

December 15, 2009

Agenda Amended. Comp. Revision & Re-enactment of Admin. Code tabled. Gen. Fund SA for Add. Expend. In Personnel Dept. adopted; PH Fund Revis. Revenue & Expend. For H1N1 Grant adopted; 2010 Non-Barg Pay Plan adopted; TRAN adopted; Gen. Fund SA for Reduc. In State Reimb. For Judges adopted; Line Item for Bldg Renov. at HS Bldg adopted; Line Item for Bldg Renov. in Cnty Facilities adopted; Rev. Expend. For District Lib. Svcs adopted; Amending Ord. 147, 2009 adopted; Donations From Friends of the Library adopted; Library Revis. Revenue & Expend. For Reduction in 2009 Library State Aid adopted; Library SA for LSTA Grant adopted. Restoration of Maint. Spvr Position failed. Restoration of Maint. Crew Leader failed. Appt'd Officials Salary Ord. Vacancy in PT Time Asst PD failed. Appt'd Officials Salary Ord. Vacancy in Asst. PD Position failed. C&Y Rev. Expend. & Creation of Quality Assurance & Compliance Position adopted. Restoration of Dir. of Econ. Dev. failed. Aprvl of Hamot PILOT agrmt adopted. Endors. Adoption of Legis. By Gen. Assembly to Prohibit Use of Handheld Devices by Persons Operating Motor Veh. In Pa adopted. Aprvg Maint. Agrmt btwn Erie Cnty Dept of PS & Catalyst Comm. adopted. In Sprt of Erie Cnty Dept. of PS Applic. For Restricted Gaming Funds adopted. In Sprt. of Exon. Of Real Estate taxes on Parcel adopted. Michael E. Peck appt'd to Agricultural Land Preserv. Brd. Robert R. Currie appt'd to HRC; Hiram Daley appt'd to Library Brd. of Sale of Parcel From Repos. apprvd.

ERIE COUNTY COUNCIL – Regular Meeting

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. After the Pledge of Allegiance, 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

Moment of
Silence

Mr. Giles asked that a moment of silence be observed in honor of Sr. Kathleen Blair who passed away several days ago. Sr. Kathleen served for many years on the Erie County Library Advisory Board.

Hearing of the
Public

Andrew Boyles, spoke regarding the elimination of his position as Maintenance Crew Leader at the Blasco Library. He explained the salary for this position is split 60% to the County of Erie and 40% to the Maritime Museum. His job duties include tending to HVAC equipment, both for maintenance and repair. The cost for outsourcing this work would amount to \$59,503. Mr. Boyles is also responsible for the Hirt Auditorium including stage setup, lighting controls/programming, operating equipment, and situational logistics. Outsourcing these duties would cost \$10,900. He asked Council to reconsider the elimination of this position.

Ed Garnow, stated that he is very much in favor of legislature passing the bill for gaming but not how the money is going to be spent. The people should decide how this money is spent. He does not feel the community college is a good idea, and that this issue should be voted on by the people. Mr.

Garnow does not care if Council reinstates the Economic Director position, but does not believe Mr. Spaulding should continue to hold that job.

Bonnie Rafferty, Union Township, expressed concern about the Erie County Cooperative Extension budget cut and the impact it may have on Erie County residents. She has been on the board for many years and is involved in the Master Gardner Program which has ten community gardens, composting workshops, and has also started a horticultural hotline. She pointed out that these are hard economic times and people need to be taught skills, which the Cooperative Extension does. Cuts to this budget are very devastating and she asked Council to reconsider.

Ann Marie Schlindwein, works for the Erie County Library System and stated that the Maintenance Crew Leader position is very important to the library. Mr. Boyle has does a good job of keeping the library up to date and does more than his job duties. She asked Council to think about the library and how important it is to have someone on site to deal with security issues as well.

Amanda Ferrell, Union Township, stated that she is concerned about budget cuts to Penn State Cooperative Extension for 2010. She is currently a volunteer for the program. The 4H program reaches 3,756 youth in Erie County and has 160 volunteers. This program is designed to help youth grow and develop life skills for the future. With the cuts in funding, many of these programs will be affected. She asked Council to continue to support this program and asked money be reinstated to the budget.

