



# MINUTES

## Cumberland County Commissioners' Workshop Meeting

May 14, 2020 – 9:00 A.M.  
Commissioners' Hearing Room  
Courthouse, Carlisle, PA

Phone (717) 240-6150 Website: [www.ccpa.net](http://www.ccpa.net)

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**Board of Commissioners Present:** Commissioners Gary Eichelberger, Jean Foschi, and Vincent DiFilippo were present.

**Quorum:** Yes

**Staff Present:** Stacy Snyder, Deputy Chief Clerk; Jennifer Crum, Administrative Specialist/Recording Secretary

**Departments:** None

**Staff WebEx Conference:** Melissa Smith, CNRC; Michelle Sibert, D.A.'s Office; Sue Carbaugh, MH/IDD

**Outside Agencies WebEx Conference:** Jillian Yoder, Housing and Redevelopment Authority

**Media:** None

**Call to Order:** Deputy Chief Clerk, Stacy Snyder called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance to the Flag.

**Public Comment:** The Commissioners received comments from Theresa Myers and responses to her comments have already been provided on behalf of the Commissioners. Ms. Myers expressed the need for retail stores to open in the County, for persons to return to work with necessary precautions, and she expressed the belief that we cannot be locked down indefinitely. Theresa Myers made additional comments. (see attached comment)

### **Resolution 2020-15 Re: Cumberland County Emergency Solutions Grant – Coronavirus (CV)**

**Application 2020:** Jillian Yoder reviewed the ESG grant application to PA DCED in the amount of \$79,500.00 for 18 months due to the COVID-19 virus (see attached memo). The application is due June 1, 2020.

**Contracts/Grants:** — (Stacy Snyder)

I. **\* Existing Contracts, Contract Extensions or Addenda with No Additional Cost or Increase to the County:**

None

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II. **\* New Contracts, Vendors, Services, Grants and Contracts with Increases/Decreases to the County:**

a. **Claremont Nursing & Rehabilitation Center:** — (Melissa Smith)

- Aetna – Revenue contract – Rate Increase
- Hospice of Central PA - \$325/daily rate – In-patient Hospice is paid by 90% of Medicare rate

- Civil Money Penalty (CMP) Reinvestment (Communicative Technology Request) Grant Application – Amount – \$2,220 *\*Action Requested* – Purchase six (6) ipads for residents to skype with family due to visitation restrictions.

Commissioner Foschi made a motion to approve the grant application in the amount of \$2,220.00 for the nursing home. Commissioner DiFilippo seconded the motion and the motion carried.

- b. **District Attorney/CID Grant:** — (Michelle Sibert)
  - Commonwealth of PA, PA Gaming Control Board – Grant Award – Amount \$154,336 – Reimbursement for staff salaries
- c. **MH/IDD:** — (Sue Carbaugh)
  - Intellectual and Developmental Disabilities FY 2019-2020
    - Bold, Inc. – Addendum – Increase of \$42,800
    - Merakey Pennsylvania – \$5,000 for behavioral support
  - Mental Health FY 2019-2020
    - NHS Stevens Center – Increase of \$74,584 for additional services

**Motion to reaffirm approval of Notice of Intent – Requesting Election Security Grant Funds:**

*\*Action Requested*

Stacy Snyder explained the notice of intent was signed by Sandy Moyle on behalf of Cumberland County and listed the permissible expenditures with the grant funds to be used between December 21, 2019 through December 31, 2022.

Commissioner DiFilippo made a motion to reaffirm approval the Notice of Intent - Election Security Grant Funds. Commissioner Foschi seconded the motion and the motion carried.

**Motion to reaffirm approval of Notice of Intent – Requesting CARES Act Grant Funds — (Sandy Moyle) *\*Action Requested***

Stacy Snyder explained the notice of intent was signed by Sandy Moyle on behalf of Cumberland County and listed the permissible expenditures with the grant funds to be used between January 20, 2020 through December 31, 2020.

