

MINUTES

Erie County Council

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

REGULAR MEETING MINUTES

Tuesday, August 17, 2021

PLEDGE OF ALLEGIANCE

Chairman Anderson led the Pledge of Allegiance.

OPTIONAL PRAYER OR INVOCATION

Councilman Shank explained that the tradition of the optional prayer or invocation began with Councilwoman Carol Loll. He offered these words: "On a matter of style, swim with the current; on matters of principle, stand like a rock."

ROLL CALL

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

Also Present: Douglas R. Smith, James Sparber, Erika Knight, Nicole Inan, Amy Swartzfager

Chairman Anderson thanked Harborcreek Supervisors Steve Ohler and Daren Pepicello' for hosting Council on the road. He thanked Councilman Shank for the work he had done in arranging the location for the meeting.

Councilman Shank enthusiastically stated that Harborcreek is his district, and his home. He graduated from Harborcreek High School, has built personal friendships with the supervisors, and went on to share a personal story about his cub scout leader - Ms. May. He commented that Harborcreek is run by supervisors, and their boots are always on the ground, ready to go. He expressed that the On the Road series allows for interaction with the community, and how nice it is to see faces after this pandemic situation.

HEARING OF THE PUBLIC

Mr. Andy Prischak (District 4) was awarded five minutes to speak: Resident of Erie County for almost 70 years. He stated he was not giving his opinion on the merits of the vaccine nor to financially rewarding individuals getting the vaccine; however, he does feel slighted that the recent incentive awarded to Erie County Employees was not given to all Erie County residents, referencing the \$360,000 employee vaccination incentive recently appropriated from the American Rescue Fund. He stated that certainly grocery store clerks, waitresses, law enforcement officers, and firemen are also deserving of this financial incentive. He referenced

a phone call with Chairman Anderson, implying that money could have been used for all Erie County residents, but the Council, by a vote of 3 to 4 elected to only include Erie County employees with hopes of reducing their insurance costs due to COVID. He pled that many Erie County employers are also self-insured and would like to reduce their costs as well, and that the entire county should be incentivized on stopping the spread of COVID-19 and its variant.

Chairman Anderson clarified Mr. Prischak's statement regarding their conversation, in that the County could have chosen to spend all \$26 million of the allocated funds to vaccinate the entire County population, it that's what was chosen to do.

Elsmith Kahle of Erie City: Expressed her appreciation of Council's support to end wage preemption. She specifically thanked Councilman Horton and Chairman Anderson for their efforts in signing on as legislative supporters to pass this on to the House. She explained that the resolution is to show that Erie County has the will to end wage preemption in the state. The hope is to show the governor and the secretary of industry that Erie County has the will and want the right to make independent decisions when it comes to the minimum wage. There are different costs of living throughout the state, and the municipalities should have their own ability to assess and set those wages.

Freda Tempfer of Erie, District 3: Stated she is also supporting Resolution 32. She stated that the intent of the resolution is to support the bill, not to do something special for Erie County. She stated it is the movement to remove state-wide jurisdiction and to look at setting wages based on local conditions. She also urged Council to support the measure by the Department of Health to raise the daily minimum number of hours of care per patient in a nursing home of 4.1 from 2.7 per day. She stressed that it is vitally important to take care of the residents in nursing homes.

Sue Weber of Millcreek: Stated she served this county for 20 years in public office; 12 at the local level and 8 at the county level. She expressed her disapproval of the size of print and language used on the document she printed out of the proposed \$26 million. She expressed her concern that there was no narrative explaining what the categories meant. She expressed her opinion that the plan was rushed with no public input. She offered that this type of money should involve several public hearings, and that a document should be published to explain every item. She has worked with the budget, County pension plan, grants, and stated that she can't read or understand some of the items listed in the exhibit. /She emphasized that there are 6 years to spend the money, and it should not have been rushed. Federal money in tax money, money of the residents. As public officials, Council has the responsibility to seek more county input. She stated people should not be upset at the County employees receiving the money, because they are not the ones who crafted it. She posed a question to the Council about the number of employees who are currently vaccinated in the county.

