

MINUTES

Erie County Council

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André R. Horton, Chairman
Carl Anderson, III, Vice Chairman
Kim Clear
Scott Rastetter
Mary Rennie
Ellen Schauerman
Brian Shank

REGULAR MEETING MINUTES

Tuesday, May 5, 2020

PLEDGE OF ALLEGIANCE

OPTIONAL PRAYER OR INVOCATION

Mrs. Clear shared words from one of her favorite authors, Elie Wiesel, who survived great tragedy during the Holocaust: "Just as despair can be given to me only by another human being, hope too can be given to me only by another human being." Mrs. Clear completed the sentiment by stating, "Let us give each other hope."

ROLL CALL

Members Present: Mr. Anderson; Mrs. Clear; Mr. Horton; Mr. Rastetter; Mrs. Rennie; Mrs. Schauerman; Mr. Shank

Also Present: Douglas R. Smith, James Sparber, Tracey Fugagli, Thomas Talarico; Nicole Inan; Joe Maloney

HEARING OF THE PUBLIC

Matthew Parker, Fire Chief at Kearsarge Fire Department & Vice-President of Millcreek Township Fire Chief Association: Requested the County Council review, investigate, and ultimately enact a volunteer firefighter tax credit towards the income and real estate taxes paid the Erie County portion. This would be related to and effective off of Act 172, 2016 from the state legislature. Erie County is protected by volunteer firefighters throughout the county, with the exception of Erie City and some staff within the City of Corry. Thousands of hours towards trainings and meetings to meet regulations through the Department of Health to be able to maintain emergency medical services through certifications and fundraising; this time does not account for all of the emergency needs pursued throughout Erie County. Volunteer Firefighters and EMS Personnel save Erie County millions in tax dollars. The SR-6 Report that was publish in 2017 makes several recommendations to state and local governments in attempt to support the declining number of volunteers with in

Erie County; he referenced Page 75, Act 172, 2016. Varying municipalities offer some form of tax credit; he is aware of Summit Township, Harborcreek Township, and Millcreek Township, but states he is unaware if others do.

Jeff Hawryliw, Fire Chief at Fairfield Hose Company in Harborcreek, PA & Member of Chief Associations of East County: Supports the statements of Mr. Parker that some sort of tax credit would be beneficial to membership.

Mr. Horton thanked all of the fire fighters and first responders in Erie County for making Erie a better and safer place.

MINUTES FROM PREVIOUS MEETING

April 21, 2020 - Regular Meeting

Carl Anderson moved to approve the minutes from the April 21, 2020 Regular Meeting. This was seconded by Scott Rastetter and carried in a 7 - 0 vote.

REPORTS OF COUNTY OFFICIALS

County Executive and/or her Designee

County Executive Dahlkemper addressed the Council: The numbers during this pandemic are real and they are disturbing; almost 70,000 deaths just in the United States, with just over 3,000 deaths in Pennsylvania. More than 30,000 trying to claim unemployment, and businesses facing shut down in unprecedented numbers. The entire Country being under a stay-at-home order for weeks; we are living in uncertain and unprecedented times, and County Government is "ground-zero" in the fight against COVID-19 here in Erie County. Disaster Emergency was declared in Erie County on March 16th in order to access funding that the County will need in the upcoming weeks and months ahead. On March 18th, the first positive case of COVID-19 was declared in Erie County; days later a stay-at-home order was put in place. The stay-at-home order was an aggressive measure that has helped keep the case load down and manageable for the acute healthcare facilities saving lives and reducing the devastation seen elsewhere across our country. On April 2nd, the Administration presented the Ordinance to create the COVID-19 Bureau, with attached supporting documentation prepared by Matt Matlock, the Public Health Budget and Fiscal Officer are the Erie County Department of Health, along with the consultation of James Sparber and Tracey Fugagli. In said supporting documentation, tracking of personnel hours was specifically mentioned and that these hours would be submitted for reimbursement. The creation of a bureau was requested to better account the funds spent and the funds reimbursed and was granted to allow for clear financial reporting and greater transparency. From the day that it was requested, a message from some members of Council

