

September 8, 2015

ERIE COUNTY COUNCIL – Regular Meeting

Fiore Leone, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Harborcreek Township Municipal Building, 5601 Buffalo Road, Harborcreek, PA.

Following the Pledge of Allegiance, Mrs. Loll read the following prayer:

“Let us pray. As not all rainstorms have thunder, not all birds sing like canaries and not all sunrises bring a bright day. We have been made unique in race and in culture and family design. Don’t let us be too busy to hear. Do not let us bury our heads and take it for granted. Give us sensitive feelings and make us aware of what is going on around us. Help us to reach out to the people, as all are precious. Guide us to stand together to serve and make all welcome. Make us of one mind to serve our residents that we might all live a better life. We pray this in the name of Jesus Christ. Amen.”.

Mr. Smith then took the roll:

**ROLL CALL**

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

Members Absent: Douglas Smith, County Clerk

Also Present: Thomas Talarico, Esquire  
Joseph Maloney, CPA  
Sue Ellen Pasquale, General Accounting Manager  
James Sparber, Finance Director  
Kathy Dahlkemper, County Executive

Dr. Foust welcomed everyone to Harborcreek for the meeting. He thanked Supervisor Pepicello for graciously hosting County Council. Dr. Foust commented that he is a lifelong resident of the community and a proud member of the community. He mentioned that the neighboring community of North East will be having their Wine Fest next week. Dr. Foust encouraged the audience to enjoy the meeting tonight, which will be relatively short and uneventful based on the agenda. He hopes that all in attendance would want to come to see another meeting in the future.

**HEARING OF  
THE PUBLIC**

Randy Barnes, Harborcreek Township; Mr. Barnes spoke regarding Public Safety and the Next Generation Radio System. He referenced the Next Generation Radio Needs Assessment Strategic Plan of September, 2014, and the recommendation for grants to be applied for. He said he would like to turn in a Right to Know Request for what grants have been applied for, the dates and amounts of the grants that were applied for. In regards to the bond to finance the Next Generation Radio Project, he

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stated that it is a 3-3.5% interest rate, but the prospectus states 15 years' worth of interest, with ten of those years being 5% interest. Mr. Barnes felt that an explanation should be given to the public that it isn't a 3% bond but more like a 5% bond. Mr. Barnes commented that the contract was handed to a company with no bid at a 5% fee and no negotiation. He then stated that as long as we say someone could die, the checkbook is open. He recommended that the Department of Human Services, the Prison Warden, and any departments in the County, come at budget time and say that someone might die. He felt it is being hypocritical if these other departments don't get all the money they need because someone will die. He then discussed the oil trains go through the County. Mr. Barnes stated that another Harborcreek resident, Bill Sinclair, in the railroad industry for 50 years, knows more railroad people and has offered his services to the County about helping to prepare for and prevent a rail train disaster. Mr. Sinclair has not gotten a response from the Administration or Mr. Grappy.

Tom Wasielewski, Fairview Township; Mr. Wasielewski spoke about the wind turbine project in Lake Erie, talking about over 3,000 industrial wind turbines. He commented that the County Executive sitting on the board of LEEDCo is a conflict of interest and she should step aside immediately. He felt that County Council should look into this. He also wanted County Council to take another look at LEEDCo support that they gave. He felt that Council needs to really look at the information provided at the last meeting showing that these projects are detrimental to Lake Erie waters, and a National Marine Sanctuary does not co-exist with industrial wind turbines in Pennsylvania waters. He feels it is a crazy idea and once that gets out to the national press, Erie will be a laughing stock. He received a letter from a Cuyahoga County Councilman thanking him for the letter and information sent to him regarding the wind turbine project. This Councilman stated, "I agree that the impact on wildlife needs to be carefully considered. The recent federal decision not to select this project that LEEDCo wanted and it will not go forward anytime soon. We will have ample time to consider to consider the issues fully before making any final decisions.". Mason County in Michigan voted 1-9 to oppose industrial wind turbine projects in Lake Michigan. The Ontario province issued a moratorium in 2011 on offshore industrial wind turbine development in the Great Lakes due to lack of environmental studies, economic issues, objections by citizens on the visual effects, and possible drinking water supply issues. 7 of 8 New York counties bordering Lake Erie and Lake Ontario opposed in 2011 the New York State Power Authority proposal for industrial wind turbine development.

