

June 10, 2008

Minutes of May 20, 2008 Reg. Mtg. approved. Agenda Amended. Library SA for Dist. Svcs Grant adopted; Donations from Friends of Library adopted; Library SA for Sec. Gate at Mall Library Branch adopted; Rel. of Rest. Grant in Ec. Dev. for SCORE Counselors to America's Small Business adopted; Pictometry in Reass. Adopted; Public Health Prep. Grant Funding adopted; Reduction in Imm. Grant Funding adopted; Transfer to PH Fund for Reduc. In Imm. Grant adopted; Transfer to Gen. Fund for Airport Legal Fees adopted; Transfer from Gaming Fund for Airport Legal Fees adopted; Reduction in Transfer to Planning Fund adopted; Gen. Fund SA for Downgrade of Clerical Pos. adopted; Vacated Pt Time Asst PD adopted; Change in Salary of PT Asst PD adopted; Creation of Adm. Asst. in Adoption Svcs adopted; Expansion of LERTA in NE Twp adopted; Aprvg Amend to Harborcreek Twp LERTA adopted; Hospital Authority \$8,215,000 Revenue Bonds adopted; Exonerating Taxes on Abandoned Trailers/Properties adopted; Exonerating Taxes on Parcels in City of

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Erie adopted; Addressing Title Defect for 1755 East 26th Street adopted; Reapp. of Mary Theiss to Erie County Lib. Brd; Sale of Parcel approved.

ERIE COUNTY COUNCIL – Regular Meeting

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

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

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
Thomas Talarico, Council Solicitor
Sean Wiley, Director of Administration
James Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Welcoming
Remarks

Mr. Fatica welcomed everyone to the Asbury Woods Nature Center, a great, grand and glorious spot in Millcreek Township, Erie County. He thanked Brian Winslow, the Director of the facility, and his staff for extending their hospitality. Mr. Fatica explained that quite a change has taken place at Asbury Woods. In the hall of the facility hangs a picture of Otto Behrend, founder of Hammermill Paper Company, who dedicated this land in perpetuity for this purpose. There are many activities, all free and available to the public. With a great deal of pride and pleasure, Mr. Fatica introduced Mr. Brian Winslow, the Director of the Asbury Woods Nature Center.

Hearing of
The Public

Brian Winslow, Director Asbury Woods Nature Center, welcomed everyone and thanked Council for holding a meeting at this facility. As Mr. Fatica pointed out, this is a nature center that functions as a result of a gift from Dr. Otto Behrend, and it is amazing what one gift can do. Mr. Winslow explained that this facility is owned by the Millcreek Township School District since the property was donated to the School District. That gift also spawned the Millcreek Township Recreation Department located on the other side of the road. Asbury Woods has functioned as a nature center since the 1960's and the park has grown to 200 acres. There are 4 ½ miles of trails built entirely by volunteers. Mr. Winslow further explained that the nature center is open year round and there is no fee to visit the center. Approximately 10,000 school children visit the center every year. He pointed out that the building has recently been renovated as a green building and the hope is to promote green building in Erie County through the Green Building Alliance.

Mr. Winslow thanked Council for the regional assets work being done. Places such as Asbury Woods and the arts have difficulty raising funds. Programs pay for themselves, but keeping the center open and free to the public on a daily basis is difficult. As a member of the Lake Erie Regional Conservancy, he thanked Council for their work on land preservation. Asbury Woods is highly used and setting aside land for preservation is one of the best things that can be done. He offered to assist with any projects furthering that cause.

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Hearing of
The Public

Mr. Giles added that historically, since the 1960's, he has been one of those city residents that come to Asbury Woods to purchase birdseed. However, the seed is now sold through Gerlach's, who handles the product, and the profit then turns over to Asbury Woods. Mr. Winslow confirmed that is one way in which the nature center is supported.

