

March 25, 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. During this time of celebration for the sake of our family and friends, we commit to do our very best to live in peace. We, as planting a garden of hope, a community garden, commit to offer through our actions opportunity that empowers people to move in the right direction. As the resurrection, we all raise our hearts up to thank God for the chance to do this. 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
Gary Lee, Director of Administration

Hearing of
The Public

Gary Horton, 1344 East 36th Street, city of Erie; Mr. Horton again spoke about the gaming fund issue and regional assets. Mr. Horton commented that no one has contacted him about the questions he has raised regarding the distribution of gaming funds. His understanding is that Council designated the regional assets and he has not been shown any different. He felt that the regional assets designation is much too narrow. Mr. Horton stated that it's like taking from the poor and giving to the rich by designating regional assets only to the arts and the zoo. He wanted to know what the gaming money was for if it was not for addressing the problems in the inner city, and why it's not being used for summer programs for kids or programs for youth employment.

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Approval of
Minutes

Mr. Leone moved to approve the minutes from the March 11, 2014, regular meeting. This was seconded by Mr. Fatica, and carried in a unanimous roll call vote.

County Executive
and/or her Designee

Mr. Lee stated there was no report for this meeting. Dr. Foust welcomed Mr. Lee to his first meeting of County Council and wished him luck.

Finance Committee
Report

Mr. Fatica reported that the Finance Committee met on March 20, 2014, and agreed to move the following items onto the agenda: Ordinances 48, 49, 50, 51, Resolutions 16, 17, and 18, and the possible appointment of Kathleen Smith to the Children and Youth Advisory Board. Mr. Fatica further noted that the ordinances are requested to be moved to second readings.

Personnel Committee
Report

Mr. DiMattio stated that the Personnel Committee met immediately following the Finance Meeting on March 20, 2014, and had one item that was discussed, that being the possible second reading of Ordinance 36, 2014, the appointment of an Administrative Officer II. Mr. DiMattio noted that this ordinance was originally tabled and would have to be removed from the table for the second reading to take place.

Reports by Council

Mr. Leone commented that it is important to at least answer Mr. Horton's question regarding the regional assets that were approved by Council. He stated that there was a committee that determined what would be considered a regional asset within the community, and Council voted for that. He further stated that the County had to go to Court and the Court approved not only the regional assets, but the guidelines as to how Council can contribute as far as ECGRA is concerned. Mr. Leone stated he would review the information and hopefully get back to Mr. Horton to explain the circumstances.

Dr. Foust expanded on Mr. Leone's comments, stating that Council did define, at one time, the ultimate definition of what a regional asset was, but because of the Court action, this was put in the hands of ECGRA, and outside the appointment power, Council no longer has any influence on the gaming monies outside of the Unrestricted Funds received by the County.

Councilman Horton commented that because Council only has the power of appointment, is there a way to remove some of the appointees on ECGRA, and Dr. Foust clarified this could not occur until their term is up. Councilman Horton countered that someone from ECGRA was removed in December, 2013, prior to their term expiration due to conflict of interest, and after he further investigated, there was no conflict of interest, and he suggested that the solicitor possibly look into this. Dr. Foust stated that Attorney Talarico could look into it, but felt that one of the reasons that situation didn't go any further is because the appointee themselves decided not to go any further. Dr. Foust agreed there was a dispute and did not feel that it would have been resolved in the favor that Councilman Horton was looking for. Councilman Horton stated that they may have to seek litigation.

Motion to Amend
The Agenda

Mr. Leone moved to amend the agenda and move Ordinances 48 through 51 to second readings. This was seconded by Mr. DiMattio. This carried in a unanimous roll call vote.

Ord. 36, 2014

Mr. Horton moved to take Ordinance 36, 2014, off the table. This was seconded by Mr. Fatica. This carried in a 6-1 vote, with Dr. Foust voting no.

Mr. Smith gave a second reading of Ordinance Number 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 Mrs. Loll and seconded by Mr. Fatica. Dr. Foust commented that as he stated in Caucus, he is not against the position, but having two support

personnel in the County Executive's Office is not far from where we have been going, back to the Lynch administration, and until the personnel are fully on board and the workload shakes out a little bit more, he would prefer to have waited a few more weeks before this position was brought back. He explained this is why he voted not to bring it off the table and why he would not vote in favor of this, but he stated he respects the views of his members of Council.

Mr. Breneman clarified that the \$40,441 would include benefits and salary, with the salary being set at \$30,225.

Mr. Horton also clarified that this position will also be support staff for the Solicitor, IT Director, and Director of Administration.

Ordinance 36, 2014 carried in a 6-1 vote, with Dr. Foust voting no.

Second Readings
Ord. 48-51, 2014

Mr. Smith gave a second reading of Ordinance Number 48, 2014, "Eighth 2014 General Fund Budget Supplemental Appropriation of \$7,603 for Reduction in Transfer to Public Health Fund". This was moved by Mrs. Loll, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 49, 2014, "Eighth 2014 Public Safety Fund Budget Supplemental Appropriation of Digital Camera with a Value of \$2,860 Donated by the American Society of Safety Engineers". This was moved by Mr. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 50, 2014, "Second 2014 Public Health Fund Budget Supplemental Appropriation of \$50 and Creation of Interest Income Line Item". This was moved by Mr. Leone, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

Mr. Smith gave a second reading of Ordinance Number 51, 2014, "2014 Public Health Fund Budget Revised Revenue and Expenditures from Funding Reduction in Immunization Grant Bureau". This was moved by Mr. Breneman, seconded by Mr. Horton, and carried in a unanimous roll call vote.

Resolutions
16-18, 2014

Mr. Smith gave a reading of Resolution Number 16, 2014, "Erie County General Authority Troyer Site Redevelopment Project". This was moved by Mr. DiMattio, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

Mr. Smith gave a reading of Resolution Number 17, 2014, "Three Year Agreement Between the County of Erie and the Law Firm of MacDonald, Illig, Jones, and Britton, LLP for Lien Free Tax Sales". This was moved by Mr. Leone, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

Mr. Smith gave a reading of Resolution Number 18, 2014, "In Support of Restoring the Presque Isle Light Station". This was moved by Mr. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

Board/Authority
Appointment

Mr. Leone moved to approve the appointment of Kathleen Smith to the Children and Youth Advisory Board. This was seconded by Mr. Breneman and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:20 p.m.

Deneé M. Breter, Council Secretary
