

June 28, 2016

ERIE COUNTY COUNCIL – Regular Meeting

Chairman Horton, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at Asbury Woods, 4105 Asbury Road, Erie, Pennsylvania. Following the Pledge of Allegiance, Mrs. Loll read the following prayer/invocation:

“Let us pray. How happy are we when we get it right. We strengthen the trust that others have in us. It makes our existence more accepting to others. When we owned up to and took our responsibilities to make things better. The relief and freedom we feel when we are on the right path. We struggle to leave a legacy of those who were honest and trusted. With God’s help we will accomplish all that we have set out to do. We ask for that help in God’s name. Amen.”.

Roll Call

The County Clerk called the roll:

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

Members Absent: None.

Also Present: Douglas R. Smith, County Clerk
Sue Ellen Pasquale, Manager of Accounting
Joseph Maloney, CPA
Thomas Talarico, Solicitor
James Sparber, Director of Finance
Kathy Dahlkemper, County Executive
Gary Lee, Director of Administration

**Presentation of Citation
To YLIE & SALT**

Councilman Breneman presented a citation to the Youth Leadership Institute of Erie and their Student Ambassador Leadership Team congratulating them on a job well done during Global Youth Service Day, 2016.

**Hearing of
The Public**

Randy Barnes, Harborcreek Township; Mr. Barnes discussed Directors and Officers insurance that the GEIDC paid for, where they buy a policy so if they do things that are questionable, they are protected against lawsuits. He questioned why the County would not go after that insurance in order to recoup any part of the \$3 million that was loaned to GEIDC. He felt there was plenty of evidence of wrongdoing where the GEIDC paid 3-4 times the assessed value of property; approved many loans that amounted to more than what the property was worth. He stated that there were bankers on the Board that thought this was okay and made those loans through their own bank. He commented that part of the County money was used for a rail terminal which failed to come to reality. Regarding the bankruptcy filing by GEIDC, Mr. Barnes stated that they had to list the liens against their property and seven days before the filing, \$9 million was paid to Citizens Bank. He stated that there is a vice president of Citizens Bank on one of the Boards of GEIDC. He commented that Erie Bank was also another listed lienholder and that one of their vice presidents is also on one of the Boards.

Larry Berrin, President/CEO of Asbury Woods Partnership, Inc; Mr. Berrin thanked Mrs. Fatica and County Council and welcomed all to Asbury Woods. He also thanked the County Executive for support in the acquisition project. He stated that in two days, they will be purchasing Asbury

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Woods from the Millcreek Township School District and by doing so, it will preserve this community asset in perpetuity. He stated that 130,000 people visit Asbury Woods every year, along with 20,000 students. For nearly 50 years, Asbury Woods has been a treasured forest in a sea of development, a place that adds so much to the quality of life in Erie County. He commented that Asbury Woods provides a refuge for the fast paced world that all live in today. It also preserves the natural resources of the county. He stated that the community has also come to love the traditions at Asbury Woods – the annual maple festival, winter wonderland events, and in the summer months – camp time. Asbury Woods is an outdoor classroom and is well known for using the environment to teach science, technology, engineering, and math. This acquisition means the doors of Asbury Woods have just opened and school districts all over Erie County will now benefit from the 50 years of curriculum built with the school district. He stated this past year was critical to preserving the legacy of Otto Berrin, who donated this land in 1957. The successful acquisition ensures that Asbury Woods will continue to provide the environmental education and recreational opportunities for students in the community.

Matthew Exley, Coordinator, Millcreek EMS; Mr. Exley stated that a few months ago County Council was presented with some information on special needs and autistic individuals and emergencies. Mrs. Fatica came to Mr. Exley shortly after and had a conversation regarding how to handle these individuals in emergencies and times of crisis. Mr. Exley stated that his oldest son has Asperger's Syndrome. He commented that the conversation has flourished and he wanted to update Council on what has occurred. A committee was formed within Millcreek Township and started to talk about these issues and realized they were not the experts. The committee then pulled in some individuals from places that are experienced in dealing with this concern. The committee decided to expand beyond just individuals on the Autism spectrum, to all vulnerable populations whether it be deaf and hard of hearing, visually impaired, etc. Mr. Exley became the Western Area President of the Keystone Emergency Management Association, which is a statewide gathering of emergency management directors. They found the opportunity to take this beyond Millcreek Township. He commented that the initial inquiry to him has turned into a statewide effort and a statewide committee that has come together and getting best practices developed. They will be able to take these best practices and spread it across the state and give emergency managers, whether they are on a local, county, or state level, the best practices to help these folks during times of crisis.

Approval of Minutes

Mr. Leone made a motion to approve the minutes from the May 31, 2016 regular meeting. This was seconded by Mr. Breneman and carried in a unanimous roll call vote.

Reports of County Officials

County Executive Dahlkemper stated that on May 5, 2016, the Erie County Prison was inspected by the Office of County Inspections and Services and received a verbal from the inspectors that the Erie County Prison is 100% in compliance. She thanked Warden Sutter and the staff for their hard work they do every day.

