

July 26, 2016

ERIE COUNTY COUNCIL – Regular Meeting – Greenfield Township Fire Department

Following an Executive Session to discuss Personnel issues, Chairman Horton called to order a Regular Meeting of the Erie County Council at 7:36 p.m. at Greenfield Township Fire Department, 10160 Station Road, North East, PA. Following the Pledge of Allegiance, Mrs. Loll read the following prayer/invocation:

“Let us pray. Dear Lord, we as leaders ask that you surround us and help us get centered in what we do. We have a heavy responsibility with great obligations. We look deep into our feelings and our yearning to do our best. We desire to grow without hesitation and resistance. Give us direction, strength and transform us that we may be better leaders. With sincerity we ask for your guidance Lord. Amen.”.

Roll Call

The County Clerk called the roll:

Members Present: Mr. Breneman
Mr. DiMattio
Mrs. Fatica
Dr. Foust
Mr. Leone
Mrs. Loll
Mr. Horton

Members Absent: None.

Also Present: Douglas R. Smith, County Clerk
Sue Ellen Pasquale, Manager of Accounting
Joseph Maloney, CPA
Thomas Talarico, Solicitor
James Sparber, Director of Finance
Kathy Dahlkemper, County Executive
Gary Lee, Director of Administration

**Presentation of Citation
To Erie Yesterday**

Councilman Jay Breneman presented members of Erie Yesterday and various local historical societies with a citation for their hard work and commitment in obtaining 75 submissions to the Erie County Veteran and War Memorial inventory, honoring heroism from the French & Indian War through Operation Desert Storm.

Hearing of The Public

Randy Barnes, Harborcreek Township; Mr. Barnes asked that all of Council support the ordinance regarding not appointing County employees to any County boards or authorities. He then discussed the \$3 million that the County loaned. The County loaned the money to the Erie County General Authority. They were to acquire and develop land. He stated that \$1.4 million was used to buy land. He didn't understand why the General Authority did not have their name on the title of the land. He felt that the General Authority failed their responsibility to the taxpayers. He went on to say that this was contingent upon review and approval of the project by the County and the Erie County General Authority. His position is that there is Directors and Officers Liability insurance and the County should do everything it can to go after that money. It concerns him that if the County can lose \$3 million how much other money is being overlooked. The insurance is paid for by taxpayer dollars to protect the taxpayers from authorities and board members that don't do their job. He asked that the solicitors, administration, and County Council look into the Directors and Officers liability insurance and try to retrieve the \$3 million.

Douglas Lavery, Conneaut Township; Mr. Lavery read the following: “I last spoke to County Council on May 27, 2016, about the project called the Lake Erie Connector. I would like to thanks Mrs. Carol Loll for her efforts in trying to get issues answered from the ITC company and

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continuing to take my calls. Since the June 21st meeting Mrs. Loll organized, I have contacted several organizations about this project. The SONS of Lake Erie, representing 3,000 members, have submitted a letter to the Department of Energy, Mr. Brian Mills, stating their concerns with the lake and the aquatic life that will be disrupted by blasting the shoreline, about the disruption of the residents' water quality, quality of life by the converter hall, and have recommended that a second route be used to protect the residents. The PA Fish and Boat Commission have also raised several issues to the same Department. The Conneaut Township supervisors, my supervisors, have submitted a letter to the ITC company, Mike Ivester, stating that the issues of local residents needs to be resolved before the supervisors can continue to support the project. I have also given Mrs. Loll all the information I've mentioned in a packet tonight. The Department of Army and Corps of Engineers have requested that residents submit concerns and several have submitted their responses to that department. I have personally spoken with Mr. Fetzy (sp) from the Army Corps of Engineers and sent him all the information I have gathered. He told me he spoke to ITC and told them there were several issues with the residents that are being submitted. What I am here for is to ask Council to also write a letter of ITC, the Department of Energy, and the Corps of Engineers about the local residents and other organizations' concerns and hopefully state that Council will not support forward movement of this project until all issues have been mutually agreed upon. I also would ask that each individual council member write a letter to ITC stating concerns of the west county residents. There are alternative routes for this line. The second is on a Penelec right of way that goes from the substation west to the lake on Penelec property. Penelec has stated that they do not want these lines on their property. The third route is through Erie to the substation west south by I-90. Please remember this could be in your neighborhood not mine. I am asking Council to join this growing group of residents and organizations and ask the ITC to take our questions and concerns seriously and start working with the residents and governments to assure the quality of water, life, property values will be answered and dealt with before construction begins. I just recently started supplying Springfield Township supervisors with information. There is an August 4th Zoning Variance Hearing so ITC can start doing horizontal drilling from the top of the bluffs down to the shoreline.”.

