

May 31, 2016

ERIE COUNTY COUNCIL – Regular Meeting

Chairman Horton, 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, Erie, Pennsylvania. Following the Pledge of Allegiance, Mrs. Loll read the following prayer/invocation:

“Let us pray. God, we recently had a day of remembrance of our veterans who fought for us, our freedom, and the symbol of our great country. The flag is placed at the graves of these honored men and women to remind us of the symbol they fought to defend. We ask you to bless the graves of the fallen and the flag they protected. The flag has walked in silence with each of our honored dead, to their final resting place. It has flown through peace and war, strife and prosperity, and amidst it all, it has been respected. We honor it, respect it, and defend it with our lives. We ask Lord that our enemies will never tear it down from its lofty position, lest it never will return. We fix our eyes on its beauty to see. We see her battered body endure death and shame. We question with truth and communication, believe in God and freedom. God bless our veterans. Let us honor them by taking care of what they fought so hard to protect – our freedom, our democracy, our way of life, our flag. Amen.”.

Roll Call

The County Clerk called the roll:

Members Present: Mr. Breneman
Mr. DiMattio
Mrs. Fatica
Dr. Foust
Mr. Leone
Mrs. Loll
Mr. Horton

Members Absent: None.

Also Present: Douglas R. Smith, County Clerk
Sue Ellen Pasquale, Manager of Accounting
Joseph Maloney, CPA
James Sparber, Director of Finance

**Presentation of Citation
To Kayla Bond**

Councilwoman Fatica presented a citation on behalf of Kayla Bond, McDowell High School student who recently earned the highest honor of Girls Scouts, the Gold Award.

**Hearing of
The Public**

Randy Barnes, Harborcreek Township; Mr. Barnes discussed Directors and Officers liability insurance. He stated that it should be something that someone in the courthouse knows about. He commented that he sent in a Right to Know Request asking whether the GEIDC had D&O insurance, and no one in the courthouse knew the answer. County Council approved a \$3 million loan to GEIDC several years ago and one voted no – Mr. Leone. He stated that liability insurance is pretty common among non-profits and in doing an informal survey of local non-profits, he found that they all had D&O insurance. The Board of Directors are liable for the decisions that are made. He felt that the former CEO of GEIDC had the approval of the directors to spend the money. GEIDC paid over \$2 million on property in Harborcreek that was valued at \$700,000. He stated that part of those funds came from a local bank and he noted that one of the vice presidents of that bank was on the Board of GEIDC. He expressed concerns as to whether GEIDC had D&O insurance. He further commented that nearly \$600,000 was listed as a miscellaneous expense with the GEIDC.

Julie Minich, 1027 West 37th Street, Erie, PA; co-founder of All Aboard Erie and assistant executive director to the transportation advocacy group; she explained a story about the sun and the wind which paralleled the struggles around the EMTA Charter, the City and the County. She asked that Council present themselves in a friendly manner, calm and gentle when they approach the City.

**Approval of
Minutes**

Mr. Leone made a motion to approve the minutes from the May 17, 2016 regular meeting. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

**Reports of
County Officials**

Dr. Foust stated that the Finance Committee met on May 26, 2016, and agreed to place Ordinances 37-44 with possible second readings on 38-44, Resolutions 23-26, one board appointment, and possible sale of parcels from the repository, to the agenda. Dr. Foust further stated that Kathy Wyrosdick of the Planning Department gave an overview of the Greenways Plan and what the County may do in regards to this plan.

Mr. Breneman stated that the Personnel Committee met immediately following the Finance Committee meeting and agreed to place Ordinance 35 on the agenda for its second reading. There was also a discussion with the Director of Personnel regarding the unfilled Director of Veterans Affairs position.

Mrs. Loll read the following report:

“On the 19th of this month, I attended an informal meeting in Lake City sponsored by the Council, with small businesses of the area. I found out that there are businesses in the area that cannot get enough employees to run the business at the capacity needed. They view the problem as a ‘want to work’ problem. The residents are getting too much in subsidies from the government that they don’t need to go to work.

We also discussed the Summer JAMS Program. Many of the businesses are interested in this program and wanted to know more. I contacted Kevin Arrington, the Director of Programs, and gave him the contacts of those businesses and more possible contacts in my district.

On Friday the 20th, I came to the courthouse to speak with the County Executive about economic development for all of Erie County and the future make-up of the authorities available to the residents and businesses.

