

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

MARCH 12, 2020

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MARCH 12, 2020

CONSENT AGENDA (RESOLUTIONS)

Declaring intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008 (as amended March 28, 2019).

Authorizing Nucleus Foods, located at 67-69 Public Square, to install an awning.

Authorizing the proper city officials to take any and all necessary actions related to the sale of 444-456 South River Street to Christopher Hacken (or his designee) for a purchase price of \$7,000.

Purchase the rock salt necessary for the 2020-2021 winter season pursuant to the terms of a previously bid state contract.

Reappointing Bob Hogan and Robert Koval and Appointing Attorney Ruth Whalen and James Conahan to the General Municipal Authority.

Temporarily suspending Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages on April 25 & 26, 2020 for the Cherry Blossom Festival to be held at Kirby Park. The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area.

Temporarily suspending Section 20-04 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages for the Old Fashioned 4th of July to be held on July 4, 2020. The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area.

Temporarily suspending Section 20-04 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages for the Multicultural Festival to be held on September 12, 2020. The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area.

Temporarily suspending Section 20-04 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages for the Old Fashioned Holiday Market to be held on November 28, 2020. The within temporary suspension applies only to win tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area.

Reappointing Edward Katarsky to the Parking Authority.

The 10% local match for the purchase of the new leaf vacuum machine be paid for out of the City's 2020 Liquid Fuels Budget.

MINUTES

Of the Regular Session of City Council of February 27, 2020.

Of the Traffic Committee Meeting of February 27, 2020.

Of the Wyoming Valley Sanitary Authority of January 21, 2020.



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

A Resolution of the City Council, of the City of Wilkes-Barre, Luzerne County, Pennsylvania, declaring its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008 (as amended March 28, 2019).

Whereas, a Local Government Records Committee was created by Act 428 of 1968 and empowered thereby to make rules and regulations for records disposition; and,

Whereas, the Municipal Records Manual was approved by said committee on December 16, 2008; and,

Whereas, the City of Wilkes-Barre desires to dispose of records according to statutory requirements;

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania, that it intends to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008 (as amended March 28, 2019).

Submitted by _____

ROLL CALL



Resolution No. _____ Wilkes-Barre, PA _____

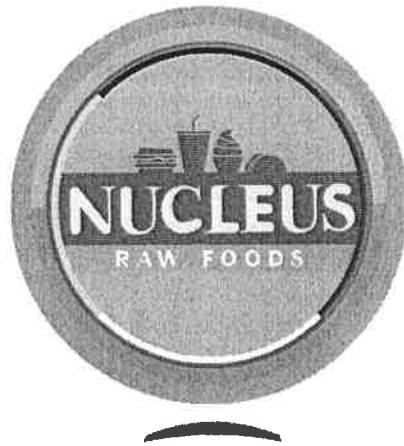
BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

That the City Council of the City of Wilkes-Barre hereby authorizes Nucleus Foods, located at 67-69 Public Square to install an awning, which will overhang the public right-of-way, contingent upon compliance with the following conditions:

1. File liability insurance naming the City as an insured for any liability connected with the said request.
2. File a Release and Save Harmless Agreement.
3. The applicant and a successor shall file current liability insurance naming the city as an insured.

Submitted by _____

ROLL CALL



Awning Proposal

3/10/2020

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March 3, 2020

Dear City Council,

Hi! We are Nucleus Raw Foods and are located at 67-69 Public Square, inside the Luzerne Bank Building. We are writing to request your permission to hang a business awning above our walk-up window, located on the Public Square facing side of our building. The awning would extend above the public's right-of-way and serve the purpose of keeping our customers dry, while also beautifying the outside of our business.

Thank you for taking the time to read this letter and review the attached documents. We look forward to your response and are grateful for the continued opportunity to conduct business in the City of Wilkes-Barre.

Gratefully,

A handwritten signature in dark ink, appearing to read "Danielle McGrogan". The signature is fluid and cursive, written over the printed name.

Danielle McGrogan

Chief

Nucleus Raw Foods

570-266-0150



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/03/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 570-288-0770

Jack Crossin Insurance Inc.

