

## 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, July 20, 2021**

### PLEDGE OF ALLEGIANCE

Chairman Anderson led the Pledge of Allegiance.

### OPTIONAL PRAYER OR INVOCATION

Councilwoman Clear led the optional invocation with words from Henry David Thoreau: "I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived."

### ROLL CALL

Members Present: Chairman Anderson; Vice Chairwoman 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 welcomed the public to Asbury Nature Center for the On-the-Road Meeting. He explained that it is Council's intent to visit various districts. Councilwoman Clear also thanked the public for their attendance in District 1; naming Millcreek about woods, green spaces, and family.

Individuals that called in prior to publication of the Agenda receive 5 minutes, other members of the public wishing to speak will receive 3 minutes.

### **Courtney Sabo**

The speaker was not present.

### **Brenton Davis**

Brenton Davis of Millcreek Township: Complimented the Council on the on-the-road series. Stated he is representing the emails and conversations that he has recently had with various residents in Erie County. He commented that during the last Finance Meeting of Council, there were many remarks that were upsetting to many people. Many of the concerns voiced were about the lack of stakeholders with regard to the ARP monies. His concerns are ambiguous language and vagueness. He implored that this money be impactful for generations.

**Other ( 3 minutes)**

Jon Whaley, City of Erie: Thanked Council for the meeting as well. He spoke in regard to the ARPA Grant Funds. He was initially under the impression that this would be purely related to COVID needs, but found out that was not the case. He stated that it appears that the County Executive and Council has reached out to County Departments, Agencies, and Authorities for feedback, referencing the recent proposal. He expressed that the disbursement seems rushed. He questioned whether or not the funds have been directly discussed with their entities (i.e. Millcreek) to see how they will utilize the funds and how such can be leveraged. He suggested slowing down on disbursement and utilizing the allotted time accordingly. He expressed that economic development needs to be a priority.

Pastor Charles Mock, Community Baptist Church, City of Erie: Stated that Erie County Community College now represents the new model of how Erie County will receive and distribute funds. He believes in developing inclusivity, a voice of synergy by leveraging social services and social capital. He is hopeful that with this money comes new structure and plans so that the past will not be repeated.

Gary Bukowski of Millcreek Township: Asked in deliberation regarding Ordinance 65, that there be consideration of nonprofits in Erie County. We all want to move forward from the pandemic - from the support of CARES it made a difference. Sarah Reed Children's Center received \$80,000 and leveraged it into a \$300K technological initiative. Thank you.

Gary Horton - Erie City: Motivated to bring inner city kids to the venue. The County is leading in policies that impact poor people more so than the City. City is not talking about the disadvantaged and the status quo. County Council is doing the right thing at the right time. This is an opportunity to unify the people disproportionately affected by COVID - the poor people.

### **MINUTES FROM PREVIOUS MEETING**

#### **June 24, 2021 - Regular Meeting**

André Horton moved to approve the minutes from the June 24, 2021 Regular Meeting. This was seconded by Ellen Schauerman and carried in a 7 - 0 vote.

### **REPORTS OF COUNTY OFFICIALS**

#### **County Executive and/or her Designee**

No report provided by the County Executive at this time.

#### **Finance Committee -Mrs. Clear**

Finance Chairwoman Clear reported the Finance Committee met Thursday, July 15, 2021 and submit to the agenda Old Business Items A through D, and New Business Items E through I, and K, L, and N.

#### **Personnel Committee - Mrs. Rennie**

Personnel Chairwoman Rennie reported the Personnel Committee met Thursday, July 15, 2021 and submit to the agenda New Business Items A through D, J, M

and O.

**Other**

Councilman Shank reported that 4 hours were spent in the Finance Meeting reviewing the ARPA Funds and that many questions arose. He voiced disappointment that there was no allocation for veterans; the County is coming out of a 20 year conflict. He named several local veteran agencies that could benefit. He went on to express that 22 veterans a day die from suicide. He finds it insulting that the County Executive sent down an employee vaccine incentive of \$360,000; stating it should be utilized for community food banks, etc.

