

July 21, 2009

ERIE COUNTY COUNCIL – Public Hearing on Proposed Erie County Greenways Plan

Mr. Cleaver, Chairman, called to order a Public Hearing on the proposed Erie County Greenways Plan at the Girard Borough Building, 34 Main Street, Girard, Pennsylvania. Mr. Smith, 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

Jake Welsh, Director of Planning, provided an overview of the planning process for members of the audience adding that many individuals present this evening are already familiar with the plan and have looked at the Executive Summary or the entire document which has been available on the county's website for review. Mr. Welsh explained that the DCNR has been encouraging the development of regional plans throughout the Commonwealth. Approximately two years ago the Northwest Commission approached the counties in Northwest Pennsylvania to participate in this greenways plan. Each county will have a stand alone planning document, but they will all fit into this regional planning context.

Mr. Welsh further explained that trying to define greenways is a difficult process in itself. The easiest way to define greenway is to describe it as a corridor of open space, parks, and game lands. The DCNR hopes to accomplish, through the development of these greenways plans, the identification of parks, game lands, or other biodiversity areas that have significant or unique ecological features and map those statewide. Mr. Welsh noted that much of this has already been accomplished. DCNR also considers there to be two different kinds of greenways – one is more of a national system such as parks, game lands, or open space for which no plans exist to actively use; this is just a matter of inventorying those areas. DCNR is also interested in looking at recreation greenways such as Presque Isle State Park where people are encouraged to use the property.

Mr. Welsh invited anyone having any specific comments regarding this plan to speak to him. He then turned the hearing over to Mr. Cleaver, Chairman. Mr. Cleaver opened the floor for individuals to address their concerns or comments.

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Larry Sisson, Route 215, Springfield, asked Council to vote no for adopting the Northwest Pennsylvania Greenways Plan for Erie County. He asks this along with local townships including Springfield, Girard, Conneaut, and Erie County Association of Township Officials. This plan is an actual action plan for creating connections, not just open space. Mr. Sisson defines it as more government control over private land through increased regulation. He referred to the acknowledgement in the plan which states "a special thanks to all of the citizens of Erie County for their enthusiasm and input during this study." He asked the audience how many of them were asked for their input; he does not know one person who was asked. Mr. Sisson referred to several points in the plan. He finds it hard to believe that anyone, after reading this plan, would not find it a plan for government to take more control of private land, whether intentionally or for the advancement of tourism. He asked Members of Council to

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read this plan and vote to slow down the intrusion of government on private land owners. He believes this will create a larger government bureaucracy which only increases the tax burden.

Jim Andrzejczak, 10967 Cross Station Road, stated he lives in the woods because he doesn't want people walking through his backyard. He pays taxes and does not want anyone taking his property. He makes a monthly payment every month on his property so he can enjoy it. Mr. Andrzejczak believes that with the closing of state parks, this money could be better used elsewhere. If this plan passes, this property is no longer his property and he asked what the point would be of living in Erie County.

Sally McCabe, Conneaut Township, Albion, commented that the DCNR refers to conservation in its writings, yet when their property is opened to the public, it will be destroyed. The reason this land is pristine is because nothing is there; this is their property and they protect it.

Earl Schmitt, East Springfield asked whether this means their land may be seized. Mr. Welsh replied that it would not.

Tom Marther, owns property on Conneaut Creek and he does not understand how people want to benefit from using his land without first contacting him. He was never notified of this plan and if he hadn't talked with Ms. McCabe, he would not have known about this meeting tonight. Many people did not attend because they didn't know about it. He stated this plan is flat wrong and he is 100 percent against it.

Mr. Cleaver pointed out that Council will not be voting on this particular issue today; however, all comments and concerns are appreciated. He asked for any further comments.

Tom Saccamazzone, stated that he also has a wooded backyard and does not want people walking through it without his permission or knowing who they are. That is why he pays taxes. Mr. Saccamazzone bought and paid for this property and wants to defend his rights. He asked why he should let the general public do what they want in his backyard.

