

January 16, 2007

Minutes of Dec. 19, 2006 Reg. Mtg. and Dec. 29, 2006 Special Mtg. Approved. Agenda Amended. Donations from NWPA Terrorism Task Force adopted. Approving a \$1,000,000 Committed Line of Credit and \$2,600,000 Line of Credit adopted. First Rdg. Creating Per Diem Line Item in HRC. Authorizing Creation of Ad Hoc Committee about Powers and Responsibilities of Sheriff Ofc. Adopted. GEIDC as Project Adm. For Gen. Auth. Land Dev. Prjct. Adopted. Helene Grande, Susan Ottoway and Allen "Pete" Ogden reappt'd. to Library Board. Larry Bossolt appt'd. to Redev. Auth. Sale of parcels approved. Waiver of Personnel Code for Webmaster adopted. Auth. for Funds with Pa. Dept. of Comm. & Economic Dev. Emergency Shelter Program adopted.

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
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
Stephanie Freeman, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Citation to
General McLane
Football Team

Mrs. Loll, along with Mr. Mitchell, presented a citation to Coach Wells on behalf of the General McLane Football Team who recently won the PIAA Class AAA State Championship in Hershey Park Stadium. Mrs. Loll expressed her pride at this accomplishment for each player and for the coach. Mr. Mitchell stated his appreciation for the time and effort the coaches put into not only winning the championship, but also for helping to develop a fine group of young students who achieved this excellence. The team represented this area well in the championships both on and off the field. A round of applause followed the presentation.

Mr. Leone's
Comments

Mr. Leone noted at the last meeting, he lost his temper and wished to apologize. Some individuals have asked for portions of the Administrative Code. Some individuals have asked about the five minute rule for those speakers that sign up and the three minute rule for those that don't. He read from the Administrative Code, Council's Procedures, where it indicates:

"Citizens desiring to address the County Council at its stated meeting may do so by providing written notice to the County Clerk on the subject matter to be discussed at least five (5) days prior to the day of the meeting. There will be a five (5) minute time limit to speak."

"A citizen shall be provided the opportunity to address the County Council on any issue without written notice. There will be a three (3) minute time limit to speak."

Hearing of
the Public

“When a group of persons wishes to address the County Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the County Council and to limit the number of persons addressing the County Council on the same matter.”

“Any person making offensive, insulting, threatening, slanderous, or obscene remarks, or who becomes boisterous, or who makes threats against any person or against public order and security while in the County Council Chambers shall be forthwith barred by the presiding officer from further audience at the meeting unless permission to continue be granted by the majority vote of the County Council members present.”

Mr. Leone pointed out that the majority of individuals who speak before Council have been ladies and gentlemen. However, this is not a debate. There is a time for the citizens to speak under the Hearing of the Public, then it becomes a council meeting, and there will be no interruptions. If any interruptions do occur, Mr. Leone will have that particular individual removed from the Council Chambers.

Jodi Schersten, 1107 Payne Avenue, Erie, is the Program Manager of Independent Living Services at Voices for Independence. She has come before Council this evening to request additional funding for the Erie County Human Services Development Fund. Voices for Independence has been providing services to the deaf and hard of hearing community with funding from this agency. This program has been level funded since 2001-2002 at \$43,350. The deaf community has requested that VFI hire an additional part time staff person to better meet the needs, and is requesting an additional \$15,000 in funding.

Gil Rocco, 2903 West 33rd Street, Erie, stated he was from the Freedom to Choose Pro Smoking Coalition. It appears as though they may go to court on the smoking issue. He thanked Council for the extra 30 days, and urged the judiciary of Erie County to make a decision on this issue, whether pro or against. He made reference to the First Amendment to the Constitution which he stated covers the establishment of religion, freedom of the press, the right of the people to peaceably assemble, and the right of the people to petition the government for a redress of grievances. Mr. Rocco stated that is why he was present this evening; because the United States Constitution and the First Amendment give him the right to petition his government. He expressed his hope that a decision will be made on this issue soon.

Kenneth Przepierski, 640 East 12th Street, Erie, asked about the \$41 million bond issue going out and who owns these bonds. He stated the Bill of Rights affords citizens freedom of speech to come before the assembly, speak their words, and have them presented to the public as they are spoken. The Sheriff's Office is an orderly run group of professionals trained to carry firearms for the protection of all. Any extra assistance of law enforcement in this day and age should be truly embraced. He asked why there has been so much oppression on the floor by the Administration and Council. This censorship must cease.

