

October 20, 2009

Minutes of Oct. 6, 2009 Regular Meeting apprvd. Agenda Amended. C&Y SA & Creat. Of New Revenue Line Items adopted. Gaming Fund Rev. Expend. For Ret. Gaming Prjcts adopted. Gen Fund SA for Millcreek Sewer Auth. Assessment for Cnty Owned Property adopted. Gen Fund SA for Change in Positions in DA Ofc adopted. First Rdgs. Rev. Expend. & Creation of New Line Item for HR HUD Grant; Creation of New Line Item for Court Ordered Placements; Creation of New Line Item for Unrest. Bond Issue Fees; PLCB Grant in DA Ofc; HVAC Addition & Security Card Reader System; PCCD in PD Ofc. Exon. Taxes in UC adopted. Exon. Taxes in Harbor Creek adopted. Exon. Taxes in Corry & Wayne Twp adopted. Exon. Taxes in Summit, Waterford Twp & Ft. LeBoeuf SD adopted. Exon. Taxes in Fairview adopted. Exon. Taxes in NE adopted. Exon. Taxes in Franklin, McKean, Washington & Gen. McLane SD adopted. Rebecca M. Ireson & Shantel Hilliard appt'd to Care Mgmt Brd. Aprvl of Three Year Plan. Aprvl of Sale of Parcels from Rep. In Sprt of Agmt Btwn Erie Cnty & Convention Cntr Auth. adopted. Thomas Doolin, Bruce Whitehair, Michael McCormick & Eric J. Seggi appt'd to Convention Center Auth.

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

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

Members Absent: Mr. Giles

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

Hearing of
The Public

Stacey Snyder stated that he has been employed for the past four and one-half years as an Environmental Health Technician II for the Erie County Health Department. He asked that Council reconsider the elimination of this position from the 2010 budget. He explained his various duties including responsibility for the Erie County Vector Control Program, responding to nuisance complaints and enforcing the Erie County Nuisance Ordinance, dealing with a wide range of complaints such as rats, garbage and illegal dumping. This position ensures that people in Erie County live in a clean environment.

Minutes

Mr. Leone moved to approve the minutes of the October 6, 2009 Regular Meeting; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Cleaver reported the Finance Committee met on Thursday, October 15, 2009, and agreed to place on the agenda Ordinances 133, 134, and 135 for second readings, and Ordinances 137, 138, 139, 140, and 141 for first readings. Also on the agenda is the possible adoption of Resolutions 53 through 59 dealing with the exoneration of taxes on abandoned trailers, along with the re-appointment of Rebecca Ireson and Shantel Hilliard to the Erie County Care Management Board, a motion to approve the 2010-2012 Three Year Plan of the County Executive. This Plan was reviewed by the committee consisting of Mrs. Loll, Mr. Fatica, and Mr. Mitchell who did an outstanding job. Also on the agenda is the possible approve of the sale of parcels from the repository. Two other items will be added to the agenda, four possible appointments to the Erie County Convention Center Authority and an Resolution in support of an agreement between Erie County Government and the Erie County Convention Center Authority.

Personnel
Committee

Mr. Fatica reported the Personnel Committee met on Thursday, October 15, 2009, and agreed to place on the agenda for a second reading Ordinance 136, and Ordinance 142 for a first reading.

Mr. Leone's
Report

Mr. Leone recalled at Council's last meeting on October 6, he spoke regarding problems in the district judge offices and constables. He referred to an article he received from the State House:

State House OKs constable reform bill sponsored by Reading legislator

A proposed law that would update and consolidate regulations of state constables was passed by the state House on Wednesday and is headed for the governor's desk.

If signed by Gov. Ed Rendell, the bill, introduced by Rep. Thomas R. Caltagirone, a Reading Democrat, would take numerous laws regulating constables, currently spread over 13 separate titles of the state code, and place them under one title.

Caltagirone, who's bill received a consent vote of 137-60, said the measure is the first of a three-pronged attack he decided on after conducting special hearings on constables. The Senate approved the bill a day earlier.

Caltagirone called the hearings after the Reading Eagle reported that some Berks County constables were making hundreds of thousands of dollars.

An investigation by District Attorney John T. Adams led to the arrest and conviction of three constables and one district court secretary who pleaded guilty to overbilling the county for their services.

Caltagirone, chairman of the House Judiciary Committee, said the next step is to develop a uniform training regimen and standards.

The third phase of Caltagirone's reform of the constable system, he said, is to have constables

placed under the jurisdiction of the president judge of the county in which they are elected to serve. Currently, constables are not directly supervised by any branch of government.

When the constables were charged during the Berks investigation, President Judge Jeffrey L. Schmehl issued an order barring any county district judges from giving work to the constables.

