

LAWRENCE COUNTY COMMISSIONERS' MEETING
PUBLIC MEETING
MINUTES OF Tuesday, September 20, 2022

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 20, 2022, 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, Debbie Watcher, 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 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

None

GENERAL PUBLIC COMMENTS

FISCAL/CONTRACTUAL

A. Repository Properties:

RESOLUTION

R-2022-289

WHEREAS, all bids made to purchase property from the Lawrence County Tax Claim Bureau Repository must be approved by the taxing municipality; and

WHEREAS, John DiBuono placed a bid of \$526.76 on property located at Third Street with a Parcel ID No. 12-038900; and

WHEREAS, the County of Lawrence wishes to accept the above bid for property located at Third Street with a Parcel ID No. 12-038900; and

NOW THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY

COMMISSIONERS, that the Board is authorized to execute the Bid Acceptance Form accepting the bid made by John DiBuono in the amount of \$526.76 for Repository Property located at Third Street, and having a Parcel ID No. 12-038900, Ellwood City Borough.

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

B. Advertise for Bids/Proposals: None

C. Receipt of Bids/Proposals:

1. Lawrence County Corrections Chiller Replacement Project
 - a. Hranec-Uniontown, PA-\$475,000.00
 - b. Renick Brothers-Slippery Rock, PA-\$249,940.00
2. Lawrence County Corrections Security Electronics System Upgrade Project
 - a. Stanley Security-Fishers, IN-\$521,370.00
3. Lawrence County Corrections Roof Fan Replacement Project
 - a. Central Heating & Plumbing-New Castle, PA-\$122,783.00
 - b. Hranec Corporation- Uniontown, PA-\$99,500.00
 - c. Renick Brothers-Slippery Rock, PA-\$84,980.00
4. Lawrence County Corrections Duct Work Cleaning Project
 - a. Hranec-Uniontown, PA-\$88,000.00

Moved by Ms. Spielvogel, seconded by Mr. Vogler to table said bids received for further review. Motion carried 3-0.

D. Warrant Registers:

1. September 16, 2022
2. September 13, 2022

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

MINUTES AND CORRESPONDENCE

- A. Approval of Minutes:
 - a. Tuesday, September 13, 2022

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

- B. Presentation of Written Communications:
 - a. National Pollutant Discharge Elimination System (NPDES) Permit application to DEP for Love's Travel Stops and Country Stores (Plain Grove Twp.)

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

REPORTS

- A. Staff Reports
- B. Commissioner Reports

Ms. Spielvogel had no comment.

Mr. Boyd stated he is working on putting together a letter that he will send to Penndot, for the Commissioners to sign off on, as well as the Wilmington Township Supervisors and New Wilmington Borough Council regarding Route 208.

Mr. Vogler noted the passing of former City Treasurer, Joe Cardella. He also noted that he has a call into Penndot regarding an update on Rts. 108 & 65.

**NEW BUSINESS
RESOLUTIONS**

RESOLUTION R-2022-290

WHEREAS the Mental Health and Developmental Services is responsible for the diagnosis, care, treatment, and rehabilitation of the mentally disabled, and

WHEREAS Lawrence County, through its Mental Health and Developmental Services desires to contract for certain services; and

WHEREAS the Mental Health/Intellectual Disability Act of 1966 and the Department of Public Welfare fiscal regulations provide for the purchase of office equipment and services, and

NOW, THEREFORE, be it resolved by the Lawrence County Board of Commissioners, that:

- 1. The agreement listed in item 2 shall be approved starting July 1, 2022, through June 30, 2023
- 2. Authorization is hereby given to execute the following addendum:
Rhodes Estates - as detailed in attachment designated 2022- 2023 Program description and rates are also listed within the attachment.

Be it further resolved those payments be made from the MH/DS fund.

