

The City Council met in regular session in the Council Chambers on Wednesday, September 5, 2012 at 9:00 A.M.

Council Members present: Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5.

Nays. 0. Mr. Jones and Mr. Witherspoon were absent.

On motion of Mr. Brennan, Seconded by Mr. Merski, the reading of the minutes of the Meeting of August 15, 2012 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

Copies of the bills under date of August 24, 2012, August 31, 2012 and September 7, 2012, were given to City Council and same adopted by yeas Council Members Brennan, Evans, Horan-Kunco, Merski and Winarski. 5. Nays. 0.

-----  
By Mrs. Horan-Kunco, Council File No. 15,811, Pending Official File Ordinance No. 30-2012

An Ordinance appropriating the sum of **\$150,000.00** from the LECOM Contributions account and providing for the expenditure thereof.

September 5, 2012. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Winarski having read Council File No.15,811, now known as Pending Official File Ordinance No. 30-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays 0.

September 5, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,812, Pending Official File Ordinance No. 31-2012

An Ordinance appropriating the sum of **\$75,000.00** from Fund Balance in the City of Erie Refuse Fund.

September 5, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,812, now know as Pending Official File Ordinance No. 31-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,813

An Ordinance appropriating the sum of **\$51,801.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. 2012 JUSTICE ASSISTANCE GRANT.

September 5, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No.15,813 does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk

By Mr. Merski, Council File No. 15,814

An Ordinance appropriating the sum of **\$370,000.00** from unappropriated and anticipated revenue to provide for the expenditure thereof for the construction phase of Perry Square Streetscape Phase 3 from North Park Row to South Park Row.

September 5, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,814, does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk

By Mrs. Horan-Kunco, Council File No. 15,815

An Ordinance **amending** Official Ordinance No. 70-1975 (Vacating and abandoning that portion of Warfel Avenue between the west line of Camphausen Avenue and a point 144.28' west of Camphausen Avenue) by correcting and clarifying the description of the property to be vacated.

September 5, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,815 does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk

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

**A Resolution to approve the Independent Auditor's Report of the Erie Area Council of Governments for the calendar year ending December 31, 2011**

**WHEREAS**, the City of Erie is a member of the Erie Area Council of Governments (EACOG); and

**WHEREAS**, the EACOG has obtained an Independent Auditor's Report of the financial activities during the 2011 calendar year which will be considered at the EACOG's September 5, 2012 meeting; and

**WHEREAS**, the City Council of the City of Erie has reviewed the proposed Independent Auditor's Report and finds it to be in good order.

**IT IS HEREBY RESOLVED**, by the City Council of the City of Erie, Erie County, Pennsylvania that the Independent Auditor's Report for the calendar year ending December 31, 2011 is approved by the City Council of the City of Erie.

September 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk.

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

**WHEREAS**, the City of Erie Redevelopment Authority ("ERA") owns certain real estate (the "subject properties") located at 532 E. 5<sup>th</sup> St-Index No 14010017023400, 259-61 E. 22<sup>nd</sup> St-Index No. 18050010020700, 1608 Chestnut St-Index No. 16030021020500, 122 W. 13<sup>th</sup> St-Index No. 16030008021800, 510 East 5<sup>th</sup> St-Index No. 14010017022800, 637 East 7<sup>th</sup> St-Index No. 14010019011000, West 13<sup>th</sup> St-Index No. 16030003021500, West 13<sup>th</sup> St-Index No. 16030003021400, 931 West 17<sup>th</sup> St-Index No.016030043011000, 247 E. 21<sup>st</sup> St-Index No. 18050009010900, 1207 Buffalo Rd.-Index No. 18051001022200, 1209 Buffalo Rd.-Index No. 18051001022100, 1326 German St-Index No.15020013010000, 131 Peach St.-Index No. 16030003010200, Peach St.-Index No.16030003010300.

**WHEREAS**, the subject properties are currently identified as "Tax Exempt" by the County Board of Assessment Appeals (the "Board") and

**WHEREAS**, in the case of the subject properties, a period of time elapsed between the date of acquisition, and the date that tax exemption status was granted, during which time, taxes accrued.

**WHEREAS**, by virtue of granting tax exemption status for the subject properties, the Board agrees that while in ownership by ERA, the subject properties are exempt, however, the Board does not have the authority to set aside the taxes that have already accumulated while the subject properties were owned by ERA.

**WHEREAS**, the subject properties are subject to delinquent City of Erie real estate taxes, interest and penalties that accrued prior to ERA seeking tax exemption; and

**WHEREAS**, the subject properties are further subject to delinquent Erie County and City of Erie School District taxes and interest and penalties; and

**WHEREAS**, through the Pennsylvania Urban Redevelopment Law, ERA has been authorized to eliminate blighted areas and supply sanitary housing throughout the community by the means of acquisition, clearance and disposition, with an ultimate goal of development to higher and better use, resulting in increased tax revenues and improved economic and social conditions within the community;

**AND THEREFORE BE IT RESOLVED** by the Council of the City of Erie, that the real state taxes, interest and penalties accrued since the date of acquisition by ERA on the subject properties identified above are hereby abated and exonerated, pursuant to 72 P.S. Section 511.37.

September 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, seconded by Mr. Brennan, Resolved etc.

