

December 18, 2007

ERIE COUNTY COUNCIL – Public Hearing on Modification to Erie County’s FY 2003 HOME Grant

Mr. Leone, Chairman, called to order a public hearing on a modification to Erie County’s FY 2003 HOME Grant at 6:00 p.m. in the Erie County Council Chambers, Erie County Courthouse.

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 Berdis, Planner IV, Department of Planning

Public Hearing

Mr. Berdis, Planner IV, with the Department of Planning stated that the purpose of this hearing was to take comments on the County’s proposal to undertake a programmatic change or “modification” to its FY 2003 HOME Program.

He advised that Erie County was awarded \$440,250 in FY 2003 HOME Funds to undertake a First-Time Homebuyer/Housing Rehabilitation Project. Through the project, a minimum of 14 low-to-moderate income families were to be provided two major forms of assistance.

Mr. Berdis explained the first component would help families purchase a home. Credit worthy applicants would be provided home ownership counseling, closing cost assistance, and down payment assistance. After the family purchased the home, the second component of the

December 18, 2007

Public Hrg.

program would be to provide for the rehabilitation of the home to bring the unit into compliance with HUD Section 8 Housing Quality Standards.

Mr. Berdis added that due to unforeseen circumstances, primarily that there were not enough credit worthy buyers, only three (3) families have been able to be assisted to date. Four (4) other families are nearing the final stage of closing. No other families will be able to be provided the full complement of services prior to the expiration date of July, 2008. Mr. Berdis explained that rather than returning any unused funds to the state, the County is proposing to use the remaining funds approximating \$200,000 to do just the single family housing rehabilitation. The Housing Authority currently has eight (8) income qualified, single-family, owner occupied applicants who are in desperate need of housing rehabilitation. Three (3) of the applicants are elderly, one (1) is a disabled single mother with a disabled child, another is an elderly couple with a disabled son, and three (3) are families with children under the age of six. Due to the fact that these families had already been income qualified, the Housing Authority would be able to rehab the homes and complete the work within the time frame of the DCED contract. Mr. Berdis asked for any comments or concerns regarding the County's proposed programmatic change to its FY 2003 Homes grant.

Adjournment

There being no further business, the public hearing adjourned at 6:03 p.m.

December 18, 2007

Org. of Gaming Revenue Auth. adopted; Gaming Revenue Committee Report adopted; Amend. Adm. Code adopted; TRAN adopted; Gen. Fund S.A. for Coroner Vital Stats adopted; Friends of Library Donation adopted; S.A. LSTA Grant adopted; Library S.A. Memorial Books adopted; Gen. Fund S.A. DA Ofc adopted; Donation from Hispanic Council adopted; Contract between Erie Cnty Gov. and ES&S adopted; 2007 Non-Barg. Pay Plan adopted; 2008 Non-Barg. Pay Plan adopted; Wvr. of Personnel Code for Position 002320-001 adopted; 2007 Wages & Fringes adopted; Library S.A. 2007 Wages & Fringes adopted. First Rdgs: 2008 Revised Fee Schedule in Tax Claim; Revised Revenue 2008 Debt Svc Fund; Fifth Floor Renov. Cths.; Wvr Pers. Code Position 002370-002; Wvr. Position 002320-010. Tax Exempt Note-YMCA adopted; Tax Exempt Note-Theatre Project adopted; Modification to 2003 Homes Grant adopted; Support of Great Lakes adopted; Supporting Erie International Runway adopted; Liquid Fuels for Waterford Twp adopted; Liquid Fuels for Green Twp adopted. Daniel Heher apptd. to Community Svcs Financing Auth; Gordon J. Gehhardt apptd. to EMTA; Agrmt btwn AFSCME Clerical/Tech Employees & Erie Cnty aprvd; Agrmt btwn ECAPE & Erie Cnty aprvd; Agrmt btwn Court Sprvsr. & Erie Cnty aprvd; Agrmt between OCY CW & Erie Cnty aprvd; Agrmt btwn OCY Managers & Erie Cnty aprvd; Agrmt btwn Cnty Detectives & Erie Cnty aprvd.

#### ERIE COUNTY COUNCIL – Regular Meeting

Mr. Leone, Chairman, called to order a Regular Meeting of Erie County Council at 7:00 p.m. in Council Chambers, Erie County Courthouse, Erie, Pennsylvania. 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

December 18, 2007

Members Absent: None

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

Presentation to  
Mr. Augustine

Mr. Leone presented Mr. Augustine with a picture of the 2007 County Council. Mr. Leone extended his congratulations to Mr. Augustine for his service and a round of applause followed.

Hearing of  
The Public

Maria Foster, 2301 Peach Street, Erie, requested an investigatory committee report of dependency and stated the one she received is not what she had requested, and was appalled at what she received because of the conclusion. She stated the information was a flat out lie. The caseworker never addressed her concerns about a kinship. There is still a problem with OCY because they have not done what has been requested. She referred to parents from Michigan who are still being denied the right to have both parents involved. OCY should help families. She reminded Council that caseworkers have to be nationally accredited by February of 2008.

Kenneth Przepierski, 640 East 12<sup>th</sup> Street, Erie, stated that OCY and Care Management are under the responsibility of the County Executive and County Council. This agency of government is no better than two years ago. OCY oversteps authority and disregards laws. They separate siblings and devastate lives. He suggested the Advisory Board read the judge's review and resolve the continuing problems at this office and that Mr. Mitchell spearhead this endeavor. The coercive, manipulative and disrespectful behavior by caseworkers is ongoing and should not be tolerated. He referred to the word "possible" in the meeting agenda stating he cannot find this in Robert's Rules of Order, and asked how Council can do a possible adoption or possible motion. Resolution 59 should be slated on the agenda as an ordinance and asked if Council is trying to turn the airport into a transportation hub such as the Memphis hub for FedEx with planes landing every minute.

