

December 4, 2007 Minutes of Nov. 1, 2007 Reg. Mtg. Approved. Agenda Amended. C&Y SA to Reflect Revised Revenue & Exp. Proj. adopted; Juv. Plcmnt. SA Reflect Revised Rev & Exp. Proj. adopted; Health Choices SA Reflect Revised Rev & Exp Proj. adopted; MH/MR SA Reflect Revised Rev. & Exp. Proj. adopted; D&A SA Reflect Revised Rev. & Exp. Proj. adopted; Gen. Fund SA for Adv. In Purch. Adopted; Gen. Fund Changes in Assess Ofc Fees adopted; E911 Rev. Expenditures adopted; Gen. Fund SA Replace CH Boilers adopted; Gen. Fund SA Maintenance Related Line Items adopted; Gen. Fund SA Restricted Funds from Clk of Cts adopted; PH for Safe Kids adopted; PH SA for Custodial Svcs adopted; PH SA for Additional Imm. Grants adopted. First Rdgs: TAN; Gen Fund SA Coroner Vital Statistics Acct; Library SA for Friends of Library Donation; Library SA for LSTA Grant; Library SA Memorial Books; Gen Fund SA DA Ofc; PH SA Donation from Hispanic Council; 2007 Non-Barg. Empl. Pay Plan; 2008 Non-Barg. Empl. Pay Plan; Wvr Two Sections Personnel Code; Gen. Fund SA 2007 Wages & Fringes; 2007 Library SA 2007 Wages & Fringes.

Mr. Giles, Vice Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Erie County Council Chambers at the Erie County Courthouse, Erie, Pennsylvania. After the Pledge of Allegiance, a moment of silence was observed for Kerry Giles, sister of Mr. Giles.

Moment of Silence  
For Kerry Giles

Mr. Giles asked for a moment of silence in remembrance of his sister, Kerry Giles, who was in his charge for 49 years and passed away approximately three weeks ago. She was a Down Syndrome adult and her entire life was a very integral part of Mr. Giles' life. A moment of silence was observed.

Mr. Giles commented that people become embroiled in so many different issues, but there is something special about a person who may have a disability, but has tremendous ability to root and ground those around her and give them the ability to see what is really important in life. Mr. Giles misses Kerry very much and remembers the grounding, rooting and her ability to show that which is truly important; a good thing to keep in mind.

The Clerk then called the roll:

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

Members Absent: Mr. Leone, Chairman

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

Hearing of  
The Public

Kathleen Fatica, 4623 Southern Drive, Erie, has been employed as a public health nurse and a member of AFSCME 2666. She advised Council of the responsibilities of AFSCME Professionals and the valuable contributions they make to the quality of life in Erie County such as immunizations,

education, follow-up, prevention and treatment of tuberculosis, sexually transmitted diseases, HIV and communicable diseases, track and investigate lead levels in children, as well as animal bites and encounters which put residents at risk. Other services provided include trauma prevention and smoking cessation, and many other valuable health issues. The Department of Health Professionals were recognized by the Pennsylvania Department of Health for their efficient and effective control of the shigellosis outbreak. This union has been denied the same contract as other county professionals and Ms. Fatica asked Council to let the county administration know of their professional contributions to the health, welfare and quality of life to this county.

Katherine Ditrich, 4452 South Brickyard Road, North East, stated she is a registered nurse and a member of AFSCME 2666. This unit feels it has been discriminated against based upon the wage increased offered in comparison to the offer made to two other unions of county professionals. On behalf of this unit, she asked Council for their consideration of this issue and help in resolving this disparity. As a public health nurse for almost 19 years, she can testify as to the changing role of the nurse moving from supervisor directed assignments to functioning almost as independent practitioners and investigators. These professionals provide a variety of services for the residents of Erie County. The role of the public health nurse continues to evolve and responsibilities continue to multiply; however, pay raises have been minimal, sometimes frozen and not kept pace with professionals in Erie or counterparts across the state. In recent months, 15 candidates were interviewed and offered an open position, but all declined because of the salary. The struggle for equity in pay is also a fight for quality care for their patients, patrons and customers, the residents of Erie County.

