

May 1, 2012 Salary Ord. for Asst Cnty Sol. Adopted. Gen Fund SA for Change in Sol. Staff adopted. Debt Svc Fund SA to Pay Off CamTech Note adopted. Debt Svc Fund for 2012 Bond Issue adopted. C&Y Line Item for Ct. Ord. Placements adopted. HC Line Item for Med. Ret. Funds from Value Behav. Health adopted. PS SA Donated Gas Detector adopted. C&Y Elim. Of Adv. Juv. Counselor at ELT Detention & Creat. Of Juv. Counselor at ELT Shelter adopted. Gen Fund SA From Reduc. In Trans. to C&Y adopted. Health Choices SA for Position Change Ord. by Civil Svc Comm. adopted. PH Safe & Health Comm., Inj. Preven. & Cancer Preven. Grants for Change in Pos. adopted. First Rdgs: PH SA for Incr. in TB grant; Gen Fund SA for Transfer to PH; Gen. Fund SA for Trans. to PRM for ARC. Exon. Taxes on 2 Aban Trail/Props in Corry & Corry SD adopted. Exon. taxes on 2 Aban. Trail/Props in Girard and Girard SD adopted. Exon. Taxes on 4 Aban. Trail/Props in Summit, Wtrfrd, LeBoeuf Twp and LeBoeuf SD adopted. Ferki Ferati appt'd to EMTA. Sale of Parcel from Repos. apprvd.

Mr. Fatica, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, Mrs. Loll recited a prayer:

Let us pray, Lord Our God, We have been chosen to represent our people Of Erie County to the best of our ability. Give us the spirit of courage and right judgment, and a spirit of knowledge and understanding. By us governing with fidelity those entrusting us to build our government to be honest and true will be appreciative. Amen.

#### Roll Call

The County Clerk called the roll:

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

Members Absent: Mr. Beeman

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

#### Minutes

Mr. Giles moved to approve the minutes of the Regular Meetings of April 3 and April 17, 2012 as well as the Special Meeting of April 23, 2012. Mr. Leone seconded and it carried in a unanimous roll call vote.

#### Finance Committee

Mr. Giles reported the Finance Committee met on April 26, 2012 and agreed to place on the agenda Ordinances 37 through 41 for a second reading and Ordinances 49 through 51 for a first reading. Also on the agenda are Resolutions 23, 24, 25, the appointment of Mr. Feraki to the EMTA and the possible sale of parcel from the repository. Mr. Giles further reported that at the beginning of the meeting John Elliott gave a quarterly report regarding the Inland Port Project. Everyone should have read a print version of that project.

Personnel  
Committee

Mrs. Loll reported that the Personnel Committee met immediately following the Finance Committee and agreed to place Ordinances 35 and 36, which were previously tabled, on the agenda for a second reading as well as Ordinances 43, 45 and 46.

Mr. Cleaver's  
Comments

Mr. Cleaver acknowledged the presence of Mr. Mifsud, Director of Administration and Attorney DiNicola, the newly appointed County Solicitor. Mr. Cleaver stated he has a request for the administration. He has attempted to remove a sitting Council Member, but legal issues prevent him from doing so. Mr. Cleaver believes that the taxpayers have no obligation to continue to pay the salary of a councilman while he is incarcerated for crimes against the Commonwealth. This person also pled guilty to felony charges. This individual is receiving a paycheck while in jail; taxpayers are paying to keep him in jail and paying him while he is in jail. Mr. Cleaver would like to see the county solicitor look into this matter. There must be some law or regulation against collecting a paycheck while sitting in jail.

It is Mr. Cleaver's understanding that this individual will be serving 120 days in jail and will then be sentenced on other charges. He wonders if this council member will continue to be paid until the end of his term. Mr. Cleaver further noted that this member is not doing anything and now this Council has only six votes and at times could end up with a tie vote. Mr. Cleaver stated he should be replaced since he won't resign. Council should have the backbone to replace him, and if not, he shouldn't continue to be paid.

Mr. Giles'  
Report

Mr. Giles reported that the National Association of Counties has a membership of over 3,000 counties and it is a significant organization. The executive director is retiring and the organization is replacing him after almost 23 years. The Executive Committee of NACo consists of eight individuals; Mr. Giles was elected for two terms to represent the northeastern portion of the counties. This Committee will be making the recommendation on the replacement for the executive director. Russell Reynolds has been hired to assist in this procedure. Mr. Giles noted this is a very well paid position.

Mr. Giles then advised that Nationwide's contract under the deferred compensation program is up for renewal and the board has approved going forward with the existing contract. Mr. Giles noted that the Nationwide contract has a reimbursement to NACo for endorsement and to CCAP, the state association, as well. The organization also has a licensing agreement with CareMark for a prescription drug card program which started years ago. This is being restructured and local jurisdictions and counties are now being allowed to receive part of that licensing agreement. Mr. Giles suggested that if that happens in Erie County, that money should be targeted. Mr. Giles noted that NACo has advanced a dental discount program as well. The pilot program is over and a provider has been selected. Both of these agencies are working together and only one card will be needed. Mr. Giles pointed out that NACo dues have not increased in the past four years. A committee has been established to review that issue. He explained that the dues are driven by population and there should be no impact until 2014 and local dues should remain the same.

