

CITY OF WILKES-BARRE  
PENNSYLVANIA



# CITY COUNCIL AGENDA

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CITY COUNCIL

AUGUST 13, 2020

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTIONS

ORDINANCES

MINUTES

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL  
AUGUST 13, 2020

**RESOLUTIONS**

Authorizing the disposition of records from the OCD Office.

Authorizing the proper city officials to sign any and all documents related to awarding the contract to the most qualified party/firm to administer the Police Station Shower and Facility PPE Upgrade Project. Payment to be made from the Office of Economic & Community Development.

Authorizing the proper city officials to sign any and all documents related to awarding the contract to the most qualified firm to administer the City Hall Elevator Upgrade.

Authorizing the proper city officials to prepare and submit the necessary application and documentation for the Luzerne County COVID-19 County Relief Block Grant Program and to authorize the Mayor to enter into the appropriate agreement along with any and all project documents if the application is approved.

**ORDINANCES**

**FILE OF COUNCIL NO. 6 OF 2020** - An Ordinance of the Council of the City of Wilkes-Barre, setting forth its intent to issue one or more bonds of the City in an aggregate principal amount not to exceed twenty-one million dollars (\$21,000,000) (collectively, the "Bonds") pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania P.A..C.S. 53 Chapters 80-82, as amended known as the Local Governments Unit Debt Act ("The ACT"). (FIRST READING)

**FILE OF COUNCIL NO. 7 OF 2020** - Amending Section 19-209 of Chapter 19 of the Code of Ordinances of the City of Wilkes-Barre entitled "Offenses, Miscellaneous Provisions." (Quality of Life Regulations). (FIRST READING)

**MINUTES**

Of the Regular Session of City Council of July 16, 2020.

Of the Planning Commission of July 22, 2020.

Of the Wyoming Valley Sanitary Authority of June 16, 2020.

Of the Planning Commission of June 24, 2020.

CITY COUNCIL

August 13, 2020

The City Council of the City of Wilkes-Barre met in Regular Session on August 13, 2020, at 6:17 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 and issues with the City Hall elevator.)

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  
Joe Coffay, Police Chief  
Butch Frati, Deputy Administrator/Director of Operations  
Tim Henry, City Attorney  
Frank Hershberger, IT Director  
Brett Kittrick, Finance Director  
Charles McCormick, City Administrator  
Cathy Payne, Assistant City Clerk  
Lisa Sanfilippo, Administrative Assistant  
Jim Ryan, City Clerk

City Council took the following phone calls on pending legislation:

Angel Mathis, Wilkes-Barre, PA phoned in relative to File of Council No. 7 of 2020 (increase in fines for illegal dumping).

Jason Carr, Saylorsburg, PA phoned in relative to File of Council No. 6 of 2020 (bond issue).

*Lou Verdelli, RBC Capital Markets, told Mr. Carr that the issuance cost, covering the participants of the transaction, are about \$200,000.00. The city will save approximately \$700,000 after all costs.*

## RESOLUTIONS

The following Resolutions were voted on as a Consent Agenda (Resolutions):

### **RESOLUTION NO. R0065-20**

A Resolution of the City Council, of the City of Wilkes-Barre, Luzerne County, Pennsylvania declaring its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008 (as amended March 28, 2019).

Whereas, a Local Government Records Committee was created by Act 428 of 1968 and empowered thereby to make rules and regulations for records disposition; and

Whereas, the Municipal Records Manual was approved by said committee on December 16, 2008; and

Whereas, the City of Wilkes-Barre desires to dispose of records according to statutory requirements;

Now, Therefore, Be It Resolved that the City Council of Wilkes-Barre, Luzerne County, Pennsylvania, that it intends to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008 (as amended March 28, 2019).

Office/Department:           OCD

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
1998 Home Rehab	1.26
95-97 Home Program (Housing)	1.26
2001 Home Program (Housing)	1.26
93-95 Home Program (Housing)	1.26
93-94 Home Program (Housing)	1.26
95 Home Program (Housing)	1.26
2012 CDBG Sub Agreements	1.26
00-01 Misc. Home Program Files	1.26
94 Home Program Files	1.26
97 Home Program Files (Client Files)	1.26
1993-2000 Home Rehab	1.26
2006-2009 – Emergency Home Rehab	<u>1.26</u>
Total	15.12

**RESOLUTION NO. R0066-20**

Whereas, the City of Wilkes-Barre is publicly advertising a Request for Proposals for a Construction Manager to administer the Shower & Facility PPE Upgrade Project pertaining to the Wilkes-Barre Police Station. The intent of the said upgrades would be to help prevent the spread of COVID-19. 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 sign any and all documents related to awarding the contract to the most qualified party/firm to administer the Police Station Shower & Facility PPE Upgrade Project.

