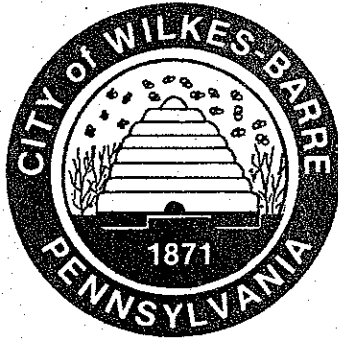


CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

WORK SESSION

DATE: October 23, 2007

TIME: 6:00 P.M.

6:00 P.M. **Tom Dalton**

61 – 61 ½ Loomis Street

6:10 P.M. **Mayor Thomas M. Leighton (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

OCTOBER 23, 2007

ORDINANCES

Amending Recycling Ordinance (First Reading, On Title Only)

An Ordinance amending file of Council No. 17 of 1960, as amended, entitled "The City of Wilkes-Barre Zoning Ordinance, as Amended" (Title Only)

RESOLUTIONS

Authorizing the proper City Officials to enter into an Easement Agreement with Wyoming Valley Health Care Systems, Inc for a portion of West Linden Street.

Authorizing the proper City Officials to enter into an agreement with Pennsylvania Water Co. for relocation services

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

OCTOBER 25, 2007

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF APPRECIATION – WYOMING VALLEY MOTORCYCLE CLUB TO WILKES-BARRE POLICE DEPARTMENT (GUY IZZO).

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
OCTOBER 25, 2007

CONSENT AGENDA (RESOLUTIONS)

Authorizing the proper City officials to enter into an Easement Agreement with Wyoming Valley Health Care Systems, Inc. for a portion of West Linden Street.

Authorizing the proper City officials to enter into an agreement with Pennsylvania American Water Co. to relocate the water services to the Labor and Industry building as part of the Downtown Intermodal Project.

Give approval to the Luzerne County Tax Claim Bureau to accept the bid they received on Rear 15 – 17 Court Street.

Authorizing the proper City officials to enter into a contract with the lowest responsible bidder for masonry repairs at 59 – 63 Public Square.

Authorizing the proper City officials to enter into a contract with the lowest responsible bidder for roof repairs at 59-63 Public Square.

MINUTES

Of the Wilkes-Barre City Planning Commission of October 17, 2007.

Of the Wyoming Valley Sanitary Authority of July 17, 2007.

Of the Regular Session of City Council of October 11, 2007.

CITY COUNCIL
OCTOBER 25, 2007

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 25 OF 2007 – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 19 OF 1990, ENTITLED “AN ORDINANCE PROHIBITING THE MIXING OF RECYCLABLE NEWSPRINT AND RECYCLABLE ALUMINUM BEVERAGE CANS WITH REGULAR REFUSE; ESTABLISHING A PROGRAM FOR THE SEPARATE COLLECTION THEREOF; PROVIDING FOR THE VESTING OF OWNERSHIP IN RECYCLABLE NEWSPRINT AND RECYCLABLE ALUMINUM BEVERAGE CANS PLACED FOR COLLECTION, AND FIXING PENALTIES,” AS AMENDED. **(FIRST READING)**

FILE OF COUNCIL NO. 26 OF 2007 – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 17 OF 1960, AS AMENDED, ENTITLED “THE CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED **(FIRST READING – ON TITLE)**



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 Easement Agreement with Wyoming Valley Health Care Systems, Inc. for a portion of West Linden Street.

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 Pennsylvania American Water Co. to relocate the water services to the Labor and Industry building as part of the Downtown Intermodal Project.

AND FURTHER, THAT the funds for the project will be paid through the Intermodal Bond Funds.

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 City Council of the City of Wilkes-Barre hereby gives approval to the Luzerne County Tax Claim Bureau to accept the bid they have received on Rear 15-17 Court Street.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

COMMISSIONERS
GREGORY A. SKREPENAK, *Chairman*
ROSE S. TUCKER
STEPHEN A. URBAN

SAMUEL T. GUESTO, JR.
County Manager/Chief Clerk

WILLIAM G. BRACE
Deputy Chief Clerk



COUNTY of LUZERNE
P E N N S Y L V A N I A
ESTABLISHED 1786
TAX CLAIM BUREAU

COUNTY SOLICITORS
JAMES P. BLAUM, ESQ., *Chief*
NEIL T. O'DONNELL, ESQ.
JOSEPH J. PROCIAK, ESQ.
BRIAN A. BUFALINO, ESQ.

