

DECEMBER 23, 2008

On the above date at 10:00 A.M., the Luzerne County Board of Commissioners convened a Special Commissioners' Meeting with the following present: Maryanne Petrilla, Chairman; Gregory Skrepenak, Commissioner; Stephen Urban, Commissioner; Douglas Pape, Chief Clerk/County Manager; Vito DeLuca, County Solicitor; Tom Pribula, Chief of Budget and Finance; Michael Morreale, Treasurer; Anthony J. Martinelli, Acting Controller; Joseph DeVizia, Director of Human Services; Andy Reilly, Community Development, Gregory Hunsinger, Director of Purchasing; Joseph Gibbons, Engineer

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

It is noted that all meetings are electronically recorded.

The Commissioners went into an executive session to discuss pending litigation

Commissioner Petrilla reconvened the meeting of December 23, 2008. Commissioner Petrilla stated that pending litigation was discussed during the Executive Session.

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

None

RECOGNITIONS:.....**Jason Jarecki**
Communications Director

None

PUBLIC COMMENT:

Theresa Morcavage questioned if the injunction is granted will it have any further impact on the AFSCME union members with more layoffs. Commissioner Petrilla responded that unfortunately it would because the county is at a position in the budget where there is only \$129 million dollars. She stated that the county has borrowed to its capacity, and has raised taxes as much as the law will allow. She stated that in the event the county cannot make the \$1.9 million in cuts in the courts, which is a proportional share that they thought was fairly distributed amongst all the county departments, then that would equate to about 56/58 more positions that would have to be laid off in departments other than the courts.

Ms. Morcavage asked when this would happen. Commissioner Petrilla responded that they were hoping for a resolution in this matter as soon as possible. She stated that they were just asking for cooperation. She stated everyone was treated fairly and she hoped for a positive outcome so other county departments don't have to be affected anymore than they have been.

Ms. Morcavage stated that she was concerned that the AFSCME union members will have the greatest impact. Commissioner Petrilla responded that they felt they were being as fair as possible. She stated that the courts were not part of a layoff in 2004. She stated that they felt for the county to move forward and compound the savings year after year, this was necessary. She stated that if they were not successful in this case they will need to find \$1.9 million dollars through personnel cuts in other departments.

Ms. Morcavage questioned if an appeal would be done. Commissioner Petrilla responded that she believed it was necessary to fight this through to the end. She stated that if the county is to recover financially these cuts need to be made.

Commissioner Urban questioned if the order stated that the courts wanted exactly what they received last year plus raises. Vito DeLuca responded that the courts position was that the budget in 2008 was a certain dollar figure that was agreed upon by the administration so that number was necessary to run the courts. Mr. DeLuca stated that some parts of the injunction were vague. He stated that they were basically asking that no furloughs be given to any court employee and that the county not pass a budget that include reductions from the 2008 budget numbers for the court system.

Commissioner Urban provided comment on hand towels being delivered to the courts.

Vito DeLuca stated that the county was requesting that the Supreme Court exercise jurisdiction to short circuit the appeal process, which can go on forever. He stated that the matter would begin and end in the Supreme Court.

| | |
|--|---|
| COMMUNICATIONS – DOUGLAS A. PAPE, COUNTY MANAGER/CHIEF CLERK | 4 |
| Budget Transfer..... | 4 |
| Huber Breaker Project..... | 4 |
| Communications Network Equipment Maintenance | 4 |
| Reed Smith – Special Counsel (Appendix Page 8 thru 13) | 4 |
| Tax Refund /Assessment Appeals Office | 5 |
| Workers’ Compensation Claims Management & Third Party Administration..... | 5 |
| Luzerne County 457 Deferred Compensation Plan | 5 |
| Workers’ Compensation and Safety Health Services | 5 |
| Insurance Policies Renewal – Public Officials & Employment Practices Liability | 5 |
| Insurance Policies Renewal – Equipment Breakdown/Boiler & Machinery | 6 |
| Insurance Policy Renewal – Specific Excess Workers Compensation..... | 6 |
| Insurance Policies | 6 |
| DEPARTMENT HEAD REPORTS | 7 |
| ENGINEER’S OFFICE – JOSEPH GIBBONS, ENGINEER..... | 7 |
| PERSONNEL..... | 8 |

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

MOTION

Budget Transfer

Request a Motion to approve a 2008 General Fund Budget transfer of \$10,000.00 from the courts (4184) to the Magistrates (4186).

