

February 6, 2007

Minutes from Jan. 2, 2007 Reorganization Mtg., Jan. 2, 2007 Reg. Mtg. and Jan. 16, 2007 Reg. Mtg. approved. Agenda Amended. Creation of Per Diem Line Item in HRC adopted. First Rdgs: Amending Smokefree Air Act; New Line Items for DA; Gen. Fund S.A. for Capital Expenditures Funded by Act 78; New Line Items for Supervision Fees; Gen. Fund S.A. for Transfer to EMA Fund. EMA S.A. First Responders Grant adopted. First Rdgs: New Line Item for Public Health Preparedness; PH S.A. Additional Public Health Preparedness; Gen. Fund S.A. Mental Health Grant in Juv. Prob.; PHMC Grant to Microfilm Docket Books in Clk. of Cts.; Gen. Fund S.A. for Reclass of Juv. PO to Adm. Asst.; Gen. Fund S.A. Merit Increase for ADA; Removing Reference to PARC in Personnel Code; Safenet \$350,000 Tax Exempt Note adopted. Approving Changes in ECSL Plan for Edinboro Branch adopted. Approving Lease Agrmt. Between Erie Cnty. and SJL adopted. Refund of Penalty on 3487 Route 6, Waterford and 13197 Union Rd, Waterford adopted. Susan Moyer appt'd. to ECIDA.

ERIE COUNTY COUNCIL – Regular Meeting

Moment of
Silence

Mr. Leone called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Erie County Council Chambers, Erie County Courthouse. Following the Pledge of Allegiance, Mr. Foust asked that a moment of silence be observed in honor of Charles Cleaver, brother of Council Member, Ronald “Whitey” Cleaver. Charles Cleaver passed away at age 73 after a brief illness.

Following the moment of silence, the County Clerk called the roll:

Members Present: Mr. Leone, Chairman
Mr. Giles, Vice Chairman
Mr. Augustine
Mr. Foust
Mrs. Loll
Mr. Mitchell

Members Absent: Mr. Cleaver

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
Thomas Talarico, Council Solicitor
Sean Wiley, Director of Administration
Stephanie Freeman, Director of Finance

Hearing of
the Public

Richard Czerwinski, 816 East 43rd Street, Erie, approached Council to speak regarding abuse charges brought against Mr. Czerwinski regarding his brother. These charges were made by St. Mary’s Nursing Home, but never had any grounds to them. Abuse charges were made against his sister as well.

David Warner, 154 East 12th Street, Erie, stated the taverns and clubs of Erie County were pleased to see that Council recognizes the need for some exemptions to the smoking ban. Erie County has the most restrictive ban in the state. He suggested Mr. Cleaver reintroduce his amendment to postpone the implementation of the ban. Senate Bill 246 has been released from committee and shows that the legislators are planning to act on this issue. He believes Council is trying to do what they think is the right thing, but Council is not doing it the right way.

Scott Little, 301 German Street, owns Scotty's Jazz & Cigar Bar. He cleaned up the area where this bar is located, and has operated as a cigar bar and jazz club since 1998. People cannot smoke on the sidewalk outside his establishment since it is in a residential neighborhood. His hope in purchasing this bar was that as a tobacco specialty operation, he would hitchhike onto the Convention Center as a tourist attraction. He believes he may now have to sell his business if this ordinance goes into effect.

Renee Vendetti, Erie, approached Council to speak regarding Ordinance 62 and being denied her five minutes on January 2nd. According to Roberts Rules of Order, the smoking ban should not have been implemented, and is null and void. Ms. Vendetti also believes Council violated the Sunshine Act when replacing Mrs. Greco's position on Council. Council does not even follow the rules in the Administrative Code. Council must start following rules.

Hearing of
The Public

Kenneth Przepierski, 640 East 12th Street, Erie, inquired about an ordinance on the agenda regarding the Human Relations Commission now being a bureau. He also made reference to Ordinance 18 regarding the removal of reference to the Personnel Action Review Committee, and asked where this committee came from all of a sudden, what did the committee review and what personnel action will be erased. Council must focus more on the needs of the constituents. According to the County Executive, 2-4 cases of the 72 cases reviewed in OCY had violations of due process. He asked for answers.

Maria Foster, Erie, stated that it has come to her attention the reason Charbel Latouf did not retain his position was because he refused to pose a cover up, and Christine Jewell was given the job. It is time for Mr. Latouf to come forward so that conspiracy charges can be brought against County Executive Mark DiVecchio and County Council. Taxpayers have been defrauded of federal and state tax dollars.

Mr. Leone's
Comments

Mr. Leone wished to respond to some comments. To put it bluntly, he is tired of a few things that are being said such as cover up, conspiracy, defraud, withholding the truth. He feels this has become a joke, and this is not a joking matter. Ms. Vendetti asked why she couldn't call in to be placed on the agenda and referred to the Administrative Code where it states those wishing to speak must submit a request in writing. Mr. Leone pointed out that Council in the past has provided for individuals to call in to have their names placed on the agenda. However, the rule in the Administrative Code will now be followed.

Mr. Leone advised that there were two very simple rules to follow. Rule number one is the Chairman of Council is always right; rule number 2 is that when the Chairman of Council is wrong, refer to rule number 1. Mr. Leone will run the agendas and the council meetings. He will stop individuals that come to the meetings and make accusations. If anyone wishes to make any accusations, he suggested they contact their attorney or the District Attorney. He will not allow a charade to be made of the council meetings.

Minutes

Mr. Giles moved to approve the minutes of the Reorganization Meeting and the Regular Meeting of January 2, 2007, as well as the minutes of the Regular Meeting of January 16, 2007. Mr. Foust seconded, and it carried unanimously in a roll call vote.

Mr. Wiley's
Report

Mr. Wiley read the following report into the record:

Last year, with the County Executive's support, Erie County Council voted to create Erie County Care Management (ECCM) to handle the delivery of some mandated mental health programs, along with the implementation of the behavioral health managed care.

Earlier this year, Erie County Care Management started operations, and by July will complete the transition to this new delivery system.

Due to the complexity of this undertaking, and after discussing the matter with the board members of Erie County Care Management, Mr. DiVecchio asked Mr. Charles Barber to become the Erie County Care Management Chief Operating Officer (COO) effective March 6th of this year. Last night, the Board of Directors for Erie County Care Management approved that to make the effective date of his employment March 6th. Mr. Barber's last full day in his current position will be March 5th.

Mr. Barber is fully qualified to assume this role and has directly participated in the development and implementation of Erie County Care Management. Most important, though, Mr. Barber will provide Erie County Care Management with the leadership that is immediately needed.

Upon Mr. Barber's departure, the position of Human Services Director will be eliminated. Mr. Barber's duties will be transitioned among the Directors of MH/MR, OCY, and Drug and Alcohol, who will continue to report to the Director of Administration. The Administration has complete confidence in the abilities of Mary Kwiatkowski, Gary Lucht, and Rick Seus, and knows that they will bring an integrated perspective in providing these critical services with Erie County Care Management and managed care.

As Mr. DiVecchio stated in his State of the County Address, "I am committed to solving some of the County's long term social problems. The new direction of Erie County Care Management and the Department of Human Services is a step toward attaining that goal."

Finance Committee

Mr. Foust reported the Finance Committee met Thursday, February 1, 2007, and agreed to place on the agenda for a second reading Ordinance Number 4, 2007, as well as for a first reading Ordinances 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15. Also on the agenda are Resolution Numbers 5, 6, 7, 8 and 9, along with the possible appointment of Susan Moyer to the Erie County Industrial Development Authority.

Personnel Committee

Mr. Mitchell reported the Personnel Committee met immediately following the Finance Committee meeting, and placed three actions on the agenda: a General Fund supplemental appropriation for reclass of Juvenile Probation Officer to an Administrative Assistant; a merit increase for an Assistant District Attorney; and amending the Erie County Personnel Code to remove all references for the Personnel Action Review Committee. For the audience's information, Mr. Mitchell advised this committee was called the PARC and was a review committee on salary changes which consisted of several county officials. Since a better process has been used, and the committee has not been utilized, it was decided to discontinue the committee. This action is to clean up the language in the Administrative Code.

Mr. Giles' Report

Mr. Giles wished to congratulate the Administration for the recent award for excellence in financial reporting. Ms. Freeman and Ms. Pasquale have done an excellent job, and this department has received this award for the past 12 years. Due to the level of rhetoric and the types of comments that Council has heard in the past several months, Mr. Giles read the following into the record:

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to the **County of Erie** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning comprehensive annual financial report. This has been presented to:

Stephanie Freeman, Director of Finance and Sue Ellen Pasquale, Manager of Accounting

The CAFR (comprehensive annual financial report) has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR (comprehensive annual financial report).

Mr. Giles again congratulated Ms. Freeman and the Finance Department on behalf of County Council for achieving the kind of notoriety and productivity that certainly makes everyone proud to represent Erie County, and proud of the services both Ms. Freeman and Ms. Pasquale have rendered. Mr. Giles congratulated Mr. DiVecchio as well.

Criminal Justice
Coalition

Mr. Giles reported the Erie County Criminal Justice Coalition Subcommittee on jail overcrowding met on Wednesday, January 31, 2007 and reviewed the plans for the pre-release facility. Both Mr. Giles and Mrs. Loll were in attendance at this meeting. The purpose of this meeting was to indicate to members that the body itself agreed to advance a package that would address the issue of jail diversion for mentally ill individuals. This is a grant package that will require some work; however, it is an area that everyone feels is important and will have a very definite impact in Erie County for the mentally ill offenders. There is a potential resource at the federal level through the Center for Substance Abuse and Mental Illness in Washington, DC. There is also a companion grant package that can be reviewed in the Department of Justice sometime in early June. All of the work in terms of this package can be reconfigured and readdressed to some extent to make a competitive package with the Department of Justice application as well.

Mr. Giles noted that all members present voted unanimously to advance this issue, and look forward to some productivity in regard to dealing with a very difficult population with a growing number being housed within the Erie County facility.

