

**JANUARY 29, 2010**

On the above date at 9:30 A.M., the Luzerne County Board of Commissioners convened a meeting with the following present: Maryanne Petrilla, Chairman; Thomas P. Cooney, Commissioner; Stephen Urban, Commissioner; Douglas Pape, Chief Clerk/County Manager; Vito DeLuca, County Solicitor; Joan Pusateri, Deputy Chief of Budget and Finance; Dominic DePolo, Deputy Treasurer; Walter Griffith, Controller, Joseph DeVizia, Human Services; Joseph Gibbons, County Engineer; Andrew Reilly, Office of Community Development; Frank Pugliese, Jr., Director of Purchasing; Adrian Merolli, Planning Commission.

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

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

No Announcements

**RECOGNITIONS:.....Maryanne C. Petrilla**

No Recognitions

**PUBLIC COMMENT:**

**JOHN NEUMAN – Dallas**

I want to thank you for the opportunity of addressing the Board. I also addressed the Board on December 31<sup>st</sup> in opposition to the tax increase. Since then I've done some research on the numbers, particularly the assessed value property evaluation in the County. And it leads to a very important question...Where is the revenue? Assessed evaluation in 2009 was \$23.1 Billion. Assessed evaluation in 2010 is \$22.6 Billion for a loss of \$511.8 million. So reassessment has taken us from \$23 Billion to \$22.5 Billion. Now, I live in Dallas Township and this number (from a Freedom of Information form) for property evaluation has increased by \$114.6 Million. increased. So my question is...have the other 66 municipalities in Luzerne County collectively lost \$397 Million? Have they lost it? Where is the revenue? Why is this happening? Now, I can tell you on August 20, 2008 that LCCC with the Assessment Meeting was held, many said...drop the reassessment. It's not going to work. Period. Here is the perfect proof that it isn't going to work. There have been many appeals and I know you are in litigation right now and can't comment on it, but this reassessment at this point in time has cost us \$511 Million and I don't want to say, I told you so, but I am going to say...I told you so... Now a couple other things---in examining the adopted budget---well let me back up---in 2009 based on \$23 Billion of property value at 4.5 mileage rate should have generated \$104.7 Million. Yet you only budgeted \$75.3. So are you telling me that the collection in only 72%? That's what it says. Now, I understand that was the budget, but what were the final numbers? We never hear the final numbers. We never hear what the end of year numbers are and I believe that they should be made public. Did we only collect 72% of our tax base? Commissioner Petrilla, you are shaking your head no...I will give you an opportunity to answer...

**COMMISSIONER PETRILLA**

It would be difficult for me to pull the numbers out of my head right now. Obviously we would be more than happy to sit down with you and explain where we get our numbers...

**NEUMAN**

Well, I'm getting the numbers directly off the website.

**COMMISSIONER PETRILLA**

Joan could give you a quick answer....

**NEUMAN**

I'm just making points, but again if we got to the 2010 Adopted budget at 4.9882 and add your base of \$22 Billion that should generate \$127.7 Million. But you only budgeted \$83 Million or a slightly increased collection rate of 73%. So again, there are some extreme gaps in the numbers. That's \$19 Million---where's the revenue? That's the question that needs to be answered before the magic February date. Liquid fuels according to your website expenses are \$531K over revenue. You are already in the hole on liquid fuels.

**JOAN PUSATERI**

No that's not true because it's your cash on hand plus revenue that equals expenses.

**NEUMAN**

But it doesn't say that...

**PUSATERI**

Well, because in the budget it presents revenue and expenditures and cash on hand is a balance sheet account which as part of your general ledger but it isn't revenue because you've already taken it in from a prior year.

**NEUMAN**

So in other words...

**JOE GIBBONS**

I would like to address this...in order to pave one inch of roadway it's about ¼ of a million dollars. So what we need to do is to bank and store money in order to do one roadway over several years because it's not enough money we get from the state through the Liquid Fuel Fund.

**NEUMAN**

In my experience with Budgets over 17 years in a high management position with the US Government, budgets have to balance. It doesn't say that on your website. Maybe in your world it says it does, but in other worlds it doesn't balance. When expenses are higher than revenue, that's not balanced.

