

February 24, 2009

Minutes of Reg. Mtg. of Feb. 10, 2009 approved. Agenda Amended. Auth. Purch. of Prop. at 154 W 9 St adopted; Gaming SA for 2008 Alloc. Not Disb. In 2008 adopted; Grant for WWII Memorial adopted; Gaming Fund SA for Adm. Exp. & New Position adopted; Donation of HAZMAT Equip adopted; PS SA for COPS Tech. Grant 2008CKWX0189 adopted; PS SA for COPS Tech. Grant 2008CKWX0190 adopted; PH SA for Beach Grant adopted; Library Fund Rev. Exp. adopted; MH/MR Fund SA to Create Four Prgm Spec. I Positions adopted; Gen. Fund SA Upgrade Exec. Dir. of HRC adopted. First Rdgs: Gen. Fund SA of Ad. Prob. Superv. Fees; Gen. Fund SA for LIFT Pass Thru Grant; Gen. Fund SA for Food Dist. Pass Thru Grant; PS SA for ACT 72 VOIP Fees; PS Rel. of Rest. Act 56 Funds; Gaming Fund Rev. Exp; Amend. Ord. 231, 2009. Approval of Amend. To AFSCME Cler/Tech Barg. Agrmt adopted. Forgiving 2007 Taxes on Whispering Woods adopted; In Sprt of Temp. Easement to Effec. Repairs to Wintergreen Gorge adopted. Sale of Parcel from Repository approved. Susan Breon reappointed to Erie Cnty. Redev. Auth. Auth. Payment from Constrc. Fund for Transfer of Erie Golf Course adopted.

February 24, 2009

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
Mr. Mitchell

Members Absent: Mr. Leone

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

Kenneth Francis Szymon Przepierski, 640 East 12th Street, Erie, noted that Council still passes by the Optional Prayer or Invocation on the Agenda. He asked several questions about items on the agenda such as Ordinance Number 6, whether those funds were held on to finalize the golf course deal; Ordinance 8, whether there aren't enough people spending gaming money; and Ordinance 12, asking why there is a Purchasing Code if it is going to be waived. Mr. Przepierski also questioned if the word upgrade refers to a raise regarding the Executive Director of the Human Relations Commission position. He also questioned the creation of new line items and asked about the restricted gaming projects. He referred to Resolution 6 asking what Whispering Woods is and how much money is being forgiven.

Renee Vendetti, Erie, wished to bring to Council's attention the misuse of authority by a Council Member stating the people believe disciplinary procedures should be addressed against this individual. She referred to Roberts Rules of Order on disciplinary procedures and demanded an investigation by Council. Ms. Vendetti wished to file a formal complaint that disciplinary procedures against Mr. Leone be authorized due to the content of a letter sent to, and his personal attack of, an elected official. She asked that charges be preferred and a formal trial be held before the assembly of this society or a special committee, such as the Human Relations Commission.

Welcome to
Students

Mr. Giles wished to recognize students from Gannon University and extended a welcome to them this evening. Mr. Fatica also wished to welcome Brian Pasquale and Mike Wernicki, two students from McDowell, also present this evening. It has come to Mr. Fatica's attention that Brian Pasquale will be voting this year for the first time and he also hopes the students from Gannon have registered to vote and will exercise that right in May.

Minutes

Mr. Giles moved to approve the minutes of the Regular Meeting held February 10, 2009. Mr. Foust seconded, and it carried in a unanimous roll call vote.

February 24, 2009

Mr. Wiley's
Comments

Mr. Wiley advised Members of Council that he has distributed a list of Town Hall meetings the County Executive will be holding. That list has been published and will be posted on the website. The Administration is hopeful that Members of Council will be able to attend some of the meetings held in their district.

Town Hall Meetings:

Township/ Borough	Date	Place	Address	
North East	Tues, March 31	Borough Building	31 W Main St: North East 16428	6:30- 8:30
Girard	Wed, April 15	Township Building	10140 Ridge Rd: Girard 16417	6:30- 8:30
Albion	Tues, April 21	Albion Fire Hall	19 Smock Ave: Albion 16401	6:30- 8:30
		Corry Higher		
Corry	Wed, May 6	Education	221 North Center St: Corry 16407	6:30- 8:30
Wattsburg	Wed, June 3	Borough Building	14431 Main St: Wattsburg 16442	6:30- 8:30
Union City	Tues, June 16	MS/HS LGI	107 Concord St: Union City 16438	6:30- 8:30
McKean	Mon, July 6	Township Building	9231 Edinboro Rd: McKean 16426	6:30- 8:30
Waterford	Tues, August 4	Borough Building	30 South Park Row: Waterford 16441	6:30- 8:30
Wesleyville	Tues, Sept 1	Borough Hall	3421 Buffalo Rd: Erie 16510	6:30- 8:30
Erie	Mon, October 5	H.O. Hirt Auditorium	160 East Front St: Erie 16507	6:30- 8:30
Millcreek	Mon, October 26	Township Building	3608 West 26th Street: Erie 16506	6:30- 8:30