208 Union St.

Pringle PA 18704

CONTACT NAME: Jay Crossin

PHONE (A/C, No, Ext): 570-288-0770

FAX (A/C, No):

E-MAIL ADDRESS: jackcrossininc@aol.com

PRODUCER CUSTOMER ID #:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURED

Nucleus Raw Foods LLC

Daniel McGrogan

24 Hughes St.

Luzerne PA 18709

INSURER A: The Farmers Fire Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY	<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY					EACH OCCURRENCE \$ 500,000
<input type="checkbox"/>	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
						MED EXP (Any one person) \$ 5,000
			10-213-916676	05/09/2019	05/09/2020	PERSONAL & ADV INJURY \$ 500,000
						GENERAL AGGREGATE \$ 1,000,000
						PRODUCTS - COMP/OP AGG \$ 1,000,000
						Med Expense \$ 5,000
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
<input type="checkbox"/>	ANY AUTO					BODILY INJURY (Per person) \$
<input type="checkbox"/>	ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
<input type="checkbox"/>	SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
<input type="checkbox"/>	HIRED AUTOS					
<input type="checkbox"/>	NON-OWNED AUTOS					
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DEDUCTIBLE					
	RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A			E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

City of Wilkes-Barre, 40 E Market Street, Wilkes-Barre PA 18711 is listed as Additional Insured.

CERTIFICATE HOLDER

City of Wilkes-Barre

40 E Market Street

Wilkes-Barre PA 18711

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

INDEMNITY AGREEMENT

DATED 3/3/2020

CITY OF WILKES-BARRE
CITY HALL
WILKES-BARRE, PA. 18711

THE CITY OF WILKES-BARRE, under date of 3/10/2020
grants to Nucleus Raw Foods LLC

permission to install a business awning extending over public right-of-way at 67-69 Public Square (Luzerne Bank Building).

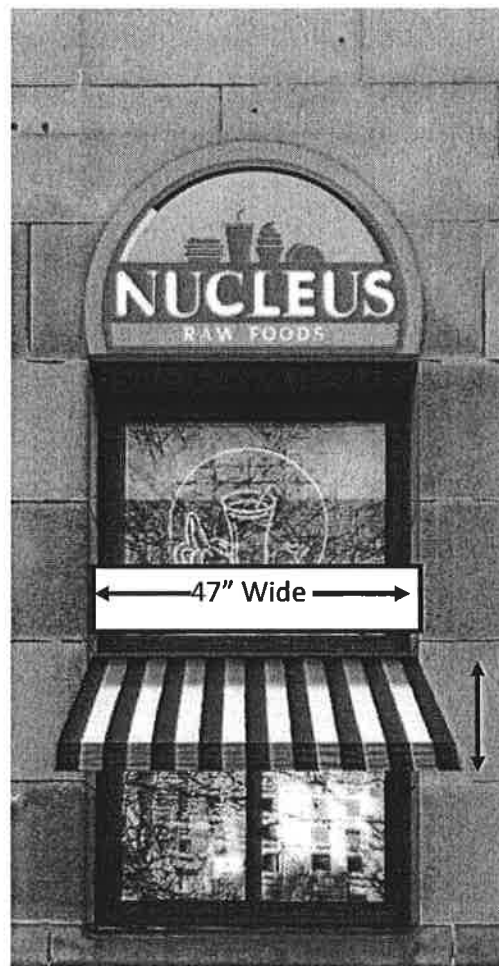
THEREFORE, the said Nucleus Raw Foods LLC

shall and does indemnify and save harmless the City of Wilkes-Barre from any loss, damage or expense whatsoever, including costs and attorney's fees, the City may incur or be required to pay where occasioned by or arising from said permission granted, and/or work as aforesaid.

BY Daniel M. Gynn

EVIDENCE OF INSURANCE IS ALSO REQUIRED

Schematic



24" Tall

36" Projection

80" from bottom of awning to sidewalk.

Canvas Creations

11 Penn Ave

Exeter, PA 18643

PA#103193

itsthecanvasguy.com

Diane Romanski

570-883-1221

Project:

Nucleus Raw Foods

67-69 Public Square

Wilkes-Barre, PA 18701

Proposed Installation Date: 3-31-20

One window awning.

Frame made of one inch square aluminum, designed to take a snow load.

Width: 47 inches Height: 24 inches Projection: 36 inches

Installed with 2 1/2" tap con anchors into the side of the building.

