

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

MARCH 6, 2007

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTIONS

ORDINANCES

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MARCH 6, 2007

RESOLUTIONS

Authorizing the proper City officials to establish the "Intermodal Bond Proceeds Account" at PNC Bank and to transfer the unspent Intermodal Project loan proceeds from Fund 53 to this account.

Authorizing a Reimbursement Resolution for the costs incurred from the November, 2006, flooding & the March 2007 snow/ice storm.

Authorizing the proper City officials to enter into a lease for three police vehicles and three DPW pick-up trucks.

Proclaiming April as "Fair Housing Month" in the City of Wilkes-Barre.

Authorizing signatories to all emergency-related documents in conjunction with the November, 2006 Storm.

Authorizing the proper City officials to obtain right-of-way approvals from private property owners in conjunction with the November, 2006 Storm.

MINUTES

Of the Wyoming Valley Sanitary Authority Board Meeting of January 16, 2007.

Of the Regular Session of City Council of February 8, 2007.



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 establish the "Intermodal Bond Proceeds Account" at PNC Bank.

FURTHER, that the remaining loan proceeds that were deposited into Fund 53 be transferred to this new 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:

WHEREAS, the City of Wilkes-Barre, Luzerne County, Pennsylvania (the "City"), a city organized under the laws of the Commonwealth of Pennsylvania, intends to finance with the proceeds of a tax-exempt borrowing (the "Debt"), a project (the "Project"), consisting of funding all or any of the following: (1) design, acquisition, construction, rehabilitation, improvement, installation, furnishing and equipping of infrastructure improvements within the City; (2) purchase of capital equipment for use by the City; (3) design, acquisition, construction, renovation, improvement, and installation, furnishing and equipping of other capital projects of the City as approved by the Council of the City (the "Council"); (4) funding, if applicable, capitalized interest on the Debt and a debt service reserve fund for the Debt; and (5) funding contingencies and paying the costs and expenses of issuance of the Debt, including bond insurance or other credit enhancement, if advantageous to the City; and

WHEREAS, design, acquisition, engineering and construction of the Project may commence prior to the issuance of the Debt and the City desires to pay for certain of the costs of the Project (the "Expenditures") from general funds of the City which do not constitute proceeds of tax-exempt obligations; and

WHEREAS, the City has determined that the funds that have been or are to be advanced to pay Expenditures are or will be available only for a temporary period and it is necessary to reimburse the City for Expenditures with respect to the Project from the proceeds of a tax-exempt borrowing represented by the Debt; and

WHEREAS, as of the date hereof, there are no funds from sources other than the Debt that are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City or any member of the same controlled group as the City to pay the Expenditures; and

WHEREAS, the City, in compliance with Section 1.150-2 of the United States Treasury Regulations, reasonably expects to reimburse the Expenditures made by it for the Project with proceeds of the Debt.

NOW, THEREFORE, BE IT RESOLVED, that the Council, in lawful session duly assembled, hereby declares the intent of the City as follows:

1. The City reasonably expects to reimburse itself for original Expenditures paid or to be paid by the City from general funds of the City in connection with the Project with the proceeds of the Debt.
2. This Resolution constitutes a declaration of official intent intended to comply with the requirements of Section 1.150-2(e) of the United States Treasury Regulations, as amended.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

3. The maximum amount of debt expected to be issued to finance the Project is \$2,500,000.

4. The Expenditures are or will be "capital expenditures" as defined in Treasury Regulation Section 1.150-2(d)(3).

5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Debt used to reimburse the City for costs of the Project, or funds corresponding to such amounts, will not be used, within one year after the reimbursement allocation, in a manner that results in the creation of "replacement proceeds," including "sinking funds," "pledged funds," or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations Section 1.148-1) of the Debt or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations Section 1.148-1).

6. All reimbursement allocations will occur not later than eighteen (18) months after the later of: (i) the date the expenditure from a source other than the Debt is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations Section 1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

7. The adoption of this Resolution is consistent with the budgetary and financial circumstances of the City.

8. The Resolution shall become effective immediately.

9. Proper officers of the City are authorized and directed to do such things as may be necessary to carry out the intent and purpose of this Resolution, specifically including, but not limited to, the making of timely reimbursement allocations upon the issuance of the Debt.

10. In the event any provision, section, sentence, clause or part of this Resolution shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

DULY ADOPTED by the City of Wilkes-Barre, Luzerne County, Pennsylvania, this ____ day of March, 2007, in lawful session duly assembled.

CITY OF WILKES-BARRE
Luzerne County, Pennsylvania

By: _____
Mayor

City Controller

Attest:

City Clerk

(SEAL)



Wilkes-Barre, Pa. _____

Resolution No. _____

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

WHEREAS, The City of Wilkes-Barre has sought numerous financing quotes;
and,

WHEREAS, City of Wilkes-Barre's Police Department has a need for three new
police cruisers; and,

WHEREAS, Northeast Auto Outlet is a State of Pennsylvania piggy back vendor;
and,

WHEREAS, the City of Wilkes-Barre's 2007 General Fund Budget has an
available allocation for the leasing of these vehicles; and,

WHEREAS, City of Wilkes-Barre's Department of Public Works has a need for
three new dump trucks with plow sets; and,

WHEREAS, Pacifico Marple Ford is a State of Pennsylvania piggy back vendor;
and,

WHEREAS, the City of Wilkes-Barre 2007 Liquid Fuels Budget has an available
allocation existing for the leasing of these vehicles; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of
Wilkes-Barre that the proper city officials are authorized to enter into the attached lease
agreement with Real Lease for the purchase of the above mentioned equipment (specs
attached).

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Fishers Crossing • 1200 Pittsford-Victor Road • Pittsford, NY 14534
(585) 419-9190 • Fax (585) 419-9110 • E-mail info@RealLease.com

February 23, 2007

City of Wilkes-Barre
Mr. John Koval
40 East Market Street
Wilkes-Barre, PA 18711

Dear John:

Real Lease, Inc. is pleased to present the following Municipal Lease/Purchase Proposal for City of Wilkes-Barre. Approval of this Commitment by City of Wilkes-Barre shall constitute City of Wilkes-Barre application to Real Lease, Inc. The terms and provisions are subject to Lessors cost and availability of funds, acceptance, approval of management of lessor and are pursuant to the following terms and conditions.

LESSOR: Real Lease, Inc. ("RLI") its affiliates, assigns or nominees

LESSEE: City of Wilkes-Barre

EQUIPMENT: City Vehicles

EQUIPMENT COST: It is anticipated that the cost of the equipment will be not exceed \$125,000.00.

LEASE TERM: Twelve (12) quarterly lease payments of \$11,377.50 each, beginning May, 2007.

RATE: The preceding costs are estimates, and thus, the payment amount would be changed in proportion to the actual cost. Lessor will pay the vendor the purchase price of the equipment upon the Lessee's acceptance of the equipment. Current municipal rate is 5.40%

The Equipment Leasing Specialists
www.RealLease.com



City of Wilkes-Barre
February 23, 2007
Page 2

INDEX:

The quotes provided in this Commitment are firm until **March 9, 2007** unless extended in writing by Real Lease, Inc. At that time the quote will be adjusted in conjunction with the corresponding Treasury instruments as published in the Wall Street Journal.

OPTION AT LEASE
EXPIRATION:

At the lease expiration, the Lessee, shall have the right to purchase the equipment for one dollar (\$1.00), assuming the lease is not in default and all terms and conditions of the lease have been met.

NET LEASE:

This lease will be a net lease transaction with maintenance and acceptable insurance coverage the responsibility of the Lessee.

Lessor is in compliance with all necessary regulations to implement a financing of this type. Our financing allows the Lessee to select, at its option, the best and lowest cost equipment for its needs from any vendor, while providing the Lessee with financial, legal and tax experience necessary to implement this financing in a prompt, efficient and cost effective manner.

We appreciate the opportunity to provide lease financing for your upcoming equipment needs and look forward to working with you in the future. If the foregoing meets with your approval, please sign the acceptance below and return it to me evidencing your acknowledgment of such acceptance. If you should have any questions or would like further information, please do not hesitate to call me at (585) 419-9190 ex. 230.

Very truly yours,



Michael Ruocco
Municipal Program Manager

ACCEPTANCE

We hereby approve the leasing Commitment as presented in the above letter. The foregoing is acknowledged and accepted as of the _____ day of _____, 2007.

City of Wilkes-Barre

BY: _____

TITLE: _____

City of Wilkes-Barre (\$125,000) 2-23-07

Compound Period : Quarterly

Nominal Annual Rate : 5.400 %

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Lease	02/23/2007	125,175.00	1		
2 Lease Payment	05/30/2007	11,377.50	12	Quarterly	02/28/2010

AMORTIZATION SCHEDULE - Normal Amortization

Date	Lease Payment	Interest	Principal	Balance
Lease 02/23/2007				125,175.00
1 05/30/2007	11,377.50	1,783.71	9,593.79	115,581.21
2007 Totals	11,377.50	1,783.71	9,593.79	
2 08/30/2007	11,377.50	1,560.35	9,817.15	105,764.06
3 11/30/2007	11,377.50	1,427.81	9,949.69	95,814.37
4 02/29/2008	11,377.50	1,293.49	10,084.01	85,730.36
5 05/30/2008	11,377.50	1,157.36	10,220.14	75,510.22
2008 Totals	45,510.00	5,439.01	40,070.99	
6 08/30/2008	11,377.50	1,019.39	10,358.11	65,152.11
7 11/30/2008	11,377.50	879.55	10,497.95	54,654.16
8 02/28/2009	11,377.50	737.83	10,639.67	44,014.49
9 05/30/2009	11,377.50	594.20	10,783.30	33,231.19
2009 Totals	45,510.00	3,230.97	42,279.03	
10 08/30/2009	11,377.50	448.62	10,928.88	22,302.31
11 11/30/2009	11,377.50	301.08	11,076.42	11,225.89
12 02/28/2010	11,377.50	151.61	11,225.89	0.00
2010 Totals	34,132.50	901.31	33,231.19	
Grand Totals	136,530.00	11,355.00	125,175.00	