Commissioner Foschi made a motion to reaffirm approval the Notice of Intent - CARES Act Grant Funds. Commissioner DiFilippo seconded the motion and the motion carried.

**Commissioners’ Liaison Reports:**

**Commissioner Eichelberger**

**MH/IDD:** The Directors report from last month’s meeting will be provided to the Board.

**Cumberland Area Economic Development Corporation:**

There was a meeting held to discuss business recovery due to the COVID-19 pandemic. The Policy Planning Committee meetings will reconvene next week.

Jesse McCree from the SCPa Works/SouthCentral PA Care Works contacted Commissioner Eichelberger to discuss the challenges to manage the environment and social distancing with the Careerlink job center in Carlisle and other job centers due to the COVID-19.

**Commissioner Foschi**

**LEPC:** There is a LEPC meeting scheduled today, May 14<sup>th</sup>.

The Planning Commission and the Library Board will meet next week.

Commissioner Foschi mentioned that the Library System has a Business Center that maybe the SCPa Care Works could reach out and work together. There are also other resources available from the libraries.

**Commissioner DiFilippo**

**Aging Board:** The Board will meet tomorrow, May 15<sup>th</sup>.

**Ag Land Preservation Board:** Meeting was held yesterday, May 13<sup>th</sup>: Eleven farms were approved to make offers with a total of 950 acres. Nine farms were selected the traditional process and two of the farms in Silver Spring (182 acres) and they will be paying 70% of the easement value and the County will pay 30%.

**Report of Executive Session:** Deputy Chief Clerk Stacy Snyder reported that there was an executive session held on: May 13, 2020 @ 9:30 a.m. Re: Personnel

**Adjourn:** There being no further business to come before the Board, the meeting adjourned.

Respectfully Submitted,

Jennifer Crum,  
Administrative Specialist

**From:** Eichelberger, Gary

**Sent:** Tuesday, May 12, 2020 3:14 PM

**To:** 'Theresa Myers'; Foschi, Jean; DiFilippo, Vince

**Subject:** RE: Myers public comment to Cumberland County Commissioners Workshop meeting to be held May 14, 2020

Theresa. I will walk through a number of your points, however your opening premise is incorrect. Neighboring counties are NOT now looking at opening, because they never had the legal authority to do so. That is pivotal to understand. Some of them blustered about unilateral action for a day or two, but at the end of the day, the legal authority to defy a sitting Governor does not exist. *Talk is cheap... Results take time, effort and money.*

The Governor's threats are statements of fact, and largely mirror the facts I presented to our state representatives who largely were pushing this message at the local level. There are significant sanctions at hand for him to impose on violators of the state-of-emergency. Clearly, his reminder to them yesterday has had a cooling effect on some of the counties that were making threats to engage in illegal "openings." Or, more precisely, his comments brought them back to reality. We are already seeing a rapid retreat among some of the loudest voices, including Dauphin County's Commissioner Jeff Haste, whom many folks think is the main cheerleader for the "revolt." You might also note that very few county commissioners actually were counted in support of "forced opening," It was largely a contrivance of state level officials –who, frankly, should know better.

When all is said and done, the facts will show that Cumberland was on the correct side of the law, and acted properly. We are confident our citizens and businesses will benefit considerably from this more level-headed and realistic approach.

Unfortunately, this very serious public pandemic has proven to be fodder for the ongoing political divide in this country, and that is unfortunate, because a lot of falsehoods are being passed off as "fact," and these are very dangerous falsehoods, in many cases.

Here are some observations in reply to your notes.

1. It is true that the difference between Red and Yellow phases does not appear substantial, as the Yellow phase still requires significant distancing, masking, sanitization, and other mitigation efforts. I cannot fully explain the apparent discrepancies in how permissions were granted for some businesses other than the fact that to be able to open, they must demonstrate a significant role in providing essential products or services that sustain daily life. We have all seen the stories that appear to be abuses, as many of these sellers carry a far broader range of products and benefit disproportionately from the permission to reopen. This system is unfair. However, I am unsure how it would be enforced without the

state becoming more of a policing presence, which clearly is not the role you want for them to take. The fact that some establishments remain closed is known to prevent large scale circulation of persons, which is a key component of the strategy to contain the virus. Is it unfair? Yes. I do not know how to fix that, nor is that the responsibility of the board of Commissioners.

