

January 8, 2013

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles, Chairman, called to order 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. As we raise our heart and mind with humble confidence to perform our duties. We remember and place our trust in God that we may be granted the right understanding of each issue before us and we can be right in all our decisions. In the name of the Father, Son and Holy Spirit. Amen.

Roll Call

The County Clerk called the roll:

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

Members Absent: None

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

Minutes

Mr. Fatica moved to approve the minutes of the November 8, 2102 Public Hearing, November 13, 2012 Public Hearing and Regular Meeting, December 4, 2012 Public Hearing and Regular Meeting and the December 21, 2012 Regular Meeting. Mr. Giles confirmed with Mr. Maloney that the budget minutes of November 13, 2012 have been reviewed and were accurate. He then called for a vote on the minutes and it carried in a unanimous roll call vote.

Finance Committee

Mr. Leone reported that the Finance Committee met on January 3, 2013 and agreed to place Ordinance 148, 2012 on the agenda for a second reading and to place Ordinance 1, the Lord Corporation Tax Increment Financing, Ordinance 2 regarding automation fees in the Clerk of Courts Office, and Ordinance 3 regarding the revised LERTA in McKean Township for first readings. Also on the agenda for possible adoption are Resolution 1 regarding a lease agreement for office space for MDJ MacKendrick and Resolution 2 for a lease agreement for MDJ Robie, Resolution 3 regarding the exoneration of taxes on abandoned trailer in North East Township, and Resolution 4 regarding exonerating taxes on one abandoned trailer in the City of Corry. The possible motions to approve the Erie County Convention Center Authority 2013 Budget and the Sheraton Erie Bayfront Hotel Operating/Capital Budget have also been placed on the agenda.

Personnel Committee

Dr. Foust reported that the Personnel Committee met following the Finance Committee and agreed to place on the agenda a second reading for Ordinance 152, 2012 regarding the Assistant County Solicitor salary and a first reading of Ordinance 4, 2013 regarding a change in grade of an election clerk due to retirement which may be moved to a second reading.

Mr. Leone's Report

Mr. Leone stated that time and again the use of solicitors in county government has been discussed. The memo and decision sent by Council solicitor seems to sum it up. Mr. Leone's concerns in the past have always involved complying with the mandates of the Home Rule Charter. This isn't as detrimental as the fact that some elected officials have drafted contracts and these contracts have been honored by the executive branch of government. How that happens is beyond Mr. Leone's comprehension. He cautioned this administration to review all areas of contracts and agreements that do not comply with the Home Rule Charter. He has been accused of being personal in some of these areas. If complying with the law of Erie County is personal, then so be it. It seems every time a council member makes some noise, it is referred to as personal. Mr. Leone again cautioned this administration in granting certain privileges to various elected officials without reviewing the legality of such issues.

Mr. Leone wished to review an issue regarding the 3rd Class County Code. Each Member of Council has received his memo to Mr. DiNicola along with the decision of Council's solicitor. An example of 3rd Class County Code vs. Home Rule is a court case that was recently ruled on in Lehigh County, also a Home Rule county. The District Attorney filed suit against the controller over the rules governing former commissioners. In this case, the District Attorney used the 3rd Class County Code to indicate that a commissioner can't serve as controller within two years of leaving office.

Mr. Leone referred to the judge's ruling. In the ruling the President Judge agreed with the controller and stated "That home rule municipalities have the power to define their own forms of government, and the roles of the officials in it." Once a political subdivision adopts a Home Rule Charter, it is no longer a city of the 2nd class, a county of the 3rd class, a borough or township of the 1st or 2nd class, but a "Home Rule municipality" and its code is the Home Rule Charter.

Mr. Giles' Report

Mr. Giles reported that earlier today Erie County hosted the regional meeting of the Northwest County Commissioner's Association consisting of 16 counties from Clearfield to McKean County and Armstrong and Butler Counties. This group meets quarterly and many members of Council attended the meeting. The meeting included the business meeting and a report from CCAP about current issues, as well as NACo's latest explanation of the situation in Washington regarding sequestration and budget cutbacks. Several copies have been distributed. Joyce Savacchio made a presentation to provide information regarding Perry 200 Celebration and events during next year. Each of the commissioners received a gift bag of Perry memorabilia. John Elliott also made a presentation regarding the Inland Port Project. The 16 counties are located in areas that could be impacted by this project. Mr. Elliott did an outstanding job.

