

August 2, 2011

Minutes of July 5, 2011 Reg. Mtg. Apprvd. Lib. SA for State Mandated Collec. Dev. adopted. Gen Fund SA Transfer to Lib. Fund adopted. Transfer of Position from Rec. of Deed to Clk of Cts. Adopted. First Rdgs Street Tree Palnting Grant from DCNR; Training Grant In The PD Dept; Asst PD Salary. Apprvg Appt. of Spec. Counsel tabled; Appt. Auditors for HealthChoices Pgrm; ECGA \$900,000 Tax Exempt Note adopted ; Hosp. Auth. \$10,000,000 Tax Exempt Note adopted; Apprv Revis. To 2009 CDBG Prgm. adopted.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Leone, Chairman, called to order a Regular Meeting of the Erie County Council at the Corry City Building, 100 South Center Street, Corry, Pennsylvania at 7:00 p.m. Following the Pledge of Allegiance, Mrs. Loll recited a prayer.

Roll Call

The County Clerk called the roll:

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

Members Absent: None

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

Hearing of the Public

Doris Gernovich is a member of the Board of Directors of Erie County Care Management. She is also President of Corry Concerned for Youth which had programs that were closed on April 1, 2011 and the board is in the process of being dissolved and relinquishing its 501 C3 status. Ms. Gernovich thanked members of Council for their help in this closing through the Department of Human Services and the Office of Children & Youth. They were tremendously helpful.

Jason Monn expressed a concern citizens of Corry have regarding the Corry City Police Officers' vehicle computers. There is an understanding that the officers are unable to use these computers because they cannot connect with the county 911 system. He asked what could be done to fix this situation. Mr. Leone offered to look into the matter and provide an answer.

Rex Messenger stated that there is a proposal to dump thousands of gallons of toxic waste a few miles from this area into the water supply. He asked if members of Council were working with the Warren County Commissioners to resolve this issue which involves Warren County, Erie County and New York State. Last week, Warren County Commissioners met and are heading up this issue. This is the last line of defense. The permit has been granted by the EPA to allow the dumping. It will be put in the ground with 4,000 pounds of pressure. Corry was told that they would not be affected by this; however, all these aquifers are hooked together. He asked County Council to get on board because they can't seem to get the politicians to move. Mr. Messenger has been in contact with Congressman Kelly who promised to set up a meeting, but still has not done so. Curt Sonney has also said he would get involved. Once the water has been contaminated, there is no way to reverse the situation.

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Hearing of  
The Public

Mr. Leone asked whether this had to do with Marcellus Shale, and Mr. Messenger replied that it did. This waste is coming in from other areas. They tried to take it to Ohio, but were refused. No one is sure who will be regulating this dumping. Mr. Messenger stated that the oil companies are exempt from all regulations. The main concern is the uncapped oil wells that have been drilled. No one knows where they are; they are not regulated and are not on paperwork anywhere.

Mr. Leone noted that when these companies frack an oil well, many won't reveal the chemicals being used and he believes that is a big problem which must be rectified through the state. He had a conversation with Nick Mobilia from North East. That area had problems with a company that was coming in, and some of these companies are not very worthy. If Mr. Leone is not mistaken, he understands that the supervisors in North East set up some type of issue preventing the companies from coming into the area. He does not know if supervisors have that ability in other areas, but they must have some kind of power to stop them. Mr. Fatica added that this issue will not go away. This was on the radar when he was at CCAP two and one-half years ago and they warned this would be moving west.

Mr. Giles stated that he will be at the Northwest Planning Commission meeting on Friday. There are six counties involved and Warren County is very active with the Commission. He noted this will be an excellent opportunity to find out from Warren about this issue and share some information.

David Mitchell advised that the Governor's Office has been working on this issue and the problem is that this is an EPA issue. Mr. Mitchell has talked directly with EPA about these permits. Brockway is experiencing a more difficult situation than Corry right now; however, that is a drilling issue, not an injection. The bottom line is that there has to be an effort to start pushing the protection of aquifers. Representative Gabler is going to be putting a bill in regarding setbacks for aquifers and protecting aquifers. The people have to get behind this.

Mr. Leone noted that although Mr. Mitchell says that this is an EPA issue, he believes this is a legislative issue, a state issue and the Governor has to be aware of that. Mr. Mitchell replied that the Governor is aware, but the EPA has jurisdiction in this particular case. Mr. Leone argued that the EPA wouldn't have jurisdiction if the law said they didn't. That comes from the legislative branch of the state and could certainly be pushed by the Governor. Mr. Leone is not opposed to a lot of things, but believes the environment must be protected as well as the community and the people that live in the community. That is why he is saying the Governor should be involved with this and Mr. Leone will tell him the next time he sees him.

