

The City Council met in regular session in the Council Chambers on Wednesday, September 7, 2011 at 9:00 A.M.

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

On motion of Mr. Schember, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the Meeting of August 17, 2011 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0. (Mr. Schwartz abstains on liquid fuel tax bills).

Copies of the bills under date of August 26, 2011, September 2, 2011 and September 9, 2011, were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Schember, Winarski and Horan-Kunco. 7. Nays. 0.

By Mr. Jones, Council File No. 15,767, Pending Official File Ordinance No. 28-2011

An ordinance approving the plan of the Erie Sewer Authority for the issuance of an aggregate amount not to exceed **\$29,950.00 Sewer Revenue Bonds**, series of 2011 and setting forth the amount, interest rates and maturity dates of the bonds; authorizing the authority to proceed with the plan of financing; authorizing the execution and delivery of a lease agreement and the incurrence of lease rental debt thereby; authorizing the specified officers of the City of Erie to prepare and certify the debt statement, and to do all other acts necessary to carry out the provisions of the ordinance; setting forth the provisions of the ordinance; setting forth the payment of the Sewer Revenue Bonds and the source of such payments; repealing all inconsistent ordinances and providing that the ordinance is effective immediately.

To:	Mr. James Klemm, City Clerk	Sept. 7, 2011
From:	Joseph Schember, City Council Member	
RE:	Abstention from Voting – Council File Ordinance No. 15,767. Please be advised that, because I am currently an employee of PNC Bank and it is my understanding that PNC Bank (or its affiliates) may receive a distinct pecuniary benefit from its involvement in this matter, I abstain from voting on it. Although my duties at PNC are unrelated to the work PNC would perform on this matter, I will not participate in it in order to avoid any conflict of interest. Please reflect the contents of this memorandum in the minutes of any meeting in which action is taken on this matter.	

September 7, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Winarski having read Council File Ordinance 15,766, now known as Pending Official File Ordinance No.28-2011 does hereby adopt on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0. Mr. Schember abstains.

September 7, 2011. Signed by the President. Attested by the City Clerk.

By Mr. .Schwartz, Council File Ordinance No. 15,768, Pending Official File Ordinance No. 29-2011

An ordinance **repealing Article 945 (Stormwater Management)** of the Codified Ordinances of the City of Erie and adopting by reference a model stormwater management ordinance consistent with the 2011 Stormwater Management Plan adopted by the County of Erie and approved by the Pennsylvania Department of Environmental Protection; imposing duties on developers of land including new water quality requirements and new impervious surface area requirements; providing for filing and administration of plans, the implementation of regulations and the imposition of fees, for plan filing, review and administration; establishing penalties for violation; and containing a repealer clause.

September 7, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Winarski having read Council File Ordinance 15,768, now known as Pending Official File Ordinance No.29-2011 does hereby adopt on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,769

An ordinance appropriating the sum of **\$3,350,000.00** from unappropriated and anticipated revenue to provide for the expenditure thereof for the construction phase of Union Square Redevelopment and Streetscape Improvements from West 12th Street to West 14th Street and from State Street to Sassafra Street.

September 7, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Winarski having read Council File Ordinance 15,766, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File No. 15,770

An ordinance appropriating the sum of **\$2,500.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. Police Drug and Vice Program.

September 7, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Winarski having read Council File Ordinance 15,770, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File No. 15,771

An ordinance appropriating the sum of **\$10,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. PLCB Underage/High-Risk Drinking Grant.

September 7, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Winarski having read Council File Ordinance 15,770, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,772

An ordinance appropriating the sum of **\$23,335,000.00** from unappropriated and unanticipated revenue from the issuance and sale of the 2011 City of Erie General Obligation Bonds and subsequent receipt of the proceeds.

To:	Mr. James Klemm, City Clerk	Sept. 7, 2011
From:	Joseph Schember, City Council Member	
RE:	Abstention from Voting – Council File Ordinance No. 15,772. Please be advised that, because I am currently an employee of PNC Bank and it is my understanding that PNC Bank (or its affiliates) may receive a distinct pecuniary benefit from its involvement in this matter, I abstain from voting on it. Although my duties at PNC are unrelated to the work PNC would perform on this matter, I will not participate in it in order to avoid any conflict of interest. Please reflect the contents of this memorandum in the minutes of any meeting in which action is taken on this matter.	