Chairman Anderson recognized Gary Bukowski for service to the community and District 4 founding representative. Mr. Anderson announced that the clerk will be asked to read line by line the American Rescue Plan as proposed. The Covid Impact and Recovery Committee was created and met formally every week from January through June and Council colleagues were privy to that information. A variety of individuals were included and extensively went through the needs of this community. "Transformational Grants" will be administered by ECGRA to promote transformative ideas. He encouraged the public to look through, and understand, the categories. There are a diverse number of things coming from this, including a diversity commission, fire authority, and many others. Council has worked with the Administration with multiple layers of people to develop a fiscally responsible, transformative, and impactful solution for the community.

**OLD BUSINESS**

**Possible Action to Remove from Table, and Second Reading of Ordinance Number 26, 2021, "Fifth 2021 Library Fund Budget Supplemental Appropriation of \$105,500 for Libraries' Historic Newspaper Digitization Project and Approval of a 6 Year Purchase Agreement with NEWSBANK" (Finance Committee) (Tabled 5-4-21)**

Councilwoman Clear motioned to remove Ordinance Number 26, 2021 from the table; Seconded by Mr. Horton and approved 7 to 0.

Mr. Smith gave a Second Reading of Ordinance Number 26, 2021, "Fifth 2021 Library Fund Budget Supplemental Appropriation of \$105,500 for Libraries' Historic Newspaper Digitization Project and Approval of a 6 Year Purchase Agreement with NEWSBANK".

Mrs. Clear motioned to amend the exhibit and face sheet of the ordinance to reflect \$102,217, and to include exhibits A,B, & C on the face sheet. She also commented on the amount of time that has been spent on working with the company Newsbank and offered a special thank you to Solicitor Talarico. Seconded by Mr. Horton and passed 7 to 0.

The ordinance as amended, was moved by André Horton, and seconded by Kim Clear.

Chairman Anderson thanked Attorney Talarico and Councilwoman Rennie in the diligence on this item; Mrs. Rennie understood we could do better if time was taken on this item, and that was the case. Thanked former /library Director Dessy for his work as well; two years ago the rate was originally at \$800,000, over time more than \$200k down. Mr. Anderson supports this item, stating he spends a

significant amount of time in the heritage room at the library and understands the value.

Ordinance passes as amended 7-0.

**Possible Action to Remove from Table, and Second Reading of Ordinance Number 27, 2021, "Ninth 2021 General Fund Budget Supplemental Appropriation of \$105,500 for Library's Historic Newspaper Digitization Project" (Finance Committee) (Tabled 5-4-21)**

Councilwoman Clear motioned to remove Ordinance Number 26, 2021 from the table; Seconded by Mr. Horton and approved 7 to 0.

Mr. Smith gave a Second Reading of Ordinance Number 27, 2021, "Ninth 2021 General Fund Budget Supplemental Appropriation of \$105,500 for Library's Historic Newspaper Digitization Project"

Mrs. Clear motioned to amend the exhibit and face sheet of the ordinance to reflect \$102,217; seconded by Mrs. Schauerman and approved 7 to 0.

Mr. Anderson clarified for the public what the action of amendment meant to the companion ordinances.

The ordinance as amended, was moved by Kim Clear, and seconded by André Horton; passed 7 to 0.

**Second Reading of Ordinance Number 55, 2021, "Twenty-First 2021 General Fund Budget Supplemental Appropriation of \$300,000 and Creation of New Line Items for Additional Election Costs" (1st Read 6/29/21)**

Mr. Smith gave a Second Reading of Ordinance Number 55, 2021, "Twenty-First 2021 General Fund Budget Supplemental Appropriation of \$300,000 and Creation of New Line Items for Additional Election Costs" This was moved by Mary Rennie, seconded by Ellen Schauerman and carried in a 7 - 0 vote.

