

September 20, 2011

Public Hearing District Revision Commission

Hearing of
The Public

Mr. Leone, Chairman, called to order a Public Hearing on the District Revision Commission at 6:00 p.m. in the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania.

Gary Zielonis, 2709 Brandes Street, Erie, came before Council to correct a number of factual errors he believes are contained in the District Revision Commission's report to County Council. He noted the district population figures for 2000 were incorrect for Districts 1, 2, 3, 4, and 5. The district figures for 2010 are incorrect for Districts 1, 4, and 5. The overall disparity among district populations has increased since 2000 and not lessened as stated in the report. He further stated that the real purpose of redistricting is to result in districts as nearly equal in population as practicable. He also believes the population of Waterford Township East is overstated by 528 people due to a boundary error. This error is among several he noted in both the city and county voting districts. This was mentioned nine years ago in his testimony at the public hearing on the 2002 Commission's report. He will share these with the County Clerk so they can be investigated and corrected if proven to be true. He made suggestions for swapping districts and provided a map and spreadsheet outlining the proposed alternative.

Adjournment

There being no further business, the Public Hearing was adjourned at 6:09 p.m.

Ann M. Bruno, Council Secretary

September 20, 2011

Minutes of Sept. 4, 2011 Reg. Mtg apprvd. Agenda Amended. PH Revis. Expend. Due to Decrease in Imm. Grant adopted. Planning SA for CDBG adopted. PS Creation of New Line Items Due to Changes in Allow. Expend adopted. Donation of Public Seating and Wrk Spaces at Lincoln Comm. Cntr adopted. Donation of Public Seating for Children's Area at Lincoln Comm. Cntr adopted. Change in Grade for 2nd DA Position adopted. Elimin. of Two Positions in CCIS Due to Dec. in Funding adopted. Appt. of Spec. Counsel failed. \$5,000 Donation from Friends of Lib. adopted. First Rdgs. Liquid Fuels for Conneaut Twp; Liquid Fuels for Lake City Borough. Retention of Spec. Counsel adopted. Four yr agrmt for insurance brokerage adopted. Rose Ann Provost appt'd to OCY Brd. Sale of Parcel from Repos. apprvd.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Leone, Chairman, called to order a Regular Meeting of the Erie County Council in Council Chambers at the Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, Mrs. Loll recited a prayer.

Moment of
Silence

Mr. Giles stated that on Sunday, September 11, 2011, the County performed its semi-annual memorial service for people who have been left to its care and custody, people without family and friends. Their remains were interred at the Old Almshouse Cemetery. He called for a moment of silence for the following people:

- | | |
|-------------------|---------------------|
| Richard Bertges | Willie Miller |
| James Burrier | Anthony Moczulski |
| Cheryl Cuning | William Montgomery |
| Clayton Gorn | Lucy M. Near |
| Albert Hils | Welton Petty |
| Henry C. Lengnick | Geraldine Robitille |
| Charles Markoff | Angel Torres |

Roll Call

The County Clerk called the roll:

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

Members Absent: None

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

Minutes

Mr. Giles moved to approve the minutes of the Regular Meeting held on September 6, 2011. Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Finance
Committee

Dr. Foust reported the Finance Committee met on September 15, 2011 and agreed to place Ordinances 75, 76, 77, 78, 79 and 80 for second readings. A discussion was held regarding bringing Resolution Number 30 off the table and voting it down for a substitute resolution on the agenda. Also on the agenda for first readings are Ordinances 84, 85, and 86 along with Resolution Number 37 to replace Resolution 30, and the possible adoption of Resolution 38 in support of the four year agreement between the County of Erie and Benefit Administrators. The Committee also agreed to place the possible appointment of Rose Ann Provost to the Children and Youth Advisory Board and the possible approval of the sale of a parcel from the repository for unsold properties.

Personnel
Committee

Mr. Cleaver reported the Personnel Committee met on September 15, 2011 and agreed to place Ordinances 82 and 83 on the agenda for second readings.

