

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

MAY 25, 2006

6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATION BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MAY 25, 2006
CONSENT AGENDA (RESOLUTIONS)

Approving Commission 4 scenario establishing Councilmatic Election Districts within the City.

Approving the installation of a sign on the outside of 117 – 119 South Main Street.

Awarding the contract for the Kirby Park Parking Lot and ADA Improvements to the lowest responsible bidder.

Authorizing the proper City officials to enter into an agreement with Minichi Construction Company of Dupont to repair a portion of the Laurel Run Creek wall.

Requesting the DCED to designate the City of Wilkes-Barre as an Enterprise Zone for Impact Community.

Authorizing the proper City officials to enter into a contract with Cavanaugh Electrical Contracting, Inc to install a new emergency electrical generator system at South Station and Fire Headquarters.

Authorizing the proper City officials to apply for an immunization grant through the Pennsylvania Department of Health.

Setting fees for the commercial property inspection program.

Thanking Home Depot and Team Depot for volunteering their time to plant 1,000 plants on Public Square.

Approving of financing with the proceeds of a tax-exempt borrowing through the Commonwealth Financing Authority, a project, consisting of funding all or any of the following: design, acquisition, construction, renovation and improvement of the Northampton Street Sewer Project and funding the costs and expenses of issuance of the Debt.

Execute the Right-of-Way Agreement with CTSI, LLC, for the existing and proposed conduit relative to the Intermodal Transportation Center Project.

Authorize to file Articles of Incorporation-Domestic Nonprofit Corporation for Wire-Free Wilkes-Barre and to appoint members of the Board.

CITY COUNCIL
MAY 25, 2006
CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 5 OF 2006 – AN ORDINANCE AMENDING THE
TENANT AND RENTAL UNIT REGISTRATION REQUIREMENT WITHIN THE
CITY OF WILKES-BARRE, FILE OF COUNCIL NO. 63 OF 2004.
(SECOND AND FINAL READING)

FILE OF COUNCIL NO. 7 OF 2006 – AN ORDINANCE AMENDING ORDINANCE
NO. 7 OF 1990 FREEZING SALARIES FOR THE MAYOR AND CITY COUNCIL.
(FIRST READING)



Wilkes-Barre, Pa. _____

Resolution No. _____

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

In accordance with File of Council No. 50 of 2004, Resolution R0186-05 and after careful review and consideration of all the issues involved, the City Council of Wilkes-Barre hereby approves the Commission 4 scenario, establishing Councilmatic Election Districts within the City of Wilkes-Barre, as presented to City Council by the current Apportionment Commission on April 25, 2006.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

Commissioner 4

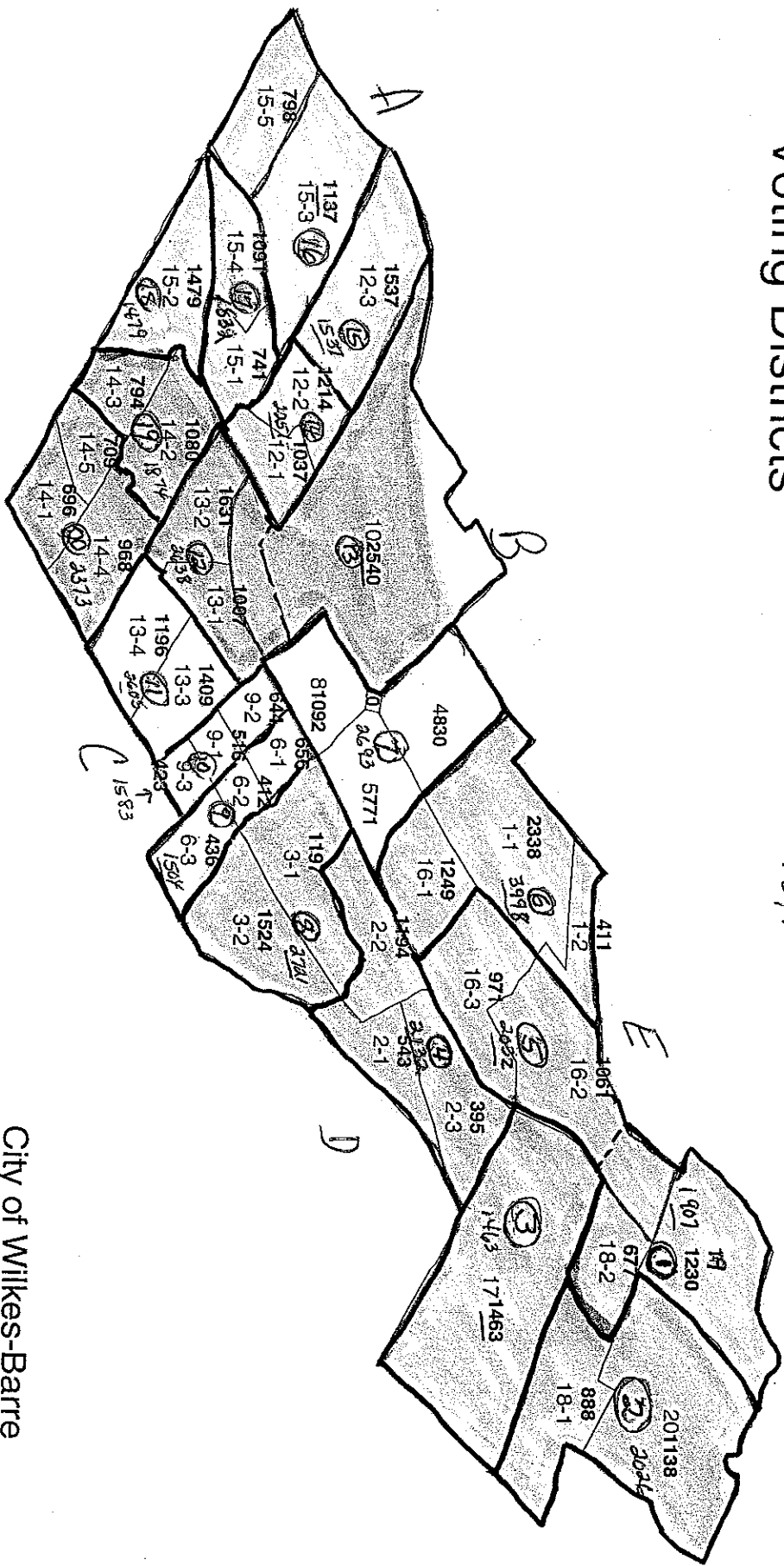
A 9034
 B 9425
 C 8385

D 8392

E 7937

43,123

Voting Districts



City of Wilkes-Barre
 1234 Census 2000 Population
 Voting District

The MAP Center at King's College, 2002

Scale 1:45,000

Scenario presented by the Apportionment Commission to City Council at its work session on April 25, 2006.



