

LAWRENCE COUNTY COMMISSIONERS' MEETING
PUBLIC MEETING
MINUTES OF Tuesday, January 20, 2015

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 January 20, 2015 was called to order by Commissioner Dan Vogler, at 12:00 p.m. in the Commissioners' Meeting Room. 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, Brian Melcer, Don Dougherty, John Carran, Cindy Scarmazza 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

GENERAL PUBLIC

APPROVAL OF MINUTES

1. Meeting of Tuesday, January 13, 2015.

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

WRITTEN CORRESPONDENCE

Letter from...

- a. Pennsylvania Emergency Management Agency, dated January 12, 2015, giving notification of the awarding of the Hazardous Material Response Fund Grant in the amount of \$5,773.00.
- b. Pennsylvania Department of Transportation, dated January 12, 2015, giving Act 14 notification for an NPDES Renewal Water Quality Permit Application for work to be done in Plain Grove Township.
- c. R.A.R. engineering group, inc, dated January 14, 2015, giving notification of the DEP's Land Use Policy on behalf of the Lawrence County Economic Development Corporation.

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

COMMISSIONERS' COMMENTS

Mr. Del Signore had none.

Mr. Craig had none.

Mr. Vogler stated he will be leaving for Harrisburg to attend Harness Racing Meeting.

Resolutions to be taken off the table: None

RESOLUTION R-2015-006

Whereas, the Pennsylvania Commission on Crime and Delinquency (PCCD) has applied for and received grant funds to implement a SAVIN program in Pennsylvania; and

Whereas, PDAI (Pennsylvania District Attorneys Institute) has been selected a sub-grantee by PCCD to provide contract administration and maintenance fee collections; and

Whereas, Lawrence County has committed to implementing and using the PA SAVIN system to meet and enhance its responsibilities for victim notification as well as provide additional notification services to county residents; and

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

1. An agreement is made and entered into by and between PCCD, (Pennsylvania Commission on Crime and Delinquency, PDAI, (Pennsylvania District Attorneys Institute), and Lawrence County to implement a SAVIN program.

2. Effective for the period of January 1, 2015 through December 31, 2015 for an amount not to exceed \$3,099.50.

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

RESOLUTION R-2015-007

WHEREAS, a Government Entity Tower License Agreement (“Agreement”) is entered into between Crown Castle Towers 05 LLC, a Delaware limited liability company, with its principal place of business at 2000 Corporate Drive, Canonsburg, Washington County, Pennsylvania 15317 (“Licensor”), and Lawrence County Department of Public Safety, with its principal place of business at 110 East Lincoln Avenue, New Castle, Pennsylvania 16101 (“Licensee”); and

WHEREAS, the Licensee shall pay to Licensor One Thousand Seven Hundred Fifty and 00/100 Dollars (\$1,750.00) per month (the “Basic Payment”) for its license and use of the Licensed Space at the “Pleasant Hill” Site located at 182 Woodbridge Lane, Perry Township. The Basic Payment shall be paid in advance and without demand, in equal monthly payments, payable on the Terms Commencement Date, and on the first day of each month thereafter continuing for the Term; and

WHEREAS, the Licensor hereby grants a license to Licensee to install, operate and maintain the Equipment at the Site within the Licensed Space; and

WHEREAS, Licensee shall carry public liability insurance covering its use of the Site with companies and in a form satisfactory to Licensor. The policy shall bear endorsements to the effect that the insurer agrees to notify Licensor not less than thirty (30) days in advance of any modification or cancellation thereof; and

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that authorization is given to execute on behalf of the Lawrence County Department of Public Safety, all documents related to the Government Entity Tower License Agreement.

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

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

RESOLUTION R-2015-008

WHEREAS, a Short Form Tower License Agreement (“Agreement”) is entered into between Crown Communication LLC, a Delaware limited liability company d/b/a Crown Comm. LLC in the Commonwealth of Pennsylvania (Crown Communication Inc., a Delaware corporation was converted pursuant to Delaware law to Crown Communication LLC effective December 31, 2010) (“Crown”) and Lawrence County Department of Public Safety, a division of Lawrence County Pennsylvania (“Customer”); and

WHEREAS, Crown (and/or certain of its affiliates and/or predecessors-in-interest) and Customer (and/or certain of its affiliates and/or predecessors-in-interest) agree to enter into a Short Form Tower License Agreement dated March 22, 2012, as may have been previously amended and/or assigned, and as may be subject to any master agreement or any other agreement(s) pertaining thereto (collectively, the “Co-Location Agreement”), whereby Customer leases or licenses from Crown certain space at a telecommunications facility known as PA 051 Ellwood City/App ID – 264355, Jockey Moore Road, Wayne Township; and

