

**AGENDA**  
**LAWRENCE COUNTY COMMISSIONERS**  
**December 3, 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**

- 1. Third announcement of two (2) openings on the Lawrence County Housing Authority.
- 2. First announcement of an opening on the Lawrence County Industrial Development Authority.

**III. PUBLIC COMMENTS**

Treasurer's awarding of "Go for the Gold" dog awards

**IV. MINUTES AND CORRESPONDENCE**

**A. Approval of Minutes:**

- 1. Tuesday, November 19, 2013

**B. Presentation of Written Communications:**

- 1. Borough of Ellwood City, dated October 28, 2013, giving notification of the Borough entering into a relationship with Town Center Associates due to the recommendation of the Board of Commissioners.
- 2. Entech, dated November 14, 2013, giving Act 14 notification for a PADEP Permit (GP-11) for maintenance, testing, repair, rehabilitation or replacement of water obstructions and encroachments, for work to be done in North Beaver Township.
- 3. Entech, dated November 15, 2013, giving Act 14 notification for an ESCGP-2 for Earth Disturbance Associated with Oil and Gas exploration, production, processing or treatment operations or transmission facilities for work to be done in Pulaski Township.
- 4. Frank E. Telesz, Jr, International Brotherhood of Electrical Workers, Local Union 712, dated November 19, 2013, asking to be reappointed to the Redevelopment Authority.
- 5. Louis Abraham, dated November 19, 2013, asking to be appointed to the

Lawrence County Housing Authority.

6. A press release offered by the Lawrence County tax Assessment Office, stating there is misleading or incorrect information being mailed out concerning a "Record Transfer Service."
7. R.W. Powell, dated November 20, 2013, giving notification of his stepping down a member of the Lawrence County Industrial Development Authority.
8. W.D. Mohney & Associates, dated November 22, 2013, giving notification of blasting operations being done at Mine 38 in Slippery Rock Township.
9. Pennsylvania Board of Probation and Parole, dated November 18, 2013, giving notification the 2013-2014 Grant-In-Aid Continuing Program for the Lawrence County Adult Probation Department has been approved for the amount of \$49,583.00
10. Jon Natale, dated November 11, 27, 2013, asking to be appointed to the Lawrence County Airport Authority.

**V. PROCLAMATIONS AND CERTIFICATES:** None

**VI. REPORTS AND NEW BUSINESS**

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

1. Opening of Tax Anticipation Note
2. Johnson Controls – four-year update

**MHDS**

- a. Contract Southwest Behavioral (R-2013-261)
- b. Contract Value Behavioral (R-2013-262)

**TAX CLAIM**

- a. Contract-Title Searcher Levine (R-2013-263)

**ASSESSORS**

- a. Contract DON Servicing LLC (R-2013-264)

**COMMISSIONERS**

- a. General Obligation Refunding Note (R-2013-265)

**CHILDREN AND YOUTH**

- a. Contract- Summit School, Inc.

**TRANSFER OF FUNDS** (administrative)

- a. CYS (\$237,000.00)
- b. DA (\$130.00)
- c. Courts (\$17,255.84)
- d. Voter Reg. (\$13,800.00)
- e. MDJ McGrath (\$390.00)
- f. MDJ McGrath (\$650.00)
- g. APO (\$2,000.00)
- h. Jail (\$1,400.00)
- i. Commissioners (\$12,800.00)

**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. November 8, 2013
  - 2. November 15, 2013

3. November 21, 2013
4. November 22, 2013
5. November 25, 2013
6. November 27, 2013

**X. ANNOUNCEMENTS**

- A.** The next Commissioners' Public Meeting will be held on Tuesday, December 10, 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, December 3, 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, December 3, 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, Cindy Scaramazza, John Salopek, Robert Fisher, Artishia Foster, Lou Frischkorn, Robin Wresn, Helene Pavlov, Edward Pavlov, Skylar Korby, Tracy Adams, Chad Adams, Paris Adams, Abby Adams, Karen King, John Carran, Ed Allison, Zach Kraus, John Geidner, Robert Aha, Chad Ubry, Josh Vass, Devin Carlson, Amy Lamb, Dave Gettings, Richard Rapone, Ju-Ju DeLillo, Carol Bonfield, 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.

**ROW OFFICERS' REPORTS AND COMMENTS**

Mr. Gettings, Controller, gave a report.

Mr. Rapone, Treasurer, gave a report.

Mr. Rapone, Treasurer, presented the "Go for the Gold" dog awards.

Read was the 3<sup>rd</sup> announcement of an opening on Lawrence County Housing Authority, and 1<sup>st</sup> announcement of opening on the Lawrence County Industrial Development.

