

SUMMIT TOWNSHIP
INDUSTRIAL & ECONOMIC DEVELOPMENT AUTHORITY
Annual & Regular Business Meeting
Monday, March 24, 2014
SUMMIT TOWNSHIP
~~INDUSTRIAL & ECONOMIC DEVELOPMENT AUTHORITY~~
~~Annual & Regular Business Meeting~~
~~Tuesday, February 10, 2009~~

The Summit Township Industrial & Economic Development Authority (S.T.I.E.D.A.) annual and regular business meeting was called to order by Chairman McGowan at 7:00 p.m., followed by salute to the flag. Present were Authority members Agostine, Krasinski, Lee, Lemmon, McAtee and McGowan. Also present were Attorney Shimek and Recording Secretary Hudak. Authority member Troutman was absent from the meeting. No member of the public was present.

ROLL CALL

There was no public input.

PUBLIC INPUT

Chairman McGowan acknowledged action taken by the Summit Township Board of Supervisors at their January 6, 2014 reorganization meeting; reappointment of Anthony Krasinski to S.T.I.E.D.A. (new term being 1/01/2014 to 12/31/2018) and appointment of Supervisor Jack F. Lee, Jr. to serve out the term vacated by retired Supervisor Marlin Coon (01/01/2013 to 12/31/2017). McGowan welcomed both members and thanked them for their willingness to serve on S.T.I.E.D.A.

APPOINTMENTS TO S.T.I.E.D.A.

Motion by Agostine, seconded by Lemmon, to maintain the current slate of officers for S.T.I.E.D.A. in 2014: Brian McGowan as Chairperson, Anita Lemmon as Vice Chairperson, John Troutman as Secretary, Marty McAtee as Treasurer and Anthony Krasinski as Asst. Secretary/Treasurer; to serve until the first meeting in 2015.

ELECTION OF OFFICERS/2014

- CHAIRMAN**
- VICE CHAIRMAN**
- SECRETARY**
- TREASURER**
- ASST SEC/TREAS**

Vote: 6/0

Motion by Lemmon, seconded by Krasinski, to maintain the following appointments in 2014: Attorney John Shimek as Solicitor, CPA Joseph E. Sadler as Auditor and Erie Bank as the primary depository, with option open for utilizing all FDIC insured banking institutions, including but not limited to those in the Erie area, as depositories; enabling S.T.I.E.D.A. to utilize them in securing the best possible interest rates on investments.

2014 APPOINTMENTS

- SOLICITOR**
- AUDITOR**
- PRIMARY DEPOSITORY**

Vote: 6/0

Motion by Agostine, seconded by Lemmon, to secure a Treasurer's Bond from Bush Insurance (Selective) for 2014; maintaining the coverage set at \$2M.

TREASURER BOND FOR 2014

Solicitor Shimek was requested to confirm ability of increasing said bond during the year should S.T.I.E.D.A. funds exceed 2M.

Vote: 6/0

Motion by Krasinski, seconded by McAtee, to approve the November 25, 2013 regular business meeting minutes, as presented.

APPROVAL OF MINUTES

Vote: 6/0

There were no expenditures since the last meeting of the Authority: 11/26/2013 through 03/24/2014.

EXPENDITURES

Motion by Krasinski, seconded by Agostine, to approve the March 2014 Treasurer's Report, as submitted.

APPROVAL OF TREASURER'S REPORT

Vote: 6/0

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There were no correspondences.

CORRESPONDENCE

After a brief review of the Grant Agreement between S.T.I.E.D.A. and the Enterprise Development Fund of Erie County (FUND), motion was made by Agostine, seconded by Lemmon, authorizing Secretary Troutman to address a letter to John Elliot, President/CEO of the Enterprise Development Fund of Erie County [FUND], advising that the terms of the Grant Agreement have been satisfied.

