

July 8, 2008 Minutes of June 10, 2008 approved. Creation of Line Items for Dist. Of Unres. Gaming Funds adopted; Revis. Rev. & Exp. To Move Gaming Rel. Line Items to Gaming Fund Budget adopted; Exp. For Adult Prob. Suprv. Fees adopted; EMA SA for Various Exp. adopted; One Time Grant to WQLN adopted; Gen. Fund SA for Reduction of Drug Forf. Fees tabled; Downgrade of Position from CW Supvr. I to CW II adopted; Creation of Pt-time Facil. Atten. In Library Operations tabled; Upgrade of Position in Controller's Ofc. defeated; In sprt. Of Grant App. To Combine EMA Plans adopted; Sales Agrmt Btwn Mlcrk Twp, Mlcrk Twp School Dist and County of Erie adopted. First Rdgs. PH SA for Tobacco Grant; PH SA for Cancer Prevention Prgrm; Library Fund SA for Sumer Reading Prgrm; Planning Fund SA of Add. Grant Rev. from Various Grants; Gen Fund SA for Act 137 Low Income Housing; Gen Fund SA for Various Exp. In Solicitor Ofc; Gen. Fund Rev. Exp. & Rel. of Rest. Funds in Reass.; Gen. Fund Rev. Exp. For Rel. of Rest. Funds in Sheriff Dept; Dom. Rel. SA for Sheriff Per Diems in Temp. Location; Gen. Fund SA for Sheriff Per Diems in Dom. Rel. Loc. July-Dec 2008; Dom. Rel. SA for Aug-Dec 2008 Rent; Gen. Fund SA Trans. To Dom. Rel. for Aug-Dec Rent; PH SA for OPANAC Grant; Change in Fringe Ben. for HS Bldg. Oper. Agrmt btwn Erie Cnty, Pa Port Auth & EBIZITPA tabled; Gen. Auth. Tax Exempt Note – Comm. Blood Bank Prjct adopted; Amending Res. 45, 2008 adopted; Aprv. App. To Pa. DCED for Union City Raw Water Convey. Prjct. adopted; Exonerating Taxes in Corry, Wayne Twp, Corry SD adopted; Aprving Reg. Asset Forms adopted; Sale of Parcels adopted.

July 8, 2008

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles called to order a Regular Meeting of the Erie County Council at 7:10 p.m. at the Waterford Borough Building, 30 South Park Row, Waterford, 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  
Bob Spaulding, Director of Economic Development  
Sue Ellen Pasquale, Manager of Accounting

Thank You  
Waterford Twp.

Mr. Mitchell thanked everyone for coming out this evening. He explained that during the summer months, Council holds meetings in the various districts throughout the county. Waterford is Mr. Mitchell's district and he thanked the citizens of Waterford for providing the Waterford Borough Building to conduct this evening's meeting. Mr. Mitchell noted there are several fine restaurants in the area, as well as a great deal of history. He suggested seeing the Washington statue in the area. This community will be holding its Heritage Days next week which is a great event with a parade on Saturday. The people of Waterford put on a very nice fair. Mr. Mitchell also thanked Dick McGuire along with the other members of Waterford Council and the people of Waterford.

Hearing of  
the Public

Gil Rocco, 2903 West 33<sup>rd</sup> Street, Erie, approached Council to address the smoking issue. He thanked Council for not pursuing the ordinance passed by the Health Department. He expressed curiosity as to why the Health Department passed this ordinance and sent it off to Harrisburg. He feels the compromise reached by the state with the 20% food limit is reasonable, and is something the Tavern Association can live with. Many businesses that could have smoking decided not to on their own. Mr. Rocco suggested waiting to see what happens with the state law recently passed.

James Moertel, 15837 Middle Road, Meadville, asked why there is a double standard when it comes to secondhand smoke and smoke from a wildfire. Although wildfire smoke contains thousands of compounds including carcinogens, basic advice is given when one is exposed. People are told that even brief exposure to secondhand cigarette smoke can be deadly. Radon can be fixed with established venting techniques. However, when it comes to cigarette smoke, people are told even ventilating the area still leaves deadly levels of secondhand smoke inside. With inconsistencies such as these, Mr. Moertel wonders if the smoking ban movement is based on science or a practical joke.

Marsha Tomcho, Union City, is the manager for the Union City Municipal Authority and is present to speak on behalf of the possible adoption of a resolution for the competitive grant for the Union City Municipal Authority Raw Water Conveyance Project. She thanked Council for giving them the opportunity to apply for this competitive grant. This grant will provide the Authority with the ability to replace an existing water line which is approximately 70 years old allowing them to maximize water quality. It will also help make rates more affordable to customers.