has appeared with a lack of trust for the Administration its efforts to safeguard county tax payer funds as we use funds in the fight against COVID-19 in a professional manner, and to utilize an accounting tool that is needed to create the reports that Administration feels are necessary for reimbursements and accounting for all expenditures. The County Executive stated that this is the third meeting of which the Administration had hoped that Council would pass an Ordinance, being over five weeks since it has been requested. Five weeks in terms of the COVID fight, seems like a lifetime. The very difficult and exhausting work has continued even without a financial tool of a designated bureau. The financial team is phenomenal, and gives the information needed in a timely manner, a bi-weekly report of COVID-19 expenses is given and the County Clerk is provided a report for disbursement. There have been issues of trust in finances at these meetings, and in the trust of the COVID-19 fight; questioning distribution of personal protective equipment, questions of the follow-up with positive cases, questions of how the County Executive is spending her time and if she is in violation of the Home Rule Charter while she is dedicating as much time as she can as she works to save lives. She emphasized that, while there is no problem with asking questions, it is important to direct them to the proper channels before making accusations. She stated that her Administration, department heads, and herself and the Response Team are working long days to save lives, and have continually communicated that their availability to discuss any concerns or questions. She encouraged Council to utilize her email, personal cell phone, or any of the Administrations staff county emails. She suggested a "reset" so that everyone can work together, in a situation that no one could have prepared for, as the situation changes daily and sometimes hourly. Prioritizing time is one of the major issues in this fight; today Council has on the Agenda Resolution 22, 2020 "Urging Funding for Enhanced Screening Outreach to Community Centers." This is a project developed by the health equities branch of the COVID-19 command structure; a great example of expanded efforts this team is making to reach all of Erie County. No one on County Council, to her belief, consulted anyone on this team about this Resolution before it came forward, yet Administration took it upon themselves to develop an Ordinance to go along with the Resolution and certify funds for the Ordinance. Work, she said, cannot happen fast enough. Today she asks: 1. Call her or anyone on the team with questions, urging a call over email. 2. If you have an idea or thought about how Council can be supportive in the efforts, they would love to hear how it fits into the over-all effort. 3. Please trust that they are doing the best they can, and are all about keeping Erie County safe and saving lives. She promises to Council: 1. The team will appropriately utilize, the hopefully approved, COVID-19 Bureau to save Erie County tax payer dollars; no one knows what is to come down the line, but the hope is to limit the use of the County tax payer dollars in the reserve fund. 2. She, and her staff, will be responsive to calls and emails and encourage better communication. 3. The entire COVID-19 team will continue to do everything in their power to mitigate the spread, keep neighbors safe, and continue to save lives here in Erie County.

She spoke to unifying a partnership to fight against COVID-19 in Erie County.

Finance Committee -Mrs. Clear

Mrs. Clear reported that the Finance Committee met on Thursday, April 30th and put forth for the Agenda: Ordinance 22, 2020 "Eleventh 2020 General Fund Budget Supplemental Appropriation of \$950,060 to the COVID-19 Bureau under the Department of Finance;" Resolution 20, 2020 "Exonerating 2018 Taxes, Interest and Penalties on Six Parcels Owned by the Erie County Housing Authority;" Resolution 21, 2020 "Waiver of Requirements for New Bid in the Office Furniture Phase of Children and Youth Renovation Project Due Prior to Bid;" and Resolution 22, 2020 "Erie County Council Urges Funding Appropriation for Erie County Health Department Enhanced Screening Outreach to Community Centers Project."

Personnel Committee - Mrs.Rennie

Mrs. Rennie reported that the Personnel Committee met on Thursday, April 30th and put forth for the Agenda the Possible Reappointment of Matt Waldinger to the Erie County Planning Commission for a four year term ending December 31, 2023;District 1 Representative's Appointment).

Other

Mr. Shank reported that he picked up face shields made by Wiley Technology, as organized together through ECGRA and County Council. He delivered them to the Police Departments in Wesleyville and North East. Mr. Shank showed a sample of the equipment that was distributed for first responders. He is proud to say that these were made locally.

