

August 13, 2013

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Asbury Woods Nature Center, 4105 Asbury Road, Erie, Pennsylvania. Following the Pledge of Allegiance, Mrs. Loll recited the following:

Let us Pray. Let us remember every time we gather there is Jesus and everywhere we gather there is God's spirit. Because of this knowledge, we lean on our understanding and carry on our duties as we are assigned. If there is a load, we will bear it. If there is a problem, with the help of our Savior, we will solve it. We must never separate the link between religion and public duties. Let us never kick God out of public service. Amen.

Roll Call

The County Clerk called the roll:

Members Present: Mr. Giles, Chairman
Mr. Cleaver, Vice Chairman
Mr. DiMattio
Mr. Fatica
Dr. Foust
Mr. Leone
Mrs. Loll

Members Absent: None

Roll Call

Also Present: Douglas R. Smith, County Clerk
Joseph Maloney, Council CPA
Thomas Talarico, Council Solicitor
Gerald Mifsud, Director of Administration
Ronald DiNicola, County Solicitor
Sue Ellen Pasquale, Manager of Accounting

Hearing of
the Public

Melissa Grimm, 4238 Crestwood Drive, president of the Asbury Woods Partnership welcomed Council Members to Asbury Woods. Since 1957 when Dr. Otto Behrend bequeathed his 100 acre farm to the Millcreek Township School District for educational and recreational use, Asbury Woods has evolved from a simple cottage into the 7800 square foot state of the art green building holding this evening's meeting. She noted that Asbury Woods serves as the only recognized greenway in Erie County. A new agreement between the school district and the Asbury Woods Partnership resulted in the Partnership becoming an independent operating organization responsible for the nature center and providing community programming at Asbury Woods. Three full time and 20 part-time/seasonal workers are assisted by approximately 140 dedicated volunteers to advance the mission of the Partnership. Ms. Grimm thanked Council for the opportunity to participate in the Greenway Grant Program. She noted that Asbury Woods held 800 community programs and events in 2012 which were attended by over 30,000 participants, an estimated 100,000 visitors explored the nature center and hiked the trail system. She encouraged Council to suggest that ECGRA reconsider the funding structure of Asbury Woods. Through additional grants, Asbury Woods would have the opportunity to build and expand recreational, educational and nature based exploration and provide community health and vitality as well as encourage tourism.

Dennis Rieck, 2815 West 33rd Street, Erie, distributed information to members of Council. Mr. Rieck is an elected committee person for Millcreek 8 District for the Republican Party. Approximately 30 months ago, he and several of his colleagues realized there were problems with the finances in the Republican Party. They asked for information to review these problems

and were refused this information for 24 months. After receiving the information, it was discovered thousands of dollars were missing. Letters were written to Mr. Leone and Mr. Giles as members of the Election Board with no satisfaction. A forensic audit was held verifying these suspicions were true. An investigator met with him and was shocked at the situation. Mr. Rieck also approached the District Attorney regarding this matter and was told that the information would be forwarded to the State Attorney General's Office, but it was not forwarded. Mr. Rieck sent the information himself, and is suing the Erie County Republican Party. He also went to Judge Garhart who threw the case out, but he understands the Court of Common Pleas will hear the case. He believes the Democratic Party also has these same issues.

Dee Engle, Franklin Township, spoke regarding the Franklin Training Facility. She stated that Franklin Township needs this property. The township office has been outgrown and the fire department would also like to have this property for a community facility for the public. She hopes Council will consider this issue in favor of the township.

Minutes

Mr. Cleaver moved to approve the minutes of the July 9, 2013 Regular meeting. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Atty DiNicola's
Comments

Attorney DiNicola wished to provide Council an update on the Hassam painting. During the course of their research on the original Hassam painting, it was discovered in very old school district minutes that around 1910, there may have been a second Hassam painting in the collection. It appears from the minutes that this Hassam painting was loaned out around 1910 and it was not returned to the permanent collection in the library. The location or precise identity of this painting is not certain, although he has an idea. He stated he plans to continue with this research and will provide an update with any additional information. Mr. DiNicola also referred to the issue regarding the Judicial Lien Free Tax Sales. He understands there has been concern with information that Council would like with respect to that process. He offered to make information available to Council with the hope that this can be brought to a vote in the near future. He has consulted with the City of Erie School District and there is some anxiety that this process be moved forward to avoid any lapse with the ability to proceed with these lien free tax sales. He offered to provide any assistance to Council in this matter regarding the selection process, the merit selection panel and the submission of the various proposals submitted. Notice was sent to all law firms that had previously participated in the past. An independent selection committee was established with a number of professionals who put a great deal of time into this process.

Dr. Foust asked when this process was held. Mr. DiNicola responded that this procedure was followed when this administration first put out this contract and again most recently. Dr. Foust asked when the current contract ends and Mr. DiNicola replied that the contract expires at the end of the year. Dr. Foust then asked when the sale takes place. Mr. DiNicola stated that the sale normally occurs in the third or fourth quarter of the following year. There is concern due to a bit of a runway in the early part of the year getting ready for the tax sales. Dr. Foust inquired how the firm handles closing out the previous year, if their responsibilities are finished at the end of the calendar year. Mr. DiNicola believes there are some obligations that must be followed through. Mr. Leone admitted that, as chairman of the Finance Committee, he has been holding this issue up. One of the reasons is because of the term of the contract which is from 2014 through 2016. He believes this contract should be the responsibility of the future county executive. He pointed out that this contract wasn't awarded to this particular law firm until May of 2007. Mr. Grossman formed a committee in March 2007 which awarded the contract to this firm. The contract itself indicates it may be extended until February 2014 due to the time frame for the tax sale. The contract states this is their obligation. Mr. Leone believes that the new county executive should have the opportunity to handle this situation. He acknowledged that this same firm may end up being awarded this contract again. Mr. DiNicola understands Mr. Leone's position, but he noted that this administration has an obligation to ensure that everything is done to keep the wheels of government in motion and that all entities involved are protected. The director of the tax claim bureau has indicated that he believes this is a priority and is very important to the communities and the taxing bodies. This administration is trying to fulfill its responsibilities and asks that Council take a vote on this matter.

Finance
Committee

Mr. Leone reported the Finance Committee met on August 8, 2013 and agreed to place Ordinances 58, 59, 60, 61 and 62 on the agenda for second readings. Ordinances 63, 64, 65, 66, 67, 68 and 69 have been placed on the agenda for first readings. Mr. Leone noted that some of these ordinances may become second readings this evening. Also on the agenda are Resolutions 30, 31, 32, 33 and 34 along with the possible appointments of Dennise Beaumont and Mary E. Scutella to the Erie County Library Board, Daniel Heher to the Erie County Signing Region Trust and Rose Ann Provost and Thomas Wisinski to the Children & Youth Advisory Board. The possible approval of parcels from the Repository for Unsold Properties have also been placed on the agenda.

Personnel
Committee

Dr. Foust reported the Personnel Committee met following the Finance Committee and agreed to place Ordinances 70, 71, 72 and 73 on the agenda. Ordinances 70 and 71 may be moved to a second reading as well.

Mr. Giles'
Report

Mr. Giles reported that July 19-22 the National Association of Counties held its annual meeting.

Helps set national policies affecting American communities
County officials from across the country assemble at NACo annual conference in Tarrant County, Texas under theme: Why Counties Matter

Erie County Councilman Joe Giles recently joined 2,300 fellow county officials from across the country during the [2013 NACo Annual Conference: County Solutions and Idea Marketplace](#) in Tarrant County/Fort Worth, Texas to establish national policies affecting counties and work collaboratively to find and share innovative solutions to challenges facing American communities. The theme of this year's annual conference was [Why Counties Matter](#).

NACo's Annual Conference is the most important gathering of county officials of the year. Decisions made during the conference allow counties to speak with a strong, clear and unified voice to the Administration, Congress and the American people on issues ranging from transportation and water infrastructure, health care and court and jail systems. In addition, delegates in attendance elected and installed its 2013-14 association officers to lead NACo and heard from prominent national speakers.

Giles said the conference was productive and informative.

"Congress and administration officials need to fully understand and appreciate why counties matter in America's system of federalism," Giles said. "Through NACo we are reminding our federal representatives that county government delivers essential services directly to the American people. Local government needs to be heard in Washington, D.C."

A major issue of discussion at the conference was NACo's efforts to protect the tax-exempt status of municipal bonds. NACo recently released important new research on the risky [impact of changes to the tax-exempt status of municipal bonds](#) on counties and their residents. Municipal bonds enable state and local governments to build essential infrastructure projects, such as schools, hospitals and roads.

NACo President Chris Rodgers, commissioner, Douglas County, Neb., thanked all the NACo members who participated in the annual conference in helping to shape the policies and federal funding priorities that will guide NACo over the next 12 months. Policy resolutions adopted at the conference will be posted soon at www.naco.org.

