

MINUTES

Erie County Council

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Brian Shank, Chairman
Mary Rennie, Vice Chairwoman
Charlie Bayle
André R. Horton
Ellen Schauerma
Terry M. Scutella
Jim Winarski

REGULAR MEETING MINUTES

Tuesday, March 7, 2023

PLEDGE OF ALLEGIANCE

Chair Brian Shank led the Pledge of Allegiance.

OPTIONAL PRAYER OR REFLECTION

Mrs. Schauerma led the optional prayer or reflection.

ROLL CALL

Members present: Chair, Brian Shank, Vice Chair, Mary Rennie, Charlie Bayle, Andre Horton, Ellen Schauerma, Terry M. Scutella, and Jim Winarski
Others present: Julie Slomski, Megan Moore, Solicitor Tom Talarico, Deputy Solicitor Jay Stranahan, Doug Smith

CERTIFICATES AND CITATIONS

Chairman Shank asked for a moment of silence for former County Executive Mark DiVecchio.

Joe Giles

A posthumous citation was presented to the family of former County Council member Joe Giles. His sister, Deb Vahanian, accepted and said a few words. She described his effect on the lives of his family and friends, and the emphasis he put on cultural expansion through art and literature. She presented a gift of chocolates and a poem to the Council members in Joe's memory.
Ms. Slomski relayed the story of the framed artwork in the front of the room, a picture from Joe Giles for the Elections Office that he procured from a Ben & Jerry's store on a trip.

HEARING OF THE PUBLIC

Lou Aliota

Lou Aliota, Millcreek: Mr. Aliota stated there are consequences when illegal actions by public elected and appointed officials do not have a fundamental legal foundation to act or vote on the expenditure of public funds. He noted it was called the Surcharge Act. He also noted the counterclaim for defamation with taxpayer money was illegal. He said this win was not just for Aliota, it was for every citizen in America. He also declared that after he left this earth his name and case law would be used forever and ever. He questioned at the Millcreek Supervisor meeting if what they were doing was legal and received no response. He questioned why he had no written response from the Council after he shared a lot of correspondence with them over the last several years. He stated there was deception from the highest public officials relative to masks and Covid. He stated

he sent Council correspondence on the FAA investigation to the Erie Regional Airport Authority. He questioned if anyone called another public official to find out if they had the authority to investigate the discrepancies. He noted that all legal American citizens expect elected and appointed officials to follow US laws and state constitutions in accordance with their oath of office. He noted he believed the public education system was weaponized like the F.B.I. He said the assassination of one's character was done in concert with and by fake media.

Others

Freda Tepfer, Erie: Ms. Tepfer noted the most reasonable memorial the County could make for Joe Giles was to establish the Joe Giles Memorial Poet Laureate program. She referenced an ordinance on the agenda that would use ARP money as funding, and stated that infrastructure funds should be used instead, and that as the fourth largest city in Pennsylvania they would get funding. She stated ARP funds should go to things that will make a difference to improve the lives of those affected by Covid and systemic racism. She mentioned that Judy Heumann, an international hero to all people with disabilities, passed away. She stated this person had spent her whole life fighting for all people to have access and fair treatment, and hoped the new HRC Director would follow in those footsteps. She offered her thanks to all those who were running for office, and stated that for those running unopposed, the public would find a way to express their opinion.

Valerie Perkins, Erie: Ms. Perkins questioned whether what the Council was doing was legal. She noted the ARPA funds were for those most affected by Covid-19, and it was not Penn State or Gannon University, but it was the people represented by the DEIC. She stated the Council should be ashamed of their decisions regarding the funding, and continue to add insult to injury. She urged the Council to release the funds so that grants could be fulfilled.

Daylon Michael, Erie: Mr. Michael challenged the Council to do the right thing by the black, brown, and indigenous communities of Erie. He stated it was an opportunity for them to positively impact communities who were historically disenfranchised in Erie. He noted the problems were caused by Brenton Davis, the County Executive, down to how the commissioners were selected. He noted the invoices and grants should be paid. He maintained that it was shameful that money was taken from this community, and there was no concern or transparency publicly about what had happened to the Commission.

