



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

**Minutes**  
**October 17, 2023 Regular Session**

**Call to Order**

On October 17, 2023, at 1:00 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 October 17, 2023, meeting.

**Pledge of Allegiance and Moment of Silence**

**Present**

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

**Also Present**

Christopher Belleman, P.E., Executive Director  
Christopher Slusser Esq., Slusser Law Firm, LCFPA Solicitor  
Amy Grevera, CPA, Grevera and Associates, LCFPA Accountant  
Laura Holbrook, Mitigation & Outreach Specialist  
Deana Prochaska, Administrative Assistant (Recording Secretary)  
Eric Mark, Reporter, Citizens Voice  
Jen Andes, Reporter, Times-Leader

**Public Comment**

Anthony Fioti, Kingston  
Mark Albrecht, Shavertown  
Dotty Martin, Forty Fort  
Michael & Wendy Harrison, Forty Fort  
Rich Adams, Swoyersville  
Bob Clemente, Larksville  
Ted Ritsick Jr., Forty Fort  
Eileen Galenty, W. Wyoming  
Fred Wesley, Swoyersville

## **Public Input – Proposed E-Bike Policy**

**Mr. Fiotti:** I use the levee for riding a manual bike, I run into a lot of walkers and my suggestion would be not to ban e-bikes but put rules and regulations in place. It would be helpful if there was a white line in the middle, so most walkers have the visual reminder to stay to the right because with 90% of people wearing earbuds, saying something to them is irrelevant. That's just my input.

**Ms. Martin:** My daughter is mentally and physically disabled and unable to ride a typical bike, so we have a 2-seater, 3 wheeled electric scooter that we ride her on. We live in Forty Fort and so by using the levee we can access Wyoming, Exeter, West Pittston, Kingston, and Wilkes Barre. I would hate to have to ride her on Wyoming Avenue, it's just too dangerous. The levee is much safer. I have never had a problem. I've passed e-bikes, traditional bikes, walkers, joggers, kids, dogs, and we are always courteous and considerate. Most people are cool about it. I've never had a problem with anyone complaining. I've never seen e-bikes going fast, our bike goes up to 15 kilometers, but I'm not sure what those transfer into miles, but it's not fast at all. It's just a great way for my daughter to be able to enjoy the outdoors in a very safe way. I would hate to see e-bikes banned.

**Mr. Albrecht:** *The Back Mountain Trail* is watching this proceeding and state park proceedings very closely because we have a very strict non-motorized vehicle policy on the trail. The trail is old enough and the policy is old enough, we never really took into consideration that there would be a such thing as an e-bike etc. I just want to say that we have come to the conclusion that we also don't want to see e-bikes banned; but we also recognize that there's all sorts of courtesies and common sense that isn't always adhered to frequently, mainly by the walkers on our trail. We really and truly need everybody to have a little more common sense, and I would hope that the levee, the *Back Mountain Trail*, and other trails in the area would consider just emphasizing common sense.

Earbuds I think are our biggest enemy. Technology has kind of played a role in this because whether it's an e-biker, bicyclist, or walker they are not conscious about what's going on around them. I think that's the bigger contributor to lack of safety than the actual use of the e-bike. But I hate the thought that the older people that enjoy the recreational possibilities from the levee and the trails now will have limitations. But we're watching everybody closely because right now we have a policy that if you read it word for word it would say e-bikes are clearly motorized vehicles. But we are being as tolerant as we can because safely operated it seems that they can co-exist on our trail and on your levee. So, myself, I would hate to see a complete ban on either. But right now, I think it's the common sense of the people who are walking the trail or levee system, that might be the contributor to the safety issue. Can you ban earbuds? No, but they should not be worn so that they can't be aware of a bicycle bell or an announcement of someone passing.

**Ms. Galenty:** I too am on the levee all the time since it's been made available. I just have to quote an old boss of mine, "*I think this is a solution looking for a problem*". I don't think there has been any reported problems for e-bikes or anything else. I don't think laws, rules, and regulations can make people more conscious or mindful. I think in general we are all conscious and mindful, and we know the regulations and the bottom line is, as far as I know since I have been on the road or on a bike and I know it has been ignored by a lot of society, but pedestrians always have the right of way. So, I could sit here and get all frustrated that somebody is wearing earbuds, and I want to pass them, but I just get off my bike and I walk around them, wave and smile and they smile at me, then I get back on my bike. I just want to also add that road bikes, cyclist average 17-22mph, and they want to continue to enjoy it and I have seen people on e-bikes who are just as lovely and courtesy as anyone else. It's an affordable mode of transportation and it's good for the environment.

