

COMMISSIONERS GENERAL SESSION
May 11, 2020

**Present at the meeting were
Commissioners:**

Brian S. Allen – Chairman
Gary R. Eby – Vice-Chairman
Brenda L. Watson - Secretary
Shannon Hines - Chief Clerk
William R. Bunt – Solicitor

Present from the Press: None

Present from the Public via Phone: Anna Agular, Vickie Agular, Karen Anderson, Karen Barclay, Amy Beaston, Tom Berry, Pastor Ed Boyle, Robert Brandt, Zoe Burd, Michael Burns, Frank Campbell, Jim Clark, Terry Clark, Calvin Cohick, Donna Cohick, Bonnie Cox, Sally Darr, Christina Dudley, Robin Dum, Tim Eshenaur, Jason Finnerty, Jan Gibboney, Star Gleason, Dave Hammar, Jeanne Hammar, Terry Heller, Eda Hesmit, Kathy Hoover, Michelle Jones, Sarah Keller, Hillary King, Barry Knerr, Wayne Leshar, Dorothy Long, Eugene Long, Jake Major, John Matter, Mary McCarty, Pattie McLaughlin, Kim McMullen, Darla McNaughton, Eddie Orris, Brian Peters, Rich Pluta, Martie Roberts, Jim Scott, Sherry Shearer, Scott Shed, Marty Smith, Wes Smith, Vincent Stint, Jeffrey Swory, Sally Tengeres, Nancy Tressler, Gloria Trostle, Wendy Welfley, Melanie Wertz, Robert Wright, Ronald Wright, Michelle Yoder, Sarah Zeiders, and Joy Zerance

Commissioner Allen opened the meeting at 10:00 a.m. on May 11, 2020 with the Pledge to the Flag and a moment of silence. The meeting was conducted via telephone conference and the meeting was recorded by the County.

Public Comments: Commissioner Allen stated that the Board of Perry County Commissioners would continue to take all actions possible and petition the Governor's Office and the General Assembly to move forward with transitioning Perry County from a red zone to a yellow zone. He commented that Senator DiSanto and Representative Keller have been leaders of this initiative and the Commissioners will continue to support their efforts to amend the Governor's order and change Perry County's status from red to yellow.

Brian Peters stated that on behalf of Perry County residents and himself, he asked the Commissioners and elected officials to join neighboring counties, and reopen Perry County. He provided examples of a notary public that is unable work, as well as other local businesses affected by the mandatory closure. Mr. Peters stated that Lowes, Home Depot, Walmart, and Target are operating and negatively affecting local businesses. He commented that local businesses can maintain social distancing standards and should be able to operate. Mr. Peters stated that businesses had been closed unconstitutionally and rights had been violated by the Governor and Secretary of Health. He commented that Township Supervisors had violated the constitution by closing and in some cases applying restrictions to local fire departments.

Wayne Leshar asked the Commissioners to adopt a resolution today to stand in solidarity with businesses not able to operate. He commented that while he and Commissioner Watson have businesses that have been able to operate, there are many Perry County businesses unable to operate due to the Governor's mandate. Mr. Leshar stated that the data supports the low number of cases in Perry County. He commented that other counties are supporting their local businesses and that businesses should have the choice to operate and should not be dictated by the government.

Karen Anderson asked if there were any cases of COVID-19 in the Perry County Prison or in local nursing homes. She also questioned if the Commissioners had reached out to the nursing homes to see if there were any positive cases. Ms. Anderson stated that she supported getting local businesses opened but thought having supporting data would be helpful. She also asked if the Commissioners had reached out to surrounding counties to see how many ventilators would be available to Perry County in June and how many ICU beds may be available as well. She stated that in regards to Mr. Peters' comment, the Supreme Court confirmed that the Governor's actions were constitutional.

Tom Berry provided a listing of counties that had moved away from the Governor's edict. He also stated that according to the Department of Health there had been 3,600 deaths and the average age was 79 years old. He also stated that 67% of deaths were in nursing facilities and long-term care facilities. Mr. Berry stated that statistically we are way below the need for ICU beds, so even if there was a surge this should not be an issue. He stated that Federal guidelines did not call for businesses to be closed. He commented that the Governor has withheld data. Mr. Berry asked that the County take a unilateral action, within County guidelines, and release the County from the burden it is currently facing.

Scott Shed commented on the abuse of power on the Second Amendment and the need to protect the Second Amendment. He asked that Perry County become a Second Amendment Sanctuary to stop future infringement on this right in times of need. Mr. Shed commented on the lack of an amateur radio system and a repeater. He recommended reestablishing an amateur radio backup system for emergency responders in times of emergency. He stated that he is a free sovereign individual and strongly disagreed with the prior statement and said the state does not have the authority to curtail the Constitution.

