

January 19, 2010

Minutes of Nov. 17 Public Hrg & Reg. Mtg, Dec. 15 Reg. Mtg., Jan. 4 Reorg. Mtg apprvd. Agenda amended. Temp Staff Line in lead Grant adopted; Acceptance of Donation from NW PA ERG adopted; Gen. Fund SA for PCCD Grant in Juv. Prob. adopted; Gen. Fund SA for reduc. In Cnty. Clerk Salary adopted; Change in Hours for Chief Dep. Sheriff Pos & Wvr of Pers. Code adopted; Appt'd. Official Salary – Dir. of Adm. adopted, Dir. of Personnel adopted, Cnty Sol. adopted, Cnty. Council Sol. adopted; Rev. Expend. For Asst Sol. Compensation adopted; Appt'd Off. Salary – Cnty Clerk adopted; Appt'd Off. Salary-Dir. of Finance adopted. First Rdg. Six Mo. Intergov. Relations Prof. in CE ofc. Confirm. Dir. of Adm. To Serve as Acting CE adopted. Gen. Auth. \$300,000 Tax Exempt Note (Comm. Blood Bank) adopted. Scott Miller re'appt'd to Metro. Transit Brd. Sales of Parcel from Repos. approved.

ERIE COUNTY COUNCIL – Regular Meeting

Dr. Foust, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Erie County Council Caucus Room, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, the County Clerk called the roll:

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

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
Thomas Talarico, Council Solicitor
Jerry Mifsud, Director of Administration
Gary Shapira, County Solicitor
Jim Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Hearing of the Public

Bonnie Rafferty, Union Township, is the volunteer Master Gardner coordinator in Erie County. She provided handouts to members regarding the program. Since the Cooperative Extension's budget was cut, the Master Gardner Program has been suspended. It is a statewide mandate that all master gardeners must be supervised by a paid extension staff member. Beyond that requirement, master gardeners in Erie County are completely self sufficient. Ms. Rafferty explained that gardening workshops and plant sales provide funds for educational events. Materials used for programs are paid for out of the monies raised from these fundraisers. A telephone has been purchased to support a horticultural hotline throughout the summer months. Volunteers give presentations throughout Erie County. She asked Council to consider what Erie County residents receive for the investment in Cooperative Extension. Master Gardeners respectfully request County Council reconsider its decision.

Dr. Foust advised Ms. Rafferty that since the budget has been passed, the next step to take in an effort to rectify this issue is to speak with the administration. The administration must agree to create a supplemental appropriation in the form of an ordinance which will then be brought before Council for a vote.

January 19, 2010

Hearing of
The Public

Paul Bond, 636 West 7th Street, wished to provide insight into the consequences of the 2010 budget decisions. These cuts resulted in the decision to suspend the Master Gardener Program. Mr. Bond explained that since the introduction of the program in Erie County five years ago, the impact has been astounding. Ten successful community gardens were in place last year, and upon harvesting, these vegetables were donated to the Second Harvest Food Bank. Citizens have been trained in composting techniques. Volunteers also work with Goodell Gardens. The accomplishments of this program have been extremely well received. Mr. Bond predicts these activities will be missed and their absence will not go unnoticed.

Renee Vendetti, Erie, spoke at the last Council meeting regarding an OCY case. She stated that the grandmother is continuing to have problems. Ms. Vendetti spoke with Mary Ann Daniels who was able to arrange a visit for the child with his grandparents. Tuesday was a family group decision making meeting, and the caseworker was present, along with the grandmother. The caseworker stated the baby will go up for adoption. Ms. Vendetti stated the caseworker does not have the right to make this decision; that is up to the courts. OCY needs to learn their job. These grandparents followed all the rules and did everything OCY asked of them. OCY is out of control again. Ms. Vendetti explained that as of Monday, a citizens' review panel is being put into place by the state. Erie County won't have one yet, but other counties will. She will bring those people to this county to look into this matter. This baby needs to go home to the grandmother. A lot of money is going to foster parents. She suggested giving these children to family members.

