

The City Council met in regular session in the Council Chambers on Wednesday, February 20, 2008 at 7:30 p.m.

Council Members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

On motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the meeting of February 6, 2008, were dispensed with and same adopted with copies furnished to the members of City Council by yeas Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Copies of the bills under date of February 15th and February 22, 2008 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0., with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

Numerous individuals spoke in opposition to the proposed Tire to Energy Plant including State Representative Patrick Harkins, John Elliott, Executive Director of the Redevelopment Authority, Martin Visnosky, Father Jerry Piscaro and approximately 18 others.

The following three communications were submitted to Council regarding the subject:

Dear Erie City Council Members:

I attended the public presentation and forum at Iroquois High School hosted by Erie Renewable Energy and the DEP. I must say it was quite a wake-up call. We should have done some due diligence and spoken sooner and I would like to remedy that situation now. We typically do not insert ourselves into public debate but the TDF plant has forced us to take apposition to do the right thing for the sake of the health of our neighbors, our employees, our customers and our business. A little background: five generations of our family have proudly operated the C. A. Curtze Co. in Erie since 1878. Today we employ 310 people out of our Erie operation (and an additional 230 in Cleveland and 80 in Rochester). We sell food to restaurants, hotels, hospitals, assisted living operations and country clubs in seven states and D.C. Our main distribution center is across from the Dunn Brickyard on the south side of 12th Street, bordered by the railroad tracks. In addition to the distribution center, Specialty Steak Service, our food processing plant is located at 10th and Downing Avenue-also across from the Dunn Brickyard and kitty corner (downwind) of the South Yard. This operation specializes in portioning and or processing beef, veal, pork and lamb products. We cut steaks chops, cutlets and trim roasts of all kinds.

Products processed at this plant are served throughout the region, whether you are dining at Don Shula's in Detroit, or gaming at the Turning Stone near Syracuse, having brunch at Peek'n Peak, living at Springhill, recovering at Hamot, or the Cleveland Clinic, or the Mount Nittany Medical Center in State College, dining at Monterey Bay in Pittsburgh, Oakhill Country Club in Rochester, Penn State, Kent State, or the Marketplace Grill, Calamari's, Colao's, Matthew's Breeze, 2201... you get the idea. Virtually every non-vegetarian that has eaten away from home, whether in a restaurant, college, or hospital, has eaten products produced in our plant. Hundreds of thousands of pounds of meat from this plant are delivered to several thousand food service customers in a 300 mile radius.

After careful thought we oppose the TDF plant for many reasons and ask you to consider all options to prevent it's development. The reasons are three fold:: operational (very important), environmental (extraordinarily important) and food safety (critical). Let me address each very briefly. We will follow up in more detail and would like to attend one of your meetings.

1. Operational - The Curtze distribution center is land locked by 12th Street to the north the railroad tracks to the west and south, and the Penelec power sub station to the east. The current plan calls for 80% of the daily delivery of 80,000 to 90,000 tires to arrive by rail and a "couple dozen" trucks. One can only imagine what that looks like in "real life" but substantial interruption to traffic flow on 12th Street, which handles over one third of the east-west traffic in Erie, will occur with many, many slllloooowww moving and likely often stopped rail cars (cars destined for the IP plant were frequently stopped at the 12th Street crossing; it will most certainly happen with this plant that much closer to 12th Street) going in full... And back out. Daily. Additionally, the proposal calls for Erie Renewable to sell power to the Penelec substation on the other side of our land locked parcel. I don't know the plan for a delivery system, but if it involves the closure of 12th Street for any length of time, it would block us leaving our exit to the right while potentially boxing us is in with rail cars to the left. We ship over fifty trucks per day - out and back in the same day and have nearly that many inbound deliveries. Traffic issues are clearly going to develop on a daily basis and even under the best care scenario, there will still be one very unhappy long term large Erie employer.

