

**Monday, January 4, 2016**

A Reorganization Meeting of the Pike County Commissioners was called to order by Commissioner Osterberg at 9:00 a.m. at the Pike County Administration Building, followed by the Pledge of Allegiance to the flag.

**PRESENT:** Commissioners Osterberg, Caridi and Guccini, Chief Clerk Orben and Solicitor Farley.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Guccini, to approve the January 4, 2016 Agenda.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

*Questions and comments concerning today's agenda were entertained by the public.*

**REORGANIZATION**

**MOTION:** by Commissioner Caridi and seconded by Commissioner Guccini, to appoint Commissioner Matthew Osterberg as Chairman of the Pike County Board of Commissioners for four years.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

**MOTION:** by Commissioner Osterberg and seconded by Commissioner Guccini, to appoint Commissioner Richard A. Caridi as Vice-Chairman of the Pike County Board of Commissioners for four years.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Guccini, to set the Commissioners' Meetings for the first and third Wednesdays of the month at 9:00 a.m.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

Commissioner Osterberg called for a motion and second for the following items as listed:

4. Motion to set and advertise the Commissioners' Conferences for every Monday, Tuesday, Wednesday, Thursday and Friday of the month from 8:30 a.m. to 4:00 p.m.
5. Motion to set and advertise the Retirement Board Meetings for the third Wednesday of the month at 9:00 a.m., and as needed, at any regularly scheduled meetings and/or conferences.
6. Motion to set and advertise the Salary Board Meetings, as needed, at any regularly scheduled meetings and/or conferences.
7. Motion to set and advertise the Election Board Meetings, as needed, at any regularly scheduled meetings and/or conferences.
8. Motion to approve the 2016 Pike County Schedule of Holiday Closings.
9. Motion to adopt Resolution No. 16-01, appointing The Pike County Dispatch, The News Eagle, The Pocono Record, The Times Herald Record, The Pike County Courier and The Law Journal (per statute) as Official Publications of Pike County for the Year 2016.
10. Motion to adopt Resolution No. 16-02, setting forth depositories of county funds for the year 2016; namely, Honesdale National Bank, Dime Bank, NBT Bank, Wells Fargo and Wayne Bank.
11. Motion to adopt Resolution No. 16-03, Coroner's Cremation Authorization Fee.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Guccini, to approve items 4 through 11 above as presented by Commissioner Osterberg.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Osterberg, to execute the contract between Thomas Farley and the County of Pike, for services as Pike County Solicitor for a 1-year term.

**VOTE:** Commissioners Osterberg and Caridi voted "aye". Commissioner Guccini voted 'nay'. Motion carried.

The following discussion was held relating to Items #12, 14 and 33. Commissioner Guccini explained his reasons for voting 'nay' on those items. He has concerns with three solicitors being from one firm and thinks it would be more appropriate to have these positions advertised on the County's website. It has nothing to do with personalities and/or competency of the Solicitors. His major concern is with the Chief Public Defender and the Assistant County Solicitor who represents Children & Youth, being from the same firm. There are requirements in Pennsylvania for multi-disciplinary teams which include the

District Attorney's Office, Law Enforcement, Children & Youth Services, medical/psychological providers, etc. who meet regarding cases involving child abuse. There are written protocols required, one being in effect between the District Attorney's Office and Children & Youth Services which was revised in December 2015. The idea is to share information and keep that information confidential. While Commissioner Guccini is 100% confident that no one would intentionally transmit information that they should not, but if you have the Children & Youth Solicitor in the same firm as the Public Defender's Office who may be representing the accused, it seems to him that this is an issue. Although the County does have a Conflict Counsel, he does not think it is appropriate for someone making \$23,000-\$24,000 to take on what could be a difficult case when it should be someone from the Public Defender's Office or Assistant County Solicitor who could be doing a Children & Youth case if there is a conflict. He feels that the County would be better off having a full time Public Defender and a full time Assistant Solicitor and eliminate the part-time position. That would make a built in insurance policy to have a solicitor for trying a capital murder case, if need be. He stressed that this has nothing to do with party politics and thinks that this is something that needs to be looked at differently that in the past, especially because of the new emphasis on these multi-disciplinary teams that are required to meet once a month to discuss child abuse cases.

Commissioner Guccini's comments were duly noted by Commissioner Osterberg who will take them under advisement.

Commissioner Caridi stated that the Public Defender's position was advertised and that Robert Bernathy was hired through the application process. He realizes that things have changed, but positions with solicitors of either elected officials or commissioners is a professional service and it is their choice to make the appointment. He appreciates the concern to avoid conflict, but going back to when Steve Guccini was appointed as Assistant County Solicitor, it was Commissioners Hansen and Wagner who made that decision based on professional service. It is up to the Board of Commissioners to hire who they have confidence in and make sure that the Solicitor and Children & Youth Solicitor do not have conflicts.

