

MINUTES

Erie County Council

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Terry M. Scutella, Chairman
Chris Drexel, Vice Chairman
Charlie Bayle
Rock Copeland
André R. Horton
Ellen Schauerma
Jim Winarski

Erie County Courthouse
140 West 6th Street, Room 117
Erie, PA 16501

SPECIAL MEETING MINUTES

Friday, December 6, 2024

PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:04pm and the Pledge of Allegiance was recited.

ROLL CALL

Members Present: Terry M. Scutella, Chair, Chris Drexel, Vice Chair, Rock Copeland, Andre Horton, and Ellen Schauerma
Members Present via Zoom: Charlie Bayle and Jim Winarski
Others Present: Karen Chillcott, Tom Talarico, Esquire, Megan Moore, Kenny Bonus and Colin Domowicz (via Zoom)

HEARING OF THE PUBLIC

Public will receive 3 minutes to speak.

Freda Tepfer, City of Erie: Ms. Tepfer referred to Councilman Winarski's contradictory votes from the Budget meeting on childcare. She offered her support for items of discussion such as growerie and the Human Relations Commission, among others. She went on to state that she opposed cuts to the Sheriff's department and to Pleasant Ridge Manor.

Bill Speros-Solicitor for Erie County-represented the Administration-Mr. Speros stated that half of the vetoes that would be discussed have been designated as illegal by Mr. Talarico. Vetoes were meant to restore the proposed amount in the budget and not to increase the amount. Mr. Speros believed that those were valid vetoes and should receive a vote. He noted the Administration believed that the vetoes were solid and well within the rights of the County Executive and the Home Rule Charter. Stated that a motion to strike rather than over ride was illegal. He also stated that Council could not win a majority with four votes but required a super majority with five. He asked that Council let the vetoes stand as written and follow the law.

Councilman Copeland stated that Mr. Speros' point was well taken and compelling. He read from the Home Rule Charter. Councilman Copeland offered his opinion that voting to strike a veto was not illegal. He concluded that

if the strikes passed, they be added to the current litigation.

Mr. Speros reviewed items versus line items as it pertained to the law and the Home Rule Charter. He stated if the veto of an action sheet was not overridden, the proposed amount took its place.

Councilman Horton stated his appreciation for Mr. Speros. He believed that the courts would rule on this soon. Chairman Scutella asked if the strike vote passed would Council be in violation of the law or the Home Rule Charter. Mr. Speros stated that violation of the law was violation of the Home Rule Charter. He stated he wanted to help Council stay within the law. Chairman Scutella stated that was what everyone wanted.

NEW BUSINESS

Ordinance Number 96, 2024, "County Council Action to Override or Strike the Executive's Veto of November 27, 2024"

(A) County Council hereby moves to override or strike the Executive's vetoes to the final Budget Ordinance passed by County Council on November 21, 2024:

Mr. Copeland made a motion to *amend items 1, 2, 4, 7, 11, and 21. Mr. Horton seconded the motion. Mrs. Schauerma suggested each amendment be announced for the record and to make them better understood. Mr. Copeland rescinded his motion.

*(1) County Council moves to strike the Executive's veto of Ordinance No. 72, "2025 Planning and Community Fund Budget," as amended (Action Sheet 3), to eliminate the reduction of One hundred thousand (\$100,000.00) Dollars from the Gaming Fund.

Motion to strike by Copeland, seconded by Horton. Mr. Copeland stated he had an email from the Administration that stated the line was erroneous and they would produce an action sheet to remove it; they never did. Mr. Bayle brought up an email from Mr. Talarico to Council and their financial advisors and questioned why Mr. Maloney was included in the email. Mr. Horton called for a point of order as a motion was on the floor.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

*(2) County Council moves to strike the Executive's veto of Ordinance No. 72, "2025 Planning and Community Fund Budget," as amended (Action Sheet 4), to decrease the ARPA transfer of \$75,000 to zero, the Act 13 Greenways Fund Balance appropriated from \$825,000 to zero, and the Pass-Through Grant expense line from (\$900,000.00) Dollars to zero.

Mr. Copeland made a motion to strike, seconded by Mr. Drexel. Mr. Copeland stated he had concerns, that he did not want to award large grants at the discretion of the Executive, but instead wanted it brought down to Council for each disbursement.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(3) County Council moves to override the Executive's veto of Ordinance No. 73, 2024, "2025 Domestic Relations Fund Budget," as amended (Action Sheet 4), to add the Domestic Relations position NB06 with wages and

associated payroll and benefits expenses.