Wilkes-Barre, Pa. _____

Resolution No. _____

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

Whereas, Michelina Enterprises Inc. is seeking approval to erect a projector sign on the outside of their property located at 117-119 South Main Street; and

Whereas, said sign will overhang the City sidewalk right of way.

Now, Therefore Be It Resolved by the Wilkes-Barre City Council that permission 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 said request.
2. File a Release and Save Harmless Agreement.
3. The applicant and a successor shall file current liability insurance naming the city as an insured.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

**CITY OF WILKES-BARRE
PENNSYLVANIA**

**Jim Ryan, City Clerk
40 East Market Street
Wilkes-Barre, PA 18711
Telephone 570-208-4117**



**Cathy Payne, Assistant City Clerk
Lisa Sanfilippo, Legislative Clerk
Fax 570-208-4171
TDD 570-208-4139**

OFFICE OF THE CITY CLERK

MEMORANDUM

To: Members of City Council

From: Jim Ryan, City Clerk *J.R.*

Date: May 19, 2006

Re: Business Signs

City Council has received a request from Michelina Enterprises Inc. T/A Bart and Urby's Downtown Bar and Bistro is requesting approval to install signage for their proposed establishment at 117 – 119 South Main Street.

One sign is vinyl / fabric to be installed on the side of their building. The other sign will be projecting over the City sidewalk right-of-way.

An Indemnity Agreement as well as evidence of liability insurance naming the City as an insured has been received from the applicants.

Please review for next weeks meetings.

Thank you.

Attachments

INDEMNITY AGREEMENT

CITY OF WILKES BARRE
CITY HALL
WILKES BARRE, PA 18711

Dated May 11, 2006

THE CITY OF WILKES BARRE, under date of
grants to Michelina Enterprises Inc., permission to Erect a projector sign on the outside of
premises of 117-119 South Main Street, Wilkes Barre, PA.

THEREFORE, the said MICHELINA ENTERPRISES, INC. 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 
ERIC BARTOLOTTI, President


BRIAN URBANAS, Secretary

EVIDENCE OF INSURANCE IS ALSO REQUIRED

JOSEPH J. CARMODY, ESQUIRE
225 WYOMING AVENUE
WEST PITTSBURGH, PENNSYLVANIA 15643
Phone: (570) 655-2262
Fax (570) 655-8616

"FAX COVER SHEET"

Date: 05/11/06 TIME: _____

TO: Brian Urbanas No of Pages _____

Fax No. B2A-9622 _____

FROM: JOSEPH J. CARMODY, ESQUIRE BY: Rose Marie Andrush _____

Message: Brian attached is the requested Agreement you and Eric should sign.

Original to follow by mail Yes, No.

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted in this Facsimile is: 1) Subject to Attorney/Client Privilege; 2) Attorney Work Product; or 3) Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in the transmittal with this Facsimile by or to anyone other than the Recipient designated above by the Sender is unauthorized and strictly prohibited. If you have received this Facsimile in error, please notify JOSEPH J. CARMODY, ESQUIRE at 570 655-2262 immediately. Any Facsimile erroneously transmitted to you should be immediately returned to the Sender by U. S. Mail, or if authorization is granted by the Sender, destroyed.

912232

EFFECTIVE (5-16-2006)

INCEPTION 3-05-2006

EXPIRATION 3-05-2007

SEND TO:

ERIC BARTOLETTI & BRIAN URBANAS
22 YALE ST.
WILKES-BARRE, PA 18702

AGENT: 31-892-36
J. W. Hoban & Associates, Inc.
P. O. Box 417
Wilkes-Barre, PA 18703

AAIS
POLICY CHANGES

CHANGE ENDORSEMENT

CP-114
Ed 1.0

IT IS HEREBY AGREED AND UNDERSTOOD THAT THE FOLLOWING IS ADDED AS AN ADDITIONAL INSURED:

CITY OF WILKES-BARRE
15 E. MARKET STREET
WILKES-BARRE, PA 18701
SEE ATTACHED GL111 (9.88)

ALL OTHER TERMS AND CONDITIONS OF THIS POLICY CONTINUE WITHOUT MODIFICATION.

TRANSFER OF COVERAGE:

We cover personal property that is moved or being moved to a new location that is described in this endorsement. Coverage at the previous and new locations applies in the proportion that the value at each location bears to the value of all covered property being moved. This provision applies up to ten days after the effective date of the endorsement; after that, coverage applies only at the new location.

PREMIUM ADJUSTMENT		Additional Premium	Return Premium	
Due at Endorsement Effective Date:	\$.00	\$.00	\$.00	
REVISED ANNUAL PAYMENTS (Applies to annual payment policies.)				
Dates Due	Original Payments	Increase	Decrease	Revised Payments
	\$.00	\$.00	\$.00	\$.00
	\$.00	\$.00	\$.00	\$.00
Total premium to Policy Expiration:	\$.00	\$.00	\$.00	

5-16-2006 SHI

Authorized Representative Signature

CP-114 Ed 1.0

AAIS

AAIS

This endorsement changes the
Commercial Liability coverages
provided by this policy.
- Please Read This Carefully -

GL-111
(Ed. 9-88)