Mr. Rastetter reported receiving multiple calls regarding individuals not complying with the mask guideline and not social distancing. One area of concern is that of Presque Isle, where people are not adhering to these needs. One individual reported a baseball game being played at Scott Park. He additionally has observed people in grocery retailers not social distancing. He stated that there are people who think that the COVID-19 pandemic is a conspiracy or politics and are not being proactive. He posed the question of how that issue could be combated, and suggested legal action as an option. He suggested that showing the current numbers on the news in comparison to other years, where it was "flu" in comparison to this pandemic. Facts don't lie, there are too many people dying. He does not believe the county is ready to "go yellow."

Chairman Horton stated that it no secret that he feels Administration is in violation. The Director of Administration, Mr. Lee, sent out an email to all of Erie County stating that the County Executive asked him to take over all day-to-day operations. Mr. Horton noted that Mr. Lee spoke with the Courts, but County Council had no leeway. He believes that she is in violation of Article III of Home Rule Charter. Per Mr. Horton, Mr. Lee has stated that the County

Executive has used the best use of her human capital. Chairman went on to point out that President Trump has not turned over the day to day operations to V.P. Pence, nor Governor Wolf the operations to Governor Fetterman; and feels that the citizens of Erie County have a reasonable expectation that the County Executive would execute the duties and responsibilities of the office that she was elected to do. The Charter does not read "pre-occupied," rather absent or incapacitated. Requested that Mr. Lee speak to legal opinion on the matter on multiple occasions, and that has yet to be done. Need a reset with the Executive Branch. Whether the legal counsel would deem her in the right or not, Mr. Horton believes that she has an obligation to let Erie County know that Mr. Lee has been running day to day operations since March 27th. He takes umbrage with her remarks, as it seems that she is insinuating that Council talks to everyone but her, when there is an email chain to prove he has been in communication with the Administration. He again requested that legal counsel advise to whether or not she is in her rights to turn over day to day operations to the very capable Mr. Lee, and whether she is or is not, that she notify the citizens of Erie County that she has done such.

Mr. Horton asked Mr. Smith to read the names of the citations being presented:

Mr. Thomas P. Cox, Jr. (1941 - 2020)

WHEREAS, Thomas P. Cox Jr., passed from this world on April 29, 2020, at the age of 78 years; born in Erie, Pennsylvania to the late Thomas P. and Rose E. (Dinges) Cox, Sr.; and WHEREAS, Tom graduated in 1959 from Cathedral Preparatory School, afterwards attending the Erie Business School. Tom worked as an accountant for Marine Bank, Security Peoples Bank, Newco Electric, and Hamot Medical Center; and WHEREAS, Tom managed Bingo at Holy Rosary and St. Peter and Paul's Churches; was a member of several clubs including the Erie Maennerchor Club, Erie Shrine Club, Seibenburger Club, and East Erie Turners; enjoyed many extracurricular activities including bowling at East Erie Turners, gambling, gardening, watching the Steelers, polkas, cooking, and celebrating St. Patrick's Day; and WHEREAS, Tom was especially a huge fan of Erie Youth Hockey and loved supporting all of his children and grandchildren's sports teams; above all, he loved spending time with his family; and WHEREAS, Tom lived a joyful life, touched the lives of many with his smile and warm personality; will be greatly missed by his wife of 57 years, Marilyn Theobald Cox, his children, Thomas (Rosanne) Cox, Laurie (William) Snider, Michael Cox, and Gregory (Christine) Cox, nine grandchildren, Chelsea, Colton, Hunter, Billy, Allison, Brett, Erin, Hayden, Eric and his mother Laura, his sisters, Patricia DiAngi and Judith Zaffino, and his in-laws, Renee Kloecker and William Theobald. Many nieces, nephews, and cousins also survive. NOW THEREFORE WE THE UNDERSIGNED Members of Erie County Council join in celebrating the life of Thomas P. Cox, Jr., a man who gave all to his family and community; we will forever be grateful. May he rest in peace. IN WITNESS WHEREOF, we have set our hands and the Seal of Erie County this

5th day of May, 2020.

