

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

JULY 16, 2020

PLEDGE OF ALLEGIANCE

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PRESENTATIONS BY COUNCIL MEMBERS

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ADJOURNMENT

CITY COUNCIL
JULY 16, 2020

RESOLUTIONS

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the demolition of 773 South Franklin Street, also known as, the Silk Mill. The payment related thereto be made from OECD Budget.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the demolition of 21-23 Walnut Street. The payment related thereto be made from OECD Budget.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the demolition of 209-211-213 East Northampton Street.

Rescinding Resolution R0023-20 dated March 12, 2020 related to the purchase of a new Leaf Vacuum Machine.

Whereas the local match for the purchase of the new leaf vacuum machine be paid for out the City's 2020 Liquid Fuels Budget.

Authorizing the proper city officials to enter into a lease-purchase agreement for a Schwarze A7 Tornado Street Sweeper in the amount of \$266,458.00. The purchase will be funded through the Liquid Fuels Budget.

Supporting the Luzerne County Flood Protection Authority's Grant Application for an Accelerated Levee System Evaluation Project.

Authorizing the Mayor of the City of Wilkes-Barre to submit the Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign the Application on behalf of the Municipality. (East End Center)

Authorizing the Mayor of the City of Wilkes-Barre to submit the Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign the application on behalf of the Municipality. (Courtright & North River Streets)

CITY COUNCIL
JULY 16, 2020

RESOLUTIONS (CONTINUED)

Requesting a Blight Remediation Program grant of \$300,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the City of Wilkes-Barre's Blight Remediation Project. Also, designating Mayor C. Brown and Controller Darren Snyder as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Finance Authority to facilitate and assist in obtaining the requested grant along with any and all other project documents, related to the City of Wilkes-Barre's Blight Remediation Project. The city agrees to pay the required 10% local cash match of the total project cost.

Requesting a Greenway, Trails and Recreation Program grant of \$250,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for a Public Park Improvement Project. Also, that the applicant does hereby designate 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 Finance Authority to facilitate and assist in obtaining the requested grant along with any of all other project documents, related to the City of Wilkes-Barre Blight Remediation Project. The city agrees to pay the required 15% local cash match of the total project cost.

Authorizing the proper city officials to purchase ten (10) APX 4000PD Version W/RSM radios and portable programming for each unit at a total purchase price of \$33,798.60. The purchase will be made using Department of Justice (DOJ) Asset Forfeiture Funds and paid out of the City's Federal Grants Account.

Authorizing the proper city officials to enter into an agreement with Witmer Public Safety Group, 104 Independence Way, Coatsville, PA 19320 for the purchase of Fire Turnout Gear and Miscellaneous Fire Equipment in the amount of \$47,431.00. Payment will come from the Office of Economic and Community Development.

Authorizing the proper city officials to take any and all necessary actions to sell 269-271 East Northampton Street (H10SW4-012-010) to Edwin Pashinski and Jane Acri (or their respective designees) for a purchase price of \$1,200.

Authorizing the proper city officials to enter into an agreement in the amount of \$113,044 with the Pennsylvania Department of Health to provide immunization services.

CITY COUNCIL
JULY 16, 2020

RESOLUTIONS (CONTINUED)

Authorizing the proper city officials to enter into an agreement in the amount of \$181,382 with the Pennsylvania Department of Health to provide public health preparedness services.

Authorizing the proper city officials to enter into an agreement in the amount of \$556,116 with the Pennsylvania Department of Health to provide opioid and substance abuse prevention.

Authorizing the proper city officials to enter into an agreement in the amount of \$693,750 with the Pennsylvania Department of Health to provide services for nutrition, physical activity and injury prevention.

Requesting appropriate state officials, elected officials and the Wolf Administration to proceed immediately to repeal State Act 43 (Fireworks).