Finance
Committee

Mr. Giles reported the Finance Committee met on February 19, 2009, and agreed to place on this evening's agenda for second readings Ordinances 4, and 6 through 13. The Committee also agreed to place for first readings on the agenda, Ordinances 17 through 22 with the exception of Ordinance 23, which Members are encouraged to consider for a second reading. Resolutions 6 and 7 were also placed on the agenda for possible adoption.

Mr. Giles further reported that discussion was held at length regarding the airport/golf course issue and the County's role. In fact, there is a recommendation to amend this evening's agenda to include a resolution that would authorize the county to produce the funding on the county's side once there is an actual agreement on the part of the entities. The last item on the agenda is the possible reappointment of Susan Breon, through Mr. Mitchell, to the Erie County Redevelopment Authority.

Personnel
Committee

Mr. Fatica reported the Personnel Committee met on February 19, 2009, and agreed to place on the agenda Ordinances 15 and 16 for a second reading. Under New Business, Ordinance 23 has been placed on the agenda for a first reading.

Mr. Foust's
Report

Mr. Foust reported that approximately ten days ago, he had attended, along with Mr. Cleaver, the Public Safety dinner which celebrates what the public safety community does throughout the year. The dinner also serves as an update on plans for the upcoming year. Mr. Foust noted it was encouraging to see more people in attendance this year than in the past.

Mr. Foust also wished to welcome a student from Harborcreek High School present this evening. Craig Anderson has been shadowing Council and has spent approximately 6 to 7 hours with Council so far and will be a presence throughout the month of March. Hopefully, Mr. Anderson will be illuminated in this process.

Mr. Giles'
Report

Mr. Giles reported that on February 23, 2009, the Erie County Gaming Revenue Committee met and reviewed the process and procedures they have moved forward with regarding the gaming money. On the agenda is the ordinance concerning the recommended projects that have gone through an

February 24, 2009

Mr. Giles'
Report

application process. The Authority has been extremely diligent in their process. Because of the fact that the prior fiscal year was compressed, ECGRA is about ready to begin again with 2008 monies. As everyone is aware, Judge Dunlavey had a very specific ruling as to how those funds could be disbursed. The Authority is the entity under which that procedure moves forward. Mr. Giles noted that the Erie County Gaming Revenue Authority has been meeting in January and February regularly, sometimes twice weekly, to review applications, discuss policy and procedure, and they have been extremely diligent. These members certainly deserve a great deal of appreciation for the amount of time and effort spent on this process, which Mr. Giles believes is beyond what anyone had envisioned when this process began. Mr. Giles pointed out that the county is still involved in an appeal on that ruling. He understands that oral argument may be held sometime in May or early June, and optimistically, a ruling would be issued regarding this appeal before the end of 2009.

Mr. Mitchell's
Report

Mr. Mitchell reported that on February 19, 2009, a teleconference was held with Deputy Secretary Joan Erney and those involved in Human Services. The teleconference dealt with the County's MCO and the Value and Erie County Care Management situation looking into the future and the contract with Health Choices. The Deputy Secretary had planned to drive to Erie, but the weather prevented her from doing so and the teleconference was held. Mr. Mitchell is glad to have this ability and recalled that discussion has been held regarding the District Judge's using this type of communication. During the meeting, a very frank conversation was held with the Deputy Secretary. Mr. Mitchell believes the County is in a good position to move forward and set course. A great deal of work needs to be done for the next 18 months. He wished to stress to Council that they must be active participants in this process as it moves along. Mr. Mitchell will attend the long meetings and report back to Council, but if anyone has questions, either Mr. Mitchell or Mr. Wiley will be glad to address them. He expressed his confidence that the County does have a successful program. The creation of Erie County Care Management last year has been very successful. However, the Deputy Secretary would like to see some mission change with ECCM, and there are plans to work on that. Mr. Mitchell again reminded everyone that a great deal of work needs to be done and he hopes everyone will be engaged as this moves forward.

