

May 17, 2016

ERIE COUNTY COUNCIL – Regular Meeting

Vice Chairman Breneman, 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 read the following prayer/invocation:

“Let us pray. We as leaders of the County of Erie, we do our best for all citizens. We have looked to the future to lead, and have found improvements that need to be accomplished. As leaders we will not abandon our responsibility. We are not genies in a bottle who grant wishes, but we work to do what we can. We have asked guidance from our Lord who stands by us. We try to guide government to better life for each and every one, to work together for a better future and a productive community. As leaders, we are unstoppable in moving to an improved end. May the grace of the Lord be with all people. Amen.”.

Roll Call

The County Clerk called the roll:

Members Present: Mr. Breneman
Mr. DiMattio
Mrs. Fatica
Dr. Foust
Mr. Leone
Mrs. Loll
Mr. Horton (via telephone)

Members Absent: None.

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

**Hearing of
The Public**

Julie Minich, 1027 West 37th Street, Erie, PA; co-founder of All Aboard Erie and assistant executive director; graduate from Mercyhurst College with honors; attended Washington University in St. Louis and completed her Master’s Degree; Ms. Minich is a “choice” rider, which means she chooses to ride the bus. She thanked all the bus drivers who are the unsung heroes of the city and county because they get people where they need to be and they move people. She stated that the EMTA issue is about the people and that the charter issue needs to be resolved. She would like Council to negotiate and work together. She commented that City Council seems to be willing to go in on two demands – limit the charter to 30 years, which City Council stated at their last meeting. She also stated that there is an Advisory Board that is already in place and has been for about a year. She felt that this is some progress but realizes there is more work to do and it may be harder because the EMTA Board has hired a Pittsburgh lawyer who specializes in charter issues. She commented that usually when lawyers get involved it takes a little more time. PennDOT has had meetings with City and County Councils separately and it appears that both councils do not want to be in the same room. She has seen members socializing at various events and hoped that members could use this to help move the issue along. She stated that 20% of the population is “transit dependent” but there is another 13-15% who choose to ride the bus.

Randy Barnes, Harborcreek Township; Mr. Barnes wanted to talk about the \$3 million loan that was given by the Erie County General Authority to the GEIDC through an agreement from April, 2006. In that agreement, the \$3 million was given to acquire and develop land and he questioned why the County doesn’t have a lien or right to have that property. Also in that agreement, there was to be an annual review and approval by the project, GEIDC, ECGA and the County, along with quarterly reports and approval every year. He stated that a taxpayer paid rail study was

May 17, 2016

released stating that there was no need, want, or desire for a rail terminal in Erie County. He commented that the consultants who completed the study did not have access to DevelopErie data and he wanted to know why and felt that there was no data to have access to. He felt that taxes will have to be raised in order to cover the \$3 million loss from the loan. He suggested that if a Council member cannot attend meetings as liaison they should ask a constituent to attend on their behalf.

Doug Lavery, 8651 Lexington Road, Girard, PA, Conneaut Township; Mr. Lavery stated his concerns are about a company called ITC which is planning to install a project called the Lake Erie Connector. This is a 1,000 megawatt bi-directional high voltage current which includes a convertor hall on Lexington Road. He wanted to know if an environmental impact study has been received from ITC; has a loss of property values study been done? The water table in that area is 13' deep and very high quality and Mr. Lavery is concerned that if one of the schedule connection vaults is placed in that area the water flow and quality will be destroyed, and most residents will most definitely lose tremendous property values. He is concerned about the sound effects from the convertor hall cooling fans and has been told they will produce 50 decibels which will be a disruption to the residents, pets, and natural wildlife, along with the health effects and quality of life if a high DC/AC buried cable is installed in the ground of each homeowner. This could emit an electric magnetic field. He stated that the information provided by ITC is less than informational but just enough to satisfy federal government requirements. There is no local government supplying any information on this project. ITC has sold its company to a Canadian power company called Fortis and Fortis sold 19.9% of its holdings to a Singapore power company – GIC. Mr. Lavery feels that neither of these companies will care about the Americans that this will affect. He has strong concerns that the Lexington Road site will most definitely be put on a terrorist hit list because Penelec will supply 12 American states, including Washington DC from this substation and it will supply Canada with unknown areas of power. He expressed that the residents of Lexington Road need the Council's help to protect them from this project that has no concerns for the people or the environment it will affect. Big money will be made from the production of this electric, but none of it will help Erie County or the United States because the owners of this company are from Canada and Singapore.