RESOLUTION R-2022-291

WHEREAS the Mental Health and Developmental Services is responsible for the diagnosis, care, treatment, and rehabilitation of the mentally disabled, and

WHEREAS Lawrence County, through its Mental Health and Developmental Services desires to contract for certain services; and

WHEREAS the Mental Health/Intellectual Disability Act of 1966 and the Department of Public Welfare fiscal regulations provide for the purchase of office equipment and services, and

NOW, THEREFORE, be it resolved by the Lawrence County Board of Commissioners, that:

- 1. The agreement listed in item 2 shall be approved starting July 1, 2022, through June 30, 2023
- 2. Authorization is hereby given to execute the following addendum:
Northview Estates Limited Partnership - as detailed in attachment designated 2022- 2023 Program description and rates are also listed within the attachment.

Be it further resolved those payments be made from the MH/DS fund.

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve Resolutions R-2022-290 and R-2022-291. Motion carried 3-0.

RESOLUTION R-2022-292

A RESOLUTION of the Board of Commissioners of Lawrence County, Pennsylvania to implement Act 57 of 2022.

WHEREAS, Act 57 of 2022, amending the Local Tax Collection Law, was signed by Governor Wolf on July 11, 2022, and takes effect on October 10, 2022; and

WHEREAS, Act 57 requires taxing districts that impose taxes on the assessed value of real property to adopt a resolution or ordinance within 90 days of the effective date of the act, or not later than January 9, 2023, directing the tax collector to waive additional charges for real estate taxes in certain situations; and

NOW, THEREFORE, BE IT RESOLVED, that the Lawrence County Treasurer and Tax Claim Bureau comply with the provisions of Act 57 and this resolution for tax years beginning on or after January 1, 2023.

DEFINITIONS

The following words and phrases shall have the meanings given to them within this resolution unless the context clearly indicates otherwise:

Additional charge: Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

Qualifying event:

1. For the purposes of real property, the date of transfer of ownership.
2. For manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a manufactured or mobile home on a parcel of land not owned by the owner of the manufactured or mobile home. The term does not include the renewal of a lease for the same location.

Tax Collector: The elected Treasurer for Lawrence County, any authorized or designated delinquent tax collector, the Lawrence County Tax Claim Bureau, or any alternative collector of taxes as provided for in the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

WAIVER

The Tax Collector shall, for tax years beginning on and after January 1, 2023, grant a request to waive additional charges for real estate taxes if the taxpayer does all of the following:

- A. Provides a waiver request of additional charges, on a form provided by the state Department of Community and Economic Development, to the Tax Collector in possession of the claim within twelve (12) months of a qualifying event; and
- B. Attests that a tax notice was not received; and
- C. Provides the Tax Collector in possession of the claim with one of the following:
 1. A copy of the deed showing the date of real property transfer; or
 2. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
- D. Pays the face value amount of the tax notice for the real estate tax with the waiver request.

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

RESOLUTION R-2022-293

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

WHEREAS, the maintenance of these recreational include, but not limited to mowing, trimming and trash collection; and

WHEREAS, the County of Lawrence is requesting bids from contractors to complete the above mentioned items at the County owned recreational areas; and

WHEREAS, the County will advertise for bids on September 21st and September 26th with bids being due on October 24th; and

NOW, THEREFORE BE IT RESOLVED by the Lawrence County Board of Commissioners that the Board of Commissioners will be advertising for bids for “County Parks and Boat Launch Maintenance”, with bids being due on October 24th.

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

RESOLUTION R-2022-294

WHEREAS, the attached Agreement is for the satisfaction of certain tax and lien claims held by Lawrence County, Pennsylvania made the 20th day of September 2022 by and between Lawrence County, Pennsylvania, a Pennsylvania county government and Pelorus Equity Group, Inc., a California corporation; and

WHEREAS, the payment by Pelorus to the County of Lawrence the sum of \$170,547.83, same to be paid via wire transfer directly to the County on or before October 31, 2022;

WHEREAS, the said payment pays and satisfies in full and all liens for unpaid real property taxes and statutory liens against the Debtors’ real property due and owing to the County for tax year 2021 and all prior years;

NOW THEREFORE, BE IT RESOLVED, this agreement constitutes the final written agreement between the parties with regard to the matters set forth and supersedes all prior verbal discussions or written memoranda relative to the subject matter and may not be or amended except by a writing signed by the parties.

