

October 15, 2013

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles, 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:

“Let us pray. We ask in the name of our loving Lord to guide us to make the right decisions for the people of our County as we were given the responsibility. As we turn on the T.V. news and realize the state we are all in, another somebody that has gone too far. Fear will leave some hiding in the dark, but love will bring a light. It is hard to give your heart to a world that can break it. One is spreading fear and dread, let us not be afraid to take a look around and see what God has done; so many lives have changed, so many lost have come about. We ask that the Spirit move us to see what love can do. Amen.”.

Roll Call

The County Clerk called the roll:

Members Present: Mr. Giles, Chairman  
Mr. Cleaver, Vice Chairman  
Mr. DiMattio  
Mr. Fatica  
Dr. Foust  
Mr. Leone  
Mrs. Loll

Members Absent: None.

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

Mr. Giles noted that Item #4 on the agenda regarding the presentation of Citation to David Schlaudecker, Executive Director of Erie Independence House would not be taking place as Mr. Schlaudecker had to cancel due to a scheduling conflict. Mr. Giles then discussed Item #5 on the agenda regarding a state award that was presented to Amy Eisert, Director at the Mercyhurst Civic Institute, and Joseph Markiewicz, Co-Project Director at Penn State-Behrend, both on the Erie County Policy and Planning Council for Children and Families, which was established through County Council in 1996. Ms. Eisert thanked County Council for their continued support of the work they are doing on prevention efforts for children and families. She went on to state that the Policy and Planning Commission still exists and is one of the largest child and family boards in the state of Pennsylvania. They follow the Communities that Care model and are the prevention part of the Erie Unified Youth Violence Reduction Initiative. She further stated they are working on a number of strategies to reinforce and increase work and cohesion within the neighborhoods as well as reducing family conflict within the community.

Mr. Joseph Markiewicz, Chair of the Policy and Planning Council, stated that they have been working on preventing negative youth outcomes in Erie County since 1994, and they have finally designed a plan where there was a community needs assessment and a community resource assessment. He stated all that information was analyzed and a community action plan has been developed. Mr. Markiewicz stated

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it was a true community effort and recognized the help of Ms. Eisert and the Civic Institute and how valuable the collaboration of efforts has been for the program.

Mr. Giles commented that the three key figures in the beginning of the Policy and Planning Council included Tom Gamble, John Petulla, and himself. He stated that incoming Governor Tom Ridge was so impressed by what was happening in the early stages in Erie County that they adopted it as a state model and the Communities that Care Model is now used throughout the Commonwealth. Mr. Giles went on to say that no one has perfected it to the degree that these folks have. He stated that there are approximately 60 people on the Council from all over the County and asked for applause from the audience to commend these individuals for their continued dedication to the youth and families in our community.

Hearing of  
The Public

Daniel R. Taylor, Ph.D., Erie County Department of Health, provided a hard copy of the following statement for all Council members and asked that it be placed on the record:

“First of all, I would like to thank the members of the Council for allowing me to speak with you. My name is Dr. Daniel Taylor and I have been the Database Administrator for the Erie County Department of Health for the past 14 years. I have appeared to you today to explain how important this position is to the County and why it should not be eliminated. Next to the hard working employees of the Health Department, our most important asset is our data. We have enormous amounts of data that encompass everything from restaurant and school inspections, to bacteria counts for Presque Isle beaches, to electronic medical records for patients, to activity and mileage tracking for employee paychecks and for grant reporting purposes. Managing, controlling, and securing this massive amount of very diverse data requires a knowledgeable, proficient, and dedicated Database Administrator in order to help preserve, promote, and protect the health, safety, and well-being of the people and the environment in the County. During my tenure at the Health Department, I have endeavored to provide the County with systems and software that address these important functions, and are state-of-the-art and user friendly. During my first week at the Health Department, I remember unpacking the new IBM mainframe computer that had been purchased, setting it up, and installing the Patient Care Management Software that was used to manage and track the over 150,000 patient medical records for patients who used the services provided by the Health Department. This system was also used to manage and track the over 330,000 immunization records in the Erie County immunization registry. In 2010, I was the Project Coordinator for the Health Department for the conversion and migration of the IBM mainframe data onto a new, state-of-the-art server that is currently being used to manage the Department’s patient medical records. I have also built a state-of-the-art AutoDialer Server, which is used for automated appointment reminder telephone calls to patients, and a state-of-the-art FaxBlast Server, which is used to fax documents to organizations all over Erie County, such as doctors’ offices, media organizations, schools, and nursing care facilities. Database programs that I have written are used by Health Department employees every day. My Inspections System allows our inspectors to inspect their restaurants, schools, and other facilities, store their data on a file server, then a supervisor can approve and upload their inspections onto our website and the Department of Agriculture’s website. My Service Requests System allows employees to submit electronic service requests for problems with computers, telephone service, and even maintenance using email message to reduce paperwork. The servers I have built and manage and the software programs I have written are all state-of-the-art. I know them inside and out and this enables me to respond to emergencies, problems, and new development requests in an expeditious manner. Please consider this, if the Database Administrator position is eliminated, there will be a steep learning curve for outside consultants to learn their way around my servers and software and they will want to be paid for this time. Also, since it will take longer for them to respond to emergencies, problems, and requests, costs will be

