

January 26, 2016

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Horton, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, Mrs. Loll recited the following prayer:

“For the healing of the nations, Lord, we pray. For a just and equal sharing of the things that earth affords. Lead us forward to freedom from despair. Redeem us from war and hatred, that all may come and go in peace. Let pride of status, race, or schooling, all dogmas that obscure your plan, be banned. As Martin Luther King, Jr. stated, ‘To retaliate in kind would do nothing but intensify the existence of hate in the universe. Along the way of life, someone must have sense enough and morality enough, to cut off the chain of hate.’ We ask this in the name of our Lord. Amen.”.

**Roll Call**

The County Clerk called the roll:

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

Members Absent: None.

Also Present: Douglas R. Smith, County Clerk  
Thomas Talarico, Solicitor  
Joseph Maloney, Council CPA  
James Sparber, Director of Finance  
Sue Ellen Pasquale, Manager of Accounting

**Hearing of  
The Public**

Dr. Nicole Lavery, Occupational Therapist and Director of Vision Services and Youth Programs at the Sight Center of Northwestern Pennsylvania. Dr. Lavery read the following: “The Sight Center is a small community based non-profit that works with both children and adults with low vision and blindness. As the Director of the Youth Program, I both create programs for youth with vision impairment to participate in, as well as coordinate with outside agencies to expand opportunities for our young people. That is why I am talking to you today. Last year, in an effort to coordinate job opportunities for some of my participants, I made an appointment with the youth coordinators of the WIA Program, the Workforce Investment Act Program, to speak with them about how to create job opportunities for some of my older children within my program. As I heard of the Summer JAMS Program, I was excited to see if it would really benefit my kids. After speaking with the lead coordinator about my children and the disabilities they live with, I was told the program had never worked with individuals with vision loss. They were really unsure as to how to adapt their program to accommodate this type of disability. As an occupational therapist, I know from experience how much one simple adaptation can change the entire experience for a person with a disability. I also referred another family to the WIA Program who has a child with high functioning autism. I spoke with the mother this morning about her experience and she told me, in her opinion, that maybe there needs to be some reconsideration on the income guidelines for children with disabilities. These kids need training just as much as the youth in poverty. After attempting to work with the WIA Program, she stated that coordinators are not prepping the employers of the fact that the participants may have a disability. This creates an extra burden on the employer to have to adapt their facility to a person with a disability, or find a job that may be suitable for that youth. This has a potential to possibly deter employers from hiring these youth,

even though we know that is against the law. The employers need to have the opportunity to be educated on simple adaptations and modifications which could be made to accommodate youth with disabilities. I understand this program is meant for youth within and below the poverty line and I can assure you that according to the American FactFinder and US Census Bureau of 2014, 5,948 were living in the city of Erie, not in the workforce, with a disability. Another 628 people with disabilities are currently unemployed in the city of Erie. This tells me that these individuals are at risk for living in poverty if they are not already living in poverty. There are also currently 1,311 children ages 5 to 17 living with a disability in the city of Erie. These children are at risk for becoming adults who are not employable. The programs you are investing are wonderful and have a great base. But, the program needs to become more open and educated on how to adapt to youth with disabilities so we don't exclude them from becoming productive members of society.”.

### **Approval of Minutes**

Dr. Foust made a motion to approve the minutes from the November 17, 2015, December 16, 2015 Regular meetings, the December 1, 2015 Transit Authority Public Hearing, and the January 4, 2016 Reorganization Meeting. This was seconded by Mr. Leone.

Mr. DiMattio moved to amend the November 17, 2015 meeting minutes to correct the Library Fund to show the transfer from the General Fund as an increase in revenue, not an increase in expenditures. This was seconded by Mr. Breneman and carried in a unanimous roll call vote.

All minutes, including the amended November 17, 2015 set, then carried in a unanimous roll call vote.

### **Reports of County Officials**

Dr. Foust stated that the Finance Committee met on January 21, 2016, and agreed to place Ordinances 1-6, 2016, on the agenda; making Ordinances 1-5, 2016 a second reading. The committee also agreed to place Resolutions 1-6, 2016, on the agenda, numerous board and authority appointments with possible approval in one vote, and sale of parcels. Dr. Foust also commented that an additional resolution would be added to the agenda this evening regarding a non-binding letter to participate in the Intergovernmental Transfer Program.

Mr. Breneman stated that the Personnel Committee met immediately following the Finance Committee meeting and agreed to place Ordinance Number 7, 2016, on the agenda.