On the 30th, Memorial Day, I was asked to be in the Legion parade for Fairview in the morning, and Girard in the afternoon. I also was asked to speak at the services in the cemetery. I have done this for several years now and I am always honored to do it.”.

OLD BUSINESS

**Ord. 35, 2016 –
GF Rev. Exp.
In Prothonotary
Office**

Mr. Smith gave a second reading of Ordinance Number 35, 2016, “2016 General Fund Budget Revised Expenditures in the Prothonotary Office”. This was moved by Mr. Breneman and seconded by Mr. Leone.

Mr. DiMattio commented that at the last meeting he brought forth a resolution regarding the pay plan investigation that the County is doing with Felice & Associates that should be back at the end of June. This ordinance is one of the reasons that the resolution was brought in – to hold all raises and upgrades moving forward. He commented that this is a different situation, but in the interest of consistency, he will not support this ordinance.

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Ordinance Number 35, 2016, then carried in a 6-1 roll call vote, with Mr. DiMattio voting no.

NEW BUSINESS

**Ord. 37, 2016 – GF
Waiver of Purch. Code
To Sell Property**

Mr. Smith gave a first reading of Ordinance Number 37, 2016, “2016 General Fund Budget Waiver of the Purchasing Code to Sell Property ID #14-010-045.0-409.00 and #14-010-045.0-408.00”.

**Motion to Amend
Agenda**

Dr. Foust made a motion to amend the agenda to move Ordinances 38 through 44 to second readings. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

**Ord. 38, 2016 – GF
SA for AOPC Grant**

Mr. Smith gave a second reading of Ordinance Number 38, 2016, “Sixteenth 2016 General Fund Budget Supplemental Appropriation of \$12,291 and Creation of Line Item for AOPC Grant”. This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 39, 2016 – GF SA
For PS Grant**

Mr. Smith gave a second reading of Ordinance Number 39, 2016, “Seventeenth 2016 General Fund Budget Supplemental Appropriation of \$11,000 in Grant Funds and New Line Items for Purchase of Exercise Equipment for Public Safety Department”. This was moved by Mr. Breneman, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Ord. 40, 2016 – GF SA
For Vehicle Lease
Donation in
Detective Bureau**

Mr. Smith gave a second reading of Ordinance Number 40, 2016, “Eighteenth 2016 General Fund Budget Supplemental Appropriation of \$7,171 and New Line Items for Vehicle Lease Donated by Bradford Chrysler Dodge Jeep Ram”. This was moved by Mr. Leone, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 41, 2016 – PH SA
For Health Promotion &
Quality Imp. Bureau**

Mr. Smith gave a second reading of Ordinance Number 41, 2016, “Second 2016 Public Health Fund Budget Supplemental Appropriation of \$750 and Creation of *Service Fees* Line Item for Health Promotion & Quality Improvement Bureau”. This was moved by Mr. Breneman, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 42, 2016 – Planning
Fund Revised Rev. &
Exp.**

Mr. Smith gave a second reading of Ordinance Number 42, 2016, “2016 Planning Fund Budget Revised Revenue & Expenditures of \$4,436 and Creation of Line Item for Act 137 Grant to HRC”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 43, 2016 – GF
SA & Tx to HRC
For Act 137 Funds**

Mr. Smith gave a second reading of Ordinance Number 43, 2016, “Nineteenth 2016 General Fund Budget Supplemental Appropriation and Transfer of \$4,426 to Erie County Human Relations Commission for Act 137 Testing”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

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**Ord. 44, 2016 – To
Amend EMTA Charter
Or Signify County’s
Intent to Withdraw**

Mr. Smith gave a second reading, in its entirety, of **Ordinance Number 44, 2016, “To Amend the EMTA Charter or to Signify Erie County’s Intent to Withdraw: WHEREAS**, the County of Erie desires to transform the EMTA into an autonomous regional authority, to expand services within and beyond the city limits, and to invest in assets designed to facilitate the needs of a rapidly growing ridership; and

WHEREAS, the County of Erie, as one of two municipalities who established the EMTA on September 14, 1966, has contributed significantly more to the EMTA than the City of Erie for the past twenty five (25) years while, at the same time the City of Erie has controlled the EMTA and confined its purposes to the city limits; and