ADDITIONAL INSURED**(STATE OR POLITICAL SUBDIVISIONS - PREMISES PERMITS)**

SCHEDULE

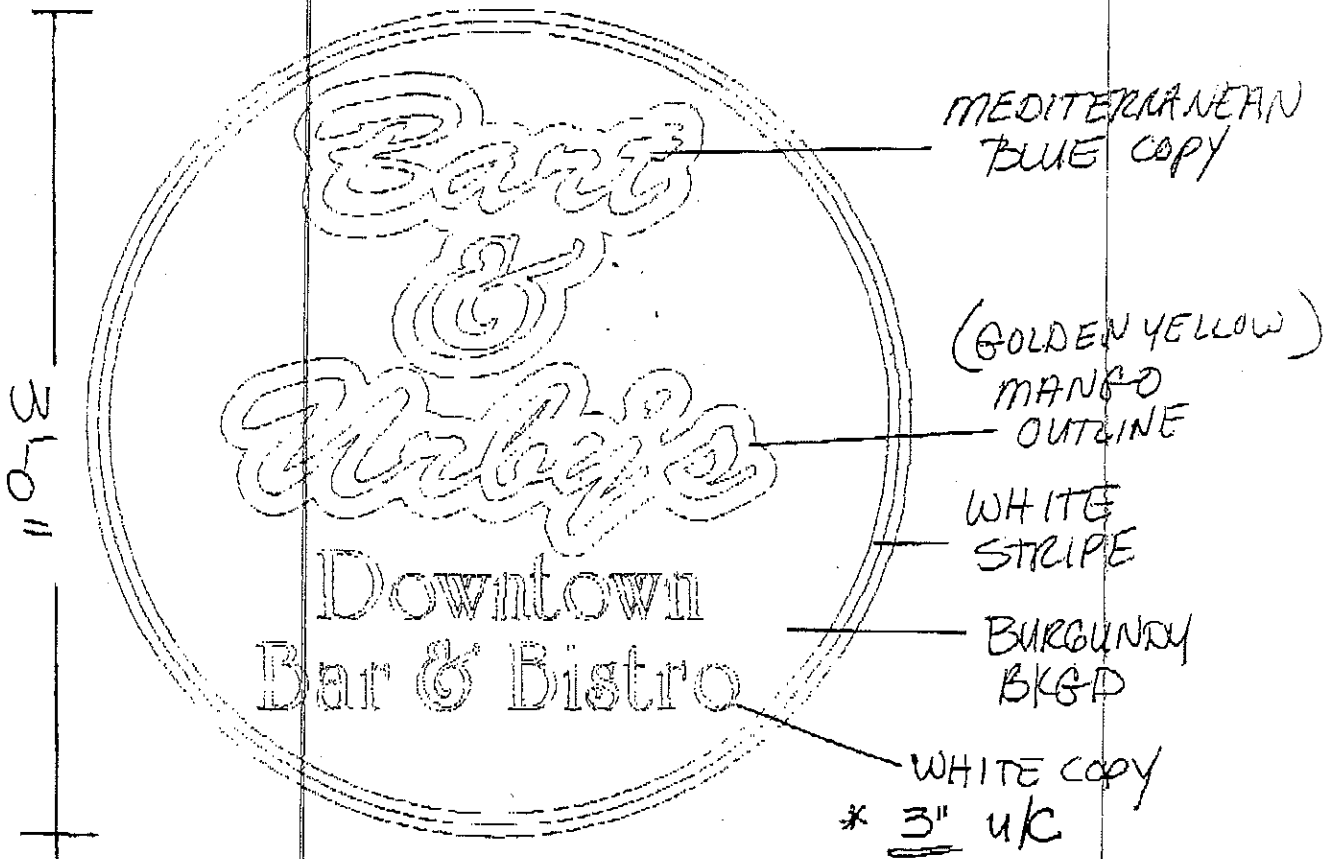
Designation of State or Political Subdivision:

City of Wilkes-Barre
15 E. Market St.
Wilkes-Barre, PA 18701

The Commercial Liability coverage is amended as follows:

The definition of insured is amended to include any state or political subdivision shown above, but only with respect to any of the following hazards for which the state or political subdivision has issued a permit in connection with premises owned by, rented to or controlled by you:

- (a) the existence, maintenance, repair, construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoistway openings, sidewalk vaults, street banners or decorations and similar exposures;
- (b) the construction, erection or removal of elevators; or
- (c) the ownership, maintenance or use of any elevators covered by the policy.



Qty: ① A/F INTERNALLY ILLUMINATED
 36 1/2" H SIGN BOX W/ PLEXIGLAS
 FACE & TRANSLUSCENT VINYL

GRAPHICS
 KENIGH VALLEY SIGNS

SCALE = 1 1/2" = 1'-0"

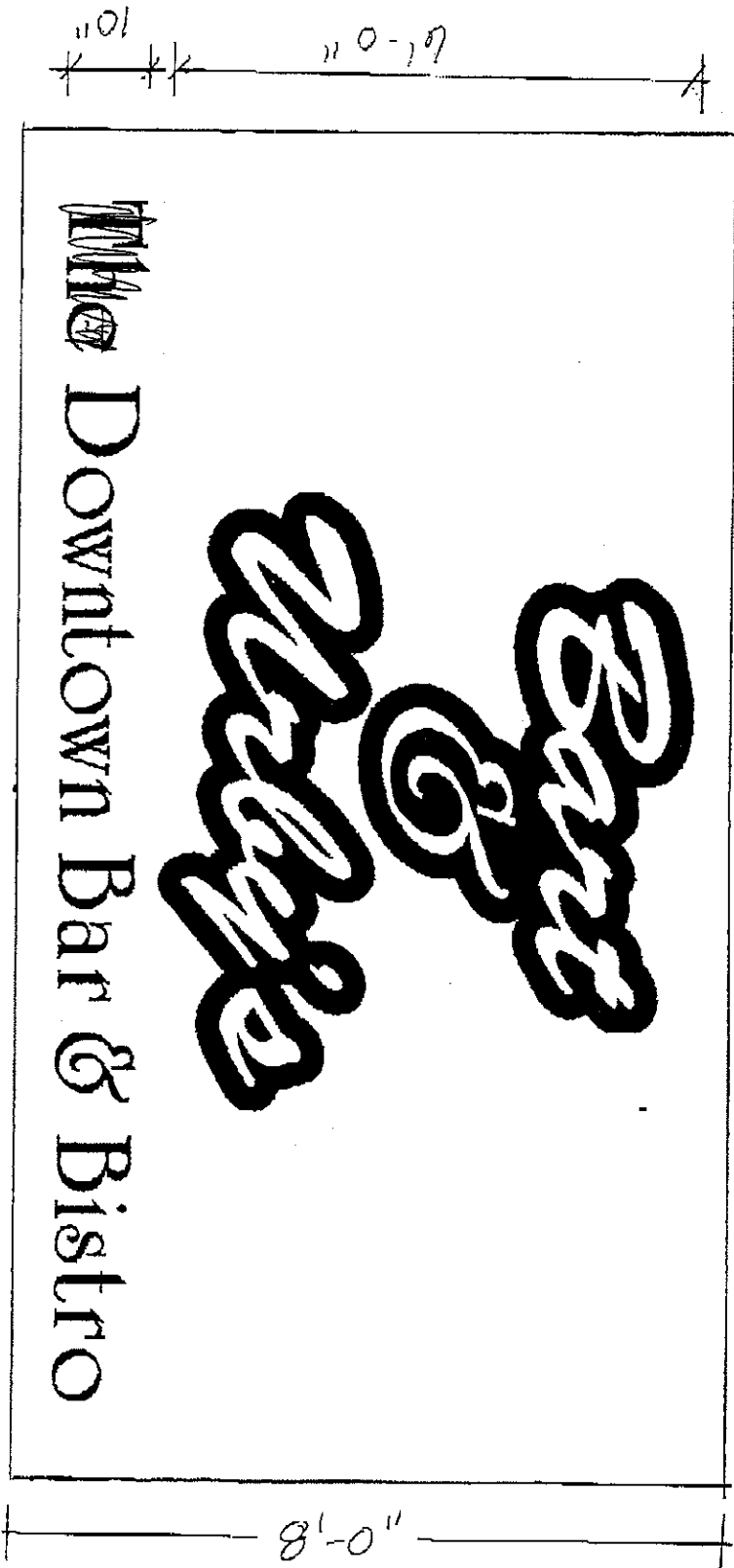
PHONE (610) 760-8590 / FAX (610) 760-8591

