

September 6, 2011

Minutes of August 2, 2011 apprvd. Agenda Amended. Planning SA for Street Tree Planting Grant adopted. Trng Grant in PD Ofc adopted. Appt's Off. Salary Full Time Asst PD adopted. First Rdgs: Weed & Seed Grant from City of Erie for Client Trng. PH SA for TB Med. Supplies adopted. Gen Fund SA for TB Med. Supplies adopted. First Rdgs: PH Revis. Rev & Expen. Due to Decrease in Immun. Grant; Planning Fund SA for CDBG Prgrm; Pub. Safety Revis. Rev. & Expend. Due to Chngs in Allowable Expenditures; Pub. Safety SA Incr. in PEMA Grant; Library Fund SA Donation of Public Seating & Wrk Spaces; Library Fund SA Donation of Public Seating for Children's Area; Health Choices Revis. Expend. in accord. With new Agrmt with Comm. Care Beh. Health; Gen Fund SA for Change in Grade for 2<sup>nd</sup> DA Position. Ratifying Sale of Erie Cnty Real Property adopted. In Sprt of Exon. Taxes for Parcel adopted; Council Response to 2012-2014 Oper. & Cap. Plan adopted; Appt of Tom Wellington to HRC Adv. Brd. Appt of Kelly L. Kopin to C&Y Adv. Brd. Appt of Thomas P. Wisinski to C&Y Adv. Brd. Reappt. of Gloria Sinnot to C&Y Adv. Brd. Sale of Parcels from Respos. For Unsold Properties apprvd.

#### ERIE COUNTY COUNCIL – Regular Meeting

Mr. Leone, Chairman, called to order a Regular Meeting of the Erie County Council at the Millcreek Township Building, 3608 West 26<sup>th</sup> Street, Erie, Pennsylvania at 7:00 p.m. Following the Pledge of Allegiance, Mrs. Loll recited a poem.

#### Roll Call

The County Clerk called the roll:

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

Members Absent: Mr. Cleaver

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

#### Hearing of the Public

Arlene Davis stated that when she was a child, Pleasant Ridge Manor was referred to as the Poor House and she feels very strongly that it would be disingenuous to close Pleasant Ridge Manor because it is where people who struggle to make this country great can go. She further stated that if there were enough people in 1905 who thought to purchase a painting for the county for people to see, then it would again be disingenuous for the county to sell that painting because it was given to the people of Erie County. She explained that there was no art museum at that time so it was placed in the library; it was not given to the library, but hung there because there was no other place to hang it.

#### Minutes

Mr. Giles moved to approve the minutes of the August 2, 2011 Regular Meeting; Dr. Foust seconded, and it carried in a unanimous roll call vote.

Finance  
Committee

Dr. Foust reported that the Finance Committee met on Thursday, September 1, 2011 and agreed to place on the agenda for second readings Ordinances 69 and 70. Under New Business, the Committee agreed to place for first readings Ordinances 72 through 81 and to move Ordinances 72, 73, 74, 78 and 81 to second readings. Further, Resolutions 35 and 36 were placed on the agenda, also a motion to approve the 2012-2014 Operational Capital Plan which is the Three Year Plan, and the possible appointments of Tom Wellington, Kelly Kopin, Thomas Wisinski and Gloria Sinnot to various boards, as well as the approval of the sale of parcels from the repository.

Personnel  
Committee

Mrs. Loll reported the Personnel Committee met following the Finance Committee and agreed to place on the agenda Ordinance 71 for a second reading and Ordinances 82 and 83 for first readings.

District Revision  
Commission Report

Attorney Roger Richards reported that he was appointed Chairman of the 2011 Erie County District Revision Commission by Council Chairman Fiore Leone. Fellow Council Members appointed Greg Karle, Tom Hutzelman and Jim Walczak. With properly advertised meetings, the Commission held two meetings on July 1<sup>st</sup> and July 22<sup>nd</sup>. The public was invited as well as Council Members. Most of the Council Members contacted the Commission with their comments. The County Executive was also contacted. He noted there was some attendance at the public meetings.

The County Clerk, Douglas Smith, provided the Commission with all the information necessary to make a wise decision. Attorney Rogers noted that his experience with the last commission was somewhat different. He recalls in 2010, eleven meetings were held and a court case, and is happy to report that following the recent meetings and deliberations, a unanimous report has been prepared.

Attorney Richards further reported that following the 2010 decision, there have been insignificant changes within the district. The population of Erie County has changed insignificantly by less than 200 people. He feels this is impressive since most of Pennsylvania is declining. In 2000, there were 280,688 and in 2011, depending on the Millcreek decision, the number is 280,554. There were some deliberations about two reports which he will refer to as the "Walczak" report and the "Hutzelman" report. After examining all of the issues and closely studying the inconvenience that would occur in changing those voting districts potentially causing confusion which could lead to less attendance at the polls. The Commission felt the greater value lay in consistency and maintaining the districts exactly as they exist today.

