

FEBRUARY 7, 2012

**OFFICE OF THE ELK COUNTY COMMISSIONERS
ELK COUNTY, RIDGWAY, PENNSYLVANIA**

The Elk County Commissioners met in regular session on Tuesday, February 07, 2012 at 10:00 A.M. in Conference Room No. 2 at the Annex Building. The meeting was opened with the Pledge of Allegiance. Present were Commissioners Daniel R. Freeburg, Chairperson, June H. Sorg and Janis E. Kemmer, Solicitor Tom Wagner, Chief Clerk Jean Zore and Recording Secretary Chris Lilja. Also present were Treasurer Peggy Schneider, Sheriff Jeff Krieg, CDBG Coordinator Tracy Gerber, Economic & Community Development Coordinator Jodi Foster, Recycling/Solid Waste Director Bekki Titchner, 3 members of the Elk County Tea Party and three members of the press.

June Sorg made a motion to approve the Minutes of the January 17, 2012 meeting, seconded by Janis Kemmer and carried unanimously.

Janis Kemmer made a motion to approve the Agenda with two additions, seconded by June Sorg and carried unanimously.

OLD BUSINESS

At the regular Elk County Commissioners meeting held on January 3, 2012, Mr. Charlie Constable was re-appointed to serve on the Elk County Industrial Development Authority. The length of his extension was not stated at that time. Mr. Constables' term is extended for six years until December 31, 2017.

NEW BUSINESS

1. At the January 17, 2012 Commissioners Meeting, members of the Elk County Tea Party voiced their displeasure with the recent passage of the National Defense Authorization Act; Senate Bill 1867. They requested county officials adopt a resolution expressing their opposition to this Bill that would legalize the U.S. government's detainment of citizens possibly linked with terroristic activity. Janis Kemmer made a motion to adopt Resolution No. 2012-03 – To Preserve Habeas Corpus and Civil Liberties, seconded by June Sorg and carried unanimously.
2. The Commissioners heard from Jodi Foster and Bekki Titchner on the proposed modifications to its energy and lighting systems that will save the county more than \$500,000 in the next 20 years. An energy audit was done on the three county buildings to determine how to make them more energy efficient. This will involve retrofitting lighting, replacing equipment and heating and air conditioning units. The project will also reduce the number of lights needed in some rooms and it will improve the heating and air conditioning of the county's buildings. June Sorg made a motion to approve SESCO Lighting as the contractor for these improvements, seconded by Jan Kemmer and carried unanimously.
3. June Sorg made a motion to approve a recommendation from Elk County Planning Commission for funding for the following projects:
 - a. Jones Township – storm water project that will alleviate flooding in the Marvin/Oak Street area of Wilcox - \$180,000
 - b. Fox Township Park – construct a handicap accessible sidewalk to the existing bandstand at the Fox Township Community Park - \$9,315.45

June Sorg made a motion to approve the funding for the Jones Township project fully, with Fox Township project receiving the remaining funding due to the fact that at this time it is not known how much money will be received due to the loss of population. Jan Kemmer seconded the motion and carried unanimously.

4. Due to the change of ownership of the land where the Wetlands Classroom is located has put some restrictions on the use of the land. The 2005 license agreement was with the Industrial Development Authority, but that land has since been conveyed to West Penn Power. West Penn Power has been working diligently with the County concerning the lease. They have some concerns about restricting access to the property. After some discussion on a number of issues, June Sorg approved the license agreement with the stipulation that the County is informed of who is using the Wetland Classroom and also that West Penn Power authorizes construction of rest rooms at the Wetlands Classroom. Jan Kemmer seconded the motion and carried unanimously.

- 5. Dan Freeburg made a motion to approve the use of the Courthouse lawn by the Ridgway Girl Scouts the week of March 12 – 16th, 2012. They will be placing luminaries on the perimeter of the Courthouse lawn in celebration of the 100th Year Anniversary of Girl Scouts. June Sorg seconded the motion and carried unanimously.
- 6. Janis Kemmer made a motion to approve seven (7) Veteran’s Burial Allowances, six (6) Headstone Allowances and one (1) Widow’s Burial Allowance for Veteran’s Affairs. June Sorg seconded the motion and carried unanimously.
- 7. June Sorg made a motion to approve the following CDBG FY 2011 Projects:
 - Johnsonburg Borough Community Center - \$16,051.00
 - Jones Township Senior Center (heating) - \$14,000
 - Jones Township Senior Center (cabinet/countertop) - \$1,500
 - Jones Township Senior Center – entrance & consulting fees included - \$7,000.00
 - Slum & Blight Remediation - \$55,000 (30% of Grant) for clearance & demolition
 - Elk County Housing Rehab - \$98,843
 Jan Kemmer seconded the motion and carried unanimously.

APPROVAL OF BILLS

June Sorg made a motion to approve the following bills:

GENERAL FUND	\$ 151,595.33
PAYROLL	\$ 230,126.46
LIQUID FUEL	\$ 13,000.00
DRUG & ALCOHOL	\$ 105.00
WORK RELEASE	\$ 2,862.13
SOLDI WASTE ADMIN	\$ 11,562.94
FSSR	\$ 2,392.00
2010 SERIES A OBLIG BDS	\$ 96,021.80
CDBG-C	\$ 7,206.46
2010 CDBG	\$ 2,000.00
HAZMAT	\$ 1,012.35
911 WIRELESS FUND	\$ 50,974.84
EMERGENCY 911	\$ 91,156.59
WMD	\$ 251.10
AFFORDABLE HOUSING	\$ 7,062.50
DEBT FUND	\$ 504.76

Jan Kemmer seconded the motion and carried unanimously.

CORRESPONDENCE

County notice, under the requirements of Act 14, that Seneca Resources Corporation is applying for coverage under the Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, and Transmission Facilities from DEP for project located in Horton Township, Elk County, PA.

County notice, under the requirements of Act 14, that Seneca Resources Corporation is applying for coverage under the Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production and Transmission Facilities from DEP for project located in Highland Township, Elk County, PA.

Municipal notice that Seneca Resources Corporation will be applying for permit coverage from DEP for a project located in Jones Township, Elk County, and West of Shawmut Grade.

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EQT Production Company is submitting a notification to Elk County pursuant to Act 14, 67 and 68 of the Municipalities Planning Code. EQT intends to submit a Notice of Intent to Use Erosion and Sediment Control General Permit – 1 for Oil and Gas Operations for the Thor Project in Horton Township, Elk County, PA.

Municipal notice that Seneca Resources Corporation will be applying for permit coverage from DEP for a project located in Jones Township, Elk County, and West of Shawmut Grade.

Pursuant to Act 14, P.L. 834, that HDR Engineering, Inc. has provided notification to DEP of their intent to utilize DEP General Permit No. 11. The permit covers replacement of the SR 219 Bridge over Walburn Run also known as S.R. 219, Section 51 in Snyder Township, Jefferson County, PA.

Pursuant to Act 14, P.L. 834, that HDR Engineering, Inc. has provided notification to DEP of their intent to utilize DEP General Permit No. 11. The permit covers replacement of the SR 219 bridge also known as S.R. 219, Section 552 Bridge over an unnamed tributary to Little Toby Creek *(UNT) west of Keystone Lane, SR 2001 and the Jefferson, Elk County line in Snyder Township, Jefferson County, PA.

EQT Production Company is submitting a notification to Elk County pursuant to Acts 14, 67 and 68 of the Municipalities Planning Code. The information provided herein is to inform Elk County, PA that EQT intends to submit a General Permit – 5 (Utility Line Stream Crossing) and a General Permit – 8 (Temporary Road Crossing) for the Bennett Branch Power Waterline in Jay Township, Elk County, PA.

Notification that Morgan AM&T is applying to PA DEP, Bureau of Air Quality, for a permit to install an additional batch carbon coking oven, at facility located at 441 Hall Avenue, St. Marys, PA. This notice is provided in accordance with Section 1905-A of the PA Administrative Code as amended by Act 14 in 1984.

Seneca Resources and in accordance with Act 14, p.l. 284, notice is hereby given to submit an ESCGP-1 Permit Application to PA DEP, Northwest Regional Office for Spring Creek Surface Water Withdrawal and Waterline in Spring Creek and Highland Townships, Elk County, PA.

GOOD OF THE COUNTY

The Elk County Sheriff's Department has secured a \$5,000 donation for equipment and ammunition from an NRA Grant.

Rides for Vets are looking for volunteer drivers. For information and to volunteer contact Kellie L. Rusciollelli, Assistant Director at 814-776-0428 or email at krusciollelli@ohsaging.com.

**QUESTIONS FROM THE PRESS
QUESTIONS FROM TAXPAYERS**

ADJOURN MEETING

The meeting was adjourned at 10:45 A.M. on a motion by Jan Kemmer and seconded by June Sorg.