Authorizing the proper city officials to accept the Joyce Insurance Group insurance package related to property, the equipment, inline marine, boiler and machinery, general liability, business auto, fidelity bond crime, public officials, law enforcement, fire fighters, professional fiduciary, cyber liability and general liability and professional liability for the health department and to sign any and all necessary documents security same.

MINUTES

Of the Wyoming Valley Sanitary Authority of March 17, 2020.

Of the Wyoming Valley Sanitary Authority Executive Committee Meeting of April 28, 2020.

Of the Regular Session of City Council of June 11, 2020.

CITY COUNCIL
JULY 16, 2020

ORDINANCE

FILE OF COUNCIL NO. 5 OF 2020 – AN ORDINANCE OF THE CITY OF WILKES-BARRE,
PENNSYLVANIA, ESTABLISHING A CITIZEN POLICE REVIEW BOARD. (FIRST READING)



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CITY COUNCIL

July 16, 2020

The City Council of the City of Wilkes-Barre met in Regular Session on July 16, 2020, at 6:30 p.m. (immediately following the Work Session), in City Council Chambers, City Hall, Wilkes-Barre, Pennsylvania for the purpose of general business. (The meeting was conducted and streamed on YouTube for public viewing due to COVID-19.)

The meeting was organized with Chairperson Bill Barrett in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

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

Also Present:

George Brown, Mayor
Maureen Collins, Assistant City Attorney
Butch Frati, Deputy Administrator/Director of Operations
Frank Hershberger, IT Director
Charles McCormick, City Administrator
Cathy Payne, Assistant City Clerk
Lisa Sanfilippo, Administrative Assistant
Hank Radulski, Director of Health Services
Jim Ryan, City Clerk

The City Clerk read the following emails on pending legislation:

From the NAACP Wilkes-Barre Branch #2306, President Ronald L. Felton:

The Wilkes-Barre NAACP comes here tonight to express their endorsement of the ordinance that is proposed by Councilwoman Beth Gilbert McBride as it pertains to the Citizens Police Review Board. An ordinance by the way that has bipartisan support. A scarcity in these times of tribal divisions.

Mayor Brown, I've heard you at a recent meeting express your love for the City of Wilkes-Barre. A city of which you were born and raised.

Even though my wife and I relocated to this City more than thirty years ago, my wife and I now call Wilkes-Barre our home. My son's most influential years of development were right here in the City of Wilkes-Barre.

When I first relocated here, I was told by some that this City was twenty years behind the civil rights movement. However, I chose to relocate my family here anyway.

When I relocated here, I wanted to give something back to the community, so I got involved with my son's mini football team, the South Wilkes-Barre Mini Mohawks, and because of my dedication and commitment I became part of the coaching staff and eventually the President of the Mini Mohawk Organization, which I served faithfully until being elected President of the Wilkes-Barre NAACP at the end of 1996. I served in that capacity for eighteen consecutive years until I retired in 2014. However, I returned in 2019 and with the assistance of our current leadership team to reestablish the visibility of the Wilkes-Barre NAACP in Northeastern, Pennsylvania.

However, Mayor Brown, I'm quite sure neither you nor I could have imagined what we would be confronting in the year 2020.

A global pandemic that would rob the world of nearly a half million lives and a quarter of that number right here in the United States of America. In addition, we are facing staggering unemployment and trillions of dollars have been spent on stimulus packages. However, if that wasn't enough, we've seen the video murder of Ahmaud Arbery in February, who was hunted down like a deer while peacefully jogging in a predominantly white neighborhood in Brunswick, Georgia and then we hear about the brutal shooting death of Breonna Taylor, eight times by Louisville, Kentucky police officers while initiating a no knock warrant while sleeping in her own bed, in her own apartment.

Then to cap it off, again we witnessed on video tape for eight minutes and forty-six seconds the modern-day lynching of an unarmed black man while in the custody of four Minneapolis, Minnesota members of law enforcement.

And if that wasn't enough, we seen an elderly white man pushed to the ground and laid there bleeding from his ear as the City of Buffalo, New York policemen walked right by him.

