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SCRANTON CITY COUNCIL MEETING

HELD:

Monday, April 23, 2018

LOCATION:

Council Chambers

Scranton City Hall

340 North Washington Avenue

Scranton, Pennsylvania

CATHENE S. NARDOZZI, RPR - OFFICIAL COURT REPORTER

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CITY OF SCRANTON COUNCIL:

PATRICK ROGAN, PRESIDENT

TIM PERRY, VICE PRESIDENT

WAYNE EVANS

WILLIAM GAUGHAN

KYLE DONAHUE

LORI REED, CITY CLERK

JEANNE DAVIDSON, CLERK

AMIL MINORA, ESQUIRE - SOLICITOR

1 (Pledge of Allegiance recited and
2 moment of reflection observed.)

3 MR. ROGAN: Roll call, please.

4 MS. DAVIDSON: Mr. Perry.

5 MR. PERRY: Here.

6 MS. DAVIDSON: Mr. Donahue.

7 MR. DONAHUE: Here.

8 MS. DAVIDSON: Mr. Evans.

9 MR. EVANS: Here.

10 MS. DAVIDSON: Mr. Gaughan.

11 MR. GAUGHAN: Here.

12 MS. DAVIDSON: Mr. Rogan.

13 MR. ROGAN: Here. I would like to
14 make a motion to take from the table
15 Resolution Nos. 30, 31 and 32, 2018.

16 MR. PERRY: Second.

17 MR. ROGAN: On the question? These
18 resolutions pertain to the traffic signal
19 approval at two areas for the proposed
20 Sheetz project as well as the contract with
21 Peters design for the Serrenti Center.
22 These resolutions will be pushed in Seventh
23 Order for a final vote. Anyone who wishes
24 to speak on any of these items may do some
25 during citizens' participation. Anyone else

1 on the question? All those in favor signify
2 by saying aye.

3 MR. PERRY: Aye.

4 MR. DONAHUE: Aye.

5 MR. EVANS: Aye.

6 MR. GAUGHAN: Aye.

7 MR. ROGAN: Aye. Opposed? The ayes
8 have it and so moved. Please dispense with
9 the reading of the minutes.

10 MS. REED: THIRD ORDER. 3-A.

11 CONTROLLER'S REPORT FOR THE MONTH ENDING
12 MARCH 31, 2018.

13 MR. ROGAN: Are there any comments?
14 If not, received and filed.

15 MS. REED: 3-B. LACKAWANNA COUNTY
16 PLANNING COMMISSION ORDINANCE/AMENDMENT
17 EVALUATION REPORT RECEIVED APRIL 16, 2018.

18 MR. ROGAN: Are there any comments?
19 If not, received and filed.

20 MS. REED: 3-C. TAX ASSESSOR'S
21 REPORT FOR HEARING DATE TO BE HELD MAY 2,
22 2018.

23 MR. ROGAN: Are there any comments?
24 If not, received and filed.

25 MS. REED: 3-D. MINUTES OF THE

1 SCRANTON FIREFIGHTERS PENSION COMMISSION
2 MEETING HELD MARCH 21, 2018.

3 MR. ROGAN: Are there any comments?
4 If not, received and filed.

5 MS. REED: 3-E. MINUTES OF THE
6 NON-UNIFORM MUNICIPAL PENSION BOARD MEETING
7 HELD MARCH 21, 2018.

8 MR. ROGAN: Are there any comments?
9 If not, received and filed.

10 MS. REED: 3-F. MINUTES OF THE
11 SCRANTON POLICE PENSION COMMISSION MEETING
12 HELD MARCH 21, 2018.

13 MR. ROGAN: Are there any comments?
14 If not, received and filed.

15 MS. REED: 3-G. MINUTES OF THE
16 COMPOSITE PENSION BOARD MEETING HELD MARCH
17 21, 2018.

18 MR. ROGAN: Are there any comments?

19 MR. GAUGHAN: Yes, I have one
20 comment. We have been talking the last
21 three weeks about the recent Composite
22 Pension Board meeting and the decision by
23 the Composite Pension Board to divvy up the
24 proceeds from the sale of the Scranton Sewer
25 Authority. I just want to read a letter

1 into the record that I sent to Gerry Cross
2 of the Pennsylvania Economy League April 19.

3 "I am writing to you because of my
4 concern over a recent vote taken by the
5 Scranton Composite Pension Board. On
6 Wednesday, April 4, 2018, the Composite
7 Pension Board voted to evenly split 90
8 percent of the 22.9 million in sewer sale
9 proceeds between the fire and the police
10 pension funds with the remaining 10 percent
11 allocated towards the non-uniform fund.
12 With an even split of 45 percent of the
13 sewer sale proceeds designated in each fire
14 and police fund, the funding for the fire
15 pension fund would remain severely
16 financially distressed at 38.2 percent. My
17 concern is the long-term viability of the
18 pension funds was not taken into full
19 consideration by the board. As our Act 47
20 Recovery coordinator, I would like to know
21 your opinion on this matter. Do you believe
22 that the vote taken by the Composite Pension
23 Board to evenly split the sewer proceeds
24 between fire and police funds was a
25 financially sound one for the City of

1 Scranton and its taxpayers? Were you
2 consulted on this matter by the city and did
3 you have an opportunity to provide them your
4 opinion on how the proceeds should be
5 calculated? I would appreciate a response
6 as soon as possible."