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

MOTION

Huber Breaker Project

Request a Motion to Authorize a State of Emergency that is necessary to obtain certified appraisal services for the Huber Breaker Project.

Commissioner Urban requested a motion to table pending guidance from the County Solicitor.

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

MOTION

Communications Network Equipment Maintenance

Request a Motion of the Luzerne County Board of Commissioners to advertise for a one (1) year maintenance contract for the various Cisco network communications devices that are used throughout the County’s computer network. The one year maintenance contract will cover repair services and parts replacement.

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

MOTION

Reed Smith – Special Counsel (Appendix Page 8 thru 13)

Request a Motion to ratify the hiring of Reed Smith as special counsel pursuant to the terms outlined in the Engagement Letter executed December, 2008.

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

MOTION

Tax Refund /Assessment Appeals Office

Request a Motion to approve the following refund through the Assessment Appeals Office:

Name: Arnone Russell and Mildred
Address: 165 Westminster Road
Wilkes-Barre, PA 18702

Property Location: 165 Westminster Road, Jenkins Township
Amount Due: \$79.35

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

MOTION

Workers’ Compensation Claims Management & Third Party Administration

Request a Motion of the Luzerne County Board of Commissioners to accept the proposal for Workers’ Compensation Claims Management & Third Party Administration with Excalibur Insurance Management Services. The agreement is for three years effective January 1, 2009 at a cost of \$48,000 per annum.

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

MOTION

Luzerne County 457 Deferred Compensation Plan

Request a Motion of the Luzerne County Board of Commissioners to accept the proposal for the 457 Deferred Compensation Plan with ASCO Financial for a period of one year with the optional four year renewal based on Solicitor’s review and approval effective January 1, 2009.

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

MOTION

Workers’ Compensation and Safety Health Services

Request a Motion of the Luzerne County Board of Commissioners to accept the proposal for Workers’ Compensation and Safety Health Services with High Safety Consulting Services for a period of one year effective January 1, 2009 at a cost of \$800.00 per month.

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

MOTION

Insurance Policies Renewal – Public Officials & Employment Practices Liability

Request a Motion to approve National Union Fire Insurance Company of Pittsburgh, PA as Public Officials & Employment Practices Liability Insurance provider for a total of \$251,316.00, effective December 31, 2008 to December 31, 2009 through Joseph J. Joyce Associates, Inc.

Commissioner Skrepenak requested that the process be explained. Doug Pape stated that the first three were option years. Michele Sparich commented that the insurances had been RFP’d two years ago and these were

a third option renewal. Mrs. Sparich stated that all other insurances had been RFP'd back in October as a separate item for each.

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

MOTION

Insurance Policies Renewal – Equipment Breakdown/Boiler & Machinery

Request a Motion to approve Chubb Insurance Group (Federal Insurance Company) as Equipment Breakdown/Boiler & Machinery Insurance provider for a total of \$13,874.00, effective January 1, 2009 to January 1, 2010 through Joseph J. Joyce Associates, Inc.

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

MOTION

Insurance Policy Renewal – Specific Excess Workers Compensation

Request a Motion to approve Midwest Employers Casualty Company as Specific Excess Workers Compensation Insurance provider for a total of \$86,601.00, effective January 1, 2009 to January 1, 2010 through Joseph J. Joyce Associates, Inc.

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

MOTION

Insurance Policies

Request a motion to approve the following Insurance Policies, effective January 1, 2009 to December 31, 2009 through Eastern Insurance.

| | | |
|----------------------------|-----------|------------------|
| Insurance Company: | Travelers | |
| Property: | | \$117,498 |
| Inland Marine: | | \$ 26,921 |
| General Liability: | | \$153,500 |
| Automobile: | | \$154,706 |
| Crime: | | \$ 5,460 |
| Faithful Performance Bond: | | Included |
| Umbrella (\$5,000,000) | | <u>\$ 66,282</u> |
| | Total | \$524,367 |

NOTE: The above policy premiums exclude Terrorism coverage.