Dr. Foust asked when the meeting occurred so he has this information when he contacts Ms. Daniels. Ms. Vendetti explained this was held last Tuesday through Family Services. Mr. Fatica inquired about the advisory panel. Ms. Vendetti explained that the panel goes into place on Monday. However, Erie County does not yet have theirs in place. The panel will cover a radius of various counties. Erie County will also include Clarion and Mercer.

Kenneth Francis Szymon Przepierski, 640 East 12th Street, noted that No. 2 on the agenda has been ignored again. Also, there is no mention of monetary amounts on the agenda. He believes this was done in the past, and that is why he ordered copies of ordinances passed at the November 17, 2009 meeting. He asked why Council is spending the tax anticipation money for 2010. He asked about Resolution 65, 2009 which appointed the county council solicitor to represent Erie County in the appeal filed by STIEDA and McKean Township. This was never even on an agenda, and wondered why this was hidden from the public. He referred to the Health Choices budget, Pleasant Ridge Manor budget, and an \$18 million tax anticipation note. He inquired as to what Health Choices does. He also noted there is never a public hearing on the needs based budget for OCY. The last needs based plan in the library is from 2004.

Robert Petra, Erie, stated that County Executive Grossman wants to increase the salary of people he has hired. People that really need their jobs to make a living have been laid off by County Council. Council set the salary for those jobs in the Grossman administration, and they should keep those jobs at those salaries.

Michael Michaelson, McKee Road, Millcreek Township, stated that proposed legislation which provides comprehensive health care to every Pennsylvanian has been introduced into both houses of the Pennsylvania General Assembly. Health Care for all of Pennsylvania, a nonprofit grass roots organization, completed a study of how this legislation will affect every municipality, school district, and county government within the 67 counties. He noted the combined savings to all Erie County taxing bodies is over \$45 million a year; the savings to Erie County government alone is over \$9 million per year. Mr. Michaelson believes this legislation will provide needed funds to governing bodies struggling to maintain budgets. As taxpayers, they ask Council to consider joining Pittsburgh, Philadelphia, Wilkes Barre, Reading, West Reading, and Allegheny County in passing a resolution in support of House Bill 1660 and Senate Bill 400. Today Pat Harkins and Flo Fabrizio signed onto this

Hearing of the
Public

January 19, 2010

legislation. He asked that Council urge the other five state elected officials in Erie County to join the effort to give equality and health care to every citizen of Pennsylvania.

Dan Galena, Erie County, recalled that last year he, along with other individuals, implored Council not to give pay raises, not only to themselves but to other county officials. Council did vote for the raises. Mr. Galena believes this county is in a depression; the unemployment rate is in actual excess of 26%. GE in Erie laid off 1500 people permanently to the tune of \$84 million lost in the local economy. Before Mr. Grossman was sworn in as County Executive, he demanded immense pay raises for his appointed cronies. In addition to this outrage, Mr. Grossman has added insult to injury by further calling for the creation of another meaningless county job for former Council Member David Mitchell. Mr. Galena stated that perhaps Mr. Grossman does not read the news. He asked Council to vote no for these pay increases.

Bill Welch, stated that next year will be a very tough year for Erie County in terms of finances. It will also be a tough year for residents, and he believes that the master gardener program should be reconsidered. The food bank is overwhelmed. He has been through the food bank and noted there are not many fresh fruits and vegetables. Mr. Welch believes it would be prudent to teach people how to be independent and raise their own vegetables. They should learn to be self sufficient. Mr. Welch does not think Mrs. Loll realized that this program would be cut when she cast her vote on the budget.

Mrs. Loll replied that when the cut was proposed, it was not decided by any member of Council how that cut would be handled. Cooperative Extension, once receiving the funds, decided how to use that money, and they decided to cut the Master Gardener Program.

Dr. Foust noted that Council normally stays away from question and answer during the hearing of the public. A finance meeting is held the previous Thursday before every Council meeting and the public is welcome to attend. At that meeting, provided time allows, Council has not turned down public input there as well.

