

June 9, 2009 Minutes of May 26, 2009 Public Hrg & Reg. Mtg. Approved. Agenda Amended. Gaming Fund SA for HS Initiative & PS Assets adopted; Release of Unrest. Gaming Funds for Comm. Assets & Spec. Events tabled; Gen Fund SA for Transfer to PS Fund failed; Wvr. Of Purch Code to Sell Prop. adopted; PS Fund SA for Reorg. of Dept. & Wvr of Pers. Code failed.. First Rdgs: Gaming Fund SA for Municipal Grant to Cranesville Borough; 2009 Revised Fee Schedule in Tax Claim. Gen. Auth. \$2,200,000 Tax Exempt Note – Erie Art Museum Prjct adopted; Approve CDBG App. Adopted; Approve 2009 American Recovery & Reinvest. Act Appl. Adopted. David H. Yaple appt'd to ECGRA. Sale of Parcels from Respos. Apprv'd. Author. Filing of Proposal for HPRP Funds adopted.

Mr. Cleaver, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Corry City Building, 100 South Center Street, Corry, Pennsylvania.

Following the Pledge of Allegiance Mr. Mitchell addressed the audience.

Mr. Mitchell's  
Comments

Mr. Mitchell welcomed Members of County Council to the City of Corry. He thanked the City of Corry for attending and noted this was the best turnout Council has seen in years at an "On The Road Show" meeting. Many times, there are crowds when a particular issue is involved, and he is thrilled to see the people of Corry turning out in such large numbers. He expressed his appreciation for the articles in the newspaper advertising this meeting in Corry.

Mr. Mitchell explained these meetings bring county government into the local areas. Council holds four meetings during the summer in the various rural districts. County government has a \$358 million yearly budget, and everyone here tonight is touched by county government in many ways. Corry has been blessed with the support it has received. Mr. Mitchell stated this was his "swan song" since he is not running for re-election and he is using this opportunity to tell his colleagues how much he has appreciated them over the years. He has one vote on Council and needs three other votes to accomplish anything. These people have stepped up time after time for this region and helped Mr. Mitchell secure those votes for important projects for Corry and the entire southeastern district. He asked for a round of applause for his colleagues.

Mr. Mitchell further stated that it has been a privilege to serve this area. He looks with great trepidation in moving forward and leaving Council, but this Council will go on. It is members of the audience, the citizens, who make the difference. Citizens push their elected officials and make them accountable. He asked that everyone remember to make their public officials accountable. Mr. Mitchell then invited Mayor Scott Sanford to speak.

Mayor  
Sanford's  
Comments

Mayor Sanford stated that he was ecstatic about the size of the audience this evening. He thanked Council for coming to Corry; this is a delightful community. He expressed his appreciation to the staff for their attendance and thanked the members of the City of Corry for their attendance as well. Government is by the people; it is not a group of seven men and women making up the rules; Mayor Sanford believes it is by listening to the people who put elected officials in office and Council is doing a good job. Mayor Sanford then opened the meeting with a brief invocation.

Mr. Giles'  
Comments

Before starting the meeting, Mr. Giles stated he believes that the people of Corry who gave their applause to Members of Council, knowing this is Mr. Mitchell's "swan song", should give him a round of applause as well. A round of applause followed for Mr. Mitchell.

Roll Call

Mr. Smith, County Clerk, then called the roll:

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

Members Absent: None

Also Present: Douglas R. Smith, County Clerk  
Joseph P. Maloney, Council CPA  
Sean Wiley, Director of Administration  
James Sparber, Director of Finance

Hearing of  
The Public

Steve Bishop, approached Council to speak regarding the Community College. He believes nothing more can be said because Council has all the information. Individuals who spoke at the Blasco Library were very passionate, many of them heavyweights asking for the college. This can be a game change for Erie County and Erie County needs a game change. There is a long, slow, steady, almost imperceptible decline going on in this county. Mr. Bishop believes that needs to be turned around and a community college can do that. He asked Council to give this issue their heartfelt consideration and vote yes on a community college.

Bill Roach, 430 Country Club Road, Corry works for Custom Tool and Design. He stated this area needs a community college. When he started in the plastics industry in 1967, there was a shortage of knowledgeable technicians and front line managers; there is still a shortage of people to fill those posts. Penn State Erie addressed that shortage by starting a program in the 1980's; however, these graduates are overqualified for this area and are hired by large chemical companies outside of Erie County. An academic structure is needed to prepare people to be technicians and team leaders; they do not need high level courses or a four year degree. Small companies hire people, train them, and then GE gets a boom in their business and hires the best workers from the small companies.