Ed Garnow, Erie, expressed amazement that Council is going to vote on the extension of the runway. The County does not have \$25 million; a bond issue will need to be floated which will end up amounting to \$40 million. The media never relays this information. Personally, he would not vote for the airport extension because a case has not been made that it is needed. There are three airports within 100 miles that can handle all the freight. Taxes will be lost on revenue from those properties. Mr. Garnow suggested getting rid of Mr. Fredericks to avoid paying the \$75,000 and asked why he needs a bonus to do his job.

Charlotte Mashyna, Erie, is the Executive Director of the Arts Council and wished to thank Council for having hearings earlier in the year on the use of gaming revenue. There are many members of the arts community present who wish to ask Council for their support of the funding of regional assets through the gaming revenue so Erie County can continue to be provided with the quality of life this County needs.

Betti Jo Gilbert, 154 West 9<sup>th</sup> Street, Erie, advised Council that for the first time in a long time, OCY has not only maintained current staff, but also hired 12 new workers and more are pending. Workers who left because of money issues want to come back. Although it will take several months before case load sizes decrease, there is a light at the end of the tunnel. Council's approval of the contract is absolutely necessary to maintain what is needed in regard to staff retention, child safety, and the ability for workers to provide for families.

December 18, 2007

Hearing of  
The Public

John Oliver, 817 East Grandview, Erie, representing VisitErie, would like to thank Council for the process used for the distribution of the gaming revenue. It was one of inclusion for the entire county. Mr. Oliver also wished to show support for the Gaming Revenue Committee recommendation on funding regional assets. They are a critical component of Erie County's tourism industry, and will certainly provide assistance in continuing the growth of tourism.

Eric Legenzoff is on the Board of Supervisors, Elk Creek Township, and is before Council as a representative of the Erie County Association of Township Officials. The work done through the Gaming Revenue Committee has been appreciated; however, they differ on the unrestricted funds disbursement. ECATO has put forth a proposal that is simple and fair to all taxpayers in Erie County. This proposal is based upon the liquid fuels formula in Pennsylvania which will equitably disburse to the taxpayers of Erie County those unrestricted funds of the gaming revenues. Mr. Legenzoff asked Council to reconsider the unrestricted portion of the gaming revenue plan and give the opportunity for the citizens of Erie County to do with those revenues as they see fit in their own particular municipality. He thanked Council for their work and asked that they be fair to the taxpayers of Erie County.

Rob Pettis, Girard, referred to a ring he was wearing, noting it was given to him by one of his foster children. He wears this ring to make sure he remembers this child, as well as his other families. He thanked the administration for remembering these children by voting for monies for new caseworkers. As a supervisor, Mr. Pettis is getting more caseworkers which represent the ability to work with kids and meet their needs. He asked Council to consider the vote for the managers. He asked for the opportunity to talk with Council at more length as they have not had a chance to speak with Council and the administration. He would like this item taken off the agenda. Mr. Pettis expressed appreciation for everything that has been done for them. The additional caseworkers have made, and will continue to make, a tremendous difference.

Tammy Jo Rogers, 154 West 9<sup>th</sup> Street, Erie, stated that caseworkers have seen a light at the end of the tunnel; however, the supervisors are still in the dark. On the agenda this evening is a motion to pass a Memorandum of Understanding with the Supervisors. As one of the bargaining units of the supervisory staff, she wished to advise Council that they have never had a discussion with the administration on this Memorandum of Understanding. According to Act 195, if Council passes this motion tonight, they will be in violation and an unfair labor practice will be filed. She spoke with Mr. Meredith and he indicated it was a done deal. She asked Council to reconsider this motion as the bargaining unit has not had the opportunity to discuss proposals with the County.

Renee Vendetti, Erie, stated families are supposed to have visits with their children as frequently as possible, but no less than once every two weeks. Children were detained on November 9<sup>th</sup> and the mother had not seen them until Ms. Vendetti made a telephone call last Friday. There are issues that still need to be addressed. This agency plays parents against each other. She stated that under Title 23, children should be kept in their own home and in the last three cases this did not happen, nor were children reunited with their families. Council has the authority under the Home Rule Charter to abolish or amend any government agency.

Finance  
Committee

Mr. Foust reported the Finance Committee met on December 12, 2007, and agreed to put the following ordinances on the agenda for a second reading: Ordinances 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, and Ordinance 180. The Committee also agreed to place Ordinances 181, 182 and 183 for first readings, as well as the possible adoption of Resolutions 55, 56, 57, 58, 59, 60 and 61. Also on the agenda are the possible appointments of Daniel J. Heher to the Erie County Community Services Financing Authority and Gordon J. Gehbardt to the Erie Metropolitan Transit Authority.

Personnel  
Committee

Mr. Cleaver reported the Personnel Committee met on December 12, 2007 and agreed to put Ordinances 175, 176, 177, 178, and 179 on the agenda for second readings, and Ordinances 184 and

December 18, 2007

Personnel Committee

185 for first readings. Also on the agenda are possible motions for approval of contracts for AFSCME Clerical/Technical employees, ECAPE, Court Supervisors, OCY Caseworkers, OCY Managers and Erie County Detectives.

Mr. Giles'  
Report

Mr. Giles reported that the National Association of Counties has contacted him to serve on their Board of Directors and asked him, along with other members of the board, to come up with three wishes for the county going into next week. He wrote:

“In the spirit of this holiday season, we extend our heartfelt wishes that our county grow in its purpose and its effectiveness so that mentally ill are not housed in our jails, young children are reunited with their birth parents and parents become so secure that families no longer require 2 ½ jobs to survive. This three way blessing on every county this season.”

NACo Grant

Mr. Giles also reported that Erie County, as one of five counties across the country, has received from NACo, a grant for diverting the mentally ill from county jails. This will be one of the issues advanced this year.

NACo awards mental health diversion grants to assist non-violent offenders

Washington, DC – the National Association of Counties (NACo) today announced the selection of five recipients for its Mental Health Diversion Grants Program to develop or expand local jail diversion programs. The grants will be used to help counties assist people suffering from mental illness who commit non-violent offenses as a result of their untreated mental illness.

