

September 23, 2014

ERIE COUNTY COUNCIL – Regular Meeting

Dr. Foust, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Courthouse, County Council Chambers, Erie, PA. Following the Pledge of Allegiance, Mrs. Loll recited the following prayer:

“Let us look into our past and see the good we have done and the changes we have made for the better of our small part of the universe. We ask that we can do our best for the present time to create our part of the world to be better. Let us see into the future to judge the right decision for today to cause it to be greatly improved. Grant us the confidence to make the right decision for what we are responsible for. We ask this in the name of Christ our Lord. Amen.”.

**ROLL CALL**

Members Present: Dr. Foust, Chairman  
Mr. Leone, Vice Chairman  
Mr. Breneman  
Mr. DiMattio  
Mr. Fatica  
Mr. Horton  
Mrs. Loll

Members Absent: None.

Also Present: Douglas R. Smith, County Clerk  
Joseph Maloney, CPA  
Sue Ellen Pasquale, General Accounting Manager  
James Sparber, Finance Director

Dr. Foust welcomed those in attendance and explained the process of the meeting.

**HEARING OF  
THE PUBLIC**

Randy Barnes, Harborcreek Township; Mr. Barnes felt that economic development is one of the most important things that could be pushed forward in Erie County and would help solve a lot of the ills talked about daily. He stated that Mr. Maloney had asked for some information on the source and use of the Erie Inland Port Project and emailed a spreadsheet. Mr. Barnes reviewed this spreadsheet and noted that there was a loan for over \$515,000. \$51,000 was used to pay staff and he was perplexed as to how they could borrow money to pay staff. He further stated that \$46,000 was listed as miscellaneous. He reiterated that there has been \$7 million dollars spent on the Inland Port Project, with no creation of jobs. Mr. Barnes then discussed an article from September 13, 2014, in the Times News stating that Albion is still in the running with 11 others sites for the iron processing plant. On September 8, 2014, a filing with the Canadian National Securities Exchange showed that the site has been narrowed down to two locations. He asked how long the

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county should ride this ride, and felt that Council and the liaisons to these organizations should ask some questions and ask for a return.

**APPROVAL OF  
MINUTES**

Mr. Leone moved to approve the minutes from the September 9, 2014, regular meeting. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**COUNTY EXECUTIVE  
AND/OR HER  
DESIGNEE**

Mr. Sparber stated there was no report this evening.

**FINANCE  
COMMITTEE  
REPORT**

Mr. Fatica reported that the Finance Committee met on September 18, 2014, and agreed to move the following items onto the agenda: under New Business: Ordinances 107, 108, 109, 110, and 111, with the possibility of moving these to a second reading, along with the appointment of Ms. Brenda Bennett to the Erie Metropolitan Transit Authority, and a possible addition to the agenda, that being the possible appointment of Ms. Kelly Byers to the Enterprise Development Fund.

**PERSONNEL  
COMMITTEE  
REPORT**

Mr. DiMattio reported on the Personnel Committee meeting that immediately followed the Finance Meeting on September 18, 2014. He stated that the Personnel Committee agreed to add the following item to the agenda: under New Business, first readings of Ordinances 112, 113, 114, and 115.

**REPORTS BY  
COUNCIL**

Mr. Leone gave each Council member a copy of a sign at Elevator 3, then gave the following report: "I ask Council members to review this sheet and ask you 'what is wrong with this picture'", to which members responded, 'County Council is not listed on the sign'. Mr. Leone continued, "Let me relate my concerns about this item. First off, the County Council is and has always been a part of this government. In fact a co-equal branch of government. At least that was always my view. If someone looked at the poster at the elevators, they would never find Council. I will go back in history and relate many of my concerns and problems I see about to occur. When, in the infinite wisdom of the State and the Courts, they decided they needed a 9<sup>th</sup> Judge in Erie County, they found that in the Courts' busy schedule, they needed another Judge's chambers. Now, as cooperative as the Council is and has been, we agreed to allow that Judge to use the 'Council Chambers' temporarily, the room we are in now.

It wasn't long after that, in the wisdom of the Courts, and being cooperative as the Council was, we agree to use the 'Council Chambers' for 'Central Court', on a temporary basis. I have been and will continue to be cooperative; however, I have had my fill, and this issue with the poster has raised my ire.