The protest we've seen is more than the use of excessive force by members of law enforcement. It goes deeper and points to systemic racism that has plagued our country for more than four hundred years.

In the year of 2020 right here in the City of Wilkes-Barre, we've seen protests of historical proportions, but not only in Wilkes-Barre, through the world. However, the difference this time is that the protests were not only by African Americans, but our white brothers and sisters and other ethnic groups have joined us in our protests and marches shouting Black Lives Matter! In the words of Dr. Martin Luther King, Jr. they've come to realize that their destiny is inextricably bound to our destiny and that their freedom is inextricably bound to our freedom.

Many have said they have not seen anything like this since the civil rights movement. Yes, we're here tonight to support this ordinance, but police reform goes far beyond this narrow focus on police misconduct. I do believe the majority of police here in the City of Wilkes-Barre are good, but it's that small percentage and yes, they are here in Wilkes-Barre too.

So, Wilkes-Barre what you have failed to do the Governor has done for you by enacting two bills regarding Police Reform. Now, they didn't go far enough, but at least it's a start. These bills when enacted will prevent a bad cop from traveling from on Police Department to another, if properly enforced. However, reform doesn't stop there, and this is only the beginning.

By all means, I support unions and believe they've played an integral role in advancing the middle class; however, no union should shield a person that demonstrated implicit or explicit racial bias. Especially when that bias is against the very people who contribute to their salary. Now, let me say this about the leadership of the City of Wilkes-Barre, which is mostly Democratic, it's your conservative leadership that's holding the City back from its true potential.

As I close, I would just like to say how many generations of law abiding unarmed black men will have to be worried when being pulled over by members of law enforcement. What type of day they've had, their moral disposition, or whether they may be exhibiting implicit or explicit racial bias? It happened to my father-in-law, it happened with me and it happened with my son. Enough is enough! This happens again and again because good people such as yourselves sit silently by and do nothing. Thank you.

From Tracey Hughes, Wilkes-Barre, PA:

Why is the City Administration, a few members of the City Council and the Police Department against a Citizens Police Review Board? If a police officer goes before a citizens review board and the officer has done nothing wrong than they shouldn't have any worries. There should be no reason to not support this new policy. A Citizens Police Review Board should be totally separate and not include the District Attorney's office and other Departments within our city. In my opinion, something that is much needed, and would help gain trust for "all" city residents.

The City Clerk announced that Council will now take questions and comments on pending legislation from the public.

Angel Jirau, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board.

John Suchoski, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board.

Harlan Tabron, phoned in relative to the Citizen Police Review Board.

Mrs. McBride told Mr. Tabron that she supports Governor Wolf's initiatives. She said that implementation of the Citizens Police Review Board would be up to the Police Department and the Administration.

Angel Mathis, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board.

Mark Schaffer, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board.

Mr. Barrett said he understands that the Citizens Advisory Board doesn't have the power to subpoena or discipline, but it does have the power to make recommendations to the department as to how to proceed with things, such as no knock warrants, policy changes, etc. With the Mayor and the Chief giving their full support in making sure this is a proactive approach, they will directly interact with the department on an on-going basis. He said it has been shown clear across the country that they do work, because they tie the gap between the community and police department. He said he agrees with the Mayor's approach on the Advisory Board. It is going to work for the department, it's going to help move the department forward and have better community relations.

Mrs. McBride clarified that in the Citizens Review Board there is an advisory component where they do advise the police department on different policies that they would like to see enacted.

Mrs. McBride said that of course the Police Chief and the Union would support the Advisory Board because it doesn't have any power. They have made it very clear from the beginning that they don't want any oversight.

Isaiah McGahee, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board.

Sam Troy, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board (form an ad hoc committee to study it further).

Mrs. Gilbert said she and Mr. Brooks have met with a number of people regarding the Citizens Review Board to get feedback. She said she also participated in video calls, had two different attorneys look at it, criminologist, researchers, etc., but would also be in favor a separate committee dedicated to look into different police reform as well.