Vic Wheeler, RD 1, Girard, asked if the Corry Redevelopment Authority is a part of Erie County Government and how much money Erie County Government has funneled into studies for the Greenways Plan. Mr. Welsh responded that each of the counties contributed \$3,300 towards the development of the regional plan; that is the county's match to the development of the Greenways Plan. Mr. Wheeler stated he was referring to the prior greenways plan in 1998 or 1999. There was also another study in 2002 for \$30,000; the greenways plan was \$40,000. He stated this was basically the same plan rehashed with a different cover. He asked whether Corry Redevelopment funneled any money into the Greenways Plan or whether Erie County Government funneled any money to promote this plan in the past or present. Mr. Welsh replied that both plans would have had local match requirements. Mr. Wheeler again asked whether Corry Redevelopment is part of Erie County Government and whether they have funneled money into this plan. Mr. Welsh stated he could not answer that question. Mr. Wheeler then asked whether Corry Redevelopment was part of an issue when the current administration took office.

Mr. Mitchell replied that Corry Redevelopment Authority is autonomous of Erie County and is chartered by the City of Corry. Erie County Redevelopment is part of county government as far as being an entity. When Mr. DiVecchio took office, he wanted to change directors on the Authority. Mr. Mitchell explained that county government appoints the board, but the authority really has to abide legally by the state's rules and regulations. Mr. Novotny works for both the Corry Redevelopment and Erie County Redevelopment which saves a lot of money because of the various partnerships and grant writing that goes with those positions. The lines are very well defined. Mr. Mitchell stated that when he was mayor of Corry, they were able to get \$10,000 into a revolving fund which today is worth \$8 million in working capital – which are jobs and people working.

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Mr. Mitchell explained that Erie County took that model a few years ago and put in \$8 million and it is over almost \$12 million now in working capital. The Redevelopment Authority is used to leverage state funds. Mr. Mitchell suggested that the Corry Redevelopment Authority may have put some money into the greenways in developing a rail to trail in Corry and some matching funds may have been involved through a grant. He pointed out there is also a Corry Foundation.

Mr. Welsh explained that the development of the Corry Trail is not being done through the county. A trail association is working on the development of that trail. He believes there are several partners involved and no county money is going into that particular trail development. Grant money has been obtained, other partners are involved, as well as DCNR and PennDOT funds are being used for the development of that Corry Trail.

A member of the audience referred to the \$3,300 that Mr. Welsh stated was put into the plan by each of six counties, and noted that the DCNR also put in \$100,000, and PennDOT put in \$80,000 for a total of \$200,000 which does not even include man hours in different departments. State parks are being closed and the DCNR has \$100,000 to put into these studies. Roads are in terrible condition and PennDOT is putting \$80,000 into these studies. He suggested taking care of these problems first.

Tom Marther spoke again adding that people should be contacted who will suffer the negative effects of this plan. He is a property owner and he was unaware of this plan. A study was done with a lot of input and he never heard about any of this. Many people where he lives don't know about this plan either or else this place would have been packed this evening.

Mr. Cleaver agreed with Mr. Marther and suggested that members of the audience contact Mr. Welsh. He again pointed out that this issue was not up for a vote and this was simply a public hearing to get input from property owners. Hopefully, Mr. Welsh will be able to answer any additional questions. Mr. Cleaver does not know when this will come before Council, but he does believe that, as a group, Council will certainly listen and make a decision in the best interest of the property owners and the county.

Mr. Welsh wished to clarify the nature of the plan. He explained it is not a detailed study identifying specific properties to be acquired or have easements placed on them. No individual property owners are being directly impacted by a specific recommendation in this plan. The inventory of parks and game lands and other environmental features is not meant to suggest that those properties are being targeted for acquisition or development. Mr. Welsh emphasized that it is simply inventorying what is there and if any further action would happen, there would be additional coordination with property owners. A certain level of planning takes place which is why members of the public are present this evening. This hearing was advertised to get public input at this level. He explained that it is extremely difficult to contact each and every property owner at this level. This is not a final plan; it is only a draft. He guaranteed members of the audience that the comments tonight will be plugged into a modification of this draft.