She stated that the County has been recognized by NaCO. Two awards are in the Health Department – one for an Achievement Award for “Pumped for Work”, and the Lake Erie Harmful Algae Bloom Monitoring and Response Strategy. This task force has been recognized for best practices. The last award is for the Office of Children and Youth regarding a transition program they have where they place independent living children with support and skills to be self-sufficient.

She then turned to a nomination that she had put forth for the Erie County Redevelopment Authority. She asked County Council to give her an up or down vote on that. She stated that no one has expressed any reason why the candidate she chose should not be qualified for that seat or any reason as to why the nomination should not be put forth. She stated that she has heard rumors that it is because she is a County employee. Mrs. Dahlkemper stated that a county employee was nominated for another County authority. She stated that most of the directors and many other employees in County government sit on numerous boards and are voting members of many

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organizations directly tied to County government. She asked for an up or down vote and asked that County Council bring it forward at the next meeting.

She then read the following statement regarding EMTA:

“In late September of 2014, along with Mayor Sinnott, I received a letter from EMTA informing my office that the EMTA charter is to expire on September 14, 2016. My administration contacted the Mayor’s office for a meeting to discuss the charter at that time. Unfortunately, it took the Mayor’s office over three months to agree to a time for this meeting and we finally met on January 15, 2015. At this meeting, I proposed a charter that was more reflective of the regional vision the Destination Erie laid out for Erie County transit. To the Mayor, I proposed the adoption of a charter with a 3-3-3 allocation of board appointments. 3 seats on the EMTA Executive Board given to the other municipalities within Erie County - representing the City of Corry, the Township Association, and the Borough Association, and the City of Erie to have 3 appointments and County government having 3 appointments. The Mayor quickly rejected my proposal and informed me that he was only interested in upholding the status quo by renewing the charter, as is, for another 50 years.

Shortly after this meeting, I spoke with then Council Chairman Fiore Leone. As the charter would need to be passed by both Councils, we agreed that County Council would work to negotiate the agreement with City Council. We all have experienced great frustration trying to negotiate a compromise with the City of Erie. We, here, all want what’s best for the entire Erie County region. I, as well as many of you, have had numerous conversations with PennDOT representatives and have worked to try and resolve the EMTA charter issue. At this point, there is much at stake. There are jobs. 280 employees of EMTA. There are 275,000 riders a month who depend on the transit system to take them to work, school, the doctor, and other places in Erie County. There is a \$36 million construction project at stake, money that likely will be spent elsewhere in Pennsylvania if there is not a resolution to the charter issue. Finally, there is the regional view of mass transit that is truly in jeopardy. With all of these things at stake, I do not believe this is a time for us to walk away from EMTA. Walking away is not a solution that has the best interest of Erie County in mind and doesn’t add value for all of the residents that we represent. I think it is important to remember that unless a rider is a visitor to our region, everyone who rides EMTA is from the County and 100% of the bus routes are in the County. This is not a City vs. County issue. This also should not be an issue about control. An Authority should be autonomous from the direct control of elected officials. The appointment to an Authority will still be made by elected officials, but the board should make their decisions independently. I appoint intelligent, skilled citizens who I believe are capable of making good decisions and I know, you as County Council, do too. With all of this said, I do not believe it’s in the best interest of the citizens of Erie County to have a regional authority controlled by one of 38 municipalities. I believe they will be best served if the authority has representation from all municipalities. To date, I have not seen a proposal that does this. I would like to put forward to County Council, and to the City of Erie, a proposal that does just that, a proposal that has 3 representatives from the City of Erie, one from the City of Corry, one from the Township Association, one from the Borough Association, and 3 from Erie County government. I also propose that the County pay the local match. I have listened to Council and I agree with Dr. Foust’s proposal that County government pay that entire match. I know this deviates from my previous position last fall, but having thought about this at great length, I see its merit. All citizens are County citizens and none should be double taxed for transit services. I believe County Council has put forward some very good proposals regarding the creation of an advisory council and the length of the charter. I would like to see a charter that does not extend beyond 20 years and prefer one that is capped closer to 15 years. With the rapid changes happening in technology and our world in general, future leaders evaluating the passage of a new charter need to have the opportunity to respond to those changes. I am asking Council to reconsider the resolution to walk away from EMTA. I do not believe this is in the best interest of the people that we are here to serve. Instead, I am asking you to consider my proposal, or comparable draft language that we can work on together to put forward. After that, I am hopeful that the City of Erie will take up our proposal and negotiate. You may wonder what is different now. One of the City’s complaints has been that we haven’t seen a reasonable alternative to their initial proposal. If we are paying the entire match, still give them 3 seats on the board, as well as

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giving participation in their fellow municipalities, I believe we are sending over a very reasonable proposal. I know we all want what's best for Erie County. I thank you for considering what I have put forward tonight. I look forward to resolving this issue soon so that we can all get back to the main issue and that is serving the residents of the Erie Region.”.

Dr. Foust stated that the Finance Committee met on June 23, 2016, and agreed to place Ordinances 37 for a second reading, 45-49 (possible 2nd readings), Resolutions 27-32, two Board appointments, and Sale of Parcels, on the agenda.

Mr. Breneman stated that the Personnel Committee met immediately following the Finance Committee meeting and agreed to place Ordinances 50 and 51 on the agenda.

Mr. Leone read the following report:

“This year, I have been relatively quiet on many issues. That quiet individual is no longer here. I have listened to all citizens as they have spoken at our Council caucuses and meeting. As I indicated at a past meeting, I said Mr. Barnes' comments and views were correct. He stated that we need to be more vigilant. The Court case of the GEIDC Chapter 11 – in asking for and obtaining the Court documents in the bankruptcy case, no lawyers, that includes the County Executive's lawyer or the lawyer for the GEIDC were present. Let's look at who appeared and further, who is getting paid. There are 19 lawyers involved in this proceeding. Only 10 showed up according to the Court papers. As I have indicated previously, the attorneys are no longer the second oldest profession, they are the oldest profession in the world. I was under the impression that the County Executive's lawyer was handling our end of this case. Perhaps I am mistaken. But who is looking out for the County's concerns? As an addition to this, the lawyer from GEIDC was paid \$37,500. When I see this, it reflects toward Erie County even though we had no involvement in this issue. On May 17th, 2016, we passed unanimously Resolution Number 20, 2016, that this Administration not only request a forensic audit, but that the County Administration continue to pursue all attempts for repayment through the bankruptcy proceedings. Hopefully, that would have included the County Solicitor.

I feel for any forensic audit, we need to ask our CPA to hire an individual to do just that. Records sent to me by Mr. Maloney indicated that GEIDC had \$17,617,373 in the beginning of the year. What happened to these funds? How can this happen? This is one reason I have to credit Randy Barnes because all of the County has neglected to pursue what we lost. A few weeks ago, Mr. Breneman asked me if it would be appropriate to ask for a Councilmatic investigation. Home Rule Charter, Article II, Section 1(C)7, and Article II, Section 5 – Inquiries and Investigations, give us that authority to do so. We, as Council members, need to do much more where these authorities are concerned. Is this happening everywhere in our Authority structure? I am becoming more and more disillusioned with the Authorities we form. If, in the end, we can't receive the answers we need in an effort to collect our \$3 million, then I will join Mr. Breneman in asking for a Councilmatic investigation.

In conclusion, as previously stated, I will no longer be quiet about any issue involving County government. My next report will be about the Convention Center Authority.”.

Mr. Leone then made one other comment and stated that he can't believe anybody could have researched the issue with GEIDC and found that he didn't vote for that specific loan of \$3 million. The only place even he could have found that issue is if he read the minutes of October 4, 2005. Mr. Leone commended Mr. Barnes on his research ability. Mr. Leone would like to think that he was astute enough to not vote for the \$3 million loan. He stated the reason he voted no is because he got stung before and wasn't about to do it again. When the County adopted a concept called the Erie County Technical Institution, which became Northwest Pennsylvania Technical Institute based on the community college concept, the County planned on helping businesses and advancing economic development. He didn't go into all the details, but eventually this was called CamTech. When the CEO of the institute the County formed came to him and indicated their state reimbursement were short and they needed a loan of \$2 million, he knew at that time that the state was slow so he pushed to get them the loan. The County ended up paying. Mr. Leone did not

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elaborate on this because it was too lengthy. He said, "Mr. Barnes, everybody makes mistakes and if you don't make mistakes, you can never learn." Mr. Leone stated that when this was over with, the Auditor General's office indicated that the County owed the Pennsylvania Department of Education \$16,407,958. This is because the County wasn't vigilant enough to watch what was going on in that particular instance. He stated that if you read through this, you will find very few individuals graduated with any kind of a degree with all of the money that was spent by Erie County and the PA Department of Education.

Mrs. Fatica welcomed everyone to her "extended backyard" in Millcreek. She stated that when she and Mr. Fatica moved to Millcreek in 1967, it didn't take them long to find Asbury Woods. It has grown to be the crown jewel of Millcreek and she thanked the folks from Asbury Woods for all the work they've done and for taking the time to arrange this meeting. She then read the following report:

"On June 22, I attended the Erie Regional Airport Authority meeting. It was reported that the annual fire drill conducted at Erie International Airport was successful. A special training plane was brought in and a propane fire was started. Local airport firefighters, firefighters from other airports, as well as local firefighters respond and are trained during this drill. It was also discussed that American Airlines affiliate will soon implement JET service to and from Erie. Once staff is trained, flights serving EIA are expected to increase."

Mrs. Loll read the following report:

"On the 9th of June, I attended the Erie Metropolitan Planning Commission Meeting at the Admiral Room at the library. During the meeting, the changes in the by-laws were discussed and there were a few small suggestions, but the changes were accepted by the majority. There will be a vote on this at the next meeting. The July meeting has been canceled, so the next meeting will be August 11th at Headwaters Park.