2. Environmental -Not my area of expertise. I have, however, attached a web site that I encourage you to review if you have not already one so. There are a few very compelling facts that need to be pointed out: The DEP standards have been challenged as dated. The DEP has never denied an application in our region (sounds like they act as a consulting firm, offering guidance). Environmental analysis to date has only been offered by the developer's employees, consultants, or potential partners - those that have a stake in the project; and not by a third party environmental specialist.

3. Food Safety - There has been a total lack of awareness and public discussion about the four tons of daily emissions containing dioxins and various carcinogens that, with the predominant weather pattern out of the west, are directly upwind of a major food processing plant. I don't believe this is on the DEP's radar screen. Common sense will guide you to the fact that ... we have a problem. If this project is developed as planned, we will be faced with potentially having to move our processing plant and likely our distribution plant south of Erie and possibly Erie County for the sake of maintaining food safety and project integrity.

Thank you for your consideration. We (my brother Scott, my father Bruce, and I) would like to extend an open invitation to any of you who would like to tour our facilities. We will gladly make ourselves available to answer any questions.

Sincerely,
S/ Bruce Kern II, President
C. A. Curtze Co.

In response to your questions:

1) The same neighborhood also has the city's incinerator that burns sludge at the Waste Water Treatment Plant and the coke plant, whose emissions environmentalists consider very bad. How do these emissions compare with the proposed TDF plant?

All the above mentioned facilities are in essence burning organic materials (that is materials based upon carbon) that additionally contain impurities (heavy metals, etc.). There is, however, a very important structural difference between the tire plant and the others. Tires are composed of extremely large polymeric materials, which is why they are able to provide the durability needed for their consumer use. However, in their "gasification" these large polymeric materials will lead to higher concentrations of a group of compounds known as Poly-Aromatic Hydrocarbons (PHAs, for short). Additionally, because of the impurities present, they will also produce substantial quantities of a related group of compounds known as Dioxins. Both of these groups of compounds will be released in much higher (100 to 1000 x) concentrations from the tire derived facility than from the other two facilities mentioned. AND both of these groups of compounds are among the most toxic substances known to man (Dioxins are the most toxic). Furthermore, these compounds are extremely long-lived (they will be transported from Erie all the way to the arctic and back), as well as being deposited into the Great Lakes along the way. They are carcinogenic (cancer-causing) and mutagenic (causing mutations of the basic genetic material of life, DNA) Thus, while no anthropogenic/combustion emissions are completely "healthy", those from the proposed plant are significantly more toxic/dangerous/detrimental than those of other industrial practices.

2) At Iroquois High School, it was stated that those of us who burn natural gas to heat our homes & businesses produce the same emissions that the tire plant will produce. How does the cumulative effect of burning natural gas throughout the region compare with the TDF plant?

Honestly, such statements are a ploy to try to lessen the perceived impact of practices. Furthermore, from an atmospheric chemistry stand-point the emissions from gasifying tires and burning methane is significantly different. While burning any carbonaceous fuel will lead to a myriad of incomplete combustion products (aka "air pollution") methane is one of the most cleanly burning fuels out there largely owing to its small size (CH₄). As mentioned above the extremely large molecules within a tire will lead to much "dirtier" emissions. So, quite frankly the emissions from burning natural gas are not the same as what will be produced by the tire plant. The emissions being released in the largest quantities are similar, but the most toxic emissions are not those released in the largest quantities.

As you think about quantity do keep in perspective that the vast majority of our atmosphere is nitrogen (78%) and yet we need oxygen to survive and it only composes 21% of the atmosphere. Furthermore, all the air pollution issues within the entire world are all occurring within less than 0.004% of the earth's atmosphere. Quantity is not always the important aspect, it is impact and toxicity that needs to be the focus).

Once a person realizes that, in fact, the emissions from burning natural gas and tires are substantially different, the question no longer seems to be a question. Since TDF releases much more toxic on the region than the former.

