

February 10, 2009      Agenda Amended. Minutes of Regular Mtgs. held January 2, 6, & 20, 2009 approved. Gen. Fund SA for Hot Water Tank Prjct adopted; LERTA Wvr for Lawrence Pk adopted; 2010-2013 Elected Officials' Salary Ord. adopted. First Rdgs: Gaming Fund SA for 2008 Allocations not disbursed in 2008; Gaming Fund SA for WWII Memorial; Gaming Fund SA for Adm. Expense & Creation of New Position; Public Safety SA for Donation of HAZMAT Equip; Public Safety SA for COPS Tech Grant (2); Public Health Fund SA for Beach Grant; Rev. Exp. For Library. 2010-2013 Tax Collectors' Comp Ord adopted. MH/MR SA to Create Four Pgrm Spec. I Positions; Gen. Fund SA to Upgrade Exec. Dir of HRC.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Cleaver called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Erie County Council Chambers, Erie County Courthouse. Following the Pledge of Allegiance, the County Clerk called the roll:

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

Members Absent    Mr. Leone  
                              Mr. Mitchell

Also Present:        Douglas R. Smith, County Clerk  
                              Joseph P. Maloney, Council CPA  
                              Thomas Talarico, Council Solicitor  
                              Sean Wiley, Director of Administration  
                              Jim Sparber, Director of Finance  
                              Sue Ellen Pasquale, Manager of Accounting

Hearing of  
The Public

Char Mashyna, ArtsErie Executive Director, came this evening with friends and colleagues from the arts and cultural community to thank Members of Council for the regional assets funding received through the gaming revenue. The funding has made a difference allowing organizations to improve their balance sheets, endowments, help restore depleted reserves, marketing, and avoid layoffs. The amount needed to stabilize the arts and cultural organizations is about \$2.5 million annually. Ms. Mashyna asked Council to consider that regional assets grants are an investment in the community. She expressed deep appreciation to members of the Regional Assets Committee who spent numerous hours creating a new process. Mr. Borgia indicated to her that changes have been suggested in the grant process and she offered her input as well as others who had served on the Regional Asset Task Group. Several members of the arts and cultural community are present this evening and she asked them to stand and thank Council.

Mr. Foust asked Ms. Mashyna to provide in writing any suggestions she may have, and she agreed. Mr. Giles asked those individuals standing to identify themselves and the agency they represent.

Present were: Almitra Clerkin, Erie Playhouse; Brian Winslow, Asbury Woods Nature Center; Marvin Gold, Erie Art Museum; Nancy Potter, Erie Art Museum; Jenae Pohl, Erie Art Museum; John Vanco, Erie Art Museum; Rose Graham, Erie County Historical Society; Tim

Hearing of  
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Coleman, Lake Erie Fanfare; Dana Atwood, Goodell Gardens and Homestead; Tom Ferraro, Northwest Pennsylvania Art Association; Dave Stevens, Erie Summer Festival of the Arts; S. Vince Palermo, Erie Summer Festival of the Arts and the Presque Isle Artists Association; JoAnn Hornaman, Representative Hornaman's Office; Cathi Zelazny, Summer Festival of the Arts.

Cindy Purvis, 101 West 34<sup>th</sup> Street, Erie, stated that no one is more aware than Council of the financial problems facing Erie County. Adult Basic is a program that provides health care to working adults without employer health care benefits and who cannot afford to purchase insurance. Ms. Purvis has news that will save the County budget by saving programs, jobs, and make tax increases unnecessary. It is the Family and Business Health Security Act which was known for the past two years as House Bill 1660 and Senate Bill 300. This legislation will provide comprehensive health care to every Pennsylvanian with no co-pays or deductibles. It will provide addiction treatment; it will be publicly financed and privately delivered. The savings for the taxpayer will be substantial, and the county will save over \$5 million per year. She asked each member of council to contact members of the Pennsylvania General Assembly to put their names on this bill.