Mr. Barrett explained that an Advisory Committee is proactive. It is an organization that uses the board for advice and input on a wide range of issues. They conduct research, generate ideas or solutions and provide recommendations on policy and practices to the department.

RESOLUTIONS

The following Resolutions appeared on the Consent Agenda (Resolutions):

RESOLUTION NO. R0045-20

Whereas, the City of Wilkes-Barre is advertising for bids for the Demolition of 773 South Franklin Street, parcel #73-19NE1-020-001-000, also known as, The Silk Mill.

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 demolition of 773 South Franklin Street, parcel #73-19NE1-020-001-000, also known as, The Silk Mill.

Be It Further Resolved that the payment related thereto be made from OECD Budget.

RESOLUTION NO. R0046-20

Whereas, the City of Wilkes-Barre is advertising for bids for the Demolition of 21-23 Walnut Street.

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 Demolition of 21-23 Walnut Street.

Be it Further Resolved that the payment related thereto be made from OECD Budget.

RESOLUTION NO. R0047-20

Whereas, the City of Wilkes-Barre is advertising for bids for the Demolition of 209-211-213 East Northampton Street.

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 Demolition of 209-211-213 East Northampton Street.

RESOLUTION NO. R0048-20

Rescinding Resolution R0023-20 dated March 12, 2020 related to the purchase of a new Leaf Vacuum Machine.

RESOLUTION NO. R0049-20

Whereas, by Resolution R0007-19 dated January 10, 2019, the City Council of the City of Wilkes-Barre authorized the proper city officials to sign any and all necessary documents related to finalizing a \$350,000.00 grant under the Pennsylvania Department of Environmental Protection (DEP) Act 101 Section 902 program for the purchase of new curbside residential containers and a new leaf vacuum machine.

Whereas, the grant requires that the City pay a local match towards the authorized purchase;

Whereas, the intent of this Resolution is to clarify which budget the City will use to make the required match for the purchase of the leaf vacuum machine.

Now, Therefore Be It Resolved by the City Council of the City of Wilkes-Barre that the \$135,366.40 local match for the purchase of new leaf vacuum machine be paid for out of the City's 2020 Liquid Fuels Budget.

RESOLUTION NO. R0050-20

Authorizing the proper city officials to enter into a lease-purchase agreement for a Schwarze A7 Tornado Street Sweeper in the amount of \$266,458.00. The purchase will be funded through the Liquid Fuels Budget.

RESOLUTION NO. R0051-20

**RESOLUTION IN SUPPORT OF THE LUZERNE COUNTY FLOOD PROTECTION AUTHORITY'S
GRANT APPLICATION FOR AN ACCELERATED LEVEE SYSTEM EVALUATION PROJECT**

Whereas, the City of Wilkes-Barre is protected by the Wilkes-Barre to Hanover Township levee reach of the Wyoming Valley Flood Risk Management Project which is operated and maintained by the Luzerne County Flood Protection Authority; and

Whereas, the Luzerne County Flood Protection Authority has deemed the Accelerated Levee System Evaluation Project as the best available option for managing the Wilkes-Barre to Hanover Township and Plymouth Levee Reach risk assessments an to decide if a positive National Flood Insurance Program (NFIP) recommendation can be determined for both levee reaches through the risk-based assessment framework; and

Whereas, the City of Wilkes-Barre recognizes the importance of the Accelerated Levee System Evaluation Project and fully supports the Act 13, 2020 Flood Mitigation Program Grant submitted by the Luzerne County Flood Protection Authority; and

Whereas, the City Council of the City of Wilkes-Barre hereby approves the application for \$340,076, of requested funds from the Commonwealth Financing Authority as a co-applicant with the Luzerne County Flood Protection Authority, Hanover Township, Plymouth Borough and the County of Luzerne;

Now, Therefore, Be It Further Resolved, that the grant application and the required matching funds will be submitted and executed by the Luzerne County Flood Protection Authority as the applicant for the Accelerated Levee System Evaluation Project.

