

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

NOVEMBER 23, 2021

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTION

MINUTES

ORDINANCE

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
NOVEMBER 23, 2021

RESOLUTION

Approving the financing by the City of Wilkes-Barre Finance Authority of a project for the benefit of Wilkes University, a Pennsylvania Nonprofit Educational Institution. (Please note, this Resolution expressly disclaims any liability for the City of Wilkes-Barre related to the bonds and the project).

MINUTES

Of the Regular Session of City Council of October 28, 2021.

Of the Zoning Hearing Board Meeting of October 20, 2021.

Of the Traffic Committee Meeting of October 28, 2021.

Of the Planning Commission Meeting of October 20, 2021.

ORDINANCE

FILE OF COUNCIL NO. 13 OF 2021 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE MAYOR'S PROPOSED GENERAL FUND BUDGET. (FIRST READING)

CITY COUNCIL

November 23, 2021

The City Council of the City of Wilkes-Barre met in Regular Session on November 23, 2021, at 6:13 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 organized with Chairperson Tony Brooks in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

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

Also Present:

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

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

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

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to Council's pensions and healthcare.

Jason Carr, Saylorsburg, PA appeared before Council relative to City Council's compensation, the Sterling Hotel Development (permit fees), Joyce Insurance, and graffiti on the riverfront.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Resolution regarding the Bond Issue (Wilkes University) and the Ordinance adopting the budget (Coal Street Authority and the 1.8 million American Rescue Plan funds).

Attorney Bill Rhodes, representing Wilkes University, appeared before Council to answer Mr. Troy's questions on the Resolution regarding the Bond Issue.

Mr. Rhodes explained that the Wilkes-Barre Finance Authority is issuing the bonds on behalf of a request of Wilkes University. The Authority's liability is limited to transferring payments made by the university directly to the bond holders. If the university were to fail to pay debt service on the bonds, the City of Wilkes-Barre Finance Authority has no liability to step in and make up any shortfall. It is only a liability to Wilkes University and if they were to default, the university's borrowing costs would go up.

RESOLUTION

RESOLUTION NO. R0101-21

A Resolution of the City Council of the City of Wilkes-Barre, Pennsylvania approving the financing by the City of Wilkes-Barre Finance Authority of a project for the benefit of Wilkes University, a Pennsylvania nonprofit educational institution; declaring that it is desirable for the health, safety and welfare of the people in the area served by the project to have the project financed through the Authority; Declaring the City Council as the "APPLICABLE ELECTED REPRESENTATIVE" within the meaning of the Internal Revenue Code of 1986, as amended and approving the project; Authorizing proper officers of the City to take such further actions as may be necessary or appropriate to effectuate the purposes of this Resolution; Noting the limited nature of the Authority's obligation with respect to the 2021 Bonds issued to finance the project and disclaiming any liability of the city with respect to the 2021 bonds and the project; and providing for the immediate effectiveness of this Resolution and repealing all prior inconsistent Ordinances and Resolutions.

RECITALS

Whereas, The City of Wilkes-Barre Finance Authority (the "Authority") is a body corporate and politic organized by the City of Wilkes-Barre, a Pennsylvania City of the Third Class (the "City") under the provisions of the Pennsylvania Municipality Authorities Act, Ch. 56, 2001 Pa. Laws 22 (53 Pa. Cons. §§ 5601-5622 (2002)), as amended and supplemented (the "Act"); and

Whereas, The Act permits the Authority to assist in the financing of buildings and facilities for eligible educational institutions; and

Whereas, Wilkes University (the "University") has represented to the Authority, and the Authority has determined, that the University operates as an eligible educational institution and is a nonprofit, privately owned, non-sectarian institution of higher education located in the Commonwealth of Pennsylvania (the "Commonwealth") and approved by the Commonwealth Department of Education; and

Whereas, The University has asked the Authority to finance, through the issuance of a series of tax-exempt bonds in an aggregate original principal amount not to exceed \$18,500,000 (the "2021 Bonds"), a project (the "Project") consisting of the following components:

