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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 Elk Creek Township Building, 10405 High Street, Albion, Pennsylvania.

Following the Pledge of Allegiance, Mrs. Loll read the following prayer:

“Lord, help us to fight crime. It has broken our hearts and left us trembling, lost and alone. For every tear that is cried we will seed with hope. With everything we try, nothing is wasted. It is from the deepest wounds and broken peace that what is absent will be found. From the broken families and hearts, we will rise from darkness. When people pursue and welcome all people rather than divide, it will lead to peace and understanding of the precious gift we have. We will remember it is a possibility, rather than a pipedream. We offer this prayer to our Lord for guidance and a path to success. Amen.”.

Mr. Smith then took the roll:

**ROLL CALL**

Members Present: Mr. Breneman  
Mr. DiMattio  
Mr. Fatica (Via telephone)  
Dr. Foust (Via telephone 7:15 pm to 7:24 p.m.)  
Mr. Horton  
Mrs. Loll  
Mr. Leone

Members Absent: Douglas Smith, County Clerk

Also Present: Joseph Maloney, CPA  
Sue Ellen Pasquale, General Accounting Manager  
James Sparber, Finance Director  
Thomas Talarico, Esquire  
Kathy Dahlkemper, County Executive

**PRESENTATION  
OF CITATION TO  
ED LESSER**

Mr. Breneman presented a citation to Mr. Ed Lesser, in recognition of his 20 years of service to the Erie Area Council of Governments. Mr. Breneman stated that he had been fortunate enough to have a short term position with the COG and was the second employee ever in the COG. Mr. Breneman learned a lot from Mr. Lesser including inter-municipal cooperation, sharing of services and easing the burden of costs between municipalities. Mr. Lesser retired in July, 2015, and he thanked all members of Council for their support to the COG throughout the years. Mr. Lesser commented that it has been a pleasure working with the variety of municipal officials and he stated it breaks his heart sometimes that the public doesn't realize how much time and effort municipal officials put into their jobs and how demanding those jobs are. He felt that the public should be thankful for the sacrifice that these individuals make on behalf of the community.

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**HEARING OF  
THE PUBLIC**

Brad Roae, Representative, 6<sup>th</sup> Legislative District, which includes Elk Creek Township, Cranesville Borough, Franklin Township, and Fairview Township, as well as the central portion of Crawford County. He thanked Council for meeting in Elk Creek and felt it was great that Council goes on the road in the summer so the public can easily attend the meetings and see what is going on. Representative Roae gave a brief update on the state budget impasse and how it would impact counties like Erie County. A \$30.2 billion budget was passed with no tax increases. The Governor vetoed it and is working on a \$33.8 billion budget with a \$4.6 billion tax increase. Mr. Roae is pushing to release the funding by overriding vetoes on the 176 line items where there is 100% agreement. The Governor has line item veto authority, so there are some things that impact the counties that could be rectified if they override the veto. Some items include rape crisis funding, domestic violence funding, conservation district funding, child care assistance, state park funding, student transportation funding, early intervention programs, school lunch program state subsidy, among others. If the House can override the vetoes, the money can start flowing. It will become a problem when the agencies, school districts, and counties are not getting their money. Mr. Roae felt that they need to continue to negotiate in the areas that there is disagreement, but where there is 100% agreement, override the veto and get that part of the budget done. The House increased the Intellectual Disability Community Waiver Program by 11.9%, but the Governor wants it increased to 12.7% so they are not too far apart and this is an example of what could be negotiated. Regarding drug and alcohol program funding, the House increased it by 3.6%, the Governor wants 12.1%. The Mental Health Services Programs were increased by 5% in the House, the Governor wants 7.6%. The House completed their budget with the money they had and the Governor completed his budget with the money he wants to have from the tax increase proposal. The tax increase proposal got voted down 193-0.

