

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

DECEMBER 19, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTIONS

MINUTES

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
DECEMBER 19, 2019

RESOLUTIONS

Prepare and submit the necessary application for a \$10,000 grant from Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds. Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Institute's Workforce Pipeline Project, if the application is approved.

Prepare and submit the necessary application for a \$250,000 grant from Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds. Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Volunteers in Medicine's "Increase to Access to Care - Phase II" Initiative, if the application is approved.

Prepare and submit the necessary application for a \$35,000 grant from Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds. Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Wilkes-Barre Connect Command Center Project, if the application is approved.

Prepare and submit the necessary application for a \$188,500 grant from Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds. Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the F.M. Kirby Center HVAC Improvements Phase 11 Project, if the application is approved.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract for fuel supply (and related services) to PSC for a three (3) year period beginning in 2020.

**CITY COUNCIL
DECEMBER 19, 2019**

MINUTES

Of the Planning Commission of October 16, 2019.

Of the Planning Commission of November 20, 2019.

Of the Regular Session of City Council of November 21, 2019.

Of the Regular Session of City Council of December 5, 2019.

CITY COUNCIL

December 19, 2019

The City Council of the City of Wilkes-Barre met in Regular Session on December 19, 2019, at 5:45 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 Mike Belusko in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

Brooks	- present
Gilbert McBride	- 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
Lisa Sanfilippo, Administrative Assistant
Jim Ryan, City Clerk

Mr. Ryan read a statement relative to Council's Rules and Regulations.

Mr. Ryan announced that the three new Resolutions discussed at the Work Session will be voted on the separately.

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

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the following Resolutions: LSA Grants, Fuel Contract with PSC and the Tax and Revenue Anticipation Note.

Mr. Brooks answered Mr. Troy's question on the LSA Grant for The Institute's Workforce Pipeline project. He explained to Mr. Troy that the Institute is the collaboration between all the universities in Northeastern Pennsylvania not just Wilkes University.

Mr. Brooks told Mr. Troy that the gas price from PSC is \$1.75.

Jim Burden, Wilkes-Barre, PA appeared before Council relative to the Fuel Contract with PSC and the LSA Grant for the Kirby Health Center.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to new items, the LSA Grants and the Resolution commending Mike Merritt (North Washington Street Bridge not completed)

Mr. Ryan told Mr. Suchoski that Mr. Merritt never forgot about the bridge. He often followed up on its progress with Administration, at Council meetings and private meetings. In particular, Butch Frati, who is in charge of these projects on behalf of the City, has said repeatedly that if not for Mr. Merritt, this project, which is in its final stages, would not be happening this soon and would have taken at least two years longer if not for Mr. Merritt's involvement.

RESOLUTIONS

RESOLUTION NO. R0095-19

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the facility allocated to a Local Share Account Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$10,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funds will be used The Institute employees to develop materials for parents (by county) that outline occupation growth, wages, skills, and education required so that parents can make informed decisions with their children on careers in NEPA that provide family sustaining wages and are representative of occupations requiring minimal post-secondary education to those that require terminal or professional training. The Institute will work to ensure that the materials are delivered in a fashion that are easy for parents to understand, are easily accessible and easily deployed to parents by the school districts or IU.

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 to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Be It Further Resolved, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to The Institute's Workforce Pipeline project, if the application is approved.

Mr. Brooks moved to adopt the Resolution.

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

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

Nays none.

Abstain – Gilbert McBride – 1.

RESOLUTION NO. R0096-19

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the facility allocated to a Local Share Account Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$250,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to assist the Volunteers in Medicine (VIM) in renovating space on the second floor of their building at 190 North Pennsylvania Avenue, Wilkes-Barre, PA. The renovations will allow them to expand services based on the needs of the community. The behavioral health program is in high demand by the patients in this particular low-income population that have anxiety and depression due to socio-economic issues. Additional space will allow them to recruit volunteer psychologists, social workers, psychiatric nurse practitioners, and psychiatrist. The removed area will also feature an exercise and wellness program to assist the 42% of VIM's patient population that are obese. Goals of purchasing eye care equipment to provide eye care at VIM is also part of the service expansion plan. The funds would greatly assist VIM in keeping our community healthy, well and working; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Be It Further Resolved, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Volunteers in Medicine's "Increase to Access to Care – Phase II" initiative, if the application is approved.