Dana Atwood, 2830 West 11th Street, Erie, is the executive director of Goodell Gardens and Homestead. As one of the project sites and partners of the Erie County Master Gardener Program, he feels he needs to support them in this initiative. He provided photographs of projects done by the program at Goodell Gardens. He explained a different theme is done every year. They also provide educational programming based on master gardener plantings. The Master Gardener Program has done a lot of good at Goodell Gardens and Homestead.

Gerald Price, Corry, stated that he reads in the newspaper about all the problems that the County has to deal with every day. However, he hasn't seen a plan. Council Members are busy dealing with many issues. The County is in disaster mode. The state is freezing \$54 million. The County has to figure out how to pay for a community college and how to pay for the Tullio Arena. He asked if there is a plan to turn this around.

Minutes

Mr. Giles moved to approve the minutes of the November 17, 2009 Public Hearing and Regular Council Meeting, the minutes of the December 15, 2009 Regular Meeting, and the January 4, 2010 Reorganization Meeting. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Mifsud's
Comments

Mr. Mifsud wished to thank Council and stated these past three weeks have been great. The Grossman Administration looks forward to working with Members of Council.

Dr. Foust welcomed Mr. Mifsud to county government and wished him the best of luck.

January 19, 2010

Finance
Committee

Dr. Foust reported that the Finance Committee met Thursday, January 14, 2010, and agreed to place Ordinances 1, 2, 3, and 4, along with Resolutions 1 and 2 on the agenda for this evening. Also on the agenda is the possible reappointment of Scott Miller to the Metropolitan Transit Authority Board of Directors along with the possible approval of sale of parcels from the repository for unsold properties. These are basically abandoned properties which will, hopefully, go back on the tax rolls. John Elliott also made a presentation to Council in regards to a rail and shipping project the GEIDC is heading up. Dr. Foust explained that Council had approved money during the Schenker administration to try to attract more logistics business as far as the transportation of goods. The original idea was to have a focus on semi truck traffic bringing goods back and forth, but it was very difficult to find a 200 acre site which could accommodate that type of initiative. Dr. Foust further explained that the plan was then switched to a much more feasible one, and he feels more exciting, which is a rail initiative that would provide the same service.

Personnel
Committee

Mrs. Loll reported the Personnel Committee met on Thursday, January 14, 2010, following the Finance meeting, and agreed to put on the agenda Ordinance 5, a request to change the hours of a chief deputy sheriff position to raise compensation for the position, and also a waiver of the Personnel Code to accommodate that individual who does not have the full educational requirements. Also on the agenda are Ordinances 6, 7, 8, 9, and 10 which are compensation increases for the Director of Administration, Personnel, County Solicitor, and Assistant Solicitor positions. Ordinances 11 and 12 set the salaries for the county clerk and the Director of Finance to the 2009 compensation level. These individuals are returning personnel, which is why they will be set at that level. Mrs. Loll explained that Ordinance 13 creates a six month position entitled Intergovernmental Relations Professional in the County Executive's Office to be compensated at \$21,000.

Mr. Cleaver's
Report

Mr. Cleaver reported that he attended several Gaming Authority meetings. The Authority is moving forward with new offices located at Knowledge Park. 18 applications have been submitted for the 2009 funds. As everyone is aware, the Authority is in the process of hiring a new gaming manager. Of the 60 applications received, the field has been narrowed down to five. Mr. Cleaver advised that the Authority will be interviewing these candidates, and should have someone in that position by the first week of February.

Mr. Cleaver further reported that he and some of his colleagues have been meeting with the volunteer firefighters from Harborcreek, North East, and West County regarding the Franklin Training Center. Everything is moving forward, and Mr. Cleaver believes they will be meeting with the administration within the next couple of weeks to move this program forward to the benefit of public safety, both fire and police.