• EDC (LORDS)
GRANT AGREEMENT
SATISFIED

Agostine amended her motion to clarify that terms of the Grant Agreement were satisfied by means of Karen Clarks' October 16, 2013 letter and submittal of the "Lord Corporation Consolidated Pa Headcount Report", dated September 2013; motion was seconded by Lemmon.
Vote: 6/0

LETTER
AUTHORIZED-

The floor was then opened for consideration to un-restrict the 2008-2011 Gaming Funds held by S.T.I.E.D.A. McGowan began by referencing Summit Township Ordinance 2005-01, wherein S.T.I.E.D.A. was created; specifically the intended purpose behind establishment of the authority being to financially assist a broad spectrum of economic development in Summit Township. Reference was also made to S.T.I.E.D.A. Resolution 2011-01, Section 4, wherein S.T.I.E.D.A. resolved to limit the use of the 2008-2011 Gaming Funds to finance project(s) of Summit Township, Summit Township Sewer Authority, Summit Township Water Authority, and Perry Hi-Way Hose Company, which arise as a result of the operations of Presque Isle Downs and Casino [PID&C]. McGowan opined that by placing these mandates on the 2008-2011 Gaming Funds, the only funds held by S.T.I.E.D.A., the Authority cannot financially assist the broad spectrum of economic development in Summit Township that the Authority was intended to support. McAtee informed members that Summit Township Sewer Authority (STSA) anticipates submitting an application to S.T.I.E.D.A. in 2014 for a project they believe qualifies with the PID&C affiliation. However, unrestricting the funds would not prevent STSA from submitting said application. Concern was raised that the Summit Township entities, named in the Settlement Agreement, would have to approve unrestricting the 2008-2011 Gaming Funds, which are currently being held for their sole applications. A written legal opinion was solicited from Attorney Shimek regarding such. Attorney Shimek offered a recap of the Settlement Agreement stating that funds of the agreement are characterized as uncommitted funds and that restrictions are self imposed; a unilateral act of S.T.I.E.D.A. and not as a result of an agreement with any other municipal body. He confirmed a complete analysis on the issue will be conducted and a written legal finding will be presented to the Authority. Discussion ensued with members voicing the following: their desire to do more as an authority (i.e. small low interest loans, scholarships, etc.), desire to potentially become self-sufficient and not totally dependant on funds from the Township; potential to un-restrict only part of the 2008-2011 Gaming Funds; and prospect of seeking separate fund allocation from the Township. Acknowledging that separate fund allocations would require separate applications & administrative measures, it was suggested that S.T.I.E.D.A. pursue a partnership with EDC to establish a revolving loan fund for future economic development projects in Summit Township, should the funds be available to do so.

CONSIDERATION
TO
UNRESTRICT
2008-2011
GAMING FUNDS

With no further business to come before the Authority, motion was made by Agostine, seconded by Krasinski, to adjourn the meeting at 8:17 p.m.
Vote: 6/0

ADJOURNMENTCALL-
TO-ORDER

Respectfully submitted,
Marjorie Hudak
Marjorie M. Hudak

APPOINTMENTS
CHAIRMANVICE-

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Recording Secretary

~~3/26/2014~~The Summit Township Industrial & Economic Development Authority (S.T.I.E.D.A.) annual and regular meeting was called to order by Chairman McGowan at 7:05 p.m., followed by salute to the flag. Present were Authority members Coon, Gradler, McAtee, McGowan and Troutman. Also present were Attorney Pastore, Recording Secretary Hudak and one interested member of the public. Authority members Haaf and Hermann were absent.

**CHAIRMAN
SECRETARY
TREASURER
ASST. SEC./TREAS.**

Motion by Coon, seconded by McAtee, to maintain the current slate of officers for 2010: Brian McGowan as Chairman of the Board; to serve until the first meeting in 2010.

**PUBLIC
COMMENT**

Tim Haaf as Vice Chairman of the Board; to serve until the first meeting in 2010.

John Troutman as Secretary of the Board; to serve until the first meeting in 2010.

**APPOINTMENTS
PRIMARY
—DEPOSITORY
SOLICITOR
AUDITOR**

Marty McAtee as Treasurer of the Board; to serve until the first meeting in 2010.

John Hermann as Assistant Secretary/Treasurer of the Board; to serve until the first meeting in 2010.

Vote: 5/0

There was no public comment.

Motion by Coon, seconded by Gradler, to maintain the following current appointments for 2009:

PNC Bank as the primary depository for funds, with option open for utilizing other investment services.

**TREASURER'S
BOND**

Attorney Daniel Pastore, the McDonald Group, L.L.P., as Solicitor for S.T.I.E.D.A.

Joseph E. Sadler, CPA, as auditor for S.T.I.E.D.A.

Vote: 5/0 (Coon, Gradler, McAtee, McGowan and Troutman—aye)

**APPROVAL OF
MINUTES**

Motion by Gradler, seconded by Coon, to secure a Treasurer's Bond from Bush Insurance for 2009; maintaining the current coverage of \$25,000.

Vote: 5/0 (Coon, Gradler, McAtee, McGowan and Troutman—aye)

**APPROVAL OF
TREASURER'S
REPORT**

Motion by Gradler, seconded by McAtee, to approve the December 9, 2008 regular business meeting minutes, as presented.

Vote: 5/0

**APPROVAL OF
EXPENDITURES**

Motion by Coon, seconded by McAtee, to approve the January 2009 Treasurer's Report, as submitted.

Vote: 5/0

CORRESPONDENCE

Motion by McAtee, seconded by Troutman, to approve the expenditures (12/04/08 through 02/04/09), as reviewed.

Vote: 5/0

**NEW BUSINESS
Meeting Dates**

No correspondence received.

Motion by McAtee, seconded by Gradler, authorizing Attorney Pastore to draft an amendment to the S.T.I.E.D.A. By-Laws, Article III, Sections 1 and 2, pertaining to

the annual and regular meeting dates, to authorize and provide greater flexibility in changing the dates of the meetings to better accommodate the schedule of the members. Action on said draft to be taken at the next S.T.I.E.D.A. meeting, after which proposed amendment will be forwarded to the Board of Supervisors for consideration and Board action.

**OLD BUSINESS
2007 Gaming
—Fund Applications**

Vote: 5/0

Chairman McGowan, together with Coon and McAtee, recounted actions taken at the 2/10/09 Erie County Gaming Revenue Authority (ECGRA) meeting. Specifically: ECGRA's three step evaluation

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~~process; summarily rejecting duplicate applications (including applications submitted by (S.T.I.E.D.A., S. T.W.A., S.T.S.A. and, P.H.H.C. where , and Summit Township) itself submitted an application for the same project), keeping only those submitted by Summit Township and S.T.I.E.D.A.'s application for P.I.D.I.; identification of the six 2007 Restricted Gaming Fund applications that have been forwarded to the next level of evaluation and rejection of the remaining nineteen; the option to resubmit rejected applications for future rounds of funding; and reiteration of ECGRA's intent to utilize a portion of the Restricted Gaming Funds to cover administrative costs.—~~

~~Attorney Pastore informed Erie County Council's amendment to Ordinance No. 167, 2008 (ECGRA-Administration Code) states, in part, that 2007 restricted gaming funds will be distributed in the form of municipal grants by January 15, 2009; that timeframe has not been met. Furthermore, Ordinance provides that in subsequent years gaming revenue must be awarded by the end of ECGRA their current fiscal year (April 1st thorough March 31st). That timeframe is of concern as ECGRA has not, to date, solicited applications for the 2008 funds.—Brief discussion ensued ending in agreement that Pastore will address a letter to the County's solicitor, Thomas Talarico, asking for written assurance that the 2008-Restricted Gaming Funds will not become uncommitted as of April 1, 2009. Further requesting receipt of written assurance by March 10, 2009, the next S.T.I.E.D.A. meeting.~~

**2008 Restricted
—Gaming Funds**

**Status of
—Litigation**

~~Attorney Pastore gave a brief update as to the estimated timeframe on the County's appeal to the Commonwealth Court of the Order issued by Judge Dunlavey, Erie County Court of Common Pleas, regarding the S.T.I.E.D.A. vs. County of Erie, PA, litigation pertaining to Erie County's intended administration of gaming law restricted grant funds pursuant to 4 PA.C.S. §1403(e)(2)(v).~~

**PUBLIC
COMMENT**

~~Chairman McGowan then reopened the floor for public comment.—Resident Gladys Wood questioned how appointments to ECGRA were handled, the structure of said Authority, etc.—A brief response was offered by the members.—She was advised to contact Erie County Council with her concerns.—~~

ADJOURNMENT

~~With no further business to come before the Authority, motion was made by Coon, seconded by McAttee, to adjourn the meeting at 8:40 p.m.~~

~~Vote: 5/0~~

~~Respectfully submitted,~~

Marjorie M. Hudak
Recording Secretary
02/11/2009