

AGENDA
LAWRENCE COUNTY COMMISSIONERS
November 12, 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. Second announcement of an opening on the Lawrence County Airport Authority
 - 2. First announcement of opening on Housing Authority

II. ROW OFFICER REPORTS AND COMMENTS

III. PUBLIC COMMENTS

IV. MINUTES AND CORRESPONDENCE

- A.** Approval of Minutes:
 - 1. Tuesday, October 29, 2013
- B.** Presentation of Written Communications:
 - 1. Pennsylvania Department of Transportation, dated November 5, 2013, giving notification of the Liquid Fuels Tax Fund bi-annual allocation in the amount of \$163,692.35 will be electronically transferred to the County's account on December 2, 2013.
 - 2. Letter received from Charles Hardester, Sr., dated November 1, 2013, giving notification of his resignation from the Lawrence County Housing Authority effective December 31, 2013.
 - 3. Pennsylvania Department of Environmental Protection, dated October 31, 2013, giving notification of a minor modification to Solid Waste Permit No. 301353 for the operation of Advanced Waste Services of PA, LLC issued on March 9, 2010.
 - 4. Commonwealth of Pennsylvania Department of Public Welfare, dated October 23, 2013, giving notification of a none-time-only supplemental Intellectual Disabilities allocation for the amount of \$2,973.00 to be used for the period of July 1, 2013 to June 30, 2014.
 - 5. Dawood People Engineering Innovation, dated October 31, 2013, giving Act 14 notification for a Water Management Plan Submission by the Hilcorp Energy Company for work to be in Mahoning Township.

6. Frank B. Taylor Engineering, dated October 30, 2013, giving Act 14 notification for a Maintenance, Testing, Repair, Rehabilitation, or Replacement of Water Obstruction & Encroachments permit GP-11, for work to be done in North Beaver Township.
7. Commonwealth of Pennsylvania Public Utility Commission, dated October 28, 2013, giving Act 14 notification for a bridge carrying Mahoning Avenue over and above the tracks of CSX Transportation Inc. in the City of New Castle.
8. Villa Maria Education and Spirituality Center, dated October 24, 2013, thanking the Lawrence County Board of Commission for the 2013 allocation received.
9. Pennsylvania Department of Transportation, dated October 22, 2013, giving Act 14 notification for a GP- Permit for work to be done in Slippery Rock Township.
10. Plain Grove Township, dated November 6, 2013, requesting a portion of the Act 13 funds.

V. PROCLAMATIONS AND CERTIFICATES:

1. Proclamation congratulating the Lawrence County Tourist Promotion Agency on their twenty-fifth (25) anniversary.

VI. REPORTS AND NEW BUSINESS

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

DEPARTMENT OF PUBLIC SAFETY

1. HMEP (Hazardous Material Emergency Preparedness) (R-2013-251)
2. Authorize Brian Melcer to execute Public Disaster Asst. (R-2013-252)

LCEDC

1. Amending Resolution R-2013-218 (R-2013-253)
2. Cooperation agreement between County and LCEDC (R-2013-254)

PLANNING

1. Committing municipal resources to grants-in-aids projects (R-2013-255)

BUDGET AMENDMENT

1. Early Intervention (R-2013-256)

TRANSFER OF FUNDS (administrative)

1. Courts (\$1,638.00)
2. MDJ Amodie (\$1,500.00)
3. Jury Comm. (\$1,950.00)
4. Coroner (\$50,000.00)
5. Maintenance (\$5,000.00)
6. Tax Claim (\$3,500.00)
7. Planning (\$1,000.00)
8. MDH Rishel (\$ 300.00)
9. Prothonotary (\$2050.00)
10. Commissioners (\$12,000.00)
11. CYS (\$275,000.00)

LCCS

1. Senior Citizen Nutritional Shopping Program

VII. RESOLUTION

- A. Resolutions on the table
- B. Resolutions to be taken off the table: None
- C. New Resolutions: None
- 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 29, 2013
2. October 30, 2013

3. November 4, 2013
4. November 6, 2013

X. ANNOUNCEMENTS

- A.** The next Commissioners' Public Meeting will be held on Tuesday, November 19, 2013 at 10:00 a.m. in the Commissioners' Meeting Room.