Mr. Giles'
Report

Mr. Giles reported that Erie County held its annual Drug Court graduation on Thursday, December 17, 2009. This is the 9th graduation for this program. He noted that Erie County was ahead of the crowd in creating a treatment court system, and over the years, has seen a tremendous benefit. For the 10th annual graduation ceremony, the US drug czar, who is originally from Buffalo, has been invited to participate, and he has agreed. Mr. Giles explained that the drug court process is a very rigorous program where an individual is required to appear before the court weekly for at least six months. If an individual succeeds in handling their addiction and related criminal justice issues, an appearance is required bi-weekly, then monthly, and eventually graduates. Some can complete this within one year, others can take up to three years. At the graduation ceremony, the caseworker and the individual both speak, and a sense of the struggle and challenge in overcoming addiction is felt. Mr. Giles noted that the recidivism rate over the past nine years on the drug or alcohol side has been minimal. An even smaller number have dropped out of the program. These people come from a variety of backgrounds,

January 19, 2010

some with families, and even women who have been pregnant during the program and delivered healthy babies.

CCAP

Mr. Giles further reported that on Wednesday, January 13, 2010, as the newly elected president of the County Commissioners Association of Pennsylvania, he had the responsibility and opportunity to announce and present the county priorities for the year 2010. This was done in the Rotunda at the State Capitol. Mr. Giles presented members of Council with copies of the commentary.

Good afternoon, I am Joe Giles, County Council member from Erie County. I have the pleasure of serving as the 2010 president of the County Commissioners Association of Pennsylvania. CCAP is a nonprofit, nonpartisan Association representing Pennsylvania's 67 counties.

I am here with other officers of the Association to unveil our Association's 2010 legislative priorities. These priorities reflect a consensus of commissioners throughout the state on issues of highest significance and greatest potential impact to counties. These issues were selected as priorities by voting members of the Association's policy committees.

While counties must react to many legislative issues that arise over the course of a year, the ten priorities I am announcing today represent our proactive agenda. These are the issues the association will be working hard to advocate under my leadership in the next 12 months.

These priorities demonstrate county officials' commitment to improve tax equity for local residents, to improve government efficiency and to seek real cost savings while working to assure that funding decisions at the state level do not adversely impact local taxpayers.

Counties' 2010 legislative priorities reflect some of our long-standing policy positions. These include broadening of the tax base available to counties to fund local services and assuring adequate state funding for core government services. The CCAP legislative priorities also reflect the needs arising from a very difficult 2009 fiscal year, in which state funding for many program areas was cut, and counties suffered greatly due to the 101-day budget impasse in Harrisburg.

Our top priority is funding for human services. We will call upon the General Assembly to make sure the FY 2010-2011 budget is delivered on time and that it also honors the state's obligation to maintain adequate funding levels for core government services. We seek a commitment from the Governor and the legislature to provide funding levels that will assure healthy communities and the ability to re-build a service delivery system that has suffered due to historic underfunding of mandated and necessary services.

These are both important targets that lawmakers must hit this year. Counties, and the residents they serve, cannot afford another budget stalemate, which resulted in major cash flow issues, service reductions or shutdowns and loss of local reserve funds. The state budget must be completed timely and responsibly and must preserve funding for human services.

Several of the county legislative priorities for 2010 relate to broadening local elected officials' discretion to generate revenue for specific purposes. This is partly a reaction to continued decreases in state funding, and partly a desire on the part of counties to have revenue alternatives besides the inequitable property tax. In addition to county options for new tax bases to reduce the reliance on the property tax, other revenue priorities include restoration of county recycling fees, which would only be used for specific purposes related to recycling. Counties will also seek a local share of revenue from oil and gas development. Any combination of the new revenue sources we are proposing would provide a more equitable way to fund county services.

Our priority supporting revenue options and local tax fairness reflects counties' long-standing policy to support proposals to reduce reliance on property tax. This would include authorizing counties to choose to levy sales or income taxes. The CCAP tax fairness concept includes a decrease in property taxes commensurate with new revenue generated from other sources. This would allow the tax burden to be more equitably distributed without an overall increase.

Development of Marcellus Shale resources continue to affect local communities while impacted counties receive no revenue from oil and gas development. Counties seek the restoration of their

January 19, 2010

CCAP

ability to assess oil and gas interests as real property. Counties had the ability to assess oil and gas prior to a 2002 Pennsylvania Supreme Court decision that found we lacked statutory authority.

