

September 23, 2008 Minutes of Sept. 2, 2008 Reg. Mtg. approved. TAN adopted; Agrmt Btwn. Erie County, Port Auth., EBIZITPA for Homeland Sec. Grant adopted; First Rdgs: Estab. Smoking Policy for Erie Cnty Owned & Leased Property; Gen. Fund Budget Rel. of Unrest. Gaming Funds for Ded. Assets; Creation of Shift Commander Position. Auth. Nursing Home Intergov. Transfer Prgrm. adopted; Auth. Submission of App. For RACP Grant Funding adopted; Apptmt of Auditors for Erie Cnty & Rel. Funds for Year Ending Dec. 31, 2008 adopted. Wayne L. Harbison appt'd. to HRC Advisory Brd; Amy Danzer and Judith Jobs appt'd to HRC Brd. Sale of Parcels from Repos. Approved.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles 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, Mr. Giles called for a moment of silence.

Moment of
Silence for
Effie Litke

Mr. Giles stated that Mr. Mitchell's mother-in-law, Effie Litke, recently passed away and wished to observe a few moments of silence in remembrance and to express sincere sympathy.

Moment of
Silence for
Anne Ropelewski

Mr. Giles also wished to observe a moment of silence for Anne Ropelewski, who was brutally murdered approximately one week ago. She is a close relative of Ron Komorek, who was the Finance Director for Erie County for approximately 20 years. This was a very tragic and difficult situation for the family, and Mr. Giles wished to remember them in prayer.

Roll Call

Mr. Smith then 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

Constance Burnett, 2502 Harrison Street, Erie, approached Council to strongly suggest that County Council adopt a visitability ordinance or resolution encouraging builders, contractors, and other stakeholders to use this concept when building new construction or during renovations. She explained that visitability housing is a design style that is user friendly to those living in the home, visiting the home, or may have a mobility disability in the future. Handouts provided to Council explain visitability features. Ms. Burnett noted that Erie City Council has passed a resolution endorsing the concept of visitability and Mayor Sinnott is urging that this concept be used when considering new construction and renovation. She strongly suggested that Council take this concept into consideration.

Mr. Giles explained that he has added Ms. Benita Johnson to the agenda to speak after Mr. Garnow. Ms. Johnson has driven here from Pittsburgh to discuss the upcoming census and there was some confusion at the Courthouse entrance as to when she should speak to Council, while Council was inside waiting, she was outside waiting.

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Hearing of
The Public

Ed Garnow, 160 West 8th Street, Erie, stated that this country is in trouble, as well as this county, and he is very concerned. Council was elected to represent the people and do their business. Mr. Foust uses Council as an employment agency; Mr. Leone is lobbying; and Mr. Giles runs all over the country. Mr. Garnow also stated he is against the airport. They have been given all kinds of money and he has not seen a commitment from the airlines. Articles in the newspaper indicated the airline industry will be different in 5-10 years; airlines will only fly from big city to big city. There will no longer be small airports like Erie. He hasn't talked to anybody who agrees to the airport runway. He also wonders how many taxes will be lost from the properties being used for the airport.

Benita Johnson, Pittsburgh, wished to advise Council that the Census Office will be opening in Erie no later than November in the Renaissance Building on State Street. Open House to celebrate the office in Erie is slated for sometime in January or February. There will be a full staff consisting of a Director of Management that will oversee all the operations, an Assistant Manager for recruiting, field operations, quality assurance, technical support and also administrative management. She provided Members a flyer with information of positions that will be available and a toll-free number for anywhere in the United States. People will be needed to work part-time for those positions. By simply entering a zip code, one can get information on jobs that are available and how to apply for these jobs. For most of the field positions and clerical staff, a general civil service exam will be required, and for those who will be tested, there will be testing guides available. The Erie Office will be responsible for all activities in the northwestern part of the state. She offered to return to speak.

Mr. Giles noted that there is information provided regarding email and phone numbers. He also noted that on the back of one page, there is a calendar describing when work assignments are slated for completion. Ms. Johnson advised that there is a timeline on the website and offered to stay until after the meeting to provide this information. Mr. Giles suggested that Ms. Johnson provide this information to Mr. Smith, the County Clerk, while Members of Council give their report.