XI. Public Comments

XII. Adjournment

LAWRENCE COUNTY COMMISSIONERS' MEETING
PUBLIC MEETING
MINUTES OF Tuesday, November 12, 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, November 12, 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, Debbie Henson, John Carran, Amy McKinney, Debbie Morris, 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.

ROW OFFICERS' REPORTS AND COMMENTS

None

GENERAL PUBLIC

Mr. Nelson asked for a Casino update.

APPROVAL OF MINUTES

1. Minutes of Tuesday, October 29, 2013

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

WRITTEN CORRESPONDENCE

1. Pennsylvania Department of Transportation, dated November 5, 2013, giving notification of the Liquid Fuels Tax Fund bi-annual allocation in the amount of \$163,692.35 will be electronically transferred to the County's account on December 2, 2013.
2. Letter received from Charles Hardester, Sr., dated November 1, 2013, giving notification of his resignation from the Lawrence County Housing Authority effective December 31, 2013.
3. Pennsylvania Department of Environmental Protection, dated October 31, 2013, giving notification of a minor modification to Solid Waste Permit No. 301353 for the operation of Advanced Waste Services of PA, LLC issued on March 9, 2010.
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9. Pennsylvania Department of Transportation, dated October 22, 2013, giving Act 14 notification for a GP- Permit for work to be done in Slippery Rock Township.
10. Plain Grove Township, dated November 6, 2013, requesting a portion of the Act 13 funds.

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 congratulating the Lawrence County Tourist Promotion Agency on their twenty-fifth (25) anniversary.

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

Staff Report

None

Personnel Report

1. Report dated November 7, 2013.

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

COMMISSIONERS' COMMENTS

Mr. Del Signore stated he wanted to apologize to Ms. Morris for comments made last week.

Mr. Craig stated he attended Veteran's Day program at Neshannock High School.

Mr. Craig stated the scouts are taking care of a Revolutionary War grave found in the wetlands.

Mr. Vogler gave an update on the Casino. Mr. Vogler announced both the Harness and Gaming Boards meet next week.

Resolutions on the table: None

Resolutions to be taken off the table: None

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

RESOLUTION R-2012-251

Whereas, the County through the Department of Public Safety has applied for a grant in the amount of \$2,000.00 for planning; and

Whereas, funds are to be expended during the grant from October 1, 2013 to September 30, 2014.

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

1. Authorization is given to execute on behalf of the Lawrence County Department of Public Safety a grant agreement with the Commonwealth of Pennsylvania Emergency Management Agency for Hazardous Material Emergency Preparedness (HMEP) in the total amount of \$7,160.00.
2. Grants under this program are on a reimbursable basis, expenditures are reimbursed after completion of activities or contractual obligations.

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

RESOLUTION R-2012-252

Whereas, Lawrence County is eligible to obtain financial assistance due to the tornado and severe thunderstorms with flash flooding that caused injury, damage, and suffering to the persons and property of Lawrence County on July 10, 2013; and

Whereas, Lawrence County has appointed Brian R. Melcer, Director of Public Safety to execute for and on behalf of Lawrence County all required forms and documents for the purpose of obtaining financial assistance for the Public Disaster Assistance Application and Agreement.

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

Authorization is given to Brian R. Melcer to execute on behalf of the Board of Commissioners, all forms and documents for the purpose of obtaining financial assistance for the Public Disaster Assistance Application and Agreement.

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

RESOLUTION R-2012-253

Whereas, the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (Act of 6, 1998, P.L. 705, No.92) as amended, hereinafter referred to as the "Act," authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for designation of an area within the respective political subdivision as a KOES, granting exemptions, deductions, abatements or credits from all local taxes identified in the Act; and

Whereas, the Lawrence County Board of Commissioners recognizes the need to encourage investment on property ("Proposed KOEZ") identified in Attachment "A," that is experiencing distress, characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated taxed base; and

Whereas, approval of benefits provided in the Act will result in improving the economic, physical, and social conditions within the Proposed KOEZ by stimulating existing businesses employment, creating new employment opportunities and diminishing blight; and

Whereas, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the Proposed KOEZ by the time of its termination; and

Whereas, the Proposed KOEZ is not less than ten acres but not more than 350 acres in the aggregate; and

Whereas, the Proposed h KOEZ is comprised of parcels which are (i) deteriorated, underutilized or unoccupied or (ii) are occupied by a Qualified Business (as that term is defined in the Act) which creates or retains at least 1,000 full-time jobs in Pennsylvania with-in three years from the designation by DCED of the Proposed KOEZ and makes a capital investment of at least \$5,000,000 in the Proposed KOEZ within three years from the designation by DCED of the Proposed KOEZ.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, that: effective September 24, 2013, the following provisions shall apply:

