

The City Council met in regular session in the Council Chambers on Wednesday, April 16, 2008 at 7:30 p.m.

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

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of April 4, 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.

Copies of the bills under date of April 11th and April 18th, 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.

By Mr. Schember, Council File Ordinance #15,576
an ordinance appropriating the sum of **\$25,000.00** from unappropriated and anticipated revenue from Account #326-1326-0000-3336 State Operating Grant-Department of Community and Economic Development and providing for the expenditure thereof by allocating said sum to 4041 Professional Services. (Elm Street Planning Project)

April 16, 2008. City Council on motion of Mr. Schember, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,576, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

By Mr. Schember, Council File Ordinance #15,577
an ordinance appropriating the sum of **\$80,765.25** from unappropriated and anticipated revenue; (\$50,000 received as a Grant from the PA Department of Community and Economic Development \$26,806.00 received earnings from the Enterprise Zone Revolving Loan Fund and \$3,959.25 Program Income-Misc. Sources) and providing for the expenditure thereof by allocating said funds to Account #316-1216-2004-40xx. (These funds will be used for the planning phase of the Elm Street program for the SNOOPS neighborhood which runs from East 12th to East 15th Street from French Street to Wayne Street)

April 16, 2008. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,577, does hereby adopt on First Reading by yes Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Pursuant to the provisions of Zoning Ordinance #80-2005 and the proper legal advertising, at 8:00 p.m., the City Council proceeded to hold a **Public Hearing** regarding a request from Al Monschein for Waterfront Conditional Use for property located at **933 West Front Street** for the construction of a two-story addition to his dwelling.

HONORABLE MAYOR, PRESIDENT AND MEMBERS OF CITY COUNCIL February 26, 2008
The City of Erie Planning Commission, at its regular meeting on February 19, 2008, reviewed a Waterfront Conditional Use submittal by Al Monschein for the construction of a two story addition to his dwelling located at 933 West Front Street.

The exterior of the new structure will be constructed of the same materials and same color as the present structure. Drawings and pictures were introduced by Mr. Monschein to show that the addition will not change the character of the area.

After inspection and due consideration, it was moved by Mr. Antalek and seconded by Mr. DeBello that the project is hereby recommended for approval without revision.

Respectfully submitted,
S/ Armand Chimenti, Secretary
City Planning Commission

Al Monschein
931 and 933 West Front Street, Erie, Pa. 16507

Dear Mr. Monschein:

This is to advise you that the following decision has been adopted on Tuesday, January 22, 2008 regarding property located at 931 and 933 West Front Street.

Findings of Fact

- 1) The appellant desires to construct a 22' x 34' attached garage to his residence which would be two stories with the second story to be limited to storage.
- 2) The proposed garage would require a dimensional variance for the rear yard setback: 20' is required - 7' is requested.
- 3) Neighbors who live across the street, Terry Murosky, Helen Evans and Sharie Furiesz all testified in opposition to the proposed variance, stating that the two-story addition would block their existing view of the bay.

Conditions

- 1) The existing lot has already been adequately developed by the appellant's existing residence so that there is not a hardship imposed by the rear yard setback requirement.
- 2) Based on the opposition to the project expressed by the appellant's neighbors, the proposed dimensional variance would have an adverse impact on the neighborhood in that the proposed addition would block the view of Presque Isle Bay for some of the appellant's neighbors.

Decision

By a vote of 3 to 1 with Board member Ron Desser being in opposition and Board member Sal Parco absent, the appellant's request for a dimensional variance to reduce the rear yard setback from 20' to 7' is hereby DENIED.

You are further advised that you have the legal right to appeal this decision to the Court of Common Pleas of Erie County, Pennsylvania, said appeal to be filed no later than thirty (30) days after notice of this decision.

If you have any questions regarding the above, please feel free to contact me at (814) 870-1273.

