

June 30, 2009

Minutes from June 30, 2009 Reg. Mtg. Aprvd. Agenda Amended. Sprt. of Intergov. Agrmt Btwn Erie Cty, Corry Cty, Millcreek Twp & Erie Cnty for JAG Award adopted; Gaming Fund Budget Release of Unrest. Gaming Funds for Comm. Assets & Spec. Events adopted; 2009 Revised Fee Schedule in Tax Claim adopted; Gen. Fund SA for Donation of I-Pods adopted; PH SA for Grant Funds to Purch. Comp. adopted; Wvr of Cnty Personnel Code for Pos. in PS adopted. First Rdgs: Gen Fund SA for Tuition Reimb. In Juv. Prob; Gaming Fund Release of Unrest. Funds for Ded. Assets; Gen Fund SA for Pros. Exp. in DA; Gen Fund SA for Change in Assess. Policy; Gen Fund SA for Creation of Hotel Room Rental Tax Line Items; Health Choices SA & Creation of New Line Items for Reinv. Funds; PH SA & Creation of New Line Item for Investment Interest; PH Rev. Expt. For Beach Grant; Rev. Environ. Fee in Dept. of PH; PS SA for Citizen Corps Grant; Gen Fund SA for Personnel Changes in Assess. Conveyance of Sixmile Creek Park from Cnty of Erie to Harborcreek adopted; Auth. Filing of Proposal for Funds with Dept. of DCED from Washington Twp adopted; Erie Cnty Hospital Auhotiry adopted; Erie Cnty Gen. Auth. \$565,000 Tax Exempt Note-YMCA Corry Prjct. adopted; Exont taxes in Ft. LeBoeuf SD & Twp adopted; Exon. Taxes in Iroquois Dstrct & Borough of Wesleyville adopted; Aprovl to Seek Bond Underwriters for Renov. Of Tullio Arena adopted; Sprt. of HB 1682 adopted. MaherDussell aprvd to conduct audit of Health Choices Prgm. Nancy Chiapazzi appt'd to MHMR Brd. Earl J. Brown appt'd to Agricul. Land Preserv Brd. Raymond Grabowski and Dave Ciacchini appt'd to RAFC. Sale of Parcels from Respos. Approved.

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, 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. 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

Mr. Cleaver apologized for the inconvenience as Council Chambers is currently being renovated and seating limited. Mr. Cleaver stated Mr. Foust has two citations to present this evening.

Presentation of  
Citations to  
Lauren Zarger  
& Chris Carpen

Mr. Foust welcomed Lauren Zarger and Chris Carpen, two outstanding athletes from his alma mater, Harbor Creek High School. Too often, it seems only team success is celebrated, and what makes these two state champions special is the singular accomplishment of their particular events. Chris is a pole vaulter and Lauren runs the 3200 meter. He pointed out that this is not a team oriented sport such as

baseball or football and it is that singular dedication these students possess to push themselves to be the best they can be in their particular event. Both Chris and Lauren are also outstanding students. Mr. Foust stated that he is also fortunate to know Chris's parents very well as he and they graduated from high school about the same time. As a proud Harbor Creek alumnus, he wishes these students all the best and expressed his pride at their accomplishments. He asked the students to show their gold medals to the audience and they were given a round of applause. Mr. Fatica suggested parents be introduced and Mr. Foust also pointed out that coaches Marty Dale and Max Lundberg were present as well. Mr. Mitchell stated that he was sorry that Lauren got away because her dad moved to Harborcreek from Corry. Mr. Foust congratulated the students on a job well done.

Matt Bresee, approached Council on behalf of the Bay Hawks organization to strongly encourage Council's support of the Tullio Arena improvements. When the team first considered where this franchise should land, the promise of improvements to the Arena tipped the scales in Erie's favor. The arena is the same as it was 15-20 years ago and these improvements are critical to the success of the Bay Hawks. As their President, he again strongly encouraged Council's support of these improvements.

Shawn Waskiewicz, Assistant General Manager for the Erie Otters, stated when the Otters came to this community in 1996, the OHL considered the Tullio Arena one of the top three or four arenas in the OHL out of 20 teams. Thirteen years later, it is considered one of the bottom three or four. Opportunities exist to host a number of special events which will bring money into the community if these renovations occur. This renovation would be great for fans and the region.

Michael Gentile, General Manager and Senior Director of Operations for Live Nation in Pittsburgh which is the world's largest promoter of concerts, stated Live Nation feels it is important that these improvements be made because there has been a deterioration of shows they have been able to bring to the Tullio Arena. There have been many shows over the last ten years that have said no to Erie due to the fact that the facility has aged. Many amenities need to be upgraded for these shows to come back. The facility has lost the Trans Siberian Orchestra, which always sold out, because the show has become too large for the Arena to handle it. Once these improvements are made, Mr. Gentile stated many of these shows will come back.

Casey Wells, approached Council and stated that for the Arena to remain competitive, reinvestment is needed. For the community to remain competitive, reinvestment is needed and it must occur now. He stated this is a great opportunity with the \$32 million being offered by the Commonwealth of Pennsylvania, and he is always available to answer any questions.

