

**AGENDA**  
**LAWRENCE COUNTY COMMISSIONERS**  
**December 31, 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, December 17, 2013
- 2. Friday, December, 20, 2013

**B. Presentation of Written Communications:**

- 1. Community Foundation, dated December 13, 2013, thanking the Board of Commissioners for the generous contribution given to them.
- 2. Senate Engineering Company, dated December 12, 2013, giving Act 14 notification for an NPDES Permit Renewal for work to be done in Hickory Township.
- 3. Frank B. Taylor Engineering, dated December 11, 2013, giving the Board of Commissioners the 2014 rate list,
- 4. Pennsylvania Department of Transportation, dated December 19, 2013, giving Act 14 notification for a GP3 Permit for work to be done in Taylor Township.
- 5. Entech, dated December 18, 2013, giving Act 14 notification for a an ESCGP-2 Permit for work to be done in Pulaski Township.
- 6. Lawrence County Courts notifying the Commissioners of the swearing-in ceremony for Honorable Melissa A. Amodie, Honorable Scott A. McGrath, District Attorney Joshua Lamancusa, Prothonotary/Clerk of Courts Helen I. Morgan, Register and Recorder Janet Kalajainen, Sheriff Perry L. Quahliero to be held on January 2, 2013 at 11:00 a.m.
- 7. Pennsylvania Department of Transportation, dated December 23, 2013, giving notification of Act 44 allocations received in the amount of \$91,486.43 (county's

share of 2012 Act 44 funds).

**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:

TRANSFER OF FUNDS (administrative)

- 1. Courts (\$3,102.00)
- 2. Commissioners (\$209,000)
- 3. Veterans (\$2,000)
- 4. Dept. of Public Safety (\$7,500)
- 5. Dept. of Public Safety (\$25,000)

COURTS

- 1. Custody Master renewal-David Henderson (R-2013-288)

TRANSFER OF FUNDS (non-administrative)

- 1. Commissioners-various (R-2013-289)

CONTRACTS/JAIL

- 1. Labor contract for 2014-2016 (R-2013-290)

COMMISSIONERS

- 1. Awarding of contract for the construction of the Lawrence County Emergency Operations Center.
- 2. 2014 Meeting Schedule (R-2014-295)

BOARDS/AUTHORITIES

- 1. 2014 appointees

**VII. RESOLUTION**

- A. Resolutions on the table
- B. Resolutions to be taken off the table: None

**C. New Resolutions:**

1. R-2013-291 Authorization to execute an agreement with David DeRosa, William Panella, Joseph Kearney, Robert Barletta, and John Bongivengo, on behalf of the Court of Common Pleas of Lawrence County for professional legal services in a number of criminal cases, excluding murder cases for an amount not to exceed \$22,500.00 for twelve months for the period of January 1, 2014 through December 31, 2014.
2. R-2013-292 Authorization to execute an agreement with Robert J. DiBuono, Larry J. Puntureri, and Deborah A. Shaw on behalf of the Court of Common Pleas of Lawrence County for professional legal services in a number of juvenile cases for an amount not to exceed \$22,500.00 for twelve months for the period of January 1, 2014 through December 31, 2014.
3. R-2013-293 Authorization to execute an agreement with Augustine Leone, Jr., Esquire, to provide professional services as the Mental Health Review Officer for involuntary commitments at an amount not to exceed \$22,500.00 for the period January 1, 2014 through December 31, 2014.
4. R-2013-294 Re-appointing to the Ag Land Preservation Board Bill Allen, 305 Covered Bridge Road, Volant, and Penny Kretzer, 513 Vosler Road, Volant, PA to a three year term.

**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. December 17, 2013
  2. December 23, 2013

**X. ANNOUNCEMENTS**

- A. The next Commissioners' Public Meeting will be held on Tuesday, January 7, 2014 at 10:00 a.m. in the Commissioners' Meeting Room.
- B. The Courthouse will be closed on Wednesday, January 1, 2014 in observance of New Years.
- C. The Annual Salary Board will be held on Monday, January, 6, 2014 at 9:00 a.m. in the Commissioners' Public Meeting Room.

**XI. Public Comments**

**XII. Adjournment**

**LAWRENCE COUNTY COMMISSIONERS' MEETING**  
**PUBLIC MEETING**  
**MINUTES OF Tuesday, December 31, 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 31, 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, Michelle DeBord, 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.

**ROW OFFICERS' REPORTS AND COMMENTS**

Mr. Gettings, Controller, gave a report.

**GENERAL PUBLIC**

Representatives from Neighborhood Legal Services asked for financial help.

Mr. Vogler stated Marcellus dollars can be used.

Mr. Nelson asked for an update on the Casino

**APPROVAL OF MINUTES**

1. Minutes of Tuesday, December, 17, 2013, and December 20, 2013.

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

**WRITTEN CORRESPONDENCE**

1. Community Foundation, dated December 13, 2013, thanking the Board of Commissioners for the generous contribution given to them.
2. Senate Engineering Company, dated December 12, 2013, giving Act 14 notification for an NPDES Permit Renewal for work to be done in Hickory Township.
3. Frank B. Taylor Engineering, dated December 119, 2013, giving the Board of Commissioners the 2014 rate list,
4. Pennsylvania Department of Transportation, dated December 19, 2013, giving Act 14 notification for a GP3 Permit for work to be done in Taylor Township.
5. Entech, dated December 18, 2013, giving Act 14 notification for a an ESCGP-2 Permit for work to be done in Pulaski Township.
6. Lawrence County Courts notifying the Commissioners of the swearing-in ceremony for Honorable Melissa A. Amodie, Honorable Scott A. McGrath, District Attorney Joshua Lamancusa, Register and Recorder Janet Kalajainen, Sheriff Perry L. Quahliero to be held on January 2, 2013 at 11:00 a.m.
7. Pennsylvania Department of Transportation, dated December 23, 2013, giving notification of Act 44 allocations received in the amount of \$91,486.43 (county's share of 2012 Act 44 funds).
8. Mr. Gettings read a letter stating the Jail was 100% in compliance.

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 stated it has been a good year.

Mr. Craig wished everyone a happy new year.

Mr. Vogler gave an update on the Casino.

Resolutions on the table: None

Resolutions to be taken off the table: None

**RESOLUTION R-2013-288**

**WHEREAS**, the County desires to enter into an agreement for professional legal services for a court appointed Custody Master and;

**WHEREAS, David E. Henderson, Esquire** desires to provide such services to the County .

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

1. Authorization is hereby given to execute an agreement with David E. Henderson, Esquire, an attorney at law with offices at 2109 Wilmington Road, New Castle, PA 16105 for the provision of custody conferences as assigned by the Lawrence County Court of Common Pleas pursuant to Local Rule L. 1915.3.
2. This agreement shall be effective for the period **January 1, 2014 through December 31, 2014** unless terminated sooner by either party.
3. The compensation for such services shall be \$75.00 per hour to be paid on a monthly basis.

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

**RESOLUTION R-2013-289**

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 \$13,911.72 described in detail on the attachment(s) designated as T-2013-17
  - a. Commissioners
    - Amount: \$265.00
    - From: 08.442161.308003
    - Purch Servcs-Agency
    - To: 08.442161.201005
    - CYS-Staples
    - Amount: \$241.00
    - From: 01.411100.509000'
    - Comm. Contingency
    - To: 01.418651.401000
    - DJ Cart-Telephone
    - Amount: \$252.00
    - From: 01.411100.509000
    - Comm. Contingency
    - To: 01.418652.403000
    - DJ Nich-maint & Repairs
    - Amount: \$101.00
    - From: 03431300.405000.13703
    - LF Const-Mill Street
    - To: 03.431300.403100
    - LF-Vehicle Maint.
    - Amount: \$2,101.00
    - From: 01.411100.509000
    - Comm. Contingency
    - To: 01.419700.403100
    - Sheriff-Vehicle Maint.
    - Amount: \$2,921.00
    - From: 01.411100.509000
    - Comm. Contingency
    - To: 01.411100.508000
    - Comm-travel
    - Amount: \$1,570.72
    - From: 01.411100.509000
    - Comm. Contingency
    - To: 01.419400.403100
    - DA Vehicle Maint.
    - Amount: \$5,462.00
    - From: 01.411100.509000
    - Comm. Contingency
    - To: 01.419400.435200
    - DA-Toxicology
    - Amount: \$136.00

