

April 17, 2007

Minutes of April 3, 2007 Regular Mtg. Approved. Iroquois Clock Tower Project adopted; Gen. Fund SA for Temp. Staff in Dir. of Adm. Ofc. adopted; Gen. Fund SA Six Mile Creek Survey adopted; Grants for E-Coli Conference adopted; Amending Ord. 84, 1999 adopted; Amending Ord. 59, 2004 adopted; Meritorious Increase for Custody Coordinator adopted. First Rdgs. Gen. Fund. SA for Computer Equipment Donated by NW Task Force; Improvement Fund for Webmaster; Grant to MECA; Creation of MH/MR Deputy Director; Health Choices Revised Exp. For Reorganization. PILOT Agrmt. with National Church Residents of Harborcreek approved; Agreement between County of Erie and Agresti, Morton & Moore approved; Opposition to Bill HR 811 approved; Lease between Erie County & Central Mall Partnership approved. Don Marinelli reappt'd. to Erie County Tax Assessment Board.

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. Mitchell

Members Absent: Mrs. Loll

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
Thomas Talarico, Council Solicitor
Stephanie Freeman, Director of Finance

Presentation of
Citation to
Mercyhurst Lady
Lakers Hockey

Mr. Foust asked the Mercyhurst Lady Lakers Hockey Team to enter Council Chambers. He stated that Erie County is blessed to have these young ladies and their coaching staff as part of the community. As an alumni and employee of Mercyhurst College, he enjoyed watching this team in action this past winter as they captured the imagination of the campus. The team was also featured in articles in the New York Times and USA Today capturing the interest of the nation as well, and showing the good things Erie County and Mercyhurst College have to share. Mr. Foust noted that the Mercyhurst Lady Lakers won 32 games, which is the most wins in the history of the program for a season. Coach Sisti was the USCHO Coach of the Year. He also pointed out that this team was the number one team in the nation for 11 weeks of the season, and made it to the NCAA for the third year in a row. The Lady Lakers also hosted a play off game this year bringing lots of positive attention to our community. There are quite a few stars on the team, and the team consists of both Canadian and American players. Erie County needs to congratulate all of these fine young people. On behalf of a grateful community and Erie County Council, Mr. Foust presented a citation and wished the team luck next year. A round of applause followed. Coach Sisti expressed his appreciation.

Hearing of
The Public

Gil Rocco, 2903 West 33rd Street, Erie, noted that the gaming revenue hearings have begun, and suggested using these monies for a tax cut. This is an opportunity to give the people of this county a tax cut and split the money up in the community. He understands that half of the money goes for

grants to municipalities and the other half to the county. Mr. Rocco recommended that half of the money be used for municipal grants for communities; the other half be used for a tax cut. Whenever this is tried, it results in a spurt of growth. This is an opportunity to give the people a tax cut, give the municipalities money, and watch it grow.

Ed Garnow, 160 West 8th Street, Erie, questioned the ordinance regarding the Clock Tower at the Iroquois Library. He believes this is a violation of the Taj Mahal Law. He plans to look into this matter and advise Council of his findings. He also asked Council about the Robie case, and what happened in that situation. Mr. Garnow stated he does not trust Council with the gaming money because they put two or three million dollars into building a beer garden in the past.

Kenneth Przepierski, 640 East 12th Street, Erie, stated he previously requested a list of people on the advisory board of the Erie County Human Relations Commission. There are many other committees as well; the Mission and Purpose Audit Committee has aroused his curiosity. He referred to Ordinance 7, 1992 which would limit the terms of County Council Members to 12 years. This ordinance was withdrawn on February 4, 1992 and he asked that it be re-enacted. Article C of Ordinance 39, 2007 also needs to be addressed. He is seeking explanation and clarification, but gets neither. The Freedom of Information Act and the Sunshine Act are laws not to be taken lightly.

Gerald Price, 1406 West 26th Street, Erie, advised Council that a judicial sale where properties were purchased under the Pennsylvania Real Estate Tax Law was held on December 12, 2006. This law states that these properties shall not be exchanged sooner than 20 days nor later than 45 days after any sale. Today is April 17, 2007; these deeds should have been in the purchaser's hands no later than January 27th. Everyone who bought a piece of property is still waiting for their deeds. He asked where these deeds are, and further asked that this matter be looked into.

Renee Vendetti, 301 Harvey Avenue, Erie, noted she requested a list of vacancies on the boards and was told there were no vacancies. She has a list showing that both Mr. Giles and Mr. Cleaver have vacancies. As a citizen, she has the right to see who is on these boards, and to go for one of the vacancies. One of these positions has been vacant since 2004, and she asked what was going on. Ordinances are public record, and the public is allowed copies. She expressed concern about Ordinance 44, 2007, the reinstatement of MH/MR Deputy Director. Mr. Wiley read a letter on February 6th eliminating this position, and now it is being reinstated. This letter is a contradiction.

Hearing of
The Public

Mr. Foust asked Mrs. Vendetti which Boards have vacancies. Mrs. Vendetti provided the lists to Mr. Foust to review until the end of the meeting.

Maria Foster, 2301 Peach Street, Erie, spoke about the gaming money stating agencies cannot be funded for operating costs continuously. There is a duplication of services in this town. She referred to the referendum on the May 15th ballot put on by the School Board Association to channel taxes. The point of the gaming fund was for property tax relief and now this referendum is for property tax relief. The public has been conned again. Money is being given to places that don't need it. She believes the Barber Center gets 80% of their funding from the County of Erie. It has five separate corporations within an entity; this is fraud to the taxpayer. If government grants were done away with, taxes could be done away with.

Minutes

Mr. Foust moved to approve the minutes of the April 3, 2007 Regular Meeting. Mr. Giles seconded; and it carried in a unanimous roll call vote.

Director of
Planning Report

Jake Welsh, Director of Planning, approached Council stating the County Executive asked him to speak on some issues this evening. He wished to thank Council for their support for the funding previously approved for the Six Mile Creek Master Plan and informed Council the master plan process will begin next month. There is a consultant on board and a meeting will be held with the steering committee in an effort to move this process along. Mr. Welsh also requested Council's favorable

consideration on the second reading of the ordinance tonight regarding the funding for the boundary marking for the park. He feels this is a critical issue that will enhance the safety of the park.

Mr. Welsh also wished to mention a recently advertised event regarding the county's new and improved recycling program. There will be several e-cycling events. Mr. Welsh offered brochures providing more information. He explained these events will take place in April, May and June in North East, Erie and at General McLane in Edinboro. E-cycling captures a large part of the waste stream that typically people do not know what to do with. He noted the administration has been very supportive of this program which will be starting this year. There was one event last year which was very successful, and it is hopeful those planned for this year will be successful as well. More information regarding these events is contained in the brochures. He thanked Council for their support

Finance Committee Mr. Foust reported the Finance Committee met on April 12, 2007 and agreed to place on the agenda for second readings Ordinances 33, 34, 35, 36, 38, and 39. Under new business for first reading, the Committee agreed to place on the agenda Ordinances 41, 42, and 43, as well as Resolutions 23, 24, 25, and 26. Also on the agenda is the possible reappointment of Don Marinelli to the Erie County Tax Assessment Board.

Personnel Committee Mr. Mitchell stated the Personnel Committee met on April 12, 2007 and agreed to place on tonight's agenda, the second reading of Ordinance 40, and the first reading of Ordinances 44 and 45.

Mr. Foust's Report Mr. Foust submitted the following report:

On April 5, 2007, Mr. Foust attended the Erie County Audit Committee meeting. He also attended the Gaming Revenue Public Hearing on that date.

On April 10, 2007, Mr. Foust attended the Greene Township Supervisors meeting.

Mr. Foust attended the Erie Regional Chamber and Growth Partnership Legislators Appreciation Dinner on April 12, 2007. At this dinner, Bill Hilbert, President and CEO of PHB and Reddog Industries, was honored with the Louis J. Tullio Community Service Award.

On April 13, 2007, Mr. Foust attended the Annual Fireman's Award Dinner held at St. John's Center in Girard.

Iroquois Clock Tower Prjct.

Mr. Smith gave a second reading of Ordinance Number 33, 2007, "First 2007 Library Fund Budget Supplemental Appropriation for Completion of the Iroquois Clock Tower Project and Creation of New Line Items." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Foust stated that most, if not all, of the funds for this particular project were private donations. Mr. Mitchell thanked the Friends of the Library, which is a group this community depends on for many things. They have committed \$1,750 to this project through donations that they have raised, and contributed another \$1,000 as a pass thru from the Walmart Foundation. Mr. Mitchell expressed his gratitude for these active partners in the community.

Mr. Leone called for a vote on Ordinance Number 33, 2007, and it carried in a unanimous roll call vote.

Temp Staff in Dir. of Adm. Ofc.

Mr. Smith gave a second reading of Ordinance Number 34, 2007, "Ninth 2007 General Fund Budget Supplemental Appropriation for Temporary Staff in Director of Administration's Office and Creation of a New Line Item." Mr. Giles moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

Six Mile Creek
Survey

Mr. Smith gave a second reading of Ordinance Number 35, 2007, "Tenth 2007 General Fund Budget Supplemental Appropriation for Six Mile Creek Boundary Survey and Creation of a New Line Item." Mr. Foust moved to adopt; Mr. Augustine seconded.

Mr. Foust wished to encourage his colleagues to vote for this particular ordinance. He explained that one of the chief complaints about future improvements of the park is the need for policing the park. By marking the boundaries, the Pennsylvania Game Commission has agreed to police the park in the future as a routine matter provided it is properly marked.

Mr. Leone called for a vote on Ordinance Number 35, 2007, and it carried in a unanimous roll call vote.

Grants for
E-Coli Conf.

Mr. Smith gave a second reading of Ordinance Number 36, 2007, "2007 General Fund Budget Release of \$10,000 in Restricted Funds from Economic Development Competitive Grants for Beach Water E-Coli Conference." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Amending
Ord. 84, 1999

Mr. Smith gave a second reading of Ordinance Number 38, 2007, "Amending Ordinance 84, 1999, 'Erie County Affordable Housing Fund.'" Mr. Mitchell moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Amending
Ord. 59, 2004

Mr. Smith gave a second reading of Ordinance Number 39, 2007, "Amending Ordinance 59, 2004, 'Erie County Human Relations Commission.'" Mr. Giles moved to adopt, and Mr. Foust seconded.

Mr. Giles explained the language changes present this evening are as a result of a considerable amount of work on the part of the Members of Council and the administration along with the Director of Human Relations Commission. The language is reflected with the suggestions from the Assistant Secretary for Housing and Urban Development in Washington, and there have been conference calls held in pursuit of this. Mr. Giles extended gratitude to Attorney Talarico, who sat in on one of those conference calls, and to all who participated. This essentially opens the door for federal funding in regard to housing discrimination, and because the federal government perceives this in specific terms and almost as a contracted agency of the federal government, they are very guarded about the language. Therefore, this language has been reviewed by HUD making it possible to move forward to secure a multi year grant for the Human Relations Commission to deal with the issues pertaining to housing in Erie County.

Mr. Mitchell thanked Mr. Giles and expressed appreciation for the many extra hours he put into this effort.

Mr. Foust wished to echo Mr. Mitchell's comments and noted the amount of grants come to approximately \$150,000. This is a significant amount of money which will help fund education programs here in Erie County to make sure discrimination doesn't start, which will be more cost effective than dealing with it afterwards.

Mr. Leone called for a vote on Ordinance Number 39, 2007, and it carried in a unanimous roll call vote.

Meritorious Increase
For Custody Coord.

Mr. Smith gave a second reading on Ordinance Number 40, 2007, "2007 General Fund Budget Meritorious Increase for Custody Coordinator, Position Number 003020-014." Mr. Mitchell moved to adopt, and Mr. Foust seconded.

Mr. Foust pointed out that this individual has been employed in this particular position since 1999 and earns 15 cents over the current starting salary for this position. Mr. Foust encouraged his colleagues to vote for this ordinance.

Mr. Leone called for a vote on the ordinance, and it carried in a unanimous roll call vote.

First Rdgs.

