

The City Council met in regular session in the Council Chambers on Wednesday, March 18, 2009 at 7:30 p.m.

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

On motion of Mr. Thompson, Seconded by Mrs. Jenkins-Husband, the reading of the minutes of the meeting of March 4, 2009 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

Copies of the bills under date of March 13th and March 20th, 2009 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0., with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

During the "Citizens to be Heard" portion of the meeting Randy Barnes, 109 Walten Point, spoke on "Continuous Emissions Monitoring Systems Ordinance and Power Plant" and submitted information on development and operating experience with SGT-800, a Siemens 45 MW Industrial Gas Turbine for various applications.

By Mr. Cappabianca, Council File Ordinance #15,637, Pending Official File Ordinance #13-2009

an ordinance amending Part Three (Business Regulation and Taxation Code), Article 330 **Landlord and Rental**, Section 330.12 Sunset Provisions, of the Codified Ordinances by extending the Sunset date from March 31, 2009 to March 31, 2013.

March 18, 2009. City Council on motion of Mr. Cappabianca, Seconded by Mr. Thompson, having read Council File Ordinance #15,637 and now known as Pending Official File Ordinance #13-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Council File Ordinance #15,638, Pending Official File Ordinance #14-2009

an ordinance submitted pursuant to the provisions of 53 Pa. C.S.A. 2301, et. seq., authorizing intergovernmental cooperation with the **delegation to the County of Erie** with respect to provision of **fire, police, emergency and other dispatch communication services**; setting forth the terms of such authorization and delegation; approving the initial agreement and authorizing the appropriate City of Erie officials to implement and, as necessary, amend such agreement(s).

March 18, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, having read Council File Ordinance #15,638 and now known as Pending Official File Ordinance #14-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Council File Ordinance #15,639

an ordinance appropriating the sum of **\$85,000.00** from unappropriated and anticipated revenue from Account #245-0613-0000-3911 Police Vehicle Grant and providing for the expenditure thereof by allocating said sum to Account #245-611-0000-4078 Machinery & Equipment.

March 18, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, having read Council File Ordinance #15,639, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

By Mr. Schember, Council File Ordinance #15,640

an ordinance amending Part One of the Administrative Code, Title Three, Article 112 (**Rules of Council**), by amending certain sections as noted pertaining to Meetings, Executive Sessions, Agenda, Citizens to be Heard, Permanent Standing Committees and Committee Reports, etc.

March 18, 2009. City Council on motion of Mr. Schember, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,640 does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Jenkins-Husband, Jones, Thompson and Schember. 5. Nays. Mr. Cappabianca. 1.

By Mrs. Jenkins-Husband, Council File Ordinance #15,641
an ordinance appropriating the sum of **\$7,500.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 to be received from Highmark Blue Cross/Blue Shield and providing for the expenditure thereof by allocating said sum to Account #259-1219-0000-4552 Summer Recreation Program.

March 18, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,641, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

Pursuant to the provisions of Zoning Ordinance #80-2005 and the proper legal advertisement, at **8:00 p.m.** the City Council proceeded to hold a **Public Hearing** regarding the request of the Erie County Public Safety Department to install a **Bayfront Surveillance System** on top of a 75' monopole to be located at the foot of the Port Access Road in a Waterfront Manufacturing Zoning District (W-M).

By Mrs. Jenkins-Husband, Seconded by Council Members Aleksandrowicz, Cappabianca, Jones, Schember and Thompson,
Resolved, by the Council of the City of Erie, That

WHEREAS, the City Council of the City of Erie wishes to recognize the month of March as Women's History Month, so as to honor and celebrate the achievements of women both past and present who have made significant contributions in our State, Nation and local communities, and

WHEREAS, women throughout the ages have been instrumental in all areas of government, industry and education and have made their mark on American History from the founding colonies, through all our wars for freedom, the industrial revolution, to present day where they now head some of our nations largest corporations, so

THEREFORE, BE IT RESOLVED by the Council of the City of Erie that this commendation be placed into the official records of the City of Erie to document our honor and respect for "Women of History in America".