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

RESOLUTION R-2022-295

WHEREAS, The Election Boards of all 67 counties of the Commonwealth of Pennsylvania, including Lawrence County, have been names as defendants in Republican National Committee, et al v. Leigh M. Chapman, et al. No. 447 MD 2022 in the Commonwealth Court of Pennsylvania, and

WHEREAS, generally speaking, the defenses of all of the county election boards are similar in nature, and time is of the essence; and

WHEREAS, it appears that the litigation will take place in Harrisburg, and

WHEREAS, the voices of the counties are more likely to be heard if they present their case in unison as opposed to sixty seven individual parties.

NOW, THEREFORE BE IT RESOLVED by the Lawrence County Commissioners that the Lawrence County Commissioners execute the attached Engagement Letter to retain Babst Calland as counsel for the Lawrence County Board of Elections in the above described lawsuit. The Board of Commissioners further authorizes the Chairman to execute the letter on behalf of the Board.

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

RESOLUTION R-2022-296

WHEREAS, the Board of Commissioners is permitted to assist in funding transportation projects completed by local municipalities with regard to paving projects and bridge improvements; and

WHEREAS, the Board of Commissioners makes such transportation funding available to municipalities in fiscal years where Lawrence County has received surplus transportation funding from the Commonwealth of Pennsylvania in the form of Liquid Fuels, Act 13, Act 44, and Act 89 receipts; and

WHEREAS; Lawrence County is projecting enough transportation funding to allow for both required County bridge improvements and municipal transportation project allocations in the 2023 fiscal year; and

WHEREAS, the Board of Commissioners made and formalized an official grant process for municipal transportation assistance; and

WHEREAS, all twenty-seven municipalities were eligible to submit an application to the County by December 2, 2022; and

NOW, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS; that the attached projects were submitted and have been deemed eligible for funding under the requirements of the Lawrence County Transportation Improvement Grant program.

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

RESOLUTION R-2022-297

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 FY2022 Budget; and

NOW, THEREFORE BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS to amend the 2022 Lawrence County Budget as follows:

INCREASING the Co-Responder Crisis Program General Fund Revenue Fund Account: 01334017.334157 by \$12,615.00 and;

INCREASING the Material and Supplies General Fund Expense Fund Account: 01419417.201000 by \$12,615.00

Reason: Funding Increase

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

RESOLUTION R-2022-298

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 \$12,128.00 described in detail on the attachment(s) designated as T-2022-021.

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

RESOLUTION R-2022-299

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 \$1,500.00 described in detail on the attachment(s) designated as T-2022-022.

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

RESOLUTION R-2022-300

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 \$1,000.00 described in detail on the attachment(s) designated as T-2022-023.

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

RESOLUTION R-2022-301

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 \$3,666.00 described in detail on the attachment(s) designated as T-2022-024.

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

RESOLUTION R-2022-302

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 \$10,000.00 described in detail on the attachment(s) designated as T-2022-025.

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

TRANSFERS (ADMINISTRATIVE)

- a. Courts from Jurors to Trave/Training for \$325.00
- b. Commissioners from General Adm to Materials & Supplies for \$612.00
- c. DJ Cartwright from Contingency to Equipment Maintenance for \$60.00

Moved by Ms. Spielvogel, seconded by Mr. Vogler to approve said 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 on **Tuesday, September 27, 2022** at 10:00 am in the Commissioners' Meeting Room.
- B. The next Commissioners' meeting will be on **Tuesday, October 4, 2022** at 10:00 am in the Commissioners' Meeting Room.
- C. The Prison Board meeting for Wednesday, September 28, 2022 has been cancelled.

PUBLIC COMMENTS

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ADJOURNMENT

Mr. Boyd adjourned the meeting of the Lawrence County Commissioners meeting dated Tuesday, September 20, 2022, at 10:55 AM.