**APPROVAL OF  
MINUTES**

Mr. DiMattio made a motion to approve the minutes from the July 14, 2015 regular meeting. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**REPORTS BY  
COUNTY OFFICIALS**

Mrs. Dahlkemper thanked Council for taking their meetings on the road and she was happy to be in Elk Creek Township. She commented that she appreciates working with Council on the Next Generation Radio Project. This has been more than a year that the Administration and Council have worked cooperatively together to get to this point, where the final stage of moving this project forward occurs. There have been many citizens throughout the County who have helped get to this point as well.

**FINANCE  
COMMITTEE  
REPORT**

Mr. Breneman stated that the Finance Committee met on Thursday, August 6, 2015, and agreed to move Ordinance 74, 2015 under Old Business, and Ordinances 84, 85, 86, 87, 88, 89, and 90, 2015, along with Resolutions 38, 39, and 40, 2015, and three Board appointments to the agenda.

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**PERSONNEL  
COMMITTEE  
REPORT**

Mr. Horton stated that the Personnel Committee met following the Finance Committee Meeting and agreed to move Ordinances 91 and 92, 2015, to the agenda.

**OTHER  
REPORTS**

Mr. DiMattio stated that he attended the CCAP Conference in Pittsburgh last week. He had a meeting with the U.S.D.A. regarding funding that is available at the state and national level for different projects. He did sit in with the State Fire Chief, who was in Erie a couple of weeks ago. He held a seminar along with the County Executive and other people from Lancaster County. Mr. Fatica also attended. There was discussion regarding the oil trains coming through Erie County and having a plan in the event of a derailment. He has spoken with Mr. Grappy, Director of Public Safety, and they are more than halfway through with implementation. He commented that some in the public have been apprehensive as to the amount of trains that come through here every day, but he felt that with what the Public Safety Director is doing, along with the expertise from the federal government and the plan that Lancaster has, seems to be more on the cutting edge and the County is in very good hands moving forward.

Mrs. Loll thanked everyone for attending the meeting this evening. She stated it is really nice to see this many people turn out to see how Council conducts their business. She commented that this is one district that elects her and she votes for this district and all of Erie County.

Chairman Leone explained to those in attendance that second readings of ordinances are voted on, but there are many that are on the agenda as first readings that would be moved to second readings, and then voted on. If they are left as a first reading, they do not get voted on. Once they have had a second reading and voted on, they become law.

**OLD BUSINESS**

**Ord. 74, 2015 –  
Bond Issue – Next  
Gen. Radio Proj.  
& Capital Projects**

Mr. Smith gave a second reading of Ordinance Number 74, 2015, “Authoring the Incurring of Nonelectoral Debt by the Issuance of General Obligations Bonds, Series of 2015 (The ‘Bonds’) in the Aggregate Principal Amount not to Exceed Twenty-Six Million Five Hundred Thirty Thousand and 00/100 (\$26,530,000); Covenanteeing to Pay and Pledging Unlimited Taxing Power for the Payment of the Bonds; Establishing a Sinking Fund and Appointment a Paying Agent, Sinking Fund Depository, and Registrar in Respect of the Bonds; Fixing the Form, Interest Rate, Maturity, Redemption and Other Provisions for the Payment Thereof; Accepting a Proposal for the Purchase of the Bonds; Authorizing the Filing of Required Documents with the Department of Community and Economic Development; Ratifying and Directing Certain Actions of Officers; Approving the Official Statement; and Making Certain Other Covenants and Provisions in the Respect of the Bonds”.

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The ordinance was moved by Mr. Breneman, and seconded by Mr. DiMattio.

Dr. Foust joined the meeting via telephone at this time.

Mr. DiMattio commented that he is thrilled that there are so many in attendance from the public safety community. He stated that Mrs. Loll and he had a meeting where all fire chiefs were invited to on May 3, 2012. Chief Hyde was at that meeting. After the meeting, Mr. DiMattio stated to Chief Hyde that he was going to everything he could to make sure the system gets done. Chief Hyde stated, "All of you new guys are all alike, we hear this all the time", but here we are now. He thanked Mrs. Loll and all members of County Council, along with the County Executive, that they have reached this point. Mr. DiMattio further commented that the radio system will finally get into place, but there is still a need for people to answer the calls. Councilman Horton and Councilman DiMattio have discussed this issue and they are hoping to work this issue out as well.