Dale McBrier, 144 Holly Drive, Fairview, approached Council to speak regarding the tire plant and, on behalf of 8,000 signatures on petitions, of fundraisers being held throughout the county, and on behalf of many unhappy people, to ask the Health Department to explore and protect the health of the public. He asked Council to have the Health Department get involved in studying the health risk of ERE's project to build the largest tire incinerator on the planet in the middle of the city. He believes Council has the power to look into this and decide whether or not it will be beneficial to Erie County. He believes this is one of the worst projects he has ever seen proposed in Erie County. According to the report, 2.9 million pounds of particulate matter will be emitted from the 30 story stack on an annual basis. In 2001, a Great Lake Air Quality study showed that all of Erie County only produced 3.6 million pounds of particulate matter. Mr. McBrier believes that this is a serious air quality issue. Tires are made of oil, steel, heavy metals, chemicals, etc. These tires will be burned as small as possible and sifted out as much as possible. The application also states that everyday tons of ash will be trucked somewhere into the county. Mr. McBrier reminded Council Members that he had delivered material to them previously and encouraged them to review this information. In closing, he stated that there is no plant like this for comparison in the entire country.

Bill Welch, 3108 Highland, Erie, stated that utility, gasoline, and oil prices are going up. He wondered if many county agencies are taking advantage of the COG. Under the Home Rule Charter, Council has the ability to form a committee to start looking at energy, the totality of this, and how it will affect the community. Many people have problems getting to work because they cannot afford fuel. Agencies such as Meals on Wheels are having problems with volunteers dropping out because they can't afford the fuel. Mr. Welch pointed out that Centre County has already held hearings on this. Erie County needs to form a committee to look into this because costs will continue to dramatically increase and these agencies will start asking for money to supplement these costs. He suggested all agencies that the county has any type of relationship with be asked to do a square foot analysis on their building to find out how much it costs per square foot for their electric and gas. They should not receive any money from the casino until they have reached certain levels. The County must insist that these agencies start saving money. The County must start exploring and form a committee, and Mr. Welch offered to work with this committee. An examination must be done to cut costs and implement green building.

Mr. Mitchell entered the meeting at this time.

Mr. Leone's
Comments

Mr. Leone explained to Mr. McBrier, that with respect to the tire plant, Council cannot, by law, interfere with other governing bodies including City Council, township supervisors, etc. The Health Department cannot look into this issue until after a building is actually built. Due to the fact that County Council cannot interfere with another governing body, this problem lies within city government.

Minutes

Mr. Leone moved to approve the minutes of the Regular Meeting held May 20, 2008. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Recycling
Program

Mr. Wiley noted that comments made by Mr. DiVecchio at the First Countywide Initiative for Recycling in Erie County have been submitted for inclusion in the minutes.

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Recycling
Comments

1st Annual Erie County Recycling Summit Speech 06/03/08

I would like to thank Don Blakesley, Erie County Recycling Coordinator and the Department of Planning for hosting the first recycling summit, of its kind, in Erie County. And I commend all of you present for taking an interest in recycling and applaud your efforts to create a greener community.

Recycling breathes life into otherwise lifeless materials.

The recycling industry performs a vital social and environmental function and many reports show that Americans are recycling more and discarding less.

If it were not for the recycling efforts of those of you in this room and thousands across Erie County, a substantial portion of these end-of-life goods would be sent to landfills and many useful and valuable materials would be lost forever.

Locally, recycling has gotten bigger, better and broader. In 2007, the Erie County Recycling Program hosted 11 E-Cycling events which were so successful that 82 tons of electronic materials were recycled.

And as technology usage continues to grow, it is important for Erie County to continue to be a leader regarding recycling efforts and moving toward a greener community.

I hope you all enjoy today's summit and walk away with some fresh, new knowledge on how you can continue to make a difference in making Erie County an even more livable community. And if there is anything that my Administration or the Erie County Recycling Office can do to assist your efforts, please know that my door is always open.

Finance
Committee

Mr. Fatica reported the Finance Committee met on June 5, 2008, and agreed to place Ordinances 80 through 90 on the agenda for second readings. The Committee also agreed to place Ordinances 96, 97, 98, 99, 100, 101, 102, and 103 on the agenda for first readings. Also on the agenda is the possible adoption of Resolutions 46 through 55, as well the possible reappointment of Mary Theiss to the Erie County Library Board, and the sale of parcel from the repository.

Personnel
Committee

Mr. Cleaver reported that the Personnel Committee met on June 5, 2008, and agreed to place on the agenda Ordinances 92 through 95 for second readings, and Ordinances 104, 105, 106, and 107 for first readings.

Retirement
Board

Mr. Leone reported that the Retirement Board met this morning, and he feels it is important to bring this information to the attention of Council. The meeting was held with the actuary Boetger & Associates in an effort to review what the County's annual retirement contribution will be for this particular year. It was a long meeting starting at 9:30 a.m. and ending after noon; it contained a great deal of information which he believes is important not only to employees, but also to County Council based on the actuary's assumption as to what this will cost this particular year as far as the annual retirement contribution.