Doris Cipalla, Harborcreek Township; Ms. Cipalla was very concerned about the wind turbines. She is a profound believer in renewable energies and wind energy is a great idea. However, to use industrial sized windmills in Lake Erie is absolutely insane, in her opinion. She commented that there is over 100 years of industrial waste in the sediment that would be disrupted. The windmills proposed have propellers over the size of a football field. She stated that there are windmills on Brickyard Road and she would be happy to contribute to energy in the country, but when speaking industrialized, this is a different ball game. They are disruptive to people. She has no issue with the aesthetic look but when talking about the size of them and what has to be disrupted in planting the base of something that size, in the lake it would be detrimental. On hillsides, it is contingent to where property lines are and who would be affected. She feels that people are held hostage because of the industrialization. Rather than speaking of small windmills spotted across the countryside and settling for dotting them along the landscape, we are selling

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ourselves to a corporation and held hostage by their costs. The thing that disturbs Ms. Cipalla is that all Council members will be lobbied, but how many actually find out the basic facts of windmills and how disruptive they can be. Germany has done a wonderful job and closed their nuclear plant the minute Fukushima Diachi happened and didn't wait one second. They have windmills throughout the country and very self-sufficient. In this country, everything has to be corporatized and we are the commodities for it. She hopes that before the lake is disrupted, County Council looks into this. Ms. Cipalla feels that Kathy Dahlkemper being on the board of this company is certainly a conflict of interest.

Pat Hersh, city of Erie; Ms. Hersh commented that when political satirist John Stewart recently retired, his parting words were, "When you see something that stinks, speak up". She stated she was surprised and disappointed to hear that the County is a liaison with LEEDCo. She wondered how County Council could possibly speak for 280,000 people when there were never any public discussions or information meetings on the topic of wind turbines in Lake Erie. She felt that the possibility of establishing a marine sanctuary was done the right way. She commented that possibly LEEDCo stands to lose millions in government incentives and tax credits and did not want the public to know what a scam wind energy is so negotiations were carried on by officials in backrooms. Wind energy enriches a greedy few at the expense of others. She hoped that before the County offered up the 76 miles of pristine beaches, Council looked into wind turbines. She then asked how many standing turbines are there in the US – 48,000. She called them standing and not working because they don't work most of the time. She commented that they only work 30% of the time when the wind is blowing just right. If the wind blows too much, they have to be shut off. Turbines have a reliability factor of zero. Any other traditional energy source such as coal or gas has a 100% reliability factor. She also commented that wind energy cannot be stored. It depends totally on the grid of traditional energy sources to operate. She stated that 1.6% of consumed energy was from wind turbines last year. According to the Energy Information Administration, offshore energy costs 3.4 times more than natural gas.

Dan Doubet, North East Township; Mr. Doubet spoke regarding the state budget. He stated that real people are dramatically affected and will be increasingly so as the impasse continues. He attended the meeting to stand for the least, the lost, and the leftover, a phrase that came from one of the faith leaders as part of the coalition to address the needs of citizens who are dramatically affected by the impasse. These needs include services that are essential to citizens' livelihoods. He knows that Council is not the state government, but he felt it is important that everyone make their voice heard and stand united to make sure there is no impasse. He stated there will be a rally in Perry Square, including a coalition of educators, faith leaders, service providers, and other community members, at noon, to make their voices heard so the state legislators will stand up for the citizens. He urged Council to take action as well to make their voices heard so there will be a state budget that puts people first. He thanked Council for their time.