NACo membership elected and installed its 2013-14 officers: President: Linda Langston, Supervisor, Linn County, Iowa; First Vice President: G. Riki Hokama, council member, Maui County, Hawaii; Second Vice President: Sallie Clark, commissioner, El Paso County, Colo, and Immediate Past President: Chris Rodgers, Commissioner, Douglas County, Nebraska.

In addition, conference attendees heard from experts and prominent national speakers throughout the four-day conference, including U.S. Secretary of Health and Human Services Kathleen Sebelius. See summaries of remarks below or visit www.naco.org.

Mr. Giles also reported that the Purple Heart Memorial Dedication Ceremony was held on Wednesday, August 7, 2013 at the Soldiers & Sailors Home. He noted it was very impressive to see the number of people in the community who have a Purple Heart designation. Approximately 30-35 people wore that particular medal.

Mr. Giles then reported that the area COG meeting was held on August 7th as well. The audit will be approved tonight. Mr. Fatica was at the meeting as well with a lively and lengthy discussion. The COG is advancing some technology and there has been an increase on the part of townships and boroughs in the area to join the COG resulting in an increase in participation. The cable contract to combine with Millcreek, Harborcreek and other municipalities for Time Warner was also discussed. The contract is now finished and the COG played a significant role in moving this forward.

CCAP held a webinar on today's date in regard to Medicaid expansion and the Affordable Care Act and its connection to county government. Participants were Department of Public Welfare Secretary Beverly Mackereth, Pennsylvania Health Law Project Staff Attorney Kyle Fischer, the National Council for Community and Behavioral Health Care staff Rebecca Farley and the Heartland Institute. This issue is moving forward. Mr. Giles believes the presentation from the State Secretary of Welfare was very impressive. The federal government has allowed people from Pennsylvania to see what other states have done in an effort to find the right model for Pennsylvania. Those in favor of the expansion did not leave the webinar unhappy and those concerned about the bottom line did not leave unhappy either. He noted it will be interesting to see how this matter plays out.

Mr. Giles further reported that Erie County hosted the County Commissioners Association of Pennsylvania. The last time Erie County had this opportunity was in 1994. This was an excellent event. Topics covered included Children & Youth, Corrections and Economic Development; John Elliott was a presenter in this particular workshop. Todd Geers made a presentation regarding issues related to 911 and emergency call systems.

The participants found the Convention Center to be an outstanding facility and were also impressed by the Sheraton Hotel. The Awards Banquet was held the final night and several businesses across Pennsylvania provided funds for a fireworks display. Everyone left with a favorable impression of the community. Several local agencies also assisted, for example the Art Museum helped with the Jazz & Blues Festival and provided VIP passes. The trolley provided transportation from the Sheraton to Frontier Park. The Niagara provided t-shirts for everyone. Mr. Giles was very impressed with the professionalism displayed by Shawn Waskiewicz, League Director, who was extremely helpful. The Playhouse provided a quartet to sing the National Anthem and during the reception Tuesday evening, the Show Stoppers performed. Msgr. Kriegel did the welcoming prayer. The color guard from East High School also performed. Erie County Poet Laureate Ron Hayes wrote and performed a reading specifically for this audience.

Microcosm

The clouds of autumn blow west to east across the city where I live, but not so
the winds of change. Like the yawning rays of breaking day, the fire of Philadelphia
laps at the hearts of patriots in Lancaster, Lebanon,
and Luzerne, flickers passion through the Appalachian shoulders of Penn's woods in Bedford and Blair,
Snyder, Dauphin, and Centre, then blazes anew
in the frontier towns of Mercer, Lawrence, and Venango.

You know this fire. You live it. You are Pennsylvanian.

We are the lynchpin, my brothers and sisters, the center of the core that holds. Apex
of the mason's craft, we were key
to the birth of the nation, and twice
holding the fate of its survival in our hands, Pennsylvania delivered. America didn't fall
in 1812 and a half century later Gettysburg gave us back to ourselves.

You know this. You are Pennsylvanian.

By virtue of our liberty and independence,
America stands as we stand, the landscape

of her map is our landscape. Within our trunk: plains of red. Purple mountains majestic,
and a heartland that feeds body and soul.
Our flanks awash in the urban blue of industry,
you can hear the rumble of locomotives rolling
out of Erie, jets touching down and taking off
from the City of Super Bowls, the blustery bellow
of freighters at the site of Washington's Crossing.
We are the beginning and the end of the U.S.A.,
a microcosm of greatness that transcends history and defies definition. America starts here,
among friends in this glorious state of independence where memories last a lifetime and all are welcome
to succeed and contribute to the greater good,
and our overall common wealth. But then,
you know this. You live it. You are Pennsylvanian.