John Vanco, Erie Art Museum, thanked Council for finding a dedicated source of support for regional assets. This has enabled the Art Museum to stabilize at time when a major expansion is to begin. This has also enabled the museum to expand the free admissions program and the program working with underserved people in the community. Tourists and school students are also benefiting from the support of County Council through the gaming revenue for regional assets. His colleagues have also been positively affected by this. He again thanked Council on behalf of all members of the arts and cultural community.

Dan Galena, Erie County, stated that 600,000 jobs were lost in January and the unemployment rate rose from 7.2% to 7.6%. Mr. Galena noted that Mrs. Loll was on television regarding an impending pay raise that Council will vote on tonight for themselves, as well as the County Executive. The number of unemployed persons is 11 million and growing daily. He stated that he expects members of Council present this evening to vote no on these pay raises. Mrs. Loll stated she wanted parity in the pay for members of Council; Mr. Galena suggested the way to achieve this parity is to reduce the wages of the other members.

Gerald Price, 32 Rita Drive, stated that in these economic times the consideration of a pay raise is ludicrous. People cannot afford this. He referred to several local businesses closing down and laying off workers. People are having a hard time providing for their families. A pay raise for anybody just does not make sense.

Bill Bennett, Waterford, stated that the 1,500 jobs lost from General Electric belong to people who did something productive and not leaches on society like politicians. These people don't need politicians; but politicians need productive people.

Karen Hampton, 7734 Rosina Drive, Fairview, wished to speak regarding the Big Brothers Big Sisters Program which she is hoping to start in the Fairview and Girard area. Currently, there is no such program and many children need this type of program. Many Canal Street homes consist of one parent or grandparent raising children and they need help. These kids have no place to go and there is nothing to do in that area. She plans to go to the Fairview and Girard Churches and schools to find out which kids need the most help.

Minutes

Mr. Giles moved to approve the minutes of the reorganization meeting held January 2, 2009 and the minutes of the regular meetings held January 6 and January 20, 2009. Mr. Fatica seconded, and it carried in a unanimous roll call vote.

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Finance  
Committee

Mr. Giles reported the Finance Committee met on Thursday, February 5, 2009 and agreed to place on the agenda for second readings Ordinances 2, 3, and 5, as well as Ordinances 6 through 14 for first readings. The recommendation of the Finance Committee is to consider Ordinance Number 14, 2009 for a second reading since all salaries have to be established before the petition process can begin.

Mr. Giles also reported there was a resolution in regard to support for the homeless shelter run by Kitty Cancilla. Discussion was held regarding ways to help advance the issue since approximately 150 people are in residence, as well as individuals who also reside there for an extended period of time. The idea came up of having these individuals qualify for care managers and somehow utilizing MH funding. He stated this will likely be a long process but at least discussion has begun and this will certainly move forward as funds become available.

Personnel  
Committee

Mr. Fatica reported the Personnel Committee met on February 5, 2009, and agreed to place Ordinances 15 and 16 on the agenda for first readings.

Mr. Cleaver's  
Report

Mr. Cleaver reported that users of the new Millcreek Mall Library requested bus service to the front door. Mr. Cleaver then contacted Dennis Solensky, Executive Director of EMTA, and within a couple of weeks both EMTA and Mr. Solensky put together a bus route which will now stop at the library to accommodate city and county users. On behalf of Council, Mr. Cleaver sent a letter to EMTA thanking them for their quick service.

Mr. Foust added that when the Fairview branch opens, they are also willing to look at this issue to ensure that is on a public bus line as well.

Mr. Giles'  
Report

Mr. Giles reported that at this time every year that the National Association of Counties, both national and state organizations, announce their priorities for the year. On the list for the current calendar year are: Opposition to Unfunded Mandates and Preemptions from the federal government; Support Economic Stimulus Program in regard to issues that impact counties; Health Reform in general and its impact on counties. Mr. Giles pointed out there are many areas the public doesn't realize this issue impacts such as the prison population which will be seeing an expanded cost in terms of medical care for prisoners. This is now costing probably three times what it did three years ago. Health reform is a significant issue in terms of how county government operates and for constituents as well and the related issues of taxes.