Four counties and one state association of counties have been competitively awarded a \$5,000 seed grant to develop or expand a program to divert non-violent offenders with mental health needs from jails to treatment services. Funding for this grant program is provided by Eli Lilly and Company.

**Erie County, Pa.**

Key stakeholders within Erie County criminal justice and service provider systems have formed a steering committee that will utilize the grant funding to conduct a “Root Cause Analysis” of the key factors that are contributing to individuals with mental illness being incarcerated or recidivating back into the local corrections system. The steering committee will work with Mercyhurst College Civic Institute to carry out this assessment so that they can offer more effective and integrated case management and diversion programs to reduce the number of mentally ill in jail.

**Jefferson County, Miss.**

Jefferson County is a rural county in Southwest Mississippi. They plan on establishing a research team to start collecting data on mentally ill individuals who come in contact with the criminal justice system locally, contract a grant writer to help leverage additional funding, and develop better outreach to mentally ill offenders and their families during their adjudication process in the local courts system.

**Lancaster County, Neb.**

The Behavioral Health Jail Diversion Program of Lancaster County works to move individuals with severe or persistent mental illness who have committed non-violent misdemeanor offenses from the Lancaster County Jail into community-based treatment. The program has existed since 2003 and funding has been secured to continue programmatic efforts. However, through NACo’s funding the Behavioral Health Jail Diversion Program will be able to continue the extensive evaluation efforts that have been in place the last four years to show the local community results in terms of public safety and cost savings.

**Montana Association of Counties**

The Montana Association of Counties (MACo) will work with Yellowstone County to bring the Community Crisis Center, the first licensed mental health center in Montana, into a statewide crisis response facility. MACo will coordinate with Yellowstone County in providing Crisis Intervention Training (CIT) for emergency providers and local law enforcement personnel throughout the state at the Community Crisis Center in Billings.

December 18, 2007

Mr. Giles'  
Report

**Thurston County, Wash.**

Thurston County has been developing a crisis response to individuals with mental illness over the past couple of years that has included the establishment of a Mental Health Court. To ensure that the Mental Health Court is used effectively and the maximum number of non-violent mentally ill individuals are diverted from jail, Thurston County will use NACo's funding to hold trainings for prosecuting and defense attorneys to better understand mental illness and the opportunities provided by the Mental Health Court.

NACo has called on the U.S. Attorney General to create a national commission to study and make recommendations to all levels of government on the jailing of non-violent offenders with mental illness in county jails.

"NACo believes that nonviolent offenders suffering from mental illness should not be in county jails," said NACo President Eric Coleman, commissioner, Oakland County, Mich. "It is extremely costly for counties and taxpayers and county jails are not the appropriate place for those who need mental health services to receive them. We are pleased to provide these grants to communities to assist them with their jail diversion programs."

NACo/NLC  
Inoperability  
Academy

Mr. Giles reported that Erie County has also received financial support and a grant for emergency management employees to participate in the National Academy for Interoperability which will be held in February. Again, Erie County was one of a small number of counties across the country to receive this grant.

NACo/NLC Interoperability Academy: Living Interoperability Plan  
Thursday – Friday, February 7-8, 2008, Nashville, Tennessee

The National Association of Counties, in collaboration with the National League of Cities, is hosting a two-day Interoperability Policy Academy in Nashville, Tennessee.

County and City officials – both in elected and management positions – are invited to attend the Interoperability Academy as a team of up to four people (with an optional fifth member of the team being someone who has responsibility for development and coordination of the statewide interoperability plan. We actively encourage such a nomination; however, we will only accept one such person from a state, even if multiple applications are received from the same state).

At least one elected official who is a member of the jurisdiction's governing board, plus representatives from agencies or departments such as the following, may compose the team: additional elected leaders; fire, law enforcement, emergency management, homeland security, information technology, public health, public works, telecommunications, and transportation. **Variety in composition of the team across these disciplines and jurisdictions (county and city combination) will be more highly favored for consideration of acceptance if we have more applicants than we can accommodate.**

This two-day event will help county, city, and municipal officials address challenges to achieving communications interoperability at the local level, as well as address how to become involved in regional, statewide and nationwide planning efforts. The Policy Academy will address important questions about interoperability planning and participants will learn how to advocate for and implement actions related to governance, procedures, technology, training & exercises, and usage of voice and data equipment in a seamless manner in real-time. This is *not* a technical training seminar; rather, the Academy will focus on policy-level issues and concerns.

Mr. Giles  
Elected CCAP  
Second VP

Mr. Giles further reported that he was elected upcoming second vice president for CCAP going into next year. According to Mr. Giles, this was accomplished largely with the help of Mr. Mitchell and Mr. Leone.

COUNTY COMMISSIONERS ELECT ASSOCIATION LEADERS  
*Erie County Council Member Giles Named Second Vice-President*

December 18, 2007

Mr. Giles  
Elected CCAP  
Second VP

(Harrisburg-PA)-County leaders from around the Commonwealth, gathered at the 2007 Annual Fall Conference of the County Commissioners Association of Pennsylvania (CCAP) in Hershey, PA, elected Joe Giles, an Erie County Council Member as Second Vice-President of the Association for 2008.

“The Association serves to strengthen the ability of Pennsylvania’s counties to govern their own affairs and improve the well-being and quality of life for their constituents,” Giles said. “To this end, the Association affects the achievement of favorable state legislation, programs and policies, and provides appropriate programs and services to member counties.

“I know how these issues impact us locally. We share many of the same challenges as other counties statewide. As a leader of this Association, I can make a stronger voice for our county and all the counties in Harrisburg, Washington and all of Pennsylvania.”

CCAP, founded in 1886, is a statewide, nonprofit, bipartisan association representing the commissioners, chief clerks, administrators, their equivalents in home rule counties, and solicitors of Pennsylvania’s 67 counties.

