

MARCH 8, 2011

On the above date at 10:00 A.M, the Luzerne County Board of Commissioners convened a special 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, Chief of Budget and Finance; Walter Griffith, Controller; Joe DeVizia; Director, Human Services; Andy Check, Director, Human Resources

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.

**RECOGNITIONS:.....Maryanne C. Petrilla
Commissioner/Chairman**

No Recognitions.

PUBLIC COMMENT: AGENDA ITEMS ONLY

Wil Toole

I want to mention Moon Lake for a moment. The Times Leader wrote an article awhile back about the tremendous amount of income that the State gained from 3 State parks...the one at Francis Slocum brought \$12.4 Million; in 2008 Ricketts Glen brought in \$8.2 Million; and Nescopeck Park \$1.8 Million. This was according to Steve Markowski of the Leader. I have asked the Commissioners several times to please concern honoring the name of Moon Lake by putting it up for sale. I mentioned Mohegan Sun and they are trying to bring themselves to the county in a positive way. I would really like to see the county prepare a real strong operating budget for Moon Lake and Mohegan Sun to support it...Mohegan Sun, Moon Lake Forest. Wachovia lost the naming rights at the Arena, so perhaps the new company, Wells Fargo, and when you hear Wells Fargo, you think back to the past, overland trails, and the country. Perhaps they may underwrite the expenses of Moon Lake. We have 4 seasons out there...snowboarding, ice-fishing, cross country skiing...we have the whole gamete out there and it's a great asset not to get 100% use out of it. According to the State, it is revenue producing. If the Department that promotes Luzerne County, whatever it is called, would promote Moon Lake as a campground that would be great. There is much that can be done with that park. Please seek out the possibility for getting funding to support Moon Lake.

As far as the Agenda item...If you recall, when you were looking for an HR Manager, I volunteered to do it for free. I am a Professional Manager. I offered to do the job for free until you did a search. You should also put out an RFP---let a person tell you what they are willing to work for rather than putting the apple so high that anyone would be interested in it. What we are doing today is that the person you are hiring was willing to work for \$29,000 to \$35,000 in the Fiscal Department. Why are we up to \$40K at a time of fiscal crisis in the County? Why are we not just holding on until the new government takes over in January?

Commissioner Petrilla

As far as filling the position, it is a key position and people don't understand the importance of that department and to just sit back and take the position of "wait until next year"...we as Commissioners, are just not going to do that.

Toole

You don't have to increase the salary of the person who agreed to work for less. It just doesn't make sense to me. I'm broke...you want \$10, but I'll give you \$15 because I am really broke. It flies in the face of logic. If a person agrees to work for \$29,000 (and I agree that that is too low for that type of position), but if they agree to work for \$35,000, that is \$5,000 back into the pot. I would love to see the county use RFP's for all Management Positions---let people tell you what they are willing to work for. Thank you.

Commissioner Urban

I want to make a comment about Moon Lake. We recently put an RFP out for a Master plan to redo Moon Lake Park. We will then know what kinds of dollars we must put into that facility. We are talking about campgrounds and other amenities that might be needed at Moon Lake. That place is open for ice fishing---walking in the summer, etc. It is open. You also made reference to money brought in from those other parks. It is true that anytime people come into the Valley they generate a lot of income.

COMMUNICATIONS – DOUGLAS A. PAPE, COUNTY MANAGER/CHIEF CLERK 3

DEPARTMENT HEAD REPORTS 3

HUMAN SERVICES – JOSEPH DEVIZIA, DIRECTOR 3

PERSONNEL..... 4

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

Minutes

MOTION

Request a Motion to approve the minutes of the Commissioner’s Meeting held on February 23, 2011.

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

DEPARTMENT HEAD REPORTS

HUMAN SERVICES – JOSEPH DEVIZIA, DIRECTOR

**REQUEST A MOTION TO APPROVE/RATIFY THE FOLLOWING
AGREEMENTS AND AUTHORIZATIONS FOR:**

AREA AGENCY ON AGING:

**APPROX.
PROVIDER
COST**

SERVICE

TERM

Martz Trailways	Transportation for Excursion to Atlantic City	3/28/11 No Cost to County
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Commissioner Urban

Is Joe Martz donating this trip?

