

March 20, 2007 Minutes from March 6, 2007 Public Hrg. and Reg. Mtg. Approved. Agenda Amended. MDJ Video Arraignment Prjct. adopted. First Rdg. Release of Restricted Funds for MDJ's Manzi and Alonge. P.H. S.A. for Public Health Preparedness Grant adopted; Capital Projects S.A. for Memorial Tiles adopted; EMA S.A. for Donation from Lakeshore Fire Dept. adopted. First Rdg. Creation of 2007 Gaming Fund Budget. Gen. Fund S.A. for Creation of Position in Gen. Acctg. adopted; Approving FY 2007 CDBG Program adopted; Urging Congress to Amend Federal Law to Allow Participation in Providing Medical Benefits to Incarcerated Individuals adopted. Sale of Parcels approved.

ERIE COUNTY COUNCIL – Regular Meeting

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, the County Clerk called the roll:

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

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
Thomas Talarico, Council Solicitor
Stephanie Freeman, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Presentation of Award

Mr. Leone asked Bill Comeaux, meteorologist, of the National Weather Service, to come forward to present an award to Joy Greco, Dave Henderson and Nicholas Sleptzoff.

Mr. Comeaux stated that he was present to honor three residents that have helped the National Weather Service provide services of flash floods, tornadoes, snow storms, as well as homeland security threats to the community. These three residents are Joy Greco, former County Council Member, Dave Henderson, and Nick Sleptzoff, former Director of Erie County Emergency Management. On behalf of the National Oceanic and Atmospheric Administration Director, Vice Admiral Conrad Lautenbacher, the National Weather Service Director, Retired General David Johnson, and the Director of the Eastern Region of the National Weather Service, Dean Gulezian, Mr. Comeaux stated he was honored to present these three individuals with an award of appreciation for their community outreach and awareness efforts. These three leaders have helped the National Weather Service overcome several challenges during the forecast collaborations between the Erie Weather Office and the Cleveland Office. Their efforts did not go unnoticed. They assisted in working for spare parts for the All Hazards Snow Weather Radio System. Mr. Comeaux noted that approximately 50 miles to the west is a nuclear power plant, and one of the issues worked on were pagers which would provide information to first responders in this county. These individuals were also involved with FEMA courses to teach first responders how to report weather and how to work with the National Weather Service.

In closing, Mr. Comeaux stated the dedication of these three individuals is greatly appreciated by the National Weather Service as this agency continues to serve the residents of Erie,

Pennsylvania. He thanked them for working with him and for always keeping the lines of communication open.

Mr. Comeaux then presented plaques to Ms. Greco, Mr. Henderson, and Mr. Sleptzoff. A round of applause followed.

Hearing of
The Public

Gil Rocco, 2903 West 33rd Street, Erie, approached Council to speak regarding the Smoking Ban. He noted that Council solicitor stated this ban was not legal, but Council went forward despite that opinion. He appreciated Mr. Leone's appearance at the court hearing, and believes the county was trounced at that hearing, and there are no grounds for appeal. Mr. Rocco feels there is a flawed decision making process going on, and Council cannot break the law simply because they think they know better or have a better idea. He also asks where the silent majority is; they do not show up to speak. He cannot find anyone in favor of this ban.

Renee Vendetti, Erie, stated that over one year ago, she asked Mr. Mitchell for the indicated status to be pushed so it was out of Pennsylvania. Nothing has been done. She asked why the County is paying \$60,000 a year for lobbyists when Mr. DiVecchio and Mr. Wiley go to Washington, DC and Harrisburg to lobby for money. This is a waste of taxpayer money. The smoking ban was an improper motion according to Roberts Rules of Order. There are no specifics regarding the minutes in the Home Rule Charter, so Roberts Rules must be followed, and the minutes should be verbatim.

