

July 3, 2007 Minutes from June 19, 2007 Reg. Mtg. Approved. Agenda Amended. First Rdgs. Gen. Fund S.A. to DA for Appeals Case; P.H. S.A. Beach Grant; Gen. Fund S.A. Title IV-E Grant Revenue; EMA S.A. Donation of HAZMAT Supplies; Planning Fund S.A. Additional GIS Fees; Gen. Fund S.A. Reduction in Transfer to Planning; Gen. Fund S.A. Transfer to E911 Fund; Appt'd. Officials Salary Full Time Asst. PD; Meritorious Increase for Adult Prob. Supvr.; Creation of Building Maintenance Sprvr. Resolution Approving Health Choices Agreement between Erie County and VBH-PA adopted; Gen. Auth. \$650,000 Tax Exempt Note for Lutheran Home adopted; Gen. Auth. \$2,200,000 Tax Exempt Note for Mercyhurst Prep. School adopted. Sale of Parcels from Repository.

Erie County Council – Regular Meeting

Mr. Leone 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. 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

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

Hearing of
The Public

Renee Vendetti, Erie, referred to a comment made by Mr. Leone at the regular council meeting held on February 6, 2007 where he stated that there were two rules to follow. Rule No. 1, the Chair of Council is always right, Rule No. 2 when the Chair of Council is wrong, refer to Rule No. 1. She asked where that is stated in the Administrative Code as she cannot find it.

Kenneth Francis Simon Przepierski, 640 East 12th Street, Erie, referred to Resolution 42 on the agenda regarding the \$2,200,000 tax exempt note to Mercyhurst Preparatory School Project. He believes that is a conflict of interest for Mr. Foust, and also pointed out that this is a religious affiliation. He then questioned Resolution 41 regarding the \$650,000 tax exempt note for the Lutheran Home. He advised Council Members that in August, he will be affiliated with producing a television program and hopes to interview them.

Maria Foster, 2301 Peach Street, Erie, understands the judges would like some cases at OCY opened, but Council, OCY, and the County Executive do not want that to happen. She has also heard that Council is still violating the Administrative Code, the Sunshine Act, and Robert's Rules of Order. The resolution regarding Mercyhurst Preparatory School is a violation of church and state. She stated something needs to be done about OCY because Council has not accomplished anything over the past two years. Children are still being separated from their families. Council is also wasting taxpayers' dollars on the smoking ban.

Minutes

Mr. Giles moved to approve the minutes of the Regular Meeting held June 19, 2007. Mr. Foust seconded; and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Foust reported the Finance Committee met on Thursday, June 28, 2007, and agreed to place on the agenda for first readings, Ordinances 77, 78, 79, 80, 81, 82, and 83. Also placed on the agenda are the

possible adoption of Resolutions 40, 41, and 42, as well as the possible sale of parcels from the repository.

Personnel
Committee

Mr. Cleaver reported the Personnel Committee met on Thursday, June 28, 2007, and agreed to place Ordinances 84, 85, and 86 on the agenda for a first reading.

Mr. Leone's
Comments

Mr. Leone wished to comment on statements made regarding the chairman of Council. Mr. Leone stated that although he had remarked the chairman of Council is always right, he also noted that this Council has a right to overrule the chairman. The chairman runs the show during a council meeting; whatever the chairman says goes, unless Members of this Council overrule him. He asked Mr. Smith to send Ms. Vendetti the section of the Administrative Code pertaining to Council Chairman.

Mr. Leone believes that if individuals have a problem with the courts with regard to OCY, they should go to the courts. As the Administrative Code is being reviewed, Mr. Leone plans to ask that the Code state that speakers refer to only what is on the agenda, unless they ask for the five minutes, and then that subject would have to be discussed.

Mr. Leone then appointed the Three Year Planning Committee. Mr. Cleaver will chair the committee, and Mrs. Loll and Mr. Augustine will also serve on the committee.

Mrs. Loll's
Report

Mrs. Loll submitted the following report:

On June 12, 2007, Mrs. Loll attended the public meeting for Girard Township. The major topic of the meeting was the closing of the Springfield Road Bridge. A deficiency was discovered, the corrugated metal pipe has severely deteriorated and deformed, causing the inspecting engineer to highly recommend it be closed. This closing will cause an inconvenience to the surrounding property owners until the bridge can be repaired and reopened.

On June 13, 2007, Mrs. Loll distributed carbon monoxide detectors to the residents of the Chestnut Street Apartments.

On June 16, 2007, Mrs. Loll attended the Lake City Firemen's Parade.

On June 25, 2007, Mrs. Loll attended the Health Department Board Meeting as the liaison for Council. The Chairman introduced a resolution to raise the hours for the Director of the Health Department from 35 to 40 hours per week with compensation to accompany the extra hours. Dr. William Cobert has decided to resign his position on the Health Department Board. He would like to spend more time with other community organizations.

On June 28, 2007, Mrs. Loll attended the Erie County Planning Commission meeting at the Library. The main items on the agenda were the discussion of the Growing Greener II applications and the process being used. There are 24 applications, and the Planning Department has contacted the state departments which have the ability to possibly assist in some funding. The balance will be reviewed for possible funding by the Growing Greener II monies. Also, Bob Spaulding, Director of Economic Development, spoke to the commission on the gaming revenues regarding the instructions and restrictions from the state.

On July 2, 2007, Mrs. Loll attended the public meeting of Springfield Township.