Mr. Giles
President of
NWCCA

Mr. Giles reported that he was elected President of the Northwest County Commissioner's Association at the last meeting. Although he is the president, the person doing the nitty gritty work is the Chief Clerk of the County. This association meets quarterly and is comprised of approximately 14 counties.

Mr. Foust's
Report

Mr. Foust submitted the following report:

On Thursday, January 18, 2007, Mr. Foust attended the Library Board meeting.

On Tuesday, January 23, 2007, Mr. Foust attended the General Authority meeting.

On Thursday, January 25, 2007, Mr. Foust toured the new ballpark and the Warner Theater. He also attended the GEICD Employer of the Year Dinner.

Agenda
Amended

Mr. Giles moved to amend the agenda to include Ordinance Number 11, 2007 for a second reading. Mr. Foust seconded, and it carried in a unanimous roll call vote.

Per Diem Line
Item in HRC

Mr. Smith gave a second reading of Ordinance Number 4, 2007, "Creating a Per Diem Line Item in the HRC Bureau." Mr. Giles moved to adopt, and Mr. Foust seconded.

Mr. Giles wished to note for the audience that the allocation for this account had been approved in November. This creates a temporary staff line item so either a full-time or a part-time person can be hired.

Mr. Leone called for a vote on the ordinance, and it carried in a vote of 5-1, Mrs. Loll voting no.

First Rdgs.

Mr. Smith gave a first reading, in title only, of the following ordinances:

Ordinance Number 6, 2007, "Amending the Erie County Smokefree Air Act of 2006 for 'Specialty Tobacco Establishments'"

Ordinance Number 7, 2007, "2007 General Fund Budget Revised Expenditures and Creation of New Line Items for the District Attorney"

Ordinance Number 8, 2007, "Second 2007 E911 Fund Budget Supplemental Appropriation for Capital Expenditures Funded by Act 78"

Ordinance Number 9, 2007, "2007 General Fund Budget Revised Expenditures and Creation of New Line Items for the Supervision Fees"

Ordinance Number 10, 2007, "Second 2007 General Fund Budget Supplemental Appropriation for Reduced Transfer to EMA Fund"

EMA First
Responders Grant

Mr. Smith gave a second reading of Resolution Number 11, 2007, "First 2007 Emergency Management Fund Budget Supplemental Appropriation for First Responders Grant." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a vote of 5-1, Mrs. Loll voting no.

First Rdgs.

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

Ordinance Number 12, 2007, "2007 Public Health Fund Budget Revised Expenditures and Creation of a New Line Item for Public Health Preparedness Grant"

Ordinance Number 13, 2007, "Third 2007 Public Health Fund Budget Supplemental Appropriation for Additional Public Health Preparedness Grant"

Ordinance Number 14, 2007, "Third 2007 General Fund Budget Supplemental Appropriation for PA Department of Education Mental Health Grant in Juvenile Probation"

Ordinance Number 15, 2007, "Fourth 2007 General Fund Budget Supplemental Appropriation for PHMC Grant to Microfilm Criminal Docket Books in Clerk of Courts"

Ordinance Number 16, 2007, "Fifth 2007 General Fund Budget Supplemental Appropriation for Reclasse of Juvenile Probation Officer to an Administrative Assistant"

Ordinance Number 17, 2007, "Sixth 2007 General Fund Budget Supplemental Appropriation for Merit Increase for Assistant District Attorney Position Number 003400-017"

Ordinance Number 18, 2007, "Amendment to the Erie County Personnel Code Removing all Reference to the Personnel Action Review Committee (PARC)"

\$350,000 Note
Safenet

Mr. Smith gave a reading of Resolution Number 5, 2007, "Erie County General Authority \$350,000.00 Tax Exempt Note: SafeNet Domestic Violence Safety Network, Inc. Project." Mr. Foust moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

ECSLP
Edinboro Branch

Mr. Smith gave a reading of Resolution Number 6, 2007, "Approving Changes in the Erie County Strategic Library Plan Concerning the Edinboro Branch." Mr. Mitchell moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Lease between
Erie Cnty & SJL

Mr. Smith gave a reading of Resolution Number 7, 2007, "Approving a Three Year Lease Agreement between Erie County and SJL of Pennsylvania." Mr. Mitchell moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Support of Refund
Of Penalty on
Waterford Prpty.

Upon the request of Mr. Leone, Mr. Giles moved to adopt Resolution Number 8, 2007, "In Support of the Refund of a Penalty Assessed on 3487 Route 6, Waterford" and Resolution Number 9, 2007, "In Support of the Refund of a Penalty and Fees Assessed on 13197 Union Road, Waterford." Mr. Foust seconded, and it carried in a unanimous roll call vote.

Susan L. Moyer
appt'd Industrial
Develop. Auth.

Mr. Giles moved to appoint Susan L. Moyer to the Erie County Industrial Development Authority; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting was adjourned at 7:44 p.m.

Ann M. Bruno, Council Secretary