Andy Vye, City of Erie; Mr. Vye discussed the effects of the American Recovery and Investment Act of 2009. He stated that it doesn't matter where money comes from but this shows how invested money may or may not be turned into actual work or siphoned off as profit. The money in these two statistics is reported in billions of dollars and the work is reported in months. He commented that each billion dollars spent on automobile highway infrastructure provided 8,000 months of work. Many of those jobs were construction and far from the workers' homes. Each billion dollars spent on public transit provided 16,000 months of work and many of these jobs were local. He stressed that his point is if there is investment in mass transit, there will be benefits for the local economy.

**Approval of
Minutes**

Mr. Leone made a motion to approve the minutes from the April 25, 2016 regular meeting. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

**Reports of
County Officials**

Dr. Foust stated that the Finance Committee met on May 12, 2016, and agreed consider taking Resolutions 10 and 26 off the table, place Ordinances 30-33 on the agenda with possible second readings, and four board appointments, to the agenda. Dr. Foust also stated that an audit report was given during the Finance meeting which was generally positive, as well as an update from Joe Aguglia, the executive director of the Human Relations Commission, regarding some issues facing that department and some of the initiatives they will be moving forward with.

Mr. DiMattio stated that the Personnel Committee met immediately following the Finance Committee meeting and agreed to place Ordinances 34-36, 2016 and Resolution 21 on the agenda, with possible second readings on Ordinances 34 and 36.

May 17, 2016

Mrs. Loll read the following report:

“I attended a meeting on the 3rd and 12th of this month for the possible hiring of a person for Human Relations. The inner workings of the Human Relations Commission were discussed at length. In the end, it was decided to post the position as the Personnel Code requires first and see the results of the posting, and if it is not successful in finding someone to fill the position, then we as a committee will revisit this.

I was contacted several times by families and prisoners of the Erie County Prison about the funds that are there to purchase commissary items. Some did not understand that the daily fee to be paid by the prisoner can be deducted from their account. Another didn't understand why the commissary items purchased by a family for a prisoner did not accompany them to the State prison in Albion when they left Erie County to finish the sentence at Albion. I did find out that the family can pick up the items purchased, but Albion prison will not allow them to be delivered there.

I attended the Difference Makers Gala at Union Station on the 6th of this month. This Gala is put on by the class, “Medals and Media” in Seneca High School to honor the veterans of all branches. The students earn all the money to put on this event, free to all invited. This is the seventh year that the teacher, Mr. Hart, has had his class do this event.

I attended a Labor Union dinner held at the Siebenburger Club by the Local Labor Union. District Attorney Jack Daneri received a Citizenship Award. It was a very nice event.

On Monday the 9th, I attended the Assessment Board Meeting as liaison. I have supplied each Council member a copy of the agenda. There were nine Veterans' Exemptions this month. Since the qualifications have changed in the past years, the qualified exemptions have risen.

The Corry Housing Authority has been consolidated into the Erie County Housing Authority. There are 15 parcels that should be exempt, but have been taxed. They are asking for forgiveness for the year 2015. The balance of the meeting was an Executive Session.

I have received phone calls from constituents about GEIDC and also the Lake Erie Connector Project. I will have to do some inquiries to answer all the questions asked.

I received an inquiry from one of my municipalities about an unruly council member and the recourse they have to correct the problems this member is causing. I referred them to the Pennsylvania Borough Code and the sections they need to read. It will give them the best guidelines on how to handle the situation and what legally they can do about it.

I received a letter from Springfield Township supervisors about the continued planning in their municipality. They have asked Kathy Wyrosdick to help with the planning and I have agreed to help her in any manner that I can. I have been working with Springfield Township on the bridge project that PennDOT has for their municipality. There is a lot of discontent from the citizens on the removal of the Sanford Road Bridge that spans/did span I-90. If more are coming down and not being replaced, it will in essence divide the municipality in half by I-90.

