

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

JULY 13, 2023

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
JULY 14, 2023

CONSENT AGENDA (RESOLUTIONS)

Approving the disposition of records from the Accounts and Finance Office.

Approving the disposition of records from the Office of Community Development.

Approving the disposition of records from the Controller's Office.

Approving the disposition of records from the City Clerk's Office.

Authorizing the proper city officials to enter into an agreement in the amount of \$50,000
With TruMed Systems Inc. to provide a vaccine management control system.

Designating the Grant Coordinator (Mark Barry) as the authorized signatory for execution
of documents, notices and contracts and management of projects through
PennDOT's Reimbursement Agreement System (RAS). (Wilkes-Barre City's bridges)

Authorizing the appropriate officials to submit a \$3,000,000.00 Multimodal Transportation
Fund grant application funded by Commonwealth Financing Authority of the
Commonwealth of Pennsylvania to be used for the South Main Street Streetscape
Improvements Project.

MINUTES

Of the Regular Session of City Council of June 8, 2023.

Of the Traffic Committee Meeting of May 25, 2023.

Of the Parking Authority of the City of Wilkes-Barre of May 16, 2023.

Of the Planning Commission of May 17, 2023.

CITY COUNCIL

July 13, 2023

The City Council of the City of Wilkes-Barre met in Regular Session on July 13, 2023, 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 Mike Belusko in the Chair.

The Pledge of Allegiance to the Flag was given.

Council member Barrett read the opening prayer.

Roll Call:

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

Also Present:

George C. Brown, Mayor
Maureen Collins, Assistant City Attorney
Charles McCormick, City 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 the Council on pending legislation.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Vaccine Management Control System, PennDOT's Reimbursement Agreement System, and the South Main Street Streetscape Improvements Project.

RESOLUTIONS

Resolution No. R0046-23 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0046-23

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: Accounts & Finance

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
FO-79 Tax Balancing Records (2006-2011)	1.26
No Number – 2018 Record Books (duplicate)	1.26
No Number – 2017 Bank Deposit Receipts (duplicate)	1.26
No Number – 2020 Receipt Books (duplicate)	1.26
No Number – 2021 Receipt Books (duplicate)	1.26
No Number – 2021 Receipt Books (duplicate)	1.26
No Number – 2020 Receipt books (duplicate)	1.26
No Number – 2017 Receipt books (duplicate)	<u>1.26</u>
Total	<u>10.08</u>

RESOLUTION NO. R0047-23

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 schedule 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: Office of Community Development

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
CD-3 EM Rehab/Rehabs 98-05	1.26
CD-9 2015 CDBG Subrecipient Agreements	1.26
CD-12 2011-2015 ESG	1.26
CD-14 2012-2015 Community Policing Reports	1.26
No numbers (19 boxes) (See Attached)	<u>23.94</u>
Total	<u>28.98</u>

RESOLUTION NO. R0048-23

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: Controllers

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
CON-93 – 2014 Bank Statements (Fund 110)	1.26
CON-94 – 2014 Bank Statements (Funds 203-527)	1.26
CON-95 – 2014 Bank Statements (Funds 528-855)	1.26
CON-96 – 2014 Daily Receipts (Jan – Feb)	1.26
CON-97 – 2014 Daily Receipts (March – April)	1.26
CON-98 – 2014 Daily Receipts (May – June)	1.26
CON-99 – 2014 Daily Receipts (July – Aug)	1.26
CON-100 – 2014 Daily Receipts (Sep – Oct)	1.26
CON-101 – 2014 Daily Receipts (Nov – Dec)	<u>1.26</u>
Total	<u>11.34</u>

RESOLUTION NO. R0049-23

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: City Clerk

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
CC-80 2017 Chronological files	1.26
CC-81 2017 Council Meeting files	1.26
CC-90 Misc. Items (see attached)	1.26
No Number – 2016 Contracts (1 of 2)	1.26

No Number - 2016 (2 of 2)

1.26

Total

6.30

RESOLUTION NO. R0050-23

Authorizing the proper city officials to enter an agreement in the amount of \$50,000 with TruMed Systems Inc. to provide a vaccine management control system.

RESOLUTION NO. R0051-23

A Resolution of the City Council of the City of Wilkes-Barre designating the Grant Coordinator as the authorized signatory for execution of documents, notices and contracts and management of projects through PennDOT's Reimbursement Agreement System (RAS).