Mr. Giles stated that a tour was conducted of the Tom Ridge Center from the basement to the top floor. He believes the commissioners got a good idea of what Erie County has to offer.

Mr. Giles further reported that the National Association of Counties Board of Directors holds their wrap up meeting in December. This meeting is held in the county of the current president of the association and was held in Memphis, Tennessee. It was interesting to Mr. Giles because he also serves as the vice chair for the Justice and Public Safety Policy for NACo. A six hour presentation was held which included the Mayor of Memphis and Mayor Mark Luttrell of Shelby County. At one time this correctional system was one of the worst in the country and it has been turned around to become one of the most effective and well respected correctional systems. Approximately 2,400 inmates had been housed the pre-release facility and another 2,400 were sentenced to county time in another facility. Mr. Giles noted it was amazing that ten years ago their staffing pattern was identical to the number of inmates. That problem has been corrected. The State of Tennessee's Commissioner for Homeland Security and Public Safety, Bill Gibbons, described the state's role in that change. The Crisis Intervention Team headed up Dr. Randy Dupont, a professor and clinical psychologist with the University of Memphis, with a specialty of Criminal Justice, also made a presentation. Meetings were then held regarding the Jericho Project. This particular project is subtitled *Voices of Jericho, Stories of Jail Diversion and the Road to Recovery*. Mr. Giles explained this is one of the leading programs in terms of re-entry and prevention and dealing with

individuals with mental illness or dually diagnosed with substance abuse issues. A tour of the correctional facility was also conducted. Mr. Giles noted this was a large and daunting facility. The advice and recommendations regarding re-entry, dealing with the mentally ill or dually diagnosed opened many doors. The issues at this six hour presentation were particularly interesting due to the problems occurring at the Erie County correctional facility.

Mr. Giles also reported that he and Dr. Foust met with individuals from NIC to discuss the problems at the prison in Erie County. Discussions regarding issues that need to be corrected were held. Mr. Giles noted that re-entry is an important component that Erie County needs to improve. Mr. Giles pointed out that everything comes back home to Erie County issues.

Mr. Leone asked about the project. Mr. Giles explained the project is about re-entry and the success of the program. The prison population has been reduced by approximately 20%. There is a connection between the federal, state and local level. At one time, the system in Shelby County was one of the worst jails in the country and is now considered a model facility. The Public Defender, Stephen Bush, developed the Jericho Project which is considered one of the best efforts to reduce both the incarcerated populations and to produce better results in terms of re-entry.

Prof. Fees for
Litig. Cnty.
Sol. Ofc

Mr. Smith gave a second reading of Ordinance Number 148, 2012, "Twenty-Eighth 2013 General Fund Budget Supplemental Appropriation Of \$25,000 In Professional Fees For Litigation Through The County Solicitor's Office." Mr. Leone moved to adopt; Mr. Cleaver seconded. Mr. Giles reminded everyone that this \$25,000 is specified for the OCY case. Mr. Giles called for a vote on the ordinance, and it carried in a unanimous roll call vote.

Apptd. Off.
Salary for
Asst. Cnty Sol.

Mr. Smith gave a second reading of Ordinance Number 152, 2012, "2013 Appointed Official's Salary Ordinance For Assistant County Solicitor." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Agenda Amended

Dr. Foust moved to amend the agenda to include Ordinances 2, 3, and 4 as second readings. Mrs. Loll seconded and it carried in a unanimous roll call vote.

First Rdg.

Mr. Smith gave a first reading of Ordinance Number 1, 2013, "Lord Corporation Tax Increment Financing (TIF) Plan Ordinance."

