

April 3, 2012 Minutes of March 20, 2012 Reg. Mtg. apprvd.Estab. Aux. Appeals Brd adopted. Imposing Uncon. Gas Well Fee adopted. PH SA for Accreditation Sprt. Grant adopted. Bond issue adopted. First Rdgs. Revised Sewage Fees; Increase in Cnty Septic App. Fees; Apprvg Tax Abate/LERTA in UC Boro & SD; Appt'd Off. Sal Ord-Cnty Sol.; Appt'd Off Salary-Asst. Cnty Sol.; Apprvg Agrmt in Mill. Twp adopted; Proclaim. April Fair Hous. Mo adopted; Apptg Cert. Individ. To Tax Assess. Aux. Appeal Brd. Adopted.

Mr. Fatica, 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, he welcomed students from Gannon University.

Roll Call

The County Clerk called the roll:

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

Members Absent: Mrs. Loll

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

Hearing of The Public

Harry Rearick, Waterford, addressed the issue of Ordinance Number 27, 2012 on Council's agenda. If not adopted, Erie County would not receive funds generated by gas drilling in Pennsylvania. He pointed out that Erie has no active wells being drilled and will not be eligible for those funds. Mr. Rearick asked Council if they would oppose the provision that runs counter to the needs of the residents of Erie County. He referred to an expert opinion citing that it would be impossible to certify that classified chemical information could help without knowing beforehand what chemicals have been used.

Doris Zappala, Harborcreek, continued Mr. Rearick's presentation regarding Ordinance Number 27, 2012. Should Council pass this ordinance, she stated Council will become another entity that violates the citizens' rights. The fees imposed in this industry are a travesty and do not represent the impact this activity will have on communities. Towns and communities have been adopting community civil rights' ordinances to keep drilling out of their locales. This will be a third world country if Council allows this industry to come in and usurp the rights of citizens.

John Stull, Waterford, spoke regarding Act 13. If Ordinance Number 27, 2012 is adopted, the funds will be sent to the state, audited and controlled by the PUC. Disagreements must be filed with the PUC. The money will be distributed among many entities. As a supervisor of Waterford Township, he believes the people know what is good for the township. He does not feel there is anything to gain by passing this ordinance.

Maria Czulewicz, spoke regarding Marcellus Shale. Having worked for the DEP in Harrisburg, she noted that people in western Pennsylvania have no clue as to what is happening on the eastern half. Some towns need to have bottled water brought in; the Susquehanna River has been polluted. Last week Mr. Leone voted on an issue regarding the school district, she asked whether he and Mr. Fatica should have refrained from voting on that matter as previous employees.

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Hearing of
The Public

Renee Vendetti, Erie, previously stated that everyone had skeletons in their closet. Perhaps Mr. Leone does not and she offended him. She feels there was no reason for Mr. Leone to get upset unless there is something he does not want people to know. She asked why no names appear with Item I on the agenda regarding the appointment of certain individuals to the Erie County Tax Assessment Appeal Boards. She also asked if the seats have already been sold to someone.

Minutes

Mr. Giles moved to approve the minutes of the Regular Meeting held March 20, 2012; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Mr. Leone's
Comments

Mr. Leone wished to respond to issues from speakers. Ms. Czulewicz asked whether his vote was a conflict since he was a retired school district employee. The issue involved an authority and it is not a conflict of interest for either him or Mr. Fatica. Mr. Leone further noted that Ms. Vendetti indicated that he had done nothing wrong in his life. He admitted to having made mistakes; everybody makes mistakes. Ms. Vendetti gave her opinion at the last meeting as to what should be done about an individual on Council. Mr. Leone stated this is a society of norms and laws. When taking the Oath of Office, Members agree to abide by the laws of the State of Pennsylvania, the Constitution of the United States and also the laws of the County of Erie. One of those laws states that if a Council Member is convicted of a felony, that member is removed from this Council. Making mistakes does not preclude a member from voting on that particular issue. Mr. Leone feels this issue must be addressed at some point.