The Association promotes the common interests of counties by encouraging both a dialogue among county elected officials and a better understanding of county government by federal, state and local elected officials as well as by private citizens. The Association represents county government on issues before the state and federal legislative, executive and judicial branches of government. CCAP fosters farsighted, innovative and responsible county service delivery, policy decision and public resource utilization. The Association provides services and educational opportunities for its members so that they better administer the affairs of their offices to the benefit of the general public.

For more information about Pennsylvania’s counties and CCAP, log on to [www.pacounties.org](http://www.pacounties.org).

Climate Change

NACo has also invited Mr. Giles to serve on a leadership panel regarding climate communities and how the federal government can work in partnership with counties to effectively create green government on all levels.

Erie County Meets with Local Government Leaders in Washington, DC to Shape Federal Climate Change Policy

As the U.S. Senate prepared to begin debate on major climate change legislation, local government leaders from across the United States met in Washington, DC, to identify how the federal government can help support community efforts to reduce greenhouse gas emissions. On December 3-4, 2007, localities came together to help chart the course of *Climate Communities*, a new national advocacy coalition composed of cities, counties, and other units of local government seeking new federal policies and resources to support community action on climate change.

Local governments are on the front lines of climate change action and have taken the lead in implementing innovative projects that reduce greenhouse gas emissions, including hybrid municipal fleets, energy efficient buildings, environmentally-preferred purchasing, and local land use and transportation initiatives to reduce the use of automobiles. Local governments are also the first responders to the impacts of climate change, and have begun to consider the impacts of rising sea levels, increased flooding, droughts and other natural disasters that threaten local infrastructure and the health and safety of communities across the country.

On the eve of the Senate Environment and Public Works Committee’s consideration of landmark cap-and-trade legislation, *Climate Communities*’ participants met privately with Senator Barbara Boxer (D-CA), the Committee’s chairwoman, to express appreciation for her climate change leadership and seek opportunities to ensure that federal tools and resources continue to spur the implementation of innovative climate change initiatives at the local level.

“Localities are some of the best laboratories for developing and deploying innovative climate change programs and projects,” said Joe Giles. “*Climate Communities* will bring together the best minds at the local level to develop federal policy proposals that will enhance our ability to implement new local initiatives that will produce substantial reductions in greenhouse gas emissions. We look forward to partnering with the federal government to tackle this important challenge.”

December 18, 2007

Climate Change

*Climate Communities* is developing an aggressive federal action agenda that will empower local communities to achieve transformational climate change progress. Representatives from the following communities participated in charting the course of *Climate Communities*: Alameda County, CA; Sacramento County, CA; City of Santa Ana, CA; Sonoma County Water Agency, CA; City of Stamford, CT; Charlotte County, FL; Miami-Dade County, FL; Erie County, PA; Story County, IA; Montgomery County, MD; Prince George's County, MD; Nassau County, NY; Clean Fuels Ohio, OH; City of Philadelphia, PA; Arlington County, VA; James City County, VA; King County, WA; and Snohomish County, WA. The coalition will publicly launch its federal action agenda in early 2008.

Mr. Leone's  
Comments

Mr. Leone wished to address the OCY managers and OCY workers. Individuals continue to come before Council to express concerns about their contract. The Home Rule Charter is very specific – this Council has only one issue as far as contracts are concerned. Council can either adopt or reject the contract. Council has nothing to do with hours, wages and working conditions. These are things the unions negotiate with the administration. Council's responsibility is to either approve or reject the contract.

Mr. Leone noted that time and again, people come before Council praising workers. No one doubts that the job is being done; however, it seems a little ridiculous when people come in asking for more. Council does not have the ability to do that, just as Council cannot do anything about the Courts. Every week, Council members hear the same thing and it gets to be a little disturbing after awhile.

Another individual questioned the use of the word "possible". The word "possible" is used because there is no way to know whether or not there are enough votes; if there are four votes, the resolution or motion passes and if there are not enough votes, it doesn't go through. Mr. Leone stated he is tired of hearing people say Council does not know what they are doing. Council has an excellent solicitor who knows what he is doing and provides excellent guidance.

Mr. Foust's Report

Mr. Foust submitted the following report:

On December 6 2007, Mr. Foust attended the Safe Kids Luncheon at Ambassador Conference Center, as well as the Audit Committee with Felix and Gloeckner.

Mr. Foust volunteered with the Times Old Newsies On December 7, 2007 to help raise funds for needy families.

On December 8, 2007, Mr. Foust was an Academic Sports League Judge at Penn-State Behrend.

Mr. Foust attended the Erie County Diabetes Association Christmas celebration on December 10, 2007, as well as the Erie County Convention Center Christmas dinner.

On December 13, 2007, Mr. Foust attended the Great Lakes Building Trades luncheon. He also attended the Healthcare Summit at GECAC regarding Cover All Pennsylvanians Bill in the Pennsylvania General Assembly.

On December 14, 2007, Mr. Foust attended the Workforce Investment Board press conference announcing a training grant to Great Lakes Building Trades to retrain and educate workers.

Mr. Foust attended the Pleasant Ridge Manor East Christmas brunch on December 16, 2007.

Mrs. Loll's  
Report

Mrs. Loll submitted the following report:

On November 7, 2007, Mrs. Loll attended the Hamot Annual Dinner at the Ambassador Banquet and Conference Center.