Mr. Messenger stated that he does not believe the Governor is on their side. Mr. Leone responded the legislators should be, and those are the people that must be contacted – all of the legislators both democrat and republican. Those are the people that make the law and if they don't do something about this, Mr. Leone stated we are doomed. Those are the people who have to stand up and make this change. There are a lot of good drillers that do come into different areas that will clean up the environment and do what's proper, but there are also a lot of bad ones. Mr. Leone believes that this is the gold rush right now, Marcellus Shale. Throughout the entire country, claims are being made that there is enough gas to last hundreds of years. Mr. Messenger added that the EPA was supposed to let the township supervisors know when this permit was going to be granted, but he had to go to the press to find out. The EPA and DEP are not concerned with what goes on underground, only what goes on above ground.

Minutes

Mr. Giles moved to approve the minutes of the July 5, 2011 meeting; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

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Finance  
Committee

Dr. Foust reported the Finance Committee met on Thursday, July 28, 2011 and agreed to place Ordinances 66 and 67 on the agenda for second readings. Also on the agenda for first readings are Ordinances 69 and 70, as well as the possible adoption of Resolutions 30 through 34.

Personnel  
Committee

Mrs. Loll reported the Personnel Committee met immediately following the Finance Committee and agreed to place Ordinance 68, revised expenditures for transfer of position from Recorder of Deeds to Clerk of Courts, for a second reading. This is strictly a move to improve efficiency. Also on the agenda for a first reading is Ordinance 71, appointed officials' salary ordinance for a full time assistant Public Defender at a starting salary of \$43,000, which is the average starting salary.

Three Year  
Plan Committee

Mr. Leone stated that the Three Year Plan has been presented by the County Executive. Mr. Leone appointed Phil Fatica to chair the Committee to review the plan. Also on the Committee will be Mrs. Loll and Mr. Beeman.

Mr. Beeman's  
Comments

Mr. Beeman thanked everyone for coming to the meeting this evening. This is the first time he has been in this particular building, and will make a point of attending more Corry meetings.

Mayor Sanford  
Comments

Mayor Scott Sanford of Corry thanked Council for coming to Corry and invited members to come again. He presented a small gift to members of Council from the City of Corry. Mr. Leone replied that Council has always felt welcome in Corry. There is always a good turnout and it is appreciated. Mayor Sanford noted that Corry occasionally jokes that it is the forgotten portion of the county, and it is nice to know that is not true. Corry is glad to host Council meetings.

Mr. Giles'  
Report

Mr. Giles reported that he received a letter dated June 16, 2011:

June 16, 2011

Honorable Joseph Giles  
County Council  
Erie County  
140 West 6<sup>th</sup> Street  
Erie, PA

Dear Mr. Giles:

It is my pleasure to inform you that Erie County, PA has been selected by the National Association of Counties Arts and Culture Commission judging panel as the recipient of the 2011 Arts and Culture Award for its program Poet Laureate Program. The award will be presented during the National Association of Counties Annual Conference in Portland, OR. The presentation will be made on Monday, July 18 at the Annual Arts Award Dinner which will be held at **The Governor Hotel, 614 Southwest 11<sup>th</sup> Avenue in downtown Portland**. An invitation to the event is enclosed. Erie County may bring as many people to this dinner as they choose to accept this award, but please let us know in advance how many will be attending.

Again, let me congratulate your county for its outstanding program and I hope to see your representatives at the awards dinner. If you need additional information or have any questions, please feel free to contact me at 202-942-4285 or [jbyers@naco.org](mailto:jbyers@naco.org).

Sincerely,

s/Jacqueline Byers,  
Director of Research and Outreach

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Mr. Giles'  
Report

Mr. Giles stated that he was very excited to receive this award on behalf of Erie County. This award represents a lot of volunteer work on the part of several people. The first by-product of this effort was an anthology of writing from about 65 writers from Erie County. Mr. Giles explained that these writers are regular people from various backgrounds and various ages. The Poetry Committee was comprised of Dr. Chuck Joy as the chairman. Each university has a representative on the committee: Greg Brown from Mercyhurst, Mr. Giles, Helene Grande from the School District, Bob Haas from Edinboro, Mary Jane Koenig from the City School District, George Looney from Penn State Behrend, Berwyn Moore from Gannon, and Doug Smith, Council's Chief Clerk.