Other businesses in the Commonwealth contribute a share to the local property tax base, and producers of other minerals such as coal and limestone already pay a share as well. If the legislature does not restore counties' ability to assess oil and gas, the tax burden will be disproportionately shouldered by all other property tax payers. There is no reason that other local taxpayers should continue to be forced to subsidize the property taxes that should be paid by energy companies generating profits in Pennsylvania.

Counties also support a local share of any new revenue to be derived from natural gas development through state levies such as a severance tax.

While a number of 2010 county priorities relate to restoration of powers removed from counties by the courts, the failure of the state to adhere to a 1987 decision of the Pennsylvania Supreme Court is the basis of CCAP's court administration and funding priority. In late 2009, CCAP's solicitor presented arguments before the Court supporting a motion to seek enforcement of that order, which found that the state must assume administration and funding of the lower courts in order to maintain equity in the justice system.

The Court has ruled that a lower court system funded by 67 counties with disparate fiscal capacities creates an inherently unequal system of justice. The state has failed to take steps to achieve the equity required by the Court, and in fact has shifted more responsibility to the local level. State reimbursements for court costs on a per judicial position basis, which have not been adjusted since 1981, have continued to decline due to budgetary cuts. We hope that a new dedicated fee for district attorney funding will be enough to fund the Commonwealth share of the DA's salary moving forward. But counties are still owed for this obligation, which amounts to about \$100,000 per year per county, from 2008 and 2009.

The remaining CCAP priorities cover a range of topics. The state must address funding for local roads, bridges and mass transit alongside state funding needs to assure reliability of the entire transportation network. Modernization of laws governing emergency response procedures and funding and administration of 911 centers is another priority. Counties will work with the legislative and the executive agencies to address a number of environmental and social policy issues related to development of Marcellus Shale. Farmland preservation and workforce development are also issues counties say are critical to their operation in 2010.

In addition to our legislative priorities, I would also like to point out that the Association is carrying on its mandate relief agenda for a second year. Our mandate relief list is about finding more cost-effective ways to do business and updating outdated laws that cost unnecessary taxpayer dollars. It is also about maximizing limited public dollars for programs and services to our residents. Difficult times call for creative solutions. We seek cooperation from the legislature to achieve these goals. We look forward to continuing the work begun in 2009 on a number of these issues.

In 2010, while our list of priorities has changed, the key message remains the same: Funding cuts at the state level do not automatically equate to cost savings for taxpayers. If the Governor and the General Assembly do not do their part to fund mandates, county officials will continue to hold them accountable to the public for shifting costs to the local level, where property owners will pay for their decisions through increased property taxes.

At the same time, we extend a hand in partnership, offering to be part of the solution. Our priorities include proposals that will empower county officials to maintain programs and services in the face of budget cuts, and in a manner that is appropriate for their counties. We have also identified areas where cost savings can be achieved through mandate relief. But by virtue of the constitution and the nature of the relationship between state and local government in Pennsylvania, county commissioners and Pennsylvania's taxpayers need the General Assembly to act on these matters.

Thank you for your attention. You can find a listing of all the priorities in the folders given to you. We will gladly answer any of your questions.

Mr. Giles explained that of the ten priorities for counties, human services is very critical. Human Services has the biggest exposure in terms of cost and liability. In the case of OCY, the county pays the entire expense and then later tries to recoup its costs. Part of the dilemma is the advanced funding on the part of the counties. It creates more problems when there is a freeze on top of a system that

January 19, 2010

CCAP

reimburses six to nine months later. Then counties are told they won't be reimbursed for the expense, and the money has already been spent. This can be extremely difficult on counties. CCAP's role with respect to dealing with Harrisburg and the Governor's Office is to continually insist that an improvement is made in the funding of human services. Huge amounts of money are connected to this issue. Mr. Giles further explained that much of this is done by contract. In the MH/MR area, the state does direct contracting, and counties provide the local match. Mr. Giles believes this will always be a very challenging arena.