Roger Richards, stated this facility has been neglected for a long time. It hasn't accommodated all people as it should and this has jeopardized its future success. There is a broad base of support for this project. He referred to issues that arose during the Convention Center Project such as the labor agreement, the diversity of employment, and access for the handicapped. He feels those issues were addressed successfully, and has committed to the same success for this project. Mr. Richards is open to any input or comment for improving this project. The Department of General Services in Harrisburg has been notified that the state standards for requirements will not only be met, but exceeded. During the Convention Center Project, with union leadership, apprentice programs were implemented and a future was generated for many people in this community to have jobs they never could have envisioned. Mr. Richards also pointed out that they look forward to providing greater access to the handicapped.

Paul Knobloch, represents Erie Professional Football Group, and recently acquired the arena football team. He noted that of the eight arenas in their division, five have done major renovations. A new arena will allow the football group to solicit a certain caliber of player, get enough of those players, points get scored and games are won. If a team wins enough games, there is the potential for playoffs, maybe even championship. Mr. Knobloch stated that all of these things, collectively and separately, lead to an enhanced fan experience. It is their goal to bring affordable family fun and a new arena can help.

Bill Stafford, Edinboro, represents the Indoor Football League. He stated that Council stepped up during the library crisis and he commended them for their hard work. The library is a regional asset; however, the Tullio Arena is also a regional asset that can help on many venues. This should be viewed as not just something for the City of Erie, but for the overall region.

Junior Hartner, President of the Wattsburg Erie County Fair, stated that in March when applications for gaming grants were due, the Fair sent in a grant, but it was somehow misplaced. He was unaware that it was never received until today. Mr. Hartner asked whether anything could be done. This is for an entertainment grant and fairs are having a very hard time because the state has cut budgets for the fairs.

Mr. Cleaver replied that Carolyn Gold, Gaming Manager, is present this evening. He asked Mrs. Gold to speak to Mr. Hartner regarding this issue.

Tim Doyle, 4254 Prestwick Drive, Erie, is a retired United States Marine and the immediate past president of the Board of Directors of Community Resources for Independence, the largest center for independent living in the United States. Mr. Doyle is present to inform Council of a major problem with the Erie County Convention Center Authority in their noncompliance with the ADA. He, along with CRI, has been trying since January 2003 to work with the Convention Center Authority to make wheelchair seating in the Warner Theater acceptable. All avenues of mediation have been exhausted and this has turned into a federal case which the Department of Justice in Washington is now handling. Mr. Doyle stated the Tullio Arena is also out of compliance; most of the bathroom facilities are not wheelchair accessible. The Convention Center Authority is willing to listen and Mr. Wells is great at promising results, but has come up short. The wheelchair community has no representation on any committee and he believes this situation is wrong and should be corrected.

Timothy Finnegan, 12670 Forest Drive, Edinboro, is the Executive Director of Community Resources for Independence. He reports to the Governor on issues relating to people with disabilities. He stated that he has 100% backing of both of those groups to advocate and ensure that the Department of Justice complaint is settled quickly. The Tullio Arena should have at least one person with a true disability giving advice on accessibility. He stated they were forced to file with the Department of Justice to settle the issue on accessibility.

Minutes

Mr. Giles moved to approve the minutes of the June 9, 2009 meeting; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Wiley's  
Remarks

Mr. Wiley stated that he has requested a press release be entered into the minutes. Members of Council should have electronically received a copy of this press release submitted today in relation to the declaration by the Mayor and Millcreek Township Supervisors of a disaster due to the rain and storms the area received today and is expecting for the next three days. Mr. Wiley noted there has been a tremendous amount of damage in Millcreek, Fairview, and the City of Erie where roads, residences, and a number of other facilities experienced a significant amount of damage. The Emergency Operation Center was engaged this morning and will be active throughout the next 36 hours. This declaration has initiated an assessment of the damage and also a review of what will need to be done once the storms subside.

Mr. Wiley's  
Comments

Mayor Sinnott Declares Disaster Emergency for  
City of Erie  
*Millcreek Supervisors have also declared Millcreek an area of emergency*

(Erie, PA)—At approximately 2:00 p.m., Mayor Sinnott declared a Disaster Emergency for the City of Erie. In addition, Millcreek Supervisors, have declared Millcreek an area of disaster due to severe weather patterns and continued rainfall expected this evening.

An emergency is deemed a disaster when the health, safety and welfare of a substantial number of persons is in endangered.

An emergency declaration allows Emergency Management Coordinators and elected officials to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster, to aid in the restoration of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

People are instructed to obey all PennDOT signs and markers indicating flooding in areas. People are advised not to attempt travel where signs indicate a hazardous situation.

Citizens encountering damage at their property and household including flooding and additional water damage are asked to call 451-7981.

Secondly, Mr. Wiley reported that the PEMA Report has been received. Each Member of Council should have a copy of that as well. The PEMA Report was no surprise and there was one finding of quality assurance that was anticipated. He read an excerpt from the Press Release:

PEMA's Training and Quality Assurance Program Review found that Erie County's 911 Program met, and in some cases, exceeded the 911 training requirements. Certain elements are not aligned with the Performance Review and Quality Assurance Standards found in the administrative code...