December 18, 2007

Mrs. Loll's  
Report

On November 8, 2007, Mrs. Loll attended the Erie County Planning Commission meeting at the Blasco Library. Projects for the 2008 CDBG grant projects were reviewed and ranked by the Executive Board. Wattsburg Borough was first with a project to purchase water treatment equipment for the removal of arsenic from the public water system at a cost of \$40,000. Second, at a cost of \$59,000, was the Union City Municipal Authority to replace the existing sludge pumping system at the waste water treatment plant. The Union City Municipal Authority was third for a project to replace 430 feet of sanitary sewer main line along First Avenue in Union City Borough at a cost of \$102,000. Fourth was Lawrence Park Township for the replacement of 120 feet of sanitary sewer line on the south side of Main Street between Rumsey Avenue and Napier Avenue in Wesleyville Borough at a cost of \$55,000. Wesleyville Borough was fifth for the replacement of 850 lineal feet of sanitary sewer line along Riverside Drive from Freemont Street to Buffalo Road in Wesleyville Borough at an approximate cost of \$72,188. The exact amount available for distribution is not known yet, but it is anticipated that the amount will be close to \$323,188, which will pay for the first four projects and a good portion of the fifth project. The amount of money for this grant is reduced each year which makes it more difficult to help the low to moderate income areas with these types of needed projects.

On November 10, 2007, Mrs. Loll attended the Veterans Day dinner at the Fairview American Legion and had the opportunity to speak about the soldier and the veterans.

On December 7, 2007, Mrs. Loll attended a meeting regarding a new business for West County – the repair of trains. The business involves the use of railroad siding tracks to pull trains offline and repair them. There are several supporting businesses in the area that will be an intricate part of the process along with many others waiting and willing to fill any gaps. Those attending the meeting discussed the process and order of progression that this business must take to become viable. This is a very promising idea with a good future.

Agenda Amended

Mr. Giles moved to amend the agenda to add under New Business the approval of three new commissioners for the Human Relations Commission, Mark Hoovler, Elaine Stanton and Amy Graves. Mr. Foust seconded, and it carried in a unanimous roll call vote.

Reorg. of Erie Cnty  
Gaming Rev. Auth.

Mr. Smith gave a second reading of Ordinance Number 165, 2007, "Authorizing the Organization of the Erie County Gaming Revenue Authority." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Adoption of Gaming  
Revenue Report

Mr. Smith gave a second reading of Ordinance Number 166, 2007, "Adoption of the Erie County Gaming Revenue Committee Report." Mr. Giles moved to adopt, and Mr. Foust seconded.

Mr. Foust moved to amend the Ordinance as follows:

On page 15 of the Erie County Gaming Revenue Committee Report:

~~The allocation of unrestricted gaming funds for library branch operations will occur in January of each year, and will equal the cost of branch library services as adopted by County Council on or before December 1<sup>st</sup> of the previous year.~~ **The allocation of unrestricted gaming funds for library branch operations will occur in January of each year, and will be no more than 50% of the cost of branch library services as adopted by County Council on or before December 1<sup>st</sup> of the previous year.** This allocation will be made before any other allocations of unrestricted funds are made. Three percent (3%) of the Library branch budget should be dedicated to improving technology at the library branches.

Adoption of  
Gaming Revenue  
Report

December 18, 2007

On page 18 of the Report to add a new letter D as follows and change the existing D to E:

**D. Public Safety Assets defined as Erie County volunteer fire departments. Funds available are to be dedicated for training grants.**

~~D.~~ E. "Excluded Organizations" include:

On page 19 of the Report to add a new classification of Public Safety Assets and change percentages as follows:

d. The regional assets funding be designated and distributed in the following formula: Dedicated Assets ~~75%~~, **74%** Community Assets ~~18%~~ **16%** and Special Events ~~7%~~ **5%** and **Public Safety Assets 5%** of the appropriated funding.

Mr. Giles seconded the motion to amend, and it carried in a unanimous roll call vote.

Mr. Foust commended Mr. Giles and other members of the Committee for the work they have done on this issue for close to two years. This was difficult and arduous work. Members of the committee consisted of Mary Bula from the Growth Partnership, present this evening, Ms. Pasquale, Ms. Freeman and Mr. Sparber from the Finance Department, the solicitors, Mr. Maloney and a number of other individuals who Mr. Foust thanked for putting this document together, in particular, Mr. Giles for his dedication.

Mr. Leone called for a vote on Ordinance Number 166, 2007, as amended, and it carried in a unanimous roll call vote.

Mr. Giles thanked all members of Council for their support, the members of the administration over the two year period who have worked diligently, as well as Mary Bula from Growth Partnership who also served on the committee. The committee met regularly with the meetings lasting anywhere from 2 ½ to 3 ½ hours every week and would involve conference calls with individuals from the Department of State, the Department of Economic Development, the Arts Council, the Gaming Control Board, state legislators, the Governor's Office, the Local Governor's Services Commission. A giant mailer was sent to all who helped so they could see the final work product. Mr. Giles believes this is a truly transformational opportunity and the entire committee viewed this as an opportunity to invest in the quality of life and in the future and growth of Erie County. Other issues have been successfully handled as well, such as the airport. This will successfully support the quality of life through all of the regional assets. Mr. Giles stated there are multiple opportunities to make sure Erie County becomes an attractive venue and a destination point. A great deal of work and effort went into this report, and Mr. Giles is very proud of the product and to have worked with everyone who served on the committee. He expressed his gratitude to all.

Mr. Foust wished to recognize Council's solicitor, Mr. Talarico who was very helpful, and also the County Solicitor, Wally Knox.

Amending  
Admin. Code

Mr. Smith gave a second reading of Ordinance Number 167, 2007, "Amending the Administrative Code of Erie County." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Foust moved to amend Exhibit B of the ordinance.

On Addendum D, Erie County Regional Asset Funding Committee, Number 2 is amended as follows:

December 18, 2007

2. Composition of the Committee

The Erie County Regional Asset Funding Committee shall consist of nine members with one representative resident in each of the County Council Districts and two at large members. The two at large members shall be appointed by the County Executive. ~~The seven members representing County Council districts shall be appointed by the presiding officer of Council subject to approval by a majority of Council members present.~~ **The seven members representing County Council districts shall be appointed directly by each Council member subject to ratification by a majority of Council members present at a regularly scheduled meeting.**

Mr. Giles seconded the motion and added to the motion to amend Exhibit A of the ordinance, a change in the amount from \$50,000 to \$25,000 to reflect a numerical cap for the authority based on discussions with Council. He noted the figure on the front is already \$25,000 and this would make the ordinance consistent as well.