I was unable to attend the last Assessment Board meeting due to the fact that I was out of town.

On June 21st, I attended the meeting called to receive more information from ITC, the transporter of the DC line from Canada to Conneaut Township in Erie County. The meeting was very informative as to the way the trench will be dug across Lake Erie and the depth of the line. The installation of the line will be mainly along public roads, with construction easements from the property owners. Some of the owners do not want to lose trees that have matured and are a part of the property owner's landscaping. The main objection is the disturbance of the water table. It is very sandy and high in the area and it could potentially disturb it to the point that they will not have water. They are to contact Moody and Associates of Meadville at no expense to the property owner and get a baseline for their wells before construction happens to have proof of the water supply to their properties. The other concern is the noise emitted from the converter station. At the loudest, it is to be 55 decibels with the emergency generator running. The more constant decibel level will be less than 50 dBA.

On Thursday the 23rd, I attended the tree dedication for our colleague and friend, Phil Fatica. Many of our members were there, including Kathy Fatica, who spoke of her appreciation and gratitude. The tree will always be a symbol of the lasting memories we will have for him."

Mr. DiMattio commented that while he appreciated what the County Executive had to say, but as with all things regarding EMTA, she is preaching to the choir. He stated that it's gotten to the point where they can't negotiate with themselves anymore. He disagrees with staying in and thinks that they need to just walk away at this point. He commented that he saw on the news that Mr. Winarski stated the City had been planning for this for some time and seems to have the funds to do it. Mr. DiMattio expressed the fact that he has spent well over 100 hours in conversations with members of City Council and others concerning possible things that might be worked out, but again, at the end of the day, something needs to come from their end but Council gets nothing from the City. He felt it is a very unfortunate set of circumstances, but here they are on June 28th and the Ordinance does say June 30th, and he is in favor of moving it forward.

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OLD BUSINESS

**Ord. 37, 2016 –
GF Waiver of Purch.
Code to Sell Property**

Mr. Smith gave a second reading of Ordinance Number 37, 2016, “2016 General Fund Budget Waiver of the Purchasing Code to Sell Property ID #14-010-045.0-409.00 and #14-010-045.0-408.00”. This was moved by Dr. Foust and seconded by Mr. Breneman.

Dr. Foust agreed with where Mr. Leone was coming from regarding this ordinance, but felt that this particular instance is close enough to the instances where Council has done this in the past and he feels comfortable going forward with it.

Mr. Leone commented that many things have been done in the past, and some of them have been mistakes and hopefully Council won’t make those same mistakes again.

Ordinance Number 37, 2016, then carried in a 6-1 vote, with Mr. Leone voting no.

**Motion to Amend
Agenda**

Mr. Breneman made a motion to amend the agenda to include Resolutions 33 and 34, 2016. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

Mr. Breneman then made a motion to amend the agenda and move Ordinances 45 through 51, 2016, to second readings. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

NEW BUSINESS

**Ord. 45, 2016 –
Library SA for
Donations**

Mr. Smith gave a second reading of Ordinance Number 45, 2016, “Second 2016 Library Fund Budget Supplemental Appropriation of \$3,500 for Donations for Equipment and Collections for Heritage Room and Supplies for Children’s Programs”. This was moved by Mr. Breneman, seconded by Mr. Leone and carried in a unanimous roll call vote.

**Ord. 46, 2016 –
Library SA for
Donations**

Mr. Smith gave a second reading of Ordinance Number 46, 2016, “Third 2016 Library Fund Budget Supplemental Appropriation of \$13,000 for Donations from Friends of the Library”. This was moved by Mr. Leone, seconded by Mrs. Fatica and carried in a unanimous roll call vote.

**Ord. 47, 2016 –
Library SA for
2015 Funds Carried
Over**

Mr. Smith gave a second reading of Ordinance Number 47, 2016, “Fourth 2016 Library Fund Budget Supplemental Appropriation of \$52,328 for 2015 Funds Carried Over due to State Budget Impasse”. This was moved by Mr. DiMattio, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 48, 2016 –
GF Rev. Revenue
& Exp. For Byrne
JAG Pgm.**

Mr. Smith gave a second reading of Ordinance Number 48, 2016, “2016 General Fund Budget Revised Revenue & Expenditures of \$9,750 for Byrne Justice Assistance Grant Program”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

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**Ord. 49, 2016 –
GF SA for
PCCD Grant**

Mr. Smith gave a second reading of Ordinance Number 49, 2016, “Twentieth 2016 General Fund Budget Supplemental Appropriation of \$11,480 for PCCD Trauma Related Services Grant”. This was moved by Mr. Leone, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

**Ord. 50, 2016 –
PS Rev. Exp. &
Creation of Line
For Per Diem Staff**

Mr. Smith gave a second reading of Ordinance Number 50, 2016, “2016 Public Safety Fund Budget Revised Expenditures of \$45,207 and Creation of New Line Items for Per Diem Staff”. This was moved by Mr. Breneman, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Dr. Foust stated that most information that has been dealt with thus far was pretty straightforward with grants, but the reason why this per diem staff line item is being put into place is that the call takers and dispatchers have a very stressful job and there is a lot of turnover. Hopefully we can actually recapture some of this expertise with some of this per diem and be able to deliver the service as it should be. He explained that this is why Council is going forward with it, along with timeliness to get it going right away.