Mr. Brooks moved to adopt the Resolution.

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

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

Nays none.

RESOLUTION NO. R0097-19

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the facility allocated to a Local Share Account Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$35,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. America turns 250 years old in July 2026. US Congress designated Pennsylvania as a host for the celebration. In turn, Governor Wolf and the legislative body created the America 250PA Commission to integrate and design the celebration over the next seven years. In August, the Commission selected Wilkes-Barre Connect to serve as the lead Innovation Team for the initiative (www.america250pa.org) – leading up to the celebration in 2026.

Working directly with the Governor's office, Secretary of Education, and the America250PA Commission, Wilkes-Barre Connect launched its first initiative called the Direct Effect Innovation Challenge (DEIC). The DEIC allowed students from colleges and universities across PA to design and pitch marketing concepts to launch the America250PA initiative in January 2020 – serving as the foundation of innovative campaigns.

Over the next seven years, Wilkes-Barre Connect is tasked with developing and launching statewide programs to not only integrate the initiative into Pennsylvania, but spur innovation and economic development – complete with measurable and reportable impact reports. To ensure Wilkes-Barre remains the hub of the America250PA initiative, Wilkes-Barre Connect is working with a global tech company to develop a command center in the THINK Center. This command center (modeled after the center used by Marvel, Disney, Ford, Amazon, etc.) will allow us to drive new programs and initiatives, while providing real-time access to the Governor, his cabinet, and the America250PA Commission for impact reports.

The grant funds will be used to build this command center – which includes hardware and software. This investment will literally put Wilkes-Barre on the map in terms of cutting-edge technology that monitors, reports and drives economic development for the entire state.

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 to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Be It Further Resolved, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Wilkes-Barre Connect Command Center project, if the application is approved.

Mr. Belusko moved to adopt the Resolution.

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

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

Nays – Gilbert McBride – 1.

RESOLUTION NO. R0098-19

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the facility allocated to a Local Share Account Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); and

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; and

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; and

Whereas, the City of Wilkes-Barre is desirous of applying for a \$188,500.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funds will be used to purchase new HVAC roof top units for the F.M. Kirby Center. The current HVAC system was installed in 1985 and is longer energy efficient. Also, this project is necessary in order to conform to the upcoming freon government requirements that are expected to be implemented in the next two years because of the EPA's phase out of R-22; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

Be It Further Resolved, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the F.M. Kirby Center HVAC Improvements Phase II project, if the application is approved.

Mr. Brooks moved to adopt the Resolution.

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

Yeas Brooks, Merritt, Barrett and Belusko (Chairperson) – 4 – being a majority of members elected to City Council.

Nays – Gilbert McBride – 1.

RESOLUTION NO. R0099-19

Whereas, the City of Wilkes-Barre has publicly advertised for bidders for fuel supply (and related services) for a three (3) year period beginning in 2020;

Whereas, Petroleum Service Company ("PSC") was the only entity to submit a bid;

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 for fuel supply (and related services) to PSC for a three (3) year period beginning in 2020.

Mr. Belusko moved to adopt the Resolution.

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

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

Nays none.

NEW ITEMS

RESOLUTION NO. R0100-19

Whereas, on December 2, 2016, 32 Terrace, LLC, filed a Tax Assessment Appeal against the City of Wilkes-Barre Assessment Department and City of Wilkes-Barre Board of Revision of Taxes and Appeals to Luzerne County Docket No. 12254 of 2016; and

Whereas, the real property at issue in the foregoing action is located at 32 Terrace St., Wilkes-Barre; and

Whereas, it is the desire of the parties to settle this matter; and

Whereas, it is the recommendation of City Assessor John J. Anstett to adjust the assessed total valuation of 32 Terrace St. Wilkes-Barre, to 4,820 (\$52,400.00).

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the foregoing recommendation of City Assessor John J. Anstett is hereby adopted.

Mr. Belusko moved to adopt the Resolution.

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

Yeas Gilbert McBride, Merritt, Barrett, and Belusko (Chairperson) – 4 – being a majority of the members elected to City Council.

Nays none.

Abstain – Brooks - 1.

RESOLUTION NO. R0101-19

AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE, SERIES OF 2020 IN THE PRINCIPAL AMOUNT OF THREE MILLION DOLLARS (\$3,000,000); PROVIDING FOR THE DATED DATE, INTEREST RATE, MATURITY DATE, PAYMENT AND PLACE OF PAYMENT IN RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL FOR THE PURCHASE OF THE NOTE; NAMING A SINKING FUND DEPOSITARY/PAYING AGENT; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO EXECUTE AND DELIVER THE NOTE AND CERTAIN OTHER DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH; IF APPLICABLE, DESIGNATING THE NOTE AS A "QUALIFIED TAX-EXEMPT OBLIGATION" UNDER SECTION 265(b) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING AND DIRECTING THE PREPARATION, CERTIFICATION AND FILING OF THE NECESSARY DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH A FORM OF THE NOTE.

WHEREAS, City of Wilkes-Barre, Luzerne County, Pennsylvania (the "City"), anticipates receiving taxes and other revenues during the fiscal year ending December 31, 2020, which taxes and other revenues are currently uncollected; and

WHEREAS, the City has estimated, on a monthly basis, its expected taxes, revenues and expenditures for the fiscal year ending December 31, 2020, and has determined that during a portion of such fiscal year it will experience a "cumulative cash flow deficit" as such phrase is defined in the regulations promulgated under Sections 103 and 148 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City has determined to borrow monies for the purpose of funding, in part, such cumulative cash flow deficit by issuing a note to be repaid from the anticipated taxes and revenues, all in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 53 Pa.C.S., Chapters 80-82, as reenacted and amended (the "Debt Act"); and

WHEREAS, the City has received an acceptable proposal for the purchase of its Tax and Revenue Anticipation Note as hereinafter described; and

WHEREAS, as required by Section 8126 of the Debt Act, officials of the City have heretofore made an estimate of the taxes and revenues to be received during such

fiscal year ending December 31, 2020, and, by their execution of a certificate with respect thereto dated this date, have certified to such estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania (the "Council"), in lawful session duly assembled, as follows:

Section 1. For the reasons and purposes recited above, the City hereby exercises its power and authority to borrow money and authorizes the issuance and sale of its Tax and Revenue Anticipation Note, Series of 2020, in the principal amount of Three Million Dollars (\$3,000,000) (the "Note") in anticipation of the receipt of current taxes and revenues during the fiscal year ending December 31, 2020, such Note to be issued, sold and delivered as hereinafter provided.

Section 2. The Mayor and City Controller of the City, attested by the City Clerk, are hereby authorized and directed, in the name and on behalf of the City, to prepare and file with the Department of Community and Economic Development of the Commonwealth of Pennsylvania a certified copy of this Resolution, a certificate setting forth the taxes and revenues to be collected in the fiscal year ending December 31, 2020, and a true copy of the accepted Proposal (hereinafter defined) for the purchase of the Note, all as set forth in and required by Section 8128 of the Debt Act. The Mayor and City Controller of the City, attested by the City Clerk, are also hereby authorized and directed, in the name and on behalf of the City, if applicable, to prepare and verify a certificate, in accordance with Sections 103 and 148 of the Code and the regulations applicable thereto, setting forth the anticipated use of the proceeds, to prepare and deliver to the Purchaser of the Note the certificate required by Section 8127 of the Debt Act relating to the total amount of the City's tax and revenue anticipation notes outstanding on the date of delivery of the Note, and to take any and all other action, and to execute and deliver any and all other documents and instruments, as may be necessary, proper or desirable to effect the issuance and sale of the Note as contemplated herein. The certification made on the date of adoption of this Resolution by the aforementioned officials of the City, relating to the amount of taxes and other revenues remaining to be collected by the City in the fiscal year ending December 31, 2020, is hereby ratified and approved.