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

Mr. Leone then called for a vote on Ordinance Number 167, 2007, as amended, and it carried in a unanimous roll call vote.

TRAN adopted

Mr. Smith gave a second reading of Ordinance Number 168, 2007, "Authorizing the Issuance of Tax and Revenue Anticipation Notes in the Aggregate Principal Amount of \$15,000,000; Providing for the Date, Interest Rates, Maturity Date, and Place of Payment in Respect of the Notes; Providing for the Security of the Notes; Authorizing the Proper Officers to Execute and Deliver the Notes; Authorizing and Directing the Preparation, Certification and Filing of the Proceedings with the Department of Community and Economic Development; Setting Forth a Form of Note; and Repealing Inconsistent Ordinances." Mr. Foust moved to adopt; Mr. Cleaver seconded the motion.

Mr. Giles moved to amend the ordinance to include the language relative to Mellon Bank; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

Mr. Leone called for a vote on Ordinance Number 168, 2007, as amended, and it carried in a unanimous roll call vote.

S.A. for Coroner  
Vital Statistics Acct.

Mr. Smith gave a second reading of Ordinance Number 169, 2007, "Forty-Eighth 2007 General Fund Budget Supplemental Appropriation for Coroner Vital Statistics Account." Mr. Foust moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Friends of Library  
Donation

Mr. Smith gave a second reading of Ordinance Number 170, 2007, "Eighth 2007 Library Fund Budget Supplemental Appropriation for Friends of the Library Donation." Mr. Foust moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Library S.A.  
LISTA Grant

Mr. Smith gave a second reading of Ordinance Number 171, 2007, "Ninth 2007 Library Fund Budget Supplemental Appropriation for LISTA Grant." Mr. Giles moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Library S.A.  
Memorial Books

Mr. Smith gave a second reading of Ordinance Number 172, 2007, "Tenth 2007 Library Fund Budget Supplemental Appropriation from Memorial Books." Mr. Cleaver moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Fund S.A. for  
D.A. Ofc

Mr. Smith gave a second reading of Ordinance Number 173, 2007, "Forty-Ninth 2007 General Fund Budget Supplemental Appropriation for District Attorney's Office." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

December 18, 2007

Donation from  
Hispanic Council

Mr. Smith gave a second reading of Ordinance Number 174, 2007, "Seventeenth 2007 Public Health Fund Budget Supplemental Appropriation for a Donation from the Hispanic Council." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Contract Between  
Erie Cnty & ES&S

Mr. Smith gave a second reading of Ordinance Number 180, 2007, "Waiver of the Purchasing Code for a Three Year Contract Between Erie County Government and Election Systems and Software." Mr. Cleaver moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

2007 Non-Barg.  
Pay Plan

Mr. Smith gave a second reading of Ordinance Number 175, 2007, "2007 Non-Bargaining Employees Pay Plan." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

2008 Non-Barg.  
Pay Plan

Mr. Smith gave a second reading of Ordinance Number 176, 2007, "2008 Non-Bargaining Employees Pay Plan." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Waiver of  
Personnel Code

Mr. Smith gave a second reading of Ordinance Number 177, 2007, "2007 General Fund Waiver of Two Sections of the Personnel Code for Position Number 002320-001." Mrs. Loll moved to adopt; Mr. Mitchell seconded, and it carried in a roll call vote of 6-1, Mr. Leone voting no.

Gen. Fund S.A.  
2007 Wages &  
Fringes

Mr. Smith gave a second reading of Ordinance Number 178, 2007, "Fiftieth 2007 General Fund Budget Supplemental Appropriation for 2007 Wages & Fringes." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Library S.A.  
2007 Wages &  
Fringes

Mr. Smith gave a second reading of Ordinance Number 179, 2007, "Eleventh 2007 Library Fund Budget Supplemental Appropriation for 2007 Wages & Fringes." Mr. Mitchell moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 181, 2007, "2008 Revised Fee Schedule in Tax Claim"

Ordinance Number 182, 2007, "Revised Revenue in the 2008 Debt Service Fund Budget"

Ordinance Number 183, 2007, "2007 Capital Projects Fund Supplemental Appropriation for Fifth Floor Renovation in the Erie County Courthouse"

Ordinance Number 184, 2007, "2007 General Fund Waiver of a Section of the Personnel Code for Position Number 002370-002"

Ordinance Number 185, 2007, "2007 General Fund Waiver of a Section of the Personnel Code for Position Number 002320-010"

Tax Exempt Note  
YMCA

Mr. Smith gave a reading of Resolution Number 55, 2007, "Erie County Community Services Financing Authority \$8,500,000.00 Tax Exempt Note – Young Men's Christian Association of Greater Erie Project." Mr. Giles moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Tax Exempt Note  
Civic Theater Prjct.

Mr. Smith gave a reading of Resolution Number 56, 2007, "Erie County Community Services Financing Authority \$375,000.00 Tax Exempt Note – Erie Civic Theatre Association Project." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

December 18, 2007

Mod. to FY  
2003 HOMES  
Grant

Mr. Smith gave a reading of Resolution Number 57, 2007, "Resolution Authorizing a Modification to Erie County's FY 2003 Homes Grant." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

I

In Support of the  
Great Lakes

Mr. Smith gave a reading of Resolution Number 58, 2007, "In Support of the Great Lakes – St. Lawrence River Basin Water Resources Compact and the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement." Mr. Cleaver moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Supporting Airport  
Runway Project

Mr. Smith gave a reading of Resolution Number 59, 2007, "Supporting the Erie International Airport Runway Project." Mr. Foust moved to adopt, and Mr. Giles seconded the motion.

