

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

OCTOBER 14, 2021

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTIONS

MINUTES

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
OCTOBER 14, 2021

RESOLUTIONS

Authorizing the proper city officials to sign any and all necessary documents related to entering a three (3) year contract with EHD to act as a contracted risk management consultant to assist the City with the overall management of its Workers' Compensation Program, the Pennsylvania Heart and Lung Program and management of past claims. The cost of these services shall be \$39,500.00 annually.

Authorizing the proper city officials to take any and all necessary actions related to entering a three (3) year contract with PMA Companies ("PMA") to act as the City's Third-Party Administrator for its self-insured Workers' Compensation Program. The cost of these services shall be \$30,900.00 annually.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to Penn Eastern Engineer's LLC, for the Wilkes-Barre City Parks ADA Upgrade/Tourism Hospitality Projects. Payments will be made from the American Rescue Plan and private donations.

Authorizing the proper city officials to take any and all necessary actions related to the sale of 209-217 East Northampton Street to Yasmeiry Navarro (or her designee) for a purchase price of \$3,500.00.

Reappointing Greg Barrouk to the Wilkes-Barre Finance Authority.

Appointing Michael Horvath to the Industrial Development Authority.

Approving a Transfer of a Restaurant Liquor License into the City of Wilkes-Barre, Luzerne County from Edwardsville. (Tolteca Bar & Grill LLC - 21 Public Square)

CITY COUNCIL
OCTOBER 14, 2021

MINUTES

Of the Regular Session of City Council of September 9, 2021.

Of the Special Session of City Council of September 22, 2021.

Of the Planning Commission of August 18, 2021.

Of the Planning Commission of September 15, 2021.

Of the Traffic Committee of August 26, 2021.

Of the Traffic Committee of September 23, 2021.

Of the Wyoming Valley Sanitary Authority of July 20, 2021.

Of the Zoning Hearing Board of July 21, 2021.

Of the Zoning Hearing Board of August 18, 2021.

CITY COUNCIL

October 14, 2021

The City Council of the City of Wilkes-Barre met in Regular Session on October 14, 2021, at 6:00 p.m., in City Council Chambers, City Hall, Wilkes-Barre, Pennsylvania for the purpose of general business.

The meeting was organized with Chairperson Tony Brooks in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

Barrett	- present
Belusko	- present
Marconi	- present
McBride, Vice Chairperson	- present
Brooks, Chairperson	- present

Also Present:

George C. Brown, Mayor
Tim Henry, City Attorney
Charles McCormick, Administrator
Cathy Payne, City Clerk
Lisa Sanfilippo, Administrative Assistant
Tracy Smith, Assistant City Clerk

City Clerk Cathy Payne read a statement relative to Council's Rules and Procedures.

The Chairperson asked if there was anyone wishing to address Council on pending legislation:

Sam Troy, Wilkes-Barre, PA appeared before Council to speak on the Resolutions regarding the EHD, PMA Companies and the appointment of Greg Barrouk to the Finance Authority.

Jim O'Malley, from EHD, appeared before Council to answer Mr. Troy's and Councils' questions regarding the EHD and PMA contracts.

Mr. O'Malley explained that there are not two consultants. PMA is a third-party administrator, which is an insurance company that actually manages the insurance claims for the city. EHD is the broker and the risk management consultants that work alongside the city to help guide and offer advice to the city to help with their self-insured program. Mr. O'Malley said that most cities of Wilkes-Barre's size are self-insured for the Workers' Comp program.

Mrs. McBride asked how much money is spent annually on the city's Workers' Comp claims.

Mr. O'Malley replied that the city spends about 1.2 million dollars.

Mrs. McBride asked if the city has tried to settle any claims, or would it be in EHD's purview to recommend that the city settle some claims.

Mr. O'Malley said that they do make the recommendations and have quarterly payment reviews with the city and the administration. It is not always possible to settle, because it is not up to EHD, it is up to the claim. He said they have to follow the laws of the state for Workers' Comp.

Mrs. McBride asked if the city is the ultimate one who would have to go to the table for a settlement.

Mr. O'Malley said the city is appointed an attorney that workers on Workers' Comp cases and those are brought to the claimant's counsel and decisions are made from there.

RESOLUTIONS

RESOLUTION NO. R0079-21

That, the proper city officials are hereby authorized to sign any and all necessary documents related to entering a three (3) year contract with EHD to act as a contracted risk management consultant to assist the City with the overall management of its workers' compensation program, the Pennsylvania Heart and Lung Program and management of past claims. The cost for these services shall be \$39,500.00 annually.

Mr. Barrett moved to adopt the Resolution.

The motion was seconded by Mr. Belusko and adopted by the following yeas and nays vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

RESOLUTION NO. R0080-21

That, the proper city officials are hereby authorized to take any and all necessary actions related to entering into a three (3) year contract PMA Companies ("PMS") to act as the City's Third Party Administrator for its self-insured Worker's Compensation program. The cost for these services shall be \$30,900.00 annually.

Mr. Barrett moved to adopt the Resolution.

