

The City Council met in regular session in the Council Chambers on Wednesday, February 17, 2010 at 7:30 p.m.

Council members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

On motion of Mr. Schember, Seconded by Mr. Winarski, the reading of the minutes of the meeting of February 3, 2010 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

Copies of the bills under date of February 12th and February 19th were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

By Mr. Cappabianca, Council File Ordinance #15,702, Pending Official File Ordinance #6-2010

an ordinance appropriating the sum of \$40,000.00 from unappropriated and anticipated revenue from Account #267-0613-2009-3336 Project Safe Neighborhood and providing for the expenditure thereof by allocating said sum to Account #267-0613-2009 in the Bureau of Police, specifically, #4006 Overtime - \$26,200.00; #4016 FICA/Medicare Taxes - \$200.00; #4021 Valic - \$600.00; #4039 - Consumable Items - \$8,902.00; #4059 Other Services & Charges - \$4,098.00.

February 17, 2010. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,702, and now known as Pending Official File Ordinance #6-2010, does hereby adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

February 17, 2010. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File Ordinance #15,703

an ordinance appropriating the sum of \$2,050,000.00 from appropriated and anticipated revenue from Account #460-0000-0000-3111 Debt Service Fund Balance and providing for the expenditure thereof by allocating said sum to Account #460-1061-0000-3930 Operating Transfer - Water Reserve Fund.

February 17, 2010. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Jones, having read Council File Ordinance #15,703, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

By Mr. Schember, Council File Ordinance #15,704

an ordinance amending Official Ordinance #72-2009 **Prohibition of Driving with Hand-Held Mobile Phones**, by making violations secondary to another violation of motor vehicle law, specifically

"No person shall be convicted of a violation of this Ordinance unless the person is also convicted of a violation of law involving a moving vehicle committed at the same time as the use of a hand-held mobile phone."

February 17, 2010. City Council on motion of Mr. Schember, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,704, does hereby adopt by yeas Council Members Jones, Schember, Winarski and Thompson. 4. Nays. Aleksandrowicz, Cappabianca and Horan-Kunco. 3.

By Mr. Aleksandrowicz, Seconded by Mr. Winarski, Resolved, etc.,

That the Department of Economic & Community Development is respectfully requested to add the following requirements to all requests to purchase **repository sale property** within the City of Erie:

- a) That each prospective bidder or purchaser supply two forms of identification, one being a photo ID and
- b) Provide proof of Corporation, Company, address or residence with insurance forms, utility bills or other forms of verification if such legal entity is being used to hold property that is being bid upon.

This additional information is to be included in all information packages that are forwarded to City Council for their review and approval from the Department of Economic and Community Development.

February 17, 2010. City Council adopt by yes Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

February 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as **721 East 25th Street**, Erie, Pa., and identified by Erie County Assessment Index Number 18-050-031.0-114.00 by the Erie County Tax Claim Bureau to **Robert Bonaccolta** of America's Private Housing and Redevelopment for the sum of \$250.00 each is hereby approved.

February 17, 2010. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 6. Nays. 0. (Mr. Aleksandrowicz abstained from voting)

February 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository sale of property commonly known as **1325 East 10th Street**, Erie, Pa., and identified by Erie County Assessment Index Number 15-021-002.0-304.000 by the Erie County Tax Claim Bureau to **Robert Bonaccolta** of America's Private Housing and Redevelopment, in the amount of \$250.00 is hereby approved.

February 17, 2010. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 6. Nays. 0. (Mr. Aleksandrowicz abstained from voting)

February 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the Erie County delegation to the Pennsylvania General Assembly is respectfully requested to support and adopt the **Family & Business Health Security Act**, being SB 400 and HB 1660 that provides affordable, comprehensive health care for every Pennsylvanian by covering essential medical expenses.

February 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco and Jones. 4. Nays. Schember, Winarski and Thompson. 3.

February 17, 2010. Signed by the President. Attested by the City Clerk.

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

That Kathleen Horan, 309 Maryland Avenue, is appointed to the **Erie Regional Airport Authority** to fill the unexpired term of Summer Nichols (resigned), to expire on December 31, 2012.

February 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

February 17, 2010. Signed by the President. Attested by the City Clerk.

**A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS GRANT PROJECT
(BRC-TAG-12-236)**

WHEREAS, the City of Erie has prepared a Master Site Plan for the City of Erie-McClelland Park area; and

WHEREAS, the purpose of the Plan is to identify current conditions and land uses and to recommend protection, development and maintenance options; and

WHEREAS, the Plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TA-12-236.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Erie that:

(a) the project was completed in accordance with the Grant Agreement;

(b) all project expenditures have been made and were in accordance with the Grant Application;

(c) the Plan and related materials are acceptable to the City of Erie and

(d) the Plan and related materials will be used to guide future recreation and conservation decisions.

(Part of the Grant included a fifty percent match that has been met by the city and various community partners through cash out in-kind services)

February 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

February 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the proper officials of the City of Erie authorize the proper individuals to approve a contract with Attorney Richard Perhacs to continue the appeal of **Act 111 Interest Arbitration Award** issued by arbitrator Michael Zobrack together with defense of the civil contempt proceeding and unfair labor charge, which were filed in response to the City's appeal, at a cost of \$14,000.00.

February 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Horan-Kunco, Jones, Schember, Winarski and Thompson. 6. Nays. Mr. Cappabianca. 1.

February 17, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Jones, 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:

1. **Erie Regional Chamber & Growth Partnership**, 208 East Bayfront Parkway, Suite 100, Erie, Pa., for the 2010 Annual Membership Fee for the Department of Economic & Community Development, in the sum of \$25,000.00.

2. **Erie Center on Health & Aging**, 406 Peach Street, Erie, Pa., for a Senior Walking and Tai-Chi Fitness Program, in the amount of \$13,000.00.

February 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

February 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the City Purchasing Agent is authorized and direct 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. **DCED, Governor's Center for Local Government Services**, Commonwealth Keystone Blvd., 400 North Street, 4th Floor, Harrisburg, Pa., for 1,130 Building Permits @ \$4.00 each for the Department of Public Works, Property Maintenance, for the sum of \$4,520.00.

2. **Otis Elevator Company**, 354 Sonwil Drive, Buffalo, New York, for furnishing and installing three (3) Otis Handsoff Phones, for the sum of \$2,100.00.

3. **Kolaja Fire Equipment Sales**, 36820 Lake Road, Union City, Pa., for Lights and Brackets for the Bureau of Police, at a total cost of \$4,077.00.

4. **Eagle Radio Technologies**, 1367 East Second Street, Jamestown, NY, for UHF and VHF Radios and Ignition Kits, for the Bureau of Police, at a total cost of \$4,262.19.

5. **Keystone Mid-Atlantic**, P. O. Box 101, Cheltenham, Pa., for Sirens, Speakers, Defender Bars and Headlight Flashers for the Bureau of Police, at a total cost of \$5,583.66.

6. **HACH Company**, 5600 Lindberg Drive, P. O. Box 389, Loveland, CO, for an Ultrasonic Open Channel Flow Meter, for the Bureau of Sewers, at a total cost of \$5,283.24. (The flow meter is used to collect data, which in turn is used to generate the sewer bills for the surrounding townships. This price represents a 10% credit for returning a used and broken meter. The purchase of the new flowmeter was included in the 2010 Budget.)

7. **William T. Spaeder Co.**, 1602 East 18th Street, P. O. Box 10066, Erie, Pa., for installation of #4 Flotation Tank Baffles, for the Bureau of Sewers at a total cost of \$5,687.00.

8. **HACH Company**, P. O. Box 608, Loveland, CO, for a DR 5000 Spectrophotometer for the Bureau of Sewers, at a total cost of \$7,063.50. (This instrument replaces an older model currently in use at the Plant. The one currently in use is beginning to malfunction and will require extensive repairs. It may be returned at a later date for repairs and then kept as a back-up instrument. The purchase of a new instrument was included in the 2010 Budget.)

9. **Seepex, Inc.**, 511 Speedway Drive, Enon, OH, for the emergency purchase and replacement of raw sludge pump parts, for the Bureau of Sewers, in the sum of \$7,278.00 (includes estimated \$200 shipping).

February 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

February 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the communications and data submitted pursuant to Act 339 listing the names, positions and salaries of individuals employed by the various **Authorities** for the last six months of 2009 which will be placed on file in the Office of Accounts, Finance and Budget:

- | | |
|---|--|
| The Housing Authority | Erie Regional Airport Authority |
| The Erie Parking Authority | Erie Park Authority/Zoological Society |
| The Erie Water Authority | Erie-Western Pennsylvania Port Authority |
| Erie Redevelopment Authority | Erie Metropolitan Transit Authority |
| Erie County Convention Center Authority | |

February 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

February 17, 2010. Signed by the President. Attested by the City Clerk.

February 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, adjourned at 10:03 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Winarski and Thompson. 6. Nays. (Mrs. Horan-Kunco, left the meeting at 9:45.)

Attest:

President of City Council

City Clerk