Maria Foster, 2301 Peach Street, believes politicians today have lost something because they are elected by the people and work for the people. County agencies cannot be trusted and their funding should be ceased, such as OCY. It is the job of Council to meet with people that live in the city and the county. Children in this county should not be taken away from their parents. She stated it is time to stop breaking laws and start listening to the constituents.

Renee Vendetti, Erie, referred to the Administrative Code which states five days prior to a meeting, a citizen can call in for five minutes. She did that for the January 2nd meeting and was denied. She asked why the minutes of that meeting were not being approved this evening. She expressed her dissatisfaction with Mr. Mitchell's placement of OCY on the back burner. Mr. Wiley promised her a list of all the boards and vacancies, and it was not ready. When she received the list, she was told there were no vacancies, and on tonight's agenda there are appointments to the Library Board. She demanded explanations. Ms. Jewell signed a contract on December 19th, and ten days later letters were sent out. Ms. Vendetti pointed out that Ms. Jewell reviewed 72 cases in eight days.

Arlene Davis, 2305 Lakeside, approached Council and stated that she loves this community and wants to keep it safe. The Sheriff issue is about safety, and she expressed her hope that everyone can work together. She pointed out that \$2.7 million dollars went into a beer garden for Uht Park. Money should go to safety as well, and it is unfair to not give money to the Sheriff's Department. She urged everyone to work together for the betterment of this county.

Nick Rocco, 5409 Sebago Drive, Fairview, informed Council that he invested \$500,000 in a bar called Nicky's Pub and Cigar Bar, and \$10,000 in air filtration. He emailed all Council Members about this, and expressed his disappointment that he received one reply. He believes Council rushed the smoking ordinance without proper research. Mr. Rocco pointed out that in Allegheny County, the bars permit smoking. He urged Council to use other counties and municipalities as a catalyst. It was wrong of Council not to provide any exemptions in the ordinance, and questioned what he will now do with his cigar bar.

Scott Steva, 3114 Florida, Erie, came forward to speak about the safety of the sheriff deputies and the public. This ordinance regarding the sheriff issue has created confusion and guarantees a lawsuit. The public has taken this ordinance to mean the sheriffs have no powers. The weed and seed program and the DUI roadblocks need the sheriff's assistance. Other smaller agencies in the county also rely on services provided by the Sheriff's Department. He questioned the motivation behind this ordinance. Mr. Steva extended an invitation to Council to ride with the sheriffs to find out how dangerous this job is becoming.

Hearing of
the Public

Dan Galena, 7173 Jacob Lane, Fairview, stated that he agrees with Council on the cutting of the Sheriff's budget. The Sheriff's Department in Erie County, Pennsylvania is not a law enforcement agency, and should not be funded as such. In Mr. Galena's opinion, the Sheriff's Department is no more than an officer of the court. He asked Mrs. Loll, as his representative, to provide him with answers regarding the use of deputy sheriff's vehicles. These deputies take these vehicles home at night and he believes this is an unnecessary expense.

Anne Gress, 3823 Rice Avenue, Erie, asked Council to consider the word "grandfather" on the smoking ban issue. There are people in Erie who opened businesses, such as a bar, 20 years ago; they pay taxes, obey laws, and now they will lose their business. She feels Council rushed into the smoking ban ordinance, and should consider the "grandfather" issue. Anyone who now wants to start their own business would know what they are up against. Ms. Gress feels Council is doing a great disservice to many loyal citizens.

Mary Ann Genis, 264 East 30th Street, stated she is affiliated with a corner pub in town. A friend's life savings is invested in this 55 year old family owned business. No food is served in this business, and eight out of ten customers smoke. This business pays taxes, obeys the liquor control laws, and has never been fined. She feels it is wrong that this decision regarding smoking was made so quickly. Council has jeopardized the mom and pop businesses and their employees.

Charles E. Bowers, Jr., 201 Mead Avenue, Erie, was a police officer for 36 years, the last four of which he was Chief of Police. He has been working part-time in the Sheriff's Department in a training position, and he has observed that the Sheriff's Department is Erie County's best kept secret. The SWAT team is not self contained. It started nine years ago at Mr. Bowers' request when he saw a need.

Penny Guild, 1150 East 39th Street, advised Council that she is the wife of a sheriff deputy. The message Council is sending is one that makes people believe the sheriff deputies have no powers, and this puts them in a bad position. These deputies work hard every day, and their job doesn't end when they go home. They get phone calls at home, and must serve PFA's after hours.

Jeffrey Guild, 1150 East 39th Street, Erie, started working in the Sheriff's Department in 1991. At that time, the office did transports, served warrants and civil papers. This County now has a sheriff who has been working to progress this agency. This department has the ability to work with other agencies in the city and county. He pointed out that the Sheriff's have all the law enforcement powers of the City, State and Millcreek police. Mr. Guild does not understand why Council wants to cut the funding.

Minutes

Mr. Giles moved to approve the minutes of the December 19, 2006 Regular Meeting, and the Special Meeting of December 29, 2006. Mr. Foust seconded, and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Foust reported that the Finance Committee met on Thursday, January 11, 2007 and agreed to place on the agenda a second reading of Ordinance Number 1, first readings of Ordinance Numbers 2, 3, and 4, as well as the possible adoption of Resolutions 2 and 3. Also placed on the agenda are the possible reappointments of Helen Grande, Susan Ottoway, and Alan "Pete" Ogden to the Library Board, and the possible appointment of Larry Bossolt to the Erie County Redevelopment Authority. The Finance Committee also agreed to place the sale of parcels from repository on the agenda.

Personnel
Committee

Mr. Cleaver reported that the Personnel Committee met on Thursday, January 11, 2007, and agreed to waive the Erie County Personnel Code for the position of Webmaster.

Agenda
Amended

Mr. Giles moved to amend the agenda to place Resolution Number 4, 2007 on the Agenda under Item K, and Ordinance Number 5, 2007 under Item L, along with the possible second readings of Ordinance Numbers 2, 3, and 5. Mr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Mitchell's
Comments

Mr. Mitchell noted that there were questions and criticisms at the last meeting regarding the ombudsman position. He performed a statewide search on this position, and found an ombudsman position in Philadelphia used in C & Y employing two people. This is a fairly new position, and Mr. Mitchell plans to contact Philadelphia to find out more information on how well it is working. Allegheny County does not use this position; they have a complaint hotline in place located in the Director of Human Services' Office. Chester County tried the position, but found it did not work, and they dropped it. Ten years ago Somerset County had employed an ombudsman, but they haven't used one since. Mr. Mitchell reported that the only place an ombudsman position is prevalent in Pennsylvania is the Area Aging Agency which is sometimes referred to as Triple A. However, that is a statewide program that deals with aging and Medicare.

Mr. Mitchell advised the audience when issues are brought to his attention, he will work on it. When a session of the House and Senate ends in the two year cycle, all bills end with that session. In January, a new session starts. A question had been brought to his attention regarding the indicated status. Mr. Mitchell was unable to find anyone to champion that particular program. Once things settle down in Harrisburg, he will again look into this matter. At this point, the individuals serving on and chairing committees has not been decided. He reminded the audience that work such as this must come from the Legislators; someone has to present and sponsor the bill.

Sheriff's
Department

Mr. Mitchell has been on Council for over ten years and believes Council has supported the Sheriff's Office. He pointed out the number of sheriff vehicles in the parking lot as compared to 10 or 12 years ago. The Sheriff has done a good job of getting grants, but that office has been supported in the budget over the last several years. The current situation with the Sheriff's Office saddens Mr. Mitchell. County Council is charged with the protection of this county overall. He feels the Sheriff's Department is a fine law enforcement agency that does a good job and represents this community well.

The purpose of this ordinance was to clean up some language. He stated the Sheriff's Department still has arrest powers, as it always has. The ordinance itself provides that the Sheriff's follow state law.

One line was removed because that caused great liability to this county, and wasn't well defined. Mr. Mitchell advised the audience that this ordinance provides a stronger position for the Sheriff's Department with Courthouse security.

This committee being proposed in the resolution before Council this evening is necessary. Mr. Mitchell's concern with the SWAT team concerns the potential for a lawsuit in the event of a wrongful death for both the County and the individual involved. There is no statute providing for this type of law enforcement. The purpose of this committee is to look into this issue and make a determination. Mr. Mitchell apologized for the disruption this issue has caused, and doesn't believe any Member of Council intended to undermine the Sheriff's positions. However, once this matter has been resolved, there will be a better understanding and a good legal basis for the actions taken by the Sheriff's Department. There are even questions regarding the powers of the Sheriff at the state level. Mr. Mitchell feels it is important in Erie County to define those powers. He expressed his respect for the professionals in the Sheriff's Department and stated this was not a reflection on their job performance.

