

March 11, 2014

ERIE COUNTY COUNCIL – Regular Meeting

Dr. Foust, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, Mrs. Loll recited the following prayer:

“Let us pray. Let us turn our eyes towards Jesus. It is the time of year that we lift our hands and hearts in thanks and joy for what he has done for us. We will remember his teachings to be understanding and kind to all. It is more than just one prayer, it is the lifestyle choices we make each day. We will remember the things we do and say. Our conversations and attitudes make up who we are and how we are thought of. Help us to keep this on our minds. We ask this in your name. Amen.”

Roll Call

Mr. Smith called the roll:

Members Present: Dr. Foust, Chairman
Mr. Leone, Vice Chairman
Mr. Breneman
Mr. DiMattio
Mr. Fatica
Mr. Horton
Mrs. Loll

Members Absent: Mr. Smith, County Clerk

Also Present: James Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Hearing of
The Public

Mr. Lou Aliota, Millcreek Township; Mr. Aliota stated he was a candidate for the position of Director of Public Health. He was interviewed but not selected. He supported the County Executive's position on the adjustment of the salary for Director of Public Health, with some caveats. He felt the complexity of the position such as financial responsibility and accountability, adherence and compliance to statutes, laws, and all regulations by the legislature, collaboration expectations, teaching criteria, preparing a cost of living adjustment, and many other professional, organizational, and functional factors should be taken into consideration in the adjustment of this salary. These fact based responsibilities would be delivered to the chair for Council's evaluation. Mr. Aliota did a research analysis which confirmed his evaluation of the salary that should be applied to this job position. He then discussed the mismanagement of the Millcreek School District, the personnel events leading to the departure of the former superintendent, and his research ability to connect the dots. He felt that County Council needs to focus on facts and if the

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facts are not present, the request should be denied. He felt it is Erie County Council's responsibility to maintain and increase the level of services and salaries of its workers, who are also taxpayers, commensurate with their positions. Mr. Aliota wanted to know when the last salary assessment was performed for mid-level positions. He commented that the organization is living in the past and has not updated the base salaries for its employees. He encouraged Councilman Fatica to review, with the County Executive, the policies, procedures, and processes performed, a written evaluation and assessment of the department and post it on the website.

Cathy Von Birgelen, Millcreek Township; Ms. Von Bigelen stated she has a lot of experience with Information Technology in terms of how it works with businesses. She commented that the salary stated for the County IT position, \$86,990, is basically in line with the going rate for an IT Director. She had done some research on-line and the average is \$84,000 to \$85,000. She explained that there are many benefits and opportunities in having an IT Director. She felt it was important to have an IT Director who can manage the different resources and move Erie County forward with things they should be considering to become a "digital city".

Maria Czulewicz, City of Erie; Ms. Czulewicz questioned whether the tax base in Erie County has grown. She has seen LERTA where the County is giving tax credits, but there is no tax base increase and it does not warrant salary hikes. She felt that Mary Ann Daniels, former OCY Director, did deserve a raise. She commented that she has known since the election last year that the County Executive did not want Ms. Daniels working for the County. Ms. Czulewicz felt that would be an injustice to the Erie community. She stated that Ms. Daniels is the only person that has made OCY respectable. She asked that Council and the County Executive reconsider Ms. Daniels leaving her position at OCY. She further commented that no one deserves a pay raise in the county. Too many people are unemployed, there are no jobs, and there is no tax base. She felt that Council should re-write the LERTA agreement so those companies would stay in Erie County after the LERTA agreement ended.

Randy Barnes, District 5; Mr. Barnes referenced an article in the Times News from April 26, 2012, regarding the Inland Port with inclusion of wood pellet businesses. He stated that \$3 million was given to the ECEDC by the County. The article noted that Mr. Elliott was to give County Council periodic updates on the project because in 2006, Council approved \$3 million in County funds to the project. This was to be used for costs associated with buying the property. Mr. Barnes also mentioned \$1.2 million that the PA Department of Economic Development gave as part of an application low interest loan. Mr. Barnes further quoted the article, "Mr. Elliott said he had signed letters of intent from two companies – a wood pellet maker would be on 39 acres in the west county with large business parks connected to the Erie Inland Port, and an iron ore company.". Mr. Barnes stated that iron ore company was Muskrat Metals, with two subsidiaries – Grand River Iron Sands, a company that only exists on paper, and North Atlantic Iron Corporation, another paper company. He stated that Muskrat Metals closed at .60 per share on the Canadian stock market today. Mr. Barnes stated that the railroad will not build an intermodal in Erie because the County put \$4.2 million to buy land from Muskrat Metals and nothing has happened.

