LAWRENCE COUNTY COMMISSIONERS' MEETING
PUBLIC MEETING
MINUTES OF Tuesday , December 8, 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 December 8, 2015 was called to order by Commissioner Dan Vogler, at 10;00 am 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, Cindy Scaramazza, James Bish, Don Dougherty, Brian Melcer, J.R. Hardester, Richard Rapone, Ed Allison, Dave Gettings, 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

None

GENERAL PUBLIC

Mr. Dougherty asked for an update on the Casino

APPROVAL OF MINUTES

1. The minutes of Tuesday, December 1, 2015.

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

WRITTEN CORRESPONDENCE

1. Columbia Gas of Pennsylvania, dated November 30, 2015, giving Act 14 notification for a GP05 and an Erosion and Sediment Control Plan for work to be done in Wayne Township.

2. Plenary Walsh Keystone Partners, dated December 1, 2015, giving Act 14 notification for a BWES-GP-11 permit for work to be done in Mahoning Township

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

Proclamations and Certificates

1. Proclamation congratulating Ruth Ray for giving over 38 years as a volunteer for the "Junior Guild" of Jameson Health System.

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

Staff Report

None

COMMISSIONERS' COMMENTS

Mr. Del Signore had no comments.

Mr. Craig had no comments.

Mr. Vogler gave an update with the Casino
Mr. Vogler stated the upgrades to the Ellwood City Post Office are nice.

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.

R E S O L U T I O N R-2015-237

WHEREAS, the County of Lawrence, duly organized and subsisting as a political subdivision of the Commonwealth of Pennsylvania (the "Local Government Unit") anticipates the receipt of both current taxes and current revenues during the fiscal year ending December 31, 2016; and

WHEREAS, the Local Government Unit desires to borrow for the purpose of meeting current expenses by issuing a note, to be repaid from, inter alia, those taxes and revenues, all in accordance with the Local Government Unit Debt Act (the "Debt Act"), as codified by the Act of December 19, 1996, P.L. 1158, No. 177; and

WHEREAS, as required by Section 8126 of the Debt Act, the Chief Legislative Officer (being, the Chairman) and/or the Chief Administrative Officer (being, the Chief Clerk), or their duly elected and acting successors of the Governing Body (being, the Board of Commissioners), with properly delegated authority (the "Designated Officers") of the Local Government Unit have, not more than thirty (30) days before this date on which this Note Resolution is being adopted and furthermore hereby confirm on this date, made an estimate, from taxes now levied and assessed and from other budgeted revenues, of

the taxes and revenues to be received and the expenditures to be made during the period when such note or notes will be outstanding and have certified that estimate by a duly executed document (the "Certificate as to Collections and Expenditures"); and

WHEREAS, WesBanco (acting either as principal for its own account, or as agent for the investment account of an unnamed principal, as it may choose) (the "Purchaser"), has submitted an acceptable proposal (the "Proposal") for the purchase of the Local Government Unit's Note; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, as follows:

Section 1 -- Authorization The Local Government Unit hereby authorizes the issuance of a tax and revenue anticipation note in the principal amount of $4,800,000 and with the specific terms (the "Note") stated in the Certificate and Transmittal to the Department of Community and Economic Development.

Section 2 – Form of Note The Note shall be designated "Tax and Revenue Anticipation Note, Series 2016." The Note shall be in the form of a single instrument, in a denomination equal to the principal amount of the series. The Note shall bear interest at the applicable interest rate stated in the Terms on the principal amount thereof, payable at maturity.

The Note may be subject to redemption prior to maturity, in accordance with the Proposal, as set forth by WesBanco, (and may be subject to the receipt by the Purchaser of the Cost of Prepayment, if any, as defined in the Note), will be in registered form, without coupons, will be negotiable and dated the date of delivery, and will be payable as to principal and interest on December 31, 2016 (unless subject to earlier redemption or prepayment), upon presentation by the owner to the Sinking Fund Depository, in the coin or currency of the United States of America that is legal tender for the payment of public and private debts at the time and place of payment.