Mr. Vogler stated there will be a public hearing on December 17, 2013 on updating of an ordinance.

**GENERAL PUBLIC**

Mr. Aha, Johnson Controls, gave an energy update.

Mr. Nelson asked for an update on the Casino

**APPROVAL OF MINUTES**

1. Minutes of Tuesday, November 19, 2013.

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

**WRITTEN CORRESPONDENCE**

1. Borough of Ellwood City, dated October 28, 2013, giving notification of the Borough entering into a relationship with Town Center Associates due to the recommendation of the Board of Commissioners.
2. Entech, dated November 14, 2013, giving Act 14 notification for a PADEP Permit (GP-11) for maintenance, testing, repair, rehabilitation or replacement of water obstructions and encroachments, for work to be done in North Beaver Township.
3. Entech, dated November 15, 2013, giving Act 14 notification for an ESCGP-2 for Earth Disturbance Associated with Oil and Gas exploration, production, processing or treatment operations or transmission facilities for work to be done in Pulaski Township.
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10. Jon Natale, dated November 11, 27, 2013, asking to be appointed to the Lawrence County Airport Authority.

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. Vogler stated he did not have an update on the Casino, both the harness and gaming meetings are next week.

Resolutions on the table: None

Resolutions to be taken off the table: None

New resolutions; None

Moved by Mr. Del Signore, seconded by Mr. Craig to amend the agenda..

**RESOLUTION R-2012-261**

Whereas, the Dept. of Public Welfare (D.P.W.) in 1999 initiated statewide implementation of HealthChoices, a mandatory managed care initiative for all Medical Assistance (M.A.) recipients; and

Whereas, behavioral healthcare services (mental health and drug/alcohol services) are part of HealthChoices for counties to manage the M.A. funds locally for these services; and

Whereas, representatives of Lawrence County (mental health and drug/alcohol programs) collaborate with five other county mental health programs and drug/alcohol abuse programs (Butler, Armstrong, Indiana, Washington, and Westmoreland counties); and

Whereas, Southwest Behavioral Health Management, Inc. (S.W.B.H.M.) agrees to provide administrative support services and oversight services for Lawrence County (and the other five southwestern counties) related to the operations of HealthChoices; and

Whereas, HealthChoices funds will be used to pay monthly costs as submitted by S.W.B.H.M., Inc. with no local match required from Lawrence County; and

Whereas, the current agreement with S.,W.B.H.M. Inc. needs to be renewed effective January 1, 2014 through December 31, 2017.

NOW, THEREFORE BE IT RESOLVED, that Lawrence County agrees to enter into this agreement with Southwest Behavioral Health Management, Inc. subject to final review by the County Solicitor.

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

**RESOLUTION R-2012-262**

Whereas, Lawrence County and Value Behavioral Health-PA (VBH-PA) executed an agreement entitled HealthChoices Behavioral Health Agreement effective as of January 1, 2014 (the "Agreement"); and

Whereas, HealthChoices is the state's mandatory managed care program for persons who are Medical Assistance recipients; and

Whereas, under HealthChoices VBH-PA serves as the managed care organization (MCO) on behalf of Lawrence County; and

Whereas, the current contract between Lawrence County and VBH will expire on December 31, 2013; and  
Whereas, County and VBH-PA intending to be legally bound, do hereby agree to execute a new contract for the same purpose.

NOW, THEREFORE, be it resolved by the Lawrence County Board of Commissioners, that:

1. The contact with Value Behavioral Health-PA shall be approved for the period of January 1, 2014 through December 31, 2017.

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

**RESOLUTION R-2012-263**

Whereas, Section 1802 (h) of the County Code states that "contracts or purchases made by the Commissioners which shall not require advertising, bidding or price quotations are as follows: (5) . those involving services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional expertise."

Whereas, prior to the Tax Claim Judicial Sale, title searches must be done; and

Whereas, the required title searches are considered a professional service and are exempt from bidding; and

Whereas, the law office of Levine Law, LLC submitted the lowest proposal to do title searches for the Tax Claim Office.

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

1. Authorization is given to execute an agreement with Brian F. Levine of Levine Law, LLC to title work for the 2014 Judicial Sale title searches. Payment for approximate services rendered pursuant to this Agreement are as follows;
2. Real Estate Examinations @ \$115.00 each, Mobile Home Examinations @ \$50.00 each.
3. Levine Law, LLC shall provide proof of errors and omissions insurance and complete the project in a timely manner.