Renee Vendetti, Erie, stated she has been receiving many calls from grandparents about OCY for the last three months. She referred to a case where a child was taken from the parents, and despite going through kinship care and foster care classes, grandparents were not given their grandchild. She believes there is no reason that grandparents should not have the opportunity to have their grandchildren. The caseworker never advised the judge about the paternal grandmother's desire to have this child, which has been placed in foster care. Children should be placed with relatives instead of foster care which OCY is not doing.

Barbara Jones, had an encounter with OCY when someone reported that one of her grandchildren had been injured, which was not true. She stated that her grandchildren have been taken from her and OCY has kidnapped them. Ms. Jones is considering a lawsuit because OCY needs to be stopped. They are taking children and destroying families. She asked Council to do something about OCY.

Ken Przepierski, West 12th Street, stated that caseworkers at OCY are overworked and understaffed. Mr. DiVecchio stated that he straightened out the agency and has promised an ombudsman. House Bill 1709 enacted in July 2007 states that it is mandatory to have an ombudsman. This position needs to be established. Children should go back to relatives.

Mr. Leone's
Comments

Mr. Leone noted that many times he does not agree with comments, but in this particular case, he agrees about the issue of grandparents. This is not the first time he has heard about this situation and has had many calls as well. He believes that if grandparents have a clean record, they should be able to have their grandchildren. This is a problem and has been a problem with OCY. As far as he is concerned, something needs to be done. Another issue is the ombudsman position. Mr. Leone believes that position is necessary in the Office of Children and Youth.

Hearing of the
Public

Gary Shapira, stated that Barry Grossman has asked him to serve in the capacity of County Solicitor in the new administration. He wished Council well and stated that the new administration looks forward to working with Council. Thirty years ago, he had the pleasure of serving as assistant county solicitor during Robbie Robison's administration. He and Mr. Leone worked together along with Joe Maloney. Mr. Shapira noted that Wally Knox has agreed to continue working as an assistant solicitor as well as Rich Perhacs. Mr. Knox has stated that George Joseph has done an excellent job and will also be on board. Mr. Shapira plans to attend Council's next regular meeting on January 19, 2010.

Finance Committee

Mr. Giles reported that the Finance Committee met on Thursday, December 10, 2009. A presentation was given by Carl Berry from Community Resources for Independence regarding the proposed discussion about a Workforce Council. This provided an excellent opportunity to hear an opposing position on the issue and was very informative.

The Finance Committee also agreed to place on the agenda Ordinance 83, which will have a recommendation to table. Second readings include Ordinances 160 through 163, and Ordinances 165 through 1793, Ordinances 174 through 179 are personnel issues which will have some impact after January. Also on the agenda are Resolution 66 through 70 along with the appointments of Michael E. Peck to the Erie County Agricultural Land Preservation Board, Robert R. Currie to the Erie County Human Relations Commission, and Hiram Daley to the Erie County Library Board, as well as the possible approval of sale of parcel from repository.

Mr. Giles further reported that at the end of the meeting there was some discussion about a change in federal law. He asked Sue Ellen Pasquale to detail that change which will be mandated on the part of the county to maintain a fund balance. By the year 2012 this will be a mandate for every county.

Mrs. Pasquale explained that GASB 54 is enacted by the Government Accounting Standards Board and is effective beginning 6-30-11; for the County of Erie the effective date will be 1-01-12. The General Fund of the county must maintain an unrestricted fund balance equal to two months. Currently, the County has a fund balance policy with a minimum of one month and a goal of two months. Two months will now be the new minimum. It also requires the county to rewrite its fund balance policy to make sure that there are very specific actions that can be taken to reduce that fund balance, and a plan to bring the balance back up to the required level.

Mr. Giles added that the County is short by approximately \$4 million, and that number grows according to the base number of the annual budget. Erie County is shy by about \$4 million and the county needs to make certain that a good plan is in place on the part of both administration and Council regarding how to reach that goal by the year 2012. That may seem like a good distance away, but this is a big challenge considering the current budget situation and the additional issues.

Mr. Foust asked, half in jest, whether those who are mandating this will be around to tell people this is why taxes will have to be raised when officials have to run for re-election.

