

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

FEBRUARY 26, 2009

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
FEBRUARY 26, 2009

CONSENT AGENDA (RESOLUTIONS)

Declaring intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual.

Granting approval to Michael A. Smith Jr., to replace existing sign with a new lighted sign at 519-522 South Main Street.

Removing exemptions from Real Property Tax, Earned Income Tax, Net Profits Tax, Mercantile and Business Privilege Tax within a specific geographic area in the City of Wilkes-Barre designated a part of the Luzerne/Lackawanna Keystone Opportunity Zone.

Authorizing proper City officials to submit a Redevelopment Assistance Capital Grant Application to the Commonwealth of Pennsylvania in the amount of \$4 million for the Stegmaier Lofts Project.

Authorizing the proper City officials to enter into an agreement with Pennsylvania Department of Transportation and Pennoni Associates to monitor and subsequently modify the traffic signalization at the south bound exit ramp of the North Cross Valley Expressway at State Route 0309.

Authorizing the proper City officials to enter into a contract with the lowest, responsible bidder, Popple Construction Inc., for the Site Concrete, Paving, Finish Grading & Miscellaneous Work in conjunction with the Intermodal Transportation Facility/Parking Garage Project.

Pledge support for Boscov's Inc. by moving forward with the requirements to apply for a DHUD Section 108 Loan Guarantee in the amount of \$3,000,000.

MINUTES

Of the Regular Session of City Council of February 5, 2009.

Of the Industrial Development Authority of November 6, 2008.

Of the Wilkes-Barre Board of Health of February 2, 2009.

Of the Parking Authority of January 17th, 2009.



Resolution No. _____

Wilkes-Barre, Pa. _____

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

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA, DECLARING ITS INTENT TO FOLLOW THE SCHEDULES AND PROCEDURES FOR DISPOSITION OF RECORDS AS SET FORTH IN THE MUNICIPAL RECORDS MANUAL APPROVED ON DECEMBER 16, 2008.

Whereas, a Local Government Records Committee was created by Act 428 of 1968 and empowered thereby to make rules and regulations for records disposition; and,

Whereas, the Municipal Records Manual was approved by said committee on December 16, 2008; and,

Whereas, the City of Wilkes-Barre desires to dispose of records according to statutory requirements;

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania, that it intends to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

BARRETT



Resolution No. _____

Wilkes-Barre, Pa. _____

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

Whereas, Michael A. Smith Jr. wishes to remove a sign that hangs over the sidewalk right of way at his property located at 519-522 South Main Street; and

Whereas, Mr. Smith wishes to replace the aforementioned original sign with a new lighted sign.

Now, Therefore, Be It Resolved by Wilkes-Barre City Council that approval is hereby granted contingent upon satisfaction of the following requirements:

File the following with the City Attorney's Office:

1. File liability insurance naming the City as an insured for any liability connected with the said request.
2. File a Release and Save Harmless Agreement.
3. The applicant and a successor shall file current liability naming the City as an insured.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

BARRETT

400 Third Avenue
Suite 117
Kingston, Pennsylvania 18704



Phone: 570-283-9500
Fax: 570-283-9450
Web: www.terranelaw.com

Angelo C. Terrana, Jr., Esquire
actjr@terranelaw.com

Joseph A. Dessoie, Esquire
jdessoie@terranelaw.com

Joseph J. Terrana, Esquire
joe.terrana@terranelaw.com

February 19, 2009

ATTN: Jim Ryan, City Clerk
Wilkes-Barre City Council
40 East Market Street
Wilkes-Barre, PA 18702

RE: Michael A. Smith, Jr.
Mike Smith's Used Tires, L.L.C.
519-522 South Main Street

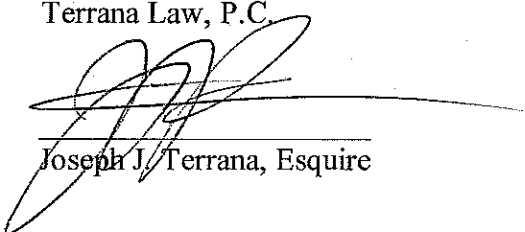
Dear Honorable Members of City Council:

Our client, Michael A. Smith, Jr., of Mike Smith's Used Tires, L.L.C., hereby formally requests Council to grant him permission to remove a sign that hangs over the sidewalk at the above property and is a possible safety hazard and replace it with a new lighted sign that hangs over the sidewalk at the property.

We would appreciate if this could be placed on the agenda of the next Council Meeting. Thank you for your assistance.

Very truly yours,
Terrana Law, P.C.

By:


Joseph J. Terrana, Esquire

JJT

INDEMNITY AGREEMENT

DATED 2-17-09

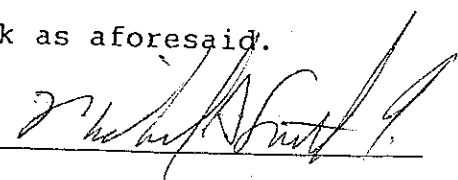
CITY OF WILKES-BARRE
CITY HALL
WILKES-BARRE, PA. 18711

THE CITY OF WILKES-BARRE, under date of February 17th, 2009
grants to Mike Smiths Used Tires LLC

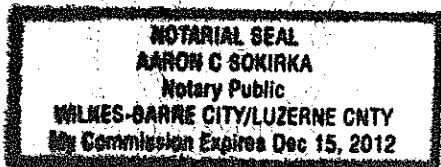
permission to Remove existing Sign and
install new over the sidewalk Sign.

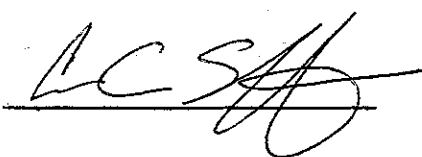
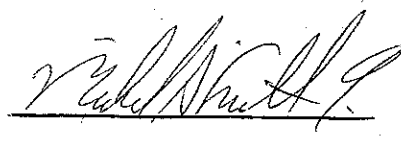
THEREFORE, the said Mike Smiths Used Tires LLC

shall and does indemnify and save harmless the City of Wilkes-Barre from any loss, damage or expense whatsoever, including costs and attorney's fees, the City may incur or be required to pay where occasioned by or arising from said permission granted, and/or work as aforesaid.

BY 

EVIDENCE OF INSURANCE IS ALSO REQUIRED





Wilkes-Barre, Pa. _____

Resolution No. _____

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

A RESOLUTION REMOVING EXEMPTIONS FROM REAL PROPERTY TAX, EARNED INCOME TAX, NET PROFITS TAX, MERCANTILE AND BUSINESS PRIVILEGE TAX WITHIN A SPECIFIC GEOGRAPHIC AREA IN THE CITY OF WILKES-BARRE DESIGNATED A PART OF THE LUZERNE/LACKAWANNA KEYSTONE OPPORTUNITY ZONE.

WHEREAS, the City of Wilkes-Barre, Pennsylvania on December 10, 1998, in Resolution No. R0332-98, resolved to provide tax exemptions, within a defined geographical and political boundary of the City of Wilkes-Barre, bounded as set forth in Attachment "A" and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) to decertify areas within the respective political subdivision currently designated as a Keystone Opportunity Zone and, as a precondition of such application, to enact a binding resolution, abatements or credits from all local taxes identified in the Act, which resolutions will be contingent only on DCED's approval of the application for decertification; and

WHEREAS, the City of Wilkes-Barre is participating in an application to DCED seeking approval to decertify of the 6th Subzone of the Luzerne/Lackawanna Keystone Opportunity Zone.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre, Luzerne County that effective as of the date of, and contingent only on, DCED's approval of the application to decertify a port of the Luzerne/Lackawanna Keystone Opportunity Zone, Resolution No. R0332-98, dated December 10, 1998, is hereby rescinded with respect to the property herein described, said property is hereby removed for the Luzerne/Lackawanna Keystone Opportunity Zone, and all tax benefits provided by the Act to that property are hereby withdrawn.

Submitted by _____

ROLL CALL

YEAS

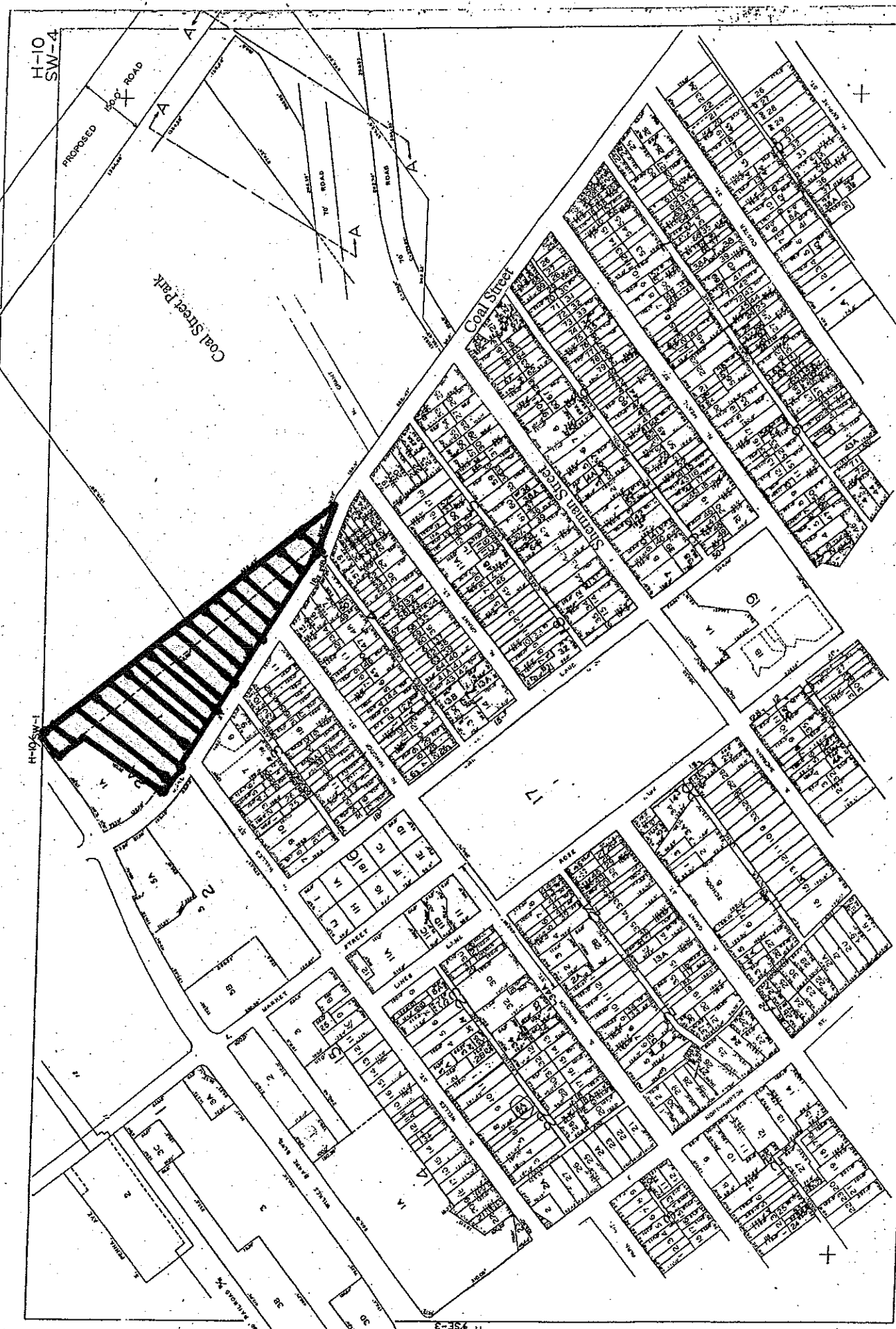
RESOLUTIONS

NAYS

BARRETT

Attachment "A"
Decertification

Current KOZ Parcel - Retension Basin H10-SW4-B2a-L1



19
WILKES BARRE, CITY
LUTHERIE COUNTY, PENNA.
ASSESSMENT EVALUATION PROJECT
SCALE 1"=100' MAP No. H-10SW-4

H-10SW-4

This map prepared and published Pursuant to the provisions of the Act of June 13, 1937, P.L. 1117, Act 117 of the Public Laws of the State of Pennsylvania.



Wilkes-Barre, Pa. _____

Resolution No. _____

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

WHEREAS, the Legislature of the Commonwealth of Pennsylvania recognized the importance of this Stegmaier Lofts Project to the City of Wilkes-Barre by placing it in the State Capital Budget Project Itemization Act of 2006-83; and

WHEREAS, on September 2, 2008 Governor Ed Rendell authorized the release of \$4 million in Redevelopment Assistance Capital grant funding for the Stegmaier Lofts Project as part of the revitalization of the Wilkes-Barre Central Business District; and

WHEREAS, with the Governor's authorized release of funds, the City of Wilkes-Barre will submit to the Office of the Budget a formal and complete Redevelopment Assistance application on behalf of Greenspace Properties, LLC; and

WHEREAS, by submitting its application, the City of Wilkes-Barre and Greenspace Properties, LLC agree to comply with the requirements of the Redevelopment Assistance Capital grant program including expending those funds on eligible activities only; and

WHEREAS, the City of Wilkes-Barre and Greenspace Properties, LLC acting as Sub-Applicant/Administrator will require its successors, agents, subrecipients and contractors to comply with the same requirements and spending stipulations; and

WHEREAS, Greenspace Properties, LLC hereby supports and approves the City of Wilkes-Barre to submit a grant application to the Commonwealth of Pennsylvania for the aforementioned \$4 million.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials be and are authorized to submit a Redevelopment Assistance Capital Grant Application to the Commonwealth of Pennsylvania in the amount of \$4 million for the Stegmaier Lofts Project which is supported and approved by Greenspace Properties, LLC; and

BE IT FURTHER RESOLVED that Greenspace Properties, LLC or its successors, Sub-Applicant/Administrator is authorized to enter into a Cooperation Agreement with the City of Wilkes-Barre outlining the responsibilities of each, in accord with the Redevelopment Assistance Capital Grant Program.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

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 enter into an agreement with Pennsylvania Department of Transportation and Pennoni Associates to monitor and subsequently modify the traffic signalization at the south bound exit ramp of the North Cross Valley Expressway at State Route 0309.

AND, FURTHER THAT, this work will be done at no cost to the City.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

BARRETT



Wilkes-Barre, Pa. _____

Resolution No. _____

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

WHEREAS, the City of Wilkes-Barre is constructing the Intermodal Transportation Facility/Parking Garage Project on South Washington St.; and,

WHEREAS, the City having accepted bids is prepared to award the contract for the Site Concrete, Paving, Finish Grading & Misc. Work in conjunction with the Intermodal Transportation Facility/Parking Garage Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wilkes-Barre hereby authorizes the proper City officials to enter into a contract with the lowest, responsible bidder, Popple Construction Inc., in the amount of \$1,017,325.00 for the Site Concrete, Paving, Finish Grading & Misc. Work in conjunction with the Intermodal Transportation Facility/Parking Garage Project.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

BARRETT



Wilkes-Barre, Pa. _____

Resolution No. _____

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

WHEREAS, Boscov's Department Store has been crucial to the economic health of the City of Wilkes-Barre's Downtown in terms of employment and business taxes, and;

WHEREAS, Albert Boscov sold his interest in the Company in 2005 and since that time the Company has entered into bankruptcy, and;

WHEREAS, the Boscov Family and its management team have made a commitment to bring their past successful, traditional operating model to restore the Company and have pledged their holdings to ensure same, and;

WHEREAS, Boscov's Inc. has approached the City of Wilkes-Barre to sponsor a Department of Housing & Urban Development (DHUD) Section 108 Loan Guarantee in the amount of \$3,000,000; and

WHEREAS, the initial resolution approved by the City Council of the City of Wilkes-Barre approved and confirmed cooperation with an entity called "Boscov's Newco," a corporate name which was subsequently changed to "Boscov's Inc."

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wilkes-Barre, hereby pledges its support for Boscov's Inc. by moving forward with the requirements to apply for a DHUD Section 108 Loan Guarantee in the amount of \$3,000,000.

AND, FURTHER, due to the timing of the Boscov's Inc. transaction with the Bankruptcy Court, that the City Council of the City of Wilkes-Barre agrees to reimburse the Company for expenses incurred once the DHUD Section 108 Loan Guarantee is approved.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

BARRETT