

October 6, 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 County Council Chambers in the Erie County Courthouse, 140 West 6<sup>th</sup> Street, Room 117, Erie, PA.

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

“Recently, we had a day of remembrance of when our country was attacked by terrorists. September 11, 2001 started out like any other day, when the unthinkable happened. We were attacked at the core of our existence. Our freedom was at risk and our future changed forever. Innocent people were the target of the insane enemy. Let’s not let them die for no reason. Don’t let the enemy win. We have a chance to fight every day for freedom. We can mentor a struggling friend, volunteer and try to understand each other’s differences. Do not forget the people who died fighting the battle against terrorism. Make sure they all get home, if only in your heart and mind. That day is etched in our minds forever; innocent lives were lost. We shed our tears for the loss of those people. Help us to remember what it means to be Americans. Amen.”.

Mr. Smith then took the roll:

**ROLL CALL**

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

Members Absent: Douglas Smith, County Clerk

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

**HEARING OF  
THE PUBLIC**

Lou Aliota, Millcreek Township; Mr. Aliota read the following statement:

“Good evening County Council members. In assessing the justification for a County tax in addition to 19 new positions, please provide your justification for a tax increase plus 19 positions. You will be hard pressed. After reviewing the audited numbers for the past 5 years, please find the trend of the variances and net profit from the 2014 General Fund. As you can see, the total profit is approximately \$34 million dollars in cash and unreserved 2014 fund balances. There will be a carry-over of approximately \$27 million in 2016. Is the current Administration following best practices of GFOA recommendations in the development of the budget? In fact, there is a section that recommends the budget processing for school districts which Mr. Maloney knows very well. Mr. Flowers did not mention the above statistics only that County Council used the \$2.7 million in reserve. This

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amount is approximately 30% of the General Fund. The GFOA recommends a 5% to a max 15% of the 'Fund Balance' so that the taxpayers are not taxed more than they need to be and there is no excess of taxpayer funds at the end of the year. There has been no published justification for the 'new' positions recommended by the County Executive. The taxpayers ask 'Why?'. A 'new' Diversity Director...why? This is the responsibility of the Director of HR/Personnel services. A 9% tax increase in real estate property is a major financial insult to the taxpayers and must be addressed by Council members. What we are now experiencing is a 'tax and spend' philosophy from the current Administration and is detrimental to the future of all taxpayers in Erie County. How accurate is the budget process? Is it zero-based budgeting or from the old style of budgeting with old philosophies and individuals of the establishment. When was the last time County Council had a second opinion from the independent financial advisor? I find it very coincidental that the Millcreek School District did not need a tax increase but on the recommendation of the Superintendent, approved by the present School Board Directors, with concurrences from the Board Treasurer and consultant, increased the real estate taxes for 2016-2017. I believe there is a common denominator which is Mr. Maloney, your financial consultant."

**APPROVAL OF MINUTES**

Mr. Fatica made a motion to approve the minutes from the September 8, 2015 regular meeting. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**REPORTS BY COUNTY OFFICIALS**

None.

**FINANCE COMMITTEE REPORT**

Mr. Breneman stated that the Finance Committee met on Thursday, October 1, 2015, and agreed to move Ordinance 98, 2015 along with Resolutions 43 through 48, 2015, and sale of parcels, to the agenda.

**PERSONNEL COMMITTEE REPORT**

Mr. Horton stated that there were no items for the Personnel Committee to review.

**OTHER REPORTS**

Mr. Breneman gave a brief update regarding the Anti-Violence Committee, which includes Mr. Horton and Mrs. Loll. The committee has met a few times already and discussed what type of positive role the County can play, not just to be another "council" duplicating other groups in the community, but the committee felt it would be impactful to work to ensure there is unity across the field when it comes to the different departments in the County. Mr. Breneman stated that bolstering the other agencies and organizations to show a united front. There was also discussion of working to inform County government and the taxpayers what the true cost of violence is with the County being the primary level of government bearing the costs of violence in the community. He stated this will take the longest to calculate.

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**MOTION TO  
AMEND AGENDA**

Dr. Foust moved to amend the agenda by moving Ordinance 98, 2015, to a second reading. This was seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**OLD BUSINESS**

None.