Schmehl had no direct authority to discipline the constables even though they had been charged with stealing from the court.

Caltagirone's bill also would add an \$11.25 surcharge to the district court filing fee, which would remain in place for 25 months, until a gap in an unfunded portion of the court system is closed, he said.

The surcharge would be levied against attorneys or others filing small claims in district courts.

Mr. Leone believes that the President Judge should have some type of control over what goes on with the district judge offices as well as the constables.

C&Y SA & Creat.
New Line Items

Mr. Smith gave a second reading of Ordinance Number 133, 2009, "Third 2009 Children & Youth Services Fund Budget Supplemental Appropriation And Creation Of New Revenue Line Items." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Revised Epend. for
Rest. Gaming Prjcts

Mr. Smith gave a second reading of Ordinance Number 134, 2009, "2009 Gaming Fund Budget Revised Expenditures For Restricted Gaming Projects." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Millcreek Sewer Auth.
Assess for Cnty Owned
Property

Mr. Smith gave a second reading of Ordinance Number 135, 2009, "Forty-Fourth 2009 General Fund Budget Supplemental Appropriation For Millcreek Sewer Authority Assessment For County Owned Property." Mr. Leone moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Change in Positions in
DA Ofc

Mr. Smith gave a second reading of Ordinance Number 136, 2009, "Forty-Fifth 2009 General Fund Budget Supplemental Appropriation For Change In Positions In District Attorney Office." Mr. Leone moved to adopt; Mr. Mitchell seconded.

Mr. Leone moved to amend the Ordinance's exhibit. He explained that currently, the County is having budget difficulties; people are coming to speak before council to retain their positions. He understands that when someone is elevated to another position, they are entitled to receive additional funding for that position. However, in this particular case, he believes this funding goes way above what it should. The Assistant District Attorney position in this ordinance reflects no change whatsoever in responsibilities, and Mr. Leone moved that position stay at the current salary.

Mr. Leone then referred to the Chief Deputy District Attorney position. The present salary is \$57,544.50 and if this individual receives the 4.2% increase, that salary would be \$59,961.37. The third position is for Administrative Officer, and the next salary level for that position would be \$29,347.50. That is the extent of the salary increases.

Mrs. Loll seconded the motion to amend. Mr. Foust noted that this reduces the wages in this particular ordinance by \$16,339.05.

Mr. Mitchell pointed out that these are not just people getting increases in salary; they are increasing their job responsibilities as well. Mr. Mitchell believes that the County judges their employees

differently. If these positions were to be filled from outside, they would come in at these salaries. This is not just giving wage increases at a difficult time, it's also reconfiguring the staff of the District Attorney who has to make changes since the loss of Brad Foulk. Money is being saved overall. He reiterated that this is not just giving three employees a raise, this is also saving substantial dollars in the operation of the District Attorney's Office, and putting three capable people into other positions.

Mr. Foust referred to the \$16,000 figure on the sheet provided, and asked Mrs. Pasquale whether this is affected since one salary is not changing at all. She replied that was correct, it would be increased by \$2,033.58 and fringes would be adjusted as well. Mr. Mitchell asked how much savings occurred as a result of the vacated jobs, and Mrs. Pasquale noted before the ordinance was amended, there was a savings of \$26,746. Mr. Foust indicated there was a total net savings of approximately \$62,000.

Mr. Cleaver called for a vote on the amendment, and it carried in a unanimous roll call vote. Mr. Cleaver then called for a vote on Ordinance Number 136, 2009, as amended, and it carried in a unanimous roll call vote.

Agenda Amended

Mr. Foust moved to amend the agenda to reflect the addition of letter R, Resolution Number 60, 2009, "In Support Of A Grant Agreement Between Erie County Government And The Erie County Convention Center Authority" and also to add letters S, T, U, and V for the reappointment of four members to the Erie Convention Center Authority, Thomas Doolin from Mr. Fatica's district, Bruce Whitehair, from Mitchell's district, Eric Seggi, the appointment from Mr. Foust's district, and Michael McCormick, who is from Mrs. Loll's district.

Mr. Mitchell seconded. Mr. Leone stated that although this is a motion to amend the agenda, he must abstain from this particular area because of his employment position with an architectural firm.

