

January 2, 2007

ERIE COUNTY COUNCIL – Reorganization Meeting

Mr. Smith called to order a Reorganization Meeting of Erie County Council at 6:00 p.m. in the Erie County Council Chambers, Erie County Courthouse.

Moment of
Silence

Mr. Smith asked for a moment of silence for President Gerald Ford's passing.

Following the moment of silence, Mr. Maloney called the roll:

Members Present: Mr. Augustine
 Mr. Cleaver
 Mr. Foust
 Mr. Giles
 Mr. Leone
 Mrs. Loll
 Mr. Mitchell

Also Present: Douglas R. Smith, County Clerk
 Joseph P. Maloney, Council CPA
 Sean Wiley, Director of Administration

Chairman
Elected

Mr. Smith opened the floor to nominations for the office of County Council Chairman. Mr. Foust nominated Mr. Leone; Mr. Giles seconded the nomination.

Mr. Giles moved that the nominations be closed; Mr. Foust seconded the motion. There being no objections, the nominations for the office of County Council Chairman were closed.

Chairman
Elected

Mr. Smith called for the vote on the nomination of Mr. Leone, and Mr. Leone was elected to the office of County Council Chairman in a unanimous roll call vote.

Vice Chairman
Elected

Mr. Leone opened the floor for nominations for the office of County Council Vice Chairman. Mr. Foust nominated Mr. Giles; Mr. Cleaver seconded the motion.

Mr. Foust moved that the nominations be closed; Mr. Mitchell seconded the motion. There being no objections, the nominations for the office of County Council Vice Chairman were closed.

Mr. Leone called for the vote on the nomination of Mr. Giles, and he was elected to the office of County Council Vice Chairman in a unanimous roll call vote.

Plaque Presented
to Mr. Foust

Mr. Leone noted that last year was a very difficult year for Council, and he commended Mr. Foust for taking the reigns. Mr. Foust handled himself very professionally during the many controversies throughout the year. Mr. Leone presented a plaque to Mr. Foust in honor of his service as Chairman of County Council last year. Mr. Foust expressed his appreciation.

Comments by
New Chairman

Mr. Leone thanked his colleagues for electing him as Chairman this year. He again congratulated Mr. Foust for the past year, which was difficult and included many controversial issues. He handled these controversies in a very professional manner, and Mr. Leone wished to commend him for that.

Mr. Leone feels this new year must bring new ideas to the community. As Chairman, his role is to try to set a reasonable, yet obtainable, agenda for this County. In the past, Mr. Leone has emphasized the importance for a better system to relate to the community and care for the history of county government to be treasured for future use. His last role as Chairman was to wire Council Chambers to include a video of these proceedings. Although the cost was minimal, it slipped by. However, he gave assurance this year that goal will be accomplished. Mr. Leone also believes it is important to inform the community via Community Access TV on a weekly or biweekly basis. He plans to ask the County Clerk to look into the possibility of a schedule, and he has already discussed this matter with the County Executive. This type of programming should include elected officials, all departments of county government, etc. Mr. Leone plans to speak again with the County Executive.

Currently, Mr. Leone does not believe that many citizens are familiar with services provided by the County. Another goal is to educate the community to take advantage of these services. Presently, the website is in the process of being upgraded, and Mr. Leone believes that will help citizens understand the role of county government. As he explained to the Administration, Mr. Leone believes a videotape or audiotape of these proceedings could also be placed on the website so people can see what is happening in county government.

Mr. Leone noted that, in the past, an area of concern has been the Sheriff's Department. In an effort to resolve some controversial issues, he has asked the courts for assistance. Mr. Leone has been advised that they will cooperate, and a study will be done, along with the help of other elected and appointed officials. Mr. Leone has discussed this matter with Judge DiSantis, who will be on this committee. Judge DiSantis made various recommendations as to other possible committee members. Until Mr. Leone has had the opportunity to inform those individuals, he will keep the names private. This issue needs to be resolved in an effort to work together for the betterment of the community. Mr. Leone promised to release these names as soon as possible.