2. The positions you listed, which are indeed, essential to maintain civil order and access to medical care, are laudably putting their lives and health in danger -- IN THE SERVICE OF OTHERS IN NEED. That is an important distinction. General public circulation is not a matter of individual choice, because it involves significant risk to others. While we always need to concern ourselves about our rights and protect them, we must also remain aware of our responsibilities to our fellow human beings, and avoid spreading infection of the virus, which is still very active, and potentially lethal.
3. While everyone believes they can "be responsible," the fact is many won't and in doing so, place others at risk. Even in a free society, no such right exists.
4. The lockdown cannot continue forever, and the disease, as you state, will be among us for some time. IN the time we have been locked down, scientists and medical professionals have compiled significant data and learned much about infection rates, vulnerabilities, and more. There is still very much that is not known. As a society, our goal needs to be to ensure we manage the public risk --yet we're doing so with limited information. However, that information is more and more available every week. No one is officially saying that a lockdown should remain until a vaccine. However, we continue to focus on containment, exactly because no effective treatment or vaccine is currently available. We are quickly learning about possible treatment regimens that will play a bigger role in managing the infection impacts, and promising treatments are in active testing now, with some proven to have results among some patient groups. These are beginning to roll out now, and certainly improve our ability to address a real opening soon.
5. Item 5 has largely been addressed above. Until we can achieve a certain level of success, it would be unwise to allow people unfettered "choice" -- they pose a risk to others, and potentially to the society at large if infection rates begin to climb aggressively again. AT that point, it will largely be too late to step back from a terrible situation. We have all seen the news accounts of persons crowding the beaches and continue to congregate in a manner that could do enormous damage if people are led to believe that "it is all over." It is not.
6. The modeling done that led to the metrics chosen take into account the TREND, not a single data point. The delay in making significant changes to a location's status is because there needs to be several weeks of a prevailing trend that CONFIRMS the trajectory of the infection rate. This tracking OVER TIME is the key to achieving the target numbers. IN addition, the infection numbers are not the sole criteria; each area is being monitored with factors that also account for density of the population, as well as the general mobility of its

population. IN Cumberland for instance, we have a large number of cross-border interactions taking place as residents of other counties commute in for work, and vice versa. All of that increases the general capability for the infection to spread. More mobility means more interactions –and that equal more potential infections.

7. I cannot claim to be an expert in the controversy over this directive, however I can say this. Residents of nursing facilities who test positive for COVID are often of the age group that will need hospitalization. As they recover, IF THEY recover, the hospitals will discharge them, both because they need the hospital beds for new patients, especially in a pandemic, but there also is no means of paying for extended hospital stays and medical personnel are limited and need to focus on sick individuals. SO, where are the person to go? Many have nowhere else; the nursing or long term care facility IS their home. This places the burden on the homes to undertake isolation and a significant care regimen to protect al patient. As owners of Claremont, we are familiar with this. It is difficult. It is expensive. We have been fortunate to avoid any infectious residents so far – SO FAR – but it requires an enormous effort, and expense. These facilities need time to prepare; they need guidance on methods, data on success, additional materials and additional personnel. None of these are simple to answer or resolve. I personally believe the county is largely ready for opening BUT that we must address the vulnerable populations before we increase the circulation of possibly infected person into daily life again. It may be an “old, sick person’s disease”-- but we have lots of old, sick people here.
8. Antibody testing is not yet proven that it is trustworthy for the types of decisions you describe. It is not known whether it is a reliable indication of immunity. Besides this, regular COVID testing still requires a wider rollout due to the fact that “opening” will lead many person to need testing. I was recently tested; it took over a week to get results, even after the test was authorized by a doctor—ad that approval took some time as well. Anyone who think we are ramped up enough for testing, needs to know that the labs are busy, busy, busy. We need more testing capability in order to be “ready”.
9. Governor Wolf’s handling of his authority is a hot topic, and generates a great deal of attention and angst. However, the path to address abuses, if there are any, is through the legislature’s ability to exercise its right of impeachment. The system is a system of laws. If there is an abuse of law, this is the route the Founders outlined for us. Ignoring laws because we dislike them, is a recipe for anarchy. The courts exist for this resolution. SO far, the Supreme Court has stated that the Governor has acted within the boundaries allowed during a state-of-emergency. I have my own opinions about this, but I respect the laws that protect us, and understand that if we don’t like the law, we must strive to change the law.
10. I cannot speak to the Governor’s schedule, but it has to be far more hectic than ours, and ours has been pretty loaded, not only with three responsibilities for managing the impacts of the pandemic, but with handling public inquiries and trying to manage outbound communications regarding our decisions. I am sure somewhere in all these emails I have

been unable to review yet, some is probably accusing me of hiding as well. I'm not – more folks will likely complain about how much of me that have had to tolerate in the new lately, than the other way around.

I know this does not cover everything by a long shot, but I hope it addresses some of your concerns, and informs you about the complexity of this issue, particularly with the unknown elements being so significant. Like much of our business community, we are managing the county government operation in a manner it has never needed to be managed before, so we are intensely focused on high priority items. We are proceeding first and foremost with a focus on trying to ensure the public's safety first, but also with an eye toward preserving our financial position once this is largely behind us, so that we keep the future challenges associated with the disaster response task (HUGE expenses) from creating a crisis of financial nature that would hit our county taxpayers at a time of economic weakness. This will be a major challenge going forward.

I truly believe that your county and municipal officials, and their staffs, are all engaged in trying to do what is best for the community. We would appreciate however seeing more realistic action out of the state elected officials to help our communities meet the challenges involved, rather than the current focus of scoring cheap political points, and promoting empty stunts like the declaration of opening, in defiance of established law. We have been very disappointed with the degree of political manipulation and pot-stirring occurring, across the region and the Commonwealth – all while key issues go unresolved, or even unaddressed.

Our board has had numerous opportunities to provide our perspectives – including disagreements -- to the Governor's office throughout this situation, and we anticipate a continued open door toward our county in addressing recovery needs. We believe our approach will be far more productive in helping the people and businesses of Cumberland County.

Further, we believe that most residents, regardless of party – if they even have one -- prefer we address the governance and public safety issues appropriately, but set aside the hyper-partisan activity for another time.

Best regards,

Gary Eichelberger, Commissioner

**From:** Theresa Myers [mailto:tmm336@gmail.com]

**Sent:** Tuesday, May 12, 2020 1:04 PM

**To:** Foschi, Jean; Eichelberger, Gary; DiFilippo, Vince; Cumberland County Commissioners

**Cc:** Theresa Myers

**Subject:** Myers public comment to Cumberland County Commissioners Workshop meeting to be held May 14, 2020

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**\*\*\* IMTO Security Warning \*\*\***

The following is an external email. Please exercise caution before viewing attachments, clicking links or responding.

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May 12, 2020

Dear Commissioners,

I understand your reluctance to go against Governor Wolf's orders. This past weekend some counties that border Cumberland County announced their intent to move to the yellow phase. On Monday Governor Wolf in a threatening and bullying manner stated that he would retaliate by revoking businesses' license, liquor licenses, and occupancy permits of businesses if they choose to open up in defiance.

Cumberland County commissioners fearing repercussions and saying it was not legal decided to not join our bordering counties.

I would like to express these opinions and/or facts.