July 8, 2008

Hearing of  
the Public

Judy Hershey, 10107 Old Route 99, is the owner of the Valley Inn and a representative of the Tavern Association. Ms. Hershey stated that small business is the backbone of America and would be in trouble if smoking was totally banned. More business owners have come forward and made their business nonsmoking giving customers and employees a choice. Ms. Hershey feels this law is a good one allowing for freedom of choice for the business person, public, and employees.

Minutes

Mr. Cleaver moved to approve the minutes of June 10, 2008, Mr. Fatica seconded. Mr. Leone made a correction to his remarks stated on page 13. In his comments to Mr. McBrier, he stated that the Health Department cannot look into an issue until after a building is actually built. Mr. Giles 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 Wednesday, July 2, 2008 and agreed to place several second readings on the agenda dealing with the gaming fund budget, Adult Probation, EMA, a grant for WQLN, and fees for Weed and Seed. A resolution for a Cooperative Project to Combine the City and County Emergency Centers and Operations Plan and a resolution to support the judicial sales which were tabled have been placed on the agenda as well.

Under New Business are several supplemental appropriations such as a Health Fund budget to accept an appropriation for a tobacco grant and establish a new line item; a Health Fund Budget appropriation for cancer prevention grant; a summer reading program for the Library; Act 137 low income housing money, and an appropriation for various expenditures in the Solicitor's Office. Mr. Mitchell explained that these are first readings and will not be voted on this evening. Also on the agenda is the release of restricted funds in Reassessment and release of restricted fund account in Sheriff's Department, a supplemental appropriation for Sheriff per diems at the temporary Domestic Relations location. He asked Mr. Wiley whether any damage had incurred there as a result of the storm during the day and Mr. Wiley replied that some files had to be relocated, but any damage was remediated fairly quickly.

Also under New Business are first readings of Domestic Relations fund supplemental appropriation for August through December rent; an OPANAC grant from the Department of Public Health fund budget, along with a supplemental appropriation for fringe benefits for Human Services Building Operations due to change in personnel. Moving along to new resolutions which will be voted on this evening, there is an Agreement between Erie County and the Erie-Western Pennsylvania Port Authority and EBIZITA for a homeland security grant which may be tabled per discussion held earlier this evening; an Erie County General Authority \$370,000 tax exempt note for Community Blood Bank of Erie. Mr. Mitchell explained that the County does not bond these issues, but Council must approve them as part of their function; Council is part of a large group. The County is not bonding \$370,000, but is simply giving their blessing for the General Authority to go ahead and execute the tax exempt note. Also on the agenda is a resolution for an audit for Erie County Care Management which is a routine audit. As Ms. Tomcho spoke about earlier, there is a resolution regarding the Union City Municipal Authority grant. There are also some abandoned trailers, most in the Corry area. Mr. Mitchell thanked the Finance Department and all others who have been working on these abandoned trailers. This has been a very aggressive program. He asked Mr. Sparber, Director of Finance, whether the end is near, and Mr. Sparber expressed his belief that more were found, but believes the majority have been dealt with. Also on the agenda is a resolution Approving the Regional Asset Forms and sales of parcels from the Repository. He pointed out this was a lengthy agenda.

July 8, 2008

Personnel  
Committee

Mr. Cleaver reported the Personnel Committee met on July 2, 2008, and agreed to place on the agenda Ordinances 105, 106, and 107 for second readings and Ordinances 120 and 121 for first readings.

Mrs. Loll's  
Report

Mrs. Loll reported that she attended the Health Board Meeting on June 23, 2008. Missy Twohig, owner of Sacred Piercings was present to discuss and inform the Board on "strike branding" which is the process of heating the brand and repeatedly striking the skin to burn it forming a design. The brand can be made stronger in appearance if, during the healing process, the person removes the scabs to make the healing process longer. After questioning Ms. Twohig and holding a lengthy discussion, the Board decided not to add this to the tattoo regulations at this time, but left this issue open for addition in the future.

Mrs. Loll also reported that the Health Department is still in the process of gathering information on the Tires-to-Energy Plant in an effort to be informed as to the dangers and consequences of having the plant in Erie County. They have made no decision or opinion at this time.

At this meeting, discussion was also held on the passage of the State Anti-Smoking Law. A decision was made that the state did not take a strong enough stand on this issue and left no opportunity for local legislators to make the law stronger. Since Erie County had passed a much more restrictive law in the past that could not be enforced, the Board decided to pass a resolution asking state legislators to reconsider amending the law to allow for stronger local control. Mrs. Loll previously provided a copy of that resolution to Council.

On June 25, 2008, Mrs. Loll met with Finance Director Jim Sparber, Jen Edwards and Constable Harry Woomer about the correct procedure for constables to report mileage. Discussion centered on what is expected by the Finance Department and how constables are to report mileage without causing questions from the department which causes a delay in payment. It was decided to add another reporting page to the form which would provide additional space for comments and explain extra mileage reported.

