

The City Council met in regular session in the Council Chambers on Wednesday, April 18, 2007 at 7:30 p.m.

Council Members present: Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

On motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, the reading of the minutes of the meeting of April 11, 2007 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

Copies of the bills under date of April 20, 2007 were given to City Council and same adopted by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

By Mr. Thompson, Council File Ordinance #15,514, Pending Official File Ordinance #23-2007

an ordinance appropriating the sum of **\$500,000.00** from unappropriated and anticipated revenue from Account #3336 State Operating Grant-PA Department of Community and Economic Development and providing for the expenditure thereof by allocating said sum to Account #310-1210-2006-4607 Enterprise Zone Competitive Grant - Custom Engineering Co.

April 18, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. Jones, having read Council File Ordinance #15,514 and now known as Pending Official File Ordinance #23-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, Horan-Kunco, Jones, Thompson and Jenkins-Husband. 5. Nays. 0. (Mr. Schember abstaining)

April 18 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,515, Pending Official File Ordinance #24-2007, an ordinance appropriating the sum of **\$277,000.00** from unappropriated and anticipated revenue from Account No. 3332 - State Operating Grant-PennDOT and providing for the expenditure thereof by allocating said funds to Account #271-0707-0000-4075 Bridges and Streets. (City of Erie Bikeway-East Lake Road)

April 18, 2007. City Council on motion of Mr. Jones, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,515 and now known as Pending Official File Ordinance #24-2007 does hereby adopt on Final Passage by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,516, Pending Official File Ordinance #25-2007, an ordinance appropriating the sum of **\$82,500.00** from unappropriated and anticipated revenue from Account #271-0707-0000-3332 State Operating Grant-PennDOT and providing for the expenditure thereof by allocating said funds to Account #271-0707-0000-4075 Bridges and Streets (for the Chapin Street Pedestrian Facilities (010M75-A)).

April 18, 2007. City Council on motion of Mr. Jones, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,516 and now known as Pending Official File Ordinance #25-2007 does hereby adopt on Final Passage by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson, Resolved, etc.,

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to the **Villa Maria High School Girls Basketball Team** upon winning the silver medal at the 2007 P. I. A. A. State Basketball Championship at Penn State University, on Friday, March 23, 2007, and

WHEREAS, the Villa Maria High School Girls Basketball Team maneuvered their way through the state Double A Girl's bracket and earned the right to pay in the championship game and should be commended for their spirit, dedication and conscientious efforts in achieving a most successful season, so

THEREFORE, Be It Resolved, by the Council of the City of Erie that this commendation is hereby presented to the Villa Maria High School Girls Varsity Basketball Team along with our best wishes for continued success in all of their future endeavors.

April 18, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by

That the City Solicitor is authorized and directed to prepare an ordinance establishing "Revolving Loan Lending Regulations" to include guidelines to protect the public interest by requiring guarantees and payment default penalties prior to lending approvals.

April 18, 2007. The foregoing resolution was withdrawn from consideration by the sponsor.

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

WHEREAS, the Federal government has been cutting funding over the past few years for the area's housing and homeless programs which has resulted in a loss of millions of dollars in housing assistance programs, so

THEREFORE, BE IT RESOLVED by the Council of the City of Erie that we strongly urge our elected federal legislators to **reinstate the necessary funding** for all housing and shelter service programs in the 2008 Federal Housing and Urban Development Budget as the funding for these service programs have been cut over the past few years for the area's housing and homeless programs in the 2008 Federal Housing and Urban Development Budget and that the City Clerk is authorized and directed to forward copies of this resolution to U. S. Senators Arlen Specter, Robert Casey and Congressman Philip English.

April 18, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

Dear Elected Officials:

The Northwestern Pennsylvania Area Labor Federation respectfully requests this letter and the accompanying two resolutions be copies and given to the supervisors/council members for their review and entered as part of your agenda for your next meeting.

We believe every election and every office is important because the decisions made in every level of government impacts the lives of our members. We would appreciate it if all our elected officials would review and encourage your colleagues to support these resolutions.

We know you can not directly effect change on these issues but if enough municipalities pass these resolutions and copies are sent to us and to the offices and committees listed, you will influence our legislators at the state and federal level to move on legislation concerning these issues. We will encourage a few of our members residing in your community to attend your next meeting. Thanks you for taking this under consideration.

By Mr. Cappabianca, Seconded by Mr. Thompson, Resolved, etc.,

A resolution urging the Congress of the United States to reject the extension of "fast track" trade legislation to maintain regulatory authority of states and to allow consultation with representatives of the state and local government and industry regarding trade issues.

