

December 14, 2010 Amend. Ord. 68 & Adm. Code adopted; Tax & Rev. Ant. Note adopted. In Sprt of Erie Cnty Stormwater Plan adopted; Gen Fund SA Repairs to Health Dept Bldg adopted; Library SA Donation of Magnifier adopted; Health Choices Revis. Rev. & Expend. adopted; D&A Revis. Reven. & Expend. adopted; Gen. Fund SA for Lib. Custodial Costs adopted; Public Health Revis. Reven. & Expend. For Environ. Svcs adopted; Gen. Fund Rev. Reven. & Expend. for Reduc. In Transfer to PH Fund adopted; MH/MR Revis. Reven. & Expend. adopted; Amend Ord. 117 adopted; Amend. Ord 129 adopted; \$22,000,000 Tax Exempt Note adopted; Annual Budget of COG adopted; In Sprt of Amended Bylaws of COG adopted; Aprv. 40 mo. Lease at 901 W. 12 Street adopted; In sprt of App. To State Btwn ECGA, Mercyhurst Coll. & Erie Cnty adopted; Aprv. Bylaws of ECCM adopted; B. Scott Eighmy appt'd to Erie Cnty Redev. Auth; Richard P. Vicary appt'd to EMTA; Earl J. Brown re-apptd to Agr. Land Preserv. Brd; Dr. Michael Adelman re-appt'd to Hospital Authority; Carolynn Masters appt'd to Brd of Health; Apprvl Sale of Parcel from Repos. for Unsold Props.

#### 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, Mrs. Loll recited a prayer. The Clerk then called the roll:

#### Roll Call

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

Members Absent: None

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

#### Minutes

Mr. Giles moved to approve the minutes of the November 16, 2010, Public Hearing and Regular Meeting. Mr. Leone seconded. Mr. Giles verified that Mr. Maloney had reviewed the numbers for accuracy. Dr. Foust called for a vote on the minutes, and it carried in a unanimous roll call vote.

#### Finance Committee

Mr. Fatica reported the Finance Committee met on December 9, 2010, and agreed to place Ordinances 113 through 137 on the agenda for second readings along with the possible adoption of Resolution 35 which had been tabled on September 7, 2010. Also on the agenda under New Business, the Committee agreed to place Ordinances 138 through 148, Resolutions 54 through 59 and several appointments, reappointments, and the sale of parcel from the repository for unsold properties.

#### Personnel Committee

Mrs. Loll reported that the Personnel Committee had no items for this evening's agenda.

#### Mr. Fatica's Report

Mr. Fatica commended the call takers and dispatchers at the Call Center for the great job they did during the horrible fire in Union City a couple weeks ago. Todd Geers, Director of Public Safety,

stated those workers did a commendable job during this fire which was a tragic loss to the community. Mr. Geers also indicated to Mr. Fatica that the Center was getting more compliments than complaints.

Mr. Giles'  
Report

Mr. Giles reported that NACo held its final meeting for the year. During Mr. Giles' trip to China, Kodak hosted each of the committee members and sent a publication as a nice surprise to NACo, and NACo gave this publication to each of the nine members who had attended. The publication was a photo collection of each individual member's visit.

This is Mr. Giles' final month as president of the County Commissioners Association of Pennsylvania and next year will be the 125<sup>th</sup> anniversary of the organization. Plans will be made to commemorate this anniversary. As the outgoing president, Mr. Giles produced a brief report:

THE CHALLENGE OF BEING A LEADER

*"I cannot believe that the purpose of life is to be happy. I think the purpose of life is to be useful, to be responsible, and to be compassionate. It is, above all to matter, to count, to stand for something, to have made some difference that you lived at all. "*

— *Leo Rosten*

This quote by Leo Rosten reflects quite eloquently, I think, on the vast network of county government with its hundreds of dedicated county public servants and employees.

For what is more important in county government than being useful to those who elect us? Or being responsible to that electorate for the use of public monies and public trust? Or our need to be compassionate for the people, friends and families who look to us for leadership during times of pain or sorrow in their own lives?

It is almost impossible to have worked or served in county government without at one time having to stand firm on an issue or without seeing firsthand how the programs and services you offer do make a difference in the lives of the people in your own communities.

It means that you and I drive that difference. Even before the dust settles on our tenure as commissioners or council members or employees, we come to understand that the work of county government is important and impactful and very real.