7 I did ask the city administration
8 regarding this meeting that took place by
9 the Composite Pension Board meeting why the
10 city abstained from the vote. I did receive
11 an e-mail reply from Danielle Kennedy, who
12 is the city's human resources director and
13 she is the proxy for Mayor Courtright on the
14 Composite Pension Board and she said the
15 following: "The city came prepared to table
16 the vote as it is the responsibility of the
17 board to look at the soundness of each fund
18 the comprises the composite fund itself. We
19 needed additional time to review various
20 allocation percentages and as such abstained
21 from the vote because if it came up for
22 reconsideration pursuant to Robert's Rules,
23 we would be able to introduce a motion to
24 change the allocation."

25 So I appreciate the response from

1 the administration. As I look through the
2 minutes from the Composite Pension Board,
3 I'm troubled because it does seem that the
4 vote was rushed and the Pension Board did
5 not take into consideration the additional
6 analysis that was done that was requested
7 and paid for by the City of Scranton so I
8 don't know what the rush was, but I don't
9 think at this point it was a good idea. I
10 think they should have taken more time and
11 investigated that additional analysis that
12 was done. Thank you.

13 MR. ROGAN: Anyone else?

14 MS. REED: 3-H. MINUTES OF THE
15 COMPOSITE PENSION BOARD SPECIAL MEETING HELD
16 APRIL 4, 2018.

17 MR. ROGAN: Are there any comments?
18 If not, received and filed.

19 MS. REED: 3-I. AGENDA FOR THE
20 NON-UNIFORM MUNICIPAL PENSION BOARD MEETING
21 HELD APRIL 18, 2018.

22 MR. ROGAN: Are there any comments?
23 If not, received and filed.

24 MS. REED: 3-J. AGENDA FOR THE CITY
25 PLANNING COMMISSION MEETING TO BE HELD

1 APRIL 25, 2018.

2 MR. ROGAN: Are there any comments?
3 If not, received and filed. Do any council
4 members have announcements at this time?

5 MR. PERRY: Yes, I have one
6 announcement. The national prescription
7 drug take back day will be held Saturday,
8 this Saturday, the 28th, from 10 a.m. to 2
9 p.m. It provides an opportunity for
10 Americans to prevent drug addiction and
11 overdose deaths. The day aims to provide
12 safe, convenient and responsible means of
13 disposing of prescription drugs while also
14 educating the public about potential for
15 abuse of medications. Since the Drug
16 Enforcement Administration first launched
17 the take back day in 2010 more than 9
18 million pounds of medicine have been
19 collected from the public.

20 This is very close to my heart. As
21 many of you have been effected by opioids in
22 the city, county, state and this whole
23 country of ours it's important and it's
24 real. The damages are severe and any time
25 we can get opioids out of the hands of

1 people who don't absolutely need them the
2 faster the better. There is no -- I've seen
3 it happen, family close at hand to me,
4 firsthand and it's awful and so please
5 participate and this applies to you. The
6 drop off center this year is going to be at
7 the police headquarters at 100 South
8 Washington Avenue, and again, the times are
9 2 a.m. to 2 p.m. Thank you.

10 MR. ROGAN: Anyone else?

11 MS. REED: FOURTH ORDER. CITIZENS'
12 PARTICIPATION.

13 (The following speakers offered
14 public comment: Joan Hodowanitz spoke on
15 city business and matters of general
16 concern. Les Spindler spoke on city
17 business and matters of general concern.
18 Ron Ellman spoke on matter of general
19 concern. Bob Bolus spoke on agenda items
20 and matters of general concern. John Foley
21 spoke on city business and matters of
22 general concern. Dave Dobrzyn spoke on
23 agenda items and matters of general concern.
24 John Marrow spoke on matters of general
25 concern. Marie Schumacher spoke on agenda

1 items and matters of general concern. Lee
2 Morgan spoke on matters of general concern.
3 Alex Lotorto spoke on matters of general
4 concern.)

5 MS. REED: FIFTH ORDER. 5-A.
6 MOTIONS.

7 MR. ROGAN: Mr. Perry, do you have
8 any motions or comments?

9 MR. PERRY: Mr. Rogan, I have no
10 motions at this time and all my comments are
11 going to be held for the agenda items.

12 MR. ROGAN: Thank you. Mr. Donahue,
13 any motions or comments?

14 MR. DONAHUE: Yes, I just have a
15 couple of comments. I brought up before
16 that we did receive a response from the
17 administration regarding the garbage fee and
18 extending the discount period. They asked
19 us that we put it in legislation so that
20 will be on our agenda next week to extend
21 the deadline to May 31.