**Mr. Wesley:** I have been e-biking for the last 2 years and I really enjoy it. Part of the reason I did it is because I had a knee replacement and the doctor said I could not pedal a bike. E-bike riding made me appreciate the river and the valley a lot more. I think common sense is the big issue. I have a bell on my bike. One time I was passing someone on the right, I rang the bell and he didn't hear me. As I passed, he looked at me and said, "*Why didn't you ring the bell?*", I said "*I did*", and he said "*Well I can't hear anyway*". I am not angry at him it is just frustrating for the e-bikers. Like with everything else in life there are some good ones and some bad ones, so let's not just punish everybody for a few bad. Thank you.

**Mr. Adams:** I want to echo what everyone has said of course but I think that along with common sense, if you were going to do anything I would say some kind of code of conduct, speed limit etc. But no one is talking about enforcement, and I think enforcement is a huge issue. You are never going to be able to enforce it. It's going to cost money that no one wants to spend, and it doesn't even matter whatever restrictions you put in because there are always going to be a small percentage of people who are not going to follow the rules. I don't want to punish everyone for one or two people, and we haven't had an incident. So I think you are jumping the gun with restricting them. I like the idea of a speed limit; everyone should slow down when they are passing someone.

**Mr. Clemente:** I just got off the levee now. I have been on it every day for decades and I talked to a lot of senior citizens who only have e-bikes. They live in the high rises and they have to use the e-bike to get to the levee. When they get on the levee, they relax and talk to their friends on the benches. It's like their little vacation. Me too, it is beautiful and there has never been an incident. I talked to so many people, a lot of them don't know about this or what's going on, they don't read the paper, I told them about these meetings they thought I was crazy "*Why would they ban it?*". It doesn't make any sense at all. These guys actually love it and if you guys were on the levee a lot you'd see there's never a real problem.

Chief Delaney, you said you saw one guy zip by, have a couple fireman go up and patrol a little bit, see what happens. You can't slam the whole county for one little incident, it'd be a crying shame. Some cop pulls you over "*Oh you're on an electric bike*", you say "*Well the motors off*" and then you got to pay a \$100 fine. The gentleman said about the white line in the middle, it makes sense. Many times, I only pedal when I get up there but I have to use an e-bike to get there. Users spread across the levee, and they don't even hear you. I come to a dead stop, I have the bell and I yell and then they look at you strangely. The levee is for all the people and to actually ban e-bikes would be a shame. Is this a done deal or do we still have a chance that you're not going to ban this? Or are you guys discussing it like seriously? Why don't you guys go up and talk to people?

**Mr. Yannuzzi:** We are just getting public input right now.

**Mr. Clemente:** I am just saying please think about it before you guys make that vote.

**Mr. Ritsick Jr:** I walk, run, bike on the levee and I have some serious concerns about e-bikes. I walk on the Avenue and I walk on the levee. I have had close calls with people driving ridiculously fast on both the Avenue and likewise on the levee. One of the dangers that exist is that parts of the levee are covered in jagged rocks. You have all types of people, babies, little kids, and people of all ages that are walking, riding their little bikes in a slithering type of formation where they are not going straight. In roadways it's not that speed kills its speed differentiation, so if one person is doing 3 and the other person is doing 28 and they collide that's a problem.

That is part of the issue we would have here. I agree with the lady who said about the average biker going in the high teens, so combine that with a little kid who will not stay on his/her side of the line, and you have danger. If you were going to suggest that we have exclusions for people who are disabled or people who have other issues such as that, that's one issue. I have just seen too many close calls; the bikes go fast enough in terms of difference in speed, and I think the e-bikes will just add an unnecessary danger. It doesn't really matter how old I am, I can travel the levee with my bike in first gear, because with very few exceptions on this part of the levee there are no hills.

**Mr. Fiotti:** I think the biggest problem here is speed differential. Whether its e-bike, pedal bike, roller skates or skateboard, any rolling wheel you are talking about their respective average speed. You shouldn't pass somebody at your average speed, that is too fast. I think the problem is speed control and passing etc., not just on an e-bike. Because if its operated correctly it won't be an issue.