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 41, 2007, "Eleventh 2007 General Fund Budget Supplemental Appropriation for Computer Equipment Donated by NW Task Force, Approved in 2006 But Received in 2007 and Creation of a New Line Item"

Ordinance Number 42, 2007, "General Fund Budget Revised Revenue Reimbursement From County Records Improvement Fund for Webmaster and Creation of New Line Item"

Ordinance Number 43, 2007, "Twelfth 2007 General Fund Budget Supplemental Appropriation For Grant to MECA and Creation of a New Line Item"

Ordinance Number 44, 2007, "2007 MH/MR Fund Budget Revised Expenditures, Creation of MH/MR Deputy Director and the Elimination of Two Positions and a Waiver of the Personnel Code"

Ordinance Number 45, 2007, "2007 Health Choices Fund Budget Revised Expenditures for the Reorganization of Department and the Creation of New Line Items"

PILOT
Agreement

Mr. Smith gave a reading of Resolution Number 23, 2007, "Approval of PILOT Agreement with National Church Residences of Harborcreek, Pennsylvania, Tax Index Number 27-013-003.0-040.01." Mr. Foust moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Agrmt. Erie Cnty
& Agresti, Morton
& Moore

Mr. Smith gave a reading of Resolution Number 24, 2007, "Approval of a Waiver of the Purchasing Code for an Agreement Between the County of Erie and the Law Firm of Agresti, Morton & Moore for Lien Free Tax Sales." Mr. Giles moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

Opposition to
Bill HR 811

Mr. Smith gave a reading of Resolution Number 25, 2007 "In Opposition to Bill H.R. 811." Mr. Mitchell moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Lease Agrmt. With
Central Mall Mgmt.

Mr. Smith gave a reading of Resolution Number 26, 2007, "Approval of Tentative Lease Agreement for the Lease by the County of Erie as Lessee of Office Space for Erie County Care Management, Inc. with Central Mall Partnership Located at Northgate Commons, 1700 Peach Street, Erie, Pennsylvania." Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mr. Foust asked Mr. Wiley, Director of Administration, whether there had been any information regarding an offer on another piece of property. Mr. Wiley replied they were still waiting, noting that it was important to avoid any disruption in services to the clients.

Mr. Leone called for a vote on Resolution Number 26, 2007, and it carried in a unanimous roll call vote.

Don Marinelli
Reappt'd to Tax
Assess. Brd.

Mr. Augustine moved to approve the reappointment of Don Marinelli to the Erie County Tax Assessment Board. Mr. Giles seconded the motion, and it carried in a unanimous roll call vote.

Moment of
Silence

Mr. Giles observed there were several young people in the audience today such as the Mercyhurst Lady Lakers Hockey Team, and he feels Council has been remiss in not taking a moment of silence for the terrible tragedy in Virginia. Seeing all these young people reminds him of how important they are and how important their attendance at public events and being involved in the community is. He asked for a moment of silence to remember those who lost their lives.

Mr. Leone's
Comments

Mr. Leone wished to address the comments by the individual regarding the situation with the deeds. He assumes that someone from the administration will look into that matter. He also wished to address comments made regarding vacancies on boards explaining that most of these vacancies, for example the Human Relations Commission, are done by Council Members and consist of individuals that live in their district.

Mr. Leone also noted that some good points were made as far as ordinances and resolutions are concerned. Even if these are not approved, he believes they should be made available in the event there is opposition to them so people can see them. The only issue is that Council and Administration will establish a standard cost for the duplication of this material.

Mr. Giles'
Comments

Mr. Giles stated that having seen the list for the vacancies which he thanked Ms. Vendetti for providing, reminds him of a line from Mark Twain when he states that "reports of my demise are greatly exaggerated." Mr. Giles observed that there is an individual still sitting on that particular seat, and he assumes that person is still around and was still on the commission; however, he will pursue it because there was somebody in that seat. Ms. Vendetti replied that she had received an updated list, and Mr. Giles stated that he did not believe there were any empty seats.

Adjournment

There being no further business, the meeting adjourned at 7:48 p.m.

Ann M. Bruno, Council Secretary
