

AGENDA
LAWRENCE COUNTY COMMISSIONERS
July 16, 2013

I. OPENING EXERCISES

- A. Call to Order
- B. Pledge of Allegiance & Moment of Silence
- C. Roll Call
- D. Explanation of Procedures to Audience

II. ROW OFFICER REPORTS AND COMMENTS

III. PUBLIC COMMENTS

IV. MINUTES AND CORRESPONDENCE

A. Approval of Minutes:

- 1. Tuesday, July 9, 2013

B. Presentation of Written Communications:

- 1. Magisterial Rules Docket, dated July 9, 2013, giving notification of the amendment to the Order dated March 12, 2013, stating that South New Castle Borough shall be included in Magisterial District 53-3-04 with all other respects of the order to remain in effect.
- 2. RETTEW, regarding the Hilcorp Energy Company, dated July 8, 2013, giving Act 14 notification for a PADEP General Permit #7, for work to be done in Pulaski Township.
- 3. RETTEW, dated July 8, 2013, giving Act 14 notification for a PADEP ESCGP-2 Permit for work to be done in Pulaski Township.
- 4. Resco Products, Inc., dated July 11, 2013, giving Act 14 notification for the renewal of their Air Quality Control permit for work to be done at their plant in New Castle.
- 5. New Visions, dated July 9, 2013 thanking the Lawrence County Board of Commissioners for the 2013 allotment given to them.
- 6. Dawood Engineering, Inc., dated July 10, 2013, giving Act 14 notification for an ESCGP-2 application for work to be done in Mahoning Township.
- 7. RETTTW, regarding the Hilcorp Energy Company dated July 12, 2013, giving Act 14 notification for a PADEP General Permit for the Artman Well Pad located in Pulaski Township.

8. Dawood Engineering, Inc., dated July 11, 2013, giving Act 14 notification for an ESCGP-2 application for work to be done in Pulaski Township.

V. PROCLAMATIONS AND CERTIFICATES:

VI. REPORTS AND NEW BUSINESS

- A. Staff Reports: None
- B. Personnel Report: None
- C. Commissioner Reports and Comments
- D. New Business:
 1. Children and Youth
 - a. Contract-George Junior Republic in Pennsylvania
 - b. Contract-Charles Kerr d/b/a
 - c. Contract-Family Pathways
 - d. Contract-Alternative Living Solutions
 - e. Contract-Pathways Adolescent Center
 2. MHDS
 - a. Contract -Adam Brooks
 - b. Contract-Cari Dunworth
 - c. Contract-Integrated Care Corp.
 - d. Contract-Lifesteps
 - e. Contract-MY Physical Therapy-Base
 - f. Contract-MY Physical Therapy-Waiver
 - g. Contract-Pediatric Therapy Professionals, Inc.
 - h. Contract-Western Pennsylvania School for the Deaf
 - i. Contract- Achieva
 3. Transfer of funds (administrative)
 - a. Veterans
 4. Lawrence County Federated Library Board
 - a. Re-appointing request- Patricia Bernard
 - b. Re-appointing request-Patricia Tomon
 5. Assessors
 - a. Compromise Settlement Parcel 08-082600 R-2013-123
 6. Transfer of funds (non-administrative) R-2013-124

- a. Commissioners

VII. RESOLUTION

A. Resolutions on the table

B Resolutions to be taken off the table: None

C. New Resolutions:

1. Resolution-2013-114 Authorization to allocate the following from the Marcellus Shale Legacy Fund:
 - a. 8,200 to Lawrence County Agricultural Preservation Board for the preservation of farmland
 - b. \$10,000 to Shenango Township Board of Supervisors for the completion of a Comprehensive Plan
 - c. \$10,000 to New Visions for community development improvements to downtown New Castle.
2. Resolution 2013-116 Authorization to rescind Resolution R-2012-271 and reaffirming the abolishment of the office of Jury Commissioner.
3. Resolution-2013-117 Authorization to execute an agreement on behalf of Lawrence County Department of Public Safety all documents related to Act 147, Radiation Emergency Response Fund application for the period of July 1, 2013 through June 30, 2014 for an amount not to exceed \$7,392.00.
4. Resolution 2013-118 Authorization for the approval of the submission of the Hazardous Material Emergency Response Preparedness Assessment documents on behalf of the Lawrence County Department of Public Safety.
5. Resolution 2013-119 Authorization to execute an agreement with Charles Hardester, Jr. d/b/a J.R.'s Posting Co. on behalf of Lawrence County Tax Claim to perform posting of properties and an amount of \$8.00 per property posting.
6. Resolution 2013-120 Authorization to execute an agreement with Bruce Peterson d/b/a Bruce Peterson's Appraisal. on behalf of Lawrence County Tax Claim to perform posting of properties and an amount of \$8.00 per property posting.
7. Resolution 2013-121 Authorization for Gary Williams to participate in the CWEL (Child Welfare Education and Leadership Program) at the university of Pittsburgh to pursue an advance degree in Social Work on behalf of Lawrence County Children and Youth.
8. Resolution 2013-122 Authorization to execute the 2013-2014 Grant in Aid and Supervision Fee Fund Agreement on behalf of Adult Probation.

