

September 15, 2009

Minutes of Aug. 18, 2009 Reg. Mtg. apprvd. Agenda Amended. Ph SA For Incr. in PHA Prep. Grant adopted; PH Rev. Exp. From Reduction In Tuber. Grant adopted; PH Revis. Rev. & Exp. for Maternal Child Health Grant adopted; Gen. Fund SA for Trans. to PH for Mat. Child Health Grant adopted; Amending Adm. Code adopted; Gaming Fund SA Rel. of Unrest. Gaming Funds Interest Earn. For Comm. Assets, Spec. Events & New Branch Lib. Sign. adopted; PH Rev. Exp. for Upgrade of PH Nurse to Nurse Pract., Elim. Of Contracted Svcs adopted; PH SA Change in Personnel, & Creation of New Line Item for Incr. Imm. Grant adopted; Gen Fund SA for Transfer to PH For Immun. Grant adopted; Gen. Fund SA for Creation of Fully Funded School Resource Ofcr for Perseus House adopted; PH Upgrade of Spec. Prjct Sec. Position to Spec. Prjct Sec III in Tob. Grant adopted. First Rdgs: Wvr of Purch. Code for Five Yr Renewal Agmt Btwn Cnty of Erie & CCAP for Ins. Products & Svcs; Planning Fund SA & Creation of New Line Items for Merger of Hazardous Waste & Comp. Collec. Bureaus Into Recyl. Bureau adopted; Gaming Fund Budget Rev. Exp. Amending Ord. No. 22, 2009; PH Rev. Rev. & Exp. for Decrease in State Funding for Dental Sealant Grant adopted; Health Choices Creation of New Line Item to Account for Reinv. Interest; Pub. Safety SA To Professional Fees, Change in PEMA Funding; Gen. Fund SA for Transfer to Pub. Safety Fund; Gen. Fund Budget Rev. Exp. & Creation of Rent Lines in HUD & EEOC Grant Bureaus; Pub. Safety Wvr. Of Personnel Code for PS Director position; Gen. Fund Budget Change in Position Title in Assess/Reass. Ofc. Urging Utilization of Enhanced 9-1-1 system within County of Erie adopted; Auth. Filing of A Proposal for Funds with Dept. of Community & Econ. Development adopted; In Sprt of Donation & Transfer of Franklin Cntr Trng Facility to Mercyhurst College adopted; Exon. Taxes on Aban. Trailers/Props in McKean Twp, Washington Twp & Gen. McLane SD adopted. Sales of Parcels from Respository apprvd. John Pulice appt'd to RAFC.

Mr. Cleaver, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Springhill Senior Living Community, 2323 Edinboro Road, Erie, Pennsylvania. Following the Pledge of Allegiance, Mr. Giles asked for a moment of silence.

Moment of Silence

Mr. Giles stated that on Friday, September 11, 2009 at 11:00 a.m., Erie County interred the following people who were left in the care and custody of the County:

Robert W. Butler
Jose Gonzalez
Howard Hopkins
Patricia A. Lennox
Phillip Mustari
Alfred S. Roszkowski
Michael Senra
Caroline Stranagan
Vern Valimont
James Woelfle

Mr. Giles explained that these people died without any family or friends and ended up in the care of Erie County. A memorial service was held at the Almshouse Cemetery. He asked for a moment of silence for these ten people.

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

Roll Call

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

Mr. Fatica's
Welcoming
Remarks

Mr. Fatica thanked the residents of Springhill Senior Living Community for inviting County Council into their home. He thanked Sandy Buckley and Jim Schneider. He explained that Council goes on the road four times a year to various townships and municipalities so constituents can see what Council does. Mr. Fatica introduced his great uncle Paul Carlson, who is much loved and admired. He is a veteran of World War II, was a civil engineer with Alcoa Aluminum, and helped to build a bauxite plant in Surinam, Dutch West Guyana. Mr. Carlson married one of Mr. Fatica's aunts and everyone loves him a great deal.

Mr. Cleaver's
Comments

Mr. Cleaver, Chairman, explained to members of the audience that Hearing of the Public is listed on the agenda. It is the policy of County Council to allow five minutes to those individuals who have requested time to speak beforehand and three minutes to members of the audience wishing to speak. Any citizen is welcome to speak.

Hearing of
The Public

Kenneth Przepierski, 640 East 12th Street, Erie, expressed concerns about Ordinance 114 which deals with a change in the Administrative Code adding the creation of a non-judicial body. He believes this to be a threat to civil process. He also believes this action is illegal. Mr. Przepierski expressed further concerns about the county's corporate status as provided for in the Pennsylvania Code.

