

January 4, 2011

McKean County Commissioners in regular session assembled on Tuesday, January 4, 2011 at 10:00 AM in the Commissioners meeting room. Present were Commissioners Joseph DeMott, Al Pingie, and Judy Church, Chief Clerk, Audrey Irons, and County Solicitor, Dan Hartle. Also present were Bill Belitskus and Martha Knight.

The meeting was called to order by Mr. DeMott, followed by the Pledge of Allegiance and a moment of silence.

Moved by Mr. Pingie, seconded by Mrs. Church, to approve the minutes of the December 28, 2010 meeting.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Mr. DeMott – Opened the meeting for public comment.

Bill Belitskus – Concerned about the landfill permit transfer – read in the paper that the Commissioners signed off on comments early in order to expedite the process. Where do I get a copy of your comments that you submitted to DEP for that permit transfer? One of my concerns is who is liable for any environmental liability that comes down the road. I don't know what you negotiated with Casella. Did you actually negotiate something with Casella?

Mr. DeMott - No, we haven't.

Mr. Belitskus – So, basically our agreement is the same as it was when Rustick owned it?

Mr. DeMott – Right.

Mr. Belitskus – Do we know if there is any environmental liability that has occurred since Rustick acquired the landfill from the county and up to when Casella would actually take over control? Are we in any way accountable for that?

Mr. DeMott - We have been concerned about the environmental liability there and one of those concerns is that the waste water treatment plant there is actually on land that is leased from the Girl Scouts and back in the 1980's the county had signed an agreement with the Girl Scouts taking responsibility for environmental damage should any occur with that piece of property so that has been a subject of negotiation and I have been told that there is negotiation between Casella and the Girl Scouts to resolve that issue and we are monitoring that process, but that is a concern that we do have and it is my understanding that with the transfer of the license that the environmental responsibility will transfer from Rustick to Casella for the landfill property itself, but there is this side issue that we are trying to address and resolve.

Mr. Belitskus – The other issue is the current Marcellus drilling in the regent which is slated to expand. They are drilling in Hamlin Township right now behind my house. Do we know how much radio active drilling sludge is being hauled to the landfill right now, because that landfill was leaking radio active tritium back previously when I reported on it? There is a DEP report that identified them as one of the landfills leaking radio active tritium. Is the landfill taking Marcellus sludge now?

Mr. DeMott – Yes, they are.

Mr. Belitskus – Who is going to deal with the liability on the radio active sludge? That landfill is not approved for burial of ratio active material. That is one of the by products of the Marcellus drilling.

Mr. DeMott – This is the first that I have heard of a ratio active issue. With this we do get copies of applications for each individual company that is using the landfill. The landfill files a permit request with DEP for each of those companies. As far as the county enforcement, personally, I feel I have to rely on DEP because we don't have the expertise to evaluate those or to test or whatever – we have to rely that they are using their best judgment in issuing these permits and monitoring them.

Mr. Belitskus – There are four components to the Marcellus waste – whatever toxic chemicals they use in the fracting and drilling, heavy metals that come up, radio active isotopes, and the total dissolved solids. No one has a plan to treat the water at this point in time. No one can remove those heavy metal toxic chemicals and radio active isotopes – so that is what is going into your landfill in our county and that is what we need to be aware of.

Mr. DeMott – It is my understanding that these were solids that were coming out of the well shaft – it that correct? I don't believe they are accepting any waste water at the landfill.

Mr. Belitskus – We don't really know what the percentage of dry and liquid would be, but you are going to get the drilling sludge too which are muds and there is moisture in that and don't forget a landfill is a tea bag – whatever you put in it is seeping and you hope the landfill liner will hold it, but I think we have to be thinking ahead of that so those are the concerns as we are moving into 2011. I have my water tested and I bought a total dissolve solid meter and I am testing my water daily while the drilling is going on, but that is a lousy way to live. I would suggest that you check to see what kind of sludge is going into the landfill.

Mr. DeMott – What suggestions do you have on things you think the county should be doing along these lines?

Mr. Belitskus – I think you need to get some other presentations that actually give you the down side of the Marcellus drilling. What are the safety concerns? I think we need

to get some balance on perspective as to what we are going to be dealing with. We were also identified as the county with the most drilling permits approved – that could be good, but it could always cause other problems. I am not just talking about Marcellus drilling – I am talking about shallow oil wells, gas drilling, and deep gas drilling that is below 3,000 to 5,000 feet.

Mr. DeMott – I did see that the majority of the drilling permits were for oil rather than gas, but you are right it is coming.

Mr. Belitskus – The problem that I am having as a landowner is that I am being told as a water well user to get a water test so now what – I have my water test so are we really left with litigating against multi million billion dollar companies? Is that our plan in the county or do we have something else? In their anything in our county subdivision and land development ordinance that allows us to actually look at viewing with Marcellus like other townships have done where they actually have zoning and they have amended their zoning ordinance? Does our county subdivision and land development ordinance give us the ability to regulate construction – where they actually have to come and get a permit like any other contractor would have to do to construct on site rather than a blanket permit that is generally one size fits all?

Mr. DeMott – I don't believe our current ordinances contain that – that is not to say that it isn't something that we can look at.

Mr. Belitskus – I have been pushing and asking previous commissioners that don't you think it is time to update our land development subdivision ordinance – it is been a long time since it has been updated.

Mr. DeMott – That is something we can look into – I can't give you a definitive answer.

Mr. Belitskus – Another thing to make you aware of – I was at the Hamlin Township meeting yesterday and East Resources sent our township two very legal documents on sewage for the Marcellus construction site and one was a short version where they were authorized to bring in portalets and have a company service them and another one was a very in depth one for holding tanks and they were both worded in a way that sent up some red flags – they were actually asking the township to amend their sewage facility plan which seemed like a really complex thing to do when you are simply asking for permission to put in portalets and not only that, but it committed our errors and assigns to whatever changes this agreement made forever and ever and I suggested they send it to their solicitor.

Mr. Hartle – I told them that it needed to be reviewed by their sewage enforcement officer as well.

Continued discussion on the landfill issues.

Moved by Mr. Pingie, seconded by Mrs. Church, to postpone making a decision on the bids that were received for the fit out package for the Domestic Relations Building.

Mr. DeMott – Mentioned that the architects are still reviewing the bids with their engineers and they still don't have a recommendation for us. I believe we have thirty days from opening the bids to make a decision.

Mr. Hartle – Plus, you can ask for an extension or you can reject all the bids.

Mr. DeMott – I don't feel we are ready to make that decision today.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to appoint John Walker to the Alcohol and Drug Abuse Services Board for a three year term.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Moved by Mr. Pingie, seconded by Mrs. Church, to appoint Michael Roche to North Central Pennsylvania Regional Planning and Development Commission's Comprehensive Economic Development Strategy Committee (CEDS) for a two year term.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Martha Knight – On the county's website, it shows that Ray McMahon is still the Director for your Economic Development Department.

Mrs. Church – We will have that changed.

Moved by Mr. Pingie, seconded by Mrs. Church, to enter into a contract extension with Dr. George Castellano to provide physician services at the McKean County Jail for 3 years with a 1 % fee increase for each year subject to review by our county solicitor.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Mr. Pingie – He has done a great job for us so far. A 1% increase is not that much.

Mr. DeMott – Opened the meeting for public comment.

Ms. Knight – How much is Dr. Castellano paid for his services?

Mr. DeMott – His current contract is for \$55,000.

Ms. Knight – So he is extending that at the same rate now?

Mr. DeMott – With a 1% increase for each of the 3 years.

Ms. Knight – So is he on call?

Mr. DeMott – He makes regular visits to the jail, but he is also on call for emergency consults. He does this for several counties. For medical emergencies we transport prisoners to the hospital.

Ms. Knight – Is there anybody specific for the mental health prisoners?

Mr. DeMott – We have a full time counselor on staff.

Ms. Knight – And the counselor can make referrals and so forth too?

Mr. DeMott – Yes.

Ms. Knight – Asked if the Commissioners had heard any more from ATA?

Mr. DeMott – I talked to the director after our last meeting and he told me that he would call you shortly thereafter. He called me back the next day and he said that he had a good conversation with you, but he wasn't able to solve all the inherent problems, but he had discussed the situation with you.

Ms. Knight – That is about true. In fact he told me a heart wrenching story describing their problems. They have a big territory to cover and it is a problem for people that don't live close together to serve all their needs. She feels they should be able to make changes in their schedule and have more information on their website, etc. Do we need legislation, do we need to lobby, to let the state know that the needs of the people in this area for mass transit aren't being met?

Mr. DeMott – The reality of the situation is that once you get to the state level or to the federal level and you say transportation, people are thinking about bridges, interstate highways, and large city rail and bus service and that is where the emphasis is and when I go to county commissioner meetings, I am always trying to bring up rural roads and transportation within our rural areas, but that is not where the votes are so that is not where the money is going and we just haven't addressed it as a state or the federal government how we are going to maintain what we have here in rural American – it is a big problem and I think the ATA really has a tough job to serve as many people as they can with the resources they we have, but I think you are correct also that those resources are inadequate to provide the level of services that are provided in larger metropolitan areas.

Ms. Knight – Mentioned again about the two different buses they have in the Port Allegany area – they have one for medical trips and one for errands – the one for medical trips cannot stop and let someone pick up a prescription on the way back from the doctor – they have to take the errand bus for that – there should be a way they could prorate the costs of using the medical bus for picking up prescriptions or something of that nature without having to take another bus.

Mr. DeMott – I did talk to Mike about that and that is because of the spending silo with the Medical Assistance Transportation Program. One of the problems though is that these programs are set up and are ruled from a larger area, they are from Harrisburg and from the federal government and they are setting up the rules and regulations and they say here is the funding, but to get the funding you have to do it exactly this way, and if you are using it for anything else then we are taking that money back, so it takes away a lot of the local discretion as to what you can do with the funds and you are right there are many things that would make a lot more sense if they could change it.

Moved by Mrs. Church, seconded by Mr. Pingie, to adjourn the meeting.

Vote on the above resolution, DeMott – yes. Pingie – yes. Church – yes. Three – yeas. No – nays. Carried.

Chief Clerk