Respectfully submitted,
S/ Armand Chimenti, Secretary
Zoning Hearing Board

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

Resolved, by the Council of the City of Erie, that

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to the Mercyhurst High School Girls Varsity Basketball Team for their valiant effort at the "AAA" State Championship at State College which ranked them 2nd in the State, and

WHEREAS, the Mercyhurst Girls High School Varsity Basketball Team with their winning attitude and hard work won 6 straight games that led them to the PIAA Finals, and concluded the season with a 30-3 record, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation is hereby presented to the Mercyhurst High School Girls Varsity Basketball Team and extend to them our personal congratulations and wish them our best in all of their future endeavors.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 16, 2008. Signed by the President. Attested by the City Clerk.

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

That the City Council of the City of Erie recognizes Saturday, April 19, 2008 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 hereby invites all members of Council to join together with the Anti-Graffiti Taskforce and many community volunteers in cleaning up graffiti on the West 12th Street corridor between Liberty and Raspberry Streets.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 16, 2008. Signed by the President. Attested by the City Clerk.

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

That City Council hereby recognizes April 24th as "**Equal Pay Day**" for women. Facts about pay equity: In 1963 full-time working women were paid 59 cents on average to the dollar received by men. In other words, for the last 42 years, the wage gap has only narrowed by less than half of a penny per year.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 16, 2008. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the members of City Council of the City of Erie hereby recognizes Friday, April 25, 2008 as **Arbor Day** and

WHEREAS, the Council recognizes the need to promote and encourage the proper care and planting of trees, and

WHEREAS, the Council recognizes that trees are a valuable resource which provide oxygen, clean the air by absorbing odors and pollution, conserve energy by shading the cooling homes and buildings and by breaking up heat islands, prevent water runoff

and soil erosion by breaking rainfall and holding soil, provide a canopy and habitat for wildlife, increase property values and improve business traffic, transform barren areas into areas of beauty and provide buffers from harsh urban landscapes, serve as friends, companions, playmates and teachers, produce a sense of rootedness, connectedness and community and act as a symbol of life, peace, and hope for the future, so

THEREFORE, BE IT RESOLVED, that the City Council encourages all residents to participate in organizing and actively engaging in Arbor Day activities in their neighborhoods.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
April 16, 2008. Signed by the President. Attested by the City Clerk.

Joseph B. Spero, Esq.
Attorney and Counselor at Law
3213 West 26th Street, Erie, Pa. 16501

September 14, 2007

Re: Actuarial Study for the C.O.L.A. on a 75% Disability pension

Dear Attorney Spero:

Enclosed is a copy of correspondence received from Boetger and Associates, regarding the 75% disability pension. They have completed an actuarial study on the Cost of Living Allowance as per request. With this completed we can move forward on the re-writing of that section of the ordinance to include a 75% COLA on a disability pension.

A copy of the Boetger letter will also be forwarded to Attorney Agresti, the Attorney that Terry Dawley has retained for this matter. Together a writing can be prepared to be presented to Councilman Thompson who will then take the I issue before City Council and finally resolve this issue.

Feel free to contact me anytime at 870-1115 or cell phone.

Sincerely,

S/ Kirk Werner, Recording Secretary

Mr. Kirk Werner, Secretary of the Police Pension Fund
626 State Street, Erie, Pa. 16501

September 5, 2007

Re: City of Erie Police Pension Plan

Dear Kirk:

The City of Erie Police Pension Plan provides a regular pension that equals 50% of a Participant's Final Pay plus a Service Increment for each full year of service over 20 years at retirement. In addition, the Plan provides an In Line of Duty Disability Benefit that equals 75% of the Participant's Final Pay at the time such disability is determined.

The Plan also contains a Cost of Living Adjustment (COLA) for officers hired after January 1, 1981 that provides that pension benefits payable from the Plan shall not fall below 50% of basic monthly salary currently being paid to a Class A patrolman of the City.

There has been question on the application of the COLA as it pertains to a person who leaves the employ of the City as a result of an in Line of Duty Disability. The Plan is not clear if the Disabled Retiree should begin receiving a COLA after their pension falls below 50% of a Class A patrolman or if the intent of the Plan is that the COLA commences after the pension falls below 75% of a Class A patrolman basic monthly salary.