3. How do the cumulative emissions from the thousands of cars & trucks driven in Erie compare with the TDF plant?

I am sorry to keep coming back to this same point, but I really think this point is the foundation for understanding the atmospheric and therefore environmental impact of this facility in relation to all other regional emission sources. Again the emissions of cars and trucks are much different than those of most industrial processes, especially that being proposed. Much higher quantities of dioxins (which are not released from vehicle exhaust at all) and PAH will be released from the proposed plant as compared to vehicular emissions. The vehicular emission most likely have a greater impact upon "smog" products, but the TDF facility will be releasing much more toxic species.

I hope that helps to answer your questions. You are welcome to contact me personally if you would like to discuss this issue further.

Sherrri A. Mason, Associate Professor-SUNY-Fredonia

To the Members of Erie City Council

Based on a news report that aired last evening featuring Dennis Stratton of the group known as KEEP, Erie Renewable Energy ("ERE") understands that Mr. Stratton intends to appear before City Council to request that an Air Quality ordinance be enacted to prevent the proposed tire to energy plant from being located at the former International Paper site. ERE is submitting this letter to address several concerns raised by such a proposal.

First, City Council should be mindful that Air Quality laws are intended to protect human health and the environment, not stop proposed projects. To the extent that an Air Quality ordinance addresses a perceived problem but fails to prevent the project from proceeding, KEEP will not be satisfied. If, on the other hand, a city ordinance were tailored to single out the project to prevent it from proceeding, our legal counsel has advised that such an ordinance would be illegal. (ERE encourages City Council to confirm this with its Solicitor). In short, the only way City Council can satisfy KEEP is to enact an illegal ordinance.

Second, assuming that City Council is persuaded to regulate city-wide emissions to a greater extent than the stringent regulations of the U. S. Environmental Protection Agency ("EPA") and the Pennsylvania Department of Environmental Protection ("DEP"), the obvious practical effect will be to discourage new industry from locating in Erie, as well as to discourage existing industries from upgrading their facilities, at which time they would become subject to any new ordinance. In other words, faced with a choice of complying with unreasonably strict city-based emissions standards versus locating elsewhere and complying with nationally acceptable standards, a company will undoubtedly go elsewhere in order to be competitive. In fact, for this very reason, the DEP underwent a Regulatory Basics initiative during the Ridge Administration to follow Federal environmental standards and allow Pennsylvania to remain competitive with other States. The city should take heed of the lesson learned by the Commonwealth and not create unnecessary obstacles to new industry.

Third, if City Council elects to get into the business of regulating emissions, it will need to develop science-based standards and create its own permitting program. Administering an Air Quality program requires expertise and staffing that the city currently lacks. As a result, establishing and implementing such a program will require substantial expenditures and will result in the need to raise taxes. One more blow to the city's problematic finances and one more reason for new and existing industry to look elsewhere.

Fourth, in the event City Council is concerned about recent newspaper report concerning C. A. Curtze, Council should be aware that ERE has scheduled meeting with Mr. Kern to discuss his concerns. ERE is confident that, once Mr. Kern is provided with accurate information concerning air emissions and the plant's operations generally, he will understand that the project does not pose a problem for his business.

Finally, on the issue of accurate information, ERA is aware that KEEP is engaged in campaign of disseminating misinformation in order to sway public opinion against the project. Despite this campaign, ERE's experience has been that once open-minded audiences understand the combustion technology and the add-on emissions control technology, they are in favor of the project. In this regard, ERE was disappointed that City Council members declined ERE's invitation to attend presentations by Sumitomo Industries and Babcock Environmental at the Convention Center on February 8. As ERE has offered previously, the company stands by its commitment to meet with members of City Council to review the state-of-the-art technology being employed at the plant to meet the EPA's and DEP's stringent emissions standards. Thank you.

Very truly yours,
ERIE RENEWABLE ENERGY
S/ Gregory J. Rubino, President

By Mrs. Jenkins-Husband, Council File Ordinance #15,572, Pending Official File Ordinance #10-2008

an ordinance appropriating the sum of **\$82,900.00** from unappropriated and anticipated revenue from Account #262-0725-2008-3333 Department of Conservation and Natural Resources-Keystone Recreation, Park & Conservation Fund Grant-DCNR Conservation Development Grant-PA and providing for the expenditure thereof by allocating said funds to Account #262-0725-2008-4072 Land & Buildings, for the development and construction of a skate park facility at Columbus Park.