Joe DeVizia

No, the Senior Center pays for it.

Commissioner Urban

From their fund raising accounts?

Joe DeVizia

Yes

Commissioner Petrilla

We just need to verify that we have the insurance---that the insurance is OK. We want to make sure the Seniors are covered, especially after yesterday’s accident.

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

PERSONNEL

MARCH 8, 2011

REQUEST A MOTION TO APPROVE THE FOLLOWING CORRECTION AT:

LUZERNE COUNTY 911:

A Correction in the Annual Salary for David Parsnik, Executive Director/911 from \$54,636.35 to \$54,637.35 effective February 23, 2011

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

REQUEST A MOTION TO RESCIND THE FOLLOWING APPOINTMENT AT:

TRANSPORTATION:

Joseph Chairge, Jr., as Transportation Director effective March 8, 2011.

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

PUBLIC COMMENT: NON-AGENDA ITEMS

WALTER GRIFFITH: Good Morning. The question or concern that I have is---I sent a letter to the Commissioners Office regarding the Sheriff's Office and per diems and I need to ask the Commissioners if we can ratify the payment for uniform charges for a gentleman who was not on the payroll. I sent the email at the end of February. I am kind of concerned that the authority of the Controller to make that payment because he was not employed when he bought the uniform. I don't know if you want to make a Motion to approve the payment of the invoice number 727 in the amount of \$485.85 for the Deputy Sheriff who was hired before he was on the payroll. The County code says there is a certain requirement of the Sheriff before he hires per diems or deputy sheriffs. It is outlined pretty clearly in the County Code, Article 1205-1206. It was not followed by the Sheriff. He has since complied with the Code, so I need the Commissioners to approve so I can issue payments for the fellow who was hired. There is no authority for me to make that payment. That's all I have.

COMMISSIONER PETRILLA: Vito...

VITO DELUCA: If Walter doesn't pay the bill, then we don't comply in that way. In order to get you to pay, that's what has to be done.

WALTER: Just for the Commissioners and I'm sure the Solicitor knows full well what the Code says. He must have that paperwork filed in the Prothonotary's Office prior to being hired. Even though they are Row Officers, they still need to follow the directives of the Commissioners. I have a concern about Union employees because the Commissioners approve the Union contract that they should also approve Union hires because they are responsible if a grievance is filed or procedure not followed. I know that Row Officers are given "Carte Blanche" in regards to hiring/firing, but I think the Commissioners are finally responsible if an issue arises. But that's an issue they can consider. But for now I need approval to pay.

VITO: The Commissioners are involved in whatever extent they can be with Personnel decisions with Row Officers. The thing is, Row Officers bring out the County Code and cite that they can hire, fire, and discipline and they don't follow issues. We are involved in every personnel issue, but whether they listen to us --- that is another issue.

WALTER: And I appreciate that. But the issue that I have is that HR did not even know that that person was hired and I would not like the Commissioners caught in that position where Row Officers are going out and hiring and the Commissioners have no idea.

VITO: I agree that Commissioners approve hiring of all employees. With regard to this invoice...invoice #727 in the amount of \$485.85...

WALTER: He was told he was going to be hired so he went out and bought his uniform on the County dollar and until we get approval from the Prothonotary's Office that he was hired, we had no authority to make that payment.

VITO: The second motion had to do with hiring---where is the actual list?

WALTER: For the record, I can read their names into the record or I can enter them into the record.

COMMISSIONER PETRILLA: We did approve the hires at the last Salary Board Meeting, correct?

VITO: Yes

COMMISSIONER PETRILLA: After that, it is out of our hands...

VITO: The Commissioners would have to approve the people...

COMMISSIONER PETRILLA: The Row Officers---we never approved a hire in the Clerk of Courts....

ANDY CHECK: The list of employees (we would have to check the record), were identified as part of the Personnel Agenda...

COMMISSIONER PETRILLA: No, we gave authorization to hire X number of per diems---once it's in the Row Officers we don't get involved. As for us approving Personnel, we don't do that with the Row Officers.

DOUG PAPE: My two cents...if the positions were approved at Salary Board and they are budgeted for that year, the Row Officer would have the discretion of who they hire.