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

#### **RESOLUTION R-2012-264**

Whereas, The county of Lawrence and DON Servicing LLC, entered into an agreement; and

Whereas, Parcel ID Numbers 31-219100 will be placed in Tax Exemption for the year 2013 and subsequent years; and

Whereas, DON Servicing LLC Inc. is willing to pay thirty percent (30%) of the real estate taxes as payment for county, municipal and school services; and

Whereas, this agreement will terminate upon the sale or conveyance of the properties listed upon; and

Whereas, The taxing jurisdiction has right to terminate this agreement at anytime if the use of the property changes from its current use.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the agreement with DON Servicing LLC, be executed and signed by the Board of Commissioners.

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

#### **RESOLUTION R-2012-265**

WHEREAS, the County of Lawrence, Pennsylvania, (the "County") is a fifth class county, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to a resolution (the "2012 A&B Resolution") enacted by the Board of County Commissioners of the County on December 11, 2011, the County issued a bond designated General Obligation Refunding Bond, Series A of 2012, in the principal amount of \$2,685,000 (the "2012A Bond") on February 12, 2012, \$2,530,195.24 principal amount of which is presently outstanding, and payable through February 1, 2024, and is expected to be outstanding on December 31, 2013, the scheduled date of issuance and delivery of the 2013 Obligations to the Purchaser against payment therefor by the Purchaser (hereinafter, the "Closing") prior to the refunding thereof contemplated hereby; and

WHEREAS, pursuant the 2012 A&B Resolution, the County issued a note designated General Obligation Refunding Note, Series B of 2012, in the principal amount of \$545,000 (the "2012B Note") on February 12, 2012, \$387,328.55 principal amount of which is presently outstanding, and payable through February 1, 2018, and is expected to be outstanding at Closing prior to the refunding thereof contemplated hereby; and

WHEREAS, pursuant to a resolution (the "2012C Resolution") enacted by the Board of County Commissioners of the County on December 4, 2012, the County issued a note designated General Obligation Refunding Note, Series C of 2012, in the principal amount of \$1,002,000 (the "2012C Note") on December 31, 2012, all of which is presently outstanding and payable through February 1, 2018, and is expected to be outstanding at Closing prior to the refunding thereof contemplated hereby; and

WHEREAS, pursuant to a resolution (the "2003 Resolution") enacted by the Board of County Commissioners of the County on February 25, 2003, the County issued a series of bonds designated General Obligation Bonds, Series A of 2003, in the principal amount of \$12,850,000 (the "2003A Bonds") on March 25, 2003, \$3,470,000.00 principal amount of which are presently outstanding and payable through February 1, 2016, and are expected to be outstanding at Closing prior to the refunding thereof contemplated hereby; and

WHEREAS, the County desires to currently refund the 2012A Bond, the 2012B Note and the 2012C Note, in full, for the purpose of reducing total debt service over the life of the series, pursuant to Section 8241(b)(1), of the Debt Act (as defined below); and

WHEREAS, the County desires to currently refund the 2003A Bonds for the purpose of substituting notes for bonds, pursuant to Section 8241(b)(5) of the Debt Act; and

WHEREAS, the County will (a) currently refund the 2012A Bond, the 2012B Note and the 2012C Note and pay the cost of issuance related to the 2013A Note (defined below) with the proceeds of the 2013A Note; and (b) currently refund the 2003A Bonds presently outstanding and pay the cost of issuance related to the 2013B Note (defined below) with the proceeds of the 2013B Note (the "2013 Project"); and

WHEREAS, it is necessary that the indebtedness of the County be increased for the purpose of funding the 2013 Project; and

WHEREAS, the County intends to issue the aforementioned notes, in accordance with the terms of this Resolution and Title 53, Part VII, Subpart B, of the Pennsylvania Consolidated Statutes (53 Pa.C.S. Sections 8001, et seq.) known as the Local Government Unit Debt Act (as in effect on the date of Closing, the "Debt Act"), to pay the costs of the 2013 Project; and

WHEREAS, in order to provide the funds necessary to finance the 2013 Project, the County has decided to issue two general obligation debt instruments in the total aggregate principal amount of \$7,570,000, being \$4,025,000 aggregate principal amount County of Lawrence, Pennsylvania, General Obligation Refunding Note, Series A of 2013 (the "2013A Note") and \$3,545,000 aggregate principal amount County of Lawrence, Pennsylvania, General Obligation Refunding Note, Series B of 2013 (the "2013B Note" and together with the 2013A Note, the "2013 Obligations" or the "Obligations"); and

WHEREAS, the proposed increase of indebtedness, together with its nonelectoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of the County's nonelectoral or lease rental borrowing power, pursuant to constitutional and statutory authority, to be exceeded; and

WHEREAS, the County will apply to the Pennsylvania Department of Community and Economic Development to have the proposed increase of indebtedness approved; and

WHEREAS, ESB Bank (the "Purchaser") has submitted, to the County, two (2) Commitment Letter Purchase Proposals for the purchase of the 2013A Note and the 2013B Note, respectively, which as accepted by this Resolution and executed by the Chairman of the Board of County Commissioners shall be the Purchase Contracts (each a "Purchase Contract" and together, the "Purchase Contracts").