On May 12th, I attended the Erie Metropolitan Planning Commission meeting. Kathy Wyrosdick, the Director of Erie County Planning, pointed out that the Planning Commission should only be comprised of nine (9) members and asked as to how the present Commission thought it should be done. It was stated that there are only about 12 that show up regularly and their efforts should not be ignored. It was suggested that the first new configuration of the Board be comprised of 9 of the 12 regular attendees, and then as they leave the Board, the position would be filled with someone from an area that is not represented at the time. Over time, the members would be comprised of people located in all areas of the County.

May 17, 2016

Joe Berdis had his first public hearing on the 2016 Community Development Block Grant Program. The allocation is \$275,317 for this year, minus the 18% administration fee, which leaves \$225,768 available for non-entitlement municipalities. Each municipality that is qualified to request funds for a project may ask for not more than \$75,000 or less than \$35,000. Applications will be due by July 15, 2016.”.

Mrs. Fatica reported that she attended a luncheon honoring the nurses at Pleasant Ridge Manor on May 12th and presented a citation from Erie County Council recognizing the important role the dedicated healthcare professionals play. She has also been in contact with Karen Tobin, Director of Environmental Services for the Erie County Department of Health and State Representative Ryan Bizzarro regarding Zika and West Nile surveillance. Mrs. Fatica stated that as was announced last week, mosquito traps are being set and these mosquitos, once trapped, will then be sent for testing. The three sites specifically identified as potential areas where Zika could be found were chosen because data gathered by the Erie County Department of Health previous years’ traps identified species of the mosquitos that could harbor Zika. The plan is improved from past years as 15 traps will be set each week in the same location throughout the County during the summer, as well as random traps and those that have been identified in flooded areas or identified as potential problems from the public. Spraying is planned for West Nile and spraying for Zika will be advised if the virus is identified. Additional traps will be set along the Pennsylvania/Ohio border and the Pennsylvania/New York border for other viral vector testing. The State offices do not anticipate Zika in Pennsylvania, but trapping and testing is being done. To date, the Governor’s office is focusing on education for disease prevention when residents are travelling.

Mr. Breneman reported that he attended the ECGRA Board meeting last week. During that meeting, they had a presentation by StemWorks out of the Fairview School District which involves giving the youth a chance to integrate their learning and using tools such as 3D printers, etc. to take their learning and make something substantive so they are more engaged in their learning. It is a program they are looking to bring to other school districts around the county. They approved a resolution for the Eastside Opportunity Corridor Pilot Project and the Erie Together Block by Block Project. Mr. Breneman also met with the director of OCY and discussed the caseload of the caseworkers and steps they are taking in order to reduce the lengthy time involved in managing the cases. He also attended the Pleasant Ride Manor memorial for residents who passed recently.

**Motion to Amend
Agenda**

Dr. Foust made a motion to amend the agenda as follows:

Remove Ordinance Number 26 and Resolution 10 from the table, move Ordinances 31-34 and 36 to second readings, and add Resolutions 20 and 22 to the agenda. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

OLD BUSINESS

**Ord. 26, 2016 – GF SA
Of \$4,289,910 for
IGT to Benefit PRM**

Mr. Smith gave a second reading of Ordinance Number 26, 2016, “Twelfth 2016 General Fund Budget Supplemental Appropriation of \$4,289,910 and Creation of Line Item for Intergovernmental Transfer (IGT) to Benefit Pleasant Ridge Manor”. This was moved by Mr. Leone and seconded by Dr. Foust.

Dr. Foust then moved to amend the ordinance face sheet and exhibit to show the supplemental appropriation as \$4,390,879. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Ordinance Number 26, 2016, as amended, carried in a unanimous roll call vote.

May 17, 2016

**Res. 10, 2016 –
In Support of IGT
Agreement**

Mr. Smith gave a reading of Resolution Number 10, 2016, “Approval of the Intergovernmental Transfer Agreement Between the PA Department of Human Services, the Office of Long Term Living, and the County of Erie”. This was moved by Mr. Leone and seconded by Mr. DiMattio.