The only deficiencies occurred in the area of Quality Assurance. The Quality Assurance Manager currently has additional job responsibilities that do not allow for the total focus on quality assurance that is necessary due to the additional increased call volume and dispatching since the 911 center consolidation in January 2009.

Mr. Wiley informed Council that a restructure plan is expected to be submitted within the next couple of weeks in an effort to comply with comments made in this report. The PEMA Report is a public record and will be available to constituents via the website within the next week.

Finance Committee

Mr. Giles reported that the Finance Committee met on June 25, 2009 and heard a presentation from the Erie County Convention Center Authority regarding the renovation of the Tullio Arena and related properties, and a resolution is on the agenda regarding that presentation.

The Finance Committee is reintroducing Ordinance Number 66, 2009, and Resolution 43 regarding property tax relief. Mr. Giles explained that Ordinance 66 is a partnership with the City in regard to the Department of Justice funding and the focus in the county's case was with regard to the mentally ill offender's programs. Resolution 43 is a resolution in support of property tax relief. This is a partnership between the State Township Association, the State Boroughs Association, the County Commissioners Association of Pennsylvania, and the League of Cities.

Also on the agenda, the Finance Committee has placed Ordinances 80 and 86 for second readings; first readings for Ordinances 87 through 98, as well as Resolutions 36 through 42. The approval of the hiring of auditors for Health Choices, several appointments, and the possible approval of sale of parcels from the repository also appears on the agenda.

Finance  
Committee

Mr. Giles also reported that a brief discussion was held regarding the relationship between the County and REthink Erie regarding the community college initiative.

Personnel  
Committee

Mr. Fatica reported the Personnel Committee met on June 25, 2009 and placed Ordinances 99 and 100 on the agenda.

Mrs. Loll's  
Report

Mrs. Loll reported that she has a statement from Attorney Paul Burroughs, Chairman of the Erie County Board of Health. Attorney Burroughs will be speaking to City Council regarding the Tires to Energy Plant. She submitted the statement for inclusion in the minutes:

Brd of Health  
Report

July 1, 2009

By resolution of Erie City Council dated April 15, 2009, the attached statement was made today to council by Paul Burroughs, Esq., chair of the Erie County Board of Health.

I am Attorney Paul Burroughs, chair of the Erie County Board of Health. I am here today to respond to your request that the board of health review the Inhalation Risk Assessment report of ERE and make our findings know to the Erie City Council.

The Erie County Board of Health continues to have significant concerns regarding the development and operation of a tires derived fuel plant in the county and specifically within the city.

In October 2008, we formulated a resolution which was unanimously approved by all members of the board. The resolution was based upon study and review of ERE application documents and upon interviews with numerous scientists and practitioners representing the fields of climatology, chemistry, wildlife biology, as well as several physician specialists. Additionally, we reviewed a significant number of scientific articles and research papers all dealing with the pollutants identified by Erie Renewable Energy and the PA Department of Environmental Protection as criteria pollutants. We also reviewed numerous other albeit non-regulated pollutants which will be pumped into the environments in which we live.

Our research has shown:

- ERE has estimated that, on average, 900 tons per day of tire derived fuel (TDF) would be combusted at the facility.
- The combustion of the TDF will generate approximately 155 tons per day of ash.
- There is no estimate of the emission of carbon dioxide. (Because CO<sup>2</sup> is one of those non-regulated emission, yet, as we know, CO<sup>2</sup> is a primary cause of global warming.)
- There is no emission estimate given in the plan approved application for polyaromatic hydrocarbons (PAHs). PAHs are a subset of volatile organic compounds (VOCs). ERE has estimated that 27.5 tons per year of VOCs will be emitted per year.
- There is no direct estimate of the amount of PM-2.5 emitted from the facility. ERE will most likely be required to conduct a stack test for filterable PM-2.5 as part of the plan approval.
- Nitrous and sulfur oxides produced contribute to acid rain.
- Mercury compounds concentrates in the lake/water and benthos, bioaccumulates and biomagnifies through the food chain. Even the smallest amount of Mercury is harmful to humans, fish and animals.

(January 2009 New England Journal of Medicine) scientific study has proven:

- There is direct relationship between the level of fine-particle pollutants in the air people breathe and life expectancy in cities across the United States.
- Reducing the average level of fine-particle pollutants – the most damaging kind – by 10 micrograms per cubic meter of air adds about seven months of life expectancy, according to the study of 51 metropolitan areas from Portland, Wash., to Tampa Bay, Fla.

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Brd. Of Health  
Report

(2006 Air and Waste Management Association)

- Despite important gaps in scientific knowledge and continued reasons for some skepticism, a comprehensive evaluation of the research findings provides persuasive evidence that exposure to fine particulate air pollution has adverse effects on cardiopulmonary health.
- Since 1997, there has been a substantial amount of research that added to the evidence that breathing combustion-related fine particulate air pollution is harmful to human health.
- Tires contain around 20 different metals most of which have effects on humans, aquatic life and animals.