**Approval of
Minutes**

Mr. Breneman made a motion to approve the minutes from the June 28, 2016 regular meeting. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

**Reports of
County Officials**

Dr. Foust stated that the Finance Committee met on July 21, 2016, and agreed to place Ordinances 52-60 (possible 2nd readings on Ordinances 52, 53, 56, 57, and 58), Resolutions 35-37, one Board reappointment, and Sale of Parcels, on the agenda.

Mr. Breneman stated that the Personnel Committee met immediately following the Finance Committee meeting. Two presentations were given. There was no other business to be added to the agenda.

Mrs. Loll read the following report:

“Since the last public meeting that we had in June, I have attended the Payroll Committee meeting on the 29th, where we discussed the possible Classes and Levels of pay for non-bargaining employees. Our next meeting is set for August 4th.

On the same day, I attended a meeting on the proposal of LECOM to Erie County for an agreement on the exemption or partial exemption of properties under the umbrella of LECOM. It was presented to the people attending and discussed. No decisions were made.

I also attended a meeting on June 30th. A committee meeting with Mr. Leone, Mr. Horton, and Doug Smith, to narrow the field of applicants for the Human Relations position.

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We met again on July 8th to interview the most qualified applicants for the new Human Relations employee. We had several very good and qualified applicants. It was very difficult to narrow down to just a few.

On July 11th, I attended the Assessment Board meeting where the motion to remove the exemptions of Millcreek Community Hospital and LECOM of all the properties under the umbrella and subsidiary properties. The goal is to have them come in and review the exempt properties. The rest of the meeting was in Executive Session.

I also spoke to several of my constituents on several subjects. One discussion was on the Lake Erie Connector Project and concerns about blasting contamination of water in the area, effect the water table and a possible better route. This new suggested route would not affect the residents as much as the current route.

I looked into the possibility of one constituent receiving an attorney at no cost for a criminal case. I spoke with Chief Public Defender, Pat Kennedy, and she gave me some very good information on the subject.

One constituent had concerns on the new makeup of the Metropolitan Planning Commission. This person was questioning the reduction of the Board to 9 members and it was felt that the elimination of Municipal participation to the Erie County Planning Commission would be a problem.

A McKean Township resident called and wanted to discuss the EMTA issues and give their opinion on the issue, also asking me my stance on the situation. I have had a lot of calls and made a lot of calls on the issue. It looks to me like it is a legal matter at this point. The ball is rolling and things are in motion.”.

Mrs. Fatica then read the following report:

On July 15th, along with Councilman Breneman, I attended the 4th annual Asbury Woods fundraiser. This event was sponsored by local businesses, Erie Community Foundation, and our own Erie County Gaming Revenue Authority, who, on a regular basis, puts up with my never ending nagging about AWP funding. The ECGRA kindly accepts my pleas as an advocate and continues to support and recognize Asbury Woods and its vision to preserve and provide all members of our extended community with meaningful environmental, educational and recreational experiences.