A member of the audience asked Mr. Welsh who brought this issue up and decided it was needed. Mr. Welsh responded the Greenways Plan came from the DCNR.

A member of the audience stated he understands the parks, but asked why they need to acquire more. People don't utilize what they have. He suggested spending money on existing parks.

Elsie Andrzejczak, 10960 Cross Station Road, Girard, questioned the liability issue. She pointed out that each and every land owner present is paying high insurance premiums on their

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properties because of flood and disasters. Now some stranger will come walking on their property, fall down, break a leg, or even get killed, and she asked who will be liable. They will all lose their homeowners insurance. She asked how they will get insurance coverage with all these people walking around their property.

Jay Quhashek, 119000 Pennside Road, recently moved to this area from Pittsburgh. He paid a lot of money for his property and takes good care of it. He has a \$1 million liability policy in case someone falls in the lake or gets hurt. He hears from other people that rails to trails will be put through their property. In his opinion, this is a liability. He also has an airplane on his property and is concerned about vandalism. People will be able to come onto his property and do whatever they want. Mr. Quhashek paid almost a half million dollars for his property to have his freedom to do what he wishes, and it is not right for someone to come in and say they are taking over his property. He pays \$8,000 in real estate taxes and should have a voice in this issue. If he gets sued, he will lose everything.

Tammy Andrzejczak, 10933 Cross Station Road, Girard, referred to the previous speaker noting he moved from Pittsburgh so he could do what he wants on his own property. This is why everyone here bought property in the county – so they could do what they wanted without others coming in and enjoying what they purchased. If others want to hike or boat in the county, they can buy their own property.

Adjournment

The public hearing adjourned at 6:30 p.m.

Ann M. Bruno, Council Secretary

July 21, 2009 Minutes of Regular Meeting of June 30, 2009 adopted. Agenda Amended. Gen. Fund SA for Tuition Reimb. In Juv. Prob adopted. Gaming Fund Rel. of Unrest. Gaming Funds for Dedicated Assets adopted. Gen. Fund SA for Prosecution Exp. in DA Ofc adopted. Gen. Fund SA for Change in Assess. Policy adopted. Gen. Fund SA for Creation of Hotel Room Rental Tax adopted. Health Choices SA & Creation of New Line Items for Reinvest. Funds adopted. PH SA and Creation of Reinvest. Interest adopted. PH Rev. Exp. for Beach Grant adopted. 2009 Revised Environmental Fee Schedule in Erie Cnty Dept of PH adopted. Public Safety SA for Citizens Corps Grant adopted. Gen Fund SA for Personnel Changes in Assessment adopted. First Rdgs: Auth. Incurring of Nonelectoral Debt by Issuance of Gen. Oblig. Bonds; Planning Fund SA for Seaway Trail Grant; Gen. Fund SA for Transfer to Planning Fund; Gen. Fund SA for HAVA Grant Funds; Gen. Fund SA for Bail Forfeitures in Clerk of Courts; Gen. Fund SA for Expenses in Solicitors Ofc. Library Fund SA for Donation of New West County Branch Library adopted. Library SA for Summer Rdg Pgrm adopted. PH SA for Injury Prevention Grant adopted. Exon. Taxes on Abandoned Trailers/Props in Ft. LeBoeuf SD & Waterford Twp adopted. Gerald D. Price, Jr. and John Groh appt'd to RAFC. Sale of Parcels from Repos. approved. PNC appr'v'd as underwrite for 2009 Bond Issue.