Mrs. Loll stated that she is concerned about the state of the Tom Ridge Airport. She has been disturbed about reports regarding the airlines and their financial problems. It does not appear as though these problems will be solved in the near future, in fact, they are predicted to get worse. The news media has reported some small airports may close due to the lack of travel and enormous cost, and she noted Tom Ridge Airport may be included in the downsizing. Unless and until the Airport Authority can guarantee the continued future of the airport, Mrs. Loll feels Council should move forward cautiously. Council has committed funds to the Airport Authority to be used for the safety and repair of the airport runway; however, she is requesting that Council consider extensively monitoring the funds for the extension until an outcome is clear as to the future of the airport.

Mr. Cleaver's  
Report

Mr. Cleaver reported that he had the opportunity to attend the EMTA monthly meeting. As everyone is aware, the bus is now transporting people to the casino, and during the first week 528 people used this service. Mr. Cleaver pointed out the positive side to this – between 20 to 30 people from the Gertrude Barber Center have been given the opportunity to have jobs. These are individuals who otherwise would not have been able to work at the casino without this bus transportation. Mr. Cleaver stated that he takes his hat off to EMTA for providing this service. MTR has indicated as well that these 30 employees are rated as probably the best employees they have. Many comments were made at the last Council Meeting in reference to bringing gamblers to the casino by bus; however, Mr. Cleaver pointed out, there is also another side to this issue.

July 8, 2008

Community  
College

Mr. Giles reported on the community college noting that much discussion has been held regarding this issue in the past; however, as of late, the IRC and the Erie Regional Chamber and Growth Partnership are working together to request proposals for a Community College Feasibility Study and Regional Workforce Needs Identification. The following consulting groups have been targeted and will provide the scope, direction and expanse in which these RFP's were sent:

The Clements Group  
Economic Modeling Specialists, Inc.  
The National Center for Higher Education Management Systems  
Keystone Research Center  
Corporation for a Skilled Workforce  
Regional Technology Strategies  
Voorhees Group LLC  
Virginia McMillan

Mr. Giles stated it will be interesting to see who will respond and what the quality of the response will look like. This issue is moving forward in a positive way and Mr. Giles is happy to see that happen. This information has also been shared with the 25 individuals serving on the Steering Committee.

Drug Court  
Graduation

On Thursday, June 26, 2008, the 15<sup>th</sup> graduation of Drug Court was held. Mr. Giles explained that ten people graduated and since it was the 15<sup>th</sup> graduation, all graduates were invited to attend. More than 160 people have gone through Drug Court graduation. Approximately 60 graduates were in attendance and were asked at the end of the program to stand at the front of the courtroom. There were a variety of people of different ages and backgrounds and it provided a visual sense as to what the impact is in terms of a program that this Council has been very supportive. Mr. Giles noted that he was surprised as well to receive a plaque which he displayed for the audience to see. Erie County was one of the first counties in the Commonwealth to develop this program. He explained that this is a difficult program which takes at least two years. There was one graduate who had approximately 40 months in the program. To see that kind of struggle, discipline and effort to overcome addiction which is not in any way an easy challenge, and probably one of the most difficult in all of human nature, and to have families present to share in the event is most impressive.

CCAP

Mr. Giles also reported that the CCAP Board met on June 13, 2008 in Greene County and at that meeting one of the issues which has been pushed is to host the County Commissioners, who hold an annual meeting somewhere in the Commonwealth every year, at the new Convention Center and Hotel in Erie for the 2013 meeting. The CCAP Board voted almost unanimously to recommend to the membership of CCAP to hold the conference in Erie and at the Convention Center.

NWCCA

Earlier today, the regular regional meeting of the 16 counties in Northwest Pennsylvania was held at the Convention Center. Lunch was provided at the Sheraton Hotel; there was a tour of the Convention Center and everyone was dazzled by the quality of both the Convention Center and the hotel. Mr. Leone, Mr. Mitchell and Mr. Fatica were present as well, others were unable to attend due to a scheduling conflict. This was a most impressive event.

Youth  
Survey

Mr. Giles further reported that the 2007 Pennsylvania Youth Survey Report was just released and the Health Department, in cooperation with a variety of other agencies in the community,

July 8, 2008

worked through PCCD on this survey, which is actually a national document. This is a model of what is happening with young people in a variety of grades, and Mr. Giles believes there are now 11 school districts participating. The fact that teen pregnancies are slowing down and drug use as well in a variety of different levels and ages wasn't as surprising as the increase in areas of depression at various ages and levels. Those types of markers were not evident before and Mr. Giles feels this should cause some discussion and concern. The 2005 report is available online and a comparison can be done. The group that deals with this through Erie County has a subcommittee which is working on an action plan to address the significant points described in this report.

RAFC

Mr. Giles reported that the Regional Assets Funding Committee met on June 30, 2008 and is moving very quickly. He expressed his appreciation for both their patience and the patience of Council in this regard. Everyone has worked plenty of overtime to move this forward because of both commitment and concern about the issue.