February 20, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,572 and now known as Pending Official File Ordinance #10-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,573, Pending Official File Ordinance #11-2008

an ordinance appropriating the sum of **\$444,000.00** from unappropriated and anticipated revenue to be received from Account #263-0731-2008-3334 DEP Recycling Grant-PA PR GT-Environmental Resources and providing for the expenditure thereof by allocating same to Account #263-0731-2008-4039 Consumable Items (\$20,000.00); 4072 Land & Buildings (\$116,000.00) and 4078 Machinery and Equipment (\$308,000.00).

February 20, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,573, and now known as Pending Official File Ordinance #11-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mr. Aleksandrowicz, Council File Ordinance #15,574

an ordinance appropriating the sum of **\$95,200.00** from unappropriated and unanticipated revenues from Account #002-0000-0000-3677 FEMA Fire Grant and providing for the expenditure thereof by allocating said funds to Account #002-0639-0000-4024 Bureau of Fire Tool Allowance/Benefits. (For the purchase of fire protection equipment)

February 20, 2008. City Council on motion of Mr. Aleksandrowicz, Seconded by Mr. Thompson, having read Council File Ordinance #15,574, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

Timothy M. Sennett, Esquire
Knox, McLaughlin, Gornall & Sennett
120 West 10th Street, Erie, Pa. 16501

February 5, 2008

Re: Yacht Club Road - Ravine Drive

Dear Attorney Sennett:

This letter is in response to yours of January 18, 2008 and is a follow-up to our meeting last week with City Engineer Jon Tushak.

You have cited several matters for the proposition that Ravine Drive was accepted by the city of Erie as a public street, and was not part of the real estate conveyed to the Port Authority in 1974. As you know, in the absence of an express dedication of a roadway as a public thoroughfare, there are stringent requirements for a roadway to become dedicated by implication. Summary of Pennsylvania Jurisprudence, Vol. 22A, Sec. 16.24 states the following, with citations:

There must be unequivocal acts, continued during a sufficient period, to show beyond question the intention on the part of the municipality to accept the dedication. Such evidence must be clear and convincing. Occasional use by the public is not sufficient to constitute the acceptance of dedication. Similarly, occasional maintenance and plowing by a municipality does not constitute acceptance of a dedication where there is no intention to accept such dedication."

Section 17.38 of the same volume notes that "public use" must be by the public in general, not by a limited segment of the public, or simply by those persons having business with the establishments served by such road.

The City believes that Ravine Drive is and always has been a private roadway serving the Yacht Club and Ferncliff and that the arguments you have made are not sufficient to establish it as a public street. The Pennsylvania Supreme Court ruling in Davis et al v. Kahkwa Park, which your letter cites, did not deal with the question of the public or private status of The Ravine Drive, nor even discuss the drive specifically, but only concluded that Ravine Park was intended as a public park reservation by the developer of Kahkwa Park despite the map copyist omitting the park designation on the recorded map.

The stipulation in Mario Bagnoni's legal action against the selling of the property to the Port Authority actually acknowledges the construction of the Ravine Drive by Kahkwa Park Realty; and, significantly in paragraph K, refers to "The Road and the parcels on which the road is situated". Were the Road to be treated as a public street rather than a private drive, it could not be "situated on" a parcel of land—it would be a boundary abutting and dividing parcels of land.

In fact, the Erie County tax index map of the Kahkwa Park subdivision area clearly distinguishes between the public streets laid out as such and The Ravine Drive. The true public streets on index maps 4121 and 4122 are boundary lines separating indexed parcels. Ravine Drive/Yacht Club Road, by contrast, is fully contained within indexed parcels 4121-207 and 4122-100 and does not divide indexed parcels. I am not aware of the County ever having an indexed parcel bisected by a public street and the Map Room personnel confirm that this is true. Any public road will have indexed parcels abutting it. Even some private roads will divide parcels but no public street will bisect a single indexed parcel.

