

May 20, 2008 Minutes of April 29, 2008 & May 6, 2008 approved. Agenda amended. Release of Restricted Proth. Aut. Fees adopted; Gen. Fund Release of Rest. Grant in Ec. Dev. for NW Commission adopted; Elimination of Transfer of Supervision Fees in Ad. Prob. adopted; Mental Illness Div. Grant form NACo adopted; Elimination of Job Share in Crt Adm. Adopted; C&Y Fund Budget Rev. Exp. For Change of Part-time Clk to Full-time Clk adopted. First readings: Library Fund SA for Donations from Friends of Library; Library Fund SA for Security Gate at Millcreek Mall Branch; Rel. of Rest. Grant in Ec. Dev. for SCORE Counselors; Gen. Fund Rel. of Rest. Funds in Reass. For Pictometry; PH SA for Public Health Prep. Grant; PH SA for Reduction in Immun. Grant Funding; Gen. Fund SA for transfer to PH Fund for Red. In Immun. Grant; Gaming Fund SA for Trans. To Gen. Fund for Airport Legal Fees; Reduction in Trans. To Planning Fund; Auth. Inc. of Nonelectoral Debt; Gen. Fund SA for Downgrade of Clerical Pos.; Vacated Part-time Asst. PD Position; Gen. Fund SA for change in Salary of Part-time PD; C&Y SA for Creation of Adm. Asst Position in Adoption Svcs. Decl. Erie County Council intent to Eliminate Funding to the Sixth Jud. Dist. Crt of Common Pleas adopted; Bond Issue Reimbursement Resolution adopted; Exonerating Taxes Albion Borough, Lake City Borough, Millcreek Township adopted. In Sprt of Judicial Sales Agrmnt. Tabled; Michelee Curtze apptd. to Regional Asset Funding Comm.; Sale of Parcels from Repository approved; Appt. of Auditors to Perform Audit for ECCM adopted.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles called to order a Regular Meeting of the 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. 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

Mary Ann McDanniels-Kulesa, 5200 Henderson Road, attended the Erie Metropolitan Transit Authority Public Hearing. In her opinion, this was not a hearing and she expressed her concern that there was no information or disclosure before the hearing. This is not how she understands the federal and state statutes or the Sunshine Law to work. She believes full disclosure must be given and that did not happen. There are many elderly residents in her area that use EMTA and there will be changes to that particular route. Ms. McDanniels-Kulesa advised that no EMTA board member attended this hearing, just a disenfranchised retired employee attempting to conduct the hearing. She is concerned that \$350,000 of taxpayer money is being spent to subsidize casino gambling. At this time when

gasoline is almost \$4 a gallon, more people may try the bus system. She suggested to EMTA that they have a golden opportunity to have the best transit system and the lines need to be extended.

Minutes

Mr. Leone moved to approve the minutes of April 29 and May 6, 2008; Mr. Cleaver seconded. Mr. Fatica moved to amend the minutes of May 6th on page 3 to reflect the amount for Ordinance Number 63, 2008 to read \$362,717. Mr. Leone seconded; and it carried in a unanimous roll call vote. Mr. Giles then called for a vote on the minutes, as amended, and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Mitchell reported the Finance Committee met on May 15, 2008 and agreed to put on the agenda for second readings: Ordinance 74, the release of restricted Prothonotary automation fees; Ordinance 75, a restricted grant in Economic Development for Northwest Commission; Ordinance 76, which is the elimination of transfer of supervision fees in Adult Probation; Ordinance 77, a supplemental appropriation for mental illness prison diversion grant in NACo and creation of new line item. Also on the agenda under New Business are first readings of Ordinance 80, Library Fund budget supplemental appropriation for district services grant; Ordinance 81, a supplemental appropriation for donations from Friends of the Library; Ordinance 82, supplemental appropriation for security at Millcreek Mall library branch and creation of a new line item; Ordinance 83, which is a release of restricted grant in Economic Development for SCORE Counselors in America's Small Business; Ordinance 84, release of restricted account funds for Reassessment for pictometry and creation of new line item; Ordinance 85, a Public Health Fund supplemental appropriation for Public Health Preparedness grant; Ordinance 86, a Public Health Fund budget supplemental appropriation for reduction in immunization grant funding; Ordinance 87, a supplemental appropriation for transfer to the Public Health Fund for reduction in immunization grant; Ordinance 88, a supplemental appropriation for transfer to the General Fund for Airport Legal Fees related to Airport MOU and ICA; Ordinance 89, a supplemental appropriation for transfer from Gaming Fund for Airport legal fees; Ordinance 90, a supplemental appropriation for reduction in transfer to the Planning Fund; Ordinance 91, which deals with bonds for the airport; Resolution 39, "Declaring County Council of the County of Erie's Intention to Eliminate Funding to the Sixth Judicial District of the Court of Common Pleas of Erie, Pennsylvania Within the Next Four Year Period and Urging the Pennsylvania General Assembly to Carry Out Its Constitutionally Mandated and Court Ordered Responsibility to Fund the Sixth Judicial District of the Court of Common Pleas of Erie, Pennsylvania, as Mandated by the Supreme Court of Pennsylvania"; Resolution 40, a bond issue reimbursement resolution of the County of Erie; Resolution 41, exonerating taxes on one abandoned trailer in Albion Borough and Northwest School District; Resolution 42, exonerating taxes on 13 trailers in the Girard School District; Resolution 43, exonerating taxes on 30 trailers in Millcreek; Resolution 44, In Support of the Judicial Sales Agreement between Millcreek Township and the School District of the City of Erie; and the possible appointment of Michele Curtze to the Regional Asset Funding Committee, as well as the sale of some parcels. There are also some additions to be dealt with.