Mr. Cleaver, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Girard Borough Building, 34 Main Street, Girard, Pennsylvania. Following the Pledge of Allegiance, the County Clerk called the roll:

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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
James Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Mrs. Loll's
Comments

Mrs. Loll thanked Girard Borough for hosting tonight's meeting. Rob Stubenbort, the manager of Girard Borough, has been extremely helpful in setting up this meeting. Two council members, Doc Orr and Jeanne Miller, were present earlier, and she noted that the Township Supervisor from Springfield is also present this evening. She welcomed everyone to the meeting and expressed her appreciation for the residents' input on the Greenways Plan. Mrs. Loll has taken all these remarks to heart and believes her colleagues will not ignore what has been said. She thanked everyone for attending and welcoming Council. Mr. Foust noted that Dean Roney, the Girard Township Tax Collector, was present as well.

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Vic Wheeler, RD 1, Girard, referred to the Ordinance regarding the Seaway Trail. He asked for a copy of that ordinance and wondered how much money is involved. Mrs. Loll explained that \$8,000 is the dollar amount; however, this is a pass thru grant meaning no county dollars are involved. This matter just needs to go through the county to make it legal. The County has no financial obligation. Mr. Mitchell further explained that the Seaway Trail is Route 5.

William Essigman, 8490 Dundee Road, Erie, is present to speak for Community Resources for Independence. He wanted to thank Mr. Cleaver and Mr. Foust for noting that they would support this agency in the disabled community regarding the \$10 million bond for the Tullio Arena. He again reminded Council that this agency wishes to be involved in the planning process. This building must be made accessible. He referred to the Warner Theater issue and the Department of Justice complaint that has been filed in that matter. There will be no hesitation to follow through with that type of action if this isn't done to ADA standards.

Mr. Cleaver advised Mr. Essigman that the state will be choosing the architectural firm for this project. Mr. Cleaver does guarantee that he will stay on top of this issue as best he can so there is proper access provided to the handicapped. Mr. Fatica asked how much leverage the ADA has in the design, and Mr. Essigman responded that ADA standards have to be followed. State money will be involved and state codes in Pennsylvania are higher than ADA when it comes to public accessibility. Mr. Fatica asked whether Mr. Essigman had sent the letter that Council received, and Mr. Essigman replied that Mr. Finnegan, the director, sent that letter.

Bob Snow, Springfield, stated he is one of the Springfield Township Supervisors and expressed concern about the gaming money. He feels the rural communities were left out. Mr. Leone has a great idea when he stated that money should go where it needs to be, not just passed out. A

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harder look needs to be taken at where this money should go. Liquid fuels are passed out to townships based on a formula, and Mr. Snow believes that Council needs to look at how this money is being distributed. These communities need help and most of this money seems to be staying in the city limits.

Minutes

Mr. Giles moved to approve the minutes of June 30, 2009; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Wiley's
Comments

Mr. Wiley stated that he forwarded electronically to each Member of Council items he would like entered into the minutes. One of the items is an update on the Recycling Convenience Center which was implemented a few months ago and has been very successful. The second item is a statistics sheet regarding the disaster Erie County experienced on June 30, 2009 with the flooding. Girard Township, Millcreek Township, Fairview Township, and the City of Erie were the most impacted. Mr. Wiley offered a hard copy to anyone wishing to review it.

Recycling
Center

Recycling Convenience Center Information

- The program is a huge success, 99% positive comments from survey cards.
- Thru 7/11/09, 667 residents have brought 119,000 pounds of materials: 70% electronics & 30% household hazardous waste.
- Cost per car is \$108.32.
- Total program cost to date (7/11) is over \$77,000.
- Budget for all 12 Saturday collections is \$178,000.
- Projected cost thru Oct. 24th is \$177,766.
- Budget for 2009 was developed using data from the 14 collections held during 2007-08, i.e. we didn't guess!!
- Residents are bringing more material this year than in the previous 14 collections

We are compiling a list of people willing to participate in a Pay Program, so far over 90 have signed up.

