

June 2, 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 Edinboro Borough Hall, 124 Meadville Street, Edinboro, PA. Following the Pledge of Allegiance, Mrs. Loll gave the Optional Prayer/Invocation:

“Let us pray. God, we know your presence because of the love, healing, comfort, encouragement, friendship, well-being, inspiration and existence of humankind. We pray for the sustainability and a better future and healing of the forgotten and oppressed. We pray for the ability of the human race who have long been put to the test to overcome the world’s problems, and also the guidance to the right path in life’s turmoil. We pray that we are skilled, wise and strong as we move forward, that we walk down the right path together. We give you thanks and praise. Amen.”.

Mr. Smith then took the roll:

**ROLL CALL**

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

Members Absent: None.

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

**RECOGNITION OF  
CODY GOULD,  
EAGLE SCOUT**

Mr. DiMattio acknowledged Cody Gould, member of the French Creek Council, who recently obtained the rank of Eagle Scout. Mr. DiMattio stated that since he has been appointed to Council, he has attended approximately six Courts of Honor. He stated these are special for a lot of reasons. Being a scout in this day and age is probably not the most popular thing, but he stated that most people who have obtained Eagle Scout rank turn out to be tremendous leaders, including senators, congressmen, Presidents, doctors, attorneys, and Mr. DiMattio felt that the reason for that is they appreciate three important things – their faith, their family, and their community. To have youth today be this active in scouting and do all the things required to become an Eagle Scout is more than just commendable. Mr. DiMattio stated that words cannot describe how important he feels this is and how wonderful it is for Erie County. Mr. DiMattio thanked Cody Gould for his contribution to his community and his amazing Eagle Scout project, which was in tandem with his brother, who is also an Eagle Scout. The project was at the First Presbyterian Church where his brother built a shelter in the back as part of his Eagle Scout project, and Cody continued this and made it wheelchair/handicapped accessible. Mr. DiMattio praised Cody for his hard work and dedication throughout his journey. Cody thanked Mr. DiMattio and Council for their recognition.

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Mr. DiMattio then gave Shari Gould, Cody's mother, an opportunity to speak. Mr. DiMattio explained that Ms. Gould knows first-hand what the County is going through with the 911 system and the lack of better communication, as her father had an episode a few weeks ago, which could have been very tragic.

Ms. Gould then addressed Council, stating that public officials were invited to Cody's Court of Honor, and within days after that, her father had some heart issues. She explained that her parents live rural, past Mount Pleasant Ski Resort, which is part of the confusion. Ms. Gould received a call from her father stating he was in a-fib and not feeling well. Ms. Gould left to head to her parents' home. Her mother had called 911, but when Ms. Gould arrived at her parents' home, the paramedics and ambulance had not arrived yet. Her father was in extremely bad shape. Ms. Gould realized there has been a lot of confusion over their address because when the County was re-districted, the confusion began. Her parents live on Old Route 86, which in Crawford County becomes Old Highway 86, which is not to be confused with Mount Pleasant Road or Old Plank Road. Ms. Gould then called 911 and stated that her mother previously called in, but she is concerned that she arrived at their house prior to the paramedics. The operator stated that there was nothing that she could do to help Ms. Gould. The operator stated she could not radio the ambulance, could not say whether they were lost, and there was nothing she could do. After five minutes, she called 911 again and asked if they could get a hold of the ambulance, and the operator again stated there is no way to get in contact with them. The paramedics finally showed and stated that they drove from north of McKean. The Edinboro Fire Department couldn't find the house because there was confusion over what road the house was on. Apparently, Ms. Gould has found out that the fire department cannot communicate with the 911 system. Ms. Gould pleaded with Council to address these issues and do whatever can be done with the 911 system and the re-districting to eliminate this type of confusion before something truly tragic occurs.