**Ms. Harrison:** I am here to support e-bikes as well. I use the dike frequently with my e-bike and I have never had any problems. One of the ways I use it is getting over to Wilkes-Barre and supporting the events they have downtown. I never have to worry about parking and I'm saving the environment. It just gives me that opportunity to do that using the e-bike. As far as common sense, you're approaching someone or a little kid that is going back and forth, you know it's just common sense that I am obviously going to slow down. My son also uses it to go over to Wilkes-Barre, it's not safe to go on the street with his skateboard. Just the safety of it all is to just use common sense.

**Mr. Hardwick:** I am just going to chime in real quick, not on the decision, we are here to listen and take input. Obviously, the topic has come up and I don't think we can just say "*Let's not deal with it*". We are using the term e-bike but in my mind it's really about motorized vehicles. When I made that comment about banning or not, to me the challenge comes down to, if you come up with any type of a rule, how are you going to enforce it? It is up to the local municipalities, no one in the LCFPA has any right to enforce, we could go say something but that is the limit to what we can do. So, if we said 15 mph or less, how are we going to enforce that. We can all say there is no problem, so you are looking for a solution for something, I assure you in some period of time there is going to be an incident that occurs.

My family and I use the levee a lot, I was up there measuring to see if we could have a bike lane, but in some areas, it is only 4 foot wide. So, in those parts you are not going to be able to have a bike lane and/or a walking lane, if you put a line down the middle people will say "*What's the line for, am I supposed to walk/bike on this side or that side*"? To me it's a little more than e-bikes. I think it was the meeting before Mr. Adams mentioned restrictions on motor sizes etc. If it's bigger it has to be titled, if it's smaller it doesn't but again who will monitor this? We can't monitor these things, so whatever we do going forward as a board we have to look and say what's best for the public. I don't think when they paved this, they said "*Let's make it so any vehicle can go on here vs. this is a nice walking trail, let's pave it*". These are just my thoughts, and again I'm taking inputs and whenever the Chairman calls for a vote we will make the best decision that our group can make.

**Mr. Fiotti:** Do we have any references to other cities or similar trails like this and what their policies are?

**Mr. Hardwick:** I just learned a reference from *The Back Mountain Trail* where they banned motorized vehicles.

**Mr. Fioti:** Yes, but that is local too. I just wondered if this is a national problem.

**Mr. Albrecht:** I don't think it's out of the question to discuss a speed limit because you would want to be able to cite carelessness. If there was an incident, you could at least cite the person for exceeding a commonsense speed limit. I don't want rules at all, but I kind of agree on your levee with a paved surface and a dead straight away you could go really fast on the levee, vs *The Back Mountain Trail*. You could go fast but the ramifications of going too fast there are immediate where on the levee you got virtually a mini drag strip. We do have an unmotorized sign on every trail kiosk, it says no motorized vehicles, so we are looking to groups like yours and the state park systems like "*What do we do?*". I don't think it is unreasonable to set a speed limit because bicycles shouldn't be going at an excessive speed and sharing the same path as a walker.

**Mr. Fioti:** The other thing I wanted to reconsider with e-biking is could there be hour restrictions? You go to the boardwalk in NJ and bikes are only allowed amongst everyone at certain hours. I don't know if a time restriction would help at all.

**Mr. Clemente:** I think I understand your point, I think. So, you want these police departments on the east and west sides to see if there is a battery on that thing and go get it? Is that what you are saying, if it's an electric bike you are going to get fined? What solution do you have for that?

**Mr. Hardwick:** No, I'm not proposing a solution. What I'm saying is if we come up with some sort of language like that, that would be the group that has to oversee it. The Flood Authority can't.

**Mr. Clemente:** 99% of people are good on it so you are crippling the good taxpayers and voters for this. It doesn't make any sense. There are a lot of people who try to help on the levee and stop the nonsense.

**Mr. Hardwick:** I just hope people see this for what I and the board believe it is. I've heard the words punish, go after etc., and that is the furthest thing we are trying to achieve in my opinion. Everybody should enjoy this levee, but we should enjoy it responsibly. If everyone out there had 100% common sense, we wouldn't even be having this discussion. But I've had people come to me and Mr. Delaney seen an incident and had people come to him. If we just kick it down the road, we are going to be here at some point again in the future.

**Mr. Clemente:** It didn't happen, nothing has happened yet. Did anyone get hurt? There are accidents everywhere. Chief you've seen it on the square they are whipping around like knuckleheads, and no one is going to stop driving on the square. It's something to think about. I could see no one is swaying you guys and it would be a shame.