Councilman Horton read the following statement:

"I can't begin to express my gratitude and most sincere and heartfelt appreciation for the work and sacrifice made by the men and women who serve as our first responders throughout Erie County, our state and the nation. I also appreciate the sacrifices and accommodations of their families, by wives and husbands, sons and daughters – and of their friends and neighbors.

Their courage, the bravery displayed as our first responders stand vanguard over our community, while providing for the public's safety, is civic duty at its finest.

I acknowledge to the utmost the challenges, including the act of placing one's own life in peril in the performance of duty that makes up the core of a first responder's job.

We propose to spend \$26 million before interest for the new generation x radio system and tower purchase and lease.

We propose to take \$7 million from surplus funds and float a \$19 million bond to pay for a system that will be outdated almost before we even start implementing it.

Once again we have chosen to spend taxpayer dollars on 'stuff' rather than on the taxpayer, the very taxpayer who will be required to pay the matured bond in 20, 30 years from now when the bill is due. Then, we'll refinance it and saddle the next generation of taxpayer with insurmountable debt.

I understand and know that an updated system is needed. The issue has been kicked down the road too often over the years and we have arrived in a place where the radio system needs to be addressed. But let me be clear, the system proposed in this ordinance and too expensive and mortgages away our children's future.

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Last year, we approved a bond guarantee for the Erie Convention Center Authority to put a property tax exempt hotel on one of our most prized resources, the Erie Bayfront.

In past years, County Council denied educational opportunities and training to our young people by failing to approve a community college that would have improved our local workforce.

When the bill for these bonds comes due, we will be old or gone, and these young people won't be able to pay for it. The cycle of generational poverty tells us they will experience high rates of unemployment, incarceration and poor health outcomes including, sadly, premature death. Those who want more opportunity in life will move away.

We are spending unprecedented amounts of County taxpayer dollars on public safety while the need for human services continues to rise. In our County offices, we see every day the pain and brokenness of the human spirit. Men and women, taken before a Judge, boys and girls sifted through the Children and Youth system, to Domestic Relations, Child Support, Drug and Alcohol, and finally, sadly, to Coroner Lyle Cook's office.

I see people like myself struggling to pay utilities and taxes to keep my home. People are unemployed, underemployed, and over taxed and underrepresented.

At a time when blood cries out in the street every day and throughout the night, when parents are burying their children from drug overdoses and violence, and mental illness runs rampant – people are seeking relief from poverty. That relief can only come from family sustaining jobs and affordable quality education.

Yes, the radio system does need updating, but not at this cost.

Let's help our people, those who society has deemed the least amongst us, those who have been cast aside. That's the level of commitment that will be required to uplift our community, a community investment that results in training for real jobs at family sustaining wages.

Our people – our children, are our most valuable asset. Not the lake, not the hotel, not a new radio system. A new radio system doesn't create any jobs, it doesn't provide any training opportunities for our youth, and it doesn't feed anyone or treat anyone.

Supporters say that if it saves just one first responder's life, it will have been worth it, especially if it's your family member. I have not heard of one single death of a first responder because of poor radio reception. Not in our city, our county, or the state.

I do however see blood in the street, largely due to generational poverty and the hopelessness it brings, every day, in my district.

The possibility of us being asked to raise taxes again next year, while watching our larger footprint non-profit institutions continue to reap huge profits while not paying

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taxes (that pay for public safety) or entering into PILOT agreements that fall woefully short on a good neighbor standard, concerns me greatly.

I predict if we adopt this ordinance that we are signaling a shift in County priorities away from County human services programs towards regional public safety budget increases. We will have spent almost one-third of our County budget reserves in less than a year.