Douglas Ebert, 1731 Norcross Road, Millcreek, works in the environmental division of the Health Department as an aquatic biologist. The professional staff in the AFSCME bargaining unit has sought to correct the pay disparity existing between their compensation and professional employees in similar positions outside of Erie County. They were advised that economic issues needed to wait until an arbitrator's decision from the ECAPE Professional Unit was rendered because the administration would offer the same packet to other unions. Both ECAPE and OCY Professional units were offered two additional dollars over the course of the contract; his unit has been offered 75 cents. This is not a "fair and equitable" offer in Mr. Ebert's opinion. This failure to address pay disparity will not address the problem directly linked with this issue, which is retention of trained staff. If progress cannot be made in negotiations and a strike occurs, he asks who will handle the various tasks currently being performed by these professionals. These programs are valuable to the public and this unit would prefer to avoid a strike, but have been placed in a position with few alternatives.

Carolyn Beck, Fairview, works at the Erie County Department of Health, is the Chief Steward and on the negotiating team for the professional bargaining unit of AFSCME Local 2666. She asked Council to do what they can to end this impasse as a strike by this unit is imminent. Negotiations began in November 2006 and continued throughout the winter of 2007. The county's negotiating team then requested negotiations be suspended pending an arbitrator's decision in the contract with ECAPE and this unit agreed. She wished to point out that this unit has worked without the benefit of a contract since December 31, 2006; they have negotiated in good faith for a year; they were promised parity with the county's other two professional units, however, this agreement is less than the agreement reached with the clerical/technical unit; they are a group of professionals with college degrees having massive hiring and retention problems due to lack of parity with similar jobs across the state; these professionals perform services ranging from public health and safety to library and planning activities. Ms. Beck pointed out that many of these jobs are reimbursed through the state and federal government. She asked that Council urge the county negotiating team to return to the bargaining table and include representation from Council, County Executive Office, and the Finance Office.

Mr. Giles stated that he appreciated the fact that these members of the county workforce have appeared before Council, but he wished to remind them of the statutory role of County Council. The Home Rule Charter clearly prohibits Council from becoming involved in the details of contract negotiations. Council's role is at the back end, once an agreement has been reached, Council can ratify or not ratify those contracts. It is his recollection that the language almost prohibits Council from even getting involved in discussion settings regarding negotiations. Mr. Giles pointed out there

is some rationale in this role in that it simplifies the situation by not having so many people getting involved. He again expressed his appreciation for the workers' presence this evening, but Council's role is negligible until the agreement is in place. He asked for confirmation of this from Council Solicitor Attorney Talarico, who agreed with Mr. Giles.

Kenneth Przepierski, referred to Ordinance 168, 2007 regarding the issuance of a tax revenue anticipation note in the aggregate principal of \$15,000,000 and asked what type of economic development project this money is slated for or if it is a down payment on the airport project. Council needs to get some feelings as to what is going on with the Office of Children and Youth. The Judges' Review needs to be addressed. He speaks with individuals having problems with OCY and stated that master's hearings need to be stopped. This agency is imposing emotional stress on children because they are being shifted from family to family without being able to see their parents.

Shaletta Hasberry (spelling could not be verified), Erie, approached Council to speak about how OCY violates the rights of people and removes children from their homes. She signed her rights to her baby away to the child's father but OCY will not give the child to his father. Her assigned attorney has not returned her calls. Ms. Hasberry has not received any support from OCY. Two court hearings were held without her being present. She stated she is disabled and wants to know where her son is.

Andrew McDonald, Ann Arbor, Michigan, is before Council to advise them that OCY has to be stopped. This agency has too much power. He arrived in Erie when his son was born and bonded with the child. He went to court for the hearing to acknowledge his paternity and was advised to put the information back into his folder and not show anyone else. He tried to go back to the hospital to continue bonding with the child, but found that OCY had kidnapped the baby and he hasn't seen him since. OCY is overstepping their boundaries. Mr. McDonald is doing every thing this agency asks of him. He stated there are no aggravating circumstances against him, and asked why he cannot have his son.

Maria Foster, 2301 Peach Street, Erie, stated the McDonalds contacted Heads Held High and have been assisted with laws and briefs to get a plan together to submit to the Court. Today, there was retaliation through her daughter who was involved with OCY through false allegations which were proven to be unfounded. OCY retaliates against them because they help other people. Heads Held High helps people but OCY is trying to violate her daughter's rights to get even with her. Ms. Foster asked how many children were taken by these caseworkers and adopted out because they were black, bi-racial, poor or disabled. OCY violates their own policies and procedures. Something needs to be done to put this office t in their place.

