

September 7, 2010

ERIE COUNTY COUNCIL - Public Hearing – Erie County Stormwater Management Plan

Dr. Foust called to order a public hearing on the Erie County Stormwater Management Plan at the Union City Social Hall, 50 Second Avenue, Union City, Pennsylvania at 5:30 p.m.

Members Present: Dr. Foust, Chairman
Mr. Leone, Vice Chairman
Mr. Beeman
Mr. Fatica
Mrs. Loll

Members Absent: Mr. Cleaver
Mr. Giles

Also Present: Douglas R. Smith, County Clerk
Jake Welsh, Director of Planning Department

Mr. Welsh, Director of Planning Department, asked Doug Weikel from the Department of Environmental Protection to give an overview of Act 167 and the process that has been followed. Mr. Welsh will provide the input he has received and, at that point, would like to give members of the audience an opportunity to register their comments.

Mr. Weikel's Comments

Mr. Weikel, Department of Environmental Protection, provided a handout outlining an overview of the entire plan. He explained that Act 167 was enacted by the Pennsylvania Legislature in 1978 to deal with stormwater management and requires counties to plan for stormwater management for watersheds within the county. This was completed in 1996 for Lake Erie and Walnut Creek subsidiaries.

Mr. Weikel further explained that this process began two and one-half years ago when the county decided to look at all the watersheds. During that time, a public advisory committee was set up and met numerous times during Phase I and Phase II. DEP provided 75% reimbursement for this plan. Basically, this is a public document that provides planning, goals, and objectives for all the municipalities. Most importantly, it models a stormwater management ordinance that every municipality will have to adopt.

Mr. Weikel referred to the second page of the handout which outlines the goals and objectives of the plan and how to meet them. A detailed study of the vast majority of the watersheds within the county was completed using GIS information and data provided by both municipalities and the GIS system. A list of the controlled criteria that were developed can be found on the third page. He noted that this is basically peak rate controls and volume controls. Three different methodologies are provided to meet the controls. Most importantly, are the exemptions; at what point one has to make a submission to the municipality. At 1000 square feet of new impervious surface and up to 2500 square feet of new impervious surface, it must be documented. At 2,500 to 5,000 square feet, volume controls must be implemented and at over 5,000, rate and volume controls must be implemented, as well as the submission of a stormwater management plan. A single family residential exemption was developed. For single family residents, several criteria must be met and an exemption can be given.

On the last page of the handout, water quality is addressed. Mr. Weikel referred to the purple areas and noted that Erie County has a fair share of streams that are impacted and impaired from stormwater. The bottom of the page provides three basic models for implementation; every municipality can implement a stormwater management model ordinance by themselves, municipalities can team together, or the County can implement its own water management and all municipalities defer to the county.

Mr. Welsh's
Comments

Mr. Welsh noted Mr. Weikel had mentioned that Act 167 requires all counties to have a stormwater management plan. At this time, Erie County has a plan that covers Lake Erie watersheds, however, essentially due to the age of the plan, Mr. Welsh does not believe it would be acceptable to DEP for the analysis of the Lake Erie watershed. This new plan updates the analysis of all of the watersheds in Erie County. It is important to update that analysis at least every ten years and it has been almost 15 years. Mr. Welsh stated Erie County has several impaired streams and it could be argued that this is due to a lack of adequate stormwater management controls in the county. The map shows areas that need to be focused on for stormwater management. The idea is to try to improve some of those impaired areas and get them back to an acceptable standard. He stated that a good example is Walnut Creek which is a huge steelhead fishery, but currently it is impaired. The less done with stormwater management, the more the impairments to Walnut Creek which will impact that fishery and, in turn, impacts economic development.

Mr. Weikel also mentioned the statement of goals. Mr. Welsh explained that these goals outline the mandates of the state which the County has to meet. The County must have a comprehensive program for stormwater management. The goal of the DEP has been to not only implement uniform standards throughout the county, but rather to implement uniform standards throughout the Commonwealth so everyone is on a level playing field. With that in mind, this plan is consistent with other plans that have been developed in Northwest Pennsylvania. All of the other counties in Northwest Pennsylvania have already adopted a stormwater management plan with this model ordinance in place. To Mr. Welsh's knowledge, this plan is almost letter for letter as far as the model ordinance is concerned, which goes back to the consistency goal from DEP.

