

MINUTES

Erie County Council

WATCH A MEETING ON
YOUTUBE –
LINK AVAILABLE AT
www.eriecountypa.gov



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

REGULAR MEETING MINUTES

Tuesday, August 25, 2020

PLEDGE OF ALLEGIANCE

Councilman Horton led the Pledge of Allegiance.

OPTIONAL PRAYER OR INVOCATION

Mrs. Clear spoke the words of Deepak Chopra on Making the Right Decision: "The universe has no fixed agenda. Once you make any decision, it works around that decision. There is no right or wrong, only a series of possibilities that shift with each thought, feeling, and action that you experience." And with that said, I pray that we all have made a decision that came from the heart and with the greater good in mind.

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; County Executive Dahlkemper

HEARING OF THE PUBLIC

Freda Tepfer voicing concerns regarding Joe Scarnatti and Jay Corman have introduced legislation related to ballots and election. She states that she has tried to read the Bill and several articles about the Bill, but it is terribly confusing. She stated that it appears that they are shortening the period of applying for absentee ballots, and proposing to keep the completed ballot to be received by 8pm on Election Day, that voters are able to return their ballot to a staff location rather than a drop-box, and that no one can return your ballot on your behalf. She expressed that it is important that our Board of Elections and County Government stay involved in this process. She suggested that, rather than shortening the time a person can apply for an absentee ballot, utilizing a postmarked date would be more so acceptable. She stated that it took the Election Department over a month to process her own request for an absentee

ballot because of the inundation of registration requests.

Mrs. Tepfer went on to discuss her enthusiasm for the Community College. She is hopefully that, although she was not chosen for the Board of Trustees, she still be considered by them as a member of committees that will be developed by the Board in the future. She thanked Council for their work in bringing forth the College for the community.

Chairman Horton thanked Mrs. Tepfer and acknowledged that much of the work will indeed be done by committees and advisory boards, and that he is also hopeful that they would consider people such as herself.

REPORTS OF COUNTY OFFICIALS

County Executive and/or her Designee

County Executive Dahlkemper thanked Council and commented that this was a big decision and there were a number of wonderful candidates with a range of skill sets. She stated that what excited her the most was the number of people in Erie County that came forward and expressed their interest in being part of helping shape the future of the Community College.

Chairman Horton also extended gratitude to the County Executive for the leadership that she has shown throughout this process. He stated the eyes of the country are on Erie, PA in terms of only being the third one in the last ten years in the nation, first in the Commonwealth of Pennsylvania in almost twenty-eight years.

Finance Committee -Mrs. Clear

Finance Chair Clear stated no report.

Personnel Committee - Mrs. Rennie

Personnel Chair Rennie stated no report.

Other

OLD BUSINESS

None.

NEW BUSINESS

Chairman Horton explained the process of the evening vote: Mr. Smith will read into record the Resolution in its entirety, by roll call each Councilperson will announce their nominee and give background, the County Executive will do the same, recess will be taken, the County Executive will take all names for consideration for certification, votes will be taken on the certified nominees, and then the Resolution to follow (pending all Board Members are sat).

