



Luzerne County Flood Protection Authority
1989 Wyoming Avenue
Forty Fort, PA 18704

Minutes
September 19, 2023 Regular Session

The board met in Executive Session prior to the September 19, 2023, regular meeting to discuss legal matters.

Call to Order

On September 19, 2023, at 1:02 P.M., the Luzerne County Flood Protection Authority Board convened their regular monthly meeting at the Luzerne County Flood Protection Authority Administrative Offices, 1989 Wyoming Ave, Forty Fort. It was noted that all meetings are electronically recorded.

Mr. Yannuzzi, Chairman, called to order the September 19, 2023, meeting.

Pledge of Allegiance and Moment of Silence

Present

Mr. Dominic Yannuzzi, P.E., Chairman
Mr. William Hardwick – *via telephone*
Mr. Jay Delaney
Mr. Gordon Dussinger
Mr. John Maday

Also Present

Christopher Belleman, P.E., Executive Director
Jeffrey Rockman, Esq., Slusser Law Firm, LCFPA Solicitor
Laura Holbrook, Mitigation & Outreach Specialist
Deana Prochaska, Administrative Assistant (Recording Secretary)
Eric Mark, Reporter, Citizens Voice
Jen Andes, Reporter, Times-Leader
Amy Bezak, VP of Street Art Society of NEPA

Public Comment

Susan Dadurka, Swoyersville
Dotty Martin, Forty Fort
Michael & Wendy Harrison, Forty Fort
Rich Adams, Swoyersville
Bob Clemente, Larksville

Public Input

Ms. Dadurka: How long has that levee been there? With the blacktop? And useable for walks, bikes, and jogs?

Mr. Belleman: Since approximately the year 2000.

Ms. Dadurka: OK so about 23-24 years. How many e-bike accidents have there been?

Mr. Yannuzzi: That's a good question. We are not aware of any accidents involving e-bikes, but e-bikes have become increasingly mainstream over the past several years.

Ms. Dadurka: So, the complaint is people feel they fly past them and they are anticipating a possible accident could happen?

Mr. Yannuzzi: I believe that is some of our concerns, yes. So, we are not voting on anything today regarding this item. We may potentially have another public meeting for people to provide input, because we have heard how important electric vehicles are to the public.

Ms. Dadurka: I have a battery-operated scooter and I have a severely handicapped child; it was specifically made for her. Her activities are very limited, and she loves to go on the scooter, and we are up on the dike all the time. We just feel so safe up there. I'd hate to see that taken away from her, that's all.

Mr. Yannuzzi: Understood.

Ms. Martin: I think it also gives people the opportunity to access places in Wyoming, Forty Fort, or Kingston without having to travel on Wyoming Avenue.

Mr. Harrison: I use the levee system all the time, and I do have an e-bike and I love it. I have a son who has a skateboard, and he uses it all the time on the dike, and he also loves it. I understand the safety, but I think to implement all kinds of regulations at this point is wrong, it is such a beautiful levee system. Naturally people need to respect everybody, whether you're walking, biking, e-biking, or jogging, whether it's an e-bike or normal bike. With a normal bike, younger people than me can go very fast too. Becoming a little older myself, I am all for e-bikes, helps my back and knees. I think at this time any regulation would be wrong.

We go e-biking all over, we take them to Ocean City and on their Boardwalk, there are regulations. You need that there; you should be off the boardwalk because it gets hundreds of people. Everybody has to have respect. You are going to have certain people who want to go fast, it happens with anything. But I really think the levee is so beautiful with all the people up there, that putting all these rules and regulations hurts what we are trying to promote in Luzerne County.

A friend of mine said put up signs, OK yeah you could waste money and say slow down to say 25-20. I don't know if signs will work, I don't think so. You are trying to keep it all safe, I understand that. People can abide by riding on the right and passing on the left, and as a courtesy tell the people "Passing on your left". One of the big problems is earbuds and cellphones, are they also to be limited? Definitely not but people do have to pay more attention.

It is beautiful up there, so maybe we need some slow it down signs. I really enjoy the valley by having an e-bike going to places and events downtown. I did that all because I have my e-bike.

Have I ever gone to fast? Yes of course it's fun. Do kids have fun? I also see scooters and unicycles and some of them also go fast. They're having fun up on the dike and isn't that what it is supposed to be? You have to make it safe I understand, but we want to promote people to come here and enjoy our area.

Mr. Adams: I own Around Town Bicycles; I have a vested interest in selling electric bicycles. I have been selling them for 9 years. There are classes of bikes and that's what Chris was alluding to (20mph/ 750-watt motor) in the draft e-bike policy. There are 3 classes that the federal government set up to essentially allow them wherever bicycles are allowed, meaning you don't need a registration, you don't need a license, you don't need insurance because they are just a "bicycle".

A lot of people use these bikes for transportation. As Mike clearly pointed out it's true an e-bike will expand your horizons, you can go further, you could see more and you could do things that you couldn't normally do. E-bikes are here to stay and they are very popular and they work, the technology works quite well. I am torn on this because I actually agree there should be some regulation, in general it sort of already exists with the class system. But at the same time it is a slippery slope and how are you going to enforce it? I think people need to slow down and pay attention and respect others. The levee is popular because it is so great up there, I just think e-bike usage is not going away. I invite you to come to the bike shop and ride one of the e-bikes and maybe that will open up your horizons or help you think about how useful they are.