Minutes

Mr. Leone moved to approve the minutes of the Regular Meeting held September 2, 2008; Mr. Fatica seconded. There being no opposition to the approval of the minutes, the minutes were approved.

Finance
Committee

Mr. Mitchell reported that the Finance Committee met on September 18, 2008 and agreed to place on the agenda for a second reading Ordinance Number 155 regarding the IGT. Also, Resolution Number 56, which deals with EBIZITPA, will be removed from the table.

Under New Business, there will be a first reading of Ordinance 157, dealing with establishing a smoking policy for Erie County owned and leased property and provisions of the Pennsylvania Clean Indoor Air Act of 2008; and Ordinance 158, a General Fund budget release of unrestricted gaming funds for dedicated assets. Also on the agenda are Resolutions 77, a companion for the IGT; 78, Authorizing the Erie Redevelopment Authority Submission of the application for Redevelopment Assistance Capital Program grant funding in the amount of \$3,500,000 for Erie Art Museum Project; Resolution 79, Appointment of Auditors to perform comprehensive single audit for Erie County and for related funds for the year ending December 31, 2008. There are three appointments as well, Wayne Harbison, Amy Danzer, and the reappointment of Judith Jobes to the Erie County Human Relations Commission Board as well as the sale of some parcels from the repository.

Personnel
Committee

Mr. Cleaver reported that the Personnel Committee met on Thursday, September 18, 2008, and agreed to place Ordinance 159 on the agenda for a first reading dealing with the creation of a shift commander for E911.

Mr. Leone's
Comments

Mr. Leone noted it was unfortunate that the speaker, Ms. Burnett had left because he wished to explain that Council does not get involved in township or municipality business. City Council can set up an ordinance as far as the visitability issue, but Council cannot. He suggested a letter from the Chairman should go to her indicating that County Council does not have a say with respect to City Council, any township, or municipality. Mr. Giles agreed with Mr. Leone that Council cannot do this. However, he noted that through Mr. Fetzner's Office, money is provided for affordable housing with a contribution of approximately \$300,000-\$400,000; and anywhere from \$2-3 million is generated in other revenue regarding affordable housing. Mr. Giles feels there may be an avenue between the County Executive and Mr. Fetzner in letting people know that this is an area the County may have an interest in terms of design work for affordable housing that meets some of these criteria. Although he agrees with what Mr. Leone said, he pointed out that

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the County does provide some revenues, and a recommendation could be attached suggesting that something such as this be considered as a part of a package of affordable housing.

Mr. Mitchell's
Report

Mr. Mitchell reported that he was a guest of the Speaker of the House and was afforded an opportunity to sit in the front gallery by the Speaker and be recognized and introduced to the House in conjunction with a project he has been working on with the Speaker. This project involves preserving Pennsylvania heritage such as rare books, the Ben Franklin collection, which was used to write the Declaration of Independence by Thomas Jefferson. A ceremony was held in the House Wednesday morning.

On Tuesday, Mr. Mitchell and Mr. Giles attended a luncheon with many of the alumni, the former commissioners. He and Mr. Giles worked on several pieces of legislation which are extremely important right now to the county. One is the prison reform bill, and the other deals with oil and gas leases which Erie County will not be totally involved with, but this area does have a lot of oil and gas drilling within. In fact, 600 feet from Mr. Mitchell's house, a gas well has been drilled on a neighbor's property. Some members may have received an email this week regarding this legislation. Counties are working to ensure fairness with this issue.

Mr. Mitchell also reported that on Friday, Corry dedicated a wall much like the one in front of the Erie County Courthouse with the same style of plaques in remembrance of veterans, firefighters, and people in Corry that have either fallen or served their community. This was a wonderful ceremony. Judge Midge Rendell spoke as well as Mr. DiVecchio, and it was a very moving time for the citizens of Corry having lost five firefighters many years ago and seeing the recognition of that. He invited anyone who has an opportunity to visit this location on Wright Street just off Center Street in Corry.