I find myself wistfully thinking the same thoughts as my time as CCAP president rapidly draws to a close. My work for CCAP has given me tremendous opportunities and unquestionable satisfaction. I have had the opportunity to work with a network of commissioners and council members who understand the need to be useful, responsible and passionate and who also know that leadership is not always easy.

As I reflect back on my time with CCAP, I suspect that reflection is not unlike previous presidents. Surely those who came before me felt the same sense of satisfaction in the work accomplished, mingled with regret for that which remained undone. Without a doubt, the hardest part of ending your year as a president, is in knowing there was more to do than time or resources permitted. The same is true every day in county government. The need is great. Diverse. And the resources at our disposal dwindle. We often end our days knowing more remains unfinished than completed.

Still we find, often with great resourcefulness, a way to grab a tiny piece of the one thing which will make a lasting difference. That is what, I suspect, keeps us moving forward. Those small victories. Those small moments of satisfaction. They serve as tremendous motivators.

As I contemplate my year as your president, I am reminded of both great accomplishments by county government and also times of enormous angst as counties found themselves struggling with the realities of a very harsh economic climate.

Before the ink had dried on the paper of a disastrous FY 2009 – 2010 commonwealth budget, discussions about 2010 – 2011 were already upon us. And now, we are already discussing what the FY 2011 – 2012

will probably mean for counties. It is unlikely that much will be resolved this year in terms of what our next budget news will be, but we do know that tax fairness and fairness in funding state government mandates will surely be a part of that discussion.

We also know that if the discussion is on funding, then county government will be at the table, very well represented and well respected. That is where you and the CCAP staff are so vital to all we do. And I thank you and our staff team for allowing me to be a part of that this year as your president.

The chance to experience the spirit of partnership, that single mindedness of purpose that CCAP provides to all counties, will also stand out in my mind as one of the biggest opportunities and gifts I received while being privileged to serve as your president. It is heartening to have seen the unification of county government on such a grand scale. And I thank you not only for the opportunity, but the role you play in making a responsible and compassionate difference.

I would be remiss if I didn't extend thanks to those who support us every day: the men and women of our armed forces and the veterans who protect our freedoms. It was my great pleasure this year to appoint a task force on veterans' affairs and to name CCAP past president and a veteran himself, Jim Scahill, to chair that effort. How counties will face the increasing challenges and needs of an aging and growing veteran's population is worthy work for county governments. Thank you for embracing my vision to fulfill this need.

Thank you, too, for your enthusiastic support of my bid for national office to be the National Association of Counties Second Vice President. What a tremendous showing from our state. I was so proud of all we did and I assure our commonwealth was not only well-represented, but also noted for its tremendous and professional efforts. Thank you, everyone, who supported me and helped me in this bid.

I recognize the county focus in coming years will continue to be on budgets and unfunded state and federal mandates. I just as surely know that compassion and responsibility will drive the choices that county governments will ultimately be forced to make. I also know that counties make a difference in whatever the outcome might be.

In today's world with its economic uncertainties, we need leaders who can develop a vision to prepare our state and our communities for the future. We need leaders who can look ahead and discern what is really going to be important to future generations and then articulate that vision to a public and a legislative body who appear to be at odds on how best to accomplish that task.

This economy will turn around. When it does, the states and local governments with leadership will be prepared for the prosperity. So there is no doubt in my mind, having had the opportunity to work with so many great county commissioners, council members and staff, that county government will be among those who provide a vision for the future. Our leadership is real. Our concern unfeigned and heartfelt. We will have stood, as I saw this year, for something . . . to matter . . . to count . . . to have made an honest difference. Thank you for restoring my sense of faith this year that when we do the business of county government, it will have been based on decisions by true leaders that change the future for the benefit of everyone.

Having said that, I wish our incoming president, Mark Hamilton, Tioga County Commissioner a tremendous year and all the best as he takes over in January. We are in capable hands.

Thank you for all that you do in your own communities. I am always amazed by the scope of work of commissioners and counties. How do you capture that essence of cooperation and spirit to share the magnitude of the difference that work makes? You don't. You experience it. You live it. And most of all, you embrace it and the impact it has on the lives of citizens.

Thank you for reminding me and allowing me to view, as your president, a tiny glimpse of all that takes place every day in our diverse commonwealth. We are a treasure trove of ideas, spirit, camaraderie and just plain boldness . . . we are county government, and we make a difference.

From Mr. Giles' point of view as President of CCAP, this has been an impressive year with many accomplishments. Unfortunately, the last item wound up getting vetoed by the Governor right after Thanksgiving. This would have changed the structure of the Convention Center Authority itself. CCAP has already met with Representative Fabrizio and as part of that meeting, he was reassured that CCAP will work with him in the next legislative cycle to reintroduce it. Mr. Giles explained that this has nothing to do with Erie County's issue with the Convention Center, but involved language pertaining to records keeping and public accessibility to records in the Coroners' offices across the Commonwealth. This was part of the same package of local government legislation and it got slammed by the veto along with other issues such as Jury Commissioner, which affects counties other than Erie. These issues will move forward next year. Those who supported this legislation are still in place.

Mr. Leone's  
Comments

Mr. Leone referred to House Bill 2477 and noted that not only Representative Fabrizio, but also Doug Hill from CCAP, indicated that they had no problem with the bill being deluded by additional items, but adding in the Coroner's portion killed that bill. He hopes that this is understood and will not happen in the future.

Dr. Foust's  
Comments

Dr. Foust thanked Mr. Giles for his service as President of the County Commissioners Association of Pennsylvania. He has done a very good job and everyone is aware that Mr. Giles brings a great deal of good information to Erie County.

Amend. Ord 68 &  
Adm. Code of Erie Cnty

Mr. Leone moved to remove Ordinance Number 113, 2010, "Amending Ordinance Number 68, 2010 And The Administrative Code Of Erie County, Article II, Section 5 II A(1)." Mr. Giles seconded, and it carried in a unanimous roll call vote.

Mr. Leone moved to amend the Ordinance with the new Exhibit A. Mrs. Loll seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Dr. Foust called for a vote on Ordinance Number 113, 2010, as amended, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Tax Reven. & Antic.  
Note adopted

Mr. Smith gave a second reading of Ordinance Number 137, 2010, "Authorizing the Issuance of a Tax and Revenue Anticipation Note in the Principal Amount of \$18,000,000; Providing for the Date, Interest Rates, Maturity Date and Place of Payment in Respect of the Note; Providing for the Security of the Note; Authorizing the Proper Officers to Execute and Deliver the Note; Authorizing and Directing the Preparation, Certification and Filing of the Proceedings with the Department of Community and Economic Development; Setting Forth a Form of the Note and Repealing Inconsistent Ordinances." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Res. 35, 2010  
Remains Tabled

Mr. Giles moved to remove Resolution Number 35, 2010, "In Support Of The Erie County Stormwater Management Plan" from the table. Mr. Cleaver seconded, and it failed in a roll call vote of 5-2, Mr. Cleaver and Mr. Giles voting yes.

Dr. Foust explained that this provides the opportunity for one last discussion involving a particular issue regarding the square footage requirement. He has asked Mr. Welsh to look into this matter. Dr. Foust pointed out that this was not a reflection on the work of Mr. Welsh or his staff who put this plan together.

Agenda Amended

Mr. Giles moved to amend the agenda to include Ordinances 138 through 148 as second readings. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA Repairs  
To Health Dept. Bldg.  
Due to Water Damage

Mr. Smith gave a second reading of Ordinance Number 138, 2010, "Forty-First 2010 General Fund Budget Supplemental Appropriation For Repairs To Health Department Building Due To Water Damage." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Library Fund SA  
For Donation of  
Magnifier

Mr. Smith gave a second reading of Ordinance Number 139, 2010, "Eleventh 2010 Library Fund Budget Supplemental Appropriation For Donation Of A Magnifier By Vision Technology Inc." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Health Choices Revis.  
Reven. & Expend.

Mr. Smith gave a second reading of Ordinance Number 140, 2010, "2010 Health Choices Fund Budget Revised Revenue & Expenditures And Creation Of New Line Item." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

D & A Revis. Reven.  
& Expend.

Mr. Smith gave a second reading of Ordinance Number 141, 2010, "2010 Drug & Alcohol Fund Budget Revised Revenue And Expenditures." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Prison Temp.  
Staff for  
Unpaid Med.  
Leave

Mr. Smith gave a second reading of Ordinance Number 142, 2010, "2011 General Fund Budget Revised Expenditures And Creation Of A New Line Item For Prison Temporary Staff To Cover An Unpaid Medical Leave." Mr. Giles moved to adopt; Mr. Cleaver seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Library Cust.  
Costs

Mr. Smith gave a second reading of Ordinance Number 143, 2010, "Forty-Second 2010 General Fund Budget Supplemental Appropriation For Library Custodial Costs." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 5-2, Mr. Beeman and Mr. Giles voting no.

PH Rev. Reven.  
& Expend. for  
Eviron. Svcs.