(1) the current refunding all of the outstanding Northeastern Pennsylvania Hospital and Education Authority University Revenue Bonds (Wilkes University Project), Series A of 2012 (the "2012A Bonds"), the proceeds of which were used to finance: (i) the costs of constructing and equipping a 70,000 square foot science facility that serves as the University's Departments of Biology, Chemistry and Environmental Engineering and Earth Sciences building (the "Science Center"), and related capital costs; (ii) miscellaneous expenditures from the University's capital budget; (iii) a deposit to the debt service reserve fund established in connection with the 2012A Bonds; and (iv) the costs and expenses associated with the issuance of the 2012A Bonds;

(2) a deposit to a debt service reserve fund account relating to the 2021 Bonds (defined below), and any other appropriate or necessary reserves and the cost of credit or liquidity enhancement, if any, in connection with the 2021 Bonds; and

(3) paying certain costs and expenses associated with the issuance of the 2021 Bonds; and

Whereas, in order to finance or refinance the Project, the University has requested that the Authority issue the 2021 Bonds in an aggregate original principal amount not to exceed \$18,500,000; and

Whereas, Pursuant to the Act, the University and the Authority has requested the City Council to declare, by this Resolution, that the Project is desirable for the health, safety and welfare of the people in the area served by the Project; and

Whereas, Pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), all debt issued by the Authority, such as the 2021 Bonds to be issued to finance the Project for the benefit of the University, must be approved by the "applicable elected representative" of the governmental unit in which the Project is located and of the

governmental unit on behalf of which the Authority acts or issues bonds or notes after a public hearing following reasonable public notice; and

Whereas, The Authority published a notice of a public hearing with respect to the issuance of the 2021 Bonds to finance the Project on November 5, 2021 in The Times-Leader, a newspaper of general circulation in the City of Wilkes-Barre, Pennsylvania.

Whereas, The Authority held a public hearing regarding the issuance of the 2021 Bonds to finance the Project on November 15, 2021 and attached to this Resolution as Exhibit A is a report of such hearing; and

Whereas, Pursuant to the Code, the term “applicable elected representative” means, among other things, the elected legislative body of the governmental unit in which the Project is located and the governmental unit on behalf of which the Authority acts or issues bonds or notes; and

Whereas, The City Council is the governmental unit in which the Project is located and the governmental unit on behalf of which the Authority acts or issues bonds or notes, and the City Council is the “applicable elected representative” of the County within the meaning of the Code; and

Whereas, The City Council desires (i) to declare, by this Resolution, that the Project is desirable for the health, safety and welfare of the people in the area served by the Project, and (ii) as the “applicable elected representative” of the governmental unit in which the Project is located and of the governmental unit on behalf of which the Authority acts or issues bonds or notes, to approve the Project.

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre, as follows:

Section 1. It is hereby determined and declared pursuant to the Act that it is desirable for the health, safety and welfare of the people in the area served by the Project for the Authority to undertake the financing of the Project.

Section 2. The City Council, as the “applicable elected representative” of the governmental unit in which the Project is located and of the governmental unit on behalf of which the Authority acts or issues bonds or notes, hereby approves the Project as described herein.

Section 3. The City Council hereby authorizes and directs the proper officers of the City, on behalf of the City and City Council, to take all such further actions deemed

necessary appropriate to effectuate the purposes of this Resolution and to evidence the determination and approval set forth herein.

Section 4. The 2021 Bonds shall be a limited obligation of the Authority payable solely from funds provided by the University. The adoption of this Resolution is not a pledge of any revenues or security by the City, nor shall the City be liable for the payment of the principal of, or interest on, any obligations issued by the Authority, including, but not limited to, the 2021 Bonds. Neither the faith and credit nor the taxing power of the City, the Commonwealth, or any other political subdivision, agency or instrumentality thereof is pledged for payment of the 2021 Bonds.

Section. This Resolution shall take effect immediately. All prior ordinances and resolutions or portions thereof inconsistent herewith are hereby repealed.

Resolved and adopted this 23rd day of November, 2021, at a regular meeting of the City Council of the City of Wilkes-Barre, Pennsylvania.

Mr. Belusko moved to adopt the Resolution.

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

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

Abstain – McBride – 1.

Nays none.

MINUTES

Of the Regular Session of City Council of October 28, 2021.

Of the Zoning Hearing Board Meeting of October 20, 2021.