**Ord. 51, 2016 –
Salary for Dir. Of
Veterans Affairs**

Mr. Smith gave a second reading of Ordinance Number 51, 2016, “2016 General Fund Budget Approval of Starting Salary for Director of Veterans Affairs”. This was moved by Mr. Breneman, and seconded by Mr. DiMattio.

Mr. Breneman commented that in 2014, during the budget deliberations, County Council agreed to create the Department of Veterans Affairs for the County. Erie County was the only county out of 67 that did not have an appropriate department, but an office that was tucked under the Personnel Department. He stated that it was a failure on the County’s part to recognize the capabilities that counties have in addressing veteran issues and working with veterans in the community. Not only did the County create the Department, but it was done in a unique way where one of a handful of counties nationwide that has elevated the new director position where this position answers directly to the County Executive. This shows a very strong consideration and trust towards that position. He commended the Administration for finally finding an individual for this position. The reason for the amendment to the salary for this position is that when it was created, Council wanted the position put on the books and set the salary at the lowest rate for that position. Council is amending it to a range that it commensurate with other positions within the County for that level of responsibility. In moving forward, the County will be able to catch up to other counties who have done some amazing work for the veterans in their counties, bringing in millions of dollars for those veterans and helping them with services. Mr. Breneman felt that Erie County will be able to make a name for itself in leveraging the assets and resources that veterans have in the community, veterans who tend to vote more, volunteer more, donate more, and tend to have greater experiences that would benefit local economy. He hopes that as this moves forward, the County can reach out to those military members before they transition out and work with the employers to create employment opportunities to work with the hard hit neighborhoods that need home ownership and to help steer veterans to buying homes in some of these neighborhoods and also to welcoming their families to the region. This isn’t just about helping veterans. Veterans are very capable and have proven that and, as a County, can recognize the asset they are to our community and move forward and advance the region.

Ordinance Number 51, 2016, then carried in a unanimous roll call vote.

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**Res. 27, 2016 –
Appt. of Dep. Tax
Collector –
LeBoeuf Twp.**

Mr. Smith gave a reading of Resolution Number 27, 2016, “Approving the Appointment of Deputy Tax Collector in LeBoeuf Township”. This was moved by Mr. DiMattio, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Res. 28, 2016 –
KOEZ/KOIZ
Extension**

Mr. Smith gave a reading of Resolution Number 28, 2016, “A Resolution Extending the Term of Exemptions, Deductions, Abatements and Credits for Real Property, Earned Income Tax, Net Profits Mercantile, and Business Privilege Taxes Within a Specific Geographic Area in Erie County Designated As a Keystone Opportunity Expansion Zone (KOEZ) or Keystone Opportunity Improvement Zone (KOIZ) in Order to Foster Economic Opportunities, Stimulate Industrial, Commercial, and Residential Improvements and Prevent Physical and Infrastructure Deterioration within Areas of Erie County, Commonwealth of Pennsylvania, Upon Certain Terms and Conditions”. This was moved by Dr. Foust and seconded by Mr. Leone.

Dr. Foust commented that this is to extend the KOIZ for the Hammermill property. It actually came at the request of the Governor ahead of when it was to expire because they feel they have some good prospects to be able to develop there, one of which is in competition with this site and Ohio. He encouraged his colleagues to vote yes for this resolution.

Resolution Number 28, 2016, then carried in a unanimous roll call vote.

**Res. 29, 2016 –
Auth. To File
App. w/PCED**

Mr. Smith gave a reading of Resolution Number 29, 2016, “Authorization to File Application for Funds with the Pennsylvania Department of Community and Economic Development Emergency Shelter Grant Program in the Commonwealth of Pennsylvania”. This was moved by Mr. Leone, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

**Res. 30, 2016 –
In Support of Vet.
Ed. Ctr. Project**

Mr. Smith gave reading of Resolution Number 30, 2016, in its entirety:

In Vigorous Support Of The Veterans Education Center Project On The National Mall Washington D.C.

WHEREAS, construction is underway of a 35,000 square foot Veterans Education Center underground in the field adjacent to the Vietnam Veterans Memorial Wall and near the Lincoln Memorial, a healing place for the friends and families of the lost; and

WHEREAS, the Education Center at the Wall, will feature photos and other details of the 58,282 service members killed as a result of the Vietnam War, and the more than 6,600 killed in post-9/11 wars in Iraq and Afghanistan; and

WHEREAS, a face or remembrance transforms a mere number into a person, who lost a life and the many hopes and dreams they carried; bringing into the stark light of day, the awful cost of freedom; and

WHEREAS, “Preserving our stories requires more than a place of remembrance, it requires a place of education and understanding. The sacrifices that were made, the lessons of war that we have learned must never, never be forgotten.”- U.S. Secretary of Defense Leon Panetta.