It is with these issues in mind that I will vote no.”.

Mr. Breneman moved to accept the final version of the bond ordinance. This was seconded by Mrs. Loll. The amendment then carried in a 6-1 roll call vote, with Mr. Horton voting no.

Ordinance Number 74, 2015, as amended, then carried in a 6-1 roll call vote, with Mr. Horton voting no.

Dr. Foust then left the meeting at 7:24 p.m.

**MOTION TO  
AMEND AGENDA**

Mr. Breneman moved to amend the agenda and move Ordinances 84, 85, 86, 87, 88, 89, 90, 91, and 92, 2015, to second readings. This was seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**NEW  
BUSINESS**

**Ord. 84, 2015 – Capital  
Proj. Fund SA for  
County Projects**

Mr. Smith gave a second reading of Ordinance Number 84, 2015, “Sixth 2015 Capital Project Fund Supplemental Appropriation of \$1,643,612 and New Line Items for Various County Projects”. This was moved by Mrs. Loll and seconded by Mr. Breneman.

Chairman Leone stated that a Council member asked for each project line item to be voted on separately. The following is the priority list and tally from that separated vote:

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**Vote on Separate Line Items/Projects (Ord. 84, 2015)**

	Library Geothermal Project	Courthouse Boiler	Prison Capital Improvements	Health Dept. & 1 <sup>st</sup> Floor Cthouse Renovations	Planning Dept. Move to CamTech	Tax Claim to Planning	Assessment Renovations	PRM East-Study
Chairman Leone	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mr. Fatica	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mr. Breneman	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mr. DiMattio	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dr. Foust	Absent for this vote	Absent for this vote	Absent for this vote	Absent for this vote	Absent for this vote	Absent for this vote	Absent for this vote	Absent for this vote
Mr. Horton	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Mrs. Loll	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Vote Tally</b>	<b>6-0</b>	<b>6-0</b>	<b>5-1</b>	<b>6-0</b>	<b>6-0</b>	<b>6-0</b>	<b>6-0</b>	<b>6-0</b>

Ordinance 84, 2015, then carried in a 6-0 vote.

**It should be noted that Mr. Leone made “yes” vote unintentionally and contrary to “conflict of interest” provisions of the Public Officials Law & Administrative Code of Erie County. Motion to change “yes” vote to “abstain” vote will be made at next regularly scheduled meeting.**

**Ord. 85, 2015 –  
Gen. Fund SA for  
DA SAUSA Project  
Grant**

Mr. Smith gave a second reading of Ordinance Number 85, 2015, “Thirty-Third 2015 General Fund Budget Supplemental Appropriation of \$11,031 and Creation of Line Item for District Attorney SAUSA (Special Assistant United States Attorney) Project Grant Program”. This was moved by Mrs. Loll, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Ord. 86, 2015 – Library  
Fund SA of \$768  
For Memorial Books**

Mr. Smith gave a second reading of Ordinance Number 86, 2015, “Fifth Library Fund Budget Supplemental Appropriation of \$768 for Memorial Books”. This was moved by Mrs. Loll, seconded by Mr. Breneman and carried in a unanimous roll call vote.

**Ord. 87, 2015 –  
Auth. Acceptance  
By PS Dept. of  
Donation by  
NWPA ERG**

Mr. Smith gave a second reading of Ordinance Number 87, 2015, “Authorizing Acceptance by the Public Safety Department of Harris XG-100M Mobile Radio Donated by NWPA ERG”. This was moved by Mr. Horton, seconded by Mrs. Loll and carried in a unanimous roll call vote.