In order to assist in the interpretation of the Plan, we have prepared an actuarial cost study to determine the financial impact of providing the COLA based on a minimum of 75% of pay for in Line of Duty Disability retirements. The annual cost to provide a benefit that bases the COLA on the 75% of Class A patrolman's salary equals \$16,467.

Kirk, we need to point out that when we completed the last actuarial valuation report for the City of Erie Pension Plan we included funding based on a cost of Living Adjustment increasing based on the 75% of pay minimum. If we determine that the benefit should be based on the 50% of Class A patrolman salary then we will need to reduce the funding requirements of the Plan by the figures in the previous paragraph. The figures based above have been determined based on the assumptions in our most recent actuarial valuation report.

Thank you, and if you have any questions, please feel free to call me.

Sincerely,

Boetger and Associates, Inc.

S/ Don J. Boetger

Dennis Stazer & Kirk Werner, Erie Police Relief & Pension Association
626 State Street, Room 111, Erie, Pa. 16501

Re: 75% Disability Pension Benefits COLA

Dear Mr. Stazer and Mr. Werner:

Pursuant to the direction of the Police Relief and Pension Board, following please find the proposed draft concerning the addition of the cost of Living allowance for the 75% Disability Pension:

147.05 Retirement Benefits

(g) Cost of Living Adjustments: Cost of living adjustments shall be provided under either (1), (2) or (3) below, as applicable:

(3) Participants who are receiving disability Retirement Pension Benefits under the Plan for Disability in the line of duty pursuant to Section 137.05 (f) or individuals receiving survivor benefits under the Plan as a result of the death of a police officer disabled in the line of duty, shall in future years receive

such increases to their allowances under the Pension Plan so that their pension shall not fall below 75% of the basic monthly salary currently paid to a Class A patrolman of the city. Until such time as the pensioners benefit falls below 75% of the Class A patrolman salary, there will not be any cost of living adjustment to his /her benefit. There will be no increase based on the consumer price index as referenced in subsection (1) above. This cost of living adjustment for individuals receiving the disability retirement pension for disabilities received in the line of duty shall be effective January 1, 2008 and shall not be retroactive.

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

That the City Solicitor is authorized and requested to review the request of certain police retirees to amend the **Police Pension Ordinance** as it pertains to disabled pensioners possible "cost of living" increase and report his findings thereon to City Council.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 16, 2008. Signed by the President. Attested by the City Clerk.

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

WHEREAS, under the Title I of the Housing and Community Development Act of 1974, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination of prevention of slums or urban blight, or activities which will benefit low and moderate income persons, or other urgent community development needs; and

WHEREAS, under the HOME Investment Partnerships Program created by the National Affordable Act and amended by the Housing and Community Development Act of 1991, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary and affordable housing; and

WHEREAS, under the Emergency Shelter Grants Program contained in the Steward B. McKinney Homeless Assistance Amendments Act of 1988, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to grantees and non profit agencies which provide essential services, operations, homeless prevention and shelter rehabilitation for homeless persons; and

WHEREAS, the U. S. Department of HUD has advised the City that FY2008 Entitlements area as follows: CDBG \$3,511,461; HOME \$971,094 and SG \$157,142; and

WHEREAS, in addition to the entitlement funds, the City expects to receive \$30,000 in program income and \$71,538 in reprogramming funds; and

WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared an Annual Plan for the FY2008 funding year which assesses the housing needs of low and moderate income households, homeless families and individuals and others with special needs; and

WHEREAS, the draft Annual Plan for 2008 was on public display since March 7, 2008 and the city held a Public Hearing on said Annual Plan and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Erie, Pennsylvania and it is hereby resolved by the authority of the same, as follows:

SECTION 1: That the Annual Plan for the FY2008 CDBG, HOME and ESG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Annual Plan with the minutes of this meeting.

