

January 29, 2013

ERIE COUNTY COUNCL – Regular Meeting

Mr. Giles, 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:

Let us pray. Lord Jesus Christ, you have said, “ask and you shall receive; seek and you shall find; knock, and it shall be opened to you.” Grant us the self-assurance that we may govern with all our words and actions with style and grace. Let us never fail to govern without you in mind. Amen.

Roll Call

The County Clerk called the roll:

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

Members Absent: None

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

Mr. Giles acknowledged St. Luke’s Pack 9 Wolves in the audience. He welcomed Congressman Thompson in the audience as well.

Hearing of  
the Public

Patrick Long, suggested that a vote against the TIF would provide money for the Warden salary. He stated the Tax Increment Finance Plan is a Pennsylvania Bill. The House Bill that provides for TIF was not read by the school board members. He observed that the TIF bill is to be used for blighted properties and does not believe that the Lord property is not blighted. The buildings are only 12 years old and sit on valuable real estate in Erie County. He provided a copy of the

appraisal, paid for by Economic Development, which indicated the property was blighted. He urged members of Council to follow the law and vote no for the TIF. The law states the property should be blighted and it is not.

Jack Stull, Waterford Township, is before Council to ask assistance in an anticipated problem. He explained that residents in the south eastern portion of Erie County that come to the City will be traveling Route 97 to 19 into Erie. PennDot will be installing a roundabout at the intersection south of Waterford. There is not a light at the intersection since PennDot will not pay for the costs of the lighting and Mr. Stull believes this could cause problems and safety issues for those unfamiliar with the area. He asked for Council to contact PennDot and assist him in this matter. Penelec is now also planning to charge municipalities to change bulbs in street lighting.

Tammy Ruiz, approached Council to speak regarding her divorce and support case with Domestic Relations. She stated that documents are missing from her file. She feels she is a victim of the court system.

Maria Czulewicz, elaborated regarding the issue with her niece, Tammy Ruiz. She does not believe information can be denied to Ms. Ruiz from her file. Pages are missing from information she has requested. Council needs to address this issue.

Minutes

Mr. Leone moved to approve the minutes of the January 3, 2013 Reorganization Meeting and the January 8, 2013 Regular Meeting. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Finance  
Committee

Mr. Leone reported that the Finance Committee met on Thursday, January 24 2013 and agreed to place a second reading of the Ordinance 1 regarding the TIF. Also on the agenda is a first reading of Ordinance 5, restricted automation expenses in the Prothonotary Office and Ordinance 6, Public Health revised expenditures; both ordinances may be moved to second readings. The Committee also agreed to place Ordinance 7 regarding a Planning Fund supplemental appropriation for Highway Bridge Improvement Grant, Resolution 5 appointing a firm to perform the audit and the appointment of Daniel Harman to the Erie County Industrial Development Authority, Matthew McLaughlin to the Erie County General Authority, as well as the reappointment of Anita Marcoline to the Erie County General Authority and Dan Heher to the Erie County General Authority.

Personnel  
Committee

Dr. Foust reported the Personnel Committee met following the Finance Committee and agreed to place Ordinance 8 on the agenda following a lengthy discussion with the recruiter regarding the starting salary. Also on the agenda is a first reading of Ordinance 9 regarding two positions in the Bureau of Elections. These ordinances will be moved to second readings as well.

Mr. Giles'  
Report

Mr. Giles reported that on January 23<sup>rd</sup> and January 24<sup>th</sup>, the County Commissioners Association of Pennsylvania held their annual beginning of the year events. A breakfast was held in which all members of the House or Senate who were prior elected county officials or worked for the county are invited to meet with the Board from CCAP to discuss several issues. The Board then met with Lt. Governor Cauley to discuss the same issues facing counties. The Board then announces their priorities in the Rotunda and the agenda items are different each year. Lastly, the Board met to approve the budget for the Annual Conference which will take place in early August in Erie. The details and issues surrounding that are shared with board members to help make Erie a successful conference host. He noted the conference is being held at the Convention Center and the Sheraton. This will be an opportunity for Erie to showcase what it has to offer.

The following day the Regular Business meeting took place. There was a presentation from Matt Chase, the new NACo Director, who provided a detailed explanation of what is happening in DC regarding the budget, sequestration and related issues. Mr. Giles believes that several people present have had the opportunity to meet with Mr. Chase and he has carved an impressive trail regarding the effectiveness of counties and NACo lobbying in DC. Mr. Chase hopes to make certain that everything

regarding advancing or lobbying are connected together to provide a good foundation. Mr. Giles is looking forward to the work product.

Mr. Giles further reported that CCAP has two offices. The Board has agreed to sell the Front Street Property and add on to the new building. It will consolidate all the effort in one place. Doug Hill, the Executive Director of CCAP, has done an outstanding job.

