

January 15, 2008 2007 & 2008 Appt'd. Officials Salaries Ords – County Clerk, Dir. of Adm., Dir. of Finance, Dir. of Personnel, Public Def., Asst. PD's adopted. 2007 & 2008 Appt'd. Off. Fee Ord – County Solicitor adopted. 2007 & 2008 Cnty Council Solicitor Retainer adopted. First Rdgs: Library S.A. for Additional State Aid Grant Rev.; Rev. Exp. Due to Incr. Lib. Fund State Aid; EMA S.A. Donation of Field Tent by Haibach Trucking; S.A. for transfer to PH fund; PH S.A. for Diabetes Documentary; Wvr. Pers. Code for Dir. of OCY. Sale of Parcels approved. Arbitration Award between Erie County & PSSU Local 668, SEIU approved. Johnie Atkinson reapptd to Brd of Health. Paul Burroughs reapptd. to Brd of Health. Kelly Goodsel reapptd. to Redev. Auth.. Mark Gusek reapptd. to General Auth. Curtis Jones reapptd. to General Auth. David Bagnoni apptd. to C&Y Advisory Board.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles, Chairman, 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, Erie, Pennsylvania. Following the Pledge of Allegiance, the County Clerk called the roll:

Members Present: Mr. Giles, Chairman
 Mr. Cleaver, Vice Chairman
 Mr. Fatica
 Mr. Foust
 Mr. Leone
 Mrs. Loll
 Mr. Mitchell

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
 Joseph P. Maloney, Council CPA
 Thomas Talarico, Council Solicitor
 Sean Wiley, Director of Administration
 James Sparber, Director of Finance
 Sue Ellen Pasquale, Manager of Accounting

Hearing of
the Public

Mitchell Carman, 1025 West 32nd Street, Erie, wished to share with Council the life of an Erie County Corrections Officer. These employees have insults, profanities and threats hurled against them and their families. Their jobs involve more risks than most county residents. Inmates are charged with crimes such as pedophilia, rape, murder, robbery, and assault. These employees are spit on, kicked, punched, and are exposed to disease, parasites and skin infections. With mental hospitals closing, the jails have seen a dramatic increase in mentally ill inmates who pose a greater challenge; however, the prison staff has stepped up to this challenge. The county stated that everyone would receive the same pay increase, but that did not happen. Mr. Carman stated other county employees received an estimated double increase. The Probation Department received the same arbitrator's award as his union, but the County felt an obligation to renegotiate the Probation contract. He asked why his union is not afforded the same courtesy.

Maria Foster, 2301 Peach Street, Erie, came before Council to speak about changes taking place at OCY. Mary Ann Daniels will be taking over Mr. Lucht's position. Since she recently became the head of Human Services in Mercer in November, Ms. Foster wonders if Ms. Daniels will be holding two positions. She stated that Council and Mr. DiVecchio lied because Mr. Barber is still the director of Health and Human Services which she finds to be a conflict of interest since 80% of their funding comes from the county. After being told she was to go home, her granddaughter has since discovered she will remain in foster care. Ms. Foster asked

when children will stop being manipulated. Putting someone else in charge of OCY will not make any difference until Council takes control and shuts that office down.

Kenneth Przepierski, 640 East 12th Street, Erie, asked who edits the minutes. He may speak for five minutes and sometimes three minutes, and only gets three sentences. Either Council does not want the people to know what he is saying or what he says means nothing. He believes it must mean something to edit out what he has to say. Mr. Przepierski stated that Mr. Lucht was a good guy who would take the time to listen if there were problems, and he was helpful. Mr. Przepierski also stated he feels it is ridiculous when a child is born that by the time the birth certificate reaches the court statistics office, OCY instructs the supervisor not to put the father's name on the certificate. He asked for an explanation.

Jack Vanchieri, 4131 West 32nd Street, Erie, has been involved in union negotiations on both sides. However, he has never been involved in negotiations handled so unprofessionally. Representatives from the county were on time once, were unprofessional during negotiations and left early if they didn't like what they heard. As chief steward of negotiations at the time, Mr. Vanchieri tried to be fair, but felt they were pushed aside and forced to go to arbitration. A ruling has been issued and they have to live with what was ordered in the ruling. He states this was a hand well played, but the person that played it, played it dirty.

Rosemary Burroughs, P.O. Box 67, Lake City, expressed concerns over the new head of OCY. She asked whether Mary Daniels can be tough, aggressive and keep OCY records from being altered as well as prevent lawyers from running the agency. She asked if it was possible to prevent an abused child from falling through the cracks. Her granddaughter, Brittany, painfully suffered 27 blows to her head, 212 bruises and cuts, a scarred lip, broken rib and other fractures. Another abused child must not suffer and die because of mistakes at the Office of Children and Youth.

