

**CITY OF WILKES-BARRE  
PENNSYLVANIA**



# **CITY COUNCIL AGENDA**

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**CITY COUNCIL**

**SEPTEMBER 12, 2019**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CONSENT AGENDA (RESOLUTIONS)**

**RESOLUTIONS**

**ORDINANCES**

**PUBLIC DISCUSSION**

**ADJOURNMENT**

CITY COUNCIL  
SEPTEMBER 12, 2019

**CONSENT AGENDA (RESOLUTIONS)**

Formally support Senate Bill 625 and recommend that it be passed and made law. (SB625 allows political subdivisions to regulate the possession of firearms on property owned, operated or maintained by political subdivisions)

Authorizing the proper city officials to enter into an agreement with Witmer Public Safety Group for the purchase of Fire Turnout Gear in the amount of \$40,202.00 (Payment will come from the Community Development Office).

**MINUTES**

Of the Traffic Committee Meeting of August 22, 2019.

Of the Planning Commission of August 21, 2019.

Of the Zoning Hearing Board of July 17, 2019.

Of the Regular Session of City Council of August 15, 2019.

**RESOLUTIONS**

Reappointing Barry A. Payne to the Planning Commission.

Reappointing Francis "Thomas" Collis to the Traffic Committee.

**ORDINANCE**

**FILE OF COUNCIL NO. 11 OF 2019 – AN ORDINANCE AMENDING CHAPTER 5 OF THE WILKES-BARRE CODE OF ORDINANCES ENTITLED “ANIMALS AND FOWL”. (SECOND AND FINAL READING)**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

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

WHEREAS, the City Council of the City of Wilkes-Barre believes municipalities should be allowed to regulate the possession of firearms on property it owns or maintains if they so choose;

WHEREAS, regulating firearms would help to protect city employees, city officials and members of the public who use city property for various purposes;

WHEREAS, Senate Bill 625 of 2019 ("SB625") was introduced by Senator Maria Collet earlier this year;

WHEREAS, SB625 would allow political subdivisions to regulate the possession of firearms on property owned, operated or maintained by political subdivisions;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilkes-Barre hereby formally supports SB625 and recommends that it be passed and made law.

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

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

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

**WHEREAS**, the City of Wilkes-Barre is desirous to purchase Fire Fighter Turnout Gear from Witmer Public Safety Group, Inc. through the PA COSTARS contract #012-013 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 with Witmer Public Safety Group, Inc 104 Independence Way Coatsville, PA 19320 for the purchase of Fire Turnout Gear in the amount of \$40,202.00.

Payment will come from the Community Development Office.

Submitted by \_\_\_\_\_

**ROLL CALL**



**Witmer Public Safety Group, Inc**  
104 Independence Way  
Coatesville, PA 19320

Phone: (800) 852-6088  
Fax: (888) 335-9800

# INVOICE

Invoice Number	Date	Page
1966845	August 15, 2019	1 of 1

**Bill To:**

Wilkes-Barre Fire Dept.  
20-22 E. Ross Street  
Wilkes-Barre, PA 18702

**Ship To:**

Wilkes-Barre Fire Headquarters  
Attn: Alan Klapat  
20-22 East Ross Street  
Wilkes-Barre, PA 18701

Customer ID	Sales Person	P.O. Number	Ship Date	Ship Via	Terms	
WILFIR11	CHAD T	Chief Delaney	8/14/2019	Ground	Net 30 days	
Ordered	Shipped	Description			Unit Price	Extended
4.00		1201400-095M	Globe 14" Pull-on Structural Boot Size 9.5 Medium		419.00	1676.00
1.00		1201400-100W	Globe 14" Pull-on Structural Boot Size 10 Wide		419.00	419.00
4.00		4301400-100W	Globe Supralite 14" Pull-on Fire Structural Boot, Size: 10 Wide		434.00	1736.00
2.00		1201400-105M	Globe 14" Pull-on Structural Boot Size 10.5 Medium		419.00	838.00
1.00		4301400-115W	Globe Supralite 14" Pull-on Fire Structural Boot, Size: 11.5 Wide		434.00	434.00
1.00		1201400-115M	Globe 14" Pull-on Structural Boot Size 11.5 Medium		419.00	419.00
1.00		MISC	Costars #012-013			
Total Payment: \$0.00					Subtotal	5522.00
					Freight	22.00
					Sales Tax	
Customer Signature _____					Balance Due: \$5,544.00	TOTAL 5,544.00

Customer Signature \_\_\_\_\_

**Balance Due: \$5,544.00**

**Witmer Public Safety Group**

104 Independence Way  
Coatesville, PA 19320  
Phone: (610) 857-8070  
ctressler@thefirestore.com

**Quotation**

Page 1 of 1

Quote ID: 586977  
Date: 08/19/2019  
Sales Person: CHAD T  
Customer Id: WILFIR11

**Bill To:**

Wilkes-Barre Fire Dept.  
20-22 E. Ross Street  
Wilkes-Barre PA 18702

Phone:

E-Mail: jdelaney@wilkes-barre.pa.us

**Ship To:**

Wilkes-Barre Fire Headquarters  
Attn: Alan Klapat  
20-22 East Ross Street  
Wilkes-Barre PA 18701

**Lion Turn Out Gear**

Quantity	Item ID	Description	Unit	Amount
13	MISC	Lion Turn out coat per Wilkes-Barre Spec	1,568.00	20,384.00
13	MISC	Lion Turn out Pant per Wilkes-Barre Spec	1,098.00	14,274.00
1	OSA-FREIGHT	Freight Charge (Will be added at time of invoice) Costars #012-013	0.00	0.00

