

May 5, 2015

ERIE COUNTY COUNCIL – Regular Meeting

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, Mrs. Loll gave the Optional Prayer/Invocation:

“Our world has been rocked by an earthquake recently. Nepal has had the brunt of the loss. Fear seized many hearts of those in the land. We have gone through battles and hardships, but nothing like these people are facing. We understand the loss as we had a terrorist attack on 9-11. But the devastation these people have seen and the loss of loved ones, family and friends is overwhelming. Over 7,000 people have been lost and thousands more injured. We pray for these people and wish them well for the suffering that they have endured. It is said that suffering produces endurance and endurance produces character and character produces hope and hope ennoble us. Remember the promise of God that he goes with us and will never leave or forsake us. We pray that God be with them. Amen.”.

Mr. Smith then took the roll:

ROLL CALL

Members Present: Mr. Breneman
Mr. DiMattio
Mr. Fatica
Dr. Foust
Mr. Leone
Mrs. Loll

Members Absent: Mr. Horton

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

**HEARING OF
THE PUBLIC**

Sr. Pat Lupo presented some of the students from the Neighborhood Art House, including Rakeyla Ranson, 6th grade student at Pfeiffer-Burleigh, Nyjiana Bryant, 8th grade student at Sarah Reed, and Nikita Allen, Wilson Middle School. The students were from the Neighborhood Art House and gave an overview of their involvement with the programs there. Last summer, 25 Master Gardeners

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worked with them during a two week garden camp in July. They met from 9 a.m. until 1 p.m. each day. It was funded by the American Association of University Women (AAUW) who also volunteered and provided lunch each day. The students learned about gardening, went on field trips, and worked with the Master Gardeners in the community garden. They also did a cooking class at Frankie and Mays, made blueberry muffins, smoothies, and pesto. They also made wraps and learned how to present food. The students came to tonight's meeting to let County Council know how lucky they are to have the Master Gardeners in the community and hoped that Council would support them in the work they do. The students then read quotes from some of the participants in the program, many thanking the AAUW and Master Gardeners for the rewarding experience.

**APPROVAL OF
MINUTES**

Mr. Fatica moved to approve the minutes from the April 21, 2015 Regular Meeting, which was seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

Chairman Leone explained to the audience that the video presentation was unavailable this evening, but typically it would explain what was happening with each ordinance and resolution of Council. He then stated that many have asked why it only takes 15 to 20 minutes in meetings to spend millions of taxpayer dollars. He explained that when a vote is taken during a regular meeting, Council has already reviewed and questioned everyone concerned about either an ordinance or resolution. The Administration and its staff is present during the Finance and Personnel meetings to answer Council's questions on each and every item presented. They answer every question presented by Council. The Home Rule Charter requires Council to have two readings on Ordinances and one reading on Resolutions during the regular meeting. In many instances, Council may present various ordinances that are first readings to be considered for second readings. This requires 5 members of Council to make that change. In cases of Ordinances, Council may need to expedite matters because of time reasons, grant purposes, and various other reasons. By the time a vote is taken on Ordinances or Resolutions, Council members have already made up their mind and in many cases need no further advice or review. During the meeting, everyone present is privy to the screen that shows the information, which was unavailable this evening, which provides the viewing audience with the same information that Council has so the audience can follow along. A copy of the agenda is always available to anyone that wishes to see it. Chairman Leone hoped that this explanation would help the audience understand the process during a regular meeting.

**REPORTS BY
COUNTY OFFICIALS**

None.

**FINANCE
COMMITTEE
REPORT**

Mr. Breneman reported that the Finance Committee met on April 30, 2015, and agreed to place the following on the agenda: Ordinances 50-62, 2015, and Resolution 30, 2015.

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**PERSONNEL
COMMITTEE
REPORT**

Mr. DiMattio stated that the Personnel Committee met immediately following the Finance Meeting and agreed to add Ordinance Numbers 48 and 49, 2015 to the agenda for a second reading, as well as Ordinance Number 63, 2015.

OTHER REPORTS

None.

OLD BUSINESS

Mr. Smith gave a second reading of Ordinance Number 48, 2015, "Twentieth 2015 General Fund Budget Supplemental Appropriation of \$65,251 for Elimination of Economic Development Position #002010-001 and Creation of Line Item". This was moved by Mr. Breneman and seconded by Mr. DiMattio.

