

LACKAWANNA COUNTY GOVERNMENT STUDY COMMISSION

Chuck Volpe, Chairman

David J. Wenzel, Vice-Chairman

Michael A. Giannetta, Secretary

Mary Jo Sheridan, Treasurer

Lynn Ruane, member

Robert Weber, member

Jerry Notarianni, member

MEETING MINUTES October 9, 2013

The Lackawanna County Government Study Commission's third meeting and a public hearing immediately thereafter, was held at the DeNaples Center at the University of Scranton on October 9, 2013 at 7 pm. The pledge of allegiance was recited and the meeting was called to order by the Chairman at 7:04 pm.

Roll Call: Chuck Volpe, David J Wenzel, Robert Weber, Lynn Ruane, Mary Jo Sheridan, and Michael A. Giannetta, and Jerry Notarianni were all present. Solicitor Frank Ruggiero was also present.

Adoption of the Minutes: *Bob Weber moved to approve the minutes of the meeting at Lakeland High School on September 23rd. Seconded by Lynn Ruane, all voting yes.*

Program Committee Report: Vice-Chairman Wenzel reported that the next meeting will be on October 14 at the Moscow Borough Building in Moscow at 7 pm and no location has been decided yet for the October 28th meeting. *Lynn Ruane made a motion to accept the Program Committee report, seconded by Mike Giannetta, all voting yes.*

Budget Committee Report: Mary Jo Sheridan presented the tentative budget. Lynne Ruane reported that she researched Luzerne County's Study Commission budget and comparing ours to theirs, ours is reasonable. Luzerne County had a major expense paid to the PA Economy League as a consultant. We will have no such cost.

A motion was made by Jerry Notarianni to adopt a budget of \$42,000, seconded by Dave Wenzel, all voting yes. Chairman Volpe will forward it to the Commissioners.

Attorney Ruggiero reported additional unpaid invoices as follows:

1. Scranton Times: \$773.30
2. Telephone line donated by Chairman Volpe: \$39.95
3. Scranton Times front page ad from October 8th donated by Chairman Volpe: \$1000
4. PDQ for letterhead and envelopes donated by Chairman Volpe: \$2,079.63
5. Telephone for this month donated by Chairman Volpe, \$39.95
6. Plevyak Stenographer bill for Sept 23 at Lakeland \$469

Mary Jo Sheridan made a motion to approve all the bills, seconded by Lynne Ruane, all voting yes.

Petitions, Correspondence:

Attorney Ruggiero recognized a letter to Senator Yudichak confirming his appearance at the October 28th meeting; a letter to the Commissioners from Chairman Volpe advising them of the tentative budget; receipt of a letter from US Attorney Peter J Smith dated September 30, 2013, outlining his position that the current form of government in Lackawanna County is flawed and lacks adequate checks and balances, which allowed the corruption under former Commissioners Cordaro & Munchak to thrive.

Opening of proposals for stenographic services:

Two proposals were received for stenographic services in response to the ad placed in the Scranton Times. One was received from Mary Plevyak and another from Larissa Senczakowicz. *A motion was made to table the proposals for further review by Chuck Volpe, seconded by Mike Giannetta, all voting yes.*

Chairman's Report: Chairman Volpe reported on the correspondence received from the United States Attorney for the Middle District of PA, Peter J Smith in response to an inquiry from member Mike Giannetta about the investigation and prosecution of Munchak & Cordaro. He noted that the US Attorney felt strongly enough about the operation of Lackawanna County government that he chose to make comments for use by the Commission. Chairman Volpe noted that the US Attorney does not usually comment on public matters and it is significant that he chose to do so on the Munchak & Cordaro prosecutions. Chairman Volpe requested that member Michael Giannetta read and comment on the correspondence from US Attorney Smith.

Michael Giannetta read into the record his September 9, 2013 letter to US Attorney Peter J Smith inquiring as to whether he could comment on the prosecutions of former commissioners Cordaro & Munchak and whether he had any opinion on whether the structure of county government in Lackawanna County had any role in the corruption carried on during their tenure as commissioners.

US Attorney Smith responded and noted that he believes that the current form of government in Lackawanna County is flawed in that it places too much executive and legislative authority in the hands of three commissioners, particularly for a county the size of Lackawanna with its scope of activity and programs. The Commissioners abused timely public notice requirements for public hearings on contracts and other matters. There also do not appear to be adequate requirements for independent audits of contracts and no mechanism in place to refer allegations of fraud or corruption to law enforcement agencies. He noted that any optional form of government under consideration by the Commission should address these concerns. Finally, he noted that while no form of government is foolproof against corruption, that the current form of government in Lackawanna County enabled corruption to thrive all too

easily.

Mr Giannetta noted that this opinion from the United States Attorney is very significant and important in our analysis of whether we need a change in our current three commissioner form of government in Lackawanna County. Mr. Smith is the top federal law enforcement official in Northeast and Central Pennsylvania, who investigated and prosecuted one of the most corrupt administrations ever in Lackawanna County government. He saw firsthand how the county operated and the Commission should give great weight to his conclusions.

