

March 24, 2009

Minutes of Reg. Mtg. of Feb. 24, 2009 approved. Gaming Fund SA for Grant to Jefferson Society adopted. Gen. Fund SA of Ad. Prob. Super. Fees adopted. Gen. Fund SA for LIFT Pass Thru Grant adopted. Gen. Fund SA for Food Dist. Grant adopted. Pub. Safety SA for Act 72 VOIP Fees adopted. Pub. Safety Rel of Rest. Act 56 Funds adopted. First Rdgs. Aprvg \$1,000,000 Committed Line of Credit Note; Aprvg. \$1,700,000 Letter of Credit Agrmt; PH SA Change in Alloc. Of Funding for Superv. Of Nursing; Health Fund SA Creation of New Line Item for Vacation Exp; Gen Fund SA for PH Immun.; PH SA Vector Control; Gaming Fund SA Econ. Dev. Grant to NW Commission; Gaming SA Cnty Share of HS Bldg; C&Y SA for Option to Purchase HS Bldg; MH/MR Fund Budget Purch. Of HS Bldg; Gen. Fund SA Purch. Of HS Bldg; Gen. Fund SA Jul-Dec Rent for HS Bldg; Gaming Fund SA for Econ. Dev. Grant to Redev. Auth; Gaming Fund SA Econ. Dev. Grant to Erie Cnty Coop. Ext; Gen. Fund SA for EEOC Grant; Gen. Fund SA for Prison Outpatient Prgrm; Gen. Fund SA for Anti-Truancy Grant; Gen. Fund SA Grant for Unempl. Incent. In Ad. Prob; Gen. Fund Rev. Exp. For Rental of Records Storage Bldg; PH SA For Safe Kids Grant. Auth. To File App. For Funds with PA DCED Emerg. Shelter Grant Prgrm adopted. Aprvl of PILOT agrmt with Asbury Atlantic, Inc. adopted. In Sprt of Elk Creek Access Area Improvement Prjct adopted. In Sprt. of Inclusion of Erie in Prop. High Speed Rail Routes through Great Lakes Region adopted. Deborah A. Phillips, Tom DeBello, Jack Pfadt, John Mason reappt'd to Agricul. Land Preserv. Brd. Paul Pangratz appt'd to Agricul. Land Preserv. Brd. Robert Tullio appt'd to Tax Assessment Appeals Brd.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Cleaver, Chairman, 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
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
Jim Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Hearing of the
Public

Joseph Curlett, 1691 Granada Drive, Apt. 11, Millcreek Township, spoke to Council regarding stimulus funding noting that the county will receive millions of federal dollars for job creation, infrastructure and energy projects. In order to ensure these monies are equitably meted out to those who deserve and need it, he requested the County Executive hold town hall meetings to determine where the funds should be distributed. He offered suggestions for the use of these monies in the area.

Wade L. Johnson, 2010 June Street, Erie, stated that the Tires to Energy Plant has been given an initiative to be able to move forward with the building of the plant. As a core member of Keep Erie's Environment Protected, he has opposed this plant from the beginning and is baffled that the county, including the County Executive, hasn't come out forcefully against this plant. This plant is a major polluter to the Erie area and will be a detriment to the tourist industry. He expressed his desire that Council speak up and oppose this tire plant.

Ken Przepierski, 640 East 12th Street, Erie, questioned several items on the agenda. He noticed at the February 24th meeting that second readings are not read in their entirety and wondered about the dollar amounts involved. The word "other" on that agenda became a last minute add on and believes that should be addressed with an addendum before the start of the meeting. He questioned Ordinances 25 and 26; asked about the Northwest Commission and the Human Services Building ordinances.

Minutes

Mr. Foust moved to approve the minutes of the February 24, 2009 Regular Meeting. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Giles reported the Finance Committee met on Thursday, March 19, 2009, and agreed to place on the agenda Ordinances 1, and 17 through 21 for a second reading. The Committee also agreed to place on the agenda Ordinances 25 through, and including, Ordinance 45, Resolutions 9, 10, 11, and 12, as well as several reappointments and appointments to the Agricultural Preservation Board and the Board of Tax Assessment Appeals.