That Change Order #1 on the contract of Tony Baiano Construction Company, 4842 Streets Run Road, Pittsburgh, PA 15236 for the Perry Square Streetscape, Phase 2, as recommended and concurred with by the Bureau of Engineering, is hereby authorized; the original contract amount was \$911,000.00, the revised contract amount is \$977,734.46, the Change Order total is \$66,734.46.

September 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk.

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

That the property City Officials are hereby authorized and directed to transfer ownership of forty (40) HT 1000 Motorola Portable Radios to **West Lake Fire Department**. West Lake Fire Department is accepting this donation as an "as is" donation, replacement parts for repair are difficult to obtain, and the City of Erie will not be responsible for any future failures.

September 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, 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. **Beyer-Warnock Fleet**, 31 Williams Parkway, East Hanover, NJ 07936, for three (3) marked 2013 Ford Utility Police Interceptor AWD's (\$27,376.00 each), for the Bureau of Police at a total cost of \$82,128.00.
2. **Waste Management of Pennsylvania Inc.**, Lake View Landfill, 851 Robison Road East, Erie, PA 16509 for a one-year extension for landfill tipping fees for the Bureau of Sewers at unit costs. City Delivered Prices- Incinerated Ash \$34.88 per ton, Sludge, Grit, Screenings, Etc: \$34.88 per ton. (Bidder Pick-Up Prices-Incinerated Ash: \$52.19 per ton, Sludge, Grit, Screenings, Etc: \$52.19 per ton).

September 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Winarski, 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. **Hagan Business Machines**, 1112 Peach Street, Erie, PA 16501 for a Toshiba 356 (Copier, Printer, Fax Machine & Scanner) for the Office of the Mayor at a total cost of \$4,300.00.
2. **Knox McLaughlin Gornall & Sennett**, 120 West 10<sup>th</sup> Street, Erie, PA 16501-1461 for the 2012 Firefighter Arbitration fees for the Office of Solicitor at a total cost of \$8,164.00.
3. **Barbara Ann Hauck**, 274 Norman Way, Erie, PA 16508 for the conveyance of a portion of property (824 square feet) to the City of Erie at a total purchase amount of \$5,700.00. Said property is scheduled to be affected by the replacement of the Norman Way Bridge.
4. **Pitney Bowes**, PO Box 371887, Pittsburgh, PA 15250-7887 for the Pitney Bowes Mail Stream Solution Equipment Maintenance Agreement for the Print Shop at a cost of \$9,065.04.
5. **OMSS**, 2016 Peach Street, Erie, PA 16502 for a Lenovo ThinkCentre Edge 72 SFF for the Office of Computer Services at a cost of \$9,847.00.

6. **Miller Brothers**, 201 East 14<sup>th</sup> Street, Erie, PA 16503, for the purchase of (2) chain link backstops for the Rodger Young Park ball fields for the Bureau of Parks at a total cost of \$4,530.00.
7. **Custom Fountains Inc.**, 4300 State Route 42, Mason, OH 45040 for thirty-five (35) fountain lights (\$225.75 each) for the Bureau of Public Works at a cost of \$7,901.25. (Parks).
8. **A & H Equipment Company**, 1124 McLaughlin Run Road, Bridgeville, PA 15017-2533 for a cylinder for the Municipal Garage at a total amount of \$6,074.84.
9. **Telog Instruments, Inc.**, 830 Canning Parkway, Victor, NY 14564 for an enterprise/client license for the Telog flow measurement and lift station monitoring system for the Bureau of Sewers at a total cost of \$2,700.00.
10. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for repairing the sanitary connections at three locations for the Bureau of Sewers as follows; See Attached-\$2,231.78 (Material Costs only). See Attached-\$2,392.95 (Material Costs Only). See attached-\$2,246.48 (Material Costs Only). Total Cost - \$6,871.21.
11. **Ganzer Equipment Co.**, 5045 Buffalo Road, Erie, PA 16510 for a Wacker Portable Diesel Light Tower for the Bureau of Public Works at a cost of \$6,890.00. (Sewers).
12. **Winkle Electric**, PO Box 1685, Youngstown, OH 44501-1685, for the renewal of the service and technical support agreement with Rockwell Automation for the Bureau of Sewers at a total cost of \$8,026.67.
13. **William T. Spaeder Co.**, 1602 East 18<sup>th</sup> Street, Erie, PA 16514 for the replacement of the #1 Incinerator roof stack silencer baffles for the Bureau of Sewers at a total cost of \$8,866.00.
14. **Kinzua Environmental**, 1176 East 38<sup>th</sup> Street, Cleveland, OH 44114-3898 for sewer line degreaser and sewer line rot killer for the Bureau of Sewers at a total cost of \$11,382.50.

September 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012 Signed by the President. Attested by the City Clerk.

WAIVE RULES

By Mrs. Horan-Kunco, seconded by Mr. Merski, Resolved, etc.

That Councilman Winarski is hereby appointed to serve as Acting City Council President for the meeting of September 5, 2012

September 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

September 5, 2012 Signed by the President. Attested by the City Clerk.

-----

September 5, 2012 City Council on motion of Mr. Brennan, Seconded by Mr. Merski, adjourned at 9:39 A.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, and Winarski. 5. Nays. 0.

\_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk