

**LAWRENCE COUNTY COMMISSIONERS' MEETING**  
**PUBLIC MEETING**  
**MINUTES OF Tuesday , September 22, 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 September 22, 2015 was called to order by Commissioner Dan Vogler, at 10:00 a.m. in the Commissioners' Public 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, Clarence Nelson, Ken Langford, Amy McKinney, Tom Leslie and the news media NONE** 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 an update.

**GENERAL PUBLIC**

Mr. Nelson asked for an update on the State budget not being passed and the hardships it causes the County.

Mr. Langford thanked the Commissioners for their considering of an allocation to the South New Castle Boro and Shenango Township fire departments.

**APPROVAL OF MINUTES**

1. The minutes of Tuesday, September 15, 2015.

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

**WRITTEN CORRESPONDENCE**

1. Act 14 notification, dated September 15, 2015, from the Hillcrest Group, Environmental Consultants, to notify the County of Garner Energy, LLC's submission to DEP for an air quality permit for the construction of a small electric generating station to be located off Garner Road in Pulaski Township.
2. Act 67, 68, and 127 notification with a County Land Use Letter, dated September 18, 2015, from Frank B. Taylor Engineering on behalf of Preston Chevrolet for work to be done in Neshannock Township.

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

**Proclamations and Certificates**

None

**Staff Report**

Ms. McKinney gave an update on the Stavich Bike Trail and the McQuiston Boat launch.

**COMMISSIONERS' COMMENTS**

Mr. Del Signore had no comments.

Mr. Craig had no comments.

Mr. Vogler stated the three commissioners will be attending a press conference today regarding lead based paints.

Mr. Gettings answered Mr. Nelson's concerns about the budget.

Resolutions to be taken off the table: None

**RESOLUTION R-2015-176**

Resolution of the Board of Commissioners of Lawrence County to apply for an Act 101, Section 904 Municipal Recycling Performance grant.

**WHEREAS**, the Commonwealth of Pennsylvania, Department of Environmental Protection has provided for funds available under the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, and

**WHEREAS**, the County of Lawrence has embarked on a program to comply with the Pennsylvania Department of Environmental Protection mandate to complete a county municipal solid waste management plan, and

**WHEREAS**, the County has begun the county recycling program, and

**WHEREAS**, The Pennsylvania Department of Environmental Protection has funding available to reward municipalities on their recycling performance, and

**WHEREAS**, the County intends to make an application to receive Act 101, Section 904 performance grant funds from the Department of Environmental Protection.

**NOW, THEREFORE, BE IT RESOLVED**, that an application for funding an Act 101, Section 904 Recycling grant be submitted to the Pennsylvania Department of Environmental Protection for the materials collected during 2014.

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

#### **RESOLUTION R-2015-177**

Whereas, an agreement exists between the County of Lawrence (County Commissioners) and Construction and General Laborers Local Union No. 964 for the period from January 1, 2014, through December 31, 2016, covering Union Jail employees; and

Whereas, a dispute has arisen over the manner by which vacations are scheduled which has become the subject of an unfair labor practice charge, having been filed with the Pennsylvania Labor Relations board at Case PERA-C-15-39-W; and

Whereas, the parties are desirous of resolving the dispute concerning the manner by which vacation is scheduled.

**NOW, THEREFORE THE PARTIES, INTENDING TO BE LEGALLY BOUND AGREE AS FOLLOWS;**

1. All Union employees must submit their vacation requests by the end of February of each year in order for their requests to be approved based on seniority all but up to seven (7) vacation days must be so requested and scheduled.
2. If the employee fails to obtain his/her choice(s) then the employee will have 48 hours to submit a new request. If the employee does not submit a new request within 48 hours or if the employee has failed to request the required number of days of vacation prior to the end of February, then the employee's vacation days (other than the 7 which may be scheduled throughout the year) will be assigned by the County.
3. Any of the up to seven (7) days that an employee does not wish to schedule by the end of February may be requested throughout the year on a first-come, first-served basis, provided the request is submitted by Wednesday of the prior week.

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

#### **RESOLUTION R-2015-178**

Whereas, the Lawrence County Board of Commissioners, entered into a supplemental agreement (#116967-A) with PennDOT through Resolution R-2015-019; and

Whereas, R-2015-029 approved a total County share of \$90,000 for the construction of the Neshannock Creek Bike Trail; and

Whereas, the cost of the local share has increased to \$105,000 to accommodate the low bid on the project.

**NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS**, that Resolution R-2015-019 is hereby amended by approving Supplemental Agreement #116967-B in the amount of \$105,000 for the construction of the Neshannock Creek Bike Trail.

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

#### **RESOLUTION R-2015-179**

**WHEREAS**, it has been determined that there is a need for professional services to provide a new building facade design and construction administration at 607 Lawrence Avenue, Ellwood City, PA; and

**WHEREAS**, a Franus Architectural Associates, Inc. has indicated a willingness to provide the necessary architectural and construction administrative services;

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

1. Franus Architectural Associates, Inc. of 425 Lawrence Avenue, Ellwood City, PA 16117 is hereby approved to provide professional services as identified in the attached agreement.
2. Payments shall be made on a monthly basis;
3. Payment shall not exceed \$8,100.00 for all services identified in the attached agreement.

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

#### **RESOLUTION R-2015-180**

Whereas, an employee of the County filed a claim with the EEOC at case number 846-2104-11319 alleging discrimination; and

Whereas, the County has vigorously defended the claim; and

Whereas, the parties have reached an agreement that will end the expense of further litigation on the matter; and  
Whereas, all counsel for the parties as well as the parties have reviewed the Agreement.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY COMMISSIONERS, that the chairman of the Board of Commissioners is authorized to execute the Settlement Agreement by and between the EEOC Plaintiff and the County of Lawrence.

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

**RESOLUTION R-2015-181**

**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 2015 budget must be adjusted to account for the additional income.

**NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS**; that the 2015 Lawrence County General Fund Budget shall be amended by increasing the following accounts:

**Revenue**

Stavich Bike Trail Donation	80.364000.364000	\$1,000.00
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**Expenditures**

Planning Other Improvements	80.418000.703000	\$1,000.00
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Moved by Mr. Del Signore seconded by Mr. Craig to approve the agenda. 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:

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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, September 29, 2015 at 12:00 noon at the Shenango Township Municipal Building located at 1000 Willowbrook Road, new Castle, PA 16101
- B. The Courthouse will closed Monday September 7, 2015 in observance of Labor Day.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Moved by **Mr. Craig** seconded by Mr. Del Signore to adjourn the Lawrence County Commissioners meeting dated Tuesday, September 22, 2015 at 11:05 a.m. Motion carried 3-0.