<u>From July 7 meeting:</u>

1. **Council President Tom Schuster asked the below questions:**
    a. **Mr. Schuster advised, due to time constraints at yesterday afternoon's caucus, SPD Chief Carroll was unable to be asked and address the question as to what the definition of a nuisance property is. How many nuisance calls will warrant closure of a problem rental property? Are city police officers actually deeming a call as a nuisance call in their reports? Mr. Schuster asked if SPD may provide answers to these questions or meet with Council members, if warranted.**
        i. The definition of a nuisance property is contained in Chapter 360, Article II of the Property Maintenance rules in the City Code, as well as Chapter 445, Article V of the supplementary zoning regulations. Both are attached as reference.

    b. **Per the attached email message, Mr. Schuster asked if the city administration may allow DPW to place jersey barriers in the designated location at the West Scranton Junior Invaders field at Jackson Street and Dewey Avenue?**
        i. DPW will meet with league officials.

    c. **Referencing Item 3D on the evening agenda, Mr. Schuster spoke on this correspondence from the business administrator regarding ARPA budget transfer. He referenced funds need to be obligated and then they need to be expended by December of 2026. If they're to be transferred, they must meet those ARPA guidelines.**
        i. **Are there any other obligated funds or projects that may not have been expended that we plan on transferring any money to?**
            1. As obligated projects complete, residual funding will be transferred to existing obligated projects.
               Under the U.S. Treasury's American Rescue Plan Act (ARPA) guidance, recipients are required to use Coronavirus State and Local Fiscal Recovery Funds (SLFRF) for eligible costs in accordance with the final rule and applicable reporting requirements, including ensuring that funds are obligated and expended within the established program requirements. Any changes to planned uses of funds must continue to align with eligible uses and Treasury's requirements for the SLFRF program.
        ii. **Can we dedicate any of these funds to other projects in the city? Examples; Nay Aug Pool, Tripp Park Playground, etc.**
            1. No. ARPA State and Local Fiscal Recovery Funds (SLFRF) cannot be used to establish new projects after the December 31, 2024 obligation deadline. Treasury requires recipients to have obligated SLFRF funds by December 31, 2024, and recipients must expend obligated funds by the applicable expenditure deadline.
               Treasury's Final Rule FAQ 17.19 states:

"After the December 31, 2024, obligation deadline, recipients may have excess funds that were obligated as of the deadline but ultimately not expended on an eligible activity. … In such cases, the recipient may reclassify the SLFRF funds from the original activity to another project that would be eligible under the SLFRF program rules, including the requirement that the recipient incurred an obligation by December 31, 2024, to expend funds on the activity."

Therefore, remaining ARPA funds may be reallocated only within the parameters of an existing eligible ARPA project or to another eligible activity that was properly obligated by the December 31, 2024 deadline. Funds cannot be dedicated to new projects, such as new park or recreation projects that were not previously established and obligated under the SLFRF program.

iii. **And are any of the funds being used for project cost increases?**

1. Any project cost increases are addressed through the applicable Inter Agency Agreements (IAAs) associated with specific projects. These agreements account for approved cost adjustments, including allowable change orders and contingencies.

   Per Treasury's SLFRF Final Rule FAQ 17.16, recipients may use SLFRF funds for increased costs attributable to change orders or contract contingencies when the underlying contract was entered into by December 31, 2024, and the contract expressly provides for such adjustments.

   Accordingly, any approved project cost increases are being managed within existing obligated ARPA projects and in accordance with Treasury's SLFRF requirements.

   Change orders do occur on infrastructure projects due to unforeseen issues, primarily location of underground utilities, vaults, city events and residential issues are the reason. All project change orders are approved by the city solicitor and controller.

iv. **Should there be projects that were bid out that maybe are costing more than the cost increased, are we spending any of these funds on project costs that have increased?**

1. In most cases, increased project costs are addressed through the applicable Inter Agency Agreements (IAAs) associated with each project. Project obligations were established in accordance with approved budgets, which are reviewed and reported through the City's quarterly reporting process.

   Per Treasury's SLFRF Final Rule FAQ 17.16, recipients may use SLFRF funds for increased costs attributable to change orders or contract contingencies when the underlying contract was entered into by

December 31, 2024, and expressly provides for such adjustments. Any adjustments to project funding will be managed within existing obligated ARPA projects and in accordance with U.S. Treasury SLFRF requirements.
Change orders do occur on infrastructure projects due to unforeseen issues, primarily location of underground utilities, vaults, city events and residential issues are the reason. All project change orders are approved by the city solicitor and controller.

v. **Could you send the transfer itself over and ask for the clarification of ARPA guidelines and if these transfers meet the legal requirements for those ARPA guidelines?**
    1. According to U.S. Treasury SLFRF guidance, any reclassification, reallocation, or reobligation of ARPA funds must remain consistent with Treasury requirements, including that funds are directed to eligible activities and projects that were properly obligated by the December 31, 2024 deadline.
    Treasury's Final Rule FAQ 17.19 provides that recipients may reclassify SLFRF funds from an original activity to another eligible activity if the recipient had incurred an obligation by December 31, 2024, to expend funds on the activity. The transfer will be reviewed to confirm compliance with applicable ARPA requirements.

2. **Council Vice President Patrick Flynn asked the below questions:**
    a. **Mr. Flynn asked if the city may provide the updated lease from the city to West Scranton Little League for use of that field? He advised the only one that the league had on file was the 2018-2021 lease.**
        i. The administration is looking into the requested leases.

3. **Council member Dr. Jessica Rothchild asked:**
    a. **Dr. Rothchild thanked the administration for the response regarding Mr. Keith Williams, Center for Independent Living, inquiry. She asked if the city would be responding with the same information to Mr. Williams?**
        i. OECD contacted Mr. Williams on July 13.

    b. **Dr. Rothchild asked if the city may have an update or timeline from PennDOT or their contractor on when Nay Aug Avenue, bordering the Green Ridge Street Bridge project, will be reopened for traffic to connect with Green Ridge Street?**
        i. Nay Aug Avenue is anticipated to reopen in mid-July.

4. **Councilman Sean McAndrew asked the below questions:**

a. **Councilman McAndrew asked if he may please schedule a meeting between him and Don King regarding zoning questions.**
    i. Yes. Can Councilman McAndrew please provide his availability?

b. **Mr. McAndrew asked if the blight remediation team may be assigned to clear overgrown grass and shrubbery at vacant, condemned properties in the city. He and Council President Schuster also asked of the blight team has been clearing overgrown Land Bank and SRA properties in the city?**
    i. The blight team, which currently consists of two members, is tasked with maintaining both Land Bank and SRA owned properties throughout the City. The City does not go onto condemned properties to clear overgrown grass or shrubbery as these properties remain privately owned. The City would need to obtain a Court Order from the Court of Common Pleas in order to enter upon private property.

5. **Councilman Mark McAndrew asked the below questions:**
    a. **Mr. McAndrew apologized as he was unable to ask a question of SPD Chief Thomas Carroll and other officers in caucus due to caucus time constraints. He asked what the city is doing or can do better regarding the large increase in E-bikes, E-scooters and ATV vehicle apparent violations within the city?**
        i. The SPD is weighing options to strengthen city ordinances to increase safety and awareness by further regulating e-bike usage in the city.

    b. **Considering the past July 4th celebration weekend, Councilman McAndrew, along with Councilman Patrick Flynn, asked how the city administration and SPD may best address the fireworks nuisance and safely for future holiday celebrations?**
        i. Residents should call to speak to SPD when potential safety or nuisance issues occur.