The motion was seconded by Mr. Marconi and adopted by the following yea and nay vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

RESOLUTION NO. R0081-21

Whereas, the City of Wilkes-Barre has advertised a request for proposals (RFP) for engineering services for the various Wilkes-Barre City Parks ADA Upgrade/Tourism Hospitality Projects.

Whereas, the city received two (2) proposals but only one (1) proposal was a complete response to the city's request;

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 PennEastern Engineer's, LLC for the Wilkes-Barre City Parks ADA Upgrade/Tourism Hospitality Projects.

Payments will be made from American Rescue Plan and private donations.

Mr. Belusko moved to adopt the Resolution.

The motion was seconded by Mr. Barrett and adopted by the following yea and nay vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

RESOLUTION NO. R0082-21

That, the proper city officials are hereby authorized to take any and all necessary actions related to the sale of 209-217 East Northampton Street (PIN: H9NE1-022-003) to Yasmeiry Navarro (or her designee) for a purchase price of \$3,500.00.

Mr. Barrett moved to adopt the Resolution.

The motion was seconded by Mr. Marconi and adopted by the following yea and nay vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

RESOLUTION NO. R0083-21

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 by the City Council of the City of Wilkes-Barre, that the City Council hereby accepts the recommendation of Mayor George C. Brown for the following reappointment:

Wilkes-Barre Finance Authority	Term Expiration
Gregory Barrouk 2 Reliance Drive Wilkes-Barre, PA 18702	10-14-24

Mr. Belusko moved to adopt the Resolution.

The motion was seconded by Mr. Barrett and adopted by the following yea and nay vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

RESOLUTION NO. R0084-21

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 by the City Council of the City of Wilkes-Barre, that the City Council hereby accepts the recommendations of Mayor George C. Brown for the following appointment to fill a vacancy:

Industrial Development Authority	Term Expiration
Michael Horvath 185 Lawrence Street Wilkes-Barre, PA 18702	12-31-25

Mr. Brooks welcomed Mr. Horvath and thanked him for his willingness to serve the City of Wilkes-Barre.

Mr. Marconi moved to adopt the Resolution.

The motion was seconded by Mr. Barrett and adopted by the following yea and nay vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

RESOLUTION NO. R0085-21

A Resolution of the Municipality of Wilkes-Barre, County of Luzerne, Commonwealth of Pennsylvania, approving transfer of Restaurant Liquor License #R-3622, LID # 68113 into the City of Wilkes-Barre, Luzerne County from Edwardsville.

Whereas, Act 141 of 2000 ("the Act") which amends the Commonwealth's Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor license across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code, if

sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

Whereas, the receiving municipality issues a resolution approving the transfer of the license outside the municipality to inside the municipality; and

Whereas, amendments to the Liquor Code stipulate that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting interested parties to state their concerns regarding the transfer of a retail liquor license into the receiving municipality; and

Whereas, on October 14, 2021 the City of Wilkes-Barre conducted a public hearing for the purpose of receiving comments and/or recommendations of interested individuals residing within the municipality with respect to the request for transfer.

Whereas, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a retail liquor license in the municipality.

Now, Therefore, Be It Resolved that Tolteca Bar & Grill LLC., has requested the approval of the City Council of Wilkes-Barre for the proposed transfer of a Pennsylvania Retail Liquor License to its facilities within Wilkes-Barre City with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

Be It Further Resolved that City Council of Wilkes-Barre finds that the transfer of a retail liquor license into Wilkes-Barre City by Tolteca Bar & Grill LLC., will not adversely affect the welfare, health, peace and morals of the municipality or its residents.

Be It Further Resolved, that Wilkes-Barre City approves, by adoption of this Resolution, the proposed transfer of License #R-3622, LID #68113, from Edwardsville, PA to be located at 21 Public Square, Wilkes-Barre, PA.

Be It further Resolved, that the license transfer is subject to approval by the Pennsylvania Liquor Control Board.

I hereby Certify that this Resolution was approved by the Wilkes-Barre City Council at its meeting on October 14, 2021.

Mr. Barrett moved to adopt the Resolution.

The motion was seconded by Mrs. McBride and adopted by the following yea and nay vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

MINUTES

Of the Regular Session of City Council of September 9, 2021.

Of the Special Session of City Council of September 22, 2021.

Of the Planning Commission of August 18, 2021.

Of the Planning Commission of September 15, 2021.

Of the Traffic Committee of August 26, 2021.

Of the Traffic Committee of September 23, 2021.

Of the Wyoming Valley Sanitary Authority of July 20, 2021.

Of the Zoning Hearing Board of July 21, 2021.

Of the Zoning Hearing Board of August 18, 2021.

Mr. Belusko moved to adopt the Minutes.

The motion was seconded by Mr. Marconi and adopted by the following yea and nay vote:

Yeas Barrett, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Barrett thanked the Administration for their quick response to his questions from Tuesday regarding the Scott Street Bridge and the fire damaged property on Scott Street and George Avenue.

Mr. Barrett reported that the “No Truck” signs on Wilkes Lane are being ignored according to the residents. The street is scheduled to be repaved and he would like to get a handle on it before the work begins.