June 30th Disaster

Disaster Statistics

**June 30, 2009 Flood
As of July 20, 2009**

1. Damages include:

2 destroyed homes
15 homes with major damage
239 homes with minor damage
427 homes with "affected" damage

1 Businesses with Major damage
15 Businesses with Minor damage
3 Businesses with "Affected" damage

"Affected" means less than 1 foot of water in basement
Minor means more than 1 foot of water in basement
Major/destroyed mean significant structural damage

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June 30th Disaster

2. The following is damage to Public Infrastructure or response costs:

Girard Township estimated \$116,473.00
Greene Township estimated \$75,700.00
City of Erie estimated \$910,272.44
Fairview Township estimated \$188,300.00
Millcreek Township estimated \$942,600.00
Girard Borough estimated \$35,000.00
County of Erie (EOC activation, overtime, etc) estimated \$2,836.84
Erie County Fire Fighters Association (Damage to Fire Safety Trailer) \$34,000
Total estimated damages \$2,305,182.20

In order to be considered for Federal aid for the damages/costs to local governments, and eligible non-profits, Erie County, as a whole needs roughly \$915,421.76 in costs/damages. (\$3.28 per capita)

Finance Committee

Mr. Giles reported the Finance Committee met on Thursday, July 16, 2009. At the beginning of the meeting, a brief presentation was made by John Elliott from the Greater Erie Industrial Development Corporation about the plans to develop the intermodal freight and logistics park. Council received a spiral binder and Mr. Giles explained that part of the agreement over several years is that Council would receive quarterly reports, and Mr. Elliott assured all members that these would be provided. The 2005 County bond issue provided the seed money to begin to develop the connectivity between the port, the rail, trucks, and natural resources throughout this region. Mr. Giles stated this is an exciting opportunity that has the potential to develop many jobs and present businesses to the community.

Mr. Giles further reported that the Finance Committee agreed to place Ordinances 87 through 91, 93, 94, 96, 97, and 98 on the agenda for second readings. On the agenda for first readings are Ordinances 101 through 109 and Resolution 44. It was the recommendation of the Finance Committee to make second readings of Ordinances 107, 108, and 109. At the end of the meeting, it was indicated that the RETHink Erie Group, which is doing an analysis for the community college, meet with County Council on August 18th from 5:00 p.m. to 6:00 p.m. before the meeting scheduled in North East. That is still being negotiated and members will be advised if that meeting is scheduled.

Personnel Committee

Mr. Fatica reported that Ordinance 99 has been placed on the agenda for a second reading.

Mrs. Loll's Report

Mrs. Loll reported that she attended the Erie County Association of Boroughs joint picnic on July 15, 2009. One of the topics discussed was the natural gas and energy resources provision of service, alternative sources, and conservation measures. This issue is of concern to all boroughs throughout Pennsylvania. Alternative energy resources such as solar and wind power should be promoted by allowing boroughs to develop appropriate energy friendly regulations and ordinances on the issues.

The second topic discussed was the vital borough road and bridge infrastructure which remains key in stimulating trade and commerce in the Commonwealth. Not only a necessary network for the economy, but local roads and bridges add to the quality of life for residents as well. With structurally deficient local bridges, crumbling streets, degraded roads and highways, boroughs face significant demand not always able to be met with current revenues.

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Mrs. Loll's
Report

Mrs. Loll stated another issue brought up for discussion was providing local property tax relief. The expense of maintaining municipal police and fire services are eating at the boroughs' budget expenditures. The PSAB supports the optional 1% sales tax at the county level, not only to lower local property taxes, but to provide the local services as well.

Last, but not least, there is concern with lowering cost for borough government operations saving taxpayer dollars. Several changes to the Borough Code must be enacted on several fronts, among them are contract and bid limits, legal notice publication rates. For nearly two decades, contract and bid thresholds have remained at their current level. Mandates dictating antiquated guidelines for publication of legal notices have hamstrung efforts to reach broader audiences through alternative media.