Mr. Giles' Report

The staff from CCAP was very impressed with this reading and plan to publish it in their quarterly magazine. Mr. Giles noted that Mr. Hayes is a public high school teacher, a football coach and a published writer. This performance was extremely well done.

On Tuesday, August 6th, VisitErie set up different opportunities for the participants to visit various areas of the county. A wine tour of North East was held and stops were made at Presque Isle Winery, South Shore and Arrowhead Wineries. Mr. Giles played a video about the local community that was shown to the participants. It was a beautiful presentation and impressed everyone on the tour.

Mr. Giles received a surprise when a Lifetime Achievement Award from the County Commissioners Association was presented to him. This is not normally done and he did not anticipate receiving this award and therefore, gave the shortest speech of his life. He thanked everyone for their assistance in bringing this conference together, his colleagues, Mr. Smith, individuals from the administration and added that there is talk of coming back in 2017. A lot of work went into making this conference happen. He submitted the following:

County Commissioners Gather in Erie County

Joe Giles, Chairman, Erie County Council attended the County Commissioners Association of Pennsylvania (CCAP) 127th Annual Conference in Erie County. County leaders from around the commonwealth gathered to attend workshops and training sessions, network with their peers, discuss state and federal policies that impact counties and elect Association leaders for the next year during the Annual Conference.

"The Association serves to strengthen the ability of Pennsylvania's counties to govern their own affairs and improve the well-being and quality of life for their constituents," said Giles. "To this end, the Association offers conferences such as these and training opportunities to help county commissioners and council members and county employees to better serve their constituency.

"I now know and have a better understanding of the many issues that impact Erie County. We share many of the same challenges of other counties statewide. The CCAP Annual Conference allows us to not only learn about the issues and how to solve them, but also allows commissioners from across the commonwealth to meet one-on-one to learn from each other," Giles said.

The County Commissioners Association of Pennsylvania (CCAP) is the voice of county government, a statewide, nonprofit, nonpartisan Association representing all of Pennsylvania's 67 counties, CCAP membership includes the county commissioners, council members, county executives, administrators, chief clerk and solicitors. Founded in 1886, CCAP is an affiliate of the National Association of Counties.

Mr. Leone's Comments

Mr. Leone stated his belief that the success of the County Commissioners Association conference, which is one of the largest in the State of Pennsylvania, belongs to Mr. Giles. He did a wonderful job. Mr. Leone called for a round of applause.

Mr. Giles believes everyone had a good time. He was very impressed with the video noting that residents take this area for granted. On August 28th at 10:00 a.m. a meeting with all of the wineries in North East will take place at Arrowhead Winery and Mr. Giles invited his colleagues to attend.

Ords. 58-61
Tabled

Dr. Foust moved to table Ordinances 58, 59, 60 and 61 to allow time for questions to be answered and increase the comfort level of Council. Mr. Fatica seconded and it carried in a unanimous roll call vote.

Mr. Giles explained the reason for tabling these ordinances was due to requests by members to set a meeting with Mr. Geers and any other persons involved with the Northern Tier Project to answer questions before August 29, 2013.

Agenda
Amended

Dr. Foust moved to add Ordinances 65 through 71 for a second reading due to time issues. Mr. DiMattio seconded, and it carried in a unanimous roll call vote.

First Rdgs

Mr. Smith gave a first reading of the following ordinances:

Ordinance Number 63, 2013, "Fifth 2013 Public Safety Fund Budget Supplemental Appropriation Of \$32,553 For Northern Tier Telecommunication Project Equipment For Millcreek & East County Dispatch Centers, And The Creation Of A Line Item For Reimbursements"

Ordinance Number 64, 2013, "Twenty-First 2013 General Fund Budget Supplemental Appropriation Of \$16,276 For Transfer To Public Safety Fund For Northern Tier Project"

Donated Equip.
From NWPA ERG
Task Force

Mr. Smith gave a second reading of Ordinance Number 65, 2013, "Sixth 2013 Public Safety Fund Budget Supplemental Appropriation Of Donated Equipment From NWPA ERG Task Force With A Value Of \$69,995 And The Creation Of A Line Item." Mr. Fatica moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Donated EMA
Equipment from
NWPA EMG

Mr. Smith gave a second reading of Ordinance Number 66, 2013, "Seventh 2013 Public Safety Fund Budget Supplemental Appropriation Of Donated EMA Equipment With A Value Of \$3,529 From NWPA EMG." Mr. Fatica moved to adopt; Mr. DiMattio seconded, and it carried in a unanimous roll call vote.

Purch. Code Wvr
To Sell Franklin
Twp. Train. Fac.

