

April 7, 2015

ERIE COUNTY COUNCIL – Regular Meeting (AS AMENDED)

Fiore Leone, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Courthouse, County Council Chambers, Erie, PA. Following the Pledge of Allegiance, Mr. Smith took the roll:

**ROLL CALL**

Members Present: Mr. Breneman  
Mr. DiMattio  
Mr. Fatica  
Dr. Foust  
Mr. Horton  
Mr. Leone

Members Absent: Mrs. Loll

Also Present: Joseph Maloney, CPA  
Sue Ellen Pasquale, General Accounting Manager  
James Sparber, Finance Director  
Gary Lee, Director of Administration

**PRESENTATION OF  
CITATION TO  
Judge DiSantis**

Dr. Foust presented Judge DiSantis a citation for his years of service to the County of Erie. Dr. Foust commented that Judge DiSantis has always interacted with Council in a very professional way, he has been a leader for the legal community, and for this community, to be able to send us in the right direction and point us in a positive direction and dispense justice as it should be. Council wanted to congratulate Judge DiSantis on all his years of service and wish him well on the next phase of his life.

Judge DiSantis thanked Council and stated that in a lot of ways, the position he had as a Judge was its own reward, but was very fortunate in serving as President Judge because it allowed him to interact both with Council and two County Executives, and he felt that he walked away from that, now that he is retired, with a better appreciation for the difficult decisions that Council has to make in County government, as well as the Courts. He stated it has been his privilege pleasure working with each member of Council and with the County Executives.

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**HEARING OF  
THE PUBLIC**

Randy Barnes, Harborcreek Township; Mr. Barnes wanted to comment on the questions that DevelopErie answered, and wanted to ask if DevelopErie and its associated officers' employee salary and benefits was confidential information. He was questioning how confidential it is. He stated that these board members are appointed by Council, but the board members think this is confidential information and he wanted to know how confidential because these employees are in charge of spending millions of tax dollars. He then commented on the annual performance review document and he wanted to know how they evaluate employees and decide if the employee has done their job. He wanted to see a blank document but was told that it was confidential. He was not sure if they misunderstood the question but he was confused as to why a blank form used to evaluate an employee would be considered confidential. He then changed topic and stated that he felt that all meetings that Council has should be publicized and broadcast. He wanted to know when we tell other Council members about things and if there are other meetings where four or more members are getting together and discussing County business beyond this room or the next room. He stated at the last finance meeting there were questions about a resolution being presented and that members were asking why this was brought to their attention ahead of time. He felt it was more a piling on by other members. He again wanted to know what meetings are taking place that are not on the website. He commented that there are laws about four or more members assembling and discussing County business and if this is happening, then all meetings should be broadcast start to finish. He then commented about putting soldiers in states so that people could vote just a generation ago. He stated it would be nice to have a lot more participation.

Bill Welch, 3108 Highland Road Erie, PA 16506; Mr. Welch stated that he was at a meeting years ago when Mr. Leone did bring up the broadcast of meetings. He then commented on the fact that Verizon was deregulated by the PUC in January, 2015. It means that Verizon is pulling out copper lines and in Pittsburgh, Verizon has FIOS, but it is not available here. There are a number of companies putting in fiber optics in Erie County and he felt that there has to be some type of coordination and prevention of "cherry picking" because some of the companies will pick and choose the areas where they get more revenue. The FCC just ruled that the fiber optics are a public utility. Mr. Welch commented on when Mrs. Dahlkemper was touring with Joseph Biden and they were going to rural areas for making sure these areas had accessibility to the internet. There are areas in Erie County that still don't have access to the internet. He stated that a doctor in Washington Township can't even use her cell phone and also can't get the internet. He stated that a lot of government material such as grants need to be done electronically and will not take paper. He felt that the County should get some type of feel for this situation.

**APPROVAL OF  
MINUTES**

Dr. Foust moved to approve the minutes from the March 24, 2015 Regular Meeting. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**REPORTS BY  
COUNTY OFFICIALS**

County Executive Dahlkemper wanted to invite Council to come out in front of the Courthouse at 7:45 p.m. This month is both sexual assault awareness month and child abuse prevention month. She stated that one of the key things done in County

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government is protect the people of Erie County and most particularly the children. Tonight, she stated that there will be a spotlight on those two issues and she hoped that Council could join in this press conference as these issues are brought forward and awareness around these issues is brought forward to the whole community.