The exact form of the Note will contain an unconditional promise to pay the principal of and interest on the Note to the owner when due, will pledge, and grant a security interest in, the collateral identified in Section 5 of this Resolution, will recite the valid issuance of the Note under the Debt Act pursuant to proper corporate authority, will prohibit personal recourse against officials of the Local Government Unit, shall certify proper achievement of all conditions precedent to the issuance of the Note and will designate the Note as a "qualified tax-exempt obligation" under Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 3 -- Execution and Delivery The Note will be executed by the Chief Legislative Officer of the Governing Body and will have the corporate seal (or a facsimile thereof) of the Local Government Unit affixed thereto or printed thereon, duly attested by the Chief Administrative Officer. To the extent that any one signature on a Note is manual, the other signatures may be facsimile. The Designated Officers are further authorized and directed to deliver the Note to the Purchaser, upon the terms and conditions hereinafter and in the Proposal provided, receive the proceeds therefor, execute and deliver such certificates and other closing documents and take such other action as may be necessary or appropriate in order to effectuate the proper issuance, sale and delivery of the Note.

Section 4 -- Filing The Designated Officer is hereby authorized and directed to certify and transmit copies of this Note Resolution, the Proposal and the Certificate as to Collections and Expenditures (which includes a calculation of the cumulative cash flow deficit calculated in accordance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and United States Treasury Department Regulation §1.148-6(d)(3)(iii)(B)), the contents of which are hereby approved, with the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

Section 5 -- Security As security for payment of the Note, the Local Government Unit pledges and grants for the benefit of the owners, from time to time, of the Note, a first lien and charge on, and security interest in, all of the taxes, accounts and general intangibles, including “Total Revenues” (as defined in the Debt Act) to be received during the period that the Note will be outstanding, together with such amounts to be received during fiscal years subsequent to the year during which the Note is issued in the event that the Local Government Unit defaults on the payment of principal or interest on the Note.

The Local Government Unit hereby authorizes and directs the Purchaser to file a financing statement pursuant to the Uniform Commercial Code to perfect the security interest hereby created. The Local Government Unit agrees that a carbon, photographic of other reproduction of a financing statement is sufficient as a financing statement and may be filed as such. All expenses of such filing shall be borne by the Local Government Unit.

In the event of any default on the Note or hereunder, the Local Government Unit agrees to pay the reasonable expenses of the Purchaser (including court costs and attorney's fees) incurred in collecting the amounts due.

Section 6 -- General Obligation The Note issued pursuant to this Note Resolution shall be a general obligation of the Local Government Unit. The Local Government Unit hereby covenants with the owners from time to time of the Note that if funds are not available for the full payment of the Note within the fiscal year in which issued, then the Local Government Unit will either (1) include the amounts necessary to pay the Note in its budget for the next fiscal year, pursuant to Section 8125 of the Debt Act, to the extent then permitted by applicable law; (2) fund such amounts within the next fiscal year in accordance with Sections 8129 and 8130 of the Debt Act; or (3) provide for payment of the Note by any combination of (1) and (2), in all events, upon notice to and with the consent and agreement of the Purchaser.

Section 7 -- Tax Covenants (a) The Local Government Unit hereby covenants with the owners from time to time of the Note that it will make no use of the proceeds of the Note which, if such use had been reasonably expected on the date of issue of the Note, would have caused the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code and the Regulations thereunder and that it will comply with the requirements of the Code and the Regulations throughout the term of the Note.

(b) If the principal amount of the Note, plus the principal amount of all other tax-exempt obligations issued and to be issued by the Local Government Unit, or by a subordinate governmental unit within its jurisdiction, during the calendar year in which the Note is to be issued, exceeds $5,000,000, and if the gross proceeds of the Note are invested at a yield greater than the yield on the Note and are not expended, or deemed to have been expended pursuant to in Section 148(f)(4)(B)(iii) of the Code, within six (6) months from the date of issuance, the Local Government Unit covenants that it will rebate to the U.S. Treasury, within sixty (60) days after the maturity date of the Note, that amount of investment income on the Note

proceeds which exceeds the amount which would have been earned had the Note proceeds been invested at a yield equal to the yield on the Note.

(c) The Local Government Unit hereby designates the Note as a Qualified Tax-Exempt Obligation pursuant to Section 265(b)(3) of the Code and represents that the total amount of its obligations so designated and to be designated during the calendar year in which the Note is to be issued may exceed $10,000,000.