Sarah Keller from Senator DiSanto's Office, stated that information on available ventilators, hospital beds, and additional COVID-19 information is available on the Department of Health's website. She also commented that if anyone is in need of assistance finding the information, to contact her office directly.

Jeanne Hammar echoed some of the previous remarks and commented on the issue from a financial point of view. She stated that the pandemic will further impact the County's financial issue by resulting in a lower tax base and lower tax revenue. Ms. Hammar also commented on the issue from a health perspective. She stated that Perry County has proven that residents care about their health by adhering to social distancing and other guidelines and do not need to be told what to do. She questioned if the Commissioners would stand up for the oath of office they took and stand with the people, or would they stand with the Governor.

Bonnie Cox asked if anyone had lost someone to the flu or COVID-19. She stated that she has five family members affected by the disease, and knows 2 – 3 individuals that passed away due to COVID-19. Ms. Cox stated that is irresponsible to not use masks and not social distance. She also stated that it is irresponsible for the Sheriff's Office not to support protocols. She commented that if people are not willing to follow health protocols, we are not ready to reopen.

Robert Wright stated that the Governor is over reaching and violating citizens' Constitutional rights. He said he understood that people are scared, but recommend that those that are scared stay home. Mr. Wright also stated that he has a small business that will most likely close due to the situation. He wants the County to reopen and stated we should make a stand with other counties and tell the Governor enough is enough.

Approval of Minutes: Commissioner Eby made a motion to approve the minutes of the May 4, 2020 meeting. Commissioner Watson seconded the motion. All agreed. Motion carried.

Approval of the Warrant List: Commissioner Eby made a motion, based on the recommendation of the Fiscal Office, to approve the warrant list dated May 12, 2020 in the amount of \$720,411.56.

Commissioner Eby commented that the figure includes the amount that was transferred from the County back to the Family Center to balance the account due to the transition of the Family Center to Community Action. Commissioner Watson seconded the motion. All agreed. Motion carried.

Meeting Business: Commissioner Watson made a motion, based on the recommendation of the EMA Director, to approve the PEMA agreement for recertification of Northridge Group Inc. for County HAZMAT response coverage. Commissioner Eby seconded the motion. All agreed. Motion carried.

Employee Status: Commissioner Eby made a motion to accept the retirement of Mary Lou Moyer, Part-Time Administrative Assistant, in the Perry County Conservation District effective May 15, 2020. Commissioner Watson seconded the motion. All agreed. Motion carried.

Solicitors Report: None

Public Comments: Mary McCarty, of the U.S. Census Bureau, stated that the national 2020 census response rate was currently 58.5% and Perry County is exceeding this rate at 61.4%. She also provided information on the update leave operation.

Brian Peters stated that the Governor and the PA Secretary of Health are in violation of the Constitution. He commented that executive orders do not trump the Constitution. Mr. Peters also stated that the Governor and Secretary do not release data and asked the County to submit a Right to Know request for the statistical information and to inquire who their sources are. He said that the issue is an American, state, and County situation. He asked the Commissioners to stand up for the Constitution and join with our neighbors to bring Pennsylvania back together and make the state and County great again.

Mr. Peters also implored the District Attorney, Sheriff, Solicitor, Senators, and Representatives to stand up for the Constitution.

Terry Heller thanked the Commissioners for allowing everyone to voice their opinions. He stated that his business is able to be open, but he believed all businesses are essential. He said that local businesses are the back bone of the county, state, and the country and it is time to move forward. Mr. Heller commented that the economic impact of the pandemic will be worse than the impact of the virus. He stated he is behind businesses opening up as soon as possible and hoped the Commissioners would support this.

Sally Darr stated that as of April 21st there were four positive cases in the County according to pa.gov. She commented that Senator Mastriano stated that Governor Wolf's number are deceptive. Ms. Darr said she wanted the Commissioners to change the County status to yellow and allow residents to shop in the County rather than travel to hotspots for goods and services.

Tom Berry commented that New York state has found that 2/3 of their COVID-19 cases are coming from individuals in lock down. He stated that being in lock down is counterproductive. He requested that any action be taken include churches, as they have been restricted. Mr. Berry stated that the Attorney General William Barr has referred to the lock down as "defacto house arrest." He commented on the violation of rights and encouraged the Commissioners to join other counties and make a resolution to move forward.

Wayne Leshar stated that the County offices will also need to be open to residents and provided an example of the Prothonotary's office.

Melanie Wertz commented that she agrees that County businesses need to open, but she is very discouraged how a public health issue has become a partisan politics issue. She stated that health matters

need to be taken into consideration and that facts and the science must be involved in any decisions regarding reopening. Ms. Wertz also commented that all County residents should be taken into consideration when making decisions, not just business people.

Michael Burns, Pastor of Watts Township Wesleyan Church and Director of Join Hands Ministries, stated that he and his family are praying for the Commissioners during this time. He commented that due to his experiences within the County he urged the Commissioners to join Senator DiSanto and others to open up the County.

Joyce Rogers commented that she agrees that there needs to be some form of progress towards opening up the County. She said the County numbers speak for themselves and she will continue to follow CDC guidelines and forward progress is needed.

Sherry Copenhaver stated that most medical treatment provided to residents is received outside the County as Perry County has no hospitals. She commented that if having a hospital is one of the criteria for opening up, the County cannot wait for a hospital to be built. Ms. Copenhaver stated that the lack of testing is a government issue, not the business owners in Perry County. She stated that the County needs to move forward. She commented on the 60,000 deaths to the flu and the lack of government intervention. She stated that health precautions do need to be taken, but the County does need to open up and move forward.

Ronald Wright commented that he is a business owner in the County and has had over 100 phone calls for title processing. He stated that he can follow CDC guidelines at his business and should be able to operate. Mr. Wright said he supports opening up the County.

Bonnie Cox stated that there are over 80,000 COVID-19 cases in the past three months. She stated that the virus is not just a respiratory disease and it attacks the entire body and has catastrophic effects.

Karen Anderson asked on where the Commissioners stand on leading the County towards really practicing social distancing and wearing masks when entering businesses. She stated that she would like to see something in the newspaper from the Commissioners encouraging respect among residents and leading all towards taking care of each other health wise.

Scott Shed reiterated the need for an amateur radio emergency response system and the need to make the County a Second Amendment Sanctuary county. He also commented that other people do not need to be on home arrest due to the health issues others have experienced. Mr. Shed said the government should not be telling anyone what to do.

Michael Cox stated that he understood that people have rights but COVID-19 is a deadly weapon. He commented that rights or no rights, people should wear a mask and everyone will get to live.

Meeting Business: Commissioner Eby made a motion that the Board of Perry County Commissioners take all actions possible and petition the Governor's office and the General Assembly to move forward with transitioning Perry County from a red zone to a yellow zone. Commissioner Watson seconded the motion. All agreed. Motion carried.

Public Comment: Sally Darr stated that the motion just made by the Commissioners was no different than the letter already sent to Governor Wolf. She commented that the action was not a very strong stance and consideration should have been given to all the comments previously presented.

Jeanne Hammar commented that the Commissioners have already petitioned the Governor's Office and wondered what good it would do to continue this action. She said that the action being requested of the Commissioners was that they take a stance supporting the Constitution and the oath of office they swore to.

Commissioner Eby stated that the powers vested to the Commissioners in the current situation are limited by the law. He said that part of the oath of office he took was to defend, obey, and protect the citizens of the County legally and that is what he intends to do. Commissioner Eby stated that he would continue to voice issues, along with the General Assembly, which is what is allowed by the State Constitution and the Supreme Court.

Commissioner Allen stated that Senator DiSanto and Representative Keller have gone to bat for the County and they need support from other senators and representatives. He said that if residents reach out to speak with a senator or representative some questions to consider asking include: how much can our County economy stand, what is the point of no return, business owners love their families the same as non-business owners and care for their neighbors. Commissioner Allen stated that phone calls and emails have been made to the Governor, but no reply was received thus far. Commissioner Allen commented that he trusts Perry Countians to make the best decisions for their families and that the County has exceeded the original guidelines set by the Governor and the Department of Health's original matrix. He stated that he would not encourage anyone to break the law, but individuals need to make the best decisions for themselves.

Brian Peters encouraged the Commissioners to draft a declaration, joining other counties, to reopen for business on a certain day. He stated that he hoped the declaration would be drafted for the next meeting.

Commissioner Allen read information from the Pennsylvania Supreme Court stating that the General Assembly could terminate a state of disaster emergency.

Robert Wright stated that Representative Keller, the District Attorney and the Sheriff have all given their support. He commented that the Commissioners are the last hurdle and he would remember their action at the polls in the future.

Michael Cox stated that the virus doesn't care and regardless of your views, the virus can kill.

Comments from Press: None

Commissioner Eby made a motion to adjourn at 11:19 a.m. Commissioner Watson seconded the motion. All agreed. Motion carried.

Shannon Hines, Chief Clerk

Brenda L. Watson, Secretary