The City therefore maintains its position regarding the status of this road, and further prospect of it being accepted as a City street would have to include an offer of the costs to improve it to the standards applicable to the Erie street system.

Sincerely yours,
S/ Gerald Vilella, Esq.

February 20, 2008. City Council receive and enter in the minutes for information.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

WHEREAS, The City Council of the City of Erie wishes to recognize February as **Black History Month**, which had its early beginnings with the establishment of Black History Week in 1926 by its founder Dr. Carter G. Woodson, as an initiative to bring

national attention to the contributions of African-Americans throughout American history, and

WHEREAS, the Erie City Council wishes to tribute African-Americans for making history in education, science, medicine, the arts and social justice and encourages our citizens to participate in the various activities throughout the city in recognition of Black History month, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that we hereby reaffirm and proclaim February as Black History Month in the City of Erie to recognize the special achievements of all African-Americans, so as to remember and honor those individuals who have made it possible to become proud Americans.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson, and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, the City Council of the City of Erie would like to take this opportunity to recognize and honor Negro Baseball League team members who graced the Erie area with their baseball talent in American during the 1940's and 1950's, and

WHEREAS, we take time to tribute Stanley Lee, who grew up in Pittsburgh playing baseball with the Negro League and was secretary of the Cleveland Buckeyes when they won the 1945 Negro League World Series, and

WHEREAS, Stanley moved to Erie during World War II and was reunited with many other Cleveland Buckeyes and still lives close to Bayview Park where he watched many of this friends play for the Erie Pontiacs, so

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation is hereby presented to Stanley Lee as a token of our esteemed appreciation for his contributions to the Black History of Erie, Pennsylvania.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

SIMILAR TRIBUTES WERE ALSO GIVEN TO WILLIE GRACE; GEORGE JEFFERSON; LOVELL HARDEN; SAM JETHROE; WALTER CROSBY AND ERNIE WRIGHT

February 20, 2008. City Council on motion of Mr. Jones, Seconded by Mr. Thompson, recessed at 10:20 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. City Council on motion of Mr. Jones, Seconded by Mr. Thompson, reconvened at 10:30 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones 7. Nays. 0.

To: Council President Curtis Jones and Members of Council February 18, 2008
From: Kim Green, Director, Economic and Community Development, City of Erie
Re: Parade Street

I noticed this week's agenda has a resolution sponsored by Councilwoman Jenkins-Husband requesting that consideration be given to expanding the boundaries for our facade and facade/sidewalk program to south of 26th Street. I believe we have addressed this issue before. We cannot extend those boundaries. They are set according to the City's slum/blight area. Our slum/blight area was established in August 2007, based on a study that identified properties that met the slum or blight criteria. We are required to adjust the boundaries every ten years based on a survey of properties. We historically have contracted with a consultant to complete the study of properties. The next change to boundaries will be in 2017.

In regards to the resolution requesting "the appropriate City officials to evaluate business owners funding needs for façade and sidewalks on Parade Street", Erie's façade program is administered by the Erie Redevelopment Authority. The Authority has guidelines and procedures to how those projects are funded. Anyone interested in receiving funding should make application directing the Redevelopment Authority. While there are many needs for funding facade improvements, our ability to fund these projects is always limited to our annual CDBG budget.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the appropriate City officials are respectfully requested to evaluate business owners funding needs for **Facade and Sidewalks on Parade Street** and to consider the boundaries from south of East 26th Street to 29th Street and Parade for funding.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband. 4. Nays. Schember, Thompson and Jones. 3.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the proper City officials are respectfully requested to review possible grant funds to install **metal detectors** in the City Hall for public safety of the public, employees and elected officials, including City Council.

February 20, 2008. After a short discussion, a motion was presented by Councilman Schember, Seconded by Mrs. Jenkins-Husband to amend the foregoing resolution to read:

That the proper City officials are respectfully requested to evaluate the present security measures being employed in the Municipal Building and make recommendations to City Council on ways to improve the security in the Building, including the possibility of obtaining grant funds to hire additional personnel if needed.