Mrs. Loll's
Report

Mrs. Loll reported that she recently heard from Karen Hampton, who had previously spoken before Council to express her interest in having a Big Brother/Big Sister Program in the Fairview area. Ms. Hampton has found a lot of interest in this program after speaking with area churches and organizations about her plan. She plans to help children from ages 7 through 17 and will call the organization "Fairview Companion Program for Kids." Her next step is to find a van for the transportation of the children. Mrs. Loll believes that Ms. Hampton should receive as much encouragement as possible since her efforts will benefit many children, and hopefully, keep them on the right track.

On March 12, 2009, Mrs. Loll attended the Erie County Planning Commission meeting. The Erie County Greenways Plan was discussed. This is a work in progress which will be completed soon. Under New Business at the meeting, the roles and initiatives of the Erie County Planning Commission were discussed and an outline was distributed. Anyone interested in reviewing this material may get it from the council secretary. Also discussed at the meeting were the problems Wattsburg Borough is experiencing, and whether this is a trend. Although the Planning Commission will not be recommending that municipalities consolidate their governments, the subject of the consolidation of Fairview Borough and Fairview Township governments was discussed.

On March 23, 2009, Mrs. Loll attended the Health Board meeting. One of the items on the agenda was the discussion and update of the Clean Indoor Air Act. Reportedly, the state has realized that a level playing field was not created with the restrictions and is considering, or looking into, making all public buildings smoke free. Also on the agenda was the discussion of a regional consolidated health department with Crawford County. Accomplishments and Challenges for the Erie County Health Department for 2008 were distributed and those copies are also available.

Mrs. Loll further reported that Dr. Mark White, from the Pennsylvania Department of Health, attended the meeting to provide information regarding the progress of the report on the Tires to Energy Plant. The report will be only a study of the air quality. Working with the department, a document will be compiled for the department to use in their decision on the plant permit application. Health effects of the facility will be checked with the goal of reducing potential exposure and illness due to the quality of the air. Data will be obtained, screened, and evaluated to determine the health effects and to classify potential health risks. This will be an assessment document only as they have no directive power. Mrs. Loll advised that the Pennsylvania Health Department is a recommendation department

only in this matter. At this time, they are not looking at ground and water saturation or the ash and its transportation, nor is the steam from the cooling towers a part of this study at this time.

Mr. Fatica's
Comments

Mr. Fatica stated it is always a pleasure to see new faces in the audience and he welcomed nursing students present this evening, as well as two young men from a McDowell High School government class, Nick Makay and Jamison Gertner. He thanked the students for attending and noted that it is good to see people having an interest in county government in action.

Mr. Foust pointed out that Mr. Anderson from Harborcreek High School is still shadowing Council and is also present.

Mr. Giles'
Report

On March 6, 2009, Mr. Giles was invited by the Governor, along with representatives from the League of Cities, Township Association, and Boroughs Association, to hear a presentation at the Governor's residence regarding the Pennsylvania Economic Recovery Package, or the Stimulus Program, as the state sees it. At the presentation, which lasted about 2 ½ to 3 hours, the respective secretaries for Transportation, Pennvest, Department of Environmental Protection, Department of Community and Economic Development, Education, and the Pennsylvania Housing Financing Agency, all made presentations. Everyone received a package at the presentation, but the PowerPoint portion was sent electronically afterwards.

Mr. Giles appreciates Mr. Curlett's concerns; however, Mr. Giles' sense is that this funding will likely be infused into existing systems, for example, in transportation, a large amount of money, almost coming from the federal dictate, will go to local organizations through the MPO (Metropolitan Planning Organization). Long and short terms plans are developed and prioritized; this happens annually. It is hoped that money will be infused into those plans already in the pipeline. Mr. Giles believes that in the category of education and in transportation, there seems to be reliance on existing systems. There are also discretionary grant opportunities that will take one to the list Mr. Curlett advanced. Mr. Giles feels close attention needs to be paid, because everything is being done very quickly. The internet and the website are critical components to finding out how these monies are being infused and pushed forward.

The Erie Growth Partnership had provided Mr. Giles a listing of projects that are already on paper, everything from Waterford, Millcreek, to the City of Erie in regard to infrastructure, business and industry development, education, and new construction. Some are already in place, and Mr. Giles suggested getting in touch with the lead economic development team and Jake Rouch to learn about existing opportunities. His first concern to anyone interested, regardless of whether it is a neighborhood initiative or something much larger, is to go to the website to see what is happening. This is like reading the stock market reports daily. Mr. Giles was told that this website is updated several times during the course of a day.