Tiffany LaVette, Erie: Ms. LaVette stated she was there on behalf of the people in her community where she lived and served with her business. She asked the Council to look into their hearts and look into the purpose and reason why the funds were placed in the county, and at the Resolution that was passed to assist black and brown communities. She asked the Council to restore funds to aid those that want to stay in Erie and be part of its economic development. She noted the Commission should be held accountable for funds that had already been granted, and the Council should question them on the pressures the Commission has holding them back. She stated she looked forward to meeting with the Council to answer questions, and work together to benefit all of Erie County, including black and brown people.

MINUTES FROM PREVIOUS MEETING

February 21, 2023 - Regular Meeting

A motion to accept the minutes was made by Schauerman, seconded by Horton, and approved 7-0.

REPORTS OF COUNTY OFFICIALS

County Executive and/or his Designee

Doug Smith, Director of Administration: Mr. Smith stated that the Administration had produced the documents requested by the Council in regards to Ordinance 10, 2023, including an investment map for the GAP funding, a rundown of GAP funding in 2022, and a total accounting of ARP funds in 2021-2022. He noted that Vice Chairwoman Rennie had requested an ARP plan, and they felt an ARP plan had come together as a result of efforts by the County Executive and the Council. He respectfully requested the ordinance for the GAP funding be taken off the table. He noted last year \$2.3M went to communities throughout the county for water and sewer, and created \$9.4M in water projects in those communities, all by the book in terms of ARP usage. He stated they had at least another \$1M in sewer projects that are eligible for ARP funding and could be multiplied by DCED funding and other sources. He stated it was an equitable and fair use of funds when compared to the city allocations of \$76.1M and another \$60M for the Erie School District. If the GAP ordinance was enacted, it would leave \$4.3M in the fund. He stated they had preached patience on the use of the money from the beginning, and having it in a fund balance doesn't show lack of planning, but an openness to situations that present themselves while a window of opportunity is there. He noted the Omnibus bill passed on December 23, 2022, and that there were amendments included that enabled usage of ARP funds to be used for transportation, and that this was an example of the change of terms for what is legal or not legal. He stated they felt being open to opportunities was a wise stance for the County.

Finance Committee - Mrs. Schauerman

Mrs. Schauerman stated the Finance Committee met on March 2nd and submitted to the agenda Old Business: A & B and New Business: A & C.

Personnel Committee - Mr. Scutella

Mr. Scutella stated the Personnel Committee met on March 2nd and submitted to the agenda Old Business C and New Business: B, D and E, and went into executive session on March 7th for a personnel matter.

Other

Mr. Horton acknowledged Mark DiVecchio, a long-time friend. He noted that Mr. DiVecchio was the first County Executive to introduce the possibility of a community college in Erie County. He also acknowledged Joe Giles, the former representative of his district, and said there had been big shoes to fill after his election. He recalled his first CCAP convention after taking the place of Mr. Giles. Mr. Horton remarked on the terrible optics of the County giving \$6.5M to higher education versus the \$0 that had gone to the DEIC. He stated the optics gave a snapshot of what systemic racism was, defending one community while funding the more privileged community. He noted that it was hard to have these types of conversations because none of us were here 400 years ago, but some