Finance
Committee

Mr. Giles reported that the Finance Committee met on March 29, 2012 and agreed to place on the agenda for a second reading Ordinances 26, 27, 29 and 30, and for first readings Ordinances 31 through 33 along with Resolutions 18 through 20.

Personnel
Committee

Mr. Cleaver reported that the Personnel Committee met following the Finance Committee and agreed to place on the agenda for first readings Ordinances 34, 35 and 36.

Mr. Leone's
Report

Mr. Leone referred to an email received by Council Members which addressed the issue of reassessment:

Ladies and Gentlemen:

My attention was caught when the initial reassessment reports came out and residents in the outlying county areas began reporting sharply higher property values. Since those folks lived in areas that are in higher demand (Rural settings with large lots sometimes measured in acres and often equally nice homes), an increase seemed to make sense as people are generally leaving the City of Erie for those rural areas.

But now the City of Erie numbers have been received, and I have to tell you that I think you have a serious problem on your hands. The economy has been in trouble for the last one to two years. The housing market suffered a substantial collapse over the last five years (approximate) and has yet to recover. Yet we, and especially those living in the City of Erie, are supposed to believe that the value of our homes have increased as much or more in the few years since the last reassessment than they did in the approximate 35 year period of the reassessment before that? Something is seriously amiss.

My wife and I live in a modest 1200 square foot single story home. We live near a college, so we have to deal with the traffic and loud drunk students which necessitate frequent calls to city police, Despite that, the economy, and the housing collapse we are supposed to believe that the value of our home increased 22% since the last reassessment?

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Mr. Leone's
Report

As I said before, something is seriously wrong. I am asking you to launch an investigation of how the folks who conducted this last reassessment valued the homes. "Objectivity" does not seem to be a word they understand, as virtually everyone I have talked to has seen an increase of between 20% and 50%. Yes, I have spoken to friends who received a 50% increase. Now while home improvements may account for some of that, it is highly unlikely that a 50% increase in property value could have occurred since the last reassessment given the economy and housing market. I am also curious how businesses were affected. Did they see similar increases, or were there assessments lowered and those of private residences raised to cover the loss.

I strongly urge you to consider my request. We plan on having our home assessed by a hired company and then seek an adjustment. I expect that many property owners will be doing the same. If in fact the reassessment was handled improperly it would be far better to address it now rather than risk an outside agency being called in to check on the situation.

Respectfully,

A City of Erie resident.....

Mr. Leone agrees with this individual. He has had many complaints and looked into a few. In one case, a property without a home increased over 900%. In his area, this is not only impossible, but ridiculous. One piece of property without a home was assessed in excess of \$20,000. Across the street, a piece of land the same size sold for \$800. His constituents have asked him what to do and he has encouraged them to file an appeal. Mr. Leone would like to know how some of these properties were assessed. He had asked previously if all factors including selling factors in that area were relevant and was advised that was the case. Mr. Leone will delve further into this process.

Mr. Giles'
Report

Mr. Giles reported that at the County Commissioners meeting last week, Erie County received an award for ten years of participation in the Workman's Comp Program. He acknowledged that the spirit of cooperation and professionalism the administration has brought to the issue of workman's comp claims and loss control within the county has brought a reduction in the annual cost. This is a significant figure. Mr. Giles thanked everyone who supports this partnership.

Mr. Giles further reported that at the CCAP meeting, the new Deputy Secretary for Welfare for the Children, Youth and Families met with members of the board and discussed funding on Children's Services issues. After that discussion, members were less anxious. Although there is concern about the 20% reduction in other human services areas, Children's Services appears to be somewhat held apart. He explained this is partly because of the relationship between the state and counties. The Office of Children & Youth Services is funded 56% from state dollars and 24% from federal so the bulk of funding comes from the state and there has been a guarantee to continue funding those programs.

The Deputy Secretary for Welfare pointed out that she had been on the Children's Partnership for Safe Kids when Tom Ridge was Governor. She stressed that finding family connections for children removed from their homes would be the first option. She is looking into cost effectiveness. A surprising comment from the Deputy Secretary indicated that the legal system does not need to be utilized for typical adolescent behavior. The process needs to be examined more carefully.