WHEREAS, the United States Trade Representative (USTR) negotiates on behalf of the United States with other nations to enter into trade agreements that are purportedly to help the United States; and

WHEREAS, past free trade agreements and policies, including NAFTA (North American Free Trade Agreement) and CAFTA (Central America Free Trade Agreement) have been detrimental to industries and to many companies and employees in the Commonwealth of Pennsylvania; and

WHEREAS, "Fast Track" trade legislation authority is due to expire on July 1, 2007 and the Bush administration and the USTR are urging its reauthorization; and

WHEREAS, the Commonwealth of Pennsylvania has lost more than 185,000 manufacturing jobs under free trade agreements entered into by the United States; and

WHEREAS, an extension of current Federal international trade policies likely will result in further loss of viability of companies and, as a result, more jobs in the Commonwealth of Pennsylvania, and

WHEREAS, foreign nations have engaged in a wide range of unfair trade practices, including manipulation of currency, subsidization of industries and dumping of below-cost subsidized products into the United States markets; and

WHEREAS, manufacturers in the Commonwealth of Pennsylvania cannot compete with foreign countries and companies who pay a fraction of the wages paid to Pennsylvania employees, who pay no pensions and who are no required to comply with safety and environmental regulations; and

WHEREAS, the Congress of the United States has consistently recognized, respected and preserved the states' powers to protect their health, welfare and environment; and

WHEREAS, it is vital that the Federal Government not agree to proposals in the current trade negotiations that might in any way preempt or undercut this reserved state authority; and

WHEREAS, proposed trade negotiations should not, in the same of promoting increased international trade, give sufficient regard for existing federal and state regulatory tax and subsidy policies and social, economic and environmental values those policies promote; and

WHEREAS, statutes and regulations which state and local governments have validly adopted, that are plainly constitutional and within their province to adopt and that reflect locally appropriate responses to the needs of their citizens, should not be over ridden by Federal decision solely in the interest of increased trade; and

WHEREAS, States are concerned about retaining a proper scope for state regulatory authority in actual trade commitments with the United States trading partners, and

WHEREAS, it is crucial to maintain the principle that the United States may request, but not require, states to alter their regulatory regimes in areas over which the states hold constitutional authority; and

WHEREAS, if trade legislation is fast-tracked, there will be little opportunity for states to have the improper position reversed; and

WHEREAS, it is essential the USTR take steps to enhance the level of consultation with the states during negotiations on any trade commitments; so

THEREFORE BE IT RESOLVED, that the City Council of the City of Erie urges the Congress to reject the extension of "fast track" trade legislation and to replace it with a new model for trade that maintains the regulatory authority of the states and allows consultation with representatives of state and local governments and industry regarding trade issues; and

RESOLVED, that this new process for developing and implementing trade agreements include a mechanism for ensuring the prior informed consent of state legislatures before states are bound to the non-tariff terms of any trade agreement that affects state regulatory authority so as to ensure that the USTR respects the decisions made by states; and

RESOLVED, that copies of this resolution be transmitted to the President of the United States, to the chairmen and ranking members of the United States Senate Finance Committee, the Ways and Means Committee of the United States House of Representatives, the Subcommittee on International Trade of the United States House of Representatives and to the Pennsylvania Congressional Delegation.

April 18, 2007. City Council, on motion of Mrs. Horan-Kunco, Seconded by Mr. Schember, **TABLED** the foregoing resolution by yeas Council Members Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 5. Nays. Mr. Cappabianca. 1.

EMPLOYEE FREE CHOICE ACT

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions; and

WHEREAS, the freedom to form or join a union is internally recognized by the 1948 Universal declaration of Human Rights as a fundamental human right; and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment and enhancing civic participation; and

WHEREAS, states in which more people are union members are states with higher wages, better benefits and better schools; and

WHEREAS, union workers receive better wages and benefits, with union works earning 29 percent more than workers without a union, 35 percent more likely to have access to health insurance and are four times more likely to have access to a guaranteed defined-benefit pension; and

WHEREAS, unions help raise workers' pay and narrow the income gap for minorities and women, by increasing median weekly earnings by 31 percent for union women workers, 3 percent for African-American workers, 50 percent for Latino workers, 9 percent for Asian-American workers; and

WHEREAS, workers across the nation are routinely denied the freedom to form unions and bargain for a better life, with 25 percent of private-sector employers illegally firing at least one worker for union activity during organizing campaigns; and

WHEREAS, 77 percent of the public believes it is important to have strong laws protecting the freedom for workers to make their own decision about having a union, and 58 percent of workers would join a union if they had the chance; and

WHEREAS, employers often refuse to bargain fairly wit workers after forming a union by dragging out first contract bargaining for up to two years to 45 percent of successful campaigns; and

WHEREAS, each year millions of dollars are spent to frustrate workers' efforts to form unions and most violations of workers' freedom to choose a union occur behind closed doors with 78 percent of employers forcing employees to attend mandatory anti-union meetings; and

WHEREAS, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases and job safety standards disappear; and

WHEREAS, a workers' fundamental right to choose a union free from coercion and intimidation is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, the Employee Free Choice Act has been introduced in the U. S. Congress in order to restore workers' freedom to join a union;

By Mr. Cappabianca, Seconded by Mr. Thompson, Resolved, etc.,

WHEREAS, the Employee Free Choice Act will safeguard workers' ability to make their own decision with these abuses, provide for first contract mediation and arbitration; and establish meaningful penalties when employers violate workers' rights.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Erie supports the employee Free Choice Act which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a workers' freedom to choose a union.

THEREFORE, BE FURTHER RESOLVED, that we urge Congress to pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union.