Section 3. The Note shall be designated "City of Wilkes-Barre, Luzerne County, Pennsylvania, Tax and Revenue Anticipation Note, Series of 2020", shall be in registered form, without coupons, shall be prepayable prior to maturity, shall be in the denomination of Three Million Dollars (\$3,000,000), shall be dated the date of issuance, shall bear interest at the rate of interest set forth in the Proposal from the date of delivery until maturity, shall mature on December 31, 2020, and shall be payable as to principal and interest at the place and in the manner and be otherwise in substantially the form set forth in the form of Note attached as Exhibit "A" hereto and the Proposal attached as Exhibit "B" hereto or such other Proposal as may be selected in accordance with Section 8 of this Resolution.

Section 4. The Note, when issued, will be a general obligation of the City. If applicable, in accordance with the provisions of Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), the City hereby finds, determines and designates the Note as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Code, for the purposes of such Section 265(b) of the Code. If applicable, the City determines that it and all entities with which it is aggregated under Section 265(b)(3)(E) of the Code have not issued, and do not reasonably expect to issue, tax-exempt obligations which, in the aggregate, exceed or will exceed Ten Million Dollars (\$10,000,000) during the calendar year 2020. If applicable, the City also determines that it will not engage in any action or inaction which will or may cause the Note to fail or cease to constitute a "qualified tax-exempt obligation" under Section 265(b)(3) of the Code.

Section 5. The Note shall be executed by the Mayor and City Controller of the City, shall have the corporate seal of the City affixed thereto, and shall be duly attested by the City Clerk. The Mayor and City Controller of the City are further authorized and directed to deliver the Note to the Purchaser hereinafter named upon the terms and conditions hereinafter provided and to execute and deliver such other documents and instruments, attested to by the City Clerk, and to take such other action as may be necessary or appropriate to effect the issuance and sale of the Note in accordance with this Resolution and the Debt Act. The execution and delivery of the Note in accordance with Section 9 hereof and this Section 5 shall constitute conclusive proof of the approval of the final terms and provisions of the Note by the City.

Section 6. The Note, together with any other tax and revenue anticipation notes issued, or to be issued, by the City during the City's fiscal year ending on December 31, 2020, shall, upon issuance thereof, be equally and ratably secured by a pledge of, security interest in, and a lien and charge on, the taxes and other revenues to be received by the City during the period when the Note is outstanding; and the Mayor and City Controller of the City, attested by the City Clerk, are hereby authorized and directed to prepare and file, or to have filed, such financing statements as may be necessary to fully perfect such pledge, security interest, lien and charge pursuant to the Pennsylvania Uniform Commercial Code and Section 8125 of the Debt Act.

Section 7. If applicable, the City hereby covenants that it will not make any use of the proceeds of the Note or do or suffer any other action which, if such use or action had been reasonably expected on the date of issuance of the Note, would cause the Note to be an "arbitrage bond" or a "private activity bond" as such terms are defined in Section 148 or Section 141 of the Code and the regulations applicable thereto and further covenants that it will comply with Section 148 and Section 141 of the Code, and with any regulations applicable thereto, throughout the term of the Note, including without limitation, any requirements relating to a rebate of certain excess earnings pursuant to Section 148(f) of the Code of any regulations applicable thereto now existing or promulgated hereafter. In connection therewith, the Mayor and City Controller of the City, attested by the City Clerk, are hereby authorized and directed to execute and to deliver, in the name and on behalf of the City, any and all documents or other instruments which Stevens & Lee, P.C., Bond Counsel, may reasonably request to provide its opinion that the Note is not an "arbitrage

bond" or a "private activity bond" within the meaning of Section 148 and Section 141 of the Code and the regulations applicable thereto, if applicable.

Section 8. The proposal of the lender identified therein, presented to the Council is attached hereto as Exhibit "B", or such other proposal and lender, and with such other terms and provisions, as may be selected by the Mayor of the City (such proposal selected in accordance with this Section 8 being hereinafter referred to as the "Proposal" and such lender selected in accordance with this Section 8 being hereinafter referred to as the "Purchaser"), is hereby accepted and the Note is hereby awarded to the Purchaser at a private sale for the purchase price of \$3,000,000. The terms of the Proposal are incorporated herein by reference with the same effect as if set forth in full at this place. The Mayor and City Controller, attested by the City Clerk, are hereby authorized and directed to, accept the Proposal, in the name of and on behalf of the City, by executing the City's acceptance on an original copy of the Proposal, to deliver a copy of the same to the Purchaser and to file the original with the records of the City. The Mayor and City Controller are hereby authorized to deliver the Note to the Purchaser upon receipt of the full principal amount of the purchase price for such Note and upon compliance with all conditions precedent to such delivery as required by the Debt Act, this Resolution and the Proposal; and such Mayor and City Controller, attested by the City Clerk, is hereby authorized and directed to prepare, verify and deliver to the Purchaser concurrently with the delivery of the Note, the certificate required by Section 8127 of the Debt Act, a copy of which certificate shall be retained with the records of the City until all tax and revenue anticipation notes issued by the City during the fiscal year ending on December 31, 2020, shall have been paid in full.

Section 9. The form of the Note shall be substantially as set forth and attached hereto as Exhibit "A," which form is hereby incorporated by reference and adopted as it fully recited at length herein and said form is hereby approved by this Council. The form of the Note as submitted to the City is hereby approved in substantially such form, with such changes, insertions and variations as are necessary or appropriate to reflect the final terms, including, but not limited to, taxable or tax-exempt interest rates, principal amounts, the name or designation and redemption or prepayment provisions, of the Note and whether the Note is issued as a taxable or tax-exempt interest rate note, all as determined by the Mayor of the City upon delivery of the definitive Note in accordance with the provisions of this Resolution and such other changes as the Mayor of the City may approve, such approval to be evidenced by such officer's execution and delivery of the Note.

Section 10. The proper officers of the City are hereby authorized, empowered and directed to contract with a bank or bank or trust company authorized to do business in the Commonwealth of Pennsylvania (the "Paying Agent") for its services as paying agent and sinking fund depository in accordance with the terms of the Proposal, this Resolution and the Debt Act. The proper officers of the City are hereby authorized to establish a sinking fund for the Note with the Paying Agent for the benefit of the holder of the Note. The City Controller or other proper officer of the City is hereby authorized and directed to make deposits to the sinking fund to be held for the payment of principal and interest on the Note no later than the date of final maturity thereof.

Thereafter, the Paying Agent shall, without further authorization or direction from the City or any of its officials, withdraw moneys from the sinking fund and apply such moneys to the payment of principal and interest then due on the Note. Deposit by the City into the sinking fund of the full amount of such money shall satisfy in full the obligation of the City to pay principal and interest with respect to the Note.

Section 11. Stevens & Lee, P.C., is hereby appointed Bond Counsel to the City in connection with the issuance and sale of the Note.

Section 12. The City Controller or other proper official of the City is hereby authorized and directed to pay at, or subsequent to, the closing for the issuance of the Note, all costs and expenses incurred by or on behalf of the City or required to be paid by the City in connection with the issuance and delivery of the Note to the Purchaser.

DULY ADOPTED, THIS 19TH DAY OF DECEMBER, 2019, BY THE COUNCIL OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA, IN LAWFUL REGULAR SESSION DULY ASSEMBLED.

Mr. Brooks moved to adopt the Resolution.

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

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

Nays none.

RESOLUTION NO. R0102-19

Whereas, Mike Merritt has served the constituents in his District faithfully, untiringly and passionately since his first day in office representing District E in January 2008 and;

Whereas, the level of satisfaction with which Mike has served the residents who know him best is attested to by the sheer fact that they unfailingly elected him for three terms, a total service of twelve years and;

Whereas, one of Councilman Merritt's major efforts has been directed toward getting the bridge replaced on Washington Street that has been closed for many years. This project would not be moving toward fruition without his support and constant inquiries on its progress as it worked its way up PennDOT's multi-year plan list; and

Whereas, Mike has always led his district with his head, his heart and belief in what he felt was right.