Mr. Giles'
Report

Mr. Giles reported that the White House Office of Urban Affairs and Intergovernmental Affairs invited approximately ten leaders from various counties in Pennsylvania to participate in a conference call. Mr. Giles explained that the purpose of the call was for county officials to share issues concerning counties, such as hospitals, transportation, funding, or energy.

The White House offices of Urban Affairs and Intergovernmental Affairs invite you to participate in a Conference call to talk about best practices, what is working, what is not working in the counties, and how to advance the President's agenda.

The purpose of the calls is for the county officials to share key issues/concerns (e.g. County hospitals, transportation funding, energy, education, justice, etc.) so that the Urban Affairs team may compile the information to craft strategies to address said issues throughout this year and years to come.

Director of the White House Office of Urban Affairs, Adolfo Carrion and Special Assistant to the President for Urban Affairs, Derek Douglas will be the lead speakers on the calls to listen to the concerns and provide feedback, with Michael Blake from the Office of Intergovernmental Affairs as moderator. RSVP for conference call information.

Mr. Giles stated this was an exciting opportunity and the conference call lasted for approximately one-half hour. When Mr. Giles initially heard of this invitation, he assumed it would be a casting call of thousands, but actually only ten counties including Lehigh County, Lackawanna County, and Philadelphia County participated. The dialogue was exciting. Mr. Giles followed up with a letter thanking the three directors from within the White House for their time, energy, and interest in local government issues.

On Thursday, July 9, 2009, the Erie County Drug Court held its 17th graduation. Mr. Giles noted this is always an exciting opportunity seeing so many people who successfully participated in the drug court program. Fewer people are returning to crime and the recidivism rates within this population have become almost zero. This is an almost weekly obligation for them and the issues of addiction are very challenging. It is not an easy program and some individuals have dropped out. He noted that Mrs. Gold worked with the program for several years. The product and process is both challenging and rewarding.

Also on July 9th, the Board of Directors for the Old Almshouse Cemetery met at Pleasant Ridge Manor. Mr. Giles reminded everyone that a memorial service is held for an average of 24 people whose remains are left in the care and custody of Erie County. The next memorial is scheduled for September 11 because when 9-11 was happening, a memorial service was taking place right down the street, and it was decided that holding these services on that date would be a way to remember both the bigger event and duties within Erie County. A review of the capital grant for enhancements to the property through Representative John Evans was held at this meeting. Eileen Agresti completed that financial report which was due June 30. Some enhancements have been completed; however more need to be done. Roth Marz and Considine Biebel & Company are doing pro bono work as this enhancement of the property is being completed.

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Mr. Giles'
Report

Mr. Giles further reported that he and Mr. Mitchell attended the Northwest County Commissioners Regional Meeting. This meeting rotates geographically alphabetically and was held in Potter County in Coudersport. Much of the agenda was focused on a presentation made by Doug Hill, the Executive Director of the County Commissioners Association of Pennsylvania, on the various problems relative to the state budget and the various options rolling out from the Senate, House, and Governor.

Agenda Amended

Mr. Foust moved to amend the agenda to includes Ordinances 107, 108, and 109 to second readings. Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Mr. Mitchell moved to add a motion to approve PNC as the underwriter of the 2009 Erie County Bond Issue; Mr. Foust seconded and it carried in a roll call vote of 6-0-1, Mr. Leone abstaining. Mr. Leone stated his abstention is based on the fact that he is employed by an architectural firm. He referred to the letter previously submitted to Council Secretary regarding this matter.

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Ann Bruno
County Council Secretary
Erie County Courthouse
140 West 6th Street
Erie, PA 16501

Dear Mrs. Bruno:

As an employee of an architectural firm, I am required by the Ethic's Code (Ethic's Act) to abstain and refrain from speaking about any issue that might possibly involve this firm regardless of whether or not this firm would bid on the issue.