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Lawrence, Pennsylvania, and it is hereby RESOLVED by the authority of the same, as follows:

SECTION 1. The description of the 2013 Project, contained in the recitals to this Resolution, is hereby incorporated into this Section by reference, as if set forth at length, and the County hereby undertakes the 2013 Project.

SECTION 2. The Board of County Commissioners of the County of Lawrence (the "Commissioners") hereby determines to incur and authorizes the incurrence of nonelectoral debt, in accordance with the provisions of the Debt Act, in the amount of \$7,570,000, to fund the 2013 Project. Such debt shall be evidenced by the issuance of the 2013 Obligations. The proceeds of the sale of the 2013 Obligations will provide for the funding of the 2013 Project. The current refunding of all of the outstanding principal amount of the 2012A Bond, 2012B Note and 2012C Note, is made for the purpose of reducing total debt service over the life of the series, pursuant to Section 8241(b)(1), of the Debt Act. The current refunding of the 2003A Bonds is made for the purpose of substituting notes for bonds, pursuant to Section 8241(b)(5) of the Debt Act.

SECTION 3. After considering the advantages and disadvantages of a public sale of the 2013 Obligations, the Commissioners hereby determine that a private sale by negotiation is in the best financial interests of the County.

SECTION 4. The Commitment Letter Purchase Proposal, dated December 3, 2013, submitted to the Commissioners by the Purchaser, for the purchase of the 2013A Note is hereby accepted. The 2013A Note is hereby sold to the Purchaser, by a negotiated private sale, at the purchase price of 100% of the principal amount thereof. The Commitment Letter Purchase Proposal, dated December 3, 2013, submitted to the Commissioners by the Purchaser, for the purchase of the 2013B Note is hereby accepted subject to finalization as to the interest rate of the 2013B Note pursuant to a supplemental commitment letter purchase proposal thereto (the "Finalization Supplement") as provided in such Commitment Letter Purchase Proposal. The 2013B Note is hereby sold to the Purchaser, by a negotiated private sale, subject to further negotiation and finalization as to interest rate pursuant to the Finalization Supplement, at the purchase price of 100% of the principal amount thereof. The Chairman of the Board of County Commissioners of the County (the "Chairman") is authorized and directed to execute the Purchase Contracts (including, in the case of the Purchase Contract for the 2013B Note, the Finalization Supplement) in the name and on behalf of the County. The Chief Clerk of the County (the "Chief Clerk") is authorized and directed to affix the seal of the County to the Purchase Contracts (including said Finalization Supplement) when so executed; to attest the same; and to deliver executed counterparts of the Purchase Contracts (including said Finalization Supplement) to the Purchaser.

SECTION 5. The 2013A Note shall bear interest, mature and be redeemable as set forth on Schedule "A", attached hereto. The 2013B Note shall mature and be redeemable as set forth on said Schedule "A", and shall bear interest at a rate no greater than the rate set forth therefor on said Schedule "A".

SECTION 6. ESB Bank is hereby appointed Paying Agent (the "Paying Agent") and Registrar (the "Registrar") for the 2013 Obligations and Sinking Fund Depository (the "Sinking Fund Depository") for the sinking funds created hereinafter. The appropriate officers of the County are hereby authorized and directed to contract with ESB Bank, for its services as Sinking Fund Depository, Paying Agent and Registrar, at such initial and annual charges as shall be appropriate and reasonable for such services. The County may, by Resolution, from time to time, appoint a successor Paying Agent, Sinking Fund Depository or Registrar to fill a vacancy or for any other reason.

SECTION 7. The 2013 Obligations shall be issued in fully registered form (without coupons) and shall be numbered, in such manner as may be satisfactory to the County and the Paying Agent. The 2013 Obligations shall be initially dated as of the date of delivery. The 2013 Obligations shall bear interest on the unpaid principal balance from the date of delivery payable on each May 15 and November 15 while the same remain outstanding (each, a "Payment Date"). Principal and interest shall be payable on each Payment Date as set forth on Schedule "B".