Attorney Richards understands that the written report has been submitted to Members of Council by Secretary Smith. All of the appointees attended all of the meetings and if Council has any questions, Attorney Richards offered to answer them. He noted that a public hearing is scheduled on September 20, 2011 at 6:00 p.m. at the Courthouse and Commission members will be available at that time as well.

Mr. Giles'  
Comments

Mr. Giles noted that the appointment from the Bayfront area was Evan Tucker, and although he is not present, he was active on the committee. Attorney Richards pointed that he had stated that all members attended all the meetings which includes Mr. Tucker.

Mr. Leone's  
Comments

Mr. Leone commended the work Attorney Richards has done, along with his colleagues. They have done an excellent job. Mr. Leone pointed out that ten years ago he appointed Mr. Richards to the commission and ten years before that Mr. Richards was also appointed by Mr. Leone to the Commission. Mr. Leone asked whether Mr. Richards would also serve on the Commission ten years from now. Members of the Erie County District Revision Commission stood to be recognized and

were given a round of applause. Mr. Leone gave a reminder that the public hearing is scheduled for September 20, 2011 at 6:00 p.m.

Mr. Fatica's  
Report

Mr. Fatica wished to congratulate the 911 Call Center for the newsletter detailing the good things going on with that facility. This newsletter is delivered both electronically and by hard copy. Prominently displayed was the fact that all members signed a note for legislators that the Call Center's funding needs to be changed. He again congratulated those individuals who put together the newsletter and let the people of Erie County know the good things that are happening at the Call Center.

Mrs. Loll's  
Comments

Mrs. Loll stated that she read in the paper that Erie County is giving \$35,000 to a prisoner held in a restraining chair. She explained that the restraining chair is a much needed piece of equipment used when certain prisoners come in angry or on drugs. This prisoner is accusing the guard of causing injuries to him. Mrs. Loll understands that the District Attorney has viewed the films and it appears the prisoner injured himself. She stated that she has a problem with the County paying \$35,000 to a prisoner that injured himself and is blaming someone else. She feels that Council needs to take a look at this issue and the County should not agree to pay this person.

Mr. Giles'  
Report

Mr. Giles reported that the plans have been completed for the Memorial Service at the Olds Almshouse Cemetery on Sunday, September 11<sup>th</sup>. There are 15 people who have been left in the care and custody of Erie County without family or friends. He reminded everyone that on 9-11 ten years ago, he was attending one of these memorial services. Volunteers are depended on for the music and the ceremony is made as interdenominational as possible. There is another program scheduled for that day at 3:00 p.m. at the Warner. He encouraged everyone to attend; the ceremony lasts for approximately one-half hour.

Mr. Leone's  
Comments

Mr. Leone stated that discussion was held earlier during the caucus about the resolution for special counsel. He referred to one of the comments made by Mr. Knox stating that there have probably been between 75 and 100 such cases filed during this period. Mr. Leone wonders if other members of Council knew there were that many cases as far as insurance was concerned. For this reason Mr. Leone believes there must be approval of these cases through this Council. No one will reject an attorney selected by an insurance company, but he believes that this Council must be kept abreast of everything that is happening, whether it is an insurance issue or a filing against the county and he does not believe that his happening. Transparency is not just a word with County Council; Council means just that. Even when Council selects committees, he noted that Attorney Richards has indicated that the public was invited to all meetings. Anyone can come and talk to committees selected by Council. It seems that some of these issues are trying to be swept under the rug as far as the administration is concerned, and that concerns him. Mr. Leone plans to bring up the issue to discuss Resolutions 30 and 37 at the next Finance Meeting. Council will defeat Resolution 30 and bring up Resolution 37.

Street Tree  
Planting Grant

Mr. Smith gave a second reading of Ordinance Number 69, 2011, "First 2011 Planning Fund Budget Supplemental Appropriation Of \$50,000 For Street Tree Planting Grant From DCNR." Dr. Foust moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Training Grant  
In PD's Dept.

Mr. Smith gave a second reading of 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." Mrs. Loll moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Mr. Tucker  
Recognized

Mr. Giles announced that Mr. Tucker has arrived at the meeting. Mr. Leone recognized Mr. Tucker who was part of the District Revision Commission. He thanked Mr. Tucker for his time, effort and astute decision to not make any changes.

Appt'd Off. Salary  
Asst PD \$43,000

Mr. Smith gave a second reading of Ordinance Number 71, 2011, "2011 Appointed Official's Salary Ordinance Full Time Assistant Public Defender Annual Salary \$43,000." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Agenda Amended

Dr. Foust moved to amend the agenda to include Ordinances 72, 73, 74, 78 and 81 for second readings. Mr. Giles seconded and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Weed & Seed Grant  
From City of Erie

Mr. Smith gave a second reading of Ordinance Number 72, 2011, "Eighteenth 2011 General Fund Budget Supplemental Appropriation Of \$300 And Creation Of New Line Item For Weed And Seed Grant From The City Of Erie For Client Training." Dr. Foust moved to adopt; Mr. Giles seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

PH SA of \$25,000  
For TB Med. Supp.

