

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

MAY 25, 2023

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

ORDINANCE

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MAY 25, 2023

CONSENT AGENDA (RESOLUTIONS)

Authorizing the proper city officials to sign all necessary documents related to awarding the HVAC maintenance and emergency services contract to the two most qualified, responsible firms, PLD Associates and Troy Mechanical for a two (2) year agreement, with an option for a third year, Preventative Maintenance, Repair & On Call Emergency Service for the HVAC systems in City owned buildings. The contract will run from June 1, 2023 to June 1, 2025.

Authorizing the proper city officials to take all necessary actions related to selling 110-112 Prospect Street, Parcel 73-19NE1-010-015-000, 73-19NE1-010-015A-000, for the purchase price of \$1,900.00 to Cesar Rodriguez -Reyes.

Authorizing the proper city officials to sign all necessary documents related to entering into a three (3) year contract with PenTelaData, Fiber Networks for \$24,948.00 for internet services for the city's operations at the Kirby Health Center. The full amount of this contract is being funded though a Data Modernization Grant.

Authorizing the proper city officials to sign all necessary documents related to entering a five (5) year contract with PenTelaData Fiber Networks for \$62,100.00 for internet services for City Hall and the Police Department. The full amount of this contract is being funded through a Data Modernization Grant.

Authorizing the proper city officials to sign all necessary documents related to entering into a contract with CDW-G for \$20,400.00 for computer network equipment. This purchase is being made through a Commonwealth of Pennsylvania Cooperative Purchasing Program (i.e., COSTARS). The full amount of this contract is being funded through a Data Modernization Grant.

Authorizing the proper city officials to enter into an agreement, along with any or all other project documents, with Glick Fire Equipment Company, 350 Mill Creek Road, Bird in Hand, Pennsylvania for the purchase of a 2022 Ford F450 4 x 4 Braun Liberty Type I Ambulance in the amount of \$367,750. The purchase is being made through the Commonwealth of Pennsylvania's Cooperative Purchasing Program ("COSTARS") for the Bureau of Fire (Contract No. 013-E22-242); the price includes a deduction for the trade-in amount of a Fire Department Ambulance, a 2016 Braun Ford F-450 EV-50340 (VIN #1FDUF4GT6GEC26298). The project will be funded pursuant to the Luzerne County American Rescue Grant Subrecipient Agreement.

CITY COUNCIL
MAY 25, 2023

CONSENT AGENDA (RESOLUTIONS)

Designating Mayor George C. Brown and Controller Darren Snyder, as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant of \$500,000.00 along with any or all other project documents, related to the Mill Creek Brookside Levee System Rehabilitation Project, if the application is approved.

MINUTES

Of the Wilkes-Barre Planning Commission of April 19, 2023.

Of the Zoning Hearing Board of April 29, 2023.

Of the Regular Session of City Council of April 27, 2023.

Of the Regular Session of City Council of May 11, 2023.

ORDINANCE

FILE OF COUNCIL NO. 3 OF 2023 – AN ORDINANCE OF THE CITY OF WILKES-BARRE REPEALING ARTICLE V OF CHAPTER 10 OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES ENTITLED “CONSUMER FIREWORKS” AND REPLACING IT WITH A NEW ARTICLE V. (FIRST READING)



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 proposals on March 6, 2023, and March 8, 2023, for a two-year (2-year) agreement, with an option for a third year, for ***Preventative Maintenance, Repair & On Call Emergency Services for the HVAC systems in City Owned Buildings.*** *The contract will run from June 1, 2023-June 1, 2025, with the option to run until June 1, 2026.*

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 HVAC maintenance and emergency services contract to the two most qualified, responsible firms, PLD Associates & Troy Mechanical Inc.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

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

Authorizing the proper city officials to take any and all necessary actions related to selling 110-112 Prospect Street, Parcel 73-I9NE1-010-015-000, 73-I9NE1-010-015A-000, for the purchase price of \$1,900.00 to Cesar Rodriguez-Reyes.

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 sign any and all necessary documents related to entering into a three (3) year contract with PenTelaData Fiber Networks for \$24,948.00 for internet services for the city's operations at the Kirby Health Center. The full amount of this contract is being funded through a Data Modernization Grant.

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 sign any and all necessary documents related to entering into a five (5) year contract with PenTelaData Fiber Networks for \$62,100.00 for internet services for City Hall and the Police Department. The full amount of this contract is being funded through a Data Modernization Grant.

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 sign any and all necessary documents related to entering into a contract with CDW-G for \$20,400.00 for computer network equipment. This purchase is being made through a Commonwealth of Pennsylvania Cooperative Purchasing Program (i.e., COSTARS). The full amount of this contract is being funded through a Data Modernization Grant.

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 wishes to purchase a 2022 Ford F450 4x4 Braun Liberty Type 1 Ambulance through the Commonwealth of Pennsylvania's Cooperative Purchasing Program ("COSTARS") for the Bureau of Fire (Contract No. 013-E22-242);

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 into an agreement, along with any or all other project documents, with Glick Fire Equipment Company, 350 Mill Creek Road, Bird in Hand, Pennsylvania for the purchase of a 2022 Ford F450 4x4 Braun Liberty Type 1 Ambulance in the amount of \$367,750.00.

The price includes a deduction for the trade-in amount of a Fire Department Ambulance, a 2016 Braun Ford F-450 EV-50340 (VIN# 1FDUF4GT6GEC26298).

The project will be funded pursuant to the Luzerne County American Rescue Plan grant subrecipient agreement.

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, that the City of Wilkes-Barre, Luzerne County hereby requests a Flood Mitigation Program grant of \$500,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Mill Creek Brookside Levee System Rehabilitation project.