**FINANCE  
COMMITTEE  
REPORT**

Mr. Breneman reported that the Finance Committee met on April 2, 2015, and agreed to place Ordinances 42 through 44, 2015, Resolutions 21 through 24, 2015, a Board appointment, and Sale of Parcels from Repository to the agenda.

**PERSONNEL  
COMMITTEE  
REPORT**

Mr. Horton stated that the Personnel Committee met immediately following the Finance Meeting and agreed to add Ordinance Number 45, 2015, to the agenda.

**OTHER REPORTS**

Chairman Leone stated that Mr. Barnes deserved a couple of answers to the questions brought up. Chairman Leone stated that Council does not meet anywhere else outside of the courthouse. The meetings are held at caucus and the actual meetings. Regarding being public with what is going on, this is nothing new. He stated that Mr. Welch was quite correct that years ago, when Mr. Leone was with the Erie School District, he was director of operations facilities' audio/visual and at that time, they were negotiating who would get the contract for the city as far as cable was concerned. There was cable here and every time there was a meeting it was broadcast. When the rooms were renovated, it was not replaced. At present, there is audio and visual taken each time. He stated that further into this meeting, he would find out what exactly will occur with the recording and posting meetings.

**OLD BUSINESS**

Mr. Smith gave a second reading of Ordinance Number 37, 2015, "Second 2015 Capital Project Fund Supplemental Appropriation of \$1,001,681 and Creation of *Public Safety Radio Project* Line Item". This was moved by Mr. Fatica, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**MOTION TO AMEND  
AGENDA**

Mr. Breneman made a motion to amend the agenda and move Ordinances 42, 43, and 45, 2015, to second readings, as well as add Resolution 25, 2015, to the agenda. This was seconded by Mr. DiMattio and carried in a unanimous roll call vote.

**NEW BUSINESS**

**Ord. 42, 2015 –  
Gen. Fun. Revised  
Rev. & Creation of  
Line in MDJ Dept.**

Mr. Smith gave a second reading of Ordinance Number 42, 2015, "2015 General Fund Budget Revised Revenue of \$2,000 and Creation of a New Line Item for Unclaimed Property in the Magisterial District Judges Department". This was moved by Mr. DiMattio, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

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**Ord. 43, 2015 –  
Gen. Fund SA of  
\$38,277, Creation  
Of Line & Waiver  
Of Purch. Code**

Mr. Smith gave a second reading of Ordinance Number 43, 2015, “Seventeenth 2015 General Fund Budget Supplemental Appropriation of \$38,277, Creation of a New Line Item for GIS Training, and Waiver of Purchasing Code”. This was moved by Mr. Breneman and seconded by Dr. Foust. Dr. Foust wanted to remind the public that the waiver of purchasing code is not to be in anyone’s particular favor, but there is really only one vendor and much time and money would be wasted trying to find another one when we could be moving on a project right away.

Ordinance 43, 2015, then carried in a unanimous roll call vote.

**Ord. 44, 2015 –  
Capital Proj. Fund  
SA of \$10,000 for  
Analysis of PRM-East  
Usage**

Mr. Smith gave a first reading of Ordinance Number 44, 2015, “Third 2015 Capital Project Fund Budget Supplemental Appropriation of \$10,000 for Analysis of Building Re-Use of Pleasant Ridge Manor-East”.

**Ord. 45, 2015 – OCY  
Fund Automatic Upgrade  
Soc. Svc. Aide II to Soc.  
Svc. Aide III**

Mr. Smith gave a second reading of Ordinance Number 45, 2015, “2015 Children’s Services Fund Budget Automatic Upgrade of Position #005100-002 Social Services Aide II to Social Services Aide III”. This was moved by Mr. Horton, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**RESOLUTIONS**

**Res. 21, 2015 –  
Reimbursement  
Res. Of the County  
Of Erie, PA**

Mr. Smith gave a reading of Resolution 21, 2015, “Reimbursement Resolution of the County of Erie, Pennsylvania”. This was moved by Mr. Fatica, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 22, 2015 –  
In Support of  
MOU b/w Health  
Dept. & PA  
Imm. Coalition**

Mr. Smith gave a reading of Resolution 22, 2015, “In Support of Memorandum of Understanding Between the Erie County Department of Health and the PA Immunization Coalition”. This was moved by Mr. Fatica, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

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**Res. 23, 2015 –  
In Support of  
Video Recording  
& Posting Council  
Mtgs on Internet**

Mr. Smith gave a reading of Resolution 23, 2015, “In Support of the Video Recording and Posting of Erie County Council Meetings on the Internet”. This was moved by Mr. DiMattio and seconded by Mr. Horton.