Mr. Smith gave a second reading of Ordinance Number 144, 2010, "2011 Public Health Fund Budget Revised Revenue And Expenditures For Environmental Services." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Reduc. in Trans.  
To PH Fund

Mr. Smith gave a second reading of Ordinance Number 145, 2010, "2011 General Fund Budget Revised Revenue And Expenditures For Reduction In Transfer To Public Health Fund." Mr. Giles moved to adopt; Mr. Cleaver seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

MH/MR Fund  
Revis. Reven.  
& Expend.

Mr. Smith gave a second reading of Ordinance Number 146, 2010, "2010 MH/MR Fund Budget Revised Revenue And Expenditures." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Amend. Ord.  
117, 2010

Mr. Smith gave a second reading of Ordinance Number 147, 2010, "Amending Ordinance Number 117, 2010, '2011 Public Health Fund Budget' To Change The Face Amount To \$6,986,466." Mr.

Giles moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Amend. Ord.  
129, 2010

Mr. Smith gave a second reading of Ordinance Number 148, 2010, "Amending Ordinance Number 129, 2010, '2011 General Fund Budget' To Change The Face Amount To \$87,654,052" Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

\$22,000,000 Tax  
Exempt Note

Mr. Smith gave a reading of Resolution Number 54, 2010, "Erie County Community Services Financing Authority Not To Exceed \$22,000,000 Tax-Exempt Note (Presbyterian Homes In The Presbytery Of Lake Erie Project)." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Annual Budget  
of COG for  
Calendar Year  
Ending Dec. 31,  
2011 Apprvd

Mr. Smith gave a reading of Resolution Number 55, 2010, "A Resolution To Approve The Annual Budget Of The Erie Area Council Of Governments For The Calendar Year Ending December 31, 2011." Mr. Leone moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

In Sprt of Bylaws of  
Erie Area COG

Mr. Smith gave a reading of Resolution Number 56, 2010, "In Support Of The Amended By-Laws Of The Erie Area Council Of Governments." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Fatica expressed his hope that negotiations will go forward with the cable franchise with Time Warner. It is hopeful that serious discussions will be held coming up the first of the year.

Dr. Foust called for a vote on Resolution Number 56, 2010, and it carried in a unanimous roll call vote.

Apprv. Lease Agrmt  
Btwn Moxie Real  
Estate & Erie Cnty

Mr. Smith gave a reading of Resolution Number 57, 2010, "Approving A Forty Month Lease Agreement Between Moxie Three Real Estate And Erie County Government For Space At 901 West 12<sup>th</sup> Street." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

In Sprt of Appl. To  
State & Agrmt Btwn  
Gen. Auth. Mercyhurst  
College & Cnty of Erie

Mr. Smith gave a reading of Resolution Number 58, 2010, "In Support Of The Application To The State And Cooperation Agreement Between The Erie County General Authority, Mercyhurst College And The County Of Erie For A Redevelopment Assistance Capital Program Grant." Mr. Giles moved to adopt; Mr. Leone seconded.

Dr. Foust stated this particular resolution deals with his employer and he will abstain from voting. He called for a vote on the resolution, and it carried in a roll call vote of 6-0-1, Dr. Foust abstaining.

Aprv. New Bylaws  
Of ECCM

Mr. Smith gave a reading of Resolution Number 59, 2010, "Approving The New Bylaws Of Erie County Care Management, Inc." Mr. Leone moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Mr. Giles moved to vote to approve items R through V on the agenda with one vote, Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Appointments/  
Re-apps. Approved

Mr. Giles moved to approve the following:

Appointment of B. Scott Eighmy to the Erie County Redevelopment Authority

Appointment of Richard P. Vicary to the Erie Metropolitan Transit Authority

Re-appointment of Earl J. Brown to the Erie County Agricultural Land Preservation Board

Re-appointment of Dr. Michael D. Adelman to the Erie County Hospital Authority

Carolynn Masters to the Erie County Board of Health

Sale of Parcel

Mr. Leone moved to approve the sale of parcel from the Repository for Unsold Properties at Index Number: 47-009-025.0-010.74. Mr. Fatica seconded, and it carried in a roll call vote of 6-1, Mr. Cleaver voting no.

Dr. Foust wished everyone a happy holiday. He complimented Council Members and Council staff who worked very hard this year. This has been a difficult year with issues such as Pleasant Ridge Manor, Public Safety, the budget, and the Community College. It has been a long and trying year.

Adjournment

There being no further business, the meeting adjourned at 7:29 p.m.

Ann M. Bruno, Council Secretary

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