22 I'd also get a couple of complaints
23 last week about the building on Hickory
24 Street and South Webster that was recently
25 destroyed by fire and the structural

1 integrity of that building so I did, you
2 know, reach out to LIPS to see, you know,
3 will this property be condemned and if so
4 what's the status timeline for that
5 demolition?

6 And in regards to the Lace Works
7 project, we did get a response from Linda
8 Aebli this week. The project, and I'm just
9 going to read an e-mail written from
10 Mrs. Aebli. "The project at Scranton Lace
11 Works is moving along. The developer
12 anticipates that the demolition of
13 deteriorated buildings to begin on or about
14 May 1. As the demolition starts, they will
15 simultaneously begin the land development
16 process with their contracted civil
17 engineering consultant. That process will
18 take approximately four to six months for
19 all approvals and then they will immediately
20 begin the site work and overall development
21 including new construction and
22 rehabilitation of the main historic
23 buildings.

24 The project is very complex and
25 involves many moving parts to transform the

1 entire area into a very special community.
2 The developers are very anxious to get this
3 project completed for you one of which is
4 the high cost of carrying the project onto
5 which time it can generate revenue. The
6 developers indicated that they will be
7 reaching out to the residents of the area in
8 a couple of weeks to keep them fully
9 informed on what would be happening."

10 And it just finishes, "I hope this
11 answers any questions the public and city
12 council may have."

13 And that's all I have this evening.

14 MR. ROGAN: Thank you. Mr. Evans,
15 any motions or comments.

16 MR. EVANS: Yes, thank you.
17 Saturday I attended the funeral services
18 this past weekend for my cousin's husband, a
19 good friend of mine and a good man, Richie
20 Pica, the former fire chief for the City of
21 Scranton passed away last week. He loved to
22 hunt and fish. He loved classic cars. He
23 loved his family and friends and he fiercely
24 loved his city. Years ago when Richie was
25 the fire chief under Mayor Connors I was on

1 the planning commission and when we crossed
2 paths at family events I always had spirited
3 debates on the city politics and the role of
4 government. I always looked forward to
5 seeing Richie. He had always had a big
6 smile on for friends and family.

7 The funeral procession was
8 accompanied by Engine 10 from East Mountain
9 and his pallbearers were all Scranton
10 firefighters. The procession was attended
11 for Elmhurst and Fairview Memorial Cemetery,
12 but first there was a slight detour, a long
13 route of vehicles first drove downtown and
14 passed by fire headquarters on Mulberry
15 Street. The firefighters on duty that day
16 stopped, stood at attention and saluted
17 their former chief as the hearse drove by a
18 fitting and touching tribute to their former
19 leader.

20 It because of people like Richie
21 Pica that the city will always survive.
22 Like the city itself, he was good, strong,
23 decent and humble. I wish I had said it
24 while he was alive but I will say it now,
25 thank you, sir.

1 On another front, not quite as --
2 well, in a different vein totally.
3 Yesterday's guest editorial in the Scranton
4 Times by Attorney John McGovern titled,
5 "City Tax Fairness Talk Empty" was not only
6 an attempt to mislead the public about city
7 council's position on reassessment, but it
8 is a failed and inaccurate attempt to link
9 attack Act 511 litigation to the issue of
10 reassessment.

11 Mr. McGovern states in reference to
12 the Act 511 case that the administration and
13 city council publically claim their
14 reassessment will solve the tax case. I'm
15 not aware of one members of the city council
16 ever having made that claim. Another claim
17 stated is that this city council takes
18 advice from a financial consultant as
19 proposing a new payroll tax and he goes onto
20 say, "If reassessment is about fair and
21 equitable tax structure, then what is the
22 elimination and reduction of the city's wage
23 tax, realty transfer tax, local services
24 tax, amusement tax, business privilege and
25 mercantile tax?"

1 Again, what Mr. McGovern
2 conveniently fails to include in his
3 inaccurate assessment of reassessment is the
4 following: The new payroll tax will be
5 spread among many more business sectors is
6 fair and equitable, is both revenue neutral
7 and only occurs with the simultaneous
8 elimination of the business privilege and
9 the mercantile tax, a tax we have all agreed
10 is anything but fair and equitable.

11 Additionally, he does not mention
12 that this city council authored two
13 reductions in the real estate transfer tax
14 of 4.4 percent to 3.7 percent, and the
15 parking tax that he mentioned is no longer
16 in existence. He fails to mention that city
17 council has requested that the
18 administration hire an independent third
19 party to review all fees from the top down
20 with a view to reduce, consolidate and
21 eliminate numerous nuisance fees. He also
22 does not mention that the city council also
23 offered a 10 percent discount in refuse fee
24 saving taxpayers more of their hard earned
25 money and increasing cash flow in the city

1 in the time of the year when real estate
2 payments are limited.

3 Mr. McGovern seemed content on
4 bringing about a conclusion that ultimately
5 could drive the city into bankruptcy or at
6 the very least dramatically increase
7 property taxes beyond the reach of most of
8 our citizens. While city council and our
9 intent is on bringing about solutions that
10 avoid bankruptcy and creating a better
11 climate for all to live and work in.

