

April 6, 2010 Minutes of March 16, 2010 Pub. Hrg. & Reg. Mtg. apprvd. Agenda Amended. Release of Auto. Fees in Pro Ofc. adopted. New Line Item for Weed & Seed Grant from Cty of Erie adopted. Appt'd Off. Salary –PD adopted. First Rdgs. New Line Items for Unbudgeted OT in Library; Gen Fund SA Transfer to Lib. Fund; 2009 Donations from Friends of the Lib. Donation from NW PA ERG adopted. First Rdgs. New Line Item for Lead Grant; PH SA for AIDS Grant; Rev. & re-enact. Of Admin. Code; Pt Time Pension Eligible Line Item in Comm. Health Svcs; Pt. Time Pension Eligible Line Item in Immun. Grant. MH/MR Rev. Exp. for HS MH/MR Position adopted. C&Y SA for Share of Dir. of HS/MHMR Position adopted. D&A Rev. Exp. for Share of HS/MHMR Position adopted. Health Choices Rev. Exp. for Share of HS/MHMR Dir. adopted. In Sprt of Erie Inland Port Prjt and Assoc. Initiatives adopted. Req. Gov. Rendell to Remobilize Phase III Warner Prjct adopted. Exon Taxes on NE Twp Prop. adopted. Exon Taxes on Aband Trailer/Props in Harborcreek adopted. Exon. Taxes on Aband. Trailer/Props in Summt Twp, Wtrfrd Bor. & Ft. LeBoeuf SD adopted. Exon. Taxes on Aband. Trail/Props in McKean Twp, Washington Twp & Gen. McLane SD adopted. Tom DeBello reappt'd to Ag. Land Preserv. Brd. John Pfadt reappt'd to Ag. Land Preserv. Brd. Jeanine McCreary reappt'd to Lib. Brd. Dr. William Garvey appt'd to Lib. Brd. Sales of Parcels from Repos. appr'd.

ERIE COUNTY COUNCIL – Regular Meeting

Dr. Foust, 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: Dr. Foust, Chairman
Mr. Leone, Vice Chairman
Mr. Beeman
Mr. Cleaver
Mr. Giles
Mrs. Loll

Members Absent: Mr. Fatica

Hearing of The Public

Jonathan LeVan, 7 Maple Nut Lane, Erie, spoke to Council concerning property tax he paid on December 28, 2009 to Greene Township Tax Collector Mark Husted by personal check. This was returned to him stating that he should have paid by cash, money order, or cashier's check, and was advised payment should be made at the Courthouse. He was told that he paid his taxes late as noted on the back of the final notice which he received by photocopy. Mr. LeVan stated that he never received a notice through the mail. He paid with the only notice he had received which stated the tax was due by December 31 and can be paid by personal check, which he did. When making payment at the Courthouse, he was told he had a \$51 late fee. Mr. LeVan believes he made the payment in a timely manner and should not have this fee. This was paid before the due date and he is asking that the penalty be dismissed.

Dr. Foust offered to look into this matter.

William R. Clark, Minister of Christ Temple Church, has decided to speak before County Council because he cannot get through to the City of Erie. He stated that police brutality is very disturbing in the black and poor white community. He has been told by other young black people that they are not going to take this abuse any longer. The police are racist. Bishop Clark relayed an unpleasant incident he had with the City Police. He believes someone needs to step up regarding the racial tension in this community.