April 18, 2007. City Council on motion of Mr. Schember, Seconded by Mr. Thompson **TABLED** the foregoing resolution by yeas Council Members Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 5. Nays. Mr. Cappabianca. L.

By Mrs. Horan-Kunco, Seconded by Mr. Cappabianca, Resolved, etc.,

That the Erie City Council recognizes Saturday, April 21st as the **United Way Day of Caring** and encourages all citizens of Erie to volunteer their time to beautify Erie's neighborhoods, streets, parks and playgrounds and issues an invitation to the public and all members of Council to join together in cleaning up Gregory Stuart Baldwin Park at West 25th Street between Berst Avenue & Geist Road.

April 18, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

March 13, 2007

Report of Independent Auditors

The Board of Directors
Erie Telecommunications, Inc., Erie, Pa.

We have audited the accompanying balance sheet of Erie Telecommunications, Inc. ("the Company") and the related statement of income, cash flows, and shareholders' equity for the year then ended. These financial statements are the responsibility of the company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Erie Telecommunications, Inc. at December 31, 2006 and the results of its operations and its cash flows for the year then ended in conformity with the accounting principles generally accepted in the United States.

s/ Ernst & Young, LLP

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the Audited Financial Statements of **Erie Telecommunications, Inc.** for the year ending December 31, 2006 as compiled by Ernst & Young LLP are hereby received by City Council and ordered placed on file in the Office of Accounts, Finance & Budget.

April 18, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Thompson, Resolved, etc.,

That the following amount is hereby transferred in the Department of Economic and Community Development CDBG Projects:

Amount	Transferred From		Transferred To		
	Account	Title	Amount	Account	Title
\$ 4,496.60	501-1251-2005-4031	Office Supplies	\$18,136.07	501-1251-2005-	Operating
424.50	"	Oper. Supplies		4096	Transfer Out
490.10	"	Repair/Maint.			
1,643.48	"	Consumable Supplies			
1,379.23	"	Trans./Seminars			
1,901.27	"	Communication			
284.15	"	Postage			

4,284.00	"	Advertising
600.00	"	Rentals
1,053.73	"	Repair/Maint.
1,579.00	"	Other Services
.01	"	Office Equipment
<u>\$18,136.07</u>		

These funds are being moved to a single line to use the CDBG funds to reimburse the City for personnel expenses related to employees in the Department of Economic and Community Development.

April 18, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Schember, Resolved, etc.,

That the Mayor and City Controller are authorized and directed to execute agreements between the City of Erie and the following individuals and/or companies for goods an/or services as noted and the City Council does hereby ratify and confirm the said transaction which are to be charged to the respective Budget Code Numbers, viz

1. **Clearwater Construction, Inc.**, 1040 Perry Highway, P. O. Box 231, Mercer, Pa. 16137 for construction of the City of Erie Bikeway (East Lake Road) from East Avenue to Hammermill Drive, for the sum of \$466,222.00, lowest of 5 bidders.

2. **Mayer Brothers Construction Co.**, 1902 Cherry Street, Erie, Pa., 16502, for construction of the Chapin Street Pedestrian Facilities to Glenwood Elementary School for the sum of \$98,083.00, they being the lowest of 3 bidders.

3. **Rohrer Trucking, Inc.**, 3180 Route 6, Waterford, Pa., 16441 for the Emergency Demolition of properties at 1130 East 8th Street @ \$6,700.00 and 435 East 22nd Street @ \$7,650.00 to be charged against CDBG Demolition #501-1264-2006-4059.

4. **IKEX, LLC**, 966 Perry Highway, Mercer, Pa., for Chemicals and Fertilizers for the City of Erie Golf Courses per bid #6245-2007 for the Bureau of Parks and Recreation at Unit Prices.

5. **Lesco, Inc.**, 1301 East 9th Street, Suite 1300, Cleveland, Ohio, for Chemicals and Fertilizers for the City of Erie Golf Courses per Bid #6245-2007 for the Bureau of Parks and Recreation at Unit Prices.

6. **Sherwin Williams Co.**, 1815 Peach Street, Erie, Pa., for Traffic Paint for the City of Erie per Bid #6246-2007 for the Bureau of Streets as per unit prices of \$371.25 per drum of yellow and white traffic paint in 55 gallon drums and \$43.75 per pail for white crosswalk paint in 5 gallon pails.

April 18, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Thompson, Resolved, etc.,

That the City Purchasing Agent is authorized and directed to issue purchase orders to the following individuals and/or companies for goods and/or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz

1. **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for performing Repair Services for the Bureau of Sewers in replacing a 24" plugged main storm sewer with 30" pipe at 34th & Page for the sum of \$25,005.75. (Material Costs Only)

2. **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for replacing an 18" Sanitary Main in two places at 140 East 34th Street, for the Bureau of Sewers, for the sum of \$3,637.73 (Material Costs Only)

April 18, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

April 18, 2007. Signed by the President. Attested by the City Clerk.

April 18, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mrs.

Horan-Kunco, adjourned at 9:12 p.m. by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0

Attest:

President

City Clerk