Mr. Fatica moved to amend the resolution and the second “Whereas” to read: “Erie County Council desires to continue its longtime practices of openness and communication”, and adding to the last bullet, “Be it further resolved Chairman Leone appoints two members of Council to meet with IT Director Friedman and develop a comprehensive technical plan for broadcasting Council meetings. The Committee shall report back to Council within 30 days with steps of implementation.”.

Mr. Fatica wanted to thank and congratulate Mr. Breneman for his cooperation and collaboration with helping Council getting this written.

The motion to amend was seconded by Mr. Breneman. The amendment carried in a unanimous roll call vote.

Dr. Foust then read the following statement, “As I have said before and I said last Thursday, I will not support this resolution and I don’t do so with any malice toward those that sponsored it or support it. I didn’t fall out of bed last Thursday and decide without thought to oppose this resolution. We have discussed this issue in the past as a Council and Council has always decided against it. It wasn’t necessarily a financial issue it was something that we felt would be counterproductive to the general debate of how we conduct our meetings. Before it was televising meetings on cable access, today it is making a live video of our meetings available on line. The end result of both, outside of difference in cost, is negligible. As I have done in the past, without the benefit of an extended audience, I felt it was my duty to more fully explain my reasons for voting as I did on issues that have sparked intense debate. My remarks today are offered in that same spirit. Others may disagree, but I believe it is our duty as elected officials to determine the positive and negative effects of every issue before us and invoke and align with what we believe is the best course of action for our constituents. While putting our meetings on line has appeal in some circles, I don’t believe it will bring nearly the intended benefit of what its supporters hope for. Having said that, I hope I’m wrong. As some have reminded me lately, I have had the good fortune of having a good education and the privilege of working in higher education. Both of these realities have helped me as I serve on Council and as I’ve made up my mind on this issue. Much of my education has dealt with history and history has often taught us that past is prologue. History affords us the opportunity to look back at events that have already transpired to help see what our future can and will be. History has shown that televising meetings or putting them live on the web has brought mixed results at best, and in many cases measurable ones. Another fact that has been proven, and Mr. Fatica knows this as much as anyone from his time in the media, is that if you put a camera on someone, their behavior and personality will often change. The fact that our meetings will be videoed will increase people’s desire to

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pontificate and posture. For the public good? History has often shown it hasn't worked out that way. The fact our meetings may be videoed will increase people's desire to unfairly criticize their public officials or heap false praise. For the public good? History has often shown that has not been the case. Before I go on, I want to be clear about one thing. Let's not be too hard on those who will watch the meetings and become compelled to act in what we might deem as in a disagreeable manner. Often those doing the pontificating, the posturing, the leveling of unfair criticism, the heaping of false praise, are the elected officials themselves. For the public good? History has often shown that is not the case. I can point to countless examples of where this is so, whether it be in the halls of Congress, in Harrisburg, and here locally. Also, keep in mind that the right to pontificate, posture, unfairly criticize, or heap false praise, does not infringe now, nor will it be infringed if Council decides against this measure. No level of transparency will be curtailed if we decide against this resolution. Our meetings are open to the public, as Mr. Leone earlier talked about, and are duly covered in the minutes. All seven members of Council and the County Executive avail themselves to their constituents as much as humanly possible, as we ought to. This brings me to a couple constituent interactions that have occurred while this debate has gone on that have been disappointing and also telling. We were told during this debate by a citizen that, 'no good will come from debating this issue'. Let me repeat that. 'No good will come from debating this issue'. That line of thinking almost got us a rail yard that many in this community didn't want. The line of thinking that it's because it's obvious to me must be accepted by all is dangerous and counterproductive. Debate is an essential part of the democratic process and must be done. While I think it was a bit hurried in this particular instance, there has been debate and that is a good thing not a bad thing. Another disappointing suggestion was that Council should drop its long held practice of meeting at districts outside the city limits during the summer in lieu of making them available on line. The statement suggests that meeting our constituents and the public at large directly and in person is less preferable to viewing the meeting on line via mobile device or computer. History again tells us that democracy works best when the people are directly and personally engaged in the process. For what it's worth, the citizen attendance, not the department heads and elected officials that may be there, the citizen attendance at those four meetings far exceed the citizen attendance at nearly all of our other public meetings. Media studies and other sociological and psychological studies have shown the adverse effects of becoming too consumed with our technological devices. So much so that it can inhibit the socialization process and provide a false sense of protection to individuals, afforded by the lack of personal interaction, to make all sorts of wild claims that in the political process distracts elected officials from confronting substantive issues. I am not a Luddite resisting technological advancements around me hoping to hold back the hands of time. I have utilized new technology all the time in my capacity as a Councilman. TV, the internet, and other technological advances have transformed our world in many positive ways, but the terms "boob tube" and "idiot box" are not used as compliments to describe the medium of television. I want to reiterate that those terms are used to describe the medium, not the people using the medium. If there is a term to describe the internet I'm not sure what it is, but the medium does bring about many of the same negative consequences that critics of TV identify. Lastly, as a citizen encouraged us to approve this resolution, he told us we should, 'let the concerned citizens of Erie County watch the sausage being made', but at the same time the citizen admitted, 'some say you wouldn't eat sausage if you saw it being made'. That comment precisely encapsulates my argument. Yes, making our meetings live on the internet