Mr. Giles further reported the McBride Viaduct Citizens Advisory Committee met for the first time on April 9, 2012. As a member of that a committee, he learned the work with Kimball should be completed before the end of this year regarding the future of the McBride Viaduct Project.

The Northwest County Commissioner's Association meeting was held in Punxsutawney on April 10, 2012. Sixteen counties in the region meet quarterly and alphabetically. Doug Hill, the Executive Director of CCAP, provided a lengthy presentation regarding the Marcellus drilling issue. The state budget was also discussed such as the 20% cut to human services and the human services block grant debate. It is believed a budget will be done by July 1, 2012.

Mr. Giles then reported that the Northwest Planning Commission met on April 13, 2012 in Villa Maria. This group consists of nine counties. A success story was brought out in this meeting about an altruistic young man who created a company called Epiphany which provides water purification based on solar energy. The demand for this is immense, and it is interesting that this particular product is being made in Lawrence County.

The Erie County Gaming Revenue Authority met on April 12<sup>th</sup> and April 26<sup>th</sup>. Organizations made presentations. ECGRA will present their annual report to Council on May 10, 2012.

Mr. Giles stated that he gave a presentation on behalf of the county at the Global Youth Services Day on April 21<sup>st</sup>. The energy level was fantastic.

Mr. Fatica's  
Comments

Mr. Fatica reported on March 13, 2012, all members of Council submitted a letter to all of their representatives, their state senator as well as the president of CCAP, urging them to be very aware of the human services funding cuts that are coming. As Mr. Giles indicated, it could be as much as 20 percent.

Salary for  
Asst Cnty Sol.

Mr. Giles moved to remove Ordinance Number 35, 2012 from the table; Mr. Cleaver seconded and it carried in a roll call vote of 5-1, Mr. Leone voting no.

Mr. Smith gave a reading of Ordinance Number 35, 2012, "2012 Appointed Official's Salary Ordinance For Assistant County Solicitors." Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mr. Giles moved to amend the ordinance to include the indemnification language approved by Council Solicitor Thomas Talarico. Mr. Cleaver seconded. Mr. Fatica explained that this is standard language. Mr. Giles noted that the insurance carrier recommended that this language be included. It has been included in the past. Mr. Fatica called for a vote on the amendment and it carried in a unanimous roll call vote.

Mr. Fatica called for a vote on the ordinance, as amended, and it carried in a roll call vote of 5-1, Mr. Leone voting no.

Gen Fund SA  
Change in Cnty  
Sol. Staff

Mr. Giles moved to remove Ordinance Number 36, 2012 from the table; Mr. Cleaver seconded and it carried in a roll call vote of 5-1, Mr. Leone voting no.

Mr. Smith gave a reading of Ordinance Number 36, 2012, "Sixth 2012 General Fund Budget Supplemental Appropriation Of \$5,665 For Change In County Solicitor Staff." Mr. Giles moved to adopt; Mr. Cleaver seconded and it carried in a roll call vote of 5-1, Mr. Leone voting no.

CamTech Note

Mr. Smith gave a second reading of Ordinance Number 37, 2012, "First 2012 Debt Service Fund Budget Supplemental Appropriation Of \$303,078 And Creation Of New Line Item To Pay Off CamTech Note." Dr. Foust moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

2012 Bond Issue

Mr. Smith gave a reading of Ordinance Number 38, 2012, "Second 2012 Debt Service Fund Budget Supplemental Appropriation Of \$13,375,982 And Creation Of New Line Items For 2012 Bond Issue." Mr. Giles moved to adopt; Mrs. Loll seconded.

Mr. Giles moved to amend the face sheet, the County Executive Certificate and Exhibit A to reflect the revised amount of \$13,326,285. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

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

Line Item for  
Ct. Ord. Place.

Mr. Smith gave a reading of Ordinance Number 39, 2012, "2012 Children & Youth Services Fund Budget Revised Expenditures Of \$45,000 For The Creation Of Expense Line Item For Court Ordered Placements." Mrs. Loll moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

Line Item for  
Ret. Funds  
Value Beh. Hlth

Mr. Smith gave a second reading of Ordinance Number 40, 2012, "2012 Health Choices Fund Budget Revised Revenue Of \$628,000 And Creation Of New Line Item For 2011 Medical Returned Funds From Value Behavioral Health." Mrs. Loll moved to adopt; Mr. Leone seconded.

Mr. Giles congratulated the administration and Sherri Gross for the work they have all done together to make certain that the fund balance remaining in the Behavioral Health column is substantial. With the uncertainty in human services funding, it is good to know some reserve has been built up to potentially accommodate that issue to some degree.

Mr. Fatica called for a vote on the ordinance and it carried in a unanimous roll call vote.