Gary Horton, City of Erie; Mr. Horton again spoke about the gaming fund issue. He feels that the distribution of the gaming funds is unfair and inequitable. The limited designation of regional assets robs many organizations and agencies who deal with urban or rural poor the opportunity to access gaming funds to meet the spiraling out of control violence. Mr. Horton stated he had no issue with the arts or the zoo, who are the primary recipients as regional assets. Mr. Horton wants whoever designated the regional assets to revisit the definition of what a regional asset is in the community. He felt that the current definition is unfair to the minority population. He commented that in looking at the gaming fund distribution, it would be difficult to find the benefit to Erie's Black community, and this is something that County Council can do something about. He would like to see the gaming funds available for some of the more pressing issues the community is facing.

Renee Vendetti, city of Erie; Ms. Vendetti commented that she is upset with the taxpayers having to pay for everything. If people want a job paying the kind of money being asked for by the County Executive, stay in the private sector. She stated that there are enough people in the

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community who are qualified and need jobs who would work for the current salaries. She felt that if a person gets hired now, in four years when there is a new County Executive, the next person will start at that wage and will want more money. She is concerned that these wages will bleed the taxpayers and feels there are too many tax exempt properties. She commented if a person wants the job, they will take the job at the wage offered as it stands.

Joshua Davis, City of Erie; graduate of Tuskegee University; Mr. Davis commented that he is the future of Erie, Pennsylvania – the young kids ages 25-26. He stated that coming back to Erie was discouraging because the situation now is different than what it used to be. Once someone graduated from college, they could come back home where there were jobs. He felt that atmosphere is gone now and that young adults have to work harder to be heard or get help. Jobs are scarce in Erie and he felt that education and jobs need to be the focus. He further commented that people are losing motivation and losing hope because of the job situation.

Dr. Foust welcomed Sheriff John Loomis to the meeting and thanked him for attending. Dr. Foust also recognized the group of students from McDowell High School and welcomed them to the meeting.

Approval of
Minutes

Mr. Leone moved to approve the minutes from the February 25, 2014, regular meeting. This was seconded by Mrs. Loll, and carried in a unanimous roll call vote.

County Executive
and/or her Designee

There was no report; however, Dr. Foust noted that Mrs. Dahlkemper's mother in law passed away which was the reason she was not in attendance this evening. He stated that Council's prayers were with her and her family.

Finance Committee
Report

Mrs. Loll stated that the Finance Committee met on March 6, 2014, and agreed to move on tonight's agenda the following: Second readings of Ordinance 31, 2014, transferring money from the Debt Service Fund to the Fund Balance; under new business – Ordinance 37, 2014, the Library Fund Budget Supplemental Appropriation of a \$500 donation; Ordinance 38, 2014, a Public Safety Fund Supplemental Appropriation of a donation by the NWPA ERG; Ordinance 39, 2014, approving amendments to Harborcreek Township and Harbor Creek School District Tax Abatement Ordinance; and sale of parcels from repository for unsold property.

Personnel Committee
Report

Mr. DiMattio reported that the Personnel Committee met immediately following last week's Finance Committee meeting and discussed the possibility of adding for a second reading Ordinance 31, 2014, transferring money back to the General Fund, Ordinance 33, 2014, possible appointment of an IT Director, Ordinance 34, 2014, possible appointment of Director of Administration, Ordinance 35, 2014, possible appointment of a Health Department Director, and Ordinance 36, 2014, for an Administrative Officer II position. Mr. DiMattio further reported that new business to be added included first readings of Ordinances 40, 41, 42, 43, 44, 45, 46, and 47, all dealing with the transfer of positions back from Accounting to their respective departments within Human Services, and Ordinances 46 and 47 having to do with the transfer of funds and a position from Personnel to OCY, due to Pennsylvania State Law.

Reports by Council

Dr. Foust explained to those new to the meetings that there is Unfinished Business on the agenda, which will be voted on, as well as New Business for those ordinances receiving first readings. Ordinances require two readings and in the issue of timeliness to try to move things forward where the County won't be penalized or to avoid a penalty, things will move to a second reading, which will be the case with most of the ordinances this evening. He further stated that there are no Resolutions on the agenda, but those would require one reading.

