

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

MAY 9, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MAY 9, 2019

CONSENT AGENDA (RESOLUTIONS)

Appointing Theodore Wampole to the Fire Civil Service Commission.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the 2018 OCD & General Fund Street Paving Project.

Authorizing the proper city officials to enter into an agreement with Glick Fire Equipment Company, Inc. for the purchase of a 2020 Pierce Saber FR Custom 1500 GPM Pumper in the amount of \$4,92,319.00. The price includes a trade of Fire Department Vehicle 168-1992 KME Pumper. Payment will come from the Community Development Office.

Designating Anthony G. George, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre, South Main Street Plaza, L.P., and the Pennsylvania Department of Community and Economic Development, to facilitate and assist in obtaining the requested grant along with any or all project documents, related to the SMP Remediation Project, if the application is approved. (\$718,000.00)

MINUTES

Of the Planning Commission of April 17, 2019.

Of the Zoning Hearing Board of March 27, 2019.

Of the Wyoming Valley Sanitary Authority of February 19, 2019.

Of the Wyoming Valley Sanitary Authority of March 19, 2019.

Of the Regular Session of City Council of April 25, 2019.

CITY COUNCIL
MAY 9, 2019

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 4 OF 2019 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIP OF HANOVER FOR THE ENGINEERING, REPAIR, UPKEEP AND MAINTENANCE OF DIVISION STREET AND BRIDGE SITUATE IN AND CROSSING THE BORDER OF BOTH MUNICIPALITIES. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 5 OF 2019 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "EMPLOYEES PENSION FUND." (FIRST READING)



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 appoint the person referenced below to the Fire Civil Service Commission of the City of Wilkes-Barre to replace Angel Jirau who recently retired;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby appointed as a member of the Fire Civil Service Commission of the City of Wilkes-Barre:

Name

Term Expires

Theodore Wampole
80 Conwell Street
Wilkes-Barre, PA 18702

December 31, 2021

Submitted by _____

ROLL CALL



Resolution No. _____ Wilkes-Barre, PA _____

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

WHEREAS, the City of Wilkes-Barre advertised for bids for a paving project called **2018 OCD & General Fund Street Paving Project**, (the "Project").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the Project.

PAYMENT to be made from OECD and General Budget.

Streets (or portions thereof) Being paved in the project:

1. *South Main St. (from Public Square to Ross Street)*
2. *Northampton St (from Washington to South Main Street)*
3. *N. Sherman Street (Coal Street to Amber Lane)*
4. *S. Sherman Street (North Hampton Street to South Street)*
5. *Mill Street, (from the light at Scott Street to George Ave)*
6. *Mayock Street (From E. Main Street to Scott Street)*

Submitted by _____

ROLL CALL



Resolution No. _____ Wilkes-Barre, PA _____

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

WHEREAS, the City of Wilkes-Barre is desirous to purchase a 2020 Pierce Saber FR Custom 1500 GPM Pumper Fire Engine through the PA COSTARS Contract Number 013-055 for the Bureau of Fire.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre, that the proper city officials are hereby authorized to enter in to an agreement Glick Fire Equipment Company, Inc. 350 Bird in Hand, PA 17505 for the purchase of a 2020 Pierce Saber FR Custom 1500 GPM Pumper in the amount of \$492,319.00.

The price includes a trade of Fire Department Vehicle 168 - 1992 KME Pumper.
Vin# 1K9AF4284NH058563.

Payment will come from the Community Development Office.

Submitted by _____

ROLL CALL



350 Mill Creek Rd
Bird in Hand, PA 17505
(717) 299-4120

QUOTATION

Customer: Wilkes-Barre City Fire Department
Address: 20 East Ross St
Wilkes-Barre, PA 18702
Contact: Chief Jay Delaney
Phone: (570) 208-4261

Date: 04/29/2019
Bid Number: 640
Acct Manager: Randy Uhrich
Phone: (717) 579-3366

Qty	Description	Total
1	2020 Pierce® Saber FR Custom 1500 GPM Pumper	\$ 507,289.00
	Pre-Payment Discount Amount of \$ 306,165.00, Paid within thirty (30) of award of the Purchase Agreement.	\$ (11,970.00)
	Trade-In of 1992 KME Pumper. Pumper must have current PA. State Inspection & Pump Service Test (done within the past 12 months of receiving the vehicle).	\$ (3,000.00)
	Completed delivery time from the manufacturer shall not exceed 11.5 months (345 days) with Penalty Clause Agreement.	
	CONTRACT PENALTY CLAUSE: Non-delivery by the contractor's guaranteed delivery lead-time after order acceptance shall require a penalty for non-performance of \$100.00 per day until the unit is accepted and shipped from the factory. "Delivery" is not acceptable until the vehicle is operational and functioning as specified. Any penalty amount shall be credited against the final cost of the vehicle.	