Mr. Leone explained that last year, in 2007, the rate of return was 10.15% which Mr. Leone feels is a little low and believes it is beyond 11%. Results were tabulated according to the Summary of Assumptions provided by Boetger & Associates which includes 1) the rate of mortality in accordance with the 1983 group, the Annuity Mortality Table; 2) interest which would be earned at the rate of 7.5% per year; 3) the salary projection is assumed to equal 3% per year; 4) withdrawal prior to retirement is assumed to occur in accordance with Crocker Sarason Straight Table T-7; 5) no disability prior to retirement is assumed and 5) retirement is assumed to occur in accordance to the rates outlined in the summary. Mr. Leone noted that there is a scale indicating from ages 55 to 65; and all plan participants have been included in the funding.

Mr. Leone then referred to the Summary of Results Table provided in the 2008 Actuarial Plan Review. He then explained the costs for the year 2007. The formula for the mortality rate, which also includes 7.5%, provides the assumption of what will be received from the retirement funds. The

Pension
Plan

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salary scale is 3% as of 2007. The County's liabilities were \$166,215,180. The actuarial value of the assets is \$148,887,318; and the annual retirement contribution for 2007 amounts to \$2,218,972. The assumption in valuation for 2008 using the same figures, the mortality rate of 7.5% and the 3% salary scale would be \$3,014,419 for this year.

The effect of the recent contract, assuming 10% for salary scale because this is over the length of the contract, and grading it to 3%, which Mr. Leone noted is somewhat low, it would cost \$3,899,868. Also to be noted, is that 7.04% of the county salary is contributed by the county, which is the \$3,899,868. Many times, it is stated at the Retirement Board meeting that the money belongs to the employees, and the employees put in more money than the county. Mr. Leone stated that was not entirely true, the county puts in more money than the employees. Returning to the assumptions, using the 10% for the salary scale and grading to 4%, which would be more appropriate, the amount is \$4,454,000. Referring to the Scale, Mr. Leone pointed out that if the fifth assumption is used, which is the effect of the change in the Mortality Table, adding that the mortality table being used is before 1983, which has been changed in the year 2000, and using that mortality rate, assuming the same factors with the 4% salary scale, that comes to \$4,875,993. He feels this is a more appropriate amount of money needed to be placed in that fund for this particular year. There are other factors as well, but at this point, Mr. Leone feels that delaying what has to be paid to the retirement fund in future years is not a good thing to do. It's important that the Council assume its responsibilities and not pass them on to future council members. He also pointed out there are other effects as well. In fact, if the rate is changed to 8%, it will reduce the annual retirement contribution, but then again, that becomes phony as well, and he does not believe Council should be experimenting or getting involved in those particular factors.

Another issue that comes up in the pension plan is the GASB, and from his understanding, there is almost a \$74 million present value of future health care benefits and the actuarial accrued liability is about \$65,474,000. The report also states the expected employer contribution for fiscal year 12/31/08 is \$1.9 million. It is Mr. Leone's belief, that at some point in time in the near future, this tends to reduce the assets and increase the liabilities, and in doing that, the cost for the retirement system continues to escalate. As far as Mr. Leone is concerned, this Retirement Board is one of the best and has done everything possible in seeing to it that the funds bring in the maximum amount. He pointed out that this pension fund was the highest in the State of Pennsylvania last year as far as returns are concerned, and was also in the second percentile bracket in the country. This board does a decent job, but the factors that keep escalating the costs to the retirement system are a problem and some of these factors cannot be controlled.

Mr. Leone reported that another issue discussed was the ERISA Program with the pension plan at Pleasant Ridge Manor. Most of this is funded through a reimbursement factor through the state, and the possibility of making changes within the retirement factor these employees have is being looked into. However, in order to do that, it would have to be reimbursed by the state. Mr. Leone offered to answer any questions. He believes there may be a problem this coming year because of the \$4.8 plus million. Mr. Leone pointed out that the early retirement cost the county \$900,000 a year with this year and next still to pay back those funds. By the time, the county is finished paying this back, Mr. Leone is certain the annual retirement contribution will increase. This is the situation and Mr. Leone feels it is not really good news.