Auto Fees in
Clk of Cts Ofc

Mr. Smith gave a second reading of Ordinance Number 2, 2013, "First 2013 General Fund Budget Supplemental Appropriation For The Release Of \$17,000 In Restricted Automation Fees In The Clerk Of Courts Office." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Revis. LERTA
McKean Twp
Gen. McLane SD

Mr. Smith gave a second reading of Ordinance Number 3, 2013, "Approving A Revised LERTA Ordinance For McKean Township And The General McLane School District." Mrs. Loll moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

Change in Grade
Of Elec. Clk

Mr. Smith gave a second reading of Ordinance Number 4, 2013, "Second 2013 General Fund Budget Supplemental Appropriation Of \$9,141 To Fund Balance For A Change In Grade Of An Election Clerk Due To Retirement." Dr. Foust moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Aprvl Lease Agrmt
Btwn Erie Cnty &
Maher-McConnel for
MDJ MacKendrick

Mr. Smith gave a reading of Resolution Number 1, 2013, "Approval of Tentative Lease Agreement for the Lease by the County of Erie as Lessee of Office Space for Magisterial District Judge Christopher MacKendrick with Maher-McConnell Properties Located At 6880 Route 215, East Springfield, Pennsylvania." Mrs. Loll moved to adopt; Dr. Foust seconded, and it carried in a roll call vote of 6-1, Mr. Leone voting no.

Aprvl Lease Agrmt
Btwn Erie Cnty &
Bayfront NATO for
MDJ Robie

Mr. Smith gave a reading of Resolution Number 2, 2013, "Approval of Tentative Lease Agreement for the Lease by the County of Erie as Lessee of Office Space for Magisterial District Judge Thomas Robie with Bayfront NATO, Inc. Located At 556 West 4th Street, Erie, Pennsylvania." Mr. Leone moved to adopt; Dr. Foust seconded. Mr. Giles noted that this is a short term lease because this is one of three district judge positions that are scheduled to be eliminated moving forward. Mr. Giles called for a vote and it carried in a unanimous roll call vote.

Exon. Taxes in
NE Twp & SD

Mr. Smith gave a reading of Resolution Number 3, 2013, "Exonerating Taxes On One Abandoned Trailer/Property In North East Township And The North East School District." Dr. Foust moved to adopt; Mr. Fatica seconded and it carried in a unanimous roll call vote.

Exon. Taxes in
Corry & SD

Mr. Smith gave a reading of Resolution Number 4, 2013, "Exonerating Taxes On One Abandoned Trailer/Property In The City Of Corry And The Corry Area School District." Mr. DiMattio moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Erie Cnty
CCA & Sheraton
Hotel 2013
Budgets Apprvd

Mr. Leone moved to approve the Erie County Convention Center Authority 2013 Budget and the Erie County Convention Center Authority Sheraton Erie Bayfront Hotel Operating/Capital Budget for the Year Ending December 31, 2013. Dr. Foust seconded. Mr. Giles stated this procedure was put in place once Council became closely involved with these Convention Center projects. He noted that the state legislature did not approve the reconfiguration of the Convention Center Authority. Mr. Leone provided an update stating the Convention Center Authority, at the present time, has three appointments from the City of Erie and four appointments from the County area. Appointments in the city areas represented by Mr. Giles, Mr. Cleaver and Mr. Leone are excluded. A request was made to include one representative from each member of Council along with two appointments made by the Mayor of the City of Erie. The Mayor agreed to this suggestion. The request also included two appointments from the Governor making it an 11 member board. Mr. Leone explained that the issue was not brought up in time and was not passed. In the meantime, Mr. Leone has talked with two area representatives, Pat Harkins and Flo Fabrizio, who indicated that they would bring the issue up again in the State House. Mr. Leone has also talked to Senator Wiley who indicated he would support the issue should it reach the Senate. Mr. Leone plans to pursue the matter as a member of the Local Government Advisory Committee. Mr. Giles called for a vote on the motion, and it carried in a unanimous roll call vote.

Mr. Giles stated that the County Executive has requested that he and Mr. Giles meet bi-weekly. The meetings are planned for Tuesdays when Council does not meet.

Adjournment

There being no further business, the meeting adjourned at 7:36 p.m.

Ann M. Bruno, Council Secretary