

December 16, 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:

“God spoke and said that he was going to send a baby and the baby would be a boy. He will spread the news and be a teacher and a statesman. He will teach everyone the understanding of good. He will teach all about the Golden Rule, to treat each other as you would like to be treated. He will listen to you and be interested in all you have to say. He will have time for everyone and make you feel good. I will leave him among you, then I will call him to my side. You will wish him to be with you longer on earth and glad to have known him. You will think of him fondly. I also have chosen a name – he will be called Phil. As we say good bye to our dear friend, we will see you again someday and spend time talking. You taught us everything Jesus said we should be. We will miss you. High Five Phil.”.

Mr. Smith then took the roll:

**ROLL CALL**

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

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

**COUNCIL MEMBER  
COMMENTS**

Dr. Foust read the following statement, “Today marks the first time since we laid to rest our friend and colleague, Phil Fatica, that we met in these chambers. I have had the pleasure of knowing Phil since I was just a young boy at Harborcreek when he taught with my father and I have always enjoyed his company. You couldn’t help but enjoy being around Phil. His good humor and friendly disposition were infectious. Over the last few days, all of us have reflected back on our time when we knew Phil and though he is gone, he is not and will not be forgotten. Many have commented on Phil’s personality but what should not be lost is work as a Councilman. Phil was in the courthouse more than most of us. He tackled all the issues with levelheadedness, compassion and thought. Erie County residents will miss that more than anything else. As we go forward, it will be hard to think of this Council without him, but life does go on. Phil would not have wanted us to dwell on his passing, but rather focus on what we can do to make our future better. Let us all pledge to make that Phil Fatica’s lasting legacy”.

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Mr. DiMattio commented that Phil was someone who was the consummate gentleman, always dressed impeccably, and he will be sadly missed. His leadership was tremendous. He was the first person to show Mr. DiMattio around the courthouse and his kindness will be missed.

Mr. Breneman stated that he hopes he has half the impact on other people's lives as Phil has had.

Mr. Horton thanked Mrs. Loll for her prayer. He then stated that the halls of the Erie County Courthouse are not the same anymore after Mr. Fatica's passing. He spent many days coming into the office and running into Phil. Mr. Horton felt it was safe to say that all of Erie County is better for having Phil Fatica serve as a legislator on this body and the impact that he had on the County cannot be expressed in words. The impact he has had on Council and the Council members is one of a father, a leader, a renaissance man. He was truly one of a kind and will be missed.

Mrs. Loll stated that she was in the courthouse one day last week for the whole day and found that everyone she came across was someone that Phil would stop and talk to. It didn't matter what job they had, where they were located in the courthouse, or what floor they were on. Phil was here at 11:30 a.m. most days, went around the courthouse and spoke with everyone he met. They are all going to miss him and because Phil sat next to her in the caucus room, she and Phil became very close friends and she did not only lose a colleague, but a very close friend.

Chairman Leone then read the following statement, "First, let me state that as a Council member, and I'm certain I speak for all of my colleagues, the loss of our fellow colleague, Phil Fatica, was a shock to all of us. We as Council send our sympathy to his family. Not only was Phil an excellent Councilman, he was our friend. He was a great teacher, TV announcer, father, grandfather, and husband. We can't say enough about the good work and the example he set for this community. A great person has passed. We miss you Phil. Phil was the type of guy that talked to everyone. The last time they played a round of golf Phil had a bad back. It was in Washington County in South Pointe. Dr. Foust was sitting with an attorney that was part of the team and they went to the regular tees. Because of Phil and his age, they went to the senior tees. Every person that was on the course, Phil would drive the cart up and start talking to them. Chairman Leone stated that he told Dr. Foust he was going to ride with Phil the next time. Chairman Leone commented that he will certainly miss Phil because he was that type of guy who talked to everyone. When he listened to the homily at St. Patrick's Church, Msgr. Kriegel commented that Phil never listened to the homily anyway because he was always talking to someone.