Bill Kafferlin, RD 2, Corry, is the CEO of Corry Contract and has read the articles about the cost of a community college. He stated there are five universities in this county and it seems they could help fund this community college to the benefit of everyone. There is a multi million dollar school in Corry that is used 7-8 hours a day and sits idle the rest of the time. He suggested that every school district in the county has a similar facility and those facilities should be used rather than building a campus. He agreed that small companies train people and then GE hires them.

June 9, 2009

Hearing of  
The Public

Ken Hogan, 245 West Congress Street, Corry, believes the more education a person receives, the more rounded they become, but the price of that education should fall on the individual wanting to learn. He considers this an investment in yourself. As a taxpayer, he does not feel he should be burdened to pay for someone else's education. The state will reimburse 50%, but those are also his tax dollars. The cost of operating the facility will grow and so will his taxes. As a taxpayer, his request to County Council is to vote no for the community college; taxpayers cannot afford it.

Peter Albright, 13500 West Smith Street, Corry, is relatively new to the area. He has previously lived in two communities that had community colleges. He stated that in both of those communities, those colleges were considered to be the crown jewels of the community and are gladly supported by the residents of those counties. These colleges have a significant impact on the education of the young people in the area.

Minutes Mr. Giles moved to approve the minutes of the Public Hearing and the Regular Meeting held May 26, 2009. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Foust's Comments Mr. Foust wished to ask Mr. Wiley, Director of Administration, a question at this time. He inquired about Ordinance Number 70, 2009 which was discussed and pulled at the finance meeting last week. Toward the end of that meeting, Mr. Foust asked Mrs. Pasquale, Manager of Accounting, to find out whether the County Executive supported that particular ordinance. The following day, Mrs. Pasquale emailed Mr. Foust that Mr. DiVecchio did not support that particular ordinance. He asked Mr. Wiley whether that was accurate. Mr. Wiley replied that if this particular ordinance was with regard to the two maintenance workers, that was correct. It was his understanding that Mr. DiVecchio had signed the certificate, but after further consideration, does not support that ordinance.

Mr. Foust noted that pay raises have been quite controversial and asked Mr. Wiley to expand on the reasoning for this. Administration has brought this issue to Council at least twice in the past. Mr. Wiley explained that, initially, this had been brought to Council through the bargaining agreement, the contractual agreement with the union, which stated that administration would bring this particular issue to Council. If Council approved it, it would be certified and go through. Mr. Wiley further explained this was not language written in the contract; it was a verbal agreement between the union and the bargaining team. This matter was subsequently brought to Council and did not make it to the agenda. Council did not approve putting it on the agenda and it was thrown out.

Mr. Wiley noted that at this point, the County Executive is very reluctant to bring this to Council due to the economic situation and that this may open the door to a number of requests. If this was approved, there is also the concern that those requests would surpass the administration and go directly to Council.

Mr. Foust stated that, according to a letter received from Council solicitor, the merit increases were pulled because Administration did not follow the Administrative Code to properly have that placed on the agenda to approve the increase. Mr. Wiley responded that he was not sure of the exact reason why it was pulled. Mr. Foust then offered to show the letter to Mr. Wiley or Mr. DiVecchio. Mr. Foust explained that the only reason this was identified as a merit increase is because there was no other way to achieve that particular end. Council didn't want to approve it the first time because they didn't want to set a precedent, but some members have seen the errors of their ways and wanted to try to effect the situation. Council's attorney stated in his letter that there is a prescription to get this properly placed on the agenda by having this particular merit increase go through the PARC committee. He asked Mr. Wiley if the County Executive is supportive of that measure, and Mr. Wiley responded that the PARC Committee had been dissolved. Mr. Foust stated that according to Council's attorney, it was not. Mr. Wiley stated that he would need to look into the matter and without seeing the letter from council's attorney, he is not prepared to comment. Mr. Foust then asked Mr. Wiley to find out whether the County Executive is willing to follow Council attorney's prescription to get that particular merit increase on the agenda. Mr. Wiley explained that the County Executive is under the impression that the PARC Committee has been dissolved by this Council; however, if different information exists, he will address that issue. Mr. Foust thanked Mr. Wiley.

Finance Committee Mr. Giles reported the Finance Committee met on Thursday, June 4, 2009. Council met with the auditors for the County at this time and he stated this was the first time that this particular auditing firm, Zelenkofske Axelrod, LLC had done the auditing for the County. This agency does the auditing for almost one-half of Pennsylvania Counties. Mr. Giles noted the auditing firm was very complimentary about the internal controls and documents they reviewed. Mr. Giles believes that when the final document is released, it will be to everyone's credit, including Mr. Sparber and Mrs. Pasquale for doing an outstanding job in the accounting and financing area. This audit will reflect the diligence with which they approach their job.