* REVISED 04-13-06

AMERICAN
GRAPHIC

Ⓟ 8'-0" H x 15'-0" L S/F BANNER
WITH COMPUTER OUT VINYL GRAPHICS

83"



LENGTH • VARIETY • STYLUS

SCALE = 1/2" = 1'-0"

PHONE (610) 760-8530 / FAX (610) 760-8531

8'-0"
15'-0"



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 enter into a contract with Popple Construction, Inc.

FURTHER, that the Project is the Kirby Park Project.

FURTHER, that the amount of the base of the bid is \$84,310.00. Monies from the project are from Wilkes-Barre Office of Community and Economic Development and Pennsylvania Department of Conservation and Natural Resources.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

EPLS

Excluded Parties List System

★ Search Menu - Current Exclusions

- ▶ Name
- ▶ Multiple Names
- ▶ DUNS
- ▶ Agency
- ▶ State/Country
- ▶ Action Dates
- ▶ Termination Dates
- ▶ Exact Name and SSN/TIN
- ▶ CT Code

★ View Cause and Treatment Code Descriptions

- ▶ Reciprocal Codes
- ▶ Procurement Codes
- ▶ Nonprocurement Codes

★ Agency & Acronym Info

- ▶ Agency Contacts
- ▶ Agency Descriptions
- ▶ State/Country Code Descriptions

★ Related Links

- ▶ Debar Maintenance
- ▶ Administration
- ▶ Upload Login

★ Resources

- ▶ Public User's Manual
- ▶ FAQ

★ Reports Menu

- ▶ Lists Report
- ▶ Supplemental Report
- ▶ Agency Report
- ▶ Supplemental Agency Report
- ▶ State/Country Report
- ▶ Lists Data Report
- ▶ Supplemental Data Report
- ▶ Cause and Treatment Code

★ Archive Menu - Past Exclusions

- ▶ Name
- ▶ Multiple Names

★ Contact Information

- ▶ Email: support@epls.gov
- ▶ 1-866-GSA-EPLS
- ▶ Phone: 1-866-472-3757
- ▶ Email: eplscments@epls.gov

Search Results for Parties Excluded

by Exact Name : Popple Construction, Inc.

As of 24-May-2006

No records were found matching your search request.





★ Search Menu - Current Exclusions

- ▶ Name
- ▶ Multiple Names
- ▶ DUNS
- ▶ Agency
- ▶ State/Country
- ▶ Action Dates
- ▶ Termination Dates
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★ Archive Menu - Past Exclusions

- ▶ Name
- ▶ Multiple Names

★ Contact Information

- ▶ Email: support@epls.gov
- ▶ 1-866-GSA-EPLS
- ▶ Phone:1-866-472-3757
- ▶ Email: eplscomments@epls.gov

Search Results for Parties Excluded

by Partial Name : Popple Construction,Inc.

As of 24-May-2006

No records were found matching your search request.



MICHAEL J. PASONICK JR, INC.

Consulting Engineers & Surveyors

165 NORTH WILKES-BARRE BOULEVARD

WILKES-BARRE, PA 18702

(570) 823-4712, (570) 693-4257

Fax (570) 823-4727

May 23, 2006

City of Wilkes-Barre
Office of Economic & Community Development
40 East Market Street
Wilkes-Barre, PA 18711

Attn: Mr. Kurt Sauer, Director

Re: Bid Tabulation for 2006 DCNR Kirby Park Parking Lot & ADA Improvement Project

Enclosed please find the spread sheet bid tabulation report for the mentioned project. We summarize the bids as follows:

BIDDERS NAME & ADDRESS	BID SUBMITTED	BID TABULATED
Pikes Creek Site Contractors PO Box 211 Sweet Valley, PA 18656	\$ 119,110.00	\$ 119,110.00
Pennsy Supply, Inc., DBA Slusser Brothers 400 New Boston Road Pittston, PA 18640	\$ 97,645.00	\$ 97,645.00
Popple Construction, Inc. 202 Main Street Lafin, PA 18702	\$ 84,310.00	\$ 84,310.00

We recommend acceptance of the apparent low bid as submitted and tabulated from Popple Construction, Inc., Lafin, PA in the amount of **Eighty Four Thousand Three Hundred Ten Dollars and No Cents, (\$ 84,310.00)**, naturally subject to the Solicitor's review of the bid documents.

Sincerely,



Michael L. Amato, P.E.
MICHAEL J. PASONICK JR., INC.