Felicia McDonald, Ann Arbor, Michigan, stated that she feels very bad about Ms. Foster's daughter and for Ms. Foster because of the retaliation they are now facing since helping her and her husband. If it weren't for Heads Held High and Ms. Foster, they would be in Michigan wondering about Mr. McDonald's newborn son. Ms. McDonald also feels bad about Ms. Hasberry receiving retaliation from OCY because she refuses to back down. OCY feels they can deny Ms. Hasberry as well as Mr. McDonald their legal right under Pennsylvania Law to establish paternity. Ms. McDonald believes OCY is acting above the law.

Minutes

Mr. Foust moved to approve the minutes of the Public Hearing and the Regular Meeting held November 1, 2007. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Finance  
Committee

Mr. Foust reported the Finance Committee met on Thursday, November 29, 2007 and agreed to place Ordinances 151 through 156 on the agenda for second readings. He advised these ordinances are basically left over budget matters from the last calendar year. Also on the agenda for second readings are Ordinances 157, 158, 159, 160, 161, 162, 163 and 164. Under New Business, the Committee agreed to place Ordinances 168, 169, 170, 171, 172, 173 and 174 on the agenda for first readings.

Personnel  
Committee

Mr. Cleaver reported the Personnel Committee met on Thursday, November 29, 2007, and agreed to place on the agenda for a first reading Ordinances 175 and 176 which pertain to the non-bargaining

employees plan as well as Ordinance 177, a waiver of the Personnel Code and Ordinances 178 and 179 regarding wages and fringes.

Mr. Foust's  
Report

Mr. Foust reported that he had the honor of participating last Saturday in the Playhouse production of *It's a Wonderful Life*. Some local legislators were asked to participate in an effort to help raise funds for the John Kanzius Research Fund. Mr. Foust was pleasantly surprised to find that half of the cast and half of the people in the house were related to Council CPA Joseph Maloney. He noted the Playhouse is far ahead of their fundraising goal for this particular event. They hoped to raise \$2,000 by passing the hat in seven or eight productions, and have already raised \$1,800 and can most likely expect to exceed that. Mr. Foust stated that he thoroughly enjoyed participating in this event, which is a good cause.

Agenda  
Amended

Mr. Foust moved to amend the agenda to add for a first reading Ordinance Number 180, 2007, "Waiver of the Purchasing Code for a Three Year Contract Between Erie County Government and Election Systems and Software." Mr. Augustine seconded, and it carried in a unanimous roll call vote.

C&Y S.A. to  
Reflect Revised  
Revenue & Exp.  
Projections

Mr. Smith gave a second reading of Ordinance Number 151, 2007 "First 2007 Children & Youth Services Fund Budget Supplemental Appropriation to Reflect Revised Revenue and Expense Projections." Mr. Mitchell moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Juv. S.A. to Reflect  
Revised Rev. & Exp.  
Projections

Mr. Smith gave a second reading of Ordinance Number 152, 2007, "First 2007 Juvenile Placement Fund Budget Supplemental Appropriation to Reflect Revised Revenue and Expense Projections." Mr. Cleaver moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Health Choices S.A.  
To Reflect Revised  
Rev & Exp. Prjctns.

Mr. Smith gave a second reading of Ordinance Number 153, 2007, "First 2007 Health Choices Fund Budget Supplemental Appropriation to Reflect Revised Revenue and Expense Projections." Mrs. Loll moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.

MH/MR S.A. to  
Reflect Revised  
Rev. & Exp. Prjctns.

Mr. Smith gave a second reading of Ordinance Number 154, 2007, "First 2007 MH/MR Fund Budget Supplemental Appropriation to Reflect Revised Revenue and Expense Projections." Mr. Mitchell moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

D&A to Reflect  
Fund Revised Rev. &  
Exp. Prjctns.

Mr. Smith gave a second reading of Ordinance Number 155, 2007, "First 2007 Drug & Alcohol Budget Supplemental Appropriation to Reflect Revised Revenue and Expense Projections." Mrs. Loll moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Fund S.A. for  
Advtsg. In Purch.

Mr. Smith gave a second reading of Ordinance Number 156, 2007, "Forty-Fourth 2007 General Fund Budget Supplemental Appropriation for Advertising in Purchasing." Mrs. Loll moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Assess. Ofc. Fees

Mr. Smith gave a second reading of Ordinance Number 157, 2007, "2007 General Fund Budget Changes in Particular Assessment Office Fees." Mrs. Loll moved to adopt, and Mr. Cleaver seconded the motion.

	Mr. Giles stated that according to the liaison to this department, these fees have not been changed since the early 1980's. He then called for a vote on Ordinance Number 157, 2007, and it carried in a unanimous roll call vote.
E911 Revised Exp. Rls. of Restric. Funds	Mr. Smith gave a second reading of Ordinance Number 158, 2007, "2007 E911 Fund Budget Revised Expenditures, Release of Restricted Funds and Creation of New Line Items." Mrs. Loll moved to adopt; Mr. Mitchell seconded. Mr. Giles wished to express gratitude for this gift for the county from E911. He called for a vote on the ordinance, and it carried in a unanimous roll call vote.
Replacement of CH Boilers adopted	Mr. Smith gave a second reading of Ordinance Number 159, 2007, "Forty-Fifth 2007 General Fund Budget Supplemental Appropriation for Replacement of Courthouse Boilers and the Creation of a New Line Item." Mrs. Loll moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.
Gen. Fund S.A. for Maint. Rel. Items	Mr. Smith gave a second reading of Ordinance Number 160, 2007, "Forty-Sixth 2007 General Fund Budget Supplemental Appropriation for Maintenance Related Line Items and the Creation of a New Line Item." Mrs. Loll moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.
Gen. Fund S.A. of Restricted Funds From Clk of Cts Automation Fee	Mr. Smith gave a second reading of Ordinance Number 161, 2007, "Forty-Seventh 2007 General Fund Budget Supplemental Appropriation of Restricted Funds from the Clerk of Courts Automation Fee Account." Mrs. Loll moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.
PH Revised Exp. For Safe Kids & Hwy Sfty Grants	Mr. Smith gave a second reading of Ordinance Number 162, 2007, "2007 Public Health Fund Budget Revised Expenditures for Safe Kids and Highway Safety Grants." Mrs. Loll moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.
PH S.A. for Custodial Svcs.	Mr. Smith gave a second reading of Ordinance Number 163, 2007, "Fourteenth 2007 Public Health Fund Budget Supplemental Appropriation for Custodial Services." Mrs. Loll moved to adopt; Mr. Augustine seconded, and it carried in a unanimous roll call vote.
PH S.A. for Add. Immun. Grants	Mr. Smith gave a second reading of Ordinance Number 164, 2007, "Fifteenth 2007 Public Health Fund Budget Supplemental Appropriation for Additional Immunization Grant Funds." Mr. Augustine moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.
First Readings	Mr. Smith gave first readings of the following ordinances:  Ordinance Number 168, 2007, "Authorizing the Issuance of Tax and Revenue Anticipation Notes in the Aggregate Principal Amount of \$15,000,000; Providing for the Date, Interest Rates, Maturity Date, and Place of Payment in Respect of the Notes; Providing for the Security of the Notes; Authorizing the Proper Officers to Execute and Deliver the Notes; Authorizing and Directing the Preparation, Certification and Filing of the Proceedings with the Department of Community and Economic Development; Setting Forth a Form of Note; and Repealing Inconsistent Ordinances"  Ordinance Number 169, 2007, "Forty-Eighth 2007 General Fund Budget Supplemental Appropriation for Coroner Vital Statistics Account"

Ordinance Number 170, 2007, "Eighth 2007 Library Fund Budget Supplemental Appropriation for Friends of the Library Donation"

Ordinance Number 171, 2007, "Ninth 2007 Library Fund Budget Supplemental Appropriation for LSTA Grant"

Ordinance Number 172, 2007, "Tenth 2007 Library Fund Budget Supplemental Appropriation from Memorial Books"

Ordinance Number 173, 2007, "Forty-Ninth 2007 General Fund Budget Supplemental Appropriation for District Attorney's Office"

Ordinance Number 174, 2007, "Seventeenth 2007 Public Health Fund Budget Supplemental Appropriation for a Donation from the Hispanic Council"

Ordinance Number 175, 2007, "2007 Non-Bargaining Employees Pay Plan"

Ordinance Number 176, 2007, "2008 Non-Bargaining Employees Pay Plan"

Ordinance Number 177, 2007, "2007 General Fund Waiver of Two Sections of the Personnel Code for Position Number 002320-001"

Ordinance Number 178, 2007, "Fiftieth 2007 General Fund Budget Supplemental Appropriation for 2007 Wages & Fringes"

Ordinance Number 179, 2007, "Eleventh 2007 Library Fund Budget Supplemental Appropriation for 2007 Wages & Fringes"

Ordinance Number 180, 2007, "Waiver of the Purchasing Code for a Three Year Contract Between Erie County Government and Election Systems and Software."

Adjournment

There being no further business, the meeting was adjourned at 8:01 p.m.

Ann M. Bruno, Council Secretary

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