This past year as Chairman, I have selected various Council members to implement certain issues. I picked Dr. Foust to lead the issue involving the 911 changes needed, to see this area become safe for all the citizens in Erie County. The bond issue was adopted by this Council in record time. This issue has been on-going for many years and finally has come to fruition. My compliments to all the Council members involved, especially Kyle, for leading this charge. Carol Loll and Ed DiMattio for having worked diligently in this cause and other areas.

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Next was appointing Kyle to the EMTA issue and some problems that exist. He and the Council members on this task also have to be commended. Again, a special thanks to Kyle for leading this task.

Next was the issue involving the setting up of Council becoming more attuned to being broadcast via our website. My choice there was Phil Fatica, along with Jay Breneman, to lead this effort in the County. Again, my thanks to all the members involved in this awesome task. A special thanks to Phil, my friend and past colleague, and Jay for spending a considerable amount of time on this achievement. This setup will provide the community with a better concept of what is accomplished by members of Council.

When taking over as Chairman, I had the responsibility of selecting a Finance Chairman. My choice at that time was Jay Breneman. Mr. Breneman asked me why I selected him. I said that selection was made because I felt he could and would do an exceptional job. I was right. He has and I commend him for his time and his excellent devotion to doing just that. My congratulations to him.

My next choice was selection of the Personnel Chairman. My choice here was André Horton. He, too, in my estimation, has completed a yoman's task in this area. A considerable amount of time was spent in determining what was needed to correct some classification titles and salary levels. His work was exceptional, along with other members of Council. He, along with his Council members, selected a company to perform that task. Again, they have performed in an excellent manner. My thanks and congratulations to André for the time and effort he spent on this issue.

I can't thank the members of this Council enough for making my job as Chairman easy. Thank you to all members of this Council for their hard work this year.

Next and certainly not last is my recommendation to this Council. In the past, we have tried to end these sessions as quickly as possible. We need to strive harder in an effort to relate the hard work and time we spend in achieving excellence for this community. In the future, we need to make reports from areas we are liaisons to. We need to report what issues are being discussed in every area we represent. I realize at present we expend an extraordinary amount of time just trying to accomplish the responsibilities we have as County Council members. The original concept was part time and the only part of part time is the time we spend away from Council. This is a problem; however, we need to consider spending more time with reports to the community.

In conclusion, I want to thank this Administration for its hard work and its keeping within the budget constraints allotted. A special thanks to the Director of Administration, Mr. Lee, for his hard work. I can't say enough about Council for their hard work and contributions to this community. Thank you for allowing me to represent you as Chairman of this Council. I would also like to thank our CPA, Mr. Maloney, and our Solicitor, Mr. Talarico, for their contribution to this Council and the community.

This is perhaps the last meeting of Council for the year and perhaps the last time I will be Chairman of this fine legislative body. I know that this will be the last time I run for County Council. I believe this Council has in the past, and will in the future,

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achieve excellence. We, as Council members for Erie County, can be proud of our achievements.

**HEARING OF  
THE PUBLIC**

None.

**APPROVAL OF  
MINUTES**

Dr. Foust made a motion to approve the minutes from the November 17, 2015 CDBG Public Hearing. This was seconded by Mr. DiMattio and carried in a unanimous roll call vote.

**REPORTS BY  
COUNTY OFFICIALS**

Mr. Sparber commented on behalf of the Administration by stating that they echo the comments made regarding Phil Fatica. He was a great man and a great Councilman and he will be sorely missed.

**FINANCE  
COMMITTEE  
REPORT**

Mr. Breneman stated that the Finance Committee met on Thursday, December 10, 2015, and agreed to place Ordinances 134-140, 2015, Resolutions 60-72, nine board/authority appointments and one sale of parcel to the agenda.

**PERSONNEL  
COMMITTEE  
REPORT**

Mr. Horton stated the Personnel Committee met immediately following the Finance Meeting and agreed to place Ordinances 141-150, 2015 on the agenda.

**OTHER  
REPORTS**

None.

