

May 1, 2007

Minutes from April 17, 2007 Reg. Mtg. approved. Gen. Fund S.A. for Computer Equipment Donated adopted; Reimbursement from County Records Improvement Fund for Webmaster adopted; Grant to MECA, Creation of MH/MR Deputy Dir. & Elimination of Two Positions & Wvr. of Personnel Code tabled. Health Choices Rev. Exp. And Reorg. Of Dept. adopted. First Rdgs. Gen. Fund S.A. to E-911 for Dept. Reorg.; Gen. Fund S.A. to EMA for Dept. Reorg.; Library Fund S.A. for Donation from Erie Tech. Mgmt. Assoc.; Reorg. Of E911 and Wvr. of Personnel Code. In Support of Public Safety Addressing & Road Naming Policy tabled. Exonerating Taxes in Iroquois School District adopted. Refund of \$50 County Fee 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, a moment of silence was observed.

Moment of Silence

Mrs. Loll stated she received a request from individuals who have been like family to Gina Miano, to remember this long term OCY employee. Ms. Miano, a 35 year employee of the County and a supervisor at OCY, fought a heroic battle with breast cancer. The impact this dedicated social worker made on a child's life is evident in an entry in the GoErie.com guest book. A person named Robin wrote about Gina's act of kindness 31 years ago when Robin was in a group home and had no family to spend Christmas with. Ms. Miano took her home to her family. Apparently, she was made to feel very special because 31 years later she took the time to share this memory in the guestbook. Essentially, Ms. Miano gave her entire life to helping children and families. She only recently retired on March 16th and passed on March 22nd. She helped to make the world a better place.

Following the moment of silence, the County Clerk called the roll:

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

Members Absent: Mr. Giles, Vice Chairman
Mr. Mitchell

Also Present: Mr. Smith, County Clerk
Mr. Maloney, Council CPA
Mr. Talarico, Council Solicitor
Ms. Freeman, Director of Finance

Hearing of
The Public

Matthew A. Tighe, 4774 Crane Road, Edinboro, spoke concerning his signature to the General Release that Attorney McLaughlin prepared to end the litigation between the County and his company. He explained that in August 2003, the County contracted with his company to complete sewer lateral hookups in McKean Township. After filing a claim for extra work, the Planning Department expressed a desire to break free from the contract, and another contractor subsequently completed the work. A breach of contract complaint was filed by his company after reviewing the work provided by another contractor, and Mr. Tighe questioned why his company was held to a different standard. The unwillingness to discuss these perceived injustices sparked the civil complaint.

Renee Vendetti, Erie, PA, referred to an article in the newspaper wherein Mr. Leone had stated that Mr. Galena filed a lawsuit to get publicity for his council campaign. She asked Mr. Leone for facts to prove that was true, and expressed her belief that statement should be retracted. She also stated that Mr. Galena was not thrown out of the meeting, but forced to leave by an armed officer. The minutes of the meeting should be published according to Roberts Rules of Order and not edited. She referred to the MH/MR deputy director position which was eliminated a few years ago when Mr. DiVecchio was on Council, and asked if he has a crony groomed for this job, and that is the reason for two jobs being eliminated.

Kenneth Przepierski, 640 East 12th Street, Erie, referred to Ordinances 45, 46 and 47 on the agenda where complete departments are being reorganized. He asked if these were firings, job performance or more people abandoning ship. He pointed out that Ms. Greco had changed parties and took a state job. Attorney Latouf disappeared; the doctor in the Health Department also disappeared. Mr. Przepierski stated that he cannot even get a list of the names on the boards and commissions. He also asked if there ever was a quality assurance program at OCY, which he believes should have been done by November. He referred to the \$402,000 deposited in the bank in unrestricted funds and asked whether it will stay in the bank or be used for the Kanzius cancer project.

Maria Foster, 2302 Peach Street, Erie, asked that a moment of silence be observed for Dennis Iaquina who passed away. She then spoke of the Airport Authority's trip to Germany, and that they want to tie everything with Germany and China. She noted that Germany's unemployment is in the double digits, and asked if there is an effort to create jobs for them and invest money there. Money should be invested in Erie; unfortunately, investments in Erie aren't quite on the up and up. She also asked about the \$200,000 settlement with Hamot, why it never hit the news, and if that was why Council was pushing for insurance for inmates.

Dan Galena, 2324 Happy Valley Road, East Springfield, Erie, stated that this meeting belongs to the people sitting in the audience, not Council Members. On March 20th, Council was preparing to vote to violate the law, and Mr. Galena made an attempt to use parliamentary procedure and object to Council's impending illegal activities. As a consequence, Mr. Leone had Mr. Galena forcefully removed by an armed deputy sheriff. As a result of that action, Mr. Galena obtained an attorney and filed a federal civil rights lawsuit yesterday in Federal Court in Pittsburgh. Mr. Galena then provided courtesy copies of this lawsuit to Attorney Talarico, Council solicitor.