Mr. Leone is aware that the County Executive has indicated a committee be formed to explore this issue. Mr. Leone's intent was to do this prior to the comments of the County Executive. He wished to caution the Administration in this area. Although the County Executive has every right to determine whether or not he can veto, as this is in compliance with the Home Rule Charter, and Mr. Leone believes it is his right to do so, the County Executive is responsible for the Executive branch of government. When appointing a committee to determine the responsibilities of any elected official via the Administrative Code, it becomes the responsibility of the Legislative body. Mr. DiVecchio certainly has a right to his opinion and can express it at any time; however, he should understand that only this Council is empowered to make changes as they see fit and in compliance with the Home Rule Charter and the Administrative Code.

Mr. Leone announced another goal for this year will be to attain video conference in all district judge offices, including the courts. Currently, he is attempting to compile a report of costs related to constable fees in this area. After discussing these matters with the district judges, Mr. Leone believes the savings would be substantial. This issue needs to be pursued with the courts as soon as possible. He has discussed this matter with Tom Aaron, the Court Administrator, who is in complete agreement. Mr. Leone understands that, at the present time, figures for computers for district judges throughout the county are being compiled. Many times, district judges are called out in the middle of the night. Video conferencing that can be used with their laptop computers will save the transport of prisoners to the district judge's offices, and the district judges will not have to leave their homes.

Another issue, and probably one of the most important areas this year, will be the funding yet to be received via the Gaming. The Regional Asset Task Force has accomplished a setup of individuals in an effort to determine regional assets in Erie County. Mr. Leone wished to commend them for their tireless effort. However, he expressed concerns in this area. Although Council may be presented with various priorities with respect to regional funding, it must be kept in mind that only this Council, with a majority of votes, can release those funds. A solid case must be presented showing benefits derived from any of these expenditures. Mr. Leone emphasized that economic development must be a top priority where this community is concerned. This community cannot afford any more jobs leaving Erie County; especially those that pay well.

Mr. Leone again listed his goals for 2007 as follows, however, not necessarily in this priority:

1. Video and audio for Council Chambers
2. Resolve Sheriff's responsibilities in Erie County
3. Video conference for District Judges
4. Gaming funding priorities.

Retirement Board

Mr. Leone announced that he, Mr. Foust and Mr. Giles will serve on the 2007 Retirement Board.

Finance Committee

Mr. Leone announced that Mr. Foust will serve as Chairman of the Finance Committee.

Personnel Committee

Mr. Leone announced that Mr. Cleaver will serve as Chairman of the Personnel Committee.

Liaison Appointments

In regard to liaison appointments, Mr. Leone reported that he will set those appointments, and they will be posted tomorrow.

Meeting Schedule

Mr. Leone noted that calendar meetings have been set and Council Members have received a copy. If there are any problems with the schedule, Mr. Leone stated he would be more than willing to make changes to accommodate any conflicts. All Council Members will also be advised of liaison meetings. In conclusion, Mr. Leone noted that seating arrangements will be forthcoming.

Mr. Giles' Comments

Mr. Giles extended his best wishes to the new Chairman. He stated that Mr. Foust had done his job well.

Mrs. Loll's Comments

Mrs. Loll addressed Mr. Foust complimenting him for a great job in conducting meetings in a professional manner. Maintaining control of the audience was not always easy; however, Mr. Foust handled those situations well. Mr. Foust did his research and stuck to his convictions, which is an admirable trait. Mrs. Loll thanked him for his fairness and the spirit in which he conducted himself as Chairman.

Adjournment

There being no further business, the meeting was adjourned at 6:13 p.m.

Ann M. Bruno, Council Secretary

January 2, 2007 Minutes from Nov. 14, 2006 Pub. Hrg. & Reg. Hrg. and Dec. 5, 2006 Reg. Hrg. Approved. Agenda Amended. Amend. Ord. 10, 2005 Tax Collectors' Adopted. First Rdg. Gen. Fund S.A. Donations from NWPAs Terrorism Task Force. Revision to Erie County's FY 2004 CDBG Program adopted. Ord. 186 veto overridden.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Leone called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Erie County Council Chambers, Erie County Courthouse. Following the Pledge of Allegiance, the County Clerk called the roll:

Members Present: Mr. Leone, Chairman
Mr. Giles, Vice Chairman
Mr. Augustine
Mr. Cleaver
Mr. Foust
Mr. Giles
Mrs. Loll
Mr. Mitchell

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
Thomas Talarico, Council Solicitor
Sean Wiley, Director of Administration

Hearing of the Public

David Warner, 154 East 12th Street, Erie, approached Council and stated that the Tavern Association of Erie County would ask that County Council take a look at what Allegheny County has done, and amend the Smokefree Air Act to include a stay to May 1st. This would allow the State government to enact some changes. This association feels this issue is better handled at the state level, and Council has discussed in caucus this was a better issue at the state level. Mr. Warner pointed out that they will have to go through the courts for a stay, and Council could save everyone these problems if an amendment was made similar to Allegheny County. He requested Council amend the Smokefree Air Act.