Kenneth Francis Simon Przepierski, 640 East 12th Street, Erie, stated that Mr. Rocco does not realize that the whole smoking ban was dredged up to be a big smoke screen so that Council can fly through agendas bumping first readings to second readings. He referred to Ordinance 31 on the agenda regarding the creation of gaming fund budget bureaus, and asked who would be on all these bureaus. The monopoly of properties that went through tax exoneration at the last meeting was a lot of money just exonerated. He also asked about the expenses at Pleasant Ridge Manor, and feels the budget should be trimmed.

Maria Foster, 2301 Peach Street, Erie, stated this Council's agenda has been to break the law. Council continues to allow the Office of Children and Youth to violate the law even though this agency is under Council's and the County Executive's jurisdiction. She referred to the administration's trip to Washington, DC as a pleasure trip. Council violates Constitutional rights, the Pennsylvania Constitution, the Administrative Code, and Roberts Rules of Order. Politicians have forgotten many things, except when it comes to getting an extra perk, a business ally, or maybe a little cash in their pocket. She stated Council does not take the people before them seriously. Council can be held accountable when violating the law. She warned Council to stop breaking the law.

Minutes

Mr. Giles moved to approve the minutes of the Public Hearing and the Regular Meeting of March, 6, 2007. Mr. Foust seconded. Mr. Foust moved to amend the minutes of the Public Hearing to reflect he was not present; and Mr. Leone moved to amend the last paragraph of page 157 to read Act 315. Mr. Leone called for a vote on the minutes as amended, and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Foust reported that the Finance Committee met on Thursday, March 15, 2007, and agreed to place on the agenda Ordinances 24, 27, 28, 29, 30, and 31, as well as Resolutions 19 and 20; and to put on the agenda the sale of parcels from the repository for unsold properties, with the index numbers for these properties listed on the agenda.

Personnel
Committee

Mr. Cleaver reported that the Personnel Committee met on Thursday, March 15, 2007 and agreed to place on the agenda Ordinance Number 32.

Agenda
Amended

Mr. Foust moved to amend the agenda to include Ordinances 28, 29, 30 and 32 for a second reading. Mr. Giles seconded, and it carried in a unanimous roll call vote.

Mr. Augustine's
Report

Mr. Augustine reported that he made his monthly visit to Pleasant Ridge Manor, and noted that their budget is in good shape. The figure amounted to \$23,000 ahead of budget in spite of the high amount of discharges for the last month. The \$4,000 anticipated county share will not be necessary. Mr. Augustine further reported that Pleasant Ridge Manor received a favorable report from the Department of Health and Life Safety. The State Surveyors are expected soon and should be there sometime next month. He addressed Mr. Przepierski from the audience and offered to discuss any concerns he may have regarding Pleasant Ridge Manor after the meeting, or at any other time.

Mr. Augustine also attended the Assessment Board meeting where discussions were held concerning the GE appeal, which is scheduled for court sometime the end of April. The Board is trying to meet with GE representatives in an attempt to come up with a settlement; however, more information is needed from the GE plant in Schenectady.

Mrs. Loll's
Report

Mrs. Loll reported that she attended the Erie County Planning Executive Board Meeting on March 8, 2007 where the availability of Growing Greener II funds was discussed. A decision was made that Erie County Municipalities and appropriate agencies will be notified and a request to submit qualified projects will be made. Once these requests are received, they will be ranked and submitted for Council's consideration. This money must be designated and spent by 2010. Also, at this meeting a vote was held for officers for the board, and the Chairman will be Mark Corey.

On March 12, 2007, Mrs. Loll attended the Women's History Month Banquet at the Bel Aire Hotel where she presented a citation. Judge Domitrovich spoke about the possibilities and accomplishments of women.

Mrs. Loll attended the Cooperative Extension Board meeting on March 13, 2007 where discussion was held regarding potential ways to inform County Council about what they do and the accomplishments of their programs. This agency branches out in many directions, and it is difficult to understand everything they do. Steps that might be taken for funding, marketing, target populations and Board of Director relations in an effort to improve in these areas were also discussed.