1. There is little difference between the yellow and red phases but the County can't get to green without going through yellow. I believe the ball needs to get rolling for Cumberland County now. If I can shop at Target or Walmart taking precautions myself and the store taking the necessary precautions, why can't Boscovs, JoA Banks, Talbots etc be open taking the same infectious disease control precautions?
2. If it is OK to allow correctional officers, police officers, nursing home workers, grocery store workers etc to take the risk of getting infected because it is for our convenience or safety while the worker and their employer take the necessary precautions, why can't others return to work under the same protocols if they choose to?
3. No one is suggesting we should not be responsible and cautious in reopening.
4. COVID 19 is a highly contagious airborne disease with no vaccine and likely low immunity to it in the general population due to lack of exposure thus we are likely to see a spike in cases but we can't stay locked down indefinitely. There is no guarantee we will have a vaccine any time soon so we can't hold out for that.
5. I feel the government's duty is to educate the residents on the risks of the disease, educate us how to protect ourselves, give guidance for safety precautions and requirements to businesses. People should be allowed (the liberty) with that information to decide the risks they want to take. If we start the move to green, some people may decide it is in their best interest to continue to stay at home. That is still allowed.
6. The numbers of new infections per 100,000 is not as important to Governor Wolf as he has said. Why on a Friday he announces that a region can open the next Friday with no assurance that region's numbers will remain on a downward trajectory? He is making his decision based on information he has on the

Friday of his announcement so why can't the region open then and not wait? Where is the science behind making them wait?

7. If Governor Wolf was so concerned about infecting people with the virus even the most vulnerable who are at substantial risks of a poor outcome, his Dept of Health would not have had a directive that active COVID 19 contagious residents could be returned to the nursing home they came from after being discharged from the acute care hospital. Where is the science behind that decision?

8. Why isn't Governor Wolf encouraging IgG antibody tests to see how many people even with the current lock down have been infected and recovered? I sent the state legislators who represent Cumberland County the information showing that an asymptomatic person for at least 14 days can have a serology IgG test for COVID 19 done at Health Network Laboratories for self pay of \$40 with a health provider's order or can have it done without a lab order for a self pay of \$97. They have been doing this test at this laboratory's sites since April 24, 2020. If Governor Wolf wanted more scientific data to make his reopening decisions, he would be encouraging more of the antibody testing. But clearly his decisions are made on other motives than just the science and data.

9. In light of many of Governor Wolf's decisions being authoritarian, abusive, and just because he can rather than based just on the science, I feel the County commissioners can take a stand by pointing out these discrepancies, moving to yellow and giving the businesses the liberty to decide if they want to take the risks knowing the retaliating and vindictive measures Governor Wolf has threatened.

10. I would also like to say Governor Wolf is hiding. I have called his office numerous times - sometimes even allowing the phone to ring for close to 10 minutes, with no answer and no voicemail option. So Governor Wolf is the coward or else he would allow the citizens to voice their opinion. Rather he hides behind only allowing the option of submitting the contact form on his website that is limited to 1000 characters. This is the man you are backing? Someone acting like a third-world dictator.

Sincerely,

Theresa Myers

[tmm336@gmail.com](mailto:tmm336@gmail.com)

Be Blessed | Be Bold

cc: state reps and senators who represent Cumberland County

**From:** DiFilippo, Vince

**Sent:** Tuesday, May 12, 2020 3:44 PM

**To:** 'Theresa Myers'; Foschi, Jean; Eichelberger, Gary

**Subject:** RE: Myers public comment to Cumberland County Commissioners Workshop meeting to be held May 14, 2020

Hi, Theresa!

Hope you are well. Thank you for your email and taking the time to share your questions and concerns. I have attempted to answer most of your questions below. I started to respond earlier but had a meeting to attend. See my responses below in **RED**. I realize this is a stressful time for everyone and we are trying to address the COVID-19 matter as best we can.

Any questions, just holler.

Thank you again and please stay safe!

Vince

**From:** Theresa Myers [mailto:tmm336@gmail.com]

**Sent:** Tuesday, May 12, 2020 1:04 PM

**To:** Foschi, Jean; Eichelberger, Gary; DiFilippo, Vince; Cumberland County Commissioners

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Cumberland County commissioners fearing repercussions and saying it was not legal decided to not join our bordering counties. We did not join some of the other counties because we determined through careful research from our county solicitor that no law exists where county commissioners can overrule the governor during this time of emergency. Our state Supreme Court and US Supreme Court concur with that opinion. Also, please see this article that came out today regarding some of the counties that announced their intent to move to yellow phase without state approval. It appears some of them are having second thoughts.