COMMISSIONER PETRILLA: We have never done Personnel action--I'm not talking Salary Board, for Row Officers. Once they are approved by Salary Board, it is out of our hands.

DOUG PAPE: I don't think any Personnel action, to include terminations are done by the Commissioners Office.

COMMISSIONER PETRILLA: You can research that and in the meantime, we will cover the issue of paying for this uniform. I'm sure he though he could get it out of the way before he started.

ANDY CHECK: That is the point I wanted to make. There is a practical side to this. If there is an employee who wears a uniform and he is scheduled to work at some time in the future, has his first day on April 1, and the process is moving though and offer and acceptance have been given, there is the normal machinery set in motion so that the individual has his uniform and is ready to go on April 1st. Shouldn't they have the ability to go and get their uniform before they start and be ready for work with their official uniform?

WALTER: Well, HR can certainly hire and give him a week to get his uniform so we don't get caught in a jam.

COMMISSIONER PETRILLA: I still don't understand why we're in a jam! The law requires us the County Commissioners and Salary Board to approve the per diem positions. We did that. Afterwards, it is out of our hands. If the Sheriff made this guy an offer and this individual went out and got his uniform, there is no Commissioner action necessary because we approved it at Salary Board.

COMMISSIONER URBAN: The Sheriff's should give you Andy, or Marilyn, the names of his hires so you can get them in the Personnel system. We don't vote on those.

COMMISSIONER PETRILLA: We don't vote those Row Office positions. They get approved by us at Salary Board. So there is no motion needed, right?

VITO: I don't agree. The County Commissioners are the sole contractors of the county, responsible for all payment of monies.

COMMISSIONER PETRILLA: Well we could make a motion to pay this bill, but for the last 3 years, we have not approved one Row Officer position.

DOUG PAPE: I think we need to get counsel---Row Officer Solicitor---whomever has been around awhile to get an opinion...

VITO: The County Code said the Row Officers can hire, fire, and discipline but the County Commissioners are responsible for Administration or approval of spending money. The Salary Board creates the position; the County Commissioners basically have no authority to deny the person, but should at least approve the position.

Request a motion to go off of the agenda.

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

Public Comment: None

Request a motion to pay the invoice for the uniform.

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

WALTER: Can we address the payroll issue?

COMMISSIONER PETRILLA: No, not right now---we will research it. This is not on the Agenda.

WALTER: So that means per diems will not be paid?

COMMISSIONER PETRILLA: No Walter, the per diems were approved by Salary Board.

WALTER: But they didn't pass the Code, Maryanne

COMMISSIONER PETRILLA: Dear God in heaven above...Walter, you have been practicing this for 3 years already!

WALTER: Maryanne, the Sheriff shall not appoint any person or Deputy unless the Sheriff files with the Prothonotary prior to the appointment.

COMMISSIONER PETRILLA: Well, why then....

WALTER: These gentlemen were hired without appointment and did not have the proper paperwork.

COMMISSIONER PETRILLA: Well you tell me Walter, Mr. Controller that you have paid every Row Officer appointment from the day you came into office. So you are picking on the Sheriff Department?

WALTER: No, Maryanne, the Code is. The Code says you cannot pay them unless they are certified. If you want to circumvent state law, go ahead, but I won't.

COMMISSIONER PETRILLA: I don't want to circumvent law...I just want to know why you have been paying people...

COMMISSIONER URBAN: My understanding is that the Sheriff has the responsibility to interview, prequalify candidates and publish the list and place it in the Prothonotary's Office----that's all that provision says. The Sheriff has the responsibility...

WALTER: That's the purpose of the Code, but he cannot hire until it is filed by the Prothonotary...

COMMISSIONER PETRILLA: Well, we will have to bring this up to the Sheriff. So what are we doing?

WALTER: We sent the Commissioners a letter about this issue, but never received an answer.

COMMISSIONER PETRILLA: Well, let's make a Motion to hire this person so he is not without pay. We will then take it on a case by case...

WALTER: I need to pay Jeffrey Lewis \$207.10.

Request a motion to approve the payroll for Jeff Lewis in the amount of \$207.10.

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

REQUEST A MOTION TO ADJOURN:

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

Respectfully submitted,



Jennifer Thomas, Recording Secretary