

December 16, 2014

**ERIE COUNTY COUNCIL – Regular Meeting**

Dr. Foust, Chairman, called to order a Regular Meeting of the Erie County Council at 7:01 p.m. at the Erie County Courthouse, County Council Chambers, Erie, PA. Following the Pledge of Allegiance, Mr. Regis Sabol gave the invocation:

“Good evening everyone. My name is Dr. Regis T. Sabol. I am an atheist and a humanist and I am here tonight to represent the atheist, agnostic, and humanist communities. I am here to call on County Council to use its power of reason as it deliberates the future of Erie County for 1995. Happy Holidays to everyone. Thank you.”.

**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  
Gary Lee, Director of Administration

**HEARING OF  
THE PUBLIC**

Sarah Kim, Hunter Lytle – Erie Otters; Ms. Kim and Mr. Lytle gave a combined statement regarding the Erie Otters. They represent the “Save Our Team” #youotterstayhere campaign. The mission is to keep the Erie Otters hockey franchise a local asset and opportunity. The campaign is in its infancy, but has made unprecedented strides in doing the groundwork for saving the Otters. The social media campaign, in one week, has recruited over 3,400 page likes on Facebook, 375 followers on Twitter, and the entire community routing the campaign on. They have targeted both the modern adult community and the younger, potentially active generation of Otters fans. In one week, they have procured interviews with potential buyers and partners of the Erie Otters – the owners’ attorney, and the owner of the Erie Otters, Mr. Sherry Basin. Mr. Basin has owned the team for 18 years, and he is dedicated to keeping the team in Erie. There is a window of opportunity to keep the Otters in Erie as there is no arena in Ontario that stands as a viable location. Hamilton was rumored to want the Otters to move there, but they signed a new lease and the AHL team will remain in the current arena for the 2015 season. None of this information is here say, it is actual evidence that can be verified in the Canadian media and from Mr. Basin himself. Considering all this information does not guarantee a stay for the Erie Otters, they are a

December 16, 2014

relatively tough sell for the average wealthy venture capitalist. The potential investor or group owner must have an expansive knowledge about hockey or have enough available money to hire someone that does. Because the team is part of a true junior hockey league and is not a feeder team, the owner must know the game in order to hire coaches and recruiters and draft players. Also, there is debt and with the debt rolled in, the sale price of the team is valued at around \$7 million. There is also a negative view of Mr. Basin. While there have been a few years of documented profit and loss, the recent success of the team is to be credited to Mr. Basin and his ability to recruit three NHL bound teenagers. The team has recently prospered and all other issues with Mr. Basin must be considered proverbial water under the bridge. Because of these NHL hopefuls and good OHL recruiting, the Otters have seen an extreme increase in notoriety and reputation. The Otters are also prevalent in the community, and examples were given. They are attempting to legitimize a campaign, a cause, and the community. They are asking for Council's support to help earmark funding for the completion of the Erie Insurance Arena. Council's relationship with the Erie County Convention Center Authority will enhance endeavors. Council's name carries a positive presence in the community that they need to help find a potential owner. They feel that Council's influence is necessary to successfully see the campaign to full fruition. They then commented to each Council member regarding their individual influence in the County.

Dr. Foust commented that substantively he did not disagree with anything that was said, but wanted both to know that Council does not normally allow people to bounce back and forth with their time. He stated that he will not be Chairman next year and they may not be afforded that opportunity next year. He wished them the best of luck.

Mr. Fatica asked how Council could contact them and Ms. Kim stated she would give the information to Mr. Smith.