I, Jim Ryan, duly qualified Secretary of the City of Wilkes-Barre, of the County of Luzerne, Pennsylvania hereby certify that the forgoing is a true correct copy of a Resolution duly adopted by a majority vote of the City of Wilkes-Barre City Council at a regular meeting held July 16, 2020 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as of this date.

RESOLUTION NO. R0052 -20

Be It Resolved, by authority of Wilkes-Barre City Council of the City of Wilkes-Barre, Luzerne County, and it is hereby resolved by authority of the same, that the Mayor of said Municipality is authorized and directed to submit the attached Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on Behalf of the Municipality.

RESOLUTION NO. R0053-20

Be It Resolved, by authority of Wilkes-Barre City Council of the City of Wilkes-Barre, Luzerne County, and it is hereby resolved by authority of the same, that the Mayor of said Municipality is authorized and directed to submit the attached Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the Municipality.

RESOLUTION NO. R0054-20

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Blight Remediation Program grant of \$300,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the City of Wilkes-Barre's Blight Remediation 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 City of Wilkes-Barre's Blight Remediation project, if the application is approved. Additionally, the city agrees to pay the required 10% local cash match of the total project cost.

I, Jim Ryan, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby 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 July 16, 2020 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 16th day of July 2020.

RESOLUTION NO. R0055-20

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Greenway, Trails and Recreation Program grant of \$250,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for a Public Park Improvement 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 Public Park Improvement project, if the application is approved. Additionally, the city agrees to pay the required 15% local cash match of the total project cost.

I, Jim Ryan, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby 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 July 16, 2020 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 16th day of July 2020.

RESOLUTION NO. R0056-20

Authorizing the proper City officials to purchase ten (10) APX 4000PD Version W/RSM radios and portable programming for each unit at a total purchase price of

\$33,798.60. The purchase will be made using Department of Justice (DOJ) Asset Forfeiture Funds and paid out of the City's Federal Grants Account.

RESOLUTION NO. R0057-20

Be It Resolved, by the City Council of the City of Wilkes-Barre:

Whereas, the City of Wilkes-Barre is desirous to purchase Fire Turnout Gear and Miscellaneous Fire Equipment through the PA COSTARS Contract Number: 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 into an agreement with Witmer Public Safety Group, 104 Independence Way, Coatsville, PA 19320, for the purchase of Fire Turnout Gear and Miscellaneous Fire Equipment in the amount of \$47,431.00.

Payment will come from the Office of Economic and Community Development.

RESOLUTION NO. R0058-20

Whereas, the City of Wilkes-Barre is the owner of a vacant lot known as 269-271 E. Northampton Street, Wilkes-Barre, Pennsylvania;

Whereas, the adjoining property owners wish to acquire this property to increase the size of their respective properties;

Whereas, City Assessor John Anstett has given his professional opinion that the value of the vacant lot at \$1,200.00.

Now, Therefore, Be It Resolved that the proper city officials are hereby authorized to take any and all necessary actions to sell 269-271 E. Northampton Street (H10SW4-012-010) to Edwin Pashinski and Jane Acri (or their respective designees) for a purchase price of \$1,200.00.

RESOLUTION NO. R0059-20

Authorizing the proper city officials to enter an agreement in the amount of \$113,044 with the Pennsylvania Department of Health to provide immunization services.

RESOLUTION NO. R0060-20

Authorizing the proper city officials to enter an agreement in the amount of 181,382 with the Pennsylvania Department of Health to provide public health preparedness services.

RESOLUTION NO. R0061-20

Authorizing the proper city officials to enter an agreement in the amount of \$556,116 with the Pennsylvania Department of Health to provide opioid and substance abuse prevention.