The PROSPER program was presented to the Board. Mrs. Loll explained that this program partners with one school district on a drug and alcohol program. It is a five year program that works on prevention hand in hand with the school district. This will begin with the Wattsburg School District and it is expected other school districts to show an interest as well.

Mrs. Loll reported that she has been working with the Sportsmen's Coalition and John Puline from Uncle John's Campground on the improvement projects for the mouth of Elk Creek. Currently, they are in the process of compiling costs, engineering for the projects and exploring areas where they might receive funding. A sewer project is needed on the east side of the creek, and they hope to see a safe harbor at the mouth of Elk Creek; however, this will take time and planning. Mrs. Loll believes when it comes to fruition, this will give the area a big economic boost.

Mr. Giles'
Report

Mr. Giles reported that he attended the Spring NACo Conference which was held from March 4th through March 7, 2007. NACo has relocated to a new office space having sold the old building. Mr. Giles noted that their finances are in the best shape in many years with a very positive fund balance. Also to be noted, is that the membership is at the highest level with

Mr. Giles'
Report

2,240 counties across the country as members. The base numbers of counties is approximately 3,000. NACo is quite proud of the membership and the involvement of the members.

At this conference, Mr. Giles had the opportunity to meet with Senators Casey and Specter. One of the issues discussed is on the agenda for this evening; the issue of medical benefits for prisoners. Mr. Giles explained that once an individual is taken into custody, the state immediately stops any medical benefits; these benefits are not suspended, but stopped. When an individual is finally released, they have to reapply, which may be a problem if that individual is mentally ill and dependent on some type of medication for their illness. Senator Specter is advancing an issue called the Second Chance Act of 2007, which means if an individual is successfully dealt with while in custody, the idea is that this person has a less chance of recidivism which ultimately reduces the number of people coming into the jail system. Mr. Giles referred to a report the Pew Foundation recently released which he feels would be shocking for everyone to see in terms of what has happened with the incarcerated population in America over the past 40 years such as increased numbers, cost and tax dollars utilized.

Another issue is the Mentally Ill Offender Act already in place and the ability to ensure that counties can tap into the same funding streams as states. The Mentally Ill Offender Act stopped at the state level, and the money was not allowed to permeate to the county level. Mr. Giles noted that studies reveal there are more people incarcerated at the county level with mental illness than in state facilities. This is a very serious concern because of the potential for that population to grow in every county facility. Mr. Giles, along with Mrs. Loll, and other individuals from Mercyhurst are working with Warden Veshecco and others from the MHR group to determine whether they can compete for some of those funds.

Mr. Giles referred to the NACo drug discount card program's latest report dated February 2007. He noted Erie County has not yet been involved with this program for a full year until June 2007, but already the County has seen savings of \$202,946 based on the sale of drugs that come to about \$875,000. Mr. Giles added that he has experienced this savings from this program. His sister, a Down Syndrome adult, had cataract surgery. Her prescription was not covered by the benefit package because the surgery was considered elective. Because of this program, the cost of that prescription went from \$95 to \$62. He stated there were 18,000 prescriptions that benefited by this drug discount program. This is proof to anyone who ever wonders whether there is a benefit that comes to the taxpayer or non-taxpayer from these memberships.

At the local level, Mr. Giles wished to share a document with his colleagues. Although this is still a work in progress, the Erie County Policy and Planning Board has been engaged in a review of prevention issues for children and problems within our community. Mr. Giles provided copies to Members of Council. He explained that the Policy and Planning Board consists of just about every organization with a membership of approximately 70. However, the actual review committee is smaller. The document describes the science that was used in regard to children, drug addiction and other issues that cause concern in our community. This will help provide guidelines in terms of partnering with school districts, municipalities and other entities to determine what can be done to prevent problems from occurring. This provides significant background in terms of children's issues in relationship to our community. He noted that the community treatment program that runs through Perseus House helps keep the cost and operation of Edmund L. Thomas Center down. Char Berringer from the County Health Department, runs the Maternal Child Program, which helps a pregnant girl before she gives birth and provides a nurse that stays in contact until that child starts school.