Payment to be made from the Office of Economic & Community Development.

**RESOLUTION NO. R0067-20**

Whereas, the City of Wilkes-Barre Police Department Requests authorization to apply for / obtain the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG); and

Whereas, the amount of the grant to \$20,352.00; and

Whereas, the purpose areas of the grant are funding for community-based and non-community-based trainings, re-certification trainings, community policing and saturation patrols for violent crime areas; 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 Edward Byrne Memorial Justice Assistance Grant (JAG) application and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement, along with any or all other project documents, related to the Edward Byrne Memorial Justice Assistance Grant (JAG) application, if the application is approved.

**RESOLUTION NO. R0068-20**

Whereas, the City of Wilkes-Barre is publicly advertising a Request for Proposals for an engineer/architect for the City Hall Elevator Upgrade 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 sign any and all documents related to

awarding the contract to the most qualified firm to administer the City Hall Elevator Upgrade.

**RESOLUTION NO. R0069-20**

Whereas, the City of Wilkes-Barre is desirous of applying for the Luzerne County COVID-19 County Relief Block Grant Program. These funds must be used “to prepare for, to plan for, and to response to the coronavirus”. The funding will help defray the cost of unanticipated COVID-19 expenses such as the purchase of PPE, sanitizers, disinfection strategies, and social distanced safety signage, etc.

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 and documentation of the Luzerne County COVID-19 County Relief Block Grant Program; and

Be It Further Resolved that the Mayor is hereby authorized to enter into the appropriate expenditure agreements along with any and all related documents if the application is approved.

Mrs. McBride 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.

**ORDINANCES**

The following Ordinances were voted on as a Consent Agenda (Ordinances):

**FILE OF COUNCIL NO. 6 OF 2020** – AN ORDINANCE OF THE COUNCIL OF THE CITY OF WILKES-BARRE, SETTING FORTH ITS INTENT TO ISSUE ONE OF MORE BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-ONE MILLION DOLLARS (\$21,000,000) (COLLECTIVELY, THE “BONDS”) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA P.A.C.S. 53 CHAPTERS 80-82, AS AMENDED KNOWN AS THE LOCAL GOVERNMENTS UNIT DEB ACT (“THE ACT”). (FIRST READING)

**FILE OF COUNCIL NO. 7 OF 2020 – AMENDING SECTION 19-209 OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “OFFENSES, MISCELLANEOUS PROVISIONS.” (Quality of Life Regulations). (FIRST READING)**

Mr. Belusko moved to adopt the Consent Agenda (Ordinances).

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

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

Nays none.

**MINUTES**

Of the Regular Session of City Council of July 16, 2020.

Of the Planning Commission of July 22, 2020.

Of the Wyoming Valley Sanitary Authority of June 16, 2020.

Of the Planning Commission of June 24, 2020.

Mr. Marconi moved to adopt the Minutes.

The motion was seconded by Mr. Brooks and adopted by the following yeas and nays 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 thanked the Mayor, Police Chief, and Jody and Mary Bush for donating space in their building for the police substation.

Mr. Marconi said he was contacted by a resident relative to brush along East Elm Street. He thanked the Department of Public Works employees for taking care of it.

Mrs. McBride told Mr. Frati that there has been an issue on Taft Street with people parking up on the sidewalk. She said it is a small road and the only way that they can park on the street is if they park up on the sidewalk. She said she met with a resident last week who was looking for a solution. The resident mentioned that years ago, when they were redoing the road, there wasn't supposed to be a sidewalk on one side of the street.

Mr. Frati said he would look at the situation and get back to her.

Mr. Brooks reported that someone stole the orange cone from the sinkhole on Ross Street.

Mr. Brooks asked the Mayor for an update on the Census.