Mr. Giles agreed the meeting was long, and in light of Mr. Leone's comments, he referred to the auditors' discussion at last week's finance meeting. He pointed out that the report given by Mr. Leone regarding the retirement system is just one slice of the pie, and asked Mr. Maloney to comment on the auditors' report.

Audit

Mr. Maloney reported that audit came through and expressed his belief that the county will get certification. However, what is alarming is that \$1.6 million of the fund balance has been used

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Audit

this past year, and Mr. Maloney believes that once that starts rolling, it becomes hard to control. There is another \$600,000 that is supposed to be used this year from the fund balance if his memory serves him correctly, along with the retroactive pay which will come from that, and may amount to \$2 million of the fund balance being used this year. He pointed out that this fund balance is going away quite fast. It took a long time to get it where it was, and Mr. Maloney suggested there be some tightening of the belts.

Mr. Giles stated that he read the audit and noted that Erie County has received the Excellence in Accounting Award for the fifteenth year in a row; this is an excellent record.

Ms. Pasquale believes that the actuarial report for 2008 is certainly alarming since it does not factor in increased employment as expansion occurs, such as Public Safety and other areas where growth is occurring. It also doesn't mention the disparity study when those results come in. Mr. Giles asked Ms. Pasquale to provide information regarding the disparity study. Ms. Pasquale replied that as part of the contract negotiations, the county agreed to form a disparity study; it did not agree to fund it or make any changes, but to look at the disparity between the salaries of governmental units inside Pennsylvania similar to Erie County's and compared with Erie County. Also, there is anywhere from a \$1.1 to \$1.2 million increase in the pension in one year which Ms. Pasquale emphasized is significant. This is not budgeted and will have a direct impact on fund balance. Although some of this will be reimbursable by state grants, it is still very significant to the fund balance.

Mr. Giles noted that Kevin Flowers at the *Erie Times News* received a compliment on his summary of the fiscal impact of all of the contracts the County completed and a shadow piece as to what happens within the retirement system. The retirement side also sees a hit when there is an increase in hours. A 10% increase in hours was used, as well as the bottom line cost, the salary increases and any upgrades, along with a 3% base increase. There is caution being given from both Council's own financial advisor and the County's fiscal department that attention must be paid to what is going on since the impact of the all the contracts and the bottom line effect is coming to light.

Ms. Pasquale also referred to the GASB 45, and explained that although the county is not funding this, it is still handling the retiree's hospitalization. There is \$73 million in liability that has some value for everyone who is eligible for retiree's hospitalization until the day they die. Since there is such a mature workforce, most of that has been earned, or should be accrued and all that is reported in the OPEB, Outer Post Employment Benefits, in the system is just a small current piece of that so only a few million dollars is being reported. However, at some point, it might have an impact. Many counties in Pennsylvania, not Erie County this year, actually have negative unrestricted net assets because of having to report this information.

Mr. Leone wished to make a comment regarding the audit. Another alarming issue is the real estate tax because in the year 2005, the county lost \$2.1 million in delinquent taxes, and in 2006, \$2.5 or \$2.7 million was lost, and in 2007, \$3.7 million was lost. He stated this was very alarming because the same amount of people are paying their rebate for their county taxes; the same amount of people pay the face value of their taxes; however, the penalty phase of it is continuing to increase and this is the reason there is a \$3.7 million loss in 2007. Mr. Leone feels this will escalate because of the economy, and these are factors that may need to be figured in when discussing increases in taxes.

Mr. Sparber, Director of Finance, pointed out some of these matters are beyond control, and others are within control. The fact that the County is looking at increased expenses, inflation may occur in the not too distant future. The County is experiencing increased expenses in the price of fuel, expenses in retirement, increased wages. Although the picture looks pretty good now, it deserves some serious attention because the situation could turn around quickly.

Mr. Mitchell suggested a work session be scheduled within the next month. Council has been discussing the fund balance for the last month and a half and the possible dangers. In his meetings in Harrisburg on the Human Services side, Mr. Mitchell reported that the state is continuing to ignore the IDT. There are several issues that need to be discussed.

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Audit

Mr. Giles stated that since everyone has the actuarial report as a piece of information, it would be good for everyone to walk through it together. This has been a very good discussion and Mr. Giles feels a meeting should be scheduled to discuss this matter further.

