

The City Council met in regular session in the Council Chambers on Wednesday, May 6, 2015 at 9:00 A.M.

Council Members present: Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays. 0.

On motion of Mr. Merski, Seconded by Mr. Witherspoon, the reading of the minutes of the Meeting of April 15, 2015 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

Copies of the bills under date of May 8, 2015, and May 15, 2015 were given to City Council and same adopted by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

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By Mr. Merski, Council File No. 15,913, Pending Official File Ordinance 11-2015.

An ordinance approving and adopting **Amended and Restated Articles of Incorporation of the Erie County Convention Center Authority** (the "Authority") in the form of Appendix "A" attached hereto; and authorizing the filing of the Amended and Restated Articles of Incorporation in accordance with the provisions of Act 148 of 1999, as amended and supplemented, known as the "Third Class County Convention Center Authority Act" (Alternative Provision), 16 P.S. § 2399.51 *et seq.* (the "Act").

May 6, 2015. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,913, now known as Pending Official File Ordinance No. 11-2015 does hereby adopt on **Final Passage** by yeas Council Members Horan-Kunco, Jones Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays 0.

May 6, 2015, Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Council File No. 15,914, Pending Official File Ordinance 12-2015.

An ordinance authorizing an increase in the non-electoral debt of the City of Erie, Erie County, Pennsylvania by authorizing and approving the issuance and sale of \$15,410,000 General [Obligation Bonds](#), Federally Taxable Series A of 2015 and \$25,870,000 General Obligation Bonds, Series B of 2015 for the purposes recited herein: directing the City Clerk to prepare, certify and file the required debt statement and to take all other necessary action; covenanting that the City shall include the amount of annual debt service in its budget for each fiscal year; providing for registered bonds date of the bonds and payment dates; providing for facsimile signatures, seal and authentication; approving the form of the bonds, paying agent's authentication certificate, endorsement and registration; providing for temporary bonds, providing for the stated principal maturity amounts and fixing the rates of interest on the bonds; awarding the bonds at private sale; creating sinking funds; authorizing the proper officers of the City to contract with a bank for its services as a sinking fund depository and paying agent; authorizing and directing the City Clerk to certify and file with the Department of Community and Economic Development certified copies of the necessary proceedings; covenanting that the proceeds of the Series B Bonds shall not be in such manner as to cause the Series B Bonds to be Arbitrage Bonds under federal tax law provisions; authorizing the proper officers of the City to do all things necessary to carry out the ordinance; providing for municipal bond insurance; and rescinding all inconsistent ordinances.

May 6, 2015. City Council on motion of Mr. Brennan, Seconded by Mr. Witherspoon having read Council File No. 15,914, now known as Pending Official File Ordinance No. 12-2015 does hereby adopt on **Final Passage** by yeas Council Members Horan-Kunco, Jones, Kwitowski, Winarski, Witherspoon and Brennan. 6. Nays 0. Mr. Merski abstained.

May 6, 2015, Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File 15,915

An ordinance appropriating the sum of **\$250,000.00** from unappropriated and anticipated revenue Account #3929-Operating Transfer-BUDAG for the Perry Square Project.

May 6, 2015. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco having read Council File No. 15,915, does hereby adopt on **First Reading** by yeas Council Members Horan-Kunco, Jones Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays 0.

May 6, 2015, Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File 15, 916

An ordinance appropriating the sum of **\$14,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. **Donation from Northwest PA Business Coalition.**

May 6, 2015. City Council on motion of Mr. Kwitowski , Seconded by Mr. Jones having read Council File No. 15,916, does hereby adopt on **First Reading** by yeas Council Members Horan-Kunco, Jones Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays 0.

May 6, 2015, Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Seconded by Mr. Merski,

That the City Council of the City of Erie **supports House Bill 869**, recently proposed by PA State Representative Ryan A. Bizzarro, D-Erie, designed to prevent animal cruelty and prohibit convicted animal abusers from further caring for animals they have harmed. The bill would require people convicted of animal abuse to forfeit the abused animals to shelters, and calling upon the Pennsylvania State Legislature to pass House Bill 869.

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan, 7. Nays. 0.

May 6, 2015 Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Seconded by Mr. Merski

That the City Solicitor is hereby authorized and directed to prepare an ordinance designating the dog park being developed within McClelland Park be named the "**Larry R. Fabrizi Dog Park**" in honor of former District Justice Larry R. Fabrizi and after preparation forward same to City Council for action.

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan, 7. Nays. 0.

May 6, 2015 Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Kwitowski

That the copy of the completed DCED-CLGS-04 **Annual Report of Municipal Authorities for 2014** for the Erie Regional Airport Authority for the fiscal year ended December 31, 2014 and a copy of the Audited Financial Statements for the same period is hereby received by the City Council and ordered placed on file in the Office of Accounts, Finance and Budget.