Agenda Amended

Mr. Foust moved to amend the agenda by adding two additional items, Resolution Number 8, 2009, "Authorizing Payment from County Construction Fund for Transfer of Erie Golf Course from the City of Erie to Millcreek Township" and Ordinance Number 24, 2009, "Amending Ordinance Number 231 of 2008 Further Amending the Administrative Code of Erie County." Mr. Giles seconded the motion, and it carried in a unanimous roll call vote.

Purchase of Bldg
Adopted

Mr. Smith gave a second reading of Ordinance Number 4, 2009, "Authorizing the Purchase of the Building and Real Property Located at 154 West 9th Street Erie Pennsylvania (16) 3010-216 from Balgot Building Corporation." Mr. Giles moved to adopt; Mr. Foust seconded. Mr. Foust moved to amend the ordinance to include a new extension agreement and a new Articles of Agreement. Mr. Giles seconded, and it carried in a unanimous roll call vote. Mr. Cleaver called for a vote on Ordinance Number 4, 2009, as amended, and it carried in a unanimous roll call vote.

Gaming Fund SA for
2008 Allocations Not
Disbursed in 2008

Mr. Smith gave a second reading of Ordinance Number 6, 2009, "Second 2009 Gaming Fund Budget Supplemental Appropriation for 2008 Allocations Not Disbursed in 2008." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a roll call vote of 5-1, Mrs. Loll voting no.

February 24, 2009

Grant for WWII
Memorial Adopted

Mr. Smith gave a second reading of Ordinance Number 7, 2009, "Third 2009 Gaming Fund Budget Supplemental Appropriation for Grant for WWII Memorial and the Creation of a New Line Item." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Gaming SA for
Adm. Exp, Creat.
New Position

Mr. Smith gave a second reading of 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." Mr. Giles moved to adopt; Mr. Mitchell seconded.

Mr. Giles explained that part of the issue in this background is the fact that the gaming funds come into the county in two different avenues; one is restricted and one is unrestricted. During the year, all of the expenses have accumulated on the unrestricted side. This opens the door so that each side is paying 50-50 meaning the costs are now shared between both the unrestricted and the restricted side.

Mr. Cleaver called for a vote on Ordinance Number 8, 2009, and it carried in a roll call vote of 5-1, Mrs. Loll voting no.

Donation of
HAZMAT Equip.

Mr. Smith gave a second reading of Ordinance Number 9, 2009, "First 2009 Public Safety Fund Budget Supplemental Appropriation for Donation of HAZMAT Equipment from NWPAT Terrorism Task Force and the Creation of New Line Items." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

COPS Tech.
Grant

Mr. Smith gave a second reading of Ordinance Number 10, 2009, "Second 2009 Public Safety Fund Budget Supplemental Appropriation for COPS Technology Grant 2008CKWX0189 and the Creation of New Line Items." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Giles expressed appreciation for the work that Joe Weindorf, Director of Public Safety, and his staff have done to secure this federal grant through Homeland Security. This will have an important impact on how 911 calls are handled throughout the entire county. Having the most current technology is certainly a worthwhile effort, and finding a federal resource to accomplish this is laudable.

Mr. Cleaver called for a vote on Ordinance Number 10, 2009, and it carried in a unanimous roll call vote.

COPS Tech.
Grant

Mr. Smith gave a second reading of Ordinance Number 11, 2009, "Third 2009 Public Safety Fund Budget Supplemental Appropriation for COPS Technology Grant 2008CKWX0190 and the Creation of New Line Items." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

PH SA for
Beach Grant

Mr. Smith gave a second reading of Ordinance Number 12, 2009, "First 2009 Public Health Fund Budget Supplemental Appropriation for Beach Grant and a Waiver of the Purchasing Code." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Giles explained that this particular grant was secured in response to the problems at Presque Isle with e-coli, especially during the summer months, so there can be more understanding as to what is happening and why.

February 24, 2009

PH SA for
Beach Grant

Mr. Foust stated this grant will eventually contract with Mercyhurst College, his full time employer, and he will, therefore, abstain from voting on this particular ordinance.

Mr. Cleaver called for the vote on Ordinance Number 12, 2009, and it carried in a roll call vote of 5-1-0, Mr. Foust abstaining.

Revised Expend.
For Library

Mr. Smith gave a second reading of Ordinance Number 13, 2009, "2009 Library Fund Budget Revised Expenditures for Library and Creation of New Line Item." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

MH/MR SA to
Create Four Prgm.
Spec. Positions

Mr. Smith gave a second reading of Ordinance Number 15, 2009, "First 2009 MH/MR Fund Budget Supplemental Appropriation to Create Four Program Specialist I Positions." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Giles explained that this ordinance is for the creation of four positions based on a federal grant and the language in the ordinance states that if the grant expires or those funds no longer exist, these positions are automatically eliminated. Mr. Fatica further explained that this means there is no county money involved.

