

October 6, 2009

Minutes of Sept. 15, 2009 approved. Wvr of Purch. Code for Renewal Agrmt Btwn Erie Cnty & CCAP for Ins. Products & Svcs adopted; Planning Fund SA for Merger of Hazard. Waste & Computer Collection Into Recycling Bureau adopted; Gaming Fund Budget Rev. Expend. Amending Ord. 22, 2009 adopted; PH Fund Budget Rev. Rev. & Expend. For Decrease in State Funding for Dental Sealant Grant adopted; Health Choices Fund Budget Creation of Line Item to Acct for Reinvest. Interest adopted; PS Fund SA to Prof. Fees, Change in PEMA Funding adopted; Gen. Fund SA for Trans. to Pub. Safety adopted; Gen. Fund Budget Rev. Expen. & Creation of Rent Lines in HUD & EEOC Grant adopted; PS Wvr of Personnel Code for Public Safety Dir. Pos adopted; Gen. Fund Budget Change in Position in Assess/Reassess adopted. First Rdgs: C&Y SA Creation of New Rev. Line Items; Gaming Fund Rev. Expd. For Rest. Gaming Prjcts; Gen Fund SA for Millcreek Sewer Auth. Aess. For Cnty Owned Prop; Gen Fund SA for Change in Pos. in DA Ofc. Apprvg Two Yr Lease Agrmt Btwn Crown Castle GT Co & Erie Cnty adopted; Apprvg. Three Year Lease Agrmt Btwn American Tower LP & Erie Cnty adopted. Urg. Gov. Rendell to Create PCWC tabled. Sean Wiley appointed to ECIDA. Shawn R. Gross appointed to ECIDA. Sale of Parcels From Repos. apprvd.

Mr. Cleaver, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in Court Room H of the Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, a moment of silence was observed.

Moment of
Silence

Mr. Leone asked that a moment of silence be observed for Greg Giannelli, a prison guard employed by the County of Erie, who passed away last week at the age of 48 years.

Roll Call

After the moment of silence, the County Clerk called the roll:

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

Members Absent: None

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

Hearing of
The Public

Brad McGarry, Executive Director of the Union City Family Support Center, expressed his gratitude and appreciation for Mr. DiVecchio's and County Council's support. When he took over the agency in 1997, it was struggling, but with the support received by the County, they have been expanding their service area, are currently diversifying funding so they don't have to come to Council for bailout monies, have recently signed a contract with the Corry School District to expand programming there,

Budget Supplemental Appropriation For Transfer to Public Safety Fund; 130, General Fund Budget Revised Expenditures And Creation of Rent Lines in The HUD and EEOC Grant Bureaus. Also on the agenda are first readings for Ordinances 122, 135, and 135, as well as the possible adoption of Resolution 50, Approving a Two Year Lease Agreement Between Crown Castle GT Company LLC and Erie County Government along with Resolution 51, Approving a Three Year Lease Agreement Between American Tower L.P. and Erie County Government, which is also a tower lease.

Also on the agenda is the possible adoption of Resolution 52, Urging Governor Rendell to Create the Pennsylvania Consumer Workforce Council and the possible appointment of Sean Wiley and Shawn Gross to the Erie County Industrial Development Authority along with the approval of sales of parcels from repository.

Personnel
Committee

Mr. Fatica reported the Personnel Committee met after the Finance Committee and agreed to place on the agenda for second readings Ordinances 131 and 132, and for a first reading Ordinance 136.

Mr. Leone's
Report

Mr. Leone wished to discuss the issue of video conferencing. A cable has been established to every district justice along with laptops that are now almost two years old. These laptops are collecting dust and not being used. He read excerpts from an article written by Chief Justice of Pennsylvania Ronald D. Castille:

“Where possible, we will continue to seek practical, innovative solutions to relieve financial pressures and enhance judicial administration. Because the state of our courts at this moment is generally good, we are well positioned to pursue such solutions.”