Mr. Giles added that another matter concerns bond issues. If, after 2012, for whatever capital purpose the County would need a bond issue, this situation would have a big impact in terms of the rating for the county. It would inevitably have some impact in terms of the county's relationship with the federal government and grants. This is not simply a regulation that nobody pays attention to; it has serious and important impacts to county finances moving forward. Mr. Fatica stated he believes that this is another unfunded mandate on the shoulders of the county. Mrs. Pasquale agreed and added that this mandate is an attempt to have governments view longer term. Organizations of these sizes need to have this amount of money available for working capital in order to keep the organization afloat.

Personnel
Committee

Mr. Fatica reported the Personnel Committee met on December 10, 2009 following the Finance Committee meeting and agreed to place Ordinance 164 for a second reading and place Ordinances 174, 185, 186, 177, 178, and 179 on the agenda.

Mr. Leone's
Report

Mr. Leone reported that he has been selected as the Chairman of the County Commissioners Governance Committee. Some of the issues discussed at the County Governance were the 911 issue which sees passage of legislations such as House Bill 1789 and 1946, which establishes a surcharge on the prepaid cell phones and establishes location requirements of surcharges on multi line fee PBX system. Part of this also involves a rewrite of the public safety and emergency telephone act, Act 178, with consideration for increasing and standardizing rates. Mr. Leone stated the problem with Act 178 itself is not cell phones, Act 178 is the landline and the problem is that landlines are shrinking considerably. The money the county receives directly is for Act 78, the wired phone system, but the

cell phone system money goes to the state and is distributed. Obviously, Erie County continues to get the short end of the stick as far as that is concerned.

Mr. Leone noted that one of the issues, near and dear to Mr. Fatica's heart, is to provide alternatives to current newspaper advertising requirements, including alternative publications and internet publications. The problem is that they are caving in for a cost factor.

Another issue deals with providing counties with defined contributions and other alternatives for pension plans which is House Bill 1876. Mr. Leone is a little concerned about this particular House Bill because it is mainly for Act 205 which is for municipalities. It includes the Pennsylvania Law 398, No. 96 involving the retirement programs for counties, and it states that counties could also be able to use a portion of this particular piece of legislation. Mr. Leone is not in favor of this because he did not feel Erie County would need to do anything with respect to the smoothing system and also the ARC, which is the actuarial required contribution. This issue comes up every year. In fact, this year the amount is \$4.9 million, and Mr. Leone believes that last year it was \$7 million. In an effort to resolve that, Act 1828 was looked at, but all that does is provide the county to go from 120% to 130%. If that was done, and the smoothing system increased, it would only defray expenses until a later time. Mr. Leone is not in favor of that and suggested that House Bill 1828 be read.

Another issue discussed at the Governance meeting was the no-fault absentee ballots. Mr. Leone does not believe absentee ballots should require a reason; if anyone wants an absentee ballot, they should have one without having a reason such as being hospitalized or out of town. Other places that have absentee ballots instead of machines have a better turnout.

Mr. Cleaver's
Comments

Mr. Cleaver noted that Erie County will be well represented in the State of Pennsylvania this year with Mr. Giles as President of the County Commissioners Association of Pennsylvania.

Mr. Mitchell's
Comments

Mr. Mitchell stated that this is his swan song, his last meeting and a very bittersweet time. He wished to recognize Amanda Ferrell who spoke earlier. He knew her as a student years ago in 4H and was very impressed; it was nice to see her back as a volunteer and working with the Extension. He addressed Ms. Vendetti and Mr. Przepierski noting that although they haven't always agreed, they have kept Council focused on some very important issues and Mr. Mitchell appreciates that. He agreed there is a huge challenge in the OCY area, and referred to this evening's agenda which has a quality control manager position to help that situation somewhat. Mr. Mitchell thanked all members of Council that he has served with over the years. He thanked Mr. Talarico, Council Solicitor, and Mr. Logue, who also served as Council Solicitor, for their advice to Council.

Mr. Mitchell stated that Mr. Maloney's value to Council has been immeasurable. He is sure Mr. Maloney will be here when GASB is enacted, and the accountants will probably be ruling the world at that time.

Mr. Mitchell's gratitude to Mrs. Pasquale is bottomless for her hard work and the support she has given. Mr. Sparber has managed a very difficult department extremely well and Mr. Mitchell appreciates the support from the Finance Department. Mr. Mitchell also expressed appreciation to Mrs. Bruno for keeping Council on track. He thanked Mr. Smith, County Clerk, for his help and support over the years. The County Clerk is a very special person for Council, who controls a councilperson's life by taking chunks of it. Mr. Mitchell also wished to extend heartfelt thanks to Flo Fabrizio, who was his first Clerk. Mr. Fabrizio is now an outstanding member of the Pennsylvania House, and was of immeasurable value to Mr. Mitchell when he was a new councilman. He taught Mr. Mitchell a great deal. Mr. Smith has been extremely successful in a critical position.

Mr. Mitchell has held much regard for Mr. Fatica for many years, not only as a television personality, but their paths have crossed when Mr. Fatica was an educator, and still is an educator. It has been a great pleasure to have the opportunity to serve with him.

One of Mr. Mitchell's great regrets was that he did not serve with Mr. Foust's father. He has had a tremendous amount of respect for Paul Foust and the years of service he gave to the county. Mr. Mitchell never thought he would be serving with Paul Foust's son. He and Kyle Foust had a history before being on Council together. Both were tennis coaches in high school programs, Mr. Foust in Fairview and Mr. Mitchell in Corry. Mr. Foust noted that they have done better work on Council.

Mr. Mitchell further noted that Mr. Cleaver has been a real anchor over the years. Mr. Mitchell observed his work as a department official and saw him on television. Mr. Cleaver has been an excellent Council Member, and although he accepted the chairmanship reluctantly, he has done an excellent job.

Mr. Mitchell asked what one says about Mr. Leone. Mr. Leone is the dean of county commissioners; he is active in Pennsylvania; he's been a leader in so many phases of county government. To Mr. Mitchell, he is a great teacher, a mentor. Mr. Leone has pushed Mr. Mitchell many times to the limit which he now appreciates. Mr. Leone demands excellence in government and it has been great to have someone with so much experience. He thanked Mr. Leone for all the years of work.

Carol Loll and Mr. Mitchell have been together for quite awhile and worked on many issues. Mrs. Loll has done an excellent job. They are the lone rangers on the Republican side. Mr. Mitchell expressed his appreciation for her friendship and the service she has given to Council.

Mr. Mitchell noted that most people do not know that Joe Giles is a man whose reputation extends far beyond the borders of Erie County. He has a national reputation and has brought many good things to Erie County because of that reputation. Mr. Giles has spent thousands of hours of his time without extra pay to fight for Erie County causes throughout the country. Mr. Mitchell has seen him in action in the National Association of Counties and served with him on the County Commissioners Association of Pennsylvania Board for many years. Mr. Giles is a valued friend and colleague. Their relationship started long before Council. Mr. Giles was liaison for Human Services and Children & Youth before Mr. Mitchell was appointed to Council, and Mr. Giles graciously stepped aside from that role and gave it to Mr. Mitchell. Mr. Giles went in the direction of Courts and Corrections, and has done magnificent work in that area.

It is has been an honor for Mitchell to serve with Members of Council and he has enjoyed his relationship with the citizens of Erie County. Mr. Mitchell has traveled around the state and visited many counties, and he believes that this process in Erie County is by far the best in the State of Pennsylvania. This Council is veteran, has much knowledge, and is very hard working. Mr. Mitchell is leaving Erie County in extraordinarily good hands.

After a round of applause, Mr. Cleaver thanked Mr. Mitchell for his comments.

Ord. 83 Tabled
Agenda Amended

Mr. Giles moved to table Ordinance 83, 2009, "Comprehensive Revision and Re-enactment of the Administrative Code" and to move Ordinances 165 through 179, inclusive, to second readings. Mr. Foust seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA
Addit. Expend.
In Personnel Dept.

Mr. Smith gave a second reading of Ordinance Number 162, 2009, "Fiftieth 2009 General Fund Budget Supplemental Appropriation For Additional Expenditures In The Personnel Department." Mr. Leone seconded, and it carried in a unanimous roll call vote.