WHEREAS, Crown and Customer acknowledge that the current term of the Co-Location Agreement (i.e., the term in effect as of the date on which this Amendment was prepared) expired or is scheduled to expire on March 31, 2015 (the “Current Term Expiration Date”); and

WHEREAS, The monthly recurring lease or license fee due under the Co-Location Agreement shall increase, or shall be deemed to have been increased, by Six Hundred Eighty-Nine and 10/100 dollars \$89.10 on February 1, 2015. Said fee, as increased hereby, shall be payable in accordance with the Co-Location Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that authorization is given to execute on behalf of the Lawrence County Department of Public Safety, all documents related to the Short Form Tower License Agreement.

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

RESOLUTION R-2015-009

WHEREAS, the Lawrence County Department of Public Safety has entered a lease agreement by and between Hendricks Commercial Properties, LLC (“Landlord”) with its principal office at 655 Third Street, Suite 301, Beloit, WI 53511, and County of Lawrence, with its principal office at Lawrence County Government Center, New Castle, PA as Tenant.

WHEREAS, Landlord does hereby demise and lease to Tenant 8,800 square feet, located at 519 S. Mill Street, New Castle, PA 16101, situated in the City of New Castle, County of Lawrence, Commonwealth of PA; together with all appurtenances, rights, privileges and easements in any pertaining thereto; and the right, title and interest if any, of the Landlord in and to any adjoining sidewalks, and in and to any adjoining streets or alleys to the center line thereof; and

WHEREAS, the term of the lease shall be for a minimum of one (1) year beginning March 1, 2015 thru June 30, 2016; and

WHEREAS, the Lawrence County Department of Public Safety agrees to enter into the lease agreement for the leased premises, an annual rent for the total sum of Forty Three Thousand Five Hundred Sixty Dollars 00/100 (\$43,560) payable monthly in the amount of Three Thousand Six Hundred Thirty Dollars 00/100 (\$3,630) per month in advance on the 1st of each month without demand commencing March 1, 2015. In addition to rent, Tenant is obligated to pay certain costs

and expenses for maintenance, repair, insurance and taxes. Such expenses where applicable, will be billed to Tenant by Landlord; and

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS that, authorization is given to execute on behalf of the Lawrence County Department of Public Safety, all documents related to the Hendricks Commercial Properties LLC Industrial Building Lease.

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

RESOLUTION R-2015-010

Whereas, the County of Lawrence, Tax Claim Bureau owns in trust the property designated as the Remacor Superfund Site ("Site") in Taylor township; and

Whereas, the Commonwealth of Pennsylvania, Department of Environmental Protection is requesting access to the Site to conduct further investigation regarding the contamination on the property; and

Whereas, the County of Lawrence desires to provide access to Commonwealth of Pennsylvania, Department of Environmental Protection for the investigation.

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

1. Commonwealth of Pennsylvania, Department of Environmental Protection is permitted to access the Site to conduct further investigation.
2. The permitted access will be continuing until the activities of the Department are completed.
3. The County makes no representations or warranties concerning the safety of conditions on the Site.
4. Commissioner Dan Vogler is authorized to sign the Consent for Access on behalf of the Lawrence County Commissioners.

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

RESOLUTION R-2015-011

Whereas, Lawrence County, through its Children and Youth must appear frequently in court and often has need of legal advice and guidance; and

Whereas, the Agency is desirous of entering into an Agreement with, Carolyn J. Flannery; and

Whereas, the Agency is also desirous of entering into the contract for a one year period.

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

1. Authorization is hereby given to execute the Solicitor Agreement attached hereto.
2. The Agreement is for the period of January 1, 2015 through December 31, 2015 unless terminated sooner by either party.
3. The amount of the contract shall be \$40,000.00 payable in 26 bi-weekly installments, on the same schedule as County Employees.

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. January 14, 2015 through January 16, 2015

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 27, 2015 at 12:00 p.m. in the Commissioners' Meeting Room.

PUBLIC COMMENTS

None

ADJOURNMENT

Moved by **Mr. Craig** seconded by Mr. Del Signore to adjourn the Lawrence County Commissioners meeting dated Tuesday, January 20, 2015 at 12:40 p.m. Motion carried 3-0.