February 20, 2008. City Council voting to amend the resolution adopt by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember and Jones. 5. Nays. Cappabianca and Thompson 2.

February 20, 2008. city Council adopt, as amended, by yeas council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember and Jones. 5. Nays. Thompson and Cappabianca. 2.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City officials are authorized and directed to execute an agreement with **Mr. Stephen R. Chatman**, Aid Team Coordinator/Project Manager, for providing professional services and operations for the "Weed and Seed" Program, 1401 Wallace Street, for the Bureau of Police, in a sum not to exceed \$76,845.44 (which includes \$51,715.44 for salary and \$25,130.00 for operating expenses, office supplies and office equipment thru 12/31/08.

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction, which will be charged against Budget Code #02-0613-0000-4059.

This amount represents the City of Erie contribution to the Weed and Seed Program through 2008 to support the funding received from the Pennsylvania Commission on Crime and Delinquency.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Schember, Thompson and Jones. 6. Nays. Horan-Kunco. 1.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City officials are authorized and directed to execute an agreement with **Ms. Jennifer Dobbs-Woods**, Tall Team coordinator for providing professional services and operations for the "Weed and Seed" Program, 1401 Wallace Street, for the City of Erie, Bureau of Police, not to exceed the amount of \$22,500.00 (salary only).

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction, which will be charged against Budget Code #002-0613-0000-4059.

The amount represents the City of Erie contribution to the Weed and Seed Program through 2008 to support the funding received from the Pennsylvania Commission on Crime and Delinquency.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City officials are authorized and directed to execute contracts between the City of Erie and **McGill, Power, Bell & Associates, LLP**, 1920 West 8th Street, Erie, Pa. for preparing the independent audit of the City of Erie for fiscal year 2008 as per submission of their fee proposal, for a fee of \$95,275.00 for the audit for the year ending December 31, 2008, \$98,150.00 for the year ending December 31, 2009 and \$101,100.00 for the year ending December 31, 2010.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City officials are authorized and directed to execute a contract between the City of Erie and McGill, Power, Bell & Associates LLP, 1920 West 8th Street, Erie, Pa., for preparation of the Commonwealth of Pennsylvania Annual Audit and Finance Report (DCED) for fiscal year 2007 at \$104.00 per hour per letter of engagement submitted on February 13, 2008.

February 20, 2008. City Council adopt by yes Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City officials are authorized and directed to remit the following the sum of \$4,200.00 to **McGill, Power, Bell & Associates**, 1920 West 8th Street as payment for the firm's assistance with the resolution of the City of Erie's Debt Service Fund due from accounting reconciliation. The amount was billed to the City of Erie at a discounted hourly rate equal to the rate used in billing the annual DCED report.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

To: Jim Klemm, City Clerk
From: Joseph E. Sinnott
Re: Convention Center Authority Re-Appointment

February 14, 2008

Jim:

Please place the following re-appointment to the Convention Center Authority n the agenda for the February 20, 2008 City Council meeting:

* Gwendolyn White will serve the term of January 2008 to January 2012.

Thank you.

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

That the communication submitted by Mayor Joseph Sinnott re-appointing **Gwendolyn White** to the Convention Center Authority for a four year term from January 2008 until January 2012 is hereby received and confirmed by City Council.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the communication from **Community Access Television** listing the current Board members as:

Attorney William H. Burke	(term expiring December 2008)
Carmine Camillo	(term expiring December 2008)
Jan Cornwell	(term expiring December 2009)
Cindy Stone	(term expiring December 2009)
John Hanson	(term expiring December 2010)
Brian Sheridan	(term expiring December 2010)

is hereby received by City Council, confirmed and ordered placed on file in the Office of the City Clerk.