ECGRA

Mr. Giles also reported that the Gaming Revenue Authority met on July 2, 2008 and that issue is moving ahead as well. Their interest is primarily on the restricted side of the ledger which is currently in litigation. At the advice of counsel, this is moving ahead as far as the approval of the application forms. Officers have been elected, by-laws have been approved and the Authority is doing a very good job. Mr. Giles noted that two separate issues are coming down the path simultaneously in regard to the gaming monies, and the work product from both groups is most impressive.

Corrections

Warden Veshecco provided a report which Mr. Giles found informative:

Enclosed are the Erie County Prison Population statistics through June 30<sup>th</sup> of this year. In the past I have sent them to you on a monthly basis in a different format. The current format reflects the method that is presently being used by the jail to reflect its population data....

The county prison population has been on a modest decline the past year and a half since the peak years of 2004, 2005, and 2006. The areas of decline in this time period are reflected in the bond only, non support and county sentenced (including revocations) categories. While the male population has declined, the female population has experienced a slight increase in the past 1+ years.

Mr. Giles stated that both the Warden and the correctional staff are doing a good job at population control. A grant was awarded through the Pennsylvania Commission on Crime and Delinquency to deal with non-support so that non-support individuals would not have to be incarcerated. They would be on electronic monitoring, still keep a job and hopefully start making child support payments, which is a good policy. There were extra resources to move this issue ahead and that program is reported on monthly.

NACo Grant

The grant received from NACo with respect to corrections and the incarceration of the mentally ill in the county jail was done in partnership with Mercyhurst and Stairways. One-third of the survey has been completed. These issues involve the correctional population; another part is the probation population with mental illness. and the last piece, which is probably the more challenging since they are more community based, deals with the mentally ill individuals who have no criminal history.

Creation of Line  
Items for Dist. Of  
Unrest. Gaming  
Funds

Mr. Smith gave a second reading of Ordinance Number 96, 2008, "2008 Gaming Fund Budget Revised Revenues & Expenditures and Creation of Line Items for Distribution of Unrestricted Gaming Funds in Accordance with County Gaming Policy." Mr. Leone moved to adopt; Mr. Mitchell seconded.

Mr. Giles explained that this item in no way releases monies. This means monies cannot be released until an ordinance describing the activity is provided, for example, an ordinance for regional assets

July 8, 2008

Creation of Line  
Items for Dist. Of  
Unrest. Gaming Funds

detailing how monies would be appropriated. He asked Mrs. Pasquale for clarification. She stated this ordinance simply creates the line items. Mr. Giles then stated that this is more of a planning document and Council would see ordinances that would follow any of the topic areas listed. Mrs. Pasquale pointed out that would not include salaries.

Mr. Giles called for a vote on Ordinance Number 96, 2008, and it carried in a unanimous roll call vote.

Gaming Rel. Items  
Moved to Gaming  
Fund Budget

Mr. Smith gave a second reading of Ordinance Number 97, 2008, "2008 General Fund Budget Revised Revenues & Expenditures to Move All Gaming Related Line Items to the Gaming Fund Budget."

Mr. Giles explained that these ordinances are companions to each other and essentially what they do is realize the fact that the county is in litigation about the restricted monies from gaming which amounts to half of the money. The county has sole and lateral control over half of the money and this varies from the initial plan to accommodate some needs. The courts have guaranteed that they will expedite this lawsuit and hopefully, this can move forward.

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

Adult Prob.  
Suprv. Fees

Mr. Smith gave a second reading of Ordinance Number 98, 2008, "2008 General Fund Budget Revised Expenditures for Adult Probation Supervision Fees and Creation of a New Line Item." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

EMA SA for  
Various Exp.

Mr. Smith gave a second reading of Ordinance Number 99, 2008, "Eighth 2008 EMA Fund Budget Supplemental Appropriation for Various Expenditures and the Creation of a New Line Item." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

One Time Grant  
To WQLN

Mr. Smith gave a second reading of Ordinance Number 100, 2008, "Thirty-Ninth 2008 General Fund Budget Supplemental Appropriation for a One Time Grant to WQLN for the Legends of Erie Program and the Creation of a New Line Item." Mr. Leone moved to adopt; Mr. Foust seconded.

Mr. Fatica stated that he plans to abstain from voting on this ordinance due to his longtime association with WQLN. He does not want to give any indication that he is voting for something that he perhaps gains from. He asked Mr. Talarico for an opinion. Mr. Fatica added that there is no remuneration on his part and he has no financial gain whatsoever from this. Mr. Talarico indicated that he does not believe that any conflict of interest exists and Mr. Fatica would be permitted to vote on this ordinance.

Mr. Giles called for a vote on the ordinance, and it carried in a roll call vote of 6-1, Mr. Cleaver voting no.