**To Elect the Members of
the Board of Trustees of
the Erie County
Community College**

Mr. Smith gave a reading of Resolution 38, 2020 "To Elect the Members of the Board of Trustees of the Erie County Community College": WHEREAS, on June 30, 2017, pursuant to the Act of 1949, March 10, P.L. 30, No. 14, as amended (24 P.S. Section 19-1901A, et seq.), hereinafter "the Act," Article II, Section 3B(1) and Erie County Council Resolution No. 27, 2017, the County of Erie submitted a Community College Plan to establish a Community College to the Pennsylvania State Board of Education; and WHEREAS, on July 8, 2020, the Pennsylvania State Board of Education issued a Decision which approved the Community College Plan and, in so doing, authorized Erie County to sponsor, establish, develop and maintain the Erie County Community College; and WHEREAS, pursuant to the "Act" and Article II, Section 3B(1) of the Home Rule Charter, Erie County Council shall, by the vote of a majority of its members, elect a Board of Trustees consisting of no less than seven (7), no more than fifteen (15) persons; and WHEREAS, the Erie County Community College Plan provides for the creation of a Board of Trustees consisting of nine (9) persons, seven (7) of whom shall be nominated by Erie County Council, each member thereof to nominate one (1) person who resides in the same district as the nominating member, and two (2) of whom shall be nominated by the County Executive at large; and WHEREAS, the nomination and voting sheets pertaining to each person elected by Council to serve on the Board of Trustees of the Erie County Community College are attached hereto, incorporated herein, and collectively marked as Exhibit "A." RESOLVED, that County Council of the County of Erie hereby elects the persons named in the nomination and voting sheets attached hereto as Exhibit "A" to serve as the initial Board of Trustees of the Erie County Community College. RESOLVED, FURTHER, that the members of the Board of Trustees shall serve for six (6) years each, except that those members initially appointed shall draw lots to determine which Trustees shall serve for a term of two (2) years, which Trustees shall serve for a term of four (4) years, and which Trustees shall serve for a term of six (6) years. Thereafter, all persons shall be appointed for terms of six (6) years each. A Trustee may succeed himself/herself, but is limited to serve no more than two (2) successive terms including any initially appointed term. RESOLVED, FURTHER, that the Board of Trustees shall submit an annual calendar budget for consideration and approval by Erie County Council. The submission of the budget by the Board of Trustees shall constitute a "formal action" as defined under the Public Agency Open Meeting Law. The Board of Trustees shall supervise the expenditure of appropriations made by Erie County Council and shall conduct the business affairs of the Community College in accordance with rules, regulations and procedures approved by Erie County Council. All property purchased by or granted to the Board of Trustees of the Community College shall be approved by Erie County Council and shall be held in the name of the Community College on behalf of Erie County.

On the motion of _____, seconded by _____,
this Resolution was passed on this _____ day of _____, 2020 by a vote of
____ to ____.

Attorney Talarico clarified that each nominee will be voted on separately, and that the Resolution was just styled to include all of them under the same exhibit. The Resolution itself reaffirms what Council will have done with each separate nominee.

Mr. Smith asked District 1 Council Representative Clear to put forth her nomination. Mrs. Clear nominated Ronald A. DiNicola, Esq. She spoke on his behalf: There isn't enough time to go into the depth of Ron DiNicola's lifetime commitment to justice, quality, and human rights. He has lived a life of service; whether it was serving in the U.S. Marines, spending a lifetime of taking on cases that represented marginalized disregarded people, serving as our solicitor, advocating for our youth, chairing the pre-k for PA initiative, he has dedicated his life to helping others. In the past few years, Ron has fought tirelessly to ensure that the county would indeed have a community college; hundreds of hours spent collecting research examples, feasibility studies, and arranging funding and sponsors. Ron knows this application inside and out, and now that the Community College has been approved, he seeks to serve again and ensure that the Community College of Erie County be seen through to fruition.

Mr. Smith asked District 2 Council Representative Horton to put forth his nomination. Mr. Horton nominated Annette V. Wagner, MD. He spoke on her behalf: Dr. Wagner is a Physician Partner at OB/GYN Associates of Erie. She practices in three states: Connecticut, New York, and Pennsylvania. She is a graduate of the University of South Carolina; receiving her Doctorate from East Carolina in 1997. She serves on the Credentialing Committee for Allegheny Health Network, where she establishes requirements and evaluates individual qualifications for entry into the healthcare system. She makes decisions regarding appointments, reappointments, and clinical privileges of medical staff. She reviews and approves all policies and privileges. In her off-time she travels and volunteers for the Salvation Army Advisory Board. He chose Dr. Wagner because with LECOM healthcare, Allegheny Health Network, and UPMC Hamot, he could not imagine a curriculum without some type of medical training. Also, Dr. Wagner's personal upbringing was important to me and the background she shared closely fits the constituent base that is within his District. She will be an advocate, a blessing to the Board of Trustees, and of the entire Erie County Community.