Mr. Giles moved to amend the Resolution as follows:

**RESOLUTION NUMBER 59, 2007**

**Supporting the Erie ~~International Municipal Airport Runway Project~~  
Authority Runway Project**

**WHEREAS**, the Erie Municipal Airport Authority, by change of name, Erie International Airport, hereinafter, "Authority," desires to resurface the airport's runway and extend the existing runway by nineteen hundred twenty (1,920) feet, "the Project;" all in the interest of public safety and for the purpose of promoting local economic growth and development; and

**WHEREAS**, the Authority has estimated the cost of the Project at ~~\$80.4~~ \$80.5\* million; and

**WHEREAS**, the Federal Aviation Administration has agreed to commit \$47.7 million of federal funds to the cost of the Project contingent upon local funding of the balance of the cost of the Project; and

**WHEREAS**, the County of Erie has agreed to commit **up to\*** \$25.7 million of local funds **at an annual amount of \$2,570,000\*** to the cost of the Project subject to and in accordance with the conditions delineated below; and

**WHEREAS**, the Authority has agreed to provide the monies necessary to fund the balance of the cost of the Project;

**NOW THEREFORE, BE IT RESOLVED** by the County Council of Erie County, subject to the following conditions, and upon approval of the County Executive, the County of Erie agrees to commit up to, and not to exceed, \$25.7 million to the Project:

1. The County of Erie shall join in the original incorporation of the Authority, the Authority shall consent to the joinder and the Authority shall make application to the Secretary of the Commonwealth for a Certificate of Joinder. The proper officers of the County of Erie shall execute the Application and the Authority and the City of Erie shall join in the Application.
2. The Authority shall amend its Articles of Incorporation to increase the number of members of the Board of the Authority from five (5) members to nine (9) members. Further, the Authority shall reapportion representation on the Board to reflect five (5) members appointed by the City of Erie and four (4) members appointed by the County of Erie, all in a manner consistent with the provisions of Section 5610 of the Municipal Authority Law (53 Pa.C.S.A. §5610).
3. Erie County agrees to commit up to, and not to exceed, \$25.7 million to the Project, reserving the right, however, to determine the source of funding and manner of financing, such funding and financing to be made in the best interest of the taxpayers of the County as a whole.
4. The City of Erie shall convey, transfer and assign all of its right, title and interest in the Erie Golf Course property to Millcreek Township and, in exchange therefore, ~~Millcreek Township~~ **Erie Municipal Airport Authority\*** shall pay to the City of Erie the sum of Two Million Two Hundred Ten Thousand (\$2,210,000.00) Dollars.
5. Millcreek Township shall convey to the Authority, a permanent right of way to so much of the Millcreek Golf Course property as would be needed to meet the requirements of the Project as referenced herein and as contemplated by the Authority.

December 18, 2007

Sprt. Airport  
Runway Prjct.

**6. The County of Erie and the Erie Municipal Airport Authority shall negotiate and enter into a mutually acceptable, legally binding agreement setting forth all of the various rights, duties and obligations of each of the parties as described in the Whereas clauses of this Resolution. Said agreement hereinafter referred to as "Memorandum of Understanding." By its own terms, the Memorandum of Understanding shall not become effective until it is properly approved and executed by each of the parties.**

Mr. Foust seconded the motion to amend, and it carried in a unanimous roll call vote.

Mr. Leone called for a vote on Resolution Number 59, 2007, as amended, and it carried in a unanimous roll call vote.

Aprvl Liquid  
Fuels App.  
Waterford Twp.

Mr. Smith gave a reading of Resolution Number 60, 2007, "Approval of Emergency Liquid Fuels Application for Waterford Township." Mr. Mitchell moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 6-1, Mr. Leone voting no.

Aprvl Liquid  
Fuels App.  
Greene Twp.

Mr. Smith gave a reading of Resolution Number 61, 2007, "Approval of Emergency Liquid Fuels Application for Greene Township." Mr. Foust moved to adopt, Mr. Augustine seconded the motion.

Mr. Giles asked whether the liquid fuels formula is revisited every year, whether this is an old formula or one that has not changed. Ms. Pasquale replied this has nothing to do with the formula; it is the emergency liquid fuels, not their normal appropriation. Mr. Giles questioned where the funding comes from and whether there is a formula, and Ms. Pasquale explained that it comes from the fund balance, so much is allocated for the emergency liquid fuels. Mr. Mitchell stated that from his understanding, this formula is based in the 1930's on 17 cents per gallon. He noted that times have changed. Mr. Giles stated that he thought that this has not been reviewed in years.

Mr. Leone called for a vote on Resolution Number 61, 2007, and it carried in a roll call vote of 6-1, Mr. Leone voting no.

Daniel J. Heher  
Appt'd Comm.  
Svc. Fin. Auth.

Mr. Foust moved to appoint Daniel J. Heher to the Erie County Community Services Financing Authority. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Gordon J.  
Gehbardt  
Reappt'd to  
EMTA

Mr. Foust moved to reappoint Gordon J. Gehbardt to the Erie Metropolitan Transit Authority; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

AFSCME Cler/  
Tech Employee  
Agrmt. Approved

Mr. Giles moved to approve a four-year agreement between Local 2666 AFSCME Clerical/Technical Employees and Erie County. Mr. Foust seconded, and it carried in a roll call vote of 5-2, Mr. Cleaver and Mr. Leone voting no.

ECAPE Agrmt  
Approved

Mr. Giles moved to approve a four-year agreement between ECAPE and Erie County. Mr. Foust seconded, and it carried in a roll call vote of 5-2, Mr. Cleaver and Mr. Leone voting no.

Recess Discussion

At this time, Mr. Augustine asked to recess for clarification regarding Item Q on the agenda. Mr. Leone explained that Council has no say regarding hours, wages or working conditions. These matters are brought before Council by the administration. Council has the option to either vote up or down, and Mr. Leone stated he will not call a recess at this time. Mr. Mitchell stated that a legal question has been raised, and he believes Council needs to have this issue addressed before voting on it. He asked for the solicitor's opinion. Mr. Leone questioned whether this would be a private matter

December 18, 2007

should Council recess since this involves a personnel issue. Mr. Talarico replied that he does not think this issue would need to be entertained behind closed doors, and asked what question in particular needs to be addressed. Mr. Mitchell explained that earlier discussion stated that this matter was not done properly. Although it is not up to him to judge whether or not it was done properly, he wonders if this opens Council up to further legal confrontation.

