

August 4, 2016

### **ERIE COUNTY COUNCIL – Special Meeting**

Acting Chairman Breneman called to order a Regular Meeting of the Erie County Council at 12:04 p.m. at Erie County Council Chambers, 140 West 6<sup>th</sup> Street, Room 117, Erie, PA. Following the Pledge of Allegiance, Mrs. Loll read the following prayer/invocation:

“Let us pray. We have a life changing decision to affect all citizens of Erie County today. Help us to have calm heads and look to the future and try to understand what we will change for our citizens in their future. Help us to make the right decision today and in all upcoming meetings. 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 (via telephone)

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  
Gary Lee, Director of Administration

#### **Hearing of The Public**

Passle Helminski, Fairview Township; Chairman of the Elderly Disabled in Erie County. The reason she came today was to remind Council of past history regarding an ordinance that was seconded by Mr. Leone granting the EMTA permanent ownership of paratransit. She had partial minutes of what began in December of 1993 and ended in December 1997, where EMTA picked up the broken fleet, the County's debt, and made it whole again. She stated she was not taking sides but she did not want Council to forget history. She would like to see the good continue.

Eugene Sorrentino, Girard Township; Mr. Sorrentino commented that Mrs. Loll represents him, except in this case. He stated that the City is playing brinksmanship with Council and they've done for his entire life. They are playing games because they are going to bully Council into doing what they want. They have already authorized their attorney to seek lawsuits to force the issue. Council, in turn, is going to have to pay an attorney to fight with them. He asked, “who pays for all this? The taxpayers.”. He commented that because Council's attorney is his employee and their attorney is employee. He felt it was time that Council stops it, overrides the veto, and tell the City to do what they have to do and if they want to talk, they have Council's phone numbers. Mr. Sorrentino felt that enough is enough and the taxpayers can't afford anymore.

#### **Approval of Minutes**

None.

#### **Reports of County Officials**

Gary Lee, Director of Administration, commented on behalf of the County Executive. He stated the vote before Council is extremely serious. The Administration believes that it should be regional transportation, based on Destination Erie and based on feedback from the citizens. There was a \$1.8 million investment in getting the community involved and one of the key issues was

transportation. He stated that the County Executive and the Administration feels very deeply about this subject and believes that it should be regionalized and that all should be looking out for the ridership of the region. He asked that Council reconsider the vote as it pertains to the override of the veto.

## **OLD BUSINESS**

### **Possible Override of Veto on Res. 31, 2016**

Possible veto override vote on Resolution Number 31, 2016, “Resolution of Erie County to Withdraw from the EMTA as a Member Municipality”. **(Passed by County Council on 6/28/16; vetoed by County Executive on July 12, 2016)**

Mr. Leone made a motion to override the veto of Resolution Number 31, 2016. This was seconded by Dr. Foust.

Mrs. Fatica read the following statement:

“When my husband, as a member of County Council, was working to resolve the EMTA charter renewal, I brought to his attention the residents of the County who were in need of transportation services. These were my patients, clients, and their family members. I had personal knowledge of Millcreek residents who needed transportation services to Penn State Behrend; Corry residents who needed transportation to access mental health and counseling services, and city of Erie residents who declined jobs due to lack of transportation, just to give a few examples.

Based upon Mayor Sinnott’s irresponsible plan for EMTA’s future, I am fearful that the Mayor will hold municipalities hostage for funding and harm the very people who need transportation services the most. With all due respect for all of the work and dedication of my colleagues, I will vote not to override the County Executive veto.”

Dr. Foust wanted to reiterate what Mr. Sorrentino said and hit the nail on the head. With regards to the LIFT services, etc., Council has not talked about that, but the County is committed to providing those services are contractually obligated to do so. The County is not walking away from that whatsoever and those services will be funded.

Mr. Horton stated that after a year and half of negotiations, alone, he will still vote to override the veto. He commented that he is exercising the wisdom of Solomon because Council was battered with the idea that the second phase and \$36 million would be in jeopardy, jobs would be lost, and the economic impact and the interruption of rider services. Council has operated in good faith, expressed that Council did not want to do anything with the operations or the plans, but simply wanted to fund it and be compensated equitably, as in most parts of the world if not all parts of the world, according to Council’s investment. Council has been mischaracterized and when he hears the comment that Council wants to take over control of EMTA, it bothers him because of the negative connotation and that was never Council’s intention. He stated he echoes Dr. Foust’s sentiments about what has occurred at the Ad Hoc meeting with the City counterparts. As with the biblical story with the woman who lost her baby – who had the baby and Solomon said rather than to cut the baby in half, he would just as soon give it to the City. He does not want to put \$30 million in jeopardy, or employees out of work and the County is responsible for the LIFT. He felt the time has come to let go.

Mr. DiMattio stated that it is very difficult for all of Council. He looks at it as a political football with comments that if Council overrides it, they have sided with the Mayor and the City; if Council doesn’t override it, they have sided with the County Executive. He commented that nothing could be further from the truth. He stated that if the veto is overridden, the County can still sit down at any time with the City and renegotiate. His problem was that if the City wasn’t going to sit down and talk with the County now, what would make Council think that would happen at any time in the future. The County provides approximately 10% of the financing, PennDOT provides 90% with the Federal government, yet here Council is, the smallest person in the room, making the decision for PennDOT because they don’t want to make the political decision. It almost becomes

like the State budget from last year – just keep pushing it further and further and further and hopefully it will take care of itself or it will come back on the County to make the decision for them and whatever happens, happens. He commented that the more he thinks about it, if Council votes to override the veto, it doesn't regionalize. He felt that it's thrown right back to the City and the City gets exactly what they want. He has talked to City council members in the past few weeks as well and they have said they want to sit down and they want to talk, but at the end of the day if this goes another six weeks and September 14<sup>th</sup> rolls around, he did not know if the State would send York County up. They are going to have to make some pretty hard decisions as to what would take place. Would there be a disruption of service, he doesn't know. But, he stated that if Council votes to override the veto, he can't say it will or won't happen. He said there are too many unanswered questions that the State isn't willing to answer. What happens on the 14<sup>th</sup> if there's an override, what happens on the 14<sup>th</sup> if there isn't? The State won't answer those questions and Mr. DiMattio has an issue with that. Going forward, Mr. DiMattio stated he would vote not to override the veto. He stated he has to do what he feels comfortable with at the end of the day and he won't do it for political reasons.

Prior to the roll call vote, Mr. Leone commented that a "Yes" vote means override and a "No" vote means not to override.

Regarding the veto of Resolution Number 31, 2016, the roll call vote was 4-3, with the breakdown as follows:

YES (to override): Mr. Horton, Dr. Foust, Mr. Leone, Mr. Breneman  
NO (not to override): Mr. DiMattio, Mrs. Fatica, Mrs. Loll

The vote to override fails. Per the Home Rule Charter, a veto override requires a majority plus one vote of County Council.

**NEW BUSINESS**

None.

There being no further business, the meeting then adjourned at 12:19 p.m.

Deneé M. Breter, Council Secretary  
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