Mr. Mitchell's
Report

Mr. Mitchell stated that he had presented Lindsey Royek, who is the state dairy princess with a citation from County Council highlighting June as dairy month. Dairy month is very important in the county and Lindsey was very pleased. He noted that she has done a great job and traveled all over the country this year.

Mr. Mitchell also reported that a successful library event was held in Edinboro a couple weeks ago at Nick's Place. The event highlighted the plans for the new facility. He feels this will be a fabulous operation in Edinboro and expressed his appreciation for Council's help in moving this forward. There is much enthusiasm in Edinboro and the community is now fundraising in an effort to help.

Airport Agrmt

Mr. Giles reported that Mr. Maloney is convinced that there is now a tentative agreement with respect to the airport issue. This should move everything forward which means, on Council's side, obligations regarding the bond issue, assuming tentative becomes real. If that is the case, it can be expected that by the July 2nd Finance Meeting and the Regular Meeting scheduled for July 8th, there should be a vote on the bond issue.

Library SA for
Dist. Svcs Grant

Mr. Smith gave a second reading of Ordinance Number 80, 2008, "Second 2008 Library Fund Budget Supplemental Appropriation for District Services Grant." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Donations from
Friends of Library

Mr. Smith gave second reading of Ordinance Number 81, 2008, "Third 2008 Library Fund Budget Supplemental Appropriation for Donations from Friends of the Library." Mr. Leone moved to adopt; Mr. Fatica seconded.

Mr. Mitchell gave a reminder that the book sale to help raise money is currently in progress and will continue through the week. Mr. Giles called for a vote, and it carried in a unanimous roll call vote.

Security Gate at
Mall Library Branch

Mr. Smith gave a second reading of Ordinance Number 82, 2008, "Fourth 2008 Library Fund Budget Supplemental Appropriation for Security Gate at Millcreek Mall Library Branch and the Creation of a New Line Item." Mr. Cleaver moved to adopt; Mr. Foust seconded.

Mr. Giles asked when the new Millcreek Mall branch of the library will be opened, and Ms. Stewart replied it would be opened in September after Labor Day. Mr. Foust inquired as to whether the move has begun, and Ms. Stewart stated that the bids for the interior work are due at the end of the week.

Mr. Giles called for a vote on Ordinance Number 82, 2008, and it carried in a unanimous roll call vote.

Econ. Dev. for
SCORE Counselors

Mr. Smith gave a second reading of Ordinance Number 83, 2008, "2008 General Fund Budget Release of Restricted Grant in Economic Development for SCORE Counselors to America's Small Business." Mr. Foust moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

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Rel. Rest. Acct.
Funds in Reass.
For Pictometry

Mr. Smith gave a second reading of Ordinance Number 84, 2008, "2008 General Fund Budget Release of Restricted Account Funds in Reassessment for Pictometry and the Creation of a New Line Item." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Public Health
Prep. Grant
Funding

Mr. Smith gave a second reading of Ordinance Number 85, 2008, "Third 2008 Public Health Fund Budget Supplemental Appropriation for Public Health Preparedness Grant Funding." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

PH SA for
Reduc. Immun.
Grant Fund.

Mr. Smith gave a second reading of Ordinance Number 86, 2008, "Fourth 2008 Public Health Fund Budget Supplemental Appropriation for Reduction in Immunization Grant Funding." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Transfer to
PH for Reduc.
In Immun. Grant

Mr. Smith gave a second reading of Ordinance Number 87, 2008, "Thirty-Fourth 2008 General Fund Budget Supplemental Appropriation for Transfer to the Public Health Fund for Reduction in Immunization Grant." Mr. Leone moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Airport Legal
Fees Rel. to
MOU & ICA

Mr. Smith gave a second reading of Ordinance Number 88, 2008, "Third 2008 Gaming Fund Budget Supplemental Appropriation for Transfer to the General Fund for Airport Legal Fees Related to the Airport MOU & ICA." Mr. Cleaver moved to adopt; Mr. Foust seconded.

Mr. Leone stated that he will have to abstain from voting for this particular ordinance. He explained that if any relation to the MOU for the airport based on the bond issue exists, there is a conflict of interest. He has a letter previously submitted, and declared that since this is a possible conflict of interest, he will abstain.

Mr. Giles realizes that this particular law firm was working on the bond issue and that overlapped with regard to the agreement; however, he requested that, in the future, discussions be held in advance when looking to contract with a law firm regarding legal issues. He understands the complexity and detail involved in this issue, and in fact, it was hoped this could be incorporated into the bond costs, but Mr. Sparber, Ms. Pasquale and Mr. Maloney did not agree.