SALVADORE W. DIAZ
Director, Tax Claim Bureau

BETHANN CHRISTIAN
Deputy Director, Tax Claim Bureau

October 22, 2007

Wilkes-Barre City
Attn: James Ryan, City Clerk
40 East Market Street
Wilkes-Barre, PA 18711

RE: Repository Tax Sale
73-1-360-5 H10NW4 026 003
~~Ruckno, George~~ Ruckno, George Aizleman, Abraham
15-17 Court Street

Dear Mr. Ryan,

Please be advised that the Luzerne County Tax Claim Bureau has received a bid on the repository tax property listed above. The Bureau is inclined to accept the bid. In accordance with recent Pennsylvania statutory law, you are hereby notified as follows:

The proposed bid amount is \$603.00.

The Bureau respectfully requests your written consent to sell this property at the above stated bid; and

Your consent should be mailed, hand delivered, and/or telefaxed to Luzerne County Tax Claim Bureau within seven (7) days of this communication.

Thank you for anticipated cooperation. If you have any questions please feel free to contact me at 825-1512.

Sincerely,

Salvadore W. Diaz
Director



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 interested in maintaining the structural integrity of 59-63 Public Square Wilkes-Barre, PA.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to enter into a contract with the lowest possible bidder for masonry repairs at 59-63 Public Square Wilkes-Barre, PA.

PAYMENT to be made from the EDI budget.

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 is interested in maintaining the structural integrity of 59-63 Public Square Wilkes-Barre, PA.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to enter into a contract with the lowest possible bidder for roof repairs at 59-63 Public Square Wilkes-Barre, PA.

PAYMENT to be made from the EDI budget.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

FILE OF COUNCIL

NO. _____ OF 2007

Presented in City Council on _____

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 19 OF 1990, ENTITLED "AN ORDINANCE PROHIBITING THE MIXING OF RECYCLABLE NEWSPRINT AND RECYCLABLE ALUMINUM BEVERAGE CANS WITH REGULAR REFUSE; ESTABLISHING A PROGRAM FOR THE SEPARATE COLLECTION THEREOF; PROVIDING FOR THE VESTING OF OWNERSHIP IN RECYCLABLE NEWSPRINT AND RECYCLABLE ALUMINUM BEVERAGE CANS PLACED FOR COLLECTION, AND FIXING PENALTIES," AS AMENDED.

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 of File of Council No. 19 of 1990, entitled "Establishment", is hereby amended to read as follows:

SECTION I. ESTABLISHMENT. There is hereby established a program for the separate collection of recyclable newsprint, leaf waste, commingled recyclable aluminum beverage cans and recyclable ferrous containers, as those terms are hereinafter defined, from residential premises within the City of Wilkes-Barre.

Section II of File of Council No. 19 of 1990, entitled "Definitions", is hereby amended to read as follows:

SECTION II. DEFINITIONS.

1. Recyclable Aluminum Beverage Cans. Beverage cans constructed solely of aluminum.
2. Recyclable Ferrous Containers. Empty steel or tin-coated steel food or beverage containers.
3. Recyclable Newsprint. Newspapers, which shall not have been exposed to foreign substances, or conditions rendering them unusable for recycling. Anything herein to the contrary notwithstanding; however, any person may wrap solid waste in used newspapers and discard the same with regular solid waste even if such wrapping does render the newspaper unusable for recycling.
4. Leaf Waste. Tree or vegetative leaves.

Section III of File of Council No. 19 of 1990, entitled "Disposal", is hereby amended to read as follows:

SECTION III. DISPOSAL.