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Second Readings

Dr. Foust clarified that Council will hold on the second reading of Ordinance 31, 2014, as the dollar amount will change depending on how Council votes on other personnel issues, thus Item A will follow Item E on the Agenda under Unfinished Business.

County IT Director
Position (Ord. 33, 2014)

Mr. Smith gave a second reading of Ordinance Number 33, 2014, "2014 General Fund Budget Revised Expenditures of \$86,990 for Salary and Fringes for County IT Director".

This was moved by Mr. Fatica and seconded by Mr. DiMattio. Mr. DiMattio moved to amend the original yearly salary of \$94,994 to \$80,000 for the entire year. This was seconded by Mr. Fatica, and failed in a 3-4 vote, with Mr. Breneman, Mr. Horton, Mr. Leone, and Mrs. Loll voting no.

Mr. DiMattio then moved to amend the yearly salary of \$94,994 to \$85,000. This was seconded by Mr. Breneman and carried in a unanimous roll call vote.

Ordinance 33, 2014, as amended, carried in a unanimous roll call vote.

Director of Admin.
Position (Ord. 34, 2014)

Mr. Smith gave a second reading of Ordinance Number 34, 2014, "2014 General Fund Budget Revised Expenditures of \$9,850 for Salary and Fringes for Director of Administration Position". This was moved by Mr. DiMattio and seconded by Mr. Breneman.

Mr. DiMattio moved to amend the ordinance to change the salary from \$85,001 to \$70,000. This was seconded by Mr. Fatica. This was carried in a 4-3 vote, with Mr. Horton, Mr. Leone, and Mrs. Loll voting no.

Ordinance 34, 2014, as amended, carried in a unanimous roll call vote.

Public Health Dir.
(Ord. 35, 2014)

Mr. Smith gave a second reading of Ordinance Number 35, 2014, "First 2014 Public Health Budget Supplemental Appropriation of \$7,603 in Savings from Hire of New Public Health Director". This was moved by Mr. DiMattio and seconded by Mr. Breneman.

Mr. DiMattio moved to amend this ordinance by changing the salary from \$75,972, to \$67,000 per year. This was seconded by Mr. Fatica. This amendment failed by a 3-4 vote, with Mr. Breneman, Mr. Horton, Mr. Leone, and Mrs. Loll voting no.

Mr. DiMattio then moved to amend the salary to \$68,500. This was seconded by Mr. Fatica. This amendment also failed by a 3-4 vote, with Mr. Breneman, Mr. Horton, Mr. Leone, and Mrs. Loll voting no.

Dr. Foust then recommended if there was no further discussion and no consensus on amending the salary lower, a vote should be taken on the ordinance as it was presented.

Ordinance Number 35, 2014, as presented originally, carried with a 4-3 vote, with Mr. DiMattio, Mr. Fatica, and Dr. Foust voting no.

Admin. Officer II
Position (Ord. 35, 2014)

Mr. Smith gave a second reading of Ordinance 36, 2014, "2014 General Fund Budget Revised Expenditures of \$40,441 for Creation of Administrative Officer II Position in Director of Administration Department". This was moved by Mr. DiMattio and seconded by Mr. Fatica.

Mr. DiMattio moved to table this ordinance until the other positions have been filled. This was seconded by Mr. Fatica. There is no discussion on a motion to table, and it carried in a 6-1 vote, with Mr. Horton voting no.

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Ord. 31, 2014

Mr. Smith gave a second reading of Ordinance Number 31, 2014, "Sixth 2014 General Fund Budget Supplemental Appropriation of \$707,222 to Fund Balance, Creating an Equal Reduction in the Budgeted County Transfer to the Debt Service Fund". This was moved by Mr. Leone and seconded by Mr. DiMattio.

Mr. Leone moved to amend the ordinance and face page to \$771,784. This was seconded by Mr. DiMattio and the amendment carried in a unanimous roll call vote.

Ordinance Number 31, 2014, as amended, carried in a unanimous roll call vote.

Second Readings

Mr. Breneman moved to amend the agenda by moving Items A through K under New Business to a second reading. This was seconded by Mr. Leone. This carried in a unanimous roll call vote.