Section 8 -- Award The Note is hereby awarded and sold at private sale by negotiation to WesBanco, at par, in accordance with the Proposal which, as presented at this meeting, is hereby accepted and directed to be executed by the Designated Officers. The Local Government Unit shall pay the Origination Fee, if any, set forth in the Proposal.

Section 9 -- Costs All notice, filing and legal fees (except Note Counsel to the Purchaser, if any) properly incurred in connection with issuance of the Note will be paid by the Local Government Unit. The Designated Officers are hereby authorized and directed to pay all such reasonable expenses at the time of Settlement on the Note.

Section 10 -- Note Resolution a Contract This Note Resolution is a contract with the owners, from time to time, of the Note.

Section 11 -- Inconsistent Actions All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

DULY ADOPTED at, and recorded in the minutes of, a properly constituted meeting of the Lawrence County Board of Commissioners held on **December 8, 2015**.

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

R E S O L U T I O N R-2015-238

WHEREAS, the Lawrence County Planning Department has requested that the name of Dave Hammond be appointed as a board member pending the approval of the Lawrence County Board of Commissioners; and

WHEREAS, it is recommended by the Lawrence County Planning Department that the name listed above be appointed to serve as a board member of the Lawrence County Planning Commission.

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS; that the following shall be appointed to the Lawrence County Planning Commission for the term listed:

1. Dave Hammond, 3246 Harlansburg Road, New Castle, PA 16101 be appointed to the Lawrence County Planning Commission with a term which will expire on December 31, 2019

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

R E S O L U T I O N R-2015-239

Whereas, the Lawrence County Industrial Development Authority is in need of members to be added to their board; and

Whereas, the Lawrence County Board of Commissioners wishes to make appointments to the Lawrence County Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the following name be re-appointed to the Lawrence County Industrial Development Authority for a term to expire on December 31, 2018.

1. George J. Celli, 507 Penn Avenue, Ellwood City, PA 16117

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

R E S O L U T I O N R-2015-240

Whereas, the Lawrence County Industrial Development Authority is in need of members to be added to their board; and

Whereas, the Lawrence County Board of Commissioners wishes to make appointments to the Lawrence County Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that: the following name be re-appointed to the Lawrence County Industrial Development Authority for a term to expire on December 31, 2018.

1. Richard Russo, 304 McKee Crossing Road, New Castle, PA 16105

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

R E S O L U T I O N R-2015-241

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 LAWRENCVE COUNTY BOARD OF COMMISSIONERS, that:

1. Helen Jackson, 367 Jackson Lane, new Galilee PA 16141 is re-appointed for a three-year term expiring December 31, 2018.

2. Loren Elder, 734 Wilson Mill Road, New Castle, PA 16105 is re-appointed to a three-year term expiring December 31, 2018.

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

R E S O L U T I O N R-2015-242

Whereas, 53P.S. Section 8851 states that each county shall Appoint a "Board of Assessment Appeals"; and

Whereas, said Board of Assessment Appeals consists of the three county commissioners in each county unless the county commissioners appoint a board consisting of three members to serve for terms which shall expire concurrently with the term of the county commissioners making the appointment; and

Whereas, 53 P.S. Section 8852 states The County Commissioners shall appoint a chairman of the board unless the County Commissioners serve as the Board of Revisions; and
o
Whereas, no more than two such appointed members shall consist of the same political party affiliation; and

Whereas, said Board of Assessment Appeal will delegate the responsibility of managing the Assessment Office to the Chief Assessor/Director of Assessment in Accordance to Act 93 of 2010.
NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that:

1. The Board of Assessment Appeals shall be appointed to serve for 2016-2019 as follows:

Cheryl Watters (R) 408 E. Hazelcroft Ave. New Castle, PA 16105 724-658-2366	Charles "Tom" Dean (I) 2189 State Route 956 Volant, PA 16156 724-533-4230	Joe Carofino (D) 4647 Ellwood Road New Castle, PA 16101 724-462-3067

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

INTRODUCTION OF THE 2016 BUDGET

Moved by Mr. Del Signore seconded by Mr. Craig to introduce the 2016 budget. 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 30, 2015 through December 4, 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, December 15, 2015 at 10:00 a.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, December 8, 2015 at 11:25 a.m. Motion carried 3-0.