

October 7, 2008 Minutes of Sept. 23, 2008 Reg. Mtg. approved. Estab. Smoking Policy for Erie Cnty. Owned & Leased Prop. Adopted; Rel. of Unrest. Gaming Funds for Ded. Assets adopted; E911 SA for Creation of Shift Commander Position adopted. First Rdgs: Apprvg LERTA Prgm in City of Erie; Health Choices Rev. Exp. For Creation of Two New Grant Funded Positions. Barbara Hauck appt'd. to Regional Assets Funding Comm. Sale of Parcel from Rep. for Unsold Prop. adopted.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles called to order a Regular Meeting of the Erie Council at 7:00 p.m. at the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, a moment of silence was observed.

Moment of Silence

Mr. Giles asked for a moment of silence in memory of Charles Hollis, a young man born and raised near the Martin Luther King Center, who died at the age of 46 a few days ago. He leaves behind eleven brothers and six sisters. Many of the family have been personal friends of Mr. Giles. It is truly a sad time when someone as young and talented as Mr. Hollis passes away.

After the moment of silence, the County Clerk called the roll:

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

Members Absent: Mr. Mitchell

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

Gil Rocco, 2903 West 33rd Street, Millcreek Township, came before Council to discuss the gambling revenue framework. There have been changes since the framework was planned; there is a worldwide financial crisis. Mr. Rocco referred to the \$100 million donation received by the Erie Community Foundation, shootings on the east side of Erie, and the problem with streets being plowed. In Mr. Rocco's opinion, the role of government is not philanthropy; that is more appropriate for the Erie Community Foundation. When meetings were held to find out how to spend the gaming revenue, the black community attended and wanted basketball courts and tennis courts. Obviously, there is a group of people in need. Young teens need to do something. Mr. Rocco suggested putting aside this issue and tabling it for six months. Three weeks from now this situation could be different, and this may be the mistake of the century. He urged Council to put this money back in the surplus and decide what to do with it. This money should be spread throughout the county.

Art Amann, 6385 Monarch Circle, Erie, represents Mercyhurst College Public Safety Institute, and he advised Council that the association between education and the Public Safety Department is stronger than ever. He urged Members of Council to visit the Franklin Center and witness some of the training taking place there.

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Bill Ruth, Indiana, Pennsylvania, is the field supervisor for the State Fire Academy under the Office of State Fire Commissioner, and is in charge of all the fire training for the western third of the Commonwealth. Mercyhurst College is the only four year degree college in the system of educational training. Mercyhurst reinstated the firefighter certification under the volunteer certification program that the Fire Commissioner's Office is mandated by Commonwealth law to provide. Mercyhurst also has a full time training coordinator that is actually a part of the Fire Commissioner's Certification Advisory Board. Mr. Ruth explained that Mercyhurst works aggressively with the instructors in Erie County and surrounding counties to bring the best training and provide for instructors' needs. By continuing the funding of the fire and safety training, and dealing with Mercyhurst, the goal of preventing loss of life can be achieved.

Jim Petrone, President of the Erie County Firefighters Association, explained that the Insurance Services Office is an agency owned by fire insurance companies that rate municipalities on their ability to suppress fires with a rating of one to ten, one being the highest. The City of Erie is a grade 3, Millcreek Township is a 5, and many other townships are a 9. As County officials, Council is now responsible for the dispatch portion of the rating and has also been responsible for the fire personnel training in Erie. Mr. Petrone noted that for the past several years, Mercyhurst has stepped up to the plate and handled the operation of the Franklin Township Training Grounds, as well as the basic and advanced level of training programs. They have done a good job, and he asked that help be provided to continue this valuable program.

Tony Pol, City of Erie Fire Chief, approached Council to support public safety training. Prerequisites for Firefighter 1 and 2 are taught at the Franklin Center. The federal grants have a new question, "what percentage of your department is Firefighter 1 certified" and "are you seeking funds to reach Firefighter 1 100%". The City of Erie received a \$120,000 grant for gear, and a \$95,000 grant for smoke detectors. Mr. Pol believes in the future, Firefighter 1 and 2 training will be required. As Chief in the City, 20-25 individuals can be sent to Franklin Center in the morning, certified, and back to work at night. Without this facility, these individuals must go out of town, pay fees, lodging, meals, and travel. This site has been a huge asset because more people can get certified, and is also important because it keeps resources local helping everyone in the county.

