

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

DECEMBER 6, 2018

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION – Aaron Clauser and Bob Hughes, Clauser Environmental, LLC
Conceptional Plans and drawings of Green Infrastructure
Best Management Plans for 9 city park parcels.

CONSENT AGENDA (RESOLUTIONS)

ORDINANCES

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
DECEMBER 6, 2018

CONSENT AGENDA (RESOLUTIONS)

Authorizing the proper city officials to sign any and all necessary documents related to entering a three (3) year contract with EHD Insurance.

Authorizing the proper city officials to sign any and all necessary documents related to the sale of the city owned garage commonly known as Park & Lock East located at 20 North Washington Street.

Reappointing Charles Majikes to the General Municipal Authority.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds. Wilkes-Barre Fire Department Aerial Ladder Truck Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds. Emergency Response Center Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds. Wilkes-Barre YMCA Camp Kresge Cabin Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds. Catholic Youth Center Facility Improvement Project (CYC).

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds. Osterhout Free Library's Roof, Flooring and Windows Improvement Project.

CITY COUNCIL
DECEMBER 6, 2018

CONSENT AGENDA (RESOLUTIONS) CONTINUED

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds. RC Theatres Wilkes-Barre Movie 14 Upgrade and Modernization Project.

MINUTES

Of the Wyoming Valley Sanitary Authority Board of October 16, 2018.

Of the Regular Session of City Council of November 8, 2018.

Of the Public Hearing of City Council of November 8, 2018.

Of the Regular Session of City Council of November 20, 2018.

Of the Parking Authority of October 16, 2018.

Of the Zoning Hearing Board of October 17, 2018.

CITY COUNCIL
DECEMBER 6, 2018

ORDINANCES

FILE OF COUNCIL NO. 18 OF 2018 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE MAYOR’S GENERAL FUND BUDGET. **SECOND AND FINAL READING**

FILE OF COUNCIL NO. 19 OF 2018 – AN ORDINANCE RENEWING A NEIGHBORHOOD IMPROVEMENT DISTRICT (NID), IN SPECIFIC THE DOWNTOWN WILKES-BARRE BUSINESS IMPROVEMENT DISTRICT, WITHIN THE CITY OF WILKES-BARRE. **FIRST READING**

FILE OF COUNCIL NO. 20 OF 2018 – AN ORDINANCE ADDING AN ARTICLE IV TO CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “PARKS AND RECREATION.”

CITY COUNCIL

DECEMBER 6, 2018

The City Council of the City of Wilkes-Barre met in Regular Session on November 20, 2018 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
Gilbert	- present
Merritt	- present
Belusko, Vice Chairperson	- present
Brooks, Chairperson	- present

Also Present:

Darren Snyder, City Controller
Rick Gazenski, (In-coming) Administrator
Tim Henry, City Attorney/Deputy Administrator
Ceili Jones, Deputy Human Resource Director
Cathy Payne, Assistant City Clerk
Lisa Sanfilippo, Administrative Assistant
Ted Wampole, Administrator
Joyce Zaykowski, Director of OCD

City Clerk Jim Ryan announced that Council member Gilbert asked that the Resolution regarding Movies 14 be removed from the Consent Agenda (Resolutions) and be voted on separately. With no objections from Council the Resolution was removed.

Presentation by Aaron Clauser, Clauser Environmental, LLC and Bob Hughes, Executive Director, Eastern Pennsylvania Coalition for Better Mine Reclamation relative to conceptual plans and drawings of Green Infrastructure Best Management Plans for 9 city park parcels.

Mr. Clauser informed Council that this was funded through a grant from the National Fish & Wildlife Foundation and it cost the city nothing.

City Clerk Jim Ryan read a statement relative to Council's Rules and Procedures.

The City Clerk asked if there was anyone wishing to address Council on pending legislation.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Ordinance adopting the 2019 General Fund Budget (reduce elected officials' salaries and legal action - police department).

Mr. Barrett asked if the law states that elected official salaries cannot be adjusted in the middle of term.

