

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

JUNE 13, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

RESOLUTIONS

CONSENT AGENDA (ORDINANCES)

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
JUNE 13, 2019
CONSENT AGENDA (RESOLUTIONS)

Designating Mayor George and City Controller Darren Snyder as the officials to execute all documents and agreements between the City, South Main Street Plaza, L.P., and the Pennsylvania Department of Community and Economic Development, to facilitate and assist in obtaining an Industrial Sites Reuse Program grant (\$718,000.00) along with any or all project documents, related to the SMP Remediation Project, if the application is approved.

Authorizing the sale of 8 Wayne Lane to Basmattie Ramesh (or her designee) for a purchase price of \$500.00.

Award a contract to the lowest responsible bidder for the Solomon Creek Wall Reconstruction Project – Phase II. (The project will include wall reconstruction from Waller to Vulcan Street along Brook Street).

Award a contract to the lowest responsible bidder for the Brook Street Stormwater Pump Station Project. (The project will include installation of a stormwater pump station at Vulcan Street and Brook Street).

Temporarily suspending Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages for the Strawberry Festival and Farmers Market. (Wine Only)

MINUTES

Of the Regular Session of City Council of May 20, 2019.

Of the Special Session of City Council of May 28, 2019.

Of the Special Session of City Council of June 5, 2019.

Of the Regular Meeting of the Wyoming Valley Sanitary Authority of April 16, 2019.

Of the Zoning Hearing Board Meeting of April 17, 2019.

Of the Traffic Committee of April 25, 2019.

Of the Planning Commission of May 15, 2019.

CITY COUNCIL
JUNE 13, 2019

RESOLUTIONS

Appointing Rick Gazenski to the Parking Authority.

Reappointing Anthony Glzenski to the Wyoming Valley Sanitary Authority.

Reappointing Jay Delaney to the Housing Authority.

Appointing Patricia Gazenski to the Housing Authority.

CITY COUNCIL
JUNE 13, 2019

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 6 OF 2019 – AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY OF WILKES-BARRE, COUNTY OF LUZERNE, AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2019 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR FORTY-FIVE AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES.” (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 9 OF 2019 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “EMPLOYEES’ PENSION FUND”. (FIRST READING)

CITY COUNCIL

June 13, 2019

The City Council of the City of Wilkes-Barre met in Regular Session on June 13, 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:

Rick Gazenski, City Administrator
Joe Coffay, Police Chief
Tim Henry, Deputy Administrator/City Attorney
Cathy Payne, Assistant City Clerk
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant
Tom Unvarsky, Parking Enforcement Manager
Kallie O'Donnell, Intern, OCD

Mr. Ryan announced that the Resolution appointing Rick Gazenski to the Parking Authority has been removed from the agenda and will not be voted on.

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.

Jean Brody, Wilkes-Barre, PA appeared before Council relative to the Resolutions appointing members to Boards and Authorities.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Resolutions appointing members to Boards and Authorities.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to File of Council No. 9 of

2019 (pensions), the Resolutions regarding suspending the open container ordinance for the Strawberry Festival & Farmers Market, appointing Pat Gazenski to the Housing Authority and the South Main Remediation Project.

Angle Mathis, Wilkes-Barre, PA appeared before Council relative to the Resolutions appointing members to Boards and Authorities.

Patricia Gazenski, Wilkes-Barre, PA appeared before Council relative to the Resolution appointing her to the Housing Authority (her credentials).

Jason Carr, Wilkes-Barre, PA appeared before Council relative to the Resolutions appointing Patricia Gazenski to the Housing Authority and the South Main Remediation Project.

Mark Shaffer, Wilkes-Barre, PA appeared before Council relative to the Resolution related to the South Main Street Remediation Project.

Attorney Garry S. Taroli, Counsel for South Main Plaza, L.P., appeared before Council relative to the Resolution related to the South Main Street Remediation Project.

Atty. Taroli explained that the grant that is being applied for, not a dollar of it will come from Wilkes-Barre City. The grant is coming from the Commonwealth of Pennsylvania. It is a fund that is available to cities of the third class to clean up contaminated properties. If this grant application is not approved by the city then the Commonwealth will allocate that money to some other city. It is not costing the taxpayers of Wilkes-Barre any real estate tax money.

Attorney Taroli said that his client bought the Planters Peanut building some time ago for \$150,000 and the Shapiro Iron Works property for \$220,000. He said over the years there may have been four or five national tenants that looked at going in there and they all walked away from the property because of the contamination that existed at the Shapiro Iron Works property. The property is under a current consent order from DEP that requires it to be cleaned up or in lieu thereof to have an impervious surface put over it with a certain amount of dirt on top of that and a warning tarp.

Attorney Taroli said that after many, many months his client negotiated a long-term lease with Geisinger, the value of which is significant. The city is going to end up instead of having a property that has been contaminated for 30 years, with a Geisinger Building. The Geisinger facility will house an adult daycare, producing initially 60 very good paying jobs.

Attorney Taroli said his client has delivered a signed letter of content to donate (free of charge) the Planters Peanut building to a citizens' entity that is going to be formed with the assistance of Councilman Brooks. He is willing to give that property for no compensation to this non-profit as long as it is for a non-commercial purpose, doesn't end up with a competitive developer for a commercial purpose and as long as the project that the entity undertakes commencing within two years. If it doesn't then he has the option of taking it

back, but if he does, he will give the citizens' group \$10,000 to do another project.

Ms. Gilbert asked if the grant money that is allocated for this project can only be used for a project like this.

Attorney Taroli replied that it has to go to a third-class city for cleanup of contaminated properties.

Mr. Ryan responded to one of Mr. Carr's comments relative Mr. Ciniwa not developing the former Murray Complex. He said Mr. Ciniwa applied for a grant from the State (not a city grant) and was awarded the grant to put his project in there. Since Mr. Ciniwa was not able to develop that site, solely due to the fact that we had the advent of the worst recession in our country's history, he never received the grant from the State.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the appointments of members to the Boards and Authorities.

Attorney Henry pointed out that in the Resolution relative to the grant for the environmental cleanup at the former Shapiro Site, the fourth paragraph has been removed, other than that the new Resolution is exactly the same.

CONSENT AGENDA (RESOLUTIONS)

Resolution No. R0034-19 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0034-19

Be It Resolved, that the City of Wilkes-Barre of Luzerne County hereby request an Industrial Sites Reuse Program grant, in the amount of \$718,000.00 from the Pennsylvania Department of Community and Economic Development, to be used for the SMP Remediation Project, which will remediate and provide Act 2 clearance for the property located at 610-618 South Main Street, Wilkes-Barre (former Shapiro Steel Site), to facilitate a future economic development project.

Be It Further Resolved, by the City Council of the City of Wilkes-Barre to authorize the appropriate city officials to submit a \$718,000.00 Industrial Sites Reuse Program grant application funded by the Pennsylvania Department of Community and Economic Development, to be used for the SMP Remediation Project, which will remediate and provide Act 2 clearance for the property located at 610-618 South Main Street, Wilkes-Barre (former Shapiro Steel Site), to facilitate a future economic development project.

Now, Therefore Be It Resolved, that the Applicant hereby designated Anthony G. George, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre, South Main Street Plaza, L.P., and the Pennsylvania Department of Community and Economic Development, to facilitate and

assist in obtaining the requested grant along with any or all project documents, related to the SMP Remediation Project, if the application is approved.

I, Jim Ryan, duly qualified City Clerk for the City of Wilkes-Barre, Luzerne County, Pennsylvania, certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held on the 13th of June, 2019 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as of this date.

In Witness Thereof, I affix my hand and attach the seal of the City of Wilkes-Barre, this 13th day of June, 2019.

RESOLUTION NO. R0035-19

That, the proper city officials are hereby authorized to take any and all necessary action related to the sale of 8 Wayne Lane (PIN: H10SW4-012-027) to Basmattie Ramesh (or her designee) for a purchase price of \$500.00.

RESOLUTION NO. R0036-19

Whereas, the City of Wilkes-Barre is publicly advertising for bidders to perform the Solomon Creek Wall Reconstruction Project – Phase II. The project will include wall reconstruction from Waller Street to Vulcan Street along Brook Street; 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 award a contract to the lowest responsible bidder for the Solomon Creek Wall Remediation Project – Phase II; and

Further, that the Mayor is hereby authorized to enter into any or all other project documents, related to the Solomon Creek Wall Reconstruction Project – Phase II.

RESOLUTION NO. R0037-19

Whereas, the City of Wilkes-Barre is publicly advertising for bidders to perform the Brook Street Stormwater Pump Station Project. The project will include installation of a stormwater pump station at Vulcan Street and Brook Street; 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 award a contract to the lowest responsible bidder for the Brook Street Stormwater Pump Station Project; and

Further, that the Mayor is hereby authorized to enter into any or all other project documents, related to the Brook Street Stormwater Pump Station Project.

RESOLUTION NO. R0038-19

Resolved, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following events for tasting only:

Event: Strawberry Festival & Farmers Market (Thursday's)
Sponsor: Hidden Creek Vineyard and Winery Inc.
Designated Area: Kirby Park
Dates: Thursday's from 6/20/2019-11/21/2019 (detailed dates below)
Time: 10:00 a.m. until 4:00 p.m.
Limitation: The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to the above -referenced event and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

THURSDAY'S

June 20, 2019	October 10, 2019
June 27, 2019	October 17, 2019
July 11, 2019	October 24, 2019
July 18, 2019	October 31, 2019
July 25, 2019	November 7, 2019
August 1, 2019	November 14, 2019
August 8, 2019	November 21, 2019
August 15, 2019	
August 22, 2019	
August 29, 2019	
September 5, 2019	
September 12, 2019	
September 19, 2019	
September 26, 2019	
October 3, 2019	

MINUTES

Of the Regular Session of City Council of May 20, 2019.

Of the Special Session of City Council of May 28, 2019.

Of the Special Session of City Council of June 5, 2019.

Of the Regular Meeting of the Wyoming Valley Sanitary Authority of April 16, 2019.

Of the Zoning Hearing Board Meeting of April 17, 2019.

Of the Traffic Committee of April 25, 2019.

Of the Planning Commission of May 15, 2019.

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

The motion was seconded by Mr. Belusko 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.

RESOLUTIONS

RESOLUTION NO. R0039-19

Whereas, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council to appoint by members of Boards, Commissions and Authorities served by the City;

Whereas, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to another term on the Wyoming Valley Sanitary Authority;

Now, Therefore, Be It Resolved, that the following person is hereby reappointed as a member to the Wyoming Valley Sanitary Authority:

<u>Name</u>	<u>Term Expires</u>
Anthony Glzenski 7 Gregory Street Wilkes-Barre, PA 18702	December 31, 2024

Mr. Barrett moved to adopt the Resolution.

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

Yeas Brooks, Barrett and Belusko (Chairperson) – 3 – being a majority of the members elected to City Council.

Nays Gilbert and Merritt – 2.

RESOLUTION NO. R0040-19

Whereas, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

Whereas, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Housing Authority of the City of Wilkes-Barre;

Now, Therefore, Be It Resolved, that the following person is hereby reappointed as a member of the Housing Authority:

<u>Name</u>	<u>Term Expired</u>
Jay Delaney 275 Mayock Street Wilkes-Barre, PA 18705	September 10, 2024

Mr. Brooks moved to adopt the Resolution.

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

Yeas Brooks, Barrett and Belusko (Chairperson) – 3 – being a majority of the members elected to City Council.

Nays Gilbert and Merritt – 2.

RESOLUTION NO. R0041-19

Whereas, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

Whereas, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the Housing Authority of the City of Wilkes-Barre;

Now, Therefore, Be It Resolved, that the following person is hereby appointed as a member of the Housing Authority:

<u>Name</u>	<u>Term Expired</u>
Patricia Gazenski 66 Elizabeth Street Wilkes-Barre, PA 18702	June 14, 2024

*This appointment would replace board member Beverly Collins who has been serving on an expired term.

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, Barrett and Belusko (Chairperson) – 3.

Nays Gilbert and Merritt – 2.

ORDINANCES

The following Ordinances appeared on the Consent Agenda (Ordinances):

FILE OF COUNCIL NO. 6 OF 2019 – AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY OF WILKES-BARRE, COUNTY OF LUZERNE, AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2019 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR FORTY-FIVE AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES.” (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 9 OF 2019 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “EMPLOYEES” PENSION FUND”. (FIRST READING)

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

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

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

Nays none.

PRESENTATION BY COUNCIL MEMBERS

Ms. Gilbert reported the following:

1. Potholes on East Northampton Street, where Taft Street comes out.
2. Trees obstructing the light on East Northampton Street at the light at South Empire.

Mr. Belusko announced that City Council had nothing to do with the Mayor's

approval or recent suspension of the TNR Program with local cat rescues.

PUBLIC DISCUSSION

Linda Joseph, Wilkes-Barre, PA appeared before Council relative to false comments and misleading statements on social media and at Council meetings made by Jason Carr regarding parking, garbage bag fees, wages paid to city employees, PILOT programs, Council pensions, and rental properties/owner occupied homes.

Mary Ellen Jones, Wilkes-Barre, PA appeared before Council relative to building a skate park at the former dog park.

Mr. Belusko said that the liability insurance would be expensive for a skate park.

Mr. Brooks said that UGI at one time offered land on Water Street for a skate park. He said he will contact them and try and set up a meeting.

Kevin Czekalski, Plains Bike Shop, Wilkes-Barre, PA appeared before Council relative a skatepark. (Less to insure a skatepark then a little league park)

Andrea Glod appeared before Council relative Council passing an Ordinance regarding stray cats.

Maria McGraw, Wilkes-Barre, PA appeared before Council relative to continuing failures/treatment by employees of the city's Health Department.

Jim Burden, Wilkes-Barre, PA appeared before Council relative to the recycling grant, feral cats and privatizing garbage pickup.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to Trap Neuter Release (right to end the agreement), the Dollar Tree on South Main Street blocking off parking spots for loading/unloading and Wilkes University doing work on South Main & East South Streets (is the city being compensated for the parking spots they are using).

Ms. Gilbert said the Dollar Tree has the spaces blocked off every day.

Mr. Gazenski said he has addressed the issue several times with the Dollar Tree; he said he will address it again on Monday.

Mr. Unvasky told Mr. Suchoski that the city is being compensated from Wilkes University.

Mr. Barrett said the issue with Dollar Tree is way out of control. He said someone needs to visit them and tell them they are going to start getting fined.

Mr. Unvasky said the loading zoning is for all of the downtown businesses in that

area.

Mr. Merritt said the city should send them a bill for the hours they are not supposed to have the cones out blocking the spots.

Ms. Gilbert asked the City Attorney to look at the loading/unloading Ordinance and see if there is anything that would prevent us from fining them daily.

Mark Shaffer, Wilkes-Barre, PA appeared before Council relative to the Health Department, blighted property and parking meters (lack of enforcement).

Jason Carr, Wilkes-Barre, PA appeared before Council relative to recycling (the fee being illegal/told not to pay it), blighted streets/properties in the city and pensions.

Kit Kelchner, Wilkes-Barre, PA appeared before Council relative to feral cats.

Gordon Williams, Wilkes-Barre, PA appeared before Council relative to Animal Control not picking up dead wild animals.

Mr. Gazenski said he would look into it with Animal Control Officer Adam Olver.

Cecilia Williams, Wilkes-Barre, PA appeared before Council relative to a meeting between City Council members, Wilkes-Barre Area School Board members and the Superintendent.

Ms. Gilbert said that the School Board met with all of Council at separate times. The meeting was relative to a Resolution Council passed urging them not to eliminate library services, art classes, etc.


Mr. Belusko said that told Council that they wished they would have come and talk to them before passing the Resolution. He added that the meeting only lasted about ten minutes.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to building protectors on North & North Main Streets, bike paths and tables in front on Istanbul Grill (taking up too much room on the sidewalk).


Mr. Brooks informed Ms. Mathis that the Luzerne/Lackawanna County Metropolitan Planning Organization just had a public hearing relative to bike and walking ability around Wilkes-Barre. There is a survey online that people can take and be part of the public process.

Mr. Barrett said that there are laws in place that prohibit this type of conduct. He said it is an enforcement issue more than it is a Council issue.

There being no further business to discuss the meeting adjourned at 7:34 p.m.



Mike Belusko, Chairperson

ATTEST: 

Jim Ryan, City Clerk