1. Real Property Tax on the Proposed KOEZ is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to begin on January 1, 2014 and to terminate December 31, 2023 (a ten year period).
2. Earned Income and Net Profits Taxes: Business Privilege and Mercantile Taxes are waived, as as the business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed KOEZ attributable to business activity conducted with said zone and benefits to begin on January 1, 2014 and to terminate on December 31, 2013 (a ten year period).
3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Resolution, by reference.
4. This Resolution shall be effective upon execution, conditioned upon the approval of the application by DCED.

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

RESOLUTION R-2012-254

WHEREAS, the Lawrence County Board of Commissioners and LCEDC agreed that LCEDC would, on behalf of Lawrence County, prepare and submit to the Commonwealth of Pennsylvania Office of the Budget, a Redevelopment Assistance Capital Project ("RACP") grant application ("Application") for the purpose of obtaining \$2,500,000.00 in RACP grant funds ("Grant") for the expansion and modernization of the Dairy Farmers of America, Inc. ("Dairy Farmers") cheese and dry whey manufacturing plant in Wilmington Township, Lawrence County, Pennsylvania ("Project"); and

WHEREAS, the Application was submitted on or about December 28, 2010; and

WHEREAS, the Application provides that LCEDC shall be the sub-applicant, and the Project Officer, for the administration and disbursement of the Grant funds for the Project; and

WHEREAS, the Application was approved by the Commonwealth of Pennsylvania, and a contract (# ME 300-1132, Funds Commitment # 4100056821), was issued and executed, memorializing the terms and conditions under which the grant funds of \$2,500,000.00 are to be administered and disbursed by Lawrence County and the Commonwealth of Pennsylvania ("Contract"); and

WHEREAS, Lawrence County and LCEDC wish to memorialize the terms and conditions of their agreement relative to the administration and disbursement of the Grant funds for the Project.

NOW THEREFORE, THE PARTIES HERETO, FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS SET FORTH HEREIN, AND INTENDING TO BE LEGALLY BOUND HEREBY, agree as follows.

1. **Recitals.** The Recitals are incorporated herein by reference thereto.
2. **Responsibilities of LCEDC.** LCEDC shall act as the sole Project Officer in connection with the Project, which shall include ensuring that Dairy Farmers complies with all requirements under the Contract as may be necessary to permit disbursement of Grant funds.
3. **Responsibilities of Lawrence County.** Lawrence County shall fully cooperate with LCEDC relative to the submission of requests for Grant funds to the Commonwealth of Pennsylvania as requested by LCEDC and shall disburse Grant funds received from the Commonwealth of Pennsylvania to LCEDC within ten (10) business days from the date Lawrence County receives the Grant funds from the Commonwealth of Pennsylvania.
4. **Compliance with Laws, Rules, Regulations and Contract.** LCEDC and Lawrence County shall comply with all terms and conditions of the Grant as required by the Commonwealth of Pennsylvania in the administration of the Grant; and all federal, state and local laws, rules, regulations and policies applicable to the Grant; and the terms and conditions of the Contract.

In witness whereof, the parties execute this Agreement.

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

RESOLUTION R-2012-255

Whereas, Lawrence County will be undertaking a project to update the County Comprehensive plan; and
Whereas, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Municipal Assistance Program.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the Board of Commissioners of Lawrence County hereby authorizes submission of an application to the Municipal Assistance Program; and

BE IT FURTHER RRESOLVED, that; the Board of Commissioners of Lawrence County hereby commits municipal resources in the amount of fifty-thousand (\$50,000.00) as match for said project.

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

RESOLUTION R-2012-256

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:		
Early Intervention	07.334000.334101	\$99,000.00
EXPENDITURE:		
Early Intervention	07.447046.419500	\$99,000.00

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 29, 2013 through November 6, 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 19, 2013 at 10:00 a.m. in the Commissioners' Meeting Room.

PUBLIC COMMENTS

None

ADJOURNMENT

Moved by **Mr. Del Signore** seconded by Mr. Craig to adjourn the Lawrence County Commissioners meeting dated Tuesday, November 12, 2013 at 11:02 a.m. Motion carried 3-0.