NACo Prescription  
Drug Card Prgrm

Mr. Giles stated that Erie County participates in the Prescription Drug Card Program through NACo and Caremark. In the year 2008, not including the month of December, the number of users in Erie County was 19,608 people; the average savings per person off retail price was 26.94%, and the total savings to Erie County residents in regard to prescription drugs was \$512,055. Since the beginning of the program in 2006, the total amount saved in Erie County is \$1,101,590. The total number of prescriptions filled through that discount card program in Erie County was 91,729 with an average savings of 25.34%. Mr. Giles pointed out that this one program through NACo and Caremark has advanced a considerable savings since 2006. There are a variety of other programs which are less dramatic, but still significant in terms of what NACo offers Erie County.

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Tax Reform

Mr. Giles further reported that the County Commissioners Association of Pennsylvania rolled out its priorities in a formal presentation in Harrisburg on January 26, 2009. One of the primary and often repeated issues that appears on the agenda for counties is what is referred to as tax fairness. CCAP brought this out about eight years ago as an issue to see tax reform regarding property taxes for everyone. The Governor suggested an agreement be reached with the League of Cities and the County Commissioners, which was done. As this moves forward, Mr. Giles believes one of the significant points is that the Governor inquired as to the least that counties can live with in regards to property tax reform and the following was provided: if there would be a 1% add on sales tax, that no less than 50% of that would be used by counties to reduce property taxes; this would have to be a given. Nothing less than that would be comfortable from the County Commissioners' point of view. Also, this would be optional so counties could not be forced to do something that they didn't necessarily want to do. Local option was a significant part of this. Another issue involved the Not for Profits affecting many municipalities throughout the Commonwealth. There are many properties being assumed or used by Not for Profits causing a shortage on the property tax issue. These issues are municipal and negotiations need to take place. The Governor's staff is currently working with the Township Association to affect some type of agreement. Mr. Giles noted after all these years of discussion about property tax reform, this is the first time he believes there may be some light. This still will not be an easy challenge. Mr. Giles stated that Mr. Fatica is working very spiritedly with CCAP and with the Cooperative Extension. He asked Mr. Fatica for a brief explanation.

Mr. Fatica's  
Comments

Mr. Fatica noted that everyone is always concerned about their taxes. CCAP has moved this agenda forward and he has been in contact with Dr. Timothy Kelsey, from the Main Campus of Penn State, who gave a presentation. Mr. Fatica explained that there will be events in Erie and Union City on May 13 and 14, and everyone is invited to attend. This is not just for elected officials; this is for the public. The public will be a part of this meeting by asking questions and providing suggestions. Raising the sales tax, not property taxes, would help solve some difficulties. Mr. Fatica thanked Mr. Giles for recognizing him. This has been a team effort and more information will be provided through the media.

Mrs. Loll's  
Report

Mrs. Loll reported that she and Mr. Giles attended the County Planning Commission Meeting on February 5, 2009 held at the Blasco Library. She asked the Director to put the information from that meeting into each Council Member's mailbox. This information will provide updates on what is happening with the Planning Commission, the names of the members, etc. She asked all members to please review this material.

Hot Water  
Tank Prjct

Mr. Smith gave a second reading of Ordinance Number 2, 2009, "Second 2009 General Fund Budget Supplemental Appropriation for the Completion of the Prison Hot Water Tank Project and the Creation of a New Line Item." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Expansion of  
LERTA in  
Lawrence Pk

Mr. Smith gave a second reading of Ordinance Number 3, 2009, "Waiver of Section 4 of LERTA Ordinance 59, 1980 for the Expansion of the LERTA Zone in Lawrence Park Township." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

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2010-2013 Elected  
Officials' Salaries

Mr. Smith gave a second reading of Ordinance Number 5, 2009, "2010-2013 Elected Officials' Salaries Ordinance." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Giles wished to remind members that, one way or another, a salary has to be set. Without some ordinance in place indicating what the salary will be, there will be no salary. This was a problem a number of years ago with the coroner where the situation ended with a zero salary. Mr. Fatica pointed out that the federal government has granted a 5.3% increase to social security. As Mr. Giles stated, there must be some type of action to forward this. Mr. Cleaver then called for the vote on Ordinance Number 5, 2009, and it failed in a roll call vote of 3-2, Mr. Foust and Mr. Giles voting no.<sup>1</sup>

Agenda Amended

Mr. Giles moved to amend the agenda to include Ordinance Number 14, 2009, "2010-2013 Tax Collectors' Compensation Ordinance" as a second reading. Mr. Foust seconded, and it carried in a unanimous roll call vote.