(2002 Environmental Health Perspectives)

- The magnitude of the association between particulate pollution and daily deaths suggests that controlling fine particle pollution would result in thousands fewer early deaths per year.

(Circulation 2008)

- Studies show an association between long-term air pollution and well-established quantitative measures of atherosclerosis. Biological plausibility for a causal relationship between air pollution and atherosclerosis is supplied by animal studies.

(Environmental Science Technology 2006)

- Ultrafine particles are emitted preferentially and exhibit the longest atmospheric residence time.
- “Atmospheric PM has been linked with adverse effects on human health.”

(Environmental Science and Technology 2001)

- During their migration through the air, PAHs can undergo environmental factors which transform them into products in some cases more dangerous than the originally released. PAHs or their derived compounds can get into water and soil being assimilated by the different organisms (plants, animals, fish, etc.) existing in the corresponding ambient. As a result and due to the biological cycle at which living species are submitted, PAHs and derived compounds can get into the human body more or less directly, by ingestion, inhalation, or contact with the skin forming adducts which could alter the regular behavior of cells.

(JAMA 2002)

- Long-term exposure to combustion-related fine particulate air pollution is an important environmental risk factor for cardiopulmonary and lung cancer mortality.

Based upon these and numerous other research findings, our resolution recommended four steps are taken:

- 1) that an independent risk assessment of the long term operation of this plant on the health, safety and welfare of the people and the environment be required as a part of the review process by the Pennsylvania Department of Environmental Protection;
- 2) that the developer provide to the Board of Health and the Erie community the design of the risk assessment and the raw data following the assessment as well as the report itself and all supporting data;
- 3) that specific reference to current research regarding polycyclic aromatic hydrocarbons (PAH's) and the specific emissions of this plant be addressed within the assessment;
- 4) that specific reference to current research regarding ultrafine particulate matter (less than 2.5 microns in size) and the specific emissions of this plant be addressed within the assessment.

Brd. Of Health  
Report

We have subsequently reviewed the ERE submitted assessment and find that the report closely follows the regulated parameters of the DEP and verifies that operations of the plant would be within those guidelines. The report does not offer any interpretive data and corresponding affects on health. The report also does not address our request for raw data and other specific components of our resolutions. There is a noticeable absence in the report of the public health effects of (known) non-criteria pollutants.

The Board of Health shares the opinions and findings of the Erie County Medical Society. We recognize that the operation of this plant will significantly raise the pollutants being emitted into our air, our ground and our water. According to the literature, the pollutants, both criteria and non-criteria, will have a measurable, definite negative impact on the health of the residents of the City of Erie, the County of Erie and surrounding populations.

The Board of Health is even more concerned when we see and are told that the current regulatory process has such a difficult time monitoring and enforcing pollution controls at a neighboring facility which has been operating out of compliance for years, namely Erie Coke. All the while, while we had been being assured by DEP that Erie Coke was operating within regulatory compliance, large amounts of non-compliant discharges are finding their way into our environment.

You should also be aware that the Board of Health requested assistance from the PA Department of Health. As a result, the Bureau of Epidemiology and the Agency for Toxic Substances and Disease Registry is currently reviewing all submitted data and considering the health impacts of the proposed plant. The Department of Health is in contact with the DEP and has assured us that this review will be complete and submitted to the Erie County Department of Health and the DEP prior to any final decision being made by the DEP. The resultant assessment documents will provide information regarding potential exposures and probable adverse health effects associated with such levels of exposure to various compounds.

At this time, based upon the information which we have been provided, the opinion of the Erie County Board of Health is that the operation of the proposed ERE facility will pose a definite short term as well as long term negative health risks and consequences upon the residents of Erie County. The operation of this plant will also pose a negative risk and consequences to the quality and health of the environment of Erie County.

Mr. Giles'  
Report

Mr. Giles reported that on June 25, 2009, REthink Erie met in its regular weekly meeting and have advanced a new project charter. The leadership team has been expanded to include new members Mike Batchelor from the Erie Community Foundation, William Jefferys, the Executive Director of the Booker T. Washington Center, and James Napier, the Regional President of Penelec. Therefore, the Leadership Team is now comprised of nine members. Mr. Giles noted that the charter no longer includes language with respect to the County being a sponsor. At this meeting, team members were asked to sign a paper approving the charter, focus, and goal of REthink Erie Initiative. The focus is more broadly seeking how to move this effort forward with or without the County's participation.

HB 1682

In regard to the property tax relief issue, a variety of people met on June 22, 2009 in Harrisburg beginning at 10:00 a.m. and finishing at 4:30 p.m. Leadership from both the Senate and the House, the Speaker of the House, along with the Majority Leader were present to advance the idea that property tax relief is an important issue for counties across Pennsylvania. Currently, both Philadelphia and Allegheny County have exercised the sales tax option. Philadelphia is requesting an increase in the level of property tax that they are attempting to secure. The sense is that if two major counties have been allowed this option, Erie County, along with the other 65 counties has no other option but property. Mr. Giles explained that property tax is the only option that local government has for taxation. Resolution 43 regarding House Bill 1682 shows support for this. There is a guarantee that 60% of the funding would go directly to county property tax relief. Different formularies are involved on the municipal, township, borough, and county side. In the past 20 to 30 years, there has been a growth in the mandates and obligations of services provided by counties. Mr. Giles believes this debate will go forward and the resolution on this evening's agenda does not in any way implicate that Erie County has to choose this option. The option is being provided, and local governments will make the decision.