Mr Giannetta noted that the mission of the Study Commission is to analyze the structure and form of county government. It is not about individuals or personality. It is not about Commissioner Jim Wansacz, who is a good person, whom he voted for as did many in our county, or Commissioner Pat O'Malley, who is also a good person. Commissioners come and go but the structure and form of county government remains and this is our opportunity to see if we can strengthen the form of our county government and make it better. We need more checks and balances in our county government and no one can reasonably argue with a straight face that the present system is the best we can come up with and that it works well. The present system is flawed and what the Commission needs to do is to analyze whether the optional forms of county government allowed under state law are the same, better or worse than our three commissioner form.

Chairman Volpe noted that US Attorney Smith's opinion is extremely useful in our analysis of the current form of government we have in Lackawanna County and is an important piece of evidence for us to consider.

New Business: None.

Public Speaking Policy: Will be tabled and discussed at our next meeting.

*Mike Giannetta made a motion to adjourn the regular meeting and convene the Public Hearing. David Wenzel seconded the motion, **all voting yes.***

PUBLIC HEARING

Chairman Volpe introduced our guest speaker, Allegheny County Executive Rich Fitzgerald. Mr Fitzgerald was instrumental in getting a referendum on the ballot in Allegheny County that set up their Study Commission and was ultimately elected to the County Council after the voters approved a change in their form of county government to an elected executive and part-time council. He was elected as County Executive in 2011 by a huge mandate.

Rich Fitzgerald noted that Allegheny County did not have a corruption problem like Lackawanna County with its three commissioner form of government, but had a problem with its young people leaving the area because of lack of opportunity and jobs. Mr Fitzgerald has a business background and was never involved in politics, nor was anyone in his family. Mr Fitzgerald outlined the history of decline of the Pittsburgh area and noted that most of the people who did not want change in Allegheny's three commissioner form of government were connected to the county government or had connections and personal interests with the county. The referendum on change was narrowly passed by the voters by only 1%.

Mr Fitzgerald outlined the make-up and function of the part-time county council and the Executive. He outlined its operation and his belief that the change approved by voters to an Executive and part-time

council has been a huge benefit for the county and the whole region. The economy of the Pittsburgh area has dramatically turned around and the economy of the region has diversified and continues to grow jobs. He criticized the three commissioner form of county government where two people go in a back room and decide matters. He believes in a public process where people can come out and testify and speak their mind and for the first time, with the Executive/council form of government, people from all over Allegheny County have a voice in their government.

Mr Fitzgerald explained that Council is elected by districts based on population and they redistrict every 10 years after the census. He outlined the checks and balances built into the system, where the Executive nominates appointees and the Council approves or rejects them. The Council also has investigatory and subpoena power. A manager nominated by the Executive and approved by the Council runs the day to day operations of the county and the Executive provides the vision and direction of policy like a Mayor does in a city.

He noted that many argue that the three commissioner form of government is the most efficient but also noted that the most efficient form is a dictatorship, which no one would reasonably advocate. In a three commissioner form of county government, two people can go in a back room and make all the decisions. He believes that a county council is more representative and is a real voice of the people.

Mr Fitzgerald answered questions by the Commission members and then took questions from the public.

Members of the public who had questions and/ or comments:

1. **Joe Albert** advocated non-partisan elections to a county council so you can take politics out of the whole process.
2. **County Controller Gary DiBileo** questioned whether Pittsburgh and Allegheny County were doing better because of the change in their form of county government. Mr Fitzgerald, without hesitation, answered definitely yes.
3. **Chris Arnone** questioned whether there are term limits. The County Executive is limited to three four year terms.
4. **4. State Representative Kevin Haggerty** questioned whether the change in the structure of county government changed the public's view of government, resulting in a positive effect on economic development. Mr Fitzgerald answered definitely yes.
5. **Gary Duncan** questioned statistics on unemployment rates in Allegheny County and suggested that our Commission reach out to Luzerne County Council members and see if they would appear before our commission. He also questioned whether their meetings are taped and televised. They are.
6. **Mike Mancini** of Scranton questioned who collects the taxes in Allegheny County and what was done with dilapidated/condemned properties and whether eminent domain was used to take run down properties.
7. **Kieran Bunnell** stated that we need a change in the form of our county government and the Executive/Council form definitely appears to be a better system than what we currently have.
8. **Andrew Wallace** had procedural questions on the operation of the Council and asked whether the Council and Executive speaking as one voice has benefitted the whole region. It has as per Mr Fitzgerald.
9. **Marie Schumacher** questioned Mr Fitzgerald on statistics on grants, stats on age and minorities, the poverty level, reassessment, advertising of contracts and whether ordinances are place on line.
10. **John Benner** questioned whether Allegheny County competes with private business. Generally, they do not.

Chairman Volpe thanked Mr Fitzgerald for coming all the way from Pittsburgh and asked Mr Fitzgerald whether the County Executive was more than just a marketer or cheerleader for the county. Mr Fitzgerald explained that the Executive sets the vision for the county just like a mayor in a city and is actively involved in the governing of the county, setting policy and formulating solutions to problems on a daily basis.

*Lynn Ruane made a motion to adjourn the meeting/ public hearing, seconded by Michael Giannetta, **all voting yes** and the meeting was concluded at 9:58 pm.*

Respectfully submitted,

Michael A. Giannetta, *Commission Member/secretary*