

October 11, 2016

ERIE COUNTY COUNCIL – Regular Meeting

Chairman Horton called to order a Regular Meeting of the Erie County Council at 7:01 p.m. at Erie County Council Chambers, Erie County Courthouse, Erie PA. Following the Pledge of Allegiance, Mrs. Loll read the following prayer/invocation:

“Let us pray. God, we look around us, at our world’s diversity. People of every kind surround us and we realize all are made in your own image. People are hurting each other. The ones you have created are hating and cursing each other. You sent a Savior to us breaking walls that would divide. God, work through us, so we can witness side by side as we remember that we all were made in your own image. 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

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

Hearing of The Public None.

Approval of Minutes

Dr. Foust made a motion to approve the minutes from the September 20, 2016, regular meeting. This was seconded by Mr. Breneman and carried in a unanimous roll call vote.

Reports of County Officials

Dr. Foust stated that the Finance Committee met on October 6, 2016, and agreed to add Ordinance 76, 2016, Ordinances 84-98, 2016, Resolutions 43-48, 2016, a board appointment to the HRC, and Sale of Parcels, to the agenda, with possible second readings of Ordinances 84, 85, 90-95, 2016.

Mr. Breneman stated that the Personnel Committee had no business for the agenda and no meeting was held.

Mrs. Fatica read the following report:

“On September 28, I attended the Board meeting of the Erie Regional Airport Authority. I questioned when Erie could expect an increase in flights. It was reported that with larger planes, there is a shortage of trained pilots. Now, a report from the area Flight School was encouraging. The current pilot training which functions in conjunction with the Porecco College has a maximum enrollment of nine students. Also reported was the result of a safety inspection conducted at Erie on August 1st through August 3rd. Erie received an unprecedented 100% score and received the following letter from Senator Bob Casey:

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‘Dear Mr. Rodgers: I want to offer you and your employees my warmest congratulations on Erie International Airport receiving an extraordinary inspection report from the Federal Aviation Administration. This recognition speaks to the high regard in which Erie International Airport is held throughout the nation and is a wonderful acknowledgment of your constant commitment to excellence and safety. Please accept my congratulations and best wishes on a job well done. Sincerely, Robert P. Casey, Jr., United States Senator.’”.

Mr. DiMattio commented that he attended a public forum this past week in Corry concerning a medical marijuana growing facility. The group that was out there has been working closely with the community as well as other legislators from northwestern Pennsylvania. As it stands right now, should this all go through and Corry be chosen and licensed to start an operation in the Corry area, it would be a \$10 million facility for Corry, generating upwards of \$1.5 to \$2 million per year. They gave various employment numbers but the community stands behind what is going on and Mr. DiMattio thinks it’s an interesting proposition for northwestern Pennsylvania.

Mrs. Loll read the following report:

Along with Mrs. Fatica and Mr. DiMattio, we met with representatives from Erie City Council. We tried to negotiate with them to get a resolution to the charter for the EMTA. We came up with a resolution that we thought was fair to both parties and thought that maybe we might have a compromised decision. Of course we all know how that went.

The Planning Commission meeting was canceled for the month of September due to the fact that there were no eligible Community Development Block Grant applicants. The next meeting for October will be to discuss the by-laws and the changes that will be made to the Executive Board and municipal members. Once the final changes are made, the new by-laws will be presented to County Council for their vote.

The 12th of September, I attended the Assessment Board meeting. There were four new veterans that qualified for property exemptions. They have to first be listed as disabled, earn less than \$87,000 per year and own and live in their own home. Also, if they become deceased after qualifying, the widow may continue to be exempt as long as she lives there and does not remarry.

St. Vincent will be notified that the PILOT agreement that they have with the County is about to expire. It will be reviewed and another agreement will be set in place. The rest of the meeting was an Executive Session.

I received the minutes from Platea Borough Council meeting for September and a disturbing report was given by the Platea Volunteer Fire Department. It was stated that Franklin Township Volunteer Fire Department is going to lose their EMS license and that the fire department might be closing. It was noted that the Platea Department may and probably will be asked to take on more territory. They have until the end of the month. Either way, it is not a good situation. No explanation was given as to the reason this is happening.”.