John Koval

From: Donald Crane
Sent: Monday, February 26, 2007 11:33 AM
To: John Koval
Subject: RE: Lease

Totals for 3 complete cars

\$51,882.93...3, 2007 Chevrolet Impala 9C1 Police Cars...Vendor, Northeast Auto Outlet, Phila. PA (state contract vendor)
9,529.29...Upfitting of emergency police equipment...Vendor, Havis-Shields, Warminister PA
1,500.00...Police/Reflective identification...Vendor, Custom Vinyl Letters. Wilkes-Barre, PA
1,200.00...Police radios...Vendor, Police Safety Systems, Dallas, PA
\$64,112.22

Don Crane

From: John Koval
Sent: Friday, February 23, 2007 3:27 PM
To: Donald Crane; Butch Frati
Subject: Lease

I need a detailed price listing and description of the equipment being leased, if vendor is known please list.

Thanks

John

3015 West Chester Pike
Broomall, PA 19008
610 356 3727
610 356 3769 FAX
610 256 1249 CELL
jimmayo@pacificomarple.com EMAIL
www.pacificomarple.com



Fax

To: Ron Trimble **From:** Jim Mayo

Fax: 570 208 4115 **Pages:** 5

Phone: 570 208 4246 **Date:** 02/26/02⁰⁷

Re: Your RFQ **cc:**

- Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:** Nice talking to you today. Thank you for the specs from last time. The good news is that you will get '08's at '07 prices. Attached find the '07 spec, a sample '08 order, and a sample '08 window sticker. I took the liberty of adding cab steps because of the high step up height. If you don't feel you need that just remove it. Any questions please call and thank you for the opportunity to quote.

F-350 Per Contract 2310-10	19529.00
Add Transportation Per Contract	200.00
ADD Cab Steps	320.00
ADD Roof Lights	55.00
ADD Stabilizer Package	115.00
ADD Snow Plow Prep	85.00
TOTAL	20304.00

Overview for Contract
Prior to utilizing a contract, the user should read the contract in it's entirety.

DESCRIPTION

The Light Duty Pickup Trucks and Cargo Vans Contract consists of vehicles from three (3) manufacturers. They are as follows:

- Chrysler/Dodge
- Ford
- GM/Chevrolet

This contract provides for the acquisition of the following types of vehicles:

- Small Pickup Trucks
- Large Pickup Trucks: 150/1500, 250/2500, and 350/3500 Series.
- Cargo Vans: 150/1500, 250/2500, and 350/3500 Series.
- 12 Passenger Van

Contractors are required to provide vehicles to CWOPA executive and independent agencies as well as state affiliated entities and local public procurements under COSTARS (Cooperative Sourcing to Achieve Reduction in Spend) Program.

PRICING HIGHLIGHTS

This is a line item specific contract with multiple vendors supplying 39 vehicles from the three manufacturers listed above. Please refer to the SAP Contracts listed below.

- | | |
|---|----------------|
| 4600010635 Harrich Fleet Services | Vendor# 165683 |
| 4600010636 Bob Weaver Chevrolet, Co | Vendor# 211521 |
| 4600010638 Pacifico Marple Ford, Inc. | Vendor# 197967 |
| 4600010643 Hoffman Ford Sales, Inc. | Vendor# 118086 |
| 4600010644 PNC FLM, LLC (Princeton Ford) | Vendor# 194710 |
| 4600010645 Apple Automotive dba Apple Ford | Vendor# 137425 |
| 4600010646 Warnock Automotive, Inc, dba Warnock Fleet | Vendor# 197979 |
| 4600010647 Rothrock Motor Sales, Inc. | Vendor# 119933 |

CONTRACT INFO

Contract Number & Title	CN00022139 (2310-10), Light Duty Pickup Trucks and Cargo Vans
Number of Suppliers	Eight (8)
Validity Period	09/01/2006 - 08/31/2007
DGS Point of Contact	Alfonzo J. Robinson
Contact Phone #	(717) 346-8181
Email	alrobinson@state.pa.us

PROCESS TO PURCHASE

- DGS Statewide Contracts @ www.dgs.state.pa.us
- Reference CWOPA Contract CN00022139 (2310-10)
- Contract with Special Terms and Conditions, Item Sheets with Vendor Information.
- Contact Alfonso J. Robinson directly via telephone or e-mail with questions and/or concerns. See block above for contact information.

PLEASE UTILIZE THE VEHICLE DESCRIPTIONS BELOW AS YOUR INDEX TO FIND THE VEHICLE YOU WISH TO PURCHASE AND THE RESPECTIVE DEALER AND THEN GO TO THAT DEALERS VEHICLE SHEET.

Vehicle Description	Vehicle Make	Vehicle Model/Trim	Unit Price	Awarded Vendor
Small Pickup Reg Cab 2WD Short Bed - Standard Vehicle	Ford	Ranger XL	\$ 10,379.00	Princeton Ford
Small Pickup Extended Cab 4WD Short Bed - Standard Vehicle	Ford	Ranger XL	\$ 14,592.00	Princeton Ford
Small Pickup Extended Cab 4WD Short Bed - Work Vehicle	Ford	Ranger XL	\$ 14,892.00	Princeton Ford
Small Pickup Crew Cab 2 WD Short Bed - Standard Vehicle	Dodge	Dakota ST	\$ 14,495.58	Roitrock Motor Sales
Small Pickup Crew Cab 4 WD Short Bed - Work Vehicle	Dodge	Dakota ST	\$ 17,236.00	Roitrock Motor Sales
Reg Cab 2WD Long Bed - Standard Vehicle	Ford	F-150 XL	\$ 12,932.00	Princeton Ford
Reg Cab 4WD Long Bed - Standard Vehicle	Ford	F-150 XL	\$ 16,682.00	Princeton Ford
Reg Cab 4WD Long Bed - Work Vehicle	Ford	F-150 XL	\$ 17,270.00	Princeton Ford
Extended Cab 2WD Long Bed - Standard Vehicle	Ford	F-150 XL	\$ 16,248.84	Warnock Fleet
Reg Cab 4WD Short Bed - Standard Vehicle	Ford	F-150 XL	\$ 15,569.00	Princeton Ford
Reg Cab 4WD Short Bed - Work Vehicle	Dodge	Ram 1500 ST	\$ 17,107.00	Herrich Fleet Services
Extended Cab 4WD Short Bed - Standard Vehicle	Ford	F-150 XL	\$ 18,293.00	Princeton Ford
Extended Cab 4WD Short Bed - Work Vehicle	Ford	F-150 XL	\$ 18,925.00	Pacifico Marple Ford
Crew Cab 2WD Short Bed - Standard Vehicle	Dodge	Ram 1500 Quad Cab	\$ 16,952.00	Herrich Fleet Services
Crew Cab 4WD Short Bed - Work Vehicle	Dodge	Ram 1500/ST	\$ 20,443.75	Warnock Fleet
Reg Cab 2WD Long Bed - Standard Vehicle	Ford	F-250 XL	\$ 15,886.00	Pacifico Marple Ford
Reg Cab 4WD Long Bed - Standard Vehicle	Ford	F-250 XL	\$ 18,125.14	Warnock Fleet
Reg Cab 4WD Long Bed - Work Vehicle	Ford	F-250 XL	\$ 18,395.00	Pacifico Marple Ford
Extended Cab 4WD Long Bed - Work Vehicle	Ford	F-250 Super Cab	\$ 20,937.00	Hoffman Ford Sales
Extended Cab 4WD Short Bed - Standard Vehicle	Ford	F-250 Super Cab	\$ 20,547.00	Pacifico Marple Ford
Extended Cab 4WD Short Bed - Work Vehicle	Ford	F-250 Super Cab	\$ 20,787.00	Hoffman Ford Sales
Crew Cab 2WD Short Bed - Standard Vehicle	Dodge	Ram 2500 ST	\$ 19,849.00	Roitrock Motor Sales
Crew Cab 4WD Short Bed - Standard Vehicle	Dodge	Ram 2500 ST	\$ 21,434.55	Roitrock Motor Sales
Crew Cab 2WD Long Bed - Work Vehicle	Dodge	Ram 2500 Quad	\$ 19,477.00	Herrich Fleet Services
Reg Cab 4WD Long Bed - Standard Vehicle	Ford	F-350 XL	\$ 21,921.00	Pacifico Marple Ford
Reg Cab 4WD Long Bed - Work Vehicle	Ford	F-350 XL	\$ 18,886.00	Pacifico Marple Ford
Extended Cab 4WD Long Bed - Work Vehicle	Ford	F-350 XL	\$ 19,218.00	Pacifico Marple Ford
Extended Cab 4WD Long Bed - Work Vehicle	Ford	F-350 XL	\$ 21,706.00	Pacifico Marple Ford
Extended Cab 4WD Short Bed - Work Vehicle	Ford	F-350 XL	\$ 21,536.00	Pacifico Marple Ford
Crew Cab 4WD Long Bed - Standard Vehicle	Ford	F-350 XL	\$ 22,914.00	Apple Ford
Crew Cab 2WD Short Bed - Standard Vehicle	Ford	F-350 XL	\$ 20,395.00	Apple Ford
Crew Cab 4WD Short Bed - Standard Vehicle	Ford	F-350 XL	\$ 22,233.00	Apple Ford