On January 25<sup>th</sup>, all the counties in Pennsylvania who have been approved to develop the Human Services Development Block Grant Program were scheduled to meet. Due to inclement weather, the Erie County team was unable to attend, and Mr. Giles participated since he was in the area. This was the first time all 20 counties assembled to discuss this issue and each county was to discuss their particular issue. Mr. Giles was provided the following information for the meeting:

CCAP Human Services Block Grant Forum

**Erie County Presentation  
January 25, 2013**

**1. What prompted your county to apply to become a pilot? Was there a particular problem you were trying to solve?**

Erie County decided to participate in pilot Block Grant Program for two main reasons. First, from a program perspective, we have been working toward the integration of both services and administration within the Department of Human Services. We believe that this will create efficiencies and produce better coordination of care for our clients and families. Second, from a fiscal perspective, we will gain working knowledge of Block Grant financial reporting and County match requirements. The Block Grant will also provide increased financial flexibility to meet consumer needs and allow us to retain unspent year-end funds.

**2. Who was selected as the county point person, and what is their position?**

Patrick Ryan, Erie County DHS Assistant Manager of Accounting, was selected as the primary Block Grant contact. He oversees the financial operations of Drug & Alcohol, MHMR, Children & Youth Services and HealthChoices.

**3. What process was utilized in your county to develop the required planning document?**

Erie County convened the planning team in June 2012 for purposes of pooling needs assessments information from each of the six systemic (major program) service areas. The two public hearings served as another needs assessment vehicle to gather information from consumers, families, service providers and advocacy organizations. The Fiscal Year 2012-13 Human Service Block Grant Budget (Appendix B) was crafted from two source documents: (1) the planned expenditures were based on existing contracts with services providers executed on July 1, 2012 and (2) the estimated clients to be served were based on agency service projection charts and historical encounter data. The Block Grant Narrative described specific services provided to meet the needs of consumers, the estimated number of individuals served, and how allocated funds are utilized in conjunction with other available funding.

**4. What personnel were involved, and who facilitated the effort?**

The County Planning Team consists of the Director of the Erie County Department of Human Services, who also serves and the MHMR Administrator. The team also includes the OCY Director, the SCA Director, the Chief of Juvenile Probation, the DHS Assistant Manager of Accounting, the MHMR Fiscal Officer, the MH/HC Team Leaders and the Intellectual Disabilities Team Leader.

**5. How did your county engage the public?**

Erie County held two public hearings regarding our Human Services Block Grant Plan. The hearings were held on October 19 and October 30, 2012, at the Erie County Blasco Library. The hearings consisted of a PowerPoint presentation by DHS Director Shari Gross, followed by time for questions, answers and comments from the public. Notes were recorded on any questions or comments from the public. Meeting summaries were prepared and submitted with the Plan. The public was also invited to provide comments through a DHS e-mail account. The Human Services Block Grant Plan was also reviewed with the members of the MHMR Advisory board on October 25, 2012.

**6. Lessons learned – what went well, and would be considered a best practice? What went poorly and needs to change for the next block grant cycle?**

The public hearings gave the County the opportunity to clarify the HSBG concept, particularly the fact that there was no new money, but rather a new method of administering the existing pool of funds. In addition to a new working title, the Block Grant was designed to promote flexibility between funding streams and provide uniform financial reporting.

In the effort to plan for the Fiscal Year 2013-14 Human Services Block Grant, Erie County will conduct a consolidated Human Services Needs Assessment. The information gathering process will include a "plan survey" or questionnaire for consumers and a public education campaign. The survey will also be available on-line to encourage participation by the community. Completed surveys will be evaluated and the top three needs in the community identified. Our goal will be to develop a new way to allocate funds across DHS programs and meet the needs of consumers.

Mr. Giles acknowledged there is more pressure in the State Legislature to expand the number of counties. He noted this was a promotion by counties to provide greater flexibility instead of the categorical thinking that everything must be MH or Intellectual Disabilities or Addiction or Children Services issues. This block grant will provide global flexibility. He noted this is a beginning to allow this flexibility.

Agenda  
Amended

Mrs. Loll moved to amend the agenda to include Ordinances 5, 6, 8 and 9 for second readings. Dr. Foust seconded, and it carried in a unanimous roll call vote.

TIF

Mr. Smith gave a second reading of Ordinance Number 1, 2013, "Lord Corporation Tax Increment Financing (TIF) Plan Ordinance." Mr. Fatica moved to adopt; Mrs. Loll seconded.

Dr. Foust asked Attorney Talarico regarding the issue of indemnification for the county since there are two diametrically opposing legal opinions as to whether the TIF is being applied appropriately. He asked whether indemnification language should be placed in the ordinance now or as, Mr. Elliott suggested, work it into the plan down the road. Mr. Talarico suggested that if Council is inclined to pass the ordinance, he composed some indemnification language to be included in the ordinance. He believes it would be more appropriate that this language be contained in the ordinance so that the agreement subsequently entered into by ECIDA and Lord Corporation follow that language. If there is a conflict in language contained in that agreement with the language in the ordinance, then the language the County's Ordinance should control.