### HARRISBURG MEETING SCHEDULE

Monday, June 22, 2009

10:00 a.m.	Steve DeFrank & Senator Mellow – 535 Main Capitol
10:30 a.m.	Speaker of the House Rep. McCall Majority Leader Rep. Eachus, 139 Main Capitol
11:00 a.m.	Ed Nolan & Rep. Civera, 245 Main Capitol
11:30 a.m.	Wendy Lewis & Rep. Evans, Phil. Appropriations Chair, 512 East Floor Main
12:00 p.m.	Rep. Bob Freeman, Chair of House Local Govt. Committee
12:30 p.m.	Dave Woods & Senator Pileggi, 350 Main Capitol
1:30 p.m.	Michele Rudloff & Rep. Sam Smith, 423 Main Capitol
2:30 p.m.	Drew Crompton & Senator Scarnati, 292 Main Capitol
3:00 p.m.	Senator Corman, 281 Main Capitol
3:30 p.m.	Senator Costa, 545 Main Capitol
4:30 p.m.	Rep. Sturla

RAFC

Mr. Giles referred to the ordinance on this evening's agenda regarding the Regional Assets Funding Committee's recommendations for dedicated assets and community and special events. In the correspondence of June 3, 2009 several members tendered their resignation from this committee, gratitude should be expressed for the service they have rendered. This is the first time the county has been involved in this issue and the first time for these members as well. One of the issues that bothered Mr. Giles was the comments made in the June 3, 2009 correspondence to members of Council that indicated that no explanation was ever made as to why the funds could possibly be reduced in year two. On June 23, 2008, a memo was sent to the members of the Regional Asset Funding Committee, and the topic in general was the review of dedicated assets:

"Lastly, the County Executive met with me a week ago to review his proposed 2009 Budget. On point, he is going to propose the use of unrestricted gaming funds to cover the previously County funded "grants to organizations." These are mostly "human services" programs. The net effect will be the reduction of \$900,000 from the unrestricted gaming monies."

Mr. Giles stated the correspondence goes on to describe the expectation about the passage of that initiative and everyone is aware how that worked out. Mr. Giles takes exception to statements being made that nobody communicated anything to anybody when very clearly in September 2008, it was indicated that there was more than a remote possibility that this would go forward and everyone was advised that this would happen. Mr. Giles' problem is not that it did happen, that is still being debated unilaterally, but the fact is that it was not done behind closed doors. The debate was part of the budget sessions. Those involved with regional assets were informed in writing that this was a very strong possibility, and it did happen. Mr. Giles also is not happy with the characterization on the part of colleagues and staff who worked diligently on behalf of the county to make sure that asset funding is in place. When it was reduced, it was done in a public debate and notices were sent out in writing to everyone involved. Mr. Giles' believes that all of Council's processes are open for scrutiny and review.

Agenda Amended

Mr. Leone moved to amend the agenda to include Ordinances 92, 95, and 100 for a second reading; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Giles moved to add Resolution Number 43, 2009 to the agenda; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

In Sprt of Intergov.  
Agrmt Btwn Erie  
Cty, Corry Cty,  
Millcreek Twp  
& Erie Cnty for  
JAG Award

Mr. Smith gave a second reading of Ordinance Number 66, 2008, "In Support of An Intergovernmental Agreement Between Erie City, Corry City, Millcreek Township And The County Of Erie For A Justice Assistance Grant (JAG) Program Award." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Giles moved to amend Exhibit A of the ordinance to eliminate all paragraphs after the first three "Whereas" paragraphs and insert the following:

**WHEREAS**, the Erie County Prison has experienced an increased number of mentally ill offenders in the jail population.

**NOW THEREFORE**, Erie County and the affected local municipalities agree to provide Erie County \$32,000 (thirty-two thousand dollars) for the creation of an assessment/intake position in the Erie County Prison from the Justice Assistance Grant of 2009.

CITY OF ERIE, PA

COUNTY OF ERIE, PA

\_\_\_\_\_  
Joseph E. Sinnott, Mayor

\_\_\_\_\_  
Mark A. DiVecchio, County Executive

Mr. Leone seconded the motion to amend. Mr. Giles explained that this suggests a framework around which Mr. Wiley and County Executive DiVecchio worked with the City of Erie. This came from a planning session regarding corrections, human services, and mental health workers, and is an important piece that is necessary. The motion to amend carried in a unanimous roll call vote.

Mr. Cleaver called for a vote on Ordinance Number 66, 2009, as amended, and it carried in a unanimous roll call vote.

Ord. 80  
Removed  
From Table

Mr. Foust moved to remove Ordinance Number 80, 2009 from the table; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Gaming Fund  
Rel of Unrest.  
Gaming Funds  
For Comm.  
Assets &  
Spec. Events

Mr. Smith gave a second reading of Ordinance Number 80, 2009, "2009 General Fund Budget Release Of Unrestricted Gaming Funds For Community Assets And Special Events." Mr. Foust moved to adopt; Mr. Leone seconded.

