, stating that these were the fouls that were committed against Kevin Jordan, former director of Voter Services, noting is appropriate it is Easter Week, believes Mr. Jordan was crucified on the cross of political justice. He stated he has found Mr. Jordan to always be professional, honest, open, responsive, fair and strict, but strict with everyone. It was his understanding that the vote to dismiss Mr. Jordan was conducted during an Executive Session. He questioned if a solicitor present, if that was true, it should have been considered out of order as it violated the Sunshine Act.

Mr. Goodwin provided comment, referencing a motion passed at the last meeting placing the Director of Voter Services in charge of all election advertising, questioning how this duty could be delegated when his understanding was that advertising is the responsibility of the Election Board. Atty. Blaum stated that there was a historic policy related to advertising of any election. Commissioner Skrepenak responded that the any Board has the authority to delegate responsibilities and all the Board was trying to do was give the Director of Voter Services the opportunity to ensure he is responsible and that everyone cooperating. Commissioner Skrepenak added that it was a pubic meeting in which Ms. Kat sock was present and he believed she was happy with what happened with the actions of the Election Board.

Mr. Goodwin provided comment and questioned whether reports in the press that Commissioner Skrepenak blamed Mr. Jordan for the Home Rule Charter advertising mistake were true? Commissioner Skrepenak responded that is not true. Mr. Goodwin referencing Section 2952 of the Home rule Law, which clearly states the advertising, was the responsibility of the Municipal Clerk, which in Luzerne County would be the Chief Clerk, which at that time was Jim Torbik. Mr. Goodwin also questioned whether the Commissioners were aware of a resolution passed on November 24, 2003 by the Election Board headed by Attorney Joseph Cosgrove, stating that no less that 60 days prior to said election, the Director for Voter Services and/or his Deputy, shall prepare an outline and checklist of all matters that must be addressed prior to said election, including the due date of any action that must be taken and designation of persons and offices responsible for same and shall submit this outline and checklist to the Solicitor of Luzerne County and the Election Board. The Election Board shall meet at least once a week during the period commencing 30 days prior to an Election. He questioned whether, per this resolution, meetings had been scheduled and recommended such meetings are necessary to outline the procedures of the upcoming Primary Election. Commissioner Skrepenak responded the procedures for advertising were outlined at the last meeting and the future meetings would be scheduled.

Mr. Goodwin questioned whether a Laborer Coordinator had been hired and suggested that is the job of the Commissioners and not the function of a new middle management person, adding he also did not see a need for a Public Relations person believing that is also the job of the Commissioners.

Mr. Goodwin provided final comments to the Citizens' Voice, requesting that Francis and Tillie be informed that he does not know karate, is not shaking in his shoes here today, and is not here as a township supervisor and believes that Tillie is an "expletive" in an elephant's suit.

Commissioner Skrepenak, addressing Mr. Goodwin, noted it is apparent he is not a big fan of the Commissioner, but HomeRule was defeated, and apologized if that was upsetting to Mr. Goodwin. Commissioner Skrepenak further commented that although the Commissioners are not perfect and do make mistakes, they are getting better. Commenting on Mr. Goodwin's remarks regarding Francis and Tillie of the Citizens' Voice, he agreed that is Mr. Goodwin has a right to his opinion, as do Tillie and Francis. Commissioner Skrepenak stressed that everyone is trying to cooperate, and if you want to help, please do, and questioned whether there is a personal agenda here. Mr. Goodwin responded there is definitely no personal agenda and it has nothing to do with the Home Rule Charter. Mr. Goodwin stated the reason he is here today is because you (the Commissioners) signed an open contract with the voters of Luzerne County and he believes it has been violated several times.

Commissioner Urban responded that number one, no one should come to this meeting and be subject to personal attacks either in this meeting or after you leave this meeting, citing that this is

PUBLIC COMMENT: (cont.)

America where you have a right to speak. No one should be lied to by any Commissioner and the media should not be given false stories by the Commissioners. Commissioner Urban stated, "This is America you have a right to come here, that is why we have a democracy, that is why we have an open form of Government, to allow you to come here and say what is on your mind and address issues that you believe are important to you. No one should attack you for those issues and no one should attack anyone for those issues. Many men and women, who died in defense of the freedom of this country and the First Amendment right, freedom of speech". Commissioner Urban further stated "I just want to make that clear and hope that my colleagues will understand where I am coming from after serving 24 years in the military and after seeing people not come home from assignments, I take the First Amendment seriously. I don't believe anybody who comes to this meeting should be subject to attack either here or after this meeting. You have a right to speak freely and openly". Mr. Goodwin thanked Commissioner Urban for his comments.

Lisa Pretko provided comment on a motion signed on January 6, 2004 regarding opening advertising for bidding. Ms. Pretko noted today is the 93rd day and is anxious to know the status of opening the bidding. Commissioner Vonderheid responded the ordinance that was passed on January 6th, 2004 dealt with four specific codes to be adopted, an Administrative Code; a Purchasing Code, which would include the purchasing of newspaper advertising; a Budget Code and a Personal Policy Code. Commissioner Vonderheid further commented that are drafts that have been circulating, and his intent is to release the drafts that he has been working on to the two commissioners so they can be publicly released for public comment on April 14, 2004 and ratified at the April 21, 2004, meeting.

Wil Toole, thanking Mr. Urban for his remarks on our rights as citizens, provided comment and addressed questions to Stephen Flood, Controller on expenditures taking place. Mr. Toole, referring to a request he made several weeks ago regarding a contract with a Philadelphia Law Firm and the response that one did indeed exist, referred to a news article that said that the Secretary of the Retirement Board, the Controller, Steve Flood, admitted to Judge Ciaverella that there is was not a contract. He added Mr. Flood told him at that meeting that he could get a copy of the contract as well as the bills that were submitted. Mr. Flood responded that he could not provide that bills as it is under litigation. Mr. Toole provided each of the members of the Retirement Board a letter requesting the information. He further stated he was contacted by a representative of the Controller's office that the copies were ready and all that was needed was permission from Mr. Flood to release them. Several days later he received a letter stating that all requests have to go through a lawyer in Scranton, who is also Mr. Flood's solicitor and consultant. He referred to Mr. Flood's instruction that he write to Atty. Christopher Cullen and request the documents. Mr. Toole noted under the Sunshine Law, all he is required to do is go to the appropriate body and ask for a copy of the Public Records. Mr. Flood noted the Retirement Board is in the middle of litigation. Mr. Flood also questioned whether Mr. Toole was sending letters out in the guise of different names to various people stating his concerns of the Retirement Board and citing that the Retirement Board would be meeting today at one o'clock t. Mr. Toole responded there is a \$45,000 payment being created on today's Commissioner Meeting agenda and responded to Mr. Flood's questioning, stated that had never sent out a letter with someone else's name attached to it. Mr. Flood recommended Mr. Toole pull the record from the Court Hearings held in April and in January and read the testimony and contact the Counselor for the Retirement Board to request any information he required.

Mr. Toole questioned if a \$35,000 payment for Mr. Flood's legal bills was included in \$400,000 payment. Mr. Flood resented this allegation, stating he was turned down for insurance coverage from Joyce Insurance who is one of the defendants in the Racketeer Influenced Corrupt Organizations Act (RICO) lawsuit and thought that appeared a little suspicious. Mr. Toole requested the Board of Commissioners to please reconsider the \$45,000 payment expressing his concern the money may become part of the obligation of \$400,000.

Attorney James Blaum, County Solicitor, explained that before the Board today is a motion to authorize, brought about through a discussion during an Executive Session, the set up an escrow account with Merrill Lynch and transfer \$45,000 from the General fund to this account for the payment of services to the Schnaeder the payment so the motion to dismiss and the RICO action can proceed.

PUBLIC COMMENT: (cont.)

The Commissioners are interested in allowing the case go forward through the motions to dismiss even though they would prefer the entire action proceed under a straight contingency fee agreement with counsel. This is a way allowing the matter to proceed and not be in violation of Judge Ciaverella's injunction. There is no provision in this action for retroactive payments and to accomplish that an escrow account would be an equitable agreement, which would be negotiated with Merrill Lynch and the Retirement Board. The money would be put in an escrow account for the use of Luzerne County not the Retirement Board.