Mayor Brown said that a census committee was put together from volunteers throughout the city. He said he reached out to Chris Jones and Holly Pilcavage; they do a wonderful job of putting together videos. Mayor Brown asked them to join the Census Team and they will be creating a video to help people understand the way to fill out the census forms (for free).

City Clerk Jim Ryan read the following emails sent to the City Clerk's Office:

*From Cassandra R. Cooper, Dorrance Township, PA*

*To Whom It May Concern:*

*It has been made public in the past week that Wilkes-Barre City officials believe that a Citizens' Review Board for police misconduct is "unnecessary". It is falsely believed that "this" (being police brutality and misconduct) does not happen in the Wilkes-Barre community or in the broader Northeast Pennsylvania region.*

*I can ascertain that these comments made by city officials are patronizing and patently false. Black community members have repeatedly, for decades now, demanded some form of citizen oversight and accountability procedures regarding police brutality and misconduct. The City of Wilkes-Barre has repeatedly denied the local Black community of self-determination by failure to implement a form of accountability that allows grievances to be public and unfiltered.*

*The City of Wilkes-Barre and the broader Northeast Pennsylvania region are not immune from the overarching system of White supremacy. Claiming that a Citizens' Review Board is "unnecessary" "because this doesn't happen here" exemplifies this fact. It genuinely is not that difficult to listen to your constituents, particularly your black constituents, on what THEY KNOW is needed for their community to move forward. Peak white supremacy has been*



*demonstrated over and over throughout the years, and this summer, one where protests demanding accountability at all levels of government have become prominent, is of no exception. Empty words and hollow gestures are no substitute for meaningfully engaging with your Black constituency regarding their own community's safety and well-being.*

*I urge adamantly for you to retract your statements regarding the formation of a Citizens' Review Board. Allow for the creation of this board with Black residents of Wilkes-Barre at the forefront. Ensure that their needs are front-and-center. Change cannot happen when you deny and entire community their own self-determination.*

*From Beth Hartman*

*I am writing today to ask City Council to support the reopening of the Shaheen Mackey case. And asking councils support for the DA to allow an outside investigation from Attorney General Shapiro's Office.*

*I am also asking for a citizen's review board to be put in place so we can make the changes that Lackawanna County is now doing, to correct their issues.*

*From Laura Pinero*

*On July 16<sup>th</sup>, 2020 City Council despite strong community support and support from Councilwoman Beth McBride & Councilman Tony Brooks, a Citizens Review Board endorsed by the NAACP and the Rainbow Coalition was voted down in favor of the police chiefs and Wilkes-Barre City Mayor's own idea of a review board.*

*To reiterate a past point – the Citizens Review Board “gives civilians a proper avenue to file allegations of misconduct and to provide a source of accountability”.*

*Despite public demonstrations, meetings with police, private citizens' opinions, peaceful efforts – the mayor and police chief continue to leave minority and minority sympathizers' voices ignored, overlooked and rejected. This was obvious during the recent Adopt-A-Cop Event. The idea of private citizens being asked for money and gifts to be donated through the city police preposterous!*

*It was also obvious by the recent clearing of the homeless camp without notifying the Councilperson who's in that Ward first to see if other arrangements may have been made or a more compassionate way of handling that area. Transparency and accountability are all citizens are asking for – yet it seems to be greatly avoided given recent actions.*

*Councilwoman McBride has strong support from those she represents, she is an intelligent leader of great compassion for her constituency. City Council, the mayor and police chief need to do a much better job of working with her.*

*From Emily Ehrensperger*

*I write in support of the family of Shaheen Mackey, who are calling for justice in the wake of his 2018 murder at LCCF. At previous meetings, council members have argued that Wilkes-Barre does not have a problem with misconduct towards black residents, but in reality that misconduct has just gone ignored. As LCCF's staff evidences, anti-black police misconduct does happen in Wilkes-Barre, in its prisons as well as its neighborhoods, businesses, and schools. The council should take responsibility for Shaheen Mackey's death and the lack of response when it happened in 2018 by responding NOW. I urge you to support Shaheen Mackey's family's demands to change policies and hold those at LCCF accountable for their actions. Support as well the many local Black Lives Matter activists and organizations calling for change in Wilkes-Barre policing.*

*From Chris Beleski*

*My name is Chris Beleski, I am writing in regard to the citizens review board. Myself and many members of the Wilkes-Barre community are disappointed with the 3-2 vote. The purpose of this board is to serve our community and further help both citizens and civil workers. There is no benefit in disappointing the community. Every voice must be heard.*