Mr. Belusko requested that repairs to the upper side of Solomon Creek be considered using the American Rescue Plan money.

Mayor Brown told Mr. Belusko that they have an engineering study going on with Mill Creek, Laurel Run Creek and Solomon Creek.

Mr. Marconi requested Mr. Frati to attend the next Council meeting to give an update on the Washington Street Bridge.

Mayor Brown informed Council that PennDot has put the Scott Street Bridge out for bid for repairs.

Mr. McCormick said he will check with Mr. Frati, but it is his understanding that the Washington Street went through final design and we are waiting for approval and then they can go out for bid.

Mr. Marconi asked the following questions regarding the American Rescue Plan money:

1. Does the city have an accountant to oversee the money?

Mr. McCormick said the Administration will be coming before Council with all of the subrecipient contracts, once the city receives the regulations.

2. Will the agencies that are helping distribute the funds (United Way, Wyoming Valley Chamber of Commerce, etc.) be receiving administrative fees?

Mr. McCormick said they will receive funds and it will be in the contract.

Mayor Brown said they will be receiving what is recommended in the American Rescue Plan.

3. Does the grant money (\$7,500) for home improvements have to be paid back?

Mayor Brown replied that it does not have to be paid back; it is money that is allocated to the homeowners to help with improvements.

4. Is the homebuyer's assistance program for single family homes or multi-units or both?

Mayor Brown said it is for primary residence and it does not get paid back.

5. When will the city receive the other half of the American Rescue Plan money?

Mayor Brown said that the Administration is still waiting for the final guidelines from the Treasury.

6. Can Council be provided monthly reports on the spending of the American Rescue Plan money?

Mr. McCormick said there are reporting requirements that the auditor will be doing for the city. He said they can forward them to Council once they are filed with the Treasurer.

Mr. Marconi thanked the Administration for having North Washington Street paved from Wilkes-Barre Boulevard to the underpass.

Mrs. McBride asked if the City is guaranteed the full second half of the American Rescue Plan money.

Mayor Brown said the city is still waiting for the final decision from the Treasury. He said as for now, he believes that the city will receive the full amount (37.1 million).

Mr. McCormick pointed out that none of the proposed commitments for the American Rescue Plan money exceeds the amount the City has received.

Mayor Brown said we currently have approximately eighteen million in the account, and yesterday's proposed total about 7.1 million.

Mrs. McBride asked if the blue garbage bag issue has been resolved.

Mayor Brown said the city is going to go to a different color, once we can't get any more blue bags.

Mrs. McBride asked if the city has a policy in place to make sure the equipment in the city parks is properly maintained/inspected.

Mayor Brown said he is planning on upgrading equipment in several parks. He added that he has spoke with Mr. Frati and they are looking at replacing pieces that are damaged.

Mrs. McBride said she saw where the city put trash cans on Hazle Street. She asked if there are plans to put trash cans in other parts of the cities.

Mayor Brown explained that after the last meeting he ordered three trash cans and placed them on Hazle Street as a trial. He said they seem to be working out, so he ordered three more for along the wall on Hazle Street. If it continues to work out, he said he will put them throughout the city.

Mrs. McBride asked if the Administration could work in conjunction with the County to get trashcans at LCTA bus stops. She said there tends to be a lot of trash in these areas.

Mayor Brown said he will let Mrs. McBride know when the three cans come in and he will put them wherever she recommends.

Mr. Brooks remarked that Keystone Mission did an extraordinary job with a 24-hour event on Public Square to bring attention to homelessness issues in the city. He said he was there early this morning and had a substantial conversation with the CEO. He said he learned about a program called "CODE BLUE". He said how it works is if the temperature goes below freezing and a foot of snow, a declaration of emergency can be done, so that people can be humanely move people into warmer places. He said he would like to work with the Administration and assist in setting up a "CODE BLUE" program in Wilkes-Barre.

The Mayor said he has been working with Keystone Missions on implementing the program.

PUBLIC DISCUSSION

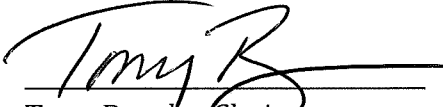
Pam Keefe, Puck Addiction-Michalenes Mission, Wapwallapen, PA appeared before Council relative to substance use disorder, overdose prevention and placing syringe boxes throughout the city.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to people parking in the traffic lane on West Union Street, influx of trash not being collected by private collectors on S. Franklin Street and SNAP vouchers (Farmers Market).

John Suchoski, Wilkes-Barre, PA appeared before Council relative to using LSA money for roads, potholes and a pothole patcher.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the speaker time limit at Council meetings, passing an Ordinance to eliminate plastic bags, the Northampton Street Streetscape project (trees cut down), consideration of an Ordinance to put a moratorium on tree cutting in the city and establishing a Homeless Authority.

There being no further business to discuss the meeting adjourned at 6:55 p.m.



Tony Brooks, Chairperson

ATTEST:



Cathy Payne, City Clerk