Atty. Blaum commented on the earlier remarks of Mr. Flood, with regards to any payments concerning the action against the Controller personally, stating he was never consulted about that, but was consulted by the County Commissioners as to whether their legal fees in connection with the RICO case could be paid by the general fund and his opinion was no. He further stated he did not know what opinion was provided to Mr. Flood in order to have his personal fees paid by the Retirement Fund. He further commented it created a concern for him personally, where he could foresee the four former Commissioners, who are defendants in the RICO action, applying to the Retirement Board for payment of those fees over and above those paid by the insurance if that is allowed. Mr. Flood questioned if Atty. Blaum represented Makowski et al in the lawsuit. Atty. Blaum responded he had offered no advice to any of the former Commissioners in the RICO case and stated that the only appearance he made was when the original complaint was filed and submitted to the insurance carriers for determination of coverage and representation. He explained when the twenty day period for answering was approaching and no determination of insurance coverage had been made, noting these were County Insurance policies, responded on behalf of the four, at that time two former and two current commissioners, requesting the Court grant an enlargement of time in which those four defendants could respond. That was the extent of the Solicitor's involvement in the matter.

Atty. Blaum noted when his office receives a complaint or a request for a submission of a lawsuit for coverage it is forwarded to the County's consultant, which at the time was Joyce, Jackman and Bell and they in turn forward it to the appropriate carrier for their determination of coverage and representation, in this case that was through AIG Insurance and that coverage was approved for the four former Commissioners was up to a maximum of \$1 million. Mr. Flood responded that, as the Controller and Secretary of the Retirement Board, Joyce declined coverage for him and pointed out that Joyce itself was named as a defendant in the RICO matter. Atty. Blaum responded the declaration did not come from the agent, Joyce, Jackman and Bell, but from the Insurance Carrier, which was AIG. Mr. Flood questioned is he the main plaintiff in the RICO matter other than the Retirement Board. Atty. Blaum responded that his name is on the complaint but that his name is not listed in the body of the complaint. Mr. Flood questioned whether Atty. Blaum wrote the motion. Atty. Blaum responded he dictated the motion. Mr. Flood commented that he, Atty. Blaum, is the Solicitor for the County and is also the Solicitor for RICO defendants. Atty. Blaum responded he is not solicitor for any defendants of the RICO matter. Mr. Toole pointed out to Mr. Urban and Mr. Morreale that if they voted to pay that \$35,000 to that law firm then shame on them. He noted that he is not accusing them as he cited Mr. Flood's comments earlier that the article is wrong. Mr. Flood questioned Commissioners Skrepenak and Vonderheid as to why they do not stop the injunction and let taxpayers, retirees and Luzerne County employees continue the \$25-\$75 million federal lawsuit since it is already there. Commissioner Skrepenak responded the Judge ruled and he trusts the Courts opinion. Atty. Blaum responded that the Judge issued an order indicating that a payment the Board had already made, was detrimental to the Retirement Board Fund, as he understood it. Mr. Flood questioned whether the Board of Commissioners filed the injunction action. Atty. Blaum responded that is was filed in April 2003 by the former Majority Commissioners last year and was filed prior to the RICO action, which was filed on October 9, 2003. Mr. Flood, addressing the current Majority Commissioners, questioned why they would hire Atty. John Moses, who is the defendant's solicitor, as their lawyer. Commissioner Skrepenak responded they had only been in office a short time when they were served with the precipe. The action today was voted on at the March 3, 2004 Retirement Board and was unanimously accepted by the Retirement Board. Mr. Flood questioned whether Atty. Prociak contributed to the Majority Commissioners' campaigns. Commissioner Skrepenak responded the subject is not relevant to the Retirement Board or RICO matter. Atty. Blaum concurred that Atty. Prociak was and is not involved in this matter.

PUBLIC COMMENT: (cont.)

Mary Kamp questioned the Commissioners on the availability of handicap parking. Commissioner Skrepenak requested James Brozena, County Engineer, respond. Mr. Brozena responded that handicap parking was installed last fall and is available across the street while the temporary construction in the rear of the building is being completed. The construction is due to be completed in May 2004 and the rear of the Courthouse should reopen shortly thereafter. Ms. Kamp commented that the parking across the street is not acceptable for handicap people. Mr. Brozena responded the construction is moving as quickly as possible. Commissioner Skrepenak questioned the possibility of opening up some of the space available. Mr. Brozena responded that to accomplish that the security equipment would have to be moved and would create a safety issue for people traveling through an open construction site. Commissioner Skrepenak offered to give up his parking spot to Ms. Kamp on meeting days and he would park somewhere else. Thanking the Commissioner, Ms. Kamp also pointed out that Mr. Toole spoke for more than the five-minute time limit. She commented that it appeared Mr. Toole's agenda is with Mr. Flood. Mr. Toole responded Mr. Flood controls the Retirement Board and that is why he is directly questioning him. Ms. Kamp, following on Ms. Pretko's earlier comments, referred to the Contract with the Voters of Luzerne County pointing out that absolutely there would be public advertising of all County job openings and questioned would the 9-1-1 openings be advertised. Commissioner Skrepenak responded absolutely.

Paul Ungvarsky, Harvey's Lake, provided comment concerning an incident which occurred on March 24, 2004 with the Security Officer on duty. Mr. Ungvarsky is a contractor and because of tools and loose screws in his pockets he continued to set off the detector. He stated the Security Officer harassed, assaulted, belittled, and made demanding threats to him. After the incident, a Deputy Sheriff escorted him to the North entrance and he reported the incident to the Chief of Security who in turn took his name and address and stated a formal complaint would be filed and investigated. Last week he contacted Patti Llewellyn, Commissioner Skrepenak's assistant who checked on this incident with the Chief of Security who said a formal complaint had to be written up. He stated he was never advised that I he had to write a letter of complaint. He further stated he has a full written complaint prepared to file and will meet with Ms. Llewellyn to complete the complaint process but would also like to file a complaint against the Chief for not informing him of the process and not following up. Commissioner Skrepenak requested he leave the paperwork with Kathy Bozinski or Jean Kislavage as Patti is not available.

Mr. Flood provided comment on the recent dismissal of Kevin Jordan criticized the Majority Commissioners on the way it was handled stating that these type of situations are the responsibility of the Majority Commissioners and should be handled more appropriately. Mr. Flood questioned if Joyce was going to be changed on the Assessor's Board noting the County is still paying Joyce \$30,000 for two members plus benefits. Commissioner Skrepenak responded the Commissioners are reviewing the Boards and Authorities and will be changing them as soon as possible. Mr. Flood questioned the vacation and sick leave policy of the Commissioners' office and its' staff. Commissioner Skrepenak defended his staff including Patti, whom Mr. Flood directly implicated in his questioning, and requested Mr. Flood apologizes publicly to her. He further stated that Ms. Llewellyn stays late most evenings and works through lunch and breaks to accomplish the needs of the Commissioners' office and referred to the earlier comments by Mr. Ungvarsky, who pointed out the assistance of Ms. Llewellyn. Commissioner Vonderheid defended Mark Dingman, County Manager for Administration, also implicated in Mr. Flood's questioning, citing that his time off was scheduled and paid and was approved by the Commissioners prior to his acceptance of the position.

Mr. Flood reported the contractual and professional fees have reached \$605,000. Mike Judge, as a consultant, has been awarded \$420,000 in less than six months and Tom O'Connor has been given the remainder. He further reported there is \$2.7 million left to finish up the Workman's Comp. Mr. Flood advised the Commissioners the Material and Supply line item is at 85% after one month in office.

Mr. Flood reported a problem at Valley Crest, addressing. Jim Miller, Administrator, Valley Crest, last year the facility lost \$3-\$4 million and this year it is on the same projection. Mr. Flood questioned a letter sent him regarding unpaid vacation and sick days of \$31,000 to various employees both union and management. He commented he had no problem with Union employees but does have a problem with Management employees.

PUBLIC COMMENT: (cont.)

He noted he has requested time sheets certified by Mr. Miller and after not receiving, requested the same from Kim Weiland, who sent a memo from her office as approval of payment. Mr. Vonderheid responded by reading the resolution on the Discontinuance of Severance Pay on passed on February 18, 2004. The intent was there would be no more severance pay from February 18th forward and would review the previous past practices and try to our best to mitigate the damage that was caused by them.

Mr. Urban commented that the resolution states, “whereas the Board of Commissioners has determined the previous Board of Commissioners have undertaken to provide administrative severance pay of \$3,000 upon their departure from Luzerne County”, noting this specifically talks about the \$3,000. Commissioner Urban questioned if the resolution, as written, covers all payments and that no payments should be made. Commissioner Vonderheid stated it was without question that was his intention and would amend it today to ensure that is resolved. Atty. Blaum pointed out the paragraphs are general and references all County Employees. It doesn’t exclude Valley Crest and it was certainly the intent to exclude payments form Valley Crest and again the unwritten policy of payments from there. Commissioner Vonderheid deferred to the Solicitor that if the resolution needs to be amended today and the phrase \$3,000 be removed and replaced with “all severance” he would make that motion. Mr. Miller commented that this is not severance pay and his facility tracks and accrues time as has always been the practice and the CPA’s can always come up and audit the time that is tracked. Mr. Miller further stated that all payments are accrued time there is no severance besides the voluntary layoff program. Commissioner Urban questioned a memo from a lady who left one of the departments in 2001 who received a \$3,000 payment and did not understand why. Commissioner Urban referred to a memo the Solicitor sent in response to her that they are no provisions in the County for payment of sick time and unused vacation time and that if she would like the check returned he would have it recut. Commissioner Urban questioned Mr. Miller to confirm that he wants to pay his managers for sick time and vacation time, which in essence, is severance. Mr. Miller said this has been the practice as long as he has been there. Commissioner Urban questioned as of that date no manager should be paid for vacation and/or sick time. Commissioner Skrepenak questioned Mr. Flood if he cut the check and he confirmed he did. Mr. Flood asked if an amendment to the Resolution could be made today. Commissioner Skrepenak concurred with Atty. Blaum that no action needs to be taken because the Resolution passed on February 18th covered all payments including no payments for sick time and vacation time. Commissioner Urban reiterated this policy. Mr. Miller requested the opportunity to present to the Board of Commissioners exactly what is being paid. Inviting Mr. Flood and/or his staff to reconcile their records. Mr. Urban again quoting the Resolution stated there is no need to reconcile. Mr. Urban stated it will abide by Union Contracts but there will be no selling of sick time or vacation time for managers when they leave. Commissioner Vonderheid commented during the period of writing of the Personal Policy to include a sentence or two regarding severance and at that time there will be an opportunity for Valley Crest to present a rationale for a policy specific to Valley Crest as with any department. Further adding, because of the unwritten policy I believe we have no choice but to clean this up until then and deal with the severance issue in total for the county.

COMMUNICATIONS – SAMUEL T. GUESTO, JR., CHIEF CLERK

Request a motion to table the minutes of the Commissioner’s Meeting held on March 3 2004 and March 17, 2004. Commissioner Urban commented that his request is specifically for the minutes from the last meeting as he believes they did not accurately reflect the comments he made in regards to the questioning form Wil Toole referencing the Prison Board. Ms. Wilk has agreed to go through the tape and review the comments.

It was moved by Commissioner Urban to table the minutes, seconded by Commissioner Vonderheid.

“AYES” SKREPENAK, VONDERHEID, URBAN

COMMUNICATIONS: (cont.)

Request a motion to approve ratify and confirm payment of the following vouchers:

Wachovia Bank, Vouchers 403430GF-404231GF
County General Fund for 2004

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.

“AYES” SKREPENAK, VONDERHEID “ABSTAIN” URBAN

PNC Bank, Vouchers 400173LF – 400220LF
Liquid Fuels for 2004

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.

“AYES” SKREPENAK, VONDERHEID, URBAN

Wachovia Bank, Vouchers 400017WCF-400022WC
Workman’s Compensation

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.

“AYES” SKREPENAK, VONDERHEID “ABSTAIN” URBAN

Request a Motion to adopt a Resolution continuing a declaration of a state of emergency within the City of Hazleton and Hazle Township, Luzerne County, Pennsylvania. (**Resolution No. 03242004** attached dated March 24, 2004 and **Resolution No. 03312004** attached dated March 31, 2004)

It was moved by Commissioner Urban, seconded by Commissioner Skrepenak

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to adopt a Resolution of the Board of Commissioners of the County of Luzerne supporting the Cantwell Amendment whereas, this Amendment would enable the Senate to restore Workforce Investment Act (WIA) and Employment Service Programs funding to Fiscal Year 2002 levels. Among the programs that would benefit from this Amendment would be the Dislocated Worker, Adult Training and Youth Programs.

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to approve the attached refund through the Assessor’s Office in the amount of \$165.24.

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to approve the 2004 West Nile Virus Control Grant. The grant award for January 1, 2004 through June 30, 2004, will be \$40,454.37. Pending State budget approval the proposed grant for July 1, 2004 through December 31, 2004, \$161,817.50 for a total of \$202,271.87 for calendar year 2004.

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to allow Steve Englot/Data Processing Department to attend a technical training associated with the GIS initiative. The seminar will be May 10th to May 14th, 2004 at the County Commission Association, North Office Location, Harrisburg. Approximate cost will be \$1,290.00.

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

“AYES” SKREPENAK, VONDERHEID, URBAN

COMMUNICATIONS: (cont.)

Request a Motion to approve unpaid leave of absence for Joseph J. Ruddy – Board of Assessment Appeals Office, effective April 6th to April 30th, 2004 (excluding April 9th 2004).

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to ratify the First Amendment to Contract for Sale of Real Estate between The Conservation Fund and Luzerne County.

This amendment permits the County until May 10, 2004 to provide the seller written notice of any title, appraisal or environmental issues that purchaser may have with the property that would prevent the purchaser from proceeding to closing on the acquisition of the property, or alternatively indicating that the title, environmental condition and appraised value of the property are acceptable to the purchaser.

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to retain a Swap Advisor to assist in the restructuring of various county debt in accordance with the budget approved February 13, 2004.

Commissioner Urban recommended the motion be modified and the Swap Advisor named, per discussion in a recent Executive Session, and referred to Mr. Diaz for explanation. Mr. Diaz explained that proper advertising procedures were followed for the SWAP advisor and based on a review of those responses received, recommended Public Financial Management (PFM) for their proposal and familiarity with the County budget, which he believes will assist in expediting the process.

Commissioner Urban expressed his concerns and wanted to ensure that when the advisor is hired, he comes forward before the Board of Commissioners and presents all the options available as to what debt will be swapped and at what interest rate.

Commissioner Vonderheid made a motion to retain Public Financial Management (PFM) as Swap Advisor to assist in the restructuring of various County debt in accordance with the Budget approved on February 13, 2004.

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to approve Contracted Professional Therapy Services (Speech, Physical and Occupational Therapies) from Premier Therapy Services, LLC, 287 South Main Street, Suite 8, Lambertville, NJ at Valley Crest Nursing Home. Contract will cover all Therapeutic Services in Accordance with Valley Crest’s Corporate Integrity Agreement and will replace in-house Therapy Staff. Medicare Part A shall be paid at a rate equal to 50% of the Rehab Portion of the RUGs day Medicare Part B and all other shall be paid at a rate equal to 70% of the Medicare approved Resource Base Relative Value Scale.

Commissioner Urban requested Jim Miller, Administrator, Valley Crest outline the savings of this contract. Mr. Miller explained at current utilization there is an approximate savings of \$15,000 a month and if there is an increase in utilization which is expected with contracting these services, there will be a higher rate of reimbursement. Six employees are currently in the therapy department and have the opportunity to retain employment with Contracted Professional Therapy Services. Because this was a Professional Service it was not advertised. Local companies were contacted other facilities were contacted for referrals. The process for selection involved contacting and interviewing six therapy companies and reviewing their compliance and corporate integrity agreements and requesting their proposed rates. This company met all requirements and proposed the best rates. Commissioner Urban questioned the cost saving for eliminating those employees. Mr. Miller reiterated the savings would be approximately \$15,000 a month. Commissioner Vonderheid advised Mr. Miller that although the purchasing code policy is not in place yet, it is the intent of this Board that all professional services be advertised.

COMMUNICATIONS: (cont.)

Commissioner Urban confirmed that as of May 1st the six employees would no longer be County employees. Mr. Miller concurred.

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

“AYES” VONDERHEID, URBAN “ABSTAIN” SKREPENAK

Request a Motion to release \$500,000 in Capital Bond Funds to Back Mountain Recreation Complex. The participation of Luzerne County is crucial to the success of this project and the funds will be used toward the continued construction of the facility.

Brian Grove provided an overview of the 130-acre project, which is home to the Back Mountain Baseball and Soccer.

It was moved by Commissioner Urban, seconded by Commissioner Vonderheid.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to approve the appointment of Paul Gritman, Dallas to the Luzerne-Wyoming Counties Mental Health/Mental retardation Program’s Advisory Board effective April 1, 2004 through December 31, 2004.

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

“AYES” SKREPENAK, VONDERHEID, URBAN

Request a motion to authorize the Luzerne County Board of Commissioners, on behalf of the County of Luzerne to:

- a) Negotiate and enter into an escrow agreement with the Luzerne County Retirement Board and Merrill Lynch for the naming of Merrill Lynch as Escrow Agent for funds to be transferred and held by Merrill Lynch in such a capacity as hereinafter set forth; and
- b) To pay out of the Luzerne County General Fund to Merrill Lynch as Escrow Agent under the terms for the aforesaid Escrow Agreement the sum of up to \$45,000 to be held by Merrill Lynch in escrow for the sole and exclusive purpose of paying counsel for the Luzerne County retirement Board (Schnaeder, Harrison, Segal and Lewis, LLP, 1600 Market Street, Suite 3600, Philadelphia, PA 19103) attorney’s fees generated and costs incurred by said counsel after February 18th, 2004 for services rendered after February 18, 2004 in opposing Motions to Dismiss heretofore filed after February 18, 2004 by various Defendants in pending litigation in the United States District Court for the Middle District of Pennsylvania known as Luzerne County Retirement Board, et al, v. Thomas A. Makowski, et al, filed to United States District Court Docket No. 3-03-CV-1803; and upon final disposition of all such motions and payment of all invoices submitted by Shcnaeder, Harrison, Segal and Lewis, LLP for its services in opposing such motions, the Escrow Agent shall return to Luzerne County any remaining balance is said Escrow Account.

Commissioner Urban requested clarification of the date we are fixing here. Atty. Blaum replied a written document naming Merrill Lynch as the Escrow Agent will be forthcoming. Commissioner Vonderheid commented this authorization from the February meeting where the Schnaeder firm provided the Board of Commissioners with an estimate of \$45,000 to prepare and complete motions to dismiss. Because there is an injunction prohibiting release of funds from the Retirement Board, the Board of Commissioners is authorizing a transfer of \$45,000 to pay that estimated fee. Commissioner Urban expressed his concern of the verbiage of the document to ensure the \$45,000 is used to pay for this motion to dismiss. Commissioner Vonderheid requested a recommendation of what suggested language should be used to ensure that the Escrow Account is for the motion to dismiss phase that was the agreement. Atty. Blaum recommend the verbiage should read “costs incurred by said council after February 18th” and take out the term “escrow account” and taking out “after the date of said escrow agreement” and putting in “after February 18, 2004”. (These changes are reflected in the above motion.)

Commissioner Urban addressing Atty. Blaum, expressed his concern regarding a comment by Atty. Blaum that there was a vote to hire Atty. Christopher Jones in February 2003 as the Solicitor.

COMMUNICATIONS: (cont.)

He cited three separate votes in April: 1) To file an action in the Court of Common Pleas against the Retirement Board; 2) To go forward and file an injunction against the Retirement Board; and 3) Against Mr. Flood for neglectory judgment because he has supposedly had engaged in a contract. Those are the only motions or votes that were brought before this Board. There was no motion or vote brought to me or discussion with Atty. Jones concerning a second legal action. Atty. Blaum responded that action was part of the original action. Commissioner Urban offered that his opinion was the first action was to prevent \$45,000 for an investigation and the second action was to stop all funds for a legal action in Federal Court and tie the hands of the Retirement Board - there was no vote to do that nor is there anything in the records of the December 30th, 2003 meeting that reflect there was a vote or discussion for Atty. Jones to file and action with the NADC. Commissioner Urban requested if there are records he would like to see them. Atty. Blaum responded it was his understanding that the action was part of the April 2, 2003 motion and the filing in December 2003 was an additional filing under the same case. Commissioner Urban further commented that the Retirement Board, like other Boards, should have the right to vote not only on their own actions but on their own budget and when you seriously impair the ability of the Board you diminish its authority. Commissioner Urban requested he be advised and involved in any legal action by any County appointed solicitor. Atty. Blaum assured Commissioner Urban he would advise Atty. Jones of his request.

Motion to adopt this motion as read with the amended changes. Commissioner Urban will support this motion but also supports the withdrawal of the injunction.

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.

“AYES” SKREPENAK, VONDERHEID, URBAN

TREASURER’S OFFICE – DOMINIC DEPOLO, DEPUTY TREASURER

Request a Motion to accept the following Financial Statement as submitted:

**LUZERNE COUNTY TREASURER’S OFFICE
FINANCIAL STATEMENT**

April 7, 2004

WACHOVIA BANK

General Fund.....	6,385,662.07
School, Road & Institution District.....	91,710.04
Real Estate Tax Sale Account	181,093.50
Self Insured Workers Compensation Fund.....	75,696.62
Court of Common Pleas - Domestic Relations IV-D Fund	509,676.02
Patients’ Personal Fund Account	99,199.17
911 Construction Fund.....	512,655.73
911 Operational Fund.....	4,959.77

PNC BANK, NORTHEAST, PA.

Luzerne County Fiscal Agencies:

Office for the Aging	\$ 346,106.75
Children & Youth Department.....	970,423.45
Mental Health/Mental Retardation.....	125,158.43
Drug & Alcohol Program.....	506,093.26
Office of Human Services.....	21,606.16
Human Services Agencies/Transportation Department.....	31,328.75
Liquid Fuels Tax Fund	85,641.75
Luzerne County GWBIF Escrow Account.....	27,247.96
1997 Series Parking & Office Relocation Fund	10,694.34

CITIZENS BANK

Adult Probation Special Account	\$ 429,879.45
Luzerne County Bridges.....	10,727.70
Hazardous Material Emergency Response Account	84,729.93
EMA Radiation Emergency Response Fund.....	26,664.88

TREASURERS: (cont.)

FIRST NATIONAL COMMUNITY BANK

Luzerne County Convention and Visitors Bureau	\$ 52,303.19
Luzerne County Agencies Account	1,040,424.23
Luzerne County Solid Waste Recycle Account	28,304.06
Luzerne County Property Tax Collection	560,585.33

FIDELITY DEPOSIT & DISCOUNT BANK

Wyoming Valley Airport Account.....	\$ 6,968.62
Adult Probation/Offenders Supervision Fund	91,069.92
Tri-County Airport Feasibility Study	90,010.77
Luzerne County 2002 Capital Projects.....	6,281.37
Workmans' Compensation Insurance Reserve Account.....	332.64
Luzerne County 2003 Capital Projects.....	11,965.48

**LUZERNE COUNTY TREASURER'S OFFICE
CERTIFICATES OF DEPOSIT
April 5, 2004**

School, Road & Institute	\$ 3,195,000.00
Court of Common Pleas – Domestic Relations IV- D – Fund	\$ 600,000.00
911 Construction Fund	\$ 2,025,000.00
 Luzerne County Fiscal Agencies:	
Children & Youth	\$ 1,750,000.00
Mental Health/Mental Retardation	\$ 5,250,000.00
Drug & Alcohol Program	\$ 490,000.00
Office of Human Services	\$ 420,000.00
Transportation Department	\$ 838,200.00
 Liquid Fuels Tax Fund	
Adult Probation Special Account	\$ 1,100,000.00
Hazardous Material Emergency Response Account	\$ 190,000.00
Luzerne County Agencies Account	\$ 945,000.00
Luzerne County Solid Waste Recycle Account	\$ 395,900.00
Total	\$17,599,100.00

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepnak.
“AYES” SKREPENAK, VONDERHEID, URBAN

CONTROLLER'S OFFICE – STEPHEN L. FLOOD, CONTROLLER

Request a Motion to ratify and confirm payment of the following vouchers:

Transportation Department:	
Voucher No. 400231TR to 400272TR inclusive	in the amount of \$2,234,142.40
Patients; Personal Fund:	
Voucher No. 400100PP to 400125PP inclusive	in the amount of \$14,632.73
Bureau for the Aging:	
Voucher No. 400992AG to 401226AG inclusive	in the amount of \$1,230,175.21
Children and Youth:	
Voucher No. 401389CY to 4019980CY inclusive	in the amount of \$3,752,815.95
Mental Health/Mental Retardation:	
Voucher No. 400524MM to 400637MM inclusive	in the amount of \$3,606,669.54
Human Services:	
Voucher No. 400104HS to 400139HS inclusive	in the amount of \$2,125,009.84
Drug and Alcohol:	
Voucher No. 400113DA to 400147DA inclusive	in the amount of \$1,965,240.48

CONTROLLER’S: (cont.)

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to authorize the Controller to make the following payments under the Luzerne County Community Development Program for various services and projects.

\$224,383.61	Community Development Block Grant Program
\$34,889.39	Business Development Loan Program
\$11,800.90	Emergency Shelter Grant Program
\$168,032.68	HOME Investment Partnership Program

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to accept the following bids for tabulation subject to review by the county solicitor.

Valley Crest Nursing Home:

Window Cleaning

1. GI Cleaning & Building Maint.	\$4,600.00	Cash Ck
2. PJ’S Window Cleaning	\$4,190.00	Cash Ck
3. K-Pat Karpet	\$4,100.00	Bid Bond

Recreation Department:

(2) Buses for the Summer Program for MH/MR (Moon Lake)

1. Nanticoke Public Service Inc.	\$8,366.00	Cash Ck
2. White Transit School Bus Inc.	\$7,975.00	Cash Ck

Engineer’s Office:

ADA Improvements

1. Panzitta Enterprise Inc.	\$428,100.00	Bid Bond
2. Smith & Smith Gen. Cont.	\$397,300.00	Bid Bond
3. Bognet Inc.	\$106,000.00	Bid Bond
4. Linco Const. Inc.	\$44,900.00	Bid Bond
5. Don Cooper Plumbing & Heating	\$49,700.00	Bid Bond

Luzerne County Convention & Visitors Bureau:

2004 Luzerne County Visitors Guide (Spring/Summer)

1. Seaber Turner Assoc.	Rejected	No Bid Security
2. Graphicolor Corp.	\$12,865.00	Bid Bond
3. Offset Paperback Mfrs.	Rejected	No Bid Security
4. Dodge Graphic Press	\$12,970.00	Cash Ck
5. Unigraphic Color Corp.	\$12,615.00	Cash Ck
6. Times Printing	\$12,800.00	Cash Ck
7. Five Thousand Forms, Inc.	\$13,410.29	Bid Bond

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

HUMAN SERVICE – JOSEPH LOFTUS-VERGARI, DIRECTOR

A MOTION TO APPROVE/RATIFY THE FOLLOWING PERSONNEL ACTIONS:

AGING:

The Resignation of Evelyn O'Hara, Aging Care Manager 2 (ps# 10-G140-L0623-0032) effective March 4, 2004.

CHILDREN & YOUTH:

The Resignation of Jacquelyn Falchek, Social Services Aide 3 (ps# 21-Y740-L0622-0003) effective March 26, 2004.

The Resignation of Kimberly Kaleta, Caseworker 2 (ps# 21-Y740-L0624-0035) effective March 26, 2004.

The Resignation of Jamie MacLunny, Caseworker 2 (ps# 21-Y740-L0624-0037) effective April 1, 2004.

The Resignation of Jeniffer Spindler, Clerk 2 (ps# 21-Y740-L0012-0002) effective April 2, 2004.

The Reclassification of Mary Ritsick to Social Services Aide 2 (ps# 21-Y740-L0621-0002) at an annual salary of \$18,828 effective January 16, 2004.

A Return from Family Medical Leave of Absence for Donna Domiano, Caseworker 2 (ps# 21-Y740-L0624-0017) effective April 1, 2004.

A Return from Family Medical Leave of Absence for Lori Overa, Caseworker 2 (ps# 21-Y740-L0624-0049) effective April 12, 2004.

A Family Medical Leave of Absence for Nicole DePriest, Caseworker 2 (ps# 21-Y740-L0624-0029) effective March 19, 2004.

A Family Medical Leave of Absence for Peter James, Social Services Aide 3 (ps# 21-Y740-L0622-0012) effective March 29, 2004.

The Re-appointment of the following to the Children and Youth Services Advisory Board for a three-year term effective April 1, 2004 through March 31, 2007:

Rev. Janet Clark, Dallas
Mary Ellen Schall, Kingston
Leo Solomon, Wilkes-Barre

Sandra Richardson, Dallas
Debra Searfoss, White Haven
Jack Serafin, Dallas

MENTAL HEALTH/MENTAL RETARDATION:

A Family Medical Leave of Absence for Nancy Welsh, Mental Health Program Specialist 2 (ps# 21-M440-L0752-0002) effective December 10 through December 17, 2003 and December 19 through December 24, 2003.

TRANSPORTATION:

The Resignation of James Burden, Part Time Driver (ps# 86-LWCTD-9202-0063) effective February 5, 2004.

The Appointment of Leonard Hrobak, Wilkes-Barre as a Part Time Driver (ps# 88-LWCTD-9202-0090) at an hourly rate of \$8 effective March 22, 2004.

The Appointment of Shirley Snyder, Kingston as a Part Time Driver (ps# 95-LWCTD-9202-0009) at an hourly rate of \$8 effective March 29, 2004.

HUMAN SERVICES: (cont.)

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

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

<u>PROVIDER</u>	<u>SERVICES</u>	<u>TERM</u>	<u>RATE</u>
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AREA AGENCY ON AGING:

Comfort Keepers Hazleton Office	Personal Care	4/1/04-6/30/04	\$ 5,000
Caring Care	Waiver Personal Care	“ “	\$ 3,500

CHILDREN & YOUTH:

Comprehensive Psychological Srvs.	Psychological Evaluations	1/1/04-6/30/04	\$ 5,000
Concern	Youth in Recovery Foster Care	3/1/04-6/30/04	\$115/day
Beaver County	Children & Youth Software	7/1/03-6/30/04	\$55,075.00
S3 Incorporated	Computer Software	“ “	\$81,256.00

MENTAL HEALTH/MENTAL RETARDATION:

Andres & Yakupcin	2002/2003 Audit	7/1/03-6/30/04	\$47,375
Michael Walling	MR Training & Consulting	“ “	\$ 1,500

DRUG & ALCOHOL:

Approve a resolution authorizing the Luzerne County Commissioners to enter into an agreement with the Pennsylvania Department of Transportation for a “Luzerne County Sobriety Checkpoint and Expanded DUI Enforcement Program” grant in the amount of \$30,873 to be directed by the Luzerne/Wyoming Counties Drug & Alcohol Program and subcontracted to Catholic Social Services.

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

A MOTION TO APPROVE/RATIFY THE FOLLOWING CONTRACT AMENDMENTS FOR THE PROVIDERS, SERVICES, TERMS AND RATES SPECIFIED:

<u>PROVIDER</u>	<u>SERVICES</u>	<u>TERM</u>	<u>RATE</u>	
			<u>FROM</u>	<u>TO</u>

AREA AGENCY ON AGING:

ARN	Personal Care	7/1/03-6/30/04	\$285,000	\$290,000
Associated Family Care	Personal Care	“ “	\$175,000	\$190,000
Bavada	Personal Care	“ “	\$ 15,000	\$ 25,000
CEO	Personal Care	“ “	\$925,000	\$947,000

HUMAN SERVICES: (cont.)

<u>PROVIDER</u>	<u>SERVICES</u>	<u>TERM</u>		<u>RATE</u>	
				<u>FROM</u>	<u>TO</u>
Erwine's	Personal Care	“	“	\$250,000	\$263,000
VNA	Personal Care	“	“	\$600,000	\$607,500
Berwick Day Care	Day Care	“	“	\$ 10,000	\$ 11,500
Community Couns.	Day Care	“	“	\$ 15,000	\$ 17,000
Fritzingertown Day Care	Day Care	“	“	\$ 35,000	\$ 40,400
Riverside Day Care	Day Care	“	“	\$215,000	\$225,000
Keystone Day Care	Day Care	“	“	\$ 65,000	\$ 67,000
Oakwood Day Care	Day Care	“	“	\$ 10,000	\$ 11,500
Allied Attendant Care	Attendant Care	“	“	\$150,000	\$155,000
Personal Care Home Health	Personal Care	“	“	\$ 21,500	\$ 36,500
Caregiver's America	Personal Care	“	“	\$ 39,000	\$ 43,500
Northeast Health and Hospice	Personal Care Home Health	“	“	\$ 22,000	\$ 54,500
Golden Care	Home Health	“	“	\$ 5,000	\$ 12,654

MENTAL HEALTH/MENTAL RETARDATION:

Valley Crest Adult Day Care	MR ADT	7/1/03-6/30/04		\$21,000	\$34,000
Atty. Michael Shucosky	MH Emergency	“	“	\$22,000	\$33,000
Institute for Human Resources	MH/MR Residential	“	“	\$3,875,134	\$3,922,806
Impact Systems, Inc.	MR Residential	“	“	\$3,266,339	\$3,286,739

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

A MOTION TO APPROVE/RATIFY THE FOLLOWING TRAININGS AT A TOTAL COST OF APPROXIMATELY \$4,726:

<u>ATTENDEE</u>	<u>TITLE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>APPROX. COST</u>
<u>AREA AGENCY ON AGING:</u>				
Brenda Lispi	Aging/MR Cross Training	Grantville	4/13-4/14/04	\$150

HUMAN SERVICES: (cont.)

<u>ATTENDEE</u>	<u>TITLE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>APPROX. COST</u>
John Gallagher Joe Giebus Anne Rappaport Mary Lou Zerfoss Norma Zurner	Senior Corps Coordinators Training	Allentown	4/20/04	\$100

CHILDREN & YOUTH:

John Bellino	Current Issues for Child Advocates 2004	Mechanicsburg	3/16/04	\$259
Joan Salla	NASW Legislative Breakfast	Dallas	3/26/04	\$10
Joan Salla	Autism Spectrum Disorders	Scranton	3/22/04	\$22
Nicole Litostansky	Anger Control Made Easy	Scranton	4/19/04	\$162
June Smith Gloria Migatulski Sandra Moosic Judith Omerga JoAnne Meshanski Marcia Barnes	Batterers as Parents	Scranton	4/7/04	\$675
Judith Omerga JoAnne Meshanski	Legal Advocacy	Scranton	5/7/04	\$175
Yurii Lynn Gilby- Sakfa	Strengthening Step- families: A Developmental Approach	Wilkes-Barre	4/30/04	\$80
Joanne Mershanski Judith Omerza	The Over-Indulged Child	Allentown	5/12/04	\$366
Victor Drosey Jim Ferry	Child Welfare Law 2004	State College	4/15/04	\$563

DRUG & ALCOHOL:

Michael Donahue	PACDAA	State College	4/14-4/16/04	\$140
Ralph Gayoski Steven Ross	PACDAA	State College	4/15/04	\$140

MENTAL HEALTH/MENTAL RETARDATION:

Cheryl Casciano Lisa Elgonitis	Alzheimer's Disease Training	Dallas	4/2/04	\$125
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HUMAN SERVICES: (cont.)

<u>ATTENDEE</u>	<u>TITLE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>APPROX. COST</u>
Nancy Welsh Jamie Prapoulenis	Recent Developments in the Treatment of PTSD & Complex Psychological Trauma	Mt Gretna, PA	3/19/04	\$230
Tami Kester Michelle Musto Thomas Kokura	Aging/MR 2004 Cross Systems Training	Grantville	3/12-3/14/04	\$468
Jim Gallagher Judy Kresky Jean Noss Gina Galli Joe Petrizzi	MH/MR PAAP Spring Meeting	York, PA	5/12-5/14/04	\$1,071

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

VALLEY CREST – JAMES MILLER, ADMINISTRATOR

SEPARATIONS

Request a Motion to approve the following separations at Valley Crest:

Kelly Smith 515 Perry Street Nanticoke, Penna.	CNA-3-11	Effective 3/20/04 Resignation
Kelly Dickow 58 Lee Park Avenue Wilkes-Barre, Penna.	CNA-11-7	Effective 3/22/04 Resignation
Robert Simkonis 7 Union Street Inkerman, Penna.	LPN-3-11	Effective 3/27/04 Resignation
Grace Carter HC, Box 23Z-38 White Haven, Penna.	LPN-3-11	Effective 4/1/04 Resignation
Frank Wivell 225 Parke Street W. Pittston, Penna.	Dietary	Effective 3/18/04 Terminated Separation Program
Joanne Carroll 18 Cemetary Road Wapwallopen, Penna.	Dietary	Effective 3/18/04 Terminated Separation Program
Joan E. Kuzma 148 E. Center St. Shavertown, Penna.	Physical Therapy Assistant	Effective 3/18/04 Terminated Separation Program

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

ENGINEERING DEPARTMENT – JAMES J. BROZENA, COUNTY ENGINEER

No Agenda

ROAD AND BRIDGE DEPARTMENT – JOHN J. GLUSHEFSKI, DIRECTOR

Request a Motion to authorize the proper officials to purchase two (2) Hustler Slef Leveling Tractor Mowers in the total amount of \$67,300 from Pennsylvania State Contract Number 2420-01 in accordance with PADEP Grant Number 410001776 with the Luzerne County Flood Protection Authority.

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

PROPERTY AND SUPPLY – WILLIAM P. BURKE, DIRECTOR

Valley Crest

Oxygen Concentrations

Area Agency on Agency

Janitorial Service to the following Senior Centers:

Charles T. Adams Senior Center; Dallas Senior Center; Edwardsville Senior Center; Mountaintop Senior Center; Nanticoke Senior Center; Pittston Senior Center; Plymouth Senior Center; Kingston Senior Center; Wyoming County Senior Center

Register of Wills & Recorder of Deeds

Record Storage Devices
Tops for Shelving Units

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak.
“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to approve the following contracts for the providers for service specified:

Clerk of Courts

This is a State Contract:

“Lease” XEROX DC 265 Digital Copier - 60 months @ \$425.00 per month with a \$500.00 Buyout

XEROX Corporation
1065 Cross Creek Pointe, Suite 303
Wilkes-Barre, PA 18702

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak
“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to approve the following contracts for the providers for service specified:

Valley Crest Nursing Home

Beverages:

Keyco Distributors PO Box 125 Nanticoke, PA	Total Bid: <u>\$9,467.20</u>	7 Items #9,5,16,18,19,20,21
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PROPERTY AND SUPPLY: (cont.)

Shiff's Foods 7 Stauffer Industrial Park Taylor, PA 18517	Total Bid: <u>\$9,143.25</u>	12 Items #1,2,3,4,5,6,7,8,10, 12,22,27
Kareta's Foods 1012 Tuckerton Court Reading, PA 19605	Total Bid: <u>\$6,912.00</u>	11 Items #13,14,24,28,29,30 31,32,33,34,35
Mivila Foods 236 Getty Avenue Paterson, NJ 07503	Total Bid: <u>\$5,956.40</u>	5 Items #11,17,23,25,26

Unsuccessful Bidder: Sysco Food Service \$34,521.40

Ice Cream:

Jack & Jill Ice Cream 101 Commerce Road Moorestown, NJ 08057	Total Bid: <u>\$5,393.39</u>	6 Items #1,2,3,4,5,6
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Bread:

Butter Krust Baking 249 North 11 th Street Sunbury, PA 17801	Total Bid: <u>\$6,214.60</u>	8 Items #1,2,3,7,8,9,13,14
Stoehmann Bakeries 131 Armstrong Road O'Hara Industrial Park Pittston, PA 18640	Total Bid: <u>UU\$1,082.00</u>	3 Items #4,5,6

#10 Reduced Calorie, Sliced, Raisin Bread – No Bid Item
#11 & 12 – Void

Dairy Products:

Keyco Distributors PO Box 125 Nanticoke, PA	Total Bid: <u>\$7,982.50</u>	8 Items #2,3,6,7,9,11,14,15
Mivila Foods 236 Getty Avenue Paterson, NJ 07503	Total Bid: <u>\$5,600.20</u>	7 Items #1,4,5,8,12,13,16

#10 Quiche Mix – No Bid Item

Seafood:

Kareta's Foods 1012 Tuckerton Court Reading, PA 19605	Total Bid: <u>\$4,390.90</u>	4 Items #4,5,6,7
Mivila Foods 236 Getty Avenue Paterson, NJ 07503	Total Bid: <u>\$ 455.00</u>	2 Items #1,3
Keyco Distributors PO Box 125 Nanticoke, PA	Total Bid: <u>\$ 345.00</u>	1 Item #2

PROPERTY AND SUPPLY: (cont.)

Unsuccessful Bidders: Sysco Foods \$11,003.00
 Schiff's Foods \$ 8,132.50

High-Protein Supplements:

Shiff's Foods Total Bid: \$44,885.15 21 Items #1,2,3,4,5,6,7,8,9,10,
 7 Stauffer Industrial Park 11,12,15,16,19,20,
 Taylor, PA 18517 21,23,24,25

Keyco Distributors Total Bid: \$ 732.50 1 Item #18
 PO Box 125
 Nanticoke, PA

Unsuccessful Bidder: Kareta's Foods \$56,069.00

#13 – Juice, Strawberry Kiwi, Nectar Consistency – No Bid Item
 #14 – Juice, Strawberry Kiwi, Honey Consistency – No Bid Item
 #22 – Gelatin, Hydration – No Bid Item

Meat:

Mivila Foods Total Bid: \$17,364.80 13 Items #2,3,4,8,15,16,22,
 236 Getty Avenue 23,24,25,31,32,36
 Paterson, NJ 07503

Keyco Distributors Total Bid: \$ 9,990.55 14 Items #5,6,9,10,12,21,27,
 PO Box 125 28,30,33,34,35,38,
 Nanticoke, PA 42

DW Richards Sons Total Bid: \$ 8,399.30 10 Items #11,14,17,18,20,29,
 701 Rocky Glen Road 40, 41,43
 Avoca, PA 18641 21,23,24,25

Shiff's Foods Total Bid: \$ 7,709.00 5 Items #1,7,13,19,26
 7 Stauffer Industrial Park
 Taylor, PA 18517

#37 – Deli Roast Beef – No Bid Item

Fresh & Frozen Foods:

Keyco Distributors Total Bid: \$16,115.20 32 Items #1,2,4,6,7,8,9,12,13,15,17,
 PO Box 125 18,20,22,23,24,33,38,39,
 Nanticoke, PA 40,41,42,47,52,53,56,58,
 59,60,64,65

Kareta's Foods Total Bid: \$ 5,876.80 16 Items #5,10,11,14,16,19,26,27,29,
 1012 Tuckerton Court 30,31,34,35,44,55,63
 Reading, PA 19605

DW Richards Sons Total Bid: \$ 4,703.25 6 Items #3,32,36,45,46,48
 701 Rocky Glen Road
 Avoca, PA 18641

Shiff's Foods Total Bid: \$ 4,606.40 4 Items #28,43,49,54
 7 Stauffer Industrial Park
 Taylor, PA 18517

Mivila Foods Total Bid: \$ 1,176.25 6 Items #25,37,50,51,57,61
 236 Getty Avenue
 Paterson, NJ 07503

PROPERTY AND SUPPLY: (cont.)

Sysco Foods Total Bid: \$ 505.00 1 Item #62
 3905 Corey Road
 Harrisburg, PA 17109

Groceries & Non-Perishables:

Keyco Distributors Total Bid: \$34,328.54 65 Items #4,6,7,20,25,26,28,34,35,
 PO Box 125 36,37,38,39,46,52,57,58,
 Nanticoke, PA 65,66,68,69,74,75,78,84,
 85,89,101,102,105,108,
 109,110,111,112,113,117,
 118,119,120,123,129,130,
 131,132,133,136,137,138,
 139,140,141,142,145,146,
 147,151,154,156,157,162,
 163,164,166,170

Mivila Foods Total Bid: \$25,512.62 48 Items #18,19,21,23,24,29,32,40,
 226 Getty Avenue 41,42,44,45,48,49,50,54,
 Paterson, NJ 07503 55,56,61,62,63,67,70,71,
 72,73,82,83,87,90,91,92,
 93,98,121,122,124,126,
 134,135,158,159,160,161,
 165,171,172,180

Kareta's Foods Total Bid: \$18,950.98 38 Items #1,2,3,5,8,9,10,11,12,13,14,
 1012 Tuckerton Court 15,30,31,43,47,51,53,76,
 Reading, PA 19605 77,79,86,88,96,97,100,
 103,104,107,127,128,143,
 148,152,155,167,168,169

Sysco Foods Total Bid: \$ 3,563.00 7 Items #33,99,106,144,150,173,182
 3905 Corey Road
 Harrisburg, PA 17109

Shiff's Foods Total Bid: \$ 3,318.80 9 Items #94,125,174,175,176,177,
 7 Staufer Industrial Park 178
 Taylor, PA 18517

Holt Distributors Total Bid: \$ 1,428.00 1 Item #95
 14007 Maple Drive
 Clarkes Summit, PA

Herr's Foods Total Bid: \$ 609.00 1 Item #114
 9 Commerce Road
 Pittston, PA 18640

Lance Inc. Total Bid: \$ 580.00 1 Item #80
 7 Staufer Industrial Park
 Taylor, PA 18517

#16,17,27,59,60,81,115,116,149,153 – VOID
 #64 Tomato Sauce – No Bid Item

Central Supply:

XPEDA Total Bid: \$99,844.80 2 Items: #30,31
 211 House Avenue
 Camp Hill, PA

PROPERTY AND SUPPLY: (cont.)

Dailey Resources Total Bid: \$13,992.50 6 Items: #71,72,73,74,75,76
1214 Wheeler Avenue
Dunmore, PA 18512

Druzak Medical Total Bid: \$ 885.00 1 Item: #32

Unsuccessful Bidders:Medline Industries \$50,660.00
Mercy Surgical \$34,032.60

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepnak.
“AYES” SKREPENAK, VONDERHEID, URBAN

Request a Motion to approve the following contracts for the providers for service specified:

Voter Services:

Delivery & re-Delivery of Voting Machines – April Election Only:

Matheson Transfer Total Bid: \$30,000
157 Welles Street
Forty Fort, PA 18704

Hines Sales Total Bid: \$ 2,578.40 (1st Legislative District)
Po Box 1
Hunlock Creek, PA 18621

Unsuccessful Bidders:AAA Moving \$28,850.00 (1st District)
Robert Ustonofski \$ 5,280.00 (1st District)

It was moved by Commissioner Vonderheid, seconded by Commissioner Urban.
“AYES” SKREPENAK, VONDERHEID, URBAN

PLANNING COMMISSION – ADRIAN F. MEROLLI, DIRECTOR

Request a Motion for rezoning of property for Harry and Brenda Kulp, 133 SR 239, Shickshinny, PA, Union Township, from a Single-family Residence District and a Conservation District to a Highway Business District and a Conservation District to conduct automotive sales with an office in an existing building.

The Luzerne County Planning Commission recommends approval of the above rezoning request.

It was moved by Commissioner Urban, seconded by Commissioner Skrepnak.
“AYES” SKREPENAK, VONDERHEID, URBAN

COMMUNITY DEVELOPMENT – SANDRA RUSSELL, DIRECTOR

No Agenda.

**PERSONNEL – SAMUEL T. GUESTO, COUNTY MANAGER FOR LEGISLATION
AND CHIEF CLERK**

Request a Motion to approve the following Personnel actions:

APPOINTMENTS:

MOON LAKE PARK DEPARTMENT:

Three (3) Office Clerks @ \$5.35 each per hour for 500 hours each.

Christi Ricci, 80 Hill Street, Nanticoke
MaryAnn Kohnevich, 145 Van Loon Street, Plymouth
Kristina Bach, 150 Rothview Avenue, Shickshinny

Three (3) Marina Attendants @ \$5.35 each per hour for 550 hours each.

Nick Norvath, 53 East Avenue, Hunlock Creek
Alex Hillard, 300 Rood Avenue, Harveys Lake
Rich Frank, 170 Oak Street, Wilkes-Barre

Two (2) Bathhouse Attendants @ \$5.35 each per hour for 400 hours each.

Nicole Gilroy, 67 West Union Street, Nanticoke
Kathryn Powell, 181 South Main Street, Hanover Township

One (1) Security @ \$6.30 per hour for 2065 hours.

Brian Defluri, 157 Tomhicken Road, Sugarloaf

One (1) Security/Maintenance/Seven Tubs @ \$6.30 per hour for 500 hours

Francis Rothenbecker, Lot 274, Heather Highlands, Pittston

One (1) Park Naturalist @ \$6.55 per hour for 500 hours

Alice Bohunko, 14 East Main Road, Wilkes-Barre

One (1) Naturalist Assistant @\$5.35 per hour for 450 hours

Andrew Fedor, 3 Mill Creek Road, Wilkes-Barre

Four (4) Maintenance @ \$5.35 each per hour for 500 hours each

Karen Fenstermacher, 412 West 4th Street, Berwick
Eric Alber, 16q Main Street, Mocanaqua
Michael Rogers, 66 Mercedes Drive, Wilkes-Barre
Dominic Lockavich, 263 Gray Road, Hunlock Creek

One (1) Lifeguard @ \$7.50 per hour for 600 hours

Catherine Roberts, 207 Summit Street, Edwardsville

Ten (10) Lifeguards @\$6.50 each per hour for 500 hours each

Brian Najaka, 20 Third Street, Newport Twp.
Dan Roper, 58 South Landon Avenue, Kingston
Sean Hogan, 181 Orchard Street, Plymouth
Kyle Flynn, 111 White Oak Drive, Hunlock Creek
Robert Wentz, 112 West South Street, Nanticoke
Dominic Toback, 376 East Ridge Street, Nanticoke
Erin Lehman, 153 South Maple Avenue, Kingston
Megan Redenski, 96 Newport Avenue, Alden
Shanna Allen, P.O. Box 153, Hunlock Creek
Alaric Eby, 394 Elmcrest Drive, Dallas

All of the above effective date April 9, 2004

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepentak
“AYES” SKREPENAK, VONDERHEID, URBAN

PERSONNEL: (cont.)

ENVIRONMENTAL SPECIAL PROJECTS

Two (2) Larviciding Techs @ \$11.00 per hour each for approximately 1800 hours. Effective April 7, 2004.

Joseph Horan, 35 Washington Terrace, Pittston
Donald Flynn, 23 Lehigh Ct., Summit Place, Wilkes-Barre

Two (2) Larviciding Techs @ \$9.00 per hour each for approximately 1800 hours. Effective April 7, 2004.

Marcy Broden, 280 Valley View Drive, Plymouth
Michael Lubianetsky, R.R. #1, Box 234C, Taft Avenue, Harding

The above individuals will be working from April through October, 2004 and working under West Nile Virus State Grant Program

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak
“AYES” SKREPENAK, VONDERHEID, URBAN

RESIGNATIONS:

DEPARTMENT OF PROPERTY AND SUPPLY

Michael Levandowski, P.O. Box 1635, Plains, Supply Clerk, Effective April 2, 2004.

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

TERMINATIONS:

LUZERNE COUNTY 9-1-1

Norbert O'Donnell, 493 Prichard Road, Hunlock Creek, Executive Director @\$63,250.00 per annum. Effective April 2, 2004.

Ronald Rome, 1009 Wyoming Avenue, Exeter, Quality Assurance Officer @ 33,150.00 per annum. Effective April 2, 2004.

Sandra Sabatini, 301 Owen Street, Swoyersville, Telecommunicator @\$22,500.00 per annum. Effective April 2, 2004.

DEPARTMENT OF VOTER SERVICES

Kevin Jordan, 208 Buttercup Court, Exeter, Director @ \$39,750.00 per annum. Effective April 2, 2004.

It was moved by Commissioner Vonderheid, seconded by Commissioner Skrepenak
“AYES” SKREPENAK, VONDERHEID, URBAN

MEDIA

Jennifer Learn-Andes, the Times Leader, questioned whether all the summer jobs were advertised. Commissioner Vonderheid confirmed that all jobs were advertised in all three papers and on the PA CareerLink.

Commissioner Urban commented that what he would like to see for all per diem salaries and for all the employees in the County is once the Salary board approves a position, that there be a table of authorization created by the department outlining the full and part-time, type of positions and titles.

MEDIA: (cont.)

James Comny, Citizens' Voice, questioned the Severance Pay Policy and its relevance to the Valley Crest Voluntary Layoff Program. Commissioner Vonderheid responded there were terms of the Severance offering made and those terms have to remain consistent for the separation of non-union employees who are leaving and are not part of the Voluntary Separation Program. The February 18th motion will govern. Commissioner Urban responded that what was clarified today. The February 18th motion also includes severance pay, which is for managers, is longer authorized including sick pay and vacation time effective from that day forward. If it were paid, he would highly recommend that a letter be sent recouping the payment.

COMMISSIONER'S COMMENTS

Executive Sessions held on March 3, 2004 for Contract Negotiations and Litigation, April 2, 2004 for Personnel issues and April 5th following the Work Session for Personnel issues .

Commissioner Urban opened the floor to questions. There were no questions.

Commissioner Vonderheid publicly acknowledged the efforts of the Salvadore Diaz, Chief of Budget and Finance and his work with Mr. Guesto to ensure Luzerne County comes to a point of real fiscal accountability. Mr. Diaz is working diligently to do that including the payment of the ARC last week.

Commissioner Skrepenak applauded the efforts of Mr. Diaz, noting to date, the County will be current in all bills and is not in jeopardy for losing standing. He recognized Sandy Russell, Director of Community Development; the numbers are spectacular with what is accomplished in her Department. Commissioner Skrepenak further commented things are progressing; our Policies will be adopted at our next meeting. He publicly invited Mr. Goodwin to set up an appointment with his assistant to discuss their differences and what both would like to see done. He reminded Ms. Kamp that if she needed a parking spot when coming to the Commissioner meetings to notify him and he would notify the appropriate people so that she could utilize his parking spot.

A Motion was entertained to adjourn the Commissioners' Meeting.

It was moved by Commissioner Urban, seconded by Commissioner Vonderheid.

“AYES” SKREPENAK, VONDERHEID, URBAN

Respectfully,



Patricia Wilk, Recording Secretary