D. Motion to amend the agenda. (if necessary)

VIII. ORDINANCES

- A. On the Table: None
- B. For introduction: None
- C. For final action:

IX. FISCAL AND CONTRACTUAL

- A. Advertise for bids/proposals: None
- B. Receipt of bids/proposals:
- C. Fiscal Reports: None
- D. Report on Quotes: None
- E. Warrant Register:
 - 1. July 5, 2013
 - 2. July 11, 2013

X. ANNOUNCEMENTS

- A. The next Commissioners' Public Meeting will be held on Tuesday, July 23, 2013 at 10:00 a.m. in the Commissioners' Meeting Room.
- B. There will be a Retirement Board Meeting today following the Commissioners' Public Meeting.

XI. Public Comments

XII. Adjournment

LAWRENCE COUNTY COMMISSIONERS' MEETING
PUBLIC MEETING
MINUTES OF Tuesday, July 16, 2013

The Lawrence County Commissioners' Meeting was opened with the Pledge of Allegiance to the Flag followed by a Moment of Silence.

The Lawrence County Commissioners' Meeting of Tuesday, July 16, 2013 was called to order by Commissioner Dan Vogler, at 10:00 a.m. Office Manager Carol MacDonald called the Roll. Those in attendance were, Commissioners, **Dan Vogler, Robert Del Signore, Sr., Steve Craig,;** Chief Clerk/County Administrator **James Gagliano, Clarence Nelson, Dave Gettings, Richard Rapone, Joe Venasco, J. R. Hardester, John Carran, Norm Moses, and Debbie Morris, New Castle News.** It was stated for the record that the meeting is being taped. Those wishing to speak shall be given five minutes. If they need more time, they are to see the Chief Clerk at another time and he will arrange for them to meet with the Commissioners. Those speaking are to state for the record their names, addresses and the nature of their business.

Mr. Vogler announced there was an executive session held earlier today.

ROW OFFICERS' REPORTS AND COMMENTS

Mr. Rapone, Treasurer, gave a report.

Mr. Gettings, Controller, gave a report.

GENERAL PUBLIC

None

APPROVAL OF MINUTES

1. Minutes of Tuesday, July 9, 2013.

Moved by **Mr. Del Signore** seconded by Mr. Craig to accept and file the minutes. Motion carried 3-0.

WRITTEN CORRESPONDENCE

1. Magisterial Rules Docket, dated July 9, 2013, giving notification of the amendment to the Order dated March 12, 2013, stating that South New Castle Borough shall be included in Magisterial District 53-3-04 with all other respects of the order to remain in effect.
2. RETTEW, regarding the Hilcorp Energy Company, dated July 8, 2013, giving Act 14 notification for a PADEP General Permit #7, for work to be done in Pulaski Township.
3. RETTEW, dated July 8, 2013, giving Act 14 notification for a PADEP ESCGP-2 Permit for work to be done in Pulaski Township.
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7. RETTTW, regarding the Hilcorp Energy Company dated July 12, 2013, giving Act 14 notification for a PADEP General Permit for the Artman Well Pad located in Pulaski Township.
8. Dawood Engineering, Inc., dated July 11, 2013, giving Act 14 notification for an ESCGP-2 application for work to be done in Pulaski Township.

Moved by Mr. Del Signore seconded by Mr. Craig to accept and file the written correspondence. Motion carried 3-0.

Proclamations and Certificates

None

Staff Report

None

Personnel Report

None

COMMISSIONERS' COMMENTS

Mr. Del Signore had no comments.

Mr. Craig had no comments.

Mr. Vogler stated he was going to Harrisburg immediately following the Retirement Board Meeting.