Gen. Fund SA for  
Reduc. of Drug  
Forf. In Weed  
& Seed Tabled

July 8, 2008

Mr. Smith gave a second reading of Ordinance Number 101, 2008, "Fortieth 2008 General Fund Budget Supplemental Appropriation for the Reduction of Drug Forfeiture Fees in Weed and Seed." Mr. Mitchell moved to adopt; Mr. Leone seconded.

Mr. Giles expressed a concern with this issue. He believes the Weed and Seed Program is definitely needed and largely supported by federal resources; however, he is concerned with the issue of going back two fiscal years to deal with the shortage. This deals with 2007 and 2008.

Mr. Giles stated that the idea of going backward bothers him. He would like to see some type of language noting that this is a rarity and for the value of the program move forward, but it is not something that Council would encourage going into the future. If there is a problem with something in a current calendar year, Council deals with it. However, when an issue involving part time staffing for the Sheriff's Department is scrutinized, then an issue comes before Council with absolutely no detail other than a conversation as to what the County will be responsible to pay for, to say the County will pick up expenditures for prior years concerns Mr. Giles.

Mr. Maloney explained that this ordinance deals with a 2008 appropriation of \$95,900. It has nothing to do with the other years; those have already been taken care of through the budget process. Mr. Giles asked whether there would be a problem in 2008 if there weren't a problem in 2006 and 2007. Mr. Maloney explained that 2008 was short as well by \$95,900, and he believes the other years were short by more than \$100,000. Mrs. Pasquale stated the amount was \$172,000. Mr. Giles asked about the county covering shortages in the past with money that would have been used for current costs, and as a result there being a shortage again. Mr. Maloney stated that was not correct; the budget had the dollar amount for revenue for those years; however, that revenue did not come in, so the monies came from the fund balance. Now, the County must deal with 2008, and it was determined that revenue is not coming in, so that must be taken from the fund balance again.

Mr. Mitchell inquired as to the success of the program, whether it has taken drug dealers and drugs off the streets and improved the neighborhood. Mr. Giles stated that he lives three blocks from where a shooting occurred several days ago, and six or seven blocks from where a person was killed four days ago, so he does have concerns and issues. However, he is very comfortable where he lives and knows his neighbors; there is a neighborhood watch. He feels this certainly is an important program. He knows the staff person Stephon Chapman who does a very good job and has appeared at Neighborhood Watch meetings. During the NACo Conference, at the Justice and Public Safety Meeting, to be held in a few days, Dennis Greenhouse will be speaking regarding the issue of Weed and Seed. Mr. Greenhouse works for the Department of Justice and was a county commissioner from the State of Delaware. Mr. Giles hopes to have an opportunity to speak with him about this issue and its effectiveness.

Mr. Mitchell stated that what he is basically asking is whether this program has improved the life of the people of Erie County; whether it is effective and if the county is getting its money's worth as far as keeping people safe. If Council is not comfortable with this issue right now, he suggested Council table this and hold a discussion with the District Attorney.

Mr. Giles stated that he understands Mr. Mitchell's primary concern of whether this program adds value and safety to the people of Erie County, and Mr. Giles stated his answer would be a resounding yes. His concern is the oblique manner in which the financing of this is being handled. The District Attorney states that he would put whatever new monies they received into that account; however, if that account comes up short, Council would rather be aware of it before the fact, than after the fact. Mr. Foust believes the District Attorney isn't aware of any shortage until after the fact which is part of the problem. Mr. Cleaver expressed his belief that the District Attorney will be short in two years and

Gen. Fund SA for  
Reduc. of Drug  
Forf. In Weed  
& Seed Tabled

July 8, 2008

short in three years. Mr. Foust stated that it can't be predicted when crimes will occur which is the problem. Mr. Giles noted this is not necessarily for responses to crimes, and Mr. Mitchell suggested it was for the prevention. Mr. Giles then added this program is focused on neighborhoods and neighborhood watch groups. Mr. Maloney explained that this money is from forfeiture dollars that the District Attorney gets under the law which he turns over, under his free will, to the County to fund this program. As Mr. Foust pointed out, the District Attorney does not know when that money will come in because he doesn't know when there will be an arrest. Mr. Giles expressed further concern that the County will then be responsible for an ambiguous sum of money; it is the ambiguity that concerns him, not the commitment to develop.

