

April 17, 2012

On-Lot Sewage Fees adopted. County Septic Fees adopted. Apprv. Tax Abatement/LERTA in Borough of UC & UC Area Sd adopted. Appt'd Off. Salary Cnty Sol. adopted. Appt'd Off. Salary Asst. Cnty Sol. Adopted. Gen Fund SA for Change in Cnty Sol. Staff adopted. First Rdgs. Creat of New Line Item to Pay Off CamTech Note; Creation of New Line Item for Ct. Ordered Placements; New Line Item for Med. Returned Funds from Value Behavioral Health; Donated Gas Detector from RAE Systems; Prjct Safe Neigh. Grant from US Dept. of Justice adopted; C&Y Elim. Of Advan. Juv.Coun. & Creat of Juv. Coun. At ELT; Gen Fund SA Reduc. In Trans. to C&Y; Health Choices Pos. Change; PH Safe & Healthy Com.; Amend. Ord. 129, 2011. Res. Auth. Mod. To FY 2009 CDBG adopted. Exon. Taxes on Trail/Props in Fairview Twp & SD adopted; Exon. Taxes on Trail/Prop. in McKean Twp & Gen. McLane SD adopted; Sale of Parcel from Repos. apprvd.

Mr. Fatica, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 pm. in the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, Ms. Loll recited a prayer:

Let us pray

Lord, our source of moral knowledge and truth, a spirit of courage and right judgment, an essence of knowledge and love. We are trusted to govern with honest thoughts and ability. By governing with trustworthiness, we are setting an example to all who observe our duties. Lord, help us to run our government with unity, love and peace for all.
Amen.

Roll Call

Mr. Smith, County Clerk, called the roll:

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

Members Absent: Mr. Beeman
Dr. Foust

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

Hearing of the
Public

Tom Peckham, Greenfield Township, stated that he appeared before Council a month ago for a letter of inquiry regarding Moon Meadows Campground, which has had the same water system since 1975. Mr. Fatica called him Friday and advised Mr. Peckham that Council would not get involved in this since they had no interest in the situation. Mr. Peckham disagrees. He provided information regarding his reassessment which values his property at five and one-half times the previous assessment. Another property increased by two and one-half the previous value. Over a 30 year period, he feels there would be an interest since all this tax money would be lost. Mr. Peckham believes that many county people support Mr. Beeman and his views, and has the interest of the people at heart.

Mr. Fatica wished to respond to Mr. Peckham's comments. Mr. Fatica clarified that he spoke with Mr. Peckham about three weeks ago. Mr. Fatica also spoke with Karen Tobin at the

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Hearing of
The Public

Health Department regarding the situation. He pointed out that Mr. Peckham should be dealing with the Health Department or the DEP. Ms. Tobin informed Mr. Fatica that Mr. Peckham had admitted to her that he was too stubborn to fix the problem. Mr. Fatica then consulted the Assessment Office regarding the situation and was advised that this business was for sale. The reassessment notice came after their conversation. He advised Mr. Peckham to deal with the reassessment through the assessment appeal process which he explained to Mr. Peckham. Council cannot interfere with this issue since Mr. Peckham's concern is with the water supply; he needs to deal with the Health Department and the DEP. Mr. Peckham responded that he has already been through the appeal hearing and his assessment was adjusted. The DEP is now holding the campground back. Mr. Fatica offered to discuss this matter after the meeting.

Renee Vendetti, Erie, referred to a comment previously made by Mr. Leone that the Home Rule Charter states that a felon must be removed from Council. She asked if the Home Rule Charter also stated that an ordinance can be moved to a second reading and passed. Mr. Leone stated that an ordinance can be moved to a second and passed. Ms. Vendetti then asked whether an ordinance has to be read in its entirety before being passed. Mr. Leone responded that Council Solicitor had advised that it does not. Ms. Vendetti disagreed. She stated Council follows certain parts of the Charter and not others.

Maria Czulewicz, Erie, questioned Ordinance Number 47, 2012. Mr. Fatica responded it is the same number, positions are being switched. She addressed the issue of crime in the City of Erie.

Lou Aliota, Margo Court, Erie, referred to emails that were forwarded to Members of Council. He then spoke about self leadership. Due to the disrespectful conduct of a member of the Assessment Board, Bob MacIsaac, Mr. Aliota is sure that everyone is aware of his conduct to Mr. Aliota as a taxpayer and voter. He asked for a response from Council.

Finance
Committee

Mr. Giles reported the Finance Committee met on Thursday, April 12, 2012 at 4:00 p.m. and agreed to place on the agenda Ordinances 31, 32 and 33 for a second reading, as well as Ordinances 37 through 42, Resolutions 20, 21, and 22. A recommendation was made that Ordinance 42 be considered for a second reading.

Personnel
Committee

Mrs. Loll reported the Personnel Committee met following the Finance Meeting. The Board agreed to place Ordinances 34, 35 and 36 on the agenda for second readings; these are related items. Ordinances 43, 44, 45, 46 and 47 are on the agenda as first readings; ordinance 47 will be considered for a second reading.

Mr. Leone's
Comments

Mr. Leone did reply to a speaker that ordinances do not have to be read in their entirety. However, after reviewing the Home Rule Charter, it does state that an ordinance must be read in its entirety. Council Solicitor provided a decision stating that an ordinance does not; but Mr. Leone believes an ordinance should be read in its entirety and is necessary.

Revised On-Lot
Sewage Fees

Mr. Smith gave a second reading of Ordinance Number 31, 2012, "2012 Revised On-Lot Sewage Fees Schedule For The Erie County Department Of Public Health." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Act 537 Funding

Mr. Smith gave a second reading of 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." Mr. Giles moved to adopt; Mr. Leone seconded.