Enclosure: bid Tabulation Report
PC: File

CITY OF WILKES-BARRE
 LUZERNE COUNTY, PA
 2006 DCNR KIRBY PARK PARKING LOT ADA IMPROVEMENT PROJECT
 BIDS REC'D MAY 23, 2006

KIRBY PARK

Item no.	qty	POPPLER CONSTR.		SLUSSER BROTHERS		PIKES CREEK SITE		AVERAGE PRICES
		unit price	total price	unit price	total price	unit price	total price	
1		\$1,500.00	\$1,500.00	\$4,600.00	\$4,600.00	\$3,000.00	\$3,000.00	\$3,033.33
2	190	\$35.00	\$6,650.00	\$29.00	\$5,510.00	\$65.00	\$12,350.00	\$8,170.00
3	8400	\$5.40	\$45,360.00	\$5.85	\$49,140.00	\$6.35	\$53,340.00	\$49,280.00
4	40	\$80.00	\$3,200.00	\$90.00	\$3,600.00	\$83.00	\$3,320.00	\$3,373.33
5	60	\$100.00	\$6,000.00	\$95.00	\$5,700.00	\$72.00	\$4,320.00	\$5,340.00
6	80	\$40.00	\$3,200.00	\$65.00	\$5,200.00	\$175.00	\$14,000.00	\$7,466.67
7	8	\$800.00	\$6,400.00	\$510.00	\$4,080.00	\$535.00	\$4,280.00	\$4,920.00
8	2	\$3,000.00	\$6,000.00	\$5,700.00	\$11,400.00	\$5,300.00	\$10,600.00	\$9,333.33
9	40	\$100.00	\$4,000.00	\$98.00	\$3,920.00	\$215.00	\$8,600.00	\$5,506.67
10	1	\$1,000.00	\$1,000.00	\$3,900.00	\$3,900.00	\$3,700.00	\$3,700.00	\$2,866.67
11	1	\$1,000.00	\$1,000.00	\$595.00	\$595.00	\$1,600.00	\$1,600.00	\$1,065.00
			\$84,310.00		\$97,645.00		\$119,110.00	\$100,355.00
			\$84,310.00		\$97,645.00		\$119,110.00	100,355.00

MICHAEL J. PASONICK JR., INC.
 BY Michael L. Amato, P.E.

MICHAEL J. PASONICK, JR., INC.

Consulting Engineers & Surveyors
 165 North Wilkes-Barre Boulevard
 Wilkes-Barre, PA 18702

PROJECT: CITY OF WILKES-BARRE - 2006 KIRBY PARK PARKING LOT & ADA IMPROVEMENTS

BID OPENING: MAY 23, 2006 @ 9:30 am (10:00 am Read Time)

BID TABULATION

Bidders Name & Address	Total Amount of Base Bid	Bid Bond 10% Yes No	Remarks
Slusser Brothers/Pennsy Supply, Inc. 400 New Boston Road Pittston, Pa 18640	97,645	✓	
Pikes Creek 528 Trojan Road Hunlock, PA 18621	119,110	✓	
Popple Construction, Inc. 202 Main Street Lafin, PA 18702	84,310	✓	



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 Minichi Construction Company of Dupont for \$89, 730.00 to repair a portion of the Laurel Run Creek wall damaged during the April of 2005 storms.

FURTHER, that the Project is funded in full by FEMA disaster #1587, Project Work Sheet #699.

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 desirous of receiving the designation as an Enterprise Zone for Impact Community from the Department of Community and Economic Development, Commonwealth of Pennsylvania; and

WHEREAS, the Neighborhood Assistance Program/Enterprise Zone Tax Credit Program (NAP/EZP) is designed to complement and supplement the Department of Community and Economic Development's (DCED) Enterprise Zone Program; and

WHEREAS, NAP/EZP is an incentive program that provides tax credits to businesses investing in or making physical improvements to properties located within designated enterprise zones.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilkes-Barre hereby requests that the Department of Community and Economic Development, Commonwealth of Pennsylvania designate the City of Wilkes-Barre as an Enterprise Zone for Impact Community; and

FURTHER, that the City Council of the City of Wilkes-Barre is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to the Department of Community and Economic Development.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

Rorrott



Wilkes-Barre, Pa. _____

Resolution No. _____

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

WHEREAS, the Wilkes-Barre City Fire Department plans to install new emergency electrical generator systems at both South Station and Fire Headquarters; and

WHEREAS, the Fire Department has received an Assistance to Firefighters Grant to purchase said devices; and

WHEREAS, funding for the project is provided by a grant of \$72,000 from FEMA and local funds of \$8,000 from the Community Development Block Grant Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wilkes-Barre that the proper City Officials are hereby authorized to enter into a contract with Cavanaugh Electrical Contracting, Inc. in an amount not to exceed \$80,000.

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 applying for an immunization grant to provide preventive immunization services.

NOW, THEREFORE, BE IT RESOLVED by the 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 an immunization grant in the amount of \$330,000.

FURTHER, that the proper City officials are 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:

A RESOLUTION SETTING THE FEE SCHEDULE FOR THE COMMERCIAL PROPERTY INSPECTION PROGRAM

WHEREAS, The City Council for the City of Wilkes-Barre has the power and authorization under the Charter of the City of Wilkes-Barre to pass legislation which promotes and protects the health, safety, welfare and morals of the Citizens of the City of Wilkes-Barre;

WHEREAS, the City Council of the City of Wilkes-Barre passed Ordinance Number 2 of 2006 which established a commercial property inspection program within the City of Wilkes-Barre;

WHEREAS, further, the City Council, as part of the commercial inspection program fees, are to take into consideration the recommendations of the Building Code Officials as to the fees necessary and appropriate to administer this program;

WHEREAS, the fees for the commercial property inspection program have been recommended and said fees, as required by Ordinance Number 2 of 2006, are to be set by City Council by resolution.

NOW THEREFORE, be it RESOLVED, in furtherance of the law, ordinances and the Traffic Code of the City, and in consideration of the requirement set forth in Ordinance Number 2 of 2006, the fee schedule for the commercial property inspection program is set as follows:

Commercial properties under 6000 square feet:	\$100
Commercial properties of 6000 square feet or greater:	\$200

BE IT FURTHER RESOLVED that nothing contained in this Resolution is intended to conflict with any provision of Ordinance Number 2 of 2006. In the event there is a conflict, Ordinance Number 2 of 2006 governs.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



May 25, 2006

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 thanks Home Depot and Team Depot for donating and planting 1,000 plants on Public Square.

