



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

**Minutes**  
**April 16, 2024 Regular Session**

**Call to Order**

On April 16, 2024, 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 April 16, 2024 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**

Jeffrey Rockman Esq., Slusser Law Firm, LCFPA Solicitor  
Amy Grevera, CPA, Grevera and Associates, LCFPA Accountant  
Laura Holbrook, Deputy Director  
Deana Prochaska, Administrative Assistant (Recording Secretary)  
Eric Mark, Reporter, Citizens Voice  
Jen Andes, Reporter, Times-Leader

**Public**

Mr. Yves Wenselaers; Swoyersville  
Mr. and Mrs. Harrison; Forty Fort  
Ms. Dotty Martin; Forty Fort

**Public Input**

**Mr. Yves Wenselaers:** Resident of Swoyersville and frequent everyday user of the levee trail. Concerned about a leash law on the levee, as you may know Forty Fort Borough currently doesn't have a leash law. Would like to talk about responsible dog ownership. My dogs are off leashed trained, which means they respond to commands and are controlled by controlled devices (sound, vibration etc.). There has been talk about making it mandatory to have dogs on a leash. I think if you are interacting with people on the levee, and you're not confident in the control of your dogs, that is a positive thing.

I think with current Pennsylvania law, your dog must be under your control. If your dog is not under your control, the owners should obviously be fined or followed up on. I hope that could be taken into consideration. As a member of the public who frequently uses the levee, having a leash law for people who are responsible with keeping their dogs off leash is detrimental. As a point of reference, I have 3 years of police reports from the Forty Fort Police Department that shows 99% of those incidents that occurred on levee property (dog bite, dog attack, aggressive etc.) were dogs that were leashed and got away from their owner and certainly weren't under control.

**Mr. Yannuzzi:** When you have your dogs on the levee, do you normally walk along the levee trail, or do you go off to the side in the grass?

**Mr. Wenselaers:** That depends on how busy the levee is. If there is no one on the levee, they will be off leash on the levee. If there are e-bikes or people there that might cross my path with dogs on a leash, I do leash mine. A sign of respect as a responsible dog owner.

**Mr. Yannuzzi:** It sounds like you are a responsible dog owner, and I am sure there are a lot out there. However, I believe this policy not only protects people but your dogs as well. I think you follow that rule when it is necessary to follow.

**Mr. Wenselaers:** My concern is passing a mandatory leash law may take away that option. As I mentioned, all the bites and incidents in the last years were dogs on a leash that got away from their owners.

**Mr. Mike Harrison:** I am an avid e-bike rider. A problem with the proposed e-bike policy is that it would limit the kind of e-bike that is used. In the proposed policy, it does say it needs to be a pedal e-bike. Bikes, whether pedaled or not pedaled can go the same amount of speed. I was on the levee yesterday, very windy, as being an older individual that e-bike helped me. Traditional pedal bicycles were flying by me. It's not just the e-bikes, since they are just the up-and-coming thing. I think e-bikes are designed to assist older individuals to go riding. I don't think you should ban them, naturally 1% of people (a kid) will get ahold of it and go too fast. It happened yesterday with a normal bike. Are you going to say regular bikes are allowed on the levee and 10-speeds are not.

Another issue with the policy is the decision to ban them. I want people to come to Luzerne County and I think we should have enjoyment on the levee. But don't say now that e-bikes can't be allowed, I think it's ridiculous in my opinion. OK maybe we could put up signage, everybody should go this speed limit, put on there we should respect and pay attention. I know Chris Belleman put in the policy that everybody should pass on the left. If I come up along people I slow down, they know I am there, sometimes they don't but you just go slow, it's common sense. I think we need a better policy to even vote on, we don't want a blackeye on Luzerne County. I don't want to have to go to another county. I think the policy should be tabled and if there is a problem down the road, maybe you will have to address it at that time.

**Mr. Yannuzzi:** Does your e-bike have pedals?

**Mr. Harrison:** Yes, do I pedal most of the time, yes.

**Mr. Yannuzzi:** OK, we are not banning that. If you bring your e-bike onto the levee, we are just asking you to use your pedals.

**Mr. Harrison:** Exactly, but again you are banning a certain type of bike.

**Mr. Yannuzzi:** Every pedal e-bike is allowed on the levee; we are not restricting those based on this policy.

**Mr. Harrison:** I want every e-bike allowed.

**Mr. Yannuzzi:** Is there any e-bike without pedals?

**Mr. Harrison:** Yes, but we are not talking about those, they are more like a motorcycle.

**Mr. Yannuzzi:** Understood.

**Mr. Harrison:** With my e-bike I could press that button and when I hurt my knee, I knew it would take me home. Is it a motorcycle, no. Why ban even any type of e-bike?