Mr. Smith asked District 3 Council Representative Rennie to put forth her nomination. Mrs. Rennie nominated Mrs. Cheryl Rush Dix. She spoke on her behalf: She is currently a Co-Principal Investigator for the National Science Foundation. Naming her background and credentials and impeccable and unrivaled; from being a Fulbright Researcher, a Senior Materials & Process Engineer at LORD Corporation, for many years a Coordinator of Science Education in Erie. Currently Mrs. Dix is a Strategic Planning Program Faculty

for the Smithsonian Science Education Center. She has published and presented widely, and Mrs. Rennie is confident that she will be a true asset to the Board.

Mr. Smith asked District 4 Council Representative Anderson to put forth his nomination. Mr. Anderson nominated Pastor Charles Mock. He spoke on his behalf, referencing his professional summary: Highly committed and passionate Pastor/Administrator with a diverse history of creating faith-based strategic alliance with organizational leaders to effectively align with and support key human service initiatives. Mr. Anderson emphasized how gifted and gentlemanly Mr. Mock is. He is committed to the positive aspects of the community, and to moving the community forward, and bringing forth diverse groups together for diverse causes and in diverse settings. He is a collaborator as the President of the Inter-faith Ministries. His involvement and commitment towards education, and this Community College, is second to none. Mr. Anderson is honored to bring forth his name.

Mr. Smith asked District 5 Council Representative Shank to put forth his nomination. Mr. Shank nominated Mr. Brenton Davis. He spoke on his behalf: When Mr. Shank was tasked with finding someone to represent his community, labor and trades is what he focused on -- His family worked extensively for GE, many of his neighbors worked for Hammermill, and they worked hard for their money and are proud of what they've done. He wanted someone from the trades to represent the hard working blue-collared men and women that help make Erie and Erie County great. He feels that we need to step back and reinvest in our trades from electrical to roofing. He feels that it is an area that is slowly being erased by technology, but there still needs to be people to build buildings, places to go to school, places to eat, places to worship, etc. Looking through Mr. Davis's resume, he has built everything imaginable. Most recently, he has been building a retaining wall on the shores of Lake Erie to protect our community. Mr. Shank acknowledged that Mr. Davis has been an opponent of the Community College; however, now that there is a task for the College, he is willing to change gears and turn it in to a positive for the community. Davis is supported by Dan Laughlin, John Persinger, Dr. Parris Baker, and Jezree Friend whom have all agreed that Mr. Davis offers many qualities for a solid base for the Community College. Mr. Shank voiced that he strongly backs Mr. Davis as his nominee.

Mr. Smith asked District 6 Council Representative Rastetter to put forth his nomination. Mr. Rastetter nominated Mr. David Mitchell. He spoke on his behalf: Mr. Mitchell is a man with diverse experience, starting as a librarian, working as an educator, held County Council seat from 1996 to 2011, and served as the Mayor of Corry from 1982 to 1986 and 2018 to present, and has worked in Harrisburg for the Governor.

Mr. Smith asked District 7 Council Representative Schauerman to put forth her

nomination. Mrs. Schauerman nominated Mr. Tom Benson. She spoke on his behalf: Tom has spent his entire adult life dedicated to the development and education and mentorship of youth and adults. He specializes in Board development, program development, team building, supervisory skills training, executive development, and cognitive behavioral coaching. He has a successful professional record, and his expertise is sought after not just in Erie County, but across the nation by small medium and large organizations including educational institutions, banking, medical centers, and manufacturing. Tom started as an educator, and then realized he wanted to work with adults as well as youth; he started his own business called Professional Development Services. He remains the sole-proprietor of this developmental training company, customizing programs to meet the specific needs of each organization. His company has served as a mentor for all twelve technology companies in Erie's technology incubator. In the past year, Tom completed a federally-funded project including community development business grant with Gannon University and the City of Erie to be a small business community center. He worked with over 125 entrepreneurs to make in the Erie Community. He's worked with the Manufacturing and Business Association as their Manager of Training and Development, and has assisted in the development of their Executive-Leader Institute. Additionally, he works for a Human Relations and Business Consultant Agency that's responsible for creating a wide spectrum of training programs. He creates programs across the country, volunteers his time throughout the Erie Area including working with the Barber Center National Institute and their Beast on the Bay, Highmark Caring Place, the International Institute of Erie where he also served as a Board Member, Junior Achievement of NWPA as a Board Member and Project Volunteer, worked as an advisor to the Athena Powerlink Program, Chaired the Fairview Zoning Board for 5 years, served as a business mentor for SCORE of America. When inquiring about Tom, consistently the reports were of his integrity, honesty, and highly respected. Tom is extremely excited about this opportunity, and Mrs. Schauerman is positive that he will live up to the challenge and serve the Board well.