Rel of Unrest. Gmg.  
Funds For Comm.  
Assets & Spec. Events

Mr. Foust moved to amend Ordinance Number 80, 2009 as follows:

ORDINANCE NUMBER 80, 2009

2009 ~~General~~ **Gaming** Fund Budget Release Of  
Unrestricted Gaming Funds For Community Assets  
And Special Events

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), 3B (2)(f) of the Erie County Home Rule Charter and Ordinance 166, 2007 that this 2009 ~~General~~ **Gaming** Fund Budget release of unrestricted gaming funds for Community Assets and Special Events is hereby approved as outlined on the attached Exhibits A and B.

Mr. Leone seconded and the amendment carried in a unanimous roll call vote. Mr. Cleaver called for a vote on Ordinance Number 80, as amended, and it carried in a unanimous roll call vote.

Rev. Fee Schedule  
In Tax Claim adopted

Mr. Smith gave a second reading of Ordinance Number 86, 2009, "2009 Revised Fee Schedule In Tax Claim." Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA for  
Donation of I-Pods

Mr. Smith gave a second reading of Ordinance Number 92, 2009, "Thirty-Third 2009 General Fund Budget Supplemental Appropriation For The Donation Of I-Pods For Jury Education And The Creation Of A New Line Item." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Ph SA For Grant Funds  
To Purch.Comp.Equip.

Mr. Smith gave a second reading of Ordinance Number 95, 2009, "Eighth 2009 Public Health Fund Budget Supplemental Appropriation For Grant Funds To Purchase Computer Equipment." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Wvr of Personnel Code  
For Pos. in PS adopted

Mr. Smith gave a second reading of Ordinance Number 100, 2009, "2009 General Fund Budget Waiver of Section 11AJ Of The County Personnel Code For Position Number 012010-023 In Public Safety." Mr. Giles moved to adopt; Mr. Foust seconded. Mr. Foust stated that although he normally does not like to waive the Personnel Code, in this particular instance, he will and believes it is proper because this employee works in the department and has the proper training. Mr. Cleaver called for a vote on the ordinance, and it carried in a unanimous roll call vote.

Ord. 88 amended

Mr. Foust moved to amend Ordinance Number 88, 2009 as follows:

2009 ~~General~~ **Gaming** Fund Budget Release Of  
Unrestricted Gaming Funds For Dedicated Assets

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), 3B (2)(f) of the Erie County Home Rule Charter and Ordinance 166, 2007 that this 2009 ~~General~~ **Gaming** Fund Budget release of unrestricted gaming funds for Dedicated Assets is hereby approved as outlined on the attached Exhibit A.

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

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 87, 2009, "Twenty-Ninth 2009 General Fund Budget Supplemental Appropriation For Tuition Reimbursements In Juvenile Probation"

Ordinance Number 88, 2009, "2009 Gaming Fund Budget Release Of Unrestricted Gaming Funds For Dedicated Assets"

Ordinance Number 89, 2009, "Thirtieth 2009 General Fund Budget Supplemental Appropriation For Prosecution Expenses In The District Attorney's Office"

Ordinance Number 90, 2009, "Thirty-First 2009 General Fund Budget Supplemental Appropriation For Change In Assessment Policy"

Ordinance Number 91, 2009, "Thirty-Second 2009 General Fund Budget Supplemental Appropriation For Creation Of Hotel Room Rental Tax Line Items"

Ordinance Number 93, 2009, "Second 2009 Health Choices Fund Budget Supplemental Appropriation And Creation Of New Line Items For Reinvestment Funds"

Ordinance Number 94, 2009, "Seventh 2009 Public Health Fund Budget Supplemental Appropriation And Creation Of A New Line Item For Investment Interest"

Ordinance Number 96, 2009, "2009 Public Health Fund Budget Revised Expenditures And Creation Of A New Line Item For Beach Grant"

Ordinance Number 97, 2009, "2009 Revised Environmental Fee Schedule In The Erie County Department Of Public Health"

Ordinance Number 98, 2009, "Eighth 2009 Public Safety Fund Budget Supplemental Appropriation For Citizens Corps Grant And Creation Of New Line Items"

Ordinance Number 99, 2009, "Thirty-Fourth 2009 General Fund Budget Supplemental Appropriation For Personnel Changes In Assessment"

Convey. Sixmile  
Creek Pk from Erie  
Cnty to Harborcreek

Mr. Smith gave a reading of Resolution Number 36, 2009, "Conveyance Of Sixmile Creek Park From County Of Erie To Harborcreek Township." Mr. Foust moved to adopt; Mr. Fatica seconded.

Mr. Foust informed the audience that first readings on are not voted on. In regard to this particular resolution, Mr. Foust served on the committee for two and one-half years to help improve this park. The County does not have the resources to provide for the park and Harborcreek Township can not only protect the park, but improve it in the future. He encouraged his colleagues to support this resolution.