Cover: Sunbrella Canvas

Beaufort Forrest Green Natural #4860

Valance Style: Ocean Wave

Trim: Forrest Green

10 year limited warranty



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

THAT, the proper city officials are hereby authorized to take any and all necessary actions related to the sale of 444-456 S. River Street (PIN's: H9SE4-024-001, H9SE4-024-002, H9SE4-24-003 and H9SE4-024-004) to Christopher Hacken (or his designee) for a purchase price of \$7,000.00.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

That, the proper city officials are hereby authorized to purchase the rock salt necessary for the 2020-2021 winter season pursuant to the terms of a previously bid state contract.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

Whereas, Article V, Section 5:08 of the City's Home Rule Charter provides that the Mayor shall appoint, with the advice and consent of City Council, members to Boards and Authorities:

Now, Therefore, Be It Resolved, that the City Council of the City of Wilkes-Barre hereby accepts the recommendation of Mayor Anthony G. George for the following appointments/reappointments:

General Municipal Authority

Term Expiration

Reappointment

Bob Hogan
307 Academy Street
Wilkes-Barre, PA 18702

December, 2024

Robert Koval
155 East Chestnut Street
Wilkes-Barre, PA 18705

December, 2024

Appointments

Attorney Ruth Whalen
26 Mallery Place
Wilkes-Barre, PA 18702

December, 2024

James Conahan
21 Donald Court
Wilkes-Barre, PA 18702

December, 2024

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following event:

Event:	Cherry Blossom Festival
Sponsor:	Staggering Unicorn Winery
Area:	Specifically designated area in Kirby Park
Dates:	April 25 & 26, 2020
Time:	11:00 a.m. until close 7:00 p.m.
Limitation:	The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following events:

Event:	Farmers Market (Thursday's)
Sponsor:	Hidden Creek Vineyard and Winery Inc.
Area:	Designated area on Public Square
Dates:	Thursday's from 6/18/2020-11/19/2020 (detailed dates below)
Time:	10:00 am. until 4:00 p.m.
Limitation:	The suspension shall only apply to wine tasting and not to malted or brewed beverages or liquors.

The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

THURSDAY'S 2020

June 18, 2020	September 17, 2020
June 25, 2020	September 24, 2020
July 2, 2020	October 1, 2020
July 9, 2020	October 8, 2020
July 16, 2020	October 15, 2020
July 23, 2020	October 22, 2020
July 30, 2020	October 29, 2020
August 6, 2020	November 5, 2020
August 13, 2020	November 12, 2020
August 20, 2020	November 19, 2020
August 27, 2020	
September 3, 2020	
September 10, 2020	

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following event:

Event:	Old Fashioned 4 th of July
Sponsor:	Staggering Unicorn Winery
Area:	Specifically designated area in Kirby Park
Date:	July 4, 2020
Time:	12:00 p.m. until close 10:00 p.m.
Limitation:	The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following event:

Event:	Multicultural Festival
Sponsor:	Staggering Unicorn Winery
Area:	Specifically designated area on Public Square
Date:	September 12, 2020
Time:	12:00 p.m. until close 9:00 p.m.
Limitation:	The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following event:

Event:	Old Fashioned Holiday Market
Sponsor:	Staggering Unicorn Winery
Area:	Specifically designated area on Public Square
Date:	November 28, 2020
Time:	11:00 a.m. until close 7:00 p.m.
Limitation:	The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to wine tasting by potential customers and not to the general consumption of alcohol. It also only applies to the above-referenced event and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to reappoint the following member to the Parking Authority of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby reappointed as a member of the Parking Authority:

Name

Term Expires

Edward Katarsky
70 Brader Drive
Wilkes-Barre, PA 18705

December 31, 2023

Submitted by _____

ROLL CALL



Resolution No. _____ Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, by Resolution R0007-19 dated January 10, 2019, the City Council of the City of Wilkes-Barre authorized the proper city officials to sign any and all necessary documents related finalizing a \$350,000.00 grant under the Pennsylvania Department of Environmental Protection (DEP) Act 101 Section 902 program for the purchase of new curbside residential recycling containers and a new leaf vacuum machine.

WHEREAS, the grant requires that the City pay a local match of 10% towards the authorized purchases;

WHEREAS, the intent of this Resolution is to clarify which budget the City will use to make the required 10% match for the purchase of the leaf vacuum machine;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the 10% local match for the purchase of the new leaf vacuum machine be paid for out of the City's 2020 Liquid Fuels Budget.

Submitted by _____

ROLL CALL