PH Revis. Revenue
& Expend. For
H1N1 Grant

Mr. Smith gave a second reading of Ordinance Number 163, 2009, "2009 Public Health Fund Budget Revised Revenue And Expenditures For H1N1 Grant." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

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2010 Non-Barg
Pay Plan

Mr. Smith gave a second reading of Ordinance Number 164, 2009, "2010 Non-Bargaining Pay Plan." Mr. Giles moved to adopt; Mr. Mitchell seconded, and it carried in a roll call vote of 5-2, Mr. Leone and Mr. Cleaver voting no.

TRAN adopted

Mr. Smith gave a second reading of Ordinance Number 165, 2009, "Authorizing The Issuance Of A Tax And Revenue Anticipation Note In The Principal Amount Of \$18,000,000; Providing For The Date, Interest Rates, Maturity Date And Place Of Payment In Respect Of The Note; Providing For The Security Of The Note; Authorizing The Proper Officers To Execute And Deliver The Note; 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." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

Gen. Fund SA for
Reduction in State
Reimb. For Judges

Mr. Smith gave a second reading of Ordinance Number 166, 2009, "First 2010 General Fund Budget Supplemental Appropriation For Reduction In State Reimbursement For Judges." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Line Item for Bldg
Renov. at HS Bldg.

Mr. Smith gave a second reading of Ordinance Number 167, 2009, "Fifty-First 2009 General Fund Budget Supplemental Appropriation To Create Line Item For Building Renovations At The Human Services Building." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Line Item for Bldg
Renov. in Cnty Facilities

Mr. Smith gave a second reading of Ordinance Number 168, 2009, "Second 2010 General Fund Budget Supplemental Appropriation To Create Line Item For Building Renovations In County Facilities." Mrs. Loll moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Revis. Expend. For
District Lib. Svcs

Mr. Smith gave a second reading of Ordinance Number 169, 2009, "2010 Library Fund Budget Revised Expenditures For District Library Services And The Creation Of A New Line Item." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Amending Ord. 147

Mr. Smith gave a second reading of Ordinance Number 170, 2009, "Amending Ordinance Number 147, 2009, "2010 Library Fund Budget" To Change The Face Amount To \$5,985,620." Mr. Giles moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Donations From Friends
Of the Library

Mr. Smith gave a second reading of Ordinance Number 171, 2009, "Sixth 2009 Library Fund Budget Supplemental Appropriation For Donations From Friends Of The Library And From The Erie County Library Foundation." Mr. Leone moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

Rev. Reven. & Expend.
For Reduction in Library
State Aid

Mr. Smith gave a second reading of Ordinance Number 172, 2009, "2009 Library Fund Budget Revised Revenue And Expenditures For Reduction In 2009 Library State Aid." Mr. Leone moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.

December 15, 2009

Library SA for
LSTA Grant
Funds

Mr. Smith gave a second reading of Ordinance Number 173, 2009, "Seventh 2009 Library Fund Budget Supplemental Appropriation For LSTA Grant Funds." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Restor. Of
Maint. Super.
Position Failed

Mr. Smith gave a second reading of Ordinance Number 174, 2009, "2010 General Fund Budget Restoration Of Maintenance Supervisor Position Number 002465-011." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Foust commented that this particular position is the most senior maintenance person and he believes it is inherently unfair to let him go. Mr. Foust understands the need, through budget deliberations, to lessen the impact on taxpayers as best Council can, but Council may have acted too hastily in this instance. He feels Council should correct that error instead of perpetuating it by not bringing this position back. He is concerned that many of the issues Andy Boyles spoke about occurring at the library may occur in the Courthouse as well. There are levels of positions, such as the upper management, middle management, and blue collar workers. If this position is eliminated, Mr. Foust foresees the possibility of someone claiming to have additional responsibilities because of this elimination and bringing an ordinance to get more pay. There is also the possibility of having to outsource work which may cost more. Council did not know at the time the decision was made to eliminate this position that this person had the most seniority. To be fair to this individual, that needs to be corrected.

Mr. Cleaver called for a vote on Ordinance Number 174, 2009, and it failed in a roll call vote of 1-6, Mr. Foust voting yes.