“Promoting the use of video conferencing technology in our courts is a proven means of driving down costs and enhancing security by limiting the cost of transporting criminal defendants. By collaborating with state and local government, the Supreme Court jump-started video conferencing in 2007, a program we shall continue to support because its results makes sense.”

Chief Justice Castille also indicates:

“Recognizing that the internet is fast becoming the world’s dominant communications mode, Pennsylvania’s courts continue to be a national leader in using automation to effectively manage cases and increase citizens’ accessibility to court information. Last year, the Supreme Court unveiled a redesigned, easier-to-use Web site (www.pacourts.us) to help Pennsylvanians understand our courts better and get data they want to know. Some Pennsylvanians are not fully attuned to the electronic world, but the ability of our Web resources to communicate broadly and cost-effectively cannot be denied. We will continue to build on these successes.

“Since full implementation of the judiciary’s statewide Common Pleas Criminal Court Management System in September 2006 data is beginning to show increases in court fee, fine and cost collections, with hikes of 24%...

...Overall, (they have) collected (an additional) \$463 million last year. Similarly, studies have shown that video technology can decrease costs for police and district court processing, including prisoner transport, by almost \$25,000 per site.”

Mr. Leone assumes Chief Justice Castille is referring to district judge’s sites. It is Mr. Leone’s understanding that many district judges are reluctant to use video conferencing. He asked why the Court of Common Pleas does not force this issue. If this situation continues without resolution, as one Council Member, Mr. Leone will vote to cut out costs for constables and make cuts in district judge’s offices. On another note, it is not the responsibility of the county to transport prisoners from specific locations. This has been going on time and time again, and Mr. Leone believes that something needs to change in this particular area.

Mr. Leone then referred to the *Legislative Bulletin* from CCAP which each Member of Council receives. One of the issues is titled *Fee Bill Would Provide DA Funding*:

“Legislation to provide an additional dedicated source of funding for the commonwealth’s 65% share of the full-time district attorney’s salary is now pending in the Senate Judiciary Committee. House Bill 1861 was approved by the House and sent to the Senate on September 16.

The state has not met its DA salary reimbursement obligation for the 2008 or 2009 county fiscal years, and no funding has been included in any version of the budget proposed for the commonwealth 2009-2010 fiscal year. Commonwealth reimbursement for 65% of the full-time district attorney’s salary is required by Act 57 of 2005, and a special dedicated fund known as the Criminal Justice Enhancement Account was created in 2007 to meet this obligation. However, the fees deposited into the account have been inadequate to meet the full state obligation, which requires more than \$6.5 million per year.”

Mr. Leone stated that many of these counties have employed district attorneys and given them a salary which he believes is \$1,000 less than the president judge with the expectation that the state would reimburse 65% of the costs, including Erie County.

Pension Funding Relief

Mr. Leone referred to another issue in the *Legislative Bulletin*:

Pension Funding Relief – The widely reported legislative fix for Philadelphia’s pension system includes a provision that can help counties reduce their annual required contributions (ARC). The new Act 44 of 2009 (formerly HB 1828) grants Philadelphia authority for a temporary additional 1% sales tax, provides specific limitations for their pension plan, and also incorporates a number of sweeping changes in administration and valuation of distressed municipal pension plans state-wide.

Mr. Leone believes that the 1% sales tax that counties were supposed to try to adopt is probably specifically for Philadelphia and Pittsburgh. These areas would receive funding for that 1% and other counties wouldn’t receive a dime. Mr. Leone does not understand why Council would vote to approve a 1% sales tax if Erie County would not receive any benefit from it.

Mr. Leone stated there is another issue regarding pension funding relief that he would like to point out:

“For counties, the act includes provisions that permit counties to use new alternative methodologies to value their pension funds. Chief among these is a new smoothing technique that, unlike the five-year averaging method most commonly used by counties, changes how returns are reflected in the account in a manner that smooths contributions over the long term, essentially lowering the peaks and raising the valleys. At least one county whose actuary did a test run of the methodology reported reducing the ARC from more than \$6M to a little over \$4M.”