Solicitor Farley stated that this issue has been addressed from the beginning. Their firm does not handle child abuse cases and does not handle divorce cases where there has been contact with Children & Youth Services, therefore conflicts are avoided before they begin. If Chris Weed has a conflict then Stacey Beecher steps in, who was previously Children & Youth Solicitor but had to step down when Judge Chelak handled Children & Youth cases. There is a Conflict Counsel that does handle any conflicts in the Public Defender's Office. Solicitor Farley also stated the Assistant Public Defenders are making the same pay as Conflict Counsel. He pointed out that his appointment is by contract and he does not collect a pension and has not had medical insurance for over 9 years through the County. Chris Weed has handled Children & Youth for over 4 years with no conflicts and is a competent attorney. The reason Chris was appointed was that Children & Youth were having issues and the Commissioners decide that they wanted Solicitor Farley to hire an Associate and place him into the position of Children & Youth Solicitor, so ultimately, Solicitor Farley would be responsible. It has been working very well with no conflicts. If there is a conflict he will correct it and if there is a conflict that cannot be corrected, as an attorney he has an obligation to protect his clients and not his employment.

Commissioner Osterberg concurred that there have been no conflicts and does not see the need to fix something that is working at this time. He trusts that all involved are professional enough that if there is a conflict they will come forward to correct it.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Guccini, to execute the contract between Stacey Beecher and the County of Pike, for services as Pike County Assistant Solicitor for a 1-year term.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Osterberg, to appoint Christian Weed as Pike County Assistant Solicitor for the Pike County Commissioners for a 1-year term, with continuity of benefits.

**VOTE:** Commissioners Osterberg and Caridi voted "aye". Commissioner Guccini voted 'nay'. Motion carried.

Commissioner Osterberg called for a motion and second for the following items as listed:

15. Motion to execute the contract between Lindsey Collins and the County of Pike, for services as Conflicts Counsel for the Public Defender's Office for a 1-year term.

16. Motion to recognize the appointment of the following Row Officers' Solicitors, on an as-needed basis, for a 1-year term:

Anthony Waldron - Coroner  
Thomas Farley - Prison Board  
Douglas Jacobs - Sheriff, Treasurer  
Ron Bugaj – Auditors, Prothonotary  
Christopher Kimler - Recorder of Deeds

17. Motion to appoint Michael Lamoreaux of McGoey, Hauser & Edsall Engineering, as Engineer for the County of Pike for a 1-year term at the proposed rates.
18. Motion to appoint Michael Lamoreaux of McGoey, Hauser & Edsall Engineering, as Dam Inspector for the County of Pike for a 1-year term at the proposed rates.
19. Motion to appoint Commissioner Osterberg to the Northeast Pennsylvania Alliance (NEPA) Board for a 4-year term.
20. Motion to appoint Commissioner Osterberg to the Northeast Pennsylvania Rural Transportation Planning Organization (NPRTPO) for a 4-year term.
21. Motion to appoint Commissioner Guccini to the Area Agency on Aging Advisory Board for a 4-year term.
22. Motion to appoint Commissioner Guccini to the Area Agency on Aging Transportation Advisory Committee for a 4-year term.
23. Motion to appoint Commissioner Guccini to the Children & Youth Advisory Board for a 4-year term.
24. Motion to appoint Commissioner Caridi to the Pike County Planning Commission for a 4-year term.
25. Motion to appoint Commissioner Guccini to the Carbon-Monroe-Pike Mental Health and Developmental Services Advisory Board for a 4-year term.
26. Motion to appoint Commissioner Caridi to the Lake Wallenpaupack Watershed Management District for a 4-year term.
27. Motion to appoint Commissioner Osterberg to the Penn State Cooperative Extension Board for a 4-year term.
28. Motion to appoint Commissioner Guccini to the Pocono Counties Workforce Investment Board for a 4-year term.
29. Motion to appoint Commissioner Caridi to the LEPC Board for a 4-year term.
30. Motion to appoint Commissioner Guccini to the Council of Governments Board for a 4-year term.
31. Motion to appoint Commissioner Osterberg to the Road Task Force for a 4-year term.
32. Motion to appoint Commissioner Osterberg as a representative to the Pocono Mountains Visitors Bureau for a 4-year term.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Guccini, to approve items 15 through 32 above as presented by Commissioner Osterberg.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted “aye”. Motion carried.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Osterberg, to appoint Robert F. Bernathy as Pike County Public Defender for a one-year term.

**VOTE:** Commissioners Osterberg and Caridi voted “aye”. Commissioner Guccini voted ‘nay’. Motion carried.

Commissioner Osterberg called for a motion and second for the following items as listed:

34. Motion to appoint Amanda Chesar, Michael Weinstein, Robert Reno and Jason Ohliger as Assistant Public Defenders for a 1-year term.
35. Motion to appoint George Fluhr as Pike County Historian to perform assignments as directed by the Commissioners.