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higher in terms of users not being able to get their work done in a timely manner. Therefore, I am hereby, formally asking you to re-instate me as the Database Administrator for the Erie County Department of Health, instead of considering paying hundreds of dollars per hour or even thousands of dollars for outside consultant fees. Thank you for your time and consideration.”.

The next speaker scheduled was Patricia Keys who also gave a written statement to Council members, which read as follows:

“Dear County Council: Hi my name is Patricia Keys and I’m the Receptionist at the Erie County Department of Health. I’m here to ask for my job back tonight. I have earned the right to stay in this job. I’m a single parent who has a son in college. My house was up for Sheriff Sale in March because I haven’t been able to keep up with my Mortgage payments with all of the job eliminations. I have worked for the Health Department for 5 ½ years and during that time I have had 3 job losses. Two of them which came back to back. I fought hard to get my job back and just when I get it back I get hit again. I have no savings I live month to month and I can barely pay my bills. Every one of you here needs to help me keep my job now. I know you have the funds available. My job would be less than 1 percent of your surplus. I have the lowest paying job at the Health Department. I am formally asking you to reinstate me as the receptionist of the Erie County Department of Health. The Health Department needs a full time receptionist who knows what to do in an emergency. I have had clients have seizures and fall out in the lobby. I even had to put out a burning fire outside in the parking lot. The plan is to use 109’s and 115’s to cover switchboard. These are higher paying jobs. Those people should be doing grant work instead of covering switchboard. That would be considered grant abuse. It’s hard enough as it is for me to get coverage when I take off from work. I can only imagine how it will be if I’m not here. I love my job because I am a very patient person. I help people out in the community who are very upset when they call, after talking with me they are usually satisfied. I keep confidential information and I’m quite good at it. I get along with everyone. I am not eligible to bump civil service jobs. The only job that is available for me is a part time position at the Library. Financially I need full time status. These are the reasons I think my job should be reinstated.”.

Sue Cyphert, Erie County citizen, registered voter who votes in every election. Ms. Cyphert stated she has never worked for the Public Health Department and does not know the director. She stated she is a registered nurse and a faith community nurse. She believes that one person can make a difference and that’s why she is here speaking this evening. She read an article in the Erie Times News that concerned the budget cuts in the Health Department and she was upset by this. She is here this evening to ask Council to seriously consider not funding all the positions asked by the present County Executive, Barry Grossman, in management or the Correction department, but to restore funding in key positions to the Health Department. She felt that this committee has the power to do so and asked that Council take this into very serious consideration before the budget is passed. Public Health is the practice of preventing disease and promoting good health. She quoted the article in the Erie Times News dated October 2, 2013, “Programs such as STD and Tuberculosis readings, restaurant inspections, and health education would be affected, according to Andy Glass, the Public Health Director.”. According to the CDC, each year food-borne diseases cause illnesses in 1 in 6 Americans, resulting in 120,000 hospitalizations and 3,000 deaths. She wants enough food inspectors in Erie County checking our local restaurants so food borne illness is less likely to occur. She also stated that many of the things the Health Department can do for the community is test people for tuberculosis, track those that are exposed to this disease, monitor those who need to take many medications, and provide education about the disease. She stated that many people in Erie County that could be affected are the immigrant population, which is high in Erie County, incarcerated persons, and the homeless. Per the CDC, foreign born persons account for 60% of all TB