Mr. Talarico stated he believes the young lady that spoke was concerned that the contract had no validity because the supervisors had the right to meet and discuss. If that is true, and there was no meeting and discussion, Mr. Talarico recommends that Council table this particular motion. On the other hand, if the supervisors did meet and/or an appointed representative did meet with the administration on their behalf, then Mr. Talarico does not believe there is a problem. There is no contractual violation and he would recommend Council vote on it.

Mr. Leone asked Mr. Wiley, Director of Administration for his version of events. Mr. Wiley replied that he has had some discussion with the Director of Personnel and the County Clerk; there has been discussion with the representatives of the PSSU negotiating team. From Mr. Wiley's understanding, this was discussed with the representative and the supervisors were included in the caseworker discussion. That contract was to mirror the caseworkers' contract, and that is what is reflected in the packet before Council.

A member of the audience interrupted, and Mr. Leone gave a reminder that there is no discussion at this time.

Mr. Wiley added this was information gathered today when this issue was brought to his attention. Mr. Foust asked Mr. Talarico whether Council is being put into contract negotiations, which is not Council's responsibility, should Council try to determine what actually happened. He expressed his concern that Council may be put into a position of trying to determine which version is true, thereby being placed in the middle of contract negotiations. Mr. Talarico replied that the administration has brought this motion to approve the contract to Council's attention, asking for ratification. If Council ratifies the contract up and a problem results, that would be the administration's problem, not Council's.

Court Sprvr.  
Agrmt. Approved

Mr. Giles moved to approve the four-year agreement between Court Supervisors (meet and discuss group) and Erie County; Mrs. Loll seconded, and it carried in a roll call vote of 5-2, Mr. Leone and Mr. Cleaver voting no.

OCY Case Wrkrs  
Agrmt Approved

Mr. Giles moved to approve the four-year agreement between OCY Case Workers and Erie County. Mr. Foust seconded, and it carried in a roll call vote of 5-2, Mr. Cleaver and Mr. Leone voting no.

OCY Managers  
Agrmt Approved

Mr. Giles moved to approve the four-year agreement between OCY Managers (PSSU meet and discuss group) and Erie County. Mr. Foust seconded, and it carried in a roll call vote of 5-2, Mr. Cleaver and Mr. Leone voting no.

Erie Cnty Detectives  
Agrmt Approved

Mr. Giles moved to approve the four-year agreement between the Erie County Detectives and Erie County. Mr. Foust seconded, and it carried in a roll call vote of 5-2, Mr. Cleaver and Mr. Leone voting no.

Mark Hoovler, Elaine  
Stanton, Amy Graves  
Appt'd. to HRC

Mr. Foust moved to approve the appointments of Mark Hoovler, Elaine Stanton, and Amy Graves to the Human Relations Commission; Mr. Giles seconded.

Mr. Giles noted that the Director of the Human Relations Commission and the Commission itself did an advertisement and a countywide search to find individuals in the community who

December 18, 2007

would be interested, willing, and with the right kind of background to serve on the commission. The Commission itself diligently interviewed and reviewed all of the applicants. After that process, they picked those they were most comfortable with the skill set and commitment to make the Human Relations Commission an effective organization.

Mr. Giles also noted that the word received from Washington looked very positive regarding the fair housing implementation. Mr. Giles cautioned that this relationship is not a typical grant; it is an annual review of the performance based on how the cases are handled. He noted there will be lengthy discussions regarding this issue.

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

Mr. Foust's  
Comments

As Mr. Leone indicated earlier, this is Mr. Augustine's final meeting with Council. Mr. Foust stated that although he and Mr. Augustine are different ages, parties, and from different ends of the county, they are both Yankee fans, and Mr. Augustine has done good work. Mr. Foust wished him luck in the future.

Mr. Augustine's  
Comments

Mr. Augustine thanked everyone for their help during this past year; it has been enjoyable. He stated that he wished he could reach out to everybody in the community and expressed disappointment that only 18% of people voted in the fall. Everyone has an obligation to get out and vote and Mr. Augustine wishes more people would be less apathetic and get out and vote for the person of their choice.

Mr. Giles'  
Comments

Mr. Giles noted out that before Mr. Augustine was appointed to Council, he was very actively involved in the effort to renovate and rehabilitate the Alms House Cemetery, which goes back at least a dozen years or so. With the help of many volunteers, it has come to fruition and is truly an impressive site showing proper respect to under 2,500 people who have died without family or friends. He wished to extend a long term memory for all the work they did together on this project; it is quite impressive.

Mr. Mitchell's  
Comments

Mr. Mitchell would like to give a hand to Mr. Augustine for, not only his work on Council, but for his years of service to the citizens of Erie County and Pleasant Ridge Manor. Mr. Augustine brought a great deal to the table when he came on Council and everyone has been enriched by the experience. A round of applause followed. Mr. Augustine then wished Mr. Fatica luck.

Mr. Leone's  
Comments

Mr. Leone stated that he goes back a few more years with Mr. Augustine than anyone. It is unfortunate at times when you end up with a good individual who doesn't last; however, Council is ending up with another good individual. Mr. Leone has no doubt that Mr. Fatica will work hard. Mr. Leone expressed his appreciation for all of Mr. Augustine's input. Without a doubt, Mr. Augustine hit the road running. He was an excellent administrator at the Pleasant Ridge Manor for a number of years. Mr. Leone wished Mr. Augustine well in his future endeavors.

Adjournment

There being no further business, the meeting was adjourned at 8:45 p.m.

Ann M. Bruno, Council Secretary

\*\*\*\*\*