Mr. Foust's
Report

On March 9, 2007 Mr. Foust attended a Gaming Revenues meeting with Senator Jane Earll.

On March 14, 2007, he attended the Wesleyville Borough meeting.

Mr. Foust's
Report

Mr. Foust reported that on March 15, 2007, he attended the Library Board meeting. He noted that Mrs. Stewart is recovering well from ankle surgery.

Mr. Foust also reported that the Library is instituting two new digital download options for patrons to increase the number of services. These services include books, music, video, etc. that can be accessed from home. Mr. Foust believes that this further enhances the library services currently available in Erie County. He encouraged everyone to review these new services available online.

The Blasco branch, Iroquois branch, and one additional branch, as well as all independent libraries should be internet "hotspots" for laptop computer connectivity by the end of the summer. Mr. Foust noted this would be helpful for people researching genealogy and may also encourage college students to use the library system more often.

Mr. Foust further reported that in regard to the strategic plan, both the architectural firm and the fundraiser the Community Foundation is expected to employ should be on board by next month. The architect will design the Fairview branch, while the fundraiser will be used to solicit the community in an effort to raise funds for those branches still being worked on under the Strategic Library Plan.

Mr. Foust also attended the Convention Center Authority meeting on March 15th.

On March 19, 2007, Mr. Foust attended the Summit Township meeting.

Mr. Mitchell's
Report

Mr. Mitchell reported that recycling is one of the issues he has been working on in the South County as many of the townships do not have recycling programs. A series of meetings have been held to determine whether recycling can be promoted to get the landfill numbers down. Mr. Mitchell advised he will keep Council posted as this issue moves along.

Mr. Leone's
Comments

Mr. Leone noted that he always tries to respond to individuals when they speak before Council after the Hearing of the Public is over and Members have given their reports. He responded to Mr. Rocco's allegation that the smoking ban is illegal. Mr. Leone stated that was not entirely true. He has attended the court case, listened to what was said, and noted two issues were involved originally – one being the preliminary injunction. Mr. Leone believed the judge indicated at that time that there was not sufficient evidence to prove that there would be a loss as far as taverns or clubs were concerned. In fact, there was only one person making that particular appeal, and that person could not indicate what would be lost if there was a smoking ban. The judge also indicated he would rule on a permanent injunction. Mr. Leone stated that he has always trusted the opinion of Mr. Talarico, Council Solicitor, but obviously, there are times when an issue should be brought to court. That is what Council did as far as the smoking ban is concerned. Mr. Leone does not believe Council broke the law because of the ambiguity of the Clean Air Act. This ambiguity is evident when one looks at the results in Allegheny County which are different than in Erie County.

Mr. Leone referred to the appeal itself, and explained that matter was up to the Administration. The Administration felt it should appeal, and that is what they are doing. As in any other court case, if a belief exists that there is a reason for an appeal, obviously, an appeal would be filed.

Mr. Leone then addressed Ms. Vendetti, Ms. Foster and Mr. Przepierski. Mr. Leone keeps hearing that Council breaks the law. He cautioned these individuals to be careful when they tell Council they want to be taken seriously; because Council should be taken seriously as well. It

seems that no matter what, some people cannot be pleased. He recalled a story his father told him – if you pass out ten dollar bills, people will complain that they’re not twenties, and he feels his father was probably right. This seems to be the situation here; no matter what Council does, it just isn’t enough. People think Council Members should be available 24 hours a day, doing everything they possibly can. Although he probably puts in more time than other members, it is because Mr. Leone has the time. He reminded the audience that this is a part-time job. Council Members are legislators, and Council is getting tired of some of the issues being brought up. He again cautioned people to be careful, because, if necessary, Council will take the matter to court.