SECTION 2: That it is cognizant of the conditions that are imposed in undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to 1) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, family status, or national origin and other assurances as set forth under the certifications.

SECTION 3: That the Mayor, on behalf of the City of Erie, is authorized to file an application for financial assistance with the U. S. Department of HUD which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$3,511,461, HOME in the amount of \$971,094, and ESG in the amount of \$157,142 and is further authorized to act as an authorized representative of the City of Erie to sign any and all documents in regard to these programs.

SECTION 4: That the Mayor, on behalf of the City of Erie, Pennsylvania, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as Amended, the National Affordable Housing Act of 1990, and the Steward B. McKinney Homeless Assistance Act and also any supplemental or revised data which the U. S. Department of HUD may request in connection with the review of this application.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 16, 2008. Signed by the President. Attested by the City Clerk.

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

That the Mayor and appropriate City officials are authorized to execute an agreement between the City of Erie and **HANDS, Inc.**, whereby the City will make available to HANDS, Inc. from HOME Program funds appropriated, a grant in the amount of \$300,000.00 to carry out the HANDS New Construction Rental Program as described in the amended FY 2006 Annual Plan. (HANDS will use the HOME funds to construct 11 lease-to-purchase housing units in Little Italy for families at or below 60% of the area median income)

April 16, 2008. City Council adopt by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
April 16, 2008. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized to take appropriate action to address the Management Letter issued by the City's Auditor, **McGill, Power & Bell**, as it pertains to comment 3.05, transfer of funds from the Capital Reserve Fund for the years 2003 and thereafter. The Finance Office will undertake the proper adjustment in order to address the comment.

April 16, 2008. City Council adopt by yeas Council Member Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
April 16, 2008. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to execute an Easement Agreement between the City of Erie and **Lee Matz, 1067 West 6th Street**, for the placement of one post and one sign in the tree lawn area between the curb and sidewalk near the southeast corner of the intersection of West 6th and Raspberry Streets for the purpose of identifying his hair salon business, in accordance with provisions included in the said Easement Agreement.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
April 16, 2008. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to execute the Quit Claim Deed for property located at **510 East 14th Street**, further being identified by Erie County Assessment Index #(15) 2028-222, for the purpose of clearing a cloud on the title of the property.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
April 16, 2008. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as **Paragon Drive**, Lot 17 x 113.08, and identified by Erie County Assessment Index #15-021-027.0-307.00 to Raymond Beckwith, Jr. for the sum of \$250.00 is hereby approved.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
April 16, 2008. Signed by the President. Attested by the City Clerk.

Curtis Jones, Jr., Erie City Council President
Municipal Building, 626 State Street, Erie, Pa. 16501

April 11, 2008

Dear Curtis:

Enclosed is the Memorandum of Understanding (MOU) approved by Erie County Council on April 8, 2008. I think you will find that the OU has been revised in such a way to meet your approval. Language that had caused you concern in the past, has been removed or revised.

Your review and response regarding the enclosed MOU would be appreciated so that the airport runway project may continue moving forward.

Respectfully,
S/ Joseph F. Giles, Chairman

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF ERIE
and
THE COUNTY OF ERIE
and
THE ERIE MUNICIPAL AIRPORT AUTHORITY

WHEREAS, a one-thousand nine-hundred twenty (1,920) foot runway extension and the resurfacing of the existing runway at the Erie International Airport ("Project") is essential for passenger safety (920 feet) as well as the future growth and economic development (1,000 feet) of the City of Erie and the entire Erie region; and

WHEREAS, the federal government, by delegated statutory authority to the Federal Aviation Administration ("FAA"), has agreed to contribute to the funding for the Project on the condition that the airport and state and local government contribute to the Project based on a formula presented by the FAA; and

WHEREAS, elected and/or appointed representatives of the City of Erie ("City"), County of Erie ("County") and the Erie Municipal Airport Authority ("Authority") (collectively referred to as "the parties") convened November 9, 2007 for the purpose of agreeing on a collaborative plan in order to: provide for a local funding match for the Project, address expansion of the Authority's governing board and arrive at compromises among the municipalities and Authority in furtherance of the Project; and

WHEREAS, the County has indicated a willingness to (1) provide a portion of the local match for the Project, (2) assist the Authority in providing the Authority's portion of the local match for the Project, and (3) assist the Authority in retiring the existing indebtedness of the Authority; and

WHEREAS, due to the significant investment the County is committing to the Project it desires that the Authority become a "regional authority" with an expanded board of directors to which the County shall be granted appointment power; and

WHEREAS, in order for the Authority to become a "regional authority" with appointments made by the County to the Authority board of directors, (1) the County must join as a member municipality of the Authority pursuant to Section 5604 of the Municipality Authorities Act ("Act"), thereby turning the existing Authority into a "joint authority" within the meaning of the Act and (2) the Articles of Incorporation of the Authority must be appropriately amended pursuant to Section 5605 of the Act to reflect the status of both the City and the County as members of a joint authority; and

AND NOW, the County, the City, and the Authority, intending to be legally bound, hereby agree to the following:

1. The County shall:
 - a. commit \$21.5 million in local match funds for the Project, subject to the following terms, conditions, limitations and contingencies:
 - i. The \$21.5 million commitment (the "Commitment") shall be deposited in a construction fund, as more specifically described in Section 1(a)(iii), below, no later than August 1, 2008.
 - ii. The Commitment may be fulfilled by a combination of tax-exempt bond proceeds and other revenue sources of the County, as determined by the County in its discretion. It is understood by the parties that the County presently contemplates that the Commitment shall be derived solely from tax-exempt bond proceeds.
 - iii. Funds from the Commitment shall be deposited in a Project construction fund (the "Construction Fund"). Funds from the Construction Fund, including interest earnings thereon, shall be drawn down upon by the Authority solely for the payment of costs directly related to the Project. For the sake of clarity, such costs include, but are not limited to: (1) land acquisition costs, including without limitation the acquisition of land in fee, easements and/or other forms of real property rights; and (2) relocation costs, including cost associated with the reconfiguration of the Millcreek Golf and Learning Center ("MGLC") and the reconfiguration of Powell Avenue. Such costs include payments to the City in consideration for the agreement of the City to transfer the Erie Golf Club to Millcreek Township, in exchange for the waiver of the Township's right to demand that the Authority pay for the reconfiguration of MGLC and/or the transfer of real property rights in and/or around MGLC to the Authority, provided that: (1) such transaction occurs no later than September 15, 2008; (2) such transaction results in a net cost savings to the Project; and (3) the terms and conditions of such transaction are satisfactory to the Authority and the County. Such payments shall be in an amount up to \$2.21 million, provided that the foregoing conditions are satisfied. The Authority and the County agree that they shall not unreasonably withhold their consents to such payments.
 - iv. The Commitment and the drawing down of funds from the Construction Fund shall be subject to such terms, conditions, limitations and contingencies as is set forth in an intergovernmental cooperation agreement (the "ICA") between the County and Authority, as described in greater detail below.
 - b. utilize any interest generated from the investment of idle project funds from the bond proceeds to provide additional funding to the Project; and
 - c. agree that any reduction in the Project cost and/or any additional sources of revenue which would reduce the overall local commitment to the Project, shall be shared as follows:
 - i. 75% of the reduction in net cost returned to the County from its original commitment
 - ii. 25% of the reduction in net cost returned to Authority from its original commitment; and
 - d. agree to join as a member municipality of the Authority which shall be changed into a "joint authority" within the meaning of section 5604 of the Act, further agreeing to do the following:
 - i. participate in the submission of an application to the Secretary of the Commonwealth requesting the County's joinder as a member municipality and take all other steps necessary as prescribed by the Municipality Authorities Act to join the Authority as a member municipality; and
 - ii. amend the Articles of Incorporation of the Authority pursuant to Section 5605 of the Act to reflect the status of both the City and the County as members of a "joint authority;" and

- iii. appoint four directors to the board of the joint Authority in a manner and method prescribed by the County Administrative Code, provided the County shall comply with Section 5610 of the Act, 53 Pa. C.S.A. §5610 in making such appointments and creating said appointment procedure.