Donated Gas  
Detector

Mr. Smith gave a second reading of Ordinance Number 41, 2012, "Fourth 2012 Public Safety Fund Budget Supplemental Appropriation Of Donated Gas Detector From RAE Systems Valued At \$699." Mrs. Loll moved to adopt; Mr. Leone seconded.

Dr. Foust suggested that Council look into establishing a dollar amount for donations. Council has approved some donations that were small amounts and only double digits. He acknowledged this procedure was established in the wake of the Sheriff's boat issue, but he feels a reasonable dollar figure should be utilized so that smaller amounts could be handled without Council's final approval. A list of the donated items could be submitted monthly.

Mr. Fatica called for a vote on the ordinance and it carried in a unanimous roll call vote.

Elim. Of Pos at ELT  
Det. & Creat. Of  
Pos at ELT Shelter

Mr. Smith gave a second reading of Ordinance Number 43, 2012, "2012 Children & Youth Services Fund Budget Revised Revenue And Expenditures For Elimination Of Advanced Juvenile Counselor At ELT Detention And Creation Of Juvenile Counselor At ELT Shelter." Mrs. Loll moved to adopt; Mr. Cleaver seconded and it carried in a unanimous roll call vote.

Reduc. In Trans.  
To C&Y

Mr. Smith gave a second reading of Ordinance Number 44, 2012, "Eighth 2012 General Fund Budget Supplemental Appropriation Of \$34,593 From A Reduction In Transfer To Children & Youth Services Fund." Mr. Giles moved to adopt; Dr. Foust seconded.

Mr. Giles explained the savings occur because the category for that staff person is Dependency as compared to Delinquency. In one case, the reimbursement is 50-50 and the other case it is 90-10. This is an interesting view into the state reimbursement issue.

Mr. Fatica called for a vote on the ordinance and it carried in a unanimous roll call vote.

Pos. Change Ord.  
By Civil Svc.

Mr. Smith gave a second reading of Ordinance Number 45, 2012, "First 2012 Health Choices Fund Budget Supplemental Appropriation Of \$2,414 For Position Change Ordered By Civil Service Commission." Mrs. Loll moved to adopt; Dr. Foust seconded.

Mr. Giles noted that CCAP is working to assist counties to change the system regarding the Civil Service Commission. Berks County has moved far ahead in this field. Mr. Leone further explained that the state is also working on this issue. He feels it is a problem here in Erie County as well as other

counties. Berks County has had the foresight to eliminate their civil service. Mr. Leone does not consider it to be necessary in some areas, particularly the Office of Children & Youth. He suggested that the county may miss out on employees that are potentially better than those approved by the state. Mr. Leone feels this is a good step.

Mr. Fatica called for a vote on the ordinance and it carried in a unanimous roll call vote.

PH Revis. Rev. Mr. Smith gave a second reading of Ordinance Number 46, 2012, "2012 Public Health Fund Budget Revised Revenue And Expenditures Of \$3,062 In Safe & Healthy Communities, Injury Prevention And Cancer Prevention Grants For A Change In Position Funding." Dr. Foust 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 49, 2012, "Fifth 2012 Public Health Fund Budget Supplemental Appropriation Of \$189 And Creation Of New Line Items For Increase In TB Grant"

Ordinance Number 50, 2012, "Ninth 2012 General Fund Budget Supplemental Appropriation Of \$374 For Reduction In Transfer To Public Health Fund For TB Grant"

Ordinance Number 51, 2012, "Tenth 2012 General Fund Budget Supplemental Appropriation Of \$166,771 For Transfer To Pleasant Ridge Manor For Annual Required Contribution To Pension In 2012"

Exon. Taxes  
Corry Mr. Smith gave a reading of Resolution Number 23, 2012, "Exonerating Taxes On One Abandoned Trailer/Property In The City Of Corry And The Corry Area School District." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 5-1, Mr. Cleaver voting no.

Exon. Taxes  
Girard Mr. Smith gave a reading of Resolution Number 24, 2012, "Exonerating Taxes On Two Abandoned Trailers/Properties In Girard Township And The Girard School District." Mrs. Loll moved to adopt; Mr. Giles seconded, and it carried in a roll call vote of 5-1, Mr. Cleaver voting no.

Exon. Taxes  
Summit, Wtfrd  
Twp, LeBoeuf Mr. Smith gave a reading of Resolution Number 25, 2012, "Exonerating Taxes On Four Abandoned Trailers/Properties In Summit Township, Waterford Township, LeBoeuf Township, And The Fort LeBoeuf School District." Mrs. Loll moved to adopt; Mr. Leone seconded and it carried in a roll call vote of 5-1, Mr. Cleaver voting no.

Ferki Ferati  
Appt'd to EMTA Mr. Giles moved to appoint Ferki Ferati to the Erie Metropolitan Transit Authority. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Sale of Parcel  
From Repos. apprvd Dr. Foust moved to approve the sale of parcel from the Repository for Unsold Properties at Index Number: 06-6-14.3-13.52. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Adjournment There being no further business, the meeting adjourned at 7:43 p.m.

Ann M. Bruno, Council Secretary

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