NOW THEREFORE BE IT RESOLVED by the County Council of the County of Erie, that all who value freedom join in supporting the efforts of the Vietnam Veterans Memorial Foundation to fund the Education Center at the Wall Project, so the memory of the 66 known Erie County citizens, who lost their lives in Vietnam, Iraq and Afghanistan, may also be held through the passages of time in this edifice to the sacrifice of war.”.

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Mr. Breneman commended Commissioner Paul Heimel of Potter County, a colleague on the CCAP Veteran and Military Affairs Committee and on the NaCO Board of Military and Veteran Affairs. There is a national movement in order to identify the photos and life stories of veterans of the Vietnam War. Over the next few weeks, Mr. Breneman will be working with the Vietnam Veterans Association in Erie and the VA Medical Center and an announcement will be forthcoming to get the community involved to find the photographs of the nearly 1/3 servicemen from Erie County whose story has not been told yet.

Resolution Number 30, 2016, then carried in a unanimous roll call vote.

**Res. 31, 2016 –
Erie County to
Withdraw from
EMTA**

Mr. Smith gave a reading of Resolution Number 31, 2016, in its entirety:

Resolution of Erie County to Withdraw from the EMTA as a Member Municipality

WHEREAS, on September 14, 1966, the County of Erie and the City of Erie, as member municipalities, jointly incorporated and established the Erie Metropolitan Transit Authority under the Municipal Authorities Act, as amended, Act of 2000, June 19, P.L. 287, No. 22, Section 1 (53 Pa.C.S.A. § 5604), hereinafter, the “Act”; and

WHEREAS, the term of existence of the Erie Metropolitan Transit Authority, hereinafter “EMTA” is set to expire on September 14, 2016; and

WHEREAS, over the past fifty (50) years, the demographics of the County of Erie have significantly changed, the population of the City of Erie has steadily declined, the populations of Millcreek and Harborcreek Townships has steadily increased, business and economic development has spread beyond the city limits while the City of Erie has controlled the EMTA by confining its transportation services, endeavors and potential to the City of Erie; and

WHEREAS, over the past twenty five (25) years, the County of Erie has made significantly more contributions to the EMTA than the City of Erie without a corresponding benefit to the municipalities located outside the City of Erie; and

WHEREAS, the County of Erie has signified its desire to acquire the assets and assume the obligations of the EMTA and, in so doing, requested the EMTA to cooperate with the transfer of its assets to the County of Erie; and

WHEREAS, the County has disputed the City’s control of the EMTA, the City of Erie has refused to meet with the County, the County has signified its intention to withdraw unless an agreement is reached with the City of Erie by June 30, 2016 and no agreement has been reached between the County of Erie and the City of Erie;

NOW THEREFORE, pursuant to the Municipal Authorities Act, Act of 2001, June 19, P.L. 287, No. 22, Section 1, as amended (53 Pa.C.S.A. § 5604), County Council of the County of Erie does hereby direct the publication of Notice of Erie County’s intent to withdraw from the EMTA as a member municipality one time in the Erie County Legal Journal and Erie County Times News and, not less than three (3) days after publication of the Notice, does hereby authorize and direct the completion and filing of the Application to Withdraw from the EMTA with the Secretary of the Commonwealth.”.

This was moved by Dr. Foust and seconded by Mrs. Fatica.

Dr. Foust commented that he does not consider adopting this resolution as walking away from the EMTA issue. It is just the next step in the process and if the County is ultimately going to do that, this needs to be in place. Much like with the Millcreek resolution coming up, discussions can continue to try to find some reasonable solution between now and then. Dr. Foust wanted to assure

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the public that even though Council has received criticism for not attending one meeting, and that there has been may be a lack of understanding of how much discussion has gone on, he has had his own private discussions with members of City Council to try to prod them into some sort of reasonable compromise, as has most of his colleagues. Even after tonight's meeting, Dr. Foust stated he will not give up on those discussions until the final time comes where the County withdraws or stays in. He stated that this isn't about control, that's an easy word to use because it's easily understood, but to Dr. Foust, if you are going to fully fund something, your representation on these boards as to what you fund should be equal. Funding equals accountability and if the County of Erie is going to fund EMTA, they have to be able to have the accountability of the board. He did not feel that anyone else would want it any other way. The best way to achieve representation for all of Erie County, much like County Council, is having one representative from each Council district. That is the fairest way and the easiest way to do that and he will not give up on trying to achieve that process in the end, and he hopes his colleagues don't either. He reiterated that just because this resolution passes tonight does not mean the process has ended, it just means that another step has been taken in the process.