Mr. Giles further reported that at this meeting, the Finance Committee agreed to place Ordinances 72, 80, 81, and 82 for second readings, as well as first readings for Ordinances 85 and 86. Also on the agenda is the possible adoption of Resolutions 32, 33, and 34.

Mr. Giles also noted that the final part of the Finance Meeting was the presentation by Mr. Sparber, Mrs. Pasquale, and Mr. Maloney of a very detailed financial report on the cost of the community college in the first five years, both operationally and from a capital point of view. One of the issues in the background is the concern about the bottom line impact to taxes. At this juncture, Council has received this report and expects that further discussion will be held within the next thirty days. Mr. Giles believes it is grossly unfair to anybody who is making plans regarding this college then discover Council is not able to fund it from the current fiscal year going into 2010. Mr. Giles expressed gratitude for the work done on this report. Revisions were made and discussion held so that the report Council saw was a byproduct of both Rethink Erie and a great amount of detailed work.

Personnel  
Committee

Mr. Fatica reported the Personnel Committee met on June 4, 2009 and agreed to place Ordinance 84 for a second reading on the agenda.

Gaming Fund  
SA for HS  
Initiative &  
PS Assets

Mr. Giles moved to remove Ordinance Number 72, 2009, "Tenth 2009 Gaming Fund Budget Supplemental Appropriation For Human Service Initiatives And Public Safety Assets" from the table. Mr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Smith gave a reading of Ordinance Number 72 in its entirety. Mr. Foust moved to adopt; Mr. Giles seconded.

Mr. Giles moved to amend the ordinance to include the following language:

"BE IT FURTHER ENACTED that the \$3,000 grant for Erie County Fire & Police is contingent upon evidence of their application to the IRS for 501(c)(3) status."

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

Mr. Cleaver called for a vote on Ordinance Number 72, 2009, as amended, and it carried in a unanimous roll call vote.

Rel. of Unrest.  
Gaming Funds  
For Comm. Assets  
& Spec. Events  
Tabled

Mr. Giles moved to table Ordinance Number 80, 2009, "2009 General Fund Budget Release Of Unrestricted Gaming Funds For Community Assets And Special Events." Mr. Leone seconded, and it carried in a unanimous roll call vote.

Agenda  
Amended

Mr. Giles moved to amend the agenda to move Ordinance 84, 2009 to Item C under Old Business on the agenda. Mr. Mitchell seconded. Mr. Cleaver explained that before Ordinance 81 can be adopted, Ordinance 84 must first be adopted.

PS SA for Reorg.  
Of Dept. & Wvr  
Of Pers. Code

Mr. Smith gave a second reading of Ordinance Number 84, 2009, "Seventh 2009 Public Safety Fund Budget Supplemental Appropriation For Reorganization Of Department And Waiver Of Section 11AJ Of The Personnel Code." Mr. Leone moved to adopt; Mr. Mitchell seconded.

Mr. Foust's  
Comments

Mr. Foust stated that, with all due respect to the Public Safety Director, Mr. Weindorf who is present this evening, he wishes to encourage his colleagues to vote against this particular ordinance. Quite often, Mr. Foust hears about how this Council wants to be consistent. There are two very recent examples of Council not passing these types of increases. One has already been discussed, the prison workers ordinance which didn't even get to the floor for a vote. The second example is when the Controller wanted to make a change in her office. Mr. Foust commented that some members of Council practically jumped out of their shoes to vote it down. He feels this is the same type of situation and to be fair to other people that work for the County, this needs to be voted down as well.

Mr. Leone's  
Comments

Mr. Leone stated that his position is not the same as Mr. Foust's; he will not vote to waive the Personnel Code. He did not waive it the last time a situation such as this arose, and he will not waive it this time. As far as the Controller's Office, Mr. Leone does not remember a time when Council did not do as asked. At one time, the Controller did want to waive the Personnel Code to bypass a bachelor's degree in her particular office. Mr. Leone does not know what Mr. Foust is referring to. Mr. Foust responded that last summer Mrs. Weber wanted to make changes in her office that would have led to an upgrade of a person in her particular office and Council voted that down. Mr. Leone recalled that it was a majority vote of Council. Mr. Foust agreed and stated he will vote against this as well recalling that Council has talked about consistency.