RESOLUTION NO. R0062-20

Authorizing the proper city officials to enter an agreement in the amount of \$693,750 with the Pennsylvania Department of Health to provide services for nutrition, physical activity and injury prevention.

RESOLUTION NO. R0063-20

Whereas, in 2017 the Commonwealth of Pennsylvania adopted Act 43, HB 542 in 2017 legalizing the sale and use of certain “consumer grade fireworks”;

Whereas, the intention of the Commonwealth in enacting the legislation was to raise revenue to help relieve the state budget deficit;

Whereas, today Pennsylvania residents are permitted to purchase fireworks that were banned for decades;

Whereas, despite significant legal constraints in the legislation on the use of consumer grade fireworks, the constraints have proven to be unenforceable because too many Pennsylvania residents break the law and frequent use in legally prohibited areas, such as densely populated residential areas, at random times and especially around holidays such as December 31 and July 4;

Whereas, while the legal and illegal use of consumer fireworks may have realized revenue for the Commonwealth, it has forced a dangerous nuisance on too many residents;

Whereas, the nuisance caused by the legal and illegal use of consumer fireworks in Pennsylvania includes but is not limited to harm to public health, injuries and death to people, acoustic and visual shock and anxiety to people and animals (especially domestic pets) and destruction of property;

Whereas, the revenue benefit to the state and local municipalities from the sale of consumer fireworks is now proven to be far outweighed by the harm from their use to the quality of life of residents and their pets;

Whereas, Pennsylvania Act 43, HB 542 of 2017, legalizing the sale and use of consumer grade fireworks, should be repealed.

NOW, THEREFORE, UPON THE MAYOR'S REQUEST AND WITH UNANIMOUS SUPPORT OF CITY COUNCIL, BE IT

Resolved, that the Commonwealth of Pennsylvania should enact legislation, reversing the 2017 legislation, reinstating a ban on the sale and use of the consumer grade fireworks which are causing the dangerous and harmful nuisances described in this Resolution throughout the City of Wilkes-Barre, in nearby municipalities and in the entire Commonwealth; effectively banning firecrackers, Roman Candles, bottle rockets and similar products; and

Further, that, this Resolution be sent to the City's local state government representatives, to the Governor and to the Commonwealth House of Representative and the Senate so that the findings and wish of the City are made clear to all those in associated with the Commonwealth's government who are empowered to grant the necessary relief to the Pennsylvania's residents and pets.

RESOLUTION NO. R0064-20

That, the proper city officials are hereby authorized to take any and all necessary actions related to accepting the Joyce Insurance Group insurance package related, but not limited to, property, equipment, inline marine, boiler and machinery, general liability, business, auto, fidelity bond crime, public officials, law enforcement, firefighters, professional fiduciary cyber liability, general liability, and professional liability for the health department.

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

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

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

Nays none.

ORDINANCE

FILE OF COUNCIL NO. 5 OF 2020 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA, ESTABLISHING A CITIZENS POLICE REVIEW BOARD. (FIRST READING)

Mrs. McBride moved to adopt the Ordinance.

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

Yeas McBride and Brooks – 2.

Nays Belusko, Marconi and Barrett (Chairperson) – 3 – being all of the members elected to City Council.

Mr. Brooks said he doesn't want to think of this as an either or. He said he appreciates the Mayor's Advisory Committee and supports it. He said he also supports the Citizens Review Board and Governor Wolf's reforms as well.

The Ordinance failed.

MINUTES

Of the Wyoming Valley Sanitary Authority of March 17, 2020.

Of the Wyoming Valley Sanitary Authority Executive Committee Meeting of April 28, 2020.

Of the Regular Session of City Council of June 11, 2020.

Mr. Belusko moved to adopt the minutes.

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

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

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Belusko said that he had a conversation with Chief Coffay regarding avenues that residents can take if they have an issue with a police officer. He said Chief Coffay explained the different avenues and it was quite extensive. He said between those measures being in place and the Police Advisory Board, he doesn't think the city needs another board and that is why he voted no on the Ordinance.