Motion made by Copeland, seconded by Drexel.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

*(4) County Council moves to strike the Executive's veto of Ordinance No. 76, 2024, "2025 Public Safety Fund Budget," as amended (Action Sheet 4), to decrease the salary increases for the 911 tele-communicators.

Motion made by Copeland, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(5) County Council moves to strike the Executive's veto of Ordinance No. 77, 2024, "2025 Gaming Fund Budget," as amended (Action Sheet 2), to decrease funding for a proposed EMS Program to zero (\$0).

Motion by Copeland, seconded by Horton.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(6) County Council moves to strike the Executive's veto of Ordinance No. 77, 2024, "2025 Gaming Fund Budget," as amended (Action Sheet 3), to decrease funding for the Municipal Projects Program to zero (\$0).

Motion by Copland, seconded by Horton.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

Mr. Copeland wanted to clarify what these votes meant for numbers 5 and 6 of the ordinance. He stated that this was an attempt to spend more money than was available. He noted that it was not clear there were enough funds in the Gaming Funds to cover the expenses. He stated he did not understand if the votes on the motions to strike were due to disagreeing in principle with the item or disagree with the legal position put forward, but it was important to note there was an attempt to spend more money out of the Gaming Fund than was available.

*(7) County Council moves to strike the Executive's veto of Ordinance No. 77, 2024, "2025 Gaming Fund Budget," as amended (Action Sheet 5), to decrease Gaming Fund Balance Appropriated from \$4,263,256 to zero (\$0).

Motion by Copeland, seconded by Drexel. Mrs. Schauerma clarified it was a strike, not override as initially written.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(8) County Council moves to override the Executive's veto of Ordinance No. 79, 2024, "2025 Pleasant Ridge Manor Operating Fund Budget," as amended (Action Sheet 2), to transfer Five hundred thousand (\$500,000.00) Dollars from the General Fund to Pleasant Ridge Manor operations, or increase the Pleasant Ridge Manor budget by Five hundred thousand (\$500,000.00) Dollars.

Motion by Copeland, seconded by Drexel.

Mr. Winarski stated he 100% supports Pleasant Ridge Manor, but they asked for \$500k. He stated his vote was no, but if they needed additional funds later in 2025 he would support it. Mrs. Schauerma repeated Mr. Winarski's sentiments. Mr. Copeland stated he would like to refresh everyone's memory

of the budget meeting with Brad Donor. He noted in that meeting that Mr. Donor relayed the operating expenses were \$2M and they were asked to cut \$1M off their budget. The Administration further reduced it by another 25%, and stated if anyone was remembering it differently, they were wrong. Mr. Scutella agreed with Mr. Copeland's remarks, and stated to cut their budget to \$500k set up Pleasant Ridge to fail.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

(9) County Council moves to strike the Executive's veto of Ordinance No. 82, 2024, "2025 American Rescue Plan Fund Budget," as amended (Action Sheet 2), to reduce ARPA funding of Seventy-five thousand (\$75,000.00) Dollars to the Planning Department.

Motion by Copeland, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

Mr. Copeland clarified that numbers 10 through 13 will be two motions. He stated the first was a strike, the second an override.

(10) County Council moves to strike the Executive's veto of Ordinance No. 82, 2024, "2025 American Rescue Plan Fund Budget," as amended (Action Sheet 3), to reduce funding for Municipal Infrastructure of Two million five hundred thousand (\$2,500,000.00) Dollars and to override the Executive's veto to transfer and increase funding to the Diversity, Equity and Inclusion Commission.

Motion by Copeland, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

Motion by Copeland, seconded by Drexel.

Mr. Copeland stated if a judge agreed with Council's position of the lawsuit, not to override these votes, then no money will have been appropriated and will need returned. Mr. Talarico reiterated Mr. Copeland's remarks.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

*(11) County Council moves to strike the Executive's veto of Ordinance No. 82, 2024, "2025 American Rescue Plan Fund Budget," as amended (Action Sheet 4), to reduce funding for Municipal Infrastructure of Two million five hundred thousand (\$2,500,000.00) Dollars and to override the transfer/increase funding to ECGRA-Childhood Initiative of Two million five hundred thousand (\$2,500,000.00) Dollars.