Mr. Giles is no longer as anxious about the funding for Children Services; however, there are other agencies that may experience financial difficulties.

April 3, 2012

Estab. Aux.
Appeal Brds

Mr. Smith gave a second reading of Ordinance Number 26, 2012, "An Ordinance Establishing Auxiliary Appeal Boards." Dr. Foust moved to adopt; Mr. Giles seconded.

Mr. Leone stated that one of the questions asked by a speaker was about the names of these individuals. He asked the Clerk to provide a copy of that to the speaker.

Mr. Fatica called for a vote on the ordinance and it carried in a unanimous roll call vote.

Impos. Erie Cnty.
Uncon. Gas
Well Fee

Mr. Smith gave a second reading of Ordinance Number 27, 2012, "Imposing An Erie County Unconventional Gas Well Fee." Mr. Giles moved adopt; Dr. Foust seconded.

Dr. Foust stated the comments of the speakers regarding this issue are well taken. However, it would not change state law if Council voted down this particular ordinance, This only allows Erie County to get a piece of the state law already in effect. Dr. Foust is sensitive to these concerns because wells will be drilled in his district as much as anywhere else; however, passing this ordinance will not affect drilling in their local community. These concerns are well founded, but better addressed to the state legislature.

Mr. Fatica noted that Harrisburg can be blamed on this matter; instead of a severance, which would have provided more money, they went for an impact. The county was steamrolled on this matter. He asked Mr. Giles to explain this issue.

It is Mr. Giles' understanding that the language "the county hereby imposes a fee on each unconventional well" is important because no municipality can do that; a group of municipalities by the law that was referred to can force a county in a co-op setting to do something. The County cannot increase or decrease or control the equation as to what the affected municipality would receive. The rights of local officials to control zoning and location are still in place. Act 13 is the state law which has already been passed. This law provides that if a county does not do something by April 14, 2012, the county will not be able to tap into any funds. Mr. Giles admits this is not a dramatic issue since there are not very many wells going in right now. The County Commissioners Association requested their legal and professional staff to compose a model ordinance for all counties regardless of the drilling. Council just wants to make sure that if a municipality is impacted, that money is set aside for the municipality. When Penn State did an analysis as to drilling opportunities in the state, Erie County only had a few dots. If Council did not pass this ordinance, the municipality would have no recourse but to suffer the impact of the drilling. He acknowledged that there are parts of the state that do not look like they did five or ten years ago.

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

PH SA Accred.
Sprt Grant

Mr. Smith gave a second reading of Ordinance Number 29, 2012, "Fourth 2012 Public Health Fund Budget Supplemental Appropriation Of \$23,000 And Creation Of New Line Items For Accreditation Support Grant." Mr. Giles moved to adopt; Mr. Leone seconded and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Bond Issue

Mr. Fatica stated the following ordinance has good news. The County will refinance some bonds and make money. He asked Mr. Smith to read the ordinance and incorporate the amendments.

Mr. Smith gave a second reading of Ordinance Number 30, 2012, "Authorizing The Incurring Of Nonelectoral Debt By The Issuance Of General Obligation Refunding Bonds (The "Bonds") In The Aggregate Principal Amount Of Twelve Million Seven Hundred Thirty-Five Thousand And 00/100 Dollars (\$12,735,000) Consisting Of Seven Million Seven Hundred Ninety-Five Thousand And 00/100 Dollars (\$7,795,000) Series A Of 2012 Tax Exempt Bonds, And Four Million Nine Hundred Forty Thousand And 00/100 Dollars (\$4,940,000) Series B Of 2012 Taxable Bonds; Covenantee To Pay And Pledging Unlimited Taxing Power For The Payment Of The Bonds; Establishing A Sinking Fund And Appointing A Paying Agent, Sinking Fund Depository, Registrar And Escrow Agent In Respect Of The Bonds; Fixing The Form, Interest Rate, Maturity, Redemption And Other Provisions For The Payment Thereof; Accepting A Proposal For The Purchase Of The Bonds; Authorizing The Filing Of Required Documents With The Department Of Community And Economic Development; Ratifying And Directing Certain Actions Of Officers; Approving The Official Statement; And Making Certain Other Covenants And Provisions In Respect Of The Bonds." Mr. Giles moved to adopt; Dr. Foust seconded.