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cases in the United States. She commented that health education that might be in the budget cuts. She stated that every dollar spent on prevention saves \$5.60 in health spending, per the American Public Health Association. Regarding STD screenings, the Public Health Department provides free testing, tracks the spread of diseases, and provides counseling. The fight against AIDS is not over yet. One in five people do not know they are infected with HIV. She again asked Council to seriously consider decreasing the cuts in the Health Department.

Mr. Giles asked if there was anyone else in the audience who would like to address Council, stating that 3 minutes was the standard time allotment. There were no other speakers.

Mr. Giles thanked the leadership committee of Council for the vigorous process they went through in terms of replacing Ann Bruno, and welcomed Deneé Breter as the new Council secretary. Mr. Giles commented that she is no stranger to County government.

Regarding the minutes of September 17, 2013, Mr. Giles asked that the poem from the Almshouse Cemetery memorial be incorporated in the minutes. Mr. Smith stated that the October 1, 2013, minutes should be corrected to show that Mr. Cleaver called the meeting to order. Dr. Foust moved to approve both the September 17, 2013, and October 1, 2013 meeting minutes as corrected. Mr. Fatica seconded that motion and it passed in a unanimous roll call vote.

Report by  
Mr. Leone

Mr. Leone stated that the Finance Committee met on Thursday, October 10, 2013, and put for possible adoption a second reading of Ordinance 83, 84, 85, and 88, along with first readings of Ordinance 91 – Drug and Alcohol Supplemental Appropriation, and readings of Ordinance 92 – Public Safety Fund Budget. Also the possible appointments of David Robinson to the Erie County Housing Authority, Vicki Taylor to the Erie County Human Relations Commission, reappointment of Jackie Breakstone to a three year term on the Erie County Library Board, and reappointment of Bridgette Martin-Cotton to the Erie County Care Management Board to represent Mr. Cleaver’s district. Mr. Leone also stated that during the meeting, they indicated the possibility of having a second reading of Ordinance 91 and 92. There were no questions from any members of Council.

Report by  
Dr. Foust

Dr. Foust stated that the Personnel Committee met right after the Finance Committee on Thursday, October 10, 2013. The Personnel Committee agreed to put one item on the agenda, that being Ordinance 93 regarding the salary adjustment for the new superintendent at the Edmund L. Thomas Center. There were no questions from any members of Council.

Mr. Giles recognized and welcomed the McDowell High School student government class members that were in the audience.

Report by  
Chairman Giles

On September 9, 2013, Mr. Giles was invited to a presentation by the County Commissioners Association of all the IT directors in the Commonwealth. This was held at the CCAP office. The COG members who created the IT program that is under the Council of Government were in Lancaster and he was able to bring them as part of the presentation to the IT directors as to what kind of innovative thing Erie County is doing regarding connecting local municipalities, townships and boroughs with County government. He stated that his commentary was centered on creating network counties. His talking points included reframing the conversation, funding local governments directly, get beyond technology, think local,

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encourage collaboration not competition, connect people and grow professional networks, invest in evaluation as a means of promoting failure and sharing knowledge so that learning from mistakes is just as important as learning from the best practice, partner with elected officials, lobby Harrisburg and Washington, curation and centralization not collection, engage the community members not just community groups, and create tools for the entirety of the innovation cycle. Mr. Giles stated it was an excellent seminar and he was delighted by the opportunity.

Mr. Giles reminded everyone that we hosted the PA International Week on September 18, 2013, at the Bayfront Convention Center and that there were members from 35 different countries involved in the discussions that were held. He stated it was a significant opportunity for not only us, but was largely administered by the Northwest Planning Commission, which includes seven counties in the region.

Mr. Giles stated that Erie Together met on September 25, 2013, at United Way. They meet almost every other month and it is another effort on the part of the community to address the issues of violence, poverty, and crime all under one steward group.

Mr. Giles stated that on September 20, 2013, the PComp board met in Harrisburg. He stated he is chair of that board. He commented that the indicators are that because of the performance of Erie County in particular, but all the counties in general, the rates will remain flat going into next year and there was a surplus of sorts in the amount of \$1.4 million, which will be divided as a dividend to all of the participating counties. This is done in a pro-rated way. Mr. Giles extended Council's appreciation for the fact that there is a certain amount of pride connected to the idea that the performance on the part of Erie County regarding workmen's comp claims has been consistently better and better every year. Going into next year, it is about .5 less than the current year. When the entire pool of counties performs well, you wind up with surplus funds. In this unique situation, monies are being returned to the counties through CCAP and he credited the Administration for getting that done in the way that they have. He also stated that there is also a discount if you have a full time risk manager in your County and he reminded everyone that, while positions are being debated, we get a 5% discount not only under workmen's comp, but under PCorp on the property side as well. If you take the net cost of having a risk manager and compare that to the results of discounted premiums, one outweighs the other dramatically.

Mr. Giles also reported that on October 11, 2013, the UC Trust met and again, because of performance, there will be a reduction in rates for Erie County and other counties under the Unemployment Comp pool.

Mr. Giles commented that he was invited by the Atlantic Monthly to participate in a one day conference called "Infrastructure – Investing in Technology" at the Newseum in Washington, D.C. He stated it was quite an exciting opportunity. The schedule was as follows: Welcome remarks from Elizabeth Baker Keffer, President, AtlanticLIVE; Remarks by Anthony F. Earley, Jr., Chairman, CEO, and President of PG&E Corporation; Panel Discussion – The Next Frontier: Cutting Edge Energy Technologies moderated by Ron Brownstein, Political Director, Atlantic Media; Panel Discussion – Powering the Future: Improving the Grid for the 21<sup>st</sup> Century moderated by Coral Davenport, Energy & Environment Correspondent, National Journal; Remarks – Bernard Schwartz, Chairman Emeritus, Third Way; Remarks – R. Richard Geddes, Visiting Scholar, American Enterprise Institute; Panel Discussion – Breaking the Gridlock: Reshaping the Infrastructure Debate moderated by Steve Clemons, Washington Editor-at-large, The Atlantic; Headline Interview – The Honorable Spencer Abraham, Former Secretary, U.S. Department of Energy; Remarks – Thomas R. Kuhn, President, Edison Electric Institute; Closing Remarks – Steve Clemons.

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On October 2-6, 2013, NaCO hosted an Executive Committee Retreat and a Premier Corporate Member forum. Mr. Giles stated that the premier sponsors included HP, Apple, Google, Comcast, Facebook, among others. He commented that this was an excellent opportunity to link what is being done at a national level regarding computer policies with the very people who provide the services related to that.

Mr. Giles reported that October provided an opportunity for the Public Risk Conference held in Texas. He stated that Dr. Peter Höpfe of Munich Re, was a primary presenter. Mr. Giles commented on the political debate regarding climate change and whether it is real or not real. When you hear the research that Munich Re, a large international insurance firm that covers calamities and disasters and pays for the threshold to cover those costs, it is impressive. He stated that it was an exciting presentation. Mr. Giles noted that he brought multiple copies back because much of the activity that is happening is happening in North America in terms of significant changes with impact on the insurance level. He continued that as part of that particular meeting, a Mr. Michael Bozell, who was a director with the FBI on computer crimes and programming, gave a 5 hour presentation. He stated that the audience never got smaller, it only got larger. Mr. Bozell spoke about cyber security and cyber risk for public entities like county governments. Mr. Bozell discussed a three day conference he attended in NYC on hacking with hackers. Mr. Bozell had done demonstrations where he put on the screen everything that everyone had on their iPad or iPhone and then singled someone out in the audience for reading an article from the New York Times, and then put the article on the screen. Mr. Giles commented that Mr. Bozell demonstrated how easy it is to get into your phones, etc, as well as the computer control in a home environment. Mr. Giles stated that when you think you're in your own isolated environment when you are on the internet, there are incredible potentials to be violated by cybercrime. Mr. Giles stated that Mr. Bozell has a website where he puts out a monthly newsletter, and he has written several books. Mr. Giles also stated that Mr. Bozell believes that within the next five years, how security and technology is handled will not look at all like it does in 2013.

Mr. Giles stated that while he was in San Antonio, he stopped to see Mayor Castro, because they have a poetry project that is almost as old as Erie County's. Mr. Giles dropped off the anthology by Dr. Berwyn Moore, and also dropped off a copy of the latest issue from CCAP, which had a poem that Ron Hayes wrote about Pennsylvania and did live in Erie County at the Convention Center when we hosted the County Commissioners. Mayor Castro was impressed by the quality of the writing and the poetry effort we have had in Erie County.

Mr. Giles shared the CCAP insurance newsletter that included the following regarding the CCAP conference in Erie:

"CCAP just completed its annual conference in Erie, the first time we have held the conference there in about 20 years. The changes made in Erie since then are spectacular, especially along the bay. The hotel where most of our conference attendees stayed and the Bayfront Convention Center are both very new. In addition, the county library and a maritime museum are also on the bay. It is a spectacular, well planned development and truly the jewel of the city.

The reason I mention this is what occurred to me as I walked through the new convention center during our conference. The center is striking, and it sits right on the water and immediately next to an entrance to a major marina. The design of the center is very open, with lots of windows looking out on the bay. As I walked along the main hallway to access meeting rooms and the exhibit hall, I was so impressed to see the bay, and watch boats move right by the windows. If you have to spend a long day in the convention center, this is not a bad way to do it. I found it very relaxing.

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And I was grateful, and very impressed, that the process that led to this center was done so well. It was clear those involved realized the unique positives the location had to offer and employed those positives to the benefit of attendees.”. John Sallade

#### Agenda

#### Amendment

Mr. Leone moved to amend the agenda to include his appointment, David Ciacchini, to the Erie County Convention Center Authority, under Item H, New Business, of the Agenda.

Prior to this, Mr. Giles asked that the press release regarding the Temporary Board of Elections for the November, 2013 election, be incorporated into the record. It is as follows:

“The Erie County Election Department will appoint a temporary Board of Elections for the November 5, 2013 General Election by order of President Judge Ernest J. DiSantis. The presence of two referenda asking voters to amend the Home Rule Charter to include term limits for the County Executive and County Council triggered the use of such a board, according to Clerk of Elections, Douglas Smith. “I was contacted by President Judge Ernest DiSantis several weeks ago regarding 25 P.S. §2641(c), which requires the replacement of legislators on a Board of Elections whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing Home Rule Charter”.

President Judge DiSantis suggested the idea of contacting the Chairpersons of Erie County’s two major political parties two weeks ago when he and Mr. Smith discussed the impact of the statute. A meeting with Democratic Chair William Cole and Republican Chair Verel Salmon followed, at which Judge DiSantis requested the names of seven individuals willing to serve the goal of insuring the integrity of the election process in a bi-partisan manner.

Agreeing to serve on the Election Board are Richard Brozell, Michael Mahler, Selena King, Sean Lynch, Attorney Timothy McNair, Karen Moski, and Attorney John Persinger. The ratio of Democrats to Republicans is 5 to 2, reflecting the current Board of Elections. President Judge Ernest J. DiSantis; “Given the current turmoil between the parties in Washington and elsewhere, this spirit of cooperation of Erie County’s party leaders, and the three branches of Erie County government, is commendable”.

Karen Moski will serve as chairperson and John Persinger will serve as vice chair of the Election Board. The role of the Board of Elections is one of oversight and policy. The Department of Elections will perform its duties and functions as always, preparing poll workers for Election Day, delivering correctly programmed voting machines, and setting locations for all of our 154 election districts. The work of the Election Board really begins on November 5<sup>th</sup> Election Night once all voting materials are returned to the Courthouse. The Board acts as overseers of the process of the unofficial count, which takes place that evening. Their role will continue on to Friday, November 8, 2013, when the County conducts its final count of all votes cast. As has been the case since 2006, the County will utilize its ESS election software and hardware to count all ballots cast. The Board of Elections, once satisfied, will be asked to certify the election results within 30 days. The Members of the Election Board will be paid \$130; the equivalent of a Judge of Elections pay on Election Day.”

Dr. Foust seconded Mr. Leone’s motion to include David Ciacchini’s appointment to the Erie County Convention Center Authority.

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Mr. Leone also asked to include as an amendment to the agenda, the second reading of Ordinance 91 and 92. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

Second Reading

Ord. 83

Mr. Smith gave a second reading of Ordinance 83, 2013, "2013 General Fund Budget Revised Expenditures of \$2,250 Due to Unpaid Leave in Adult Probation". This was moved by Mrs. Loll and seconded by Mr. Leone. This carried in a unanimous roll call vote.

Second Reading

Ord. 84

Mr. Smith gave a second reading of Ordinance 84, 2013, "2013 Capital Projects Fund Supplemental Appropriation of \$168,760 and Creation of Line Items for Replacement of Computers for Court Related Offices". This was moved by Mrs. Loll and seconded by Mr. Leone. This carried in a unanimous roll call vote.

Second Reading

Ord. 85

Mr. Smith gave a second reading of Ordinance 85, 2013, "2013 Twenty-Fifth 2013 General Fund Budget Supplemental Appropriation of \$18,000 for Replacement of Computers in Court Related Offices". This was moved by Mr. Leone and seconded by Mrs. Loll. This carried in a unanimous roll call vote.

Second Reading

Ord. 88

Mr. Smith gave a second reading of Ordinance 88, 2013, "2013 MH/MR Fund Budget Revised Revenue of \$2,176,050 and Creation of a Line Item for MATP Revenue". This was moved by Mr. DiMattio and seconded by Mr. Fatica. This also carried in a unanimous roll call vote.

Mr. Giles gave an explanation to audience members regarding the above ordinances. Mr. Giles asked Mrs. Pasquale to explain the ratio of funding and she stated that the County would have a match of less than 10%, and the rest are federal and state monies. Mr. Giles explained that this is not an unusual pattern for Washington D.C., Harrisburg, and the County to be in a match situation. Mr. Giles did go on to explain the reduction of funding to the Health Department in the amount of approximately \$400,000. He stated that we match that funding, but it's not our match that is the problem, it is the issue that the state has taken their portion of funding back.

Ord. 91

Mr. Smith gave a second reading of Ordinance 91, 2013, "2013 Drug and Alcohol Abuse Fund Budget Supplemental Appropriate of \$112,688 Due to Increase in Base Grant Funding from the Commonwealth". This was moved by Mr. Leone and seconded by Mr. Cleaver. Mr. Giles noted that this is an increase in state funding for Drug and Alcohol for basic programs which is not a typical pattern. He then asked for roll call. This carried in a unanimous roll call vote.

Ord. 92

Mr. Smith gave a second reading of Ordinance 92, 2013, "2013 Public Safety Fund Budget Supplemental Appropriation of a Master Rescue Kit with a Value of \$2,467 Donated by the NW PA ERG". This was moved by Mr. Fatica and seconded by Mr. DiMattio. This carried in a unanimous roll call vote.

1<sup>st</sup> Reading

Ord. 93

Mr. Smith gave a first reading of Ordinance 93, 2013, "2013 Children and Youth Services Fund Budget Salary adjustment for New Superintendent of Edmund L. Thomas Center".

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Appointments Dr. Foust asked to move the following appointments for approval as presented:

- Appointment of David Robinson to the Erie County Housing Authority
- Appointment of Vicki Taylor to the Erie County Human Relations Commission
- Reappointment of Jackie Breakstone to a three year term on the Erie County Library Board to represent Mr. Cleaver's District
- Reappointment of Bridgette Martin-Cotton to the Erie County Care Management Board to represent Mr. Cleaver's District
- Appointment of David Ciacchini to the Erie County Convention Center Authority

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

There being no further business, the meeting was adjourned at 7:58 p.m.

Deneé M. Breter, Council Secretary

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