#### **APPROVAL OF MINUTES**

Dr. Foust made a motion to approve the minutes from the August 11, 2015 regular meeting. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

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**REPORTS BY  
COUNTY OFFICIALS** None.

**FINANCE  
COMMITTEE  
REPORT**

Mr. Breneman stated that the Finance Committee met on Thursday, September 3, 2015, and agreed to move Ordinances 93-96, 2015 along with Resolutions 41 and 42, 2015, one Board appointment, and sale of parcels, to the agenda.

**PERSONNEL  
COMMITTEE  
REPORT**

Mr. Horton stated that the Personnel Committee met immediately following the Finance Committee Meeting and agreed to move Ordinance Number 97, 2015, to the agenda.

**OTHER  
REPORTS**

None.

**MOTION TO  
AMEND AGENDA**

Dr. Foust moved to amend the agenda by moving Ordinances 93-97, 2015, to second readings. This was seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**OLD BUSINESS**

Chairman Leone stated it was his intention to formally change his vote on Ordinance Number 84, 2015, "Sixth Capital Fund Budget Supplemental Appropriation of \$1,643,612 and new Line Items for County Projects" from "YES" to "ABSTAIN". At tonight's meeting, he will hand the gavel over to the Vice-Chairman, with the following explanation:

Chairman Leone then read the following statement:

"Ladies and Gentlemen, before we proceed into New Business, I am temporarily relinquishing the Chair to Mr. Fatica, so that Council may vote on a Conflict of Interest issue of which I am part of. I voted "YES" in error on eight different projects which were part of Council Ordinance 84, 2015. I must abstain because of a conflict of interest. My part time employer, Roth Marz & Associates, may respond to request for proposals associated with some of the projects contained in Ordinance 84, 2015. My "YES" vote was made by mistake and was contrary to the Conflict of Interest provisions of the Public Officials Law and Administrative Code. Please note the change in my vote, should it be approved, will not affect or disrupt the vote intended by Council as a whole. I will now hand over the gavel to Mr. Fatica".

Mr. Fatica then entertained a motion to accept the change in Mr. Leone's votes on the eight County projects contained in Ordinance 84, 2015, from "YES" to "ABSTAIN". This was moved by Mrs. Loll, seconded by Mr. Breneman. This motion then carried in a 6-0-1 vote, with Mr. Leone abstaining.

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Mr. Fatica then relinquished the gavel back to Chairman Leone and the meeting continued as normal.

**NEW**  
**BUSINESS**

**Ord. 93, 2015 – Liquid  
Fuels Fund Budget Rev.  
Revenue & Exp. For  
NE Twp. Project**

Mr. Smith gave a second reading of Ordinance Number 93, 2015, “2015 Liquid Fuels Fund Budget Revised Revenue & Expenditures of \$40,000 from Emergency Funding for North East Township Project”. This was moved by Dr. Foust, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Ord. 94, 2015 – Liquid  
Fuels Fund Budget  
Rev. Revenue & Exp.  
For Elk Creek Twp.  
Project**

Mr. Smith gave a second reading of Ordinance Number 94, 2015, “2015 Liquid Fuels Fund Budget Revised Revenue & Expenditures of \$9,095 from Emergency Funding for Elk Creek Township Project”. This was moved by Mrs. Loll and seconded by Mr. Horton.

Mr. DiMattio commented that on Ordinances 93-95, 2015, this is emergency funding and the money does exist, but unfortunately, it seems more and more that every day issues become emergencies and he hopes that the townships do not make a habit of this. He stated that some townships have voiced their displeasure of these ordinances when some of these projects are not necessarily emergencies and went into effect two years ago.

Ordinance Number 94, 2015, then carried in a unanimous roll call vote.