Mr. Leone moved to amend the ordinance to reflect the version presented to the County by its Bond Attorney James Antoun.

Mr. Fatica verified with Attorney Talarico that this procedure was proper. Mr. Talarico stated the ordinance did not have to be read again, but an amendment must be voted on and then vote on the ordinance as amended.

Dr. Foust seconded the motion to amend.

Mr. Giles noted there is language internal in the ordinance that should be amended as well. Perhaps the motion to amend should include not only the title, but the language throughout the ordinance. Mr. Talarico indicated that if there are changes from what is attached to the agenda, those must be addressed and amended.

Mr. Smith pointed out that Mr. Leone's amendment stated that the ordinance was being amended to the version presented by the bond attorney, he intended that to cover the other changes as well. Mr. Maloney noted the main issue was the dollar amount which was done with the reading of the title of the ordinance. Mr. Talarico added that if the changes were not significant, making reference to the changes made by bond counsel is sufficient.

Mr. Fatica called for a vote on the amendments and it carried in a unanimous roll call vote.

Dr. Foust pointed out that this will save \$900,000 above the original projection. Mr. Fatica acknowledged that money is being saved due to the refinancing. Mr. Fatica called for a vote on the ordinance, as amended, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave a first reading of the following ordinances.

Ordinance Number 31, 2012, "2012 Revised On-Lot Sewage Fees Schedule For The Erie County Department Of Public Health"

Ordinance Number 32, 2012, "2012 Public Health Fund Budget Revised Revenue & Expenditures Of \$102,000 From The Commonwealth Elimination Of Act 137 Funding And Resulting Increase In County Septic Application Fees"

First Rdgs.

Ordinance Number 33, 2012, "Waiving Section 4 Of The Erie County LERTA Ordinance Number 59, 1980 And Approving The Tax Abatement Program/LERTA In The Borough Of Union City And The Union City Area School District"

Ordinance Number 34, 2012, "2012 Appointed Official's Salary Ordinance County Solicitor"

Ordinance Number 35, 2012, "2012 Appointed Official's Salary Ordinance For Assistant County Solicitors" (Personnel Committee)

Ordinance Number 36, 2012, "Sixth 2012 General Fund Budget Supplemental Appropriation Of \$5,665 For Change In County Solicitor Staff"

Agrmt for Parcels
Located in Millcreek
Twp

Mr. Smith gave a reading of Resolution Number 18, 2012, "Approving The Agreement Among Taxing Bodies For Parcel Numbers 33-032-174.0-038.00 And 33-049-174.0-045.00 Located In Millcreek Township, Erie County, Pennsylvania."

Mr. Fatica explained that this matter has taken almost eight years to come to fruition. This will create a park in an existing area that is a dump located south of Yorktown Plaza. Mr. Leone moved to adopt; Dr. Foust seconded and it carried in a unanimous roll call vote.

Proclaim. April as
Fair Housing Month

Mr. Smith gave a reading of Resolution Number 19, 2012, "A Resolution Proclaiming April As Fair Housing Month In Erie County, Pennsylvania." Mr. Giles moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

Apptg Cert. Individ.
To Erie Cnty Tax
Assess Aux. Appeal
Brds

Dr. Foust moved to approve the following individuals to the Erie County Tax Assessment Auxiliary Appeal Boards and as Alternative Members of those Boards:

- Don Bihler (Fiore Leone)
- Jim McGoey (Joseph Giles)
- Bill Bucceri
- Dave Haller
- Joanne Snyder (Kyle Foust)
- Don Marinelli

- Alternate Appointees: Veronica Dunn (Carol Loll)
- Larry Obert
- Charlie Foht
- Nancy Placidi (Whitey Cleaver)

Mr. Giles seconded. Dr. Foust pointed out the names were in the full ordinance and, therefore, did not appear on the agenda. Mr. Fatica called for a vote and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:56 p.m.

Ann Bruno, Council Secretary