**Mr. Hardwick:** I have made no decision; I just want to be fair to everyone. Our first discussions were if we came up with something could we enforce it? It kind of sounded like we couldn't, so my comment was maybe we should just consider not allowing them at all. It makes the problem go away. The problem is then it removes the ability for some people to enjoy the levee in different ways than just walking so there is a lot to think about. Again, I have not come to any conclusion.

**Mr. Fioti:** I think if you ban bikes those who are going to go 100mph are still going to go 100mph, I don't know if they are going to stay off of it just because it is banned.

**Mr. Albrecht:** That is a good point, you are only eliminating the good people from use of the e-bikes on the levee that would be a shame.

**Ms. Galenty:** You are concerned about people's safety, and this is the reason why you are considering banning e-bikes on the dike?

**Mr. Yannuzzi:** We are concerned about safety, but your statement about banning e-bikes is not a statement in my head right now. We are concerned about safety and the interactions of different modes of travel on the levee.

**Ms. Galenty:** Has there been any reports of anyone being injured? Do you know if there have been any reports about uncontrolled dogs on the levee? Because I see that all the time and I have personal experience/ interactions with dogs that are just out of control, so I am just wondering if you are going to ban them for safety? It's just a consideration.

**Mr. Yannuzzi:** I do not know those answers and understand.

### **Regular Meeting**

**Motion was made to ratify the minutes of the Authority meeting held on September 19, 2023.**

Motion by: Mr. Hardwick

Second by: Mr. Maday

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. Delaney

Second by: Mr. Dussinger

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. Maday

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

### **New Business**

**2023 Levee Fee Collections Update.**

Motion was made to approve a ***“Stormwater Management Non-Exclusive Easement Agreement”*** with the Wyoming Valley Sanitary Authority (WVSA), 1000 Wilkes-Barre Street, Hanover Township, PA 18706. The perpetual easement will allow WVSA to access the forebay where Abrahams Creek passes through the levee in Forty Fort to remove sediments and perform streambank maintenance and improvement work. This work was identified in the ***“WVSA Regional Stormwater Program Partnership Agreement with the LCFPA”*** that was approved on March 17 and October 20, 2020.

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 ***“Stormwater Management Non-Exclusive Easement Agreement”*** with the Wyoming Valley Sanitary Authority (WVSA), 1000 Wilkes-Barre Street, Hanover Township, PA 18706. The perpetual easement will allow WVSA to access, install, construct, and maintain the ***“Abrahams Creek Stream Restoration Project #2”*** along the upper reach of the LCFPAs Diverted Abrahams Creek, Wyoming. This work was identified in the ***“WVSA Regional Stormwater Program Partnership Agreement with the LCFPA”*** that was approved on March 17 and October 20, 2020.

Motion by: Mr. Maday

Second by: Mr. Dussinger

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

Motion was made to approve the updated ***“Luzerne County Flood Protection Authority’s Personnel Policy”***, effective January 1, 2023. The policy has been updated to incorporate previously approved Addendums #1 thru #7 and the latest CBA with AFSCME District Council 87.

Motion by: Mr. Dussinger

Second by: Mr. Maday

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

**Introduction of the proposed 2024 budgets for the following funds:**

- a. Operations Fund;
- b. Restricted Capital Expenditures Fund;
- c. Restricted Wyoming Valley Levee Raising Project Fund.

Motion was made to approve Resolution No. 2023-01 to apply for a Statewide Local Share Assessment (LSA) grant of \$150,000.00 from the Commonwealth Financing Authority to be used for a multi-purpose trail. A cooperation agreement between the LCFPA and the Anthracite Scenic Trails Association to apply for and administer this LSA grant was approved by the Authority Board at its August 13, 2023 regular meeting.

Motion by: Mr. Yannuzzi

Second by: Mr. Maday

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

## **End of Meeting Continuing Comments on E-Bikes:**

**Mr. Hardwick:** The only thing I would suggest is with consideration to vehicles or no vehicles etc., I would like to see that we work towards a conclusion by the end of the calendar year. I hope that we can do that, if we are going to adopt a policy or if we are not going to adopt a policy. I'd like to see us work towards something for the end of the year, I think that would be a good target for us to try to do.