Gil Rocco, 2903 West 33rd Street, agreed with Mr. Warner stating that there is potential for lawsuit that can be avoided. He noted the smoking issue is not being reported the same way in Erie County as in the rest of the state. News wires from Associated Press, in Scranton or Pittsburgh have both sides declaring victory. He urged Council to find a way to work out a win/win situation by coordinating with what is happening or will happen in Commonwealth Court. Mr. Rocco suggested waiting to see what does happen in Commonwealth Court.

Fred Harper, 2817 McKee Road, asked Council to consider the Allegheny County May 1st stay for the Smokefree Act. Council should respect the County Executive's decision and their solicitor's opinion. He noted that, as a small group of tavern owners, they are prepared to go to litigation if Council pursues the February 17, 2007 deadline.

Renee Vendetti, Erie, stated that on February 21st, Council voted for an ombudsman for OCY and a new committee. It took six months to get the advisory board. Mr. DiVecchio stated that there will be an ombudsman by the end of the year, and that still has not happened. The Home Rule Charter grants Council the power to establish, create, or abolish departments. Council created the ombudsman, and Ms. Vendetti wondered what happened to that position. Council must follow through. She also pointed out that nothing has been done with respect to the recommendations from the Child Welfare League.

Kenneth Przepierski, 640 East 12th Street, Erie, asked why Council finds it so difficult to prepare and publish the minutes on the internet or to the public so an individual may pick them up. He asked if the CDEC is the new Human Relations Commission. He stated their causes have been unconstitutionally suppressed by County government in its censorship of the minutes and violating due process of the publication. Reading of the ordinances in name only and moving them to a second reading does not follow parliamentary law. He suggested Council correct that procedure. Mr. Przepierski pointed out that Mr. Schenker believed the Human Relations Commission Bureau's services were not needed.

Maria Foster, Erie, stated Council ignores Roberts Rules of Order. Erie used to be one of the most diversified cities in manufacturing and technology, and it has been destroyed by its government. Now Council wants to destroy the taverns and tell people where they can and cannot smoke. She believes Council continuously breaks the law, and suggested term limits. She expressed her dissatisfaction with the attorney handling the de novo hearings for the Office of Children and Youth.

Dan Galena, 7173 Jacob Lane, Fairview, approached Council and stated he should be given credit for being an adult, able to make a decision as to whether he chooses to frequent a tavern that allows smoking. Council has chosen to tell him how to act in a privately owned business that pays taxes. He believes it is time for Council to understand there are other issues that need to be addressed. There is no law enforcement agency in the west county. He suggested discussions be held with the Sheriff to determine when sheriff patrols can be implemented in the west county area. He also expects Council to amend the recent smoking ban ordinance.

Minutes

Mr. Giles moved to approve the minutes of the Public Hearing of November 14, 2006, the Regular Meeting of November 14, 2006 and the December 5, 2006 Regular Meeting. Mr. Foust seconded. Mr. Foust moved to amend the December 5, 2006 minutes to delete comments he had submitted for inclusion in the minutes as those comments were intended only in the event Ordinance 178 was tabled.

Mr. Giles asked Mr. Maloney, Council CPA, whether he had reviewed the budget actions contained in the November 14, 2006 Regular Meeting. Mr. Maloney confirmed that the numbers contained in the minutes were correct. Mr. Giles thanked Mrs. Bruno for her work on the minutes. These minutes contain over 30 pages of numbers, and it is a great deal of work. Mr. Leone called for a vote on the minutes as amended, and it carried in a unanimous roll call vote.

Mr. Wiley's
Report

Mr. Wiley addressed Council noting that as the new year begins, the Administration would like to thank the outgoing Chairman, Mr. Foust, for his service and dedication. He extended congratulations to Mr. Leone for being elected Chairman for 2007. Mr. Wiley also wished to again congratulate Mr. Augustine for being appointed to County Council. He thanked Council Members for a great year in 2006, and stated the Administration looks forward to working with Council in 2007.