Carol Clapp, Erie, requested the families she asked to be present tonight to stand. She then asked the new director of OCY to meet with these people along with a representative from the Department of Public Welfare and Mr. Wiley to review what has been going on the last two years. Changes were supposedly made, but Ms. Clapp knows three things: 1) they lie in court; 2) one hand has no idea what the other is doing; 3) the judges cover up what is going on. She provided handouts to members of Council which she stated shows the corruption that goes on in this agency. She expressed her hope that each member of Council will take the time to read the opinion by judge.

Renee Vendetti, Erie, stated that she can see by the agenda Council is spending more tax dollars. She also noticed that no minutes were being approved and stated Council is holding back. Three lawsuits are pending against Council and Ms. Vendetti stated it is time for Council to look at themselves, take action and do the right thing by the people. That's more taxpayer money being spent. Ms. Vendetti sent a letter in October for transcripts from the judges' review and has not heard anything. She would like a copy. People are not doing their jobs and Council doesn't care because they don't even do the job right. She suggested Council read the Home Rule Charter and Administrative Code and start following it.

Crystal Nelson, 852 East 25th Street, Erie, approached Council to speak about her son and defend his rights because when he goes to see his father, he is abused by his stepmother and his father. At Christmas, he was punched in the forehead, kicked in his privates, and dropped on his head. Ms. Nelson was never called or notified. The child's father never took the child to the doctor. She asked if OCY works with other states, and stated that they do not in her case. This matter is supposedly under investigation, and she asks if it will come back unfounded. She asked for Council's help and to think about kids who commit violence when violence is being committed against them. She asked where they have to turn when they are sent back into these situations, what is to be expected.

Finance
Committee

Mr. Mitchell reported the Finance Committee met January 10, 2008 at the pre-release center which is now open and running. Council toured the facility and Mr. Mitchell expressed his appreciation for that tour. The Committee agreed to place on the agenda a first reading of Ordinance 9, 2008 dealing with the library fund and also Ordinance 10, a companion ordinance. Also on the agenda is Ordinance 11, a donation for a field tent for Emergency Management; a transfer to the Public Health Fund, Ordinance 12 and Ordinance 13 which is a companion ordinance, First 2008 Public Health Fund Budget Supplemental Appropriation for Diabetes Documentary. The Committee also placed on the agenda several reappointments: Johnie Atkinson to the Erie County Board of Health, Paul Burroughs to the Erie County Board of Health, Kelly Goodsel to the Erie County Redevelopment Authority, Mark J. Gusek to the Erie County General Authority, Curtis Jones to the Erie County General Authority, and the appointment of David Bagnoni to the Children and Youth Advisory Board. Also on the agenda is the possible sale of parcels.

Personnel
Committee

Mr. Cleaver reported the Personnel Committee met on January 10, 2008 and agreed to place Ordinances 1 through 8 on the agenda for second readings. He explained these ordinances are basically salary readjustments. Also on the agenda for a first reading is Ordinance 14, 2008, a waiver of the Personnel Code for Director for the Office of Children and Youth, as well as a possible motion to approve the Arbitration Award between Erie County and PSSU Local 668, SEIU.

Drug Court
Graduation

Mr. Giles reported that on December 20, 2007, the Annual Drug Court graduation took place with 12 individuals having completed this very difficult procedure. Mr. Giles explained this is a two year process dealing with addiction as well as criminal justice issues. Anyone who has attended a graduation realizes that addiction is not something that is urban or only affects poor people; it is an issue that faces all kinds of people. Mr. Giles finds it rewarding to see these individuals graduate through the drug program, and go on to success with careers, jobs and families as they move forward.

Public Library

Mr. Giles also reported that the Erie County Library held a celebration and short conference on January 12, 2008 for the book that has been selected as a community read. He noted that the library is partnering with the Tom Ridge Environmental Center, Presque Isle Park and Asbury Woods as well. The title of the book is called *A Sand County Almanac* and is largely focused on environmental issues. It is nice to see this partnership move forward with this book as a focus knowing Presque Isle is right on the doorstep.

NWCCA

The North West County Commissioners Association held its final meeting with Mr. Giles as chairman. This meeting was held at the Precision Manufacturing Institute in Meadville and was well attended. As reported at previous meetings, Mr. Giles stated there are many new commissioners throughout the 16 county region and many met each other for the first time.