I cautioned the Courts many times because I feel at some point in time, in this area, a critical problem will occur. Many times, I have had to ask if I could get by to enter Council's office. When a large number of plaintiffs and defendants are in the area surrounding the hallways and Council's entrance, this is when I feel a serious situation will occur. It almost happened when a prisoner got away and was recaptured before anyone was hurt.

Now, let me see why we can't make changes in this area. When arraignments are held by the city, the District Justices on duty do these arraignments via monitor and computer. Of course, Erie County is not that modern. In fact, we must be the only county, not just in the state, but in this country, that doesn't have that capability. I have advocated for many years that the District Justices should be using their own offices for these arraignments. We pay millions of dollars to lease these offices, yet we can't use them for arraignments??? Because???

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I have heard that one of the reasons is because we are saving money not transporting prisoners too far. Also, because we would have to pay mileage to assistant district attorneys, etc. Don't we pay mileage for outside of the city of Erie – for the District Justices who do not use Central Court?

A simple solution – ‘use monitors and computers’ that we already have. At one time, it was suggested (when building the new prison) that we have a Central Court set up at the prison. Well, again, in the infinite wisdom of the Courts, this was shot down. I believe it is time to review this issue and make necessary changes.

Believe it or not, the law of Erie County indicates that the County Council is the policy-determining body of the County. If you look at the sign on the Council Chambers' door, you will find Council has taken second bidding in their own Chambers. As one Council member, my views are to be cooperative, but not be submissive. Hopefully, everyone understands that we are co-equal branches of government and should be treated as such.” Mr. Leone further commented that he felt it's time to review these issues and set something up than how it actually is.

Dr. Foust commented on Mr. Leone's report, stating that he shares every concern that Mr. Leone has, but would not shoulder the blame for the Courts still being in this room. He stated that twice efforts have been made to “evict” them (for lack of a better word) and were stonewalled by the Courts, the Sheriff Department, and the Administration at that time. He told Mr. Leone that anything he could do to start that process again, he would have Dr. Foust's full cooperation this time around. He commented that more than anything, it's not controlling our own room, it's the safety in that vestibule and the intimidating factor that has on the main floor that the regular public does business poses, and that should be eliminated as soon as possible.

Mr. Leone agreed with Chairman Foust and felt that something does need to be done about it. He did not mean to fault Council in its entirety, but feels that Council has to take the bull by the horns and do something with the Courts, and he intends to meet with the President Judge and explain that situation to him. The biggest issue Mr. Leone has is the safety factor and feels that at some point in time, there will be one tragedy outside the chambers because of the number of people coming for Central Court.

Mr. Breneman gave a brief update on the status of the Veterans Council of Erie County. Mr. Breneman thanked Mrs. Breter and all the staff for the support they have provided along the way in working with the representatives from the various veteran organizations throughout the County. There's an on-going conversation and there is still work being done. Mr. Breneman has an intern who has been working in our office with the staff and getting the ball rolling. Mr. Breneman hopes to bring in some speakers from other Veteran Councils around the state. The goal is having a united front with the veterans organizations, along with organizations who serve the veterans. He felt that the real end goal is to make Erie County a veteran friendly county. In his research, he found that there will be close to 100,000 military members leaving service over the next several years. Statistics show that not all of them return to their home towns. He felt if Erie County were to provide an opportunity to encourage these military members to make Erie County their next home either by providing incentives to relocate, it would be a bonus. If the County is successful in uniting all of these veterans organizations, they will be able to come to this community and be fully active citizens where they live. This is a huge plus and a win-win for both the veteran and the County. This does require research and education, and Mr. Breneman stated he appreciates any input as this goes along and will be sure to fill everyone in on the work that progresses, and he encouraged all to attend the future meetings.