As far as the differences from the old model, the goal is to make stormwater management better, not more difficult. Some scenarios were reviewed by looking at development in a township and noting the difference between implementing the current stormwater ordinance to the model ordinance. Much of the development in that township was already captured by the existing ordinance. The new ordinance would capture some additional things, but not a large majority. Although it may look like the ordinance would totally change the game, it does not. It captures a window of development that is not now being addressed.

Mr. Welsh has received numerous letters of support from various municipalities including Millcreek, which actually has a stricter ordinance in place. This ordinance has not deterred development or growth in Millcreek Township, and Mr. Welsh feels that is an important consideration since that has been a concern with this proposed ordinance. Millcreek believes those strict guidelines should be in place. Mr. Welsh added that they have received a great deal of input which is appreciated and believes all comments received have been addressed. The bottom line is that this is to protect property and property owners from damage.

Mrs. Loll asked how this would impact farmers since they could not afford to have stormwater management engineered on their property, and how Mr. Welsh addressed these concerns. Mr. Welsh acknowledged that he did receive some comments. He had a conversation with one of the townships regarding concerns they had received from farmers. Farmers deal with large buildings and are also on larger properties. The exemption put in the plan helps to address some of those issues. A larger rural property will not generally impact neighboring property so whether or not an engineer will be required to help prepare a stormwater plan all depends on the size and location of the building. Mr. Welsh believes that most farm operators attempt to capture whatever storm water they receive and stormwater management is already occurring on their property.

Mr. Weikel added that agricultural activities are exempt. New impervious surfaces that are added are not exempt. In farming, there is more acreage to deal with and, typically, farmers put new impervious surfaces far enough away from their downstream property lines.

Dr. Foust asked whether the plan advisory committee blessed this plan or just provided input as it was being crafted. Mr. Welsh did not believe it was a requirement to take a vote of the committee, and one was not taken. However, the committee did continue to accept comments and responded to those

comments. All comments received were addressed at the last meeting, and they did not believe there were any further revisions that could be made to the plan.

Dr. Foust asked how many extra meetings and extra time were taken to address these issues. Mr. Welsh replied that the DEP asked counties to have an adopted stormwater management plan by the end of June. The committee has met since then in June and July and posted the revisions as needed and continued dialogue.

Mrs. Loll asked where the figures for the new impervious areas of 1-1000, 1000-2500, 2500-5000 and then over 5000 came from. Mr. Weikel answered that originally, those figures came from a model stormwater ordinance from DEP. DEP recommended these guidelines for those tiers beginning at 250 square feet up to 1000 square feet. Through the planning process and through discussions and taking comments from the advisory committee on behalf of the municipalities and discussion with DEP, revisions were made as required to come up with those numbers.

As Mrs. Loll understands Mr. Weikel's response, the state or DEP would not accept this ordinance if those numbers were changed. Mr. Weikel stated that he did not know whether DEP would accept that. Mrs. Loll asked if that discussion happened with DEP, and Mr. Weikel replied that he was not sure DEP would answer that without first having a plan submitted to them.

Mr. Beeman asked Mr. Welsh about his comments regarding the steelhead industry and if he was referring to hobby fishing, and Mr. Welsh stated that it was tourism, not commercial.

John McGranor, Planning Department, noted that Mr. Welsh did a good job of covering the goals and expressed his hope that everyone doesn't lose sight of the true reason for this plan. Mr. Welsh did not point out an important aspect and that is the financial considerations. People are concerned about the burdens this plan may place on individuals, but there are also costs involved with fixing property damage. It is important to consider that the money to fix this damage is coming from the taxpayers. By implementing this plan, a step is being taken to mitigate the problems and reduce the huge costs that have to be paid.

Dr. Foust opened the floor for public comment.

Jennifer Kehler, Central Office, Department of Environmental Protection, stated she reviews all storm water management plans. Most of the model ordinances she receives have a maximum of 5000 square feet for impervious cover. She has been receiving thresholds as low as 250 square feet in highly urbanized water sheds. The whole point of the exemptions is to protect water quality and public health and safety. The average is 5000 square feet and Ms. Kehler believes that has been chosen because that is the threshold the erosion and sedimentation control plan is written for any property. This complies with Chapter 102's regulations.

Clayton Schultze, Springfield Township, stated the stormwater act is not only illegal, but it is unconstitutional, and any elected official who supports or votes for this may be subject to being sued or impeached.

