

## MINUTES

### Erie County Council

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

## REGULAR MEETING MINUTES

**Tuesday, February 2, 2021**

### PLEDGE OF ALLEGIANCE

### OPTIONAL PRAYER OR INVOCATION

Mrs. Clear led with the option invocation of: Re: Shaping the future in lite of Black History Month, shared from Madame CJ Walker don't sit down and wait for the opportunities to come, you have to sit down and make them,

### ROLL CALL

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

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

### HEARING OF THE PUBLIC

Chairman Anderson explained that anyone from the public wishing to speak at this time will receive 3 minutes, unless they have contacted the office via phone or email by the previous Friday at which time they would be formally added to the agenda and be allotted 5 minutes.

Freda Tepfer, Erie PA - Ms. Tepfer shared that she is celebrating Black History Month, and purchased August Williams stamps in honorarium. She touched briefly on the COVID-19 vaccinations that are becoming available, and suggested Erie have a more uniform approach to distribution. Ms. Tepfer emphasize her support of Ordinance 6, 2021; thanking Council for bring this Ordinance forward to reduce the commissary fees from 75% to 25%. Ms. Tepfer offered that using these fees as a behavioral modification tool was nonsensical and that she feels behavioral modification should be addressed in a mental health setting.

Terri Hulihan, Harborcreek, PA - Ms. Hulihan shared her experience in the Erie County Prison system. Now that she is out of the system, she volunteers her time to talk with inmates regarding drug and alcohol abuse and mental health. She voiced support with Ordinance 6, 2021; voicing the need to reduce recidivism.

Cindy Purvis - Ms. Purvis spoke on the issue of corrections; emphasizing her disgust that inmates are charged any additional fees. She stated that Erie is one of twenty-six counties (of the 67 in PA) that operates in this fashion. She thanked Council for the consideration of Ordinance 6, 2021, and encouraged Council to research into the other counties with regard to this action.

Chuck Nelson, Pastor, Downtown Erie - Pastor Nelson voiced that he works with many men that have spent their time in the Erie County Jail/Prison systems. He shared an account of an inmate who had been sentenced in Erie, and at a later date in Allegheny County; he shared his experience with the Pastor, stating that the care was significantly better in the other county. Pastor Nelson views the 75% current fee schedule as an immoral revenue source.

Margaret Watts, Washington Township, Edinboro - Speaking on Ordinance 6, 2021. She thanked Councilmen Rastetter, Horton & Anderson for their previous efforts to reduce hardship placed on families and friends while trying to support their incarcerated loved ones, by decreasing the 75% recovery fee to 25%. She voiced that families are not in economic positions, especially during these pandemic times, to make financial contributions at these rates. Families are trying to make their incarcerated family members not feel isolated. She offered alternative incentives for cooperative behavior of the incarcerated.

Margaret Watts, Washington Township, Edinboro, PA -

#### **MINUTES FROM PREVIOUS MEETING**

Councilman Horton moved to approve the minutes from the January 19, 2021 Regular Meeting. This was seconded by Mrs. Clear and carried in a 7 - 0 vote.

#### **January 19, 2021 - Regular Meeting**

Councilman Horton moved to approve the minutes from the January 19, 2021 Regular Meeting. This was seconded by Mrs. Clear and carried in a 7 - 0 vote.

#### **REPORTS OF COUNTY OFFICIALS**

**County Executive and/or** No report.

**her Designee**

|                                          |                                                                                                                                                         |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Finance Committee -Mrs. Clear</b>     | Finance Chairwoman Clear reported that the Finance Committee met of January 28, 2021 and submit for the agenda new business items A, B, D and E.        |
| <b>Personnel Committee - Mrs. Rennie</b> | Personnel Chairwoman Rennie reported that the Personnel Committee met of January 28, 2021 and submit for the agenda new business items C & F through I. |

**Citations/Recognitions**

**Presented By Chairman Anderson In Memoriam:**  
**Attorney John Bonanti**  
**Mr. Robert "Bob" Atalla**  
**Mr. Richard "Dick" Winston**

Chairman Anderson offered that although many people have been lost over the course of the pandemic, the memory and impact they have made will not be forgotten.

