

The City Council met in regular session in the Council Chambers on Wednesday, December 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. Jones, the reading of the minutes of the Meeting of November 16, 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 November 23, 2011, December 2, 2011, and December 9, 2011 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7 Nays. 0.

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By Mr. Winarski, Council File No. 15,781, Pending Official File Ordinance No. 40-2011  
An ordinance appropriating the sum of \$355,680.00 from unappropriated and anticipated revenue to provide for the expenditure thereof for the construction phase of Perry Square Streetscape from North Park Row to South Park Row.

December 7, 2011. City Council on motion of Mr. Winarski, Seconded by Mr. Jones having read Council File Ordinance 15,781, now known as Pending Official File Ordinance No. 40-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

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

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Pursuant to the provisions of the proper legal advertising, City Council held a Public Hearing on Wednesday December 7, 2011 at 9:30 A.M. in City Council Chambers to hear public testimony concerning the rezoning of property located at 22-248 East 21<sup>st</sup> Street from Residential Limited Business (RLB) to that of Light Manufacturing District (M-1).

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

WHEREAS, the City of Erie Higher Education Building Authority (the "Authority") is a body corporate and politic existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipality Authorities Act approved May 2, 1945, P.L. 382, as continued by Act approved June 19, 2001, P.L. 22, 53 Pa. C. S. Ch. 56, as amended (the "Act"), having been organized by the City Council of Erie, Pennsylvania by Official Ordinance No. 64-1985, and filed November 13, 1985, approved by the Mayor of the City of Erie on November 15, 1985, and the articles of Incorporation of the authority having been subsequently amended and restated as approved by Resolution of City Council adopted December 16, 1002; and

WHEREAS, the Act, among other things, empowers authorities created thereunder to acquire, hold, construct, improve, maintain, operate, own and lease, as lessor or lessee, buildings, equipment and facilities to be devoted wholly or partially for public uses, including buildings and facilities for private, non-profit, non sectarian colleges and universities which are determined by the Authority to be eligible educational institutions, provided that such buildings, and facilities shall have been approved by resolution adopted by the governing body of the municipality organizing the authority and that the approval does not obligate the taxing power of the governing body in any way, and to borrow money and to make and issue bonds, refunding bonds and other evidences of indebtedness and to secure payment of such bonds and other evidences of indebtedness or any part thereof by pledge or deed of trust of all or any of its revenues and receipts; and

WHEREAS, Mercyhurst College (the "College"), a Pennsylvania nonprofit corporation, is a private, non-sectarian college which owns and operates higher educational facilities located in the City of Erie, Pennsylvania; and

WHEREAS, the College has requested that the Authority issue the Authority's Tax Exempt Revenue Note, Series of 2011 (Mercyhurst College Project) in a principal amount not to exceed \$9,600,000 (the "Note"), the proceeds of which will be applied towards: (a) refunding on a current basis the entire outstanding principal amount of the authority's Revenue Bonds, Series of 2003 (Mercyhurst College Project) and the Pennsylvania Higher Educational Facilities Authority's Revenue Bonds (Association of Independent Colleges and Universities of Pennsylvania Financing Program-Mercyhurst College Project, series 1999-E1 and Series 2001-I2; and (b) payment of all or a portion of the costs of issuance of the Note (collectively, the "Project"); and

WHEREAS, the Authority has approved the issuance of the Note at a meeting held on December 6, 2011, subject to the approval of City Council as required by law.

NOW, THEREFORE, be it resolved;

1. It is hereby declared that it is desirable for the health, safety and welfare of the people of the City of Erie for the authority to undertake the Project and to finance the same by the issuance and sale of the Note.

2. The Authority by its proper officers is authorized to issue, execute, deliver and acknowledge the Note.

3. Nothing in this Resolution shall be construed to pledge the credit or taxing power of the City of Erie, Pennsylvania, nor shall the City of Erie be in any manner liable for any indebtedness arising out of this transaction.

We do hereby certify that the above Resolution was duly passed by the City Council of Erie, Pennsylvania at a regular meeting held on December 7, 2011, due notice of which had given and at which a quorum was present and acting throughout.