SECTION 8. The County shall cause to be kept, at the principal corporate office of the Paying Agent, a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the County shall provide for the registration of the 2013 Obligations and the registration of transfers and exchanges of the 2013 Obligations. No transfer or exchange of the 2013 Obligations shall be valid unless made at such office and registered in the Register. The 2013 Obligations shall only be transferrable to a bank or financial institution, in each case for such bank's (or such institution's) own account and not as a securities depository acting on behalf of other beneficial owners thereof who are not banks or financial institutions.

SECTION 9. The 2013 Obligations shall be executed on behalf of the County by the Chairman and shall have the corporate seal of the County affixed thereto, duly attested by the Chief Clerk, and said officers are hereby authorized and directed to execute the 2013 Obligations. The Chairman is hereby authorized and directed to deliver the 2013 Obligations to the Purchaser and receive payment therefor on behalf of the County after sale of the same pursuant to the Purchase Contracts, in the manner required by law and this Resolution.

SECTION 10. (a) In consideration of the purchase and acceptance of the 2013 Obligations authorized to be issued hereunder by those who shall purchase the same, from time to time, this Resolution shall be deemed to be and shall constitute a contract between the County and the registered owners from time to time of the 2013 Obligations. The covenants and agreements herein set forth to be performed by the County shall be for the benefit, protection and security of each holder of the 2013 Obligations.

(b) The County hereby covenants with each holder, from time to time, of the 2013 Obligations: (i) that the County will appropriate to and deposit in the 2013 Obligations Sinking Fund (as hereinafter created), such amounts necessary for the payment of the debt service on the 2013 Obligations; and (ii) that the County will duly and punctually pay, to the extent necessary, out of its general revenues so deposited, the principal of the 2013 Obligations and the interest thereon on the dates, at the places and in the manner stated in the 2013 Obligations, according to the true intent and meaning thereof; and for such budgeting, appropriation and payment, the County hereby pledges its full faith, credit and taxing power.

(c) The 2013 Obligations are hereby declared to be general obligations of the County. The County hereby covenants with each holder, from time to time, of the 2013 Obligations outstanding pursuant to this Resolution, that it will include the amount of the debt service as specified in this Section, subject to appropriate adjustment in the event of the optional redemption of part of a 2013 Obligation prior to maturity, on the 2013 Obligations, for each fiscal year in which such sums are payable, in its budget for that year; will appropriate such amounts for such payments; and will duly and punctually pay or cause to be paid the principal of the 2013 Obligations and the interest thereon on the dates, at the places and in the manner stated therein, according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the County does hereby pledge its full faith, credit and taxing power. The amount of the debt service which the County hereby covenants to pay on the 2013 Obligations in each year is shown on Schedule "B", which is attached hereto and incorporated herein by reference as if set out here at length; provided, however that if the final rate of interest to be born by the 2013B Note, as provided in the Finalization Supplement, is less than the maximum rate set forth for the 2013B Note in Schedule "A" attached hereto, such debt service shall be commensurately reduced and a revised or supplemental Schedule "B" showing the reduced debt service shall be prepared and may be attached hereto, and upon such attachment shall be deemed to be part hereof. Moreover, in such event, a revised or supplemental Schedule "A" showing the final 2013A Note interest rate shall be prepared and may be attached hereto, and upon such attachment shall be deemed to be part hereof.

(d) As provided in the Debt Act, the foregoing covenants are specifically enforceable.

SECTION 11. Each of the 2013 Obligations shall be subject to partial redemption and prepayment prior to maturity, at the option of the County, in any order of maturity, upon thirty (30) days written notice to the applicable registered owner or owners thereof, as provided in the forms of the 2013 Obligations, attached hereto.

Each of the 2013 Obligations shall be subject to mandatory redemption prior to maturity, in part, on the dates and in the principal amounts set forth for such 2013 Obligation in Schedule "A" attached hereto and made a part hereof, at a redemption price equal to the principal amount thereof to be redeemed plus accrued interest thereon to the date fixed for the redemption. Upon any such redemption of a portion of a 2013 Obligation, the outstanding principal amount of such 2013 Obligation shall be reduced by the principal amount thereof so redeemed. In the event of a redemption of a 2013 Obligation in part at the option of the County as hereinbefore provided, subsequent mandatory redemptions of such 2013 Obligation shall be increased so that the payments of principal and interest thereon shall, in the aggregate, remain the same as the scheduled amounts shown on Schedule "B" attached hereto, as revised by a revised or supplemental Schedule "B" (if any) prepared and attached hereto pursuant to Section 10 (c) hereof.