Mr. Fatica's
Report

Mr. Fatica reported that on Sunday, September 11, 2011, he was honored to be invited to the Simpson United Methodist Church where local heroes were recognized in an event called the "Blessing of the Fleet." Representatives from Millcreek and Erie were in attendance. Mr. Giles was also present. It was a very lovely ceremony, religious and spiritual in nature. The ambulances and fire trucks were blessed. He stated it was a very moving tribute to the people who work day in and day out to keep the community's families, health and surroundings in their arms and cradled in their hearts.

Mr. Giles'
Report

Mr. Giles reported that on August 14-17, the County Commissioners Association celebrated its 125th anniversary. As Chairman of the Board, Mr. Giles noted it was an exciting opportunity. During the 125 years, Erie and Montgomery were the two counties in Pennsylvania that led the organization more times than any other county in the Commonwealth. This was a surprise to Mr. Giles, adding that Erie County had eight different presidents over that 125 year period. Also, in a hallway in the west wing is a picture of Erie County Commissioner Helen Schluraff, who was the first female president of the County Commissioner's Association. Mr. Giles stated that the entire event was festive and heartwarming to see former commissioners and new commissioners in attendance.

Mr. Giles reported at an earlier meeting that Erie County won the national award for the Poetry Anthology of Erie County writers. CCAP has requested that a copy of that anthology be put into the

time capsule they are preparing. Mr. Giles advised those who have writings in this anthology that 50 years from now, when this time capsule is opened, they will have one of the most interesting portraits of Erie County than any other county in the Commonwealth. Other counties will have placed government papers and other items not as colorful, personal or interesting in the capsule.

Mr. Giles further reported that CCAP contracted with an 80 year old painter from Pennsylvania to capture a scene at the Capitol. This is a water color and prints were made for the counties throughout the Commonwealth. Mr. Giles has taken Erie County's print to be framed and will place it in Council Chambers. To the credit of many sitting at the table with Mr. Giles, Erie County has been long and very involved with CCAP and has seen great results over that period of time. Mr. Giles displayed a book that was produced of the 125 years which will be distributed to all libraries in Pennsylvania. As Chairman, Mr. Giles has an article in the book. He extended congratulations to CCAP for 125 years. The challenges do not get any easier.

Almshouse
Memorial Svc

Mr. Giles reported that the Old Almshouse Memorial Service was conducted on Sunday, September 11, 2011. Going back to 1994, there are a variety of people who have volunteered their skills and talents such as musicians, color guards, singers, and three different ministers from three different denominations. Some of the people present when the site was rededicated in 1994 were in attendance this past Sunday such as Joy Greco, Judge Domitrovich and Paul Foust. What makes the ceremony special is that after every name is read with a little biography of each person, the firemen's bell is rung. There is a continuity of people who have volunteered. When looking for ministers and after having gone to the Methodist Church for the blessing of the fleet, Mr. Giles was so impressed by Pastor Patricia Mollick that he asked her six years ago to participate in the Almshouse Ceremony, and she has been installed as a permanent volunteer. This is quite a moving ceremony. He expressed gratitude to all who volunteered including Bob Smith and Lyle Cook.

Poetry
Celebration

Mr. Giles further reported that the Poetry Project had a Celebration of Poetry at the Erie Playhouse. There are five finalists annually and each performed five to seven minutes of readings, and an open mike session was held. Special thanks go to the County Executive, County Council, Edinboro University, Gannon University, Mercyhurst College, Penn State Behrend, Berwyn Moore, Dr. Greg Brown, Dr. Bob Hass and Doug Smith. He noted there was a good crowd with interesting people. One cannot leave a room like that without some sense of appreciation about their skill sets. He referred to a woman who seems to lead a quiet life and writes privately. She writes a lot about the relationship she has had on and off with her first and second husband. The different writings are exciting and enthralling. From Mr. Giles' point of view, along with Chuck Joy who heads up the committee, it is very impressive that Erie County has put this project together and recognizes its own talent.

PH Revis. Rev. &
Expend. Due to Dec.
In Immun. Grant

Mr. Smith gave a second reading of Ordinance Number 75, 2011, "2011 Public Health Fund Budget Revised Revenue And Expenditures In The Amount Of \$20,000 Due To Decrease In Immunization Grant." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Planning SA & New
Line for CDBG Prgm

Mr. Smith gave a second reading of Ordinance Number 76, 2011, "Second 2011 Planning Fund Budget Supplemental Appropriation Of \$348,500 And Creation Of New Line Item For Community Development Block Grant Program." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

PS Revis. Rev & Expend.
& Creation of New Line
Due to Changes in
Allow. Expend.