March 18, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized to effectuate the issuance of a **Tax and Revenue Anticipation Note (TRAN)**, Series 2009 with the terms set forth in the foregoing and attached certificate and transmittal; approving a form of note; authorizing designated Officers to execute and deliver the note; authorizing and directing the filing of proceedings with the Department of Community and Economic Development; providing for the payment and security of the note; making certain federal income tax covenants in respect of the note; accepting the proposal of Northwest Savings Bank for the purchase of the note in the sum of **\$4,000,000.00** at an interest rate of 2.98%, with a maturity date of June 29, 2009.

March 18, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

Honorable Joseph Sinnott, Mayor
Mr. Casimir Kwitowski, City Controller and Members of City Council
626 State Street, Erie, Pa. 16501-1128

February 16, 2009

Ladies and Gentlemen:

We are pleased to confirm our understanding of the services we are to provide the City of Erie, Pennsylvania for the year ended December 31, 2008. We will assist the City of Erie with the preparation and timely completion of the annual Commonwealth of Pennsylvania "Annual Audit and Financial Report". This Department of Community and Economic Development (DCED) report will be presented on the modified accrual basis of accounting. The City is responsible for submission of the DCED report including certification of the DCED opinion.

Our fee for these services will be at our standard hourly rates with respect to the City. We agree that all services provided will be billed at \$104 per hour regardless of the personnel assigned to the engagement in an amount not to exceed \$28,000. Our invoices for these services will be payable on presentation.

We appreciate the opportunity to be of service to the City of Erie, Pennsylvania and believe this letter accurately summarized the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,
McGill, Power, Bell & Associates, LLP

By Mr. Schember, Seconded by Mrs. Jenkins-Husband, 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 2008 at \$104.00/hour, not to exceed \$28,000.00, per letter of engagement submitted on February 16, 2009.

March 18, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

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

That the Financial Statements and Reports submitted by **The Erie Parking Authority** as compiled by Root, Spitznas & Smiley, Inc., Certified Public Accountants, for the year ending December 31, 2008 is hereby received by City Council and ordered placed on file in the Office of Accounts, Finance and Budget.

March 18, 2009. City Council; adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

**HOUSING AUTHORITY OF THE CITY OF ERIE TO PURCHASE
ERIE COUNTY REPOSITORY PROPERTY**

Location of Property: E. 19th Street (north side between McCain Avenue & June St.)
Index Number: 15-021-0280-319.00
Lot Size: 54' x 127.5'
Purchase Price Offered \$350.00
Property Maintenance This property has not been maintained and is overgrown with brush and weeds

Reason for Purchase: Purchase of this vacant parcel will enable HACE to protect its investment in 122 residential units at the Harbor Homes Annex public housing development, the E.R. Smith Quality of Life Learning Center and a 5 bedroom handicap accessible unit located adjacent to this property. HACE will clear this lot on litter and debris and maintain this property through a landscape maintenance contract. This acquisition will preserve the well-maintained appearance of the surrounding neighborhood.

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

That the proposed **Repository Sale** of property commonly known as Cassie Hill LT14PT 13 60 x 127.5 and identified as Erie County Assessment Index #15-021-028.0-319.00, located on the north side of East 19th Street between McCain Avenue and June Street, to The Erie Housing Authority in the sum of \$350.00 is hereby approved. This vacant parcel is bordered on two sides by land and residential units owned by the Erie Housing Authority and will enable HACE to clear and maintain the property, protect their investment and preserve the integrity of the surrounding neighborhood.

March 18, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as **1207 Buffalo Road**, being some 30 x 105 feet in area and identified by Erie County Assessment Index #18-051-001.0-222.00 by the Erie County Tax Claim Bureau to The Redevelopment Authority of the City of Erie for the sum of \$250.00 is hereby approved by City Council.