Sincerely,

/s/ Fiore Leone
County Council – 3rd District

Tuition Reimb.
In Juv. Prob.

Mr. Smith gave a second reading of Ordinance Number 87, 2009, "Twenty-Ninth 2009 General Fund Budget Supplemental Appropriation For Tuition Reimbursements In Juvenile Probation." Mr. Foust moved to adopt; Mr. Mitchell seconded, and it carried in a roll call vote of 5-2, Mr. Leone and Mrs. Loll voting no.

Unrest. Gaming Funds
For Dedicated Assets

Mr. Smith gave a second reading of Ordinance Number 88, 2009, "2009 Gaming Fund Budget Release Of Unrestricted Gaming Funds For Dedicated Assets." Mr. Foust moved to adopt; Mr. Fatica seconded. Mr. Leone asked to separate the vote for the Erie Zoological Society from the other dedicated assets. Mr. Cleaver called for a vote on the Erie Zoological Society and it carried in a unanimous roll call vote. Mr. Cleaver then called for a vote on the remaining organizations and it carried in a roll call vote of 5-2, Mr. Leone and Mrs. Loll voting no.

Prosecution Expenses
In DA Ofc.

Mr. Smith gave a second reading of Ordinance Number 89, 2009, "Thirtieth 2009 General Fund Budget Supplemental Appropriation For Prosecution Expenses In The District Attorney's Office." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

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Gen Fund SA
Change in Assess.
Policy

Mr. Smith gave a second reading of Ordinance Number 90, 2009, "Thirty-First 2009 General Fund Budget Supplemental Appropriation For Change In Assessment Policy." Mr. Fatica moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Creation of Hotel
Room Rental Tax
Line Items

Mr. Smith gave a second reading of Ordinance Number 91, 2009, "Thirty-Second 2009 General Fund Budget Supplemental Appropriation For Creation Of Hotel Room Rental Tax Line Items." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

HealthChoices SA
New Line Item
Investment Funds

Mr. Smith gave a second reading of Ordinance Number 93, 2009, "Second 2009 Health Choices Fund Budget Supplemental Appropriation And Creation Of New Line Items For Reinvestment Funds." Mr. Mitchell moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

PH SA Creation
Of New Line Item
Reinvestment Int.

Mr. Smith gave a second reading of Ordinance Number 94, 2009, "Seventh 2009 Public Health Fund Budget Supplemental Appropriation And Creation Of A New Line Item For Investment Interest." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Creation of New
Line Item for
Beach Grant

Mr. Smith gave a second reading of Ordinance Number 96, 2009, "2009 Public Health Fund Budget Revised Expenditures And Creation Of A New Line Item For Beach Grant." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Rev. Fee Sched.
In Dept. of PH

Mr. Smith gave a second reading of Ordinance Number 97, 2009, "2009 Revised Environmental Fee Schedule In The Erie County Department Of Public Health." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Pub. Safety SA
Citizens Corps.
Grant

Mr. Smith gave a second reading of Ordinance Number 98, 2009, "Eighth 2009 Public Safety Fund Budget Supplemental Appropriation For Citizens Corps Grant And Creation Of New Line Items." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Personnel Chngs
In Assessment

Mr. Smith gave a second reading of Ordinance Number 99, 2009, "Thirty-Fourth 2009 General Fund Budget Supplemental Appropriation For Personnel Changes In Assessment." Mr. Fatica moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Donation of New
West Cnty
Branch Library

Mr. Smith gave a second reading of Ordinance Number 107, 2009, "Fourth 2009 Library Fund Budget Supplemental Appropriation For Donation Of The New West County Branch Library." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

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Library SA
Summer Rdg Prgm

Mr. Smith gave a second reading of Ordinance Number 108, 2009, "Fifth 2009 Library Fund Budget Supplemental Appropriation And Creation Of A New Line Item For Summer Reading Program." Mr. Foust moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