SECTION 12. (a) There is hereby established, with the Sinking Fund Depository, a sinking fund to be known as the "County of Lawrence of Lawrence 2013 Refunding Obligations Sinking Fund" (the "2013 Obligations Sinking Fund"), with sub-funds for each of the 2013A Note and 2013B Note, into which the County covenants to deposit and into which the Treasurer of the County (the "Treasurer") is hereby authorized and directed to deposit on or before each Payment Date, while any 2013 Obligation remains outstanding, the interest due on the 2013 Obligations on such date and the principal thereof then due (whether by maturity or mandatory redemption). Should the amounts covenanted to be paid into the 2013 Obligations Sinking Fund be, at any time, in excess of the net amounts required at such time for the payment of interest and principal, whether by reason of funds already on deposit in the 2013 Obligations Sinking Fund or by reason of the purchase or redemption of part of one or both of the 2013 Obligations or for some similar reason, the amounts covenanted to be paid may be reduced to the extent of the excess.

(b) All sums in the 2013 Obligations Sinking Fund shall be applied, exclusively, to the payment of principal and interest covenanted to be paid by Section 10., above, as the same, from time to time, become due and payable. The balance of said moneys, over and above the sum so required, shall remain in the 2013 Obligations Sinking Fund, to be applied to the reduction of future required deposits; subject, however, to investment or deposit at interest, as authorized by law and as permitted by Section 19., below. The 2013 Obligations Sinking Fund shall be kept as a separate account at the principal corporate office of the Sinking Fund Depository. The Sinking Fund Depository, without further authorization other than as herein contained, shall pay, from the moneys in the 2013 Obligations Sinking Fund, the principal of and interest on the 2013 Obligations, as and when due, to the holder or holders thereof.

(c) Notwithstanding the foregoing, in the case of optional redemption of any part or all of the 2013 Obligations as permitted by Section 11., above, the Treasurer is hereby authorized and directed to deposit, from time to time, on or before an optional redemption date, moneys which shall be sufficient when they, either alone or together with the interest to be earned thereon, if any, will equal the principal of the 2013 Obligations so called for redemption, if any, and accrued interest thereon to the date fixed for redemption.

SECTION 13. There is hereby established, with the Sinking Fund Depository, a special fund to be known as the "County of Lawrence 2013 Obligations Clearing Account" (the "Clearing Account") which shall be held as a separate

fund for the benefit of the County until disbursed in accordance with the provisions hereof. The County shall deliver the net proceeds derived from the sale of the 2013 Obligations to the Sinking Fund Depository for deposit to the Clearing Account. Upon written directions from the County signed by the Chairman, the Sinking Fund Depository shall pay, out of the Clearing Account, the costs and expenses of the issuance of the 2013 Obligations and transfer and deposit the specified amounts to the paying agents of the 2003A Bonds, 2012A Bond, 2012B Note and 2012C Note. The written direction from the County shall state the names of the respective payees; the purpose for which the expenditure has been incurred or the purpose of the transfer, whichever is applicable; and contain a certification that each item of expense for which payment has been requested has been properly incurred and is then unpaid, and that each transfer which is requested is in accordance with the provisions of this Resolution. Any insubstantial amounts of money which may remain after fulfilling the purposes set forth herein shall, promptly upon their determination, be deposited in the 2013 Obligations Sinking Fund.

SECTION 14. (a) The County hereby covenants with the holder or holders, from time to time, of the 2013 Obligations that no part of the proceeds of the 2013 Obligations will be used, at any time, directly or indirectly, in a manner which, if such use had been reasonably expected on the date of issuance of the 2013 Obligations, would have caused either of the 2013 Obligations to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986 (the "Code") and the regulations thereunder proposed or in effect at the time of such use and applicable to the 2013 Obligations (the "Regulations"), and that it will comply with the requirements of that Section and the Regulations throughout the term of the 2013 Obligations.

(b) If the principal amount of the 2013 Obligations plus the aggregate principal amount of all other tax-exempt obligations issued and to be issued by the County during calendar year 2012 exceeds \$5,000,000, and if the gross proceeds of the 2013 Obligations are invested at a yield greater than the yield on the 2013 Obligations and are not expended within six (6) months from the date of issuance, the County covenants that it will rebate to the U.S. Treasury, at the times and in the manner required by the Code and the Regulations, all investment income derived from investing the proceeds of the 2013 Obligations in an amount which exceeds the amount which would have been derived from the investment of the proceeds of the 2013 Obligations at a yield not in excess of the yield on the 2013 Obligations.

(c) The County will file an IRS Form 8038-G for each of the 2013 Obligations, and will file all other forms and information required by the Code or the Regulations to be filed in order to permit the interest on the 2013 Obligations to be excluded from gross income for federal income tax purposes.