people have clearly benefited since then, and some have not benefited. The intent was to right things. He proclaimed that he was insulted and offended that the County Executive appointed people to the Commission with the sole intent of dividing black and brown communities, and expected them to fight over \$3.5M out of a \$580M budget. He noted the whole racism clause had been included because of red lining, lack of financing, and the inability to get funds. He stated that they welcomed the new members, who deserve a seat on the DEIC, and embraced the new officers. He stated that they would not allow the Divider to divide over chump change. He noted that yes they were fighting for it, because it was money that their community had never seen. He explained that in the general scheme of things, black and brown communities would not fight each other over a paltry \$3.5M when their intended funding had been given to institutions of higher learning. He exclaimed that the higher education institutions should give the money back, and the County may have to pay back that money. He described a presentation at the CCAP conference, also attended by Councilwoman Schauerma and the County Executive, and several of his staff, where they were told there was infrastructure money to pay for EV batteries and things like that, and those endeavors would be a poor use of ARPA funding. He stated that he spoke with the County Executive and Mr. Whaley immediately after the presentation, and quoted the County Executive as saying "I didn't know there was infrastructure money.", and then suggesting that the County would give the \$5M back from PSU if they could get the infrastructure funding instead, but he noted it does not work like that. He stated cute words are used as 'oppressed' and 'discriminated against', but they had actions attached like murder, rape, castration, and lynching. He said that although they are embracing them, there was no Middle Eastern 400 years ago historically discriminated against, not even Hispanics. He stated new Americans were the heroes of the County, and everyone knows what happens when the population declines below 100K in the city. He said there were poor people in the county, and it shouldn't be elusively white, but it should have diversity there as well to make the region strong. He stated that to pit the rural-urban divide is equally shameful. He noted that everyone got designated appropriated money, the city, the county, and each municipality, all based off the same numbers from the census and vital statistics. He stated new Americans are heroes, and they embraced them, and will not be divided. He stated that he hoped the board as composed would start giving out money to those who are dying on the vine. He stated the \$4M left, and said by the Finance Director, should be restored and earmarked for new Americans. He stated he wasn't vilifying anyone, but the higher education money was taken from poor black and brown people. He stated after 400 years it was offensive to take \$6.5M from a group designated to receive those funds and give it to the wealthy and privileged.

Mrs. Rennie remarked that she had spent a career serving the people of Erie County, not one area, but throughout all areas near and far of the county in the Erie County library system as well as the independent libraries. She also stated that she had championed the Municipal Gap fund, and supported the worthwhile projects that would be done. She noted they had received a lot of information from the Administration, but not the information that had been requested, and

until they could make a vote that allocated the remaining ARPA funding, she asked that (the Municipal Gap Ordinance) remain tabled until they could ensure equity for the remaining funds.

OLD BUSINESS

Second Reading of Ordinance Number 10, 2023, "2023 ARPA Fund Budget Revised Revenue and Expenditures of \$5,000,000 for Municipal GAP Funding" (First Read 2/7/23) (Tabled 2/21/23) (Finance Committee)

This ordinance remained tabled.

Second Reading of Ordinance Number 15, 2023 " An Ordinance of the County of Erie, Pennsylvania Authorizing and Directing the Execution and Delivery of a Guaranty Agreement for the Benefit of Pleasant Ridge Manor and Compliance with the Provisions Thereof and Incurring Nonelectoral Debt Thereby; Approving a \$700,000 Letter of Credit Agreement from Pleasant Ridge to First National Bank of Pennsylvania; Directing the Proper Officers of the County to Take Necessary Actions; and Repealing All Inconsistent Ordinances" (First Read 2/21/23)(Finance Committee)

Ms. Slomski gave a Second Reading of Ordinance Number 15, 2023 " An Ordinance of the County of Erie, Pennsylvania Authorizing and Directing the Execution and Delivery of a Guaranty Agreement for the Benefit of Pleasant Ridge Manor and Compliance with the Provisions Thereof and Incurring Nonelectoral Debt Thereby; Approving a \$700,000 Letter of Credit Agreement from Pleasant Ridge to First National Bank of Pennsylvania; Directing the Proper Officers of the County to Take Necessary Actions; and Repealing All Inconsistent Ordinances". A motion was made by Schauerma, seconded by Scutella, and carried 7-0.