September 7, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Winarski having read Council File Ordinance 15,772, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0. Mr. Schember abstains.

September 7, 2011. Signed by the President. Attested by the City Clerk.

Council File No. 15,773

An ordinance appropriating the sum of **\$202,037.00** from unappropriated and unanticipated revenue and \$616,320.00 from appropriated and anticipated revenues from the issuance and sale of the 2011 City of Erie General Obligation Bonds and subsequent receipt of the proceeds. This appropriation will augment the original 2011 budget figure to reflect the most up to date debt service figures.

To: Mr. James Klemm, City Clerk Sept. 7, 2011
 From: Joseph Schember, City Council Member
 RE: Abstention from Voting – Council File Ordinance No. 15,773.
 Please be advised that, because I am currently an employee of PNC Bank and it is my understanding that PNC Bank (or its affiliates) may receive a distinct pecuniary benefit from its involvement in this matter, I abstain from voting on it. Although my duties at PNC are unrelated to the work PNC would perform on this matter, I will not participate in it in order to avoid any conflict of interest. Please reflect the contents of this memorandum in the minutes of any meeting in which action is taken on this matter.

September 7, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Winarski having read Council File Ordinance 15,770, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0. Mr. Schember abstains.

September 7, 2011. Signed by the President. Attested by the City Clerk.

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

That the City of Erie City Council, accepting and approving the Erie Community Foundation Grant to the Erie Area Council of Governments in the amount of \$28,878.00 for system enhancements for the Share Point County wide Intra-Net Website.

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Administration is respectfully requested to approve installation of a street light in the vicinity of 517-529 East 11th Street, at the request of the Eastside Eagles Neighborhood Watch.

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

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

That PNC Bank, as custodian of the Water Reserve Fund, release \$297,610.00 to the City of Erie 2011 Capital Fund Budget for the expenses as submitted by the Administration attached hereto, as the City of Erie has requested to draw down 4% of the September 30, 2010 Water Reserve Fund value to fund the 2011 Capital Allocation Budget as set forth in the Investment Policy as adopted and amended by City Council.

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

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

That the proper city officials are authorized to approve the agreement between the County of Erie, The Erie County Tax Claim Bureau and the law firm of McDonald, Illig, Jones & Britton LLP to conduct the judicial "lien Free" tax sales during the years 2011, 2012 and 2013 under the terms as specified in the agreement appended hereto.

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

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

That Change Order No. 1 on the contract of Joseph McCormick Construction Company, 3340 Pearl Avenue, Erie, PA 16510 for the 2011 Proposed Milling and Asphalt Resurfacing of Various City Street and installation of Concrete Curb Ramps-I, Bid No. 1681-11 as recommended and concurred with by the Bureau of Engineering. The original contract was \$839,617.49, the revised contract amount is \$888,017.49, the Change Order total is \$48,400.00.

To: Mr. James Klemm, City Clerk
 From: Joseph Schember, City Council Member
 RE: Abstention from Voting – Change Order No.1 resolution.
 Please be advised that, because I am currently an employee of PNC Bank and it is my understanding that PNC Bank (or its affiliates) may receive a distinct pecuniary benefit from its involvement in this matter, I abstain from voting on it. Although my duties at PNC are unrelated to the work PNC would perform on this matter, I will not participate in it in order to avoid any conflict of interest. Please reflect the contents of this memorandum in the minutes of any meeting in which action is taken on this matter.

Sept. 7, 2011

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. Mr. Schember abstains.

September 7, 2011. Signed by the President. Attested by the City Clerk.
 By Mr. Winarski, Seconded by Mr. Schember, Resolved, Etc.