Mr. Talarico suggested, in an effort to protect the county, the following language be placed in the ordinance on page 2, at the end of Section 1. Project Plan:

Provided the ECIDA and Lord Corporation, jointly and severally, agreed to indemnify and hold harmless Erie County from any and all liability arising from the implementation of the TIF Plan/Agreement between ECIDA and Lord Corporation including, without limitation, any claims or lawsuits filed by any third party and any damage claimed by any third party as a result of the implementation of the TIF Plan/Agreement.

Further, the language stated within this ordinance shall control in the event it is argued to conflict with language contained in the TIF Project Plan documents.

Dr. Foust asked for layman's terms of the language. Mr. Talarico explained that in his opinion, prevailing wages apply to the entire project. ECIDA and Lord Corporation disagree with that; however, in the event this Project Plan is implemented and lawsuits are filed by any third party including a union that feels aggrieved by the lack of prevailing wages and being paid on the project. In the event the matter goes to court and the ruling is retroactive in that additional monies need to be paid, the county would be indemnified from such a responsibility and it would fall instead to ECIDA and the Lord Corporation. Dr. Foust believes everyone has an interest in moving this project forward. He understands Mr. Long's concerns, and everyone can see the many different sides to this issue. No one wants to stop the project, but there are two differing legal opinions. Dr. Foust believes this added language helps to protect the county and allows the project to move forward.

Dr. Foust moved to amend the ordinance by adoption of Mr. Talarico's language. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Dr. Foust stated that all sides, including organized labor, want to see this project move forward under the right auspices and no one is sure of the correct legal auspices. This allows the project to move forward and if disputes occur down the road, the county is left out of the process to defend itself legally.

Mr. Giles called for a vote on Ordinance Number 1, 2013 and it carried in a unanimous roll call vote.

Auto. Expense  
In Pro. Ofc

Mr. Smith gave a reading of Ordinance Number 5, 2013, "Third 2013 General Fund Budget Supplemental Appropriation Of Restricted Automation Expenses In The Prothonotary Office." Dr. Foust moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

PH Safe &  
Healthy Com. Grant

Mr. Smith gave a second reading of Ordinance Number 6, 2013, "2013 Public Health Fund Budget Revised Expenditures And Creation Of A *Safe & Healthy Communities Grant* Line Item." Mrs. Loll moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

First Rdg.

Mr. Smith gave a first reading of Ordinance Number 7, 2013, "First 2013 Planning Fund Budget Supplemental Appropriation Of \$396,325 And Creation Of Line Items For *Act 13 Highway Bridge Improvement Grant*."

Deputy Warden  
Safety & Security  
Position

Mr. Smith gave a second reading of Ordinance Number 8, 2013, "Fourth 2013 General Fund Budget Supplemental Appropriation Of \$17,585 For *Deputy Warden Of Safety & Security Position*." Mr. Cleaver moved to adopt; Mrs. Loll seconded.

Mrs. Loll moved to amend the ordinance as follows:

Ordinance Number 8, 2013, "Fourth 2013 General Fund Budget Supplemental Appropriation Of ~~\$17,585~~ \$12,003 For *Deputy Warden Of Safety & Security Position*" and to change the numbers appropriately throughout the ordinance and the attached Exhibits A and B.

Mr. Leone seconded and the motion to amend carried in a unanimous roll call vote.

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

Gen Fun SA for  
Positions Due to  
Retirement in  
Conduct of Elec.

Mr. Smith gave a second reading of Ordinance Number 9, 2013, "Fifth 2013 General Fund Budget Supplemental Appropriation Of \$11,411 For Change In Grade Of Supervisor Of Voting Machines And Creation Of Temporary Position Due To Retirements In Conduct Of Elections." Mr. Leone moved to adopt; Mr. Fatica seconded and it carried in a unanimous roll call vote.

Appt. of Firm to  
Perform Audit

Mr. Smith gave a reading of Resolution Number 5, 2013, "Appointment Of Firm To Perform Comprehensive Single Audit For Erie County And For Related Funds For The Year Ending December 31, 2012." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Appt's Approved

Mr. Cleaver moved to approve the following appointments:

Appointment of Daniel Harmon to the Erie County Industrial Development to represent Mr. Fatica's District

Appointment of Matthew J. McLaughlin to the Erie County General Authority to represent Mrs. Loll's District

Reappointment of Anita Marcoline to the Erie County General Authority to represent Mr. Cleaver's District

Reappointment of Dan Heher to the Erie County General Authority to represent Mr. Leone's District

Mr. Leone seconded, and it carried in a unanimous roll call vote.

Salary Committee  
Appt'd

Mr. Giles appointed Mr. Fatica to chair the Salary Committee and Mrs. Loll and Mr. Leone to serve on the committee. He noted the clock is running and the report should be submitted before February 19<sup>th</sup>. In the past Mr. Maloney has provided a spreadsheet.

Adjournment

There being no further business, the meeting adjourned at 7:54 p.m.

Ann M. Bruno, Council Secretary

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