In addition, on July 25th, I was honored to attend the ribbon cutting ceremony of Asbury Woods Browns Farm. This was the culmination of efforts by AWP, Millcreek Township Supervisors, Senator Sean Wiley, Representative Ryan Bizzarro, the Department of Conservation and Natural Resources, Department of Economic Development, Bureau of Recreation and Conservation, Keystone Recreation, Park and Conservation Fund, and Kathy Wyrosdick with the County of Erie Greenways Grant Program. All of whom joined forces to protect this natural space from development and maintain the property as a community asset. Now this space extends to Walnut Creek which has been declared as an impaired stream and I am pleased to report that ECDH has taken a proactive approach to protecting our streams. A per diem staff hire has been able to inspect the increasing number of small flow sanitary sewers. If a problem is found, the professional ECDH staff will educate the owners and provide referral help to correct problems and protect our waterways.

An update on Zika was presented at the Board of Health meeting on July 25th. It was reported that the state Zika Grant will pay to set mosquito traps, test, and educate on Zika. Four traps will be set in Erie County. In addition, educational information to prevent mosquito bites and limit the number of mosquitos will be disseminated throughout Erie County.”.

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Mr. Leone then read the following report:

“This morning at 10:00 a.m. I attended the meeting of the Erie County Industrial Development Authority (ECIDA). As the liaison to it, I was kind of surprised that only one member showed up. I realize that in some cases, I don’t want to fault those that were appointed because the last meeting happened in November of 2015 and they should have been holding meetings on a monthly basis, but because of the problem with the bankruptcy cases, everyone seems to think there is nothing to do. But there is, there is quite a bit to do. First of all, one of the issues is the Lord TIF payment and it needs approval from the ECIDA and unfortunately, you can’t do it with one member present and another one on the phone on a part time basis. I immediately called Mr. Breneman to indicate to him that his one appointment has passed away and to try to find an appointment as soon as possible for that particular authority.

I know that Mr. Barnes left indicating that the Erie County General Authority had the \$3 million, but I believe the Erie County General Authority also has the mortgage for buildings 1 and 3 at Knowledge Park. With that in mind, I think they have some type of leverage, but unfortunately because of the fact that they are in bankruptcy, there isn’t much they can do. That will be up to the judge. Also, I think we need to set guidelines for many of the appointees in these authorities. If they miss 3 meetings, I think it’s time to replace them. I really mean that because some of these meetings are very critical and important and unless they show up, there isn’t much business they can do.”.

Mr. DiMattio stated that representing the 6th District and being at Greenfield Township Fire Hall, he thanked everyone from Greenfield Township for being so hospitable. It is noteworthy that being at the Greenfield Township Volunteer Fire Hall, who were voted the Number 1 fire department of the year for the State of Pennsylvania. Since November of 2013, they have not missed a call in over 1,200 calls. They also finished in second place at the Cherry Festival Parade.

OLD BUSINESS

None.

Motion to Amend Agenda

Mr. Leone moved to amend the agenda and make Ordinances 52, 53, 56, 57, and 58, 2016, second readings. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

NEW BUSINESS

Ord. 52, 2016 – GF SA for Adult Pro. Floor & Ofc. Updates

Mr. Smith gave a second reading of Ordinance Number 52, 2016, “Twenty-First 2016 General Fund Budget Supplemental Appropriation of \$88,693 for Adult Probation Flooring and Other Office Updates”. This was moved by Mr. Leone and seconded by Mr. Breneman. Mrs. Loll commented that this is Adult Probation funding and not County dollars.

Ordinance Number 52, 2016 then carried in a unanimous roll call vote.

Ord. 53, 2016 – Amend. Ord. 8, 2012 Insp. Of Campgrounds By ECDH

Mr. Smith gave a second reading of Ordinance Number 53, 2016, “Amending Ordinance Number 8, 2012, ‘Inspection of Organized Campgrounds by the Erie County Department of Health’”. This was moved by Mr. DiMattio, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

Ord. 54, 2016 – Rev. Env. Fee Schedule in ECHD

Mr. Smith gave a first reading of Ordinance Number 54, 2016, “2016 Revised Environmental Fee Schedule in the Erie County Department of Health.”.