Mr. Giles'
Report

Mr. Giles reported the Old Almshouse Cemetery Board met earlier today at Pleasant Ridge Manor. A grant was received for some enhancement to the cemetery itself, and he wished to point out that Dale Roth from the architectural firm has provided all of the design work and all of the consulting work as a donation to the effort at the Almshouse Cemetery. Mr. Giles noted this is probably more than what Mr. Roth has signed up for stating that there is a small shed behind the wall at the cemetery that was only partially completed, but now electricity is being provided there and that building will become the housing for that. Mr. Roth has gone to a variety of different providers and found donated work, service, or goods so the impact on the total project will be far in excess of the grant received from DCED. Mr. Giles stated the project is moving along very nicely. Mr. Roth did point out a variety of different issues such as the quality of the cement, the deterioration that takes place because of the weather, the backside of the wall facing the lake is also deteriorating rapidly due to the wind and rain. Mr. Roth has developed a plan and made the connections to put on some preservatives that will help keep these things in place for many years to come. Mr. Giles stated that Mr. Roth's input and advice has raised the level of the project. Relocating a huge granite marker, moving a flagpole because of the trees growing around it, lighting that and the wall and monument will be projects that will move forward.

Mr. Giles also noted that September 11, 2009 will be the next memorial service to inter those people in the care and custody of the county who have neither friends nor family. As a surprising note, one of the board members, Peter Burton, stated that he had requests from the general public who would like to have their ashes scattered at the site and their name placed on the wall; this is not because they haven't family or friends. Mr. Giles then recalled the story of Bob Austin from Austin Concrete, who was on the board. Mr. Austin indicated to Mr. Giles in conversation that he would like to be interred at Almshouse Cemetery because he liked the idea of his name being placed on the wall with everyone else and his ashes scattered. However, Mr. Austin died before the project was completed.

Mr. Giles further reported that on September 17, 2008, he met with Lorenzo Simonelli, the new President and CEO of General Electric, at a luncheon along with Stephan Koller, the Director of Communications and Public Affairs at General Electric. Also present at the luncheon were Regina Smith from Congressman English's Office, Bob Spaulding, Erie County Director of Economic Development, Mary Bula, Executive Director of Growth Partnership, Doug Smith, Erie County Clerk, and Roger Richards, who has been instrumental in the Convention Center and Sheraton Hotel. This

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Mr. Giles'
Report

meeting lasted for approximately one and one-half hours and Mr. Simonelli was very impressed with the effort to both meet these people and the idea that there was an interest in GE's abilities to enhance energy products and transportation. These are part of their product portfolio and the federal government is moving along with initiative funding in these categories. An offer to assist in partnering with GE in regard to both energy and transportation was made. At the end of the meeting, Mr. Simonelli recommended a meeting of this type be held again, and suggested contacting his secretary to schedule such a meeting.

TRAN
Adopted

Mr. Smith gave a second reading of Ordinance Number 155, 2008, "Tax and Revenue Anticipation Note Ordinance Authorizing the Issuance of a Tax and Revenue Anticipation Note in the Maximum Principal Amount of \$6,500,000; Providing for the Date, Interest Rate, Maturity Date, Place of Payment and Prepayment Provisions in Respect of the Note; Accepting the Proposal of the Bank of New York Mellon for the Purchase and Financing of the Note; Providing for the Security of the Note; Authorizing the Proper Officers to Execute and Deliver the Note; Authorizing and Directing the Preparation, Certification and Filing of the Proceedings with the Department of Community and Economic Development; Providing for a Paying Agent; Setting Forth a Form of Note; and Repealing Inconsistent Ordinances." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Agrmt Btwn
Erie Cnty, Port
Auth & EBIZITPA