**HEARING OF  
THE PUBLIC**

Randy Barnes, Harborcreek Township. Mr. Barnes stated that the most the public can expect from elected officials is to be good stewards of tax dollars. Mr. Barnes brought up a right to know request he submitted 11 days ago and has gotten no response from County government. The request was in regards to the cost of the radio console in 2009 and how it was paid for. Mr. Barnes commented that there seems to be a problem with tracking addresses which is unfortunate because the 911 center has had millions of dollars put into it. He then stated that \$2.7 million was taken out of the general fund to balance the budget, with \$32 million left in reserves. \$10 million is proposed to be spent on the next generation radio. Mr. Barnes questioned why gaming revenue was not part of the \$27 million for the next generation radio system. He also questioned whether grants have been applied for which were discussed in the consultant's report. Mr. Barnes then commented that the County went to the consultant who said what was needed for Erie County and there was no further discussion or research. Mr. Barnes then questioned how long a generation is for electronics and when would this need to be done again. Mr. Barnes stated that there is no world trade center or 100 story buildings here and that fireman are not on the 80<sup>th</sup> floor and 50<sup>th</sup> floor of a building unable to communicate. He stated that the systems in place do need improved, but improved at the cost of \$27 million seems a bit much.

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Chairman Leone asked Mr. Barnes when the right to know request was sent, to which Mr. Barnes stated it was sent on May 15<sup>th</sup>, but the next business day would have been May 18<sup>th</sup>. Clerk Smith stated that the County Solicitor, Marcia Haller, currently has that request.

Tom Wasielewski, Washington Township. Mr. Wasielewski stated he is an Erie native and pier fisherman. He wanted to discuss the recent resolution on the wind turbines in Lake Erie, which he stated he believed was a unanimous vote. Mr. Wasielewski asked that Council inform the public on how they looked at the situation of offshore wind turbine development in Lake Erie. Mr. Wasielewski stated he has been involved in this since LEEDCo came on the scene approximately five years ago. He commented that he's sure the LEEDCo salesman stated that no one would be able to see the turbines, but he countered that, stating that Argon National Lab completed a study in 2011 in the United Kingdom. This study confirmed that small to moderate sized turbines were visible (350 feet high) to the unaided eye at distances greater than 26 miles, with blade movement visible up to 24 miles. At night, aerial hazard navigation lighting was visible at distances greater than 24 miles. At up to ten miles, the turbines were noticeable to everyone, and to casual observers, they were noticeable at distances up to 18 miles. LEEDCo is proposing 460 foot turbines, which will more likely be 700 feet, because that is what the Department of Energy is proposing on the Atlantic shoreline. Mr. Wasielewski provided a handout to all Council members and asked that they go to [www.greatlakeswindtruth.com](http://www.greatlakeswindtruth.com) to find out the truth about turbines.

David Babbett, Old 86; Mr. Babbett commented that the County map is wrong and 6N to the County line is wrong because part of the road is not there and the map needs to be rewritten. Mr. Babbett stated that there has to be something less expensive than \$26 million for the 911 system. He questioned why the Verizon and AT&T towers can't be used and thought there should be a better way to communicate without spending that much money.

#### **APPROVAL OF MINUTES**

Dr. Foust moved to approve the minutes from the May 18, 2015 Regular Meeting, which was seconded by Mr. Horton, and carried in a unanimous roll call vote.

#### **REPORTS BY COUNTY OFFICIALS**

None.

#### **FINANCE COMMITTEE REPORT**

Dr. Foust reported that the Finance Committee met on May 14, 2015, and agreed to place the following on the agenda: Resolutions 32, 33, 34, and 35, 2015. He further stated that there was a presentation from the Erie Regional Chamber and Growth Partnership regarding their Business Attraction program.

#### **PERSONNEL COMMITTEE REPORT**

Mr. Horton gave a brief update on the salary classification committee. An Ad Hoc committee, including Court Administrator Pete Freed, Amanda Iadeluca from HR, the interim HR director, and Mr. Horton will be meeting Thursday to shape the agenda. The hope is to change the C classifications more encompassing of the other

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positions to possibly downsize. There will be a slight setback with the HR changes in their personnel. The Personnel Committee met following the Finance Committee and agreed to add Ordinance Number 67, 2015 through Ordinance Number 72, 2015, to the agenda.

### **OTHER REPORTS**

Mr. Fatica commented that all members may have received a letter from the Tait company and that they were out of line a couple of weeks ago. Mr. Fatica mentioned that to Public Safety Director John Grappy and he was livid that they approached Council and this letter is the consequence of that issue. Mr. Fatica then asked if Council had any objection to him talking to Erik Friedman, IT Director, to see what type of bandwidth the County has regarding streaming Council meetings.