The obligations of the County under this Memorandum of Understanding ("MOU") are contingent upon: (1) the performance by the Authority and the City of their respective obligations hereunder; (2) the re-structuring of the Authority as contemplated by this Agreement and the seating of the County's appointments to the Authority no later than May 1, 2008, time being of the essence; and (3) the execution and delivery of an ICA by the Authority and the County which is satisfactory to the Authority and the County in each party's sole discretion, no later than May 1, 2008, time being of the essence. With respect to the ICA, the Authority and the County hereby acknowledge and agree that: (1) this MOU only sets forth the obligations of the parties with respect to the Project in a general manner; and (2) implementation of this MOU will require a separate agreement, the ICA, which sets forth in much greater detail the terms, conditions, limitations and contingencies under which the County shall make funds available for the Project and such funds shall be expended. Such terms, conditions, limitations and contingencies include, but are not limited to: (1) compliance with provisions of the Internal Revenue Code of 1986, as amended, regarding the use of tax-exempt bonds proceeds; (2) time frames for the completion of various tasks relating to the Project; (3) various contingencies with respect to the County's obligations, including (without limitation) obtaining adequate FAA funding to complete the Project; (4) terms and conditions under which funds provided by the County may be disbursed ; (5) financial and operating covenants of the Authority; and (6) provisions for termination of the ICA.

2. The Authority shall:

- a. consent to the County's joinder as a member municipality of the Authority, thereby turning the Authority into a "joint authority" within the meaning of Section 5604 of the Act, 53 Pa. C.S.A. §5604, further agreeing to do the following:
 - i. participate in the submission of an application to the Secretary of the Commonwealth requesting the County's joinder as a member municipality and take all other steps necessary as prescribed by the Municipality Authorities Act to have the County join the Authority as a member municipality; and
 - ii. consent to expanding the joint Authority's board of directors to nine members and consent to the appointment by the County of four new directors to the board of the joint Authority in a manner and method prescribed by the County Administrative Code, provided the County shall comply with Section 5610 of the Act, 53 Pa. C.S.A. § 5610, in making such appointments and creating said appointment procedure; and
- iii. amend the Articles of Incorporation of the Authority pursuant to Section 5606 of the Act to reflect the status of both the City and the County as members of a "joint authority."
- b. enter into the ICA with the County, as described in Section 1, above, setting forth, among other things, the Authority's agreement to the terms, conditions, limitations and contingencies set forth in Section 1, above, with respect to the expenditure of funds provided by the County; and
- c. obtain any and all necessary approvals by the Federal Aviation Administration and/or Pennsylvania Bureau of Aviation and any other governing agencies which may be required to effectuate all actions set forth in this MOU; and
- d. comply with the terms and conditions of this MOU and the ICA with respect to the expenditure of funds provided by the County; and
- e. negotiate a local PLA Agreement with respect to the Project; and
- f. provide not less than \$6 million to pay for costs directly related to the Project. Such monies shall be deposited by the Authority into the Construction Fund no later than August 1, 2008. The disbursement of such funds from the Construction Fund shall be subject to all of the terms, conditions, limitations and contingencies which are applicable to the Construction Fund generally; and
- g. agree that any reduction in the Project cost and/or any additional sources of revenue which reduce the overall local commitment to the Project, shall be shared as follows:
 - i. 75% of the reduction in net cost returned to the County from its original commitment
 - ii. 25% of the reduction in net cost returned to Authority from its original commitment.