COSTARS 13 CONTRACT # 013-055

Pricing is valid for 30 days

TOTAL \$ 492,319.00

We Appreciate Your Business



Commonwealth of Pennsylvania
Department of General Services
Bureau of Procurement
555 Walnut Street, 6th Floor
Harrisburg, PA 17101-1914

Toll Free Telephone: 1-866-768-7827
Local Telephone: 717-346-9009
Fax: 717-783-6241
Email: GS-PACostars@state.pa.us
Website: www.costars.state.pa.us

Date: 05/14/2018

Glick Fire Equipment Co., Inc.
Attn: Melanie Boyer
350 Millcreek Road
Bird-In-Hand, PA 17505

Subject: COSTARS Participation – Renewal Confirmation
Contract Number: 013-055 - Emergency Responder Vehicles

Dear Contractor:

The Department of General Services, Bureau of Procurement, has received your payment of the \$500.00 administrative fee required to renew your COSTARS participation for contract number 013-055. This will confirm that your company is authorized to continue to sell the awarded items/services under this contract to registered COSTARS members for the contract term 07/06/2010 through 07/06/2019 .

Thank you for your continued participation in the COSTARS Program. Should you have any questions, please contact COSTARS Program staff by email to GS-PACostars@pa.gov or toll-free telephone at 1.866.768.7827.

Regards,

Stacey Logan-Kent
(P): 717-787-2355
(F) :717-783-6241
E-Mail: slogankent@pa.gov



Resolution No. _____

Wilkes-Barre, PA _____

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

BE IT RESOLVED, that the City of Wilkes-Barre of Luzerne County hereby request an Industrial Sites Reuse Program grant, in the amount of \$718,000.00 from the Pennsylvania Department of Community and Economic Development, to be used for the SMP Remediation Project, which will remediate and provide Act 2 clearance for the property located at 610-618 South Main Street, Wilkes-Barre (former Shapiro Steel Site), to facilitate a future economic development project.

BE IT FURTHER RESOLVED, by the City Council of the City of Wilkes-Barre to authorize the appropriate city officials to submit a \$718,000.00 Industrial Sites Reuse Program grant application funded by the Pennsylvania Department of Community and Economic Development, to be used for the SMP Remediation Project, which will remediate and provide Act 2 clearance for the property located at 610-618 South Main Street, Wilkes-Barre (former Shapiro Steel Site), to facilitate a future economic development project.

NOW, THEREFORE BE IT RESOLVED, that the Applicant hereby designate Anthony G. George, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre, South Main Street Plaza, L.P., and the Pennsylvania Department of Community and Economic Development, to facilitate and assist in obtaining the requested grant along with any or all project documents, related to the SMP Remediation Project, if the application is approved.

I, Jim Ryan, duly qualified City Clerk for the City of Wilkes-Barre, Luzerne County, Pennsylvania, certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held on the 20th of May, 2019 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the City of Wilkes-Barre, this 20th day of May, 2019.

City of Wilkes-Barre
Name of Applicant

Luzerne County
County

ATTEST

City Clerk [SEAL]

Submitted by _____

ROLL CALL

FILE OF COUNCIL

Presented in Council on April 25, 2019

NO. _____ of 2019

AN ORDINANCE

OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIP OF HANOVER FOR THE ENGINEERING, REPAIR, UPKEEP AND MAINTENANCE OF DIVISION STREET AND BRIDGE SITUATE IN AND CROSSING THE BORDER OF BOTH MUNICIPALITIES.