OLD BUSINESS

Ord. 76, 2016 – GF SA for Reduction in Tx. To PRM

Mr. Smith gave a second reading of Ordinance Number 76, 2016, “Twenty-Seventh 2016 General Fund Budget Supplemental Appropriation of \$3,394,944 for Reduction in Transfer to Pleasant Ridge Manor”. This was moved by Mr. Leone, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

MOTION TO AMEND AGENDA

Dr. Foust made a motion to move Ordinances 84, 85, 90 through 95 to second readings, and add the appointment of Raychel Aduitori to the Human Relations Commission. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

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Mr. Leone then made a motion to move Ordinances 96 and 97 to second readings. This was seconded by Mrs. Loll.

Dr. Foust commented that in the past, it has been Council's practice that we would change ordinances that are substantive and especially that pertain to personnel matters, we allow them to run their normal course of two readings to avoid both the appearance or practice of hurrying something along. He suggested that Council continue to do that this evening.

The motion then failed in a roll call vote of 4-3, with Dr. Foust, Mr. Breneman, and Mr. DiMattio voting no. This motion needed a majority plus one to pass.

NEW BUSINESS

Ord. 84, 2016 – Planning Rev. Exp. For Act 137 Grant To HRC

Mr. Smith gave a second reading of Ordinance Number 84, 2016, "2016 Planning Fund Budget Revised Expenditures of \$164 for Act 137 Grant to the Human Relations Commission". This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Ord. 85, 2016 – GF SA for HRC Act 137 Fair Housing Test Grant

Mr. Smith gave a second reading of Ordinance Number 85, 2016, "Thirty-First 2016 General Fund Budget Supplemental Appropriation of \$164 for Human Relations Commission Act 137 Fair Housing Testing Grant". This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Ord. 86, 2016 – Liquid Fuels SA for Emergency Alloc. Passed by LF Committee

Mr. Smith gave a first reading of Ordinance Number 86, 2016, "First 2016 Liquid Fuels Fund Budget Supplemental Appropriation of \$16,990 for Emergency Allocation Passed by Liquid Fuels Committee".

Ord. 87, 2016 – LF Rev. Exp. For Franklin Twp. Project

Mr. Smith gave a first reading of Ordinance Number 87, 2016, "2016 Liquid Fuels Fund Budget Revised Expenditures of \$34,000 from Emergency Funding for Franklin Township Project".

Ord. 88, 2016 – LF Rev. Exp. For Wayne Twp. Project

Mr. Smith gave a first reading of Ordinance Number 88, 2016, "2016 Liquid Fuels Fund Budget Revised Expenditures of \$50,000 from Emergency Funding for Wayne Township Project".

Ord. 89, 2016 - GF Rev. Revenue & Exp. For Stonegarden FY 14-16 Grant

Mr. Smith gave a first reading of Ordinance Number 89, 2016, "2016 General Fund Budget Revised Revenue and Expenditures of \$3,711 for Stonegarden FY 14-16 Grant".

Ord. 90, 2016 – D&A Rev. Revenue & Exp. & Creation of Line Item for Centers for Excellence Grant

Mr. Smith gave a second reading of Ordinance Number 90, 2016, "2016 Drug & Alcohol Services Fund Budget Revised Revenue and Expenditures, Creation of Line Item for *Center for Excellence*

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Grant FY 2016-2017". This was moved by Mrs. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 91, 2016 –
HealthChoices Rev.
Revenue & Exp.
For Add'l Revenue**

Mr. Smith gave a second reading of Ordinance Number 91, 2016, "2016 HealthChoices Services Fund Budget Revised Revenue and Expenditures for Receipt of Additional 2016-2017 Revenue". This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 92, 2016 –
PH SA to Beach
Grant Bureau**

Mr. Smith gave a second reading of Ordinance Number 92, 2016, "Tenth 2016 Public Health Fund Budget Supplemental Appropriation of \$8,920 to Beach Grant Bureau". This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 93, 2016 – PH
SA & Creation
Of Line Item
For Health Ed.**

Mr. Smith gave a second reading of Ordinance Number 93, 2016, "Eleventh 2016 Public Health Fund Budget Supplemental Appropriation of \$1,000, Creation of Line Item for Health Education". This was moved by Mrs. Fatica, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 94, 2016 – PH
Rev. Exp. & New Line
Item for Nursing Mother
Grant**

Mr. Smith gave a second reading of Ordinance Number 94, 2016, "2016 Public Health Fund Budget Revised Expenditures of \$4,500, New Line Item for Transfer to Nursing Mother Grant in General Fund". This was moved by Dr. Foust and seconded by Mr. Leone.

Mr. Breneman commented that he would be voting in favor of this ordinance, he finds that a grant from one county department to another is problematic. He feels that something like this could be handled through the General Fund just like anything else. He feels it deprives the community of much needed grant funds.

Ordinance Number 94, 2016, then carried in a unanimous roll call vote.

**Ord. 95, 2016 – PH
SA to Safe & Healthy
Communities Grant
Bureau**

Mr. Smith gave a second reading of Ordinance Number 95, 2016, "Twelfth 2016 Public Health Fund Budget Supplemental Appropriation of \$24,335 to Safe and Healthy Communities Grant Bureau". This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 96, 2016 – Amend.
Admin. Code – HRC**

Mr. Smith gave a first reading of Ordinance Number 96, 2016, "Amendment to the Administrative Code, Article 2, Section 5(IV)(3)(C), the Human Relations Commission of Erie County".

**Ord. 97, 2016 – Amend.
Ord. 39, 2007 – HRC**

Mr. Smith gave a first reading of Ordinance Number 97, 2016, "Amendment to Ordinance Number 39, 2007, 'Erie County Human Relations Commission'".

**Ord. 98, 2016 – Cap.
Proj. Fund Rev. Exp.
For VA Relocation
Project**

Mr. Smith gave a first reading of Ordinance Number 98, 2016, "2016 Capital Project Fund Revised Expenditures of \$211,723 for Veterans Affairs Relocation Project".

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**Res. 43, 2016 –
Fair Housing Res.**

Mr. Smith gave a reading of Resolution Number 43, 2016, “County of Erie Fair Housing Resolution”. This was moved by Mr. Breneman, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Res. 44, 2016 – Exon.
Taxes – McKean Twp
& Gen. McLane SD**

Mr. Smith gave a reading of Resolution Number 44, 2016, “Exonerating Delinquent Taxes on One Abandoned Trailer/Property #31-013-047.2-003.92 in McKean Township and the General McLane School District”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Res. 45, 2016 – Exon.
Taxes – Summit Twp.
& Ft. LeBoeuf SD**

Mr. Smith gave a reading of Resolution Number 45, 2016, “Exonerating Delinquent Taxes on One Abandoned Trailer/Property #40-014-088.1-005.89 in Summit Township and the Fort LeBoeuf School District”.

**Res. 46, 2016 – PA
Gaming Act**

Mr. Smith gave a reading of Resolution Number 46, 2016, “Urging the Pennsylvania General Assembly to Immediately Fix the Local Share Gaming Funds Language in the PA Gaming Act”, in its entirety:

WHEREAS, the passage of the Pennsylvania Race Horse Development and Gaming Act on July 5, 2004, created new opportunities to improve the economies of Pennsylvania and Erie County; and

WHEREAS, gaming revenue has become essential funding for regional assets, local governments, and economic development projects that provide the residents of Erie County and the economy with opportunities for growth; and

WHEREAS, the County of Erie has funded both the library and transit systems, as well as debt service for several publicly accessible building projects with the \$52.5 million received since Presque Isle Downs and Casino opened its doors; and

WHEREAS, the Erie County Gaming Revenue Authority (ECGRA) has dispersed more than \$40 million in impact grants throughout the County to improve public spaces, create jobs through small business, support education and training, and celebrate local identity; and

WHEREAS, host fees around the Commonwealth account for more than \$140 million in public safety and community services, including police, fire, and emergency service; and

WHEREAS, on September 25, 2016 the Pennsylvania Supreme Court determined that the local share provision of the Gaming Act violated the uniformity provision of the PA constitution; and

WHEREAS, the Supreme Court requires the Legislature to pass new legislation within 120 days, or by December 31, 2016, or the local share could be eliminated, which would disrupt and severely curtail progress in the investments in Erie County; and

WHEREAS, the loss of gaming revenue will create a multi-million-dollar hole in the 2017 Erie County budget and threaten a range of services for our citizens to cease immediately;

NOW THEREFORE BE IT RESOLVED, that we, the undersigned members of Erie County Council urge the Pennsylvania General Assembly to amend the Pennsylvania Gaming Laws during

this year's session (2016) in order to restore the local share provision due to Erie County and other counties facing the same burden across the Commonwealth.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Erie County legislative delegation, to Governor Wolf, and to the County Commissioners Association of Pennsylvania.

This was moved by Dr. Foust and seconded by Mr. Breneman.

Dr. Foust commented that as the resolution said that nearly \$100 million has hit the streets in some cases quite transformational projects and other cases involving allowing certain things to go forward that maybe wouldn't have been able to without additional funds. This will certainly put a real crimp in the 2017 budget if these funds are not restored. Dr. Foust feels this resolution encapsulates what all of Council has been doing already with talking to State delegation and they have all assured Council that they are going to do everything they can to make sure the local share is restored and anything Council can do to be sure the thoughts are conveyed they should do. He encouraged passage of this resolution.

Mr. Breneman commented that gaming funds are not a matter of play money. Too often, the County is straddled with one stream of funding to run local government and that is the ever dwindling property tax. The expansion of gaming in Pennsylvania was seen as a way to offset that reliance on property tax and that is exactly what it has done. It has been able to do transformational things not just every day business as usual. He commented that what they are dealing with is a risk that the taxpayer and homeowner will shoulder an additional burden and we owe it to them and the State legislators owes it to them. He asked that this resolution be sent to the House Gaming Committee who will meet on October 18th to discuss this matter. He also asked that both the County Executive and Council members remain vigilant, along with ECGRA. The State legislature passed internet gaming and airport gaming expansions over the summer without consulting with local government and they redirected that local share to a brand new grant program for DCED that isn't even local. Clearly, there are concerns with ensuring that the legislature will follow through and local elected officials need to do things such as pass this resolution brought forth by Dr. Foust and continue to push the legislature to ensure that the burden on the homeowners and taxpayers is not too high.

Resolution 46, 2016, then carried in a unanimous roll call vote.

**Res. 47, 2016 –
Ratifying Action
By CE to Approve
Add'l Borrowing
By ECCCA**

Mr. Smith gave a reading of Resolution Number 47, 2016, "Ratifying the Action of the County Executive to Approve Additional Borrowing by the Erie County Convention Center Authority". This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a 6-1 vote, with Mrs. Loll voting no.

**Res. 48, 2016 –
Appr. Agrmt.
b/w Erie County,
LECOM Health,
M'creek Manor,
MCH**

Mr. Smith gave a reading of Resolution Number 48, 2016, "Resolution to Approve Agreement between Erie County and LECOM Health Systems, Inc., Millcreek Manor, and Millcreek Community Hospital". This was moved by Mr. Leone, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

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**BOARD/AUTHORITY
APPOINTMENTS**

Dr. Foust moved to approve the appointment of Connie Manus to the Human Relations Commission to represent Mrs. Loll's District, and Raychel Adiutori to the Human Relations Commission to represent Mrs. Fatica's District. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

SALE OF PARCELS

Dr. Foust moved to approve the Sale of Parcel from Repository for Unsold Property at Index Numbers:

#33-026-153.0-011.00
#33-053.225.0-001.52

This was seconded by Mr. Leone and carried in a unanimous roll call vote.

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

Deneé M. Breter, Council Secretary