36. Motion to appoint James Gelatt, as Chairman, and Fred Suljic and Joseph Regenski as members of the Pike County Board of Assessment Appeals for a 1-year term.
37. Motion to appoint the following individuals to the Pike County Area Agency on Aging Advisory Board for a 3-year term ending 12/31/18: Doris Bannon, Charlotte Bell, Marianne McMillan, Barbara Pashell and Susan Siska.
38. Motion to appoint the following individuals to the Pike County Children & Youth Advisory Board for a 2-year term ending 12/31/17: Anthony Cavallaro, Linda O'Connor, Cindy Stein, Melanie Tek-Visgilio, Peg Schaffer, Maria Farrell and Mary Gordon.
39. Motion to appoint the following individuals to the Pike County Economic Development Authority for a 3-year term ending 12/31/18: Matthew Osterberg, Maryanne Monte and Thomas Hogan.
40. Motion to appoint the following individuals to the Pike County Economic Development Authority for a 1-year term ending 12/31/16: Davis Chant, Aileen Sullivan and Mary Alice Petzinger.
41. Motion to appoint Matthew Martin to the Pike County Agricultural Land Preservation Board for a 3-year term ending 12/31/18.
42. Motion to appoint Glenn Stryas as Chairman of the Pike County Agricultural Land Preservation Board for a 1-year term ending 12/31/16.
43. Motion to appoint the following individuals to the Pike County Scenic Rural Character Preservation Board for a 3-year term ending 12/31/18: Paul Menditto, Georgene Snyder, and Roger Spotts as an alternate.
44. Motion to appoint the following individuals to the Lake Wallenpaupack Watershed Management District Board for a 4-year term ending 12/31/19: Jim Shook-Representative at Large; Karl Eisenhauer-Wayne County at Large; Carson Helfrich-Pike County at Large; Tom Oakley-Wayne County Township Supervisor; and Pete Helms-Pike County Conservation District Representative.
45. Motion to appoint the following individuals to the Pike County Library Board for a 3-year term ending 12/31/18: Neil Bonner and Robert Rohner.
46. Motion to appoint Elizabeth Torkildsen to the Carbon-Monroe-Pike Mental Health/Developmental Services Advisory Board for a 3-year term ending 12/31/18.
47. Motion to appoint the following individuals to the Pike County Hotel Tax Board for a 2-year term ending 12/31/17: Steve Kiesendahl, Eric Ehrhardt, Bridget Gelderman, Adriane Wendell and Ronald Schmalzle.
48. Motion to execute the Agreement for Janitorial Services for the Lackawaxen Senior Center between Abigail Barnes and the County of Pike, on behalf of the Area Agency on Aging.
49. Motion to execute the Agreement for Janitorial Services for the Blooming Grove Senior Center between Frank Schooley and the County of Pike, on behalf of the Area Agency on Aging.
50. Motion to execute the Lease Agreement between Lackawaxen Township Volunteer Fire Department and the County of Pike, on behalf of the Area Agency on Aging.
51. Motion to execute the Lease Agreement between American Legion Post 851 and the County of Pike, on behalf of the Area Agency on Aging.
52. Motion to execute the Planned Maintenance Agreement between L.J. Bogumil, Inc. and the County of Pike for the following buildings: Administration, Area Agency on Aging, Correctional Facility, Immigration Office and Training Center.

**MOTION:** by Commissioner Caridi and seconded by Commissioner Guccini, to approve items 34 through 52 above as presented by Commissioner Osterberg.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

*Any Commissioner can attend any Board Meeting in case of the appointed Commissioners' absence,*

*as a voting member of that Board.*

*Motion: by Commissioner Caridi and seconded by Commissioner Guccini, to recess the Commissioners' Reorganization Meeting to hold a Salary Board Meeting.*

*Vote: Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.*

**A SALARY BOARD MEETING WAS HELD.**

*Motion: by Commissioner Caridi and seconded by Commissioner Guccini, to reconvene the Commissioners' Reorganization Meeting.*

*Vote: Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.*

*Questions and comments were opened to the Public and the Press.*

**MOTION:** by Commissioner Caridi and seconded by Commissioner Osterberg, to adjourn the Reorganization Meeting.

**VOTE:** Commissioners Osterberg, Caridi and Guccini voted "aye". Motion carried.

**ADJOURNMENT: THE NEXT REGULAR MEETING OF THE PIKE COUNTY COMMISSIONERS WILL BE HELD ON WEDNESDAY, JANUARY 6, 2016, AT 9:00 A.M. AT THE PIKE COUNTY ADMINISTRATION BUILDING.**