As the elected president of CCAP, on Friday, January 15, 2010, Mr. Giles was invited to attend a briefing at the White House along with approximately 35 other presidents of similar organizations. They spent many hours with secretaries from transportation, health, environment, workforce, intergovernmental commission, and top officials from the White House who work in the federal system. Mr. Giles will forward to members of Council a detailed report with specifics. There was a briefing on a program using the container system for raw goods which was similar to the program that John Elliott was advancing for GEIDC. If there is a cost efficient way to set up our local port, Erie has a variety of resources that can be utilized. If those matters can move forward, it will bring jobs and improve the economy. Mr. Giles has established contact and email addresses for all those present and he intends to send a thank you to each of them for the opportunity to meet and discuss these issues.

NACo

Mr. Giles further reported that the National Association of Counties has produced a detailed analysis of health care reform legislation on the House and Senate side. This was produced with a lot of staff time, energy, and interest in regard to the counties' perspective. NACo is particularly concerned with the impact on counties. One issue involves incarceration. The moment an individual is incarcerated, that person loses all medical benefits, even veterans benefits. NACo is arguing that a person is innocent until proven guilty, and therefore benefits, at the very least, should be suspended, not eliminated. It is hopeful that benefits can be continued until the point of conviction which would be to the counties' benefit. Due to the medical costs affecting the operation of the prison, affecting the people that come into the prison needing psychotropic drugs and therapy for mental illness issue, costs to the county are growing dramatically while the opportunity to cover those costs is shrinking. There are also connections to nursing homes which the county operates. Mr. Giles noted that this particular report details only, and specifically, county government.

Dr. Foust's
Comments

Dr. Foust congratulated Mr. Giles on his election as president of the County Commissioners Association of Pennsylvania. This is quite a profile for Erie County. Erie County was fortunate to have Mr. Mitchell as president of CCAP four years ago. Dr. Foust explained that CCAP is an organization that represents county governments at Harrisburg to lobby on behalf of the needs and concerns of operating county government. That profile is not only huge in Harrisburg, but extends down to Washington. Mr. Giles has always represented Erie County very well.

Budget

Mr. Giles noted that one of the issues promoted was the 101 day period in which the state did not have a budget, and therefore the county did not know where it stood regarding state funding. Understanding what state and federal monies are coming in to the county is very important, and when that funding is held up, and counties have to discontinue programs, the impact spins out. The rough negotiating that should be happening for the July 1, 2010 budget is not taking place and it seems the dilemma is repeating itself.

Mr. Leone's
Comments

Mr. Leone also wished to note that Mr. Giles is not only president of CCAP, but one of two representatives for the National Association of Counties in the United States.

January 19, 2010

Plaque Presented
To Mr. Cleaver

Dr. Foust explained that at the first council meeting of the year, the outgoing chairman is recognized. Mr. Cleaver served as chairman for 2009 and was a very able steward of County Council business. He dealt with issues in a fair manner and reached out to fellow members to speak their minds when needed. Dr. Foust believes that, in general, this is something that this Council should be recognized for, specifically Mr. Cleaver. Dr. Foust presented Mr. Cleaver with a plaque and a round of applause followed.

Recess

Dr. Foust called for a recess at 8:03 p.m., and Council reconvened at 8:10 p.m.

Agenda
Amended

Mr. Giles moved to amend the Agenda to include Ordinances 1 through 12 for second readings. Mr. Leone seconded. Dr. Foust explained to the members of the public that it is Council's prerogative to move ordinances to second readings; however, that must be done with a vote. He called for a vote on the motion, and it carried in a unanimous roll call vote.

PH Rev. Expen. &
Creation of Temp.
Staff Line in
Lead Grant

Mr. Smith gave a second reading of Ordinance Number 1, 2010, "2010 Public Health Fund Budget Revised Expenditures And Creation Of A Temporary Staff Line In The Lead Grant." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Accept. Donation
From NW PA ERG

Mr. Smith gave a second reading of Ordinance Number 2, 2010, "First 2010 Public Safety Fund Budget Supplemental Appropriation For The Acceptance Of A Donation From NW PA ERG And The Creation Of A New Line Item." Mr. Leone moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

PCCD Grant in
Juv. Prob.