Motion by Copeland, seconded by Horton.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

Motion by Copeland, seconded by Drexel.

Mr. Drexel addressed his peers that were voting no and stated the ARPA funds that would be returned fell at their feet, and questioned if they understood that. Mr. Copeland stated this was economic and community development and addressed an area that the pandemic hurt immensely. Mr. Scutella stated he supported this initiative. He stated this was about the young people and the future. Mr. Drexel stated this first passed 5-2.

Motion to Override: Passed 5-2 (Bayle, Schauerma)

(12) County Council moves to strike the Executive's veto of Ordinance No. 82, 2024, "2025 American Rescue Plan Fund Budget," as amended (Action Sheet 5), to reduce funding for Municipal Infrastructure of Seven hundred fifty thousand (\$750,000.00) Dollars and to override the transfer/increase of funding to the Redevelopment Authority/Grow Erie Project.

Motion by Copeland, seconded by Horton.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

Motion by Copeland, seconded by Drexel.

Mr. Copeland stated he brought this forward, and was irritated that the County Executive tried to take away the credit he deserved. He stated that this money was allotted previously to the project, and then the Administration removed funds after developments had started. He noted this was done to multiple projects throughout the community. He stated that part of economic growth was stability in the government, and not radically changing directions from one administration to another. He noted the government should not leave people stranded when funding was appropriated.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

(13) County Council moves to strike the Executive's veto of Ordinance No. 82, 2024, "2025 American Rescue Plan Fund Budget," as amended (Action Sheet 7), to reduce funding for Municipal Infrastructure of Seven hundred fifty thousand (\$750,000.00) Dollars and to override the transfer/increase of funding for affordable housing to be administered through the Redevelopment Authority.

Motion by Copeland, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

Motion by Copeland, seconded by Drexel.

Mr. Copeland stated there were many projects in place for housing, and it still was not enough. He noted a real need for affordable housing in the area.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

(14) County Council moves to override the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 11), to increase wages and fringe benefits for a new position in the Conduct of Elections Department.

Motion by Copeland, seconded by Horton.

Mr. Copeland stated that this position was needed, and that the elections were important. Mr. Talarico stated that these are their own employees.

Motion to Override: Passed 5-2 (Bayle, Schauerma)

Mr. Talarico returned to the ordinances that concerned ARPA, and stated as struck, there was no authority for the Administration to spend or access that money and must return to County Council to ask for supplemental appropriations.

(15) County Council moves to override the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action

Sheet 12), to fund the Human Relations Commission.

Motion by Copeland, seconded by Drexel.

Mr. Winarski stated this was not an easy decision, but this office has been an issue for years. He noted he did not support funding it fully, but was open to partial funding. Mr. Copeland questioned what Mr. Winarski meant by his funding choices. Mr. Winarski stated, “not fully funding it at \$268k and a civil rights investigator, but to add money to the professional services line.” Mr. Copeland stated the time to add money to the professional services was two weeks ago. Mr. Winarski stated he thought they had done that (they did not.) There was open discussion about what could be done to fund, partially fund, or fully fund. (The meeting recessed due to a technical difficulty-mandatory computer restart- so that the meeting was recorded and open to the public.) Once back, Mr. Talarico stated it was too late to adjust numbers at this time, legally, as suggested by Mr. Winarski. He noted the Council had to approve or deny in entirety with the vote. He explained that if approved, Karen could put in a request to cut the budget by \$75k, a minimal amount left to restart. Ms. Chillcott stated there were clear reasons why the commission failed previously and could prosper currently. She noted that the PHRC could train and lead a new team to be successful. She stated it was up to Council to override. There was open discussion on the amount of the budget needed. Mrs. Schauerma questioned whether a vote was needed for a new amount in the future. Open discussion. Mr. Talarico stated that they would have to trust Karen to stay within a \$150k budget.

Motion to Override: Passed 6-1(Bayle)

(16) County Council moves to override the Executive’s veto of Ordinance No. 83, 2024, “2025 General Fund Budget,” as amended (Action Sheet 13), to create and fund the position of a Civil Rights Investigator for the Human Relations Commission.

Motion by Copeland, seconded by Horton.

Motion to Override: Failed 0-7

(17) County Council moves to strike the Executive’s veto of Ordinance No. 83, 2024, “2025 General Fund Budget,” as amended (Action Sheet 17), to defund and eliminate the position of Administrative Assistant in the County Executive’s Office.