Personnel
Committee

Mr. Cleaver reported the Personnel Committee met on Thursday, May 15, 2008, and agreed to place on the agenda two ordinances for second readings, Ordinances 78 and 79. The Committee also agreed to place four ordinances on the agenda for first readings, Ordinances 92 through 95.

Agenda
Amended

Mr. Leone moved to amend the agenda to include, under Item Y, Resolution Number 45, 2008, "Appointment of Auditors to Perform a Yellow Book Financial Audit and a Single Audit for Erie County Care Management, Inc. for the Fiscal Year July 1, 2006 to June 30, 2007." Mrs. Loll seconded the motion to amend, and it carried in a unanimous roll call vote.

Restricted
Proth. Auto.
Fees Adopted

Mr. Smith gave a second reading of Ordinance Number 74, 2008, "2008 General Fund Budget Release of Restricted Prothonotary Automation Fees." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Rel. of Rest.
Grant in Econ.
Dev. NW Comm.

Mr. Smith gave a second reading of Ordinance Number 75, 2008, "2008 General Fund Budget Release of Restricted Grant in Economic Development for Northwest Commission." Mr. Cleaver moved to adopt; Mrs. Loll seconded.

Mr. Foust moved to amend the figure on the face sheet of the ordinance and the exhibit to read \$21,800. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Giles called for a vote on Ordinance Number 75, 2008, as amended, and it carried in a unanimous roll call vote.

Elimin. Of
Spv. Fees in
Adult Prob.

Mr. Smith gave a second reading of Ordinance Number 76, 2008, "Thirty-First 2008 General Fund Budget Supplemental Appropriation for Elimination of Transfer of Supervision Fees in Adult Probation." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA
For Mental Ill.
Prison Dvrsn.
NACo Grant

Mr. Smith gave a second reading of Ordinance Number 77, 2008, "Thirty-Second General Fund Budget Supplemental Appropriation for Mental Illness Prison Diversion Grant from NACo and the Creation of a New Line Item." Mr. Leone moved to adopt; Mr. Fatica seconded.

Mr. Giles wished to reiterate that under this grant, there has been a team of people, including the administration, the correction side, and treatment side, that have been working on this issue for mentally ill offenders for almost a year. This is one of the first grants to emanate from that, and recently, through the Civic Institute and George Fickenworth, work is being done to create another grant opportunity under the Department of Justice in regard to this same issue of mentally ill offenders.

Mr. Giles called for a vote on Ordinance Number 77, 2008, and it carried in a unanimous roll call vote.

Elim. Job Share
in Ct. Adm.

Mr. Smith gave a second reading of Ordinance Number 78, 2008, "Thirty-Third 2008 General Fund Budget Supplemental Appropriation for Elimination of Job Share in Court Administration." Mr. Cleaver moved to adopt; Mrs. Loll seconded.

Mr. Giles stated that it was his understanding that this is a combination of two part-time positions into one full-time position. There is no implied increase going forward and there will be no need for another full-time position later. He then called for a vote on the ordinance, and it carried in a unanimous roll call vote.