Laban Marsh, Marsha Marsh Real Estate Services, stated that he is a resident of Summit Township, as well as his business. It has been mentioned that this stormwater issue has not stopped growth, but it has stopped it indefinitely for anyone who needs access to the highway occupancy permit. As of June 24th there was a strike off letter and Summit Township had their plans approved through the Planning Commission. It did not get to the supervisory meeting because PennDOT is requiring the municipalities to become applicants or co-applicants. Summit Township will not do that, and as a resident of Summit Township, he understands their position. If they do not get their highway occupancy permit, he cannot do a 3000 square foot addition off the back, and he can't move forward. He has wasted essentially \$10,000 on surveying and development. Mr. Marsh is looking for guidance. Summit Township has suggested his attorney contact PennDOT. He cannot move one property on Route 19 or Route 97 because anybody that moves a cape cod into a business needs a highway occupancy permit, and right now, no one is getting them.

Mr. Fatica asked how Mr. Marsh's issue relates to this plan. Mr. Marsh responded that when he heard there was a stormwater management meeting, he knew he could get a voice. He has already written to the newspaper. He cannot develop and cannot spend six figures on a parking lot and storm water management system. He stated he needs 3000 square feet and has ample room at 1.75 acres. Mr. Marsh bought property in Summit Township so that he could develop and grow, but now he can't and is looking for guidance. Dr. Foust asked Mr. Welsh to speak with Mr. Marsh after the meeting. Mr. Welsh noted Mr. Marsh's issue is unrelated to this plan, but agreed to meet with him.

Dave Carner, Fairview Township Supervisor, wished to respectfully disagree with Mr. Welsh on the fact that their issues brought forth as part of the committee were addressed. He acknowledged that technical aspects of the issues were definitely addressed and worked through very well, and he thanked them for that. The main topics that the municipalities disagreed with the plan as presented included the threshold being too low for the square footage to implement, the 1000-2500, 2500-5000 square foot; basically moving from the 10,000 square feet to 1000-2500 square feet with a 5000 minimum arbitrarily. There are only computer generated models to prove that this is the ineffective way to deal with the stormwater. Mr. Welsh made the statement that even in the higher developed areas of the county, there are lower thresholds than this, and that is where most of the streams that are impaired or slightly impaired exist. Dropping the threshold without any proof that it will improve the streams is unnecessary. He believes this can be implemented in a slower, less regulated avenue. This was an issue addressed to the committee, but has not gone forward. Another issue that was brought up but not addressed concerns existing properties that are impacting stormwater are not dealt with in this act. They felt it was only fair that the burden of stormwater improvement for Erie County be shared fairly among existing properties, as well as newly developed properties. There was also disagreement with the fact that closer proximity municipalities around the City of Erie, such as Millcreek Township, were not impacted with development because of their tighter thresholds, would not be the case with the more rural developments. Greene Township provided documentation that the implementation of the building code had reduced their building by 80%, and more regulations will prove to slow down development in the more rural municipalities within the county. It was felt that using Millcreek and Erie was not a true comparison against the more rural municipalities.

Mr. Carner reiterated that the threshold was moving too quickly and they wanted that staged in a more reasonable decline starting with perhaps 7500 square feet for a period of five to ten years. If that proved successful, then proceed further. He further stated that there is cost unnecessarily placed on development even if exempt because that exemption only comes from a qualified or registered person. This means somebody has to spend money to hire an engineer or professional landscaper to sign off.

Linda Cagnoli, Greene Township, stated that Mr. Carner's remarks were very accurate in depicting every message they attempted to communicate during their meeting. Ms. Cagnoli agreed that technical issues were addressed but wondered what will happen to Erie County as a whole with the combination of state mandates. She stated this will kill development and that issue keeps getting ignored. Everyone is looking at every little issue, but nobody is looking at the big picture. No one suggested eliminating the idea, but simply recommended phasing it in to give people an opportunity to educate themselves. To this day, Ms. Cagnoli feels there is not one person that knows what stormwater is supposed to be like or do if it is in a residential or building setting. Mr. Welsh has received a grant for education. She believes that if this plan was phased in, the contractors would know what was expected of them, and it would be an easier and smoother acceptance. There would not be the maintenance problems that caused most of the flooding last year.

Albert O'Connell, Waterford Township, is a farmer and former Waterford Township Supervisor. He has not heard enough about the stormwater plan to understand what is going on. He asked whether this plan was done behind closed doors or if it has been public information. He has not seen this in the newspapers.

