

Erie County Gaming Revenue Authority Meeting

Board Meeting Minutes: December 18, 2008
12.00 p.m. at Erie County Council Caucus Room

Board Members (hereinafter referred to as “the Authority”):

Present (Voting): Pasquale (Pat) Bruno, III; Kathleen A. DeSante; David S. Sample; and Jennifer Dobbs Woods (arrived later)

Absent (Voting): Stephanie B. Freeman (Note: resignations previously tendered by: Joseph S. Kujawa and James F. Mikovch)

Present (Non-voting): Joseph F. Giles, Chairman

Absent (Non-voting): Mark A. DiVecchio, County Executive

Quorum present: Upon arrival of Ms. Dobbs Woods

Others Present: Also present were Robert Spaulding, Director of Economic Development; Jake Welsh, Director of Planning; Carolyn E. Gold, Esq., Gaming Revenue Manager and Thomas S. Talarico, Esq., Solicitor for Erie County Gaming Revenue Authority.

Invited Guests: Joseph A Weindorf, Director of Public Safety; Ann M. Bloxdorf, Public Safety

Members of Public Present Included: Andrew Schmidt, Esq. (Waterford and McKean Townships); Daniel J. Pastore, Esq.; (Summit Township) David Rhodes, Esq. (Summit Township Sewer Authority); William Steff, Manager, Summit Township Sewer Authority

Proceedings:

The meeting was called to order by Chairman Giles at 12:04 p.m.

The first order of new business, item 3. A from Agenda: “Short Presentation by Ann M. Bloxdorf, Erie County Dept. of Public Safety, on Emergency Response “pre-plans” for Presque Isle Downs & Casino (see handout)”. This presentation was sought to assist Authority members in understanding that there is a “response order” to an emergency involving Presque Isle Downs & Casino (PIDC). Ms. Bloxdorf advised that the role of the Public Safety Department is to coordinate emergency responses. Kip Hayford, a representative of Perry Hi-Way Hose Company and Summit Township, advised her that he is familiar with the order of responses to emergencies arising at or from PIDC. Ms. Bloxdorf supplied a photocopy of a “pre-plan” emergency response plan of PIDC. The first page of the “pre-plan” lists the order of response for First Alarm; Second Alarm; Primary Water and Sprinkler connections and references an alarm panel in the casino. The next two pages contain sketches. Ms. Bloxdorf offered to be the primary contact for

the Public Safety Department. It was noted that Carolyn Gold has submitted a written request to PIDC, through its Safety Officer, for PIDC's written Emergency Response Plan.

The second order of new business, item 3. D from Agenda: "2009 Schedule for Gaming Revenue Authority Meetings". Meetings were set for January 6; 13 and 22 at 11:30 a.m. It was noted that County Council needs to reappoint Jennifer Dobbs Woods to the Authority for 2009.

The third order of new business was a motion from Member Kathleen A. DeSante that that the Authority be authorized to pay certain bills, including certain expenses of litigation and/or to reimburse the County of Erie for certain administrative expenses, fees and the like, per a memorandum from Sue Ellen Pasquale, of the office of General Accounting. Discussion was that this payment/reimbursement would occur by March 31, 2009. The motion was unanimously approved.

The fourth order of new business, item 3. B from Agenda: "Short Presentation by Earl J. Brown and Bethany Fritz, Erie County Conservation District, on PA Nutrient Management Act and Regulations (effluent; manure storage setbacks, handling and exporting, etc.) (see handouts)" Chairman Giles advised that these presenters were unable to attend the meeting as scheduled. Presenters will attempt to attend next regular meeting scheduled for January 6, 2009.

The fifth order of new business, item 3. C from Agenda: "Jake Welsh, Erie County Planning Department – consistency reviews for applicable projects". Mr. Welsh discussed Item No. 6, Page 12 of the restricted funds grant application referencing infrastructure activities and Item No. 10, Page 14 (implying infrastructure activities but not really pinpointing this). These sections ask the applicant to provide a letter "**from the local and or (sic) Erie County planning agency** certifying that the proposed project is in compliance with the comprehensive and land use plans, ..." **Mr. Welsh advised that the application as drafted does not require the applicant to obtain the County's input on whether the infrastructure improvement meets with the County's Comprehensive Plan. If the Authority wants to require a letter from County planning, the language in the application needs to be modified to reflect that (delete the word "or" from the phrase "and or"). This input would take the form of a "Consistency Letter" advising whether or not the proposed project is consistent with the County's comprehensive plan. Mr. Welsh described how the planning department determines consistency, focusing on a review of whether or not the proposed project is located within the Designated Growth Area outlined in the Erie County Comprehensive Plan.**

The first order of old business, item A. from Agenda: "Continuation of discussion/pre-screening of grant applications for eligibility". Chairman Giles referenced an initial "pre-screening" tool or "score sheet" compiled from an initial polling several weeks ago of Authority members. That polling followed an initial review by Authority members of project narratives (from the grant applications). The results of the polling suggested a general consensus (at the time of the initial polling) as to projects that appeared to lack a sufficient nexus or connection to casino operations, a requirement per an August 2008

ruling by the Court of Common Pleas of Erie County. Project Nos.2; 8; 10; 11; 12; 13; 14; 15; 23 and 25 fell within this initial group. No voting on any project occurred. Chairman Giles noted that unsuccessful applicants could apply for 2007 uncommitted funds. Chairman Giles invited Authority members to submit any questions regarding the above-referenced ten (10) projects to Douglas Smith; Jake Welsh or Carolyn Gold.

Miscellaneous – Discussion about Restricted Funds Grant Application: Douglas Smith suggested that any “re-tooling” of the grant application occur soon because of short schedule. William Steff inquired about the format of the application (“Word” vs. “PDF” format) and discussion was held regarding the need for the form to be secure/not subject to alteration, yet user friendly. Andrew Schmidt, Esq. recommended that the grant application identify who is to author the letter confirming “due diligence”, and he suggested that “due diligence” be better defined in the application.

Miscellaneous – Discussion regarding temporary contact information for Authority member Pasquale (Pat) Bruno, III.

Action for the next meeting:

1. **Legal Notice** – Carolyn Gold will arrange for publication of legal notice in The Erie Times-News for ECGRA meeting schedule for January 2009.

Meeting Adjourned: at 1:10 p.m.

Next meeting: January 6, 2009

Minutes submitted by: Carolyn E. Gold, Esq.