Mr. Smith gave a second reading of Ordinance Number 77, 2011, "2011 Public Safety Fund Budget Revised Revenue And Expenditures And The Creation Of New Line Items Due To Changes In Allowable Expenditures." Mr. Fatica moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Donation of Pub. Seat.
& Wrk Spaces at Lib.

Mr. Smith gave a second reading of Ordinance Number 79, 2011, "Eighth 2011 Library Fund Budget Supplemental Appropriation Of A Donation From Erie County Public Library Foundation Of Public Seating And Work Spaces At Lincoln Community Center With A Value Of \$21,247." Mrs. Loll moved to adopt; Dr. Foust seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Donation of Pub. Seat.
Child. Area at Lib.

Mr. Smith gave a second reading of Ordinance Number 80, 2011, "Ninth 2011 Library Fund Budget Supplemental Appropriation Of A Donation From Erie County Public Library Foundation Of Public Seating For Children's Area At Lincoln Community Center With A Value Of \$11,825." Mrs. Loll moved to adopt; Dr. Foust seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Change in Grade for
2nd DA Position

Mr. Smith gave a second reading of Ordinance Number 82, 2011, "Twentieth 2011 General Fund Budget Supplemental Appropriation And Change In Grade For 2nd District Attorney Position Number 003400-030." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Elim. Of Two Pos. In
CCIS Due to Dec. Fund.

Mr. Smith gave a second reading of Ordinance Number 83, 2011, "2011 Children & Youth Services Fund Budget Revised Revenue And Expenditures And Elimination Of Two Positions In CCIS Due To Decrease In Funding." Mr. Fatica moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 6-1, Mr. Giles voting no.

Res. 30 Removed
From Table

Dr. Foust moved to remove Resolution Number 30, 2011, "Approving The Appointment Of Special Counsel By The Erie County Solicitor" from the table. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Appt of Spec.
Counsel

Mr. Smith gave a reading of Resolution Number 30, 2011, "Approving The Appointment Of Special Counsel By The Erie County Solicitor." Mr. Giles moved to adopt; Mrs. Loll seconded and it failed in a roll call vote of 0-7.

Agenda
Amended

Dr. Foust moved to amend the agenda to include Ordinance Number 84, 2011, "Tenth 2011 Library Fund Budget Supplemental Appropriation Of A \$5,000 Donation From Friends Of The Library For Programming And Staff Development" for a second reading. Mr. Giles seconded, and it carried in a unanimous roll call vote.

Donation From
Friends of Lib.

Mr. Smith gave a second reading of Ordinance Number 84, 2011, "Tenth 2011 Library Fund Budget Supplemental Appropriation Of A \$5,000 Donation From Friends Of The Library For Programming And Staff Development." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

First Rdgs

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 85, 2011, "Third 2011 Liquid Fuels Fund Budget Supplemental Appropriation For \$6,528 In Emergency Liquid Fuels Funding For Conneaut Township"

Ordinance Number 86, 2011, "Fourth 2011 Liquid Fuels Fund Budget Supplemental Appropriation For \$30,000 In Emergency Liquid Fuels Funding For Lake City Borough"

Ratify & Apprv
Spec. Counsel

Mr. Smith gave a reading of Resolution Number 37, 2011, "To Ratify And Approve Retention Of Special Counsel." Mr. Giles moved to adopt; Dr. Foust seconded.

Dr. Foust moved to amend the resolution with a replacement resolution which he believes addresses everyone's concerns regarding Council's responsibility and the Administration's prerogative which includes quarterly updates when counsel is appointed regarding PCoRP issues. Mr. Giles seconded the motion to replace the language.