Mr. Giles agrees that the challenge will be, not the quality of the project being advanced, but the opportunity to connect that project at the right time and right place. The website indicates the proper contact source. He feels that, at the local level, it is important to learn what the lead economic development team is advancing because they try to put everything together so that everyone is united in terms of projects. Mr. Giles agrees that Mr. Curlett's suggestions are good projects, but they need to get on the list to move forward.

Mr. Giles also reported that the NACo Legislative Conference was held in Washington, and at that particular conference, he had an opportunity to meet with the new incoming Deputy US Attorney General Laurie Richards and her staff to discuss how the Department of Justice sees the issue of stimulus money. By their own admission, this will be difficult because while they are going through the normal application cycle, they also must handle part b, which are stimulus monies. For example, one could apply for a burn grant, which is usually criminal justice or police types of activity, before April 20th for the stimulus money and then within another two months be able to apply again from what was already structurally in place to fund justice activities regarding law enforcement. The opportunity can get very confusing for people, but it is critical for local elected officials to understand

that in the stimulus money, unlike other formularies, there is no match requirement, and he feels those are golden words.

Mr. Giles noted that Erie County has been involved in the prescription drug card program, and he had indicated several months ago what the county's annual savings were for citizens in the county. NACo is now planning on advancing a pilot program for a dental program. Unfortunately, there is no one national company that covers from the Atlantic to the Pacific, but there are two perspective vendors, so to speak, that would work with counties to provide dental services. Mr. Giles has offered Erie County for consideration as one of the pilot programs.

Mr. Giles also had the opportunity, along with Mr. Mitchell, to meet with Senators Casey and Specter and Representative Dahlkemper. Typically, one meets with the Chief of Staff and some important people, and often there is only a minute or two with the elected official. In this case, Senator Specter had the floor and was going to be speaking. The Senator wanted an opportunity to meet with Mr. Giles and Mr. Mitchell and had his Chief of Staff take them through a subway system from the office building over to the Senate and then outside the gallery. When the Senator came by, they gave him material on behalf of County Commissioners, NACo, and also on behalf of Erie County. The list of projects was not meant to be exclusive and complete, but to give the impression to the senators and congresswoman that if action isn't taken quickly, many opportunities may be lost.

On March 19, 2009, the Economic Development Corporation met and the tire plant issue was mentioned. Mr. Giles noted the land contract on the property is on an extended lease which expires October of 2009. Payments are made periodically to maintain that lease and the deadline for the payment was March 4th. Mr. Giles, repeating what was reported at the meeting, stated that the payment on that day was made at 4:55 p.m., and a request was made at that time to reduce the amount of the lease and reduce the time of the lease as well. The Authority thought that was somewhat telling such as a pulling back kind of situation. However, Mr. Giles was unaware of the zoning issue today. Also, the Economic Development Corporation has secured a state grant to clean up the Dunn Brickyard which has always been an important environmental area in need of cleaning up.

Mr. Giles further reported that the County had advanced money to the Economic Development Corporation through a bond issue several years ago. The Authority has a new CEO, John Elliott, and he is advancing the idea regarding a 200 acre site at an intersection somewhere for a warehousing kind of initiative. They are in the process of rethinking that and are looking at two 100 acre sites focused on the Port of Erie with the primary problem that ships are happy to bring things in, but not delighted that they have to leave empty. Mr. Giles believes the clever piece about this new initiative in establishing these 100 acre sites, is that they would become container type facilities and items then become shippable and marketable which opens the Port to more potential, more job development, and more economic development in a very creative way. An invitation has been extended to make a presentation to Council at some future time to understand how this would work. Mr. Giles feels this may be a clever way to utilize existing resources and build on them in a way no one has advanced to this point.

Grant to
Jefferson
Society Adopted

Mr. Smith gave a second reading of Ordinance Number 1, 2009, "First 2009 Gaming Fund Budget Supplemental Appropriation for Grant to Jefferson Society." Mr. Leone moved to adopt; Mr. Fatica seconded.

Mr. Leone moved to amend the ordinance, as well as Exhibit A, to include the word “startup” before “grant” in the title and body as follows:

“First 2009 Gaming Fund Budget Supplemental Appropriation For **Startup** Grant to Jefferson Society

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II, Sections 3B (1), 3B (2)(f) and Article VIII, Section 7 of the Erie County Home Rule Charter, and certified by the County Executive, that this 2009 Gaming Fund Budget supplemental appropriation in the amount of \$25,000 from the Community Assets line for a **startup** grant to the Jefferson Society is hereby approved as outlined on the attached Exhibit A.”