12 I find it ironic that Mr. McGovern
13 can claim indignation while fighting for
14 this clients on Act 511 litigation, but he
15 does not reserve the same outrage when
16 Pennsylvania's constitution relative to tax
17 uniformity is being violated, ignored and
18 trampled on by two Lackawanna County
19 commissioners. All the while, county and
20 city property owners are left with a broken
21 system of inequities and values that favors
22 the rich and well-connected and hurts the
23 most vulnerable of property owners, our
24 lower income families and seniors.

25 In the future, if Mr. McGovern has

1 the urge to continue to litigate from the
2 pages of the Scranton Times editorial pages
3 I would simply encourage him to save it for
4 the Courts. That's all I have for now.
5 Thank you.

6 MR. ROGAN: Thank you. Mr. Gaughan,
7 any motions or comments?

8 MR. GAUGHAN: Yes, thank you, just a
9 few. First, I just want to say that in the
10 last two years the city has invested quite a
11 large amount of money from the CDBG funds
12 into McLain Park, otherwise known as
13 Rockwell park over in North Scranton, and
14 construction on the park started last week.

15 So needless to say, the neighbors in
16 that neighborhood are extremely pleased and
17 excited about the developments. That park,
18 for those of you who are not familiar, is in
19 the heart of that neighborhood and I'm just
20 glad that the city decided to invest in
21 North Scranton and in that neighborhood and
22 I think that, you know, that park hasn't
23 seen really any significant funding in the
24 last 25 years. So, again, I'm extremely
25 pleased and I can't wait to see what the

1 finished product looks like.

2 Second thing, we received a
3 complaint about abandoned vehicles in the
4 1400 block of West Locust Street and people
5 parking this the alley around Woods Place so
6 Mrs. Reed had sent a letter or sent an
7 e-mail rather to the chief of police.

8 And last thing I just want to
9 mention, just to respond to Ms. Schumacher's
10 comment about the pension, just to be clear
11 Mr. Rogan has a seat on the Pension Board.
12 Mrs. Reed is his proxy. So Mr. Rogan does
13 not speak for any other member of council.
14 He doesn't confer with us on the votes that
15 he takes, that's his seat on the pension
16 board. So I don't have a vote, Mr. Evans
17 doesn't have a vote, that is solely
18 Mr. Rogan's vote and responsibility and also
19 in his subcommittee I believe the pension
20 review, so just to make that extremely
21 clear.

22 And, secondly, what I didn't mention
23 -- I failed to mention earlier when I was
24 commenting on the Composite Pension Board
25 meeting and in response with what Mr. Foley

1 said, it may be true and I don't necessarily
2 disagree with Mr. Foley that, you know,
3 maybe it really doesn't matter what
4 percentage funding from the sewer sale goes
5 into the pension funds because the MMO was
6 going to be high no matter what. Maybe the
7 city can't afford that, and I know it can't
8 afford it over the next few years, but the
9 reality of the situation is they are going
10 to divvy up the funds, \$22.9 million from
11 the sale of the Sewer Authority so I think
12 it's important that it's done the right way
13 and it's my belief, and especially after
14 reading the minutes from the Composite
15 Pension Board that the vote was rushed, and
16 that all of the analysis was not looked at
17 before the vote was taken. And that's all I
18 have. Thank you.

19 MR. ROGAN: Thank you very much.
20 Just to follow up on that, Councilman
21 Donahue mentioned earlier and Councilman
22 Gaughan that's correct. It's the council
23 president's on the board. I did direct my
24 proxy to vote the way she did. I do
25 disagree that the vote was rushed. This was

1 actually something I have been in
2 discussions with members from the Pension
3 Board for months prior so it's not something
4 that was done at a last minute meeting. And
5 as I mentioned before, these allocations
6 were actually published in the newspaper
7 weeks prior to this meeting and there
8 weren't any objections to that allocation at
9 that point in time, but as was mentioned,
10 that is correct and I know some of my
11 colleagues disagree with that decision and
12 that's their right to their own opinion.

13 Only one item and the rest I will
14 hold for agenda items, I did ask last week
15 for an update on the Novembrino pool complex
16 and we did receive a letter from Linda Aebli
17 and it says, "Mr. Casciano and my staff
18 forwarded your e-mail dated April 13
19 regarding the status of the Novembrino pool.
20 The final Novembrino splash park and
21 recreation complex post-construction plans
22 were submitted on April 5, 2018, through the
23 Landscape Architect McLane and Associates
24 and the Pennsylvania Department of the
25 Conservation and Natural Resources for

1 approval. This process generally takes four
2 to six weeks to be followed by reviews from
3 the Lackawanna County Conservation District,
4 Northeast Independent Consultants, followed
5 by HUD environmental review prepared by the
6 city planner Don King. The splash park
7 equipment and specifications and costs for
8 Recreation Inserts USA through the costar
9 programs have been submitted for purchase
10 through the Department of Parks and
11 Recreation.