WHEREAS, the County of Erie desires to fund the entire local match of the EMTA, effective January 1, 2017, and to relieve other municipalities, including the City of Erie, of their existing contributions to fund the local match of the EMTA; and

WHEREAS, the County of Erie desires to structure the Board of the EMTA to reflect representation across the county on a district wide basis; and

WHEREAS, the County of Erie desires to establish a riders advisory council to review, criticize and recommend transportation policy and procedure to the EMTA Board; and

WHEREAS, the County of Erie intends to dedicate its resources to provide quality, responsive transit services throughout the County, to stimulate ridership and promote the development of future transportation projects ; and

WHEREAS, the County of Erie intends to ensure a seamless transition of services, transfer of assets, assignment of contracts and assumption of liabilities, to maintain high employee morale and to instill public confidence in the EMTA.

NOW THEREFORE BE IT ENACTED by the County Council of the County of Erie that the terms of the proposed transformation of the EMTA as outlined on the attached Exhibit "A" represents County Council's desire to improve public transportation for all of the citizens throughout the County of Erie.

BE IT FURTHER ENACTED if the County of Erie, the EMTA and the City of Erie cannot reach an agreement by June 30, 2016, then the County of Erie will signify its desire to withdraw as a founding municipality of the EMTA, assuring thereby the extension of the EMTA Charter for the next fifty (50) years under the auspices of the City of Erie.

This ordinance shall be effective immediately upon adoption.”.

This ordinance was moved by Dr. Foust and seconded by Mr. Breneman.

Mrs. Loll reading the following comment:

“As some may know, I am not comfortable with the ‘Be it Further Enacted’ at the end of this ordinance. But, as we have attempted to meet and work with the City of Erie Council several times and they have not responded with a willingness to work or even talk to us as a group to come to some kind of agreement about the Erie Metropolitan Transit Authority, they have brought the situation to this point. I know we must have an ‘or else’ or ‘what if’, and this ordinance addresses that. I know that the City taxpayers are being double taxed on this matter because the City puts money toward the bus transportation and we do also. We have offered to pay the City’s share for a small concession of the makeup of the Board for the Authority and a shorter period for the Charter. What bothers me about this is that if City Council decides to take full responsibility for the Transit Authority that they will so realize that they are going bankrupt and the Transit Authority will go into receivership. Then and only then will they clear their minds and realize the financial hardship they have put themselves in. At that time, the County of Erie will be there to pick up the remnants of the Transit Authority. We must be ready. It is sad that it has gotten this far.”.

Mr. DiMattio commented that he will keep trying to come to some amicable decision with the City regarding the Charter. As everyone knows, Council cannot negotiate with themselves. There has to be a willing participant in the City. If the City would come forward and make some type of

proposal, then Council would have something to discuss. He feels this is a very grave situation but the clock begins ticking now and the City has until June 30th to come up with an answer as to how this is going to be resolved and how this is going to play out. Council has extended the olive branch so often and has tried everything to do this. This will continue until June 30th but there has to be a participant with Council in the negotiation.

Mrs. Fatica commented that it is tax dollars funding EMTA and there is not a proportionate amount of representation. In very simple terms, County Council is just asking for the taxation WITH representation.

Mr. Breneman commented that he is a city resident, he works in the city, and pays city taxes. He spends nearly all of his time within the city boundaries and represents one-third of the city. From the outset of this discussion, Mr. Breneman had higher expectations that his representatives in City government would participate in this discussion. They have shown themselves that they have absolutely no interest to do anything above the status quo. The two things they have discussed is contracts and \$6,000 in CDBG funds, even in regards to their Comp Plan that is supposed to steer the future of the city. He expressed his worry that here is an opportune time, when everyone in City government including the mayor has said that the City has too much of a burden for the region, where they are being provided that opportunity and simply blowing it off. Mr. Breneman is disappointed and upset but no matter how much they want to hang on to the status quo and the expense that is burdening the citizen because of the lack of revenue streams. This is a detriment to the school districts and the taxpayers. Tax funds being raised locally are being used to pay for a regional service. If the elected officials of City government want to sit on their hands and maintain this downward path of barely a managed decline, then so be it, but he is not going to stand and be a party to it and enable that behavior. In his mind, the right path forward is to regionalize the funding for this so the double taxation ends, the unfair representation, so that truly regional services are provided. When it comes to representation on the Board, it's interesting that City elected officials are concerned there won't be fair representation but most of their own appointments now aren't even from the city. Until they say that City officials should be elected on a ward by ward basis, it doesn't concern them that they have direct representation. In Mr. Breneman's mind, Council is doing this in favor to the City and it is something that Council needs to continue going forward with and if the City doesn't want to look toward the future and do their job and they want to really hold on to some board appointments, then so be it.