Dr. Foust then moved to amend the resolution to change the title to say “Approval”, and to include the revised agreement from the State. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Resolution Number 10, 2016, as amended, carried in a unanimous roll call vote.

NEW BUSINESS

**Ord. 30, 2016 – GF
SA of \$35,533 for
PCCD Grant**

Mr. Smith gave a second reading of Ordinance Number 30, 2016, “Fourteenth 2016 General Fund Budget Supplemental Appropriation of \$35,533 for PCCD Trauma Related Services Grant”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 31, 2016 – Library
Revised Rev. & Exp.,
Creation of Line Item**

Mr. Smith gave a second reading of Ordinance Number 31, 2016, “2016 Library Fund Budget Revised Revenue & Expenditures of \$3,366 and Creation of Line Item for Additional State Grant Reimbursements”. This was moved by Mr. DiMattio, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 32, 2016 – C&Y
Revised Rev. & Exp.
& Creation of Expense
Line Item**

Mr. Smith gave a second reading of Ordinance Number 32, 2016, “2016 Children & Youth Services Fund Budget Revised Revenue and Expenditures of \$45,000 and Creation of Expense Line Item for Non-Federally Funded Adoptions”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 33, 2016 – Dept.
Of Health Body Art
Regulations**

Mr. Smith gave a second reading of Ordinance Number 33, 2016, “Erie County Department of Health Body Art Establishment Regulations, Amending Ordinance Number 152, 2008”. This was moved by Mr. Leone, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

**Ord. 34, 2016 – Appt.
Official’s Salary – FT
Asst. PD**

Mr. Smith gave a second reading of Ordinance Number 34, 2016, “2016 Appointed Official’s Salary – Full Time Assistant Public Defender”. This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 35, 2016 – GF
Revised Exp. In Pro’s
Office**

Mr. Smith gave a first reading of Ordinance Number 35, 2016, “2016 General Fund Budget Revised Expenditures in the Prothonotary Office”.

May 17, 2016

**Ord. 36, 2016 – GF
SA for Salary Correction
In PD Office**

Mr. Smith gave a second reading of Ordinance Number 36, 2016, “Fifteenth 2016 General Fund Budget Supplemental Appropriation of \$30.00 for Salary Correction in Public Defender Office”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Res. 21, 2016 – Holding
All Pay Raise/Upgrades**

Mr. Smith gave a reading of Resolution Number 21, 2016, “Holding all Raise/Upgrade Requests Until Completion of Felice & Associates Pay Plan Analysis”. This was moved by Mr. DiMattio, seconded by Mr. Leone, and carried in a 6-1 roll call vote, with Chairman Horton voting no.

**BOARD/AUTHORITY
APPOINTMENTS**

Dr. Foust moved to approve the following appointments with one roll call vote:

- Appointment of Matthew P. Hatfield to an unexpired four-year term to the Erie County Human Relations Advisory Board
- Appointment of Becky Hosack to a four-year term on the Erie County Planning Commission
- Appointment of Michelle Griffith-Aresco to a three-year term on the Erie County Agricultural Land Preservation Board
- Reappointment of Doris Gernovich to a five-year term on the Erie County Housing Authority

This was seconded by Mr. Leone, and all appointments carried in a unanimous roll call vote.

Agenda Additions

**Res. 20, 2016 –
\$3,000,000 Loss
On ECGA Loan**

Mr. Smith gave a reading of Resolution Number 20, 2016, in its entirety:

“Recording a \$3,000,000 Loss on the Erie County General Authority Loan in the 2015 Budget to Comply with Governmental Accounting Principles

WHEREAS, the County of Erie approved an unsecured loan of \$3,000,000 to the Erie County General Authority (ECGA) for a proposed economic development project, on April 12, 2006; and

WHEREAS, the project was managed by the Greater Erie Industrial Development Corporation (GEIDC), who repurposed the funds with County approval for an inland port project as part of Resolution 17, 2010; and

WHEREAS, GEIDC filed for liquidation bankruptcy in April of this year because it was unable to pay creditors, including the County of Erie; and

WHEREAS, the collectability of this loan is in doubt, the County is being required by government accounting principles (GAP) to report this loan as uncollectible.