2010-2013 Tax  
Coll. Comp.

Mr. Smith gave a second reading of Ordinance Number 14, 2009, "2010-2013 Tax Collectors' Compensation Ordinance."

Mr. Foust stated that he voted against the previous salary increase, but he believes the tax collectors are great ambassadors who do a lot of hard work and are an extension of the Courthouse. They have not had an increase in the last 20 years and that is the reason he is supporting this ordinance. Mr. Cleaver called for a vote on Ordinance Number 14, 2009, and it carried in a roll call vote of 4-1, Mr. Giles voting no.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 6, 2009, "Second 2009 Gaming Fund Budget Supplemental Appropriation for 2008 Allocations Not Disbursed in 2008"

Ordinance Number 7, 2009, "Third 2009 Gaming Fund Budget Supplemental Appropriation for Grant for WWII Memorial and the Creation of a New Line Item"

Ordinance Number 8, 2009, "Fourth 2009 Gaming Fund Budget Supplemental Appropriation for Gaming Administrative Expenses, the Creation of a New Position, and Creation of New Line Items"

Ordinance Number 9, 2009, "First 2009 Public Safety Fund Budget Supplemental Appropriation for Donation of HAZMAT Equipment from NWPA Terrorism Task Force and the Creation of New Line Items"

Ordinance Number 10, 2009, "Second 2009 Public Safety Fund Budget Supplemental Appropriation for COPS Technology Grant 2008CKWX0189 and the Creation of New Line Items"

Ordinance Number 11, 2009, "Third 2009 Public Safety Fund Budget Supplemental Appropriation for COPS Technology Grant 2008CKWX0190 and the Creation of New Line Items"

Ordinance Number 12, 2009, "First 2009 Public Health Fund Budget Supplemental Appropriation for Beach Grant and a Waiver of the Purchasing Code"

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<sup>1</sup> Mr. Giles subsequently changed his vote to a yes causing Ordinance Number 5, 2009, "2010-2013 Elected Officials' Salaries Ordinance" to pass in a roll call vote of 4-1.

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First Readings

Ordinance Number 13, 2009, "2009 Library Fund Budget Revised Expenditures for Library and Creation of New Line Item"

Ordinance Number 15, 2009, "First 2009 MH/MR Fund Budget Supplemental Appropriation to Create Four Program Specialist I Positions"

Ordinance Number 16, 2009, "Third 2009 General Fund Budget Supplemental Appropriation to Upgrade Executive Director of HRC"

2010-2013  
Elected Officials'  
Salaries

Mr. Talarico pointed out that Ordinance 5, 2009, "2010-2013 Elected Officials' Salaries Ordinance" failed. Mr. Maloney reminded members that the salaries need to be set by February 17, 2009. Mr. Cleaver stated the next meeting is scheduled for February 24, 2009 and will be too late for another vote on the issue. Mr. Smith inquired as to whether the ending date for the petitions would be more functional in this situation rather than the beginning date. Individuals are not technically a candidate until then. Mr. Cleaver stated the raises do not go into effect until 2010 so a person has to run for the office to get the raise. Mr. Talarico suggested erring on the side of having this ordinance in place before that. Mr. Fatica inquired how that can be done and Mr. Maloney suggested setting the salaries at the current year's rate with no increases. Mr. Talarico indicated an amendment to the agenda could be made to amend the ordinance so it would reflect last year's salaries and pass the ordinance in that way.

Mr. Giles then stated he wished to change his vote on Ordinance Number 5, 2009 to a yes vote. Mr. Foust noted the majority vote was necessary because this ordinance appropriates funds. Mr. Talarico explained that since Mr. Giles has changed his vote, it now becomes 4-1 and Ordinance Number 5, 2009 passes.

Adjournment

There being no further business, the meeting adjourned at 7:46 p.m.

Ann M. Bruno, Council Secretary

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