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

Request a motion to authorize proper county officials to issue furlough notices to positions that will not be funded in the 2009 budget.

| Department | Positions | Salary Amount |
|--------------------|-----------|---------------|
| Assessment | 1 | \$36,176.40 |
| Building & Grounds | 4 | \$89,280.69 |
| Clerk of Courts | 3 | \$60,500.00 |
| Commissioners | 3 | \$108,295.02 |
| Controllers | 1 | \$29,000.00 |
| District Attorney | 4 | \$78,700.00 |
| Moon Lake | 4 | \$112,800.00 |
| Planning & Zoning | 1 | \$20,216.00 |
| Prothonotary | 1 | \$18,449.92 |
| Purchasing | 1 | \$33,948.80 |
| Recorder of Deeds | 1 | \$19,800.00 |
| Sheriff | 3 | \$65,900.00 |

It was moved by Commissioner Urban, seconded by Commissioner Petrilla with sincere regret

“AYES” PETRILLA, URBAN “NAY” SKREPENAK

END OF COMMUNICATIONS

DEPARTMENT HEAD REPORTS

ENGINEER’S OFFICE – JOSEPH GIBBONS, ENGINEER

MOTION

Request a Motion to Ratify the December 22, 2008 applications to decrease the encumbrance of Liquid Fuels Tax Funds for the following Luzerne County Projects:

- Project No. 06-40-000-03 Revision No. 3 (\$854.23)
- Project No. 06-40-000-04 Revision No. 1 (\$103,383.14)
- Project No. 07-40-000-02 Revision No. 1 (\$391,610.27)

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

MOTION

Request a Motion to Ratify the December 22, 2008 applications to increase the encumbrance of Liquid Fuels Tax Funds for the following Luzerne County Projects:

- PROJECT NO. 06-40-000-01 REVISION NO. 1 \$200,000.00

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

END OF DEPARTMENT HEAD REPORTS

PERSONNEL

DECEMBER 23, 2008

REQUEST A MOTION TO APPROVE THE FOLLOWING APPOINTMENTS AT:

CHILDREN & YOUTH:

The Appointment of the following as Caseworker 2's, at an annual salary of \$30,869, effective January 9, 2009:

Mark Landi, Hanover Twp., effective January 9, 2009
Dawn McQuiston, Edwardsville, effective January 9, 2009
Cathy Lamm, Hazleton, effective, January 9, 2009
Amy Allardyce, Shavertown, effective, January 9, 2009
Lauren Cornelius, Nescopeck, effective, January 9, 2009
Daniko Fosko, Dallas, effective, January 9, 2009
Melinda Larson, West Pittston, effective, January 9, 2009
Kristi Hartman, Stillwater, effective, January 9, 2009
Marion Hilleary, West Pittston, effective, February 6, 2009

MENTAL HEALTH/MENTAL RETARDATION:

Eric Sepela, Drums, as a Distributed Systems Specialist 2, at an annual salary of \$39,398, effective January 16, 2009.

WORKFORCE INVESTMENT DEVELOPMENT AGENCY:

Cindy J. Vecchio, Edwardsville, as a Customer Support Specialist, at an annual salary of \$19,500, effective January 1, 2009 to fill a vacancy.

Devoratt (Deborah) Martinez, Wilkes-Barre, as a Customer Support Specialist, at an annual salary of \$19,500, effective January 1, 2009 to fill a vacancy.

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

REQUEST A MOTION TO APPROVE THE FOLLOWING RECLASSIFICATION AT:

CHILDREN & YOUTH:

Alissa Krull, to Caseworker 2, at an annual salary of \$30,869, effective January 9, 2009.

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

REQUEST A MOTION TO APPROVE THE FOLLOWING INVOLUNTARY TRANSFER:

VETERAN AFFAIRS OFFICE:

Sharon Roke, from the Building & Grounds Department to Veteran Affairs Department, as a Clerk Typist I with no change in salary, effective January 1, 2009.

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

REQUEST A MOTION TO APPROVE THE FOLLOWING RESIGNATION AT:

BUREAU OF ELECTIONS:

Mary K. Dysleski, Deputy Director of Election Bureau, effective, December 31, 2008.

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

REQUEST A MOTION TO APPROVE THE FOLLOWING TERMINATION:

BUILDING & GROUNDS DEPARTMENT:

Margaret Rovine, Custodian, effective, December 19, 2008.

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

END OF PERSONNEL

Request a motion to recess the December 23, 2008 meeting until December 30, 2008 at 10:00 A.M.

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

Respectively submitted,



Jennifer Thomas, Recording Secretary