Attorney Henry said that there is a law and the change cannot take place until after the next election.

Mr. Brooks explained that City Council's salaries have been frozen since 2004.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Resolutions to enter into a contract with EHD Insurance, the sale of Park N' Lock East, the reappointment of Charles Majikes to the General Municipal Authority, the LSA Grant for Movies 14 Improvements and the Ordinance adopting the 2019 General Fund Budget.

Mr. Brooks explained that the Commonwealth Finance Authority is a state program. All the city is doing (by passing the Resolutions for the LSA Grants) is letting someone apply for money that is available. Mr. Brooks said he feels it would be very short-sighted and not in the best interest of the city to block somebody from applying.

Mr. Wampole said that the city has applied for approximately 72 million dollars over all in funds through the CFA (going back to its inception). The total amount that the city has been awarded has been about 14 million dollars.

Mr. Wampole pointed out that this year the city overloaded it with city projects.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the LSA Grant Resolutions (specifically for Movies 14 and the Fire Ladder Truck).

Mr. Wampole said that looking at the history of what the CFA has awarded, it doesn't seem that they like to invest in particular pieces of equipment. It seems like they want to invest in projects.

Mr. Suchoski said that he has looked at other municipalities and they have had equipment funded.

Attorney Frank Hoegan, Wilkes-Barre, PA appeared before Council to ask that they table the Resolution authorizing the sale of the Park N' Lock East.

Ian Hughes, Wilkes-Barre, PA appeared before Council relative to the Resolutions for LSA Grants.

Ms. Gilbert agreed with Mr. Hughes that the city is not using the grants properly. She said that this money could be used in so many different ways and the city is not taking advantage of it.

RESOLUTIONS

Resolution No. R0115-18 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0115-18

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 Insurance 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.

RESOLUTION NO. R0116-18

That, the proper city officials are hereby authorized to sign any and all necessary documents related to the sale of the city owned garage commonly known as Park & Lock East located at 20 North Washington Street, Wilkes-Barre, Pennsylvania (PIN: H9SE2-005-003) to the Parking Authority of the City of Wilkes-Barre.

RESOLUTION NO. R0117-18

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 General Municipal Authority of the City of Wilkes-Barre upon expiration of his current term;

Now, Therefore, Be It Resolved, that the following person is hereby reappointed for the term referenced below as a member to the General Municipal Authority:

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
Charles Majikes 414 Horton Street Wilkes-Barre, PA 18702	January 1, 2019	December 31, 2023

RESOLUTION NO. R0118-18

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from this facility allocated to a Local Share Account-Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$1,274,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to purchase a new NFPA 1901/1931 compliant tractor drawn 100 feet aerial ladder truck. The current aerial ladder is a 2004 American LaFrance that has become obsolete and very difficult to maintain since American LaFrance (manufacturer) went out of business. The city has had great difficulty obtaining replacement parts for this piece of equipment and if parts are located premium pricing is charged due to the limited availability of the parts. Currently, this ladder truck is the only one that serves the City of Wilkes-Barre Fire Department; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Wilkes-Barre Fire Department Aerial Ladder Truck project, if the application is approved.

RESOLUTION R0119-18

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from this facility allocated to a Local Share Account-Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$384,966.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to establish a permanent location for city's Emergency Response Center. In the past the city has used temporary locations as the Emergency response Center; however, these locations are no longer available for the city to use in times of emergency. Also, the logistical problems associated with not have a permanent location were many (moving computer servers, computer equipment and other essential items to keep the city operational was time consuming and inefficient. Wilkes-Barre City Hall, Fire Headquarters, Police Station and the Health Department are all located in the flood zone due to its proximity to the Susquehanna River. Therefore, in the event of a disaster, particularly flooding, the city must move all of its operations out of the flood zone. The proposed Emergency Response Center will be located out of the flood zone and allow the city to continue operations during disaster events. The city will renovate 4,249 square feet on the second floor of the city-owned DPW building that is currently used for storage into the Emergency Response Center; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the City of Wilkes-Barre Emergency Response Center project, if the application is approved.