- A. Recyclable newsprint and leaf waste shall be disposed of separately from commingled recyclable aluminum beverage cans and recyclable ferrous containers as hereinafter provided. The resident of each residence within the City of Wilkes-Barre, excepting multi-family dwelling units as defined in File of Council No. 55 of 1986, shall separate recyclable newsprint and leaf waste from recyclable aluminum beverage cans and recyclable ferrous containers which shall be commingled. The recyclable newsprint and leaf waste shall be separated from each other and commingled recyclable aluminum beverage cans and recyclable ferrous containers shall be separated from other refuse

and shall be prepared for collection by placing them in separate paper bags or open top containers, or in the case of recyclable newsprint by tying them both across and lengthwise in easy-to-manage bundles. As so prepared, these materials shall be placed at the curbside to be collected at times as herein designated or shall be placed in designated recycling shelters at any time.

- B. The appropriate City authorities are hereby authorized to designate, by regulation, the days and times for the collection of recyclable newsprint, leaf waste and commingled recyclable aluminum beverage cans and recyclable ferrous containers.

Section IV of File of Council No. 19 of 1990, entitled "Vesting of ownership, unauthorized collection prohibited", shall remain unchanged and shall continue to read as follows:

SECTION IV. VESTING OF OWNERSHIP, UNAUTHORIZED COLLECTION PROHIBITED.

From the time of placement at the curb of any recyclable items enumerated herein, pursuant to the provisions of this Ordinance and the regulations issued hereunder, such recyclable items shall become and be the property of the City of Wilkes-Barre. It shall be a violation of the terms of this Ordinance for any person, other than authorized personnel of the City, to collect, pick-up, or cause to be collected or picked up, any such items. Each such collection or pick-up in violation hereof shall constitute a separate and distinct offense.

Section V of File of Council No. 19 of 1990, entitled "Sale or donation" shall remain unchanged and shall continue to read as follows:

SECTION V. SALE OR DONATION. Notwithstanding any provision of this Ordinance, any person having ownership of the same, may sell or donate recyclable items enumerated herein to any person, partnership or corporation, whether operating for profit or not for profit; provided, however, that such materials may not be placed for collection at, nor collected from the curbside.

Section VI of File of Council No. 19 of 1990, entitled "Penalties", is hereby amended to add a section entitled "Commercial Recycling" and shall read as follows:

SECTION VI. COMMERCIAL RECYCLING.

A. There is hereby established a requirement that all commercial, institutional and municipal establishments participate in recycling of recyclable aluminum beverage cans, high-grade office paper and corrugated paper, as those terms are herein defined.

1. Recyclable Aluminum Beverage Cans. Beverage cans constructed solely of aluminum.
2. High-Grade Office Paper. White computer paper, bond, letterhead and ledger.
3. Corrugated Paper. Cardboard shipping and receiving boxes.

B. Disposal. Each commercial, institutional and municipal establishment located within the City of Wilkes-Barre will obtain a recycling hauler of their choice and properly separate recyclable aluminum cans, high-grade office paper, and corrugated paper from general waste/refuse as directed by their recycling hauler. The commercial, institutional and municipal establishments and their recycling haulers will determine the time and location for pickup of the recyclable

items. The City of Wilkes-Barre will not pickup or remove recyclable items from any commercial, institutional and municipal establishments.

Section VI of File of Council No. 19 of 1990 (now Section VII), entitled "Penalties", shall remain unchanged, with the exception of the section number, and shall continue to read as follows:

SECTION VII. PENALTIES. Any person, partnership or corporation who violates or fails to comply with any provision of this Ordinance or any regulation promulgated thereunder, with the exception of those persons violating Section IV of this Ordinance, shall, upon conviction thereof in a court of summary jurisdiction, be punishable by fines of not more than \$10.00 for the first offense, not more than \$25.00 for the second offense, and not more than \$50.00 for the third offense. Any person who violates Section IV of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10.00 and not more than \$300.00.

SECTION VIII. 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 IX. REPEALER.

All ordinances or parts of Ordinances inconsistent herewith shall be and hereby are repealed.

Passed finally by the City Council of the City of Wilkes-Barre on _____
_____, 2007.

ATTEST:

JAMES RYAN, CITY CLERK

FILE OF COUNCIL

NO. _____ OF 2007

PRESENTED IN CITY COUNCIL ON _____

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 17 OF 1960, AS AMENDED, ENTITLED "THE
CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED.