

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL
WORK SESSION

DATE: August 5, 2008

TIME: 6:00 p.m.

6:00 p.m. **Jim Ryan, City Clerk**

1. Resolution approving the certificate requesting termination of the East Side Landfill Authority.
2. Resolution granting approval of the transfer of a Liquor License held by the Wilkes-Barre Republic Club, to 280 South Sherman Street.
3. Resolution authorizing the proper City officials to execute any and all documents related to approving a one year Stay of the Upset Sale for the Irem Temple building, 46-56 North Franklin Street, Wilkes-Barre.
4. An Ordinance amending File of Council No. 19 of 1976 – Submission to Mayor and Veto Power. (First Reading)

-ORDINANCES FOR SECOND AND FINAL READING-

FILE OF COUNCIL NO. 17 OF 2008 – AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “GARBAGE AND REFUSE”. (SECOND AND FINAL READING)

6:10 P.M. **Thomas M. Leighton, Mayor (see attached)**

CITY OF WILKES-BARRE
Pennsylvania

Thomas M. Leighton
Mayor



40 East Market Street
Wilkes-Barre, PA 18711-0451

(570) 208-4152 phone
(570) 208-4101 fax

OFFICE OF THE
MAYOR

MAYOR'S AGENDA

WORK SESSION

WILKES-BARRE CITY COUNCIL

AUGUST 5, 2008

ORDINANCE

AN ORDINANCE VACATING A PORTION OF LINCOLN STREET (First Reading)

RESOLUTIONS

Granting permission to Wilkes-Barre Area School District to place a safety fence on the city-right-of-way on Old River Road.

Authorizing the proper City officials to execute a license agreement with Verizon Wireless

Authorizing the City attorney to resolve the claim of John R. Williams Jr. regarding taxed levied.

Authorizing the proper City officials to execute the sale of 269-271 E. Northampton Street.

Authorizing the proper City officials to prepare and submit a grant application with the Pennsylvania Department of Health for the Cancer Education Program.

Authorizing the proper City officials to enter into an agreement with Draintech Inc. for the cleaning of City owned sewer lines on an emergency basis.

Authorizing the proper City officials to enter into an agreement for the purchase of bituminous base coal asphalt product and ID # 2A asphalt product with Wilkes-Barre Materials.

Authorizing the proper City officials to prepare and execute all documents related to achieving Municipal Liens filed against 260-262 South Main Street.

Authorizing the proper City officials to pay E.J. Pressure Wash for the cleaning and maintenance of City park facilities throughout calendar year 2008

Authorizing the proper City officials to pay E.J. Pressure Wash for the cleaning and maintenance of City vehicles throughout calendar year 2008

Authorizing the proper City officials to accept the proposal of the Joyce Insurance Group and enter into the necessary contracts for the insurance.

Awarding a contract for structural steel shop testing in conjunction with the Intermodal Transportation Garage Project.

Authorizing the proper City officials to pay Highland Associates for fees incurred on the design of the Coal Street Park Project.

Authorizing the proper City officials to execute a supplement to the contract with Highland Associates for design of the Coal Street Park Project.

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

AUGUST 7, 2008

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
AUGUST 7, 2008

CONSENT AGENDA (RESOLUTIONS)

- Approving the certificate requesting termination of the East Side Landfill Authority.
- Granting approval of the transfer of a Liquor License held by the Wilkes-Barre Republic Club to 280 South Sheridan Street.
- Authorizing the proper City officials to execute any and all documents related to approving a one year Stay of the Upset Sale for the Irem Temple building, 46-56 North Franklin Street, Wilkes-Barre.
- Granting permission to Wilkes-Barre Area School District to place a safety fence on the city-right-of-way on Old River Road.
- Authorizing the proper City officials to execute a license agreement with Verizon Wireless.
- Authorizing the City Attorney to resolve the claim of John R. Williams Jr. regarding taxed levied.
- Authorizing the proper City officials to execute the sale of 269-271 E. Northampton Street.
- Authorizing the proper City officials to prepare and submit a grant application with the Pennsylvania Department of Health for the Cancer Education Program.
- Authorizing the proper City officials to enter into an agreement with Drain-tech Inc. for the cleaning of City owned sewer lines on an emergency basis.
- Authorizing the proper City officials to enter into an agreement for the purchase of bituminous base coal asphalt product and ID # 2A asphalt product with Wilkes-Barre Materials.
- Authorizing the proper City officials to prepare and execute all documents related to satisfying Municipal Liens filed against 260-262 South Main Street.
- Authorizing the proper City officials to pay E.J. Pressure Wash for the cleaning and maintenance of City park facilities throughout calendar year 2008.
- Authorizing the proper City officials to pay E.J. Pressure Wash for the cleaning and maintenance of City vehicles throughout calendar year 2008.

CITY COUNCIL
AUGUST 7, 2008

CONSENT AGENDA (RESOLUTIONS) CONTINUED

Authorizing the proper City officials to accept the proposal of the Joyce Insurance Group and enter into the necessary contracts for the insurance.

Awarding a contract for structural steel shop testing in conjunction with the Intermodal Transportation Garage Project.

Authorizing the proper City officials to pay Highland Associates for fees incurred on the design of the Coal Street Park Project.

Authorizing the proper City officials to execute a supplement to the contract with Highland Associates for design of the Coal Street Park Project.

Authorizing the substitution of KOZ property for Kinship Square.

MINUTES

Of the Regular Session of City Council of July 10, 2008.

Of the Planning Commission of July 16, 2008.

Of the Parking Authority of June 17, 2008.

Of the Wyoming Valley Sanitary Authority of May 20, 2008.

CITY COUNCIL
AUGUST 7, 2008

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 17 OF 2008 – AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “GARBAGE AND REFUSE”. **(SECOND AND FINAL READING)**

FILE OF COUNCIL NO. 18 OF 2007 – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 19 OF 1976, AS AMENDED, ENTITLED “AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA, UNDER THE HOME RULE CHARTER, AND OPTIONAL PLANS LAW, ACT OF 1972, APRIL 13, NO. 62, SECTIONS 101 TO 1309, 53 P.S., 1-101, ET SEQ, ESTABLISHING AN ADMINISTRATIVE ORGANIZATION FOR THE CITY OF WILKES-BARRE, DESIGNATING POWERS AND DUTIES OF COUNCIL, THE MAYOR AND OTHER CITY OFFICERS; PROVIDING FOR THE CONDUCT OF CITY FISCAL AFFAIRS, THE ENACTMENT AND ENFORCEMENT OF CITY ORDINANCES AND THE CONDUCT OF CITY OFFICERS AND EMPLOYEES; REPEALING OBSOLETE AND INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE HEREOF, AS AMENDED. **(SUBMISSION TO MAYOR AND VETO POWER) (FIRST READING)**

FILE OF COUNCIL NO. 19 OF 2008 – AN ORDINANCE ENTITLED “AN ORDINANCE VACATING A PORTION OF LINCOLN STREET”. **(FIRST READING)**

FILE OF COUNCIL NO. 20 OF 2008 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR PROGRAM YEAR 2008. **(FIRST READING – ON TITLE)**



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

**RESOLUTION APPROVING THE CERTIFICATE REQUESTING
TERMINATION OF THE EAST SIDE LANDFILL AUTHORITY**

Whereas, the East Side Landfill Authority (the "Authority") was created in 1963 by the City of Wilkes-Barre ("Wilkes-Barre"), Township of Plains ("Plains"), Borough of Ashley ("Ashley") and the Township of Hanover ("Hanover") (collectively the "Municipalities") in order to deal with an area wide problem of solid waste disposal.

Whereas, the East Side Landfill Authority was created specifically to provide and operate for the Municipalities proper facilities for the disposal of solid waste pursuant to the terms of an Agreement entered into among the Municipalities dated May 12, 1964 and pursuant to which Agreement the Municipalities agreed to fund the operation of the Authority;

Whereas, the Authority operated the East Side Landfill (the "Landfill") until January 22, 1982, when the Authority closed access to the Landfill and ceased operation;

Whereas, the Authority subsequently closed the Landfill in accordance with a Closure Plan which was negotiated with and approved for implementation by the Pennsylvania Department of Environmental Resources ("DER") [now called the Pennsylvania Department of Environmental Protection ("DEP")];

Whereas, by letter dated January 5, 2001, the Pennsylvania Department of Environmental Protection formally accepted the certification by Michael J. Pasonick, Jr., Engineer for the Authority, that the landfill had been closed in accordance with the approved DEP final Closure Plan;

Whereas, the Authority has discharged all of its closure and post-closure responsibilities with respect to the Landfill;

Whereas, the Leases pursuant to which the Authority occupied the Landfill property upon which it conducted the Landfill operation long ago expired, and the Authority currently does not own or lease or otherwise have an interest in any real property;

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

Whereas, the Authority has no reason to continue to function since its obligation and responsibilities with respect to the Landfill have been discharged and concluded;

Whereas, the Authority has submitted a Certificate Requesting Termination of the Authority;

Now, Therefore, Be It Resolved That

1. The City of Wilkes-Barre approves the Certificate Requesting Termination of the East Side Landfill Authority and the proper officers of the City of Wilkes-Barre are hereby authorized to execute the documents necessary to effect said termination.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE ON THE
_____ DAY OF _____, 2008.

EAST SIDE LANDFILL AUTHORITY

RESOLUTION NO. 1 OF 2008

Resolution Authorizing the Submission of Certificates Requesting Termination of the Authority to the Municipalities which Created It

WHEREAS, the East Side Landfill Authority (the "Authority") was created in 1963 by the City of Wilkes-Barre ("Wilkes-Barre"), Township of Plains ("Plains"), Borough of Ashley ("Ashley") and the Township of Hanover ("Hanover") (collectively the "Municipalities") in order to deal with an area wide problem of solid waste disposal;

WHEREAS, the East Side Landfill Authority was created specifically to provide and operate for the Municipalities proper facilities for the disposal of solid waste pursuant to the terms of an Agreement entered into among the Municipalities dated May 12, 1964 and pursuant to which Agreement the Municipalities agreed to fund the operation of the Authority;

WHEREAS, the Authority operated the East Side Landfill (the "Landfill") until January 22, 1982, when the Authority closed access to the landfill and ceased operation;

WHEREAS, on September 27, 1982 DER commenced an action in the Pennsylvania Commonwealth Court to enforce a DER Order against the Authority to submit a closure plan to DER for approval and implementation, and on July 1, 1985 the Commonwealth Court entered an Order directing the Authority to submit a closure plan and establish an implementation schedule;

WHEREAS, the Authority subsequently negotiated a closure plan with DER that was approved for implementation by DER;

WHEREAS, the Authority subsequently closed the Landfill in accordance with the Stipulated Settlement Agreement entered into among the Municipalities, the Authority, the Pennsylvania Department of Environmental Protection ("DEP") [then called the Pennsylvania Department of Environmental Resources ("DER")], Pocono Downs, Inc., Daniel J. Houlihan,

Trustee of Pocono Downs, Inc., and Mill Creek Land, Inc., which was approved by the Court Order of the United States District Court for the Middle District of Pennsylvania dated June 30, 1986 (the "Federal Court Order"), in an action which had been brought by Daniel J. Houlihan, Trustee for Pocono Downs, Debtor in Reorganization under Chapter X of the Bankruptcy Act vs. East Side Landfill Authority, City of Wilkes-Barre, Township of Plains, Township of Hanover and Borough of Ashley, filed to Civil Action No. 82-1612;

WHEREAS, by letter dated January 5, 2001, the Pennsylvania Department of Environmental Protection formally accepted the certification by Michael J. Passonick, Jr., Engineer for the Authority, that the Landfill had been closed in accordance with the approved DEP final closure plan and hence had been closed in accordance with the aforesaid Stipulated Settlement Agreement approved by the Federal Court Order;

WHEREAS, the Authority has discharged all of its closure and post-closure responsibilities with respect to the Landfill;

WHEREAS, the leases pursuant to which the Authority occupied the Landfill property and upon which it conducted its Landfill operation long ago expired, and the Authority currently does not own or lease or otherwise have any interest in any real property;

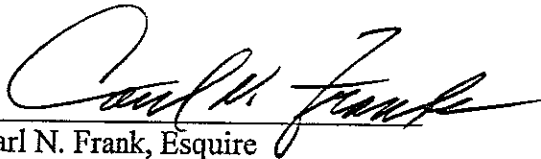
WHEREAS, the Authority has no reason to continue to function since its obligations and responsibilities with respect to the Landfill have been discharged and concluded;

NOW, THEREFORE, be it resolved that the Authority hereby requests the Municipalities to terminate its existence and hereby authorizes the Chairman of the Authority and the Solicitor for the Authority to submit Certificates requesting termination of the Authority to the Municipalities which created it and hereby authorizes the Chairman and the Solicitor to take whatever action is necessary to achieve the termination of the Authority.

ENACTED AS A RESOLUTION this 19th day of March, 2008.

EAST SIDE LANDFILL AUTHORITY

Date: 3/19/08

BY: 
Carl N. Frank, Esquire
Chairman, East Side Landfill Authority

Date: 3/19/08

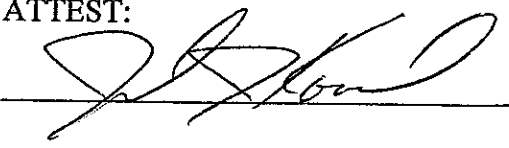
ATTEST: 

EXHIBIT "A"

EAST SIDE LANDFILL AUTHORITY

CERTIFICATE REQUESTING TERMINATION OF THE AUTHORITY

WHEREAS, the East Side Landfill Authority ("Authority") was created in 1963 by the City of Wilkes-Barre ("Wilkes-Barre"), Township of Plains ("Plains"), Borough of Ashley ("Ashley") and the Township of Hanover ("Hanover") (collectively the "Municipalities") in order to deal with an area wide problem of solid waste disposal;

WHEREAS, the East Side Landfill Authority was created specifically to provide and operate for the Municipalities proper facilities for the disposal of solid waste pursuant to the terms of an Agreement entered into among the Municipalities dated May 12, 1964 and pursuant to which Agreement the Municipalities agreed to fund the operation of the Authority;

WHEREAS, the Authority operated the East Side Landfill (the "Landfill") until January 22, 1982, when the Authority closed access to the Landfill and ceased operation;

WHEREAS, the Authority subsequently negotiated the Closure Plan with the Pennsylvania Department of Environmental Resources ("DER") [now called the Pennsylvania Department of Environmental Protection ("DEP")], that was approved for implementation by DER;

WHEREAS, by letter dated January 5, 2001, the Pennsylvania Department of Environmental Protection formally accepted the certification by Michael J. Pasonick, Jr., Engineer for the Authority, that the Landfill had been closed in accordance with the approved DEP final Closure Plan;

WHEREAS, the Authority has discharged all of its closure and post closure responsibilities with respect to the Landfill;

WHEREAS, the leases pursuant to which the Authority occupied the Landfill property and upon which it conducted its Landfill operation long ago expired, and the Authority currently does not own or lease or otherwise have any interest in any real property;

WHEREAS, the Authority has no reason to continue to function since its obligations and responsibilities with respect to the Landfill have been discharged and concluded;


WHEREAS, the Authority has adopted a resolution authorizing the submission of a Certificate requesting termination of the Authority to the Municipalities which created it, a copy of which is attached hereto as Exhibit "A";

NOW, THEREFORE, said Authority hereby requests that the Municipalities which created it – to wit, Wilkes-Barre, Plains, Ashley and Hanover – approve this Certificate Requesting Termination of the East Side Landfill Authority.

EAST SIDE LANDFILL AUTHORITY

Date: 7/1/08

BY:


Carl N. Frank, Esquire
Chairman, East Side Landfill Authority

RESOLUTION NO. _____ OF 2008

**RESOLUTION APPROVING THE CERTIFICATE REQUESTING
TERMINATION OF THE EAST SIDE LANDFILL AUTHORITY**

WHEREAS, the East Side Landfill Authority (the "Authority") was created in 1963 by the City of Wilkes-Barre ("Wilkes-Barre"), Township of Plains ("Plains"), Borough of Ashley ("Ashley") and the Township of Hanover ("Hanover") (collectively the "Municipalities") in order to deal with an area wide problem of solid waste disposal;

WHEREAS, the East Side Landfill Authority was created specifically to provide and operate for the Municipalities proper facilities for the disposal of solid waste pursuant to the terms of an Agreement entered into among the Municipalities dated May 12, 1964 and pursuant to which Agreement the Municipalities agreed to fund the operation of the Authority;

WHEREAS, the Authority operated the East Side Landfill (the "Landfill") until January 22, 1982, when the Authority closed access to the Landfill and ceased operation;

WHEREAS, the Authority subsequently closed the Landfill in accordance with a Closure Plan which was negotiated with and approved for implementation by the Pennsylvania Department of Environmental Resources ("DER") [now called the Pennsylvania Department of Environmental Protection ("DEP")];

WHEREAS, by letter dated January 5, 2001, the Pennsylvania Department of Environmental Protection formally accepted the certification by Michael J. Pasonick, Jr., Engineer for the Authority, that the Landfill had been closed in accordance with the approved DEP final Closure Plan;

WHEREAS, the Authority has discharged all of its closure and post-closure responsibilities with respect to the Landfill;

WHEREAS, the Leases pursuant to which the Authority occupied the Landfill property upon which it conducted the Landfill operation long ago expired, and the Authority currently does not own or lease or otherwise have any interest in any real property;

WHEREAS, the Authority has no reason to continue to function since its obligation and responsibilities with respect to the Landfill have been discharged and concluded;

WHEREAS, the Authority has submitted a Certificate Requesting Termination of the Authority;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The City of Wilkes-Barre approves the Certificate Requesting Termination of the East Side Landfill Authority and the proper officers of the City of Wilkes-Barre are hereby authorized to execute the documents necessary to effect said termination.

ADOPTED BY THE CITY COUNSEL OF THE CITY OF WILKES-BARRE ON THE
_____ DAY OF _____, 2008.

ATTEST:

City Clerk



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the City Council of the City of Wilkes-Barre hereby grants its approval of the transfer of Liquor License No. C-3610 (LID No. 1688), held by the Wilkes-Barre Republic Club, to 280 South Sheridan, Wilkes-Barre, Pennsylvania.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

That the proper city officials are hereby authorized to execute any and all documents related to approving a one (1) year Stay of the Upset Sale, currently scheduled for September 18, 2008, for the following property:

Irem Temple Building
46-56 North Franklin Street
Wilkes-Barre, PA 18701
PIN: H9SE2 003 021

This authorization is conditioned on the assent of the Wilkes-Barre Area School District and Luzerne County.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

RADDETT

CITY OF WILKES-BARRE
Pennsylvania
Thomas M. Leighton, Mayor

Timothy J. Henry, Esquire
City Attorney



William E. Vinsko, Jr., Esquire
Assistant City Attorney

Margaret M. Sharksnas
Paralegal

OFFICE OF THE CITY ATTORNEY
40 East Market Street
Wilkes-Barre, PA 18711
Tel. (570) 208-4155 Fax (570) 208-4153

MEMORANDUM

To: Wilkes-Barre City Council
c/o Jim Ryan, City Clerk

From: Timothy J. Henry, City Attorney

Date: July 23, 2008

Re: **IREM TEMPLE**
46-56 North Franklin Street
Wilkes-Barre, PA
PIN: H9SE2 003 021

The Greater Wilkes-Barre Development Corporation ("Development Corporation") is the owner of the above-referenced property. The property is currently scheduled for Upset Sale on September 18, 2008.

The Development Corporation has requested a one (1) year Stay of the sale to review its options (e.g., development, revitalization) for the property. The County has agreed to the Stay conditioned upon the assent of the Wilkes-Barre Area School District and the City.

Attached for your review are the following:

1. Draft Stipulation; and
2. Proposed Resolution related to authorizing the Stay.

Thank you for your attention to this matter. Please contact me with any question or comment.

TJH/ms
Attachment

cc: Marie McCormick, Deputy City Administrator

IN RE: REAL PROPERTY	:	IN THE
LOCATED AT	:	COURT OF COMMON PLEAS
	:	OF LUZERNE COUNTY
46-56 NORTH FRANKLIN ST.	:	
	:	
WILKES-BARRE, PA	:	
	:	NO. _____ of 2008
MAP NO. H9SE2B3 L1 + 21	:	

STIPULATION TO STAY UPSET SALE

This Stipulation, made this _____ day of _____, 2008 by and among the City of Wilkes-Barre Industrial Development Authority, the Greater Wilkes-Barre Development Corporation, the County of Luzerne, the City of Wilkes-Barre and the Wilkes-Barre Area School District

WITNESSETH:

WHEREAS, the Greater Wilkes-Barre Development Corporation (“Development Corporation”), a non-profit corporation, acquired title to the real property located at 46-56 North Franklin Street, Wilkes-Barre, Luzerne County, Pennsylvania by Deed dated October 31, 2005 and recorded in Luzerne County Record Book 3005 at Page 295496; and

WHEREAS, the real property, formerly known as the Irem Temple Mosque (the “Irem Temple”) is one of Wilkes-Barre’s best known and most beloved landmarks, which has been repeatedly acclaimed by national historians, publications and exhibits as one of the most significant examples of Moorish revival architecture in the United States; and

WHEREAS, the Development Corporation, whose mission is to encourage economic development through, among other things, revitalization of historic downtown facilities, acquired title to the Irem Temple as a part of its mission; and

WHEREAS, the Greater Wilkes-Barre Development Corporation, through a Cooperation Agreement with the City of Wilkes-Barre Industrial Development Authority (“IDA”), transferred title to the Irem Temple to the IDA by Deed dated December 27, 2007 and recorded in Luzerne County Record Book 3007 at Page 339629; and

WHEREAS, real estate taxes due on the Irem Temple for 2006 and 2007 total \$100,317 and the Development Corporation has no ability to pay or make payments on the property until it is redeveloped; and

WHEREAS, the Development Corporation has, with the assistance of the Commonwealth of Pennsylvania and other government entities, invested more than \$180,000.00 in the property just to make critical repairs; and

WHEREAS, the Development Corporation is in the process of seeking other sources of funding in order to undertake other rehabilitation work; and

WHEREAS, the redevelopment of the Irem Temple is critical to the continued resurgence of the City of Wilkes-Barre; and

WHEREAS, the Development Corporation and the taxing bodies have a shared interest in maximizing the utility and community benefit of the Irem Temple which is a treasured historic structure;

NOW, THEREFORE, in consideration of the above premises, the undersigned agree as follows:

- 1) The County of Luzerne, the City of Wilkes-Barre, the Wilkes-Barre Area School District, the City of Wilkes-Barre Industrial Development Authority and the Greater Wilkes-Barre Development Corporation hereby stipulate and agree to a one year stay of the Upset Price Tax Sale currently scheduled for September 18, 2008 to allow The City of Wilkes-Barre Development Corporation to review options relative to the Irem Temple property.
- 2) This Stipulation may be executed in any number of counterparts, each of which shall be deemed an original.

IN WITNESS WHEREOF and intending to be legally bound hereby, the undersigned have hereunto set their hands and seals the date first above written.

WITNESS:

THE CITY OF WILKES-BARRE
INDUSTRIAL DEVELOPMENT AUTHORITY

By: _____

THE GREATER WILKES-BARRE
DEVELOPMENT CORPORATION

By: _____
Todd A. Vonderheid, President/CEO

[SIGNATURE PAGE CONTINUES]

THE COUNTY OF LUZERNE

By: _____
Marianne Petrilla, Chairperson,
Luzerne County Commissioners

By: _____
Gregory A. Skrepenak, Commissioner

By: _____
Stephen A. Urban, Commissioner

THE CITY OF WILKES-BARRE

By: _____
Thomas J. Leighton, Mayor

WILKES-BARRE AREA SCHOOL DISTRICT

By: _____
James M. Fisher, President



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the City Council of the City of Wilkes-Barre hereby grants the Wilkes-Barre Area School District permission to have a safety fence placed on the city right-of-way adjacent to school property on Old River Road.

FURTHER, that City Council's approval is contingent upon compliance with the following requirements, filing them with the City Attorney's Office:

1. File liability insurance naming the city as an insured for any liability connected with the request.
2. File a Release and Save Harmless Agreement.
3. Applicants and successors shall file current liability naming the City as an insured.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

D. BARRETT



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

That the proper City officials are hereby authorized to execute any and all necessary documents related to the granting of a License (for entry and testing) to Northeast Pennsylvania SMSA Limited Partnership /d/b/a Verizon Wireless.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

RADETT



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, John R. Williams, Jr. has instituted litigation against the City of Wilkes-Barre (No. 7039 of 2008) to recover the amounts allegedly due to him as a result of payments he made to taxed parcels adjacent to his property;

WHEREAS, the City of Wilkes-Barre has reviewed this claim and discussed a settlement with Mr. Williams and his legal counsel;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Wilkes-Barre hereby authorizes the full resolution of this claim, which includes a payment of Eight Thousand Dollars (\$8,000.00) payable over three years in the form of a tax rebate on future taxes. The Office of City Attorney is hereby authorized to resolve this claim and have it marked as such in the Office of the Prothonotary of Luzerne County.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the proper City officials are hereby authorized to execute any and all necessary documents related to the sale of 269-271 E. Northampton Street, Wilkes-Barre, Pennsylvania for Five Thousand (\$5,000.00) Dollars.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, the City of Wilkes-Barre through its Health Department has administered the Cancer Education Program over the past nine years; and

WHEREAS, the City has been successful in obtaining grant funds for the Cancer Education Program for each of the past nine years.

NOW, THEREFORE, BE IT RESOLVED by 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 Pennsylvania Department of Health for a five year Cancer Education Program grant in the amount of \$55,360.00 per year.

FURTHER, that the Mayor is hereby authorized to enter into the appropriate agreement if the application is approved.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

THAT, the proper City officials are hereby authorized to enter into an agreement with Drain-Tech, Inc. for the cleaning of City owned sewer lines on an emergency basis.

AND, FURTHER THAT, the costs associated with the work will be paid through the General Fund.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

THAT, the proper City officials are hereby authorized to enter into an agreement for the purchase of bituminous base coal asphalt product and ID# 2A asphalt product with Wilkes-Barre Materials.

AND, FURTHER THAT, the price per ton of each product is as follows:

- 1). ID #2A- \$593.95/ton
- 2). Bituminous base coal- \$44.75/ton

IN ADDITION, the funds for purchasing such products will be paid through the Liquid Fuels Account.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

RESOLVED, that the proper City officials are authorized to prepare and execute any and all necessary documents related to satisfying the following on Municipal Liens filed against 260-262 South Main Street:

1. No. 434 of 1998 (\$275.18). Filing Lien Satisfaction piece with the Luzerne County Prothonotary.
2. No. 873 of 2004 (\$49,975.00). Prepare/file a Lien Subordination agreement (2nd Position).

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, the City has an obligation to ensure park pavilions are maintained for health & safety of the general public; and,

WHEREAS, E.J. Pressure Wash provides cleaning services to the City to maintain the cleanliness of park pavilions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilkes-Barre hereby authorizes the proper City officials to pay E.J. Pressure Wash in an amount not to exceed \$20,000.00 for the cleaning, maintenance of City park facilities throughout calendar year 2008.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, the City has an obligation to ensure that its facilities are maintained for health & safety purposes; and,

WHEREAS, E.J. Pressure Wash provides cleaning services to the City to maintain the cleanliness of DPW vehicles.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilkes-Barre hereby authorizes the proper City officials to pay E.J. Pressure Wash in an amount not to exceed \$30,000.00 for the cleaning, maintenance of City vehicles throughout calendar year 2008.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Resolution No. _____

Wilkes-Barre, Pa. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

THAT the proper City Officials are hereby authorized to accept the attached proposal of the Joyce Insurance Group in the aggregate amount of \$548,039 and to enter into the necessary contracts for the insurance.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

BARNETT

**City of Wilkes-Barre
Premium Summary
Renewal Premium
8/14/08-09**

Property	\$52,954.00
Inland Marine	13,446.00
General Liability	172,000.00
Auto	153,160.00
Public Officials	89,059.00
Law Enforcement	58,649.00
Fiduciary Liability	8,771.00
	<hr/> <hr/> \$548,039.00



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, it is required to have a report from a testing service qualifying the integrity of the steel fabrication process and the strength of the steel at the Amthor Steel plant while fabricating the steel for the Intermodal Transportation Center/Garage Project; and,

WHEREAS, proposals were solicited from qualified firms; and,

WHEREAS, two firms submitted proposals with SJB Services Inc. of Hamburg, New York, providing the most competitive rates for testing and inspection.

NOW, THEREFORE, BE IT RESOLVED that the proper City officials are, hereby, authorized to enter into a contract with SJB Services, Inc. to complete the inspection and testing at the Amthor Steel plant in accordance with the attached proposal.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Contract Drilling and Testing

REF "B"

July 28, 2008

Sordoni Construction Services, Inc.
45 Owen Street
Kingston, Pennsylvania 18704-4339
Phone: 570-287-3161 /
Fax: 570-287-2450

Attention: Mr. Stephen J. Parashac

Reference: Fabrication Shop Testing and Inspection
Wilkes-Barre Intermodal Facility

Dear Mr. Parashac,

Pursuant to your request, we are hereby submitting our proposal to perform Structural Steel Shop Inspection for the above referenced project. We understand this work will take place at the Amthor Steel Facility in Erie, Pennsylvania.

Our rates will be as follows:

-	AWS Certified Structural Steel Inspector to Perform Structural Steel Shop Inspection		
	Hourly Rate (Portal to Portal)	\$40.00/Hour	\$320/DAY
	Overtime	\$55.00/Hour	
	Mileage	\$.50/Mile	
-	ASNT Certified Ultrasonic Inspector		
	Hourly Rate (Portal to Portal)	\$50.00/Hour	\$400/DAY
	Overtime	\$70.00/Hour	
	Mileage	\$.50/Mile	

Please note that all rates quoted are Portal to Portal from our Hamburg, New York Office and are inclusive of all equipment, reporting and administrative fees. All unit rates will be charged at a 4-hour and 8-hour interval including travel time.

Thank you for considering SJB SERVICES, INC. to perform this work. Please sign below as your formal acceptance / authorization to proceed with the work and return one (1) copy of this correspondence to our office. If you should have any questions, please contact our office. We look forward to working with you.

Sincerely,
SJB SERVICES, INC.

Stanley J. Blas

Stanley J. Blas
President

PROPOSAL ACCEPTED BY:

DATE ACCEPTED:

CORPORATE/
BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14076
Phone: (716) 649-8110
Fax: (716) 649-8051

ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
Fax: (518) 899-7496

CORTLAND OFFICE
60 Miller Street
Cortland NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188

ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, The City Council of the City of Wilkes-Barre approved the selection of Highland Associates as the engineer for the Coal Street Park Recreational Project per Resolution R0096-07 of May 24, 2007, AND

WHEREAS, The City Council of the City of Wilkes-Barre approved a \$1,000,000 borrowing per Ordinance enacted on November 29, 2007, AND

WHEREAS, The City of Wilkes-Barre deposited the borrowing into Fund 054, "Coal Street Park Project" and pays project expenditures from said fund,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wilkes-Barre that the proper City Officials are authorized to pay Highland Associates and amount not to exceed \$42,000 from Fund 054, "Coal Street Park Project" for the continued design of the Coal Street Park Project.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, The City Council of the City of Wilkes-Barre approved the selection of Highland Associates as the engineer for the Coal Street Park Recreational Project per Resolution R0096-07 of May 24, 2007, AND

WHEREAS, The City Council of the City of Wilkes-Barre approved a \$1,000,000 borrowing per Ordinance enacted on November 29, 2007, AND

WHEREAS, Highland Associates is entering into the final stages of site and plan development,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wilkes-Barre that the proper City Officials are authorized to sign the attached agreement with Highland Associates and amount not to exceed \$1,357,910 of which \$877,756.30 has been paid from Fund 054, "Coal Street Park Project" for the continued design of the Coal Street Park Project.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

HIGHLAND
ASSOCIATES

June 11, 2008

Mr. John Koval
City of Wilkes-Barre
40 East Market Street
Wilkes-Barre, PA 18700

**Re: Coal Street Complex
Revised A/E Fee
HA PN 2007-177**

Dear Mr. Koval,

As discussed in our meeting on June 3, 2008, Highland Associates has prepared this letter to address the Architectural/Engineering fees for the Coal Street Complex. As per Highland's attached spread sheet, dated 5-13-08, the total fees including estimated reimbursables and reimbursable consultants will be \$1,357,910.00 of which \$877,756.30 has been billed. The total remaining to be billed is \$480,153.70. Please note that we have carried an allowance of \$50,000.00 for reimbursables such as printing, express mail etc. in the fee. This fee modifies the Basis of Compensation indicated in our contract of May 24, 2007. Also please note that any fees associated with modifying our documents for Value Engineering changes are not included in this fee. They will be addressed when the actual scope is known.

We have also attached a proposed billing schedule to help with your cash draw down.

If you are in agreement with the aforementioned fee, please sign the attached AIA G606-2000 and return one copy to our office as your authorization to proceed with project and stated fee. All terms and conditions of our B141 CMA contract, dated May 24, 2007, shall remain in effect.

Please call if you have any questions concerning this matter.

Sincerely,



Philip Baldoni, R.A.
Associate Principal
Senior Project Manager

CC: Partners, Accounting, W:_2007\07-177\letters\Koval 6-11-08 Fees.doc

 **AIA** Document G606™ – 2000

Amendment to the Professional Services Agreement

Amendment Number: 001

TO: Mr. John Koval
(Owner's Representative)

In accordance with the Agreement dated: May 24, 2007

BETWEEN the Owner:
City of Wilkes-Barre
40 East Market Street
Wilkes-Barre, PA 18711

and the Architect:
Highland Associates, Ltd.
Architecture Engineering Interior Design
102 Highland Avenue
Clarks Summit, PA 18411

for the Project:
(Name and address)
Coal Street

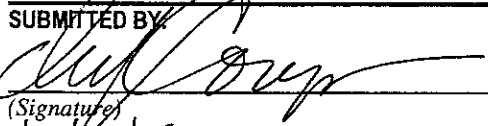
Authorization is requested
 to proceed with Additional Services or a Change in Services.
 to incur Additional Reimbursable Expenses.

As Follows:
Revise fees to allow for redesign of Schematic Phase and include reimbursable consultants per attached Spreadsheet dated 5-13-08

The following adjustments shall be made to compensation and time.
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

Compensation:
Original May 24, 2007 Agreement set fees at \$350,000 for Part "A" Services and a fee of approximately 7.5% of Construction Costs for Part "B" services plus reimbursables.
Revised total fee will be \$1,357,910 for both Part "A" and Part "B" services and will also include Reimbursable Consultants and Reimbursable Expenses as shown on the attached "Coal Street - Highland Fees to be Billed as of 5-13-08" spreadsheet.

Time:
Additional time for work will be mutually agreed upon at a later date.

<hr/> SUBMITTED BY:  (Signature) Charles J. Consagra principal (Printed name and title) Charles J. Consagra, AIA Prin (Date)	<hr/> AGREED TO: (Signature) (Printed name and title) (Date)
--	--

 **AIA**® Document G606™ – 2000

Amendment to the Professional Services Agreement

Amendment Number: 001

TO: Mr. John Koval
(Owner's Representative)

In accordance with the Agreement dated: May 24, 2007

BETWEEN the Owner:
City of Wilkes-Barre
40 East Market Street
Wilkes-Barre, PA 18711

and the Architect:
Highland Associates, Ltd.
Architecture Engineering Interior Design
102 Highland Avenue
Clarks Summit, PA 18411

for the Project:
(Name and address)
Coal Street


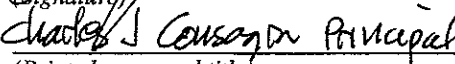
Authorization is requested
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As Follows:
Revise fees to allow for redesign of Schematic Phase and include reimbursable consultants per attached Spreadsheet dated 5-13-08

The following adjustments shall be made to compensation and time.
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

Compensation:
Original May 24, 2007 Agreement set fees at \$350,000 for Part "A" Services and a fee of approximately 7.5% of Construction Costs for Part "B" services plus reimbursables.
Revised total fee will be \$1,357,910 for both Part "A" and Part "B" services and will also include Reimbursable Consultants and Reimbursable Expenses as shown on the attached "Coal Street - Highland Fees to be Billed as of 5-13-08" spreadsheet.

Time:
Additional time for work will be mutually agreed upon at a later date.

SUBMITTED BY:	AGREED TO:
	
(Signature)	(Signature)
	
(Printed name and title)	(Printed name and title)
Charles J. Consagra, AIA Prin	
(Date)	(Date)

Coal Street - Highland Fees to be Billed as of 5-13-08

Task	Base Fee + Reimb. + Reimb Consultants	Billed (Includes Reimb. + Reimb. Consultants)	Paid	Remaining to be Paid on Billed	Balance to Bill
Part "A" Costs					
Part "A" Fee includes Reimb. and \$122,000 for 80% Schematics. Note: Includes Schematics and Consultants billed under 2007-177	\$350,000.00	\$337,554.23	(\$324,839.51)	\$12,714.72	
Part "B" Costs					
Base Fee 7.5% x \$11,500,000 - \$122,000	\$755,500.00				
Billed \$679,916.79 - \$122,000 - \$12,714.72 (Acker Part A) - \$5,000 (Ice Consultant Part A) *Paid \$366,451.53 - \$122,000 - \$5,000 (Ice Consultant Part A) = \$239,451.53 Redo of Schematics	\$122,000.00	\$540,202.07	(\$239,451.53)	\$300,750.54	
Highland Base Fee + Schematic Redo	\$1,227,500.00				
Reimbursables and Reimb. Consultants					
BK Mechanical (Ice)	\$24,500.00				
Barrett Sports	\$25,000.00				
PA Tectonics-Phase II Environmental	\$7,300.00				
NPDES Permitting	\$5,800.00				
DCNR Permitting	\$2,500.00				
Camera Survey of Sewer	\$2,000.00				
Property Line Survey	\$6,000.00				
HA Markup of Reimbursables	\$7,310.00				
Reimbursable Allowance (if Needed)	\$50,000.00				
Total Project Fees + Reimbursables	\$1,357,910.00	\$877,756.30	(\$564,291.04)	\$313,465.26	\$480,153.70
Remaining Fees will be invoiced in accordance with the attached Billing Schedule (dated 6/13/08)					

Coal Street Billing Schedule 6-13-08

Amount Remaining on Contract	\$480,153.00	
2008		
July	(\$151,000.00)	Completion of Documents
August	(\$111,000.00)	
September	(\$44,000.00)	Bidding
October	(\$32,000.00)	Construction Administration, Shop Drawings, Field Questions, Punch List
November	(\$27,000.00)	
December	(\$11,000.00)	
2009		
January	(\$11,000.00)	
February	(\$11,000.00)	
March	(\$11,000.00)	
April	(\$11,000.00)	
May	(\$11,000.00)	
June	(\$8,500.00)	
July	(\$8,500.00)	
August	(\$8,500.00)	
September	(\$8,500.00)	
October	(\$8,000.00)	
November	(\$7,153.00)	
Balance	\$0.00	

FILE OF COUNCIL

NO. 17 of 2008

Presented in City Council July 10, 2008

AN ORDINANCE

AMENDING ARTICLE II. OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "GARBAGE AND REFUSE"

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT ARTICLE II. OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "GARBAGE AND REFUSE" IS HEREBY AMENDED AS FOLLOWS:

ARTICLE II. LITTER AND DISPOSAL

Sec. 12-18. Duties imposed.

(11) *Private/Commercial collection of municipal solid waste.* Private or commercial haulers of garbage are allowed to collect garbage throughout the City of Wilkes-Barre between the hours of 7:00 a.m. and 6:00 p.m. daily.

(a) *Garbage.* RESCINDED

(b) *Curbside recycling.* RESCINDED

SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on _____
_____, 2008.

This ordinance shall become effective ten (10) days after final passage by
the Council of the City of Wilkes-Barre.

Attest:

Jim Ryan, City Clerk

FILE OF COUNCIL

NO. ____ OF 2008

PRESENTED IN CITY COUNCIL ON _____

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 19 OF 1976, AS AMENDED, ENTITLED "AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA, UNDER THE HOME RULE CHARTER, AND OPTIONAL PLANS LAW, ACT OF 1972, APRIL 13, NO. 62, SECTIONS 101 TO 1309, 53 P.S., 1-101, ET SEQ, ESTABLISHING AN ADMINISTRATIVE ORGANIZATION FOR THE CITY OF WILKES-BARRE, DESIGNATING POWERS AND DUTIES OF COUNCIL, THE MAYOR AND OTHER CITY OFFICERS; PROVIDING FOR THE CONDUCT OF CITY FISCAL AFFAIRS, THE ENACTMENT AND ENFORCEMENT OF CITY ORDINANCES AND THE CONDUCT OF CITY OFFICERS AND EMPLOYEES; REPEALING OBSOLETE AND INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE HEREOF, AS AMENDED.

Be It Ordained and Enacted by the City Council of the City of Wilkes-Barre and it is hereby Ordained and Enacted by the authority of the same, as follows:

SECTION 1.

SECTION 3:04 – Submission to Mayor and Veto Power:

(a) The last sentence which originally read:

Council may at its next meeting reinstate the ordinance and may pass it over the Mayor's veto by the affirmative vote of five (5) members of Council.

Is amended to read:

Council may at its next meeting reinstate the ordinance and may pass it over the Mayor's veto by the affirmative vote of four (4) members of Council.

SECTION 2. Severability.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the

Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 3. Repealer.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Passed finally by the Council of the City of Wilkes-Barre on

_____.

This ordinance shall become effective ten (10) days after final passage by the Wilkes-Barre City Council.

ATTEST:

Jim Ryan, City Clerk

FILE OF COUNCIL

NO. _____ OF 2008

Presented in City Council on _____

AN ORDINANCE

ENTITLED "AN ORDINANCE VACATING A PORTION OF LINCOLN STREET".

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Wilkes-Barre, and it is hereby ordained and enacted by the authority of the same, that:

SECTION I. VACATION OF A PORTION OF LINCOLN STREET. The following portion of Lincoln Street located in the City of Wilkes-Barre be and hereby is vacated and discontinued as a public street:

MAP OF PROPERTY VACATED ATTACHED AS EXHIBIT "A"

BE IT FURTHER ORDAINED that the land of the street thus vacated and discontinued revert to and vest in Clifford K. Melberger and Ruth B. Melberger, abutting owners, or other owner/entity now formed or to be formed for the purpose of development of the property. The whole depicted area is hereby vacated and discontinued as fully to all intents and purposes as though the City of Wilkes-Barre had by formal conveyance duly conveyed the same to said Clifford K. Melberger and Ruth B. Melberger or other legal title holder .