Mr. Fatica asked Mrs. Pasquale whether the City of Erie contributes money to the Weed and Seed Program. Mrs. Pasquale stated that the City does contribute resources, but it would not be reflected in the county's budget. The county budget reflects what the county pays for such as employees, and then the reimbursement coming from those drug forfeiture dollars that the District Attorney has available to give. She pointed out that the District Attorney also uses drug forfeiture monies for drug busts and other matters confidential in nature. Mr. Giles stated it was the uncertainty of the resource and if Council is going to be committed to making up the difference, Council must be aware of this amount beforehand. Mrs. Pasquale explained that this ordinance is replacing drug forfeiture money with county money. If drug forfeiture money comes in and exceeds that amount, another ordinance will be prepared for Council to vote on to reduce the county money. At this point, however, drug forfeiture money cannot be relied upon to recover those expenses. The County should have this in the fund balance now, rather than later so future receivables don't have to be written off. Mr. Giles wondered about the next calendar year and whether that will be another issue. As Mr. Leone understands this, for the last few years, since 2006, county money has been used. There has been nothing coming in from the drug forfeiture program to supplement what the county has already given. Mrs. Pasquale replied that the District Attorney made a payment in 2008 of \$20,000 on the year 2006. The County had to write off \$76,000 in 2006 forfeiture money that never came in, and \$96,000 in 2007 drug forfeiture money the County did not receive.

Mr. Talarico wished to address Mr. Fatica's question concerning the City of Erie's contribution. Mr. Talarico referred to the District Attorney's letter dated May 28<sup>th</sup> to Mr. DiVecchio, and part of the finance packet, where it states that the majority of funding came from the City of Erie through a PCCD Pass Through Grant. Those grant monies dried up, and once the grant monies were no longer available, his office budgeted funds from the drug forfeiture account to supplement money for wages and fringes of both staff members. Mr. Talarico does not see where the City of Erie is putting any money into this program right now. Mr. Giles observed that typically when Council does the budget, they meet with department heads to get a sense of what the county's commitment will be. The ambiguity of this bothers Mr. Giles because suddenly there is a commitment and Council doesn't know how it happened.

Mr. Mitchell motioned to table the ordinance at this time due to the confusion surrounding this issue. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Mr. Giles suggested scheduling a meeting, and Mrs. Loll requested that all of the parties involved attend this meeting along with Members of Council. Council needs some explanation as to what it going on. She would also like to know the end result of this program, whether it is helping, and if that can be proved in figures.

Downgrade of  
Caseworker Position

Mr. Smith gave a second reading of Ordinance Number 105, 2008, "Second 2008 Children and Youth Services Fund Budget Supplemental Appropriation Due to a Downgrade of Position

July 8, 2008

004201-005 from Caseworker Supervisor I to Caseworker II.” Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Creation of Part  
Time Facilities  
Attendant in  
Library Tabled

Mr. Fatica moved to table Ordinance Number 106, 2008, “Forty-Second 2008 General Fund Budget Supplemental Appropriation for Creation of a Part Time Facilities Attendant in Library Operations.” Mr. Leone seconded, and it carried in a roll call vote of 5-2, Mr. Foust and Mr. Cleaver voting no.

Upgrade of  
Position in  
Controller’s  
Ofc. Failed

Mr. Smith gave a second reading of Ordinance Number 107, 2008, “Forty-Third 2008 General Fund Budget Supplemental Appropriation for Upgrade of Position Number 001100-004 in Controller’s Office.” Mr. Mitchell moved to adopt; Mrs. Loll seconded.

Mr. Leone asked Mr. Wiley, Director of Administration, how many applications he currently has requesting position upgrades. Mr. Wiley was unaware of the exact number but estimated a half dozen to a dozen. Mr. Leone stated that he found it difficult to upgrade positions when the County is talking about tightening its belt.

Mr. Giles explained that there was a committee at one point in time set up between the courts, the administration and Council to review these kinds of issues, the PARC committee. This was dissolved and is no longer in existence. This is the only system Mr. Giles can recall that dealt with, for lack of another phrase, the extraordinary or out of sync meritorious raises. In the absence of that committee, Council has seen these types of requests and have honored them in the past for other individuals that the Administration has advanced by sending the ordinance to Council regarding the salary change. He doesn’t recall Council denying any of these requests. He reviewed the documents received regarding this particular matter, and admittedly, there are some errors in the documents that were produced. However, he does not feel that can be the criteria upon which Council decides – that it is either a flawed presentation or a personal response to a supervisor that Members of Council either get along with or don’t get along with. This did come through with signed certificates for Council’s deliberation. Mr. Giles is aware of his record on these matters, and simply because he does or does not get along with somebody, he wants to be consistent in that regard.

Mr. Leone pointed out the most recent ordinance that failed dealt with prison personnel and Council did not approve that particular ordinance. Mr. Fatica recalled the ordinance was for prison maintenance personnel. Mr. Giles asked if that was part of the contract, and Mr. Fatica replied no. Mr. Giles then questioned Mr. Smith and Mrs. Bruno as to their recollection, who both recalled that particular ordinance. Mr. Leone reminded Mr. Giles that he had asked if a position was ever refused, and it was the prison ordinance. Mr. Fatica stated that this particular ordinance never made it to a motion, and Mr. Giles had made a comment at that meeting that this was the first time in all his years on Council a situation of that nature occurred. Mr. Giles pointed out that no one moved to approve so he never had the opportunity to vote for or against it.