WHEREAS, the Township of Hanover (hereinafter "Township") and the City of Wilkes-Barre (hereinafter, "City") desire and intend to enter an Intergovernmental Cooperation Agreement for the engineering, repair, upkeep and maintenance of Division Street and, in conjunction therewith, the Division Street Bridge, together with the costs associated therewith; and

WHEREAS, it is the desire and intent of the Township and City to divide equally the costs of engineering; and

WHEREAS, it is the desire and intent of the Township and the City similarly reach a cooperative agreement regarding the repair, upkeep and maintenance thereof by separate Operation and Maintenance (O & M) Agreement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilkes-Barre, as follows:

THAT, an Intergovernmental Cooperation Agreement between the Township and City is hereby authorized for the purposes herein described; and

THAT, the Township agrees to be responsible for one half of the one hundred sixty-nine thousand dollars (\$169,000.00) in total engineering costs of the Township Engineer for the work herein described which share is currently estimated at eighty-four thousand five hundred dollars (\$84,500.00) contingent upon the City's agreement to pay the complementary half of said costs; and

THAT, the Township and City agree to divide equally, whether by labor or finance, the remaining responsibility of repair, upkeep and maintenance of Division Street and Bridge which agreement shall be more fully set forth by separate Operation and Maintenance Agreement; and

THAT, a copy of this Ordinance shall remain on file in the Office of the City Clerk; and

SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

REPEALER.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on _____
_____, 2019.

This ordinance shall become effective ten (10) days after final passage by the Council of the City of Wilkes-Barre.

Attest:

Jim Ryan, City Clerk

FILE OF COUNCIL

NO. _____ of 2019

Presented in City Council on May 9, 2019.

AN ORDINANCE

AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "EMPLOYEES' PENSION FUND"

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "EMPLOYEES PENSION FUND" IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 2. ADMINISTRATION

Article III. Employee and Officer Benefits

Division 2. Employees' Pension Fund

Sec. 2-153. Contributions by Employees; refunds.

All new employees of the City and all present employees of the City not presently enrolled into the City employees' pension fund but required to become a member of the system as specified in this division, shall pay into the board of pensions monthly an amount equal to five (5) per centum of their monthly salaries or wages. Payment of the monthly amount or contributions herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If for any cause any employee contributing to the pension fund shall cease to be an employee of the city before the employee becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such employee shall be refunded to him in full without interest. If any such employee shall have returned to him the amount contributed as aforesaid, and shall afterward reenter the employ of the city such employee shall not be entitled to the pension designated until twenty (20) years after such reemployment, unless he shall return to the pension fund the amount withdrawn, in which event that period of twenty (20) years shall be computed from the time the employee first enters the service of the city. In the event of the death of any such employee, before such employee becomes entitled to the pension aforesaid, such total amount of contributions paid into the pension fund by such employee shall be paid over to the beneficiary or beneficiaries designated by such employee, or if no beneficiary has been so designated, then to the estate of such deceased employee.

All employees of the City who are hired after the ratification of the most recent collective bargaining agreements for LIUNA Local 1310 or Teamsters Local 401 (April 8, 2019 and April 10, 2019, respectively), shall pay into the board of pensions monthly an amount equal to seven (7) percent of their monthly salaries or wages.

Effective August 1, 2022, all employees as defined in Sec. 2-148 herein shall pay into the board of pensions monthly an amount equal to seven (7) percent of their monthly salaries or wages.

SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on _____
_____, 2019.

This ordinance shall become effective ten (10) days after final passage by the Council of the City of Wilkes-Barre.

Attest:

Jim Ryan, City Clerk

Sec. 2-153. - Contributions by employees; refunds.

All new employees of the city and all present employees of the city not presently enrolled into the city employees' pension fund but required to become a member of the system as specified in this division, shall pay into the board of pensions monthly an amount equal to five (5) percentum of their monthly salaries or wages. Payment of the monthly amount or contributions herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If for any cause any employee contributing to the pension fund shall cease to be an employee of the city before the employee becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such employee shall be refunded to him in full without interest. If any such employee shall have returned to him the amount contributed as aforesaid, and shall afterward reenter the employ of the city such employee shall not be entitled to the pension designated until twenty (20) years after such reemployment, unless he shall return to the pension fund the amount withdrawn, in which event that period of twenty (20) years shall be computed from the time the employee first enters the service of the city. In the event of the death of any such employee, before such employee becomes entitled to the pension aforesaid, such total amount of contributions paid into the pension fund by such employee shall be paid over to the beneficiary or beneficiaries designated by such employee, or if no beneficiary has been so designated, then to the estate of such deceased employee.

All new employees hired after January 1, 1999 and prior to January 24, 2001, shall pay into the board of pensions monthly an amount equal to five (5) percent of their monthly salaries and wages.

(Ord. No. 43-76, § VIII, 12-27-76; Ord. No. 1-81, § 1, 2-12-81; Ord. No. 14-98, § 1(G), 5-28-99; Ord. No. 60-2004, § 6(G), 9-7-04)