**COMMISSIONER PETRILLA**

Mr. Neuman, we would be more than happy to sit down and discuss with you and address your questions....

**NEUMAN**

Can I make just a few more comments?

**COMMISSIONER PETRILLA**

Of course...

**NEUMAN**

Again I have to question why on your website there are no expenses listed. You list revenue, liquid fuel revenue, liquid fuel expenses, but you do not list general fund expenses for 2010 or 2009. And perhaps they should be. My conclusion after looking at these numbers...reassessment by 21<sup>st</sup> Century hurt more than it helped because of their over-evaluation of properties. They didn't do the job they were supposed to do. We came back with all the appeals and we end up losing \$511 Million. The appeals that were processed after October 31, 2008 certainly jeopardized the tax base. That's evidenced by the numbers. Thank you. And hopefully the appeals will not cost the county an excessive amount. If the collection rate was raised to 82% it would generate an additional \$19 Million and negate any millage increase for 2010. If you can find the money, and the money should be there, you can probably avoid the 10% plus whatever you are going to add on today. Go look for it...I implore you to go look for it.

**PUSATERI**

If I may pose a question...are you looking at total assessed or tax assessed value?

**NEUMAN**

I am looking at the numbers that I got from the Assessors office.

**COMMISSIONER URBAN**

Joan, we've got to look in detail at what Mr. Neuman said and on the revenue side, we've got to provide a detail of everything to the public. Number one...what is the assessed value of this county? Tony has the numbers on how much of that assessed value is included in KOZ's and deduct that to show how much is going out in KOZ's. Number two...are we using a revenue number that is too low---are the collection rates too low? Maybe they are. Maybe on the other hand the rate that we are receiving is because of the economy. People aren't paying their taxes because they just don't have it. And that's another indication why this has to be looked at. These numbers have to be examined in detail before the final budget is brought to this Board. I support your efforts and can you make a copy of your numbers for us and leave them with all 3 Commissioners and Joan.

**NEUMAN**

Thank you.

**PAUL UNGVARSKY:**

The paper has stated the county spends \$100,000 a year for storage at the Thomas C. Thomas Building. Comment/question, what's wrong with the old juvenile detention center? It's empty, how about the train complex? That would save \$100,000 per year. Another question, why do we own properties in Wilkes Barre? We are a county. We are supposed to be cutting back. A few months ago you advertised for space to build a new prison. What about the Murray Complex? They have parking for over 900 cars and a lot of land. The city owns it so the county can get it by eminent domain. We may be able to save some money that way in the future.

Kings College has the upper parking lot. Are we getting paid for that? Or are we donating it?

Commissioner Petrilla: We are getting paid for it.

Mr. Ungvarsky: I feel the judge who was in the accident up in Bear Creek should not be a judge in this county. The county solicitor is here. If someone leaves the scene of an accident shouldn't they be cited? After they leave the scene they cannot be tested for drinking and driving.

Vito DeLuca: It is not appropriate for me to comment on that.

Mr. Ungvarsky: I wonder why.

Commissioner Petrilla: This is not the venue for these types of complaints.

Mr. Ungvarsky: I'm not complaining. They work for us and I should be able to voice my opinion to my county commissioners. He shouldn't be a judge when he leaves the scene of an accident.

He can't be tested for DUI, yet he's going to sit on the bench. Why didn't they cite him for leaving the scene of an accident? I would have been written up for it.

Commissioner Petrilla: This is not our jurisdiction.

Mr. Ungvarsky: But the judges work for you.

Commissioner Urban: No, the judges are state employees. There is a judicial conduct board that complaints can be sent to. The judges are a separate branch of government. We only control the funds to them. Judge Muroski is a Senior Judge; since he retired he has to get approval from the Supreme Court in order to become a Senior Judge. We have no control over what the Supreme Court does. I concur with some of your comments but this body has no control over the Supreme Court and what it does with the judges in the Commonwealth of PA.

Mr. Ungvarsky: I did not know that. Thank you for explaining it to me.