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the Mayor and City Controller are authorized and directed to execute contracts between the City of Erie and the following individuals and/or companies for goods and/o 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. **Grindline - Concrete Skatepark Design & Construction**, 4619 14th Avenue S, Seattle, Washington, for professional Services to design a skatepark facility for Columbus Park, for the total cost of \$13,450.00 paid by DCNR Conservation Planning Grant funds

2. **Markl Supply Company**, 4029 Perrysville Avenue, Pittsburgh, Pa., for 76 cases of assorted duty and training Ammunition for the Bureau of Police for the sum of \$13,820.29.

3. **Dahlkemper Landscape Architects & Contractors**, 1650 Norcross Road, Erie, Pa., for design work for the Griswold Park Renovation for the Department of Economic and Community Development for the sum of \$35,875.00.

4. **Siemens Water Technologies, % Bissnuss, Inc.**, Old Courthouse Building, Suite 260, Canfield OH, for skimmer beach plates and skimmer flight board for the dissolved Flotation Tanks for the Bureau of Sewers, for the sum of \$60,770.00. (These materials are for two of the plant's four dissolved air flotation tanks. These tanks are 27 years old and the beach plates are badly deteriorated and about to collapse into the tanks. The flights are also original and deteriorated.)

5. **Considine Biebel and Co.**, 2949 West 15th Street, Erie, Pa., for the proposed Bayview Park Renovations Project at West 2nd between Cherry and Walnut Streets, they being the lower of three bids received in the sum of \$169,500.00.

6. **Polydyne Inc.**, One Chemical Plant Road, Richboro GA, for supplying approx. 1,806,887 pounds of Polydyne/C-311 Polymer for the Wastewater Treatment Plant for the Bureau of Sewers @0.089/pound for a total estimated cost of \$206,145.94.

7. **A & H Equipment**, P.O. Box 337, Bridgeville, Pa., for a TV Truck, Cameras and Equipment for the Bureau of Sewers at a total cost of \$215,000.00. (This truck is needed to televise sewer lines to find blockages and problem areas that can lead to flooding problems. It is being purchased through the PACC Contract and will be paid for out of the Sewer Department's Machinery & Equipment account.)

8. **Mayer Brothers Construction**, 1902 Cherry Street, Erie, Pa., for the 2008 Curb Ramps Project I, Bid #1612-08, they being the lowest of two bidders in the amount of \$236,412.98.

February 20, 2008. City Council adopt by yes Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

To: Mrs. Rubye Jenkins-Husband February 14, 2008
From: Jon Tushak, P. E., City Engineer
Subject: City Council Purchase Order Resolution - February 20, 2008 Meeting
Project: Traffic Control per PUC Opinion and Order (A-000123111)
High Type Crossings at Greengarden and Downing

A resolution to award the purchase order on the above referenced project to Camsco Service, Inc., 255 Pennbriar Drive, Erie, Pa 16509 in the amount of \$4,806.14 will be presented to City Council at their Wednesday, February 20 2008 meeting. Camsco is used by the City of Erie as needed for traffic control on a unit price basis.

Per the PUC Order and Opinion, the City of Erie, at its sole cost and expense, shall furnish all material and do all work necessary to establish and maintain any detours or traffic controls required during the time the crossings are being altered. CSX and Norfolk Southern shall furnish all material and perform all work for the installation of the new high-type surfaces. PennDOT shall reimburse CSX and Norfolk Southern for materials and paving. The work was to be completed by December 31, 2007.

The crossing at Greengarden is complete. Norfolk Southern has completed work at Downing. CSX has not yet completed work at Downing. They have filed with the PUC for a time extension. A time extension to May 31, 2008 has been granted with a 20 day comment period.

When the City of Erie agreed to provide traffic control, we expected the two railroads to provide a prompt coordinated effort, as ordered by the PUC. The project at Downing was not coordinated and faced several delays and remobilizations by CSX. Camsco submitted invoices dated January 25, 2008 for both crossings for work performed through December 2007 in the subtotal amount of \$6,820.20. A coordinated effort at Greengarden was invoiced at \$2,261.80. An uncoordinated effort at Downing was invoiced at \$4,558.40, to date, for incomplete work. In my opinion, a coordinated effort at Downing should have been billed at no more than \$2,544.34 The total amount of billing should not exceed the proposed amount of \$4,806.41. I have filed an objection with the PUC within the comment period about billings exceeding this amount. I proposed that CSX shall be responsible for the remaining balance of \$2,014.06 and any subsequent billings for traffic control required to complete the Downing crossing.