First Readings

Mr. Smith then gave first readings of the following ordinances:

Ordinance Number 77, 2007, "Twenty-Fourth 2007 General Fund Budget Supplemental Appropriation to District Attorney Office for Appeals Case"

Ordinance Number 78, 2007, "Eighth 2007 Public Health Fund Budget Supplemental Appropriation for Additional Beach Grant and a Waiver of the County Purchasing Code"

Ordinance Number 79, 2007, "Twenty-Fifth 2007 General Fund Budget Supplemental Appropriation for Title IV-E Grant Revenue in Juvenile Probation and the Creation of a New Line Item"

Ordinance Number 80, 2007, "Fifth 2007 EMA Fund Budget Supplemental Appropriation for Donation of HAZMAT Supplies from NWPATerrorism Task Force and the Creation of a New Line Item"

Ordinance Number 81, 2007, "Second 2007 Planning Fund Budget Supplemental Appropriation for Additional GIS Related Fees in the Planning Department and the Creation of a New Line Item"

Ordinance Number 82, 2007, "Twenty-Sixth 2007 General Fund Budget Supplemental Appropriation for Reduction in Transfer to Planning Fund"

Ordinance Number 83, 2007, "Twenty-Seventh 2007 General Fund Budget Supplemental Appropriation for Transfer to E911 Fund"

Ordinance Number 84, 2007, "2007 Appointed Officials Salary Ordinance for a Vacancy in Full Time Assistant Public Defender Position"

Ordinance Number 85, 2007, "2007 General Fund Budget Meritorious Increase for Adult Probation Supervisor, Position Number 001004-010"

Agenda Amended Mr. Foust moved to amend the agenda to remove the parcel from repository at Index No. 09-007-004.1-011.72. He explained there were some ongoing legal issues, and Council has been asked to remove this particular item. Mr. Giles seconded; and it carried in a unanimous roll call vote.

First Reading Mr. Smith gave a first reading of Ordinance Number 86, 2007, "Fourth 2007 E911 Fund Budget Supplemental Appropriation for Creation of Building Maintenance Supervisor Position and a Waiver of Sections 9C (1) and 11A (5) (j) of the Personnel Code."

Agreement Between Erie County and VBH-PA Mr. Smith gave a reading of Resolution Number 40, 2007, "Resolution in Support of Health Choices Behavioral Health Agreement Between Erie County and Value Behavioral Health of PA, Inc." Mr. Giles moved to adopt, and Mr. Cleaver seconded.

Mr. Talarico suggested amending some of the language in the resolution to more correctly and accurately reflect what Council is doing. He explained that previously, Council passed a resolution giving the County the authority to file articles to establish the corporation. Council also passed a resolution providing that it had the authority to approve any by-laws created by that corporation. The corporation created the by-laws and Council approved them. Part of the language in those by-laws of the corporation requires specifically that Council approve this particular contract now before it. Mr. Talarico feels the language in the title of the resolution should be amended to state as follows:

"Resolution in Support of to Approve Health Choices Behavioral Health Agreement between Erie County and Value Behavioral Health of PA, Inc."

Mr. Talarico also suggested the language in the body of the resolution be amended as follows:

NOW THEREFORE, BE IT RESOLVED that Erie County Council supports hereby approves the "Health Choices" Behavioral Health

Agreement between the County of Erie and Value Behavioral Health of Pennsylvania Inc., **as amended**; attached hereto as Exhibit A

Mr. Foust moved to make Mr. Talarico’s recommendation in the form of a motion.

Mr. Talarico also recommended amendatory language in the agreement itself. This amendatory language would be added to Paragraph 2.3, and would follow the first sentence, stating as follows:

“The VBH-PA agrees to indemnify and hold harmless Erie County for and to the extent of the costs of services incurred in excess of the capitated payments received by the County under Section 3.8 and Appendix 2 of the Health Choices Agreement between the County and D.P.W.”

Under Paragraph 15.1, which lists all the items, one through nine, that VBH has agreed to indemnify the County for, Mr. Talarico proposed the agreement be amended to include the following language under Paragraph 15.1 as (x), number ten:

“(x) The costs of services incurred in excess of the capitated payments received by the County under Section 3.8 and Appendix 2 of the Health Choices Agreement between the County and D.P.W.”

Mr. Foust moved; Mr. Giles seconded, and the amendment carried in a unanimous roll call vote.

Mr. Leone called for a vote on Resolution Number 40, 2007, as amended, and it carried in a unanimous roll call vote.

\$650,000 Tax Exempt Note-Lutheran Home

Mr. Smith gave a reading of Resolution Number 41, 2007, Erie County General Authority \$650,000.00 Tax Exempt Note – Lutheran Home for the Aged D/B/A The Village at Luther Square Project.” Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

\$2,200,000 Tax Exempt Note-Mercyhurst Prep. School Prjct.

Mr. Smith gave a reading of Resolution Number 42, 2007, “Erie County General Authority \$2,200,000.00 Tax Exempt Note – Mercyhurst Preparatory School Project.” Mr. Giles moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Sale of Parcels Approved

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

- 30-017-067.0-010.00
- 41-013-053.0-002.00
- 39-006-007.1-007.75
- 41-006-014.0-002.00
- 18-050-024.0-208.00
- 18-050-043.0-100.00

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

Adjournment

There being no further business, the meeting adjourned at 7:26 p.m.

Ann M. Bruno, Council Secretary