**NEW  
BUSINESS**

**Ord. 98, 2015 –  
GF SA of \$20,200  
For Cit. Centric  
Rptg. Software**

Mr. Smith gave a second reading of Ordinance Number 98, 2015, “Thirty-Fourth 2015 General Fund Budget Supplemental Appropriation of \$20,000 for Citizen Centric Reporting Software”. This was moved by Mr. Breneman, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

Dr. Foust wanted to reiterate to the Administration that we need to make sure that there is an education program for the public that this system will be in place for them more than anybody, to be able to know how to use it, to satisfy the right to know requests, and that the County gets the greatest benefit of the system as possible.

**RESOLUTIONS**

**Res. 43, 2015 – ECGA  
For St. Martin Center  
Project**

Mr. Smith gave a reading of Resolution Number 43, 2015, “Erie County General Authority Not to Exceed \$1,500,000 Tax Exempt Note (St. Martin Center, Inc. Project)”. This was moved by Dr. Foust, seconded by Mr. DiMattio and carried in a unanimous roll call vote.

**Res. 44, 2015 - Erie  
County Fair Housing  
Resolution**

Mr. Smith gave a reading of Resolution Number 44, 2015, “County of Erie Fair Housing Resolution”. This was moved by Mrs. Loll and seconded by Mr. DiMattio.

Mr. Breneman moved to amend the resolution to include language in Paragraph 1, “Further, discrimination in sale, lease, advertisement or financing of housing or in provision of real estate brokerage services because of sexual orientation or gender identity is prohibited by the Erie County Human Relations Commission”. This amendment was seconded by Mrs. Loll and the amendment carried in a unanimous roll call vote. Mr. Breneman did add that there is a difference between sexual orientation and gender identity and this is something that was already covered by the Human Relations Commission.

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Resolution 44, 2015, as amended, then carried in a unanimous roll call vote.

**Res. 45, 2015 – Res.  
Appr. Revision to  
FY 2013 CDBG Grant**

Mr. Smith gave a reading of Resolution Number 45, 2015, “Resolution Approving a Revision to Erie County’s FY 2013 Community Development Block Grant Program”. This was moved by Mr. Fatica and seconded by Mr. DiMattio.

Mr. Breneman then moved to amend the resolution, specifically Paragraphs 5 to read “\$96,859.29”, Paragraphs 3 and 7 to read “\$18,069.29”, to show the changes resulting from invoices that were just received on one of the projects. This amendment was seconded by Mrs. Loll and carried in a unanimous roll call vote.

Resolution 45, 2015, as amended, then carried in a unanimous roll call vote.

**Res. 46, 2015 – Res.  
To Schedule Public  
Hrg. On County’s  
Intention to File  
Articles to Est.  
A Reg. Transit  
Authority**

Mr. Smith gave a reading of Resolution Number 46, 2015, “A Resolution to Schedule a Public Hearing on the County’s Intention to File Articles to Establish a Regional Transit Authority”. This was moved by Dr. Foust and seconded by Mr. Breneman.

Dr. Foust encouraged his colleagues to vote in the affirmative and that the public hearing would be scheduled within 30 days, in accordance with state law, if this is passed. Dr. Foust recognized members from EMTA in the audience, and he encouraged all to encourage as many people as possible to attend that public hearing. There is strong support for it on Council and whether it is agreed to or not, he felt that the public needs to be heard on this issue and this could be a transformational step for the region, and in many ways for the first time.

Resolution 46, 2015, then carried in a unanimous roll call vote.

**Res. 47, 2015 –  
Exon. Taxes  
In Millcreek Twp.  
& M’creek Twp.  
School Dist.**

Mr. Smith gave a reading of Resolution Number 47, 2015, “Exonerating Taxes on Two Abandoned Trailers/Properties #33-015-032.0-002.78 and #33-051-195.0-043.50 in Millcreek Township and Millcreek Township School District”. This was moved by Mr. Fatica, seconded by Dr. Foust, and carried in a unanimous roll call vote.

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**Res. 48, 2015 –  
Exon. Taxes in  
Wayne Twp. &  
Corry Area School  
Dist.**

Mr. Smith gave a reading of Resolution Number 48, 2015, “Exonerating Taxes on One Abandoned Trailer/Property #49-004-009.0-004-54 in Wayne Township and the Corry Area School District”. This was moved by Mr. DiMattio, 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 for Unsold Property at Index Number: #21-053-093.0-051.23

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

There being no further business, the meeting adjourned at 7:18 p.m.

Deneé M. Breter, Council Secretary

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