This project is to be charged to Budget Code #015-0963-0000-4075. Please contact me at extension 1377 if you have any questions.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, 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. **Camsco Service, Inc.**, 255 Pennbriar Drive, Erie, Pa., for the Traffic Control per PUC Opinion and Order for High Type Crossings at Greengarden and Downing for the sum of \$4,806.14. ** See above communication in reference to this purchase order.

2. **SBM Electronics**, 628 California Avenue, Pittsburgh, Pa., for a one year maintenance agreement for the RACAL Digital Voice Recorder System, for the Bureau of Police for the sum of \$3,495.00.

3. **PA Chief of Police Association**, 3905 North Front Street, Harrisburg, Pa., for a one year Maintenance Agreement for Livescan CPIN (mugshots) software and hardware, for the Bureau of Police at a total cost of \$4,200.00.

4. **Walsh Equipment**, 796 Unionville Broad, Prospect, PA, for a Pusher Plow and Attachments for a front end loader for the Bureau of Streets for the sum of \$4,128.00. (A bid request was sent out in December 2007 and the City has only received one quote for this purchase. We are requesting to use the money donated to the Streets Department by the Sisters of Mercy in the amount of \$4,000.00. Liquid fuels monies will be expended form our Machinery & Equipment for the remaining balance of \$128.00.)

5. **Potter Industries, Inc.**, P. O. Box 840, Valley Forge, PA, for 14,000 pounds of Fiberglass Beads @ .38/lb., for the Bureau of Streets at a total cost of \$5,320.00.

6. **3M**, P. O. Box 371227, Pittsburgh, Pa., for Film, Transfer Tape and Vinyl for the Bureau of Streets, Paint & Sign Division, at a cost of \$5,703.12. (Only vendor for the grade needed for the signs for the Paint t & Sign Division)

7. **Eagle Radio Technologies**, 1367 East 2nd Street, Jamestown, NY, for three 4 watt Portable Radios and 3 year Service Agreements for the Bureau of Sewers for the sum of \$2,065.50. (These will be used to replace older non-working radios. They are specific to the radio system in use at the Plant and cannot be supplied by others.)

The radios were a 2008 budgeted item. The payment will be taken from the Machinery & Equipment Account.)

8. **Empire Stack Testing**, 5252 Ramsey Road, Ashville, NY for Heated Filters for Continuous Emission Monitors in the Incinerator Building. for the Wastewater Treatment Plant for the Bureau of Sewers in the sum of \$4,330.00. (These monitors are part of the required equipment as specified in the Plant's Title Air Permit.)

9. **ONEX, Inc.**, 2225 Colonial Avenue, Erie, Pa., for Emergency Repair of Drop Holes for Incinerator #1, for the Bureau of Sewers at a total cost of \$4,579.00. (Emergency Repair)

10. **Otis Elevator Co.**, 354 Sonwil Drive, Buffalo, NY, for the Emergency Repair of the Elevator in the Incinerator Building for the Bureau of Sewers for the sum of \$9,990.00. (During the state required testing of the Plant's elevator, it was found that the existing hydraulic valve was work and in need of replacement. This valve is not longer available due to the age of the elevator. To repair the elevator, the entire power unit must be replaced. If this is not completed soon, the state will require that the elevator be taken out of service. This elevator is the only way to move parts and equipment between the floors in that building. Until this equipment is required, it presents a known safety hazard when in operation.)

February 20, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

February 20, 2008. Signed by the President. Attested by the Acting City Clerk.

February 20, 2008. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, adjourned at 11:55 a.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Attest:

President of City Council

(Acting) City Clerk