

**LAWRENCE COUNTY COMMISSIONERS' MEETING**  
**PUBLIC MEETING**  
**MINUTES OF Tuesday, January 10, 2023**

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 10, 2023, was called to order by **Commissioner Morgan Boyd**, at 10:00 am at the Lawrence County Commissioners Meeting Room. Deputy Chief Clerk, Vanessa Bayless, called the roll. Those in attendance were, **Commissioner Dan Vogler, Commissioner Loretta Spielvogel, New Castle News, 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 Deputy Chief Clerk at another time, and she 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. Rapone gave the year end Treasurer's Report for 2022. He stated the County is on schedule for 2023 taxes to be sent out in mid February.

**GENERAL PUBLIC COMMENTS**

Katie Peterson from the Eastbrook Mission Barn was in attendance to give an update and request funds. Mr. Boyd stated there is a line item in the budget for payment in 2023.

**FISCAL/CONTRACTUAL**

- A. Repository Properties:           None
  
- B. Warrant Registers:
  - 1. January 6, 2023
  - 2. January 3, 2023
  - 3. December 30, 2022

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said warrant registers. Motion carried 3-0.

**MINUTES AND CORRESPONDENCE**

- A. Approval of Minutes:
  - a. Thursday, January 3, 2023

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said minutes. Motion carried 3-0.

- B. Presentation of Written Communications:   None

**REPORTS**

- A. Staff Reports   None
  
- B. Commissioner Reports

Ms. Spielvogel said hello to her cousin that is watching the livestream in Ellwood City. She also thanked her colleagues for helping her out while she was out of the office.

Mr. Boyd stated he will not be in attendance at next week's meeting, as he will be at the Governor's inauguration.

Mr. Vogler stated the Commissioners will be meeting with the Mercer County Commissioners this afternoon at 1:30 for the West Central Job Partnership meeting, which is open to the public.

**NEW BUSINESS**  
**RESOLUTIONS**

**RESOLUTION R-2023-05**

**WHEREAS**, Lawrence County has in effect a Perfect Attendance Policy that reads as follows; and

**WHEREAS**, any regular full time employee who, over a one year calendar period of January 1 through December 31, has not missed any time at work except for vacation or personal days (including any authorized vacation or personal days used concurrently with FMLA leave), shall receive an addition forty (40) hours pay based upon that employees rate of pay during the period over which the benefit has

accrued. The lump sum payment shall be made by the end of the second month following the attendance period; and

**WHEREAS**, the intent of this program is to reward employees who have outstanding attendance records. In order to be eligible for such bonus, the employees must have perfect attendance. This means they must have missed only authorized vacation and personal days (including authorized vacation or personal days used concurrently with FMLA leave). Any absence for any other reason will disallow the person from receiving the bonus, with the exception of the donation of time for an employee in need; and

**WHEREAS**, an employee who misses one (1) day due to sickness, leave of absence or other absence other than an authorized vacation day during the calendar year shall be entitled to receive an additional twenty (20) hours pay payable by the end of February following the close of the calendar year. This does not include increments of hours.

**FOR THOSE EMPLOYEES COVERED BY A BARGAINING AGREEMENT, THE CONTRACT SUPERSEDES THIS POLICY.**

**WHEREAS**, sick time/vacation time payout for non union employees in 2023 and beyond shall be eliminated; and

**WHEREAS**, sick time/vacation time payout for 2022 will be paid out to employees; and

**NOW THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS**, that the Lawrence County Board of Commissioners wishes to suspend the Perfect Attendance Policy and the sick time/vacation time payout **FOR NON UNION AND MANAGEMENT EMPLOYEES, FOR THE CALENDAR YEAR 2023 AND BEYOND, THE PERFECT ATTENDANCE BONUS AND THE SICK TIME PAYOUT IS SUSPENDED.**

Moved by Mr. Vogler, seconded by Ms. Spielvogel to approve said Resolution. Motion carried 3-0.

#### **RESOLUTION R-2023-06**

**WHEREAS**, the Board of Commissioners desires to issue a \$100.00 bonus to all County employees employed by the County as of December 31, 2022; and

**WHEREAS**, this includes all County employees except Elected Officials; and

**WHEREAS**, this bonus is retroactive to December 22, 2022; and

**NOW THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS**; approval of a \$100.00 bonus to all County employees, with the exception of Elected Officials retroactive December 22, 2022.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

#### **RESOLUTION**

#### **R-2023-07**

**WHEREAS**, the Lawrence County Adult Probation participates in the Continuing County Adult Probation and Parole Grant (formerly known as Grant-in-Aid) program that permits reimbursement to Lawrence County through the Pennsylvania Commission on Crime and Delinquency (PCCD).

**NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS**, that authorization is given to execute, submit and sign any necessary documentation required by the PCCD's E-Grants system now and in the future to continue to participate in the Continuing County Adult Probation and Parole Grant (formerly known as Grant-in-Aid) program.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

#### **RESOLUTION**

#### **R-2023-08**

**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 five separate agreements each with an unlimited number of juvenile cases, as assigned by the Court,1 to the following attorneys for professional legal services in juvenile cases:

- A. **John Bongevingo**
- B. **Larry J. Puntureri**
- C. **Deborah A. Shaw**
- D. **Carolyn Flannery**
- E. **Gene Tempesta**

2. Each Agreement shall contain the following provisions:

- a. The compensation for such services shall be \$28,000 per contract year to be paid in twelve (12) equal monthly payments on or about the 10<sup>th</sup> day of each month. All payments will be by electronic transfer.
- b. Each agreement shall be in effect for the period **January 1, 2023, through December 31, 2023** unless terminated sooner by either party. **With the exception of Deborah A. Shaw's contract which will be in effect for the period of January 1, 2023 through March 31, 2023.**

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

**R E S O L U T I O N**

**R-2023-09**

**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:

- F. **Robert Barletta**
- G. **John Bongivengo**
- H. **Michael Bonner**
- I. **Joseph Kearney**
- J. **Kevin Lorello**

- 2. a. The compensation for such services shall be \$28,000 per contract year to be paid in twelve (12) equal monthly payments on or about the 10<sup>th</sup> day of each month. All payments will be by electronic transfer.
- b. Each agreement shall be in effect for the period:  
**January 1, 2023 through December 31, 2023**  
unless terminated sooner by either party.
- c. Murder cases shall not be covered by this agreement.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

**R E S O L U T I O N**

**R-2023-10**

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

**WHEREAS**, **Susan M. Papa, 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 Susan M. Papa, Esquire an attorney at law with offices at 439 Court Street, New Castle, PA 16101 for the provision of Truancy Court as assigned by the Lawrence County Court of Common Pleas.
2. The agreement shall be effective for the period **January 1, 2023 through December 31, 2023** unless terminated sooner by either party.
3. The compensation for such services shall be \$85.00 per hour to be paid on a monthly basis.  
All payments will be made by electronic transfer.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

#### **RESOLUTION**

**R-2023-11**

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

**WHEREAS, Joanne Nene, 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 Joanne Nene, Esquire an attorney at law with offices at 1130 Dougherty Road, New Castle, PA 16101 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, 2023 through March 31, 2023** unless terminated sooner by either party.
3. The compensation for such services shall be \$85.00 per hour to be paid on a monthly basis.  
All payments will be made by electronic transfer.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

#### **RESOLUTION**

**R-2023-12**

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

**WHEREAS, Deborah Shaw 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 Deborah Shaw, Esquire an attorney at law with offices at 1906 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 **April 1, 2023 through December 31, 2023** unless terminated sooner by either party.
3. The compensation for such services shall be \$85.00 per hour to be paid on a monthly basis. All payments will be made by electronic transfer.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution, Motion carried 3-0.

#### **RESOLUTION R-2023-13**

**WHEREAS**, the County of Lawrence County owns and maintains recreational areas throughout the County; and

**WHEREAS**, due to storm damage at the Stavich Bike Trail, debris removal and earthwork are needed to restore the integrity of the trail; and

**WHEREAS**, the County of Lawrence is requesting bids from contractors to complete the above mentioned items at the Stavich Bike Trail; and

**WHEREAS**, the County will advertise for bids on January 17th and January 20th with bids being due on January 30th.

**NOW, THEREFORE BE IT RESOLVED** by the Lawrence County Board of Commissioners that the Board of Commissioners will be advertising for bids for "Stavich Bike Trail", with bids being due on January 30<sup>th</sup>, 2023.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

**RESOLUTION                      R-2023-14**

**WHEREAS**, Section 1784 of the County Code, *Supplemental Appropriations Transfer of Funds; 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**, it the intent of the Board of Commissioners to adjust the existing FY2023 Budget; and

**NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS** to amend the 2023 Lawrence County Budget as follows:

**INCREASING** the Transfer from General Fund Debt 911 Revenue Fund Account: 50391000.391101 by \$8,343.00 and;

**INCREASING** the Salary of Telecommunicator Staff 911 Expense Fund Account: 50421600.110200 by \$7,750.00 and;

**INCREASING** the FICA Expense 911 Expense Fund Account 50421600.152000 by \$593.00

**Reason: Salary Board Increase**

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

**RESOLUTION                      R-2023-15**

**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; and

**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 \$16,148.00 described in detail on the attachment(s) designated as T-2023-01.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

**RESOLUTION                      R-2023-16**

**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; and

**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 \$16,093.00 described in detail on the attachment(s) designated as T-2023-02.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said Resolution. Motion carried 3-0.

**TRANSFERS (ADMINISTRATIVE)**

- a. DJ Russo from Contingency to Insurance for \$1,252.00
- b. DJ Russo from Contingency to Bond & Insurance for \$100.00.
- c. Planning from ARPA Contingency to ARPA-IT for \$18,450.00
- d. Various Accounts for \$32,031.90

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said administrative transfers. Motion carried 3-0.

**RESOLUTIONS ON THE TABLE**

1. Resolution for discussion and possible approval to designate Lawrence County Economic Development as the Industrial Development Organization of Lawrence County.

The resolution was left on the table.

**ORDINANCES**

None

**ANNOUNCEMENTS**

- A. The next Commissioners' Meeting will be held on Tuesday, January 17, 2023 at 10:00 a.m. in the Commissioners' Meeting Room.
- B. The Courthouse will be closed on Monday, January 16, 2023 in observance of Martin Luther King Day.
- C. There will be a Planning Commission Meeting on Wednesday, January 11, 2023 at 12:00 Noon at the Ellwood Historical Society.
- D. There will be a Prison Board Meeting on Wednesday, January 18, 2023 at 12:00 Noon in the Commissioners' Meeting Room.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Mr. Boyd adjourned the meeting of the Lawrence County Commissioners meeting dated Tuesday, January 10, at 10:30 AM.