

AGENDA
LAWRENCE COUNTY COMMISSIONERS
October 29, 2013

I. OPENING EXERCISES

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

- 1. First announcement of an opening on the Lawrence County Airport Authority.

II. ROW OFFICER REPORTS AND COMMENTS

III. PUBLIC COMMENTS

IV. MINUTES AND CORRESPONDENCE

A. Approval of Minutes:

- 1. Tuesday, October 22, 2013

B. Presentation of Written Communications:

- 1. Letter to Lawrence County Airport Authority from Kevin Show announcing his resignation from the authority as he has moved out of state.
- 2. Mellott Company, dated October 21, 2013, giving Act 14 notification for a GP3 and GP11 permit for the facility, Amerikohl McMillin Mine located in Wayne Twp.
- 3. Entech, dated October 21, 2013, giving Act 14 notification for an ESCGP-2 permit for work to be done by the Hilcorp Energy LLC in North Beaver Township.
- 4. Entech, dated October 21, 2013, giving Act 14 notification for an ESCGP-2 permit for work to be done by the Hlcorp Energy LLC in Pulaski Township.
- 5. Wallace & Pancher, Inc., dated October 25, 2013, giving Act 14 notification for an ESCGP-2 permit for work to be done by the Hilcorp Energy LLC in Mahoning Township.
- 6. Wilmington Township Supervisors, dated October 28, 2013, thanking the Lawrence County Board of Commissioners for the Liquid Fuel money received to repair the Dutch rut on Beechwood.

V. PROCLAMATIONS AND CERTIFICATES:

- 1. Proclamation proclaiming November as "Record Your Veteran's Discharge

Month” in Lawrence County.

VI. REPORTS AND NEW BUSINESS

- A.** Staff Reports: None
- B.** Personnel Report: None
- C.** Commissioner Reports and Comments
- D.** New Business:

- 1. Budget Adjustment**

- Treasurers (R-2013-247)

- 2. Boards/Authorities**

- WIB Board (R-2013-248)

- 3. Commissioners**

- Marcellus Shale Legacy Fund-Bessemer Borough (R-2013-249)

- 4. Transfer of funds (Non-administrative) (R-2013-250)**

- Jail
District Attorney

- 5. Transfer of funds (administrative)**

- Prothonotary
Prothonotary
Domestic Relations
Department of Public Safety
MHDS
Controller
APO

VII. RESOLUTION

- A.** Resolutions on the table
- B.** Resolutions to be taken off the table: None
- C.** New Resolutions:
 - 1.** R-2013-242 Authorization for the exoneration of 2013 county and road taxes for properties sold at the Judicial Tax Sale held on May 10, 2013 for over \$500.00.
 - 2.** R-2013-243 Authorization for the exoneration of 2013 county and road taxes for

properties sold at the Judicial Tax Sale held on May 10, 2013 for \$500.00.

3. R-2013-244 Authorization for the exoneration of 2013 county and road taxes for properties sold at the Judicial Tax Sale held on May 10, 2013 that were sold free and clear.
4. R-2013-245 Authorization for the exoneration of 2013 county and road taxes for properties not sold at the Judicial Tax Sale held on May 10, 2013.
5. R-2013-246 Authorization of the Official Intent of the County's Declaration to satisfy the Reimbursement Regulations with respect to Capital Expenditures for the 2014 Project.

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. October 22, 2013
 2. October 23, 2014

X. ANNOUNCEMENTS

- A. The next Commissioners' Public Meeting will be held on Tuesday, November 12, 2013 at 10:00 a.m. in the Commissioners' Meeting Room.
- B. There will not be Commissioners' Public Meeting held on Tuesday, November 5, 2013 as that is Election Day.
- C. The Courthouse will be closed Monday November 11, 2013 in observance of Veteran's Day.

XI. Public Comments

XII. Adjournment

LAWRENCE COUNTY COMMISSIONERS' MEETING
PUBLIC MEETING
MINUTES OF Tuesday, October 29, 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, October 29, 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, Don Dougherty, Cindy Scaramazza, Shirley Noga, Janet Kalajainen, Richard Rapone, Ju-Ju DeLillo, John Burick, and Mary Grzebieniak, New Castle News, and Eric Poole, Ellwood City Ledger.** 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 is an opening on the Lawrence County Airport Authority.

ROW OFFICERS' REPORTS AND COMMENTS

Mr. Rapone, Treasurer, gave a report

GENERAL PUBLIC

Mr. Burick had comments on the pension fund.

APPROVAL OF MINUTES

1. Minutes of Tuesday, October 22 2013

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

WRITTEN CORRESPONDENCE

1. Letter to Lawrence County Airport Authority from Kevin Show announcing his resignation from the authority as he has moved out of state.
2. Mellott Company, dated October 21, 2013, giving Act 14 notification for a GP3 and GP11 permit for the facility, Amerikohl McMillin Mine located in Wayne Twp.
3. Entech, dated October 21, 2013, giving Act 14 notification for an ESCGP-2 permit for work to be done by the Hilcorp Energy LLC in North Beaver Township.
4. Entech, dated October 21, 2013, giving Act 14 notification for an ESCGP-2 permit for work to be done by the Hlcorp Energy LLC in Pulaski Township.
5. Wallace & Pancher, Inc., dated October 25, 2013, giving Act 14 notification for an ESCGP-2 permit for work to be done by the Hilcorp Energy LLC in Mahoning Township.
6. Wilmington Township Supervisors, dated October 28, 2013, thanking the Lawrence County Board of Commissioners for the Liquid Fuel money received to repair the Dutch rut on Beechwood.
7. Notification from PennDOT concerning a bridge inspection in Perry/Wayne Township.

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

Proclamations and Certificates

1. Proclamation proclaiming November as "Record Your Veteran's Discharge Month" in Lawrence County.

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

Staff Report

None

Personnel Report

None

COMMISSIONERS' COMMENTS

Mr. Vogler stated there is no meeting next week.

Mr. Vogler stated the Election Board will hold a meeting on Monday morning.

Mr. Del Signore had no comments.

Mr. Craig had no comments.

Resolutions on the table: None

Resolutions to be taken off the table: None

RESOLUTION R-2012-242

Whereas, properties were sold at the Judicial Tax Sale held on May 10, 2013; and

Whereas, by the law these properties were sold free and clear of all municipal claims; and

Whereas, after all delinquent taxes are paid, the county and road taxes are to be paid at face for the current year; and

Whereas, after all delinquent taxes were paid and there were no additional proceeds, the county and road taxes on the attached list are exonerated for 2013.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the county and road tax be exonerated for 2013.

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

RESOLUTION R-2012-243

Whereas, properties were sold at the Judicial Tax Sale held on May 10, 2013; and

Whereas, by the law these properties were sold free and clear of all municipal claims; and

Whereas, after all delinquent taxes are paid, the county and road taxes are to be paid at face for the current year; and

Whereas, because the properties were sold for \$400.00 and there were no proceeds to pay 2013 taxes, the county and road taxes on the attached list of properties are exonerated for 2013.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the county and road tax be exonerated for 2013.

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

RESOLUTION R-2012-244

Whereas, properties were sold at the Judicial Tax Sale held on May 10, 2013; and

Whereas, by the law these properties were sold free and clear of all municipal claims; and

Whereas, after all delinquent taxes are paid, the county and road taxes are to be paid at face for the current year; and

Whereas, after all delinquent taxes were paid and there were no additional proceeds, the county and road taxes on the attached list are exonerated for 2013. a portion of the proceeds paid all delinquent taxes and part of the county and road taxes for 2013 on the following properties

Parcel	Owner	Location	New Owner
02-232800	SP 1 LLC	302 Wallace Ave.	David Anderson
03-072200	Graziani, Carmen A.	1006 Dilworth Ave.	Daniel Segura
03-104800	Malizia, Carolina	1331 Croton Ave.	Michael Vitale
03-115200	Walton Financial	705 Court St.	Michael Trout
05-042400	Fabian, Marguerite A	212 Phillips St.	James Mims
08-014400	Wood Marianne	928 Mill St.	Brandi Flinner
19-067100	Coyle, Jessica	2108 Morris St.	Nyrik Huuskonen

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the remaining balance of the county and road tax be exonerated for 2013.

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

RESOLUTION R-2012-245

Whereas, properties were listed to be sold free and clear of all municipal claims at the Judicial Tax Sale on May 10, 2013; and

Whereas; certain properties remain unsold and are currently on Lawrence County's Repository list; and

Whereas, the 2013 county, road and school taxes on these properties remain unpaid and the properties must be removed from the current tax roll.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the 2013 county, road and school taxes on the attached list are to be exonerated for 2013 and removed from the current tax roll

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

RESOLUTION R-2012-246

Whereas, Treasury Regulations §1.150-2 (the "Reimbursement Regulations"), issued pursuant to Section 150 of the Internal Revenue Code of 1986, as amended, (the "Code") prescribes certain requirements by which proceeds of tax-exempt bonds, notes, certificates or other obligations included in the meaning of "bonds" under Section 150 of the Code ("Obligations") used to reimburse advances made for Capital Expenditures (as hereinafter

defined) paid before the issuance of such Obligations may be deemed “spent” for purposes of Sections 103 and 141 to 150 of the code, and therefore not further subject to any other requirements or restrictions under those sections of the Code: and

Whereas, such Reimbursement Regulations require that an Issuer (as hereinafter defined) make a Declaration of Official Intent (as hereinafter defined) to reimburse any Capital Expenditure paid prior to the issuance of the Obligations intended to fund such Capital Expenditure and require that such Declaration of Official Intent be made no later than sixty (60) days after payment of the Capital Expenditure, and further require that any Reimbursement Allocation (as hereinafter defined) of the proceeds of such Obligations to reimburse such Capital Expenditure occur no later than eighteen (18) months after the later of the date such Capital Expenditure was paid or the date the property acquired with the Capital Expenditure was placed in service, except that any such Reimbursement Allocation must be made no later than three (3) years after such Capital Expenditure was paid; and

Whereas, the County of Lawrence (the “County”), a county duly organized and validly existing under the Constitution and laws of Pennsylvania (the “Commonwealth”), particularly the Commonwealth’s County Code, as amended, intends to purchase real estate and to construct thereon and to equip and furnish a new Emergency Operations Center, to purchase real estate and construct or renovate thereon a Radio Communications Center, to purchase and install radio communication equipment, and other communications infrastructure, and to make other capital and infrastructure improvements to its public facilities (the “2014” Project”); and

Whereas, the County expects to expend its general operating funds for certain capital expenditures related to the 2014 Project prior to its issuance of obligations to finance the 2014 Project, and to reimburse itself for such expenditures from the proceeds of such Obligation when issued, and may soon be required to so pay for portions of the 2014 Project; and

Whereas, the County wishes to ensure compliance with the Reimbursement Regulations.

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

Section 1. The following definitions apply to the terms used herein:

“*Allocation*” means written evidence that proceeds of Obligations issued subsequent to the payment of a Capital Expenditure are to reimburse the county for such payments.

“*Authorized Officer*” means the chairman of the board of County Commissioners of the County and any person with authority at the time to exercise functions of that particular office.

“*Capital Expenditure*” means any expense related to the 2014 Project for an item that is properly depreciable or amortizable or is otherwise treated as a capital expenditure for purposes of the Code, as well as any costs of issuing Reimbursement Bonds.

“*Declaration of Official Intent*” means a written declaration that the County intends to fund Capital Expenditures with an issue of Reimbursement Bonds and reasonably expects to reimburse itself from the proceeds of such an issue.

“*Issuer*” means either a governmental unit that is reasonably expected to issue Obligations, or any governmental entity or 501©(3) organization that is reasonably expected to borrow funds from the actual issuer of the Obligations.

“*Reimbursement*” means the restoration to the County of money temporarily advanced from other funds, including moneys borrowed from other sources by the County to pay for Capital Expenditures before the issuance of Reimbursement Bonds intended to fund such Capital Expenditures. “To reimburse” means to make such a restoration.

“*Reimbursement Bonds*” means Obligations, being notes and/or bonds in one or more series that are issued to reimburse the County for Capital Expenditures, and for certain other expenses permitted by the Reimbursement Regulations, previously paid by or for the County.

“*Reimbursement Regulations*” means Treasury regulation §1.150-2 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as applicable, prescribing conditions under which the proceeds of Obligations may be allocated to reimburse the county for Capital Expenditures and certain other expenses paid prior to the issuance of the Obligations such that the proceeds of such Obligations will be treated as “spent” for purposes of Sections 103 and 141 to 150 of the Code.

SECTION 2. this Resolution is the County's Declaration of Official Intent, in order to satisfy the Reimbursement Regulations, with respect to Capital Expenditures for the 2014 Project to be paid from moneys temporarily available that are reasonably expected to be reimbursed (in accordance with applicable authorizations, policies and practices) from the proceeds of Reimbursement bonds and to make timely Allocations, which satisfy the Reimbursement Regulations of the proceeds of such Reimbursement Bonds to reimburse prior Capital Expenditures, and to take or cause to be taken any other actions that may be appropriate to satisfy the requirements of the Reimbursement Regulations, or any other Treasury regulations, so that proceeds used for reimbursement will be treated as "spent" on the prior Capital Expenditures for purposes of Sections 103 and 141 to 150 of the Code.

This declaration of intent to reimburse with the proceeds of Reimbursement Bonds is made in the approximate amount of \$5,000,000 for the 2014 Project from the proceeds of approximately \$20,000,000 of Obligations to be issued to finance the 2014 Project.

SECTION 3. this Resolution shall be effective immediately.

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

RESOLUTION R-2012-247

WHEREAS, Section 1784 of the County Code, *Supplemental Appropriations Transfer of Fund; Appropriation Limits* authorizes the Board of Commissioners, by resolution, to make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated; and

WHEREAS, various County departments have realized unanticipated income; and

WHEREAS, the adopted 2013 budget must be adjusted to account for the additional income.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS; that the 2013 Lawrence County General Fund Budget shall be amended by increasing the following accounts:

General Fund: Treasurers

REVENUE:		
State Reimbursement	01.335000.335100	\$11,248.00
EXPENDITURE:		
Materials/Supplies	01.415600.201000	\$5,590.37
Postage	01.415600.201200	\$1,624.63
Advertising	01.415600.504000	\$4,033.00

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

RESOLUTION R-2012-248

WHEREAS, each local area within the State is required to have a Workforce Investment Board whose terms are staggered and are appointed by the local elected officials; and

WHEREAS, the Governor is responsible for establishing the criteria for use by the chief elected officials in appointing the WIB members; and

WHEREAS, the mandatory members of the WIB consist of at least a majority of private sector representatives, at least two representatives of local educational entities, at least two representatives of labor organizations, and at least two representatives of economic development agencies; and

WHEREAS, it has been recommended by the West Central Job Partnership that the following names be appointed or re-appointed to the Workforce Investment Board.

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

<u>Name:</u>	<u>Sector</u>	<u>Term of Office</u>
1. Gillian Maule (replaces Marcia Anderson)	Adult Ed. Literacy	11/1/13-8/31/15
2. Neil Chessin	Private	9/1/13-8/31/16
3. Joseph Clavelli	Private	9/1/13-8/31/16
4. Gail Steck	Rehabilitation Act	9/1/13-8/31/16
5. Mark McNulty	Private	9/1/13-8/31/16
6. Linda Nitch	Economic Dev.	9/1/13-8/31/16

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

RESOLUTION R-2012-249

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. \$7,500.00 to the Community Foundation of Western A and Eastern Ohio for community development activities in Bessemer Borough.

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

RESOLUTION R-2012-250

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 \$32,100.00 described in detail on the attachment(s) designated as T-2013-15.

Jail
Amount: \$30,000.00
From: 01.411100.509000
Comm. Contingency
To: 01.423000.401300
Water
Amount: District Attorney
From: 01.411100.509000
Comm. Contingency
To: 01.419400435200
Toxicology

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. October 22, 2013 through October 23, 2013.

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

ANNOUNCEMENTS

- A. The next Commissioners' Public Meeting will be held on Tuesday, November 12, 2013 at 10:00 a.m. in the Commissioners' Meeting Room.
- B. There will not be a Commissioners' Public Meeting held on Tuesday, November 5, 2013 as that is Election Day.
- C. The Courthouse will be closed on Monday November 11, 2013 in observance of Veteran's Day.

PUBLIC COMMENTS

None

ADJOURNMENT

Moved by **Mr. Del Signore** seconded by Mr. Craig to adjourn the Lawrence County Commissioners meeting dated Tuesday, October 29, 2013 at 11:20 a.m. Motion carried 3-0.