Convey. Sixmile  
Creek Pk from Erie  
Cnty to Harborcreek

Mr. Cleaver called for a vote on Resolution Number 36, 2009, and it carried in a unanimous roll call vote.

Auth. Filing.For  
Funds with DCED  
Washington Twp

Mr. Smith gave a reading of Resolution Number 37, 2009, "Authorizing The Filing Of A Proposal For Funds With The Department Of Community And Economic Development (DCED) From Washington Township." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Erie Cnty Hosp. Auth.  
Hamot Health Found.

Mr. Smith gave a reading of Resolution Number 38, 2009, "Erie County Hospital Authority (The Hamot Medical Center of the City of Erie, Pennsylvania and Hamot Health Foundation)." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Auth. \$565,000  
Tax Exempt Note

Mr. Smith gave a reading of Resolution Number 39, 2009, "Erie County General Authority \$565,000.00 Tax Exempt Note – Young Men's Christian Association Of Corry Project." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Exon. Taxes on Aband.  
Trail/Props in Ft. LeBoeuf  
SD & Twp

Mr. Smith gave a reading of Resolution Number 40, 2009, "Exonerating Taxes On Four (4) Abandoned Trailer/Properties In The Fort LeBoeuf School District And LeBoeuf Township." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Exon. Taxes on Aband.  
Trail/Props in Iroquois SD  
& Wesleyville Borough

Mr. Smith gave a reading of Resolution Number 41, 2009, "Exonerating Taxes On Seven (7) Abandoned Trailer/Properties In The Iroquois School District And The Borough Of Wesleyville." Mr. Fatica moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Aprvl to Seek Proposals  
From Bond Underwriters  
For Renovation of Tullio  
Arena

Mr. Smith gave a reading of Resolution Number 42, 2009, "Approval To Seek Proposals From Bond Underwriters For Renovation of the Tullio Arena And Related Area." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Cleaver stated that this is a great investment for Erie County and he expressed his hope that there will be full support as this moves forward. Comments were made earlier about problems with certain groups and Mr. Cleaver stated those issues will be addressed. He personally takes full responsibility if they are not resolved.

Mr. Leone provided the following letter to Council Secretary for inclusion the minutes. He stated he must abstain from speaking about this issue.

Aprvl to Seek  
Proposals From  
Bond Underwriters  
For Renov. of  
Tullio Arena

June 30, 2009

Ann Bruno  
County Council Secretary  
Erie County Courthouse  
140 West 6<sup>th</sup> 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,

Fiore Leone  
County Council – 3<sup>rd</sup> District

Aprvl to Seek  
Proposals From  
Bond Underwriters  
For Renov. of  
Tullio Arena

Mr. Fatica stated that this will be economically beneficial to the area. People will come downtown to the use the restaurants – it will help bring people into the city. He believes this is a valuable community asset.

Mr. Mitchell added that this project reaches far into the county. Fans in Corry of baseball and especially hockey have made it known that they support this project. This is a county wide project.

Mr. Foust stated that he will vote in favor of this resolution and any future ordinances funding these improvements. He addressed Mr. Casey stating that he would like to see strong county representation on the authority. This matter has the support of the County, City and legislators who have worked with the development of the Convention Center Project. Mr. Foust also hopes that local labor will be involved in the renovations of the Tullio Arena and it will not be subcontracted out. The project should have accountability and integrity. Individuals spoke earlier regarding public access and that issue must be addressed. It is important to work with the development committee and local authorities in an effort to resolve those concerns. He agreed with Mr. Cleaver that Council will speak up if accessibility is not being done properly.

Mr. Cleaver pointed out that the County of Erie has four appointments to the Erie Convention Center, the mayor also has appointments, and the Governor has two as well.

Mr. Giles wished to extend gratitude to Roger Richards. Mr. Richards set up a team for discussion on this issue involving Casey Wells, the Mayor, the County Executive, Mr. Cleaver, and Mr. Giles to meet with the Governor. The Governor had his top staff in the room along with Senator Earll, Representatives Fabrizio and Harkins. He noted the dialogue was handled well. The Governor committed funds provided that Erie County could come up with a local match. Mr. Giles also pointed out that there will always be issues and he has confidence that these issues will be resolved to further this partnership.

Mr. Cleaver called for a vote on Resolution Number 42, 2009, and it carried in a roll call vote of 6-0-1, Mr. Leone abstaining.

In Sprt. of  
HB 1682

Mr. Smith gave a second reading of Resolution Number 43, 2009, “In Support of House Bill 1682 County and Municipal Property Tax Relief.” Mr. Giles moved to adopt; Mr. Fatica seconded and it carried in a unanimous roll call vote.

MaherDuessel  
Approved for  
HealthChoices  
Audit

Mr. Foust moved to approve MaherDuessel to conduct an audit of the Erie County HealthChoices Program for the period of July 1, 2008 through June 30, 2009 for a price not to exceed \$21,860. Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Brd. Appt’s.

Mr. Giles moved to approve the following appointments:

Nancy Chiappazzi to the Mental Health/Mental Retardation Board

Earl J. Brown to the Erie County Agricultural Land Preservation Board

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

Separation  
Of Vote

Mr. Giles requested a separation of vote on the appointments of Raymond Grabowski and Dave Ciacchini to the Regional Assets Funding Committee.