Whereas, the Pennsylvania Department of Transportation (PennDOT) has implemented and requires the use of its Reimbursement Agreement System (RAS) via the Electronic Contract Management System (ECMS) for all agreements; and

Whereas, the City of Wilkes-Barre currently is party to such agreements and anticipates continued participation in such agreements as owner of bridges throughout Wilkes-Barre; and

Whereas, all statement of interest, bid, notifications, awards, contracts, and agreements to be entered and authorized electronically in the RAS via ECMS with no signature line but rather only an electronic acknowledgement of acceptance; and

Whereas, there will be no physical agreements and documents presented before the City Council for Execution; and

Whereas, all notifications, selections, awards, agreements, and contract executions requiring approval by City Council will be presented as a motion to be approved during a regular public meeting; and

Whereas, upon such motion and approval by the City Council, as noted by the duly recorded minutes, any requirements of the City Charter of Administrative Code relating to City Council's role in City contracts will be met; and

Whereas, City Council desires to authorize the City Grant Coordinator to execute all paperwork upon such approval;

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

Upon motion and approval by the City Council of the City of Wilkes-Barre of any action or expenditure pertaining to the management of Wilkes-Barre City's bridges, the

Grant Coordinator, Mary Barry, is authorized to approve, as the City's agent, any and all notices, awards and contracts the City must undertake as owner of City bridges through PennDOT's RAS system via the PennDOT's ECMS system. The City Clerk is authorized to attest the signatures of the City Grant Coordinator.

RESOLUTION NO. R0052-23

Be It Resolved, that the City of Wilkes-Barre of Luzerne County hereby requests a Multimodal Transportation Fund Grant of \$3,000,000.00 from the Commonwealth Financing Authority to be used for the South Main Street Streetscape Improvements Project. The (South St. to Hazle St.) portions of the project will include the following improvements: new concrete sidewalks, curbs, sidewalk connections, crosswalks & paving the street. Also, ADA accessibility improvements such as curb cuts & sidewalk detectable warning surfaces for the new ADA ramps will be replaced. In addition, new street lighting, benches, bicycle racks, & garbage receptacles will be installed along with trees planted to improve the overall quality of the city district. The (Hazle St. to Hanover St.) portion of the project improvements will include milling & paving of the roadway & ADA ramps only.

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 with any or all project documents if the application is approved.

Now, Therefore Be It Further Resolved by the City Council of the City of Wilkes-Barre to authorize the appropriate city officials to submit a \$3,000,000.00 Multimodal Transportation Fund grant application funded by Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the South Main Street Streetscape Improvement Project.

MINUTES

Of the Regular Session of City Council of June 8, 2023.

Of the Traffic Committee Meeting of May 25, 2023.

Of the Parking Authority of the City of Wilkes-Barre of May 16, 2023.

Of the Planning Commission of May 17, 2023.

Mrs. McBride moved to adopt the Consent Agenda (Resolutions).

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

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

Nays none.

*Mr. Brooks said his vote is yes, but he hopes that trees could be added to the South Main Streetscape Project from Hazle to Hanover Street.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Marconi thanked the Administration for their response to his emails.

Mrs. McBride reported junk vehicles on Carbon Lane (front is on Grant Street).

Mrs. McBride told the Administration that VPR is still using South Empire Street to transport their flatbeds and now they are doing it more frequently and it is backing up traffic at the intersection of Northampton and South Empire Streets. She asked if the Administration would contact them.

Mrs. McBride reported 20 - 25 bags of garbage on the back porch of the property on the corner of Park Avenue and East Northampton Street (front is on Park Avenue).

Mayor Brown said he will send someone up tomorrow.

Mr. Barrett informed the Administration that the steeples and the façade on the front of the former Holy Savior Church on Hillard Street are crumbling. He added that it is privately owned, but the neighbors are concerned about the aesthetics and more importantly the safety of the building. He asked if the Administration could send an inspector to look at the property.

PUBLIC DISCUSSION

Christopher Patte, Monica Spishock and Kim Woodrosky, residents of Johnson Street, Wilkes-Barre, PA appeared before Council relative to problems with a group home at 53 Johnson Street owned by Beacon-Keystone Specialized Living. (A petition was presented to Council from the residents in the area and filed).

Mr. Marconi thanked the residents of Johnson Street for coming to the meeting. He said that he has spoken with the residents several times and has sent emails to the Administration regarding the property. He said the residents should not have to live like this anywhere in the city. He urged the Administration to investigate the matter and come up with a resolution.

Ms. Woodrosky said that there was a rental inspection done on the property, but it is not a rental property. She said she believes it should have been a rezoning issue because it is a business being run out of the home.