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**Ord. 55, 2016 –
PH SA for Inc. in
Environmental Fees**

Mr. Smith gave a first reading of Ordinance Number 55, 2016, “Third 2016 Public Health Fund Budget Supplemental Appropriation of \$18,744 for Increase in Environmental Fees”.

**Ord. 56, 2016 –
PH SA for Creation
Of Dental Bureau**

Mr. Smith gave a second reading of Ordinance Number 56, 2016, “Fourth 2016 Public Health Fund Budget Supplemental Appropriation of \$74,500 Highmark Donation and New Line Items for Creation of Dental Bureau”. This was moved by Mrs. Fatica, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

**Ord. 57, 2016 –
PH SA & Creation
Of Line for Greenway
Grant Funds**

Mr. Smith gave a second reading of Ordinance Number 57, 2016, “Fifth 2016 Public Health Fund Budget Supplemental Appropriation of \$2,400 and Creation of *Transfer* Line Item for Greenway Grant Funds”. This was moved by Mr. Leone and seconded by Mrs. Fatica.

Mr. Breneman commented although he is a strong supporter of the Health Department and this program, he did not believe it is in the spirit of the program for the County to be awarding a grant to itself.

Mrs. Fatica commented that it’s her understanding that this ties in because of the connection with the Health Department in terms of tick control which is vital to the Greenway Project.

Ordinance Number 57, 2016, then carried in a 6-1 vote, with Mr. Breneman voting no.

**Ord. 58, 2016 –
Planning Fund
Revised Rev. &
Exp. For Greenways
Grant to ECDH**

Mr. Smith gave a second reading of Ordinance Number 58, 2016, “2016 Planning Fund Budget Revised Revenue & Expenditures of \$2,400 and Creation of Line Item for Greenways Grant to Department of Public Health”. This was moved by Mr. Leone, seconded by Dr. Foust and carried in a 6-1 vote, with Mr. Breneman voting no.

**Ord. 59, 2016 –
Amending Admin.
Code (Human
Svc. Contracts)**

Mr. Smith gave a first reading of Ordinance Number 59, 2016, “Amending Article III, Section 1(D)(14) of the Administrative Code of Erie County, Previously Amended by Ordinance Number 63, 2015”.

**Ord. 60, 2016 –
Amending Admin.
Code (Board &
Authority Appts.)**

Mr. Smith gave a first reading of Ordinance Number 60, 2016, “Amending Article II, Section 5(A) of the Administrative Code of Erie County, Previously Amended by Ordinance Number 59, 2016”.

**Res. 35, 2016 –
In Support of
Stepping Up
Initiative**

Mr. Smith gave a reading of Resolution Number 35, 2016, “In Support of Erie County’s Signing on to the Stepping Up Initiative”. This was moved by Mr. Breneman, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

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**Res. 36, 2016 –
Exon. Taxes in
Summit Twp. &
Ft. LeBoeuf SD**

Mr. Smith gave a reading of Resolution Number 36, 2016, “Exonerating Taxes on One Abandoned Trailer/Property #40-012-046.0-001.19 in Summit Township and the Fort LeBoeuf School District”. This was moved by Mr. Leone, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**Res. 37, 2016 –
Exon. Taxes in
CASD and Wayne
Twp.**

Mr. Smith gave a reading of Resolution Number 37, 2016, “Exonerating Taxes on One Abandoned Trailer/Property #49-020-044.1-020.71 in the Corry Area School District and Wayne Township”. This was moved by Dr. Foust, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**BOARD/AUTHORITY
APPOINTMENT**

Dr. Foust made a motion to approve the reappointment of Trevor Pearson to a first full three-year term to the Erie County Library Board. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

SALE OF PARCELS

Dr. Foust moved to approve the sale of parcels from repository for unsold property at Index Numbers:

- 14-010-039.0-327.00
- 15-020-025.0-225.00
- 47-011-027.1-007.59

This was seconded by Mr. Leone and carried in a unanimous roll call vote.

There being no further business, the meeting then adjourned at 8:03 p.m.

Deneé M. Breter, Council Secretary
