

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

APRIL 25, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

ORDINANCE

PRESENTATIONS BY COUNCIL MEMBERS

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ADJOURNMENT

CITY COUNCIL
APRIL 25, 2019

CONSENT AGENDA (RESOLUTIONS)

Authorizing the disposition of records from the Business License/Special Events Office.

Reappointing Rodney Kaiser to the Zoning Hearing Board.

MINUTES

Of the Traffic Committee Meeting of March 28, 2019.

Of the Regular Session of City Council of March 28, 2019.

Of the Parking Authority of the City of Wilkes-Barre of March 19, 2019.

CITY COUNCIL
APRIL 25, 2019

ORDINANCE

FILE OF COUNCIL NO. 4 OF 2019 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIP OF HANOVER FOR THE ENGINEERING, REPAIR, UPKEEP AND MAINTENANCE OF DIVISION STREET AND BRIDGE SITUATE IN AN CROSSING THE BORDER OF BOTH MUNICIPALITIES. (FIRST READING)

CITY COUNCIL

APRIL 25, 2019

The City Council of the City of Wilkes-Barre met in Regular Session on April 25, 2019 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.

Roll Call:

Brooks	- present
Gilbert	- present
Merritt	- present
Barrett, Vice Chairperson	- present
Belusko, Chairperson	- present

Also Present:

Darren Snyder, City Controller
Rick Gazenski, City Administrator
Maureen Collins, Assistant City Attorney
Cathy Payne, Assistant City Clerk
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant

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

Mr. Ryan asked if there was anyone wishing to address Council on pending legislation.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to File of Council No. 4 of 2019 (Division Street/Bridge) and the Resolution reappointing Rodney Kaiser to the Zoning Hearing Board.

Mr. Gazenski told Mr. Troy that the money for Division Street will come out of the General Fund.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to File of Council No. 4 of 2019 (Division Street/Bridge) and who is overseeing the project.

Mr. Belusko said it is his understanding that Hanover Township is taking the lead on the Division Street/Bridge Project.

Mr. Gazenski said that Mr. Frati will be the city's contact on the Project.

Ms. Gilbert asked if the project is budgeted for this year.

Mr. Gazenski said he didn't know but would find out for her.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to File of Council No. 4 of 2019 (Division Street/Bridge).

Ms. Gilbert questioned the wording of the Ordinance. She asked if the Ordinance is just for the engineering study.

Mr. Belusko explained that the Ordinance has two parts, one for the study and the second for the maintenance of the bridge.

RESOLUTIONS

Resolution No. R0028-19 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0028-19

Resolved, by the City Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania, that

Whereas, by virtue of Resolution No. R0022-09, adopted February 26, 2009, the City of Wilkes-Barre declared 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, and

Whereas, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

Now, Therefore, Be It Resolved that the City Council of Wilkes-Barre, Luzerne County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Office/Department Business Licenses/Special Events

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
BL-2 2016 Licenses RD 2019	1.26
SE-1 Kirby Park – Rental/Bandshell, Pavilion – Fields	<u>1.26</u>
Total	<u>2.52</u>

RESOLUTION NO. R0029-19

Whereas, Section 1401 of the Zoning Ordinance of the City of Wilkes-Barre allows the Mayor, with the advice and consent of City Council, to appoint by resolution residents of the City of Wilkes-Barre to serve as members of the Zoning Board;

Whereas, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Zoning Hearing Board for another term;

Now, Therefore, Be It Resolved, that the following person is hereby reappointed as a member of the Zoning Hearing Board:

<u>Name</u>	<u>Term Expires</u>
Rodney Kaiser, Esq. 337 N. Main Street Wilkes-Barre, PA 18702	January 24, 2024

MINUTES

Of the Traffic Committee Meeting of March 28, 2019.

Of the Regular Session of City Council of March 28, 2019.

Of the Parking Authority of the City of Wilkes-Barre of March 19, 2019.

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

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

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

Nays none.