Wilkes-Barre, Pa. _____

Resolution No. _____

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

WHEREAS, FAIR HOUSING IS A RIGHT EMPHASIZED BY THE U.S. CONGRESS BEGINNING WITH THE CIVIL RIGHTS ACT OF 1968 AND THE FAIR HOUSING ACT; AND

WHEREAS, THIS IS THE 39th ANNIVERSARY OF THE ENACTMENT OF THE CIVIL RIGHTS ACT OF 1968, AS AMENDED AND STRENGTHENED IN 1988; TITLE VIII OF WHICH GUARANTEES THE RIGHT TO BE FREE FROM HOUSING DISCRIMINATION BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, FAMILIAL STATUS, AND DISABILITY (INCLUDING AIDS/HIV).

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF WILKES-BARRE HEREBY PROCLAIMS THE MONTH OF APRIL 2007 AS "FAIR HOUSING MONTH" IN THE CITY OF WILKES-BARRE AND ENCOURAGES ITS CITIZENS AND ORGANIZATIONS TO CELEBRATE DIVERSITY AND VALUE THE HARMONIOUS COMMUNITIES OF NEIGHBORS TO SUPPORT THE GOAL OF EQUAL HOUSING OPPORTUNITIES FOR ALL PEOPLE.

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:

WHEREAS, in November, 2006, the City of Wilkes-Barre experienced a storm emergency causing damage as a result of severe thunderstorms and heavy rains; and

WHEREAS, cost documentation regarding the aforesaid damages must now be submitted to the proper State and federal agencies.

NOW, THEREFORE, BE IT RESOLVED, that John Koval and/or Butch Frati are hereby authorized to be the official signatory(ies) on all emergency-related documents submitted to Sate and federal agencies for the November, 2006 Storm.

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, in November, 2006, the City of Wilkes-Barre experienced a storm emergency causing damage as a result of severe thunderstorms and heavy rains; and

WHEREAS, in an effort to access damage caused by the storm, City officials/employees found it necessary to cross private properties; and,

WHEREAS, one of the requirements of the recently declared Federal Disaster, is to have those private property owners sign right-of-way authorizations.

NOW, THEREFORE, BE IT RESOLVED, that the proper City officials are hereby authorized to obtain right-of-way approvals from private property owners in conjunction with the November, 2006 Storm.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

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FILE OF COUNCIL

NO. _____ OF 200

PRESENTED IN CITY COUNCIL _____

AN ORDINANCE

**AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET
FOR PROGRAM YEAR 2006.**

WHEREAS, it is now appropriate to amend the Community Development Block Grant Budgets for Program Year Thirty-TWO (2006).

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:

COMMUNITY DEVELOPMENT BLOCK GRANT

**REPROGRAMMED MONIES-2006 PROGRAM INCOME
TOTAL UNPROGRAMMED INCOME \$224,416.68**

New Activities:

<u>Project</u>	Description	<u>Budget</u>
Public Facilities:		
LEHIGH STREET	(Park Ave-Blvd)	\$30,000
EAST MARKET	(S .Hancock - S. PA. Ave)	\$70,000
S.EMPIRE	(Dana-Stanton)	\$50,000
COAL ST.PARK	(Engineering)	\$74,416.68
	TOTAL	\$224,416.68

SECTION III. 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 IV. 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 2007

PRESENTED IN CITY COUNCIL _____, 2007

**AN ORDINANCE AMENDING THE BUILDING CODE
OF THE CITY OF WILKES-BARRE**

WHEREAS, it is the desire and intention of City Council to pass legislation within the City of Wilkes-Barre and amend the Building Code of the City of Wilkes-Barre; and

WHEREAS, in light of the adoption of the Pennsylvania Uniform Construction Code, the City Council of the City of Wilkes-Barre, in conjunction with the Building Code Official of the City of Wilkes-Barre, have reviewed the City's Building Code to make changes to reconcile the City's Ordinances with the Uniform Construction Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilkes-Barre, and it is hereby ordained by the authority of the same that the following Sections of the City of Wilkes-Barre's Building Code are amended as follows:

SECTION 1. Section 7-17, which reads:

Sec. 7-17. Office of building inspection.

- (2) The office of building inspection shall consist of the following code inspectors:
- a. Building inspector.
 - b. Plumbing inspector.
 - c. Electrical inspector.
 - d. Additional inspectors and office personnel as deemed necessary.

SHALL BE AMENDED TO READ:

Sec. 7-17. Office of building inspection.

- (2) The office of building inspection shall consist of the following code inspectors:
- a. Building inspector.
 - b. Plumbing inspector.

- c. Electrical inspector.
- d. Rental Inspectors
- e. Buyer Notification Inspectors
- f. Additional inspectors and office personnel as deemed necessary by the Administration or by the Building Code Official with the approval of the Administration.

SECTION 2. Section 7-22, which reads:

Sec. 7-22. Examination boards.

(a) Contractors' examination board:

(1) There is hereby established a board to supervise the examination of the various contractors other than those examined by the electrical board and the mechanical board. The board shall consist of two (2) general contractors holding a valid license issued by the City of Wilkes-Barre. The mayor, with the advice and consent of the city council, shall appoint the two (2) licensed general contractors. The term of the members shall be for the period for which the mayor is elected. A board member shall serve after the expiration of his term until he is reappointed and then confirmed or until his successor is appointed and confirmed. The building inspector shall serve as the chairman of the contractor examination board.

(2) The contractors' examination board shall approve the application forms, prepare and administer examinations, and make all reasonable rules and regulations pertaining to the examination of applicants.

(3) The members of the board shall receive for their compensation a sum as fixed by the city council in its annual salary ordinance.

(4) The building construction trades that shall be examined by the contractors' examination board shall be as follows:

- a. Awning, canopy and patio.
- b. Blacktop and paving.
- c. Demolition and excavation.
- d. General.
- e. Glass.
- f. Jobbing.
- g. Master mason.
- h. Mill wright.
- i. Probationary mason.
- j. Roofing and siding.

- k. Sign.
- l. Structural steel.
- m. Swimming pool.

(b) Electrical examination board:

(1) There is hereby established a board to supervise the examination of the various electrical contractors. The board shall consist of two (2) master electricians holding a valid license issued by the City of Wilkes-Barre. The mayor, with the advice and consent of the city council, shall appoint the two (2) licensed master electricians. The term of the members shall be for the period for which the mayor is elected. A board member shall serve after the expiration of his term until he is reappointed and then confirmed or until his successor is appointed and confirmed. The electrical inspector shall serve as the chairman of the electrical examination board.

(2) The electrical examination board shall approve the application forms, prepare and administer examinations and make all reasonable rules and regulations pertaining to the examination of applicants.

(3) The members of the board shall receive for their compensation a sum as fixed by the city council in its annual salary ordinance.

(4) The electrical trades that shall be examined by the electrical examination board shall be as follows:

- a. Master electrician.
- b. Residential electrician.
- c. Journeyman electrician.

(c) Plumbing/mechanical examination board:

(1) There is hereby established a board to supervise the examination of the various mechanical trade contractors. The board shall consist of two (2) master plumbers holding a valid license issued by the City of Wilkes-Barre. The mayor, with the advice and consent of the city council, shall appoint the two (2) licensed master plumbers. The term of the members shall be for the period for which the mayor is elected. A board member shall serve after the expiration of his term until he is reappointed and then confirmed or until his successor is appointed and confirmed. The plumbing inspector shall serve as the chairman of the mechanical examination board.

(2) The mechanical examination board shall approve the application forms, prepare and administer examinations and make all reasonable rules and regulations pertaining to the examination of applicants.

(3) The members of the board shall receive for their compensation a sum as fixed by the city council in its annual salary ordinance.

(4) The mechanical trades that shall be examined by the mechanical examination board shall be as follows:

- a. Master plumber.
- b. Journeyman plumber.
- c. Heating (HVAC) and air conditioning.

SHALL BE AMENDED TO READ:

Sec. 7-22. Examination Requirements.

- (a) All examinations for all disciplines shall be administered by the City of Wilkes-Barre, in consultation with the Director of Operations, the Administration and the Building Code Official. The City of Wilkes-Barre shall require testing for all disciplines, including, but not limited to, electrician, plumber, and contractors.
- (b) The examinations for each discipline shall be provided by a reputable company, such as Experior, and shall form the basis of the testing standards for the City of Wilkes-Barre. The said testing shall be administered at City Hall, or such other place designated by the Administration, by the designated City agent(s).

SECTION 3. Section 7-25, shall add the following subsection:

(h) *Coverage by UCC.* Anything which is not covered and any authority not specifically granted herein shall be governed by the Pennsylvania Uniform Construction Code as amended.

SECTION 4. Section 7-26, shall add the following subsection:

(e) *Coverage by UCC.* Anything which is not covered and any authority not specifically granted herein shall be governed by the Pennsylvania Uniform Construction Code as amended.

SECTION 5. Section 7-34, which reads:

Sec. 7-34. Penalty for violation of BOCA Basic Building Code.

A violation of the BOCA Building Code, adopted in section 7-31 above, shall carry with it a penalty not exceeding one thousand dollars (\$1,000.00) per violation and each day the violation continues to exist shall be considered a separate violation subject to this penalty. In addition to the penalty provided for herein, any person violating the building code adopted above is subject to a term of imprisonment not to exceed ninety (90) days.

SHALL BE AMENDED TO READ:

Sec. 7-34. Penalty for violation of Pennsylvania Uniform Construction Code or any City Code under this section not specifically defined.

A violation of the Pennsylvania Uniform Construction Code or any City Code under this section not specifically defined, shall carry with it a penalty not exceeding one thousand dollars (\$1,000.00) per violation and each day the violation continues to exist shall be considered a separate violation subject to this penalty. In addition to the penalty provided for herein, any person violating the building code adopted above is subject to a term of imprisonment not to exceed ninety (90) days.

SECTION 6. Section 7-146, which reads:

Sec. 7-146. Enforcement authority.

(a) *Enforcement officer.* It shall be the responsibility of the chief housing officer, herein referred to as the enforcement officer, within the department of planning and development to enforce the provisions of the nonresidential property maintenance code herein provided. Wherever the term enforcement officer is used herein, it shall be deemed to mean the chief housing officer or his authorized representative.

(b) *Administrative rules and regulations.* The enforcement officer is hereby authorized and empowered to promulgate such written rules and regulations as he may deem necessary for the proper administration and enforcement of this article; provided, however, that such rules and regulations shall not be in conflict with any of the provisions of this article, nor in any way alter, amend or supersede any of the provisions thereof. The enforcement officer shall file a certified copy of all rules and regulations which he may promulgate in his office and in the office of the clerk. Such rules and regulations promulgated and filed by the enforcement officer pursuant to this article shall have the same force and effect as the provisions of this article, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this article.

(c) *Investigation.* The enforcement officer shall, when the public interest so requires, make investigations in connection with matters referred to in this article and render written reports on the same.

(d) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith, under the provisions of this article shall be the exclusive responsibility of the enforcement officer. Wherever, in the opinion of the enforcement officer it is necessary or desirable to have inspections of any condition by any other department he shall arrange for this to be done in such a manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders.

No order for correction of any violation under this article shall be issued without the approval of the enforcement officer and it shall be the responsibility of that official before issuing any such order to include the other corrective actions for violations cited under related codes.

(e) *Administration liability.* Except as may be otherwise provided by statute or local law or ordinance, no officer, agent or employee of the city charged with the enforcement of this article shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. No person who institutes, or assists in the prosecution of, a criminal proceeding under this article shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent or employee of the city, as a result of any act required or permitted in the discharge of his duties under this article, shall be defended by the legal representative of the city until the final determination of the proceedings therein.

SHALL BE AMENDED TO READ:

Sec. 7-146. Enforcement authority.

(a) *Building Code Official.* The Building Code Official shall have the same duties and responsibilities as defined in the Pennsylvania Uniform Construction Code. The Building Code Official (BCO) shall be the chief enforcement officer for the enforcement of this Code, as required by the Pennsylvania Uniform Construction Code.

(b) *Administrative rules and regulations.* The Building Code Official, in conjunction with the Administration and the Director of Operations, is hereby authorized and empowered to promulgate such written rules and regulations as he or she may deem necessary for the proper administration and enforcement of this article; provided, however, that such rules and regulations shall not be in conflict with any of the provisions of this article, nor in any way alter, amend or supersede any of the provisions thereof. The Building Code Official shall file a certified copy of all rules and regulations which he may promulgate in the Office of the City Clerk and shall conspicuously post the said rules and regulations in the Office of Code Enforcement. Such rules and regulations promulgated and filed by the Building Code Official, consistent with this paragraph, and pursuant to this article, shall have the same force and effect as the provisions of this article, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this article.

(c) *Investigation.* The Building Code Official or his agents, shall, when the public interest so requires, make investigations in connection with matters referred to in this article and render written reports on the same.

(d) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith, under the provisions of this article shall be the exclusive responsibility of the Building Code Official. Wherever, in the opinion of the Building Code Official it is necessary or desirable to have inspections of any condition by any

other department he shall arrange for this to be done in such a manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders.

No order for correction of any violation under this article shall be issued without the approval of the Building Code Official and it shall be the responsibility of that official before issuing any such order to include the other corrective actions for violations cited under related codes.

(e) *Administration liability.* Except as may be otherwise provided by statute or local law or ordinance, no officer, agent or employee of the City charged with the enforcement of this article shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. No person who institutes, or assists in the prosecution of, a criminal proceeding under this article shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent or employee of the city, as a result of any act required or permitted in the discharge of his duties under this article, shall be defended by the legal representative of the city until the final determination of the proceedings therein.

SECTION 7. CONFLICTS

All Ordinances or parts of Ordinances of the City of Wilkes-Barre in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed. 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.

SECTION 8. EFFECTIVE DATE OF ORDINANCE

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

ATTEST:

JAMES RYAN, CITY CLERK

FILE OF COUNCIL

No. _____ of 2007

PRESENTED IN CITY COUNCIL _____, 2007

**AN ORDINANCE PROHIBITING THE PARKING OR STANDING OF TRUCKS AND
TRACTOR TRAILERS WITHIN THE CITY OF WILKES-BARRE**

WHEREAS, it is the desire and intention of City Council to pass legislation within the City of Wilkes-Barre to protect the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council of the City of Wilkes-Barre is concerned about truck traffic within the City which is not on the truck routes as dedicated within the City limits.

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

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following words shall have the following meanings. Any word which is not specifically defined herein shall have its ordinary, plain meaning.

The term "*trailer*" shall mean the attachment to the motor vehicle, when, in combination with the said motor vehicle, or cab, shall total thirty (30) feet or more. This shall also be meant to describe any large transport conveyance designed to be pulled by a truck, a tractor or other motor vehicle.

The term "*truck*" shall mean any large commercial motor vehicle which is or may be used for attaching or pulling a trailer. This term shall also refer to any large commercial motor vehicle, dump truck, tri-axel vehicle, tractor trailer, and/or any heavy motor vehicle designed for carrying or pulling heavy loads.

The term "*truck trailer*" shall mean any motor vehicle which attaches to a trailer and which is primarily used for the transportation of materials, and which, when in combination or on their own, total thirty (30) feet or more. This term is commonly referred to as a "tractor trailer" or an "18 wheel" vehicle. This term is not meant to include vehicles which are making local deliveries in permitted areas.

SECTION 2. PARKING OF TRUCKS AND TRAILERS

(a) No person shall park a truck trailer or trailer upon any street within the City of Wilkes-Barre without having attached thereto a means of mechanical traction so constructed or designed for the purpose of pulling or drawing such trailer.

(b) No person shall stand or park a truck tractor, truck tractor and trailer or tri-axle dump truck or any other truck upon any street that lies within a residential, institutional or commercial zone of the City of Wilkes-Barre, except as provided in Section (d) below. For the purposes of this Section, such area shall include all streets that either lie within or are abutting these zones, as defined by the Zoning Ordinance of the City of Wilkes-Barre.

Any other vehicle that is not a truck, truck tractor, truck tractor and trailer or tri-axle dump truck, but is thirty (30) feet or more in length shall not stand or park on any street that lies within a residential, institutional or commercial zone of the City of Wilkes-Barre for more than seventy-two (72) hours.

(c) The parking of any truck, truck tractor, truck tractor and trailer or tri-axle dump truck within areas that are industrially zoned, as defined by the Zoning Ordinance of the City of Wilkes-Barre, is hereby specifically authorized for the purposes of this Article; such areas shall include only those streets lying wholly within that zone.

(d) Nothing in this Article shall be intended to prohibit the parking of any truck, truck tractor, truck tractor and trailer or tri-axle dump truck for the purpose of the delivery or pick-up of merchandise, material, or goods provided that:

(1) the parking of said vehicle shall terminate immediately upon conclusion of the delivery or pick-up of merchandise, material or goods; and

(2) such parking shall be limited to a period of no longer than one hour.

(e) Nothing in this Article shall be intended to prohibit the parking of any vehicle specifically permitted by the City of Wilkes-Barre Police Department, or to vehicles responding to emergencies, or to any vehicle actively involved in the moving of household goods.

(f) The City of Wilkes-Barre Police Department shall place notification on the windshield of vehicles of thirty (30) feet or more in length suspected to be in violation, indicating that if the vehicle is not moved, a parking violation will occur. The notification requirement set forth herein shall not be required, and shall not apply to violations by trucks, truck tractors, truck tractors and trailers or tri-axle dump trucks.

(g) Nothing in this Ordinance is intended to prohibit truck traffic on the designated truck route, or to supersede regulations set by the Commonwealth of Pennsylvania as it relates to the truck routes previously established.

SECTION 3. PENALTIES

Violation of this section shall be deemed a summary offense. Failure to adhere to this requirement shall result in a fine of Fifteen Dollars (\$15.00) if paid within Seventy-Two (72) Hours; Twenty Five Dollars (\$25.00) if paid after seventy two hours but within five (5) days; Thirty Five Dollars (\$35.00) if paid after five (5) days but within ten (10) days; Fifty Dollars (\$50.00) if paid after ten (10) days but within thirty (30) days and One Hundred Dollars (\$100.00) if paid after thirty (30) days.

SECTION 4. CONFLICTS

All Ordinances or parts of Ordinances of the City of Wilkes-Barre in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed. 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.

SECTION 5. EFFECTIVE DATE OF ORDINANCE

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

ATTEST:

JAMES RYAN, CITY CLERK