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") through the Commonwealth Financing Authority, a project (the "Project"), consisting of funding all or any of the following: (1) design, acquisition, construction, renovation and improvement of the *Northampton Street Sewer Project*, and (2) funding the costs and expenses of issuance of the Debt; and

WHEREAS, 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 notes; 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.
3. The maximum amount of debt expected to be issued to finance the Project is Five Hundred Thousand Dollars (\$500,000).
4. The Expenditures are or will be "capital expenditures" as defined in Treasury

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

Regulation Section 1.150-2(d)(3).

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

6. The Resolution shall become effective immediately.

7. 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.

8. 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 _____, 2005, 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:

THAT, the proper City officials are hereby authorized to execute the attached Right of Way Agreement with CTSI, LLC, for the existing and proposed conduit relative to the Intermodal Transportation Center Project.

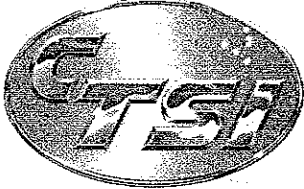
Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



A COMMONWEALTH TELEPHONE
ENTERPRISES COMPANY

May 23, 2006

Mr. Atilio "Butch" Frati
City of Wilkes-Barre
City Hall
40 E. Market Street
Wilkes-Barre, PA 18711

Re: CTSI, LLC Right of Way Agreement

Dear Mr. Frati,

Enclosed please find CTSI, LLC's standard Right of Way Agreement and Sketch for existing and proposed conduit relative to the Inter-Modal Transportation Facility located along South Washington Street.

Upon the necessary reviews, please have the document signed by Mayor Leighton, attested by the Secretary and notarized where indicated. The document should then be returned to my attention in the envelope provided. I have enclosed my business card should additional information be required.

On behalf of CTSI, LLC may I take this opportunity to thank you and the City officials for your courtesy and cooperation.

Sincerely,

Herb Lasman
Right of Way Supervisor

Enclosures



Herb Lasman
Right Of Way Supervisor

100 CTE Drive
Dallas, PA 18612-9774
E-mail: herb.lasman@ct-enterprises.com

Tel: 570-631-3021
Fax: 570-631-827

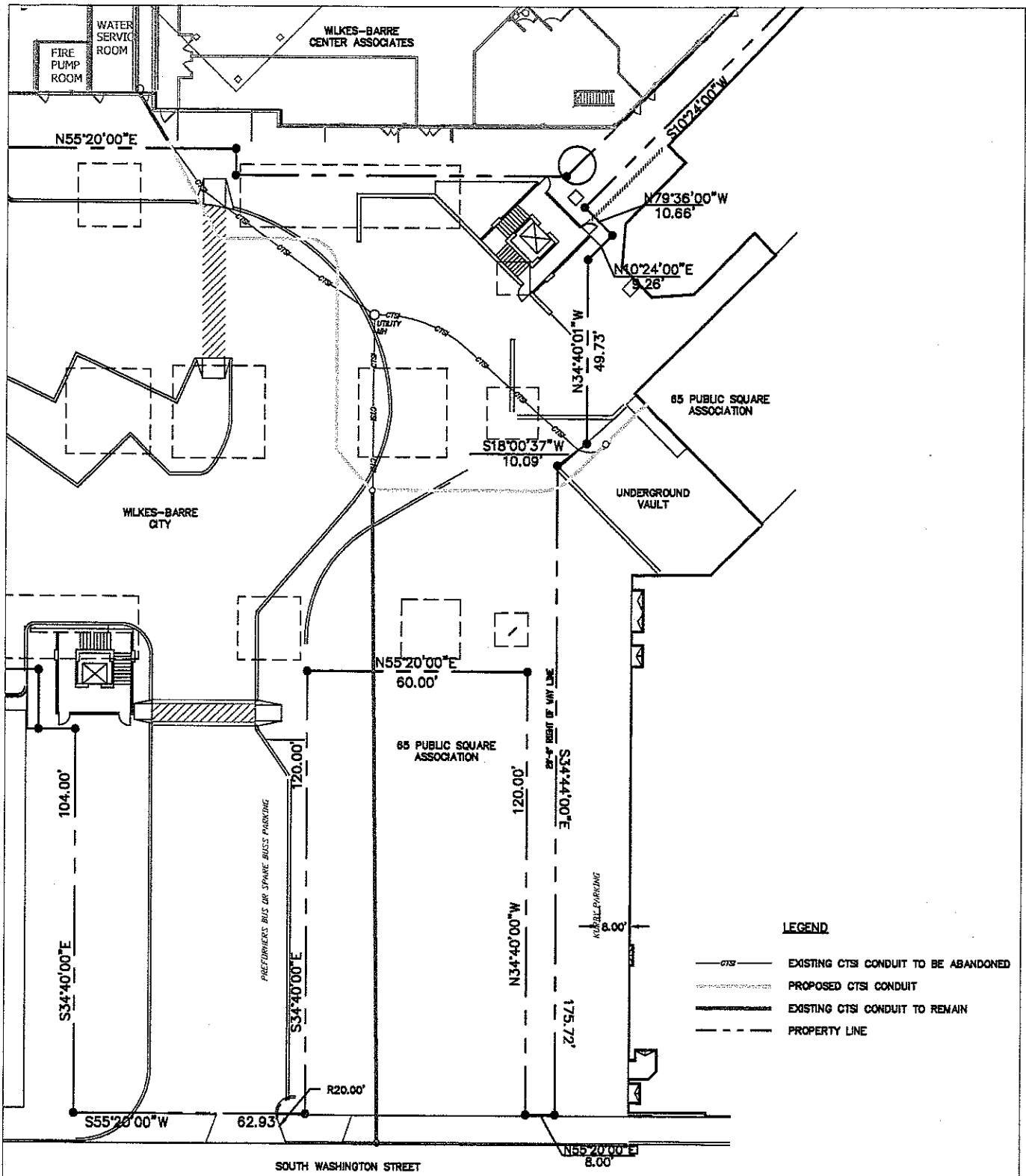


EXHIBIT 'A'