Mr. Giles then called for a vote on Ordinance Number 88, 2008, and it carried in a roll call vote of 6-0-1, Mr. Leone abstaining.

Airport
Legal Fees

Mr. Smith gave a second reading of Ordinance Number 89, 2008, "Thirty-Fifth 2008 General Fund Budget Supplemental Appropriation for Transfer from the Gaming Fund for Airport Legal Fees." Mr. Mitchell moved to adopt; Mr. Fatica seconded. Mr. Leone noted the same situation as with the previous ordinance applies with this and a conflict of interest may exist. Mr. Giles called for a vote and it carried in a roll call vote of 6-0-1, Mr. Leone abstaining.

Reduc. In
Trans. To
Gaming Fund

Mr. Smith gave a second reading of Ordinance Number 90, 2008, "Thirty-Sixth 2008 General Fund Budget Supplemental Appropriation for a Reduction in the Transfer to the Planning Fund." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Downgrade
Cler. Pos.

Mr. Smith gave a second reading of Ordinance Number 92, 2008, "Thirty-Seventh 2008 General Fund Budget Supplemental Appropriation for a Downgrade of a Clerical Position." Mr. Cleaver moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

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Vacated Pt-Time
Asst. PD Pos.

Mr. Smith gave a second reading of Ordinance Number 93, 2008, "2008 Appointed Official's Salary Ordinance Vacated Part Time Assistant Public Defender Position." Mr. Leone moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Salary Change
Pt. Time Asst PD

Mr. Smith gave a second reading of Ordinance Number 94, 2008, "Thirty-Eighth 2008 General Fund Budget Supplemental Appropriation for a Change in the Salary of a Part Time Assistant Public Defender." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Adm. Asst. Pos.
Adoption Svcs

Mr. Smith gave a second reading of Ordinance Number 95, 2008, "First 2008 Children & Youth Services Fund Budget Supplemental Appropriation for the Creation of an Administrative Assistant Position in Adoption Services." Mr. Leone moved to adopt; Mrs. Loll seconded. Mr. Giles stated that it is Council's understanding this position is 100% state funded and has the full support of the state. He called for a vote, and it carried in a unanimous roll call vote.

First
Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 96, 2008, "2008 Gaming Fund Budget Revised Revenues & Expenditures and Creation of Line Items for Distribution of Unrestricted Gaming Funds in Accordance with County Gaming Policy"

Ordinance Number 97, 2008, "2008 General Fund Budget Revised Revenues & Expenditures to Move All Gaming Related Line Items to the Gaming Fund Budget"

Ordinance Number 98, 2008, "2008 General Fund Budget Revised Expenditures for Adult Probation Supervision Fees and Creation of a New Line Item"

Ordinance Number 99, 2008, "Eighth 2008 EMA Fund Budget Supplemental Appropriation for Various Expenditures and the Creation of a New Line Item"

Ordinance Number 100, 2008, "Thirty-Ninth 2008 General Fund Budget Supplemental Appropriation for a One Time Grant to WQLN for the Legends of Erie Program and the Creation of a New Line Item"

Ordinance Number 101, 2008, "Fortieth 2008 General Fund Budget Supplemental Appropriation for the Reduction of Drug Forfeiture Fees in Weed and Seed"

Agenda
Amended

Mr. Foust moved to amend the agenda to move Ordinances 102 and 103 to second readings. Mrs. Loll seconded. Mr. Mitchell pointed out that the other bodies involved have approved this as well. Mr. Giles called for a vote, and it carried in a unanimous roll call vote.

Expan. LERTA
NE Twp

Mr. Smith gave a second reading of Ordinance Number 102, 2008, "Waiver of Section 4 of LERTA Ordinance 59, 1980 for the Expansion of the LERTA Zone in North East Township." Mr. Foust moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Harborcreek Twp
LERTA

Mr. Smith gave a second reading of Ordinance Number 103, 2008, "Approving Amendments to Harborcreek Township's LERTA Ordinance." Mr. Foust moved to adopt; Mrs. Loll seconded. Mr. Foust noted that this involves the Eastway Plaza and the Harborcreek Mall on East Lake Road which has been vacant for approximately ten years. Mr. Giles added that perhaps this will provide some incentive to develop on the property, and Mr. Foust agreed stating that is hopeful. Mr. Giles then called for a vote on the ordinance, and it carried in a unanimous roll call vote.