Restor. Of
Maint. Crew
Leader Failed

Mr. Smith gave a second reading of Ordinance Number 175, 2009, "2010 General Fund Budget Restoration Of Maintenance Crew Leader Position For Number 002465-014 For Six Months." Mr. Giles moved to adopt; Mr. Foust seconded.

Mr. Foust stated that this position should not be eliminated for many of the same reasons previously mentioned and for the many reasons outlined by Andy Boyles, as well as emails Council has received over the last several days, which has illuminated why Council needs to keep this position. There will not be any savings and, quite likely, there will be increased costs in maintenance if this position is not brought back.

Mr. Giles pointed out for the edification of those present this evening who were not involved in the budget process that when Council deliberates on these issues, no one knows what particular individuals are involved in these situations. Council is dealing with structure, number positions and related issues, so there is nothing implied or intended on a personal level. The decisions made were extremely difficult. Council is currently grappling with another difficult situation and although there was a modest tax increase, that is being almost dissolved completely by the capital demand not covered by insurance at the Human Services building.

Mr. Mitchell wondered if some type of compromise could be reached. He understands due to the critical nature of the budget how these decisions were made. His concern with the library position is that there may be a disruption in service at that facility. He suggested extending this position for two or three months until this situation is sorted out with the new administration. Mr. Cleaver noted the restoration was for a six month period.

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Restor. Of Maint.
Crew Leader Failed

Mr. Giles stated that at the Finance/Personnel meetings on December 10, 2009, Luigi Pasquale assured Council that the question of certifications and licensures regarding the geo thermal system, as well as a variety of other issues related to boilers, are covered so the exposure is not as dramatic or flawed as one would think based on the comments at that meeting.

Mr. Mitchell acknowledged that Mr. Pasquale does a fantastic job and he has confidence in him, however, there are the problems at the Human Services Building right now that are stretching the maintenance department thin. He questions whether Council wants to put this added stress on Mr. Pasquale at this time. There is a very competent person at the library who knows those systems.

Mr. Cleaver called for a vote on the ordinance and it failed in a roll call vote of 2-5, Mr. Foust and Mr. Mitchell voting yes.

Vacancy in Pt-Time
Asst PD Failed

Mr. Smith gave a second reading of Ordinance Number 176, 2009, "2009 Appointed Official's Salary Ordinance Vacancy In Part Time Assistant Public Defender Position." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Mitchell recalled that Council had discussed at the Finance/Personnel meeting whether there was enough time until the end of the month to turn this around. It appears as though there will be changes in the Public Defender's Office in January. He thanked Mr. Logue for his years of service; however, with the current situation, he believes this is a tough turnaround with only 16 or 17 days left and then having a new public defender with a brand new employee. This is just a timing mechanism and no reflection on the department.

Mr. Leone stated that this is a position that is open right now and it makes no difference as to who will be appointed as public defender. The new public defender can fill this position with someone else if they choose. He asked Mr. Logue to comment.

Mr. Logue expressed his appreciation for being given time to comment on this situation. With respect to Mr. Mitchell's comments, Mr. Logue is currently the Public Defender, and Mr. Grossman has invited him to reapply for reappointment to this position, so unless someone knows something he doesn't, he could still be in this position. However, a point was made that there could be a new Public Defender, and if one is appointed and it is not Mr. Logue, that person will be taking over a bunch of employees they may not know, so this doesn't matter. This part time position is extremely important and has already been vacant for three weeks. Unfortunately, crime does not wait and this caseload is already backed up. If this isn't dealt with this evening, it will be another three weeks. It is vitally important this position is filled. Mr. Logue pointed out that the County Executive and Mr. Sparber have already signed off on it as well as Personnel. This person has been hired, and as Mr. Mitchell pointed out, Mr. Logue served as Council Solicitor for two years and he does not believe it is Council's intent to inhibit the administration. Mr. Logue believes the person who was selected to fill this position will do a great job and be one of the best employees in the office. He encouraged Council to vote yes.

Mr. Cleaver called for a vote on Ordinance Number 176, 2009, and it failed in a roll call vote of 3-4, Mr. Leone, Mr. Giles, and Mr. Cleaver voting yes.