PLAN TAKEN FROM PASONIC ENGINEERING
 PROPOSED LOWER LEVEL SITE PLAN DATED: 2/6/06



(IN FEET)



A COMMONWEALTH TELEPHONE
 ENTERPRISES COMPANY

PROPOSED CTSI CONDUIT RELOCATION FOR INTERMODAL FACILITY LOCATED IN THE CITY OF WILKES-BARRE, LUZERNE COUNTY		REVISION
ENG. BY: HERB		A
C.O. AREA: 208/WLBR		B
DWN. BY: NINA		C
DATE: 5/18/08	EST. NO.	XXXX
APPD. BY:	DATE:	DWG. NO.
DRAWING 1	OF 1	



May 25, 2006

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 file Articles of Incorporation-Domestic nonprofit Corporation for Wire-Free Wilkes-Barre and to appoint the following members to the Board for said corporation:

J.J. Murphy
Louis Lau
Frank Hershberger

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

KANE

(c) Upon any dissolution or winding-up of the Corporation, its assets remaining after all debts and expenses have been paid or provided for shall be distributed by the Board of Directors to the City, a political subdivision of the Commonwealth of Pennsylvania.

(d) Notwithstanding any other provision hereof, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization which is described in Section 501(c)(3) of the Code or by a corporation contributions to which are deductible under Section 170(a)(2) of the Code.

5. The corporation is organized upon a nonstock basis.

6. The corporation shall have no members.

7. The **name** and **address**, including street and number, if any, of each incorporator is:

Name	Address
J.J. Murphy	40 East Market Street, Wilkes-Barre, PA 18711

8. The **specified effective date**, if any, is: None.
month day year hour, if any

9. The term for which the corporation is to exist is perpetual.

10. Additional provisions of the articles, if any, attach an 8 1/2 x 11 sheet.

DSCB:15-5306 (Rev 90)-2

IN TESTIMONY WHEREOF, the incorporator has signed these Articles of Incorporation this 21st day of February, 2006.

(Signature)

5

FILE OF COUNCIL

No. _____ of 2006

PRESENTED IN CITY COUNCIL _____, 2006

**AN ORDINANCE AMENDING THE TENANT AND RENTAL UNIT REGISTRATION
REQUIREMENT WITHIN THE CITY OF WILKES-BARRE, FILE OF COUNCIL NO.
63 OF 2004**

Recitals

WHEREAS, in the interest of the health, safety and welfare of the citizens and residents of the City of Wilkes-Barre, the City Council intends on amending File of Council Number 63 of 2004 to address the method of inspection and the point system in Section 7-223 as set forth herein; and

WHEREAS, the Housing Code of the City of Wilkes-Barre shall also be amended through this Ordinance, specifically File of Council No. 16 of 1971, as amended, which was initially passed on September 7, 1971; and

NOW, THEREFORE, in consideration of the foregoing Recitals, BE IT ORDAINED by the City Council of the City of Wilkes-Barre, the File of Council Number 63 of 2004 and No. 16 of 1971 are hereby amended as follows:

SECTION 7-223 WHICH CURRENTLY READS:

SECTION 7-223. POINT SYSTEM

The Code Enforcement Officer shall utilize the point system contained herein in the Housing Statistical Report of Regulated Rental Unit(s) listed, offered or advertised for lease or rent. Any Regulated Rental Unit in which housing code violations equal or exceed twenty-five (25) points shall be declared a hazard to the safety, health and welfare of the occupants and/or the public and declared "Unfit for Human Habitation" as provided in Section 108.2 of the Housing Code Ordinance.

Section _____ Basic Equipment and Facilities _____ Minor _____ Major _____

301.1	Kitchen sink not provided		10
301.1	Lavatory basin not provided		5
301.1	Toilet not provided		25
301.1	Tub or shower not provided		10
301.2	Bathroom or toilet not properly enclosed	5	10
301.4	Hot and cold water not provided to kitchen sink, lavatory basin, tub or shower	5	10
301.5	Water heating facilities not provided		10

<u>Section</u>	<u>Light, Ventilation and Heating</u>	<u>Minor</u>	<u>Major</u>
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302.3	Ventilation not adequate for bathroom		5
302.4	Two electrical outlets, or one outlet and one light fixture, not provided for each habitable room	2	5
301.7	Heating facilities inadequate or of unapproved type	5	10
	Fire Sensor/Alarm	5	10

<u>Section</u>	<u>Structural</u>	<u>Minor</u>	<u>Major</u>
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306.4	Porch defective	2	5
306.4	Outside steps defective	1	5
306.2	Exterior walls not weathertight	2	5
306.1	Exterior wall structurally unsafe		10
306.3	Roof not weathertight	2	5
306.19	Chimney in need of repairs	2	5
306.8	Exterior openings not weathertight	1	2

306.9	Exterior openings not in working condition	1	2
306.1	Foundation not watertight or rodent-proof	5	10
306.4	Inside stairs not safe	5	10
306.17	Handrails not provided on exterior nor interior stairs		5
306.15	Floors are defective	1	5
306.16	Joists are defective	1	5
306.15	Patch plastering needed	1	5
	Lack of Adequate Fire Escape	2	5

<u>Section</u>	<u>Structural</u>	<u>Minor</u>	<u>Major</u>
----------------	-------------------	--------------	--------------

301.1	Plumbing fixture or pipes leaking or obstructed	2	5
301.1	Plumbing fixtures or pipes not properly installed	2	5
301.1	Plumbing fixtures not maintained in sanitary conditions	2	5
301.3	Bathroom or lavatory floor not impervious	2	5
301.3	Bathroom or lavatory floor not maintained in sanitary condition		5
301.7	Heating facilities not maintained in safe, working condition		10
301.1	Drainage system defective		5

<u>Section</u>	<u>Structural</u>	<u>Minor</u>	<u>Major</u>
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301.6	Kitchen range defective		5
302.8	Defective wiring	5	10
302.8	Lighting fixtures broken, defective or improperly installed	2	5
302.8	Flexible cords used for branch wiring	2	5
302.8	Sockets, switches, or receptacles broken	2	5
302.8	Cover-plates broken or missing from switches, receptacles or outlet boxes	2	5

IS HEREBY AMENDED TO READ:

SECTION 7-223. POINT SYSTEM

The Code Enforcement Officer shall utilize the point system contained herein in the Housing Statistical Report of Regulated Rental Unit(s) listed, offered or advertised for lease or rent. Any Regulated Rental Unit in which housing code violations equal or exceed twenty-five (25) points shall be declared a hazard to the safety, health and welfare of the occupants and/or the public and declared "Unfit for Human Habitation" as provided in Section 108.2 of the Housing Code Ordinance. Notwithstanding the points given, for certain violations, there will be an automatic failure and the premises shall be immediately declared a hazard to the safety, health and welfare of the occupants and/or the public.