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Minutes	Mr. Giles moved to approve the minutes of the Public Hearing and the Regular Meeting held March 16, 2010. Mr. Leone seconded, and it carried in a unanimous roll call vote.
Reports of Cnty. Exec. And/Or Designee	Mrs. Pasquale, Manager of Accounting, stated that the Quality Assurance position in the Office of Children and Youth has been approved by Civil Service. She inquired, on behalf of the Director of Administration, as to whether Council has received a letter he sent regarding a visit that he made to OCY. Mr. Mifsud documented some of his findings and wanted to make sure that this letter had been distributed to members of Council. Dr. Foust suggested that Mrs. Pasquale have that letter sent again as Council Members did not recall receiving that information. Mr. Cleaver then stated that he had given a letter to the administration and did receive a reply from Mr. Mifsud in reference to comments made in that letter. Dr. Foust noted that Council did receive that correspondence approximately two weeks ago, but Mrs. Pasquale believed this correspondence was more recent and offered to look into the matter.
Finance Committee	<p>Mr. Giles, Finance Committee Vice Chairman, reported that the Committee met on March 31, 2010 and agreed to place Ordinances 37 through 41 on the agenda for second readings; Ordinances 42 through 55 for first readings. A recommendation was made to move Ordinances 45, and 51 through 55 to second readings. Also on the agenda are Resolutions 17 through 22 along with the appointments of Tom DeBello and John Pfadt to the Erie County Agricultural Land Preservation Board, and Jeanine McCreary and Dr. William Garvey to the Erie County Library Board. The possible approval of sale of parcels from the repository has also been placed on the agenda.</p> <p>Mr. Giles further reported that at the end of the meeting, a discussion was held regarding the Community College Initiative and an analysis was provided by Mr. Maloney, in partnership with Mrs. Pasquale, regarding the current analysis of the potential cost relative to a community college. Also discussed was House Bill 965, which is the legislation that Council's former clerk and current Representative Flo Fabrizio is advancing with regard to the creation of technology schools under existing higher institutions.</p>
Personnel Committee	Mrs. Loll reported the Personnel Committee met following the Finance Committee meeting and agreed to place Ordinances 40 and 41 on the agenda under Unfinished Business and to add Ordinances 49, 50, 51, 52, 53, 54, and 55 under New Business. Ordinances 51 through 55 are all related.
Mr. Giles' Report	Mr. Giles congratulated the Health Department for its promotion regarding National Public Health Week from April 5 through 11. Various posters are displaying everything from the value of walking to rabies to Forty is Fabulous For Your Fridge to no cell phones. A whole set of issues to make the public healthier is being promoted.
Restric. Auto. Fees in Pro. Ofc.	Mr. Smith gave a second reading of Ordinance Number 37, 2010, "Twelfth 2010 General Fund Budget Supplemental Appropriation For The Release Of Restricted Automation Fees In The Prothonotary Office." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

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Weed & Seed
Grant From
Cty of Erie

Mr. Smith gave a second reading of Ordinance Number 38, 2010, "Thirteenth 2010 General Fund Budget Supplemental Appropriation And Creation Of A New Line Item For Weed And Seed Grant From The City Of Erie." Mr. Leone moved to adopt; Mr. Giles seconded.

Mr. Giles stated, for anyone not familiar with the specifics of this particular ordinance, that this is a grant with 100% of the funding coming to the County from the City of Erie. There are no county dollars involved. This is for training issues relative to crime prevention.

Dr. Foust called for a vote on the ordinance, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Appt'd Off. Salary
Public Defender

Mr. Smith gave a second reading of Ordinance Number 40, 2010, "2010 Appointed Official's Salary Ordinance Public Defender." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Creation of Dep. Sheriff/
II/SRO For NE SD

Mr. Smith gave a second reading of Ordinance Number 41, 2010, "Fifteenth 2010 General Fund Budget Supplemental Appropriation For Creation Of Deputy Sheriff II/School Resource Officer For North East School District." Mr. Giles moved to adopt; Mrs. Loll seconded.

Mr. Giles noted that the county has funded a group of school resource officers for a period of time. An agreement was set up in which the county share would diminish over that period of time. He asked Mrs. Pasquale for that ending date. Mrs. Pasquale stated through December 31, 2010 the share is 75-25. Dr. Foust added that Council has never taken official action to zero that share. Mr. Giles responded that the county would step down gradually until a zero point was reached and asked if that was the end of this calendar year. Mrs. Pasquale was unaware of that and Dr. Foust replied that Council had discussed that, but never finalized those details.