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

Mr. Cleaver called for a vote on the motion to amend the agenda, and it carried in a roll call vote of 5-0-1, Mr. Leone abstaining.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 137, 2009, "2009 General Fund Budget Revised Expenditures And Creation Of New Line Item For Human Relations HUD Grant"

Ordinance Number 138, 2009, "2009 Children & Youth Services Fund Budget Revised Expenditures And Creation Of New Line Items For Court Ordered Placements"

Ordinance Number 139, 2009, "2009 Gaming Fund Budget Revised Expenditures And Creation Of New Line Item For Unrestricted Bond Issue Fees"

Ordinance Number 140, 2009, "Forty-Sixth 2009 General Fund Budget Supplemental Appropriation And Creation Of New Line Items For PCLB Grant In District Attorney's Office"

Ordinance Number 141, 2009, "Forty-Seventh 2009 General Fund Budget Supplemental Appropriation For HVAC Addition And Security Card Reader System"

Ordinance Number 142, 2009, "Forty-Eighth 2009 General Fund Budget Supplemental Appropriation, Creation Of A Position And New Line Items For PCCD In Public Defender's Office"

Tax Exonerations
Adopted

Mr. Leone moved for the adoption of the following resolutions:

Resolution Number 53, 2009, "Exonerating Taxes On One (1) Abandoned Trailer/Property In The Union City Area School District And The Borough Of Union City"

Resolution Number 54, 2009, "Exonerating Taxes On One (1) Abandoned Trailer/Property In The Harbor Creek School District And Harborcreek Township"

Resolution Number 55, 2009, "Exonerating Taxes On Four (4) Abandoned Trailers/Properties In The Corry Area School District, City Of Corry And Wayne Township"

Resolution Number 56, 2009, "Exonerating Taxes On Five (5) Abandoned Trailers/Properties In Summit Township, Waterford Township And The Fort LeBoeuf School District"

Resolution Number 57, 2009, "Exonerating Taxes On Seven (7) Abandoned Trailers/Properties In The Fairview School District And Fairview Township"

Resolution Number 58, 2009, "Exonerating Taxes On Eight (8) Abandoned Trailers/Properties In North East Township And The North East School District"

Resolution Number 59, 2009, "Exonerating Taxes On Eleven (11) Abandoned Trailers/Properties In Franklin Township, McKean Township, Washington Township And The General McLane School District"

Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Rebecca M. Ireson
Reappt'd to ECCM

Mr. Foust moved to reappoint Rebecca M. Ireson to the Erie County Care Management Board. Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Shantel Hilliard
Reappt'd to ECCM

Mr. Foust moved to reappoint Shantel Hilliard to the Erie County Care Management Board. Mr. Leone seconded and it carried in a unanimous roll call vote.

Three Year Plan
Approved

Mrs. Loll moved to approve the 2010-2012 Three Year Plan of the County Executive. Mr. Fatica seconded. Mr. Cleaver commended the committee for their fine work and looks forward to their serving again next year. He called for a vote on the approval, and it carried in a unanimous roll call vote.

Sale of Parcels from
Repository Approved

Mr. Leone moved to approve the Sale of Parcels from Repository at Index Numbers:

15-020-034.0-222.00
15-020-034.0-223.00
18-050-003.0-114.00
18-051-027.0-108.00
24-004-007.3-012.71
24-012-036.4-074.78
33-034-172.0-022.35

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

Agrmt Btwn
Erie Cnty &
Convention
Cntr Auth.

Mr. Smith gave a reading of Resolution Number 60, 2009, "In Support Of A Grant Agreement Between Erie County Government And The Erie County Convention Center Authority." Mr. Foust moved to adopt; Mr. Mitchell seconded.

Mr. Foust stated that he, Mr. Leone and Mr. Cleaver were at the meeting last week which finally ironed out all the differences that existed with regard to the restructuring of the authority. He believes, especially for Council, that it is important to remember when moving forward that for the first time, each Council Member will have some say as to an appointment to this particular authority. In his opinion, this will go a long way towards regionalizing that authority, and hopefully, make it much stronger.

Mr. Leone stated that he must abstain from voting on this particular resolution based on the fact that he is employed with an architectural firm, and that any time a bond issue comes up, he must abstain.

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

Mr. Cleaver wished to indicate that all parties, the City of Erie, the Mayor, Council, and the County Executive put a great deal of time and effort into this. As time moves on, not only will Erie County have a Convention Center, but there will be a new Tullio Arena with the help of this Council. He takes his hat off to all who helped reach this conclusion. Mr. Cleaver called for a vote on Resolution Number 60, 2009, and it carried in a roll call vote of 5-0-1, Mr. Leone abstaining.

Reappointments
To Convention
Cntr Auth appr'v'd

Mr. Foust moved to approve the reappointments of Thomas Doolin, Bruce Whitehair, Michael McCormick, and Eric J. Seggi to the Erie Convention Center Authority. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Mitchell thanked all those members who have been reappointed for the good work they've done over the past few years. These members have put in hundreds of hours and Erie County can see the product of their work.

Adjournment

There being no further business, the meeting was adjourned at 7:32 p.m.

Ann M. Bruno, Council Secretary