March 18, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to **rescind a contract** previously awarded to **A & H Equipment**, 1124 McLaughlin Run Road, Bridgeville, Pa., for **two compactor packer bodies** for the Bureau of Refuse at a cost of \$118,791.20 (\$59,395.60 each) as this contract was awarded on a COSTARS contract that has not yet been approved by the State. Since the City does not know when this contract will be approved, it will be necessary to rebid this contract using a standard public bid. This new bid will be opened on March 18th and be submitted for Council approval at the meeting on April 1, 2009.

March 18, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to issue a purchase order to the following individuals and/or companies for goods and/or services and noted and the City Council does hereby ratify and confirm the said transaction which is to be charged to the respective Budget Code Numbers, viz:

1. **Ace Viking**, 2222 East 30th Street, Erie, Pa., for a Replacement Inverter Drive for the Bureau of Sewers for the sum of \$14,625.00.
2. **Harley-Davidson of Erie**, 4575 West Ridge Road, Erie, Pa., lowest of three bids submitted, for eight (8) Police Harley Davidson FLHTP Motorcycles with optional equipment for the Bureau of Police at a total cost of \$137,223.60 (\$17,152.95 each).

March 18, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Seconded by Mrs. Jenkins-Husband, 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. **Gannon University Small Business Center**, 120 West 9th Street, Erie, Pa., for reimbursement of expenses for the Micro-Enterprise Program (part of the Weed & Seed Quality of Life Grant), and an approved expenditure by PCCD for the Bureau of Police for the sum of \$7,498.84, as a partial payment of the total award of \$23,000.00.
2. **Chemung Supply Corporation**, P. O. Box 527, Elmira, NY, for 300 4' "U" Shaped Green Posts @ \$6.39 and 300 9' "U" Shaped Green Posts @ \$11.99 (plus \$50.00 shipping), for the Bureau of Streets at a total cost of \$5,564.00. (COG bid)

March 18, 2009. City Council adopt by yeas Council Member Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember 6. Nays. 0.

March 18, 2009. Signed by the President. Attested by the City Clerk.

Members of City Council

March 27, 2009

In accordance with Council File No. 13,913, Official Ordinance No. 66-1989 Amending Part One (Administrative Code) revising Article 113 (Mayor) by adding a new Section 113.11 requiring the Mayor or designee of the Mayor to comply with all requirements of Pennsylvania Act 205 of 1984 and to communicate with Council regarding these requirements annually.

The City Controller's Office has functioned as the coordinator of the Pension Plans reporting and filing requirements.

This letter is to notify you of the processing and filing of this year's pension reports for the Act 205 Actuarial Valuation.

The Act 205 Actuarial Valuation Reports for the Non-Uniformed Employee Retirement Fund; the Firemen's Pension Fund and the Police Pension Fund were forwarded by certified mail on March 17, 2009 to the Commonwealth of Pennsylvania, Public Employees Retirement Commission, P.O. Box 1429, Harrisburg, Pa. 17105-1429.

The Form AG-PF 64 2006 Certification for Reimbursement, as required by 901 a)(2) of the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act (Act 1988-147, as amended by Act 2002-64) for January 1, 2005-December 31, 2005. This report was processed and sent by certified mail on March 17, 2009 to the: Department of the Auditor General, Municipal Pensions & Fire Relief Programs Unit, 1205 State Office Building, 300 Liberty Avenue, Pittsburgh, Pa. 15222.

All reports were submitted by the filing deadlines. Copies of all reports are on file in the Controller's Office and the Clerk's Office.

I request that this report be made a matter of Council record at the March 18, 2009 Council meeting. My office would be happy to provide any member of Council with further information. Please feel free to call me if I can be of assistance.

Respectfully submitted,

S/ Casimir J. Kwitowski, City Controller

March 18, 2009. City Council receive and enter in the minutes for information.

March 18, 2009. City Council on motion of Mr. Thompson, Seconded by Mrs.

Jenkins-Husband, adjourned at 10:03 p.m. by yeas Council Members Aleksandrowicz,

Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

President of City Council

Attest:

City Clerk