<https://www.pennlive.com/coronavirus/2020/05/commissioner-says-hes-unsure-if-dauphin-county-will-reopen-early-calls-wolf-tone-deaf-to-problems.html>

I would like to express these opinions and/or facts.

1. There is little difference between the yellow and red phases but the County can't get to green without going through yellow. I believe the ball needs to get rolling for Cumberland County now. If I can shop at Target or Walmart taking precautions myself and the store taking the necessary precautions, why can't Boscovs, JoA Banks, Talbots etc be open taking the same infectious disease control precautions? Our letter that was sent to the Governor yesterday afternoon (all of our county state delegation was copied and a copy also sent to Congressman Perry) clearly states our desire for Cumberland County to move to Yellow phase but to do so by working with the governor versus making demands..
2. If it is OK to allow correctional officers, police officers, nursing home workers, grocery store workers etc to take the risk of getting infected because it is for our convenience or safety while the worker and their employer take the necessary precautions, why can't others return to work under the same protocols if they choose to? I would suggest you ask the state DOH that question. Their basis is more aligned what they consider essential versus non-essential. I don't agree with some of the job categories that are considered non-essential. I think realtors, car dealers, and other professions, should be permitted to open if they follow the guidelines, but, that is my opinion.
3. No one is suggesting we should not be responsible and cautious in reopening. Neither is the Board of Commissioners.
4. COVID 19 is a highly contagious airborne disease with no vaccine and likely low immunity to it in the general population due to lack of exposure thus we are likely to see a spike in cases but we can't stay locked down indefinitely. There is no guarantee we will have a vaccine any time soon so we can't hold out for that. Agree but until a vaccine is produced, the virus will not go away---in my opinion. I think we can slowly re-open our economy yet still follow the CDC and DOH guidelines, however.
5. I feel the government's duty is to educate the residents on the risks of the disease, educate us how to protect ourselves, give guidance for safety precautions and requirements to businesses. People should be allowed (the liberty) with that information to decide the risks they want to take. If we start the move to green, some people may decide it is in their best interest to continue to stay at home. That is still allowed.
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Friday of his announcement so why can't the region open then and not wait? Where is the science behind making them wait? **Good points. You would have to ask the DOH on that one.**

7. If Governor Wolf was so concerned about infecting people with the virus even the most vulnerable who are at substantial risks of a poor outcome, his Dept of Health would not have had a directive that active COVID 19 contagious residents could be returned to the nursing home they came from after being discharged from the acute care hospital. Where is the science behind that decision? **Again, you would have to ask the DOH on that one.**

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9. In light of many of Governor Wolf's decisions being authoritarian, abusive, and just because he can rather than based just on the science, I feel the County commissioners can take a stand by pointing out these discrepancies, moving to yellow and giving the businesses the liberty to decide if they want to take the risks knowing the retailoring and vindictive measures Governor Wolf has threatened. **We are operating within the law and in our letter that was sent to the governor yesterday, we provided specific information supporting our request to move Cumberland County into the Yellow phase. If we try to open up our county before state approval is received, many of our businesses could suffer and so could the county. This, in my opinion, would create further chaos.**

10. I would also like to say Governor Wolf is hiding. I have called his office numerous times - sometimes even allowing the phone to ring for close to 10 minutes, with no answer and no voicemail option. So Governor Wolf is the coward or else he would allow the citizens to voice their opinion. Rather he hides behind only allowing the option of submitting the contact form on his website that is limited to 1000 characters. This is the man you are backing? Someone acting like a third-world dictator. **We are backing the good people of Cumberland County in the way we believe will be most efficient and safe for our residents and business owners.**

Sincerely,

Theresa Myers  
[tmm336@gmail.com](mailto:tmm336@gmail.com)  
Be Blessed | Be Bold

cc: state reps and senators who represent Cumberland County