Mr. Leone pointed out that the county referred to is Erie County. That was a recommendation by the Retirement Board’s actuary and he believes it was excellent

RESOLUTION NO. 8 (Submitted by Berks County) – The Association supports amendment to the County Pension Law to provide for defined contribution plans, at the choice of counties, to any eligible employment class hired after the date of a majority vote of the County Pension Board and that such plan require:

- a. A statutory, uniform, annual, mandatory contribution by the county;
- b. A mandatory minimum, and additional voluntary maximum, employee contribution (for example, no less than 5% and no more than 15%), based upon full time eligible payroll, with asset investment classes and fund choices selected by the County Pension Board, and with actual investments within the investment classes and funds self directed by each participating employee.

c. Strict limitations on employee withdrawal of funds prior to superannuation.

Pension Funding
Relief

The resolution proposes amending the County Pension Law to give the county the option to establish, for employees hired after a certain date, a defined contribution plan instead of the current (predominantly) defined benefit plan. The provision applying the change prospectively is to meet the constitutional prohibition against reducing the public employee pension benefits.

Renewal Agrmt
Btwn Erie Cnty
& CCAP

Mr. Smith gave a second reading of Ordinance Number 123, 2009, "Waiver Of The Purchasing Code For A Five Year Renewal Agreement Between The County Of Erie And CCAP For Insurance Products And Services." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Giles stated that at the last meeting of the PComp Insurance Pooling Board, Erie County had moved their experience mod at least 1% in the positive. Knowing how significant that reflects on the cost to the County regarding the annual premium, Mr. Giles believes a certain amount of congratulations is owed to everyone involved in the administration for helping to get the workman's compensation experience factor into a better range.

Mr. Cleaver called for a vote on the Ordinance Number 123, 2009 and it carried in a unanimous roll call vote.

Planning Fund SA
For Merger of
Haz. Waste

Mr. Smith gave a second reading of Ordinance Number 124, 2009, "Second 2009 Planning Fund Budget Supplemental Appropriation And Creation Of New Line Items For Merger Of Hazardous Household Waste And Computer Collection Bureaus Into Recycling Bureau." Mr. Mitchell moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Revising Municipal
Grant Award

Mr. Smith gave a second reading of Ordinance Number 125, 2009, "2009 Gaming Fund Budget Revised Expenditure Amending Ordinance Number 22, 2009 Revising The Municipal Grant Award For Project R-2007-21 And Moving Excess To ECGRA Restricted Uncommitted Funds." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Decrease in Dental
Sealant Grant

Mr. Smith gave a second reading of Ordinance Number 126, 2009, "2009 Public Health Fund Budget Revised Revenue And Expenditures For Decrease In State Funding For Dental Sealant Grant." Mr. Foust moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Health Choices
Creation of New
Line Item

Mr. Smith gave a second reading of Ordinance Number 127, 2009, "2009 Health Choices Fund Budget Creation Of New Line Item To Account For Reinvestment Interest." Mr. Leone moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

PS SA To Prof.
Fees, Change in
PEMA Funding

Mr. Smith gave a second reading of Ordinance Number 128, 2009, "Tenth 2009 Public Safety Fund Budget Supplemental Appropriation To Professional Fees, Change In PEMA Funding And Creation Of New Line Items." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Foust asked Ms. Pasquale if any other ordinances need to be amended; Ms. Pasquale indicated that only Ordinance 131 needed to be amended. Mr. Cleaver asked if this was for the study, and Ms. Pasquale replied it was. Bids will open October 7, 2009.

PS SA To Prof.
Fees, Change in
PEMA Funding

Mr. Cleaver called for a vote on Ordinance Number 128, 2009, and it carried in a roll call vote of 6-1, Mr. Cleaver voting no.