Mrs. McBride said as far as the current process, its police officers investigating police officers. That is something that needs to be looked into. She said that is why she is in favor of an independent board because a lot of times they cover up for their own. She mentioned that over the past few weeks people have come to her and said that they have tried to file complaints against police officers, and they were turned away by the Watch Commander. That is another concern. They were told to go to the DA's office and the DA's office advised them to get an attorney and they can't afford one. She asked what those people are supposed to do?

Mrs. McBride said that she along with members of the public are going to move forward with the Citizens Police Review Board. We will improve it however we can. She added that to say that we don't have issues in this city is an insult to black members in this community who experience it very often.

Mrs. McBride said that she is receiving text messages from people who are saying that they are trying to call in and can't get through.

Mr. Marconi said that he spoke with all of his colleagues, the Mayor and Chief Coffay about the Citizens Police Review Board. Chief Coffay explained to him the policies and procedures in place in depth. Chief Coffay also said there is extensive training going and discussed the certain holds that are prohibited in the city. Mr. Marconi said that is why he voted no on the Citizens Police Review Board Ordinance.

Mr. Brooks said that his perspective is that no where does he think this is an attack on the police, or an insult. He said in a perfect world he would hope that the Committee never has to meet, but if something does happen there is a mechanism in place. He said some independence leads to greater accountability that leads to building trust with the African American people.

Mr. Brooks thanked the Mayor for putting together a taskforce on the census and asked if he had an update on it.

Mayor Brown said he will have an update for Council tomorrow.

Mr. Barrett said there is also reform going on in the Inspector General's Office, this will be another component that is going to deal specifically with police issues.

Mr. Barrett said he wants to be proactive about everything and work from the Federal and State levels down to make sure that we have everything in place and avoid costly litigation and union issues.

Mrs. McBride said that she received three messages on her cellphone from people who said they have tried to file complaints against officers that have been turned away. She said that needs to be looked into.

Mr. Barrett said there are places to go to file a complaint, other than speaking to the Watch Commander, if you feel your complaint isn't being addressed.

Mrs. McBride asked why these people are being turned away in the first place and why do they have to go all over the place to file a complaint. She said clearly the current process is lacking and it's not necessarily a reflection of Chief Coffay. Maybe he has his hands full, but something has to change.

PUBIC DISCUSSION

Sharee Clark, phoned in relative to the Citizens Police Review Board and filing complaints with the Wilkes-Barre Police Department.

Angel Mathis, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board.

Lois Grimm, phoned in relative to the Citizens Police Review Board and reporting issues with police officers.

John Suchoski, Wilkes-Barre, PA phoned in relative to the Citizens Police Review Board, holding Council meetings outside, police parked on random streets and police not wearing masks.

Mr. Barrett responded by saying that Council was planning on having a limited number of people at tonight's meeting, but that changed dramatically yesterday with the Governor's latest orders.

Mr. Ryan read the following email sent by Heidi Shovlin, Wilkes-Barre, PA:

I'm messaging in regard to permit parking for the lower section of Almond Lane. My husband and I have lived here twenty-four years now. The past few years, people have passed away and their properties have been sold, so now we have lots of bigger families moving here and they have multiple cars. I feel that it is not right for my husband and son to park a block a

way after working 12 hours. There are also people that have driveways and still park on the street. I'm hoping for a resolution soon before things get out of hand here.

Mr. Ryan said that after the City Clerk's Office received this email, Ms. Payne checked with Mr. Harris, who oversees the permit parking program. Mr. Harris' response was that she was told her street does not qualify for parking permits. There is no school or business employees taking up parking spaces on Almond Lane.

Mrs. McBride said the street is terrible for parking. She advised Mrs. Shovlin to try and get a petition because she didn't realize that you had to live within a certain radius from a school or hospital. Mrs. McBride said she will look into further for her.