Mr. Breneman commented that from the get-go, the County has been very transparent and communicative with the public and City government. He stated that if anyone is interested, they can look at six months of EMTA minutes before it landed in either City Council or County Council's lap. He stated that goerie.com and WICU covered stories and conducted interviews. He commented that the City knew before going into the issue that there were some concerns. Since then, County Council has been negotiating by themselves and each time an attempt was made, Council was met with silence and stonewalling. Council provided other ideas and still more silence. Council then had to find out, via media, that the Mayor has a plan. They have not been forthright, transparent, or communicative in providing the details of that plan. This concerns Mr. Breneman as a partner elected official representing part of the city, and it concerns him as a citizen of Erie. He worries that the City cannot afford fireworks and he feels that the City does not fully grasp their next move on this, but in light of that, if they believe they have a plan and don't wish to share it with anyone, he felt they should have the room to explore that plan, discuss it, and present it as necessary. He wanted to note that he did go to the last City Council meeting and spoke. He offered to bury the hatchet of any hard feelings that may have been and expressed publicly the hope to negotiate and address this issue together. He would like to think there is hope to negotiate as City Council comes to realize the true cost of what they may do, even though they don't know what they are doing yet. The issue has nothing to do with control, but City Council and the Mayor have expressed it's a loss of importance in the region. Even though every service the County provides has only expanded services for the urban residence, they are wanting to exert some last vestige of power and influence on the region to the detriment of the residents.

Chairman Horton stated that he is saddened that they have arrived here after a year after trying to negotiate and reach out to the City counterparts when really there were two really basic elements at hand. One being the length of the contract. No one would entertain signing a 50 year contract in this day and age. He would not consider himself a good steward of the public trust in having a discussion for a 50 year contract. Terms of 20, even 5 or 10 years were put out there. The other element were the repeated attempts at negotiating and as long as the funding equation remains the same for local match, the board composition cannot. The last meeting he had with Deputy Secretary Fauver at the Governor's office, along with President Merski and Julie Slomski, the Mayor was adamant about not discussing board seats at all. The Mayor did not attend that meeting and sent word via Mr. Fauver that he would not be interested in any discussion that involved board composition. Chairman Horton remains hopeful whether this action is approved or not, September 14th is looming large and he is concerned that the citizens are not getting accurate information from the City Solicitor stating that they can continue to operate for five years after the charter ends in September, despite all indications that this is not true. This resolution will be voted up or down and Chairman Horton stated he is very proud of his colleagues and the position they have taken and supported, looking out not only for the citizens in their respective jurisdictions, but for all 280,000 Erie County residents, many of whom depend on the bus. As someone who caters to a large part, where 60% of the residents do not have a driver's license and who reside in his district and depend on the bus, they depend on him to stand up and make tough decisions. The City counterparts have indicated to him that they have no understanding of the issue whatsoever and yet

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they persist that they have some sort of equity, despite EMTA being an autonomous authority. At the end of the day, the bottom line is you cannot negotiate by yourself.

Resolution Number 31, 2016, then carried in a unanimous roll call vote.

**Res. 32, 2016 –
Challenge Tax
Exempt Status of
MCH**

Mr. Smith gave a reading of Resolution Number 32, 2016, in its entirety:

“Resolution to Challenge the Tax Exempt Status of Millcreek Community Hospital

WHEREAS, on May 21, 2012, Erie County entered into an Agreement with Millcreek Health System, Inc. and its affiliates, including Millcreek Community Hospital, hereinafter, “LECOM Health,” in which Erie County agreed not to challenge the tax exempt status of the properties owned by LECOM Health for a five (5) year period in exchange of the sum of Five hundred thousand (\$500,000.00) Dollars; and

WHEREAS, the Agreement entered into between the County and LECOM Health is set to expire this December 31, 2016; and

WHEREAS, the County has intervened in three (3) separate cases pending in the Court of Common Pleas of Erie County in which LECOM Health has appealed several decisions of the Board of Assessment Appeals which denied LECOM Health’s application for tax exemption of properties developed or acquired by LECOM Health subsequent to the Agreement entered into with the County on May 21, 2012; and

WHEREAS, the records, documents, tax returns and other information generated in connection with the capital and operating budgets of Millcreek Community Hospital are relevant to the above mentioned tax appeals filed by LECOM Health and pending in the Court of Common Pleas of Erie County; and

WHEREAS, LECOM Health, as well as Millcreek Community Hospital, notwithstanding their mission or purpose, are not institutions of purely public charity.

NOW THEREFORE BE IT RESOLVED, that the County of Erie shall file a Petition with the Board of Assessment Appeals to challenge the tax exempt status of Millcreek Community Hospital.

BE IT FURTHER RESOLVED, that Thomas S. Talarico, Esquire, on behalf of the County of Erie shall Petition the Board of Assessment Appeals to challenge the tax exempt status of Millcreek Community Hospital.”.

This was moved by Dr. Foust and seconded by Mr. Breneman.

Dr. Foust stated he fully understands the concerns of the members of Council who maybe want to wait a month. He did not feel that the dynamic of the argument changes much by passing this resolution tonight and he encouraged his colleagues to vote this up.