ATTEST: _____
Chief Clerk

**Next Meeting
Tuesday, February 21, 2012, 10:00 A.M.
Conference Room No. 2 A**

County of Elk

COMMISSIONERS

Daniel R. Freeburg
June H. Sorg
Janis E. Kemmer

300 Center Street, P.O. Box 448
Ridgway, PA 15853-0448
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Jean Zore, *Chief Clerk*
Thomas G. Wagner, *Solicitor*

RESOLUTION NO. 2012-03 TO PRESERVE HABEAS CORPUS AND CIVIL LIBERTIES

WHEREAS, Article I, Section 8 of the Pennsylvania Constitution provides that the people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures:

AND WHEREAS, Article I, Section 14 of the Pennsylvania Constitution preserves the right of habeas corpus unless when in case of rebellion or invasion in the public safety may require it;

AND WHEREAS, Article I, Section 25 of the Pennsylvania Constitution provides that where powers which have been delegated to the government, the various rights enumerated in Article I are excepted out of the general powers of government and shall forever remain inviolate;

AND WHEREAS, the Board of County Commissioners of Elk County opposes all rules, laws, regulations or executive orders which wrongfully usurp the rights reserved to the people under the Pennsylvania Constitution of the United States and which wrongfully take away civil liberties;

AND WHEREAS, in accordance with the Pennsylvania State Constitution, Article VI, Section 3, all elected officials are mandated to take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Pennsylvania;

AND WHEREAS, one of our most fundamental rights as American citizens is to be free from unreasonable detention without due process of law, a right afforded to us by our Founding Fathers and guaranteed to us by over two centuries of sacrifice by our men and women in the Armed Forces whom we daily recognize and honor;

AND WHEREAS, Sections 1021 and 1022 (or any other wording as the bill is modified) of the United States National Defense Authorization Act of 2012, as proposed, provide that in limited circumstances, an American citizen may be detained by our own United States government and by our Armed Forces, which detention could last, without trial, until the end of the hostilities currently authorized by the Authorization for Use of Military Force;

AND WHEREAS, Sections 1021 and 1022 (or any other wording as the bill is modified) of the National Defense Authorization Act of 2012, jeopardize the fundamental rights of American citizens to remain free from detention without due process and the right to habeas corpus in direct contravention of the guarantees of the Bill of Rights of the United States and Pennsylvania Constitutions;

AND WHEREAS, it is indisputable that the threat of homeland and international terrorism is both real and viable, and that the full force of appropriate and constitutional law must be used to defeat this threat so that terror never wins; however, winning the war against terror cannot come at the great expense of jeopardizing basic, fundamental, constitutional rights through unreasonable rules, laws, regulations or executive orders;

AND WHEREAS, the Board of County Commissioners of Elk County, Pennsylvania, wholeheartedly supports the United States military and dutifully recognizes the importance the National Defense Authorization Act of 2012 as an appropriations bill and as a bill necessary to support the efforts of our military to both serve and protect the people of this great nation – with the exclusion of Sections 1021 and 1022;

AND WHEREAS, undermining our own constitutional rights serves only to surrender to the terrorists' campaign to change the fabric of what made the United States of American a country of freedom, liberty and opportunity;

AND WHEREAS, the Elk County Sheriff's Office is in agreement with this resolution and the goals and purposes herein stated and agrees to undertake all appropriate efforts to honor and protect the constitutional rights of all citizens;

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Elk County, Pennsylvania, is in opposition to Sections 1021 and 1022 of the United States National Defense Authorization Act of 2012 and does hereby support the Pennsylvania Constitution and the Constitution of the United States of America and all the freedoms and guarantees envisioned by our Founding Fathers, and as supported and defended by the brave efforts of the members of our Armed Forces.

MADE THIS 7th day of February, 2012, at Ridgway, Elk County, Pennsylvania.

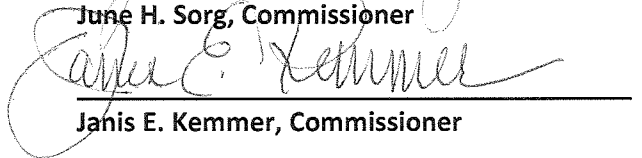
THE BOARD OF ELK COUNTY COMMISSIONERS



Daniel R. Freeburg, Chairperson

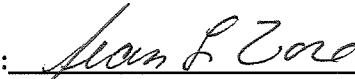


June H. Sorg, Commissioner



Janis E. Kemmer, Commissioner

ATTEST:



Chief Clerk