Gen Fund SA Trans.
To Pub. Safety

Mr. Smith gave a second reading of Ordinance Number 129, 2009, "Forty-Third 2009 General Fund Budget Supplemental Appropriation For Transfer To Public Safety Fund." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Creation of Rent Lines
In HUD & EEOC Grant
Bureaus

Mr. Smith gave a second reading of Ordinance Number 130, 2009, "2009 General Fund Budget Revised Expenditures And Creation Of Rent Lines In The HUD And EEOC Grant Bureaus." Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Public Safety Dir.
Position

Mr. Smith gave a second reading of Ordinance Number 131, 2009, "2009 Public Safety Fund Budget Waiver Of The Personnel Code For The Public Safety Director Position." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Foust moved to amend the ordinance to reflect a starting salary from \$78,000 to \$76,170. Mr. Giles seconded the motion to amend. Mr. Foust stated this amendment will make Mr. Love's starting salary identical to Mr. Weindorf's when he came on board. Mr. Cleaver called for a vote on the amendment, and it carried in a unanimous roll call vote.

Mr. Cleaver called for a vote on Ordinance Number 131, 2009, as amended, and it carried in a unanimous roll call vote.

Change in Position
Title in Asse/Reass

Mr. Smith gave a second reading of Ordinance Number 132, 2009, "2009 General Fund Budget Change In Position Title In Assessment/Reassessment Office." Mr. Fatica moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 133, 2009, "Third 2009 Children & Youth Services Fund Budget Supplemental Appropriation And Creation Of New Revenue Line Items"

Ordinance Number 134, 2009, "2009 Gaming Fund Budget Revised Expenditures For Restricted Gaming Projects"

Ordinance Number 135, 2009, "Forty-Fourth 2009 General Fund Budget Supplemental Appropriation For Millcreek Sewer Authority Assessment For County Owned Property"

Ordinance Number 136, 2009, "Forty-Fifth 2009 General Fund Budget Supplemental Appropriation For Change In Positions In District Attorney Office"

Apprv 2 Yr Lease Agrmt
Crown Castle GT

Mr. Smith gave a reading of Resolution Number 50, 2009, "Approving A Two Year Lease Agreement Between Crown Castle GT Company LLC And Erie County Government." Mr. Leone moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.

Apprvg 3 Yr
Lease Agrmt
American Tower

Mr. Smith gave a reading of Resolution Number 51, 2009, "Approving A Three Year Lease Agreement Between American Tower L.P. And Erie County Government." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Res. 52 Tabled

Mr. Mitchell moved to table Resolution Number 52, 2009, "Urging Governor Rendell To Create The Pennsylvania Consumer Workforce Council." Mr. Giles seconded. Mr. Cleaver explained that Council was presented with this particular resolution just last Thursday, and there are some unanswered questions. He believes the majority of Council supports this, but more information is needed. Mr. Cleaver called for a vote to table Resolution Number 52, 2009, and it carried in a roll call vote of 6-1, Mr. Leone voting no.

Sean Wiley appt'd
To ECIDA

Mr. Leone moved to appoint Sean Wiley to the Erie County Industrial Development Authority; Mr. Mitchell seconded. Mr. Cleaver stated that Mr. Wiley had been Director of Administration for Erie County and believes he will be an asset to the authority. He called for a vote on the appointment and it carried in a roll call vote of 6-1, Mr. Foust voting no.

Shawn Gross appt'd
To ECIDA

Mr. Mitchell moved to appoint Shawn R. Gross to the Erie County Industrial Development Authority; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Sale of Parcels

Mr. Giles moved to approve the Sale of Parcels from Repository at Index Number:

17-040-018.0-254.00
33-016-019.0-268.45

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

Mr. Cleaver reminded Members of Council that preliminary budget meetings will be held starting next week, and if any conflicts exist, to contact Mr. Giles, Finance Chairman.

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

Ann M. Bruno, Council Secretary