Mr. Giles'
Report

Mr. Giles reported that the Elected Officials' Salary Committee, comprised of Mr. Mitchell, Mr. Cleaver and Mr. Giles, met on January 11, 2007. The purpose of that committee is to set the salaries for County Council Representatives from Districts 1, 3, 5, and 7 which are up for election this year, as well as the County Controller, the District Attorney, and the Coroner. In preparation for a recommendation to Council, Mr. Maloney, Council CPA, provided the Committee with a salary history dating back to 1994 and a projection of the salary to 2011. Two outstanding issues pending for the Committee are (1) arbitration by the administration concerning an existing labor contract to be used as a reference point in regard to the elected officials, and (2) the District Attorney salary issue, which is contentious because of the action that has occurred at the state level with respect to the reimbursement of salary issue. There is some clarification still needed on that matter through CCAP. Mr. Giles expects the Committee to have a recommendation for Council at the next finance meeting.

Mrs. Loll's
Report

Mrs. Loll wished to express her disappointment at the resignation of Dr. Tony Ruffa from the Erie County Board of Health. In his notice, he states that he has served five years on the board, and feels it is time to concentrate his energies on his family and medical practice.

Prison
Population

Mrs. Loll stated she received a report from the Department of Corrections regarding the average daily population of the inmates at the Erie County Prison, and for the first time since 2001, there was a decline from 728 to 713. The majority of the decline was in the female population. The average age for both male and female ranged from 30-39 years. There are still many domestic non-support prisoners that make up the prison population. Mrs. Loll commented that she continues to support a Day Reporting Center, and would like to see such a center eventually come to fruition.

Mr. Foust's
Report

Mr. Foust submitted the following report:

Mr. Foust served as a judge for the local Academic Sports League competition at Gannon University on January 6, 2007. He heard prepared speeches from some of the best and brightest in the Northwest Pennsylvania area.

On January 9, 2007, Mr. Foust attended a meeting of Summit Township Industrial and Economic Development. He provided an update on the Gaming Revenue Committee's work up to this point at this meeting.

Mr. Foust's
Report

Mr. Foust also attended a meeting of the Six-Mile Park Committee on January 9, 2007. At this meeting, he received a summary of the title examination of the Park by Wally Knox and Sandy Fetzner. This information provided more legal clarity to the boundaries and access to the park.

Mr. Leone's
Comments

Mr. Leone responded to Ms. Vendetti's comment regarding her call to be placed on the agenda for January 2, 2007. He pointed out that the Administrative Code states the request be provided in writing. Council has been very liberal regarding these requests. He also wished to address her request for copies of boards and vacancies advising her that there are approximately 500 pages or more of boards and vacancies. This County, including the Administration and members of Council's staff, cannot drop everything to accommodate someone waiting in the hallway. There is a procedure that will be followed. Mr. Leone does not wish to hamper anyone from coming to speak, but County government has business to conduct. He also wished to address Ms. Vendetti's comments regarding the minutes of the January 2nd meeting. He pointed out that Council Secretary has other duties to perform in addition to the minutes.

During the budget, there are hundreds of pages to be prepared, which requires a great deal of time, and minutes will not be provided until after this Council has approved them. Mr. Leone hopes this will improve in the future once the Webmaster position is in place. Mr. Leone also wished to address Ms. Foster's comments regarding the fact that no one will speak with her. He recalled that he spoke with Ms. Foster and Mr. Przepierski for over an hour last week.

Mr. Leone stated that rules governing procedure as required by the Administrative Code are:

The Code will be re-codified every two (2) years at the earliest, or every four (4) years at the latest.

The last re-codification of the Code was July 29, 2003. It needs to happen prior to July 29, 2007 (this year). Mr. Leone has appointed three members to review the code and make changes based on compliance with the Home Rule Charter, along with elected and appointed officials, if needed. This task should not be difficult as most of the code was refined in 2003. Mr. Leone reported that Mrs. Loll will chair the committee. Mr. Augustine and Mr. Giles will serve on the committee.

With respect to the Council Chambers, Mr. Leone requested that video and sound devices be used. A meeting will be held first with the Administration to determine what changes are being proposed as the fifth floor becomes renovated. Mr. Leone plans to schedule meetings with the Administration's approval to determine what this will entail.

Mr. Leone again raised the issue of the minutes of the Council's meetings. These minutes will contain only the subject matter discussed by the public. Not every word will be put into the minutes of the meetings. These meetings are taped, and anyone wishing to obtain a copy, can do so; however, there is a cost involved in the duplication of the tapes. If an individual requests a copy of an ordinance, Council may not request anything for the cost. However, Mr. Leone believes someone had asked for all of the ordinances for 2006, which consists of over 1,000 pages, and Council will not provide that unless that person is willing to pay for the cost.