Mr. Smith gave a second reading of Ordinance Number 3, 2010, "Third 2010 General Fund Budget Supplemental Appropriation For PCCD Grant In Juvenile Probation And The Creation Of New Line Items." Mr. Giles moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA
Reduc. In Cnty
Clerk Salary

Mr. Smith gave a second reading of Ordinance Number 4, 2010, "Fourth 2010 General Fund Budget Supplemental Appropriation For A Reduction In The County Clerk's Salary." Mr. Cleaver moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Change in Hours
For Chief. Dep.
Sheriff & Wvr
Pers. Code

Mr. Smith gave a second reading of Ordinance Number 5, 2010, "2010 General Fund Budget Change In Hours For Chief Deputy Sheriff Position Number 003300-003 And A Waiver Of The Personnel Code." Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mr. Leone stated that he has had a discussion with the Sheriff at the Finance Committee meeting concerning this matter, and believes the Sheriff is correct in his belief that the Personnel Code needs to be changed. However, Mr. Leone must vote no on this particular ordinance and means no disrespect to the individual applying for the position or to the sheriff.

Change in Hours
For Chief. Dep.
Sheriff & Wvr
Pers. Code

January 19, 2010

Mr. Fatica understands what Mr. Leone is saying, and it points toward the fact that the Personnel Code does need updating in certain areas. It must be reviewed and brought into compliance with 2010.

Dr. Foust added that the reason for the waiver in this particular ordinance is that the gentleman who will be filling the position has 15 years seniority and is fully qualified for the position; however, he does not have the prerequisite college degree. Dr. Foust believes that it is in the county's interest to waive that particular portion of the Personnel Code. It saves money on advertising and training costs, and time in training as well. There are many reasons this ordinance should pass; this position has been vacant since October. Dr. Foust encouraged his colleagues to vote in the affirmative.

Dr. Foust called for a vote on Ordinance Number 5, 2009, and it carried in a roll call vote of 5-2, Mr. Leone and Mrs. Loll voting no.

Appt'd Official's
Salary – Dir. of Adm.

Mr. Smith gave a second reading of Ordinance Number 6, 2010, "2010 Appointed Official's Salary Ordinance – Director Of Administration." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Leone moved to amend the ordinance to reflect the original amount of \$60,000 adopted in the 2010 budget from \$69,874. Mr. Cleaver seconded.

Mr. Giles stated that causes him some concern since Council eliminated the Director of Economic Development position with the expectation that those job duties would be placed under the description of the Director of Administration. He does have some qualms about the salary issue, but knowing the nature of the economy and the difficulty in terms of dealing with the state right now, especially considering the current round, Mr. Giles understands Council's desire to move this forward with the amended version.

Dr. Foust clarified that an affirmative vote is to amend this particular ordinance to reflect a salary of \$60,000. Dr. Foust called for a vote on the amendment, and it carried in a unanimous roll call vote.

Dr. Foust called for a vote on Ordinance Number 6, 2010, as amended, and it carried in a unanimous roll call vote.

Appt'd Official's
Salary – Dir. of Pers.

Mr. Smith gave a second reading of Ordinance Number 7, 2010, "2010 Appointed Official's Salary Ordinance - Director Of Personnel." Mr. Leone moved to adopt; Mr. Giles seconded.

Mr. Leone moved to amend the ordinance to reflect the original amount of \$60,000 adopted in the 2010 budget from \$69,874. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Dr. Foust called for a vote on Ordinance Number 7, 2010, as amended, and it carried in a unanimous roll call vote.

January 19, 2010

Appt'd Official's
Salary – Cnty Sol.

Mr. Smith gave a second reading of Ordinance Number 8, 2010, “2010 Appointed Official’s Salary Ordinance - County Solicitor.” Mr. Leone moved to adopt; Mr. Giles seconded.

Mr. Leone moved to amend the ordinance to reflect the original amount of \$40,000 adopted in the 2010 budget from \$46,200. Mr. Giles seconded, and it carried in a unanimous roll call vote.

Dr. Foust called for a vote on the ordinance, as amended, and it carried in a unanimous roll call vote.

