



COUNTY OF ERIE

Erie County Planning Commission

Erie County Courthouse
140 West Sixth Street - Room 111
Erie, Pennsylvania 16501
Phone: (814) 451-6336
www.eriecountyplanning.org

Patricia Pfadt
Chair

Jan Cornwell
Vice-Chair

**ERIE COUNTY PLANNING COMMISSION
MEETING MINUTES**

April 12, 2012

A meeting of the Erie County Planning Commission was held at **6:30 PM** on **Thursday, April 12**, at the **Raymond M. Blasco, M.D. Memorial Library**, 160 East Front Street, Erie, PA.

Those in attendance were:

ECPC members:	Representing:
Patricia Pfadt	Venango Twp (Chair, Exec. Board)
Jan Cornwell	Erie County (Vice-Chair, Exec. Board)
Gerry Dahl	Corry City (Exec. Board)
Charles Casey	Erie City (Exec. Board)
Paul Pangratz	Girard Twp (Exec. Board)
Rick Allgeier	Greene Twp (Exec. Board)
Darrell Kimmy	Amity Twp
Ed Kissell	County of Erie
Laura Cook	Cranesville Borough
Jim Cardman	Fairview Twp
William Lawry	Greenfield Twp
Marguerite lobst	Lawrence Park Twp
Kenneth Neuburger	McKean Twp
William Van Volkenburg	North East Borough
Kurt Lichtenfield	North East Twp
Flory Kondzielski	Waterford Twp
Planning Department Staff:	
John McGranor	
Guests:	
Audrey Casey	

Executive Board members present – 6 of 9; quorum attained

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Patricia Pfadt called the meeting to order and the pledge of allegiance was given.

HEARING OF THE PUBLIC

None.

APPROVAL OF MARCH 8, 2012 MINUTES

A motion was made by Charles Casey and seconded by Jan Cornwell to approve the minutes. The motion was approved unanimously.

NEW BUSINESS

ECDP Monthly Activity Report

John McGranor asked if there were any specific questions regarding the Activity Report that was provided with the meeting notice. No questions were asked. However, a brief discussion followed concerning recycling. Waste Management is currently the only option available for most areas of the county. Gerry Dahl noted that a company from Warren County provides service in the Corry area. Some concerns were expressed about the increasing costs associated with recycling services.

ECPC Recognition of Gerry Dahl

ECPC thanked Gerry Dahl and presented him with a plaque in recognition of his many years of service to ECPC, including his work as Chair. His dedication and contributions to ECPC are greatly appreciated.

PA Act 13 of 2012 – Unconventional Gas Well Law

John McGranor provided information and addressed questions concerning PA Act 13. The Act provides for impact fees for unconventional gas wells. It also provides environmental and land use regulations related to oil and gas operations. Under the Act, Erie County was required to adopt an ordinance in order to impose an impact fee on unconventional gas wells drilled in Erie County. County Council adopted an ordinance on April 3, 2012. As a result, all Erie County municipalities will automatically be eligible to receive a portion of any fees collected. The PUC will be responsible for collecting and distributing the impact fees. The manner of distribution is set by formula, as outlined in the legislation. John clarified that the County ordinance pertains only to the collection of impact fees. The environmental and land use regulations established by Act 13 are state regulations that are independent of the County ordinance.

Current news reports indicate that as a result of lawsuits filed by several municipalities, the courts have issued a 120-day injunction applying to the zoning provisions of Act 13 that would limit the power of municipalities to regulate the natural gas industry. The temporary injunction does not affect other portions of the Act, such as the collection of impact fees or the environmental regulations.

Erie County Hazard Mitigation Plan Adoption Process

The Erie County Hazard Mitigation Plan was approved by FEMA on March 20, 2012. The next step is for plan adoption by the County and all municipalities. John clarified that adoption by the County does not suffice for adoption by municipalities. Municipalities must also adopt the plan in order to be eligible for hazard mitigation funding. Failure of the County and/or individual municipalities to adopt the plan within one year (3/20/13) will result in additional requirements being imposed by FEMA before hazard mitigation funding eligibility is granted.

ECDP will coordinate with Public Safety regarding County adoption of the plan. In the near future, municipalities will receive notification and additional information from the County regarding the adoption process. A template of a municipal adoption resolution will be made available. Municipalities are requested to send copies of their signed resolutions to the Erie County Department of Public Safety. Public Safety will then forward the resolutions to FEMA.

The plan is available for review at www.eriehmp.com. Questions regarding the plan or adoption process may be directed to John McGranor, from ECDP.

Gary Dahl made a motion for ECPC to recommend adoption of the Hazard Mitigation Plan by Erie County Council. Jan Cornwell seconded the motion, which passed unanimously.

OLD BUSINESS

Erie County Blight Remediation Plan

The Center for Community Progress, a consultant retained by the Corry Industrial Benefit Association, in coordination with the Erie Coalition of Housing Organizations (ECHO) has prepared a cursory blight analysis and remediation plan. ECDP has reviewed the draft and will recommend that ECHO release the draft for review and comment by ECPC, Erie County municipalities, and other stakeholders critical to the success of the plan and the implementation of its recommendations.

OTHER BUSINESS

Reichart Road Bridge

Reichart Road will be closed on May 29, 2012 so that repairs can be made to the second of two bridges.

Act 44 of 2011

Patricia Pfadt asked John to explain PA Act 44 of 2011, which amended portions of Act 43 that regulate the purchase of agricultural conservation easements. John indicated that the most notable amendment related to the removal of subsections that allowed agricultural conservation easements to be extinguished after a period of 25 years, under specific circumstances and conditions. The agricultural use of the land would have to be no longer viable, and approval would be required by both the County Board and State Board.

All easements are now perpetual, with no ability to extinguish easements after 25 years, even in cases in which agricultural use is no longer viable. It is John's understanding that the amendment was in response to IRS objections to landowners claiming charitable contributions for donated easements or for selling easements at less than their full market value. In the opinion of the IRS, the easements cannot be considered perpetual, if procedures are in place for their possible extinguishment and return to the donating landowner.

John noted that no rights have been taken from any landowners of eased properties. All easements purchased have been "perpetual". Landowners have never been entitled to extinguishment of an easement after 25 years. Extinguishment was always under the sole discretion of the County and State Agricultural Land Preservation Boards, and was only intended to be utilized in extreme circumstances.

ADJOURNMENT

Being no further business, the meeting was adjourned.