PH SA Injury
Prevention Grant

Mr. Smith gave a second reading of Ordinance Number 109, 2009, "Ninth 2009 Public Health Fund Budget Supplemental Appropriation And Creation Of A New Line Item For Injury Prevention Grant." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 101, 2009, "Authorizing The Incurring Of Nonelectoral Debt By The Issuance Of General Obligation Bonds, Series Of 2009 In The Principal Amount Of _____Dollars (\$_____); Covenanting To Pay And Pledging Unlimited Taxing Power For The Payment Of The Bonds; Establishing A Sinking Fund And Appointing A Paying Agent, Sinking Fund Depository And Registrar In Respect Of The Bonds; Fixing The Form, Interest Rate, Maturity, Redemption And Other Provisions For The Payment Thereof; Accepting A Proposal For The Purchase Of The Bonds; Authorizing The Filing Of Required Documents With The Department Of Community And Economic Development; Ratifying And Directing Certain Actions Of Officers; Approving The Official Statement; And Making Certain Other Covenants And Provisions In Respect Of The Bonds"

Ordinance Number 102, 2009, "First 2009 Planning Fund Budget Supplemental Appropriation For Seaway Trail Grant"

Ordinance Number 103, 2009, "Thirty-Fifth 2009 General Fund Budget Supplemental Appropriation For Transfer To Planning Fund"

Ordinance Number 104, 2009, "Thirty-Sixth 2009 General Fund Budget Supplemental Appropriation For HAVA Grant Funds And Creation Of A New Line Item"

Ordinance Number 105, 2009, "Thirty-Seventh 2009 General Fund Budget Supplemental Appropriation For Bail Forfeitures In The Clerk Of Courts And Creation Of A New Line Item"

Ordinance Number 106, 2009, "Thirty-Eighth 2009 General Fund Budget Supplemental Appropriation For Expenses In Solicitor's Office"

PNC as Underwriter
2009 Cnty Bond Issue

Mr. Giles moved to approve the selection of PNC Bank as underwriter for the 2009 Erie County Bond Issue at the rate of 4.50 per thousand dollar bond all inclusive. Mr. Foust seconded, and it carried in a vote of 6-0-1, Mr. Leone abstaining.

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Exon. Taxes on
Aband. Prop. in
Ft.LeBoeuf SD &
Waterford Twp

Mr. Smith gave a reading of Resolution Number 44, 2009, "Exonerating Taxes On Twenty-One (21) Abandoned Trailers/Properties In The Fort LeBoeuf School District And Waterford Township." Mr. Mitchell moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gerald Price,Jr.
Appt'd to RAFC

Mr. Mitchell moved to approve the appointment of Gerald D. Price to the Regional Assets Funding Committee; Mr. Giles seconded. Mr. Cleaver stated that he will vote no for these next two appointments because he is not in favor of this committee. Mr. Cleaver called for a vote on the appointment, and it carried in a roll call vote of 6-1, Mr. Cleaver voting no.

John Groh Appt'd
To RAFC

Mr. Giles moved to appoint John Groh to the Regional Assets Funding Committee; Mr. Leone seconded. Mr. Cleaver stated that he will vote no on this appointment for the reason previously stated. Mr. Fatica referred to the gentleman who spoke earlier regarding gaming money. Mr. Fatica wished to assure him that Council is taking a closer look at this issue and concerns are being addressed. Mr. Cleaver called for a vote on the appointment and it carried in a roll call vote of 6-1, Mr. Cleaver voting no.

Sale of Parcels
From Repos.
Approved

Mr. Foust moved to approve the sale of parcels from repository at Index Numbers:

- 07-025-052.0-002.01
- 07-025-052.0-005.00
- 14-010-019.0-109.00
- 18-051-015.0-210.00
- 21-035-016.0-110.00
- 21-035-016.0-115.00
- 21-035-016.0-117.00

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

Adjournment

There being no further business, the meeting adjourned at 7:38 p.m.

Ann M. Bruno, Council Secretary