Change of Pt-time
to Full-time
Clk/Typist

Mr. Smith gave a second reading of Ordinance Number 79, 2008, "2008 Children & Youth Services Fund Budget Revised Expenditures for Change of Part-Time Clerk/Typist to Full-Time Clerk/Typist at ELT Center." Mr. Cleaver moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 80, 2008, "Second 2008 Library Fund Budget Supplemental Appropriation for District Services Grant"

Ordinance Number 81, 2008, "Third 2008 Library Fund Budget Supplemental Appropriation for Donations from Friends of the Library"

Ordinance Number 82, 2008, “Fourth 2008 Library Fund Budget Supplemental Appropriation for Security Gate at Millcreek Mall Library Branch and the Creation of a New Line Item”

Ordinance Number 83, 2008, “2008 General Fund Budget Release of Restricted Grant in Economic Development for SCORE Counselors to America’s Small Business”

Ordinance Number 84, 2008, “2008 General Fund Budget Release of Restricted Account Funds in Reassessment for Pictometry and the Creation of a New Line Item”

Ordinance Number 85, 2008, “Third 2008 Public Health Fund Budget Supplemental Appropriation for Public Health Preparedness Grant Funding”

Ordinance Number 86, 2008, “Fourth 2008 Public Health Fund Budget Supplemental Appropriation for Reduction in Immunization Grant Funding”

Ordinance Number 87, 2008, “Thirty-Fourth 2008 General Fund Budget Supplemental Appropriation for Transfer to the Public Health Fund for Reduction in Immunization Grant”

Ordinance Number 88, 2008, “Third 2008 Gaming Fund Budget Supplemental Appropriation for Transfer to the General Fund for Airport Legal Fees Related to the Airport MOU & ICA”

Ordinance Number 89, 2008, “Thirty-Fifth 2008 General Fund Budget Supplemental Appropriation for Transfer from the Gaming Fund for Airport Legal Fees”

Ordinance Number 90, 2008, “Thirty-Sixth 2008 General Fund Budget Supplemental Appropriation for a Reduction in the Transfer to the Planning Fund”

Ordinance Number 91, 2008, “An Ordinance of The County of Erie, Pennsylvania Enacted June ____, 2008 – Authorizing the Incurring of Nonelectoral Debt by the Issuance of General Obligation Bonds, Series of 2008 in the Principal Amount of Twenty-_____ Million _____ Hundred Thousand and 00/100 Dollars (\$2X,XXX,XXX); Covenantee to Pay and Pledging Unlimited Taxing Power for the Payment of the Bonds; Establishing a Sinking Fund and Appointing a Paying Agent, Sinking Fund Depository and Registrar in Respect of the Bonds; Fixing the Form, Interest Rate, Maturity, Redemption and Other Provisions for the Payment Thereof; Accepting a Proposal for the Purchase of the Bonds; Authorizing the Filing of Required Documents with the Department of Community and Economic Development; Ratifying and Directing Certain Actions of Officers; Approving the Official Statement; and Making Certain Other Covenants and Provisions in Respect of the Bonds”

Ordinance Number 92, 2008, “Thirty-Seventh 2008 General Fund Budget Supplemental Appropriation for a Downgrade of a Clerical Position”

Ordinance Number 93, 2008, “2008 Appointed Official’s Salary Ordinance Vacated Part Time Assistant Public Defender Position”

Ordinance Number 94, 2008, “Thirty-Eighth General Fund Budget Supplemental Appropriation for a Change in the Salary of a Part Time Assistant Public Defender”

Ordinance Number 95, 2008, “First 2008 Children & Youth Services Fund Budget Supplemental Appropriation for the Creation of an Administrative Assistant Position in Adoption Services”

Declaring Intent.
To Eliminate
Ct. Funding

Mr. Smith gave a reading of Resolution Number 39, 2008, "Declaring County Council of the County of Erie's Intention to Eliminate Funding to the Sixth Judicial District of the Court of Common Pleas of Erie, Pennsylvania Within the Next Four Year Period and Urging the Pennsylvania General Assembly to Carry Out Its Constitutionally Mandated and Court Ordered Responsibility to Fund the Sixth Judicial District of the Court of Common Pleas of Erie, Pennsylvania, as Mandated by the Supreme Court of Pennsylvania." Mr. Leone moved to adopt; Mr. Foust seconded.

Mr. Talarico noted that he reviewed the Philadelphia resolution, made some changes, and drafted this resolution to the situation in Erie County.