Amy Papale of Northeast: She spoke on the need for broad band service

desperately needed in the outlying country. In 2009, she advocated for DSL in her area. However, a speed of 2.6 is not fast enough to download, do school work, to have doctor appointments, or to work. She and a few others have been contacting service authorities and local representatives to get service in the area; she named Kathy Dahlkemper, Curt Sonnet, and Dan Laughlin as individuals they have heard nothing in response from. In August of 2020, she reached out to Vnet and was able to have a small group of residents in North East connected. A survey was conducted, and found that 400 houses still need internet service. She voiced that the residents of North East want to stay, live, and work but this is a major hindrance.

Lou Norman of Erie County: Echoed Ms. Weber's notions. Secondly, he agrees with Ms. Papale that this is a county issue. He voiced his concern over the \$360,000 provided to Erie County employees to thank them for being vaccinated, questioning the Council's ability to see the optics of the decision. He pointed out that the same \$360,000 could be utilized for countrywide issues such as broadband, especially in the instance of the pandemic where people are being told to stay home to work and school.

Molly Reck toll of Erie City, lower west side: Spoke in support of Resolution 32. She emphasized that it has been 15 years since Harrisburg has acted on lifting the minimum wage. She stated that wage preemption was passed with that Bill, so it's not in the political landscape. She reiterated, Pennsylvanians have not had a wage increase since 2009 and compete with Ohio at a minimum rate of \$8.80 and New York at \$12.50. She stated that the low minimum wage has crippled those who take care of our citizens. She urged that wage preemption needs to end.

MINUTES FROM PREVIOUS MEETING

Ellen Schauer man moved to approve the minutes from the July 20, 2021 Regular Meeting and August 8, 2021 Special Meeting. This was seconded by Kim Clear and carried in a 7- 0 vote.

**July 20, 2021 - Regular
Meeting**

**August 8, 2021 - Special
Meeting**

REPORTS OF COUNTY OFFICIALS

**County Executive and/or
her Designee**

No report at this time.

**Finance Committee -Mrs.
Clear**

Finance Chairwoman Clear reported that the Finance Committee met on Thursday, August 12th and submitted to the agenda: Old Business Items F & H and New Business Items A through F, and H through M.

Mrs. Clear also invited the public to attend the finance meetings where items scheduled for the regular agenda are discussed.

**Personnel Committee -
Mrs. Rennie**

Personnel Chairwoman Rennie reported that the Finance Committee met on Thursday, August 12th and submitted to the agenda: Old Business Items A through E and New Business Item G.

Other

Chairman Anderson announced a committee of Council "The high speed transportation forward committee". The purpose of the committee is to make sure that Erie County does their homework and is planning and is prepared to take advantage of the money that is being passed by the Federal Government with the Infrastructure Bill for high speed rail. He reported that on a normal budget from the Federal Government, over \$414 million is spent on roads and bridges and \$1.5 billion on rail. With the addition of these funds, to \$66 billion dollars, it is nearly fifty times the amount that the federal government spends in a year. He feels it is a once-in-century opportunity to change the dynamic of how people live, work, and play in a community. It will mean having access to 30 minute job transport, goods and services and recreation. In addition, it saves the environment. Under this legislation, the local company Wabtec has created their FLX drive, a battery operated electronic freight locomotive has the potential to do the contract. This could save the stability of Wabtec in the community, the people who work there, and increase the amount of jobs. Chairman Anderson appointed Councilman Rastetter to chair the committee, and Councilwoman Rennie, Councilwoman Clear and Chairman Anderson to sit. Chairman Anderson emphasized that there is a lot of work to do in a limited amount of time. The organization "All Aboard Erie" has rebranded itself and has become the regional leading hub of the alliance of states and eight different transportation organizations. Mike Fuhrman was recently appointed as Executive Director. The Committee will work with All Bboard Erie, Metropolitan Planning Organization, Transportation in the Erie County Planning Office, EMTA, Erie Community Foundation, ECGRA - under the direction of Perry Wood, Jefferson Education Society, and the Regional Chamber.