Mr. Giles explained that the committee had about 300 submittals which were juried down to 65. Mary Frances Baugh has the first poem in the book entitled *I am the Poem*. Mr. Giles hopes that everyone has an opportunity to read this poem. It starts off with a comparison about literary things but goes into a very short poem about her difficulty in dealing with her husband's MS as it becomes more and more complicated to deal with. This is a very touching poem. When Mr. Giles went to accept his award, he had a fellow commissioner from the State of Iowa read Mary Frances' poem and when she was finished, everyone was adequately impressed. They were so impressed that the University of Georgia would like all of the background material on how this product was produced. The State of North Carolina and their counties also want a copy and Columbus, Ohio requested information as to how this project was structured. This book is in the process of being bound and will go into every one of the universities' libraries, the county's library system and the independent libraries. This makes for a wonderful snapshot of the literary heritage in Erie County. The person who introduced the award and book pointed out that this didn't come from a large metropolitan area such as Los Angeles or Miami. Everyone was thoroughly impressed.

Mr. Giles further explained that Berwyn Moore, who was in charge of the project the first year, sold these books at the Erie Book Store and various places for \$5 each. This yielded about \$2,000 plus and she turned that money over to the "Hooked on Books" program for kids who can't get books. This is a program in which there is a quality product at the end, something worth putting on the shelf and captures Erie County's history, culture and heritage.

Mr. Giles reported that five days before the event, *Americans for the Arts* called. This is a nationally known program and very well funded by people like Meryl Streep, Alec Baldwin, Billy Taylor and Laurence Fishburne. Every year an award is given to someone for leadership in the arts. Mr. Giles was not even aware that the local Arts Council director had sent in a submittal nominating him until he got this phone call advising him that he would be receiving this national award for leadership in the arts. Mr. Giles displayed the award that was presented to him. It is a beautiful hand blown glass bowl with his name. This was a complete surprise and an exciting evening for Mr. Giles. Only three awards are presented at this ceremony and Erie County picked up two of the three. Mr. Giles believes that is extraordinary.

This award is presented in front of about 3,000 elected officials with huge screens surrounding the room. Erie County beat out Broward County in Fort Lauderdale for this particular award, and for the poetry award, the county beat out Charleston, South Carolina so the competition is thick. Mr. Giles had no idea that Char Mashyna from the Erie Arts Council had sent in his name. She mentioned the Warner Theatre Project, the Art Museum, the Regional Asset Funding, and then went on to mention the poetry project as well as his 30 years of service on the local Arts Council Board. Mr. Giles quoted George Washington in his speech.

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Mr. Giles'  
Speech

“More than 200 years and 27 – 227 years ago, on February 18, 1784, George Washington sat down at his home in Mount Vernon to write a letter. It was just a month after Congress officially put an end to the war with the British Empire. And it was still years before the Constitutional Convention met in Philadelphia – years before this general ended up becoming President. Years before 13 newly independent colonies became one nation, indivisible under God.

But the letter Washington sat down to write that day was not about the recent triumph over the British. It was not about what shape a young America might take. Instead, it was a letter to a bookseller. Before requesting a few volumes, Washington expressed a belief – and I quote – ‘to encourage literature and the arts is a duty which every good citizen owes to his country.’

A duty of every good citizen. So speaks the father of our country. Even then, amid all the concerns of those heady and dangerous days, Washington took time to reflect on the infinite value of what were then called “the elegant arts.” Even then, he foresaw the essential role that the arts and the humanities would play in the formation of our country’s character. And if Washington were with us today, I think he would agree that we have fulfilled our duties; that we have enriched the legacy of our country and community.”

Mr. Giles noted that in many ways, we all share that obligation so our heritage and culture is important and receiving recognition adds to that value. A round of applause followed.

Mr. Leone acknowledged David Sample in the audience. Mr. Sample is on the Erie County Gaming Revenue Board.

Lib. SA for State  
Mandated  
Collec.Dev. &  
Maint. Exp.

Mr. Smith gave a second reading of Ordinance Number 66, 2011, “Seventh 2011 Library Fund Budget Supplemental Appropriation Of \$292,400 For State Mandated Collection Development And Unbudgeted Maintenance Expenses.” Mr. Giles moved to adopt; Dr. Foust seconded.

Mrs. Loll stated that she will vote no on the next two ordinances because the state has cut funding to the point where the county has to backfill. She believes someone needs to show them that the county cannot continue to hold up the library system.

Mr. Leone stated that he must agree with Mrs. Loll. The state had cut 22% of the funding and he believes that at some point in time, the County will have to say enough is enough. But at this time, he inclined to vote for these ordinances.

Mr. Giles stated there is a debate about the Hassam painting, which was valued just this afternoon at an estimated \$5 million. Looking to the future, the predictions are still dire and difficult if all the government budgets begin to tighten even more. He noted that the library is a non-mandatory program. It stands in the good graces of everyone involved in terms of maintaining that system. If the county starts getting squeezed, then the debate of whether or not to sell the painting has almost nothing to do with art. It has more to do with a balance sheet.

Mr. Fatica stated he will vote yes on this issue, but his vote is a protest vote. The state does not have the money to give the county, but thinks the county can provide after the request for a waiver was denied.

Dr. Foust agrees with everything that has been said, but everyone believes that if the county continues to backfill locally, then it will never get the state’s attention to fund those things. This is why selling the painting on many levels is a bad idea, especially from those who say they appreciate works of art.

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Lib. SA for State  
Mandated  
Collec.Dev. &  
Maint. Exp

The reason Dr. Foust will vote for this particular ordinance is that the county is in peril of losing more funding if this does not pass. If this was just a straight choice of whether to fund or not this particular initiative of the library, it might be worth saying no. The fact that the county will be in larger jeopardy by turning this down and losing other funding, he believes that is a reason to vote in the affirmative.

Mr. Leone called for a vote on Ordinance Number 66, 2011, and it carried in a roll call vote of 5-2, Mrs. Loll and Mr. Beeman voting no.

Gen Fund SA  
For Trans to Lib

Mr. Smith gave a second reading of Ordinance Number 67, 2011, "Sixteenth 2011 General Fund Supplemental Appropriation Of \$292,400 For Transfer To The Library Fund For Collection Development And Maintenance." Dr. Foust moved to adopt; Mr. Cleaver seconded, and it carried in a roll call vote of 5-2, Mrs. Loll and Mr. Beeman voting no.

Transfer of Pos.  
From Rec. Deeds  
To Clk of Cts

Mr. Smith gave a second reading of Ordinance Number 68, 2011, "2011 General Fund Budget Revised Expenditures For Transfer Of Position From Recorder Of Deeds To Clerk Of Courts." Mr. Giles moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 69, 2011, "First 2011 Planning Fund Budget Supplemental Appropriation Of \$50,000 For Street Tree Planting Grant From DCNR"

Ordinance Number 70, 2011, "Seventeenth 2011 General Fund Budget Supplemental Appropriation Of \$935 And Creation Of A New Line Item For Training Grant In The Public Defender's Department"

Ordinance Number 71, 2011, "2011 Appointed Official's Salary Ordinance Full Time Assistant Public Defender Annual Salary \$43,000"

Resolution 30, 2011  
Tabled

Dr. Foust moved to table Resolution Number 30, 2011 "Approving The Appointment Of Special Counsel By The Erie County Solicitor" to allow time for additional information regarding this matter. Mr. Giles seconded, and it carried in a unanimous roll call vote.

HealthChoices  
Auditors

Mr. Smith gave a reading of Resolution Number 31, 2011, "Appointment Of Auditors To Perform An Audit Of The Erie County HealthChoices Program For The Fiscal Year July 1, 2010 To June 30, 2011." Dr. Foust moved to adopt; Mr. Fatica seconded. Mr. Leone noted that Maher Duessel will be performing the audit for a fee of \$23, 595. He called for a vote on the resolution, and it carried in a unanimous roll call vote.

Gen. Auth. \$900,000  
Tax Exempt Note

Mr. Smith gave a reading of Resolution Number 32, 2011, "Erie County General Authority Not To Exceed \$900,000 Tax-Exempt Note (Housing And Neighborhood Development Service Project)." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

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Hosp. Auth.  
\$10,000,000  
Tax Exempt Note

Mr. Smith gave a reading of Resolution Number 33, 2011, "Erie County Hospital Authority Not To Exceed \$10,000,000 Tax-Exempt Note (Saint Vincent Health Center Project)." Mr. Fatica moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Apprvg Revis. To  
FY 2009 CDBG

Mr. Smith gave a reading of Resolution Number 34, 2011, "Resolution Approving A Revision To Erie County's FY 2009 Community Development Block Grant Program." Mr. Giles moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Leone stated that it was a pleasure conducting a Council meeting in the City of Corry this evening.

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

Ann M. Bruno, Council Secretary

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