The focus of this meeting was the tour of PMI and understanding what this facility is all about, such as job training issues and their connection with local manufacturing needs to produce certificates and licensures. Mr. Knight, the head of the program, indicated to the association that GE locally, understanding that their workforce is moving along age wise, is planning to handle their apprentice training through PMI as GE moves forward. Mr. Giles noted this is an impressive program in terms of the kind of computer generated manufacturing equipment which is quite expensive. Partnering with the public sector to reduce those costs provides training at a very reasonable rate and also helps to provide jobs which range from a starting rate of \$15 to \$28 per hour. Mr. Giles further advised that PMI is looking for more people to train with a list of jobs available to individuals having those skills in manufacturing. He asked whether Mr. Mitchell wished to add any comments.

Mr. Mitchell's
Comments

Mr. Mitchell agreed with Mr. Giles stating he feels he saw the future of education. PMI is working in technologies that are almost like science fiction. A unique aspect of the situation is their partnership with companies to make available these \$400,000 machines to be used for training. This provides another benefit and brings that technology into this region so manufacturers can see it. Mr. Mitchell

Mr. Giles'
Comments

believes this is good for the machine companies and the manufacturers. He was very impressed with the research, development, and the manner in which people are being trained.

Mr. Giles further commented that he was told the world wants things faster and smaller; Mr. Giles noted he was very impressed because it was beyond belief how small these particular items were. He added he is very optimistic about the future. Mr. Giles will have literature available in the Council Office.

Mr. Giles also stated that Doug Hill was also present on behalf of CCAP and provided a quick review of state law regarding open records; sheriff legislation regarding what is expected as to sheriff's powers; tax reform in regard to any changes in the law that are expected in the next calendar year; revenue issues for counties; and the Place of Confinement which will affect Erie County prisoners. CCAP has been pushing the Place of Confinement legislation, and it is expected that House Bill 4, 5, 6 and 7 dealing with prisoner placement and length of placement may move forward in the next six months.

Salary Ordinance
County Clerk

Mr. Smith gave a second reading of Ordinance Number 1, 2008, "2007 and 2008 Appointed Official's Salary Ordinance – County Clerk." Mr. Mitchell moved to adopt, and Mr. Leone seconded.

Mr. Fatica moved to amend the ordinance to eliminate the salary impact as a result of the change in hours to from 35 to 37 1/2 hours. The salary would reflect only a 3% raise. Mr. Foust seconded the motion noting he will support this particular amendment. He explained he has the highest respect for the individuals holding the positions on tonight's agenda; however, he opposed increases in the number of hours for salary officials during the Schenker administration and will continue to oppose this issue in this administration, as well as any future administrations. He emphasized his position has nothing to do with the individuals who fill those jobs, but a salaried official works as many hours as the job requires; they are not hourly employees. If Council voted to cut the hours, these people would not accept a lower pay. Mr. Foust stated that if this amendment does fail, he understands there will be no amendments made to the next seven ordinances, but he will vote against them.

Mr. Fatica stated that although he is the freshman on Council, he understands the enormous amount of work these individuals handle; however, he supports the analogies made by Mr. Foust. These are salaried people and adding hours does not constitute a salary increase.

Mr. Mitchell referred to a statistic given to him by Mr. DiVecchio earlier. Mr. Mitchell stated that the number two job in Erie County is the Director of Administration, which is probably the most difficult of all jobs. With all due respect to Mr. DiVecchio, who also has stress in his position, the Director of Administration oversees all county departments. Mr. Mitchell explained everything comes through that office and everything stops at the County Executive's desk, so there must be a strong partnership. This is a difficult job, and he is the 62nd highest paid official in Erie County. He noted that Mr. DiVecchio forgot to point out that, as County Executive, he is probably in the 50's. This county is a \$315 million business, and no one comes close to that budget, excepting perhaps General Electric. In private industry, a \$315 million corporation demands six figure salaries for people in these types of positions. In Mr. Mitchell's opinion, it is very difficult to retain people of the caliber needed for these jobs. These people need to be competent and educated because they deal with bond issues in the millions, and in some cases people's lives are impacted. Mr. Mitchell feels it is important that the public understand this County is competing in that market with corporations such as GE and Erie Insurance for people to fill these positions. Over the years, Mr. Mitchell believes this County has done remarkably well in getting very competent individuals to fill these positions.

Mr. Giles wished to frame the issue slightly differently, and noted that periodically Council winds up with this discussion about salaries. He referred to a photo on the wall of Irving Olds

Murphy, a republican member of Council and one of the founding members of the Home Rule Charter who would remind his colleagues that salaries are not set for the person in the job, but for what the position is worth. Mr. Giles believes this is a different way of viewing the situation. He referred to the question brought up by Mr. Fatica, the issue of how to get to that salary. The salaries before Council were set two years ago, and when the raise is determined, it will be more dramatic because there has been two years with no raise which makes a difference. Mr. Giles pointed out that in the contractual agreements that have been approved and ratified by Council, there was an increase across the board for hours. He agreed with the argument that an individual who is the head of an organization is not really on the clock if they are doing their job. According to Mr. Giles, the issue is how to keep parity and how to keep pay at least at the same level. Essentially, some employees are getting an increase based on a formula, and then there are certain people heading up these departments working at a unit cost less than others. The only way to be fair is to apply the same formula and be consistent.

Mr. Giles continued that as Mr. Mitchell pointed out, it is important to have people manage the different bureaus and agencies and do it well. Mr. Giles believes the salary levels are important, and once there is an agreed upon formula for setting a salary, being consistent and treating everyone fairly is essential. It was mentioned in caucus, that perhaps something should have been done at least for appointed officials in 2007 to deal with this issue. However, it wasn't done, and now it has been two years without a salary increase. Mr. Giles noted these individuals head up some of the most important departments in county government.

Mr. Giles then called for a vote on the amendment; Mr. Maloney suggested noting the dollar amount of the amendment, and Mr. Giles recommended waiting until after the vote. The amendment on Ordinance 1, 2008 failed in a roll call vote of 2-5, Mr. Fatica and Mr. Foust voting yes.

Salary Ordinance
County Clerk

Mr. Giles then called for a vote on Ordinance Number 1, 2008, and it carried in a roll call vote of 4-3, Mr. Fatica, Mr. Foust and Mr. Cleaver voting no.

Salary Ordinance
Dir. of Adm.

Mr. Smith then gave a second reading of Ordinance Number 2, 2008, "2007 and 2008 Appointed Official's Salary Ordinance – Director of Administration." Mr. Mitchell moved to adopt, and Mr. Leone seconded. Mr. Fatica inquired about the amendment, and Mr. Giles indicated the amendment failed for all ordinances.

Mr. Giles then called for a vote on Ordinance Number 2, 2008, and it carried in a roll call vote of 4-3, Mr. Foust, Mr. Fatica and Mr. Cleaver voting no.

Salary Ordinance
Dir. of Finance

Mr. Smith gave a second reading of Ordinance Number 3, 2008, "2008 Appointed Official's Salary Ordinance – Director of Finance." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 4-3, Mr. Cleaver, Mr. Fatica and Mr. Foust voting no.

Salary Ordinance
Director of Personnel

Mr. Smith gave a second reading of Ordinance Number 4, 2008, "2007 and 2008 Appointed Official's Salary Ordinance – Director of Personnel." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 4-3, Mr. Cleaver, Mr. Fatica and Mr. Foust voting no.

Salary Ordinance
Public Defender

Mr. Smith gave a second reading of Ordinance Number 5, 2008, "2007 and 2008 Appointed Official's Salary Ordinance – Public Defender." Mr. Leone moved to adopt; Mr. Mitchell seconded, and it carried in a roll call vote of 4-3, Mr. Cleaver, Mr. Fatica and Mr. Foust voting no.

Salaries Ordinance
Asst. PD's

Mr. Smith gave a second reading of Ordinance Number 6, 2008, "2007 and 2008 Appointed Officials' Salaries Ordinance – Assistant Public Defenders." Mr. Leone moved to adopt; Mr. Mitchell seconded.

Mr. Giles explained that one of the discussions that occurred in caucus was to conduct a review of this issue from a broad point of view and find out how other third class counties are handling this issue. The County Commissioners Association of Pennsylvania publishes an annual review of almost every imaginable category of salaries, especially those positions that are consistent such as warden or public defender. Mr. Giles requested that the County Clerk summarize in writing this information within the next few weeks. Mr. Giles expects that there will be surprises that the salaries approved this evening are likely to be even lower than other counties.

Mr. Giles then called for a roll call vote on Ordinance Number 6, 2008, and it carried in a roll call vote of 4-3, Mr. Cleaver, Mr. Fatica and Mr. Foust voting no.

Fee Ordinance
County Solicitor

Mr. Smith gave a second reading of Ordinance Number 7, 2008, "2007 and 2008 Appointed Official's Fee Ordinance – County Solicitor." Mr. Foust moved to adopt; Mr. Leone seconded. Mr. Foust stated that this particular increase is entirely different than the others as it has nothing to do with hours. He expressed his confidence in and respect for Mr. Knox, the County Solicitor.