Minutes

Mr. Foust moved to approve the minutes of the Regular Meeting held April 17, 2007. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Warden
Veshecco's
Report

Warden Veshecco wished to take this opportunity to update Council on various projects at the Erie County Prison. The main project is the construction of the new prerelease center. The footers have been laid and block work is going up at the present time with a completion date around the end of August or early September. In the interim, staff members at the prison have formed transition teams in different areas, such as security, operations, maintenance and programming, to make this a smooth transition.

Finally, in the middle of the month, the prison garden will be reinstated on the grounds. This garden is maintained by the inmate population, and the harvest will be donated to the Second Harvest Food Bank. Two staff members have also been hired to man the electronic monitoring program; they are now in training to develop policies and procedures for this program which should receive its first customers some time next month.

Mr. Veshecco pointed out a big endeavor that the prison staff has undertaken, achieving full American Correctional Association Accreditation. This was started in September of 2006, and is normally attained by federal and state facilities. Although this is not an easy task, it has been a goal of Mr. Veshecco's. To achieve this accreditation, a facility must comply with mandatory standards and 90 percent non-mandatory standards which are set up by the Accreditation Board, a National Board for

the Association. The audit will most likely occur at the beginning of 2008. Mr. Veshecco believes this is a good endeavor for the staff, adds professionalism, and provides an opportunity to assess the strengths and weaknesses of the facility.

Mr. Foust referred to the ESL program, and asked Mr. Veshecco how fluent correctional officers are in Spanish or any of the other languages spoken, and whether there are any programs to assist in this issue. Mr. Veshecco replied there are currently four to five officers on staff with those skills. At present, there is not an ongoing program; however, a couple years ago, a teacher did give basic Spanish instruction to the staff. He noted this is a worthwhile endeavor since that population has risen in recent years.

Finance
Committee

Mr. Foust reported that Council met as the Finance Committee on Thursday, April 26, 2007, and agreed to place Ordinances 41, 42, 43, 46, 47, and 48 on tonight's agenda, as well as Resolutions 27, 28, and 29. In addition, there were two presentations at this meeting; one by the Sheriff's Department outlining the various services they provide. These are mandated services and the percentage of increase of those services over the last five years were provided. It should be noted that some of these services have increased more than 100 percent, and all but one has increased at least 40 percent. Mr. Foust felt these statistics were very illuminating.

Sheriff Statistics

	2001	2002	2003	2004	2005	2006	% Increase	2006 Qt. Average	2007 First Quarter
Civil Service	4970	6493	7024	7981	8100	10576	113%	2644	2873
Holding Cell	2976	4468	4865	5459	5416	5172	74%	1293	1363
Sheriff Sale	313	422	520	600	573	636	100%	159	258
Warrants	1700	1833	1844	1889	1923	2357	39%	588	1023
Domestic Relations	1070	1366	1152	1021	1312	1850	80%	462	688
Extraditions	31	39	28	35	61	68	119%	17	15
In-State Transports				724	771	825	14%	206	219
Courtroom Hours	6458	9695	10,557	11,846	11,752	11,248	74%	2812	2491

Mr. Foust also reported that Susan Ellsworth from the Erie County Fair made a presentation as well. Despite poor weather last year where it rained every day, this event still came out in the black by \$17,100.49. Mr. Foust recalled this Council was criticized for helping this fair to survive another year; however, now they are in the black and in much better shape. The organization for the 2007 fair is underway.

Personnel
Committee

Mr. Cleaver reported the Personnel Committee met on Thursday, April 26, 2007, and agreed to place Ordinances 44 and 45 on the agenda for a second reading, as well as first readings of Ordinances 49 and 50.

Gaming
Revenues

Mr. Foust addressed Ms. Freeman regarding the reports yesterday about the County Executive taking a check for the gaming monies to the bank. He asked whether this was the system the state will use to deliver the checks for these gaming revenues to Erie County. Ms. Freeman replied that in the future, it will be done by wire transfer. She further pointed out that the monies will be deposited into the unrestricted account, and from there, half of those monies will be transferred into the restricted account.

Mr. Foust's
Report

On April 19, 2007, Mr. Foust attended the ARC of Erie County kickoff luncheon for their 2007 campaign. Fellow Councilman Joseph Giles is the chair of this year's campaign, and Mr. Foust felt Mr. Giles should be recognized and congratulated.

Also on April 19th, Mr. Foust attended the grand opening of the picnic and beer garden at Jerry Uht Park. Council was invited to throw the first pitch, and Mr. Foust volunteered on Council's behalf. He commented that this pitch was a strike right down the middle of the plate.