Chairman Anderson noted that Erie was once the home of John Tracy, identified as the father of the intercontinental railroad. He stated that the gage size of rail was once different. There was a railroad war that took place over the trestle in Harborcreek. The fight was over the potential change of the gage. He noted that the heritage and history that Erie has over 150 years ago is alive and well.

Chairman Anderson expressed honor to work with all of the Council members, noting their tireless work to ensure work is transparent and open to the public. He informed that meeting notices have been sent out for months, and public meetings have been held with notice for months. Erie County is one of the first counties to be organized and ready to have a plan for the ARPA funding. He named the plan "forward thinking." He explained that Council most recently sat in a Finance Meeting for five and half hours to go over line by line every detail of the plan. When Chairman Anderson called for a Special Meeting for the Ordinances to be addressed, it was because something of this magnitude

deserved its own meeting for clarity and transparency. At the Special Meeting, Council voted line by line. He expressed that it is unfortunate when members of the community look in the mirror and think they have better hindsight because they lived in a bubble before they actually ever decided to come to a meeting. Had they come to a previous meeting, they would have realized how transparent, detailed, and diligent Council has been in the process. Council votes for what is best for the community. He is proud to serve on the County Council. He stated Council is the most diligent, transparent and detailed body existing in Erie County.

OLD BUSINESS

Second Reading of Ordinance Number 58, 2021, "Twenty-Fourth 2021 General Fund Budget Supplemental Appropriation of \$19,658 for Creation of Diversity, Equity and Inclusion Officer in Human Resources Department" (1st Read 7-20-21)(Personnel Committee)

Mr. Smith gave a Second Reading of Ordinance Number 58, 2021, "Twenty-Fourth 2021 General Fund Budget Supplemental Appropriation of \$19,658 for Creation of Diversity, Equity and Inclusion Officer in Human Resources Department" This was moved by Kim Clear, seconded by Mary Rennie and carried in a 5 - 2 vote.

Second Reading of Ordinance Number 59, 2021, "Amending Ordinance 122, 2020 to Change the Position Grade and Salary of the County Clerk" (1st Read 7/20/21)(Personnel Committee)

Mr. Smith gave a Second Reading of Ordinance Number 59, 2021, "Amending Ordinance 122, 2020 to Change the Position Grade and Salary of the County Clerk" This was moved by Ellen Schauerman, seconded by Mary Rennie.

Councilwoman Rennie motioned to amend the body and title language of the Ordinance as read by the County Clerk and replacing the budget exhibit as amended.

Clerk Smith gave a reading of the Ordinance, as amended: "Amending Ordinance 122, 2020 to Change the Position Grade ~~and Salary~~ of the County Clerk Position" BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Section 3B1, 3B2 (b) and 4A, that the amendment to Ordinance 122, 2020--- the "Erie County Non Bargaining Pay-Plan"; to change the Position Grade for the Erie County Clerk from NB 17 to NB 18, ~~and affirming with it a 6% raise in pay retroactive to January 1,~~ is hereby approved as outlined on the attached Exhibit A.

On the amendment, passed 7 to 0.

On the Ordinance, as amended, motioned by Chairwoman Ronnie and Seconded by Chairwoman Clear. Passed 7 to 0.

Second Reading of Ordinance Number 60, 2021, "Twenty-Fifth 2021 General Fund Budget Supplemental Appropriation of \$24,573 for Creation of Deputy County Clerk Position in Office of County Council" (1st Read 7/20/21)(Personnel Committee)

Mr. Smith gave a Second Reading of Ordinance Number 60, 2021, "Twenty-Fifth 2021 General Fund Budget Supplemental Appropriation of \$24,573 for Creation of Deputy County Clerk Position in Office of County Council" This was moved by Ellen Schauerman, seconded by Kim Clear.

Chairman Anderson announced that Erie County Council is creating a position of Deputy Clerk. He expressed that the work that the staff of Erie County Council does is unmatched. He noted changing laws in elections, demands of council members to continue to move forward with Ordinances and Resolutions important to each district and the County, and staff always there to answer the call. One of the best things done this year. The Deputy Clerk will be working with Clerk Smith, as well as working with the Elections Supervisor and Warehouse Manager. The elections, both primary and general, are tedious and complex. He commented that the Election Department is dedicated to the community and to ensuring a fair and unbiased election. Personnel needs to be in place to conduct these elections so that they can stand without any kind of scrutiny.

The ordinance passed 7 to 0.

Second Reading of Ordinance Number 61, 2021, "First 2021 Planning Fund Budget Supplemental Appropriation of \$33,716 for GIS Position Reclassification" (1st Read 7/20/21)(Personnel Committee)

Mr. Smith gave a Second Reading of Ordinance Number 61, 2021, "First 2021 Planning Fund Budget Supplemental Appropriation of \$33,716 for GIS Position Reclassification" This was moved by Kim Clear, seconded by Mary Rennie.

Councilwoman Rennie moved to amend the language as read by Clerk: First 2021 Planning Fund Budget Supplemental Appropriation of \$33,716 for Elimination of GIS Coordinator Position & Creation of GIS Administrator Position (Title Amended) BE IT ENACTED by the County Council of the County of Erie pursuant to Article II, Section 3B1, 3B2 (b) and Article VIII, Section 8 of the Home Rule Charter, that the elimination of Position 066010-007 and the creation of Position 066010-017, and certified by the County Executive, that a 2021 Planning Fund Budget Supplemental Appropriation of a \$33,716 to Fund Balance ~~back to the General Fund for reclassification of a GIS Position~~, is hereby approved as outlined on the attached Exhibits A & B. Seconded by Councilwoman Clear, carried 7 to 0.

Ordinance, as amended, was moved by Councilwoman Clear, Seconded by Mrs. Schauerman and carried 7 to 0.

Second Reading of Ordinance Number 63, 2021, "Twenty-Sixth 2021

Mr. Smith gave a Second Reading of Ordinance Number 63, 2021, "Twenty-Sixth 2021 General Fund Budget Supplemental Appropriation of \$93,314 for EMTA Local Match Shortfall of the fiscal year 2021-2022 requirement of

General Fund Budget Supplemental Appropriation of \$93,314 for EMTA Local Match Shortfall of the fiscal year 2021-2022 requirement of \$1,153,888, as amended" (1st Read 7/20/21 & amended 7/20/21) (Finance Committee)

\$1,153,888, as amended" This was moved by Ellen Schauerma, seconded by Kim Clear and carried in a 7 - 0 vote.

Second Reading of Ordinance Number 64, 2021, "Third 2021 Mental Health\Intellectual Disabilities (MHID) Fund Budget Supplemental Appropriation of \$2,835,469 and Creation of New Line Item for Receipt of Additional Grant Funds" (1st Read 7/20/21)(Finance Committee)

Mr. Smith gave a Second Reading of Ordinance Number 64, 2021, "Third 2021 Mental Health\Intellectual Disabilities (MHID) Fund Budget Supplemental Appropriation of \$2,835,469 and Creation of New Line Item for Receipt of Additional Grant Funds" This was moved by Kim Clear, seconded by Mary Rennie.

Chairman Anderson commented that these monies are desperately needed by those in Erie County for rent or mortgage payments. The process that has been put forth by the Administration is working diligently to ensure that this money gets out quickly to the community. He noted some concerns upon receiving the initial \$17 million and this additional money that some of the organizations that have been working with clients that need these funds have not been kept in the loop. There was a supposed meeting yesterday, but neither he nor Councilman Horton were invited. He urged the importance of open communication.

Motion carried 7 to 0.

Second Reading of Ordinance Number 68, 2021, " Twenty-Ninth 2021 General Fund Budget Supplemental Appropriation of \$33,716 for Planning GIS Position Reclassification" (1st Read 7/20/21)(Personnel Committee)

Mr. Smith gave a Second Reading of Ordinance Number 68, 2021, " Twenty-Ninth 2021 General Fund Budget Supplemental Appropriation of \$33,716 for Planning GIS Position Reclassification" Motioned by Councilwoman Clear, Seconded by Councilwoman Rennie.

Councilwoman Ronnie moved to amend the language as recommended by the solicitor and read by Clerk Smith:

Twenty-Ninth 2021 General Fund Budget Supplemental Appropriation of \$33,716 for Elimination of GIS Coordinator Position & Creation of GIS Administrator Position (Title Amended)

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II, Section 3B1, 3B2 (f) and Article VIII, Section 8 of the Home Rule Charter, and certified by the County Executive, that this 2021 General Fund Budget Supplemental Appropriation of a \$33,716 to Fund Balance from the ~~Reclassification of the~~ elimination of Position 066010-007 and the creation of Position 066010-017, is hereby approved as outlined on the attached Exhibit A. Amendment carried 7 to 0.

The ordinance, as amended, was motioned by Councilwoman Rennie, Seconded by Councilwoman Clear and carried 7 to 0.

Resolution Number 28, 2021, "Approving a Professional Services Contract for Consultation on Pandemic Related State and Federal Funding " (Tabled 7/20/21)(Finance Committee)

Councilwoman Clear motioned to remove Resolution 28 from the table, Seconded by Councilwoman Rennie. Carried 7 to 0.

Mr. Smith read Resolution Number 28, 2021, "Approving a Professional Services Contract for Consultation on Pandemic Related State and Federal Funding"

Motioned by Councilwoman Clear, Seconded by Councilwoman Rennie.

Councilwoman Clear moved to amend the resolution to include "Witt O'Brien" as put forth by the Administration and the revised exhibit as reviewed by Solicitor Talarico; Seconded by Councilwoman Rennie. Carried 7 to 0.

Chairman Anderson clarified that this resolution was put forward by the Administration and Council did not agree with the original firm chosen due to the perception of a conflict of interest, as said group does other financial auditing for the County. By Council approving the name "Witt O'Brien" it will place them in a contract to assist the Administration with the pandemic related costs.

On Resolution 28, as amended, carried 7 to 0.

NEW BUSINESS

Chairwoman Clear moved to amend the agenda to table Ordinance 74, and move Ordinance 75 to 2nd; second by Councilwoman Rennie. Carried 7 to 0.

First Reading of Ordinance Number 69, 2021, "Twenty-Seventh 2021 General Fund Budget Supplemental Appropriation of \$7,000 for Additional Insurance Expense In The Director of Administration Office" (Finance Committee)

Mr. Smith gave a First Reading of Ordinance Number 69, 2021, "Twenty-Seventh 2021 General Fund Budget Supplemental Appropriation of \$7,000 for Additional Insurance Expense In The Director of Administration Office"

First Reading of Ordinance Number 70, 2021 "Approving a Single Vendor Contract for a Three Year Agreement with Advent Communications for Partner Assurance Support Services "

Mr. Smith gave a First Reading of Ordinance Number 70, 2021 "Approving a Single Vendor Contract for a Three Year Agreement with Advent Communications for Partner Assurance Support Services "

**Partner Assurance Support
Services " (Finance
Committee)**

**First Reading of Ordinance
Number 71,2021 "2021
Pleasant Ridge Manor
Fund Budget Revised
Revenue of \$2,700,000 from
ARPA Revenue
Replacement" (Finance
Committee)** Mr. Smith gave a First Reading of Ordinance Number 71,2021 "2021 Pleasant Ridge Manor Fund Budget Revised Revenue of \$2,700,000 from ARPA Revenue Replacement"

**First Reading of Ordinance
Number 72, 2021 "To
Create and Establish the
Erie County Diversity,
Equity and Inclusion
Commission" (Finance
Committee)** Mr. Smith gave a First Reading of Ordinance Number 72, 2021 "To Create and Establish the Erie County Diversity, Equity and Inclusion Commission"

**First Reading of Ordinance
Number 73, 2021
"Amending the
Administrative Code of
2021 Article II, Section IV
(E) to Incorporate the Erie
County Diversity, Equity
and Inclusion Commission"
(Finance Committee)** Mr. Smith gave a First Reading of Ordinance Number 73, 2021 "Amending the Administrative Code of 2021 Article II, Section IV (E) to Incorporate the Erie County Diversity, Equity and Inclusion Commission"

**First Reading of Ordinance
Number 74, 2021
"American Rescue Plan
Fund Budget Revised
Expenditures of \$3,500,000
and Removal of Restriction
on Funds for the Erie
County Diversity, Equity
and Inclusion Commission"
(Finance Committee)** Tabled.

First Reading of Ordinance Number 75, 2021 "Amending Ordinance 119, 2020 " 2021 Appointed Official's Salary Ordinance County Clerk"	Mr. Smith gave a Second Reading of Ordinance Number 75, 2021 "Amending Ordinance 119, 2020 " 2021 Appointed Official's Salary Ordinance County Clerk". Motion by Councilwoman Clear, Seconded by Councilwoman Schauerma, and carried 7 to 0.
Resolution Number 30, 2021 "Approval of the Letter of Engagement from Maher Duessel for ARPA Funding Accounting Services" (Finance Committee)	Mr. Smith read Resolution Number 30, 2021 "Approval of the Letter of Engagement from Maher Duessel for ARPA Funding Accounting Services" This was moved by Ellen Schauerma, seconded by Kim Clear. Councilwoman Clear moved to amend the exhibit in items 1 -4 "as directed by the county"; seconded by Councilwoman Rennie and carried 7 to 0. On the Resolution, as amended, carried 7 to 0.
Resolution Number 31, 2021 "Approving the Financial Statements and Independent Auditor Report for the County of Erie and Related Funds for the year ending December 31, 2020" (Finance Committee)	Mr. Smith read Resolution Number 31, 2021 "Approving the Financial Statements and Independent Auditor Report for the County of Erie and Related Funds for the year ending December 31, 2020" Moved by Councilwoman Clear and Seconded by Councilwoman Rennie. Councilwoman Clear thanked Tracey Fugagli and Jim Sparber for their assistance with COVID Fund monies and CARES fund monies. She recognized the Finance Department for winning an award during the difficult time.
Resolution Number 32, 2021 "In Support of Ending State Wage Preemption, so Erie County May Enact Their Own Minimum Wage" (Finance Committee)	Mr. Smith read Resolution Number 32, 2021 "In Support of Ending State Wage Preemption, so Erie County May Enact Their Own Minimum Wage" This was moved by André Horton, seconded by Kim Clear. Horton moved to amend the Resolution to strike the language " Resolution 932 in support of," and strike the language "so Erie may enact their own minimum wage," as well as to change the Bill number to House Bill 923, 2021-2022." seconded by Councilwoman Clear and carried 7 to 0. Resolution, as amended, carried 5 to 2.
Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 18-051-047.0-101.00 (Finance Committee)	Councilwoman Clear motioned to vote on items K, L, & M in one vote; Seconded by Councilman Horton; carried 7 to 0. On items K, L, & M, motioned by Councilwoman Clear, Seconded by Councilwoman Schauerma, and carried 7 to 0.
Possible Sale of a Parcel from the Repository for	

**Unsold Property at Index
Number: 27-030-027.0-
002.00 (Finance
Committee)**

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 18-051-016.0-
202.00 (Finance
Committee)**

ADJOURNMENT

Chairman Anderson announced the upcoming meetings. Councilman Rastetter moved to adjourn, seconded by Councilwoman Clear. The meeting adjourned at 7:33pm.

**Upcoming Meeting
information**