ORDINANCE

FILE OF COUNCIL NO. 4 OF 2019 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIP OF HANOVER FOR THE ENGINEERING, REPAIRING, UPKEEP AND MAINTENANCE OF DIVIDISON STREET AND BRIDGE SITUATE IN AND CROSSING THE BORDER OF BOTH MUNICIPALITIES. (FIRST READING)

Mr. Barrett moved to adopt the Ordinance.

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

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

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Ms. Gilbert asked the Administration for increased parking enforcement on South Sherman Street between East South and Howard Street and East South Street between South Empire Street and Josephs Lane. She said there is a lot of cars parking on the sidewalk.

Mr. Merritt said he has been working with Mr. Frati on trying to get the nets back up at Hollenback Golf Course after the storm. The employees at Inter Metro are getting hit by golf balls. He said Mr. Frati said he is waiting for a bucket truck from Delta. He told the Administration that he was contacted today, and the city is going to have its first insurance claim. He mentioned that last year there were about four or five claims. He asked the Administrator if he could work with Mr. Frati on getting it done as soon as possible he would appreciate it.

Mr. Barrett reported inside furniture outside, cars on blocks and garbage at 933 Scott Street (multi-unit apartment building). He asked the inspectors to take a look at it.

Mr. Barrett said Mr. Lewis is aware of utility poles in Parsons Park with rotted wooden signs on them. He asked the Administration to expedite the removal of them before the wind takes them down.

PUBLIC DISCUSSION

Kit Griffiths Kelchner, Wilkes-Barre, PA appeared before Council relative to feral cats and the new agreement for Trap, Neuter, Release (against it).

Mr. Belusko informed her that City Council did not pass the new agreement for TNR, the Mayor did.

Animal Control Officer Adam Olver explained that there is a proposal (with cat rescues Brenda) to do Trap, Neuter and Release and with this agreement in place he is no longer trapping cats. He said that instead of going and trapping the cats and removing them from the area, there are cat rescue groups going out and trapping the cats, getting them fixed and bringing them back and releasing them into the neighborhood. He said there is no way to know what these groups are actually doing, there is no accountability for them. Mr. Olver said he is getting a lot of complaints and is logging them. The complaints are coming from people who have reached out to these groups and they are not calling back.

Mr. Gazenski explained that the city has a tentative 6-month agreement with these organizations, but it can be terminated at any time.

Ms. Kelchner said that her neighbor is feeding the cats and birds.

Mr. Gazenski said she shouldn't be feeding them after a certain time in the evening.

Mr. Olver said there is an Ordinance against feeding stray cats, but with this proposal the Ordinance is not being enforced because they are allowed to feed until sunset. He said he has been instructed not to enforce the Ordinance.

Ms. Gilbert asked how the city entered into this agreement with the cat rescues without Council voting on it. She asked that this be looked into.

Maude Sienkiewicz, Wilkes-Barre, PA appeared before Council relative to feral cats and the new agreement for Trap, Neuter, Release (against it).

Ms. Sienkiewicz told Council that there is a woman in her neighborhood who is feeding the cats in a vacant lot on Bowman Street.

Mr. Belusko said Council needs to get together with the Mayor on this issue and come up with a better plan.

Mr. Barrett said he thinks the property owner has every right to decide what goes on on their property, whether it is Animal Enforcement trapping or abating the problem or a cat rescue doing TNR.

Attorney Collins stated that the proposal allows the two organizations a first opportunity to address the complaint, but if the complaint is not addressed satisfactorily to the complainant then the city is to be notified immediately and they will address it. She said there is nothing hindering the city from enforcing the Ordinance.

Mr. Olver said that he tried to enforce the Ordinance the other day and was stopped. He said there is a woman on Bowman Street that is feeding the cats at all hours on someone else's property. It is a clear violation of the proposal.

Attorney Collins said that it is a problem that should be addressed with the Administration.

Attorney Collins said that the city has the right at any time and for any reason to terminate this proposal.

John Smith, Wilkes-Barre, PA appeared before Council relative to feral cats and the new agreement for Trap, Neuter, Release (neighbor feeding cats on Bowman Street).

Jessica McClay, Wilkes-Barre, PA appeared before Council relative Trap, Neuter, Release and the recycling fee (outstanding repeat offenders/recourse).

Mr. Gazenski said a study was done today, and the bulk of the recycling fee that is delinquent is from over ten years ago that the city couldn't collect. He said currently the city is

collecting approximately 95% of the delinquents. He said from 2010 to 2018 the average outstanding balance is about \$42,000.

Tony C. Thomas, Wilkes-Barre, PA appeared before Council relative to the collection of outstanding recycling fees and other revenue that has not been collected.

Mr. Merritt asked Mr. Gazenski what percentage of the delinquencies are rental properties.

Mr. Gazenski said he can get that information.

Mr. Merritt suggested the Administration look at how many are rentals and when it is time for them to renew their license, they must pay the arrearages and a fee or they can't rent the property.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Animal Ordinance regarding abandonment and the Trap, Neuter, Release agreement and a resident constructing a fence on an unnamed alley near Hutson Street (vacate alley).

Mr. Gazenski said the Administration is still researching the issue with the vacated alley. He said where the fence is constructed is the residents' property. Former Mayor Namey gave the residents each a portion of the alley when he was in office.

Mr. Gazenski added that Mr. Harris went up to look at the situation and said that Ivy Lane is not blocked off.

Mr. Olver explained to Mr. Suchoski the difference between abandoning and releasing cats. He said TNR is supposed to be being done by a resident and they assume all duty and care over the colony. In the city's new agreement with the cat rescues, they are going on the property and trapping them, neutering and releasing them back into the neighborhoods and not assuming the care.

Mr. Suchoski asked how many cats they can have.

Mr. Olver said the Ordinance reads that you can have eight animals total, four animals of any one species.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the recycling fee, the Administration wasting money, the Solomon Creek Project, lowering salaries and videotaping Work Sessions.

Kurt Sauer, Wilkes-Barre, PA appeared before Council relative to the Mayor's comments blaming him for issues at Solomon Creek (press conference, April 15, 2019).

Joe Czapla, Wilkes-Barre, PA appeared before Council relative to illegal dumping in the wooded area on Pickering Street from Martz Trailways to Riverside Drive and paving the Miner Street Parking lot under the trestle (by the softball/field hockey fields).

Mr. Belusko asked Mr. Gazenski to get someone to clean up the trash on Pickering Street.

Jason Carr, Wilkes-Barre, PA appeared before Council relative to the delinquent recycling fee list, city help line, abandoned homes at 328 Horton Street, 169 Horton Street and 20 Westminster Street, Greater Wilkes-Barre Taxpayers Association Facebook Page, pothole at the corner of Wood and Westminster Streets, thank Mr. Brooks for meeting with Senator Yudichak last week, Pension Board (1 million to the general city pension fund), and permission to take care of Firwood Park.

Mr. Ryan told Mr. Carr that the city Pension Board did not meet this week to vote on putting a million dollars into the general city pension fund.

Linda Joseph, Wilkes-Barre, PA appeared before Council relative to the recycling delinquencies and the city's contract with Navient (collection company), what is the recycling grant money used for and the recycling bill (card).

Mr. Gazenski explained that the city signed the contract in 2015 and there is no expiration date. They just require sixty days' notice before the city can terminate the contract.

Mr. Gazenski repeated that the city is currently collecting 95% of delinquent fees.

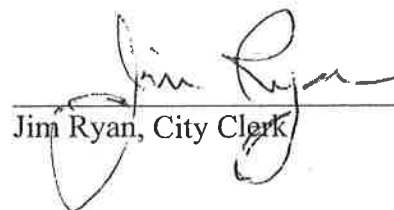
Rhonda Martini, Wilkes-Barre, PA appeared before Council relative to paving Pine Lane and feral cats in the neighborhood.

There being no further business to discuss the meeting adjourned at 7:32 p.m.



Mike Belusko, Chairperson

ATTEST:



Jim Ryan, City Clerk