**Second Reading of Ordinance Number 56, 2021, "Twenty-Second 2021 General Fund Budget Supplemental Appropriation of \$1,000 for Creation of Temporary Staff Line Item in the County Executive's Office" (1st Read 6/29/21)**

Mr. Smith gave a Second Reading of Ordinance Number 56, 2021, "Twenty-Second 2021 General Fund Budget Supplemental Appropriation of \$1,000 for Creation of Temporary Staff Line Item in the County Executive's Office" This was moved by Ellen Schauerman, seconded by Mary Rennie and carried in a 7 - 0 vote.

## **NEW BUSINESS**

Councilwoman Clear motioned to move items E & J to Second Readings, and

amend the Face sheet of Ordinance 65, 2021 (item H) to "2021 American Rescue Plan Supplemental Appropriation of \$26,315,751 for Establishment of ARPA Fund to Administer and Disburse Grant Funding.", seconded by Mr. Horton.

Mrs. Clear commented to the public that Council typically keeps things to a first reading to allow public transparency on the monies that are being spent; item E & J are being moved to second readings because of time restraints or pass through.

Motion to amend the agenda approved 7 to 0.

**First 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" (Personnel Committee) (Attached)**

Mr. Smith gave a First 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"

**First Reading of Ordinance Number 59, 2021, "Amending Ordinance 122, 2020 to Change the Position Grade and Salary of the County Clerk Position" (Personnel Committee) (Attached)**

Mr. Smith gave a First Reading of Ordinance Number 59, 2021, "Amending Ordinance 122, 2020 to Change the Position Grade and Salary of the County Clerk Position"

**First 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" (Personnel Committee)**

Mr. Smith gave a First 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"

**First Reading of Ordinance Number 61, 2021, "First 2021 Planning Fund Budget Supplemental Appropriation of \$33,716 for GIS Position Reclassification"**  
**Supplemental Appropriation of \$33,716 for GIS Position Reclassification"**  
**(Personnel Committee)**  
**(Attached)**

Mr. Smith gave a First Reading of Ordinance Number 61, 2021, "First 2021 Planning Fund Budget Supplemental Appropriation of \$33,716 for GIS Position Reclassification"

**First Reading of Ordinance Number 62, 2021, "Eighth 2021 Public Health Fund Budget Supplemental Appropriation of \$17,639 in Additional Funds from Safe & Healthy Communities Grant" (Finance Committee)**

Mr. Smith gave a Second Reading of Ordinance Number 62, 2021, "Eighth 2021 Public Health Fund Budget Supplemental Appropriation of \$17,639 in Additional Funds from Safe & Healthy Communities Grant" This was moved by Ellen Schauerma, seconded by Brian Shank and carried in a 7 - 0 vote.

**First Reading of Ordinance Number 63, 2021, "Twenty-Sixth 2021 General Fund Budget Supplemental Appropriation of \$93,314 for EMTA Local Match Shortfall in 2021-2022" (Finance Committee)**

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

Councilman Horton motioned to amend the language of the Ordinance to "Twenty-Sixth 2021 General Fund Budget Supplemental Appropriation of \$93,314 for EMTA Local Match Shortfall of the fiscal year 2021-2022 requirement of \$1,153,888"; Seconded by Mrs. Clear; approved 7 to 0.

**First 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" (Finance Committee)**

Mr. Smith gave a First 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"

**First Reading of Ordinance Number 65, 2021, "Twenty-Seventh 2021 General Fund Budget Supplemental Appropriation of \$26,315,751 and Creation of American Rescue Plan Act Fund Budget" (Finance Committee)**

Mr. Anderson asked that Clerk Smith give a First Reading of Ordinance Number 65, 2021, "Twenty-Seventh 2021 General Fund Budget Supplemental Appropriation of \$26,315,751 and Creation of American Rescue Plan Act Fund Budget" in its entirety, including exhibit A, separating into the Fund Bureaus. He

**Appropriation of  
\$26,315,751 and Creation  
of American Rescue Plan  
Act Fund Budget" (Finance  
Committee) (Attached)**

clarified that it is for transparency reasons that this shall be read in its entirety.

Clerk Smith:

2021 American Rescue Plan Act Fund Supplemental Appropriation of \$26,215,751 for Creation of American Rescue Plan Act Fund Budget to Administer and Disburse ARPA Grant Funding, as amended.

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Section 3B1, and Article 8, Section VIII of the County Home Rule Charter, and certified by the County Executive that the supplemental appropriation of \$26,315,751 and new line items for the establishment of the 2021 Erie County American Rescue Plan Act (ARPA) Fund Budget, for the administration and disbursement of ARPA Grant Funding, are hereby approved as outlined on the attached Exhibit A.

BE IT FURTHER ENACTED that the final distribution of funds by Erie County must be approved by County Council, and that weekly reports on ARPA expenditures shall be provided to Council by the Administration through December 31, 2021.

This ordinance shall be effective immediately upon adoption.

Exhibit:

Revenue \$26,315,751: American Rescue Plan Grant, Checking interest, and a \$100,000 Grant

Expenditures: ARPA Administration \$35,000

Financial Construct Bureaus:

1. Community Futures Center: Created as contracted services, not County employees, and will only exist as the post-Covid fiscal recovery remains. Line Items: Travel Work Required (9,500); Data Processing (2,000); Telephone (1,500); Postage (1,000); Duplicating and Printing (1,000); Professional Fees (250,000); Other Office Supplies (5,000); Computer Supplies (10,000). Total: \$280,000.

2. Revenue Replacement: Will be transferred to the General Fund through the next Ordinance. \$7,092,000

3. County Assessed Needs: Line Items: Maintenance and Repair (60,000); Professional Fees (10,000); Computer Supplies (240,000); Other Office Supplies (34,760); Capital Outlay (386,760). Total: \$386,760.

4. Diversity, Equity and Inclusion Commission Grant: The money for this grant will be placed in a restricted account until the commission is formed and a board is seated by County Council & the Administration. \$3,500,000.

5. Municipal Assistance: Administered by the Planning Department. Line Items: Municipal Infrastructure (2,500,000); GAP Funding Grants, Eligible municipalities must apply for other possible available funding. Excludes the entitlement municipalities. Public Safety Grants (1,000,000), excluding the City of Erie, cannot be used for debt service or new vehicles, and each entity must apply for other possible available funding; intended to have seed money when legislation from the state allowing for a Fire Authority. Total: \$3,500,000

6. County Economic Development: Administered by the Redevelopment Authority. Urban Renewal and Community Development (2,779,500), Entrepreneurship - Includes E for All, Women in Minority Business, the Diversity Loan Program, Start Grant for the Arts. All entities must apply for any

other possible matching or available grant funding, and this grant was received by the Small Business Association and Erie County's Portion would be a matching grant (5 year grant) (737,500); Workforce Development - Minority Grant Program through the Erie Chamber and Growth Partnership. (150,000). Total: \$3,6667,000.

7. Public Health: Overtime (45,025); FICA (3,432); Workers Compensation (1,307); Pension (5,236); Pass Thru (50,000); Neighborhood Resource (10,000); Police Athletic League (10,000); Blue Zones - Restricted until all 7 partners sign on (745,000); Employee Vaccine Incentive (360,000); Total: \$1,230,000.

8. Business Grants: Shuttered Venues Grants - Administered by the Redevelopment Authority, Excludes Lead Assets, and Businesses must have applied for other possible grant funding from other funding sources (1,474,991); New Small Business Grants - Administered by the Redevelopment Authority (150,000); LEAD Assets Grants - Administered by the Finance Department - Must apply or have applied for the Federal Shuttered Facilities Grant and/or PPP (1,000,000). Total \$2,624,991.

9. Transformative Grants: Administered by the Erie County Gaming Revenue Authority. \$4,000,000.

**First Reading of Ordinance Number 66, 2021, "Twenty-Eighth 2021 General Fund Budget Supplemental Appropriation of \$7,092,000 and Creation of New Items for Transfer from American Rescue Plan Act Fund for Revenue Replacement" (Finance Committee)** Mr. Anderson asked that Clerk Smith give a First Reading of Ordinance Number 66, 2021, "Twenty-Eighth 2021 General Fund Budget Supplemental Appropriation of \$7,092,000 and Creation of New Items for Transfer from American Rescue Plan Act Fund for Revenue Replacement" in its entirety, including the exhibit.

Clerk Smith:

Twenty-Eighth 2021 General Fund Budget Supplemental Appropriation of \$7,092,000 and Creation of New Items for Transfer from American Rescue Plan Act Fund for Revenue Replacement

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II, Section 3B1, and Article 8, Section VIII of the County Home Rule Charter, and certified by the County Executive that the General Fund Budget supplemental appropriation of \$7,092,000 and creation of new items for transfer from American Rescue Plan Act Fund for revenue replacement, are hereby approved as outlined on the attached Exhibit A.

This ordinance shall be effective immediately upon adoption.

Exhibit:

Revenue: \$7,092,000

Expenditures: Maintenance & Repair (142,000); Capital Outlay (150,000); Fire Fighters Grant (501c4) (300,000); Erie County Convention Center Authority (2,000,000); Erie Council of Governments (50,000) EC3 Empowerment Grant (1,500,000); EC3 Barrier Reduction Grant (250,000); Transfer to Pleasant Ridge Manor (2,700,000). Total: \$7,092,000.

**First Reading of Ordinance Number 67,2021 "Amending Ordinance** Mr. Smith gave a Second Reading of Ordinance Number 67,2021 "Amending Ordinance Number 50, 2021, "To Correct a New Position Number in the District Attorney Office" This was moved by Ellen Schauerma, seconded by André

**Number 50, 2021, "To Correct a New Position Number in the District Attorney Office"**

Horton and carried in a 7 - 0 vote.

**First Reading of Ordinance Number 68,2021 "Twenty-Ninth 2021 General Fund Budget Supplemental Appropriation of \$33,716 for Planning GIS Position Reclassification"**

Mr. Smith gave a First Reading of Ordinance Number 68,2021 "Twenty-Ninth 2021 General Fund Budget Supplemental Appropriation of \$33,716 for Planning GIS Position Reclassification"

**Resolution Number 28, 2021, "Approving a Professional Services Contract for Consultation on Pandemic Related State and Federal Funding" (Finance Committee) (Attached)**

Vice Chairwoman Clear motioned to table Resolution 28, 2021; Seconded by Councilwoman Schauerman.

Chairman Anderson clarified that there are some outstanding documents standing before a vote.

Tabled with a vote of 7 to 0.

**Resolution Number 29, 2021, "Authorizing Thomas S. Talarico, Esq. as Designated Appointee of Erie County Council in Pursuit of Litigation Related to the Heart & Lung Appeals in 2021" (Personnel Committee)**

Mr. Smith gave a reading of Resolution Number 29, 2021, "Authorizing Thomas S. Talarico, Esq. as Designated Appointee of Erie County Council in Pursuit of Litigation Related to the Heart & Lung Appeals in 2021" This was moved by Kim Clear, seconded by André Horton and carried in a 7 - 0 vote.

**Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 39-006-007.2-007.54**

Mr. Smith gave a reading of the Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 39-006-007.2-007.54 at 2947 Happy Valley Rd. This was moved by Kim Clear, seconded by Ellen Schauerman and carried in a 7 - 0 vote.

**Resolution Number 30, 2021 " Enforcement of Ordinance 122, 2020" Approval of 2021 Erie County Non-Bargaining Employees Pay Plan" (Personnel Committee)**

Chairman Anderson asked for a motion to go into Executive Session; Motioned by Councilman Horton, Seconded by Councilwoman Schauerman, carried 7 to 0.

Adjourned to Executive Session at 7:30pm.  
Reconvened at 7:53pm.

**ADJOURNMENT**

Chairman Anderson announced the upcoming meeting dates, including a

tentative Special Meeting at the Erie County Courthouse on August 5, 2021 for Ordinances 65 & 66.

Motioned to adjourn at 7:56pm.

### Nicole Inan, Council & Elections Administrator ###