Mr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Cleaver called for a vote on Ordinance Number 1, 2009, as amended, and it carried in a roll call vote of 6-1, Mrs. Loll voting no.

Gen. Fund SA of
Adult Prob. Superv.
Fees Adopted

Mr. Smith gave a second reading of Ordinance Number 17, 2009, “Fourth 2009 General Fund Budget Supplemental Appropriation of Adult Probation Supervision Fees and the Creation of New Line Items.” Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA for
LIFT Pass Thru Grant

Mr. Smith gave a second reading of Ordinance Number 18, 2009, “Fifth 2009 General Fund Budget Supplemental Appropriation for LIFT Pass Thru Grant and the Creation of New Line Items.” Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA for
Food Dist. Pass Thru
Grant

Mr. Smith gave a second reading of Ordinance Number 19, 2009, “Sixth 2009 General Fund Budget Supplemental Appropriation for Food Distribution Pass Thru Grant and the Creation of New Line Items.” Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Public Safety SA
Act 72 VOIP Fees

Mr. Smith gave a second reading of Ordinance Number 20, 2009, “Fourth 2009 Public Safety Fund Budget Supplemental Appropriation for Act 72 VOIP Fees and the Creation of New Line Items.” Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Public Safety Rel. of
Rest. Act 56 Funds

Mr. Smith gave a second reading of Ordinance Number 21, 2009, “2009 Public Safety Fund Budget Release of Restricted Act 56 Funds and Creation of New Line Items.” Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 25, 2009, “An Ordinance Of The County Of Erie, Pennsylvania (The “County”) Authorizing And Directing The Execution And Delivery Of A Guaranty Agreement For The Benefit Of Pleasant Ridge Manor (“Pleasant Ridge”) And Compliance With The Provisions Thereof And Incurring Lease Rental Debt Thereby; Approving A \$1,000,000 Committed Line Of Credit Note From Peasant Ridge To PNC Bank, National Association; Directing The Proper Officers Of The County To Take Necessary Actions; And Repealing All Inconsistent Ordinances”

Ordinance Number 26, 2009, “An Ordinance Of The County Of Erie, Pennsylvania (The “County”) Authorizing And Directing The Execution And Delivery Of A Guaranty Agreement For The Benefit Of Pleasant Ridge Manor (“Pleasant Ridge”) And Compliance With The Provisions Thereof And Incurring Lease Rental Debt Thereby; Approving A \$1,700,000 Letter Of Credit Agreement From Pleasant Ridge To PNC Bank, National Association; Directing The Proper Officers Of The County To Take Necessary Actions; And Repealing All Inconsistent Ordinances”

Ordinance Number 27, 2009, “Second 2009 Public Health Fund Budget Supplemental Appropriation From Change In Allocation Of Funding For Supervisor Of Nursing And The Creation Of A New Line Item”

Ordinance Number 28, 2009, “Third 2009 Public Health Fund Budget Supplemental Appropriation And The Creation Of A New Line Item For Vacation Expense”

Ordinance Number 29, 2009, “Seventh 2009 General Fund Budget Supplemental Appropriation For A Transfer To Public Health For Vacation Expense”

Ordinance Number 30, 2009, “Eighth 2009 General Fund Budget Supplemental Appropriation For Transfer To Public Health For Immunization”

Ordinance Number 31, 2009, “Fourth 2009 Public Health Fund Budget Supplemental Appropriation For Vector Control – West Nile Virus Grant”

Ordinance Number 32, 2009, “Fifth 2009 Gaming Fund Budget Supplemental Appropriation For Economic Development Grant To Northwest Commission”

Ordinance Number 33, 2009, “Sixth 2009 Gaming Fund Budget Supplemental Appropriation For Transfer To General Fund For County Share Of Human Services Building Purchase And The Creation Of A New Line Item”

Ordinance Number 34, 2009, “First 2009 Children & Youth Services Fund Budget Supplemental Appropriation For Option To Purchase Human Services Building”

Ordinance Number 35, 2009, “MH/MR Fund Budget Revised Expenditures for Purchase of Human Services Building”