From: 01.411100.509000  
 Comm. Contingency  
 To: 01.419500.401000  
 Proth-Telephone  
 Amount: \$197.00  
 From: 01.411100.509000  
 Comm. Contingency  
 To: 01.418400.401000  
 Courts-Telephone  
 Amount: \$100.00  
 From: 01.411100509000  
 Comm. Contingency  
 To: 01.419400.403000  
 DA-Maint & Repairs  
 Amount: \$240.00  
 From: 01.411100.509000  
 Comm. Contingency  
 To: 01.423600.403000  
 JPO-Maint & Repairs  
 Amount: \$29.00  
 From: 01.411100.509000  
 Comm. Contingency  
 To: 01.418654.403000  
 DJ McGrath-Maint & Rep.  
 Amount: \$81.00  
 From: 01.411100.509000  
 Comm. Contingency  
 To: 01.416000.201005  
 IT Staples  
 Amount: \$182.00  
 From: 01.411100.509000  
 Comm. Contingency  
 To: 01.418641.201005  
 DJ Amodie-Staples  
 Amount: \$33.00  
 From: 01.41100.509000  
 Comm. Contingency  
 To: 01.423600.201005  
 JPO Staples

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

**RESOLUTION R-2013-290**

**WHEREAS**, the Collective Bargaining Agreement between the Laborers’ District Council of Western Pennsylvania, Local Union No. 964, Jail unit, and the Lawrence County Board of Commissioners expires December 31, 2013 ; and

**WHEREAS**, through negotiations between both parties, a tentative agreement has been reached; and  
**WHEREAS**, the Laborer’ Local Union 964 Jail unit has voted to ratify the tentative agreement.

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

Authorization is given to accept and execute the Laborers’ District Council of Western Pennsylvania, Local Union No. 964 Jail unit tentative agreement.

1. The Laborers’ Local Union No. 964 Jail unit bargaining agreement shall be three (3) years, commencing on January 1, 2014 and expiring on December 31, 2016.
2. The Local Union 964 Jail unit members’ rate of pay shall be as agreed to in part 3 (Article 7 – Wages) of the tentative agreement.

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

**RESOLUTION R-2013-291**

**WHEREAS**, the County desires to enter into an agreement for professional legal services and representation to indigent defendants who are in need of court-appointed counsel for criminal cases; and

**WHEREAS**, these cases shall be assigned by and at the sole discretion of the Court of Common Pleas of Lawrence County and shall include matters excluding murder cases assigned by the Court; and

**WHEREAS**, five agreements to provide such services to the County shall be authorized and executed.

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

1. Authorization is hereby given to execute five separate agreements each with an unlimited number of criminal cases, excluding murder cases, as assigned by the Court to the following attorneys for professional legal services in criminal cases:
  - A. **David DeRosa**

- B. William Panella
- C. Joseph Kearney
- D. Robert Barletta
- E. John Bongivengo

2. Each agreement shall contain the following provisions:
  - a. The compensation for such services shall be \$22,500 per contract period to be paid in twelve (12) equal monthly payments.
  - b. Each agreement shall be in effect for the period: **January 1, 2014 through December 31, 2014** unless terminated sooner by either party.
  - c. Murder cases shall not be covered by this agreement.

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

**RESOLUTION R-2013-292**

**WHEREAS**, the County desires to enter into an agreement for professional legal services and representation to indigent defendants who are in need of court-appointed counsel for Juvenile cases; and

**WHEREAS**, these cases shall be assigned by and at the sole discretion of the Court of Common Pleas of Lawrence County and shall include all juvenile matters assigned by the Court; and

**WHEREAS**, three agreements to provide such services to the County shall be authorized and executed.

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

1. Authorization is hereby given to execute three separate agreements each with an unlimited number of juvenile cases, as assigned by the Court, to the following attorneys for professional legal services in juvenile cases:

- F. Robert J. DiBuono
- G. Larry J. Puntureri
- H. Deborah A. Shaw

2. Each agreement shall contain the following provisions:
  - a. The compensation for such services shall be \$22,500 per contract period to be paid in twelve (12) equal monthly payments on or about the 10<sup>th</sup> day of each month.
  - b. Each agreement shall be in effect for the period **January 1, 2014, through December 31, 2014** unless terminated sooner by either party.

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

**RESOLUTION R-2013-293**

Whereas, the County desires to enter into an agreement for professional legal services for a court appointed Mental health Review Officer; and

Whereas, Augustine Leon, Jr. Esquire desires to provide such services to the County.

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

1. Authorization is hereby given to execute an agreement with Augustine Leone Jr., Esquire, an attorney at law, with offices at 203 Central Building, New Castle, PA 16101 for the provision of Mental Health Review Officer for involuntary commitments pursuant to the Mental Health Procedures Act.
2. This agreement shall be effective for the period January 1, 2014 through December 31, 201 unless terminated sooner by either party.
3. The compensation for such services shall be \$22,500 per contract period to be paid in twelve (12) equal monthly payments. All payments made by the County will be by electronic transfer.