Mr. Bob Pettis, Fairview Township; Mr. Pettis is an employee of OCY and has worked there 16 years as a caseworker and eight years as a supervisor. He will be retiring on December 31, 2014. He wanted to thank Council for the opportunity to support his family as well as obtaining an education as he was able to improve his education through the County. He wanted to give a broad exit interview and stated that at times, it felt that decisions made at the courthouse were made without having any idea how they would affect OCY. It's not to say that the people that work there are any better or worse, but the work is different in that building versus the courthouse. Decisions that appear to make life easier at the courthouse only make providing safety to children more difficult. Making decisions to make everything fair for all the employees in the County only creates greater frustration, a feeling of hopelessness for the workers at 9<sup>th</sup> and Sass. In a desire to keep everyone happy, those whose job expectations has to be perfect and experience unbelievable stress are lumped together in pay raises who cannot hope to understand the trauma of taking children from their homes or having to be in front a judge multiple times each month. This happens while knowing that caseworkers in other counties that do not have Erie County's agency expectations are employed at a higher rate. His real words of caution had to do with the rising number of cases. In the past 12 months, the number of cases assigned to individual caseworkers has slowly increased. In the unit he had the privilege of leading, there was over 70% of involvement and focus on sexual abuse. They are in contact with attorneys for the agency, but the PSP, law enforcement throughout the county, as well as assistant district attorneys. His workers, as well as all the OCY workers, have not only covered Erie County, but when children are placed outside the county for various reasons, the workers have to travel. He received a call from a father who was concerned about his children, he called the worker about the case, and the worker was at Children's Hospital in Pittsburgh on another situation. Documentation now takes up more time than ensuring safety for children and it is the safety of children that is the forefront of the dedicated workers at OCY. It is a balance in providing safety and of documentation that is now lopsided as each caseworker's load increases. This overload of documentation is not the fault of Erie County but of the state and federal governments. As a worker who worked at the agency before, during, and after the tragic death of Brittany Legler, he is concerned that some of the same types of situations that exist now existed then. As the load increases, the ability to accomplish the core of what the agency called to do – providing the safety of children – becomes more difficult and more tenuous. He suggested that before decisions are made in the courthouse, the question has to be asked how do they impact the OCY worker. What seems like a good idea at the courthouse causes

December 16, 2014

the mission of keeping children safe to become diluted. He further suggested that Council come to the building more often as they feel like the “stepchild” of the County. He stated that Sen. Wiley, when Director of Administration for County, often visited OCY. The workers are a tough bunch but have to be to experience the things they see every day. He again stated that on December 31, 2014, he would leaving the agency that is dominated by caring people including his secretary, Connie Schultz, to the Director, Lana Rees. He is proud to have been an employee of the agency and he felt Council should be proud of them as well.

**APPROVAL OF MINUTES**

Mr. Leone made a motion to approve the minutes from the December 2, 2014, regular meeting. This was seconded by Mr. Fatica and carried in a unanimous roll call vote.

**COUNTY EXECUTIVE AND/OR HER DESIGNEE**

Mr. Lee stated there was no report this evening.

**FINANCE COMMITTEE REPORT**

Mr. Fatica stated that the Finance Committee met on Thursday, December 11, 2014, and agreed to place the following on the agenda: Under Old Business, a second reading of Ordinance Number 152, 2014; New Business, first readings of Ordinance Numbers 175 through 183, 2014, with the possibility of some of these ordinance being moved to second readings, and Resolutions 68 and 69, 2014.

**PERSONNEL COMMITTEE REPORT**

Mr. DiMattio reported that the Personnel Committee met following the Finance Committee meeting on December 11, 2014, and agreed to place the following on the agenda: Under New Business, Ordinance Numbers 154 through 174, 2014, and Resolutions 66 and 67, 2014.

**OTHER REPORTS**

Mrs. Loll recited the following statement: “This is the season we remember the spirit of good and joy. We are reminded of the reason that we celebrate Christmas. It is a period of giving and forgiving which we try to continue through the year. We as a family ask for guidance for the upcoming year and help us to govern with wisdom and grace. Thank you.”