Second Reading of Ordinance Number 16, 2023, "Second 2023 Appointed Official's Salary Ordinance Full Time Assistant Public Defender"

Ms. Slomski gave a Second Reading of Ordinance Number 16, 2023, "Second 2023 Appointed Official's Salary Ordinance Full Time Assistant Public Defender". A motion was made by Horton, seconded by Rennie, and carried 7-0.

**(First Read 2/21/23)
(Personnel Committee)**

NEW BUSINESS

First Reading of Ordinance Number 17, 2023, "Sixth 2023 General Fund Budget Supplemental Appropriation of \$15,000 for CCAP Annual Summer Event"(Finance Committee) Ms. Slomski gave a First Reading of Ordinance Number 17, 2023, "Sixth 2023 General Fund Budget Supplemental Appropriation of \$15,000 for CCAP Annual Summer Event".

First Reading of Ordinance Number 18, 2023, "Director of the Erie County Human Relations Commission Salary Ordinance"(Personnel Committee) A motion to move Ordinance Number 18, 2023 to a second reading so that the new Executive Director could be added to payroll was made by Rennie, seconded by Horton, and carried 7-0.
Ms. Slomski gave a Second Reading of Ordinance Number 18, 2023, "Director of the Erie County Human Relations Commission Salary Ordinance". A motion was made by Horton, seconded by Schauerman, and carried 7-0.

Possible adoption of Resolution Number 14, 2023, "Approving the Intergovernmental Transfer Agreement Between the PA Department Of Human Services- Office of Long Term Living and the County Of Erie"(Finance Committee) Ms. Slomski read Resolution Number 14, 2023, "Approving the Intergovernmental Transfer Agreement Between the PA Department Of Human Services- Office of Long Term Living and the County Of Erie". A motion was made by Horton, seconded by Rennie, and carried 7-0.

Possible appointment of Kathleen A. Dahlkemper to the Erie County Convention Center Authority. Term to expire December 31, 2026. (Rennie)(Personnel Committee) A motion to approve the appointment of Kathleen A. Dahlkemper to the Erie County Convention Center Authority was made by Rennie, seconded by Horton, and approved 4-3. (Bayle, Schauerman, Shank)
Mrs. Rennie stated she was happy to speak in support of her nomination, Kathy Dahlkemper. She noted that Ms. Dahlkemper spent a long career serving others through business, in Congress, and as the County Executive. She stated that Ms. Dahlkemper had presided over the most extensive economic redevelopment in the area, and had leveraged millions of dollars for Erie County. She maintained that Ms. Dahlkemper defined economic development and would be a worthy addition to the Convention Center.
Mr. Bayle stated that he was a Roosevelt kind of guy, who walked softly but carried a big stick. He noted he welcomed people asking him why he voted the way he did. He stated he would not be doing a service to the residents of his district by approving this nomination, as they had not forgotten the previous

Administration and the way they perceived the leadership.

Possible appointment of Dr. Timothy Pelkowski to the Erie County Board of Health. Term to expire December 31, 2025. (County Executive)(Personnel Committee) A motion to approve the appointment of Dr. Timothy Pelkowski to the Erie County Board of Health was made by Schauerman, seconded by Winarski, and approved 7-0.

The Council went into Executive Session on a motion from Bayle at 6:53pm. The Council restarted the meeting at 7:32pm on a motion from Horton.

ADJOURNMENT The meeting adjourned at 7:34pm on a motion from Winarski.

***The next Finance/Personnel Committee Meetings are Thursday, March 16, 2023 at 4pm in room 114A, Erie County Courthouse or via Zoom.**

***The next Regular Meeting of County Council is Tuesday, March 28, 2023 at 6pm in room 117, Erie County Courthouse or streamed live at the link provided on the County website.**

***Members of the public wishing to speak at an upcoming Regular Meeting of Council or those requiring specific accommodation are encouraged to call or email the Council Office at (814) 451-6303 or Councilrequests@eriecountypa.gov, no later than the end of business 5 days prior to the meeting. The public must be present at the meeting to speak.**