Motion by Copeland, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(18) County Council moves to strike the Executive’s veto of Ordinance No. 83, 2024, “2025 General Fund Budget,” as amended (Action Sheet 20), to defund/eliminate the Economic Development Bureau and all associated revenues and expenditures.

Motion by Copeland, seconded by Horton.

Mr. Horton stated that this was a duplication of effort. He stated the many authorities, projects, groups already did this work. Mr. Copeland questioned why if the Administration was vetoing the Council’s elimination of the department, they had declined to veto the action sheet that moved part of the

funding to the Planning Department. He stated that was a cause for concern. Mr. Speros responded that he did not have an answer for the question, he did not know. Mr. Sinnott said if the initial department was still intact, then they could not put the same positions in another department. Mr. Copeland, very publically, wanted it stated that the Planning department would not receive that extra money.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(19) County Council moves to strike the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 25), to reduce the wages and fringe benefits of the position of Manager of Procurement in the Purchasing Department.

Motion by Copeland, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(20) County Council moves to strike the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 27), to defund and eliminate the position of the Public Information Officer under the Director of Administration.

Motion by Copeland, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

*(21) County Council moves to strike the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 30), to restrict funding to the Fly Erie Fund pursuant to County policy prohibiting County officials from serving on County boards, authorities or the boards of private companies, or having any affiliation with the same, so long as the board, authority or private company is doing business with the County and in which either the County or the board, authority or private company has received or stands to receive legal consideration, the one from the other.

Motion by Copeland, seconded by Drexel.

Motion to Strike: Passed 5-2 (Bayle, Schauerma)

(22) County Council moves to override the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 34), to add the position of the Database Administrator at the request of the Court's Computer Department, including associated wages and fringe benefits.

Motion by Copeland, seconded by Horton.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

(23) County Council moves to override the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 35), to fund two (2) vacant court reporter positions, including associated wages and fringe benefits.

Motion by Copeland, seconded by Drexel.

Mr. Copeland reminded the Council of the budget meeting where the Courts department knew nothing of the cuts to their funding, made without their

knowledge or consent, and were unlawful under PA Title 16. Mrs. Schauerma n stated that positions had been vacant since 2021, 4 were not filled, and 2 were left to be filled.

Motion to Override: Failed 4-3 (Bayle, Schauerma n, Winarski)

(24) County Council moves to override the Executive’s veto of Ordinance No. 83, 2024, “2025 General Fund Budget,” as amended (Action Sheet 40), to fund the vacant position of Civil Records Clerk in the Department of the Prothonotary, including associated wages and fringe benefits.

Motion by Copeland, seconded by Drexel.

Mr. Copeland reiterated PA Title 16. Mrs. Schauerma n stated this too was vacant. Mr. Copeland questioned whether Council members thought that the County Executive should consult with Row Offices and elected officials that were put in charge of their employees with the right to hire, fire, and manage. Mrs. Schauerma n replied that the department heads should examine their budgets and know what was in them. Mr. Copeland responded that they have rights. Mr. Bayle noted all these positions were vacant, and others had people in them.

Motion to Override: Failed 4-3 (Bayle, Schauerma n, Winarski)

(25) County Council moves to override the Executive’s veto of Ordinance No. 83, 2024, “2025 General Fund Budget,” as amended (Action Sheet 43), to fund the position of Deputy Sheriff in the Sheriff’s Office, including associated wages and fringe benefits.

Motion by Copeland, seconded by Drexel.

Mr. Bayle stated he supported law enforcement and security, but it needed addressed that four school-resource officer positions were not filled. He offered a suggestion on changing positions, but stated it should be done in January. Mrs. Schauerma n stated the county did not have the contracts for those positions anymore. Mr. Copeland stated resource officers and court security were in different sections of the budget. He noted he thought there were 3 positions in 2025. Mr. Bayle stated per HR that day there were 5 and 4 were not filled. He stated it should not be addressed now. He offered they eliminate those resource officers and add a deputy afterwards. Mr. Drexel expressed his surprise to hear this suggestion now, after budget time. Mr. Bayle stated he did not catch it in the first round.

Motion to Override: Failed 4-3 (Bayle, Schauerma n, Winarski)

(26) County Council moves to override the Executive’s veto of Ordinance No. 83, 2024, “2025 General Fund Budget,” as amended (Action Sheet 44), to fund the position of Deputy Sheriff in the Sheriff’s Office, including associated wages and fringe benefits.