Chairman Anderson stated that he and his niece had personal friendships with Attorney Bonanti. Pat Kennedy, Chief Public Defender spoke on the passing of Atty. Bonanti: We were shocked at his passing, it was quite sudden in a motor vehicle accident. John embodied what you want in a county employee; someone who handled all sorts of cases, whether juvenile or adult. He worked on cases, even during times when laws were new and statutes were not clear. John was always someone to volunteer. He served thing county well for 30 years; starting as a part-time public defender right out of law school. She called John a "good sounding board" for her, always offering good advice. John was a huge Oklahoma Sooners Football fan, many of their conversations revolved around such.

Chairman Anderson shared words on Richard "Dick" Winston, a fellow Masonic Brother: He, along with his family, have served this community for three generations as the "Plumbers on Plum Street." Chairman Anderson acknowledged all of the community work he and the family contributed.

Chairman Anderson shared words on Robert "Bob" Atalla. Chairman referring to Bob as a friend; golfing together, enjoying his sense of humor and the pride he took in his coffee business and the love he had for this community.

Councilwoman Clear shared her history with the Atalla family: Her first interaction was as a teacher at J.S. Wilson, where she taught Michael Atalla, and with Bob's wife who she spoke to daily as a fellow employee of the school. It wasn't until one day, at the post office, she went to mail care packages to services members in Afghanistan, Iraq, and Pakistan on behalf of her students when she was approached by a kind voice offering to pay for the shipment. She later came to find out that it was indeed Bob. He wanted to give back to those who were serving our country. She wrote a letter to the editor regarding his generosity, which was published shortly thereafter.

**Other**

Councilman Horton spoke regarding the proposed Ordinance 6, 2021, that allows Erie County Prison to bill prisoners and garnish 75% of the money that a person's loved one puts on their account. Councilman Horton voiced his utmost respect for Warden Sutter, stating that they have discussed this issue at nauseum; however, they continue to come to an impasse. Mr. Horton referenced a letter that was sent by the Warden, in which the Warden failed to acknowledge that there were 4 Councilmembers who previously voted to pass the prior Ordinance, citing from the letter "The primary reason for the policy is its use in behavioral modification. Only inmates that have misconduct get assessed fines and need to be held responsible for their actions. The truth is, inmates are charged fines when they damage property and toilets are sometimes intentionally overflowed." Mr. Horton countered that the Warden did not make mention that any correctional officer can assess whether an inmate be fined for "misconduct," including arguing with another inmate, fighting with another inmate, failure to stop talking when requested; essentially anything prison officials deem applicable. Citing the letter, this type of guideline "helps keep officers safe." Further, the Warden's letter proclaimed there is no reason for a loved one to even bring money to the prison, as the prison supplies all necessities; items can be purchased by loved ones online through a vendor, however if purchased through this method the fees are not assessed. Councilman Horton stated that the COVID pandemic has illuminated several systems that effect the poor, and people in black/brown communities in disproportionate manners from lack of technology to the susceptibility to COVID and the potential of hospitalization and/or death. Mr. Horton voiced that those numbers should lead to those populations being prioritized for vaccinations. He stated that as insurrectionists or insurgents marched on the Capitol, at the urging of a former President, that legislators helped the mob and members of the Capitol police were involved too. It illuminated the work downtown and around the city, showing who's working and who is not. Many poor people don't have internet access, or are internet savvy, or perhaps they just want to bring cash down to their son or daughter, so that they can have more than "just the basics" of what the prison provides, but also some items to make their stay there not as hard. Erie County Council, and the Dahlkemper Administration, adopted an Ordinance declaring racism a health emergency in Erie County. Shortly thereafter, Council voted down a diversity officer, sadly. Mr. Horton spoke on the common charge of disorderly conduct amongst the black/ brown communities. Mr. Horton eluded to the census of the Erie County prison specifically that the majority are not the rich nor the white; up to 60-70% suffering from some type of mental disorder - he fails to see what a fine would do to mitigate that person's behavior. He stated it isn't racist, but it effects a demographic of people in disparity. These fines do not include the charged rent or \$10/day or \$100/weekend. Chairman Horton believes 25% is a fair amount. Grateful that the Ordinance being put forth is a

First Reading, to allow everyone a chance to get educated about the issue. He stated that it is immoral, wants these charges to stop, and will be voting 'yes' when the time comes.