**Mr. Yannuzzi:** We are not sir. This policy does not ban e-bikes, we allow them on there if you pedal.

**Mr. Harrison:** I still don't agree with the policy.

**Mr. Yannuzzi:** Understood. Thank you.

**Ms. Dotty Martin:** You say that you are not going to ban e-bikes if they can be pedaled?

**Mr. Yannuzzi:** Correct.

**Ms. Martin:** What about scooters designed for people with disabilities? They don't have pedals.

**Mr. Yannuzzi:** The policy allows that if you have a disability, you can use something accessible for handicapped individuals.

**Ms. Martin:** OK thank you.

**Mr. Hardwick:** It is similar to the state law, if you have a disability that gets you ADA rights they will apply as well.

**Mr. Delaney:** And if I could read it to you... "The Authority will provide an exception for motorized, or battery powered wheelchairs or other transportation devices specifically designed for use by persons with medically confirmed disabilities".

**Ms. Martin:** OK thank you.

**Mr. Yannuzzi:** I am going to read this levee rule from the policy, "E-bike usage is limited to human power or pedal-assist power at a safe speed (electric assist while pedaling)". So, we are not banning e-bikes.

**Mr. Harrison:** Question, Dotty has a beautiful e-bike. It is a 3-wheeler for her handicapped daughter. She decides to go on a beautiful day to take a ride on the levee with her e-bike, with or without her daughter. Can she be on the levee?

**Mr. Yannuzzi:** Yes, she can. Handicap devices are allowed.

**Mr. Yannuzzi:** We also have an email here from Mark Scott; Nanticoke. He is indicating that he is deeply upset we are going to be banning e-bikes, but we did go over that earlier and the policy does not ban them. This letter is here if anyone would like to read it.

### **Regular Meeting**

**Motion was made to ratify the minutes of the Authority meeting held on March 19, 2024.**

Motion by: Mr. Hardwick

Second by: Mr. Delaney

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. Yannuzzi

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 reject all (3) bids for the contract for the "Wyoming Valley Pump Stations Electronic Controls System Upgrade". This project was advertised on PennBid.**

Motion by: Mr. Hardwick

Second by: Mr. Delaney

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

### **On the question:**

**Mr. Hardwick:** Please provide a brief synopsis.

**Mr. Yannuzzi:** Yes, Laura, Chris, Pete, myself, and Borton-Lawson representatives had a discussion yesterday, and we feel we could revise the scope of work to get the anticipated construction costs closer to our budgetary expectations and continue to maintain the overall project goals.

**Motion was made to award the “2024 Wyoming Valley Levee Landscape Maintenance” contract to Green Valley Landscaping Inc., 52 Reese Street, Plains, PA in the amount \$20,500.00. This was the lowest responsible bid out of two (2) submitted. This project will be funded through our operations fund.**

Motion by: Mr. Hardwick

Second by: Mr. Maday

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

**Motion was made to approve the Luzerne County Flood Protection Authority’s “Administration Policy No. 6 Public Recreational Usage on Authority Lands”.**

Motion by: Mr. Delaney

Second by: Mr. Maday

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

**On the question:**

**Mr. Delaney:** Yes, there are 3 points I would like to make. First, under section 5.1, I just want to double check with our solicitor here. I just want to specifically talk about e-bikes and before I vote I want to make sure there isn’t a legislative statue that mandates these municipalities to enforce policy section 5.1.

**Mr. Rockman:** Is your question...

**Mr. Delaney:** My question is to just make sure there isn’t a legislative statue that mandates municipalities to take care of the enforcement of e-bikes on the levees.

**Mr. Rockman:** There is none.

**Mr. Delaney:** The next 2 points, may be directed to you Laura or maybe Chris could answer this at some point in the future and that is... what direction will the LCFPA employees be given to follow this policy or what would they do if they witness a bike flying by or an e-bike going at a much faster rate of speed?

**Ms. Holbrook:** I imagine those individuals would consist of our staff that is out on the levee, they would be the ones likely to see it. If they did witness it, I would say they would contact Chris Belleman the Executive Director and he would take it to the local authorities, if the action was necessary.

**Mr. Hardwick:** This has been going on for years, discussions, most aggressively since October. Speaking for myself, somehow this has become about e-bikes but for me it is not about them it is about motorized vehicles on the levee system. My wife and I use the trails quite a bit, in some cases we take our regular pedal bikes up and we use the levee system.

I've seen many bikes, especially when you get down past Kirby Park and in that section. I have seen e-bikes, one wheeled motorized skateboard's and all of them have capabilities of going pretty fast. In my opinion this is only about safety on the levee, not about trying to penalize a certain group of e-bike users or whatever the case may be. It's really about the overall safety that we as a Board are required to provide in compliance with USACE and those who constructed the levee system, as part of the regular maintenance and operation of the system, where public recreational use is allowed to coexist.

I just wanted to be clear as to what my position is. I even hedged a little bit on this pedal assist, I don't know who we will enforce this. So, we will see how all of this bears out as it's written. I will approve this but again my impression and my intentions were to prohibit motorized vehicles from being on the levee system. Otherwise it will be difficult to enforce. The levee crest road is a 6-foot wide path that needs to be shared with people with animals, bicycles, and walking and the goal is to make it as safe as we can.

**Mr. Maday:** I agree with Bill. I did have a problem with the pedal assist at first and how do we enforce it but at least we are doing something. I just want to make one point. I started doing some research, I didn't realize this has been 6 months since we've been working on this. The average bicyclist can ride a bike at 8-12 mph; an experienced bicyclist 15-18mph, and an e-bike 20-28mph. There are some e-bikes that can go 50, 60, 70mph and that is what we are managing against.

What we are trying to do to make it safe for everyone, we have to manage those who consistently break the rules. As Bill says the USACE talks about recreation, and the levee system is not an area for transportation, it's recreation. It is not to get from Forty Fort to Wilkes Barre as fast as you can, it's for recreational purposes only. So, we must take that into consideration when we are managing this to the safest possible means. That is why we are voting on this today and that's why it was brought up, it is for your protection.

**Mr. Delaney:** There were several different opinions on this Board, but we needed to find some consistency, weighing every Board member's opinion and listening to the folks that use the levee. I didn't get 100% what I wanted but I think we have a pretty darn good policy to present to the public that will give us a much better levee for the public to recreate on.

**Mr. Yannuzzi:** Thank you everyone for your comments and input, I believe we have a fair policy here for the community and the users.

**Motion was made to award the contract for “Professional Engineering and Surveying Services, Exeter Flood Protection Project” to Verdantas (formerly Borton-Lawson Engineers), 613 Baltimore Dr #300, Wilkes-Barre, PA in the amount \$650,000.00. This project was advertised on PennBid and the recommendation was the sole response received. This project will be funded through the mitigation program.**

Motion by: Mr. Yannuzzi

Second by: Mr. Maday

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

**On the question:**

**Mr. Hardwick:** Laura, when you say it is acceptable, the USACE will credit the \$650,000.00 amount toward the mitigation program of the levee raising project?

**Ms. Holbrook:** Yes, it will be reimbursed.

**Motion was made to accept Mr. Gordon Dussinger's resignation as a Board member of the Luzerne County Flood Protection Authority and to recognize his service to the community.**

Motion by: Mr. Hardwick

Second by: Mr. Maday

Motion passed by a vote of 4-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DELANEY.

**Next Regular Meeting**

May 21, 2024 at 1:00p.m.

\*1989 Wyoming Ave

Forty Fort, PA 18704

**\*Please note that the May 21 regular meeting location could move to the Authority's new Downstream Levee Maintenance Facility, 398 Delaney Street, Hanover Township, PA upon receipt of our occupancy permit from the Township. More on this as it develops.**

**The LCFPA Board met for an executive session following the April 16<sup>th</sup> meeting to discuss contracts.**

**Adjourn**

**Motion was made to adjourn the April 16, 2024 meeting of the Luzerne County Flood Protection Authority Board.**

Motion by: Mr. Yannuzzi

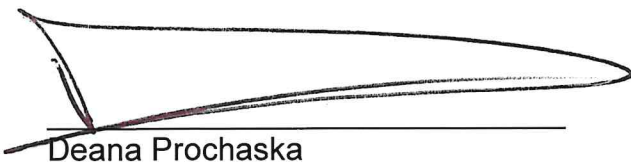
Second by: Mr. Hardwick

Motion passed by a vote of 4-0. "AYES" – YANNUZZI, HARDWICK, MADAY, DELANEY.

Meeting adjourned at 1:41 P.M.

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Respectfully submitted,



Deana Prochaska  
Recording Secretary

