

City Council met in regular session in the Council Chambers on Wednesday, September 21, 2011 at 7:30 P.M.

Council Members present: Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0. Mr. Schember was absent.

On motion of Mr. Jones, Seconded by Mr. Cappabianca, the reading of the minutes of the Meeting of September 7, 2011 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco.

7. Nays. 0. (Mr. Schwartz abstains on liquid fuel tax bills).

Copies of the bills under date of September 16, 2011, and September 23, 2011, were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays. 0.

-----  
By Mr. Winarski, Council File Ordinance No. 15,769, Pending Official File Ordinance No. 30-2011.

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 12<sup>th</sup> Street to West 14<sup>th</sup> Street and from State Street to Sassafras Street.

September 21, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz having read Council File Ordinance 15,769, now known as Pending Official File Ordinance No.30-2011 does hereby adopt on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0.

September 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance No. 15,770, Pending Official File Ordinance No.31-2011

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 21, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz having read Council File Ordinance 15,770, now known as Pending Official File Ordinance No.31-2011 does hereby adopt on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0.

September 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File No. 15,771, Pending Official File Ordinance No. 32-2011

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 21, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz having read Council File Ordinance 15,771, now known as Pending Official File Ordinance No. 32-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0.

September 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,772, Pending Official File Ordinance No. 33-2011.

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.

September 21, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz having read Council File Ordinance 15,772, now known as Official File Ordinance No. 33-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,773, Pending Official File Ordinance No. 34-2011

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.

September 21, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz having read Council File Ordinance 15,773, now known as Official File Ordinance No. 34-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Schwartz, Council File No. 15,774

An amendment to Ordinance 28-2011 which approved the plan of the Erie Sewer Authority for the issuance of an aggregate amount not to exceed \$29,950,000 Sewer Revenue Bonds, Series of 2011. The plan included an equity contribution from the Erie Sewer Authority not to exceed \$500,000 which is amended to an amount not to exceed \$1,000,000.

September 21, 2011. City Council on motion of Mr. Schwartz, Seconded by Mrs. Horan-Kunco having read Council File Ordinance No. 15,774, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. September 21, 2011, Signed by the President. Attested by the City Clerk.

#### September 21, 2011

**By Mr. Joel S. Schwartz, Seconded by Council Members Horan-Kunco, Cappabianca, Winarski, Schember, Jones and Aleksandrowicz.**

#### RESOLVED, BY THE COUNCIL OF THE CITY OF ERIE, THAT

**Whereas**, The City Council of the City of Erie wishes to pay a special tribute to the **Young People's Chorus of Erie** an outreach organization of Penn State Erie-The Behrend College under the Direction of **Dr. Jason Bishop, Founder and Artistic Director**, for its outstanding effort to bring together young singers from across the spectrum of Erie's population representing a wide range of faith, nationalities, cultural and socioeconomic backgrounds and

**Whereas**, The **Young People's Chorus of Erie** provides children of diverse abilities and backgrounds a comprehensive choral music experience as a way to further their personal and artistic growth and to foster cross-cultural understanding. The Young People's Chorus of Erie is Northwest Pennsylvania's youth and children's chorus organization and is the first affiliated of the famed Young People's Chorus of New York City, and

**Whereas**, The **Young People's Chorus of Erie** is an outreach organization whose mission is to aid these choristers in developing musical skills and a sense of community and discipline to ultimately forge life-long friendships and add to the City's reputation as a cultural community.

**Therefore, BE IT RESOLVED**, By the Council of the City Of Erie that this commendation is hereby presented to the staff and membership of the **Young People's Chorus of Erie**, and congratulate them and extend to them our support in their continued effort to develop health minds and spirits for the betterment of our community especially during the upcoming year during their 1<sup>st</sup> ever competition the World Choir Games.

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the petition for rezoning, submitted by Mr. Frederick W. Johnson, Jr., requesting the rezoning of property located at 244-248 East 21<sup>st</sup> Street from Residential Limited Business (RLB) to that of Light Manufacturing District (M-1) and referred to the City Planning for recommendation and report thereon is hereby received.

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to amend the agreement between the City of Erie and St. Patrick's Haven for the emergency Shelter Grant. The amendment will increase the contract amount by \$1, from \$13,365, to \$13,366.

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as 1945 East 19<sup>th</sup> Street, Erie, PA and identified by Erie county Assessment Index Number 14-021-023.0-20700 by the Erie county Tax Claim Bureau to Hue C. Marshall is hereby approved.

September 21, 2011. Resolution withdrawn at request of Council for additional information.