**Ord. 95, 2015 – Liquid  
Fuels SA of \$19,085  
For Conneaut Twp.  
Project**

Mr. Smith gave a second reading of Ordinance Number 95, 2015, “First 2015 Liquid Fuels Fund Budget Supplemental Appropriation of \$19,085 from Emergency Funding for Conneaut Township Project”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a 6-1 vote, with Mr. Breneman voting no.

**Ord. 96, 2015 – Library  
SA of \$15,000 from  
Donation by Friends of  
The Library**

Mr. Smith gave a second reading of Ordinance Number 96, 2015, “Sixth 2015 Library Fund Budget Supplemental Appropriation of \$15,000 from Donation by Friends of the Library”. This was moved by Mr. DiMattio, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

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**Ord. 97, 2015 – Public  
Health SA of \$21,118  
For Tx of Position to  
CHS Bureau**

Mr. Smith gave a second reading of Ordinance Number 97, 2015, “Eighth 2015 Public Health Fund Budget Supplemental Appropriation of \$21,118 for Transfer of Position to Community Health Services Bureau”. This was moved by Mr. Horton and seconded by Mr. Fatica.

Dr. Foust commented that he would vote in favor of this ordinance. He knows there is a longstanding track record of allowing positions that are grant funded to expire but he does believe at times, the need of what the position brings is more important than the particular policy that Council has held. In this case, tracking TB and the potential negative effects of that in the refugee population makes a “Yes” vote worthy here. He also advised the Administration not to send these ad nauseam from here on out. He would use the same logic and rationale, but not everyone is going to meet the standard that this particular position brings.

Mr. DiMattio added that regarding TB, they will not be treated in local hospitals and the County would be responsible to foot the bill if these cases were to come forward and this position is not in effect.

Mr. Fatica also commented that everyone takes a hands off situation from a possible epidemic that could harm thousands of people. The grant policy is solid with Council, but Council understands the severity of the TB issue with refugees and this will also be discussed at budget time.

Mr. Horton echoed the sentiments of his colleagues, but wanted to add that a little over a year ago the country experienced an Ebola outbreak and there were people who lived in close proximity to Erie who were affected by that. With the Syrian crises, coupled with all of the struggles in war torn Africa, many people from those countries are going to land on these shores. He stated it’s not just Tuberculosis, it includes other diseases that could be an issue. Mr. Horton has a huge segment of new Americans in his district and he urged his colleagues to approve this Ordinance, and he thanked Dr. Foust for making the distinction between this and another budgetary request of this nature.

**RESOLUTIONS**

**Res. 41, 2015 –  
Approve Ind. Auditor  
Rpt. Of COG for Y/E  
12/31/2014**

Mr. Smith gave a reading of Resolution Number 41, 2015, “A Resolution to Approve the Independent Auditor’s Report of the Erie Area Council of Governments for the Calendar Year Ending December 31, 2014”. This was moved by Mr. Breneman, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

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**Res. 42, 2015 –  
Exonerating Taxes  
On One Trailer/Property  
In Lake City Borough**

Mr. Smith gave a reading of Resolution Number 42, 2015, “Exonerating Taxes on One Abandoned Trailer/Property #28-011-004.0-060.50 in Lake City Borough”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**BOARD/AUTHORITY  
APPOINTMENTS**

Dr. Foust moved to approve the appointment of Dawn DiPaolo-Romeo to an unexpired four-year term on the OCY Advisory Board to represent Mr. Leone’s District. This was seconded by Mr. DiMattio and carried in a unanimous roll call vote.

**SALE OF PARCELS**

Mr. DiMattio moved to approve the Sale of Parcels from Repository for Unsold Property at Index Numbers:

- 07-025-067.0-018.00
- 14-010-022.0-327.00
- 15-021-021.0-200.00
- 18-051-001.0-213.00
- 39-024-050.1-008.97

This was seconded by Mr. Fatica and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:35 p.m.

Deneé M. Breter, Council Secretary

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