SECTION II. EASEMENTS & RIGHTS OF WAY, ETC. In connection with the foregoing vacation of Lincoln Street, the following duty is hereby imposed: Greenspace Properties, LLC must contact authorized officers from the City of Wilkes-Barre, Pennsylvania American Water Company, and any other entities who have any interest in maintaining any water pipes, sewer lines or any other equipment and/or other property for the purpose of

preparing, executing, and recording any required easements and/or rights-of-way related to the property that is the subject of the within vacation.

SECTION III. AUTHORIZATION FOR REMOVAL AND/OR INSTALLATION OF TRAFFIC SIGNALS, ETC. Authorization is hereby granted for the removal and/or installation of any traffic signals and signs relevant to the traffic patterns and any other changes that are depicted on the Greenspace Properties, LLC Land Development plans presented to the Wilkes-Barre City Planning Commission in connection with Greenspace Properties, LLC's development of that portion of Lincoln Street which is vacated hereby.

SECTION IV. DEVELOPMENT CONTINGENCY. The within vacation is hereby expressly contingent upon approval from the proper governmental authorities (e.g. Planning Commissions) and development of the property substantially in the form depicted on the Land Development Plan.

SECTION V. SEVERABILITY. The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION VI. REPEALER. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

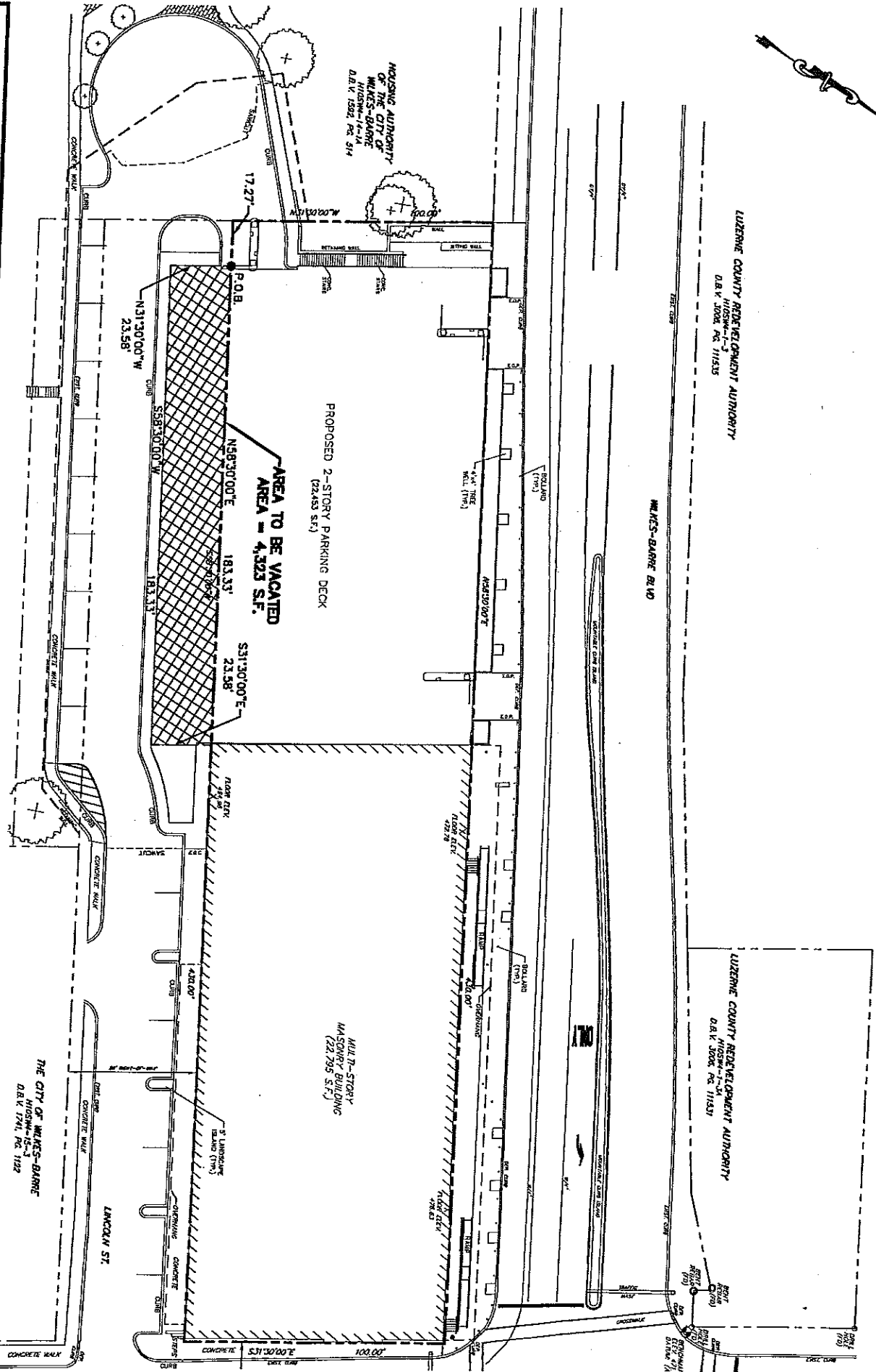
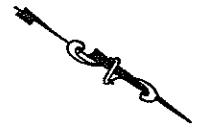
This ordinance shall become effective on _____.

Passed finally by the Council of the City of Wilkes-Barre on _____.

ATTEST:

JAMES RYAN, CITY CLERK

EXHIBIT "A"



BARRY ISETT & ASSOCIATES, INC.
 Consulting Engineers & Surveyors
 Trebletown, PA 18087-0147
 610-398-0904 www.barryisett.com

EXHIBIT "A" - AREA TO BE VACATED FROM THE CITY OF WILKES-BARRE

RENOVATIONS TO STEGMAIER BOTTLING HOUSE

CITY OF WILKES-BARRE
 LUZERNE COUNTY, PENNSYLVANIA

SCALE: 1" = 50'

JOB NO.	128307.000
DATE:	6/3/08
BY:	PSM
NO.	1 of 1

FILE OF COUNCIL

NO. _____ OF 2008

PRESENTED IN CITY COUNCIL _____

AN ORDINANCE

**AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET
FOR PROGRAM YEAR 2008.**

WHEREAS, it is now appropriate to amend the Community Development Block Grant Budget for Program Year Thirty-Four (2008).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Wilkes-Barre and it is hereby ordained and enacted by the authority of the same that:

SECTION I. The Community Development Block Grant Budgets are amended, as presented on the attached page: