

NOVEMBER 26, 2008

On the above date at 10:00 A.M., the Luzerne County Board of Commissioners convened their regularly scheduled meeting with the following present: Maryanne Petrilla, Chairman; Gregory Skrepenak, Commissioner; Stephen Urban, Commissioner; Douglas Pape, Chief Clerk/County Manager; James Blaum, County Solicitor; Tom Pribula, Chief of Budget and Finance; Michael Morreale, Treasurer; Anthony J. Martinelli, Acting Controller; Joseph DeVizia, Director of Human Services; Gregory Hunsinger, Director of Purchasing; Joseph Gibbons, Engineer; Adrian Merolli, Planning Commission.

Maryanne Petrilla called the meeting to order and asked everyone to join in saying the Pledge of Allegiance. Commissioner Petrilla asked for a moment of silence to give thanks.

It is noted that all meetings are electronically recorded.

BID OPENINGS: No Bids

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

An Executive Session was held on Tuesday, November 25th, 2008 to discuss Personnel Issues.

PUBLIC COMMENT:

Commissioner Petrilla stated that public comment would be held to 10 minutes.

Wil Toole of Pittston voiced his concerns on the county borrowing money and using it for community development projects. Mr. Toole provided comment in regard to the reassessment process. Mr. Toole felt that the process was an effort to wear down the taxpayers of Luzerne County. Mr. Toole recommended that the taxpayer be required to obtain a certified appraisal which would be used to value their property. Mr. Toole provided comment on the revenue opportunities available through the tax sales. Mr. Toole stated that the county should look to sell the Valley Crest property, Moon Lake Park and the Forty Fort Airport. Mr. Toole commented on the open position of Controller since Commissioner Petrilla took office. Mr. Toole stated that the commissioners should not vote to balance a budget on the backs of their employees. Mr. Toole stated the last time there were layoffs county service was interrupted and the taxpayers were the ones who suffered.

Audrey Simpson of Shavertown commented on the reassessment process. Ms. Simpson questioned if the county had received the report from the company hired to oversee 21st Century and their work. Tony Alu replied that the report would not be complete until all the values were mailed. Mr. Alu stated that it would probably be sometime in January. Ms. Simpson requested that the formula used to calculate values in different neighborhoods be released to the public so the people can see the real story.

Walter Griffith of Wilkes Barre voiced his concerns over the county lending money to Al Boscov. Mr. Griffith provided comment on the reassessment process regarding the mediation. Mr. Griffith applauded the people who worked on the budget. Mr. Griffith requested that the budget be available sooner to the public so the taxpayers can review it and provide comments on it.

Tony Brooks from the Luzerne County Historical Society presented the commissioners with 2009 calendars that featured the Luzerne County Court House.

Bob Reilly began by commending the commissioners for loaning Al Boscov the \$3 million dollars. Mr. Reilly stated the kindness they showed to Boscov's was not being bestowed to the county workforce. Mr. Reilly stated that he hoped the commissioners would have found a way to make it happen for their own employees. Mr. Reilly commented on potential revenues the commissioners should be looking at as well as different ways to save money. Mr. Reilly stated that he agreed with Commissioner Skrepenak in regard to a real tree in the Court House, however under the circumstances it won't be a joyous occasion for the employees.

Carl Romanelli said a few words to commemorate the life of Harold Phoenix Sr. who passed away. Mr. Romanelli stated as we go into the holiday season we should think of the Phoenix's and families like them who make our lives and communities richer.

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COMMUNICATIONS – DOUGLAS A. PAPE

Discuss: KOZ Expansion Request

Kevin O'Donnell presented a progress report on the Can Do KOZ-KOEZ sites.

Doug Pape asked the Budget Director, Tom Pribula, to provide an over view of the budgets.

Mr. Pribula stated that the county has a balanced budget of \$130,037,822 which was a drop of 11 ½ % versus the 2008 adopted budget. Mr. Pribula stated that the budget initially dropped 18% until the ARC payment came in higher than what was expected. Mr. Pribula stated that the biggest item there was to look at a bond or borrowing again in the later part of 2009 to fill in the gap to contribute to the ARC or any other difference of about \$18.8 million dollars. Mr. Pribula stated that the reassessment would give the county the ability to raise the millage by 10%, which equates to .385 mills, which would be \$7 million dollars. Mr. Pribula stated that it also included a proposed levy tax for individuals who are protected by the levee system. Mr. Pribula stated that this reconciled the balance as to where they were getting their revenues of \$130 million. Mr. Pribula stated that these were optimistic yet conservative numbers so the county is not scrambling and looking for funds next year.

Commissioner Petrilla commented that everyone questions their decision making. She stated if they were at the work sessions and meetings they would see the countless hours spent looking to generate revenue and the painstaking decisions that have to be made to comply with the law and have a balanced budget. Commissioner Petrilla congratulated everyone for the many hours of working so hard and not giving up with this difficult process.

MOTION

Proposed Budget 2009

Request a Motion to accept the first reading of the Proposed 2009 Budget.

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

MOTION

Proposed Liquid Fuels Budget 2009

Request a Motion to accept the first reading of the Proposed 2009 Liquid Fuels Budget.

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

MOTION

Budget Transfer

Request a Motion to approve a 2008 General Fund Budget Transfer of \$8,000.00 from the Courts (4184) to the Magistrates (4186).

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

MOTION

Budget Transfer

Request a Motion to approve a 2008 Hazardous Material Emergency Response Fund (Fund 460) money transfer of \$6,000.00 to the General Fund (Fund 100) Emergency Management.

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

MOTION

2009 Tax Anticipation Note (“TAN”) - RFP

Request a motion to advertise a Request for Proposal for Luzerne County’s Tax Revenue Anticipation Note on borrowing for the year 2009 in an amount not to exceed \$20,000,000.