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

Gen. Fund SA to
Upgrade Dir. of HRC

Mr. Smith gave a second reading of Ordinance Number 16, 2009, "Third 2009 General Fund Budget Supplemental Appropriation to Upgrade Executive Director of HRC." Mr. Foust moved to adopt; Mr. Giles seconded.

Mr. Foust explained that this will upgrade the salary of the Human Relations Commission Director by \$1,215, which basically puts this individual back to his original salary before he left the position.

Mr. Cleaver called for a vote on Ordinance Number 16, 2009, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 17, 2009, "Fourth 2009 General Fund Budget Supplemental Appropriation of Adult Probation Supervision Fees and the Creation of New Line Items"

Ordinance Number 18, 2009, "Fifth 2009 General Fund Budget Supplemental Appropriation for LIFT Pass Thru Grant and the Creation of New Line Items"

Ordinance Number 19, 2009, "Sixth 2009 General Fund Budget Supplemental Appropriation for Food Distribution Pass Thru Grant and the Creation of New Line Items"

Ordinance Number 20, 2009, "Fourth 2009 Public Safety Fund Budget Supplemental Appropriation for Act 72 VOIP Fees and the Creation of New Line Items"

Ordinance Number 21, 2009, "2009 Public Safety Fund Budget Release of Restricted Act 56 Funds and Creation of New Line Items"

February 24, 2009

First Rdgs. Ordinance Number 22, 2009, "2009 Gaming Fund Budget Revised Expenditures and Creation of New Line Items for Restricted Gaming Projects"

Ordinance Number 23, 2009, "2009 Public Safety Fund Budget Revised Expenditures for Change in Hours for PSAP Employees"

Amend.
Ord. 23 Mr. Foust moved to amend the title of Ordinance Number 23, 2009 to read:

"Approval of Amendment to AFSCME Clerical/Technical Bargaining Unit Agreement and 2009 Public Safety Fund Budget Revised Expenditures for Change in Hours for PSAP Employees"

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

Motion to Amend Agenda Mr. Foust further moved to amend the agenda to add Ordinance Number 23, 2009 for a second reading for final approval. Mr. Fatica seconded, and it failed in a roll call vote of 4-2, Mr. Giles and Mrs. Loll voting no.¹

Mr. Mitchell stated this is very unusual for Council, but one of the problems being faced is that the Public Safety Department in Erie County is changing to the 911 system. Corry and many other communities have been brought into the system, and Mr. Mitchell believes it is very germane that this issue keeps moving quickly so the safety of citizens is not put into jeopardy. This is a small part of the puzzle that will hopefully make this system more efficient. He believes if Council waits another month or two to put this into effect, it will be very difficult.

Mr. Foust added that there is a 90 day clause if this does not work so it can be re-evaluated at the end of three months. Mr. Fatica explained this ordinance stretches out the hours people are working. They feel they are more productive working a 12 hour shift. In order to achieve that, the union needed an amended agreement. As Mr. Foust indicated, this can be reviewed in 90 days to see if it is working. Mr. Cleaver indicated that in his discussion with the Bureau Chief and the Administration, there is a possible savings of \$20,000-\$25,000, and he hoped Members would take that into consideration when voting.

Mr. Talarico pointed out that the motion to amend the agenda failed; five votes are needed. Mrs. Loll then indicated she would change her vote. Mr. Talarico suggested another motion and roll call be held on the motion to amend the agenda to move Ordinance Number 23, 2009 to a second reading.

Mr. Foust then moved that the agenda be amended to include Ordinance Number 23, 2009 for a second reading. Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Aprvl of Amend.
To AFSCME Barg.
Agrmt & Change
In Hours for
PSAP Empl. Mr. Smith gave a second reading of Ordinance Number 23, 2009, "Approval of Amendment to AFSCME Clerical/Technical Bargaining Unit Agreement and 2009 Public Safety Fund Budget Revised Expenditures for Change in Hours for PSAP Employees." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

¹ Mr. Giles and Mrs. Loll subsequently changed their votes to a yes causing the agenda to be amended to add Ordinance Number 23, 2009 as a second reading in a unanimous roll call vote.

February 24, 2009

Forgiving 2007
Taxes on Whisp.
Woods Lift Station

Mr. Cleaver called for a reading of Resolution Number 6, 2009, and explained to the audience that Whispering Woods is a Golf Course. There is some reasoning behind this and he will be more than happy to explain that to anyone interested after the meeting.