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Act 537 Funding

Mr. Giles moved to amend the title and body of ordinance to reference Act 537 as well as the title of Exhibit A; Mr. Leone seconded and it carried in a unanimous roll call vote.

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

Apprv. Tax
Abatement/LERTA
In Borough of UC
& UC SD

Mr. Smith gave a second reading of 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." Mr. Leone moved to adopt; Mrs. Loll seconded and it carried in a unanimous roll call vote.

Appt'd Off. Salary
Ord – Cnty Sol.

Mr. Smith gave a second reading of Ordinance Number 34, 2012, "2012 Appointed Official's Salary Ordinance County Solicitor." Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mr. Giles moved to amend the ordinance to include language referencing indemnification. This is a requirement on the part of the insurance carrier.

Mr. Smith then read the amended ordinance. Mr. Leone seconded the amendment and it carried in a unanimous roll call vote.

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

Ordinances 35 & 36
Tabled

Mr. Giles moved to table Ordinance Number 35, 2012, "2012 Appointed Official's Salary Ordinance For Assistant County Solicitors" and Ordinance Number 36, 2012, "Sixth 2012 General Fund Budget Supplemental Appropriation Of \$5,665 For Change In County Solicitor Staff." Mr. Cleaver seconded, and it carried in a roll call vote of 4-1, Mr. Leone voting no.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 37, 2012, " First 2012 Debt Service Fund Budget Supplemental Appropriation Of \$303,078 And Creation Of New Line Item To Pay Off CamTech Note"

Ordinance Number 38, 2012, "Second 2012 Debt Service Fund Budget Supplemental Appropriation Of \$13,375,982 And Creation Of New Line Items For 2012 Bond Issue"

Ordinance Number 39, 2012, "2012 Children & Youth Services Fund Budget Revised Expenditures Of \$45,000 For The Creation Of Expense Line Item For Court Ordered Placements"

Ordinance Number 40, 2012, "2012 Health Choices Fund Budget Revised Revenue Of \$628,000 And Creation Of New Line Item For 2011 Medical Returned Funds From Value Behavioral Health"

Ordinance Number 41, 2012, "Fourth 2012 Public Safety Fund Budget Supplemental Appropriation Of Donated Gas Detector From RAE Systems Valued At \$699"

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Agenda Amended

Mr. Giles moved to amend the agenda to include Ordinance Number 42, 2012 and Ordinance Number 47, 2012 as second readings in accordance with the language allowing this in the Erie County Administrative Code. Mrs. Loll seconded and it carried in a unanimous roll call vote.

Prjct Safe
Neighborhoods Grant

Mr. Smith gave a second reading of Ordinance Number 42, 2012, "Seventh 2012 General Fund Budget Supplemental Appropriation Of \$40,000 And Creation Of New Line Items For Project Safe Neighborhoods Grant From The US Department Of Justice." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Giles stated there is an urgency to move this forward due to the time frame under which the Department of Justice Grant has been allocated. There is a fairly short time frame and it is helpful to expedite the matter.

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

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 43, 2012, "2012 Children & Youth Services Fund Budget Revised Revenue And Expenditures For Elimination Of Advanced Juvenile Counselor At ELT Detention And Creation Of Juvenile Counselor At ELT Shelter"

Ordinance Number 44, 2012, "Eighth 2012 General Fund Budget Supplemental Appropriation Of \$34,593 From A Reduction In Transfer To Children & Youth Services Fund"

Ordinance Number 45, 2012, "First 2012 Health Choices Fund Budget Supplemental Appropriation Of \$2,414 For Position Change Ordered By Civil Service Commission"

Ordinance Number 46, 2012, "2012 Public Health Fund Budget Revised Revenue And Expenditures Of \$3,062 In Safe & Healthy Communities, Injury Prevention And Cancer Prevention Grants For A Change In Position Funding"

Amend. Ord.
129, 2011

Mr. Smith gave a second reading of Ordinance Number 47, 2012, "Amending Ordinance Number 129, 2011, '2012 Appointed Official's Retainer For Assistant County Solicitors'." Mr. Giles moved to adopt; Mrs. Loll seconded.

Mr. Giles explained that the insurance carrier wanted to see this language, in particular for agents working by contract for the county to clarify coverage. Their recommendation is that specification be provided as to who is covered. Mr. Giles notes that typically solicitors are covered.

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

Auth. Modif. To
2009 CDBG Prgm

Mr. Smith gave a reading of Resolution Number 20, 2012, "Resolution Authorizing A Modification To Erie County's FY 2009 Community Development Block Grant Program." Mrs. Loll moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

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Exon. Taxes in
Fairview Twp & SD

Mr. Smith gave a reading of Resolution Number 21, 2012, "Exonerating Taxes On Two Abandoned Trailers/Properties In Fairview Township And The Fairview School District." Mrs. Loll moved to adopt; Mr. Giles seconded, and it carried in a roll call vote of 4-1, Mr. Cleaver voting no.

Exon Taxes in
McKean Twp &
Gen. McLane SD

Mr. Smith gave a reading of Resolution Number 22, 2012, "Exonerating Taxes On Six Abandoned Trailers/Properties In McKean Township And The General McLane School District." Mrs. Loll moved to adopt; Mr. Giles seconded, and it carried in a roll call vote of 4-1, Mr. Cleaver voting no.

Sale of Parcel from
Repos. Apprvd.

Mr. Leone moved to approve the sale of parcel from Repository for Unsold Properties at Index Number: 45-008-014.0-001.15; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:49 p.m.

Ann M. Bruno, Council Secretary