Donations from
NWPATerrorism
Task Force

Mr. Smith gave a second reading of Ordinance Number 1, 2007, "First 2007 General Fund Budget Supplemental Appropriation for Donations from NWPATerrorism Task Force." Mr. Giles moved to adopt, Mr. Foust seconded, and it carried in a unanimous roll call vote.

PRM Guaranty
Agreements
Authorized

Mr. Smith gave a second reading, in title only, of Ordinance Number 2, 2007, "An Ordinance of the County of Erie, Pennsylvania (The "County") Authorizing and Directing the Execution and Delivery of a Guaranty Agreement for the Benefit of Pleasant Ridge Manor ("Pleasant Ridge") and Compliance with the Provisions Thereof and Incurring Lease Rental Debt Thereby; Approving a \$1,000,000 Committed Line of Credit Note from Pleasant Ridge to PNC Bank, National Association; Directing the Proper Officers of the County to Take Necessary Actions; and Repealing all Inconsistent Ordinances." Mr. Foust moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Mr. Smith gave a second reading, in title only, of Ordinance Number 3, 2007, "An Ordinance of the County of Erie, Pennsylvania (The "County") Authorizing and Directing the Execution and Delivery of a Guaranty Agreement for the Benefit of Pleasant Ridge Manor ("Pleasant Ridge") and Compliance with the Provisions Thereof and Incurring Lease Rental Debt Thereby; Approving a \$2,600,000 Letter of Credit Agreement from Pleasant Ridge to PNC Bank, National Association; Directing the Proper Officers of the County to Take Necessary Actions; and Repealing all Inconsistent Ordinances." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

First
Reading

Mr. Smith gave a first reading of Ordinance Number 4, 2007, "Creating a Per Diem Line Item in the HRC Bureau."

Authorizing
Committee to
Review Sheriff
Powers

Mr. Smith gave a reading of Resolution Number 2, 2007, "Resolution Authorizing the Creation of an Ad Hoc Committee to Review and Make Recommendations to Erie County Council about the Powers and Responsibilities of the Elected Office of Sheriff of Erie County." Mrs. Loll moved to adopt; Mr. Giles seconded the motion.

Mr. Foust noted that he has had some disagreement with his colleagues regarding the responsibilities of the Sheriff, but feels that everyone believes this resolution will go a long way towards clarifying the differences of opinion that exist. He expressed his support of the resolution, and encouraged his colleagues' support.

Mr. Leone called for a vote on Resolution Number 2, 2007, and it carried in a unanimous roll call vote.

GEIDC Project
Adm. For Gen.
Auth. Land Dev.
Prjct.

Mr. Smith gave a reading of Resolution Number 3, 2007, "Approving GEIDC as Project Administrator for the Erie County General Authority Land Development Project." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Helene Grande, Susan
Ottoway, Allen "Pete"
Ogden re'appt'd. to
Library Board

Mr. Giles moved for the reappointments of Helene Grande, Susan Ottoway, and Allen C. "Pete" Ogden to the Library Board. Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Larry Bossolt
Appt'd. to
Redev. Auth.

Mr. Giles moved to remove the appointment of Larry Bossolt from the table; Mr. Foust seconded, and it carried in a unanimous roll call vote. Mr. Giles moved for the appointment of Larry Bossolt to the Erie County Redevelopment Authority; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Sale of Parcels
Approved

Mr. Foust moved for the Sale of Parcels from Repository for Unsold Properties at Index Numbers:

06-021-015.0-011.00	15-020-034.0-217.00
07-025-058.0-002.00	15-020-035.0-236.00
07-026-068.0-007.00	15-021-008.0-220.00
07-026-068.0-017.00	15-021-021.0-102.00
07-026-069.0-001.00	15-021-032.0-109.00
14-010-036.0-211.00	17-040-021.0-144.00
15-020-021.0-124.00	18-051-030.0-208.00
15-020-025.0-227.00	45-016-032.0-001.00

Mr. Giles seconded, and it carried in a unanimous roll call vote.

Funds for
Emergency
Shelter Grant
Program

Mr. Smith gave a reading of Resolution Number 4, 2007, "Authorization to File Application for Funds with the Pennsylvania Department of Community and Economic Development Emergency Shelter Grant Program." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Waiver of
Personnel Code

Mr. Smith gave a reading of Ordinance Number 5, 2007, "Waiver of the Personnel Code for Position Number 002350-009." Mr. Foust moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 8:28 p.m.

Ann M. Bruno, Council Secretary