12 Only after the approvals are in
13 place the project will be ready to bid out.
14 Following the legal review of the bids and
15 the contractor selection, demolition of the
16 pools, site preparation and construction
17 will commence. Commencement and final
18 completion of the project will be influenced
19 by the fall winter weather conditions along
20 with the practical timing of splash park
21 equipment installation. This office will
22 keep city council updated on this high
23 priority project as we move forward.

24 So I would like to thank Linda Aebli
25 for getting back to us very quickly on this

1 and I do like saying that it states that
2 it's a high priority project. As I
3 mentioned probably a hundred times, as a kid
4 growing up in West Side this is where
5 everyone -- you went to the Novembrino pool
6 to swim and it's heartbreaking driving by
7 there seeing it in it's current condition so
8 I do think that, you know, this would be a
9 great edition to that neighborhood in West
10 Side and it's sorely needed.

11 MR. GAUGHAN: I just have one
12 additional thing if might, if I could add,
13 Mr. Rogan. Just to clarify about the
14 Composite Pension Board meeting, and Mr.
15 Rogan stated that it was in the newspaper
16 about 45, 45, 10 split, but I just want to
17 read a quick quote from one of the Pension
18 Board's financial advisors, and again I
19 quote, he says, "This is a template to begin
20 looking at the project because nobody had
21 anything to start talks about the
22 allocation."

23 He wants to be very specific with
24 everybody that they are not proposing that,
25 he is not advocating a position on it, it

1 was just a start up discussion at the city
2 level because everyone has been asking about
3 this to figure out how the funds are going
4 to go in. He also says that he wants to be
5 crystal clear that it was the start of a
6 discussion and a model, it was not a
7 proposal. So I think that's where the
8 difference is that the city paid for another
9 analysis and I don't see in here where that
10 was actually discussed about different
11 funding levels so that's where I was
12 confused at looking at this whole issue that
13 why would you only take a look at 45, 45, 10
14 and not look at the analysis that the city
15 paid for, so that's where the confusion
16 comes in. Thank you.

17 MR. ROGAN: I would just state, I
18 looked at a number of different -- there was
19 a number of different proposals. It wasn't
20 just the 45/45/10 that was considered.
21 There were other proposals. I felt that was
22 the most fair. It certainly wasn't rushed,
23 it was something that weeks before the vote,
24 you know, I felt that was the right decision
25 to make.

1 MS. REED: 5-B. NO BUSINESS AT THIS
2 TIME.

3 SIXTH ORDER. 6-A. READING BY TITLE
4 - FILE OF THE COUNCIL NO. 13, 2018 - AN
5 ORDINANCE - AUTHORIZING THE MAYOR AND OTHER
6 APPROPRIATE OFFICIALS OF THE CITY OF
7 SCRANTON TO ENTER INTO A LEASE AGREEMENT
8 WITH WEST SCRANTON LITTLE LEAGUE, INC. FOR
9 USE OF CITY OWNED PROPERTY FOR A THREE (3)
10 YEAR PERIOD COMMENCING APRIL 15, 2018 AND
11 ENDING APRIL 14, 2021.

12 MR. ROGAN: You've heard reading by
13 title of Item 6-A, what is your pleasure?

14 MR. PERRY: I move that Item 6-A
15 pass reading by title.

16 MR. EVANS: Second.

17 MR. ROGAN: On the question? All
18 those in favor signify by saying aye.

19 MR. PERRY: Aye.

20 MR. DONAHUE: Aye.

21 MR. EVANS: Aye.

22 MR. GAUGHAN: Aye.

23 MR. ROGAN: Aye. Opposed? The ayes
24 have it and so moved.

25 MS. REED: 6-B. READING BY TITLE -

1 FILE OF THE COUNCIL NO. 14, 2018 - AN
2 ORDINANCE - AUTHORIZING THE MAYOR AND OTHER
3 APPROPRIATE OFFICIALS OF THE CITY OF
4 SCRANTON TO ENTER INTO A LEASE AGREEMENT
5 WITH THE SCRANTON SCHOOL DISTRICT FOR USE OF
6 CITY OWNED PROPERTY AS MORE FULLY DESCRIBED
7 IN THE LEASE AGREEMENT ATTACHED HERETO AS
8 EXHIBIT "A" FOR A THREE (3) YEAR PERIOD
9 COMMENCING APRIL 15, 2018 AND ENDING APRIL
10 14, 2021.

11 MR. ROGAN: You've heard reading by
12 title of Item 6-B, what is your pleasure?

13 MR. PERRY: I move that Item 6-B
14 pass reading by title.

15 MR. EVANS: Second.

16 MR. ROGAN: On the question? All
17 those in favor signify by saying aye.

18 MR. PERRY: Aye.

19 MR. DONAHUE: Aye.

20 MR. EVANS: Aye.

21 MR. GAUGHAN: Aye.

22 MR. ROGAN: Aye. Opposed? The ayes
23 have it and so moved.

24 MS. REED: 6-C. READING BY TITLE -
25 FILE OF THE COUNCIL NO. 15, 2018 - AN

1 ORDINANCE – AMENDING FILE OF THE COUNCIL NO.
2 64, 2014, AN ORDINANCE (AS AMENDED) ENTITLED
3 “AN ORDINANCE ADOPTING THE QUALITY OF LIFE
4 AND VIOLATIONS TICKET PROCESS IN THE CITY OF
5 SCRANTON” BE AMENDED TO INCLUDE A NEW
6 DEFINITION IN SECTION 2. DEFINITIONS, NEW
7 VIOLATIONS IN SECTION 3. QUALITY OF LIFE
8 VIOLATIONS AND NEW FINES AND PENALTIES IN
9 SECTION 9. FINES AND PENALTIES.