Resolutions on the table: None

Resolutions to be taken off the table: None

RESOLUTION R-2013-114

WHEREAS, the County has received Marcellus Shale Legacy Fund support from the Commonwealth of Pennsylvania through the Marcellus Shale impact fee legislation; and

WHEREAS, these funds may be used for a variety of activities, including environmental programs, infrastructure development/preservation projects, community development projects and local planning initiatives as identified in the PA Municipalities Planning Code; and

WHEREAS, the Board of Commissioners have considered requests for the use of the Marcellus Shale Legacy Fund dollars; and

WHEREAS, monies are currently available through the Marcellus Shale Legacy Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS that the following allocations from the Marcellus Shale Legacy Fund are hereby approved:

1. \$8,200 to the Lawrence County Agricultural Preservation Board for the preservation of farmland;
2. \$10,000 to the Shenango Township Board of Supervisors for the completion of a Comprehensive Plan and update of existing land use regulations;
3. \$10,000 to New Visions of Lawrence County for community development improvements to downtown New Castle.

Moved by **Mr. Craig** seconded by Mr. Del Signore to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-116

WHEREAS, Act 108 of 2011, amended the County code by authorizing the governing body of a county of the second class A or third through eighth to abolish the Office of Jury Commissioner; and

WHEREAS, the Board of Commissioners enacted Resolution R-2012-271 on December 11, 2012, abolishing the Office of the Jury Commissioner effective December 31, 2013; and

WHEREAS, the Pennsylvania Supreme Court ruled the law was unconstitutional as a violation of the single subject provision of the Pennsylvania Constitution; and

WHEREAS, Act 4 of 2013 was signed into law on May 6, 2013, which renders the Supreme Court decision moot, and grants authority to the Board of Commissioners to abolish the Office of Jury Commissioner by resolution after review of the procedures currently in effect to ensure that list of potential jurors are representative cross-section of the community; and

WHEREAS, the Board of Commissioners has completed a review of the procedures currently in place and has found them to provide the necessary representation of the community; and

WHEREAS, administration of the current jury notice procedure will fall under the jurisdiction of the Lawrence County Court System.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that:

1. Resolution R-2012-271 is hereby rescinded.
2. The Office of Jury Commissioner is hereby abolished, effective January 1, 2014.

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-117

Whereas, Act 147 Radiation emergency Response Fund (RERF) administered by Pennsylvania Emergency Management Agency provides funds for Lawrence County Department of Public Safety to improve response capability and to serve as a support County for the Beaver Valley Nuclear Plant Facility; and

Whereas, Lawrence County is eligible for a grant allocation of \$7,392.00 in Act 147 funds for fiscal year 2013-2014; and

Whereas, an application and grant agreement for funds has been prepared in the amount of \$7,392.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: authorization is given to execute on behalf of Lawrence County Department of Public Safety, all documents related to Act 147 Radiation Emergency Response fund application and grant funding for period of July 1, 2013-June 30, 2014 in the amount of \$7,392.00.

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-118

Whereas, The Hazardous Material Emergency Planning and Response Act ("Act 165") requires an annual report to be submitted to Pennsylvania Emergency Management Agency; and

Whereas, the annual report on hazardous Material Emergency Response Preparedness (HMERP) is an important document for keeping the county officials apprised of the threat to the public safety, public health and environment posed by the release of hazardous materials located in and transported through, the County. The report also addresses the available resources, the organization to mitigate and to counteract the threat and identifies any additional resources that may be required. Furthermore, the annual report also serves as a plan outline for sustaining and improving the county hazardous material safety program; and

Whereas, the County received Act 165 funds received from chemical and planning fees collected by the County. These funds will be expended in compliance with the provisions of Act-165 of 1990 as amended and the associated County fiscal policies; and

Whereas, the Hazardous Materials Emergency Response Preparedness Assessment has been prepared and will be submitted to Pennsylvania Emergency Management Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: approval is given to the Lawrence County department of Public Safety for the submission of the Hazardous Material Emergency Response Preparedness Assessment and//or any related documents under the Hazardous Material Emergency Planning and Response Act ("Act 165").

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-119

WHEREAS, the County currently has an independent contractor, Charles Hardester, Jr. who is performing the posting of properties; and

WHEREAS, the County desires to extend the current contract.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that:

1. Charles Hardester, Jr. d/b/a J.R's Posting Co. of 138 East Sheridan Ave., New Castle, PA 16101 an independent contractor currently performs posting of properties.
2. The current agreement is set to expire July 25, 2013 and the County wishes to extend the agreement until July 25, 2014.
3. Charles Hardester, Jr. shall be paid the rate of \$8.00/per property posting.

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-120

WHEREAS, the County currently has an independent contractor, Bruce Peterson who is performing the posting of properties; and

WHEREAS, the County desires to extend the current contract.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that:

1. Bruce Peterson, d/b/a Bruce Peterson's Appraisals, of 1905 Jackson Ave., New Castle, PA 16101 an independent contractor, currently performs posting of properties.
2. The current agreement is set to expire July 25, 2013 and the County wishes to extend the agreement until July 25, 2014.
3. Bruce Peterson shall be paid the rate of \$8.00/per property posting.

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-121

WHEREAS, Gary Williams, a full time caseworker is requesting to attend the Child Welfare Education and Leadership Program (CWEL) at the University of Pittsburgh to pursue an advanced degree in Social Work; and

WHEREAS, his salary and benefits will be reimbursed at 95%; and

WHEREAS, Gary Williams shall return to county employment for an equal period of time for which her leave was granted.

NOW THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that

1. Authorization is hereby given to Gary Williams to participate in the CWEL program as outlined in this attachment.
2. The training will begin August 26, 2013.

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-122

Whereas, Lawrence County currently participates in the program that permits state reimbursement for the Adult Probation Office; and

Whereas, the necessary Grant-in-Aid Agreement and Supervision Fee Fund Agreement with the Pennsylvania Board of Probation and Parole needs to be approved and signed by the Board of Commissioners to continue with the program for Fiscal year 2013-2014.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that authorization is given to execute and submit the necessary Grant-In-Aid Agreement for the period of Fiscal year 2013-2014 and the Supervision Fee fund Agreement for Fiscal Year 2013-2014.

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

Moved by Mr. Craig seconded by Mr. Del Signore to amend the agenda. Motion carried 3-0.

RESOLUTION R-2012-123

Whereas, Jameson health Services, Inc., has filed a Tax Appeal captioned Jameson Health Services Inc. vs. Lawrence County Board of Assessment Appeals, at Case Number 70142-2012 MD; and

Whereas, all of the parties to that action have reached compromise settlement regarding the taxable value of the property contingent upon the approval of Lawrence County, City of New Castle and the New Castle School District; and

Whereas, the City of New Castle and the New Castle School District have approved the compromise settlement that the property designated by Parcel ID #08-082600 have a Total Assessed Value of \$11,180.00 of which \$435,000 of the total assessed value will be taxable.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: be it resolved by the Lawrence County Commissioners, that County of Lawrence approves the compromise settlement that the property designated by Parcel ID #08-08200 have a Total Assessed Value of \$11,180.00 of which \$435,000 of the total assessed value will be taxable.

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

RESOLUTION R-2012-124

Whereas, budgets cannot always anticipate every extraordinary, ordinary, or contingency situation which arises throughout the fiscal year; and

Whereas, Section 1784 of the County code permits the Commissioners by resolution to authorize budget transfers from any encumbered balance; and

Whereas, the need to provide additional appropriations to certain accounts now exists.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that:

1. Authorization is hereby given to the appropriate administrative officials to transfer a total of \$514.80 described in detail on the attachment(s) designated as T-2013-06
 - A. Commissioners

Amount:	\$441.48
From:	01.411100.509000
	Commissioners Contingency
To:	01.419400.201000
	D.A. material/Supplies
Amount:	\$73.32
From:	01.411100.509000
	Commissioners Contingency
To:	01.461600.201000
	Recy/SW Material/Supplies

Moved by **Mr. Del Signore** seconded by Mr. Craig to approve said resolution. Motion carried 3-0.

Ordinances

- A. On the Table: None
- B. Remove from Table: None
- C. For final action: None

Fiscal Reports

- A. Proposals: None
- B. Receipt of bids/proposals: None
- C. Fiscal report: None

D. Report on Quotes: None

E. Warrant Register:

1. July 5, 2013 through July 11, 2013

Moved by **Mr. Craig** seconded by Mr. Del Signore to accept and file the warrant register. Motion carried 3-0.

ANNOUNCEMENTS

A. The next Commissioners' Public Meeting will be held on Tuesday, July 23, 2013 at 10:00 a.m. in the Commissioners' Meeting Room.

B. There will be a Retirement Board Meeting today following the Commissioners' Public Meeting.

Mr. Craig stated Ms. Lela Lonnett, a former employee, recently passed away.

PUBLIC COMMENTS

None

ADJOURNMENT

Moved by **Mr. Del Signore** seconded by Mr. Craig to adjourn the Lawrence County Commissioners meeting dated Tuesday, July 16, 2013 at 10:40 a.m. Motion carried 3-0.