Now, Therefore Be It Resolved that the City Council of the City of Wilkes-Barre hereby congratulates Councilman Merritt on his retirement and commends him on a job well done.

Mr. Belusko moved to adopt the Resolution.

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

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

Nays none.

Abstain - Merritt - 1.

MINUTES

Of the Planning Commission of October 16, 2019.

Of the Planning Commission of November 20, 2019.

Of the Regular Session of City Council of November 21, 2019.

Of the Regular Session of City Council of December 5, 2019.

Mr. Belusko moved to adopt the minutes.

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

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

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Mrs. Gilbert McBride thanked Mr. Merritt for his service to the city and presented him with a Resolution from Council.

Mr. Barrett commended Mr. Merritt on his service to the people of the City Wilkes-Barre.

Mr. Belusko also thanked Mr. Merritt for his time as a City Council member.

PUBLIC DISCUSSION

John Marconi, Wilkes-Barre, PA appeared before Council relative to the North Washington Street Bridge (following up on it) and to thank Mr. Merritt for his service to the City of Wilkes-Barre.

Mayor-Elect George Brown, Wilkes-Barre, PA appeared before Council relative to cancelling the sewer meeting and thanking Mr. Merritt for his service to the residents of the City of Wilkes-Barre.

Jim Burden, Wilkes-Barre, PA appeared before Council relative to painting the crosswalks on East Northampton Street, no stop sign on North Main Street by the former Sacred Heart Church (bus stop) and speeding on East Northampton and Grant Streets.

Mrs. McBride said there was a work order put in to have the crosswalks on East Northampton Street painted. She said she will follow up and get the status. She said she will also ask for a police officer on East Northampton Street and follow up on 426-428 East Northampton Street.

Mr. Barrett asked Mr. Ryan to forward Mr. Burden's complaints about the crosswalks and the stop sign to the Traffic Committee from City Council asking that they look into it.

Mr. Barrett added that he saw the holes on East Northampton and Park Avenue that Mrs. McBride has mentioned in the past. He asked if someone can take care of them.

Mrs. McBride said that she has been asking for it to be done for years, but it is a PennDOT issue.

Mr. Marconi said that the crosswalk Mr. Burden mentioned in North End is at West Hollenback and Elm Street.

Mr. Merritt said he will add it to his list for Mr. Frati.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to gun control (establish a policy to roll back gun abuse), carbon imprint and an energy audit.

Mr. Merritt said that Mr. Frati gave an update on Johnson Controls a few weeks ago. Mr. Merritt said out of the money the city borrowed, City Hall got a new furnace, all the streetlights were changed along with the lights in city owned buildings and the savings from doing this is self-funding the bond.

Mr. Ryan mentioned that the contract with Johnson Controls has far exceeded what Johnson Controls promised the city would save.

Mr. Snyder added that the city has a broker that shops the market to gets the best rates for UGI, Electric, etc., for the city.

Mayor-Elect Brown said that he was at a meeting today with Butch Frati and he said the city is saving an extreme amount of money at the Public Works Garage because of the solar panels.

Mr. Ryan addressed Mr. Troy on the gun control issue. He said it has been discussed before and everyone agrees that something needs to be done, but only the State can make those laws. He said Pennsylvania Municipal League is an organization that represents municipalities and issues that are important to them. They lobby Harrisburg for those important issue. They have had the gun control on their radar and have been lobbying for it for years now. In the last issue of the monthly newsletter, they said they are getting closer and hope to vote on it by the end of the year, but it was highly unlikely.


Mr. Barrett mentioned that Council recently passed a Resolution in support of gun control.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to applying for one LSA Grant and use it to get as much solar power as the city could.

Mr. Belusko wished everyone Happy Holidays and thanked everyone for their cooperation throughout year.

There being no further business to discuss the meeting adjourned at 6:39 p.m.


Mike Belusko, Chairperson

ATTEST: 
Jim Ryan, City Clerk