Mr. McCormick told the residents it is not a zoning issue because of a Federal Law that defines any property that has four unrelated adults living there cannot be zoned pursuant to a care facility. Mr. McCormick said he reached out to the owner, Beacon Keystone, and explained the situation to Christine. He said they are very limited because of the requirements and confidentiality under the Federal Disability Act. He said apparently there is at least one, maybe two, problematic people that act out constantly in the home. Mr. McCormick asked them if they would go through the process of finding those individuals alternative accommodations. He said he will follow up with Christine as soon as possible.

Mr. McCormick said he understands the residents' frustration, but it is an extremely complicated legal problem. He said that he will meet with the City Attorney on Monday to see what other avenues, if there are any, the city can take to follow up on this.

Mrs. McBride asked if the city has confirmation of how many people are living in this home.

The residents responded that no one would tell them how many people are in there.

Mr. McCormick said the city's understanding (and we do not have any information to say it's not) is that there are four unrelated people living there along with staff.

Mr. McCormick added that the state has authorized the property and the state certificate has been presented to the city.

Mr. Brooks asked if the property meets the city's definition of a nuisance property, does this mean that the federal regulations trump the city's ordinance.

Mr. McCormick said he would not give a legal opinion, but it is an extremely complicated legal issue. The federal government has established with their Act that people with disabilities have a higher-level protection.

Mrs. McBride asked if the property is required to have rental inspections done.

Mr. McCormick said a rental inspection was done and the property passed.

Mrs. McBride said if they are switching people in and out of this group home, wouldn't they have to have a rental inspection every time.

Mr. McCormick said he would look into it.

Mr. Brooks stressed that the residents deserve peace and quiet and hopes the Administration can get to the bottom of it.

Mr. Marconi asked the Administration to keep him updated.

Mr. McCormick stated on the record that there was not a lack of action on the part of the Administration. He said he has been following up on John's emails/requests.

Mr. Barrett said he understands that four or less unrelated individuals can live together in a group home setting, but in this case, this is a business operating for profit. Other businesses must come before zoning before opening. Mr. Barrett said in his opinion, federal regulation or not, they should still have to go through the zoning process.

Mrs. McBride told the residents that Council can only enact legislation, not enforce it. She said she is sure Mr. Marconi will do everything he can to help them.

James Kinsman, Mountaintop, PA appeared before Council relative to the death of Joshua Taylor and the handling of it by the Wilkes-Barre Police Department.

Jessica Taylor appeared before Council relative to the death of Joshua Taylor and the handling of it by the Wilkes-Barre Police Department.

Brittany Kinsman, Mountaintop, PA appeared before Council relative to the death of Joshua Taylor and the handling of it by the Wilkes-Barre Police Department.

Mayor Brown offered his condolences to the family of Joshua Taylor. He said that he spoke with them at the Juneteenth celebration and told them that he would contact the District Attorney's office. He said he did call them, and their response was that the matter is being handled by the Attorney General.

Mayor Brown addressed the complaint against a city detective. He told the family that there is a process that must be followed. The process is that the officer's lieutenant will take over the investigation. The mayor said he is not sure of the status of the investigation, but he will speak with the Chief tomorrow.

Mr. Brooks said that he prays the city can get the answers for the family and justice for Josh.

Mr. Marconi offered his condolences to Josh's family and friends.

Mr. Belusko said that he knew Josh and that he was a good kid and prays that the family will get answers to their questions.

Mrs. McBride also offered her condolences to the family and said she was sorry for the way they have been treated following Josh's death. She offered her help to the family with whatever they may need.

Magdalena Madl, Wilkes-Barre, PA appeared before Council relative to nuisance properties at 37 and 49 Race Street (loud music).

Mayor Brown said that he will discuss the issue with Chief Coffay tomorrow.

Gregory Raup, Wilkes-Barre, PA appeared before Council to get an update on the status of working conditions and testing of fire hydrants throughout the city.

Jim Burden, Wilkes-Barre, PA appeared before Council relative to problems with 426-428 East Northampton Street (drug dealing, loud noise at 4:00 a.m. and apartments not inspected), and low hanging trees on East Northampton Street (across from the gas company) causing people to walk on the street.

Mr. Belusko urged Mr. Burden to continue to call 9-1-1.

Mrs. McBride said she will follow up on the rental inspections with the Administration.

Angel Mathis, Wilkes-Barre, PA appeared before Council related to garbage on South Franklin Street, moving cars for street cleaning, and parking in traffic lanes and on corners.

There being no further business to discuss the meeting adjourned at 7:17 p.m.



Mike Belusko, Chairperson

ATTEST:



Cathy Payne, City Clerk