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan, 7. Nays. 0.

May 6, 2015 Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Witherspoon

That the Mayor and City Controller execute the **Federal Aid Bridge Project Reimbursement** Supplement Agreement No. 010T57-C (MPMS No. 58232) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the Study/Preliminary Engineering/Final Design of the City of Erie. McBride Viaduct (East Avenue Bridge)

Estimated cost for the Study is **\$742,021.00**

The total amount of the reimbursement is \$722,021.00

Commonwealth incurred costs are estimated to be \$20,000.00

Cost Sharing: Federal	100%
State	0%
Municipality	0%

Estimated cost for the Preliminary Engineering is \$25,000.00

The total amount of the reimbursement is \$23,000.00

Commonwealth incurred costs are estimated to be \$2,000.00

Cost Sharing: Federal	80%	(\$18,400.00)
State	15%	( \$3,450.00)
Municipality	5%	( \$1,150.00)

Estimated cost for Final Design is \$500,000.00

The total amount of the reimbursement is \$494,000.00

Commonwealth incurred costs are estimated to be \$6,000.00

Cost Sharing: Federal	80%	(\$395,200.00)
State	15%	(\$74,100.00)
Municipality	5%	(\$24,700.00)

Costs in Exhibit "4A" are not increased. \$500,000 moved from preliminary engineering to final design.

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan, 7. Nays. 0.

May 6, 2015 Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Witherspoon

That the proper City Officials to submit the Plan Revision for New Land Development for the proposed development of a parcel of land identified as Greengarden Plaza name of subdivision for **Sewer Tap-ins** permit as required by the Pennsylvania Department of Environmental Protection:

#### COUNCIL CHAMBERS

3800-FM-BPNPSM0356 10/2012

Erie, PA **MAY 6, 2015**  
DEP Code No. **M6-15-025**

**Commonwealth of Pennsylvania Department of Environmental Protection  
Bureau of Point and Non-Point Source Management  
RESOLUTION FOR THE PLAN REVISION FOR NEW LAND DEVELOPMENT**

**RESOLUTION OF THE COUNCIL OF THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA,**

(hereinafter "the municipality").

**WHEREAS**, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended and the Rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71, Title 25, of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

**WHEREAS, Greengarden Realty Company**, land developer, has proposed the development of a parcel of land identified as **Greengarden Plaza**, name of subdivision, and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision can be served by (list all that apply), sewer tap ins, sewer extension, new treatment facility, individual on-lot systems, community on-lot systems, spray irrigation, retaining tanks, other, (please specify): **Sewer Tap-ins.**

**WHEREAS, THE CITY OF ERIE** finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the **City of Erie** hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage

Facilities Plan” of the municipality the above referenced Sewage Facilities Module which is attached hereto.

I \_\_\_\_\_ (Roseann Robie, City Clerk, of the City of Erie)  
 (Signature)

City Council hereby certify that the forgoing is a true copy of the City Resolution # \_\_\_\_\_ adopted **May 6, 2015.**

Municipal Address:  
 City of Erie  
 626 State Street, Rom 104  
 Erie, PA 16501  
 Telephone: 814-870-1291

Seal of Governing Body

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan, 7. Nays. 0.  
 May 6, 2015 Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Witherspoon

That the following amounts are transferred in the General Government, Streets

TRANSFERRED FROM:			TRANSFERRED TO:		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$201,770.29	020-0963-0000-4777	Other Improvement	\$201,770.29	020-0713-0000-4075	Bridges & Streets
<b>\$201,770.29</b>			<b>\$201,770.29</b>		

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays. 0.  
 May 6, 2015 Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Witherspoon, 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. **Amendola Development Co., Inc.**, 4153 Feidler Drive, Erie PA 16506, in the amount of **\$141,735.00** for the 2015 Curb Ramps I Project, Bid 1710-15.
2. **Dahlkemper Landscape Architects & Contractors**, 1650 Norcross Road, Erie PA 16510 for mulch and plantings in the amount of **\$2,793.00**.
3. **Dave Hallman Chevrolet, Inc.**, 1925 State Street, Erie, PA 16501 for the purchase of a 2015 Chevrolet Silverado 3500HD dump truck for the Bureau of Refuse, compost site in the amount of **\$36,500.00**.
4. **Mayer Brothers Construction Co.**, 1902 Cherry Street, Erie PA 16502 FOR 2015 proposed milling and asphalt resurfacing of various city streets in the sum of **\$700,077.51**.
5. **Mayer Brothers Construction Co.**, 1902 Cherry Street, Erie PA 16502 for street and road maintenance materials for the Bureau of Streets of the City of Erie at unit prices per COG bid (4/15/15):
  - HOT MIX:**
  - 9.5mm wearing course-picked up- **\$60.00**
  - 19mm binder course-picked up- **\$54.00**
  - 25mm binder course-picked up- **\$52.50**
  - FJ1 wearing course-picked up- **\$64.00**
  - WARM MIX:**
  - 9.5mm wearing course-picked up- **\$61.00**
6. **Joseph McCormick Construction Company**, 3340 Pearl Avenue, Erie PA 16510 for street and road maintenance materials for the Bureau of Streets of the City of Erie at unit prices per COG bid (4/15/15):
  - HOT MIX:**
  - 9.5mm wearing course-picked up- **\$59.00**
  - 19mm binder course-picked up- **\$53.00**
  - 25mm binder course-picked up- **\$51.50**
  - FJ1 wearing course-picked up- **\$72.00**
  - WARM MIX:**
  - 9.5mm wearing course-picked up- **\$59.00**