Mr. Cleaver also stated that the next two ordinances, for Council Solicitor and the County Solicitor, are not based on an increase in hours, and he will cast a yes vote. Mr. Fatica expressed his agreement.

Mr. Giles asked Ms. Pasquale about the calculation used to arrive at the salary for these two positions. Ms. Pasquale replied that this is a straight 3% increase, no change in hours.

Fee Ordinance
County Solicitor

As chair of the Gaming Committee, Mr. Giles wished to publicly express his gratitude for the amount of time that Mr. Knox, as County Solicitor, spent with the committee. As Mr. Giles indicated previously, the committee met weekly for an average of three hours and Mr. Knox was certainly an important and integral part of that process. Mr. Giles is very confident that as this litigation moves forward, the County is very well represented. He again thanked Mr. Knox for going above and beyond the hour commitment.

Mr. Giles then called for a vote on Ordinance Number 7, 2008, and it carried in a unanimous roll call vote.

County Council
Solicitor Retainer

Mr. Smith gave a second reading of Ordinance Number 8, 2008, "2007 & 2008 County Council Solicitor's Retainer." Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

First
Readings

Mr. Smith gave a first reading of the following ordinances:

Ordinance Number 9, 2008, "First 2008 Library Fund Budget Supplemental Appropriation for Additional State Aid Grant Revenue"

Ordinance Number 10, 2008, "2008 General Fund Budget Revised Expenditures Due to Increased Library Fund State Aid"

Ordinance Number 11, 2008, "First 2008 Emergency Management Fund Budget Supplemental Appropriation for Donation of Field Tent by Haibach Trucking and Creation of a New Line Item"

Ordinance Number, 12, 2008, "First 2008 General Fund Budget Supplemental Appropriation for Transfer to Public Health Fund"

Ordinance Number 13, 2008, "First 2008 Public Health Fund Budget Supplemental Appropriation for Diabetes Documentary"

Ordinance Number 14, 2008, "2008 General Fund Waiver of Section 9C 1 of the Personnel Code for the Position of Director for the Office of Children & Youth"

Sale of
Parcels

Mr. Leone moved to approve the Sale of Parcels from Repository at Index Nos.
16-030-043.0-218.00
18-050-020.0-206.00
45-031-047.3-001.44

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

Arbitration Award
Between Erie Cnty
& PSSU Local
668, SEIU aprvd

Mr. Giles noted the next item on the agenda involved the approval of the contract involving the Arbitration Award between the County of Erie and PSSU Local 668, SEIU. He asked Ms. Pasquale for details involving this contract. Ms. Pasquale replied that this particular contract calls for a 3% raise in 2007 and 2008, a 3.25% raise in 2009, and 3.5% in 2010 plus longevity, a quarter percent per year. Mr. Giles noted this contract was somewhat different in that it includes the longevity issue which is something that the County has historically resisted; however, longevity is in the package.

Mr. Giles then called for a vote on the contract, and it carried in a roll call vote of 4-3, Mr. Mitchell, Mr. Cleaver and Mr. Leone voting no.

Johnie Atkinson
Reappt'd to Board
of Health

Mr. Leone moved to approve the reappointment of Johnie Atkinson to the Erie County Board of Health. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Paul Burroughs
Reappt'd to Board
of Health

Mr. Cleaver moved to approve the reappointment of Paul Burroughs to the Erie County Board of Health. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Kelly Goodsell
Reappt'd to Redev.
Auth.

Mr. Mitchell moved to approve the reappointment of Kelly Goodsell to the Erie County Redevelopment Authority. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mark J. Gusek
Reappt'd to
Gen. Authority

Mr. Leone moved to approve the reappointment of Mark J. Gusek to the Erie County General Authority. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Curtis Jones
Reapp'd to
Gen. Authority

Mr. Cleaver moved to approve the reappointment of Curtis Jones to the Erie County General Authority, and Mr. Foust seconded. Mr. Leone inquired as to whether Mr. Jones is the City Councilman. Mr. Giles replied that he is the City Councilman and has been on this board for four years. Mr. Foust noted that Mr. Jones was on this board before becoming a city councilman. Mr. Giles called for a vote on the reappointment and it carried in a unanimous roll call vote.

David Bagnoni
Appt'd to C&Y
Advisory Brd

Mr. Leone moved for the appointment of David Bagnoni to the Children and Youth Advisory Board. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting was adjourned at 8:12 p.m.

Ann M. Bruno, Council Secretary