Mrs. Loll gave the following report:

“I attended the Assessment Board meeting on January 11<sup>th</sup>. I have given you a copy of the agenda and the minutes of the last meeting. There were five veterans exemptions granted since the last meeting. There is criterion that has to be met to qualify for the exemption and each one has met them. There was correspondence from Andrew Prischak, D.O., questioning the exemption of the Sight Center of NWPA and the rental income they receive. Because it was questioned, it was checked and they met all the qualifications. The St. Martin Center has purchased property and combined this piece with others to qualify for exemption. On the agenda was a list of court cases in different stages of progress. Three were added to the list: Erie Insurance, Bell Street Leasing and Millcreek Water Authority. The balance of the meeting was in executive session.

I also on that date had a meeting with Melissa Lyons, the Director of the Health Department, about the need for an Immigration Health Coordinator position. My response to her was that my vote would depend on the receipt of funds from the State and the majority vote of Council.

I attended the meeting of the Drug and Alcohol Advisory Board as liaison on January 20<sup>th</sup>. It was a very informative meeting as they have changed the computer programs and can give the board members statistics that they were not able to do with the old program. It was interesting to see the separation of problem areas we have in Erie County. I have a copy of the statistics if any one of you is interested, I can supply you a copy. The Drug and Alcohol Department has received almost

full funding from the State and was able to fill empty positions and resume travel. The next meeting will be held on March 16<sup>th</sup>.

I also attended the Boroughs Association Dinner Meeting on January 20<sup>th</sup> at the VFW on Route 98. It was, despite the weather, well attended. Brian McGrath was there to speak for Jessica Horan-Kunco about the COG and its abilities to help municipalities. He passed on an invitation to consider joining. They covered the suggested slate of officers and all suggestions by the committee were accepted. The list of dates and locations for the rest of the meetings for the year were discussed and approved. They will be printed in the next Boroughs Association Yearbook”.

Mr. Breneman stated that he participated in a NaCO conference call leading up to the Legislative Conference which is next month. They discussed the fact that the committee, even though it's modeled on the CCAP veterans committee, has yet to have a resolution passed regarding powers. This is one of the things they are pushing for and hoping to discuss at the next conference. Mr. Breneman also commented on a national movement to catalog the faces of the members whose names are on the Vietnam Veteran wall to add more acknowledgement of who these people were. Mr. Breneman also participated in the northeast regional conference call for NaCO which set the agenda for the upcoming conference. One thing discussed was the recently federally approved drug Narcan, which is being made more available to communities through various grants. This drug is capable of reviving someone who has overdosed on opioids. Mr. Breneman also toured the new county planning department and stated the co-location with other entities, including the COG, is beneficial and they are really looking forward as to how they can better serve the county. Mr. Breneman noted that the county Department of Veterans Affairs is hiring for the director position. Because of various issues and the hiring freeze that occurred, they have not filled the position recently. It is posted and Mr. Breneman encouraged anyone who might be interested to apply. Mr. Breneman also attended ECGRA's last meeting. They are looking more at place based and people based initiatives to show that they are having a positive change in the community and he expects more great things to come from that entity.

Dr. Foust read the following statement, “As all of us here know, one of the most important issues we are going to deal with this year is renewal of the Charter of EMTA. We received a letter from the new chairman of City Council yesterday, Bob Merski, asking us to outline our reasons and rationale for rejecting the charter as it stood, passed by EMTA and City Council, and what our thoughts are going forward. The letter asked us to respond within 60 days. As discussed in the subcommittee meeting earlier about EMTA with Mr. Horton and Mr. DiMattio, and in caucus before this meeting, we are pretty versed in the issues that are facing us and I didn't think it would be difficult to put together those proposals. We have addressed each of the points that Mr. Merski asked us to address. We will put that in the form of a letter tomorrow. In addition to the rationale, they also asked for an outline of what we would like to see going forward. We have put that together in a proposal and includes a charter that would only be 20 years rather than 50. It would have the County assume the whole financial responsibility for the operations of EMTA, but the exchange for that, since the County is going to be in full control of financial match and local match, the County would be responsible for the appointment of the Board. Each member of Council would have one board appointment to the new EMTA, the County Executive could have one or two, all depending if the City wants to stay in the game as far as contributing to the operations of EMTA. For instance, if they wanted to continue at their current level of operation, we would allow the Mayor one appointment to the EMTA Board. Any money that the city of Erie would contribute to EMTA or any money that would be leveraged thereafter from State money and Federal money that are associated with that local match that the City would provide, we would allow the City and EMTA to work on projects that fall within the city boundaries which would directly benefit what the City might be looking toward. Some examples of that would be hiring a Transit Police to possible address the violence and gun violence issues; to improve the city scape along the different EMTA routes; to acquire property such as the property adjacent to the current EMTA property to develop future expansion. We want to reaffirm in that proposal that we are not looking to change the day to day operation of EMTA. We are not looking to alter routes or summarily run out to the county when there is not any financial feasibility to do so. Those decisions would be left to deliberations of the future EMTA board. One very important one, which we are serious about and discussed at length in caucus, is that if we can't come to a mutual

agreement, this body has no interest in going forward with the status quo and just rubber stamping a 50 year old charter, which is what City Council has effectively done. We are going to have substantial change or the County Council of Erie would look to go in a different direction. We will also go forward in that proposal with the establishment of a Riders Advisory Council made up of different constituents that ride the bus and are in tune with what the needs are from the perspective of the riders. We would like to put that forward at our next Finance Meeting in a draft form of a resolution which gives members of County Council time to provide suggestions to the proposal, it provides the County Executive time to put forth suggestions she may have to the proposal, and we would vote on that as a final resolution so the public, City Council, and everyone is crystal clear as to what this Council has in mind as a starting point for negotiations. It is important to make the distinction that if and when we pass that resolution in two weeks' times, that it is a starting point for further negotiations and is not a final resolution to the matter.”.

Mr. Leone stated that the first meeting he was to attend as liaison to the Industrial Development Authority was cancelled. He had a discussion with Doug Hill from CCAP regarding the problems and concerns regarding the budget of 2016 and what is going to happen with the budget of 2017 for the State. He stated that all have concerns about it and they are looking are more problems in the future. Mr. Leone hopes that some of the people who are looking at this should take the attitude of Council and not get so far apart that it's ridiculous. They also discussed his appointment to the County Governance Committee. Mr. Leone is the liaison to the Governor's Advisory Committee for CCAP. Unfortunately, he has not received any kind of mail possibly because of the budget and he is waiting for them to do something with this committee. Mr. Leone was on the committee during Governor Corbett's administration and he never saw anything happen with all the ideas and issues that the committee had and he hopes that something comes about with this governor.

Mr. DiMattio stated that he attended the EMTA board meeting last night and was disappointed in some of the rhetoric and language that was used concerning the charter issue.

Chairman Horton thanked Dr. Lavery for coming in and addressing Council on another demographic that should be considered in the Summer JAMS Program. He explained that Council does not have anything to do with the administration of the Summer JAMS Program.

Dr. Foust made a motion to amend the agenda to move Ordinances 1-5 and 7, 2016, to second readings. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

## **NEW BUSINESS**

### **Ord. 1, 2016 – Amending Erie County Mun. Waste Flow Ctl. & Transporter Licensing Ordinance**

Mr. Smith gave a second of Ordinance Number 1, 2016, “Amending the Erie County Municipal Waste Flow Control and Transporter Licensing Ordinance”. This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a unanimous roll call vote.

### **Ord. 2, 2016 – Debt Svc. SA of \$1,154,926 & New Lines due to State Budget Impasse**

Mr. Smith gave a second reading of Ordinance Number 2, 2016, “First 2016 Debt Service Fund Budget Supplemental Appropriation of \$1,154,926 and New Line Items for 2015 Budgeted Funds not Transferred to Debt Service Due to Budget Impasse”. This was moved by Dr. Foust, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 3, 2016 –  
GF SA of \$315,738  
For 2015 Funds not  
Tx to Debt Svc. Due  
To State Budget Impasse**

Mr. Smith gave a second reading of Ordinance Number 3, 2016, “First 2016 General Fund Budget Supplemental Appropriation of \$315,738 for 2015 Budgeted Funds not Transferred to Debt Service Due to State Budget Impasse”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 4, 2016 – Gaming  
Fund SA of \$839,188  
For 2015 Funds not Tx  
To Debt Svc. Due to State  
Budget Impasse**

Mr. Smith gave a second reading of Ordinance Number 4, 2016, “First 2016 Gaming Fund Budget Supplemental Appropriation of \$839,188 for 2015 Budgeted Funds not Transferred to Debt Service Due to State Budget Impasse”. This was moved by Dr. Foust, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

**Ord. 5, 2016 – GF SA  
Of \$99,888 for IT  
Restricted Due to  
State Budget Impasse**

Mr. Smith gave a second reading of Ordinance Number 5, 2016, “Second 2016 General Fund Budget Supplemental Appropriation and Release of \$99,888 for Information Technology Restricted Due to State Budget Impasse”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 6, 2016 – 2016  
Revised Fee Schedule  
In Tax Claim**

Mr. Smith gave a first reading of Ordinance Number 6, 2016, “2016 Revised Fee Schedule in Tax Claim”.

**Ord. 7, 2016 – GF SA  
Of \$13,322 for Chg in  
Grade of MDJ Sec.**

Mr. Smith gave a second reading of Ordinance Number 7, 2016, “Third 2016 General Fund Budget Supplemental Appropriation of \$13,322 for Change in Grade of MDJ Secretaries”. This was moved by Mr. Breneman and seconded by Dr. Foust.

Mr. Leone commented that he does not believe this is necessary and will therefore vote no.

Ordinance Number 7, 2016, then carried in a 5-2 vote, with Mr. Leone and Chairman Horton voting no.

**RESOLUTIONS**

**Res. 1, 2016 –  
Appt. of Firm  
For Single Audit**

Mr. Smith gave a reading of Resolution Number 1, 2016, “Appointment of Firm to Perform Comprehensive Single Audit for Erie County and Related Funds for the Year Ending December 31, 2015”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 2, 2016 –  
Adoption of 2015  
Revised MSW Plan**

Mr. Smith gave a reading of Resolution Number 2, 2016, “Adoption of 2015 Revised Erie County Act 101 Municipal Solid Waste Management Plan”. This was moved by Mr. Breneman, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Res. 3, 2016 – Exon.  
Taxes, etc. on Properties  
Owned by Erie Redev.  
Authority**

Mr. Smith gave a reading of Resolution Number 3, 2016, “Exonerating All Taxes, Penalties, Interest and Fees on Properties Owned by the Erie Redevelopment Authority”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Res. 4, 2016 – Exon.  
Taxes in Gen. McLane  
SD and Franklin Twp.**

Mr. Smith gave a reading of Resolution Number 4, 2016, “Exonerating Taxes on One Abandoned Trailer/Property #22-012-025.0-007.55 in the General McLane School District and Franklin Township”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Res. 5, 2016 – Exon.  
Taxes in Gen. McLane  
SD and McKean Twp.**

Mr. Smith gave a reading of Resolution Number 5, 2016, “Exonerating Taxes on One Abandoned Trailer/Property #31-017-066.0-007.50 in the General McLane School District and McKean Township”. This was moved by Mrs. Loll, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Res. 6, 2016 – Res.  
Providing Non-Binding  
Ltr re: IGT Program**

Mr. Smith gave a reading of Resolution Number 6, 2016, “Resolution to Provide Nonbinding Letter of Interest to Participate in Intergovernmental Transfer Program”. This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**BOARD/AUTHORITY  
APPOINTMENTS**

Dr. Foust moved to vote on the following board/authority appointments in one vote. This was seconded by Mr. Leone and carried in a unanimous roll call vote:

- Reappointment of Brenda Bennett to the Erie Metropolitan Transit Authority
- Reappointment of Tom DeBello to the Erie County Agricultural Land Preservation Board
- Appointment of Jack Pfadt to the Erie County Agricultural Land Preservation Board
- Reappointment of Kelly Kopin to Children & Youth Advisory Board
- Reappointment of Gloria Sinnott to Children & Youth Advisory Board
- Appointment of Joy Taylor, Esq., to the Erie County Board of Health
- Appointment of Clifton McNair to the Erie County Board of Health
- Appointment of DaWayne Cleckley to Erie County General Authority and Erie County Community Services Financing Authority
- Appointment of Douglas Murphy to Erie County General Authority and Erie County Community Services Financing Authority
- Appointment of Nancy Tometsko to Children & Youth Advisory Board
- Appointment of Candace Little-Maxwell to Erie County Redevelopment Authority

**SALE OF PARCELS**

Dr. Foust moved to approve the sale of parcels from repository for unsold property at index numbers:

14-010-013.0-218.00  
18-050-019.0-222.00  
49-020-044.0-020.94

This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:42 p.m.

Deneé M. Breter, Council Secretary

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