RESOLUTION NO. R0120-18

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from this facility allocated to a Local Share Account-Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for an \$80,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. Currently, YMCA Camp Kresge has 12 standard cabins that sleep eight campers in each. Though the cabins have gone through many renovations since their first use in 1953, they are a poor fit for modern camping programs. The YMCA plans to replace all 12 cabins with updated larger lodges in two phases. Phase one will replace six standard cabins with three new lodges, housing 16 people each; fundraising is complete for this phase. Phase two of the project will replace the remaining six cabins with four new lodges. The additional lodge will allow our resident camp program to grow to serve an additional 16 campers annually. The requested grant funding will be used to support phase two of the YMCA Camp Kresge Cabin project which has a total budget of \$259,560. The \$80,000 in grant funding along with YMCA fundraising and organization income will make up the entire project’s budget; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Wilkes-Barre YMCA Camp Kresge Cabin project, if the application is approved.

RESOLUTION NO. R0121-18

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from this facility allocated to a Local Share Account-Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$223,617.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to assist the Catholic Youth Center (CYC) with facility improvements such as replace existing swim starting blocks with newer and more competitive models. Also, replace lighting in the pool area with LED lighting to reduce operational costs. The CYC operates Luzerne County's largest child care program, including the regions only agency based 24-hour child care program for working families, a large before school and after school program, and a summer day camp. 95% of the children enrolling in this program are from documented low-income families. Also, the CYC operates a Youth Drop-In Center with a unique partnership with Luzerne County Mental Health Services. In addition, the CYC aquatic facility is the largest in the region and hosts both high school and college teams as well as their own age group swim teams. The CYC aquatic facility hosts various regional meets for high school and collegiate levels, which brings a significant number of people, in the thousands, in the downtown of Wilkes-Barre numerous times a year; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Catholic Youth Center (CYC) Facility Improvement project, if the application is approved.

RESOLUTION NO. R0122-18

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from this facility allocated to a Local Share Account-Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$120,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to assist the Osterhout Free Library with facility upgrades such as roofing system repairs, energy efficient windows and new flooring to improve conditions for both the library users and the book

collection, as well as greatly enhance the energy efficiency of the facility. The Osterhout Free Library's existing roofing system, windows and flooring have exceeded their useful lifespan and need to be replaced. The Library will realize energy savings, and the ability to provide better maintenance of their facility; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Osterhout Free Library's Roof, Flooring and Windows Improvement project, if the application is approved.

MINUTES

Of the Wyoming Valley Sanitary Authority Board of October 16, 2018.

Of the Regular Session of City Council of November 8, 2018.

Of the Public Hearing of City Council of November 8, 2018.

Of the Regular Session of City Council of November 20, 2018.

Of the Parking Authority of October 16, 2018.

Of the Zoning Hearing Board of October 17, 2018.

Mr. Barrett moved to adopt the Consent Agenda (Resolutions).

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

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

Nays none.

RESOLUTION NO. R0123-18

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from this facility allocated to a Local Share Account-Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$500,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to assist RC Theatres Wilkes-Barre Movies 14 on an upgrade and modernization project. The project will remove the existing flooring and seating to accommodate new concrete, framing and electrical upgrades which will prepare the venue to receive new seating and modernize the venue to retain existing and attract new customers. Historically, over 380,000 customers visit the Center City location. The overall project (5-year horizon) is estimated to generate \$15 million of economic impact, create 42 temporary construction positions, preserve 45 existing positions and generate over \$2 million of local taxes and fees; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the RC Theatres Wilkes-Barre Movies 14 Upgrade and Modernization project, if the application is approved.

Mr. Merritt moved to get the Resolution on the floor for a vote.

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

Yeas Barrett, Belusko and Brooks (Chairperson) – 3 – being a majority of the members elected to City Council.

Nays Gilbert and Merritt – 2.