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will allow citizens to see the sausage making that is the process of government, yet far too often, as that constituent admitted, it leaves the viewer with a sense they'd rather not participate. I want to do things that inspire people to participate in their government and in the political process, not turn away in revulsion. This resolution, I fear, will do more for the latter than it will for the former. While I'll vote No on this resolution, I'll encourage my colleagues to do the same. If passed, however, I will do all I can to utilize the technology in a positive way and I will do all I can to encourage others to do the same. Thank you."

Mr. DiMattio commented that at last Thursday's meeting, he had one reservation concerning this resolution. Taking the media, specifically the times, to task, unfortunately, things that were portrayed, especially in today's paper, he did not say. He stated that they are elected officials and should have thick skin, but conversely, maybe it is better in hindsight that things are recorded so we can fall back on these things in the future. Mr. DiMattio further commented that he is taken with the fact that the media is here at most of the meetings and seem to come for the highlights. Yet, this whole resolution has taken on a life of its own and was the lead story on many stations for five days in a row. It makes no difference to Mr. DiMattio whether the meetings are broadcast or not in the long run. He stated that he has never felt there was a problem with transparency on Council. All meetings are open to the public and since he has been on Council, he has never thought there was an issue with transparency. He stated that all technology is not bad and he hopes that moving forward he would hope that issues discussed by Council and brought before Council of great importance are also important to the residents of Erie County and those don't play out in the news. This resolution is somehow playing in the news and taking the forefront to other more important issues and in that respect, he is disappointed. Mr. DiMattio felt that if meetings are on line, maybe they will watch and maybe become more involved going forward.

Resolution 23, 2015, as amended, carried in a 5-1 vote, with Dr. Foust voting no.

Chairman Leone then appointed Mr. Breneman and Mr. Fatica to the Committee.

**Res. 24, 2015 –  
Exonerating  
Taxes**

Mr. Smith gave a reading of Resolution 24, 2015, "Exonerating Taxes on One Abandoned Trailer/Property #39-006-007.2-007.64 in Springfield Township and the Northwestern School District". This was moved by Mr. Breneman, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

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**BOARD/AUTHORITY**  
**APPOINTMENTS**

Mr. Fatica moved to appoint James Domino to an unexpired term on the Erie County Gaming Revenue Authority to represent Mrs. Loll's district. This was seconded by Mr. Breneman and carried in a unanimous roll call vote.

**SALE OF**  
**PARCELS**

Dr. Foust moved to approve the sale of parcels from repository of unsold property at Index Numbers 18-050-011.0-137.00 and 45-031-047.3-001.41. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**Res. 25, 2015 –**  
**In Support of**  
**MUCI Grant**  
**App.**

Mr. Smith gave a reading of Resolution 25, 2015, "In Support of Byrne Criminal Justice Innovation Program Planning Grant Application by the Mercyhurst University Civic Institute". This was moved by Mr. Breneman and seconded by Mr. DiMattio. The resolution passed in a 4-0-2 vote, with Dr. Foust and Mr. Horton abstaining from the vote.

There being no further business, the meeting adjourned at 7:35 p.m.

Deneé M. Breter, Council Secretary

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