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**Ord. 88, 2015 –  
PS Fund SA of  
Donation by  
NWPA ERG  
w/Value of \$11,207**

Mr. Smith gave a second reading of Ordinance Number 88, 2015, “Fourth 2015 Public Safety Fund Budget Supplemental Appropriation of a Donation by the NWPA ERG with a Value of \$11,207”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 89, 2015 –  
PS Fund SA of  
Port. Radio Donation  
By NWPA ERG  
w/Value of \$19,980**

Mr. Smith gave a second reading of Ordinance Number 89, 2015, “Fifth 2015 Public Safety Fund Budget Supplemental Appropriation of Portable Radio Donation by the NWPA ERG with a Value of \$19,980”. This was moved by Mrs. Loll, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 90, 2015 –  
PH Fund SA of  
\$49,540 to PH  
Preparedness  
Grant Bureau**

Mr. Smith gave a second reading of Ordinance Number 90, 2015, “Sixth 2015 Public Health Fund Budget Supplemental Appropriation of \$49,540 to Public Health Preparedness Grant Bureau”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 91, 2015 –  
2015 Appointed  
Official’s Salary –  
Dir. Of HR**

Mr. Smith gave a second reading of Ordinance Number 91, 2015, “2015 Appointed Official’s Salary – Director of Human Resources”. This was moved by Mr. Horton, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Ord. 92, 2015 –  
PH Fund SA of  
\$30,799 to Tobacco  
Grant Bureau &  
Reallocation of  
Funds**

Mr. Smith gave a second reading of Ordinance Number 92, 2015, “Seventh 2015 Public Health Fund Budget Supplemental Appropriation of \$30,799 to Tobacco Grant Bureau and Reallocation of Funds for Position #018060-001”. This was moved by Mrs. Loll, seconded by Mr. Horton, and carried in a unanimous roll call vote.

Chairman Leone then clarified that resolutions only require one reading and are then voted upon.

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## **RESOLUTIONS**

### **Res. 38, 2015 – Auth. Receipt of 911 Subscriber & Consumer Fees**

Mr. Smith gave a reading of Resolution Number 38, 2015, “A Resolution Authorizing the Receipt of 911 Subscriber and Consumer Fees for Local Use as Provided by 35Pa.C.S. §5306.1 of Chapter 53 (911 Emergency Communication Services) of Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes”. This was moved by Mrs. Loll, seconded by Mr. Horton, and carried in a unanimous roll call vote.

Mr. DiMattio then clarified for the audience that most of the ordinances voted on this evening is money that the County will get back from the State of Pennsylvania. It still has to be voted on for acceptance and placement in the appropriate line items.

### **Res. 39, 2015 – App. The 2016-2018 Op. & Capital Plan**

Mr. Smith gave a reading of Resolution Number 39, 2015, “Approving the 2016-2018 Erie County Operational & Capital Plan”. This was moved by Mrs. Loll, seconded by Mr. Breneman.

Chairman Leone commended the committee on the Three Year Plan for doing an excellent job and he hopes they are on the committee next year.

Resolution Number 39, 2015, then carried in a unanimous roll call vote.

### **Res. 40, 2015 – Exonerating Taxes In McKean Township**

Mr. Smith gave a reading of Resolution Number 40, 2015, “Exonerating Taxes on Two Abandoned Trailers/Properties #31-001-020.1-013.33 and #31-001-020.2-013.86 in McKean Township”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

## **BOARD/AUTHORITY APPOINTMENTS**

Mrs. Loll moved to approve the following appointments:

Adam J. Williams to a four-year term on the Human Relations Commission Board to represent Mr. Breneman’s District

James Domino to an unexpired five-year term on the Erie County Gaming Revenue Authority to represent Mr. Leone’s District

David Bagnoni to an unexpired five-year term on the Erie County Gaming Revenue Authority to represent Mrs. Loll’s District.

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Chairman Leone stated that these appointments would take effect immediately upon adoption.

The above listed appointments were seconded by Mr. Horton and carried in a unanimous roll call vote.

Mr. Horton thanked Elk Creek Township for hosting the meeting and he appreciated their hospitality and enjoyed the nice ride out here.

There being no further business, the meeting adjourned at 7:40 p.m.

Deneé M. Breter, Council Secretary

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