Library Fund Budget
SA from Donation
(Ord. 37, 2014)

Mr. Smith gave a second reading of Ordinance Number 37, 2014, "Second 2014 Library Fund Budget Supplemental Appropriation of \$500 Donation from Wattsburg Eagles Club for Bookmobile Operations". This was moved by Mr. Leone, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

Pub. Safety SA
From Donation from
NWPA ERG
(Ord. 38, 2014)

Mr. Smith gave a second reading of Ordinance Number 38, 2014, "Seventh 2014 Public Safety Fund Budget Supplemental Appropriation of a Donation by the NWPA ERG with a Value of \$7,000". This was moved by Mr. Breneman, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Approving Amend.
To H'creek Twp &
Harbor Creek SD
Tax Abatement Ord.
(Ord. 39, 2014)

Mr. Smith gave a second reading of Ordinance Number 39, 2014, "Approving Amendments to Harborcreek Township and Harbor Creek School District Comprehensive Real Estate Tax Abatement Ordinance". This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

Gen. Fund Budget
Rev. Revenue & Exp.
For Tx of Hum. Svcs.
Position to Hum. Svcs.
Fund
(Ord. 40, 2014)

Mr. Smith gave a second reading of Ordinance Number 40, 2014, "2014 General Fund Budget Revised Revenue and Expenditures of \$298,711 for the Transfer of Human Services Accountant Positions back to the Human Services Fund.". This was moved by Mr. Horton, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Gen. Fund Budget
Rev. Revenue & Exp.
For Tx of One Hum.
Svcs. Position to Hum.
Svcs. Dept.
(Ord. 41, 2014)

Mr. Smith gave a second reading of Ordinance Number 41, 2014, "2014 General Fund Budget Revised Revenue and Expenditures of \$75,337, for the Transfer of One Human Services

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Accountant Position Back to the Human Services Department”. This was moved by Mr. DiMattio, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

MH/MR Fund
Budget Rev. Exp.
For Tx. Of Acct.
Position to MH/MR
Fund Budget
(Ord. 42, 2014)

Mr. Smith gave a second reading of Ordinance Number 42, 2014, “2014 MH/MR Fund Budget Revised Expenditures of \$82,978 for Transfer of Accounting Position back to Mental Health-Mental Retardation Fund Budget”. This was moved by Mr. Horton, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Health Choices
Fund Budget Rev.
Exp. For Tx. Of
Acct. Pos. to
Health Choices
Fund Budget
(Ord. 43, 2014)

Mr. Smith gave a second reading of Ordinance Number 43, 2014, “2014 Health Choices Fund Budget Revised Expenditures of \$68,856 for Transfer of Accounting Position back to Health Choices Fund Budget”. This was moved by Mr. Leone, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

C&Y Svcs. Fund
Budget Rev. Exp.
For Tx of Acct.
Position to
OCY Bureau
(Ord. 44, 2014)

Mr. Smith gave a second reading of Ordinance Number 44, 2014, “2014 Children and Youth Services Fund Budget Revised Expenditures of \$71,540 for Transfer of Accounting Position back to OCY Bureau”. This was moved by Mr. Breneman, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

Gen. Fund. Rev.
Revenue & Exp.
In Personnel for
Tx. Of Pos.
002200-004 to C&Y
Fund
(Ord. 45, 2014)

Mr. Smith gave a second reading of Ordinance Number 45, 2014, “2014 General Fund Budget Revised Revenue and Expenditures in Personnel for Transfer of Position #002200-004 to Children and Youth Services Fund”. This was moved by Mr. Breneman, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

C&Y Svcs. Rev.
Exp. For Tx. Of
Position from
Personnel Dept.
To OCY
(Ord. 46, 2014)

Mr. Smith gave a second reading of Ordinance Number 46, 2014, “2014 Children and Youth Services Revised Expenditures for Transfer of Position from Personnel Department to OCY”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

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C&Y Svcs. Rev.
Exp. Due to
Hiring of new
OCY Dir.
(Ord. 47, 2014)

Mr. Smith gave a second reading of Ordinance Number 47, 2014, "2014 Children and Youth Services Fund Budget Revised Expenditures of \$9,562 due to Hiring of New Children and Youth Services Director". This was moved by Mrs. Loll and seconded by Mr. Breneman.

Dr. Foust commented that he felt these positions should be a little lower than what they are, and he felt a good case could be made that while both the Health and OCY director positions are extremely important, the OCY position should not be making more than the Health position, but as it was voted tonight, that will not be the case, and he will therefore vote no.

Ordinance Number 47, 2014, carried in a 6-1 vote, with Dr. Foust voting no.

Sale of Parcels
From Repository

Mr. Leone moved to approve the sale of parcels from repository for unsold property at Index Number 15-020-027.0-204.00. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:50 p.m.

Deneé M. Breter, Council Secretary