Mr. Leone stated when he came into the meeting this evening, and after speaking to other members of Council, he was prepared to table this. After listening to Council’s solicitor, he sees no reason in tabling it. The County will still continue to negotiate with LECOM regardless what goes on. He felt that passing the resolution does not mean that an agreement won’t be worked out. There may be an agreement even if Council doesn’t agree with what the solicitor advises. He stated that is the reason he will vote yes on the resolution.

Mr. DiMattio commented that a lot of this discussion started with information he received over the weekend and forwarded to Mr. Talarico. He stated with the utmost sincerity that he loves Mr.

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Talarico like his brother, but at the same time he and his brother don't always agree on everything. He also understands what members of Council have said and everything done is for a reason and to send a message – the same reason Council passed this last resolution regarding EMTA – to make everyone aware of where Council stands and “draw the line in the sand”. He commented that he would be the last person to say that Council should be exonerating taxes or letting anyone have a free ride, but at the same time, his fear in passing this resolution sends a message to LECOM, who has been a very good steward within the city as far as development and things they have done within the past 10 or 15 years. He stated with absolute certainty that the expansion of LECOM has done quite a bit for the Erie community as far as economic development. He felt that holding off until next month would give time to negotiate. He commented that on Thursday at the Finance Meeting when Attorney Talarico brought up the LECOM resolution, he wished that someone from the Administration would have spoken up about talks that were going on between the Administration and LECOM.

Mr. DiMattio then made a motion to table Resolution Number 32, 2016, which was seconded by Mrs. Loll.

Following a roll call vote, the Motion to table failed 3-4, with Mr. Leone, Mr. Breneman, Dr. Foust, and Chairman Horton voting no to tabling.

Dr. Foust stated he does not disagree with anything that Mr. DiMattio said, and if the County can get a PILOT agreement that is on par with what is done with other like institutions, he is willing to vote for that. He does not want LECOM to feel they are being picked on in some way, but right now there is no type of agreement in place. He hopes that the County can get there very quickly and if so, he is willing to fully consider it and adopt it if it is on par.

Chairman Horton came into the meeting with the intention to table this resolution, but after speaking with Solicitor Talarico, it appeared to him that it didn't have to be either or. He stated he is not worried about what LECOM thinks, he is worried about what LECOM pays and if some type of agreement can be reached, this resolution becomes a moot point.

Mr. DiMattio added that he will not vote in favor of the resolution, but he wanted it to be understood that he believes that LECOM needs to pay taxes, he just does not feel that the resolution needs to be voted on at this time.

Resolution Number 32, 2016, then carried in a 4-3 vote, with Mrs. Loll, Mr. DiMattio, and Mrs. Fatica voting no.

BOARD/AUTHORITY APPOINTMENT

Dr. Foust made a motion to approve the reappointment of Elspeth Koehle to the Erie County Library Board. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Dr. Foust made a motion to approve the reappointment of Mary Scutella to the Erie County Library Board. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Dr. Foust stated that with regards to the comments the County Executive made earlier, he made it crystal clear why he was not bringing Mrs. Wyrosdick's appointment forward because she is an employee of the County and they need to stay away from that. He commented that one example done recently was Mr. Schillo, and the only reason Dr. Foust did not balk at that point is because he was an interim employee and is no longer an employee of Erie County. Dr. Foust did not consider it a rumor and stated it in a public meeting. Dr. Foust then directed Mr. Smith and Mrs. Breter to bring forward a draft ordinance preventing County employees from serving on County boards and authorities to the next Finance meeting.

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SALE OF PARCELS

Dr. Foust moved to approve the sale of parcels from repository for unsold property at Index Numbers:

- 03-003-005.0-018.30
- 33-016-019.1-268.52
- 45-029-050.1-007.64
- 50-002-040.0-003.00

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

**Res. 33, 2016 –
Appr. of Ind. Auditor
Rpt. For Calendar
y/e 12/31/15**

Mr. Smith gave a reading of Resolution Number 33, 2016, “Approving the Independent Auditor’s Report of Erie County by Maher Duessel Certified Public Accountants for the Calendar Year Ending December 31, 2015”. This was moved by Mr. Breneman, seconded by Mr. Leone, and carried in unanimous roll call vote. Mr. Maloney stated that this is the audit report that was reviewed with Council in May, 2016.

**Res. 34, 2016 –
Appt. of Auditors
For HealthChoices**

Mr. Smith gave a reading of Resolution Number 34, 2016, “Appointment of Auditors to Perform an Audit of the Erie County HealthChoices Program for the Fiscal Year of July 1, 2015 to June 30, 2016”. This was moved by Mr. Breneman and seconded by Mr. Leone.

Mr. Maloney commented that in 2013, Council requested proposals in doing this audit and in the proposal, if the County chooses, they can reappoint the auditors for another four years. This would have been the third year of that appointment of four years. Mr. Maloney stated that they have done a good enough job and there have not been any issues with HealthChoices, and he asked that they be reappointed.

Resolution Number 34, 2016, then carried in a unanimous roll call vote.

There being no further business, the meeting then adjourned at 8:40 p.m.

Deneé M. Breter, Council Secretary