<u>Section</u>	<u>Basic Equipment and Facilities</u>	<u>Minor</u>	<u>Major</u>
301.1	Kitchen sink not provided	Automatic Failure	
301.1	Lavatory basin not provided		20
301.1	Toilet not provided	Automatic Failure	
301.1	Tub or shower not provided	Automatic Failure	
301.2	Bathroom or toilet not properly enclosed	10	15
301.4	Hot and cold water not provided to kitchen		

	sink, lavatory basin, tub or shower	Automatic Failure
301.5	Water heating facilities not provided	Automatic Failure

Section	Light. Ventilation and Heating	Minor	Major
302.3	Ventilation not adequate for bathroom		15
302.4	Two electrical outlets, or one outlet and one light fixture, not provided for each habitable room	5	10
301.7	Heating facilities inadequate or of unapproved type Fire Sensor/Alarm		Automatic Failure Automatic Failure

Section	Structural	Minor	Major
306.4	Porch defective		10
306.4	Outside steps defective		10
306.2	Exterior walls not weathertight		20
306.1	Exterior wall structurally unsafe		Automatic Failure
306.3	Roof not weathertight		20
306.19	Chimney in need of repairs		Automatic Failure
306.8	Exterior openings not weathertight		10
306.9	Exterior openings not in working condition		20
306.1	Foundation not watertight or rodent-proof	10	20
306.4	Inside stairs not safe	10	20
306.17	Handrails not provided on exterior nor interior stairs		15
306.15	Floors are defective	5	10

306.16	Joists are defective	5	10
306.15	Patch plastering needed	5	10
	Lack of Adequate Fire Escape		20

<u>Section</u>	<u>Structural</u>	<u>Minor</u>	<u>Major</u>
301.1	Plumbing fixture or pipes leaking or obstructed	10	Automatic Failure
301.1	Plumbing fixtures or pipes not properly installed	5	10
301.1	Plumbing fixtures not maintained in sanitary conditions	10	20
301.3	Bathroom or lavatory floor not impervious	5	10
301.3	Bathroom or lavatory floor not maintained in sanitary condition		20
301.7	Heating facilities not maintained in safe, working condition		Automatic Failure
301.1	Drainage system defective		Automatic Failure

<u>Section</u>	<u>Structural</u>	<u>Minor</u>	<u>Major</u>
301.6	Kitchen range defective		10
302.8	Defective wiring		Automatic Failure
302.8	Lighting fixtures broken, defective or improperly installed	5	10
302.8	Flexible cords used for branch wiring	10	20
302.8	Sockets, switches, or receptacles broken	10	20

302.8	Cover-plates broken or missing from switches, receptacles or outlet boxes	10	20
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SECTION 7-243. 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.

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 2006

PRESENTED IN CITY COUNCIL _____, 2006

**AN ORDINANCE AMENDING ORDINANCE NO. 7 OF 1990 FREEZING SALARIES
FOR THE MAYOR AND CITY COUNCIL**

WHEREAS, it is the desire and intention of City Council to pass legislation within the City of Wilkes-Barre and amend Ordinance No. 7 of 1990 amending the compensation schedule for elected officials within the City of Wilkes-Barre; and

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

ORDINANCE No. 7 of 1990 is hereby amended to freeze the salaries for the elected offices of the Mayor, and Members of Wilkes-Barre City Council at the amount of compensation set in the Budget for 2007, and made effective January 1, 2007.

THIS ORDINANCE shall be automatically repealed on January 1, 2010, at which time the prior Ordinance, Number 7 of 1990, shall be in effect insofar as the calculations for a salary increase, which shall take effect based on the salary set in the January 2009 Budget.

SECTION 2. 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 3. 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

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

WORK SESSION

DATE: May 23, 2006

TIME: 6:00 p.m.

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

1. Resolution approving Commission 4 scenario establishing Councilmatic Election districts within the City.
2. Resolution approving the installation of a projector sign on the outside of 117-119 South Main Street
3. An Ordinance amending Ordinance No. 7 of 1990 freezing salaries for the Mayor and City Council.

ORDINANCES FOR SECOND AND FINAL READING

FILE OF COUNCIL NO. 4 OF 2006 – AN ORDINANCE AMENDING SECTION FIVE (5) OF THE WILKES-BARRE CITY CODE OF ORDINANCES GOVERNING ANIMALS AND FOWL.

FILE OF COUNCIL NO. 5 OF 2006 – AN ORDINANCE AMENDING THE TENANT AND RENTAL UNIT REGISTRATION REQUIREMENT WITHIN THE CITY OF WILKES-BARRE, FILE OF COUNCIL NO. 63 OF 2004.

CITY COUNCIL
WORK SESSION
MAY 23, 2006

6:10 p.m. **General Discussion**

1. Request by Michelina Enterprises Inc. for approval to utilize City owned parking lot.

6:20 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
CITY COUNCIL WORK SESSION
MAY 23, 2006

RESOLUTIONS

Authorizing the proper City officials to award a contract for the Kirby Park Parking Lot and ADA Improvements to the lowest responsible bidder

Authorizing the proper City officials to enter into an agreement with Minichi Construction Company of Dupont to repair a portion of the Laurel Run Creek wall

Requesting the DCED to designate the City of Wilkes-Barre as an Enterprise Zone for Impact Community

Authorizing the proper City officials to enter into a contract with Cavanaugh Electrical Contracting, Inc. to install a new emergency electrical generator system at South Station and Fire Headquarters

Authorizing the proper City officials to apply for an immunization grant through the Pennsylvania Department of Health

Setting fees for the commercial property inspection program