Mr. Smith gave a second reading of Ordinance Number 73, 2011, "Seventh 2011 Public Health Fund Budget Supplemental Appropriation Of \$25,000 For TB Medical Supplies." Mr. Giles moved to adopt; Dr. Foust seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Gen Fund SA of  
\$25,000 for Trans  
To PH For TB  
Med Supplies

Mr. Smith gave a second reading of Ordinance Number 74, 2011, "Nineteenth 2011 General Fund Budget Supplemental Appropriation Of \$25,000 For Transfer To Public Health Fund For TB Medical Supplies." 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 75, 2011, "2011 Public Health Fund Budget Revised Revenue And Expenditures In The Amount Of \$20,000 Due To Decrease In Immunization Grant"

Ordinance Number 76, 2011, "Second 2011 Planning Fund Budget Supplemental Appropriation Of \$348,500 And Creation Of New Line Item For Community Development Block Grant Program"

Ordinance Number 77, 2011, "2011 Public Safety Fund Budget Revised Revenue And Expenditures And The Creation Of New Line Items Due To Changes In Allowable Expenditures"

PS SA for Incr.  
In PEMA Grant  
For Hazard.  
Material  
Response Fund

Mr. Smith gave a second reading of Ordinance Number 78, 2011, "Sixth 2011 Public Safety Fund Budget Supplemental Appropriation Of \$73,640 And Creation Of Line Item For Increase In PEMA Grant For Hazardous Material Response Fund." Mr. Fatica moved to adopt; Mr. Giles 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 79, 2011, "Eighth 2011 Library Fund Budget Supplemental Appropriation Of A Donation From Erie County Public Library Foundation Of Public Seating And Work Spaces At Lincoln Community Center With A Value Of \$21,247"

Ordinance Number 80, 2011, "Ninth 2011 Library Fund Budget Supplemental Appropriation Of A Donation From Erie County Public Library Foundation Of Public Seating For Children's Area At Lincoln Community Center With A Value Of \$11,825"

Health Choices Revis.  
Expend.

Mr. Smith gave a second reading of Ordinance Number 81, 2011, "2011 Health Choices Fund Budget Revised Expenditures And Creation Of New Line Items In Accordance With New Agreement With Community Care Behavioral Health." Mr. Fatica moved to adopt; Dr. Foust 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 82, 2011, "Twentieth 2011 General Fund Budget Supplemental Appropriation And Change In Grade For 2<sup>nd</sup> District Attorney Position Number 003400-030" (Personnel Committee)

Ordinance Number 83, 2011, "2011 Children & Youth Services Fund Budget Revised Revenue And Expenditures And Elimination Of Two Positions In CCIS Due To Decrease In Funding"

Ratifying Sale of  
Erie County Real Prop.

Mr. Smith gave a reading of Resolution Number 35, 2011, "Ratifying The Sale Of Erie County Real Property Parcel Number 08-034-144.0-018.00." Mr. Giles moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

In Sprt of Exon. Prop.  
Taxes For Parcel

Mr. Smith gave a reading of Resolution Number 36, 2011, "In Support Of Exonerating 2009 Property Taxes For Parcel Number 16-030-047.0-120.00." Mr. Giles moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

Apprvl of Resp. to  
2012-2014 Oper.  
& Cap. Plan

Dr. Foust moved to approve the Council Response to the 2012-2014 Operational and Capital Plan. Mr. Fatica seconded.

Dr. Foust commended Mr. Fatica, the chair of the Committee for the Three Year Plan, as well as Mrs. Loll and Mr. Beeman who also served on the Committee.

Mr. Leone called for a vote on the motion to approve and it was approved unanimously.

Appts. Approved

Mr. Giles moved for the approval of the following appointments:

Appointment of Tom Wellington to the Human Relations Commission Advisory Board

Appointment of Kelly L. Kopin to the Children & Youth Advisory Board

Appointment of Thomas P. Wisinski to the Children & Youth Advisory Board

Reappointment of Gloria Sinnott to the Children & Youth Advisory Board

Dr. Foust seconded, and it carried in a unanimous roll call vote.

Sale of Parcels  
From Repos.  
Apprvd

Dr. Foust moved to approve the sale of Parcels from the Repository at Index Numbers:

18-050-029.0-108.00  
31-009-016.6-003.75  
31-009-016.6-003.98

Mrs. Loll seconded the motion, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:33 p.m.

Ann M. Bruno, Council Secretary

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