

January 14, 2014

ERIE COUNTY COUNCIL – Regular Meeting

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

“Let us pray. Lord Jesus, we are here to begin a new year will you go with us throughout the days ahead, to be our companion in all that we do. Don’t let us miss the beauty of this day or the glow of good health. Don’t let us deceive ourselves into a false reliance upon ourselves alone. You have given us whatever talents we possess and the time and opportunity to use them. May we use them wisely. We ask this in your name. Amen.”

Roll Call

The County Clerk called the roll:

Members Present: Dr. Foust, Chairman
Mr. Leone, Vice Chairman
Mr. Breneman
Mr. DiMattio
Mr. Fatica
Mr. Horton
Mrs. Loll

Members Absent: None.

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

Hearing of
The Public

Lou Aliota, 538 Margo Court, Millcreek Township. “I stand before this evening to ask you a question after I present myself. Some of you know me, some do not. I am a licensed registered pharmacist in four states. I have a Masters Degree in hospital administration with a specialization in pharmacy management. My Masters thesis was on a study of the characteristics of the alcoholic patient and Demetronytazol Experimental Study, in Brooklyn, New York. I am a member of at least twelve organizations, one including pharmacy law. I have held positions as a director of pharmacy for 25 years within the Department of Veterans Affairs. Some of my titles: Instructor of Clinical Health Sciences and Pharmacology, Associate Advisor – Masters Program, Adjunct Clinical Instructor in Clinical Pharmacy, Adjunct Clinical Associate Instructor. I am a board member of the American Heart Association – Erie Chapter, the Erie County Child Death Review Team of the Department of Health, member of the Department of Health’s Medication Advisory

Board, AARP-IRS Tax Consultant and Counselor for Erie County. I am an active participant in Erie Together, GECAC Drug and Alcohol Advisory Board. I was a member of the Millcreek School District's Student Assistance Program Advisory Council. With that resume, I ask Dr. Foust and members of Council, of the seven recommended appointments by the former County Executive, Barry Grossman, to County Council, one was tabled, and it was Lou Aliota. You don't have to answer, but I would appreciate some response why I was tabled and the reason for the tabling of my recommended appointment by Mr. Grossman. I have already contacted County Executive Dahlkemper to meet with her on this topic and on another topic. But after 34 years of living in Erie, Pennsylvania, sometimes the reputation of an individual precedes him or her, but my contribution to Millcreek Township, to Erie County, is extraordinary.”.

Dr. Foust commented that this is generally not a question and answer period, but any members have the prerogative to reach out to Mr. Aliota to express their point of view regarding that particular tabling.

Approval of Minutes

Mr. Leone moved to approve the minutes from December 3, 2013, and December 17, 2013. This was seconded by Mrs. Loll. This passed in a unanimous roll call vote.

Finance Committee

Mr. Fatica reported that the Finance Committee met last Thursday, January 9, 2014, and agreed to move the following onto the agenda, with some of them as second readings: Ordinance Numbers 1, 2, 3, 4, 5, 6, and 7. Ordinance 15 will be amended to Resolution 5, Resolutions 1, 2, 3, and 4; Appointment of Ron Jones to the Erie County Industrial Development Authority, Diana Ames to the Human Relations Commission Advisory Board, Dale Roth to the Erie Regional Airport Authority, reappointment of Michael McCormick and Eric J. Seggi to the Erie County Convention Center Authority, as well as the sale of parcels from repository at Index Numbers 50-001-006.1-001.54 and 50-006-071.0-012.65.

Personnel Committee

Mr. DiMattio reported that the Personnel Committee met directly following the Finance Committee on January 9, 2014, and discussed Ordinance Numbers 8, 9, 10, 11, 12, and 13, all relating to budgeted salary increases, along with Ordinance 14, a General Fund Supplemental Appropriation of \$16, 885 for reclassifications due to some position changes in the District Attorney's office.

2nd Readings

Mr. Leone moved to make second readings of Ordinances 1 through 14. This was seconded by Mr. Fatica. This carried in a unanimous roll call vote.