**OLD BUSINESS**

No motion was made to remove Ordinance Number 128, 2015, "Authorizing the Incurring of Non-Electoral Debt to Finance the Cost of the Refunding of the County's Revenue Anticipation Note, Series of 2015 by the Issuance of a General Obligation Note in the Amount not to Exceed Thirty Million Dollars (\$30,000,000); Establishing a Form and Terms of the Note; Covenanting to Pay Debt Service on the Note and Pledging the Full Faith, Credit and Taxing Power to the Extent Permitted by Law for the Payment Thereof; Authorizing the Execution Sale and Delivery of the Note and the Preparation and Filing of a Debt Statement, Borrowing Base Certificate, and a Transcript of the Proceedings for the Issuance of the Note; Establishing a Sinking Fund; Appointing a Sinking Fund Depository; Awarding the Sale of the Note to the Purchaser Thereof; Fixing the Form, Interest Rate, Maturity, Redemption and Other Provisions for the Payment Thereof; Directing Certain Actions of Officers Setting Forth Covenants, and Repealing Conflicting Ordinances".

**MOTION TO  
AMEND AGENDA**

Mr. Breneman moved to amend the agenda and move Ordinances 134-150, 2015, to second readings. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

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**NEW**  
**BUSINESS**

**Ord. 134, 2015 –  
Capital Proj. SA  
For Prison Impr.  
And Ctise Renovation**

Mr. Smith gave a second reading of Ordinance Number 134, 2015, “Eighth 2015 Capital Project Fund Supplemental Appropriation of \$113,850 for Prison Improvements and Courthouse Renovations”. This was moved by Mr. Breneman, seconded by Mr. Horton and carried in a unanimous roll call vote.

**Ord. 135, 2015 –  
Gen. Fund SA for  
PComp Safety Grant**

Mr. Smith gave a second reading of Ordinance Number 135, 2015, “Fortieth 2015 General Fund Budget Supplemental Appropriation of \$11,000 for PComp Safety Grant”. This was moved by Mr. Breneman, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Ord. 136, 2015 –  
Appr. Amendments  
To H’creek Twp &  
H’creek SD Comp.  
Real Este Tax Abatemnt**

Mr. Smith gave a second reading of Ordinance Number 136, 2015, “Approving Further Amendments to Harborcreek Township and Harbor Creek School District Comprehensive Real Estate Tax Abatement Ordinance”. This was moved by Mrs. Loll, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Ord. 137, 2015 –  
PS SA for HMRF  
Grant**

Mr. Smith gave a second reading of Ordinance Number 137, 2015, “Sixth 2015 Public Safety Fund Budget Supplemental Appropriation of \$8,595 for Hazardous Materials Response Fund (HMRF) Grant”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 138, 2015 –  
PS SA & Creation  
Of Line Items**

Mr. Smith gave a second reading of Ordinance Number 138, 2015, “Seventh 2015 Public Safety Fund Budget Supplemental Appropriation of \$145,224 and Creation of Line Items for Change in 911 Funding”. This was moved by Mrs. Loll, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 139, 2015 –  
Gen. Fund SA for  
Chng. In 911 Funding**

Mr. Smith gave a second reading of Ordinance Number 139, 2015, “Forty-First 2015 General Fund Budget Supplemental Appropriation of \$348,369 for Change in Public Safety/911 Funding”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

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**Ord. 140, 2015 –  
Gen. Fund SA  
For Tx to PRM**

Mr. Smith gave a second reading of Ordinance Number 140, 2015, “Forty-Second 2015 General Fund Budget Supplemental Appropriation of \$810,000 for Transfer to Pleasant Ridge Manor”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 141, 2015 –  
2016 Non-Bargaining  
Pay Plan**

Mr. Smith gave a second reading of Ordinance Number 141, 2015, “2016 Non-Bargaining Employees Pay Plan”. This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 142, 2015 –  
Dir. Of Finance  
Salary**

Mr. Smith gave a second reading of Ordinance Number 142, 2015, “2016 Appointed Official’s Salary Ordinance – Director of Finance”. This was moved by Mrs. Loll, seconded by Dr. Foust and carried in a unanimous roll call vote.

**Ord. 143, 2015 –  
Dir. Of Admin.  
Salary**

Mr. Smith gave a second reading of Ordinance Number 143, 2015, “2016 Appointed Official’s Salary Ordinance – Director of Administration”. This was moved by Mrs. Loll, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 144, 2015 –  
Dir. Of HR  
Salary**

Mr. Smith gave a second reading of Ordinance Number 144, 2015, “2016 Appointed Official’s Salary Ordinance – Director of Human Resources”. This was moved by Mrs. Loll, seconded by Dr. Foust and carried in a unanimous roll call vote.

**Ord. 145, 2015 –  
Cty. Solicitor  
Salary**

Mr. Smith gave a second reading of Ordinance Number 145, 2015, “2016 Appointed Official’s Salary Ordinance – County Solicitor”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 146, 2015 –  
Asst. Cty. Solicitors  
Salary**

Mr. Smith gave a second reading of Ordinance Number 146, 2015, “2016 Appointed Official’s Salary Ordinance for Assistant County Solicitors”. This was moved by Mrs. Loll, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

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**Ord. 147, 2015 –  
PD Salary**

Mr. Smith gave a second reading of Ordinance Number 147, 2015, “2016 Appointed Official’s Salary Ordinance – Public Defender”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 148, 2015 –  
FT & PT Asst.  
PD Salary**

Mr. Smith gave a second reading of Ordinance Number 148, 2015, “2016 Appointed Official’s Salary Ordinance – Full Time and Part Time Assistant Public Defenders”. This was moved by Mrs. Loll, seconded by Mr. Breneman and carried in a unanimous roll call vote.

**Ord. 149, 2015 –  
County Clerk Salary**

Mr. Smith gave a second reading of Ordinance Number 149, 2015, “2016 Appointed Official’s Salary Ordinance – County Clerk”. This was moved by Mr. Breneman, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 150, 2015 –  
Council Solicitor  
Retainer**

Mr. Smith gave a second reading of Ordinance Number 150, 2015, “2016 County Council Solicitor’s Retainer”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**RESOLUTIONS**

**Res. 60, 2015 –  
Borrowing Unrestr.  
Gaming Funds**

Mr. Smith gave a reading of Resolution Number 60, 2015, “Approving Possible Borrowing of Unrestricted Gaming Funds During Commonwealth Budget Impasse”. This was moved by Dr. Foust, seconded by Mr. DiMattio and carried in a unanimous roll call vote.

**Res. 61, 2015 –  
Support of Application  
ECGA, Berry Plastics  
& Cty – RACP Grant**

Mr. Smith gave a reading of Resolution Number 61, 2015, “In Support of the Application to the State and Cooperation Agreement Among the Erie County General Authority, Berry Plastics Corporation, and the County of Erie for a Redevelopment Assistance Capital Program Grant”. This was moved by Dr. Foust, seconded by Mr. DiMattio and carried in a unanimous roll call vote.

**Res. 62, 2015 –  
Support of Application  
ECGA, Barrel O Fun,  
& Cty – RACP Grant**

Mr. Smith gave a reading of Resolution Number 62, 2015, “In Support of the Application to the State and Cooperation Agreement Among the Erie County General Authority, Barrel O’Fun Snack Foods Co. East, Inc., and the County of Erie for a Redevelopment Assistance Capital Program Grant”. This was moved by Mr. DiMattio, seconded by Dr. Foust and carried in a unanimous roll call vote.

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**Res. 63, 2015 – Appr.  
Renewal of Vendor  
Contract – Hexagon**

Mr. Smith gave a reading of Resolution Number 63, 2015, “Approving Renewal of Sole Vendor Contract Between Hexagon Safety & Infrastructure and the County of Erie”. This was moved by Dr. Foust, seconded by Mr. Breneman and carried in a unanimous roll call vote.

**Res. 64, 2015 –  
Appr. Renewal of  
Vendor Contract –  
Catalyst**

Mr. Smith gave a reading of Resolution Number 64, 2015, “Approving Renewal of Sole Vendor Contract between Catalyst Communications Technologies and the County of Erie”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 65, 2015 –  
Appr. Renewal of  
Vendor Contract –  
Harris InterAct**

Mr. Smith gave a reading of Resolution Number 65, 2015, “Approving Renewal of Sole Vendor Contract Between Harris InterAct and the County of Erie”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 66, 2015 –  
Auth. The Org.  
Of Erie Reg.  
Transit Authority**

Mr. Smith gave a reading of Resolution Number 66, 2015, “A Resolution Authorizing the Organization of the Erie Regional Transit Authority”. This was moved by Dr. Foust, seconded by Mr. Breneman and carried in a unanimous roll call vote.

**Res. 67, 2015 –  
ECCCA 2016  
Operating/Cap Budget**

Mr. Smith gave a reading of Resolution Number 67, 2015, “Approval of the 2016 Operating/Capital Budget of the Erie County Convention Center Authority”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 68, 2015 –  
COG 2016  
Budget**

Mr. Smith gave a reading of Resolution Number 68, 2015, “Resolution to Approve the Annual Budget of the Erie Area Council of Governments for the Calendar Year Ending December 31, 2016”. This was moved by Mr. Breneman, seconded by Dr. Foust and carried in a unanimous roll call vote.

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**Res. 69, 2015 –  
Exonerating  
Taxes – H’creek Twp.**

Mr. Smith gave a reading of Resolution Number 69, 2015, “Exonerating Taxes on One Abandoned Trailer/Property #27-020-042.0-006.64 in Harborcreek Township and the Harborcreek School District”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 70, 2015 –  
Exonerating Taxes –  
Corry Area SD &  
City of Corry**

Mr. Smith gave a reading of Resolution Number 70, 2015, “Exonerating Taxes on One Abandoned Trailer/Property #05-028-181.0-002.00 in the Corry Area School District and the City of Corry”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 71, 2015 –  
Exonerating Taxes –  
General McLane SD  
& McKean Twp**

Mr. Smith gave a reading of Resolution Number 71, 2015, “Exonerating Taxes on Six Abandoned Trailers/Properties in the General McLane School District and McKean Township”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 72, 2015 –  
Increase in Fees  
For Svcs. CPA Firm**

Mr. Smith gave a reading of Resolution Number 72, 2015, “Increase of Fees for Services for County Council Certified Public Accounting Firm”. This was moved by Dr. Foust, seconded by Mr. DiMattio and carried in a unanimous roll call vote.

**BOARD/AUTHORITY  
APPOINTMENTS**

The following Board/Authority appointments were made in one motion by Dr. Foust, seconded by Mr. Breneman, and a unanimous roll call vote:

- David Bagnoni – Erie County Gaming Revenue Authority (Mrs. Loll)
- Joseph Giles – Children & Youth Advisory Board (Dr. Foust)
- David Hallman – Erie Regional Airport Authority (Mrs. Loll)
- Diane Papesch – Erie County Library Board (Mr. DiMattio)
- Darcy J. Antonelli-Koper – Children & Youth Advisory Board (1<sup>st</sup> District)
- Joseph Hilbert – Erie County Convention Center Authority (Mr. Breneman)
- Khadija Horton – Erie County Convention Center Authority (Mr. Horton)
- Timothy Stoops – HRC Advisory Board (1<sup>st</sup> District)
- Christine Mitchell – HRC Advisory Board (Dr. Foust)

Dr. Foust wanted to also acknowledge the help that Council gets throughout the year from the Administration and the staff of the Administration and Council’s staff including Solicitor Talarico, Mr. Smith, and Mrs. Breter as it could not be done without them.

There being no further business, the meeting adjourned at 7:37 p.m.

Deneé M. Breter, Council Secretary

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