Mr. Smith gave a reading of Resolution Number 6, 2009, "Forgiving 2007 Taxes on the Whispering Woods Lift Station in Millcreek Township." Mr. Fatica moved to adopt; Mrs. Loll seconded.

Mr. Fatica explained the amount involved in this resolution is \$5.68 and this has been approved by all other bodies. This is a subdivision, not just a golf course, and Council's approval is needed to forgive this amount.

Mr. Cleaver called for a vote on Resolution Number 6, 2009, and it carried in a roll call vote of 5-1, Mr. Cleaver voting no.

In Sprrt of Temp.
Easement to Effectuate
Repairs to Wintergreen
Gorge

Mr. Smith gave a reading of Resolution Number 7, 2009, "In Support of a Temporary Easement for a Portion of Six Mile Creek Park to Effectuate Repairs to the Wintergreen Gorge Bridge." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Giles explained that in order to rebuild the bridges on I-90, the cooperation of the county is needed to allow the use of county land.

Mr. Cleaver called for a vote on the resolution and it carried in a unanimous roll call vote.

Sale of Parcel Apprvd.

Mr. Foust moved for the approval of Sale of Parcel from Repository for Unsold Properties at Index Number: 15-021-008.0-220.00; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Susan Breon Reappt'd.
To Redevelopment
Authority

Mr. Mitchell moved to reappoint Susan Breon to the Erie County Redevelopment Authority. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Auth. Payment from
Cnty Construc. Fund
For Transfer of Erie
Golf Course to
Millcreek Twp.

Mr. Giles requested that Resolution Number 8, 2009 be read in its entirety since it is a new item and also due to the nature of the resolution which deals with the Erie Golf Course.

Mr. Smith gave a reading of Resolution Number 8, 2009, "Authorizing Payment from County Construction Fund for Transfer of Erie Golf Course from the City of Erie to Millcreek Township." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Fatica explained that he represents Millcreek Township in this issue and the Township will own this property in perpetuity so if something goes wrong, the Township will then be liable. There are plans for a new road and stanchions for the airport extension, as well as lights. Both parties will need to sit down and discuss what will be done, how, and when it will be done. Mr. Fatica noted that on Thursday, the Airport Authority will vote on an agreement, and the following Tuesday, Millcreek Township will vote on an agreement. If both parties agree, this is a deal.

February 24, 2009

Mr. Foust's
Comments

Mr. Foust commented that he, along with Mr. Fatica, attended two of the Airport Authority meetings last Friday and again this past Monday. Early last week, Mr. Foust did not feel that both entities were of the same mindset, and were ready to dig their heels in and possibly not move forward with this, which would have been a shame since there is a golf course that has been silent for years. He explained that the issues that divided the parties were relatively small, and the individuals serving on the Airport Authority along with the Board of Supervisors in Millcreek Township got together in the same room. They stopped sending negotiation teams back and forth; instead, they sat down and discussed their issues. Each issue was resolved relatively quickly, slowing down to some degree to ensure the language was right. These issues were settled in a two hour meeting which was very harmonious with no acrimony whatsoever. Mr. Foust believes this is a lesson as to how issues should be handled; however, more often than not, are unfortunately, not handled in this manner. He believes the airport runway extension will help jettison this community forward; the re-opening of a golf course that can be of benefit to the community; relieving of debt to the City of Erie are all actions that will help this community. The County has played a role in bringing this about, and this is a win-win situation for four different entities. Mr. Foust feels everyone should be proud of this accomplishment.

Mr. Fatica's
Comments

Mr. Fatica was also in attendance at those meetings, and stated it was amazing to see the parties sit down together and make such progress. He also believes this is a good lesson, that conversation and cooperation works. This is a good example of regionalism. The County is helping out other entities and should be very proud of that.

Mr. Cleaver called for the vote on Resolution Number 8, 2009, "Authorizing Payment from County Construction Fund for Transfer of Erie Golf Course from the City of Erie to Millcreek Township," and it carried in a unanimous roll call vote.

First Rdg.

Mr. Smith gave a first reading of Ordinance Number 24, 2009, "Amending Ordinance Number 231, 2008 Further Amending the Administrative Code of Erie County."

Mr. Foust's
Comments

For members of the audience, Mr. Foust explained that he is a big baseball fan, and as one might describe what went on at this evening's meeting, he reminded everyone that not everybody goes 4 for 5 everyday. Sometimes, you have a bad night and things don't work as well, but ultimately, the job gets done.

Adjournment

There being no further business, the meeting adjourned at 7:54 p.m.

Ann M. Bruno, Council Secretary