Amend. Ord. 15

Mr. Leone moved to amend Ordinance Number 15 to Resolution 5. This was seconded by Mr. Fatica and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 1, 2014, “2014 General Fund Budget Revised Revenue of \$1,000 and Creation of an *Unclaimed Property* Line Item in Magisterial District Judges Department. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), and 3B(2)(f) of the Erie County Home Rule Charter that Revised Revenue of \$1,000 and the creation of an Unclaimed Property line item (money) in the Magisterial District Judge Department of the 2014 General Fund, are hereby approved as outlined on the attached Exhibit A. This ordinance shall be effective immediately upon adoption.” This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 2, 2014, “2014 Gaming Fund Budget Revised Expenditures of \$1,053,070 And Creation Of A Line Item For Library Operating Expenditures. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), and 3B (2) f of the Erie County Home Rule Charter that revised expenditures of \$1,053,070 and the new Transfer To General Fund line in the 2014 Gaming Fund, needed for Library Operating Expenditures, are hereby approved as outlined on the attached Exhibit A. This

ordinance shall be effective immediately upon adoption.” This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 3, 2014, “2014 Library Fund Budget Revised Expenditures of \$1,053,070 For Library Operating Expenditures. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), and 3B (2) f of the Erie County Home Rule Charter that revised expenditures of \$1,053,070 in the 2014 Gaming Fund needed for Library Operating Expenditures are hereby approved as outlined on the attached Exhibit A. This ordinance shall be effective immediately upon adoption.” This was moved by Mr. Leone and seconded by Mr. DiMattio. This carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 4, 2014, “2014 General Fund Budget Revised Expenditures of \$1,053,070 And Creation Of A Line Item For Library Operating Expenditures. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), and 3B (2) f of the Erie County Home Rule Charter that revised expenditures of \$1,053,070 and creation of a Transfer In From The Gaming Fund line item in the 2014 General Fund for Library Operating Expenditures are hereby approved as outlined on the attached Exhibit A. This ordinance shall be effective immediately upon adoption.” This was moved by Mr. Fatica, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 5, 2014, “2014 Children & Youth Services Fund Budget Revised Expenditures Of \$8,000 And Creation Of Diakon Lutheran Services Court Ordered Placement Line. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II, Sections 3B(1), and 3B 2 (f) of the Erie County Home Rule Charter, that these 2014 Children & Youth Services Fund Budget revised expenditures of \$8,000, and the creation of Diakon Lutheran Services Court ordered placement line are hereby approved as outlined on the attached Exhibit A. This ordinance shall be effective immediately upon adoption.” This was moved by Mr. Fatica, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 6, 2014, “2014 Capital Project Fund Supplemental Appropriation Of \$34,968 And Creation of Line Items For Rebate Payment On 2003 Series A and Series B Bonds. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II, Sections 3B (1), 3B 2 (b) and Article VIII, Section 8 of the Erie County Home Rule Charter, and certified by the County Executive that this 2014 Capital Project Fund Budget supplemental appropriation of \$34,968 and creation of line items for Rebate Payments on 2003 Series A and Series B Bonds are hereby approved as outlined on the attached Exhibit A. This ordinance shall be effective immediately upon adoption.” This was moved by Mr. DiMattio and seconded by Mr. Breneman. This carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 7, 2014, “2014 MH/MR Fund Budget Revised Expenditures And Creation Of Psychiatric Rehabilitation Line Item To Reflect New State Cost Center For Mental Health Services. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), 3B (2) f of the Erie County Home Rule Charter that these 2014 Mental Health/Mental Retardation Fund Budget revised expenditures and new line item, to reflect revised State Cost Centers for mental health services, are hereby approved as outlined on the attached Exhibit A. This ordinance shall be effective immediately upon adoption.” This was moved by Mr. Leone and seconded by Mrs. Loll. This carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 8, 2014, “2014 Appointed Official’s Salary Ordinance = Director Of Personnel. BE IT ENACTED by the County Council of the County of Erie pursuant to Article II, Section 3B(2)(h), and Article XI, Section 8B of the Home Rule Charter for the County of Erie, and Section 5A(4) of the Personnel Code for the County of Erie, that the following 2014 Appointed Official’s salary is set as of January 1, 2014. Director of Personnel - \$63,810. BE IT FURTHER ENACTED by the County Council of the County of Erie, that should any vacancy occur in the position listed in this ordinance, County Council shall have the power to establish the salary of any new appointee. This ordinance shall be effective as of January 1, 2014.” This was moved by Mr. Fatica and seconded by Mrs. Loll. Dr. Foust clarified that these are annual