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Vacancy in Asst.
PD Failed

Mr. Smith gave a second reading of Ordinance Number 177, 2009, "2009 Appointed Official's Salary Ordinance Vacancy In Assistant Public Defender Position." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Mitchell wished to reiterate his previous comments. He believes Mr. Logue made some excellent points; however, he is apprehensive about the time issue at this particular juncture in the year. He does not know who will be appointed as Public Defender, but it seems awkward for Council to install these positions with a new Public Defender coming in and the possibility of making changes right off the bat. It seems like a very tight turnaround.

Mr. Cleaver called for a vote on the ordinance, and it failed in a roll call vote of 3-4, Mr. Leone, Mr. Giles, and Mr. Cleaver voting yes.

Creation of Quality
Assur & Compl
Position in OCY

Mr. Smith gave a second reading of Ordinance Number 178, 2009, "2010 Children & Youth Services Fund Budget Revised Expenditures And Creation Of Quality Assurance & Compliance Position." Mr. Giles moved to adopt; Mr. Fatica seconded.

Mr. Leone asked whether this was a new position, and Mrs. Pasquale explained this was a new position in 2009 and is currently in the 2010 budget. Mr. Foust wondered whether this position was funded at 100%, and Mrs. Pasquale advised him it is funded 60% by the state and 40% by the county.

Mr. Cleaver called for a vote on the ordinance, and it carried in a roll call vote of 4-3, Mr. Leone, Mrs. Loll, and Mr. Cleaver voting no.

Restor. Of Econ.
Dev. Dir. Failed

Mr. Smith gave a second reading of Ordinance Number 179, 2009, "2010 General Fund Budget Restoration Of Director Of Economic Development Position Number 002010-001." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Foust stated that it appears it is the will of Council not to bring any of these eliminated positions back. He was willing to vote for this ordinance if that was the case, but he does not believe it is fair to bring this position back and not the other two. He feels that this hampers, to some degree, the new County Executive. Mr. Foust will be voting no for this ordinance.

Mr. Cleaver called for a vote on the ordinance, and it failed in a roll call vote of 0-7.

Mr. Foust understands Council disagreed as to whether these positions should be brought back. He expressed his appreciation to his colleagues for moving these ordinances to second readings so the decisions could be made tonight, and these individuals would not be left hanging any longer. Obviously, the votes were not there to bring these back, but Council could just have easily not even moved them to second readings, and Mr. Foust thanked them for that. He noted that Council does not always agree, and this was one of those times.

Gavel handed to
Mr. Mitchell

Mr. Cleaver then stated he will hand the gavel over to Mr. Mitchell who has been on Council since 1996 to finish the last meeting of the year. Mr. Mitchell then asked for a reading of Resolution Number 66, 2009.

Hamot PILOT

Mr. Smith gave a reading of Resolution Number 66, 2009, "Approval of PILOT Agreement with HAMOT MEDICAL CENTER and HAMOT HEALTH FOUNDATION Tax Index Number(s) SEE ATTACHMENT "A" (consisting of 50 Parcels)." Mr. Giles moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

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Endor. Adoption of Legis.
To Prohibit Use of Certain
Handheld Devices

Mr. Smith gave a reading of Resolution Number 67, 2009, "Endorsing The Adoption Of Legislation By The General Assembly To Prohibit Use Of Certain Handheld Devices By Persons Operating Motor Vehicles In The Commonwealth Of Pennsylvania." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Foust inquired about the origination of this resolution, and Mr. Cleaver explained that he did not appreciate what the City put on the table, and he has sponsored this. He believes this should be a statewide mandate and would like the legislature to know that Erie County has a body that totally supports a state law and not a city law.

Mr. Mitchell called for a vote on the ordinance and it carried in a unanimous roll call vote.

Aprv Maint. Agrmt
Btwn Public Safety &
Catalyst Comm.

Mr. Smith gave a reading of Resolution Number 68, 2009, "Approving A Two Year Maintenance Agreement Between The Erie County Department Of Public Safety And Catalyst Communications." Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mr. Giles stated that since Council is on the subject of the 911 facility, it is his understanding that the warranty has expired on the equipment, and before it becomes successfully activated, the maintenance policy needs to be reactivated. Mrs. Pasquale added that the contract must be signed before the end of December.