**ED CHESNOVITCH:**

My compliments to Mr. Newman on his research. We were told that one third would go up, one third would go down, and one third would stay the same. Why; because Barr had a number to reach. How could he decide this before one property was looked at? It was just a game. I can tell you one property by me where there are three houses. The first home was valued at \$60,000, the next was valued at \$80,000, and the third was valued at \$102,000. Where do we go with that? Mr. Barr couldn't answer that question. It was flawed from the beginning. When we look at these numbers we lost \$5 billion in assessment over that. So now where are we going?

I can see on your agenda you are going to display the amended general fund budget. Where does it tell the people how much it is going up? What is the projected millage? What percent of increase?

Joan Pusateri: 15% or 5.2150.

Commissioner Petrilla: Today we are voting to display the budget.

Mr. Chesnovitch: A lot of people want to know how much. If I didn't ask the question we would have to search for it.

The way the county is being run just points to why we need home rule. We have a solicitor in every department fighting over people; the Sheriff has employees making an extra \$47,000 for work, then they complain about a solicitor working for \$50,000. Where can you get a solicitor to work full time for that amount of money? The Sheriff has to use their own cars, why isn't there a car pool they can use when they go out? Years ago I knew a person who worked in the prison

system who had a car. He was out on leave because of a serious operation. He told me personally if they tried to take his car away you would see his fingerprints on the side of it. A person making \$30,000 and getting an extra \$47,000 is a slap in the face to the people. And we're worrying about paying a solicitor \$50,000.

**TOM DEMBROSKI**

We have to stop the stealing in the courthouse. \$180,000-do we know if this was stolen. Why is this being turned over to the FBI instead of the District Attorney? I told Mr. Griffith do not stop, these people need to pay restitution. We need someone in the county to police this other than Mr. Griffith.

**COMMISSIONER URBAN**

I was at Mr. Griffith's office this afternoon after he talked to the press about these items. It is my understanding this practice started last year under the former sheriff. This was not the proactive under Sheriff Stankus.

**TOM DEMBROSKI**

We have to help the Controller. Something is very wrong. Let's find out who else is stealing from the county. We shouldn't have to find out this information from a newspaper articles. Let's concentrate on trying to get these people to do the right thing and be honest.

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

**MOTION**

**Display Amended 2010 General Fund Budget**

Request a Motion to put on display the Amended 2010 General Fund Budget. The amended budget will be available for public inspection in the Chief Clerks Office, the Office of the Luzerne County Commissioners, the Hazleton Courthouse Annex, the Luzerne County Law Library, and on the County Website, [www.luzernecounty.org](http://www.luzernecounty.org).

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
**“AYES” PETRILLA, COONEY “NAY” URBAN**

**MOTION**

**Public Defenders Liability Insurance**

Request a Motion to approve The National Association of Salaried Professionals Purchasing Group (NASPPG), Lloyd’s of London as Public Defenders Liability Insurance provider for a total of \$11,001.00 effective February 1, 2010 to February 1, 2011 through Joseph J. Joyce Associates, Inc.

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
**“AYES” PETRILLA, COONEY, URBAN**

**MOTION**

**PCCD Application - License to Carry Standardization and Modernization of Process**

Request a Motion of the Luzerne County Board of Commissioners authorizing the submission of an application to the Pennsylvania Commission on Crime and Delinquency (PCCD), effective January 29, 2010, as well as authorization for the Chairman of the Board of Commissioners to execute any and all documents necessary for the application for and receipt of PCCD funding in regards to the License to Carry Standardization and Modernization of Process. The intent of this solicitation is to standardize and modernize the processing of applications and issuing of licenses by County Sheriff Offices.

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
**“AYES” PETRILLA, COONEY, URBAN**

MOTION

**Contract with Community Counseling Services**

Request a Motion of the Luzerne County Board of Commissioners to award a contract with Community Counseling Services for inmate classification and drug and alcohol treatment for a period of three (3) years as approved by a unanimous vote (5/0) of the Luzerne County prison Board on January 25, 2010.

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
**“AYES” PETRILLA, COONEY, URBAN**

MOTION

**Contract with William R. Carey and Associates**

Request a Motion of the Luzerne County Board of Commissioners to award a contract with William R. Carey and Associates for inmate stop loss insurance for the year 2010 as approved by a 4/1 vote of the Luzerne County Prison Board on January 25, 2010.