But I think a speed limit for cyclists even, I slow down when I pass a pedestrian, I typically slow down to pedestrian speed 3-5 mph if I'm passing someone and then I speed up again. So, I think it's a challenge that we should think about and no one likes more regulation. I think signage is a relatively inexpensive thing you could do. But you certainly don't want police there with radar guns. But maybe meet somewhere in the middle, I don't know exactly but I would invite you to ride a bike and discuss it more. I'll be here at the next meeting.

Mr. Yannuzzi: Thank you Richard. Let's just say we decide to come up with a policy to try to make this situation safer, would you be interested in reviewing that policy and providing input?

Mr. Adams: Sure, yeah. I would love to do that.

Mr. Delaney: At 7 o'clock this morning, I went to the Nesbit Park entrance just to see for myself what it was like. I watched seniors jogging, other folks just walking and when I watched I just couldn't see enough room for a bike to go by without somebody getting hurt. This is not Wyoming Ave, it's not Market St, it's not S. Main St in Wilkes-Barre. It's an 8-foot-wide pathway. I just watched, and I'm thinking if a bike came down where that fella is walking, he's not going to hear it coming up behind him. I want to keep an open mind but for right now, I remain really concerned about the e-bike going up to 20mph. You're respectful saying 3-5 mph, I wish everyone would do that. If everyone would do that, I don't think anyone would be sitting here today but that's not the fact. I see the JCC there now and a lot of people exercising, I am just not convinced we could find a happy medium. I hope we do, that's what I want to do as a board member but for right now, I am not comfortable yet where we are going with this.

Mrs. Harrison: I have an e-bike and on the back of my bike I have a little dog carrier that I take my dog in. I find that it is a very safe place to ride with my dog because obviously riding down a busy street like Wyoming Avenue is not safe. I do ride the levee a lot and I could honestly say I've never had an incident when approaching pedestrians whether they are going the same or opposite direction.

Mr. Delaney: I am most concerned with when somebody is walking and a bike, especially an e-bike going fast that you can't hear comes up behind that person. When we first talked about this, we talked about a bike going up to 20 mph, so if you can't hear someone and they are coming up behind you at 20 mph that's a grossly unsafe thing, in my eyes. So, I hope that we could find some common ground but that is my main concern now.

Mr. Clemente: People ride bikes on sidewalks, they are about 5 feet wide, and people walk alongside them. I have had an e-bike for 20 years, done it all and been on this levee all my life, never seen any problems. There are going to be a couple knuckleheads no matter what you're talking about. If you have been on the levee as long as I have, people are respectful 90 percent of the time. I've seen a lot of senior citizens with e-bikes and they're getting them so they can go up on the levee. You ride down Market Street on a bike you are putting your life in your hands but once you get up on the levee you can relax. You don't need the motor, you just take a nice cruise, for your arthritis it's the best thing.

I've done biking all my life, regular bikes and e-bike for 20 years. There is always going to be the fool out there no matter what you try and do. But to ban it because of that makes no sense. Even the regular bikes come whizzing by you. Then you say OK put your bike in your car and travel 8 miles to Jim Thorpe or 10 miles to these places but what about the carbon footprint, we are trying to help the country and now to ban that is another stab. Makes no sense at all.

I am 70 and I've been walking or riding these levees all my life. I have never had anyone complain, you ring a bell, "Hey on your left", you slow down, you're not going to come whizzing by people. If you hear someone coming, just move over a little bit. Never had a problem and I've ridden there all my life, regular bikes, and e-bikes. You see sidewalks and these guys come flying, that's 5ft, what are they going to do ban them on sidewalks? I don't understand, there's senior citizens and all people that really need this and trying to ban it, I don't know, it just makes no sense to ban bikes on the levee like that. You guys can ban quads, but an e-bike? Are you going to arrest some 80-year-old guy, here's a \$300 fine and the gentlemen is just up there trying to exercise after buying a \$1600 e-bike and now they're banned.

Mr. Delaney: I respect your comments, I really do. That's why the Authority wanted to have some conversation, but you brought up another part, the enforcement.

Mr. Clemente: Walk the dike, there are going to be fools everywhere but all the people present here and the many more out there that didn't come are thinking what the heck after seeing that article last month, this doesn't make any sense at all. There are things on the levee if you guys check, some of the cracks need to be tarred again, all of those green light poles need painting, the benches need to be stained. There is regular maintenance stuff that I think you guys should look into.

Ms. Martin: You talk about respect and people who need to have respect. I've never seen a problem on the levee as many times as we have ridden our scooters, never seen a problem. All of us here are respectful of other people, the problem is you can't regulate respect, you can't force people to be respectful and that's going to be anywhere. You are looking at an 8 feet wide roadway that has plenty of room for people to pass each other if they do it respectfully. I have never seen a problem. I've had people move over, I always yell "On your left" or blow a horn, no one is ever disrespectful. I have never seen a problem, but you are going to have disrespectful people no matter where you go.