Chairman Anderson thanked Councilman Horton for his comments and voiced his position as a co-sponsor of this endeavor he will choose to continue to voice his support. He stated that currently millions of dollars are being spent on giving people a second chance, and to charge these exorbitant costs within the prison for "behavior modification" and sending inmates out of prison with this debt following them that hinders them from getting loans for vehicles, jobs, etc.

### **OLD BUSINESS - NONE**

### **NEW BUSINESS**

Kim Clear moved to amend the agenda to move Ordinance 4, 2021 to a Second Reading, and combine items F through I (appointments) into one motion. This was seconded by André Horton and carried in a 7-0 vote.

**First Reading of Ordinance 3, 2021 "Approval of Single Vendor Contract for Court Branch Computer Assisted Legal Research Firm"**  
**Vendor Contract for Court Branch Computer Assisted Legal Research Firm"**  
**(Finance Committee)**

Mr. Smith gave a First Reading of Ordinance 3, 2021 "Approval of Single Vendor Contract for Court Branch Computer Assisted Legal Research Firm."

**First Reading of Ordinance Number 4, 2021, "First 2021 Public Health Fund Budget Supplemental Appropriation of \$4,140 for Biobot Project Donation Remaining Funds from Erie Community Foundation" (Finance Committee)**

Mr. Smith gave a Second Reading of Ordinance Number 4, 2021, "First 2021 Public Health Fund Budget Supplemental Appropriation of \$4,140 for Biobot Project Donation Remaining Funds from Erie Community Foundation." Mrs. Clear motioned this for a Second Reading, Seconded by Mr. Horton and carried in a 7 to 0 vote.

**First Reading of Ordinance Number 5, 2021 "Elected Officials Salary Ordinance 2022-2025" (Attached)(Personnel Committee)**

Mr. Smith gave a First Reading of Ordinance Number 5, 2021 "Elected Officials Salary Ordinance 2022-2025"

**First Reading of Ordinance 6, 2021 "Amending Ordinance 83, 2014 'Revised Fee Schedule in Department of Corrections'" (Attached)(Finance Committee)** Mr. Smith gave a First Reading of Ordinance 6, 2021 "Amending Ordinance 83, 2014 'Revised Fee Schedule in Department of Corrections'"

**Resolution Number 5, 2021 "Approving the 2017 - 2020 Codification of all County Ordinances & Resolutions" (Finance Committee)** Mr. Smith gave a Reading of Resolution Number 5, 2021 "Approving the 2017 - 2020 Codification of all County Ordinances & Resolutions." Ellen Schauerma made the motion to COMMENTS. This was seconded by Kim Clear and carried in a unanimous roll call vote.

Chairman Anderson clarified that every four years under the Home Rule Charter, Article II, Section 31, requires approval of the codification of all County Ordinances and Resolutions for each four-year period.

**Possible appointment of Timothy McGahen, CFO of Corry Memorial Hospital, to fill a vacancy on the Erie County Hospital Authority left by Richard Olinger. This term will expire February 1, 2024. (County Executive) (Personnel Committee)** Mr. Anderson asked Mr. Smith to read aloud each appointee, the position that will be appointed, and the term length of all possible appointments. Mr. Smith read aloud the information as listed in the agenda. Ellen Schauerma made the motion to accept all appointments. This was seconded by Kim Clear and carried in a unanimous roll call vote.

**Possible reappointment of Bradley Dinger, of UPMC Hamot, to the Erie County Hospital Authority. This is Mr. Dinger's second term. This term will expire February 1, 2026. (County Executive)(Personnel Committee)**

**Possible reappointment of**

**Rand Levis, CFO of Saint Vincent Hospital, to the Erie County Hospital Authority. This is Mr. Levis's second term. This term will expire February 1, 2026. (County Executive)(Personnel Committee)**

**Possible appointment of Dana Williams to the Human Relations Commission. Mr. Williams will fill the unexpired term of Melonie Jackson. This term will expire June 30, 2022. (County Executive) (Personnel Committee)**

**ADJOURNMENT**

Councilman Shank moved to adjourn, Seconded by Councilwoman Clear;  
Adjourned at 04:51 PM

**The next Finance & Personnel Committee Meetings will occur February 11, 2021 at 4:00pm via zoom conference.**

**The next Regular Meeting of Council will occur February 16, 2021 at 4:00pm. Caucus will begin at 3:30pm.**

**For social-distancing measures and consistency with CDC Guidelines, meetings will be held via zoom conferencing (zoom.us). Agendas and zoom information available**

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