Mr. Eva Tucker, Jr. (1935 - 2020)

WHEREAS, Educator and Community Leader, Eva Tucker, Jr. transitioned into his heavenly home on April 30, 2020, at the age of 84 years; born in Tunica County, Mississippi to Eva Tucker, Sr. and Willa Mae Dixon Tucker; and WHEREAS, Eva attended Cincinnati public schools; matriculated at the University of Cincinnati, earning both a B.S. and M.S. Degree in Geology; taught junior high school math in Lincoln Heights, Ohio; moved to Erie in 1964, accepting a position with Penn State University, The Behrend College where he served as a Professor of Geoscience for 39 years; and WHEREAS, A pioneer in the Erie community, his work centered around improving educational opportunities and economic empowerment; Eva served on The Greater Erie County Action Committee (GECAC) Senior Citizens Advisory Board, Greater Erie Economic Development Corporation (GEEDC), Harborcreek Youth Services, Erie Redevelopment Authority, and as the Executive Director of the Erie County Diabetes Association; An active civil participant for Erie County, he worked with the Opportunity Industrialization Center (OIC), Booker T. Washington Center, Martin Luther King Center, John F. Kennedy Center, and the NAACP; and WHEREAS, Eva held a strong conviction for education, and felt all Erie students deserved quality instruction; he served on the Erie School Board for 32 years, acting as President for six terms and Vice President for one term; and WHEREAS, Eva was a man of faith, was a member of St. James AME Church, and a leader and a member of the Board of Stewards; and WHEREAS, Eva lived a rich full life, had a deep impact on the Erie community and on anyone who interacted with him; he will be greatly missed by his wife of 58 years, Evelyn Spears Tucker, his children Evan Tucker of Erie and Everett (Cynthia) Tucker of Dallas, Texas; and three grandchildren: Alana, Amiya, and Myles Tucker. He is further survived by his sisters: Juanita (Vernon) Bridges and Odessa Isaacs; a sister-in-law, Mary Tucker; and many nieces and nephews; and WHEREAS, Now District 4 County Council Member, Carl Anderson, III, has been honored to have served as Eva Tucker's Appointment to the Erie School District's Erie Historical Museum Review Committee, which gave a report and final recommendation to merge with the Erie County Historical Society, in turn creating the Thomas Hagen History Center Campus; Anderson later serving as Eva's Appointment to the Erie Veteran's Memorial Stadium Commission, serving 2 terms and a term as Chairman. Moreover, believing that Eva Tucker, always a gentleman, family man, and community servant, second to none. NOW THEREFORE WE THE UNDERSIGNED Members of Erie County Council join in celebrating the life of Eva Tucker, Jr., a man who epitomized the meaning of civic duty and dedicated his life to the advancement of education, support of economic growth, and development of a community of opportunity; this County, his family, and his community will forever be grateful. May he rest in peace. IN WITNESS WHEREOF, we have set our hands and the Seal of Erie

County this 5th day of May, 2020.

OLD BUSINESS

Mrs. Clear moved to Amend the Agenda to include Ordinance 23, 2020, "Twelfth 2020 General Fund Budget Supplemental Appropriation of \$241,150, New Line Items for Erie County Health Department Enhanced Screening Outreach to Community Centers Project." This was seconded by Brian Shank and carried in a 7-0 vote.

**Ordinance Number 22,
2020 "Eleventh 2020
General Fund Budget
Supplemental
Appropriation of \$950,060
the COVID-19 Bureau
under the Department of
Finance, as amended"
(First reading 4-21-20)**

Mr. Smith gave a Second reading of Ordinance Number 22, 2020 "Eleventh 2020 General Fund Budget Supplemental Appropriation of \$950,060 the COVID-19 Bureau under the Department of Finance."

Mrs. Clear moved to amend the language. After discussions with Finance Personnel Jim Sparber and Tracey Fugagli, and with recommendations from Attorney Talarico, she requested the language reflect: "BE IT FURTHER ENACTED, that numerous employees, to be determined by the Administration, shall be assigned to COVID-19 related work duties. The wages and benefits due these employees for COVID-19 related work shall be paid and reimbursed from the \$950,060 grant. THEREFORE, wages and benefits paid and reimbursed from the \$950,060 grant shall reduce the wages and benefits otherwise payable to these employees under the County's 2020 budget. FURTHER, the unused and unpaid wages and benefits that would be otherwise payable to these employees under the County's 2020 budget, shall not be transferred to other budgeted line items within the department but, unless otherwise approved by County Council, revert unencumbered to the Unassigned General Fund Balance." This was seconded by Mr. Anderson, and passed in a 7-0 vote.