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First
Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 104, 2008, "Forty-First 2008 General Fund Budget Supplemental Appropriation for Change in Grade and Hours for Human Relations Commission Director"

Ordinance Number 105, 2008, "Second 2008 Children and Youth Services Fund Budget Supplemental Appropriation Due to a Downgrade of Position 004201-005 from Caseworker Supervisor I to Caseworker II"

Ordinance Number 106, 2008, "Forty-Second 2008 General Fund Budget Supplemental Appropriation for Creation of a Part Time Facilities Attendant in Library Operations"

Ordinance Number 107, 2008, "Forty-Third 2008 General Fund Budget Supplemental Appropriation for Upgrade of Position Number 001100-004 in Controller's Office"

Hospital Auth.
Revenue Bonds

Mr. Smith gave a reading of Resolution Number 46, 2008, "Erie County Hospital Authority \$8,215,000 Revenue Bonds, Series 2008 (Hamot Health Foundation)." Mr. Mitchell moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Exonerations
Adopted

Mr. Leone moved to adopt the following resolutions:

Resolution Number 47, 2008, "Exonerating Taxes on Two (2) Abandoned Trailers/Properties in Elk Creek Township and the Northwestern School District"

Resolution Number 48, 2008, "Exonerating Taxes on Two (2) Abandoned Trailers/Properties in Lawrence Park Township and the Iroquois School District"

Resolution Number 49, 2008, "Exonerating Taxes on One (1) Abandoned Trailer/Property in Fairview Township and the Fairview School District"

Resolution Number 50, 2008, "Exonerating Taxes on Fifteen (15) Abandoned Trailers/Properties in McKean Township, Washington Township and the General McLane School District"

Resolution Number 51, 2008, "Exonerating Taxes on Thirteen (13) Abandoned Trailers/Properties in North East Township and the North East School District"

Resolution Number 52, 2008, "Exonerating Taxes on Three (3) Abandoned Trailers/Properties in Harborcreek Township and the Harbor Creek School District"

Resolution Number 53, 2008, "Exonerating Taxes on Abandoned Trailers/Properties in Summit Township, Waterford Township, Waterford Borough, Mill Village Borough, and the Fort LeBoeuf School District"

Exon. Taxes
In Erie

Mr. Smith gave a reading of Resolution Number 54, 2008, "Exonerating Taxes on Six (6) Parcels Located Between East 23rd & East 24th and Holland Streets in Erie, Pennsylvania." Mr. Cleaver moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Addressing
Title Defect

Mr. Smith gave a reading of Resolution Number 55, 2008, "Addressing a Title Defect for 1755 East 26th Street, Erie, Pennsylvania, Tax Index Number (18) 5121-205." Mr. Cleaver moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

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Mary Theiss
Appt'd. to
Library Brd

Mr. Fatica moved for the reappointment of Mary Theiss to the Erie County Library Board. Mr. Leone seconded. Mr. Fatica stated that Ms. Theiss is currently serving on the Board, has been a Friend of the Library for many years and has Mr. DiVecchio's approval as well. Mr. Giles called for a vote, and it carried in a unanimous roll call vote.

Sale of Parcels from
Repos. Apprvd.

Mr. Leone moved to approve the sale of parcel from Repository for Unsold Properties at Index Number 50-001-006.1-001.35; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Thank You
Asbury Woods

Mr. Giles wished to extend Council's gratitude to Brian Winslow for the use of this wonderful facility at Asbury Woods. Council looks forward to a future partnership as this organization advances. Mr. Giles also wished to thank his colleagues and all those present for a very deliberate, provocative, thoughtful, and unplanned discussion regarding both the retirement and the issue of the audit, as well as Mr. Mitchell for his suggestion that a special meeting be held regarding the big picture and where the county stands fiscally, and also to Mr. Leone for provoking the discussion with his pension remarks.

Mr. Maloney also suggested a discussion be held regarding whether an additional one million dollars needs to be added to the bond issue. This should be done within the next week. Mr. Giles agreed noting everyone has a copy of the auditor's report, and information regarding the pension could be provided to everyone as well.

Adjournment

There being no further business, the meeting adjourned at 8:13 p.m.

Ann M. Bruno, Council Secretary