Chairman Horton stated he is a staunch believer that no matter what the situation is, it can only improve with communication. Unfortunately, there hasn't been much communication from the counterparts across the park. He apologized to Ms. Minich and all other riders who use the LIFT and EMTA. He commented that he feels that the Mayor has introduced an element of fear to the ridership. He stated that 60% of his district doesn't have a driver's license, no market on the east or west bluff, and they expect people to buy vegetables from Family Dollar or the gas station, which is like buying lobster from a gas station. There are a lot of needs in this community and in County government, 73% of the budget was allocated for Human Services. He stated that the County has nothing but the heart of the people in mind. He stated that the County has been mischaracterized, lied about, and the County has no desire or interest in changing or participating in which route EMTA uses or doesn't use. The County has no interest in whether the routes run up State Street or Peach Street. The County simply wanted to fund the project because the County is more able to shoulder that responsibility. He also commented that this was an Emerge 2040/Destination Erie item as well. He extended an invitation to Ms. Minich and all riders to attend an open forum in the 2nd Legislative District which will explain what has gone on since December, 2014. He also stated that if All Aboard Erie wanted to help coordinate something similar in the community, he would be happy to work with her to do that. He expressed his sadness that as elected officials, they weren't able to come to some sort of amicable resolution for the good of all citizens. The County will continue to work and pick up the pieces of whatever is left after. The City actions show that they want it and as Chairman of Council, Mr. Horton refuses to watch his colleagues die a death of a thousand cuts because of the media articles characterizing Council as bullies or hostile takeover and that is not the case at all. The one thing he also refuses to do is spend taxpayer dollars on an extended battle in Court.

May 31, 2016 Ordinance Number 44, 2016, then passed in a unanimous roll call vote.

**Res. 23, 2016 –
ECGA Tax Exempt
Note – YMCA**

Mr. Smith gave a reading of Resolution Number 23, 2016, “Erie County General Authority not to Exceed \$6,500,000 Tax-Exempt Note (Young Men’s Christian Association of Greater Erie, a/k/a Young Men’s Christian Association of Erie, Pennsylvania Project)”. This was moved by Dr. Foust and seconded by Mr. Leone.

Dr. Foust moved to amend the amount to \$1,900,000. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Resolution Number 23, 2016 then carried in a unanimous roll call vote.

**Res. 24, 2016 – ECCSFA
Presbyterian Homes
Project**

Mr. Smith gave a reading of Resolution Number 24, 2016, “Erie County Community Services Financing Authority Presbyterian Homes in the Presbytery of Lake Erie – Project Additions”. This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Res. 25, 2016 – Exon.
Penalties & Interest
on Western PA
Port Authority Property**

Mr. Smith gave a reading of Resolution Number 25, 2016, “Exonerating Penalties and Interest on Five (5) Properties Owned by Erie Western Pennsylvania Port Authority”. This was moved by Mr. Breneman and seconded by Mr. DiMattio.

Mr. Leone commented that he would be voting no on this resolution because he felt it would set a precedent.

Resolution Number 25, 2016, failed in a 2-5 vote, with Mrs. Loll, Mr. Breneman, Mr. Leone, Dr. Foust, and Chairman Horton voting no.

**Res. 26, 2016 – Exon.
Taxes in Union City &
UCASD**

Mr. Smith gave a reading of Resolution Number 26, 2016, “Exonerating Delinquent Taxes on One Abandoned Trailer/Property #41-004-0061-008.67 in the Borough of Union City and the Union City Area School District”. This was moved by Mr. DiMattio, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**BOARD/AUTHORITY
APPOINTMENT**

Mr. Leone made a motion to table, indefinitely, the appointment of Ms. Kathy Wyrosdick to the Erie County Redevelopment Authority. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

SALE OF PARCELS

Dr. Foust moved to approve the sale of parcels from repository for unsold property at Index Number #15-021-028.0-229.00. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

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

Deneé M. Breter, Council Secretary