Mr. Welsh responded that this has been public. As he mentioned earlier, the advisory committee consisted of representatives from each municipality. Their obligation is to share this with their municipality. Mr. Welsh pointed out that the plan itself has been posted and made available for public viewing for several months. Mr. O'Connell asked where this document was posted, and Mr. Welsh advised that it had been posted on the Planning Department website. He understands that is not

accessible to all people, but copies have also been available in the office. Mr. O'Connell stated that he built a barn over 5000 square feet several years ago. If he were to do that today or expand his business, he asked what the requirements would be to permit that same building. Mr. Welsh suggested speaking about Mr. O'Connell's property specifically after everyone has had an opportunity to register their comments. Mr. O'Connell stated he just wonders about the cost, what he would have to pay, and who would do the planning. Mr. Weikel advised Mr. O'Connell that to build something over 5000 square feet, he would have to determine the impact or hire a consultant. Mr. O'Connell asked what a plan would normally cost, and Mr. Weikel answered that every plan is different. Some plans can be as low as several hundred or up to many thousands of dollars. Mr. O'Connell believes there are too many loose ends, and does not understand how this can plan can be pushed through. He wanted to know the cost and what he would have to do.

Flory Kondzielski, Waterford Township Supervisor, stated that Mr. Welsh has done an outstanding job as County Planner, but Mr. Carner was correct, the threshold is the biggest sticking point. It is too low, especially for the townships. Millcreek is a concrete jungle and that is why it has stricter guidelines. The townships work closely with the Conservation District, the roadmaster, and the stormwater is managed according to their plan and ideas to meet DEP standards. He referred to Mr. Marsh who is not building along a state highway in Summit Township. As township supervisors, Waterford also opted not to be a co-sponsor so there will be no building on any state highway in Waterford Township because they do not have the funding for it. In some cases, the DEP's laws cause flooding. No one is permitted to go in the creek and remove debris. Henceforth, there is flooding because there is stormwater runoff. Mr. Kondzielski stated that basically, the threshold is too small for townships; it's fine for the city, but not the farmlands. It is too much of a burden for farmers.

Bart Burek, a farmer in Union Township, asked about the minimum size acreage and farm income minimum on that acreage for a property to qualify as agriculture. Mr. Weikel explained that this is only for new impervious surfaces. The amount of land does not matter. Mr. Burek asked whether he would have to deal with this issue if he was putting a building on his farm even though he can prove that the water stays on his property. Mr. Weikel stated that if he can show that water stays on his property, then it is part of his exemption process. Mr. Burek inquired whether he would have to hire a consultant, and Mr. Weikel replied that he may not.

Earl Brown, District Manager for Erie County Conservation District, stated that there are support letters that came from the District in support of stormwater management. The County must address this issue. He noted that his office continually works with this and the office is currently seeing the economic cost of correcting something after it is already impaired, and it is phenomenal. The District goes to the Commonwealth to ask for funds to correct the stream, and the cost probably would have been one-tenth if something had been done to deal with stormwater management. People are mowing their yards to the stream and cutting down brush. There is nothing to stop and slow the water. He encouraged Council to address stormwater management on a countywide basis.

Dan Galena, Springfield Township, asked whether this plan does not apply to existing buildings, and Mr. Weikel stated that was correct. Mr. Galena stated he just found out about this and comments made that this was well advertised are disingenuous at best. He finds it a joke that it was posted on the website to be considered advertised. Ms. Kehler, DEP, advised Mr. Galena that it been advertised in the paper, and Dr. Foust noted that those are the requirements of the law. Mr. Galena then asked what the cost of this plan will be to implement, and if there will be new hires with office space and an increase in government bureaucracy put on taxpayers and homeowners. From the response given to another citizen, no one knows what the homeowner or potential homeowner will be charged to meet this plan requirement. He also believes that this plan will stifle home ownership and the building of homes. Mr. Galena feels this issue needs to be tabled and a well advertised public hearing should be scheduled before this plan is voted on. It was also stated that this is a required plan; Mr. Galena could not find anything about a requirement in the act.

Linda Niemeyer, Waterford Township Secretary/Treasurer, is speaking on her own behalf and on behalf of the township. She referred to the 2500 square foot cutoff for impervious surfaces. She expressed concern that the application for the small project stormwater management plan was too difficult for the average person. Mr. Welsh assured her this is something she could do. She is not a

farmer, but has animals, a couple of barns, a house, and a paved driveway with an apron. She is over 5000 square feet so the building she had hoped to put up to house equipment will now have a big cost if it requires a stormwater management plan. Although one of the gentlemen from DEP stated that farmers may not need to have the plan, it does not say that in her literature. She is surrounded on three sides by woods and large pastures, but nothing indicates that is okay. She then read a letter to Council from the Supervisors of Waterford Township asking Council to vote against the stormwater management plan.

Curt Sonney, State Representative for the 4th Legislative District, does not think that one size fits all, especially with the diversity of Erie County. He believes this has been heard from the rural municipalities. None of the existing problems are being addressed. Everybody that is flooding today will flood tomorrow, and this plan does not address that issue. The plan does not allow the more rural townships the flexibility they need to continue their growth. Municipalities that have grown because of the infrastructure in place are the ones that failed to address the stormwater issue while they were growing. They were only addressed when they had to and the after problems arose. He urged Council to take a good look at whether one size will fit all throughout Erie County before final passage of this plan.

Tim Bruno, Watershed Manager for NW Regional Office of the DEP, listened to the statements given by fellow citizens and feels there has been a lot of misunderstanding about the plan and the ordinance. Careful reflection upon the ordinance and what it covers will serve to answer a lot of questions. He explained that Act 167 does require counties to conduct a stormwater management plan and to submit this plan to the DEP. In terms of residential development and how that will be affected, he suggested reviewing page 18 in the ordinance. This is something that was developed in coordination with consultants in Erie County as well as the other counties in the northwest and the DEP. Everyone was concerned that this would not and should not inhibit residential growth. So Section E was instituted on page 18 which states that single family residential activities are exempt from these requirements provided the construction meet four different requirements. If an individual is on a rural large lot, in many cases, they will be able to meet all of these functions, so it really does not affect rural municipalities and their growth as much as one would expect. Mr. Bruno wished to congratulate the Planning Department on the excellent job they have done. This has been a four year exercise which has been comprehensive with an attempt to include different parties in the planning.

Dr. Foust asked Mr. Bruno to address the threshold question of the square footage and whether phasing in would be objectionable or not prudent.

Mr. Bruno responded that the department went through a method involving many different parties including engineers, academia, as well as people from government and private industry to come with threshold limits to put in the DEP model ordinance. Those threshold limits included volume controls, 250 square feet up to 1000 square feet as a recommendation and rate controls from 1000-5000 square feet. That was the starting point in which municipalities and counties started looking at how to create their ordinance. Through negotiations and making sure that the thresholds meet the conditions of the counties in northwestern Pennsylvania, the 2500-5000 square feet levels were reached.

Dr. Foust asked whether these were compared to other counties in northwest Pennsylvania and Mr. Bruno replied they were. Neighboring counties such Warren, Venango, and Crawford have all passed ordinances that look almost exactly, if not exactly, like this. Erie County would be consistent with its neighbors. Dr. Foust asked why phasing in would not be prudent. Mr. Bruno explained that Erie County's current Act 167 plan for the Lake Erie Basin includes a 10,000 square foot exemption. This was adopted by Council in 1996. The DEP has biologists that assess the health and water quality of the waterways. Since that time, the stormwater management impairments, which means those streams impaired for aquatic biology and habitat, have increased twofold. Just on sheer prudence, it is evident that something in addition needs to be done to avoid the water resources which are integral to the local economy from being further depleted.

Mr. Fatica asked whether it was possible, judging from the comments, lack of information and one size doesn't fit all, that the existing language can be changed to fit with what supposedly works best for Waterford as opposed to the City of Erie. He suggested that this threshold may

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be moving too quickly. He asked Mr. Welsh if this could be re-examined. Mr. Fatica does not want to go against DEP recommendations, but some valid concerns and questions have been raised. This is a very complicated issue that affects people's livelihoods and their whole existence. What these people have said makes sense to him. He asked if this could be phased in.

Mr. Welsh explained that the plan itself is very good. He does not know if more than one model ordinance can be put in the plan, such as rural vs. urban issues. That may be a question to explore. The issue is the change in the current planning thresholds. Mr. Welsh does not know if DEP has been asked that question from other counties or taken a position on this. It is his understanding that the thresholds determined in the model ordinances are essentially what has been vetted through their process and what they have found acceptable even though, he agrees, having a one size fits all mentality isn't always appropriate. He thinks, and hopes, this is an effort on the part of the DEP to find out where that compromise is.

Mr. Fatica asked whether Mr. Welsh is comfortable if Council would decide to table this matter so more discussion can be held. Dr. Foust agreed and asked if there is a deadline. Mr. Welsh indicated there is no deadline issue. The funding agreement for the plan development expired through DEP so DEP funds have been utilized. There are still some funds remaining in the budget that can be used perhaps to perform some ongoing analysis.

Mr. Leone apologized for not being as familiar with the plan as he should be and expressed his agreement with Dr. Foust and Mr. Fatica that this matter be tabled. He noted that individuals have indicated there should be a phasing in period and Mr. Leone probably agrees.

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Ann Bruno, Council Secretary

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Minutes of Aug. 17, 2010 Reg. Mtg. apprvd. Agenda Amended. Ph SA Addit. Injur. Preven. Grant adopted; OPANAC Grant adopted; PH SA for Ct. Ord. Svc for Moon Meadows adopted; Gen. Fund SA to PH adopted; Gen. Fund SA Purch. Of Sheriff Veh. adopted; PS Rev. Exp. Due to Changes in Funding Elig adopted; Gen Fund SA for Transfer to PS; Emerg. Liq Fuels Alloc. Passed by Emerg. Liq. Fuels Board adopted; Automation Fees in Reg. Wills adopted; Restricted Cnty Rec. Improve. Fund adopted; Rev. Expend. Due to Ct Ord. Placements adopted; Rev. Reven., Expend & Elimin. Of District Inter-Lib. Loan Clk Due to Cut in State Funding adopted. First Rds: Lib. SA Donatin for Comp. & Microfilm; Postage on Reass. Data; PH SA Tuber. Grant; Purch. Of West Nile Virus Veh. Adopted; Gen Fund SA Transfer to PH For West Nile Virus Veh. adopted; Gen. Fund SA Transfer to PRM; Gen Fund SA Trans to PS adopted; Gen. Fund SA Trans to PS; PH SA Decrease in Lead Grant. PS SA for Director's Wages & Fringes adopted. In Sprt. of Erie Cnty Stormwater Mgmt Plan tabled. Res. Appv Audt. Rept of COG adopted; Res. Apprv Franklin Township as Member of COG adopted. Shera McQueen appt'd to OCY Brd; Sale of Parcels from Repos. apprvd.

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Dr. Foust called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Union City Social Hall, 50 Second Avenue, Union City, Pennsylvania. Following the Pledge of Allegiance, the County Clerk called the roll:

Members Present: Dr. Foust, Chairman
Mr. Leone, Vice Chairman
Mr. Beeman
Mr. Fatica
Mrs. Loll

Members Absent: Mr. Cleaver (present for part of meeting via telephone)
Mr. Giles

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
Sue Ellen Pasquale, Manager of Accounting

Dr. Foust explained that County Council conducts a “road show” every summer and holds meetings in municipalities outside of the city. Tonight Mr. Beeman is hosting the meeting. Mr. Beeman thanked everyone for attending tonight’s meeting.

Minutes

Mr. Leone moved to approve the minutes of the August 17, 2010 Regular Meeting. Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Finance Committee

Mr. Fatica reported the Finance Committee met Thursday, September 2, 2010, and agreed to place 11 ordinances on the agenda for second readings, Ordinances 80 through 90. Under New Business, Council has a number of first readings and resolutions. Ordinances 94, 95, 96, 97, 98, 99, 100, and 101 have been placed on the agenda for first readings, along with Resolutions 35, 36, and 37. Also placed on the agenda is the possible appointment of Shera McQueen to the OCY Advisory Board and the possible approval of the sale of parcels from the repository for unsold properties.

Personnel Committee

Mrs. Loll reported the Personnel Committee met before the Finance Committee on September 2, 2010, and agreed to place Ordinance 93 on the agenda for a second reading and to place Ordinances 101 and 102 on the agenda under New Business.

Mr. Fatica’s Report

Mr. Fatica wished to extend two compliments – one to Members of Council. Council approved the hiring of several new people to work at the 911 Call Center. Those people have been trained to be dispatchers and call takers, which has resulted in the number of overtime hours dropping significantly. That is good news. These individuals have been trained and doing their job. Secondly, Mr. Fatica stated that Public Safety has published a newsletter electronically which everyone has received. He extended kudos and compliments to everyone who had a hand in the newsletter. It was very nicely done.

Dr. Foust’s
Comments

Dr. Foust noted that Sue Ellen Pasquale, Manager of Accounting, should be congratulated. Mrs. Pasquale received one of the Citizens Awards from Joe Giles, President of CCAP, for all the work she had done on behalf of the County, and also with the gaming ordinances that Council put forward. Dr. Foust stated this was a well deserved award.

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Add. Inj.
Preven. Grant

Mr. Smith gave a second reading of Ordinance Number 80, 2010, "Fourth 2010 Public Health Fund Budget Supplemental Appropriation For Additional Injury Prevention Grant." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

OPANAC
Grant

Mr. Smith gave a second reading of Ordinance Number 81, 2010, "Fifth 2010 Public Health Fund Budget Supplemental Appropriation For OPANAC Grant." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

Mr. Cleaver
Joins Mtg

Mr. Cleaver joined the meeting at this time via telephone.

Dr. Foust's
Comments

For public edification, Dr. Foust noted that second readings, which are being read into the record, have already been discussed at two Finance/Personnel meetings. Council reads the full ordinance into record at this meeting. As members of the audience will see later in the meeting, those ordinances under New Business are just read into the record for tonight in title only. Although, four ordinances under New Business will be voted on to be moved to second readings this evening because of timeliness issues. This is why Mr. Cleaver will be voting by telephone. Dr. Foust explained that Members of Council are permitted to vote by telephone twice yearly due to changes made in the Administrative Code.

PH SA for Ct. Ord
Svc by Sheriff
For Mood Meadow

Mr. Smith gave a second reading of Ordinance Number 82, 2010, "Sixth 2010 Public Health Fund Budget Supplemental Appropriation For Court Ordered Service By Sheriff For Moon Meadows Campground." Mr. Leone moved to adopt; Mr. Fatica seconded.

Mr. Fatica stated that he made an inquiry as to whether the County can get this gentleman to pay the costs, and the answer is no.

Dr. Foust called for a vote on the ordinance, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Gen. Fund SA
Trans to PH

Mr. Smith gave a second reading of Ordinance Number 83, 2010, "Twenty-Sixth 2010 General Fund Budget Supplemental Appropriation For Transfer To Public Health Fund." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Purch. Sheriff
Veh.

Mr. Smith gave a second reading of Ordinance Number 84, 2010, "Twenty-Seventh 2010 General Fund Budget Supplemental Appropriation And Creation Of New Line Item For Purchase Of Sheriff Vehicle." Mrs. Loll moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Agenda
Amended

Dr. Foust asked for a motion to amend the agenda moving Ordinances 100 and 102 to second readings. Mr. Leone moved; Mr. Fatica seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

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Gen. Fund SA
Trans to PS

Mr. Smith gave a second reading of Ordinance Number 100, 2010, "Thirty-Fifth 2010 General Fund Budget Supplemental Appropriation For Transfer To Public Safety Fund." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

PS SA for Director's
Wages & Fringes

Mr. Smith gave a second reading of Ordinance Number 102, 2010, "Eighth 2010 Public Safety Fund Budget Supplemental Appropriation For Director's Wages And Fringes." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Mr. Cleaver exits
Meeting

Mr. Cleaver ended his telephone attendance at this time.

PS SA Due to Changes
In Fund. Elig.

Mr. Smith gave a second reading of Ordinance Number 85, 2010, "Seventh 2010 Public Safety Fund Budget Supplemental Appropriation, Revised Expenditures And Creation Of New Line Items Due To Changes In Funding Eligibility." Mrs. Loll moved to adopt; Mr. Fatica seconded.

Mr. Leone inquired as to whether this was funding for the port access tower. Dr. Foust explained that this ordinance rectifies some accounting errors. Mrs. Pasquale further explained that change were made in Act 56 that occurred on July 1 stating the County could charge things to that particular grant, and cannot do that any longer. Mr. Leone clarified that this had nothing to do with tower rent. Mrs. Pasquale replied that this is rent on existing towers, not the port access. These are WICU towers and other towers throughout the county.

Dr. Foust called for a vote on the ordinance, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

Gen Fund SA
Transfer to PS

Mr. Smith gave a second reading of Ordinance Number 86, 2010, "Twenty-Eighth 2010 General Fund Budget Supplemental Appropriation For Transfer To The Public Safety Fund." Mrs. Loll moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

Emerg. Liq. Fuels
Alloc. Passed by
Em. Liq. Fuels Brd

Mr. Smith gave a second reading of Ordinance Number 87, 2010, "Second 2010 Liquid Fuels Fund Budget Supplemental Appropriation For Emergency Liquid Fuels Allocation Passed By Emergency Liquid Fuels Board." Mrs. Loll moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Auto. Fees in Reg. Wills

Mr. Smith gave a second reading of Ordinance Number 88, 2010, "Twenty-Ninth 2010 General Fund Budget Supplemental Appropriation For Automation Fees In Register Of Wills." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

September 7, 2010

Rest. Cnty Rclds
Improve. Fund

Mr. Smith gave a second reading of Ordinance Number 89, 2010, "Thirtieth 2010 General Fund Budget Supplemental Appropriation For Restricted County Records Improvement Fund." Mr. Leone moved to adopt; Mrs. Loll seconded.

Dr. Foust explained that these are accounts that are set aside from fees that are collected on different actions and can only be used by these two particular offices for record improvement. He called for a vote on the ordinance, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

New Line Items
Due to Ct. Ord.
Placements

Mr. Smith gave a second reading of Ordinance Number 90, 2010, "2010 Children & Youth Services Fund Budget Revised Expenditures And Creation Of New Line Items Due To Court Ordered Placements." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

Elim. Of Dist.
Inter-Lib Loan
Clk Due to Cut
In State Fund.

Mr. Smith gave a second reading of Ordinance Number 93, 2010, "2010 Library Fund Budget Revised Revenue, Expenditures And Elimination Of District Inter-Library Loan Clerk Due To Cut In State Funding." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Agenda
Amended

Mrs. Loll moved to amend the agenda to add Ordinances 97 and 98 for second readings, and to add a parcel at Index No. 14-010-020.0-233.00. Mr. Leone seconded, and it carried in a unanimous roll call vote.

First Rdgs

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 94, 2010, "Ninth 2010 Library Fund Budget Supplemental Appropriation For Donation For Computer And Microfilm Equipment"

Ordinance Number 95, 2010, "Thirty-Second 2010 General Fund Budget Supplemental Appropriation For Postage On Reassessment Data Collection Forms"

Ordinance Number 96, 2010, "Seventh 2010 Public Health Fund Budget Supplemental Appropriation For Additional Tuberculosis Grant"

HS SA For
Purch. West Nile
Virus Veh.

Mr. Smith gave a second reading of Ordinance Number 97, 2010, "Eighth 2010 Public Health Fund Budget Supplemental Appropriation And Creation Of New Line Items For Purchase Of West Nile Virus Vehicle." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

Gen. Fund SA
Trans to PH for
West Nile Virus
Veh. Purch.

Mr. Smith gave a second reading of Ordinance Number 98, 2010, "Thirty-Third 2010 General Fund Budget Supplemental Appropriation For Transfer To Public Health Fund For West Nile Virus Vehicle Purchase." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 4-1, Mr. Beeman voting no.

September 7, 2010

First Rdgs.

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 99, 2010, "Thirty-Fourth 2010 General Fund Budget Supplemental Appropriation For Transfer To Pleasant Ridge Manor"

Ordinance Number 100, 2010, "Thirty-Fifth 2010 General Fund Budget Supplemental Appropriation For Transfer To Public Safety Fund"

Erie Cnty
Strmwater Mgt
Plan Tabled

Mr. Leone moved to table Resolution Number 35, 2010, "In Support Of The Erie County Stormwater Management Plan." Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Dr. Foust explained that resolutions don't appropriate funds and are read only once.

Aprv. Audit. Rpt
COG for Yr. End.
Dec. 31, 2009

Mr. Smith gave a reading of Resolution Number 36, 2010, "A Resolution To Approve The Independent Auditor's Report Of The Erie Area Council Of Governments For The Calendar Year Ending December 31, 2009." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Aprv. & Endorse
Incl. of Franklin Twp
In COG

Mr. Smith gave a reading of Resolution Number 37, 2010, "A Resolution To Approve And Endorse The Inclusion Of Franklin Township As A Member Of The Erie Area Council Of Governments." Mrs. Loll moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Shera McQueen Appt'd
To OCY Adv. Brd

Mr. Leone moved for the appointment of Shera McQueen to the OCY Advisory Board. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Sale of Parcels from
Repos. Apprvd

Mr. Leone moved to approve the sale of parcels from the repository at Index Nos:
24-002-007.0-064.00
47-026-084.0-086.01
14-010-020.0-233.00

Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:34 p.m.

Ann M. Bruno, Council Secretary