Cnty Council
Sol. Retainer

Mr. Smith gave a second reading of Ordinance Number 9, 2010, “2010 County Council Solicitor’s Retainer.” Mr. Leone moved to adopt; Mr. Giles seconded.

Mr. Leone wished to clarify that this ordinance reflected no increase, and Dr. Foust confirmed that was correct.

Dr. Foust called for a vote on the ordinance, and it carried in a unanimous roll call vote.

Revis. Expend.
For Asst. Sol.
Compensation

Mr. Smith gave a second reading of Ordinance Number 10, 2010, “2010 General Fund Budget Revised Expenditures For Assistant Solicitor’s Compensation.” Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Leone inquired about the two figures of \$26,092 and \$26,523 on the exhibit of the ordinance. Mrs. Pasquale explained that this ordinance reflects compensation for each of the four solicitors at \$26,523. The amount of \$26,092 is the difference needed to increase the budget in order to hit the salary of \$26,523.

Mr. Leone moved to amend the ordinance to reflect a salary of \$26,523 for each of the three incumbent assistant solicitors, Mr. Knox, Mr. Joseph, and Mr. Perhaps. The new solicitor will be retained at \$20,000. Mr. Cleaver seconded. Dr. Foust explained that this sets the salaries back to the original budget amount except for the incumbent solicitor positions. By law, those salaries cannot be reduced. He called for a vote on the amendment, and it carried in a roll call vote of 6-1, Mr. Giles voting no.

Dr. Foust then called for a vote on Ordinance Number 10, 2010, as amended, and it carried in a unanimous roll call vote.

Appt'd Official's
Salary- Cnty Clerk

Mr. Smith gave a second reading of Ordinance Number 11, 2010, “2010 Appointed Official’s Salary Ordinance - County Clerk.” Mr. Giles moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Appt'd Official's
Salary – Dir.
Of Finance

Mr. Smith gave a second reading of Ordinance Number 12, 2010, “2010 Appointed Official’s Salary Ordinance - Director Of Finance.” Mr. Leone moved to adopt; Mrs. Loll seconded.

Mr. Leone explained that this is an incumbent position, and by law, the salary cannot be reduced. Dr. Foust then called for a vote on the ordinance, and it carried in a unanimous roll call vote.

January 19, 2010

Dr. Foust advised members of the audience that Council votes on second readings. First readings have a reading of the ordinance in title only. Dr. Foust then called for a first reading of Ordinance Number 13, 2010 in title only.

Revis. Expend.
For Six Month
Intergov. Relations
Prof. in CE Ofc

Mr. Smith gave a first reading of Ordinance Number 13, 2010, "2010 General Fund Budget Revised Expenditures For A Six Month Intergovernmental Relations Professional In The County Executive's Office."

Dr. Foust noted that Resolutions have one reading and are voted on. He called for a reading of Resolution Number 1, 2010.

Confirm. Dir. of
Adm. to Serve
As Acting CE

Mr. Smith gave a reading of Resolution Number 1, 2010, "Confirming The Director Of Administration To Serve As The Acting County Executive." Mrs. Loll moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Gen. Auth.
\$300,000 Tax
Exempt Note
(Blood Bank)

Mr. Smith gave a reading of Resolution Number 2, 2010, "Erie County General Authority Not To Exceed \$300,000 Tax-Exempt Note (Community Blood Bank Of Erie County, Inc. Project)." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Scott Miller
Reappt'd to
Metro Transit
Auth. Brd. Of Dir.

Mr. Leone moved for the reappointment of Scott Miller to the Metropolitan Transit Authority Board of Directors. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Sale of Parcels

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

- 16-030-046.0-200.00
- 31-001-020.2-013.55
- 40-014-088.0-001.29
- 40-014-088.4-001.37

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

Dr. Foust's comments

Before adjourning, Dr. Foust wished to note that he was remiss in not welcoming the newest member of Council, Mr. Beeman. This is his first official meeting. Dr. Foust wished him luck as Mr. Beeman serves the people of Erie County.

Adjournment

There being no further business, the meeting adjourned at 8:35 p.m.

Ann M. Bruno, Council Secretary