*From Sharee Clark, Freedom Fighters*

*My name is Sharee Clark, I am the Co-Founder of Freedom Fighters organization here in Wilkes-Barre. Today's letter to Council is an appeal for you all to consider the voice of the people you have vowed to represent.*

*It was said at the last council meeting "there is no policing issue here in Wilkes-Barre". I was appalled at the time. I thought it may be apparent after 6 weeks or more of protests for police reform here the possibility of a problem may be worth at least looking into. I assumed an opportunity to hear from the community on why they believe there is, would have been the expected response.*

*Mayor Brown's proactive approach isn't at all a recommendation I am opposed to. I strongly feel proactive measures prevent causalities however so does accountability. Protocol in place that provides a clear path of action if and when something takes place. Wouldn't that be considered proactive? How confident in your efforts to work on an issue can I be if there has been no recognition that issue even exists?*

*I want better police community relations. I strongly feel that we can have that, however it will take both sides at least being open and willing to have the hard conversations about policing in Wilkes-Barre. I would expect the members of this council would agree, an opportunity to have an open dialog with the members of this Council, Mayor Brown, and Police Chief Coffay and the community to discuss the issue of policing would be a tremendous step in the right direction of change.*

*The community's perspective has to be considered before a solution can be implemented. I am looking forward to working together to make Wilkes-Barre a better place to reside for all of its residents. We must work together to bridge the gap between the officials that vow to serve and the community that elected them to do so. There is tremendous unrest in the city as people cry for JUSTICE FOR SHAHEEN MACKEY AND POLICING OF THE POLICE. I anticipate this council would do the right thing and start the conversation as we are open to a public forum.*

*I have the greatest confidence that we all can work together and look forward to hearing a date and time to begin the work of repairing the bridge.*

*From Kelly Anne Conway, Wilkes-Barre*

*My name is Kelly Conway, I am a long-time resident of Wilkes-Barre.*

*I am writing in regard to the citizens review board. Many members of the Wilkes-Barre community are disappointed with the 3-2 vote.*

*The purpose of this board is to serve our community and further help both citizens and civil workers.*

*This what your community wants.*

*Every voice must be heard.*

*From Samantha Blankenship*

*To Members of Wilkes-Barre City Council,*

*I feel the need to express my concerns with comments from the last council session. If you are serving this city and feel that there is no "policing problem" here, then you have failed this city and you should just resign. I say this because if you had been paying attention to your constituents these past months, which means that you cannot adequately represent us. Your sole purpose as a member of council is to be our voices, which you can't do if you refuse to hear and see us. We are asking you to step out of the "war on crime era" and move forward*

*with the times. Be progressive, we don't need to be reactive and apologetic, we need to be proactive. A review board controlled by those who has failed us gives no one a vote of confidence or sense of security. Some of you only hold a seat because you had no opposition, if you cannot change, then you're standing still. We the people will see it that our council and representation is changed going forward because we are sick and tired of being sick tired. The only people who fear change are those who are benefiting from the current broken system that keeps the BIPOC community at a disadvantage. You have a new generation before you now one that will silently take a beating, so you'll change, or you'll be voted out. It starts with a conversation and hearing us and understanding before you respond.*

*Kathleen Sjogren , Wilkes-Barre, PA phoned in relative to the Citizens Review Board.*

*Mark Shaffer, Wilkes-Barre, PA phoned in relative to the Citizens Review Board, police substations, illegal dumping fines, putting trash cans in major thoroughfares and homeless encampments.*

Mrs. McBride commented on the littering issue. She said she believes it is a multifaceted issue. She said she agrees with increasing the fines for litter; however, she said the city needs to look at the root of the problem. She mentioned that communities all across the country have seen an increase in illegal dumping this year because people can't afford to get rid of their garbage. She said she knows this firsthand because of the amount of people she has given blue bags to during this crisis. She said she thinks putting garbage cans in the neighborhood is a good way to combat the problem.

Mr. Brooks added that there needs to be more education campaigns on illegal dumping.

Mrs. McBride said she thinks the city needs to look into a program for low-income families to get blue bags.

Mr. Marconi thanked Mr. Shaffer for his cleanup efforts.