Mr. Foust attended the Stairways Annual Laura Wallestein Stairways to Hope on April 27, 2007. Stairways honored those who have given their time over the last year. Artwork of the Stairways school clients, which focused on beach glass art, was also on exhibit.

On April 28, 2007, Mr. Foust attended the annual Walk for Autism at Presque Isle. Later that evening, Mr. Foust attended the Goodwine Scholarship Black Tie Gala where Erie County Director of Personnel, Larry Meredith, was one of the honored alumni along with Lou Porreco and Sergio Claudio. Helen Jackson was honored as the East High Administrator of the Year, and a special recognition was given to the Erie Community Foundation for their work on behalf of the scholarship fund. Mr. Foust pointed out that this event has helped fund two \$10,000 endowments at Edinboro University and Fredonia State University. These endowments allow East High alumni to be able to continue their education primarily in the one to two year level.

Mrs. Loll's Report

Mrs. Loll reported that she attended the Health Department Board meeting on March 23, 2007. Kim Green from the City of Erie discussed the partnership with the Erie County Department of Health on the Lead Hazard Control Grant Program – Round 15 of Funding, for a strategic plan to effectively educate the public with cleaning and removal of lead based paint. This grant will be received in 2008.

Mrs. Loll explained that the Lead Poisoning Prevention Project will accomplish the following:

- Provide lead screenings for children ages six months through six years and pregnant women living with lead poisoned children
- Provide follow-up services
- Provide medical management
- Provide referrals to appropriate support services such as nutrition programs, children's health insurance, environmental management support services, and education to the general public.

If received, this grant will be \$15,000 with a match of \$10,000 in-kind services, as well as up to \$2,500 from the Erie County Department of Health from their lead abatement funding.

Mrs. Loll further reported that Our Lake, Our Future was presented to the Board. She explained that this is the Erie symposium of scientific research regarding the effects of e-coli bacteria in the Great Lakes Water Basin on May 17th and 18th. This is the \$10,000 released by Council from the Economic Development Competitive Grants restricted funds in Ordinance Number 36, 2007.

The "Access to Primary Care/Poverty Study" was presented by Andy Glass, Director of the Health Department. Mrs. Loll has a copy of this presentation and will provide a copy to the County Clerk for anyone to review. She will also provide a copy of an extensive report on the "2007 Erie County Health Assessment."

On March 26, 2007, Mrs. Loll met with Casey Wells at the Tullio Arena to discuss the improvements Mr. Wells would like to see at the Arena and possible funding.

Mr. Leone's Comments

Mr. Leone advised that a press release has been issued stating that Council agendas are now available on the County website. Interested citizens may now view the most current finance, personnel and regular council agendas by going to the county website at www.eriecountygov.org, and clicking on the County Council image on the right side of the page. Mr. Leone stated this should save some people money because 25 cents per page is charged for copies. This is one of the goals that Mr. Leone had when he first took over as chairman. He is hopeful to achieve the others as well.

Mr. Leone further wished to address the statements made every two weeks about how bad Council Members are. Mr. Leone lets these people make these statements because of his belief in freedom of speech. Council lets these people talk, and Council has been called thieves, illegal, and so on. Tonight, Mr. Leone heard that he should retract his statement. He stated that he guesses he is no

longer a citizen and taxpayer. His opinion is just as valid as anyone else's, and he will continue to voice his opinion just like everyone else. Just as people that attend these meetings give their opinions under freedom of speech, Mr. Leone also has his opinion.

General Fund
S.A. For Donated
Computer Equip.

Mr. Smith gave a second reading of 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." Mr. Foust moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

Revised Revenue
Reimbursement
For Webmaster

Mr. Smith gave a second reading of Ordinance Number 42, 2007, "General Fund Budget Revised Revenue Reimbursement From County Records Improvement Fund for Webmaster and Creation of New Line Item." Mr. Cleaver moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Grant to MECA
Tabled

Mr. Cleaver moved to table Ordinance Number 43, 2007, "Twelfth 2007 General Fund Budget Supplemental Appropriation For Grant to MECA and Creation of a New Line Item." Mr. Foust seconded, and it carried in a vote of 3-2, Mr. Leone and Mr. Augustine voting no.

Creation of
MH/MR Deputy
Dir. Tabled

Mr. Smith gave a second reading of 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." Mr. Cleaver moved to adopt; Mr. Foust seconded the motion.

Mr. Foust asked for a split of the vote regarding the creation of the position, and the waiver of the Personnel Code.

Mr. Leone called for a vote on the creation of the Deputy Director position, and it carried in a unanimous roll call vote.

Mr. Leone then called for a vote on the elimination of two positions and a waiver of the Personnel Code, and the vote was 3-2, Mr. Foust and Mrs. Loll voting no.