Karen Dorich, is the President of Erie County, Pennsylvania Employees, Local 2666, AFSCME/AFL-CIO, the largest union in county government with a clerical/technical unit and a professional unit. As of October 1, 2008, there were 373 members accounting for 31% of the county's workforce. She is present to address the proposed job eliminations; 59% of these eliminations are within those two bargaining units, and they do not feel this is fair. Six members are being laid off from the west county branch of the library, and if they choose to get their job back, and not bump, their unemployment compensation will end after 26 weeks. One of the job eliminations being proposed is 100% grant funded. She pointed out that these are people who do outstanding work for Erie County every day. Ms. Dorich warned that the bumping situation created by these eliminations will create havoc, and the possibility exists that elected officials will exercise their 1620 rights and not permit bumping into their offices. It is the union's belief that the services mandated by the Home Rule Charter will be adversely affected by Mr. DiVecchio's proposal, and as taxpayers, on behalf of the union members, she objected to these recommendations.

Gary Horton, 1344 East 36th Street, Erie, came before Council this evening to give voice to a segment of the community that too often is not represented and not thought about. When these individuals stand and ask for assistance when it is needed, they are often told there are no funds available. Mr. Horton believes that the diversity in Erie's urban and inner city neighborhoods is a regional asset, and he is troubled at the recommended disbursements for the gaming monies. Mr. Horton understands the organizations receiving this money do good work, but a greater focus needs to be put on diversity. A bigger investment needs to be placed in local youth by providing them work or career opportunities, apprenticeship or training, specifically

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with these funds. Council has the flexibility to do that. He commended Council for their help with the Erie County Convention Center project labor agreement that has provided jobs for 60 minorities earning over \$800,000. He feels this current situation is like a reverse Robin Hood, and pointed out that at any given time at the casino, one will find a disproportionate number of minorities, poor people, and senior citizens gambling away their hope at a better life. He feels a better job can be done with these gaming funds. He asked whether this was one a one year allocation or whether these funds, in the future, will address community challenges.

Scott White, 1016 West 31st Street, Erie, is an employee with Erie County, and does not want to see any employees lose their job unwillingly. An employee was recently hired at the Health Department with a great amount of work experience. She has a family, mortgage, and a car loan, and was among the employees laid off at Steris when they relocated to Mexico. She is also among the 44 employees slated for the layoffs. Currently, 200 employees are eligible for early retirement if it were offered. Mr. White believes the majority of these people would jump at this opportunity; however, some members of Council have stated they are not in favor of the early retirement incentive. He knows that Council weighs an issue and looks at both sides before rendering a decision. He asked Council to look into the possibility of offering an early retirement incentive. By studying this possibility, Council can show employees that they are more than just a line item in a budget.

Doug Ebert, 1731 Norcross Road, Erie, is a member of 2666 AFSCME, has been a county employee for 25 years, and works for the Health Department. The elimination of 44 employees to balance the budget is a cause of concern. He stated Administration has added a number of administrative positions that had not existed before, while these proposed cuts have been longstanding positions. The results of this proposal will cause the loss of services to the public, and adverse effects on mandated services. An environmental supervisor position is to be eliminated which has been vital to the beach grant program, and everyone is aware of the value of Presque Isle to the community.

Peggy Caspar, 1019½ Reed Street, Erie, would like to find out why OCY had the right to steal kids from 1983 through 1988 and adopt them out through the black market. She knows this because she is one of the victims. She also asked why OCY has the right to say what someone's heritage is when they don't know. OCY has told her she is completely white because of her skin color, but she stated she is not completely white. Ms. Caspar then spoke several words in the Lakota language and explained their meaning. She stated she deserves answers and is here to find out why victims from 1983 through 1988 cannot have their records reviewed.

Catherine Jaeger, 2408 Raspberry Street, Erie, advised Council that she worked for the County of Erie at OCY for 16 years and loved her job. She worked her way up from switchboard operator to resource and referral liaison. She became ill and has had to take a medical leave. Ms. Jaeger explained that she was adopted when she was three years old. She eventually met her natural family, and discovered her mother had never given consent for the adoption. OCY tricked her mother by saying they would help her until she got on her feet. Ms. Jaeger ended up in a home where she was mentally and physically abused her entire life. She left when she became 18 and decided to be a good person. It was coincidental that she ended up working for OCY. For two years, Ms. Jaeger has been waiting to get paid through the previous contract, and is concerned that she is now about to lose her house and everything she has worked for her entire life. She asked to be treated fairly.