Mr. Cleaver called for a vote on Ordinance Number 84, 2009, and it failed in a roll call vote of 1-6, Mr. Cleaver voting yes.

Gen. Fund SA  
For Transfer to  
PS Fund

Mr. Smith gave a second reading of Ordinance Number 81, 2009, "Twenty-Eighth 2009 General Fund Budget Supplemental Appropriation For Transfer To Public Safety Fund." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it failed in a roll call vote of 1-6, Mr. Cleaver voting yes.

Wvr. Of Purch.  
Code to Sell  
Property

Mr. Smith gave a second reading of Ordinance Number 82, 2009, "2009 General Fund Budget Waiver Of The Purchasing Code To Sell Property ID #16-030-051.0-249.00." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Leone asked about the property and Mr. Smith replied this is a two foot by eighty foot piece of property which the neighboring house wishes to purchase. Mr. Cleaver called for a vote on the ordinance and it carried in a unanimous roll call vote.

Agenda  
Amended

Mr. Foust moved to amend the agenda to include on Item G, an additional parcel identified as Index No. 18-050-014.0-202.00, and also to add as Item H under New Business, Resolution Number 35, 2009, "Authorizing The Filing Of A Proposal For HPRP Funds With Department Of Community And Economic Development." Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

First Rdgs.

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 85, 2009, "Eleventh 2009 Gaming Fund Budget Supplemental Appropriation For Municipal Grant For Cranesville Borough For A Sewer Project And The Creation Of A New Line Item"

Ordinance Number 86, 2009, "2009 Revised Fee Schedule In Tax Claim"

Gen. Auth.  
\$2,200,000 Tax  
Exempt Note –  
Art Museum Prjct

Mr. Smith gave a reading of Resolution Number 32, 2009, "Erie County General Authority \$2,200,000.00 Tax Exempt Note – Erie Art Museum Project." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Mitchell advised the audience that Erie County is not borrowing money. Council is giving its blessing on the General Authority. Mr. Giles added that this is only a bridge loan with a project that has already been approved and has been funded by the state, and to a small degree by the county and private sector monies. This bridge loan helps with cash flow needs. Mr. Fatica addressed the citizens of Corry stating the next time they are in Erie, they should go down to Fifth Street and see where the Erie Art Museum is pushing south. The Museum has been raising money for 20 years.

Mr. Cleaver called for a vote on Resolution Number 32, 2009, and it carried in a unanimous roll call vote.

Aprv 2009  
CDBG App.

Mr. Smith gave a reading of Resolution Number 33, 2009, "Resolution to Approve FY 2009 Community Development Block Grant Program Application (Erie County and Erie County "On Behalf Of" Municipalities)." Mr. Foust moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Res. To Aprv  
Recov. &  
Reinvest. Act

Mr. Smith gave a reading of Resolution Number 34, 2009, "Resolution to Approve 2009 American Recovery and Reinvestment Act Application (Erie County and Erie County "On Behalf Of" Municipalities)." Mrs. Loll moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

David H. Yaple  
Appt'd to ECGRA

Mr. Leone moved to appoint David H. Yaple to the Erie County Gaming Revenue Authority. Mr. Giles seconded, and it carried in a unanimous roll call vote.

Mr. Cleaver commented that Mr. Yaple is his appointment to the Authority. Mr. Yaple has a business in the City of Erie, Fifth Ward Fourth District, and a very conscientious individual. He will definitely have Erie County's best interest in mind when reviewing gaming funds.

Mr. Mitchell wished to point out that David Sample, his appointee, is present this evening. Mr. Sample has done a great job and traveled many miles to Erie. Mr. Mitchell thanked him and also wished to thank Chris Schalles for working very hard on the assets side and taking those long trips to Erie.

Mr. Cleaver called for a vote on the appointment of David H. Yaple to the Erie County Gaming Revenue Authority, and it carried in a unanimous roll call vote.

Sale of Parcels

Mr. Foust moved to approve the Sale of Parcels from the Repository at Index Nos:

07-014-038.0-011.00  
31-009-016.8-003.60  
45-015-022.0-048.00  
47-026-084.0-078.00

including Index No. 18-050-014.0-202.00 which was added this evening. Mr. Giles seconded, and it carried in a unanimous roll call vote.

Authorizing Filing  
Of Proposal for  
HPRP Funds

Mr. Smith gave a reading of Resolution Number 35, 2009, "Authorizing The Filing Of A Proposal For Funds With Department of Community And Economic Development." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:50 p.m.

Ann M. Bruno, Council Secretary

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