That the Mayor and City Controller are authorized to execute the Federal Aid Bridge Project Reimbursement Supplemental Agreement No. 010N58-D between the City of Erie and the Pennsylvania Department of Transportation for the Preliminary Engineering, Final Design, Utilities and Right-of-way of the City of Erie **Norman Way Bridge**. Estimated costs for preliminary engineering are \$175,000.00. Estimated costs for Final Design are \$150,000.00. Estimated costs for Utilities are \$10,000.00. Estimated costs for Right-of-way are \$45,000.00. Total estimated Pre-construction costs are \$380,000.00. The total amount of the reimbursement for Pre-construction costs is \$353,400.00. Pre-construction Cost Sharing: Federal 80%, State 15%, Municipality 5%. Estimated costs for construction are \$900,000.00. Construction Cost Sharing is 100% State.

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco.7. Nays 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to enter into an Easement Agreement with the Wm. T. Spaeder Co., Inc., 1602 East 18th Street, Erie, PA, 16510, Index Numbers (15) 2111-100 and (15) 2110-305, for the installation of underground conduit, containing electrical wiring. The conduit and wiring will be installed in the public right-of-way of East 18th Street to provide electrical service at the company's parking lot in accordance with Exhibit "A".

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mr. Schember, 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. **Vavala Concrete Construction LLC**, for the Perry Square Improvements, Peach and French Streets in the amount of \$107,998.50. (Lowest of 3 bids).
2. **A & H Equipment**, 1124 McLaughlin Run Road, Bridgeville, PA, 15017, in the amount of \$50,227.50 for Loadmaster 25 Yard S Rear Loader for the Bureau of Refuse and Recycling.
3. **Dave Hallman Chevrolet**, 1925 State Street, Erie, PA 16501, for a 2011 Chevy Equinox, for the Bureau of Sewers, for a total of \$23,510.00.
4. **Kovatch Mobile Equipment, DBA KME Fire Apparatus**, One Industrial Complex, Nesquehoning, PA 18240, for a GSO 5290 Retro-Fit Auto Level System for the Bureau of Fire, for a total of \$27,976.08.
5. **A.N.N.A. Shelter**, 1555 East 19th Street, Erie, PA 16511, for supplying animal shelter services according to Bid #6300, for the Bureau of Police at a total co

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September 7, 2011. Signed by the President. Attested by the City Clerk.

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

That the 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. **XPEDX/Erie**, 1662 Greengarden Road, Erie, PA 16501, for two (2) skids of bulk paper for the Print Shop for the Office of Reproduction at a total cost of \$2,874.40. (Low of 2).
2. **Groff Tractor & Equipment, Inc.**, 6779 Carlisle Pike, Mechanicsburg, PA 17050, for parts to repair the milling machine for the Bureau of Streets, at a cost of \$2,177.80.
3. **NEW AGE ELECTRIC, INC.**, 6335 Crand Road, Edinboro, PA 16412, for wiring for the Bureau of Parks at a total cost of \$3,144.00.
4. **FIRE & POLICE SELECTION, INC.**, 193 Blue Ravine Road STE 270, Folsom, CA 95630, for testing materials for entry level firefighter exams, for the Division of Civil Service, at a total cost of \$8,649.90.
5. **Kinzua Environmental**, 1176 East 38th Street, Cleveland, OH 44114, for sewer line degreaser, for the Bureau of Sewers, in the amount of \$5,865.00.
6. **Telog Instruments**, 830 Canning Parkway, Victor, NY 14564-8940, for a telemetry monitoring system and sewer flow monitoring for the Bureau of Sewers at a total cost of \$8,225.00.
7. **A & H Equipment Co.**, 1124 McLaughlin Run Road, Bridgeville, PA 15017, for repairs to sewer line camera for the Bureau of Sewers at a total cost of \$8,960.32.
8. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for performing repair services for the Bureau of Sewers as follows: See Attached - \$9,249.24 (MATERIALS COSTS ONLY). See Attached Invoices for the Wastewater Treatment Plant.

September 7, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

September 7, 2011. Signed by the President. Attested by the City Clerk.

September 7, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Aleksandrowicz, adjourned at 11:15 A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

President of City Council

Attest:

City Clerk