Minutes

Mr. Leone moved to approve the minutes of the Regular Meeting held September 23, 2008; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Fatica reported that the Finance Committee met on Thursday, October 2, 2008, and agreed to place Ordinances 157 and 158 on the agenda for a second reading. Under New Business, Ordinance 160 has been placed on the agenda, the possible appointment of Barbara Hauck to the Regional Assets Funding Committee, and the sale of parcel from repository for unsold properties.

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Personnel
Committee

Mr. Cleaver reported that the Personnel Committee met on October 2, 2008, and agreed to place two items on the agenda, for a second reading Ordinance 159, the Creation of a Shift Commander in 911, and for a first reading, Ordinance 161, the creation of two new grant funded positions.

Mr. Giles then requested that Members of Council either submit their reports to Council Secretary for inclusion in the minutes, or be given at the next meeting due to time constraints.

Mr. Leone's
Comments

Mr. Leone stated that he felt it would be appropriate to answer at least some of the individuals who came before Council to speak this evening. For example, he pointed out that one individual asked about early retirement. Mr. Leone explained that, as chairman of the Retirement Board, early retirement would cost the county \$10 million, and that is the reason early retirement can't be done. Also, with the decline in the market at present, it may cost millions of dollars just for the current retirement system. Mr. Leone also stated that it is not that Council is not concerned about employees, but Council's responsibility is to fund or defund; it has nothing to do with personnel. He further explained that the County Executive's Office is responsible for hiring and firing, and Council has no say in those instances. Council can add positions to the budget, if that is necessary, but that doesn't mean that the administrative branch of this government has to post those positions. Council does not have the power to tell the administration to do that.

Another question was asked by Mr. Horton, who wanted to know if the gaming monies were going to be handled the same way every year. Mr. Leone responded that Council is new at this, and will learn from this. He also addressed Mr. Rocco's statements, and explained that it is difficult to be able to make some changes in this area at the eleventh hour. Mr. Leone expressed his appreciation for everyone's input and will take those comments into consideration for the future. He also has reports he would like to give, but will present those at the next meeting. Mr. Giles noted that he will wait until the next meeting as well due to the difficult issues facing Council this evening.

Smoking Policy
For Erie Cnty.
Property Adopted

Mr. Smith gave a second reading of 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." Mr. Foust moved to adopt, Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Rel. of Unrest.
Gaming Funds For
Dedicated Assets

Mr. Smith gave a second reading of Ordinance Number 158, 2008, "2008 General Fund Budget Release of Unrestricted Gaming Funds for Dedicated Assets." Mrs. Loll moved to adopt; Mr. Fatica seconded.

Mr. Foust moved to amend the ordinance as follows:

The total amount on Exhibit A is amended to \$1,070,653, and the individual figures for the eight agencies who will receive funds are as follows:

The Erie Zoological Society	\$390,688
Arts Council of Erie	95,364
Erie Art Museum	109,773
Erie Philharmonic	141,759
Erie Playhouse	137,813
expERIENCE Children's Museum	38,584
Erie County Historical Society	77,810
D'Angelo Performing Arts Center	78,864

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

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Mr. Foust's
Comments

Mr. Foust stated that he spoke with Council Solicitor, Attorney Talarico, before the meeting to confirm that although the D'Angelo Performing Arts Center is a part of Mercyhurst College, Mr. Foust does not have a conflict of interest since it does not interfere with his position at the college. Mr. Talarico acknowledged that he did discuss this issue with Mr. Foust earlier, and under the Home Rule Charter and State Ethics Commission, Mr. Foust does not have a conflict.

Mr. Giles'
Comments

Mr. Giles expressed gratitude to all those individuals who have been involved in this process. He explained that 16 years ago, the County set up a committee involving many citizens throughout the county to work on the issue of financial stabilization of regional assets. If this community is to attract and retain people, certain things need to be in place to make this community attractive. There have been many partners involved in this process over the last 16 years to help develop a policy that would provide that kind of stabilization for those important assets for this area. He explained that the numbers provided are the result of another panel set up by the county to review proposals according to a certain policy and to make recommendations for funding. That committee used a similar proposal policy and procedure that was put in place by the Pennsylvania Council of the Arts and the Erie Arts Council by helping to advise what kind of procedure mechanically needed to be put in place. A debt of gratitude is owed to the Regional Assets Funding Committee as well. He noted that Rena Moakeh was the first person hired to deal with this issue. Ms. Moakeh is an attorney from London and was born in Kuwait; she was a very dedicated employee now working for General Electric. Mr. Giles told Mr. Simonelli, from GE, that they have received a very talented person.