Mr. Giles then called for a vote on Ordinance Number 107, 2008, and it failed in a vote of 3-4, Mrs. Loll, Mr. Mitchell and Mr. Giles voting yes.

Agrmt btwn Erie  
Cnty, City of Erie  
to Dev.& Maintain  
Emer. Plan &  
Staff Cntr

July 8, 2008

Mr. Mitchell motioned to remove Resolution Number 28, 2008, "In Support of a Grant Application for a Cooperative Project to Combine the City and County of Erie Emergency Centers and Emergency Operations Plans" from the table. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Smith gave a reading of the resolution. Mr. Mitchell moved to adopt; Mr. Foust seconded.

Mr. Foust moved to amend the resolution with language provided by Mr. Talarico, Council Solicitor. The title would be amended to read as follows:

In Support of an Agreement Between the County of Erie and the City of Erie to Develop and Maintain a Disaster Emergency Management Plan and to Establish, Equip and Staff an Emergency Operations Center

The following paragraph would be inserted following the NOW THEREFORE clause:

BE IT FURTHER RESOLVED, that the Intergovernmental Cooperation Agreement to be entered into by the County of Erie and the City of Erie shall conform in all respects to the Emergency Management Law and Intergovernmental Cooperation Law as referenced above and shall be subject to approval of Erie County Council.

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

Mr. Giles called for a vote on Resolution Number 28, 2008, as amended, and it carried in a unanimous roll call vote.

In Sprt of Judicial  
Sales Agrmt btwn  
Millcreek Twp,  
MT School Dist.  
and Erie Cnty

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

Mr. Smith gave a reading of Resolution Number 44, 2008. Mr. Leone moved to adopt; Mr. Foust seconded.

Mr. Foust moved to amend Resolution Number 44, 2008 as follows with language provided by Council Solicitor:

Resolution Number 44, 2008

Approval of Judicial Sales Agreement Between  
Millcreek Township, Millcreek Township School District  
and the County of Erie

BE IT RESOLVED by Erie County Council and the County of Erie that the Judicial Sales Agreement between Millcreek Township, Millcreek Township School District and Erie County attached hereto as Exhibit A is hereby approved **subject to the following language intended to amend Paragraph four (4) of the Agreement.**

**4. Supplemental Order dated November 16, 2006. On November 16, 2006 Judge Bozza issued a Supplemental Order to the**

July 8, 2008

In Sprt of Judicial  
Sales Agrmt btwn  
Millcreek Twp,  
MT School Dist.  
and Erie Cnty

**County's Petition for Sale of Real Estate at Public Sale, No. 13069-2006. In December of the following year the County filed a Motion to Modify the Supplemental Order of November 16, 2006. The parties agree that the County will withdraw its Motion to Modify the Supplemental Order and, in lieu of proceeding thereon, enter into this Agreement. Provided, this Agreement shall not affect or disturb the Supplemental Order of November 16, 2006, nor shall either party be prejudiced from subsequently challenging or enforcing the Supplemental Order of November 16, 2006.**

Mr. Foust further moved to amend the attached Agreement, paragraph two with language already provided in the finance packet regarding changes to the attorney's fees. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Giles called for a vote on Resolution Number 44, 2008, as amended, and it carried in a unanimous roll call vote.

First Rdgs

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 108, 2008, "Fifth 2008 Public Health Fund Budget Supplemental Appropriation for Tobacco Grant and Creation of New Line Item"

Ordinance Number 109, 2008, "Sixth 2008 Public Health Fund Budget Supplemental Appropriation for Cancer Prevention Grant"

Ordinance Number 110, 2008, "Fifth 2008 Library Fund Budget Supplemental Appropriation for Summer Reading Program State Grant and the Creation of a New Line Item"

Ordinance Number 111, 2008, "First 2008 Planning Fund Budget Supplemental Appropriation of Additional Grant Revenue from Various Grants"

Ordinance Number 112, 2008, "Forty-Fourth 2008 General Fund Budget Supplemental Appropriation for Act 137 Low Income Housing"

Ordinance Number 113, 2008, "Forty-Fifth 2008 General Fund Budget Supplemental Appropriation for Various Expenditure Lines in the Solicitor's Office"

Ordinance Number 114, 2008, "2008 General Fund Budget Revised Expenditures and Release of Restricted Funds in Reassessment"

Ordinance Number 115, 2008, "2008 General Fund Budget Revised Expenditures for Release of Restricted Account in Sheriff Department"

Ordinance Number 116, 2008, "Fourth 2008 Domestic Relations Fund Budget Supplemental Appropriation for Sheriff Per Diems in Temporary Domestic Relations Location"

Ordinance Number 117, 2008, "Forty-Sixth 2008 General Fund Budget Supplemental Appropriation for Sheriff Per Diems in Temporary Domestic Relations Location from July through December 2008"