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

MOTION

Fiber Optic Cabling Between Children & Youth Services’ Office Buildings

Request a Motion of the Luzerne County Board of Commissioners to advertise for installation of fiber optic cabling between the three (3) C&YS facilities in Wilkes-Barre (i.e. 111 N. Penn Ave., 85 E. Union St. and 93-95 N. State St.). The fiber will be used for computer and telephone network connectivity between offices instead of telecommunications provider services that involve recurring fees.

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

MOTION

Resolution /Exemption of Real Property Taxes - KOEZ

Request a Motion to adopt a Resolution authorizing exemption of real property taxes within a specific geographic area in the City of Wilkes-Barre, Luzerne County, Commonwealth of Pennsylvania designated as a Keystone Opportunity Expansion Zone (KOEZ) as appropriate for the contiguous zone, in order to foster economic opportunities, stimulate industrial, commercial and residential improvements and prevent physical and infrastructure deterioration within the designated areas of Luzerne County, Commonwealth of Pennsylvania, upon certain terms and conditions.

Doug Pape stated that this KOZ item was approved on a previous agenda; however it needed to be adopted as a resolution.

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

END OF COMMUNICATIONS

DEPARTMENT HEAD REPORTS

PLANNING COMMISSION – ADRIAN MEROLLI, DIRECTOR (Appendix Page 6 - 8)

MOTION - (Appendix Page 6 – 7)

Request a Motion to approve a revised Section 9.02 Schedule of Fees of the Luzerne County Zoning Ordinance, as attached, effective January 1, 2009.

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

MOTION – (Appendix Page 8)

Request a Motion to approve a revised Section 7.11 Fees of the Luzerne County Subdivision/Land Development Ordinance, as attached effective January 1, 2009.

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

MOTION

Request a Motion to approve the annual interagency agreement between the County of Luzerne and the Luzerne County Transportation Authority for Fiscal Year 2008-09. This agreement will provide \$ 14,780 in Federal funds to the Authority and have no budgetary effect on the County.

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

MOTION

Request a Motion to adopt an official zoning map for Laflin Borough and incorporate it into the Luzerne County Zoning Ordinance which will now have zoning jurisdiction over the properties in the Borough.

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

COMMUNITY DEVELOPMENT – ANDY REILLY, DIRECTOR

MOTION

Request a Motion approving the following activities through the County’s Economic Development Program(s):

BOSCOV'S NEWCO – \$3,000,000 bridge loan to assist in the \$320 million financing package for the purchase of the Boscov's Department Store Chain. County funds will be repaid by 5/31/09, at an interest rate of six points over the prime rate and include an administrative fee.

Commissioner Skrepenak asked Mr. Reilly to explain how this will work. Mr. Reilly explained that this was a bridge loan to get Boscovs to their permanent financing which would be wrapped up by May 31, 2009. He stated that they were taking the funds from the Economic Development Revolving Loan Fund. He stated in this instance the funds would be used to retain jobs in the Hazleton and Wilkes Barre stores in which three hundred people are currently employed. He stated that they fully expected the loan to be paid back by May 31st so no other project would be jeopardized.

Commissioner Skrepenak questioned if the state and municipalities were participating in this financing. Mr. Reilly responded both the state, Wilkes Barre City, Scranton City, and other municipalities who have stores in there area would be participating.

Commissioner Petrilla questioned if there was any collateral. Mr. Reilly responded yes, the county would be in second lien position on the inventory for the store. He stated that they were assured there was enough equity. Mr. Reilly stated in the event they were unable to pay the county would not be responsible for paying anything back, He stated that this was not a Section 108 loan like some of the other communities were doing.

Commissioner Urban commented that he spoke personally with Al Boscov. Commissioner Urban stated that Mr. Boscov provided him with the details on the banks he had lined up to do the financing. Commissioner Urban stated that this was just a bridge loan in order to get him to the point where the banks will lend him the money. He stated that it was indicated to him that the collateral was there and that the loan would be paid off in sixty to ninety days. Commissioner Urban stated six years ago the county helped the Redevelopment Authority with the same type of loan. Commissioner Urban stated last December Commissioner Skrepenak and Tucker gave \$1 million from the Community Development Loan Fund to the Wilkes Barre Chamber. Commissioner Urban stated that these funds were set aside years ago to create and retain jobs in the area. Commissioner Urban stated that he spoke to Mr. Reilly about looking at the Community Development Loan Portfolio and putting a policy in place in which the public will know it exists for job retention.

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

PURCHASING DEPARTMENT – GREGORY HUNSINGER, DIRECTOR

MOTION

REQUEST A MOTION TO ADVERTISE FOR BIDS:

SOLID WASTE MANAGEMENT: Trash Removal and Recycling Services

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

END OF DEPARTMENT HEADS

Commissioner Skrepenak stated that this was the last meeting for County Solicitor, James Blaum. Commissioner Skrepenak thanked Mr. Blaum for his dedicated service to the county. Commissioner Skrepenak stated Mr. Blaum was an asset to Luzerne County as well as a dear friend. Commissioner Skrepenak wished everyone a very Happy Thanksgiving.

Commissioner Petrilla thanked Mr. Blaum for his service, dedication, and friendship. Commissioner Petrilla wished everyone a Happy Holiday Season.

Commissioner Urban thanked Mr. Blaum for his service.

MOTION TO ADJOURN:

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

Respectively submitted,

A handwritten signature in cursive script that reads "Jennifer Thomas". The signature is written in black ink and is positioned above the printed name.

Jennifer Thomas, Recording Secretary

APPENDIX SHEET