## **NEW BUSINESS**

### **Motion to Amend Agenda**

Mr. Fatica moved to amend the agenda and move Ordinances 107, 108, 109, 110, and 111 to second readings, along with adding the appointment of Ms. Kelly Byers to the Enterprise Development Fund. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

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**Ord. 107, 2014** –  
MH/ID SA of  
\$662,859 for Inc.  
In MATP Revenue

Mr. Smith gave a second reading of Ordinance Number 107, 2014, “First 2014 MH/ID Fund Budget Supplemental Appropriation of \$662,859 to Reflect Increased MATP Revenue”. This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 108, 2014** –  
D&A Revised Rev.  
& Exp. Of \$139,740  
For PCCD Grant &  
Inc. Rev.

Mr. Smith gave a second reading of Ordinance Number 108, 2014, “2014 Drug & Alcohol Services Fund Budget Revised Revenue & Expenditures in the Amount of \$139,740 for the Receipt of a PCCD Grant and Increased Revenue from Court Costs and HealthChoices”. This was moved by Mr. Breneman, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Ord. 109, 2014** –  
HealthChoices SA  
Of \$60,000 for Inc.  
Interest Rev.

Mr. Smith gave a second reading of Ordinance Number 109, 2014, “First 2014 HealthChoices Fund Budget Supplemental Appropriation of \$60,000 to Reflect Increased Interest Revenue”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 110, 2014** –  
Public Health Rev.  
Exp. Of \$91,480 for  
PH Administration

Mr. Smith gave a second reading of Ordinance Number 110, 2014, “2014 Public Health Fund Budget Revised Expenditures of \$91,480 and Creation of a New Line Item for Public Health Administration”. This was moved by Mr. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 111, 2014** –  
Gen. Fund SA of  
\$1,000 for Rail Study

Mr. Smith gave a second reading of Ordinance Number 111, 2014, “Thirtieth 2014 General Fund Budget Supplemental Appropriation of \$1,000 and Creation of Line Item for Rail Study”. This was moved by Mr. Leone and seconded by Mr. DiMattio.

Mrs. Loll moved to amend the title and the language in the body of the ordinance to remove the creation of a line item. This was seconded by Mr. Fatica, and carried in a unanimous roll call vote. Dr. Foust stated he would personally appreciate everyone’s support. This is money that was in the budget in 2013 and All Aboard Erie was not able to request the funds at that time. This matches grants from other communities across the country from Chicago through Buffalo in the interest of expanding high speed rail service.

Ordinance Number 111, 2014, as amended, carried in a unanimous roll call vote.

### **FIRST READINGS**

**Ord. 112, 2014** –  
Public Safety SA of  
\$17,940 for Reorg. Of  
Public Safety

Mr. Smith gave a first reading of Ordinance Number 112, 2014, “Tenth 2014 Public Safety Fund Budget Supplemental Appropriation of \$17,940 for Reorganization of Public Safety”.

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**Ord. 113, 2014 –**  
Gen. Fund SA of  
\$9,627 for Savings from  
Reorg. In Public Safety

Mr. Smith gave a first reading of Ordinance Number 113, 2014, “Thirty-First 2014 General Fund Budget Supplemental Appropriation of \$9,627 for Savings from Reorganization of Public Safety”.

**Ord. 114, 2014 –**  
Public Health Rev.  
Exp. Of \$50 & New  
Line Item for Pub.  
Health Preparedness

Mr. Smith gave a first reading of Ordinance Number 114, 2014, “2014 Public Health Fund Budget Revised Expenditures of \$50 and Creation of a New Line Item for Per Diem Line Item for Public Health Preparedness”.

**Ord. 115, 2014 –**  
D&A SA of \$50,743  
For D&A Admin.  
And Waiver of Pers.  
Code to Establish  
New Salary for D&A  
Director

Mr. Smith gave a first reading of Ordinance Number 115, 2014, “First 2014 Drug & Alcohol Fund Budget Supplemental Appropriation of \$50,473 for Drug & Alcohol Administration and Waiver of Personnel Code to Establish New Salary for the Director of Drug & Alcohol”.

**BOARD/  
AUTHORITY  
APPOINTMENTS**

Mr. Leone moved to approve the appointment of Ms. Brenda Bennett to the Erie Metropolitan Transit Authority. This was seconded by Mr. DiMattio and carried in a unanimous roll call vote.

Mrs. Loll moved to approve the appointment of Ms. Kelly Byers to the Enterprise Development Fund. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:30 p.m.

Deneé M. Breter, Council Secretary

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