SECTION 15. The action of the officers of the County in advertising a pre-enactment notice of summary of this Resolution, as required by law, is ratified and confirmed. The officers of the County are authorized and directed to advertise a notice of enactment of this Resolution in a newspaper of general circulation in the County within fifteen (15) days after final enactment. The Chief Clerk is hereby directed to make a copy of this Resolution available for inspection by any citizen during normal office hours.

SECTION 16. The County hereby appoints John F. Salopek, Esquire, as Note Counsel, for the purpose of rendering any and all necessary opinions with respect to the 2013 Obligations and Robert W. E. Fisher, as Financial Advisor relating to the 2013 Project. The role of the Financial Advisor shall be limited to advising the County in its negotiations with ESB Bank in connection with the foregoing, and to assisting the County, Note Counsel and ESB Bank in structuring and accomplishing the transactions contemplated herein. The Chairman and/or the Chief Clerk are hereby authorized to contract with the Financial Advisor on behalf of the County for the provision of the aforementioned financial advisory services and in respect thereof to execute the Municipal Advisor Agreement between the County and the Financial Advisor, dated December 3, 2013, presented at the meeting at which this Resolution is enacted.

SECTION 17. The Chairman and/or Chief Clerk are hereby authorized and directed to prepare, verify and file and take other necessary action with the Department of Community and Economic Development, in accordance with the Debt Act, a transcript of the proceedings relating to the issuance of the 2013 Obligations, including the Debt Statement and Borrowing Base Certificate required by Section 8029 of the Debt Act to have the debt approved.

SECTION 18. The officers and officials of the County are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effect the execution, issuance, sale and delivery of the 2013 Obligations, all in accordance with this Resolution.

SECTION 19. Any moneys in the 2013 Obligations Sinking Fund not required for prompt expenditure may, at the direction of the County, be invested in bonds or obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States of America or may be deposited at interest in time deposit accounts or certificates of deposit or other interest bearing accounts of any bank or bank and trust company, savings and loan association or building and loan association. To the extent that such deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency, they need not be secured. Otherwise, such deposits shall be secured as public deposits or as trust funds. Any such investments or deposits shall mature or be subject to redemption at the option of the holder, or be subject to withdrawal at the option of the depositor, not later than the date upon which such moneys are required to be paid to the holder or holders of the 2013 Obligations.

SECTION 20. Any authorization granted to, power conferred on or direction given to the Chairman or Chief Clerk shall be deemed to run to the Vice-Chairman or Acting or Assistant Chief Clerk, respectively, as if such latter titles had been expressly included in the text hereof which grants such authorization, confers such power or gives such direction.

SECTION 21. The 2013A Note and the 2013B Note shall be substantially in the forms attached hereto as Exhibit "A" and Exhibit "B" and as finally approved, respectively, by the County's Solicitor and Note Counsel.

SECTION 22. Subject to the issuance of the 2013A Note, the County hereby irrevocably calls for redemption on December 31, 2013, or the earliest practicable date thereafter, all of the outstanding principal amounts of the 2012A Bond, 2012B Note and 2012C Note, at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for such redemption. Subject to the issuance of the 2013B Note, the County hereby irrevocably calls for redemption on January 6, 2014, or the earliest practicable date thereafter, all of the outstanding principal amount of the 2003A Bonds, at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for such redemption.



\$4,025,000 General Obligation Refunding Note, Series A of 2013

COUNTY OF LAWRENCE  
Pennsylvania

General Obligation Refunding Note, Series A of 2013  
Scheduled Debt Service

Date	Principal Payment	Coupon	Actual/360 Interest	Total Debt Service	Annual Debt Service
5/15/2014	\$1,110,000.00	2.500%	\$ 37,734.38	\$1,147,734.38	
11/15/2014			37,247.22	37,247.22	\$1,184,981.60
5/15/2015	780,000.00	2.500%	36,639.93	816,639.93	
11/15/2015			27,280.56	27,280.56	843,920.49
5/15/2016			26,984.03	26,984.03	
11/15/2016			27,280.56	27,280.56	54,264.58
5/15/2017			26,835.76	26,835.76	
11/15/2017			27,280.56	27,280.56	54,116.32
5/15/2018	1,045,000.00	2.500%	26,835.76	1,071,835.76	
11/15/2018			13,927.78	13,927.78	1,085,763.54
5/15/2019	1,090,000.00	2.500%	13,700.69	1,103,700.69	
					1,103,700.69
Totals	\$4,025,000.00		\$301,747.22	\$4,326,747.22	\$4,326,747.22