ordinances that need to be done to approve salaries of appointed officials, and the important thing is that as they become vacant, it needs to be done again with the new salary established. This ordinance carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 9, 2014, "2014 Appointed Official's Salary Ordinance - Director Of Finance. This was moved by Mr. DiMattio and seconded by Mrs. Loll. This carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 10, 2014, "2014 Appointed Official's Salary Ordinance - County Solicitor." This was moved by Mr. Fatica and seconded by Mr. DiMattio. This carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 11, 2014, "2014 Appointed Official's Salary Ordinance for Assistant County Solicitors". This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 12, 2014, "2014 Appointed Official's Salary Ordinance – Public Defender". This was moved by Mr. Fatica and seconded by Mr. Leone. This carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 13, 2014, "2014 Appointed Official's Salary Ordinance – Full Time and Part Time Assistant Public Defenders". This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 14, 2014, "Second 2014 General Fund Budget Supplemental Appropriation of \$16,885 for Reclassification of Two Positions in District Attorney Department". This was moved by Mr. Breneman, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

Resolutions

Dr. Foust noted that Resolutions only receive one reading and thus would be voted on this evening. He further explained that Ordinance 15 has been amended to Resolution 5, and he asked that this be read in title only.

Mr. Smith then gave a reading of Resolution 5, 2014, "Authorization to Release Restricted Funds in the 2014 Erie County Care Management Budget". This was moved by Mr. Leone and seconded by Mr. Fatica.

Mrs. Loll stated that she was not going to vote "yes" on this tonight, but because it only covers one area of the questions she had, she would vote yes. She did clarify that earlier it was decided that there will be a meeting with Erie County Care Management and the questions that she and other members have can be asked and answered in a better setting.

Dr. Foust stated that a lot of the concern that Council has is not to cast aspersions on the current administration organization, but it comes a historical concern that Council has had with an agency of this type where the County and Council lost the typical balance of power and concern stems from that, which he felt needed to be said in a public meeting.

Mr. DiMattio commented that he agreed with Dr. Foust, and that Mr. Barber is doing a fine job. He felt that he would like to put the brakes on this for a little longer.

Mr. Horton commented that he is for the working men and women and a huge fan of the work that Erie County Care Management does. He further commented that he understands the historical issues and he is glad to see that there will be a meeting in the near future to discuss the other issues.

Dr. Foust clarified that the meeting will be with County Council, the Administration, and the Erie County Care Management Board. This is scheduled to occur before the month of March, 2014.

Dr. Foust then asked for roll call on Resolution 5. Resolution 5 then carried in a 6-1 vote, with Mr. DiMattio voting no.

Mr. Smith gave a reading of Resolution 1, 2014, "Approving Solicitor Contract Submitted by the Office of the Controller". This was moved by Mrs. Loll and seconded by Mr. Leone. This carried in a unanimous roll call vote.

Mr. Smith gave a reading of Resolution 2, 2014, "Erie County General Authority Not to Exceed \$350,000 Tax-Exempt Note (First Erie Better Housing East Corp. Project)". This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Mr. Smith gave a reading of Resolution 3, 2014, "Approving Solicitor Contract Submitted by the Office of the Sheriff". This was moved by Mr. Breneman, seconded by Mr. DiMattio. This carried in a unanimous roll call vote.

Mr. Smith gave a reading of Resolution 4, 2014, "Exonerating Taxes on One Abandoned Trailer/Property in the Northwestern School District and Springfield Township". This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Mr. Leone moved to approved the following appointments:

- Appointment of Ronald Jones to the Erie County Industrial Development Authority
- Appointment of Diana L. Ames to the Human Relations Commission Advisory Board
- Appointment of Dale Roth to the Erie Regional Airport Authority
- Reappointment of Michael McCormick to the Erie County Convention Center Authority
- Reappointment of Eric J. Seggi to the Erie County Convention Center Authority

Mr. Horton commented that at the end of December, 2013, the County Executive-Elect asked for all appointments to be tabled. He stated he is going to vote "yes" on the appointments and wanted it to be on record that he was not in agreement with how this was accomplished and he would trust and hope that Council moving forward that appointments not be rushed through at the 11th hour as the year closes out and bring new people on Council.

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

Sale of
Parcels

Mr. Leone moved to approve the Sale of Parcels from the Repository for Unsold Properties at Index Numbers 500-001-006.1-001.54 and 50-006-071.0-012.65. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

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

Deneé M. Breter, Council Secretary