Mr. Anderson thanked Finance Committee Chair Clear for the work that has been done. Additionally thanked Joe Maloney, Tom Talarico, and Doug Smith. Disappointed in the position that that County Executive made, as if this Council is trying to stop work on COVID projects. He feels that Council has been open and amicable; however, when asking for clarity from administration feels that they are not receiving the same in return. Applauds Council for seeking clarity. Council knows that nothing has stopped the fight from COVID from the Administrations stand-point, because anything that would be created with this bureau would be retroactive to March 16th. Council has taken that into consideration and have worked with slow deliberation to ensure the correct decisions are being made. Fight against COVID has gone on uninterrupted and

ultimately Council has a fiscal responsibility to know and understand where money is coming from and where it is going toward. Council gave \$100,000 for personnel additions. Expenses that continue to rise to the top and are already in the budget, then he finds problem with why those items are top and not fine line functions. Every items under the contract (items A to N) are prefaced with "This is to expanded services and expanded expenses that were unanticipated because of the COVID crisis;" that means expenses not already budgeted for in the 2020 budget. He pointed out that his salary, the County Executive's salary, the Director of Public Health, the Director of Public Safety, and Finance, etc. salaries are budgeted. When additional of personnel or addition of screening and testing, for examples, are added those are "expanded services," but not items that are already budgeted for. He voiced that we should not being seeking reimbursements of those wages that have been previously approved into the budget, when there are clearly other priority items that need accounted for. If the County Executive does not like that Council is here as an equal partner with equal responsibility and share of answering to the general public, he apologizes that she feels so defensive. Council is being a great community partner and fiscally responsible and accountable. He is glad to support the efforts of Mrs. Clear.

Mr. Shank - He does not support the Administration salaries being paid out of the COVID-19 fund. He feels that it should be very specific to emergency needs, overtime, per diems, and supplies that will potentially be needed, etc. He stated that nearly half of the money already used and nearly half of that amount has been through payroll. He suggests investing into Zone -1, the "hot zone," and get that under control, and then work out into the counties to ensure everyone is taken care of. He stated that he felt like he has been yelled at by the County Executive.

Chairman Horton stated that he did not appreciate the reprimanding from the County Executive at the Council meeting, stating it was very disrespectful. He reiterated Mr. Anderson's point about funds being retroactive. He stated that Council is there to do their due diligence. He went on to state that in the past items would come to Council and be hurried through to a second reading, but that is no longer unless Council feels the justification for such. He echo's the comments of Mr. Anderson and Mr. Shank in that he does not agree with the reimbursement of her salary or other salaries that have already been budgeted for in 2020. He will support this Ordinance, but again asked for Administration to seek out legal consult regarding Article III of the Home Rule Charter.

Mr. Rastetter thanked the finance department and Mrs. Clear for working together for clarification and getting to the root of the Resolutions and Ordinances. Also offered thanks to Chairman Horton and Mr. Anderson in their persistence in their cause to get that clarity. Additionally, he thanked the Administration and County Executive for their efforts.

On the amendment, passed 7-0. On the Ordinance, as amended, passed 7-0.

NEW BUSINESS

Resolution Number 20, 2020 "Possible Exoneration of County Taxes on Six Parcels Owned by the Erie County Housing Authority" (Finance Committee) Mr. Smith gave a reading of Resolution Number 20, 2020 "Possible Exoneration of County Taxes on Six Parcels Owned by the Erie County Housing Authority." This was moved by Brian Shank, seconded by Carl Anderson and carried in a 7 - 0 vote.

Resolution Number 21, 2020 "Waiver of Bid Requirements of the County Purchasing Code to Select the Same Vendor for the Office Furniture Phase of the Children and Youth Renovation Project" (Finance Committee) Mr. Smith gave a reading of Resolution Number 21, 2020 "Waiver of Bid Requirements of the County Purchasing Code to Select the Same Vendor for the Office Furniture Phase of the Children and Youth Renovation Project Due to Prior Bid." This was moved by Carl Anderson, seconded by Scott Rastetter and carried in a 7 - 0 vote.