July 8, 2008

First Readings

Ordinance Number 118, 2008, "Fifth 2008 Domestic Relations Fund Budget Supplemental Appropriation for August through December 2008 Rent"

Ordinance Number 119, 2008, "Forty-Seventh 2008 General Fund Budget Supplemental Appropriation for Transfer to Domestic Relations Fund for August through December 2008 Rent"

Ordinance Number 120, 2008, "Seventh 2008 Public Health Fund Budget Supplemental Appropriation for OPANAC Grant"

Ordinance Number 121, 2008, "Forty-Eighth 2008 General Fund Budget Supplemental Appropriation for Change in Fringe Benefits for Human Services Building Operations Due to Change in Personnel and Creation of New Line Items"

In Sprt of Agrmt  
Btwn Erie Cnty,  
PA Port Auth. &  
EBIZITPA Tabled

Mr. Foust moved to table Resolution Number 56, 2008, "In Support of an Agreement Between Erie County, the Erie-Western Pennsylvania Port Authority, and EBIZITPA for the Fiscal Year 2007 Department of Homeland Security Grant for the Port Security Grant Program for Implementation of Presque Isle Bay Surveillance System." Mr. Leone seconded, and it carried in a unanimous roll call vote.

Gen. Auth. \$370,000  
Tax Exempt Note-  
Comm. Blood Bank

Mr. Smith gave a reading of Resolution Number 57, 2008, "Erie County General Authority \$370,000.00 Tax Exempt Note – Community Blood Bank of Erie County, Inc. Project." Mr. Foust moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Amending Res. 58,  
2008

Mr. Smith gave a reading of Resolution Number 58, 2008, "Amending 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. Mitchell moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Aprvg App. To DCED  
For Union Cty Water  
Convey. Prjct

Mr. Smith gave a reading of Resolution Number 59, 2008, "Resolution Approving an Application to the PA Department of Community & Economic Development for Community Development Block Grant 'Competitive' Funds for the Union City Municipal Authority Raw Water Conveyance Project." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Exonerating Taxes on  
Abandoned Trailers/  
Properties in Corry,  
Wayne Twp & Corry  
School District

Mr. Smith gave a reading of Resolution Number 60, 2008, "Exonerating Taxes on Twenty-Four (24) Abandoned Trailers/Properties in the City of Corry, Wayne Township and the Corry Area School District." Mr. Mitchell moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

July 8, 2008

Apprvg. Regional  
Asset Forms

Mr. Smith gave a reading of Resolution Number 61, 2008, "Approving Regional Asset Forms." Mr. Mitchell moved to adopt; Mr. Leone seconded. Mr. Fatica moved to amend the attached forms with changes per Mr. Mitchell and Mr. Smith. Mr. Mitchell outlined the changes and seconded the motion to amend. The motion carried in a unanimous roll call vote.

Mr. Giles wished to extend gratitude on behalf of Council to the entire committee, to Mrs. Moakeh and Mr. Spaulding as well for the tremendous amount of work they've done on this matter. They've met almost regularly every two weeks. Mr. Giles attended some of these meetings, but due to scheduling conflicts was unable to attend all of them. This committee has done an outstanding job working with community partners, designing a linkage with the state system that will help with the assessment end. He extended thanks to the entire committee.

Mr. Fatica also wished to extend gratitude to Barbara Hauck who is in attendance tonight. The number of hours, the expertise, knowledge and experience she brought to this matter is outstanding.

Mr. Giles thanked everyone for the work they've done to make this a success and knows that this committee can be relied upon for their continued professionalism as everyone works in a spirit of partnership and cooperation.

Mr. Giles called for a vote on Resolution Number 61, 2006, and it carried in a unanimous roll call vote.

Sale of  
Parcels

Mr. Leone moved to approve the sale of parcels from the repository at Index Numbers: 08-033-147.0-006.00; 40-014-088.1-005.37; 45-029-050.1-007.56. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Mr. Foust's  
Comments

Mr. Foust commented that Council has approved a grant this evening to WQLN. To make Erie County citizens' visits to libraries that much more pleasant, he voted against tabling Ordinance Number 106, so he cannot bring it back. He hopes Members of Council are sincere in bringing that back so those visits can be made safer.

Mr. Giles'  
Comments

Mr. Giles referred to the Three Year Plan for 2009-2011 which he has received and read. He asked that Mr. Fatica chair the committee; Mr. Cleaver and Mrs. Loll will also be on the committee as they have done an outstanding job in prior years.

Mr. Wiley stated that the administration will be sending that information electronically. Mr. Giles noted that some departments were more verbal and others less verbal.

Adjournment

There being no further business, the meeting adjourned at 8:35 p.m.

Ann M. Bruno, Council Secretary

\*\*\*\*\*