MDJ Video
Arrestment
Prjct. Adopted

Mr. Smith gave a second reading of Ordinance Number 24, 2007, “Seventh 2007 General Fund Budget Supplemental Appropriation for MDJ Video Arrestment Project and Creation of New Line Items.” Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

First Rdg.

Mr. Smith gave a first reading, in title only, of Ordinance Number 27, 2007, “2007 General Fund Budget Release of Restricted Funds for MDJ Manzi and Alonge.”

PH Preparedness
Grant

Mr. Smith gave a second reading of Ordinance Number 28, 2007, “Fifth 2007 Public Health Fund Budget Supplemental Appropriation for Public Health Preparedness Grant.” Mrs. Loll moved to adopt; Mr. Mitchell seconded.

At this time, Dan Galena, a member of the audience voiced an objection. After being advised he was out of order by Mr. Leone, Mr. Galena continued to voice his objection. Mr. Leone then requested a Sheriff’s Deputy to remove him from the meeting. Mr. Galena was then escorted from Council Chambers.

Mr. Leone called for a vote on Ordinance Number 28, 2007, and it carried in a unanimous roll call vote.

Memorial Tiles
For ADA
Accessibility

Mr. Smith gave a second reading of Ordinance Number 29, 2007, “2007 Capital Projects Fund Supplemental Appropriation for Memorial Tiles in ADA Accessibility Project.” Mr. Foust moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Donation from
Lakeshore Fire
Dept.

Mr. Smith gave a second reading of Ordinance Number 30, 2007, “Second 2007 EMA Fund Budget Supplemental Appropriation for a Capital Donation from the Lakeshore Fire Department.” Mr. Giles moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

First Rdg.

Mr. Smith gave a first reading, in title only, of Ordinance Number 31, 2007, “Creation of 2007 Gaming Fund Budget, Bureaus, and New Line Items for Projected Gaming Proceeds.”

Creation of
Position in
Gen. Acctg.

Mr. Smith gave a second reading of Ordinance Number 32, 2007, “Eighth 2007 General Fund Budget Supplemental Appropriation for Creation of Position Number 002350-010 in General Accounting.” Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mrs. Loll commented that this position did exist originally, and is now being put back into the budget once it was discovered that it was needed. Mrs. Loll also believes it will save money in the long run since this position will review vouchers for the constables and make any corrections. She encouraged her colleagues to vote yes on this particular ordinance.

Approving 2007
CDBG Application

Mr. Leone called for the vote on Ordinance Number 32, 2007, and it carried in a unanimous roll call vote.

Mr. Smith gave a reading of Resolution Number 19, 2007, "Resolution Approving the FY 2007 Community Development Block Grant Program Application for Erie County and Erie County 'On Behalf of' Entitlement Municipalities." Mrs. Loll moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Urging Congress to
Amend Fed. Law in
Providing Medical
Benefits to
Incarcerated

Mr. Smith gave a reading of Resolution Number 20, 2007, "Resolution Urging Congress to Amend Federal Law to Allow Federal Financial Participation in Providing Medical Benefits to Incarcerated Individuals Until Convicted and Sentenced to Secure Detention." Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mr. Giles stated this resolution was referenced earlier in his report. It emanates from NACo, the National Association of Counties, and will be supported by CCAP. The expectation is that there are 2,240 counties under the NACo umbrella passing a similar resolution. Each state determines how they will handle this situation. In Pennsylvania, the peculiar circumstances are such that not only are benefits not suspended, they are completely terminated. One of the largest increases in expenditures is for medications in Erie County Prison, and it is hoped that termination can be stopped at the state level, and possibly some financial support can be received.

Mr. Leone called for a vote on the resolution, and it carried in a unanimous roll call vote.

Sale of Parcels

Mr. Giles moved for the Sale of Parcels from Repository for Unsold Properties at Index Numbers:

- 18-050-014.0-107.00
- 18-050-003.0-108.00

Mr. Foust seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m.

Ann M. Bruno, Council Secretary