**Mr. Belleman:** I was speaking with Attorney Rockman yesterday regarding it and he was looking at what some other municipalities are doing with their parks at the request of another client. I will work with Atty Rockman to develop a policy for the Board's consideration before the end of the year.

**Mr. Yannuzzi:** If there is a good set of policies that we could post I'd like to see that. I do agree with the commonsense factor when utilizing the trail, whether its an e-bike or regular bike. The users need to use common sense and based on the law in Pennsylvania the pedestrians do have the right of way.

**Mr. Belleman:** Before this proposed policy is placed on an agenda for Board consideration, administration will develop a draft policy and send it to the members so we can gather and incorporate your thoughts on it before we have any public discussion.

**Mr. Maday:** I think one of the major issues here is, what do we come up with that we can consider enforceable. Because if we come up with something that is not enforceable, what's the point?

**Mr. Yannuzzi:** I think it's more of a policy. We do our due diligence and I believe it's an item that's been brought to our attention, making it safer the best we can.

**Atty. Slusser:** That is correct.

**Mr. Yannuzzi:** We are going to make policies and if someone disobeys the policies, they are going to be at fault.

**Mr. Maday:** Right, they are going to be at fault but it's basically unenforceable. We are talking about the levee that goes through multiple municipalities. I understand that we have been made aware of the situation and now we must do something about it, but as private property owners what do we do about it?

**Atty. Slusser:** If the Board's direction to us is to create a policy that has particular parameters and limitations, then we will make suggestions to you on how to enforce that as well.

**Mr. Maday:** OK.

**Atty. Slusser:** There are certainly different ways to enforce this. If you create a policy, people are obligated to follow that whether you are up there patrolling it every day or not.

**Mr. Maday:** OK.

**Atty. Slusser:** You do have some other abilities of enforcement, either through your personnel or cooperative agreements with local municipalities. Those are some of the things we can talk about if the Boards desire is something other than a straight ban.

**Mr. Maday:** I don't want to see just words on a sign.



**Atty. Slusser:** Sure. Just think of it this way, during public input a comment was misdirected because the suggestion was well there are dogs that are loose on the levee, they are causing problems, so ban dogs. What she is missing is, it's already a state law that prohibits dogs from running free, you are not up there enforcing that, the municipalities are probably not up there enforcing that regularly but if an incident occurs because someone's dog is off lead, they will be liable and they will be cited. The parallel she was trying to make wasn't really there, it was more of a distinction but it's the talking point that plays into what you're suggesting with regard to enforcing.

**Mr. Hardwick:** So, if I read into that a little bit and try to help John be a little more at ease, the words do have play?

**Atty. Slusser:** They do.

**Mr. Maday:** Well, that's what I'm getting at, the words do have power, it's the same as the dog law policy.

**Atty. Slusser:** Just like the State Police, everyone who is speeding on I-81 is in violation of a law. What percentage of drivers are cited for that? Just the ones that are caught. This is about trying to prohibit activities through selective enforcement and it's also about recognizing liabilities and dealing with those in an appropriate logical way to try and accommodate everyone's interest.

**Mr. Hardwick:** I would love to let everybody go use it anyway they want but it can't work that way, it's not in the Authority's best interest to just let everybody go do what they want. We do what we can, but we do it within the means of making sure we are doing our job as a Board. Today it's e-bikes, 3 years from now when we start seeing other things, we will say wait a minute. I don't think this is anything to kick down the road or avoid, because a solution is waiting for a problem, I don't see it that way.

**Mr. Delaney:** I appreciate my fellow Authority members here for your commentary on this. Also it helps me frame an opinion as well, so I appreciate that.

**Next Regular Meeting**

November 21, 2023 at 1:00p.m.  
1989 Wyoming Ave  
Forty Fort, PA 18704

**Adjourn**

**Motion was made to adjourn the October 17, 2023 meeting of the Luzerne County Flood Protection Authority Board.**

Motion by: Mr. Hardwick

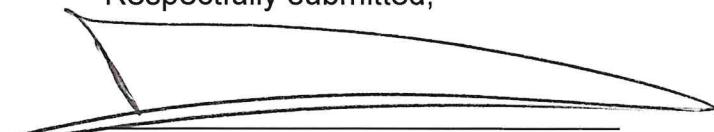
Second by: Mr. Maday

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

Meeting adjourned at 2:13 P.M.

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Respectfully submitted,



Deana Prochaska  
Recording Secretary