Motion by Copeland, seconded by Drexel.

Motion to Override: Failed 4-3 (Bayle, Schauerma n, Winarski)

(27) County Council moves to override the Executive’s veto of Ordinance No. 83, 2024, “2025 General Fund Budget,” as amended (Action

Sheet 45), to reduce the overtime line item, including associated fringe benefits, in the Sheriff's Office budget from Two hundred fifty-five thousand one hundred seventy-two (\$255,172.00) Dollars to Fifty thousand (\$50,000.00) Dollars.

Motion by Copeland, seconded by Drexel.

Mr. Copeland explained his distress at these vetoes, as they had an email from the Administration that requested overtime be put back in to the budget that they inadvertently left out, and had 7-0 votes. He declared that it was absurd for the Executive to veto his own action sheets. Mr. Scutella stated the Sheriff knew better what overtime funding he needed.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

(28) County Council moves to override the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 52), to reduce the overtime line item, including associated fringe benefits, in the District Attorney's Office budget from One hundred forty-eight thousand four hundred sixty-eight and 03/100 (\$148,468.03) Dollars to Fifty thousand (\$50,000.00) Dollars.

Motion by Copeland, seconded by Drexel.

Mr. Copeland reiterated that again this was a 7-0 vote that allowed the administration to correct their errors, their numbers; this overtime was grant funded. Mr. Scutella stated the District Attorney also knew her own budget.

Motion to Override: Passed 7-0

(29) County Council moves to strike the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 60), to reduce the Community Expense line item from Fifty thousand (\$50,000.00) Dollars to zero (\$0).

Motion by Copeland, seconded by Horton.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

(30) County Council moves to override the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 66), to transfer Five hundred thousand (\$500,000.00) Dollars from the General Fund to Pleasant Ridge Manor Operations.

Motion by Copeland, seconded by Drexel.

Motion to Override: Failed 4-3 (Bayle, Schauerma, Winarski)

(31) County Council moves to strike the Executive's veto of Ordinance No. 83, 2024, "2025 General Fund Budget," as amended (Action Sheet 67), to reduce the Gaming Revenue Fund by Two million one hundred forty-one thousand nine hundred seventy-six (\$2,141,976.00) Dollars and transfer to the General Fund.

Motion by Copeland, seconded by Horton.

Mr. Copeland stated this was double revenue, and this money did not exist without a supplemental appropriation; it was a 7-0 vote originally.

Motion to Strike: Passed 4-3 (Bayle, Schauerma, Winarski)

Mr. Talarico suggested that an amendment be made to use the exact language

used by the County Executive in the veto. Motion made by Horton, seconded by Copeland. Passed 6-1 (Winarski)

*(32) County Council moves to strike the Executive's veto of (Action Sheet 73) the tax millage increase.

Motion by Horton, seconded by Drexel.

Motion to Strike: Passed 4-3 (Bayle, Schauerman, Winarski)

Attorney Talarico suggested that a motion be made to accept the ordinance to override or strike, as amended. Motion to Approve Ordinance 96, 2024, As Amended, by Copeland, and seconded by Horton: Passed 4-3 (Bayle, Schauerman, Winarski)

ADJOURNMENT

Councilman Horton expressed how ridiculous the process was to adopt the budget. He stated that the numbers from this Administration could not be trusted. He expressed his shame and embarrassment as legislators that they have abdicated their authority and duty. He strongly urged Council to request an audit. He hoped that 2025 was better. He hoped for effective and efficient government. He stated that they had to do better.

Councilman Copeland motioned that Attorney Talarico add current strikes to litigation. Councilwoman Schauerman asked how soon a ruling would be delivered from the current litigation. Attorney Talarico listed reasons as to why this took so long. He also stated that adding more litigation would slow down the decision. Councilman Copeland withdrew his motion.

Councilman Bayle asked why a non-county employee was copied on an e-mail, and stated it was inappropriate. He questioned who authorized the e-mail. Attorney Talarico stated that Mr. Bayle authorized it. Attorney Talarico when on to state that the e-mail was sent to all that should have been included. Mr. Joe Maloney (who received the e-mail) was a prior financial advisor and was an expert witness for the Council.

Meeting was adjourned at 7:17 p.m.