Mr. Horton asked that the County Executive put forth her two (2) nominees. County Executive Dahlkemper named her first nominee as Kathryn Sintal, born in Erie, resides in the Waterford Area. Her beginnings were at GE working third shift as a wire-harness maker. She then joined the U.S. Airforce, in which she became an air-traffic controller; being named top graduate and airman of the quarter. When Kathryn decide to then go to college, she was not sure was to take; one of her first classes was a computer class - she found that she loved it, and excelled. Since, she has had a long career in IT. Through that career, she has learned many things about IT, which we know is an essential in today's world for almost every job. One thing that she said was that "You are never an expert, because two years from now what you are an expert in today in IT is actually no longer of consequence." The County Executive emphasized her enthusiasm for robotics, artificial intelligence, and so many things that are part of the new

economy; naming her as a great asset.

Secondly, County Executive Dahlkemper named Christina Vogel, of Fairview. He spoke of her behalf: Not a native Erie resident, but has been a business owner in the community for several years. She was a 2019 Athena Powerlink winner, and the 2019 Commitment to Erie winner for the Community Service for businesses with under 50 employees. Prior to becoming an entrepreneur and owning her own business, she has a long history in the financial sector and so will bring various skills. She has her Master in Science in Journalism, and an MBA. Additionally, she has given greatly to this community since she has moved here a number of years ago.

Chairman Horton called for a recess of 15 minutes beginning at 4:37pm for the County Executive to review the nominees and decide on certification of said nominees.

Meeting reconvened at 5:20pm.

Chairman Horton announced that the County Executive has certified the nine nominees put forward. He explained that a motion would be entertained for each nominee and then voted on.

Chairman Horton referred back to the County Executive to allow discussion on her certification of positions. The County Executive stated that in the almost 7-years that she has served as County Executive, she has never not put forward a recommendation from any Council Member for any Board or Authority that appointments are held. She stated that she has done this out of respect for the elected position of each member of County Council. She believes that it is the prerogative of County Council to either vote up or down the nominations brought forward. That being said, she has brought forward the seven names of the Council appointees. She voiced severe concerns about the appointment of Brenton Davis. She stated that he has had a very public opposition to the establishment of the Community College of Erie County. He started an online opposing petition, which is still live today; he filed an official position in order to intervene during the Community College Hearing, which was denied by the Pennsylvania Department of Education. She believes that Mr. Davis may have an inherent conflict of interest due to his very public and ongoing opposition to the Community College, but out of respect for the separate branch of government, it is up to County Council to decide whether this appointment is appropriate or not for the Erie County Community College. County Executive Dahlkemper confirmed that she has certified all nominees.

Chairman Horton called for the motions for the votes. Mr. Anderson suggested expediting the process by suggesting that each Councilperson putting up said nominee would motion on their own behalf; Mr. Horton in agreement.

Mr. Smith called for the motion on the District 1 nominee of Ronald DiNicola,

Esq.; this was motioned by Mrs. Clear, Seconded by Mr. Anderson, and carried in a 7-0 vote. No comments.

Mr. Smith called for the motion on the District 2 nominee of Annette Wagner, MD.; this was motioned by Mr. Anderson, Seconded by Mr. Shank, and carried in a 7-0 vote. No comments.

Mr. Smith called for the motion on the District 3 nominee of Cheryl Rush Dix; this was motioned by Mrs. Rennie, Seconded by Mr. Anderson, and carried in a 7-0 vote. No comments.

Mr. Smith called for the motion on the District 4 nominee of Pastor Charles Mock; this was motioned by Mr. Anderson, Seconded by Mrs. Schauerman, and carried in a 7-0 vote. No comments.