Jim Burden, Wilkes-Barre, PA phoned in relative to parking on narrow city streets in the Heights Section of the city (getting tickets for parking on sidewalks).

Mrs. McBride said she will message Mr. Burden tomorrow and stop by to see the situation.

Heather Rhodes phoned in relative to the Citizens Police Review Board.

Daryl Lewis phoned in relative to the Citizens Police Review Board.

Mr. Barrett asked Mrs. McBride if the document that is before Council tonight was reviewed by the City Attorney's Office.

Mrs. McBride explained that there was some confusion. She said she sent an email out on June 5th, to the City Attorney, City Administrator and the Mayor. The City Administrator said he would review it. She said she didn't hear back from anyone. She then sent the revised copy to the same group of people again. Mrs. McBride said she then talked to Attorney Henry and he didn't know who was supposed to be handling it. The City Attorney is now working to review it. Mrs. McBride added that it was reviewed by two outside attorneys.

Sam Troy, Wilkes-Barre, PA phoned in relative to commending the Mayor and City Council on their stand on fireworks, planting a tree on public square last month to commemorate the efforts of the essential workers, planting a tree in each district to show appreciation for the essential works, the passing of Jim Walsh (observing a moment of silence) and the Sphere International Project (historical preservation).

Mr. Brooks said that every individual historic building that has been taken down in the last hundred years, has an individual story. When you add them collectively, it looks like we are destroying our heritage, our history and our culture, but they do each have

individual story and reasons why. Mr. Brooks said the good news is that the city has 215 historic buildings in the River Street Historic District that do have some protections. He said he is seeking to expand the River Street Historic District to include more area, namely the downtown area that has the same contiguous boards of the Diamond City Partnership and the Business Improvement District. Mr. Brooks said he is working on an Ordinance, which legal is reviewing now.

Mr. Brooks mentioned that the new owner of the house Mr. Walsh sold keeps it decorated in flags and when Mr. Walsh died the whole neighborhood was decorating with flags.

Susan Gilbert phoned in relative to supporting Governor Wolf's new (police) reform and the new Ordinance introduced by Councilwoman McBride regarding the Citizens Police Review Board.

Mayor Brown responded to Mr. Troy's comments. He said the city will be installing a plaque on the tree that was planted on Public Square honoring the healthcare/essential workers. He added that it is his goal to work with the Shade Tree Commission and plant a tree in each of the five districts acknowledging these workers.

Jason Carr, Saylorsburg, PA phoned in relative to corruption in the police department, and Councilwoman McBride's Citizens' Police Review Board vs. Mayor Brown's Police Advisory Committee (differences).

Mrs. McBride said the main thing with the Citizens' Police Review Board is to provide an avenue for civilians to be able file complaints and to know that they are going to be investigated. The board has investigative power and subpoena power. They require the police to work with them. There is also an advisory component on the board, so if there are any policies they would like to see put in place they can advise the police to put those policies in place. Even if the Review Board found that there was an allegation of misconduct, because of the way the Charter is written and because of limited power that Council can give to the board, they can only advise the Chief on punishment.

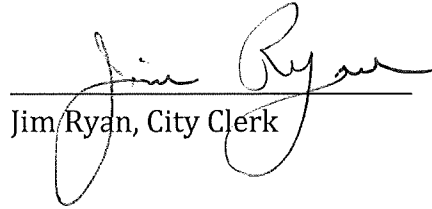
Mr. Barrett said Mr. Carr brought up problems with police officers over the past thirteen years; they were all investigated and prosecuted, except for one that is still in the criminal justice system. They were wrong and corrective action was taken and they were terminated. He said that is one of the things that the Training Commission is going to be working on for certification for Police Officers. He said all 25,000 police officers need to maintain that certification to work; central data base of misconduct is going to make it a whole lot easier for them to lose their certification.

There being no further business to discuss the meeting adjourned at 8:10 p.m.



Bill Barrett, Chairperson

ATTEST:



Jim Ryan, City Clerk