NOW THEREFORE BE IT RESOLVED, by the County Council of the County of Erie that the Administration is hereby permitted to create a \$3,000,000 Account Loss on the ECGA loan in the 2015 budget; to be recorded in December of 2015, in Account Number 001-002710-005263.

BE IT FURTHER RESOLVED that the County of Erie request a forensic audit to be performed on GEIDC as part of the bankruptcy proceedings.

BE IT FURTHER RESOLVED that the County Administration continues to pursue all attempts for repayment through the bankruptcy procedures; any funds repaid will be treated as revenue in the year received.”.

May 17, 2016

This resolution was moved by Dr. Foust and seconded by Mr. Leone.

Dr. Foust commented that this does not close the avenues to recover the \$3 million loan through bankruptcy proceedings and this will allow the County to clean up the audit as best it can. If this was not added to the budget, it was clear in conversations with Mr. Maloney that it could affect the audit grading in some way and it wouldn't be positive to leave it out. There were some concerns last week, but Dr. Foust felt that all were mollified in the sense that there are still avenues open to be able to recover this money.

Resolution Number 20, 2016, carried in a unanimous roll call vote.

**Res. 22, 2016 –
In Support of
BEFC Efforts**

Mr. Smith gave a reading of Resolution Number 22, 2016, in its entirety:

**In Support of Basic Education Funding Commission (BEFC) Efforts
Regarding the Fair Funding Formula for Pennsylvania's Public School**

WHEREAS, some 1,763,000 students attend Pennsylvania's public schools and over 39,554 public school students in Erie County, with financial support for Pennsylvania public school districts coming from local, state and federal sources; and

WHEREAS, the Commonwealth of Pennsylvania has a strong history of providing quality public education in order to prepare students to be productive citizens and to fulfill their individual potential; and

WHEREAS, The Basic Education Funding Commission (BEFC) was established pursuant to Act 51 of 2014, in order to examine the basic education funding formula; held 15 hearings across the Commonwealth in 2014 and 2015; received testimony from over 110 individuals including superintendents, academics, school board presidents, representatives of the business community, nonprofit groups, other states, and parents; and

WHEREAS BEFC recommended that the General Assembly adopt a new formula for distributing state funding in the basic education funding appropriation; allowing for accountability, transparency and predictability.

RESOLVED, THE COUNTY COUNCIL OF ERIE COUNTY supports the bipartisan Basic Education Funding Commission (BEFC) in their efforts to more fairly distribute dollars to public schools across the state using the fair funding formula designed to address the concerns of Pennsylvania's public schools, whether urban or rural, large or small, or student enrollment that is growing or stagnant.”.

This was moved by Mr. Leone and seconded by Mrs. Fatica.

Mr. Breneman commented that Pennsylvania is one of three states in the country that does not have a comprehensive funding formula and also has the largest disparity between the funding that goes to the richest school districts and the poorest school districts in the state. This resolution asks the State to do its job and to ensure that there is no more disparity and make sure that the children are able to get the education they deserve.

Resolution Number 22, 2016, then carried in a unanimous roll call vote.

May 17, 2016

Dr. Foust commented that during caucus this evening, Council discussed the \$3 million loan given to GEIDC and how much of that has gone bad, and GEIDC is now in bankruptcy proceedings. It came to light that quite possibly, the paperwork filed to be able to recover some of that money has not been filed yet. **Dr. Foust made a motion of Council to not only encourage but direct the Administration to file the appropriate bankruptcy paperwork and to appoint and secure outside counsel where needed for the bankruptcy proceedings. Mr. Leone seconded the motion. This motion passed in a unanimous roll call vote.**

Dr. Foust then moved to recess at 7:50 p.m. for Executive Session to discuss pending legal issues regarding EMTA. This was seconded by Mr. Leone.

It should be noted that Kevin Flowers, Erie Times News, objected to the call for Executive Session, asking that Council reconsider the intent to discuss this matter in Executive Session, and asked that this protest be recorded in the official minutes of the meeting, as required by law.

Vice Chairman Breneman called the meeting back to order at 8:38 p.m.

There being no further business, the meeting then adjourned at 8:38 p.m.

Deneé M. Breter, Council Secretary