Mr. Leone expressed his belief that Dr. Foust's statement is correct. Council never took official action although this has been discussed. Mr. Leone stated that he recently discovered that the City of Erie also hires officers and they pay 100%, not 70, not 80. It is Mr. Leone's opinion that if school districts want this type of service, they should pay for it. School districts are a taxing body and Mr. Leone does not believe they should come to Council and ask the county to subsidize their school districts. Mr. Giles felt certain that a consensus had been developed so there was a step down ladder in place and offered to go through his files for this information. Dr. Foust also believed a determination had been made, but after checking with Mrs. Bruno, discovered that according to the minutes, there was only a discussion held during a meeting regarding the budget. Mr. Leone noted that Mr. Maloney keeps very good records and suggested checking his notes to determine what was decided.

Dr. Foust stated that these school resource officers pay for themselves as far as alleviating crime or illegal activity in schools, which ultimately comes back and reflects in county costs for juvenile placements or placements at the prison. For a small outlay of funds, Dr. Foust believes the county recoups quite a bit. He understands the points made by Mr. Leone and Mr. Giles, but would encourage his colleagues to support this ordinance.

Dr. Foust called for a vote on Ordinance Number 41, 2010, and it carried in a roll call vote of 4-2, Mr. Beeman and Mr. Leone voting no.

Agenda Amended

Mr. Giles moved to amend the agenda to include Ordinances 45, and 51 through 55 for second readings. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

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First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 42, 2010, "First 2010 Library Fund Budget Supplemental Appropriation And Creation Of New Line Items For Unbudgeted Overtime In The Library"

Ordinance Number 43, 2010, "Sixteenth 2010 General Fund Budget Supplemental Appropriation For Transfer To The Library Fund"

Ordinance Number 44, 2010, "Second 2010 Library Fund Budget Supplemental Appropriation for 2009 Donation From Friends Of The Library"

Donation From
NW PA ERG

Mr. Smith gave a second reading of Ordinance Number 45, 2010, "Third 2010 Public Safety Fund Budget Supplemental Appropriation For Donation From Northwest PA Emergency Response Group." Mrs. Loll moved to adopt; Mr. Cleaver seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 46, 2010, "Second 2010 Public Health Fund Budget Supplemental Appropriation And Creation Of A New Line Item For The Lead Grant"

Ordinance Number 47, 2010, "Third 2010 Public Health Fund Budget Supplemental Appropriation For The AIDS Grant"

Ordinance Number 48, 2010, "Comprehensive Revision And Re-enactment Of The Administrative Code"

Ordinance Number 49, 2010, "2010 Public Health Fund Budget Revised Expenditures, Creation Of A Part Time Pension Eligible Line Item In Community Health Services"

Ordinance Number 50, 2010, "2010 Public Health Fund Budget Revised Expenditures, Creation Of A Part Time Pension Eligible Line Item In The Immunization Grant"

Dr. Foust's
Comments

Dr. Foust expressed his opinion that one of the reasons Council is comfortable moving the next several ordinances to second readings, especially since they are personnel issues, is due to the manner in which the County Executive handled the process to first select the job description, which was put together with the help of Mr. Giles, and to provide cost sharing from the different offices to save as much money as possible in bringing this position back. He understands there is a possibility of saving \$2-3 million with the better management of Value Behavioral Health. This will be good for the bottom line and he encouraged his colleagues to vote for these ordinances.

Dir. of HS
MH/MR
Position

Mr. Smith gave a second reading of Ordinance Number 51, 2010, "2010 MH/MR Fund Budget Revised Expenditures For Director Of Human Services MH/MR Position." Mrs. Loll moved to adopt; Mr. Leone seconded.

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Dir. of HS MH/MR
Position

Mr. Giles appreciates the points made by Dr. Foust. He pointed out that the County is taking the position formerly known as the MH/MR Director and converting that position to a wider set of responsibilities, including MH/MR but also Human Services Director, and expanding the duties along with covering the costs using the same funding stream that had been in place.

Dr. Foust called for a vote on Ordinance Number 51, 2010, and it carried in a unanimous roll call vote.

C&Y SA for Share of
Dir of HS/MHMR

Mr. Smith gave a second reading of Ordinance Number 52, 2010, "Second 2010 Children & Youth Services Fund Budget Supplemental Appropriation For Share Of Director Of Human Services/MHMR Position." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Gen Fund SA Trans.
To C&Y For Dir. of
HS/MHMR Position

Mr. Smith gave a second reading of Ordinance Number 53, 2010, "Seventeenth 2010 General Fund Budget Supplemental Appropriation For Transfers To Children & Youth Services Fund Budget, Director Of Human Services/MHMR Position." Mrs. Loll moved to adopt; Mr. Leone seconded.

Mr. Giles stated that he believes the administration thought very creatively as well on the quality assurance position in Children & Youth. An historic argument has been how to make this person independent, but yet not so independent as to not have supervision. This person would function as an ombudsman with those job responsibilities. Council had difficulty resolving the issue of accountability and by creating the Director of Human Services Position, a point of contact and responsibility for the quality assurance person has been established. Mr. Giles extended his compliments to the administration in resolving this problem.

Dr. Foust called for a vote on the ordinance, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

D&A Rev. Expen.
For Share of
HS/MHMR Dir.

Mr. Smith gave a second reading of Ordinance Number 54, 2010, "2010 Drug & Alcohol Abuse Fund Budget Revised Expenditures For Share Of Human Services/MHMR Director." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Health Choices
Rev. Expend.
For Share of
HS/MHMR Dir.

Mr. Smith gave a second reading of Ordinance Number 55, 2010, "2010 Health Choices Fund Budget Revised Expenditures For Share Of Human Services/MHMR Director." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

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In Sprt of Erie
Inland Prt Prjct

Mr. Smith gave a reading of Resolution Number 17, 2010, "In Support Of The Erie Inland Port Project And Associated Initiatives." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Giles stated this particular project is one of the most exciting projects that has come along in terms of the revitalization of the Port of Erie and through the work of John Elliott along with many other individuals. He is delighted to see this move forward, and urged his colleagues to support this important project.

Dr. Foust called for a vote on the resolution, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Req. Gov. Rendell
Remobilize
Phase III
Warner Theater
Restor. Prjct

Mr. Smith gave a reading of Resolution Number 18, 2010, "Requesting Governor Edward Rendell Remobilize Phase III Of The Warner Theater Restoration Project." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Giles stated that this is an important issue, and unfortunately, has been on the records for quite awhile in terms of getting the Warner Restoration Project completed. The group that is spearheading the private sector side is ready to go, and the State needs to move quickly and complete the project. This is something that benefits every district in the county.

Dr. Foust called for a vote on the resolution and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Exon. Taxes on
Prop. Owned by
NE Twp

Mr. Smith gave a reading of Resolution Number 19, 2010, "Exonerating Taxes On Property Owned By North East Township 37-002-058.0-018.05." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Exon. Taxes in
Harborcreek Twp
& Harbor Creek SD

Mr. Smith gave a reading of Resolution Number 20, 2010, "Exonerating Taxes On Two Abandoned Trailers/Properties In Harborcreek Township And Harbor Creek School District." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Exon. Taxes in
Summit Twp,
Waterford Boro,
Ft. LeBoeuf SD

Mr. Smith gave a reading of Resolution Number 21, 2010, "Exonerating Taxes On Two Abandoned Trailers/Properties In Summit Township, Waterford Borough And The Fort LeBoeuf School District." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Exon. Taxes in
McKean Twp,
Washington Twp
& Gen McLane SD

Mr. Smith gave a reading of Resolution Number 22, 2010, "Exonerating Taxes On Eight Abandoned Trailers/Properties In McKean Township, Washington Township And The General McLane School District." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

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Appointments
Approved

Mr. Giles moved to approve the following appointments:

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

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

Reappointment of Jeanine McCreary to the Erie County Library Board

Appointment of Dr. William Garvey to the Erie County Library Board

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

Sale of Parcels
From Repository
Approved

Mr. Leone moved to approve Sale of Parcels from Repository for Unsold

Properties at Index Numbers: 15-020-034.0-217.00

18-051-013.0-202.00

40-014-088.1-001.30

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

Adjournment

There being no further business, the meeting adjourned at 7:47 p.m.

Ann M. Bruno, Council Secretary