Linda Aleksandrowicz, 411 Lighthouse Street, Erie, stated that September is Childhood Cancer Awareness month in honor of those children who have lost their life to cancer and for those who are still fighting this disease. In the United States, 12,400 children are diagnosed with cancer every day and 4,000 die each year. Childhood cancers are aggressive and often misdiagnosed. Her son, John, passed away August 19, 2003 at the age of 20.

Shona Eakin, Erie, thanked Council for tabling the vote on the Consumer Workforce Council. As a person with a disability, she uses attendant services every day in order to be able to go to work as the Executive Director for Voices for Independence in Erie. Without attendant services, she could not fulfill her full time job. Good people, who provide services she cannot live without, do not have livable wages or benefits. Ms. Eakin was asked to organize a consumer workforce council which will give those workers and their employers a voice in negotiations with the state. Ms. Eakin wants the Consumer Workforce Council to become a reality, but not through legislation. Legislation takes a long time. She asked Council for the opportunity to meet with them privately, and expressed her hope that Erie will join other counties to help design a resolution that will get passed quickly.

June Pintea, Girard, is the Executive Director at the expERIENCE Children's Museum and thanked Council and the County Executive for the recent dedicated assets grant award which helps strengthen its mission to provide an educational, creative, and interactive learning experience. When financial support for the arts is reduced, the future of children is being undercut. An important piece of

marketing that attracts tourism and revitalization of downtown is also being lost. Members of the arts and culture community encourage Council to seek reliable sources of funding for this community.

Bill Stossmeister, McKean, inquired about the status of the 911 Public Safety comp time issue. He is the one that brought this matter to light and is waiting to be paid for the almost 800 extra hours he worked. Employees at 911 have worked very hard to make that department run. He has emailed and left voice mails to several members of the administration and members of Council, but still has not had a reply. Although he does not want to take this to the courts, he will do that if necessary.

Minutes Mr. Foust moved to approve the minutes of the Regular Meeting held August 18, 2009. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Finance Committee Mr. Giles reported the Finance Committee met on September 10, 2009, and agreed to place on the agenda Ordinances 110 through 115 for a second reading. The Finance Committee also agreed to place on this evening's agenda for first readings Ordinances 123 through 130 along with the Resolutions 45 through 49, and the sale of parcels from the repository. Mr. Giles further reported that afterwards, a lengthy discussion was held regarding the establishment of a line of credit for the county given the impasse regarding the state budget.

Personnel Committee Mr. Fatica reported the Personnel Committee met on September 10, 2009 and placed Ordinances 116 through 120 on the agenda for second readings and Ordinances 131 and 132 for first readings.

Mr. Giles' Report Mr. Giles reported that since the Old Almshouse Cemetery was renovated in 1994, a memorial service has been conducted every other year. He explained that Erie County often becomes the repository for the custody and care of people who have died in the community without family or friends to claim their remains. Therefore, every other year on September 11, a memorial and committal service is held. He wished to publicly thank Bob Smith, Linda Spinek from Pleasant Ridge Manor, along with Lana Wright from the Council Office, who did an outstanding job contacting people. When relying on volunteers, it takes more than one or two phone calls to secure everybody. Mr. Giles expressed appreciation for the services provided by Rabbi John Bush, Reverend Keith Sunburg, and Reverend Patricia Mollick, all from different denominations, who provided prayers and benedictions at the ceremony. The service is non-denominational and an attempt is made to get different religions involved. Also volunteering services were the Color Guard, the American Legion Post 773 along with the Honor Guard from McDowell High School. Music was provided by Janet Krack, Cathy Kerner, and Irene Cheng. Mr. Giles extended his gratitude, on behalf of the County, to all these people who have provided a true volunteer service for these ten people committed to their final reward in a proper ceremony.

PH SA For Incr. In PH Prep. Grant Mr. Smith gave a second reading of Ordinance Number 110, 2009, "Tenth 2009 Public Health Fund Budget Supplemental Appropriation For Increase In Public Health Preparedness Grant." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Foust moved to amend the title of the Ordinance as follows:

"Tenth 2009 Public Health Fund Budget Supplemental Appropriation For Increase In Public Health Preparedness Grant And A Waiver Of Article III, Section 1(C)1 Of The County Purchasing Code."

He explained this will allow for a waiver of the Purchasing Code in the amount of \$70,000 for the Erie Center on Health & Aging to provide education, as well as a waiver in the amount of \$35,015 so that the tool kits can be printed. Mr. Leone seconded the motion to amend, and it carried in a unanimous roll call vote.

Mr. Cleaver called for a vote on Ordinance Number 110, 2009, as amended, and it carried in a unanimous roll call vote.

PH Revis. Exp. From

Reduc. In Tuber. Grant Mr. Smith gave a second reading of Ordinance Number 111, 2009, "2009 Public Health Fund Budget Revised Expenditures From A Reduction In The Tuberculosis Grant." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

PH Revis. Rev. & Exp.
For Maternal Child
Health Grant

Mr. Smith gave a second reading of Ordinance Number 112, 2009, "2009 Public Health Fund Budget Revised Revenue & Expenditures For A Maternal Child Health Grant." Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA For
Trans. To PH For
Maternal Child
Health Grant

Mr. Smith gave a second reading of Ordinance Number 113, 2009, "Thirty-Ninth 2009 General Fund Budget Supplemental Appropriation For Transfer To Public Health For Maternal Child Health Grant." Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Amending
Adm. Code

Mr. Smith gave a second reading of Ordinance Number 114, 2009, "Amending The Administrative Code, Establishing A Non-Judicial Forum For The Adjudication Of The Rights Of Individuals And Implementing The Provisions Of The Local Agency Law." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Leone suggested that Attorney Talarico, Council Solicitor, explain to the audience why this particular amendment is being made.

Attorney Talarico explained that Council will be voting on this addition to the Administrative Code which will create a forum for individuals, employees of municipalities within the county in they event they are aggrieved by their employer, whether an authority or the County of Erie. This will give them an opportunity to have the grievance heard by County Council before an appeal is taken to the Court of Common Pleas of Erie County. Mr. Talarico stated that this requirement to set up a local agency for a non-judicial forum to hear those grievances should have been passed awhile ago, however, no individual has ever grieved in the county that did not already have some other forum to go to. The manner in which this came about is that about two years ago the Sheriff's Department came under the Heart and Lung Act. These are benefits that firemen and policemen receive in the event they are injured on the job. For example, if a City of Erie policeman is injured on the job, and would need to file an appeal, then the Erie City Council would hear that appeal. Mr. Talarico explained that the County did not have such a mechanism in the event a sheriff's deputy was injured on the job, was entitled to Heart and Lung benefits, and then challenged by his employer, in this case Erie County, to take away those benefits. This ordinance is for the purpose of establishing a forum for any employee who might feel aggrieved that these benefits are being taken away from them. They could file an appeal and have Council hear it, or if Council would prefer, appoint another to hear it.

Mr. Cleaver called for a vote on Ordinance Number 114, 2009, and it carried in a unanimous roll call vote.

Rel. of Unrest.
Gaming Funds
Interest Earnings

Mr. Smith gave a second reading of Ordinance Number 115, 2009, "Thirteenth 2009 Gaming Fund Budget Supplemental Appropriation And Release Of Unrestricted Gaming Funds Interest Earnings For Community Assets, Special Events, And New Branch Library Signage." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a roll call vote of 4-3, Mrs. Loll, Mr. Fatica, and Mr. Cleaver voting no.

Upgrade of PH
Nurse to Nurse
Practitioner

Mr. Smith gave a second reading of Ordinance Number 116, 2009, "2009 Public Health Fund Budget Revised Expenditures For Upgrade Of Public Health Nurse To Nurse Practitioner, Elimination Of Contracted Services And Creation Of New Line Item." Mr. Foust moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

PH SA Change in
Personnel, New Line
Item in Immun. Grant

Mr. Smith gave a second reading of Ordinance Number 117, 2009, "Eleventh 2009 Public Health Fund Budget Supplemental Appropriation, Change In Personnel, And Creation Of New Line Item For Increase In Immunization Grant." Mr. Leone moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Transfer to PH For
Immun. Grant

Mr. Smith gave a second reading of Ordinance Number 118, 2009, "Fortieth 2009 General Fund Budget Supplemental Appropriation For Transfer To Public Health Fund For Immunization Grant." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Creation of Fully
Funded School Resource
Offcr for Perseus House

Mr. Smith gave a second reading of Ordinance Number 119, 2009, "Forty-First 2009 General Fund Budget Supplemental Appropriation For Creation Of Fully Funded School Resource Officer For Perseus House." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Leone moved to amend the body of the ordinance to add the following paragraph:

"BE IT FURTHER ENACTED that should the need and/or funding for the position cease, the position shall be eliminated."

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

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

Upgrade of Spec.
Prjct Sec. II to Spec.
Prjct. Sec. II in
Tobacco Grant

Mr. Smith gave a second reading of Ordinance Number 120, 2009, "2009 Public Health Fund Budget Upgrade Of Special Project Secretary II Position To Special Project Secretary III In Tobacco Grant." Mr. Foust moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Agenda Amended

Mr. Foust moved to amend the agenda to add the possible appointment of John Pulice to the Regional Assets Funding Committee. Mr. Giles seconded, and it carried in a unanimous roll call vote.

Mr. Cleaver's
Comments

Mr. Cleaver explained that second readings are voted on. Council is now moving on to first readings which will not be voted on; they will become second readings and voted on at the next Council meeting.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 123, 2009, "Waiver Of The Purchasing Code For A Five Year Renewal Agreement Between The County Of Erie And CCAP For Insurance Products And Services"

First Rdgs

Ordinance Number 124, 2009, "Second 2009 Planning Fund Budget Supplemental Appropriation And Creation Of New Line Items For Merger Of Hazardous Household Waste And Computer Collection Bureaus Into Recycling Bureau"

Ordinance Number 125, 2009, "2009 Gaming Fund Budget Revised Expenditure Amending Ordinance Number 22, 2009 Revising The Municipal Grant Award For Project R-2007-21 And Moving Excess To ECGRA Restricted Uncommitted Funds"

Ordinance Number 126, 2009, "2009 Public Health Fund Budget Revised Revenue And Expenditures For Decrease In State Funding For Dental Sealant Grant"

Ordinance Number 127, 2009, "2009 Health Choices Fund Budget Creation Of New Line Item To Account For Reinvestment Interest"

Ordinance Number 128, 2009, "Tenth 2009 Public Safety Fund Budget Supplemental Appropriation To Professional Fees, Change In PEMA Funding And Creation Of New Line Items"

Ordinance Number 129, 2009, "Forty-Third 2009 General Fund Budget Supplemental Appropriation For Transfer To Public Safety Fund"

Ordinance Number 130, 2009, "2009 General Fund Budget Revised Expenditures And Creation Of Rent Lines In The HUD And EEOC Grant Bureaus"

Ordinance Number 131, 2009, "2009 Public Safety Fund Budget Waiver Of The Personnel Code For The Public Safety Director Position"

Ordinance Number 132, 2009, "2009 General Fund Budget Change In Position Title In Assessment/Reassessment Office"

Urging Utilization
Of 911 System

Mr. Smith gave a reading of Resolution Number 45, 2009, "Resolution Urging Utilization Of The Enhanced 9-1-1 System Within The County Of Erie." Mr. Leone moved to adopt; Mrs. Loll seconded. Mr. Fatica stated that this is his resolution to let the residents of Erie County know that 911 is the universal number to call for help, not some other number. The Call Center is working and Council is behind the Center 110%. There has been some confusion with people calling and asking what number they should use. Mr. Fatica explained that some people are in the business of handling these types of situations for a business, Council is not trying to drive them out of business, but 911 is the universal number. He pointed out that children are taught to call this number in school.

Mr. Cleaver called for a vote on Resolution Number 45, 2009, and it carried in a unanimous roll call vote.

Auth. Filing of
Proposal With
DCED of Pa.

Mr. Smith gave a reading of Resolution Number 46, 2009, "Resolution Authorizing The Filing Of A Proposal For Funds With The Department Of Community And Economic Development, Commonwealth Of Pennsylvania." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Res. 47 Tabled

Mr. Leone moved to table Resolution Number 47, 2009, "Joining The County Commissioners Association Of Pennsylvania In Requesting That If The Commonwealth Is To Consider The Issue Of A Consumer Workforce Council, It Should Be A Matter Of Legislative Consideration." Mr. Giles seconded, and it carried in a unanimous roll call vote.

In Sprt. of Donation
& Transfer of Franklin
Cntr Training Facility
To Mercyhurst

Mr. Smith gave a reading of Resolution Number 48, 2009, "In Support Of The Donation And Transfer Of The Franklin Center Training Facility To Mercyhurst College." Mr. Leone moved to adopt; Mr. Giles seconded.

Mr. Foust stated that he will abstain from voting on this resolution because he is employed by Mercyhurst College. Mr. Cleaver called for a vote on the resolution, and it carried in a roll call vote of 6-0-1, Mr. Foust abstaining.

Exon. Taxes on Aband.
Props. In McKean Twp,
Washington Twp & Gen.
McLane SD

Mr. Smith gave a reading of Resolution Number 49, 2009, "Exonerating Taxes On Twenty-Three Abandoned Trailers/Properties In McKean Township, Washington Township, And The General McLane School District." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Sales of Parcels From
Repository Approved

Mr. Giles moved to approve the sale of Parcels from Repository for Unsold Properties at Index Nos:

06-047-035.1-002.83
07-025-052.0-007.00
07-025-052.0-008.00
12-009-003.0-011.53
40-014-088.0-001.32

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

John Pulice appt'd
To RAFC

Mr. Foust moved to approve the appointment of John Pulice to the Regional Assets Funding Committee. Mr. Mitchell seconded, and it carried in a roll call vote of 7-0.

Adjournment

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

Ann M. Bruno, Council Secretary