Mr. Smith gave a reading of the amended resolution in its entirety:

RESOLUTION NUMBER 37, 2011

To Ratify and Approve Retention Of Special Counsel

WHEREAS, Article V, Section 3 C(4) of the Erie County Home Rule Charter requires the County Solicitor to "retain special counsel for a particular proceeding" with the approval of the County Executive and County Council; and

WHEREAS, the County's contract of insurance with PCoRP provides liability coverage, including payment of counsel fees, where the particular proceeding falls within the scope of coverage; Provided, that PCoRP under the same contract of insurance, shall have the right to appoint defense counsel; and

WHEREAS, pursuant to the County's contract of insurance with PCoRP, PCoRP has agreed to provide liability coverage, including payment of counsel fees, and has appointed Jay Habas, Esquire of Marshall, Dennehy, et al. to represent Erie County in the employment discrimination claim filed by Jeffrey DeFuoco with the Erie County Human Relations Commission.

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Erie that the County Solicitor's and County Executive's request to retain special counsel in the employment discrimination claim filed by Jeffrey DeFuoco, is hereby Approved.

FURTHER, in any lawsuits filed against the County in which the contract of insurance with PCoRP is implicated, the County Solicitor and County Executive shall abide by the terms and conditions of the contract of insurance and defer appointment of counsel to PCoRP as provided therein. In such cases the Administration will update County Council regarding pending lawsuits.

FURTHER, in any lawsuits filed against the County in which the contract of insurance with PCoRP is not implicated, the County Solicitor and County Executive shall first obtain Council approval to retain special counsel as required under Article V, Section C(4) of the Home Rule Charter.

Dr. Foust moved to further amend the Resolution to include the following language:

“In such cases the Administration will update County Council regarding pending lawsuits on a quarterly basis.”

This language is to be placed as the last sentence following the first FURTHER.

Mr. Giles expressed gratitude to Council’s Solicitor Tom Talarico for bridging what became a very tender issue on all sides. Mr. Giles believes Mr. Talarico has successfully captured the practice and policy that is in place in Erie County.

Mr. Leone called for a vote on the amendment, and it carried in a unanimous roll call vote.

Mr. Leone called for a vote on Resolution Number 37, 2011, “To Ratify And Approve Retention Of Special Counsel” and it carried in a unanimous roll call vote.

In Sprt of Four
Yr Agrmt Btwn
Erie Cnty & BNA

Mr. Smith gave a reading of Resolution Number 38, 2011, “In Support Of Four Year Agreement Between The County Of Erie And Benefit Administrators, Inc. For Insurance Brokerage Services.” Dr. Foust moved to adopt; Mr. Cleaver seconded.

Dr. Foust moved to amend the resolution at the request of Members of Council and also for further clarification from Council Solicitor. There are seven amendments:

1. In the title, “Benefit Administrators, Inc.” should be eliminated and substituted with “Hubbard Bert Karle Weber, Inc.”
2. On the title page, under BE IT RESOLVED, eliminate the words “Benefit Administrators, Inc., the Claims and Services Division of”
3. On page 1 of the agreement, eliminate from the first paragraph the words “Claims and Service Division, Benefit Administrators, Inc.”
4. On Page 2, under Article 5, Section a, where it states “sex” include the words “sexual orientation” to follow in both opportunities in that paragraph
5. Under Section b of Article 5, the same change after the word “sex” include the words “sexual orientation”
6. On the final page, under Firm Name, eliminate the words “Claims and Services Division, Benefit Administrators, Inc.’
7. Under the signature of Hubbard Bert Karle and Weber, Inc., eliminate the word “partner” and insert the word “President, Hubbard Bert Karle and Weber, Inc.”

Mr. Giles seconded the motion on the amendments, and it carried in a unanimous roll call vote.

Mr. Leone called for a vote on Resolution Number 38, 2011, as amended, and it carried in a unanimous roll call vote.

Rose Ann
Provost Appt’d
To OCY Brd

Dr. Foust moved to approve the appointment of Rose Ann Provost to the Children and Youth Advisory Board. Mrs. Loll seconded, and it was approved unanimously.

Sale of Parcel
Approved

Mr. Giles moved to approve the sale of Parcel from Repository for Unsold Properties at Index Number: 18-050-033.0-216.00. Dr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Giles’
Comments

Mr. Giles acknowledged the long hours Mrs. Pasquale has been working to prepare the budget. Without having seen the work product yet, the amount of time, energy and dedication she has put into her service into the county is truly outstanding.

Adjournment

There being no further business, the meeting adjourned at 7:33 p.m.

Ann M. Bruno, Council Secretary