Mr. Leone made a motion to remove 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" from the table; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Mr. Foust asked Council Solicitor, Thomas Talarico, whether this agreement meets with his approval as this is an issue Council has been dealing with for some time. Mr. Talarico responded that there was an agreement between these parties that he had reviewed; however, at the time it was first presented, it was unknown where the tower would be located. The County also did not know what types of rights they would have to the tower, to possess it for a long period of time, or to sublease it. Mr. Talarico thought that putting together a lease agreement with the Port Authority should precede any vote on this matter. Therefore, the Port Authority solicitor and Mr. Talarico worked out an agreement for a 99 year lease of the tower, and it is now known where the tower will be located. Mr. Talarico's stated his main concern was that the County would have to bear the responsibility for the upkeep of the tower and not get anything in return. It now known that the County will not bear any responsibility for the \$165,000 grant. This agreement is for 99 years, and the County has the rights to remain there, operate the tower, and sublease it.

Mr. Smith gave a reading of Resolution Number 56, 2008. Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

First Rdgs.

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

Ordinance Number 157, 2008, "Establishing a Smoking Policy for Erie County Owned and Leased Property and Implementing the Provisions of the Pennsylvania Clean Indoor Air Act of 2008"

Ordinance Number 158, 2008, "2008 General Fund Budget Release of Unrestricted Gaming Funds for Dedicated Assets"

Ordinance Number 159, 2008, "Second 2008 E911 Fund Budget Supplemental Appropriation for Creation of a Shift Commander Position"

Auth. Nursing
Home Intergov.
Transfer Prgrm

Mr. Smith gave a reading of Resolution Number 77, 2008, "A Resolution of the County Council of the County of Erie in the Commonwealth of Pennsylvania, Authorizing the Nursing Home Intergovernmental Transfer Program Pursuant to the Commonwealth Agreement and Cooperation Agreement: and Further Granting Authorization for Any and All Lawful Actions Necessary to Effectuate Erie County's Participation in Said Program." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

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Erie Redev. Auth.
Submission of App.
For RACP Grant
For Art Museum

Mr. Smith gave a reading of Resolution Number 78, 2008, "Authorizing the Erie Redevelopment Authority Submission of the Application for Redevelopment Assistance Capital Program (RACP) Grant Funding in the Amount of \$3,500,000 for an Erie Art Museum Project." Mr. Mitchell moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Appt. of Auditors

Mr. Smith gave a reading of Resolution Number 79, 2008, "Appointment of Auditors to Perform Comprehensive Single Audit for Erie County and for Related Funds for the Year Ending December 31, 2008." Mr. Leone moved to adopt; Mr. Mitchell seconded the motion.

Mr. Giles noted that this is the first change in auditors in 20 years. The pricing schedule and the quality of work were both what the County would anticipate, and based on Mr. Maloney's strong recommendations, this can move forward. He then called for a vote on the Resolution, and it carried in a unanimous roll call vote.

Wayne Harbison
Appt'd to HRC
Advisory Brd.

Mr. Foust moved to appoint Wayne Harbison to the Human Relations Commission Advisory Board; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Amy Danzer Appt'd
To HRC Brd.

Mr. Foust moved to appoint Amy Danzer to the Human Relations Commission Board; Mr. Leone seconded.

Mr. Foust explained that Ms. Danzer is his appointment to the Human Relations Commission Board, and she has been a key principal since the HRC has been reinstated. He is very glad to appoint her and is sure she will continue to do a good job. Mr. Giles indicated that while Ms. Danzer worked for the Civic Institute, she was excellent in the development of both the adult and juvenile drug courts and is very detailed oriented. He then called for a vote on the appointment, and it carried in a unanimous roll call vote.

Judith Jobes Appt'd
To HRC Brd.

Mr. Fatica moved to appoint Judith Jobes to the Human Relations Commission Board. He explained that Ms. Jobes is his reappointment, and she brings both knowledge and experience to the Board. Ms. Jobes is a good person and the right person at the right time in the right position. Mr. Foust seconded, and it carried in a unanimous roll call vote.

Sales of Parcels
Approved

Mr. Leone moved to approve the sale of parcels from repository at Index Numbers: 18-050-029.0-117.00 and 18-051-013.0-215.00. Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:48 p.m.

Ann M. Bruno, Council Secretary