BE IT FURTHER RESOLVED, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any or all other project documents, related to the Mill Creek Brookside Levee System Rehabilitation project, if the application is approved.

Submitted by _____

ROLL CALL

FILE OF COUNCIL

Presented in City Council on May 25, 2023

NO. _____ of 2023

AN ORDINANCE

AN ORDINANCE OF THE CITY OF WILKES-BARRE REPEALING ARTICLE V. OF CHAPTER 10 OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES ENTITLED “CONSUMER FIREWORKS” AND REPLACING IT WITH A NEW ARTICLE V.

WHEREAS, Act 74 of 2022, House Bill 2157, P.N. 3332 was adopted by the General Assembly on July 6, 2022, was signed by the Governor on July 11, 2022, amends Title 3 Pa. C.S. Chapter 11 (hereafter, “Fireworks Law” or “Law”), and became effective on September 9, 2022; and

WHEREAS, the Fireworks Law governs the sale, purchase and use of Consumer Fireworks and Display Fireworks in the Commonwealth; and

WHEREAS, the Fireworks Law authorizes Pennsylvania municipalities to prohibit or restrict certain uses of Consumer Fireworks as defined in the Law if the municipality determines that certain conditions are met; and

WHEREAS, the Fireworks Law authorizes the adoption of local rules and regulations by the City of Wilkes-Barre that govern permit approvals; and

WHEREAS, the City of Wilkes-Barre has determined that the full authority provided by the Fireworks Law should be exercised in the interests of public safety; and

WHEREAS, the Council of the City of Wilkes-Barre has determined that the use of Consumer Fireworks within the City of Wilkes-Barre limits would violate the prohibition in the Fireworks Law and specifically Sections 1106(a)(1.2) and 1104(b)(5) (relating to use of consumer fireworks), and would be contrary to the public interest and harmful to public safety; and

WHEREAS, the Council of the City of Wilkes-Barre desires to regulate the use of Display Fireworks and Consumer Fireworks within the City of Wilkes-Barre limits.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED and enacted by the City Council of the City of Wilkes-Barre, Pennsylvania, as follows:

ARTICLE V. CONSUMER AND DISPLAY FIREWORKS.

Sec. 10-56. *Definitions.*

For purposes of this Ordinance, the definitions of "Consumer Fireworks" and "Display Fireworks" shall be those set forth in Section 1 of the Fireworks Law, and any successor legislation. As set forth therein, the term "Consumer Fireworks" shall not include devices such as "ground and hand-held sparkling devices," "novelties," or "toy caps."

Sec. 10-57. *Display Fireworks.*

1. In accordance with the Fireworks Law, a permit is required before any use of Display Fireworks within the limits of the City of Wilkes-Barre. Permit application forms are available through the Fire Department during normal business hours. The application must include facts sufficient to establish that the Display Fireworks will not be ignited within 300 feet of sales locations for Consumer Fireworks and that the Display Fireworks will be handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training, all in accordance with Section 1102 and 1107 of the Fireworks Law. The application must include the approval of the Chief of the fire department or other appropriate official as may be designated by the City of Wilkes-Barre and that the Display Fireworks will not be located, discharged or fired in such a manner as to be hazardous to property or an endangerment to any person. The application shall be accompanied by a certificate of insurance in accordance with Subsection 1102(d) of the Law. The applicant must acknowledge acceptance of the requirements otherwise established by State and federal law. Permit extensions shall be permitted in accordance with Subsection 1102(e), provided the extension sought receives a renewed approval by the designated official that the extended use would not be hazardous to property or an endangerment to any person.

2. Applications for use of Display Fireworks shall be submitted at least two (2) weeks prior to the date of the proposed use. Permits for the use of Display Fireworks may be granted by the Fire Chief of the City of Wilkes-Barre, or by such official or officials designated by the Mayor of the City of Wilkes-Barre, upon approval of the application and payment of a fee of Two Hundred (\$200.00) dollars.

Sec. 10-58. *Consumer Fireworks.*

It shall be unlawful for any person to ignite or discharge Consumer Fireworks on any city street, sidewalk, or any property owned by the city, including, without limitation, all of the city's parks and public buildings. In addition, in accordance with the Fireworks Law, and based upon the determination that there are no other locations within the City of Wilkes-Barre limits that meet the statutory requirements, including but not limited to the prohibition of use within 150

feet of a building or vehicle, the use of Consumer Fireworks within those limits in accordance with Section 1104(b)(5) of the Law is hereby prohibited.

Sec. 10-59. *Availability.*

Certified copies of this Ordinance shall be provided to the Magisterial District Judges within the City of Wilkes-Barre, posted on the City of Wilkes-Barre's website, and made available to the public at the City of Wilkes-Barre Fire Department.

Sec. 10-60. *Sale of Consumer Fireworks.*

Nothing in this Ordinance governs the sale of Consumer Fireworks for the period of one (1) year from the effective date of the Fireworks Law in accordance with Section 1106 (a)(2) of the Law.

Sec. 10-61. *Penalties.*

6.1 In accordance with the provisions of Section 1114(1) of the Law, any person using Consumer Fireworks in violation of the provisions of this Ordinance, for the first offense commits a summary offense, and upon conviction shall, in addition or any other penalty authorized by law, be punishable by a fine of not more than Five hundred (\$500.00) dollars.

6.2 Any person selling Consumer Fireworks in violation of the Law is punishable in accordance with Section 1114(2) be punishable by a fine not less than Ten Thousand (\$10,000.00) dollars.

6.3 Any person selling or using Display Fireworks in violation of the Law is punishable in accordance with Section 1114(3) by a fine of not less than Ten thousand (\$10,000.00) dollars.

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 (or parts thereof) not specifically amended hereby remain in full force and effect.

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

_____, 2023.

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

Attest:

Cathy Payne, City Clerk