Mr. DiMattio commented that this ordinance has to do with the Emerge2040 project which was announced approximately three weeks ago in Erie County. This was originally funded by a HUD grant from the federal government, Erie County backed it until its completion. The grant ended on May 1, 2015. This position is now being transferred to the Erie Regional Chamber and Growth Partnership, and a separate LLC is being formed. This ordinance reads, as it stands now, that the County will donate \$16,750 to pay that position going forward. This was known at the time of the budget passing. Mr. DiMattio stated that he was not sure how he was going to vote on this ordinance, but if he does vote yes, it would be for this year and this year only. As it stands right now, and the way his questions have been answered, the County would be expected to fund this position at \$25,000 a year from now until approximately 2040. Mr. DiMattio stated his views that if it was originally funded by HUD, and now that the program is up and running, the County and the amount of money donated to this project thus far, this project should be able to fly on its own. Other entities within the County are "ponying" up some money to help pay this salary going forward as well. The salary now goes into effect as a \$10,000 raise as to what it previously was when it was housed at the County. Mr. DiMattio commented that he thought the County Executive would be here to speak on this ordinance, but apparently has been detained and is unable to be here. He stated he is not sure how he's going to vote on this, but he is not happy with how it stands at this point.

Mr. Breneman stated that from the start of this, it has been a collaborative process and since he has been in office, it's been even moreso. He commented that it will not be solely housed or in control of the County, but the amount of money put forth is the same amount the County already agreed to. He further stated that with it being a collaborative process, in order for other entities to feel comfortable with it, it makes sense that an LLC that is controlled by multiple parties is being put in place. He stated that as public officials, if they want another plan to sit on the shelf and not be implemented, or another failed opportunity, we can sit here and say this is not going to work out or be a success, that would be true and a self-fulfilling prophecy if we do not put forth the effort. Mr. Breneman felt that Council's role should not stop with not putting forth the funds that were already agreed to on this position, the role continues beyond this vote tonight. He challenged everyone to have an active role to make sure it does not sit on the shelf and become another plan that collects dust. He felt that the only way to move forward with this is to make sure there is a

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position to help steer the project forward with our guidance and as much input as we ourselves are willing to put into it.

Ordinance Number 48, 2015, then carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 49, 2015, “Twenty-First 2015 General Fund Budget Supplemental Appropriation of \$42,052 to Remove the Restriction from Funding for Creation of Director of Veterans Affairs Position”. This was moved by Mr. Breneman, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**MOTION TO AMEND
AGENDA**

Mr. Breneman made a motion to amend the agenda and move Ordinances 50 through 62, 2015, to second readings. This was seconded by Mr. Fatica and carried in a unanimous roll call vote.

NEW BUSINESS

**Ord. 50, 2015 –
Capital Project Fund
SA of \$42,600 for
Library Geothermal
Project**

Mr. Smith gave a second reading of Ordinance Number 50, 2015, “Fourth 2015 Capital Project Fund Budget Supplemental Appropriation of \$42,600 for Library Geothermal Project”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a 5-0-1 vote, with Mr. Leone abstaining.

**Ord. 51, 2015 – Gen.
Fund SA of \$25,116 &
Creation of Line for
Prison Safety Imp.**

Mr. Smith gave a second reading of Ordinance Number 51, 2015, “Twenty-Second 2015 General Fund Budget Supplemental Appropriation of \$25,116 and Creation of Line Item for Prison Safety Improvements through PCorp Grant”. This was moved by Mrs. Loll, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 52, 2015 – Gen.
Fund SA of \$8,208
For Rent Inc. in
MDJ Stuck-Lewis
Ofc**

Mr. Smith gave a second reading of Ordinance Number 52, 2015, “Twenty-Third 2015 General Fund Budget Supplemental Appropriation of \$8,208 for rent Increase in MDJ Stuck-Lewis’ Office”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

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**Ord. 53, 2015 –
Public Health
SA of \$500 &
Creation of Overtime
Line – West Nile
Virus**

Mr. Smith gave a second reading of Ordinance Number 53, 2015, “Second 2015 Public Health Fund Budget Supplemental Appropriation of \$500 and Creation of *Overtime* Line Item for West Nile Virus Grant Bureau”. This was moved by Mr. Fatica, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Ord. 54, 2015 -
Gen. Fund SA of
\$5,000 & Creation of
Line for HRC Act
137 Grant**

Mr. Smith gave a second reading of Ordinance Number 54, 2015, “***Twenty-Fourth** 2015 General Fund Budget Supplemental Appropriation of \$5,000 and Creation of Line Item for Human Relations Commission Act 137 Grant”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

***It should be noted that there was a clerical error in the Fund numbering on this Ordinance. It was originally listed as “Twenty-Fifth”, when it should have been “Twenty-Fourth”. This has been rectified on the Original Ordinance.**

**Ord. 55, 2015 –
Planning Fund
Revised Rev. & Exp.
Of \$5,000 & Creation
Of Line for Act 137**

Mr. Smith gave a second reading of Ordinance Number 55, 2015, “2015 Planning Fund Budget Revised Revenue & Expenditures of \$5,000 and Creation of Line Item for Act 137 Grant to HRC”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 56, 2015 – Library
Fund SA of \$4,475
For Donations from
Peterson Family**