Mr. Smith gave a second reading of Ordinance Number 67, 2013, "2013 General Fund Budget Waiver Of The Purchasing Code To Sell The Franklin Township Training Facility Parcel #22-009-025.0-001.02." Mrs. Loll moved to adopt; Dr. Foust seconded. Mr. Giles extended gratitude to Mr. Pasquale for putting this package together. He called for a vote on the motion to adopt, and it carried in a unanimous roll call vote.

Purch. Code Wvr
To Buy Property

Mr. Smith gave a second reading of Ordinance Number 68, 2013, "2013 General Fund Budget Waiver Of The Purchasing Code To Buy Property ID #15-020-025.0-203.00." Mr. Leone moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

C&Y Revis. Exp.
Line Item for Ct.
Ord. Placement

Mr. Smith gave a second reading of Ordinance Number 69, 2013, "2013 Children & Youth Services Fund Budget Revised Expenditures Of \$20,000 And Creation Of Line Item For Court Ordered Placement." Mr. Leone moved to adopt; Mr. Fatica seconded and it carried in a unanimous roll call vote.

Full Time Asst
PD Salary

Mr. Smith gave a second reading of Ordinance Number 70, 2013, "2013 Appointed Official's Salary Ordinance Full Time Assistant Public Defender." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Asst DA Position
For Juv. Casework

Mr. Smith gave a second reading of Ordinance Number 71, 2013, "2013 General Fund Budget Creation Of Assistant District Attorney Position For Juvenile Casework." Dr. Foust moved to adopt; Mr. DiMattio seconded. Mr. Giles noted that the District Attorney pointed out that the state has increased the burden of what has to happen from both the prosecution and defense with respect to how juvenile cases are handled making it more time consuming. He called for a vote on the ordinance and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 72, 2013, "Twenty-Second 2013 General Fund Budget Supplemental Appropriation Of \$24,287 And Change Of Salary For Positions In Corrections"

Ordinance Number 73, 2013, "2013 Public Health Fund Budget Revised Expenditures Of \$7,200 And Creation Of Temporary Staff Line Item For Community Health Services Bureau"

Exon. Taxes

Mr. Giles asked for a motion to approve the following resolutions:

Resolution Number 30, 2013, "Exonerating Taxes On One Abandoned Trailer/Property In The Fairview School District And Fairview Township"

Resolution Number 31, 2013, "Exonerating Taxes On Two Parcels Located At 149 And 155 East 21st Street In The City Of Erie And The Erie School District"

Resolution Number 32, 2013, "Exonerating Taxes On Three Abandoned Trailers/Properties In Springfield Township, The Northwestern School District And Cranesville Borough"

Resolution Number 33, 2013, "Exonerating Taxes On Four Abandoned Trailers/Properties In The Fort LeBoeuf School District And Summit Township"

Mrs. Loll moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

COG Audit
Approved

Mr. Smith gave a reading of Resolution Number 34, 2013, "A Resolution To Approve The Independent Auditor's Report Of The Erie Area Council Of Governments For The Calendar Year Ending December 31, 2012." Mr. Fatica moved to adopt; Mr. Leone seconded. Mr. Fatica stated that Sharepoint will be very important in the future. Mr. Giles called for a vote on the resolution and it carried in a unanimous roll call vote.

Appointments
Approved

Dr. Foust moved to approve the following appointments:

Appointment of Dennise Beaumont to a three-year term on the Erie County Library Board to represent Dr. Foust's District

Appointment of Mary E. Scutella to a three-year term on the Erie County Library Board (County Executive)

Reappointment of Daniel Heher to a three-year term on the Erie County Signing Region Trust (County Executive)

Reappointment of Rose Ann Provost to the Children & Youth Advisory Board (County Executive)

Reappointment of Thomas Wisinski to the Children & Youth Advisory Board (County Executive)

Mr. Leone seconded. Mr. Giles pointed out that the Regional Signing Trust is a subsidiary of the COG. Ed Lesser is the Director for the Signing Trust which provided the signs throughout the area and made possible through the COG. He called for a vote on the appointments and the motion was approved in a unanimous roll call vote.

Sale of
Parcels

Mr. Leone moved to approve the Sale of Parcels from Repository for Unsold Properties at Index Numbers: 21-053-093.2-051.41
21-054-092.2-001.57
39-024-050.1-008.92
39-024-050.1-008.94

Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Three Yr
Plan Committee

Mr. Giles appointed Mr. DiMattio as Chairman of the Three Year Plan Response Committee, Mrs. Loll and Mr. Fatica as members.

Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

Ann M. Bruno, Council Secretary