It was moved by Commissioner Cooney, seconded by Commissioner Petrilla  
**“AYES” PETRILLA, COONEY “NAY” URBAN**

MOTION

**Contracted Services for IT Department**

Request a Motion of the Luzerne County Board of Commissioners to advertise for the following contracted services for the IT Department:

- Internet and/or data services for the West Side Annex building in Forty Fort
- Internet and/or data services for the Broad Street Exchange building in Hazleton
- Maintenance contract for HP server rack in Courthouse Annex server room
- Maintenance contract for APC Symmetra UPS in Courthouse Annex server room
- Maintenance contract for APC InRow RPC air conditioning system in Courthouse Annex server room
- Maintenance contract for Formax folder/sealer in Courthouse Computer Room.

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
**“AYES” PETRILLA, COONEY, URBAN**



MOTION

**Luzerne County 9-1-1 Budget /Permission to transfer**

Request a Motion for the Luzerne County Board of Commissioners to grant permission to the proper 911 officials to process a transfer in the amount of \$47,400.40 from budget number 250.4288.000.5501 (911 Wireless Fund) to account budget number 220.4289.000.5501 (911 Construction Fund). Transfer is necessary to reimburse the 911 Construction fund budget on approved 2009-2010 wireless funds expended from this account. Funds expended were for Logisys CAD 2009 license and maintenance fees and Spectracom GPS time server master clock server.

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
**“AYES” PETRILLA, COONEY, URBAN**

MOTION

**Tax Refund-Assessment Appeals Office – Amend Marcy Cemetery Assoc.**

Request a Motion to amend the refund of paid Real Property taxes of Marcy Cemetery Association PIN: 14-D12NE1-3-7 / Plate# 14-4-20-1 from \$ 117.23 as presented to \$ 209.00. The amount of refund due was misstated at the January 20, 2010 Commissioners meeting. Refund was due to removal of Improvement from property in 2008.

It was moved by Commissioner Cooney, seconded by Commissioner Urban  
**“AYES” PETRILLA, COONEY, URBAN**

**END OF COMMUNICATIONS**

**DEPARTMENT HEAD REPORTS**

**PURCHASING DEPARTMENT: FRANK A. PUGLIESE, JR., DIRECTOR**

MOTION

**REQUEST A MOTION TO ADVERTISE FOR BIDS:**

**BUREAU OF ELECTIONS:**

DELIVERY AND RE-DELIVERY OF VOTING MACHINES (PRIMARY & GENERAL ELECTION), AND ELECTION SUPPLIES.

**CONVENTION & VISITORS BUREAU:**

PRINTING OF 2010-2011 VISITOR GUIDES

**SHERIFF'S OFFICE, DISTRICT ATTORNEY'S OFFICE AND THE CORRECTIONAL FACILITY:**

AMMUNITION

It was moved by Commissioner Cooney, seconded by Commissioner Urban  
"AYES" PETRILLA, COONEY, URBAN

Commissioner Petrilla stated the following:

This proposed budget does include a 15% tax increase. That was not an easy decision for Commissioner Cooney and myself. We have been at this since October. We have done everything we possibly could to avoid this tax increase. It is a result of reckless spending; reckless borrowing and we are committed on getting this county on sound financial footing. This is the first year in a long time that we have a balanced budget without borrowing. To me that is a phenomenal accomplishment. We are finally going to have a credit rating with our banks. We haven't had one in a long time which has resulted in us paying exorbitant interest rates. Most important this budget includes the layoff of thirteen employees. Those employees are very dear to me and I find it very difficult we have to lay people off. However, the tax payers of this county cannot afford any more and unfortunately we made a commitment we would not raise taxes unless we cut non-essential services. I'm sorry to the people we are laying off. I will do everything I can to bring them back as we loose employees through retirements and attrition. I wish them well and I'm sorry this had to happen. I thank all the employees being laid off for their service and it's my sincere hope we can bring you back.

**MOTION TO ADJOURN:**

It was moved by Commissioner Urban, seconded by Commissioner Cooney  
**“AYES” PETRILLA, COONEY, URBAN**

*Respectfully submitted,*

A handwritten signature in cursive script that reads "Jennifer Thomas".

*Jennifer Thomas, Recording Secretary*