3. The City shall:

- a. consent to the County's joinder as a member municipality of the Authority, thereby turning the Authority into a "joint authority" within the meaning of Section 5604 of the Act, 53 Pa. C.S.A. §5604, further agreeing to do the following:
 - i. participate in the submission of an application to the Secretary of the Commonwealth requesting the County's joinder as a member municipality and take all other steps necessary as

prescribed by the Municipality Authorities Act to have the County join the Authority as a member municipality;

- ii. amend the Articles of Incorporation of the Authority pursuant to Section 5605 of the Act to reflect the status of both the City and the County as members of a "joint authority"; and
- iii. consent to expanding the joint Authority's board of directors to nine members and consent to the appointment by the County of four new directors to the board of the joint Authority in a manner and method prescribed by the County Administrative Code, provided the County shall comply with Section 5610 of the Act, 53 Pa. C.S.A. § 5610, in making such appointments and creating said appointment procedure. The City shall retain appointment power over the original five seats on the Authority's board

- 4. It is the intention of the Parties that this MOU shall not become effective until it is properly approved and executed by each of the Parties.
- 5. Should the nature or extent of this project change significantly due to increased costs or decreased revenues which would require obtaining additional funding, the parties shall meet and discuss possible remedies.
- 6. The solicitors of each of the Parties are authorized to take all necessary steps to implement the terms of this MOU.

On the motion of _____, seconded by _____, this Memorandum of Understanding was passed and approved on this ____ day of _____, 2008, by a vote of ____ - ____

APPROVED BY:

Chair, Erie County Council

Mark A. DiVecchio, County Executive

ATTEST:

County Clerk

DATE: _____

On the motion of _____, seconded by _____, this Memorandum of Understanding was passed and approved on this ____ day of _____, 2008, by a vote of ____ - ____.

APPROVED BY:

Chair, Erie City Council

Joseph Sinnott, Mayor

ATTEST:

City Clerk

DATE: _____

On the motion of _____, seconded by _____, this Memorandum of Understanding was passed and approved on this ____ day of _____, 2008, by a vote of ____ - ____.

APPROVED BY:

Secretary, Erie Municipal Airport Authority

Louis J. Porreco, President, Erie Municipal Airport Authority

DATE: _____

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

That the proper City officials are authorized and directed to enter into a Memorandum of Understanding (MOU) between the City of Erie, the County of Erie and the Erie Municipal Airport Authority, for the purpose of furthering the Authority's runway extension project.

April 16, 2008. City Council adopt by yeas Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 6. Nays. Mr. Cappabianca. 1.

April 16, 2008. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

WHEREAS, the City of Erie (Applicant) desires to undertake the following project: Perry Square Renovation Project and

WHEREAS, the applicant desires to apply to the Department of Conservation and Natural Resources (Department) for a grant for the purpose of carrying out this project, and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and a document entitled "Signature Page for Grant Application and Grant AGREEMENT" AND

WHEREAS, the applicant understands that the contents of the document entitled "terms and conditions of grant", including appendices referred to therein, will become the terms and conditions of a grant agreement between the applicant and the department if the applicant is awarded a grant; so

NOW, THEREFORE, it is resolved that:

1. The Signature Page for Grant Application and Grant Agreement may be signed on behalf of the applicant by the official who at the time of signing has title of Mayor.

2. If this Official signed the Signature Page for Grant Application and Grant Agreement, prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signature.

3. If the applicant is awarded a grant, the Signature Page for Grant Application and Grant Agreement, signed by the above Official will become the Applicant/Grantee's executed signature page for the Grant Agreement and the Applicant/Grantee will be bound by the Grant Agreement.

4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the Title specified in paragraph 1 and the Grantee will be bound by the amendment.

I hereby certify that this resolution was adopted by the City Council of the City of Erie Pennsylvania, this 16th day of April, 2008.