Mr. Leone stated that, as he indicated in Council caucus, he will draft a letter to all 67 counties in Pennsylvania. Before sending the letter, he will ask Council Members to sign it as long as they agree with this letter. Should any Council Member have any problem with the letter, Mr. Leone asked that they get back with him as soon as possible. Mr. Leone will try to contact Donna Gority, the head of the Resolution Committee in the County Commissioners Association of Pennsylvania, to see if this can be placed on the agenda for the summer conference so all counties are aware of what is going on, and hopefully, join in this action. Mr. Leone explained that this is a constitutional issue – the state legislators are supposed to fund the courts, and this should be a unified court system. This will be much easier and much cheaper for the taxpayers if this is done through state taxes rather than county taxes. Mr. Leone feels that asking county residents to pay for the funding of the courts is not legal. This is the reason he hopes to get this resolution passed and see all counties join in on this resolution.

Mr. Giles noted that Doug Hill, the Executive Director for CCAP, has been informed directly about this matter so that he is aware of what is happening and that this will be sent to counties throughout Pennsylvania. Mr. Hill indicated that this issue is something that would be under consideration. The summer conference is scheduled in early August in Valley Forge.

Mr. Giles called for a vote on Resolution Number 39, 2008, and it carried in a unanimous roll call vote.

Bond Reimb.
Issue Adopted

Mr. Smith gave a reading of Resolution Number 40, 2008, "The Bond Issue Reimbursement Resolution of the County of Erie, Pennsylvania." Mrs. Loll moved to adopt; Mr. Fatica seconded. Mr. Giles explained that this was a matter of protocol; in the event there are expenditures prior to the bond issue, they can be captured as the bond issue moves forward.

Mr. Leone stated, as he has explained in a letter already submitted, he will be abstaining from this vote.

Mr. Giles called for a vote on the resolution, and it carried in a roll call vote of 6-0-1, Mr. Leone abstaining.

Taxes on Aband.
Trailers/Prop.
Exon.

Mr. Foust moved to adopt the following resolutions:

Resolution Number 41, 2008, "Exonerating Taxes on One (1) Abandoned Trailer/Property in Albion Borough and the Northwestern School District"

Resolution Number 42, 2008, "Exonerating Taxes on Thirteen (13) Abandoned Trailers/Properties in Lake City Borough and the Girard School District"

Resolution Number 43, 2008, "Exonerating Taxes on Thirty (30) Abandoned Trailers/Properties in Millcreek Township and the Millcreek Township School District"

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

In Sprt of Judicial
Sales Agrmt
Tabeled

Mr. Foust moved to table Resolution Number 44, 2008, "In Support of a Judicial Sales Agreement Between Millcreek Township, Millcreek Township School District and the County of Erie." Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Michelee Curtze
Apptd to Reg.
Asset Funding
Committee

Mr. Leone moved to appoint Michelee Curtze to the Regional Asset Funding Committee. Mr. Cleaver seconded. Mr. Giles observed that this ninth appointment completes the entire panel. The committee met last evening for approximately two hours. He noted that they meet regularly and that this committee is taking their workload very seriously. There is now a staff person in place on the administrative side and this should move along easily as they continue to go forward. Mr. Giles called for a vote on the appointment, and it carried in a unanimous roll call vote.

Sale of
Parcels Aprvd

Mr. Leone moved to approve the Sale of Parcels from Repository for Unsold Properties at Index Numbers: 39-024-050.1-011.48 and 50-006-071.0-010.51. Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Appt. of
Auditors

Mr. Smith gave a reading of Resolution Number 45, 2008, "Appointment of Auditors to Perform a Yellow Book Financial Audit and a Single Audit for Erie County Care Management, Inc. for the Fiscal Year July 1, 2006 to June 30, 2007." Mr. Cleaver moved to adopt; Mr. Leone seconded.

Mr. Giles noted that, as a matter of record since this was introduced at the last minute, he would appreciate some articulation from Mrs. Pasquale, as to what this resolution is about. Mrs. Pasquale explained that this particular resolution allows the audit to be performed for Erie County Care Management, Inc., which is a component part of Erie County government. The auditors stated that this audit needed to be done for Erie County Care Management, Inc. Mr. Foust pointed out that this action will also help the county in terms of the bond issue as well. Mr. Giles further explained that this piece, which was overlooked, needed to be completed. Ms. Pasquale stated she believes the corporation was created in October 2006. Mr. Giles added that this was a relatively new corporation and it was agreed that this would be done separately. This action is being taken to move this ahead and this work should move quickly since the audit must be completed by June 30th of the current calendar year. He then called for a vote on the resolution and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:34 p.m.

Ann M. Bruno, Council Secretary