To: Mr. James Klemm, City Clerk  
 From: Joseph Schember, City Council Member  
 RE: Abstention from Voting – Resolution by the City of Erie Higher Education Building Authority.

December 7, 2011

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.

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

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

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

That the **Change Order #1** in the amount of \$10,355.44 on the contract of **S.E.T., Inc.**, at 235 East Water Street, Lowellville, OH 44436; for the Parade Street Revitalization Phase II Project, as recommended and concurred with by the Bureau of Engineering. The current contract amount was \$727,731.16; with the Change Order it will increase to \$738,086.60.

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

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

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

That the **Change Order #1**, in the amount of \$4,913.77 on the contract of **Vavala Concrete Construction LLC**, 2059 West 20<sup>th</sup> Street, Erie, PA 16502; for the Perry Square Improvements, Peach and French Streets, Bid No. 1664-11, as recommended and concurred with by the Bureau of Engineering. Original contract amount was \$107,998.50, with the Change Order it will increase to \$112,912.27

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

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

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

That the following amounts are transferred in the Bureau of Streets.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$5,000	002-0731-0000-4041	Pro. Services	\$5,000	002-0713-0000-4035	Repair/Maint.

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

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

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

That the following amounts are transferred in the 2011 JAG GRANT.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$37,790	241-0613-2011-4078	Machinery & Equip.	\$37,790	241-0613-2011-4033	Oper. Supplies

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

December 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. **ELTECH Security Systems**, 3806 Mt. Royal Blvd., Allison Park, PA 15101-3511, for security camera systems for the Public Works Complex for the Bureau of Public Works, at a cost of \$29,629.29.
2. **George H. Althof Inc.**, 1526 French Street, Erie, PA 16501, for the Proposed Boiler Replacement Fire Station N0. 11 – EECBG, in the sum of \$36,200.00.
3. **Chatham Industries Inc.** 2134 B West 8<sup>th</sup> Street, Erie, PA 16505, for the Proposed Replacement Windows South Central Fire Station – EECBG in the sum of \$23,255.00.
4. **McCarl's Services, Inc**, 2004 Lowell Avenue, Erie, PA 16506 for Proposed Boiler Replacement South Central Fire Station-EECBG in the sum of \$57,097.00.
5. **McCarl's Services, Inc.** 2004 Lowell Avenue, Erie, PA 16506 for Proposed Chilled Water Coils Municipal Building-EECBG in the sum of \$46,892.00.

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

December 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. **Walter Drane**, Suite 344, 23811 Chagrin Blvd., Beachwood, OH 44122-5525 for the replacement pages to the codified ordinances and one cd rom in Microsoft Word for the Office of City Clerk at a total cost of \$4,200.00.
2. **Knickerbocker Equipment Co.**, Inc., 3001 West 17<sup>th</sup> Street, Erie, PA 16505, for an air compressor for the Bureau of Fire at a total cost of \$2,539.11.
3. **Miller Brothers Company**, 201 East 14<sup>th</sup> Street, Erie, PA 16503, for the purchase of three (3) Ultra-vac systems at a total cost of \$8,380.05 for the Bureau of Parks.
4. **East Jordan Iron Works**, Department 59601, PO Box 67000, Detroit, MI 48267-0596 for a 1975 Cund oph 1/pallet for the Bureau of Sewers at a total amount of \$4,980.94.

- 5. **Gerster Trane**, 45 Earhart Drive, Suites 103, 105 & 108, Buffalo, NY 14221 for the chiller service agreement November 2011 to November 2012 for the Bureau of Sewers at a total amount of \$6,752.00.
- 6. **Smoracy LLC.**, PO Box 77000, Detroit, MI 48277-0982, for an auger shaft, sprockets, etc and a fuel pump for the Bureau of Municipal Garage, at a cost of \$7,632.49.
- 7. **Erie Bearings Company**, 1432 East 12<sup>th</sup> Street, Erie, PA 16503, for a replacement 125 hp drive for the #9 Return Activated Sludge Pump, for the Bureau of Sewers at a total cost of \$7,893.76.

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

December, 2011. Signed by the President. Attested by the City Clerk.

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 December 7, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Jones adjourned at 10:10 A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

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 President of City Council

Attest:

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 City Clerk