



**LUZERNE COUNTY COUNCIL
PUBLIC HEARING
August 10, 2021
Council Meeting Room
Luzerne County Courthouse
200 N. River Street
Wilkes-Barre, PA 18701
AND
Video/Teleconference via ZOOM**

5:40 PM CALL TO ORDER

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

PUBLIC COMMENT ON PROPOSED ORDINANCE amending Ordinance No. 6596 at Section 5 Thereby Signifying the Intent and Desire of Council for the County of Luzerne to Modify the Purposes and Projects of the Luzerne County Flood Protection Authority and to Authorize the Flood Protection Authority to Take All Such Action as May Be Necessary or Appropriate to Effect Same.

This is an opportunity for members of the public to address the Council on the matter listed on the Agenda. Each speaker shall have three (3) minutes to address Council. Speakers may not yield or transfer their time to another speaker.

Those attending in person are asked to complete and submit a Speaker Card to the Clerk of Council before the first speaker is called.

Those attending virtually are asked to refer to the Public Meetings Online page of County's Website at <https://www.luzernecounty.org/1279/Public-Meetings-Online> for more information on how to participate in Public Comment via technology.

ADJOURNMENT

From: [McGinley, Tim](#)
To: [Lawrence, Sharon](#)
Subject: FW: [EXTERNAL]: RE: Amendment to Luzerne County Flood Protection Articles of Amendment
Date: Thursday, July 1, 2021 10:00:53 AM
Attachments: [75thLogo .25in+ FullColor 99203259-1365-4410-bb3d-2889f630e7c8.png](#)
[Icon-Grayscale-12px 6413fc5d-67ab-4910-8bd1-3564238002a4.png](#)
[Twitter Logo Grayscale 9dae3634-38fc-4fba-93ee-889a3a77a75a.png](#)
[LinkedIn Logo Grayscale b2a007df-4e08-4a27-a227-808ec12a9708.png](#)
[Amendment to Luzerne Co. Ordinance No. 6596--Revised--CLEAN.docx](#)
[Amendment to Luzerne Co. Ordinance No. 6596--Revised.docx](#)

From: Yannuzzi, Dominic J. [mailto:dyannuzzi@benesch.com]
Sent: Monday, June 21, 2021 11:07 AM
To: Crocamo, Romilda <Romilda.Crocamo@luzernecounty.org>; McGinley, Tim <Tim.McGinley@luzernecounty.org>
Cc: Christopher Slusser <ChrisS@slusserlawfirm.com>; Chris Belleman <cbelleman@lcfpa.org>; Jeff Rockman <jeffr@slusserlawfirm.com>; Lawrence, Sharon <Sharon.Lawrence@luzernecounty.org>
Subject: [EXTERNAL]: RE: Amendment to Luzerne County Flood Protection Articles of Amendment

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Romilda,

If Desired by Council, myself an Chris Belleman will be available to meet with Council at the next work session to discuss this resolution.

Thank you

Dominic J. Yannuzzi, PE, CM | Project Manager
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From: Jeff Rockman <jeffr@slusserlawfirm.com>
Sent: Monday, June 21, 2021 9:57 AM
To: romilda.crocamo@luzernecounty.org
Cc: Christopher Slusser <ChrisS@slusserlawfirm.com>; Yannuzzi, Dominic J. <dyannuzzi@benesch.com>; Chris Belleman <cbelleman@lcfpa.org>
Subject: Amendment to Luzerne County Flood Protection Articles of Amendment

Dear Attorney Crocamo:

Attached is the proposed amendment to the LCFPA's Articles of Incorporation. The additional language is highlighted in yellow. I am also attaching a "clean" copy.

I understand that an issue has arisen regarding whether Council is required to ratify/approve the proposed amendment. I have researched the Municipality Authorities Act, 53 Pa. C.S. §§5601-5623, regarding this issue and Council's approval is required pursuant to Section 5605(b) thereof.

Please contact me at your convenience should you have any questions or require further information.

Very truly yours,

Jeffrey Rockman, Solicitor
LCFPA

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**2021-
LUZERNE COUNTY COUNCIL**

***An Ordinance of Luzerne County Council Amending Ordinance No. 6596 at Section 5
Thereby Signifying the Intent and Desire of Council for the County of Luzerne to Modify the
Purposes and Projects of the Luzerne County Flood Protection Authority and to Authorize the Flood
Protection Authority to Take All Such Action as May Be Necessary or Appropriate to Effect Same.***

WHEREAS, In or about May 1996, the Board of Commissioners of the County of Luzerne (hereafter, “the Board”), upon public hearing pursuant to notice duly advertised as required by the Municipality Authorities Act of 1945, as amended (hereafter, “the Act”), enacted Ordinance No. 6596 which organized the Luzerne County Flood Protection Authority (hereafter, “the Authority”) as a Municipal Authority under the Act;

WHEREAS, the Board, pursuant to Ordinance No. 6596, further approved the Articles of Incorporation and designated the “purposes and projects” of the Authority;

WHEREAS, Section 5 of Ordinance No. 6596 defined the “purposes and projects” of the Authority:

“Section 5. The purposes and projects of said Authority are as follows: to construct, improve, operate and maintain the Wyoming Valley flood protection system and to administer the mitigation program associated with the project.”

WHEREAS, since the Board’s enactment of Ordinance 6596, the safety, well-being and needs of the residents of Luzerne County as a whole require an expansion of the “purposes and projects” of the Authority; and

WHEREAS, in preparation for the passage of this Amendment to Ordinance No. 6956, a public hearing was held by this County Council pursuant to notice duly advertised as required by the Act.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Council of the County of Luzerne:

1. Section 5 of Ordinance No. 6596 is hereby stricken in its entirety and replaced with the following:

“Section 5. The purposes and projects of said Authority are as follows: to construct, improve, operate and maintain the Wyoming Valley flood protection system, to administer the mitigation program associated with the project, and to undertake any/all flood protection actions that said Authority deems necessary and financially feasible to protect the residents of Luzerne County as a whole.”

2. Other than as set forth in Paragraph 1 above, the provisions of Ordinance No. 6596 shall remain unchanged and in full force and effect.

3. All ordinances and parts of ordinances inconsistent herewith are hereby rescinded.

4. This Ordinance shall become effective fifteen (15) days from enactment.

ENACTED at a meeting of County Council held on _____, 2021.

LUZERNE COUNTY COUNCIL

By: _____
Tim McGinley, Chairman

By: _____
Chris Perry, Vice-Chair