April 16, 2008. City Council adopt by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
April 16, 2008. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That the following amounts are hereby transferred in the HOME Program:

<u>Transferred from</u>			<u>Transferred to</u>		
<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$300,000	505-1239-2006-4533	MLK Homebuyer/ New Construction	\$300,000	505-1250-2006- 4486	HANDS New Const.Rental

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Schember, Thompson and Jones. 6. Nays. 0. (Mrs. Jenkins-Husband abstained)

April 16, 20008. Signed by the President. Attested by the 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/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:

- Taylor Tree Service, Inc.**, 9353 Route 20, Ripley, NY, for removal of 61 Trees and Stumps at various locations within Perry Square Park as part of the City of Erie's Urban Forest Management Program, they being the lowest of two qualified bidders for the sum of \$19,950.00.
- Boetger & Associates, Inc.**, for Professional Services in re. to providing the City with completion of the Governmental Accounting Standards No. 45 Report for the Actuarial/Administration services of the post-retirement medical plans maintained by the City for the City of Erie Post Employment Benefits Plans, for the consideration of \$50.00/hour for administrative staff and \$125.00/hour for actuarial staff, not to exceed \$13,500.00.
- Joseph McCormick Construction Co.**, 3340 Pearl Avenue, Erie, for 19mm Binder Course (picked up) @ \$47.00/ton and 9.5mm Wearing Course (picked up) @ \$51.50/ton. (per COG bid)
- Russell Standard Corp.**, P.O. Box 86, Union City, Pa., for 19mm Binder Course (picked up) @ 48.50/ton and 9.5mm Wearing Course (picked up) @ \$53.00/ton. (per COG bid)
- Mayer Brothers Construction Co.**, 1225 West 18th Street, Erie, Pa., for 19mm Binder Course (picked up) @ \$49.00/ton and 9.5mm Wearing Course (picked up) @ \$51.75/ton. (per COG bid)
- Fire Equipment Sales, Inc.**, 36820 Lake Road, Union City, Pa., for two Ambulances (used) to be used as Tool Trucks for the Bureau of Streets for a total cost of \$10,000.00.

7. **Five Star International**, 6700 Wattsburg Road, Erie, Pa., for three (3) Compactor Chassis for the Refuse Bureau for a total cost of \$218,217.00 (\$72,739.00 each).
8. **A & H Equipment Co.**, P.O. Box 337, 1124 McLaughlin Run Road, Bridgeville, Pa., for three (3) Loadmaster Compactor Bodies for the Refuse Bureau at a total cost of \$171,330.00 (\$57,110.00 each).
9. **Walsh Equipment**, 796 Unionville Road, Prospect, Pa., for a High Lift Wheel Loader for the Bureau of Refuse at a total cost of \$117,042.72. (The front Wheel Loader will be purchased with Recycling Grant Funds received from the PA Department of Environmental Protection.)

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
 April 16, 2008. Signed by the President. Attested by the City Clerk.

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. **North Coast Tool**, 2705 West 17th Street, Erie, Pa., for Gate Valves for the Dissolved Air Flotation Building, for the Bureau of Sewers in the sum of \$4,777.80.
2. **Erie Bearings Co.**, 1432 East 12th Street, Erie, Pa., for Head Shafts and Bearings for the East Grit Machine, in the East Headworks Building, for the Bureau of Sewers for the sum of \$6,266.82. (They will replace thirty year old parts on one of the two machines. These parts should complete the major overhaul of the East Grit chamber. Once the parts are purchased, quotes for the installation of these shafts and hearings will heave to be obtained.)
3. **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for Manhole Installation and Cave-In Repair at various locations for the Wastewater Treatment Plant/Bureau of Sewers, for the sum of \$8,949.40. (Material Costs Only)
4. **Master Flo**, 4 Plum Street, Verona, Pa., for parts for Seepex Pumps, for the Bureau of Sewers, at a total cost of \$9,492.91, which includes \$400.00 for freight. This order will consist of stators, rods, pins and joint assemblies.

April 16, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
 April 16, 2008. Signed by the President. Attested by the City Clerk.

April 16, 2008. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, adjourned at 10:50 p.m. by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 6. Nays. 0. (Mr. Cappabianca left the meeting at 10:25 p.m.)

 President of City Council

Attest:

 City Clerk