\$3,545,000 General Obligation Refunding Note, Series B of 2013

COUNTY OF LAWRENCE  
Pennsylvania

General Obligation Refunding Note, Series B of 2013 (Refunds the 2003A Bonds)  
Maximum Scheduled Debt Service

Date	Principal Payment	Maximum Coupon	Maximum Interest	Maximum Debt Service	Maximum Annual Debt Service
5/15/2014			\$ 34,563.75	\$ 34,563.75	
11/15/2014			47,109.11	47,109.11	\$ 81,672.86
5/15/2015			46,341.03	46,341.03	
11/15/2015			47,109.11	47,109.11	93,450.14
5/15/2016			46,597.06	46,597.06	
11/15/2016			47,109.11	47,109.11	93,706.17
5/15/2017			46,341.03	46,341.03	
11/15/2017			47,109.11	47,109.11	93,450.14
5/15/2018			46,341.03	46,341.03	
11/15/2018			47,109.11	47,109.11	93,450.14
5/15/2019	\$ 25,000.00	2.600%	46,341.03	71,341.03	
11/15/2019			46,776.89	46,776.89	118,117.92
5/15/2020	1,145,000.00	2.600%	46,268.44	1,191,268.44	
11/15/2020			31,561.11	31,561.11	1,222,829.56
5/15/2021	1,175,000.00	2.600%	31,046.53	1,206,046.53	
11/15/2021			15,946.67	15,946.67	1,221,993.19
5/15/2022	1,200,000.00	2.600%	15,686.67	1,215,686.67	
					1,215,686.67
Totals	\$3,545,000.00		\$689,356.78	\$4,234,356.78	\$4,234,356.78

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

**RESOLUTION R-2012-266**

Whereas, the County of Lawrence is in need of consulting and investment services regarding the Lawrence County Retirement Fund Plan; and

Whereas, Pierce Park Group, Inc. of 300 South High Street, West Chester, PA 19382 is in the business of providing investment management consulting and investment advisory services; and

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

1. Pierce Park Group, Inc. of 300 South High Street, West Chester, PA 19382 is authorized to provide the investment, management consulting and investment advisory services for the County of Lawrence's Retirement Fund Plan.
2. Contract effective December 15, 2013.
3. The Compensation Schedule of fees is attached.

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

### **RESOLUTION R-2012-267**

WHEREAS, a public hearing was held August 16, 2005 concerning the elimination or modification of tax abatement for commercial and industrial properties and subsequent to that hearing the Board discussed the matter with the Solicitor and Chief Assessor.

Whereas, after conducting a public meeting on August 13, 1985, the Board of Commissioners approved the Lawrence County Tax Abatement Program, and Rules and Regulations that exempted from real property taxation, the assessed valuation of improvements for deteriorated residential and business properties for three years for 100% of qualifying improvements would otherwise be taxable; and

Whereas, by Resolution No. R-1996-60, the board of Commissioners, at its March 12, 1996 public meeting, excluded residential buildings from its Tax Abatement Program; and

Whereas, by Resolution No. R-2005-190, the Board of Commissioners, at its September 6, 2005 public meeting, revised the Tax Abatement Program by removing the commercial properties from the program and revising the abatement calculation of qualifying improvements to be 75% for year one, 50% for year two, and 25% for year three with no exemption year four and thereafter.

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

1. Effective December 3, 2013 the Lawrence County Tax Abatement Program for eligible properties shall exempt from assessed valuation those qualifying improvements; 100% for year one, 80% for year two, 60% for year three, 40% for year four, 20% for year five and no abatement of any property taxes for any year thereafter..
2. Effective December 3, 2013, Industrial properties and commercial properties located in the Central Business District (CBD) of any municipality may qualify for the abatement program.
3. Each agreement created for participation in the abatement program shall consider the specific characteristics of the property, as well as the information provided in the application, and may include conditions related to such application.
4. Properties already having been granted county abatement or having secured a building permit prior to December 3, 2013 shall be recognized under the previous Rules and Regulations.
5. Effective December 3, 2013, the County Assessor shall be directed to give notification to municipal officials issuing building permits.

Moved by **Mr. Craig** seconded by Mr. Del Signore 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. November 8, 2013 through November 27, 21013.

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, December 10, 2013 at 10:00 a.m. in the Commissioners' Meeting Room.

### **PUBLIC COMMENTS**

Ms. Lamb asked if we had to have a methadone clinic.

Mr. Craig answered yes.

### **ADJOURNMENT**

Moved by **Mr. Del Signore** seconded by Mr. Vogler to adjourn the Lawrence County Commissioners meeting dated Tuesday, December 3, 2013 at 11:45 a.m. Motion carried 3-0.