ORDINANCES

FILE OF COUNCIL NO. 18 OF 2018 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE MAYOR’S GENERAL FUND BUDGET. **(SECOND AND FINAL READING)**

Mr. Merritt moved to adopt the Ordinance.

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

Yeas Barrett, Merritt, Belusko and Brooks (Chairperson) – 4 – being a majority of the members elected to City Council.

Nays – Gilbert – 1.

FILE OF COUNCIL NO. 19 OF 2018 – AN ORDINANCE RENEWING A NEIGHBORHOOD IMPROVEMENT DISTRICT (NID), IN SPECIFIC THE DOWNTOWN WILKES-BARRE BUSINESS IMPROVEMENT DISTRICT, WITHIN THE CITY OF WILKES-BARRE. **(FIRST READING)**

Mr. Belusko moved to adopt the Ordinance.

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

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

Nays none.

FILE OF COUNCIL NO. 20 OF 2018 – AN ORDINANCE ADDING AN ARTICLE IV TO CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “PARKS AND RECREATION.” **(FIRST READING)**

Mr. Merritt moved to adopt the Ordinance.

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

Yeas Barrett, Merritt, Belusko and Brooks (Chairperson) – 4 – being a majority of the members elected to City Council.

Nays – Gilbert – 1.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Barrett discussed the development of the downtown over the years, including the movie theatre. He said he doesn't think it is unreasonable for entities to reach out for assistants (through LSA Grants) to further improve these facilities. He said it doesn't want to see the projects that had taken so long to come to fruition deteriorate.

Ms. Gilbert asked why the meters in front of the Westmoreland Club are frequently block off for events.

Officer Merchel responded that the Westmoreland Club pays for the meters for valet parking.

Ms. Gilbert said that this was brought to her attention by some librarians at the Osterhout Library because they block the meters in front of the library. She asked if there is anything that Council can do to stop this or if Council would be in favor of stopping this practice.

Mr. Brooks pointed out that St. Stephen's buys the bags to block the meters for funerals as well.

Attorney Henry mentioned that anyone can buy bags to block meters.

Ms. Gilbert said they are blocked off just about every day. She said she doesn't agree with the meters in front of a public library being blocked off when the Westmoreland Club has a parking lot.

Mr. Brooks informed Ms. Gilbert that the Westmoreland Club is expanding the parking lot.

Mr. Belusko asked if the city could apply for LSA money for paving roads.

Mr. Wampole said he believes you can apply for road money, but it is a matter of the city prioritizing what they want to apply for.

Mr. Belusko said that the city should consider applying for money to pave roads in the future.

Ms. Gilbert told Mr. Belusko that she has a list of what all of the neighboring municipalities have applied for and what they received and a lot of it is related to roads.

She said she thinks the city should apply for what they spend on something like potholes each year and if they receive the grant it would double what the city could spend to repair them.

PUBLIC DISCUSSION

John Suchoski, Wilkes-Barre, PA appeared before Council relative to LSA grants.

Ian Hughes, Wilkes-Barre, PA appeared before Council relative to LSA grants.


James Thomas, Wilkes-Barre, PA appeared before Council relative to the Neighborhood Improvement District, Council members serving on the Diamond City Partnership recusing themselves from voting on matters pertaining to the NID renewal and Diamond City Partnership not in compliance with the Municipal Authorities Act.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the newly appointed City Administrator (salary), budget, taxes and changing the budgetary process.

Attorney Henry mentioned that anything related to the budget that is in the City Charter would have to be changed by voter referendum. Anything in the Administrative Code related to the budget could be changed by Ordinance.

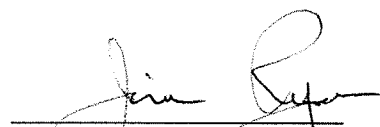
Mr. Brooks on behalf of City Council welcomed Mr. Gazenski and wished him luck as the new Administrator of the City of Wilkes-Barre.

There being no further business to discuss the meeting adjourned at 7:18 p.m.



Tony Brooks, Chairperson

ATTEST:



Jim Ryan, City Clerk