7. **Russell Standard Corporation**, P.O. Box 86, Union City PA 16438 for street and road maintenance materials for the Bureau of Streets of the City of Erie at unit prices per COG bid (4/15/15):
  - HOT MIX:**
  - 9.5mm wearing course-picked up- **\$56.50**
  - 19mm binder course-picked up- **\$52.00**
  - 25mm binder course-picked up- **\$49.50**
  - FJ1 wearing course-picked up- **\$60.00**
  - WARM MIX:**
  - 9.5mm wearing course-picked up- **\$57.30**
  - COLD PATCH:**
  - Plant Mixed Stockpile Patching-picked up - **\$75.00**
8. **Suit-Kote Pennsylvania**, 10965 McHenry Street, Meadville PA 16335 for street and road maintenance materials for the Bureau of Streets of the City of Erie at unit prices per COG bid (4/15/15):
  - COLD PATCH:**
  - Plant Mixed Stockpile Patching-picked up- **\$76.00**

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays. 0.  
 May 6, 2015 Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Witherspoon, 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. **A&H Equipment**, 1124 McLaughlin Run road, Bridgeville PA 15017-2533 for electronic cable for use with the sewer inspection camera for the Bureau of Sewers for the City of Erie at a total cost of **\$8,464.00**.
2. **AFIX Technologies, Inc.**, 205 North Walnut Street, Pittsburg, KS 66762 for the renewal of the annual support agreement for the AFIX Tracker Automated Fingerprint/Palm-Print ID System for the Bureau of Police at a total amount of **\$6,383.00**.
3. **Belt Maintenance**, 1049 Military Road, Buffalo NY 14217 for the purchase and installation of a Headworks Conveyor Belt for the Bureau of Sewers at a total cost of **\$3,475.00**.
4. **Empire Stack Testing**, 1090 Cain Road, Angola NY 14006 for the 2015 Annual CEMS Audit Program for the sewage sludge incinerators for the Bureau of Sewers for the City of Erie at a total cost of **\$12,000.00**.
5. **Fire & Police Selection, Inc.**, 193 Blue Ravine Road, Suite 270, Folsom CA 95630 for test prep manuals for fire exams for the Office of Human Resources at a total cost of **\$2,700.00**.
6. **Forest Park Honda**, 3339 West Lake Road, Erie PA 16505 for three (3) sewage trash pumps for use of the Wastewater Treatment Plant for the Bureau of Sewers for the City of Erie at a total cost of **\$3,447.00**.
7. **Les Frickshun Products**, P.O. Box 426, Reno PA 16343 for heating and cooling glycol for use at the Wastewater Treatment Plant for the Bureau of Sewers for the City of Erie at a total cost of **\$2,389.75**.
8. **Kinzua Environmental**, 1176 East 38<sup>th</sup> Street, Cleveland, OH 44114 for foaming root killer and homogenizer for use in the sewer lines for the Bureau of Sewers for the City of Erie at a total cost of **\$4,926.45**.
9. **Liberty Process Equipment, Inc.** 2525 S. Clearbrook Drive, Arlington Heights IL 60005-4623 for various primary sludge pump parts for use at the Wastewater Treatment Plant for the Bureau of Sewers for the City of Erie at a total cost of **\$16,135.00**.

May 6, 2015. City Council adopt by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays. 0.  
 May 6, 2015 Signed by the President. Attested by the City Clerk.

May 6, 2015 City Council on motion of Mr. Merski, Seconded by Mr. Witherspoon **adjourned** at 10:23 A.M. by yeas Council Members Horan-Kunco, Jones, Kwitowski, Merski, Winarski, Witherspoon and Brennan. 7. Nays. 0.

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President of City Council

Attest:

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City Clerk