Chairman Leone responded stating that he talked to Mr. Smith, County Clerk, about Council meetings in Council chambers. The meetings are audio recorded and there is video. He stated that he envisioned trying to record these meetings in the cheapest and best manner without burdening Council in trying to garner more funding. Chairman Leone felt that if another video camera was placed there in another area of chambers, it would cover everything and that video could be placed on the Internet. Chairman Leone's opinion is that he is not looking for great quality and for the length of time of the meetings, he does not feel that it is worth trying to have a professional company come in and tape the meetings. Chairman Leone further commented that if someone wants to view the meetings, they could do so with the tapes that are uploaded by staff. He was under the impression that this is what Erik Friedman would be doing with the IT Department. He reiterated that this is just his opinion and other members of Council may feel differently, but when the time comes, he intends to vote to keep the cost as low as possible.

Mr. Fatica stated that this is why he was going to talk with Mr. Friedman because there are a lot of unanswered questions. He confirmed that the reason for getting the bid was to show that if it was done professionally it would not be a cheap date.

Mrs. Loll announced that Gaudenzia House, a drug and alcohol rehabilitation center, is having a fundraiser where people are repelling down the Renaissance Building and wanted to invite all to come because she will be participating in it.

### **OLD BUSINESS**

#### **Ord. 67, 2015 – Planning Fund SA of \$12,363 For Change in Director Position**

Mr. Smith gave a second reading of Ordinance Number 67, 2015, "First 2015 Planning Fund Budget Supplemental Appropriation of \$12,363 for Change in Director of Planning Position". This was moved Mr. DiMattio and seconded by Mr. Breneman.

Dr. Foust commented that as he has previously stated, he has serious reservations over approving this change. Council has been asked to appropriate \$25,000 at the last meeting for Emerge2040. Mr. Welsh, the Director of Planning and the reason why this position is open is because he was removed by the County Executive, in part because she wants to go in a different direction to address Emerge2040. Dr.

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Foust is unsure why that is necessary when Anna Frantz will be doing that from the Chamber's perspective. Dr. Foust further commented that in addition, the County Executive has gone to the Gaming Revenue Authority to ask for \$300,000 to fund "Operational Expenses" without any more definition to that. Dr. Foust stated that Council needs some time to really figure out what the Administration and the rest of the County has in place for Emerge2040 and feels that they are groping around in the dark a little too much. He commented that this experiment has been tried before where a director of planning was removed because the County was going to go in a different direction for "economic development" and the title of the month now is "strategic initiatives" and it failed miserably on a lot of different levels, mainly because planning is planning and economic development is something else. He felt there are some similarities, but as the borough managers and other people who work in the municipalities realize, the County Planning Department is one of the most vital outreaches to different municipalities that the County has and he fears that this will be ruined. Mr. Welsh has done more to repair a lot of those relationships that had been spoiled over the years and Dr. Foust would hate to have to go through that again. Dr. Foust then pointed out that this attempt to create this position by dismissing the current director of planning and hiring someone else is really a contempt of Council. What the Administration could not achieve through normal budgetary means, they are now doing through this move to get another person on board. Dr. Foust does not think that Council should stand for that, not necessarily out of some sort of power play, but he feels it is the wrong way to go about County business. Lastly, the Director of Planning was a 23 year employee of the County. When he was told he was going to be dismissed, there were not points of disagreement with his performance as a County employee. The Emerge2040 topics that were talked about, Mr. Welsh had already set up work groups as far as what the Planning Department would do, but this was not good enough for the County Executive. Dr. Foust stated that in the end, he does not feel that Council is here to govern to dismiss people who have been loyal, dedicated employees for 23 years and he wouldn't be part of it. If someone has to go because they are not pulling their weight, that is a whole different story, but when someone has done very good work over so many years, it is rotten the way this was handled. Dr. Foust stated that Council does not do the hiring or the firing, but Council approves the funds and with that, Council can send appropriate messages at the right time, and he felt that this is one that needs to be done to give the County Executive time to figure out where Emerge2040 is going and also undo what he felt is a real critical error for the future of the Planning Department.

With that, Dr. Foust moved to table this ordinance, which did not receive a second.

On the roll call vote, Ordinance Number 67, 2015, carried in a 6-1 vote, with Dr. Foust voting no.

**Ord. 68, 2015 –  
Gen. Fund SA of  
\$12,363 for Tx to  
Planning Fund Budget**

Mr. Smith gave a second reading of Ordinance Number 68, 2015, "Twenty-Seventh 2015 General Fund Budget Supplemental Appropriation of \$12,363 for Transfer to 2015 Planning Fund Budget". This was moved by Mr. DiMattio, seconded by Mr. Breneman, and carried in a 6-1 vote, with Dr. Foust voting no.

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**Ord. 69, 2015 –  
Gen. Fund SA of  
\$6,843 to Align  
Salary for Dir. Of  
Administration**

Mr. Smith gave a second reading of Ordinance Number 69, 2015, “Twenty-Eighth 2015 General Fund Budget Supplemental Appropriation of \$6,843 to Align Salary for Director of Administration with Responsibilities and Salaries of Director Reports”. This was moved by Mr. Horton and seconded by Mrs. Loll.

Mr. Breneman commented that he commends the County Executive in choosing professionals at the County based on their expertise and experience and not so much because she knows them. He further commented that he would not support this ordinance and hopes that whatever happens on the vote that the County Executive is able to retain or find someone who is capable of doing the job that has historically been a political appointment. Mr. Breneman stated he understands the County Executive’s desire to move the County forward, but as someone who supervises professionals who make more than he does, he could not agree with the change in this salary being necessary just because others that report to this position earn at a higher salary.

Mr. Horton commented that he advocated for and supported this ordinance. He felt that it is a travesty of justice to have a gentleman supervise seven people, six of which make more money than he makes. The gentleman has an MBA, and Mr. Horton clarified that he did not advocate for the gentleman per se, he advocated for the position. As the Personnel Chair of the County who is charged with chairing the salary committee, during the discussion that kept being brought up, but the Salary Committee has nothing to do with the salary of appointed positions. It is merely the non-bargaining and bargaining positions. Mr. Horton clarified that Mr. Lee is appointed and Mr. Horton further commented that Mr. Lee has 15 years of supervisory experience as a department head for the state, an MBA, and is currently at Carlow College serving at the behest of Senator Toomey. Mr. Horton further commented that Council has given salary increases over the last year and feels it is preposterous that a department head makes \$15,000 more than Mr. Lee and that the Director of OCY received a 44% pay increase and that her salary was \$50,000 and is now \$72,000, which was shown to all members of Council. He also commented that the Director of Human Services received a \$6,870 raise, but in part there was a mistake on the behalf of Council and the County Executive that went to that salary’s favor. There are people with degrees from on-line colleges, people with high school diplomas making more money than Mr. Lee and he felt that the whole reclassification speaks to the antiquated salaries of County employees. When it comes to an appointed position where the last four County Executives have been one term, the person in that appointed position will not be here 20 or 30 years. He stated that there are other positions that have received substantial increases and felt that there is never a wrong time to do the right thing. As Personnel Chair, he asked that Council delve into how these appointed position salaries are decided. Mr. Horton felt it appears that it is a popularity contest, which Mr. Horton hopes is not the case and that the person is being judged on their merit, and if it is then \$15,000 from one department head to his boss does not look right. Mr. Horton hopes that his colleagues would support this ordinance.

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Dr. Foust stated that he respects his colleague's position, but disagreed with it. He certainly does not vote on matters of salary regarding the person's popularity. He stated that all examples that have been given surrounding this issue are different than what is being done tonight. He commented that Council has never just gone back and changed someone's salary because Council felt they didn't make enough at what they are currently at. Jobs have been re-classified and in the case of the Warden, that is what the market bore. Council was able to get the Warden at a particular salary. Council could have paid much more, but it was felt that the candidate was good enough at a salary that would fit the budget. Regarding the Director of Human Services, the latest action taken on that position was only to align with what should have been done with the Personnel Code. Council did not go back and say, "we didn't give you enough the first time, we're gonna give you more now". Mr. Lee's salary was set when he took the job and that was the chance for him, the County Executive, and for Council to decide what he would make for his particular position. Council chose to start him at around \$70,000 and Dr. Foust did not feel that there has been anyone who has been in that position previously that has made more than Mr. Lee, and he did not disparage Mr. Lee's capabilities. Dr. Foust commented that as Mr. Breneman pointed out, there are a lot of people in this world that make more money than the person they have to report to, and that is the reality of the situation and that is a particular reality to Mr. Lee's position. Dr. Foust was not being offensive to his particular job, but it is a political appointee's position and these are the realities that surround that particular job. This is a different scenario than what has been done before by Council, and Dr. Foust stated that because of that, he will not support this ordinance.

Ordinance Number 69, 2015, failed in a 2-5 vote, with Mrs. Loll and Mr. Horton voting yes.

**MOTION TO AMEND  
AGENDA**

Mr. Breneman made a motion to amend the agenda and move Ordinance Numbers 70, 2015 through 72, 2015, to second readings. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

**NEW BUSINESS**

**Ord. 70, 2015 –  
C&Y Fund Budget  
SA of \$256,041 for  
Creation of 13 New  
Positions**

Mr. Smith gave a second reading of Ordinance Number 70, 2015, "First 2015 Children and Youth Fund Budget Supplemental Appropriation of \$256,041 for Children and Youth Creation of 13 New Positions". This was moved by Dr. Foust and seconded by Mr. Fatica.

Dr. Foust commented that during the Finance Committee meeting, Ms. Rees did assure Council that they feel the numbers are going to stabilize, but this is an addition of personnel that she thinks will get OCY through the initial thrust of reporting of abuse due to the Jerry Sandusky case, but once that levels off, this will take up the extra reporting and will be at the proper level moving forward.

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Mr. DiMattio added that for those in attendance, the amount of \$256,041 and 13 new positions is because the caseload at OCY has already increased 50% and it's only the beginning of June. OCY is in need of an additional unit as a result and unfortunately, the County does not have a choice as to what cases will or will not be investigated. This is funded 80%-20% between the state and the county.

Ordinance Number 70, 2015, then carried in a unanimous roll call vote.

**Ord. 71, 2015 –  
Gen. Fund SA of  
\$56,927 for Creation  
Of 13 Position in  
OCY Budget**

Mr. Smith gave a second reading of Ordinance Number 71, 2015, "Twenty-Ninth 2015 General Fund Budget Supplemental Appropriation of \$56,927 for Creation of 13 Positions in the Children and Youth Fund Budget". This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 72, 2015 –  
MHID Rev. Exp.  
Of \$50,665 for  
Change in Vacant  
Program Spec. II  
Position**

Mr. Smith gave a second reading of Ordinance Number 72, 2015, "Mental Health/Intellectual Disabilities Fund Budget Revised Expenditures of \$50,665 for Change in Vacant Program Specialist II Position". This was moved by Mrs. Loll, seconded by Mr. Fatica, and carried in a 6-1 roll call vote, with Mr. Horton voting no.

**RESOLUTIONS**

**Res. 32, 2015 –  
Appt. of Auditors  
For Health/Choices  
FY 7/1/14 to 6/30/15**

Mr. Smith gave a reading of Resolution Number 32, 2015, "Appointment of Auditors to Perform an Audit of the Erie County HealthChoices Program for the Fiscal Year of July 1, 2014 to June 30, 2015". This was moved by Mrs. Loll, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Res. 33, 2015 -  
Erie County Hosp.  
Authority Not to  
Exceed \$13,000,000  
Tax-Exempt Note  
(Sarah A. Reed  
Retirement Ctr)**

Mr. Smith gave a reading of Resolution Number 33, 2015, "Erie County Hospital Authority Not to Exceed \$13,000,000 Tax-Exempt Note (Sarah A. Reed Retirement Center Project)". This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

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**Res. 34, 2015 –  
Auth. To Engage  
Underwriter Firm  
For 2015 G.O. Bond  
For PS NGR Project**

Mr. Smith gave a reading of Resolution Number 34, 2015, “Authorization to Engage Underwriter Firm for 2015 General Obligation Bond for Public Safety Next Generation Radio Project”. This was moved by Dr. Foust and seconded by Mr. DiMattio.

Mr. Breneman moved to amend Resolution Number 34, 2015, to reflect Piper Jaffray as the Underwriter Firm at a cost of 1.0851, as well as the recommendation for disclosure counsel. This was seconded by Dr. Foust.

The amendment carried in a 6-1 roll call vote, with Mr. Horton voting no.

Resolution Number 34, 2015, as amended, carried in a 6-1 roll call vote, with Mr. Horton voting no.

**Res. 35, 2015 –  
Appr. Independent  
Auditor Rpt. Of  
Erie County for  
Calendar Year  
12/31/14**

Mr. Smith gave a reading of Resolution Number 35, 2015, “Approving the Independent Auditor’s Report of Erie County by Maher Duessel, CPA, for the Calendar Year Ending December 31, 2014”. This was moved by Mr. DiMattio, seconded by Dr. Foust, and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:50 p.m.

Deneé M. Breter, Council Secretary

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