Mr. Smith gave a second reading of Ordinance Number 56, 2015, “Second 2015 Library Fund Budget Supplemental Appropriation of \$4,475 in Donations from John and Gertrude Peterson for Purchase of Heritage Room Equipment and Young Adult Materials”. This was moved by Mr. DiMattio, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 57, 2015 – Library
Fund SA of \$13,000
Donation from
Friends of the Library**

Mr. Smith gave a second reading of Ordinance Number 57, 2015, “Third 2015 Library Fund Budget Supplemental Appropriation of \$13,000 Donation from Friends of the Library”. This was moved by Mr. DiMattio, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

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**Ord. 58, 2015 – Cap.
Proj. Fund SA of
\$19,655 for Add'l
Assessment Software
Costs**

Mr. Smith gave a second reading of Ordinance Number 58, 2015, “Fifth 2015 Capital Project Fund Budget Supplemental Appropriation of \$19,655 for Additional Assessment Software Costs”. This was moved by Mrs. Loll, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 59, 2015 – PS
Fund SA of \$2,709
Donation for
Antenna Assembly
From NWPA ERG**

Mr. Smith gave a second reading of Ordinance Number 59, 2015, “Second 2015 Public Safety Fund Budget Supplemental Appropriation and Creation of Line Item for Donated \$2,709 Antenna Assembly from NWPA Emergency Response Group”. This was moved by Mr. Breneman, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Ord. 60, 2015 – PS
Fund SA of \$3,156
For Charging Stations
Donation from
NWPA ERG**

Mr. Smith gave a second reading of Ordinance Number 60, 2015, “Third 2015 Public Safety Fund Budget Supplemental Appropriation of Donated \$3,156 Charging Stations from NWPA Emergency Response Group”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 61, 2015 – Auth.
Acceptance of Donated
MTV Cargo Truck**

Mr. Smith gave a second reading of Ordinance Number 61, 2015, “Authorizing the Acceptance by the Public Safety Department of Donated MTV Cargo Truck from NWPA Emergency Response Group”. This was moved by Mrs. Loll, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 62, 2015 – Gen.
Fund SA of \$17,369
For Unbudgeted
Health Ben. In
VR Bureau**

Mr. Smith gave a second reading of Ordinance Number 62, 2015, “***Twenty-Fifth** 2015 General Fund Budget Supplemental Appropriation of \$17,369 for Unbudgeted Health Benefits in Voter Registration Bureau”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

***It should be noted that there was a clerical error in the Fund numbering on this Ordinance. It was originally listed as “Twenty-Sixth”, when it should have been “Twenty-Fifth”. This has been rectified on the Original Ordinance.**

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**Ord. 63, 2015 – Adding
Veterans Affairs Dept.
To Admin. Code**

Mr. Smith gave a first reading of Ordinance Number 63, 2015, “Adding Veterans Affairs Department to the Administrative Code of Erie County, Previously Amended by Ordinance Number 152, 2014”.

Dr. Foust asked that clarification be obtained regarding whether or not the Director of Veterans Affairs would report to the County Executive or the Director of Administration. Mrs. Pasquale stated it would be the County Executive. Dr. Foust stated that in the “Definition of Class” in the job description submitted by Personnel it states “under the supervision of the County Administration”. Dr. Foust stated that it may be a grammar point, but County Administration is Gary Lee, so he wanted it clarified. Mr. DiMattio asked the reason for supervision under the County Executive and if this would be the only appointment that would report directly to the County Executive. Mr. Sparber stated that Mr. Callan and himself report directly to the County Executive. Dr. Foust stated he would feel comfortable with it being Gary Lee as it would make sense with a lot of the other departments, but if the County Executive wanted the department under her direct supervision, he has no problem with it either. Dr. Foust thought it was better suited there than under the Director of Personnel, but he wanted to make sure it aligns. Chairman Leone stated that change could be made before the next meeting.

RESOLUTIONS

**Res. 30, 2015 – App.
Of Lease Agmt. By
County of Erie &
Borough of McKean
For MDJ Stuck-Lewis**

Mr. Smith gave a reading of Resolution 30, 2015, “Approval of Tentative Lease Agreement for the Lease by the County of Erie as Lessee of Office Space for Magisterial District Judge Denise Stuck-Lewis with the Borough of McKean, at 8952 Main Street, McKean, Pennsylvania”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in unanimous roll call vote.

There being no further business, the meeting adjourned at 7:28 p.m.

Deneé M. Breter, Council Secretary