Mr. Mitchell called for a vote on the resolution and it carried in a unanimous roll call vote.

In Sprt of Public
Safety Appl. For
Rest. Gaming Funds

Mr. Smith gave a reading of Resolution Number 69, 2009, ""In Support Of The Erie County Department Of Public Safety Application For Restricted Gaming Funds." Mr. Giles moved to adopt; Mr. Leone seconded.

Mr. Giles commented that in working with the Erie County Gaming Revenue Authority, Council is optimistic that there is an opportunity for the Public Safety initiative to be coupled with the impact of the casino. Therefore, that would provide some new and additional revenue for 911. He thanked Mr. Cleaver for all the work he's done in putting this forward.

Mr. Mitchell called for a vote on the resolution and it carried in a unanimous roll call vote.

Appointments Apprvd.

Mr. Cleaver moved for the approval of the following appointments:

Michael E. Peck to the Erie County Agricultural Land Preservation Board

Robert R. Currie to the Erie County Human Relations Commission

Hiram Daley to the Erie County Library Board

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

Sale of Parcel Apprvd.

Mr. Leone moved for the approval of the sale of parcel from Repository for Unsold Properties at Index Number 29-013-028.0-007.00. Mr. Foust seconded, and it carried in a unanimous roll call vote.

December 15, 2009

Mr. Foust's
Comments

Mr. Foust noted that this is Mr. Mitchell's last meeting and is confident that his service will be sorely missed by this Council. Mr. Mitchell has always brought a very measured, very practical, bipartisan approach to government. Mr. Foust has kidded Mr. Mitchell, coming from a district which is rather rural compared to others, that he is practically a liberal. Mr. Foust never thought Mr. Mitchell took that comment as the compliment it was meant to be. Mr. Mitchell has looked at government in a progressive manner. His support of human services over the years has been outstanding and Mr. Foust believes this is the epitome of the fact that he is committed to a progressive society. Mr. Mitchell has always been willing to lend a hand and reach across the aisle to his democratic colleagues. Mr. Foust has learned a great deal from Mr. Mitchell and has enjoyed serving with him. He wished Mr. Mitchell luck.

Mrs. Loll's
Comments

Mrs. Loll stated that Mr. Mitchell has been a very good friend, colleague, and leader. Council will miss him, and certainly his district will miss him. He has been a great representative for his district and has done them a great service over the past year. She stated he will be missed.

Mr. Giles'
Comment

Mr. Giles was unaware of Mr. Mitchell's extensive tennis background. He stated that anyone who is involved in any sport where the score is counted by using the phrase "love" can't be all bad.

Mr. Leone

Mr. Leone stated that is has been a pleasure working with Mr. Mitchell. He agreed with the comments made by Mr. Foust. Mr. Mitchell has been able to reach across the aisle, and many times he has even bent over backward for some democrats on Council. Mr. Leone feels that Mr. Mitchell has provided a great service, not only for County Council, but also as the ex-President of the County Commissioners Association. Mr. Mitchell did a very nice job in that capacity. Mr. Leone does not know how Mr. Mitchell has been able to keep up with his trips to Harrisburg trying to establish a good rapport, not only for Erie County, but for the entire State of Pennsylvania. Mr. Leone will miss him in the coming years.

Mr. Fatica's
Comments

Mr. Fatica thanked Mr. Mitchell. When Mr. Fatica came on Council, Mr. Mitchell took him under his wing and showed him the ropes, driving him out to Corry to look around. That is something Mr. Fatica will always remember. Mr. Fatica stated that he plans to take up the fight for human services. It has been a pleasure working with Mr. Mitchell.

Mr. Cleaver's
Comments

On behalf of County Council, Mr. Cleaver wished to take this opportunity to wish all of the citizens of Erie County and the City a very Merry Christmas and a prosperous and Happy New Year. He feels fortunate to be able to pass the gavel onto Mr. Foust next year.

Adjournment

There being no further business, the meeting was adjourned at 8:35 p.m.

Ann M. Bruno, Council Secretary