Ordinance Number 36, 2009, “Ninth 2009 General Fund Budget Supplemental Appropriation For The Purchase Of Human Services Building And The Creation Of A New Line Item”

Ordinance Number 37, 2009, “Tenth 2009 General Fund Budget Supplemental Appropriation For The July - December Rent For The Human Services Building”

Ordinance Number 38, 2009, “Seventh 2009 Gaming Fund Budget Supplemental Appropriation For Economic Development Grant To Redevelopment Authority And The Creation Of A New Line Item”

Ordinance Number 39, 2009, “Eighth 2009 Gaming Fund Budget Supplemental Appropriation For Economic Development Grant To Erie County Cooperative Extension For Job Training Equipment”

Ordinance Number 40, 2009, “Eleventh 2009 General Fund Budget Supplemental Appropriation for EEOC Grant And The Creation Of New Line Items”

Ordinance Number 41, 2009, “Twelfth 2009 General Fund Budget Supplemental Appropriation For Prison Outpatient Program”

Ordinance Number 42, 2009, “Thirteenth 2009 General Fund Budget Supplemental Appropriation For Anti-Truancy Grant And The Creation Of A New Line Item”

Ordinance Number 43, 2009, "Fourteenth 2009 General Fund Budget Supplemental Appropriation For Grant For Employment Incentive In Adult Probation And The Creation Of New Line Items"

Ordinance Number 44, 2009, "2009 General Fund Budget Revised Expenditures For Rental Of Records Storage Building And Creation Of New Line Items"

Ordinance Number 45, 2009, "2009 Public Health Fund Budget Revised Expenditures for Safe Kids Grant"

Auth. To File Applic.
For Funds with PA
DCED Emerg. Shelter

Mr. Smith gave a reading of Resolution Number 9, 2009, "Authorization to File Application for Funds with The Pennsylvania Department of Community and Economic Development Emergency Shelter Grant Program." Mr. Giles moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Aprvl of PILOT Agrmt
With Asbury Atlantic,
Inc

Mr. Smith gave a reading of Resolution Number 10, 2009, "Approval of PILOT Agreement with ASBURY ATLANTIC, INC., successor to Senior Living Services, Inc. Tax Index Number(s)
33-187-584.0-001.00
33-187-584.0-004.00
33-187-584.0-004.01"

Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

In Sprt. of Elk Creek
Access Area Imprvmt.

Mr. Smith gave a reading of Resolution Number 11, 2009, "In Support Of The Elk Creek Access Area Improvement Project." Mrs. Loll moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

In Sprt. of Inclusion of
Erie in Proposed High
Speed Rail Route
Through Great Lakes
Region

Mr. Smith gave a reading of Resolution Number 12, 2009, "In Support Of The Inclusion Of Erie, Pennsylvania In The Proposed High Speed Rail Routes Through The Great Lakes Region." Mr. Foust moved to adopt; Mr. Giles seconded.

Mr. Foust stated that he sponsored this resolution and expressed his hope that his colleagues will vote in favor of this. He believes this is the time to include this particular corridor in the National Railroad plan. As this country goes greener, high speed rail be an important factor. This form of travel will be more efficient, more reliable, and ease a lot of congestion on the highways and in the airports. Mr. Foust further stated that this will help reverse certain aspects of urban sprawl and bring more vitality and life back into our cities which he feels is very important. He reiterated his hope that Members of Council support this resolution and begin to reach out to other elected officials, not only in Pennsylvania, but in New York and Ohio as well. He has already received emails from different organizations in Ohio, and is still waiting to hear from New York.

Mr. Cleaver called for a vote on Resolution Number 12, 2009, and it carried in a unanimous roll call vote.

Reappointments/
Appointment

Mr. Giles moved for the following reappointments/appointment:

Reappointment of Deborah A. Phillips to the Erie County Agricultural Land Preservation Board

Reappointment of Tom DeBello to the Erie County Agricultural Land Preservation Board

Reappointment of Jack Pfadt to the Erie County Agricultural Land Preservation Board

Reappointment of John Mason to the Erie County Agricultural Land Preservation Board

Appointment of Paul Pangratz to the Erie County Agricultural Land Preservation Board

Reappointment of Robert Tullio to the Erie County Board of Tax Assessment Appeals

Adjournment

There being no further business, the meeting adjourned at 7:53 p.m.

Ann M. Bruno, Council Secretary