Finance
Committee

Mr. Foust reported the Finance Committee met on Thursday, December 21, 2006 and put on the agenda for a second reading, Ordinance Number 196, 2006 and Ordinance Number 1, 2007 for a first reading. Also placed on the agenda for possible adoption is Resolution Number 1, 2007 regarding the revision to Erie County's Fiscal Year 2004 Community Development Block Grant Program.

Mr. Leone's
Comments

Mr. Leone wished to address some individuals who spoke this evening. Council waited to reorganize OCY, and it has been reorganized. Mr. Leone agrees with the ombudsman issue. This has been discussed for a long time, and he asked Mr. Mitchell, as liaison to OCY, to look into this matter and find out why it has not been implemented. Mr. Leone believes this is an important issue that needs to be resolved. When meeting with the judges, one of the biggest concerns was that when a child was taken from a home, it was like a death.

Ombudsman
Position

Mr. Mitchell pointed out that he does not believe that particular position has been placed in the 2007 budget. He stated there were other problems with this issue, the biggest being the question as to who the ombudsman would report to. That problem has not been resolved because this person must report to a neutral position, not controlled by any entity. Mr. Mitchell also noted that when researching the issue of the ombudsman, it was discovered that this has not necessarily been a successful program throughout the state in all cases where it has been used. Mr. Mitchell pointed out that the agency has been in the process of being reorganized. As the ombudsman issue is a very complex one, he stated his desire to readdress this issue again. This had been placed on the back burner to resolve other issues within the department itself, but he plans to readdress this matter.

Mr. Leone expressed his disappointment at times when people speak at Council meetings. The issue of Roberts Rules is brought up; this Council has set up its own rules, and Roberts Rules is followed when it does not interfere with Council's rules.

Mr. Leone also noted that this Council seems to be blamed for everything. Burglary and vandalism in Fairview was brought up this evening. The Sheriff does not have responsibility for that particular issue. If there is no police force, the state police have that responsibility. Another issue is the minutes of the meetings. Mr. Leone pointed out that the last set of minutes prepared were budget minutes. There are over 300 pages in the budget, and it takes a long period of time to prepare those particular minutes. One of Mr. Leone's goals this year is to implement a video and audio unit within Council Chambers in order to have the ability for all proceedings to be placed on the website. No one will have to worry about the minutes; they can just view a video on the internet.

Mr. Foust's
Report

Mr. Foust submitted the following report:

On December 13, 2006, Mr. Foust attended the Wesleyville Borough Commissioner's monthly meeting.

Mr. Foust was a speaker at the Rotary Club luncheon on December 27, 2006. He discussed the smoking ban and its effects.

Agenda
Amended

Mr. Giles moved to amend the agenda to include under New Business, the override of the veto of Ordinance Number 186, 2006. Mr. Mitchell seconded, and it carried in a roll call vote of 5-2, Mr. Foust and Mr. Augustine voting no.

Amending
Ord. 10, 2005

Mr. Smith gave a reading of Ordinance Number 196, 2006, "Amending Ordinance Number 10, 2005, '2006-2009 Tax Collectors' Compensation Ordinance.'" Mr. Foust moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

First Reading

Mr. Smith gave a first reading of Ordinance Number 1, 2007, "First 2007 General Fund Budget Supplemental Appropriation for Donations from NWPA Terrorism Task Force."

Revision to
FY 2004
CDBG

Mr. Smith gave a reading of Resolution Number 1, 2007, "Resolution Authorizing a Revision to Erie County's FY 2004 Community Development Block Grant Program." Mrs. Loll moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Ord. 186, 2006
Veto Overridden

Mr. Giles moved to override the veto by County Executive Mark DiVecchio of Ordinance Number 186, 2006, "Amending Article II Section 3D of the Erie County Administrative Code, 'Office of Sheriff.'" Mr. Mitchell seconded, and the veto carried in a roll call vote of 5-2, Mr. Foust and Mr. Augustine voting no.

Adjournment

There being no further business, the meeting was adjourned at 7:36 p.m.

Ann M. Bruno, Council Secretary