Mr. Smith called for the motion on the District 5 nominee of Brenton Davis.; this was motioned by Mr. Shank, Seconded by Mrs. Schauerman; discussion occurred prior to vote:

Mrs. Rennie gave statement on why she will not support this nominee: She stated that as someone who has publicly voiced concerns over the Community College Application and Plan, and from talking with many of her constituents who share the concern, she acknowledges the possibility of supporting education strongly but still question the design of a plan, the processes, or the potential return on investment - that is being called a good steward of the public trust. She stated that, in representing her constituents and tax payers as a whole including all those opposed to the Community College, whatever her doubts may have been now is time to act in broad interest for all of those people -financially, culturally, educationally in every way. For the future of communities children and grandchildren, we need to work together to make this a success; it is an investment, that is where she stands. At a certain point, especially in politics, it is obvious when self-interest takes over, or when a disagreement becomes a crusade, as it has in the case of Mr. Davis. At every turn he has opposed the Community College, to the point that she believe he has no interest or intention of seeing it succeed, and has shown any indication that he will do anything to see it fail. When someone is willing to sacrifice your future and that of your children so that they can be proven right, so that they can further their careers, or for the people who are willing to support such an individual because they believe it will somehow result in a return for them, she would question that. While she respects her colleagues' right to bring forward candidates for Trustee, she does not believe it's in anyone's interest to support that line of thinking.

Mrs. Clear gave statement on why she will not support this nominee: She stated that her concerns go back to the public humiliation, derogatory remarks, inflammatory remarks, and disparaging statements that have been made about Council Members Rastetter, Anderson, and Horton; taking great offense to items

put publicly online. Mrs. Clear stated that she is not convinced that the intentions of Mr. Davis would not be in keeping the greater good in mind. As of August 7th, he was still posting things online that the tax payers don't need the added burden. She reminded that he accused Vice-Chairman Anderson of receiving funds from Empower Erie for researching; the false accusations that were brought to Council, in front of the entire county. She emphasized that she trusts Councilman Shank, but does not know that she can trust this individual with the future of her own students.

Mr. Anderson gave statement on why he will vote yes on this nominee: He began by stating his appreciation of Mrs. Clear's comments and recognize those comments of the situation. He stated that he gave his word publicly to support all nominees, he will honor that word and supports all of his colleagues' rights to move names forward.

Mr. Rastetter gave statement on why he will not support this nominee: Mr. Rastetter respects Mr. Shank's choice to put forth Mr. Davis, and he enthusiastically supports putting forth a craftsman, someone who can work with their hands and knows how to labor; however, he will not risk the future of this college over Brenton Davis.

Mrs. Schauerman gave statement on why she will support this nominee: She respects Mr. Shank for putting this name forward. She is aware that much of the concern against the Community College is fear of tax payers being stuck with the bill; specifically in out-lying Districts. She stated that if there is anyone that will fight to ensure the tax payers don't get stuck with that bill, it would be Brenton Davis.

Mr. Horton gave statement on why he will not support this nominee: He stated that, as the Chairman of County Council, he could not in good conscious support this nominee who has fought so adamantly and hard against the College, and who still has an online petition against the College. Although he is not concerned about the disparaging things voiced about himself, he is concerned about the future of the college, and all of the people who stand to gain from it. He stated that after sixteen years of discussion and discourse, this is where we have arrived. He believes that Board of Trustee's should be for the starch advocates of the College, who believe in the College, and want to see it succeed and become a world class workforce development community college that he believes Erie can obtain. He emphasized that he will not support the nomination of Mr. Davis, and believes that it equates to legislative malpractice to consider such an individual for this position. Chairman Horton went on to state that when people show you show they are, you should believe them. He stated that, while Mr. David may be a fine gentleman and businessman, he doesn't believe he would be a good fit to work in a collaborative fashion with the other eight Board Members. Mr. Horton went on to emphasize that Erie County does have a "financial watchdog," Controller Kyle Foust.; assuring his confidence in Dr. Foust's abilities to make sure the tax payer's monies are not wasted.