**OLD BUSINESS**

**Ord. 152, 2014 –  
Amending the  
Admin. Code**

Mr. Smith gave a second reading of Ordinance Number 152, 2014, “Amending Article II, Section 5(IV)(4) of the Administrative Code of Erie County Previously Amended by Ordinance Number 56, 2014”. This was moved by Mr. Fatica and seconded by Mr. DiMattio.

Mr. Leone stated that he has reviewed the information and had no real problem with it. He felt it is another layer of problems that may occur in the future, but he stated he will go along with it and see how it works out.

Mr. Smith asked if there would be a motion to amend Section 7.1, regarding the makeup of the committee. Mr. Fatica made the motion to amend the ordinance to include the representation of Millcreek Township Fire and Police Departments. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Ordinance 152, 2014, as amended, carried in a unanimous roll call vote.

December 16, 2014

**Motion to Amend  
Agenda**

Mr. DiMattio moved to amend the agenda and postpone indefinitely the reading of Ordinance 154, 2014 through Ordinance 162, 2014. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Mr. DiMattio then moved to amend the agenda by moving Ordinance 163, 2014, through 183, 2014, to second readings. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Mr. DiMattio then moved to amend the agenda to include Resolution 70, 2014, which was seconded by Mrs. Loll. Mr. Fatica commented that Mr. DiMattio's resolution was well done. The motion then carried in a unanimous roll call vote.

**NEW BUSINESS**

Mr. Leone moved to vote on Ordinances 163, 2014, through 170, 2014, at once, since they have been read into the record once. This was seconded by Mr. Fatica, and Ordinances 163, 2014 through Ordinance 170, 2014, carried in a unanimous roll call vote.

**Ord. 163, 2014 –  
County Clerk Salary**

Ordinance Number 163, 2014, "2015 Appointed Official's Salary Ordinance – County Clerk".

**Ord. 164, 2014 –  
County Council  
Solicitor Retainer**

Ordinance Number 164, 2014, "2015 County Council Solicitor's Retainer".

**Ord. 165, 2014 –  
Dir. Of Personnel  
Salary**

Ordinance Number 165, 2014, "2015 Appointed Official's Salary Ordinance – Director of Personnel".

**Ord. 166, 2014 –  
Dir. Of Finance Salary**

Ordinance Number 166, 2014, "2015 Appointed Official's Salary Ordinance – Director of Finance".

**Ord. 167, 2014 –  
Dir. Of Admin.  
Salary**

Ordinance Number 167, 2014, "2015 Appointed Official's Salary Ordinance – Director of Administration".

**Ord. 168, 2014 –  
County Solicitor  
Salary**

Ordinance Number 168, 2014, "2015 Appointed Official's Salary Ordinance – County Solicitor".

**Ord. 169, 2014 –  
Asst. County  
Solicitors Salary**

Ordinance Number 169, 2014, "2015 Appointed Official's Salary for Assistant County Solicitors".

**Ord. 170, 2014 –  
PD Salary**

Ordinance Number 170, 2014, "2015 Appointed Official's Salary Ordinance – Public Defender".

December 16, 2014

**Ord. 171, 2014 –  
FT & PT Asst.  
Pub. Defenders**

Mr. Smith gave a second reading of Ordinance Number 171, 2014, “2015 Appointed Official’s Salary – Full Time and Part Time Assistant Public Defenders”. This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 172, 2014 –  
Gen. Fund SA  
Dir. Of Procurement**

Mr. Smith gave a second reading of Ordinance Number 172, 2014, “Ninth 2015 General Fund Budget Supplemental Appropriation of \$519 from Change in Salary for Director of Procurement Position”. This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 173, 2014 –  
2015 Non-Barg.  
Pay Plan**

Mr. Smith gave a second reading of Ordinance Number 173, 2014, “Approval of the 2015 Non-Bargaining Employees Pay Plan”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 174, 2014 –  
AFSCME Clerical  
Prof. Agmt.**

Mr. Smith gave a second reading of Ordinance Number 174, 2014, “Approval of Agreement between the County of Erie and Clerical Professional Units of AFSCME Local 2666”. This was moved by Mrs. Loll and seconded by Mr. Fatica.