Mr. Giles pointed out that anything starting out for the first time is going to be especially challenging since there is no model to follow. A debt of gratitude is owed to the committee providing the recommendations to Ms. Moakeh, Mr. Spaulding, and everyone involved in this process. Mr. Giles also expressed gratitude to the Administration and Council for working together cooperatively to create this project, which is considerably less than what the plan had required. This is due to the commitment to the airport runway project, one of the top premier economic development projects, which caused Council to bump into the policy regarding unrestricted funds. Mr. Giles noted there was a greater degree of flexibility in the initial plan, but that flexibility became smaller as these funds needed to be utilized elsewhere.

Mr. Giles reminded the audience that there is an ongoing court case regarding the issue of gaming funds largely brought about through Summit Township, but shared with the surrounding municipalities other than Millcreek. Mr. Giles explained that the County is now in the appeal process before the Commonwealth Court regarding the judge's rule. The Gaming Authority is continuing to move ahead, creating a work document for applications according to the provisions given through the local court. Some of the language in the order, for example, that the capital grants would be called municipal grants to those entities that either are Summit Township, or surrounding municipalities solely because of the impact of the casino, makes it an interesting environment because of this language, not because of other motels, stores, or other needs and demands parallel to the casino, but simply because of the casino.

Mr. Giles noted that the authorities have been meeting aggressively to make sure the applications get out before the end of the year; and by December 31, this Council will be faced with another potential list of funding on the capital side, restricted money. This Council will again be deliberating in the same way. This seemed to have a very simple beginning. Mr. Giles compared the situation to Ed McMahon knocking on the door with the prize of gaming money for Erie County, and it has now become a very complicated matter. He again thanked everyone who helped this issue move forward.

Mr. Foust's
Comments

Mr. Foust wished to respond as well to individuals who spoke. He explained that for Erie and Erie County to remain an economically diverse and successful area, these types of organizations need to be supported. These organizations have programs that are going to focus and enhance the cultural and civic diversity in this area. People that grow up and learn to appreciate art, music, and beauty are not

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going to have guns and shoot people. Mr. Foust further explained that these types of programs help make society safer and better; places that people may want to relocate and start new companies. Arguments can be made that other organizations are in more need, but these organizations, in Mr. Foust's opinion, will go a long way toward making Erie County the type of place everyone hopes for.

Mr. Foust noted that there is also another round of funding to come, and that is for public safety assets funding in the amount of \$82,906.15. He requested Mrs. Pasquale work out a procedure ensuring that this money can be accessed by firefighters through the Franklin Center.

Mr. Fatica's
Comments

Mr. Fatica compared this situation to the first day of school for Council. Council is in the process of learning, and he asked that Council be given a chance. He noted there is no precedent, and Council has never done this before. As previously mentioned, this is similar to Ed McMahon knocking on the door and lots of people are standing behind him wanting a share. Mr. Fatica explained that he was part of the process of watching those individuals deliberate the applications. He again asked that Council be given a chance during this learning process.

Mr. Giles called for a vote on Ordinance Number 158, 2008, as amended, and it carried in a unanimous roll call vote.

Creation of
Shift Commander

Mr. Smith gave a second reading of Ordinance Number 159, 2008, "Second 2008 E911 Fund Budget Supplemental Appropriation for Creation of a Shift Commander Position." 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 160, 2008, "Waiving Section 4 of Erie County LERTA Ordinance 59, 1980 and Approving the Revised LERTA Program in the City of Erie"

Ordinance Number 161, 2008, "2008 Health Choices Fund Budget Revised Expenditures for the Creation of Two New Grant Funded Positions"

Barbara Hauck
Appt'd to RAFC

Mr. Foust moved to appoint Barbara Hauck to the Regional Assets Funding Committee; Mr. Fatica seconded, and it carried in a unanimous roll call vote

Sales of Parcel

Mr. Leone moved to approve the sale of parcel from the repository at Index No. 50-006-071.0-003.83; Mr. Fatica seconded; and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m.

Ann M. Bruno, Council Secretary