Resolution Number 22, 2020 Erie County Council Urges Funding Appropriation For Erie County Health Department Enhanced Screening Outreach to Community Centers Project (Finance Committee) Mr. Smith gave a reading of Resolution Number 22, 2020 "Erie County Council Urges Funding Appropriation For Erie County Health Department Enhanced Screening Outreach to Community Centers Project." This was moved by Kim Clear, seconded by Mary Rennie and carried in a 7 - 0 vote.

Resolution Number 23, 2020 "Prioritizing Reimbursement to Erie County for all COVID-19 Response Expenditures" (Finance Committee) Mr. Smith gave a reading of Resolution Number 23, 2020 "Prioritizing Reimbursement to Erie County for all COVID-19 Response Expenditures." This was moved by Kim Clear, seconded by Carl Anderson.
Mrs. Rennie commend all colleagues in showing leadership and compassion in conjunction through various initiatives with community partners and so forth.

Has a great admiration for everything that has been done; however feels strongly that with the COVID-19 pandemic, the first order of business is to stop it in its tracks, and with as critical as the situation is, we cannot afford to slow down. She feels the most effective strategy has been the establishment of COVID-19 response team. Erie County is fortunate to have the COVID-19 response team, and don't believe that work should be being minimized to such a degree, when the money that does get reimbursed goes to the General Fund, which makes it possible for secondary initiatives to be completed. Supports giving priority to where the priority should be, which is to people and the COVID-19 response team.

Mr. Anderson again thanked the Finance Committee, Finance Department, Mr. Maloney, Mr. Smith, and Mr. Talarico in working on this effort. Again stated that he is disappointed that the Administration does not feel that we are providing the tools to get the work done. He stated that he had a potential crisis that arose within the community, that he kept between the Administrations with open communication, and that the Health Dept. was at the forefront in making sure that all stores are following the guidelines set forth by the Governor and what the policies in Erie County have ordered. Logical and fiscally responsible decisions regarding the Bureau as well as all of the other decisions being made by Council, are for the best of Erie County. Council has decided that there needs to be a priority system; which is reflected in the original contract set forth from the Pennsylvania Department of Health with regard to unanticipated expenses.

Mr. Horton don't care what the situation is, it can only get better with communication. There have been issues with communication regarding the community college, issues in the past with not getting information after repeatedly requesting it, and now this. However, this body will always ask questions as a checks and balance. Mr. Horton stated that he had called several weeks ago with the County Executive to reset; proposed closing schools but was turned away for that. Both the County Executive and the Council have duties and responsibilities outlined in the Home Rule Charter, and they need to be adhered to.

Mrs. Clear moved to amend the language to the Resolution to read "NOW THEREFORE BE IT RESOLVED: the County Council of the County of Erie hereby urges the Administration to prioritize the reimbursement of all County COVID-related expenditures so that community initiatives and projects such as those listed above take precedence over afore mentioned County wages." seconded by Mr. Anderson and passed 6-1. On Resolution 23, as amended, passed 6-1.

Possible reappointment of Matt Waldinger to the Erie County Planning This was moved by Kim Clear, seconded by Carl Anderson and carried in a 7 - 0 vote.

**Commission for a four year
term ending December 31,
2023. (District 1
Representative)**

ADJOURNMENT

Mr. Smith gave a first reading of Ordinance 23, 2020 "Twelfth 2020 General Fund Budget Supplemental Appropriation of \$241,150, New Line Items for Erie County Health Department Enhanced Screening Outreach to Community Centers Project." Mrs. Clear motioned to move to a second reading, seconded by Mr. Anderson. Second Reading of Ordinance 23, 2020 moved my Mrs. Clear and Seconded by Mrs. Schauerman, and passed 7-0.

Mrs. Clear again thanked Tracey Fugagli and Jim Sparber for their assistance with this Ordinance. Excellent example of working together.

Mr. Horton offered additional thanks to all staff.

Meeting Adjourned 5:20pm.

**The next
Finance/Personnel Meeting
is scheduled for May 14,
2020 at 4:00 PM. The next
Regular Meeting of Erie
County Council is
scheduled for May 19,
2020. Zoom-Conferencing
information to be made
available to public prior to
the meetings.**