Mr. Yannuzzi: Thank you very much for your input on this, I believe we may have another forum on this in the near future, to discuss it again.

Regular Meeting

Motion was made to ratify the minutes of the Authority meeting held on August 15, 2023.

Motion by: Mr. Maday

Second by: Mr. Dussinger

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

LCFPA Activities/Projects

- A. Staff Activities/Project
- B. Board Activities/Project

Bills and Communications

Motion was made to approve the payment of the bills as presented.

Motion by: Mr. Maday

Second by: Mr. Hardwick

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Report of the Treasurer

Motion was made to submit the report of the Treasurer into the record as stated.

Motion by: Mr. Hardwick

Second by: Mr. Delaney

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

New Business

Motion was made to accept proposal and move forward with Amy Bezak, Vice President of the Street Art Society of NEPA, to install murals on the concrete surfaces of selected Authority-owned facilities located in Forty Fort, Kingston, and Edwardsville.

Motion by: Mr. Yannuzzi

Second by: Mr. Dussinger

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

2023 Levee Fee Collections Update.

Motion was made to approve the settlement agreement between Charles M. Reilly, Jr. & Joseph J. Reilly vs Luzerne County Flood Protection Authority; Luzerne County Court of Common Pleas No. 2020-12715.

Motion by: Mr. Maday

Second by: Mr. Delaney

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Motion was made to approve an “Agreement by and Between the Luzerne County Flood Protection Authority and Elite Revenue Solutions LLC for the Collection of Levee Fees” with Elite Revenue Solutions LLC, 100 North Wilkes Barre Blvd; Suite 205, Wilkes Barre Pennsylvania 18702, for the years 2023, 2024, and 2025.

Motion by: Mr. Yannuzzi

Second by: Mr. Maday

Motion passed by a vote of 5-0. “AYES” – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Motion was made to approve the updated “Wyoming Valley Flood Response Plan, Revision No. 1 effective September 17, 2023”. The policy has been updated to incorporate the closure structure eliminations and modifications and other minor editorial changes.

Motion by: Mr. Hardwick

Second by: Mr. Yannuzzi

Motion passed by a vote of 5-0. “AYES” – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Motion was made to approve the conveyance of the following properties:

- A. PIN #48-18-00A-005-000 from Earth Conservancy, 101 South Main Street, Ashley PA to the Luzerne County Flood Protection Authority. The total area is about 11,184 sf and contains levee facilities.**
- B. PIN #48-18-00A-018-000 from Earth Conservancy, 101 South Main Street, Ashley PA to the Luzerne County Flood Protection Authority. The total area is about 574 sf and contains levee facilities.**
- C. PIN #49-18-00A-094 and #49-18- 00A-094-000 from Earth Conservancy, 101 South Main Street, Ashley PA to the Luzerne County Flood Protection Authority. The total area is about 12.02 acres and is located along the Susquehanna River on one (1) side and Authority-owned land on the remaining three (3) sides.**

Motion by: Mr. Delaney

Second by: Mr. Dussinger

Motion passed by a vote of 5-0. “AYES” – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Motion was made to approve the conveyance of the following (3) properties:

- A. PIN #48-H8SE3-017-001 from Plymouth Borough, 162 West Shawnee Avenue, Plymouth PA to the Luzerne County Flood Protection Authority. The total area is about 5,051 sf and contains levee facilities.**
- B. PIN #48-18-00A-016-000 from Plymouth Borough, 162 West Shawnee Avenue, Plymouth PA to the Luzerne County Flood Protection Authority. The total area is about 2.5 acres; contains levee facilities and will act as a buffer against future development.**
- C. PIN #48-H8SE3-009-019D from Plymouth Borough, 162 West Shawnee Avenue, Plymouth PA to the Luzerne County Flood Protection Authority. The total area is about 25,495 sf (0.58 acres) and contains levee facilities.**

Motion by: Mr. Yannuzzi

Second by: Mr. Maday

Motion passed by a vote of 5-0 "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Motion was made to approve a proposal from Pennoni Associates Inc., 1337 Veterans Memorial Drive, Jessup, PA to provide professional environmental inspection services in the amount of \$8,000.00 for the identification of asbestos, and other hazardous materials at the following three (3) properties: 175 Route 11, West Nanticoke; 94 West Poplar Street, West Nanticoke; and 95-97 Italy Street, Mocanaqua, Conyngham Township.

Motion by: Mr. Maday

Second by: Mr. Dussinger

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Next Regular Meeting

October 17, 2023 at 1:00p.m.

1989 Wyoming Ave

Forty Fort, PA 18704

Adjourn

Motion was made to adjourn the September 19, 2023 meeting of the Luzerne County Flood Protection Authority Board.

Motion by: Mr. Maday

Second by: Mr. Yannuzzi

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DUSSINGER, DELANEY.

Meeting adjourned at 2:04 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deana Prochaska". The signature is written in a cursive style and is positioned above the typed name.

Deana Prochaska
Recording Secretary