Mr. Leone moved to amend the exhibit on the ordinance to change the prescription amount for name brand prescriptions from \$75 to \$25. This was seconded by Mrs. Loll, and carried in a unanimous roll call vote.

Dr. Foust asked Mr. Callan, HR Director, if he wanted to add anything regarding negotiations. Mr. Callan reported that there would be a ratification meeting by PSSU/OCY on Monday, December 22<sup>nd</sup>. He expected the conclusion of that contract at that time. Mr. Fatica asked if there were any other negotiations regarding SEIU, and Mr. Callan clarified that they did not have a meeting, they were supposed to meet today, but they have filed an unfair labor practice against the County for failure to negotiate in good faith. Mr. Callan explained that the union wanted to talk about a grievance that they had open from the prison regarding the corporals and sergeants and the negotiation process did not include that, but the County was willing to continue negotiating with the union regarding the articles of their proposals and they refused to bargain and excused them from the room. The County cancelled the meeting and they filed an unfair labor practice suit yesterday, and the solicitor will be reviewing it and will be sending the County’s labor relations board protest also. Mr. Callan was not sure if negotiations would conclude or whether the union would withdraw the suit.

Ordinance Number 174, 2014, as amended, carried in a unanimous roll call vote.

December 16, 2014

**Ord. 175, 2014 –  
Gen. Fund SA  
Retirees Hosp.  
Insurance**

Mr. Smith gave a second reading of Ordinance Number 175, 2014, “Thirty-Eighth 2014 General Fund Budget Supplemental Appropriation of \$435,000 for Retirees Hospitalization Insurance”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 176, 2014 –  
Gen. Fund SA  
For Constable Fees**

Mr. Smith gave a second reading of Ordinance Number 176, 2014, “Thirty-Ninth 2014 General Fund Budget Supplemental Appropriation of \$16,000 for Constable Fees”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 177, 2014 –  
PS Fund SA &  
Creation of Haz.  
Mat. Response Fund  
Line**

Mr. Smith gave a second reading of Ordinance Number 177, 2014, “First 2015 Public Safety Fund Budget Supplemental Appropriation of \$51,980 and Creation of Line Items for *Hazardous Materials Response Fund Grant*”. This was moved by Mr. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 178, 2014 –  
Gen. Fund SA 2014  
Credit Enhancement  
Fee from ECCCA**

Mr. Smith gave a second reading of Ordinance Number 178, 2014, “Fortieth 2014 General Fund Supplemental Appropriation of \$5,165 and Creation of Line Item for Pro-Rata 2014 Credit Enhancement Fee from ECCCA”. This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 179, 2014 –  
Gen. Fund SA  
& Creation of  
Line Item for Credit  
Enhancement ECCCA**

Mr. Smith gave a second reading of Ordinance Number 179, 2014, “Tenth 2015 General Fund Budget Supplemental Appropriation of \$65,000 and Creation of Line Items for Credit Enhancement Fee from ECCCA”. This was moved by Mrs. Loll and seconded by Mr. Breneman.

Mr. Breneman pointed out that the figure in the ordinance is equivalent to what could have been expected from a PILOT agreement and feels that Council and the Administration did well to ensure that County taxpayers were offset by this.

Ordinance Number 179, 2014, then carried in a unanimous roll call vote.