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

That the following amounts are transferred in the Department of Public Works, Golf.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$5000	009-2738-0000-4103	Seasonal Labor	\$5660	009-0728-0000-4035	Repair/Main.
\$3500	009-0728-0000-4041	Pro.Svcs.	\$3500	009-0278-0000-4059	Other Svcs
\$ 660	009-0728-0000-4043	Ed/Training			
<hr/>			<hr/>		
\$91600			\$91600		

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Schwartz, Seconded by Mr. Jones, 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. **Waste Management of PA, Incorporated**, 851 Robison Road, Erie, PA (from Jan. 1, 2012 THRU Dec. 31, 2014) for the receiving, processing, marketing and recycling of household paper and commingled recyclables for the City of Erie's Residential Recycling Program with a provision for a one year extension at the sole discretion of the City of Erie. The City of Erie to pay the fixed price of \$6.50/TON for each short ton (2,000 pounds) of both paper and commingled recyclables (single stream).
2. **Waste Management of PA Incorporated**, 851 Robison Road, Erie, PA for furnishing and providing a Transfer Station and disposal site of Municipal Solid Waste, picked-up and delivered to the Transfer Station by the City of Erie (Jan. 1, 2012 THRU Dec. 31, 2014) for the City's Bureau of Refuse and Recycling. Transfer Station Fee-\$9.50/TON, Disposal Facility Fee-\$38.75/TON, Total \$48.25/TON.

3. **Suit-Kote Pennsylvania**, 10965 McHenry Street, Meadville, PA 16335 for Proposed Crack Filling of Various City Streets, they being the lowest of COG bids received, in the sum of \$60,000.00.
4. **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 - \$2,013.38 (Material Costs Only), See Attached - \$2,352.53 (Material Costs Only), See Attached - \$2,180.33 (Material Costs Only), See Attached - \$2,022.83 (Material Costs Only), See Attached - \$2,949.45 (Material Costs Only). (See attached invoices for the Wastewater Treatment Plant).

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Jones, 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. **Nuance Communications**, P.O. Box 2561, Carol Stream IL 60132-2561 for annual maintenance agreement for Police dictation system for the Bureau of Police at a total amount of \$5,280.00.
2. **Siemens Industry, Inc.**, c/o BissNuss Inc., P.O. Box 360766, Pittsburgh, PA 15250-6766 for a manifold seal for use on the final tanks for the Bureau of Sewers at a total amount of \$2,450.00.
3. **Eni USA R&M Co. Inc.** – Cabot, PA, P.O. Box 7247-7028, Philadelphia, PA 19170-7028 for oil for the Municipal Garage at a total amount of \$4,634.85.

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. September 21, 2011. Signed by the President. Attested by the City Clerk.

#### **Waive Rules**

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

Whereas, Verizon is presently holding negotiation sessions with a number of their local unions throughout the country, and

Whereas, the current Verizon proposals would severely reduce the standard of living for thousands of middle class Verizon employees who live in Pennsylvania. These proposals eliminate job security, limits low wage contracting and oversees outsourcing, freezing pensions and changing health care plans to require large employee deductions and premium sharing, so,

Therefore, the City Council of the City of Erie urges Verizon to reconsider their bargaining position and work with the unions to reach a reasonable agreement that protects middle class jobs that ensures high quality service and orders this resolution sent to Lowell McAdam, President and CEO, Verizon Communications and Ivan Seidenberg, Chairman, Verizon Communications.

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0.

September 21, 2011. Signed by the President. Attested by the City Clerk.

#### **Waive Rules**

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

Whereas, the Erie City Council recognizes the Jobs Crisis in America and understands the severity of this situation in unison with President Obama who has called upon Congress to act on his proposed solutions and adopt the American Jobs Act, by Restoring tax fairness in America, and,

Whereas, we urge Congress to rebuild America for the 21<sup>st</sup> Century, revive U.S. manufacturing and reform out trade policies, support aid to distressed cities, states and even the federal government to avoid layoffs and threaten essential services to communities, directly create millions of jobs with federal public works projects, and extend unemployment benefits to those who cannot find employment and reform Wall Street so it can help Main Street create jobs, so,

Therefore Be It Resolved by the Council of the City of Erie that this resolution upon adoption be forwarded to U.S. Senators Casey and Toomey and Congressman Kelly, to urge them to vote in favor of the President's American Jobs Act, to get American back on track and move forward in the 21<sup>st</sup> Century.

September 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0.

September 21, 2011. Signed by the President. Attested by the City Clerk.

---

September 21, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Cappabianca, adjourned at 9:05 P.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays. 0.

---

President of City Council

Attest:

---

City Clerk

Attachment to 2012 Minimum Municipal Obligation to be presented to City Council

The Minimum Municipal Obligation for the pension plans of the City of Erie is being certified with City Council. This procedure is required under Act 205 which pertains to the funding requirements of State Regulated Employee Retirement Programs.

The 2012 Minimum Municipal Obligation, including \$260,202 for the portion paid by the Erie City Water Authority, totals \$7,390,316. The City of Erie Portion of the 2011 Minimum Municipal Obligation is \$87,682 more than the 2011 Minimum Municipal Obligation. The increase is the result of an increase in the Projected Annual Payroll.

It is important to note that the 2012 Minimum Municipal Obligation utilizes the Amortization Contribution Reduction remedy, a voluntary remedy that was available as a result of Act 44 of 2009. Without the remedy, the total 2012 Minimum Municipal Obligation would have been \$9,108,417. In an effort to help ease funding requirements for municipalities, the State passed Act 44, which permits a municipality to pay only 75% of the amortization contribution amount for a limited time. By implementing this remedy, the City of Erie was able to lower the 2012 required contribution by \$1,718,101.

The 2012 Minimum Municipal Obligation has been prepared using the results of the January 1, 2009 actuarial valuations.

Respectfully submitted,  
Casimir J. Kwitowski, City Controller