Attorney Talarico advised that Chairman Horton could offer the ability of Mr.

Shank to withdraw his nomination and put forth an alternate name. Chairman Horton clarified that there was a motion for this appointment, and he supports Mr. Shank exercising his franchise. He is familiar with having an appointment questioned and pushed back. Chairman Horton deferred to Councilman Shank; offering him the ability to withdraw. Mr. Shank adamantly chose to have his nominee stand. Vote failed 3-4.

Mr. Smith called for the motion on the District 6 nominee of David Mitchell; this was motioned by Mr. Rastetter, Seconded by Mr. Anderson, and carried in a 7-0 vote. No comments.

Mr. Smith called for the motion on the District 7 nominee of Tom Benson; this was motioned by Mrs. Schauerman, Seconded by Mrs. Rennie, and carried in a 7-0 vote. No comments.

Mr. Smith called for the motion on the County Executive nominee of Kathryn Sintal this was motioned by Mr. Anderson, Seconded by Mrs. Clear, and carried in a 7-0 vote. No comments.

Mr. Smith called for the motion on the County Executive nominee of Christina Vogel; this was motioned by Mr. Anderson, Seconded by Mrs. Schauerman, and carried in a 7-0 vote. No comments.

Chairman Horton once again referred to Mr. Shank in putting forth a second name or if he would prefer to reconvene with an alternate. Mr. Shank requested that firstly Chairman Horton provide an apology for the way he spoke of Mr. Shank's character. Mr. Shank then accepted the reconvening once he has had time to review prospects. Chairman Horton set a meeting to reconvene on Monday, August 31, 2020 at 4:00pm, Caucus at 3:30pm. In full disclosure, Chairman Horton clarified that under the Community College Act, if an appointment is not made then the County Executive will have the option of reappointing in his place. Mr. Horton then suggested a socially-distanced gathering of Council with the new Board of Trustees as they draw their lots. Resolution 38, 2020 will be approved once all Trustees have been fully named.

ADJOURNMENT

Vice-Chairman Anderson offered congratulations to Chairman Horton in reference to his campaign for Council striving for a Community College, and his ability to now see that come to fruition as he sits as Chairman of County Council. As Mr. Horton should be honored to have brought this possibility to the community, Council should be honored to bring this fight to a conclusion. Mr. Anderson stated that as he and Councilman Rastetter came on Council 2.5 years ago, they both immediately joined into that fight, believed in that fight, and ran

on that fight as well. The people of this community elected everyone who fought for progress, for education, and for a community college. Mr. Anderson went on to state that he was honored that, as an educator, Mrs. Clear stepped in for Councilwoman Fatica and continued her strides in fighting for education and progress in Erie County. Now that we have approval to make this a world-class College, all of Erie County should be honored today. Hopes and dreams are alive in Erie County, Pennsylvania because of the Chairman, all of Council Colleagues, and the Administration for stepping forward in fighting. Mr. Anderson went on to thank Empower Erie for their countless hours of work and commitment to the effort. Glad to see that, rightfully so, three members of the Empower Erie Organization are sat as Inaugural Board Members.

Chairman Horton thanked Vice-Chairman Anderson. He offered that he does not question the passion of his colleagues for the County. He stated that the success of the college is going to largely depend on not only the Board of Trustees, but all of the support it can hold. He stated that it has been an honor to be a Chairman at this time, through times of COVID-19. As the Council is relatively new, there are many places that are owed a debt of gratitude for their support. He maintains that the Community College should be the community's crown jewel of the renaissance that all of Erie is undergoing. While some may not be able to get past the word "tax," the better word to consider is "investment;" there being no better investment than that the people.

Mr. Anderson moved to adjourn at 06:00 PM, meeting to be reconvened Monday, August 31st; Mrs. Clear Seconding.

The next regularly scheduled meeting of Erie County Council will be September 8, 2020 at 4:00pm, with Caucus beginning at 3:30pm. The Erie County Finance Committee and Personnel Committee will meet Thursday, September 3, 2020 at 4:00pm. Meeting agendas and zoom conference information will be located at eriecountypa.gov.