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

**RESOLUTION R-2013-294**

Whereas, the board of Commissioners created a five-member Agricultural Land Preservation Board through Resolution R-2004-190; and

Whereas, said Board was authorized to administer the Lawrence County Agricultural Conservation Easement Program on behalf of the Commissioners; and

Whereas, from time to time, the term of these Board members expire and must be filled; and

Whereas, the Agricultural land Preservation Board has recommended individuals to fill positions on the Board.

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

1. Bill Allen, Covered Bridge Road, Volant, PA 16156 is re-appointed for a three-year term expiring December 31, 2016.
2. Penny Kretzer, 513 Vosler Road, Volant, PA 16156 is re-appointed for a three-year term December 31, 2016.

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

**RESOLUTION R-2013-295**

**WHEREAS**, the Board of Commissioners, in accordance with the "Sunshine Law," hereby sets forth the **2014** schedule of public meetings;

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

The **2014** calendar year meetings of the Commissioners, and specified Boards, shall be held in the Commissioners meeting room, First Floor, Lawrence County Government Center, 430 Court Street, New Castle, Pennsylvania, except as noted. Said meetings will be held on the days and at the times herein provided:

**COMMISSIONERS**.....Every **Tuesday** at 10:00 a.m., **except**:

- **No meeting** on March 25, May 20, August 5, November 4, November 11 and November 25.
- **Meetings** have been scheduled for **12:00 p.m. (noon)** at local Borough offices throughout the County, on the **last Tuesday** of each month, February through October, and November 18. The specific site of each meeting will be announced.

**SALARY BOARD**..... At 10:00 a.m., **Monday, January 6, 2014**.

**RETIREMENT BOARD**.....Immediately following the Commissioners and/or other regularly-scheduled public meetings, on the following dates: **January 21, May 7, August 13, and November 12**.

**BOARD OF ELECTIONS**.....Tuesdays, as needed, immediately following the Commissioners and/or other regularly-scheduled public meetings.

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

**RESOLUTION R-2013-296**

**BE IT RESOLVED AND ENACTED**, AND IT IS HEREBY RESOLVED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAWRENCE, COMMONWEALTH OF PENNSYLVANIA, that:

**SECTION 1:** That a tax be, and is hereby levied, on all real property within the County subject to taxation for County purposes for the fiscal year 2014. The tax rate for County purposes shall be as follows:

- a. For General Purposes, the sum of six and one hundred, fifty-four thousandths (6.154) mills on each dollar of assessed valuation (or the sum of sixty-one and fifty-four hundredths cents [61.54¢] per each one hundred dollars [\$100.00] of assessed value.)
- b. For Debt Purposes, the sum of four hundred and thirty-four thousandths (.434) mills on each dollar of assessed valuation (or the sum of four and thirty-four hundredths cents [4.34¢] per each one hundred dollars [\$100.00] of assessed value.)
- c. For Special Purposes (libraries), the sum of one hundred and ten thousandths (.110) mills on each dollar of assessed valuation (or the sum of one and ten hundredths cents [1.10¢] per each one hundred dollars [\$100.00] of assessed value.)

The *total millage* for all County purposes shall be six and six-hundred, ninety-eight thousandths (6.698) mills (or the sum of sixty-six and ninety-eight hundredths cents [66.98¢] per each one hundred dollars [\$100.00] of assessed value.)

**SECTION 2:** That, for the expensed of the County for the fiscal year 2014, the amounts are hereby appropriated from the revenues available for the specific purposes set forth above, which amounts are more fully itemized in the County Budget on file in the office of the Commissioners.

**SECTION 3:** That any resolution, or parts thereof, conflicting with this Resolution, be, and the same is hereby, repealed, insofar as the same affects this Resolution.

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. December 17, 2013 through December 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, January 7, 2014 at 10:00 a.m. in the Commissioners' Meeting Room.

B. The courthouse will be closed on Wednesday, January 1, 2014 in observance of New Years.

C.. The Annual Salary board will be held on Monday, January 6, 2014 at 9:00 a.m. in the Commissioners' Public Meeting Room.

#### **PUBLIC COMMENTS**

None

#### **ADJOURNMENT**

Moved by **Mr. Craig** seconded by Mr. Del Signore to adjourn the Lawrence County Commissioners meeting dated Tuesday, December 31, 2013 at 11:20 a.m. Motion carried 3-0.