Mr. Leone asked for a ruling from Mr. Talarico, Council Solicitor, since this was tied into an appropriation of funds. Mr. Talarico pointed out that the vote tied the waiver into the elimination of the two positions, and he believes the waiver should be separate. Mr. Leone noted there were three portions to be voted on; however, his problem with this situation is that everything ties together as far as funding, including the MH/MR Deputy Director position being voted on. Therefore, it cannot be a one-third, one-third, one-third vote.

Mr. Foust stated the waiver of the Personnel Code for the salary is a completely separate issue. The reason he brought this forward was because he had stated on Council years ago that he would not vote for these types of waivers where the salary is greater than a 4.2 percent increase, and he will not vote for that now. He feels the position is worthy, valuable and needed; however, Mr. Foust will not approve that salary, and he will not vote for it. Mr. Leone pointed out that the reason the Personnel Code is being waived is because of the salary of the MH/MR position. Mr. Foust remarked that if the salary goes to a lower salary, and the individual does not want to accept it, then another person can be hired. Mr. Leone inquired as to the amount of the starting salary. Mr. Foust responded he did not know the amount, but would not vote to approve a salary above 4.2 percent.

Mr. Talarico interjected that for the record, he feels a vote should be taken separately on whether to eliminate the two positions. As it stands now, Council voted not to do that; the vote was tied into

waiving the Personnel Code. He noted that an ordinance was passed to create the position of the Deputy Director, one must be passed to eliminate the two positions, and another vote on waiving the Personnel Code. If Council does not have the votes for that, then an amendment could be made to state the salary would be as depicted on Exhibit A, less the 4.2 percent, and it would be passed that way. Mr. Foust wondered if that wouldn't occur if Council just defeated the last part of this particular ordinance. Mr. Talarico pointed out that this position must be funded. Although the position was created, it has not been funded. Mr. Maloney, Council CPA, stated that it was funded by the elimination of the other two positions as shown on Exhibit A. Mr. Talarico replied that Exhibit A shows the raise, and since Mr. Foust is against waiving the Personnel Code to fund it for that particular amount, Council must vote on funding at some other amount.

Mr. Maloney asked Mr. Foust if he wanted to bring the amount down to the 4.2 percent over the starting rate, and Mr. Foust answered yes, noting the possibility exists that it could always be defeated if everything else goes forward as it stands. Mr. Talarico clarified that he was talking about how the only way to fund this position would be to adopt some exhibit that funds it. If this is the first time the position is being funded, then technically, Council is not waiving any Personnel Code. Mr. Talarico then asked how that particular position would be funded, and Mr. Maloney replied by whatever was stated in the pay plan plus 4.2 percent. Mr. Leone stated that as a Member of Council, it is difficult when it comes to issues for amounts that are being appropriated because four votes are needed, and without four votes, there is a problem.

Mr. Leone suggested tabling this particular ordinance until the next meeting. Mr. Cleaver moved to table Ordinance Number 44, 2007; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

Health Choices
Rev. Exp. For
Reorganization

Mr. Smith gave a second reading of Ordinance Number 45, 2007, "2007 Health Choices Fund Budget Revised Expenditures for the Reorganization of Department and the Creation of New Line Items." Mr. Cleaver moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first reading of the following ordinances:

Ordinance Number 46, 2007, "Thirteenth 2007 General Fund Budget Supplemental Appropriation to E911 Fund for Department Reorganization"

Ordinance Number 47, 2007, "Fourteenth 2007 General Fund Budget Supplemental Appropriation to EMA Fund for Department Reorganization"

Ordinance Number 48, 2007, "Second 2007 Library Fund Budget Supplemental Appropriation for Donation from Erie Technology Management Association"

Ordinance Number 49, 2007, "Third 2007 E911 Fund Budget Supplemental Appropriation for the Reorganization of E911 Staff, Waiver of Section 11A (5) (j) of the Personnel Code, and Creation of a New Line Item"

Ordinance Number 50, 2007, "Third 2007 EMA Fund Budget Supplemental Appropriation for Elimination of Positions and Creation of a New Line Item"

Addressing &
Road Naming
Policy Tabled

Mrs. Loll moved to table Resolution Number 27, 2007, "In Support of the Erie County Department of Public Safety Addressing and Road Naming Policy." Mr. Augustine seconded, and the motion carried in a unanimous roll call vote.

Exonerating
Taxes In Iroquois
School Dist.

Mr. Leone called for a motion to adopt Resolution Number 28, 2007, "Exonerating Taxes on Twenty-Two (22) Abandoned Trailers/Properties in Iroquois School District." Mr. Foust moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Approving
Refund of \$50
Fee

Mr. Leone called for a motion to adopt Resolution Number 29, 2007, "Approving Refund of \$50 County Fee Assessed to Parcel Number 27-043-136.0-047.02." Mr. Foust moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:51 p.m.

Ann M. Bruno, Council Secretary