Raymond Grabowski  
Appt'd. to RAFC

Mr. Foust moved to appoint Raymond Grabowski to the Erie County Regional Assets Funding Committee. Mr. Mitchell seconded.

Mr. Giles stated this issue was discussed in caucus noting there is a flaw regarding Ordinance 66, 2007 that does not address this particular issue. He feels that the spirit of the policy is that if one is directly or indirectly involved in an asset and serves on the committee disbursing funds, that is a conflict. He has difficulty with this appointment for that reason. Mr. Giles has known Mr. Grabowski since he worked for the Northwest Pennsylvania Technical Institute, an early version of a community college and holds him in the highest regard. However, Mr. Giles has a problem placing anyone on a committee that makes decisions regarding funding for community assets when that person holds a position for one of those assets. He pointed out that Mr. Grabowski is the president of Lake Shore Railway Historical Society; this is his difficulty because this is setting up conflict and putting Mr. Grabowski in a difficult position. Mr. Giles believes everything is linked together and he cannot support this appointment.

Mr. Fatica asked Mr. Grabowski whether he would give up participating in his organization if there is a possible conflict of interest and Mr. Grabowski replied that he has no intention of leaving his organization. He will abstain on votes dealing with his organization. Mr. Fatica asked whether Mr. Grabowski feels his vote would be colored because of his involvement and Mr. Grabowski answered that specific applications would not color his vote. Mr. Fatica then noted that Mr. Leone referred to the Ethics Code stating he will abstain from voting on certain issues and asked Mr. Grabowski whether he would do that if there is a conflict, and Mr. Grabowski stated he fully supported Mr. Leone's use of the Ethics Code.

Mr. Foust stated that when he first made this appointment, Attorney Talarico, Council Solicitor, cleared Mr. Grabowski. To cast aspersions on this individual is ridiculous in his opinion. Council and the County have abused the gaming law and not voted to follow the letter of the law, and Mr. Giles chooses to cast aspersions. Mr. Foust further stated that when Mr. Grabowski has issues regarding the railway, he will abstain from those particular votes.

Mr. Leone commented that he understands the position Mr. Grabowski is in. He further stated that when any member of this Council makes an appointment, he will go along with that person because that particular Council Member believes in the integrity of the individual they choose to appoint and that this individual would abstain if a conflict exists. Mr. Leone believes that every Council Member has the right to make their appointments and it does not matter what position the appointee holds as long he abstains whenever there is a conflict.

Mr. Giles apologized if anyone thought he was casting aspersions; he was only describing the situation. In Mr. Leone's case, he votes on many other issues in which there is no conflict of interest. In this case, all that is being voted on is regional assets. As president of an organization that is an asset and to decide on funding for assets is more than a simple conflict; it is an outright conflict. Mr. Giles recalled Mary Gamble, who previously served on the Regional Asset Funding Committee. She was invited to serve on the Museum Board and therefore vacated her seat on the RAFC. In this case, this is the right move in regard to the issue of gaming policy. He agreed that any member has the right to choose anyone they want, but this is not just a simple gesture because the other six members must vote on it. One person does not have unilateral power. He addressed Mr. Grabowski stating that he holds him in the highest regard, but this is not the right kind of appointment. Mr. Fatica stated that he has

Raymond  
Grabowski  
Appt'd. to RAFC

attended meetings where people have expressed concerns and pointed out that this issue needs to be revisited by Council. Mr. Grabowski's resumé is impeccable.

Mr. Foust stated that a conflict of interest does not preclude an individual from serving on a committee. Mr. Leone is in the same situation as Mr. Grabowski. This involves regional assets, but there are many regional assets to be reviewed which Mr. Grabowski can fully and freely debate; he will recuse himself from decisions regarding Lake Shore Railway Historical Society.

Mr. Cleaver believes this issue needs to be revisited due to the last two or three weeks with resignations that have occurred. There is an employee in the Gaming Department to explain matters as well as the Finance Department. Mr. Cleaver believes Council can make their own recommendations in these matters. He stated an effort needs to be made to revisit this issue and perhaps eliminate this committee.

Mr. Cleaver called for a vote on the appointment of Raymond Grabowski to the Regional Assets Funding Committee, and it carried in a vote of 5-2, Mr. Giles and Mr. Cleaver voting no.

Dave Ciacchini  
Appt'd to RAFC

Mr. Leone moved to appoint Dave Ciacchini to the Regional Assets Funding Committee; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Sales of Parcels  
From Rep.  
Apprv'd.

Mr. Leone moved to approve the sale of Parcels from Repository at Index Nos:

- 14-011-001.0-231.00
- 15-020-028.0-234.00
- 18-051-030.0-208.00
- 18-051-030.0-209.00
- 21-035-016.0-107.00
- 21-035-040.0-003.00
- 33-006-019.0-056.01
- 40-014-088.4-001.13

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

Adjournment

There being no further business, the meeting adjourned at 8:28 p.m.

Ann M. Bruno, Council Secretary

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