Of the Traffic Committee Meeting of October 28, 2021.

Of the Planning Commission Meeting of October 20, 2021.

Mr. Marconi moved to adopt the Minutes.

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

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

Nays none.

ORDINANCE

FILE OF COUNCIL NO. 13 OF 2021 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE MAYOR’S PROPOSED GENERAL FUND BUDGET. (FIRST READING)

Mr. Belusko moved to adopt the Ordinance.

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

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

Nays none.

PUBLIC DISCUSSION

Marita Harfman, Hillard Street, Wilkes-Barre, PA appeared before Council relative to traffic congestion on Hillard Street due to parents dropping off and picking up students at Mackin School.

Mrs. McBride said Ms. Harfman needs to talk with Mr. Harris (Traffic Committee) again and tell him that she would like to make Hillard and Chapel Streets one way. She also suggested that she circulate a petition and get signatures from the neighbors. Mr. Harris will then assess the situation.

Mr. Barrett said he will also contact Mr. Harris to discuss the situation.

Angel Mathis, S. Franklin Street, Wilkes-Barre, PA appeared before Council relative to squatters at 444-446 S. Franklin Street and getting permit parking on S. Franklin Street.

Mr. Brooks told Ms. Mathis to contact Mr. Harris (Traffic Committee) to see if S. Franklin Street can be designated a permit parking area.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to Council's healthcare and pensions.

Mrs. Gilbert answered Mr. Kadluboski's question regarding her proposing a Resolution to stop Council from getting healthcare. She told him that if she did propose a Resolution it would be for the next term of Council and she doesn't believe it will pass.

Mrs. Gilbert pointed out that she did not take the healthcare for four years, she cut her salary by 10% and she does not take the pension.

Mr. Marconi told Mr. Kadluboski that he did not take the medical insurance for the last two years, he returned the buyout to the City and he doesn't take the pension.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to secondary healthcare coverage for retirees, his removal from the Shade Tree Commission, passing an Ordinance placing a moratorium on cutting down trees and the American Recovery Plan money.

Mr. Brooks informed Mr. Troy that Council voted on the agencies to administer the American Recovery Plan funds. He added that the city had to abide by the Federal Government's rules and regulations for the funds.

Jason Carr, Saylorsburg, PA appeared before Council relative to a 1.8-million-dollar budget deficit, safety, 33-35 Caitlin Avenue (garbage), and the former Academy Market.

Martin Dartoe, President of the People Committee, Wilkes-Barre, PA appeared before Council to follow up on questions he asked at the last meeting regarding the WVSA bill (exempt seniors and disabled from the fee), and sewer fee.

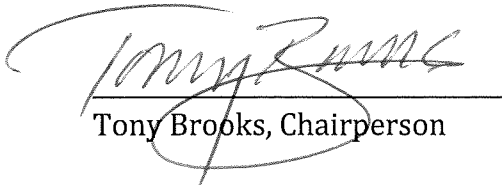
Mr. Belusko said he spoke with the Solicitor, a Board Member and the Human Resource Department relative to eliminating the WVSA fee for senior citizens and the disabled. The Solicitor informed him that when this fee came about there were established rates (which the average a household pays) of approximately \$14.90 every quarter. The Solicitor said if we eliminate the senior citizens and disabled, the people will want it eliminated for veterans and unemployed people. He said if we eliminate all of those people, the difference will be put on the remaining households and the price will go up.

Mr. Barrett reiterated a rule of Council, which states that questions should be directed to Council as a whole, not to any individual Council member, as Mr. Dartoe has done.

Mr. Brooks added that Mr. Dartoe is also asking questions regarding the WWSA and he should attend their meeting to give his comments.

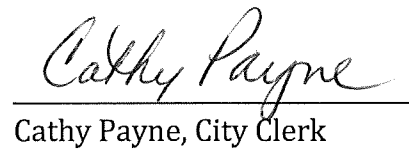
Mayor Brown told Mr. Dartoe that the storm water fee is not a city fee, it is administered through the Wyoming Valley Sanitary Authority.

There being no further business to discuss the meeting adjourned at 7:15 p.m.



Tony Brooks, Chairperson

ATTEST:



Cathy Payne, City Clerk