**Ord. 180, 2014 –  
PS SA for Donated  
Chem. Analyzer Kit  
From NWPA ERG**

Mr. Smith gave a second reading of Ordinance Number 180, 2014, “Eleventh 2014 Public Safety Fund Budget Supplemental Appropriation of Donated \$6,260 Chemical Analyzer Kit from NWPA Emergency Response Group”. This was moved by Mr. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

December 16, 2014

**Ord. 181, 2014 –  
Gen. Fund SA for  
County Record Imp.  
Fund Expenditures**

Mr. Smith gave a second reading of Ordinance Number 181, 2014, “Forty-First 2014 General Fund Budget Supplemental Appropriation of \$23,200 for County Record Improvement Fund Expenditures”. This was moved by Mr. Leone, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 182, 2014 –  
OCY Rev. Exp. &  
Creation of Ct.  
Ordered Placement  
Lines**

Mr. Smith gave a second reading of Ordinance Number 182, 2014, “2014 Children & Youth Services Fund Budget Revised Expenditures for Creation of *Lutheran Service Society* and *Children’s Aid Society* Court Ordered Placement Lines”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 183, 2014 –  
Gen. Fund Rev.  
Exp. & Creation  
Of DA Operation  
Stonegarden Grant  
Line**

Mr. Smith gave a second reading of Ordinance Number 183, 2014, “2014 General Fund Budget Revised Expenditures of \$3,931 and Creation of New Lines for DA *Operation Stonegarden* Grant”. This was moved by Mr. Leone, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**RESOLUTIONS**

**Res. 66, 2014 –  
Inc. in Fees for  
Svc. – CPA Firm**

Mr. Smith gave a reading of Resolution 66, 2014, “Increase of Fees for Services for County Council Certified Public Accounting Firm”. This was moved by Mr. Leone, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Res. 67, 2014 –  
Solicitor Contract  
For Controller’s Ofc.**

Mr. Smith gave a reading of Resolution 67, 2014, “Approving Solicitor Contract Submitted by the Office of the Controller”. This was moved by Mr. Leone, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Res. 68, 2014 –  
Solicitor Contract  
For Sheriff’s Ofc.**

Mr. Smith gave a reading of Resolution 68, 2014, “Approving Solicitor Contract Submitted by the Office of the Sheriff”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 69, 2014 –  
Approving  
2015 COG Budget**

Mr. Smith gave a reading of Resolution 69, 2014, “Resolution to Approve the Annual Budget of the Erie Area Council of Governments for the Calendar Year Ending December 31, 2015”. This was moved by Mr. Breneman and seconded by Mr. Horton.

Mr. Breneman pointed out that the expenses reflect the fact that the COG is seeking a new administrator, as soon as March, and considering that the current administrator has been the only administrator of the program, there is an overlap in time built in to the budget. Mr. Breneman

December 16, 2014

further commented that the posting will go out next month and asked that everyone be on the search to find someone who is very capable to push this organization to the future that it can accomplish.

Resolution 69, 2014, then carried in a unanimous roll call vote.

**Res. 70, 2014 –  
Urging Formation  
Of Multi-Branch  
Committee to  
Review/Update  
Pay Plan in 2015**

Mr. Smith gave a reading of Resolution 70, 2014, “Urging the Formation of a Multi-Branch Committee to Review and Update the Erie County Pay Plan in 2015”. This was moved by Mr. DiMattio and seconded by Mrs. Loll.

Mr. DiMattio commented that this resolution is in the hopes of putting together this group to look at the pay plan this coming year, as it will be the 30<sup>th</sup> anniversary since the pay plan was last evaluated. He felt it was certainly time that the plan be reviewed and hopefully in doing so, some issues get resolved where different departments request certain raises for employees and starting salaries for some of the higher up positions. This review would eliminate some subjectivity on Council’s part and anyone else’s and the salaries will be set where they should be.

Resolution 70, 2014, then carried in a unanimous roll call vote.

Prior to adjournment, Dr. Foust thanked his colleagues for making the past year a productive one and one that Council was able to accomplish what it set out to do. He also thanked the people in front of Council who make Council’s job much more easy. He stated that it is not easy to be a part time Councilperson and it really can only be done with the help of the people in the first two rows of the audience. He wanted all to know he appreciated them and all the hard work they do.

There being no further business, the meeting adjourned at 7:48 p.m.

Deneé M. Breter, Council Secretary  
\*\*\*\*\*