Mayor Brown said he could do away with the blue bags tomorrow, if someone could give him the millions of dollars needed to get rid of residents' garbage. The blue bags are the way that the city pays for the services that the residents are getting. The city doesn't make any money on the blue bags, it is all used to pay to have the refuse taken away.

Mayor Brown discussed the homeless encampment. He explained that the city had a place for every single displaced homeless person to sleep in that day. The city had housing, food and counseling for the individuals who wanted it. The Mayor said the services were available, but not one person took advantage of it.

Calista, Wilkes-Barre, PA phoned in relative the Citizens Review Board.

Brittany Thompson, Luzerne, PA phoned in relative the Citizens Review Board.

Ashley Johnson phoned in relative to the Citizens Review Board.

(Name was inaudible) phoned in relative to the Citizens Review Board.

Jessica Fratzola, NEPA for Change, Lake Aerial, PA phoned in relative to the Citizens Review Board.

Kayla Kruchinsky, Wilkes-Barre, PA phoned in relative to the Citizens Review Board.

Jason Carr, Saylorsburg, PA, phoned in relative to the Citizens Review Board, loan borrowed by the City for the Solomon Creek Wall, update on the next Pension meeting, garbage cans throughout the city and City Council compensation (reform).

Mr. Barrett told Mr. Carr that the Solomon Creek Wall has not been completed and at the time it is completed everything will be reconciled as far as money concerned.

Mr. Kittrick said he can provide information on the Solomon Creek Wall to Council tomorrow.

Ms. Sanfilippo said the pension meeting will be advertised in the paper once it is rescheduled.

Mr. Barrett said it is being rescheduled for some time in September due to the ADA issues at City Hall.

Mr. McCormick said they are attempting to reschedule it, the problem is location and availability because of the restrictions by the Governor.

Mayor Brown mentioned that he is still getting applications and phone calls regarding the Police Advisory Committee. He said the idea is to create a committee that will show the diversity of the city. He said he has received favorable responses to the committee versus the Review Board, he just didn't think it was necessary to have people call in.

Mrs. McBride gave the following answers to Mr. Carr:

1. Garbage cans throughout the city.

She met with the Administration to discuss it and is waiting for their approval.

2. Pension/Healthcare/Compensation reduction.

Mrs. McBride say she is still in favor of it and hopes to introduce something at the next meeting to see if pensions and healthcare can be eliminated and salaries reduced.

Mrs. McBride said for clarification, she hasn't asked anyone to call in regarding the Citizens Review Board, it's just the will of the people.

(Name was inaudible), phoned in relative to the Citizens Review Board, littering, garbage cans throughout the city and city homeless encampment.

Mr. Barrett said that Chief Coffay met with Council members to discuss the complaint process that he is reviewing. He said there is talk of streamlining it and making it more user-friendly on-line.

Mayor Brown told Council that the Administration is in the process of putting together a form that can be used on-line to make complaints. He said they spoke with the Philadelphia City Police Advisory Commission and looked at their form and some of the things were very adaptable to the City of Wilkes-Barre.

Angle Mathis, Wilkes-Barre, PA phone in relative to the homeless and blue bags.

Mr. Brooks said that there is a small percentage of the homeless population that does not want help. He would like to see some collaboration between the City, the County and Diamond City Partnership (Homeless Social Service Committee) and come up with some kind of solution to help these people.

Mrs. McBride said homelessness is such a complicated issue and it needs to be treated as such.

Aggie, Scranton, PA phoned in relative to the Citizens Review Board.

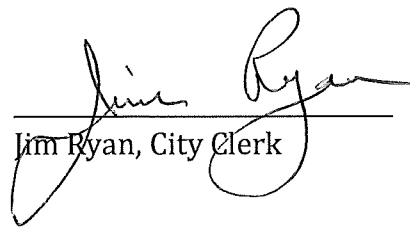
John Suchoski, Wilkes-Barre, PA phoned in relative to the removal of the bench outside City Hall, the homeless, and the Citizens Review Board.

Mrs. McBride thanked everyone who phoned in to voice their support for the Citizens Review Board. She said she is not giving up. Police Reform will happen in the City of Wilkes-Barre eventually.

There being no further business to discuss the meeting adjourned at 7:29 p.m.

  
\_\_\_\_\_  
Bill Barrett, Chairperson

ATTEST:

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