**ACCEPTANCE OF QUOTATION**

The above prices, specifications, and conditions  
are satisfactory and are hereby accepted.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Quotation is valid until September 18, 2019

Subtotal: 34,658.00

Freight:

Tax: 0.00

Total: 34,658.00





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](mailto:GS-PACostars@state.pa.us)  
Website: [www.costars.state.pa.us](http://www.costars.state.pa.us)

Date: 05/09/2019

Witmer Public Safety Group, Inc., d/g/a The FireStore and OfficeStore  
Attn: Jeff Trego  
104 Independence Way  
Coatesville, PA 19320-1653

**Subject:** COSTARS Participation – Renewal Confirmation  
**Contract Number:** 012-013 - Emergency Responder Equipment and Supplies

Dear Contractor:

The Department of General Services, Bureau of Procurement, has received your payment of the \$1500.00 administrative fee required to renew your COSTARS participation for contract number 012-013. 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 06/15/2010 through 06/15/2020 .

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](mailto:GS-PACostars@pa.gov) or toll-free telephone at 1.866.768.7827.

Regards,

Kathy Garman  
(P): 717-346-4056  
(F) :717-783-6241  
E-Mail: [katgarman@pa.gov](mailto:katgarman@pa.gov)



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 members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Planning Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed for the term referenced below as a member to the Planning Commission of the City of Wilkes-Barre:

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
Barry A. Payne 126 Crescent Ave. Wilkes-Barre, PA 18702	January 1, 2020	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, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to an additional term on the Traffic Committee;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member of the Wilkes-Barre City Traffic Committee:

Name

Term Expires

Francis "Thomas" Collis  
70 Grove Street  
Wilkes-Barre, PA 18702

September 10, 2023

Submitted by \_\_\_\_\_

**ROLL CALL**

**FILE OF COUNCIL**

**Presented in City Council on August 15, 2019**

No. 11 of 2019

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**AN ORDINANCE AMENDING CHAPTER 5 OF THE WILKES-BARRE  
CITY CODE OF ORDINANCES ENTITLED "ANIMALS AND FOWL."**

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "ANIMALS AND FOWL" IS HEREBY AMENDED TO ADD THE FOLLOWING ARTICLE:

**CHAPTER 5. ANIMALS AND FOWL**

**Article V. ANIMALS IN INCLEMENT WEATHER AND UNATTENDED  
MOTOR VEHICLES**

**Section 5-66. Responsibilities of owner/keeper regarding the treatment of animals  
during inclement weather within Wilkes-Barre City**

- A. It shall be unlawful for any owner or keeper of any animal to leave any animal outside and unattended during a period in which a severe weather warning has been issued for Luzerne County by the National Weather Service.
- B. It shall be unlawful for any person to leave any animal outside and unattended for a continuous period of time greater than thirty (30) minutes if the temperature during such period remains either entirely:
  - 1. Below thirty-two (32) degrees Fahrenheit; or
  - 2. Above ninety (90) degrees Fahrenheit
- C. For the purposes of this section, the following definitions apply:
  - 1. "Outside" shall mean the animal is subject to the weather elements, which expressly includes, but is not limited to, an animal in a securely fenced-in yard, an animal in a kennel, or an animal that is tethered or tied-out. The animal shall be considered "outside" regardless of access to an outdoor doghouse or similar structure.

## **Section 5-67. Enforcement Measures**

- A. Enforcement of Section 5-66 shall begin by providing notification to any owner or occupant of any premises in violation of this ordinance, either personally or by posting such notice upon the premises that such owner must begin to act in compliance with this ordinance within one (1) day of receipt of such notice.
- B. Upon the failure of such owner or occupant to bring his or her situation into compliance with this ordinance within such period of time, enforcement officials are authorized to enter upon such premises and to temporarily remove such dog from the property.
  - 1. Any removed animal will be held at the Luzerne County SPCA
  - 2. The authorized individual who removes the animal from the premises shall provide notice to the owner or occupant of the date, time and reason for removal, and where the animal has been taken.
  - 3. Prior to any hearing regarding the violation, such animal owner may regain possession of any confiscated animal prior to a hearing when the following conditions are met:
    - A) Providing proof of ownership
    - B) Payment of all costs associated with impoundment; and
    - C) The signing of an affidavit stating that the owner understands the ordinance and agrees to maintain compliance.
  - 4. No confiscated animal shall be considered surrendered to the confiscating party unless expressly surrendered, in writing, by the animal owner of his or her own volition.

## **Section 5-68. Animals Left in Unattended Motor Vehicles**

- A. No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
  - 1. Nothing in this section shall prevent a police officer, or an animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

2. A police officer, or animal control officer who removes an animal from a motor vehicle shall take it to the Luzerne County SPCA or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
  3. A police officer, or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.
  4. A police officer, or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, as well as a contact phone number, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.
  5. This section does not affect in any way existing liabilities or immunities in current law or create any new immunities or liabilities.
- B. Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.
- C. For the purposes of this section, the following definitions apply:
1. "Unattended" shall mean any animal left in a motor vehicle when the owner is not present.

#### **Section 5-69. Violations and penalties**

Any person who shall violate any provision of this ordinance, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 and not more than \$1,000, plus costs. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Each day that a violation of this ordinance continues or each section of this ordinance which shall be found to have been violated shall constitute a separate offense.

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 City Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Jim Ryan, City Clerk