10 MR. ROGAN: You've heard reading by
11 title of Item 6-C, what is your pleasure?

12 MR. PERRY: I move that Item 6-C
13 pass reading by title.

14 MR. EVANS: Second.

15 MR. ROGAN: On the question?

16 MR. GAUGHAN: Yes, on the question.
17 I just want to thank Mr. Hinton from
18 Licensing and Inspections for coming in and
19 having a discussion on this agenda item in
20 our caucus. The only thing that I would add
21 to this, and it was discussed in our caucus,
22 I do think that there needs to be some sort
23 of language this the quality of the life
24 ordinance that states that there should be a
25 warning given by the inspector before they

1 issue an actual fine. A lot of times, you
2 know, maybe people aren't aware, they are
3 new to the city, so I think we need to give
4 them a chance. Mr. Hinton did explain that
5 a lot of times they do give a warning but
6 it's at the discretion of the inspector and
7 I do think that we need to take that
8 discretion away because we should give
9 everybody a fair chance no matter what it
10 is, and as somebody mentioned in the caucus
11 it's not about collecting a fine it's about
12 enforcing -- it's about cleaning up the
13 city, so the goal here is not to collect
14 \$100 off of somebody, it's to make sure that
15 their property is clean and the neighborhood
16 looks nice.

17 So hopefully within the next week we
18 can work on that amendment. I do think --
19 Mr. Hinton also explained that if you are
20 giving out a citation it's required that
21 they give a chance for somebody to clean it
22 up before they issue a fine but with a
23 quality of the life ticket they don't
24 necessarily have to do that. Thank you.

25 MR. EVANS: On the question, I would

1 agree with that. We all have a
2 preconversation about that particular issue,
3 now we have to sort of come up with the
4 language that we all agree with. One of the
5 things we would look at is there's a warning
6 but it would probably for first time
7 offenders only. Repeat offenders don't
8 really need that courtesy, so we will work
9 it out between now and next week.

10 MR. PERRY: Yes, on the question. I
11 agree with Councilman Evans and Gaughan
12 fully. I do thank Mr. Hinton for coming in
13 and explaining this to us. But, yes, the
14 discretion of the warnings that's where I
15 have an issue with. Discretion is a
16 slippery slope. Discretion is kind of what
17 mood are you in today? I believe that this
18 should not be punitive, this should be
19 something to make the neighborhoods better
20 and to get everybody on the same page when
21 it comes to our rules and regulations.
22 Everybody gets a fair shake.

23 Some of the legislation I would like
24 it to read that fines can be -- fines will
25 be given after a warning is given. I would

1 like that warning to be held on file and I
2 would like that warning to be signed,
3 whether it's 24 hours or 48 hours they have
4 the inspector come back and actually issue
5 that fine. You know, we can discuss that,
6 but, you know, I want somewhere where if
7 they have to go back and they want to
8 litigate this or mitigate this, you know, we
9 have a signed warning saying, you know, you
10 were presented with the issue, you were
11 given a warning and given time, it hasn't
12 been taken care of, and then or only then
13 would I feel comfortable with some kind of
14 punitive damage because, again, that's not
15 what these regulations are about, it's just
16 about getting everybody on the same page.

17 MR. ROGAN: Anyone else? All those
18 in favor signify by saying aye.

19 MR. PERRY: Aye.

20 MR. DONAHUE: Aye.

21 MR. EVANS: Aye.

22 MR. GAUGHAN: Aye.

23 MR. ROGAN: Aye. Opposed? The ayes
24 have it and so moved.

25 MS. REED: SEVENTH ORDER. 7-A. FOR

1 CONSIDERATION BY THE COMMITTEE ON RULES -
2 FOR ADOPTION - FILE OF THE COUNCIL NO. 12,
3 2018 - ADOPTING THE 2012 EDITION OF THE
4 INTERNATIONAL PROPERTY MAINTENANCE CODE,
5 REGULATING AND GOVERNING THE CONDITIONS AND
6 MAINTENANCE OF ALL PROPERTY, BUILDINGS AND
7 STRUCTURES, BY PROVIDING THE STANDARDS FOR
8 SUPPLIED UTILITIES AND FACILITIES AND OTHER
9 PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO
10 ENSURE THAT STRUCTURES ARE SAFE, SANITARY
11 AND FIT FOR OCCUPATION AND USE; THE
12 CONDEMNATION OF BUILDINGS AND STRUCTURES
13 UNFIT FOR HUMAN OCCUPANCY AND USE, AND
14 THE DEMOLITION OF SUCH EXISTING STRUCTURES
15 IN THE CITY OF SCRANTON; PROVIDING FOR THE
16 ISSUANCE OF PERMITS AND COLLECTION OF FEES
17 THEREFOR; REPEALING SECTION 1 OF ORDINANCE
18 NO. 37, 2014 OF THE CITY OF SCRANTON AND ALL
19 OTHER ORDINANCES AND PARTS OF ORDINANCES IN
20 CONFLICT THEREWITH.

21 MR. ROGAN: As Chairperson for the
22 Committee on Rules, I recommend final
23 passage of Item 7-A.

24 MR. DONAHUE: Second.

25 MR. ROGAN: On the question? Roll

1 call, please?

2 MS. DAVIDSON: Mr. Perry.

3 MR. PERRY: Yes.

4 MS. DAVIDSON: Mr. Donahue.

5 MR. DONAHUE: Yes.

6 MS. DAVIDSON: Mr. Evans.

7 MR. EVANS: Yes.

8 MS. DAVIDSON: Mr. Gaughan.

9 MR. GAUGHAN: Yes.

10 MS. DAVIDSON: Mr. Rogan.

11 MR. ROGAN: Yes. I hereby declare

12 Item 7-A legally and lawfully adopted.

13 MS. REED: 7-B. FOR CONSIDERATION BY

14 THE COMMITTEE ON PUBLIC SAFETY - FOR

15 ADOPTION - RESOLUTION NO. 35, 3018 -

16 AUTHORIZING THE MAYOR AND OTHER APPROPRIATE

17 CITY OFFICIALS TO APPLY FOR AND EXECUTE A

18 GRANT APPLICATION BY THE CITY OF SCRANTON

19 POLICE DEPARTMENT AND, IF SUCCESSFUL, A

20 GRANT AGREEMENT, AND ACCEPT THE FUNDS

21 RELATED THERETO FROM THE PENNSYLVANIA

22 COMMISSION ON CRIME AND DELINQUENCY/JUSTICE

23 ASSISTANCE GRANT PROGRAM (PCCD JAG) IN THE

24 AMOUNT OF \$150,000.00.

25 MR. ROGAN: What is the

1 recommendation for the Chair for the
2 Committee on Public Safety?

3 MR. PERRY: For the Committee on
4 Public Safety, I recommend final passage of
5 Item 7-B.

6 MR. EVANS: Second.

7 MR. ROGAN: On the question?

8 MR. PERRY: Yes, on the question. I
9 just want to echo what Mr. Gaughan said last
10 week about Chief Graziano and the Police
11 Department. They utilize the JAG program to
12 the best of their ability and we get lots of
13 funding for a lot of the tools that the
14 officers get to use for training and then
15 also out in the field, and this is one
16 example and there is many more. There is
17 always applications out, there is more
18 coming. You know, they just do a great job
19 and I just want to commend them. Thank you.

20 MR. ROGAN: And just to reiterate
21 what was mentioned by my colleagues, this is
22 an excellent program and the Police
23 Department really does a good job of
24 obtaining grants. I do want to mention
25 there is another vote coming up regarding

1 the Serrenti Center and this program and
2 actually this training program would actual
3 take place at that center so I hope everyone
4 that votes for this ordinance would be
5 voting for the other one. Roll call,
6 please?

7 MS. DAVIDSON: Mr. Perry.

8 MR. PERRY: Yes.

9 MS. DAVIDSON: Mr. Donahue.

10 MR. DONAHUE: Yes.

11 MS. DAVIDSON: Mr. Evans.

12 MR. EVANS: Yes.

13 MS. DAVIDSON: Mr. Gaughan.

14 MR. GAUGHAN: Yes.

15 MS. DAVIDSON: Mr. Rogan.

16 MR. ROGAN: Yes. I hereby declare
17 Item 7-B legally and lawfully adopted.

18 MS. REED: 7-C. FOR CONSIDERATION BY
19 THE COMMITTEE ON COMMUNITY DEVELOPMENT -
20 FOR ADOPTION - RESOLUTION NO. 36, 3018 -
21 ACCEPTING THE RECOMMENDATION OF THE
22 HISTORICAL ARCHITECTURE REVIEW BOARD
23 ("HARB") AND APPROVING THE CERTIFICATE OF
24 APPROPRIATENESS FOR MICHAEL CRAWFORD,
25 MULTISCAPE, INC., 995 SOUTH TOWNSHIP

1 BOULEVARD, PITTSTON, PA, 18640, AND HIGHLAND
2 ASSOCIATES, 102 HIGHLAND AVENUE, CLARKS
3 SUMMIT, PA, 18411, FOR REPAIR OF MORTAR
4 JOINTS, CUTTING AND POINTING, TO SECTIONS OF
5 THE EXTERIOR FAÇADE AT VINE STREET, DIX
6 COURT, MULBERRY STREET, AND NORTH WASHINGTON
7 AVENUE SIDES, SITUATED AT THE SCRANTON
8 CULTURAL CENTER, 420 NORTH WASHINGTON
9 AVENUE, SCRANTON, PA 18503.

10 MR. ROGAN: What is the
11 recommendation for the Chairperson for the
12 Committee on Community Development?

13 MR. DONAHUE: As Chair for the
14 Committee on Community Development, I
15 recommend final passage of Item 7-C.

16 MR. EVANS: Second.

17 MR. ROGAN: On the question? Roll
18 call, please?

19 MS. DAVIDSON: Mr. Perry.

20 MR. PERRY: Yes.

21 MS. DAVIDSON: Mr. Donahue.

22 MR. DONAHUE: Yes.

23 MS. DAVIDSON: Mr. Evans.

24 MR. EVANS: Yes.

25 MS. DAVIDSON: Mr. Gaughan.

1 MR. GAUGHAN: Yes.

2 MS. DAVIDSON: Mr. Rogan.

3 MR. ROGAN: Yes. I hereby declare
4 Item 7-C legally and lawfully adopted.

5 MS. REED: 7-D - PREVIOUSLY TABLED -
6 FOR CONSIDERATION BY THE COMMITTEE ON PUBLIC
7 WORKS FOR ADOPTION - RESOLUTION NO. 30-2018
8 - AUTHORIZING THE DIRECTOR OF THE DEPARTMENT
9 OF PUBLIC WORKS OF THE CITY OF SCRANTON TO
10 SIGN AND SUBMIT THE PENNSYLVANIA DEPARTMENT
11 OF TRANSPORTATION ("PENNDOT") APPLICATION
12 FOR TRAFFIC SIGNAL APPROVAL FOR TRAFFIC
13 SIGNAL PERMIT NO. 40115 TO UPGRADE TRAFFIC
14 SIGNAL AT SEVENTH AVENUE (SR 3029) AND WEST
15 LINDEN STREET (SR 3020).

16 MR. ROGAN: What is the
17 recommendation for the Chair for the
18 Committee on Public Works?

19 MR. GAUGHAN: As Chairperson for the
20 Committee on Public Works, I recommend final
21 passage of Item 7-D.

22 MR. DONAHUE: Second.

23 MR. ROGAN: On the question?

24 MR. GAUGHAN: Yes, on the question.
25 I am going to be voting for this. I know

1 it's been in the newspaper and talked about
2 quite extensively in the public and at these
3 council meetings because this is related to
4 Sheetz. I just want to make it clear, as I
5 did in the caucus a week ago, that we are
6 not voting on the Sheetz project, we are
7 voting on upgrading the traffic signal so
8 voting against this really wouldn't make
9 much sense in my opinion because the
10 alternative would not be to upgrade the
11 traffic signal and it has to be done
12 anyways.

13 On the Sheetz project, however, I am
14 in favor of it. You know, there was an
15 initial concern that we wanted more
16 information about the traffic set up because
17 that is a heavily traveled area in the
18 morning, especially during the school, but I
19 think that new business and competition is a
20 good thing for the city. I mean, we should
21 be doing everything in our power to do
22 whatever it takes to get new businesses in
23 the City of Scranton, especially with the
24 economic climate that we find ourselves
25 this.

1 The argument that other gas stations
2 or other, you know, companies might be
3 effected by this in my opinion is a little
4 ridiculous and disingenuous because let's
5 just use the example of the Trader Joe's,
6 everybody talks about Trader Joe's. If they
7 want to move into the City of Scranton
8 Gerrity's I'm sure wouldn't like because
9 they are a supermarket, too. Would we be
10 against that because Gerrity's was against
11 it or because it would effect other
12 businesses or invite more competition? I
13 just don't see that argument.

14 The other argument that's been made
15 about alcohol sales somebody said a week or
16 two ago, and this is true, there is a bar
17 right across the street from Memorial
18 Stadium so I think you can shoot down that
19 argument as well.

20 So, again, I just wanted to comment
21 on the Sheetz project overall. I think it's
22 going to be a good thing for the city. We
23 should be promoting business and competition
24 wherever and whenever we can, but for these
25 two pieces that we are going to vote on we

1 are voting on upgrading the traffic signal,
2 we are not voting on the Sheetz project.
3 Thank you.

4 MR. PERRY: Yes, on the question.
5 Yes, Mr. Gaughan is right the black and
6 white of this legislation is the traffic
7 signal and how we are going to make sure
8 that there is safety and the flow of traffic
9 is fit for that business on that corner.
10 It's zoned properly and it has to go through
11 the whole city planner and engineer
12 division, but the only thing the city
13 council is going to be voting on tonight is
14 the traffic signal and the pattern of the
15 flow of the traffic. That is it. So based
16 on that and based on the discussions we have
17 had with the city planner, the city
18 engineer, I feel confident that the black
19 and white of this legislation will be
20 satisfied by the measures that are going to
21 take for this project. So based on that I'm
22 going to be voting "yes".

23 MR. ROGAN: My colleagues are
24 correct that we are only voting on traffic.
25 We are not voting on whether you want Sheetz

1 to come to Scranton or you don't. I
2 struggled with this quite a bit because I do
3 want to see new businesses coming to the
4 City of Scranton at all costs. I do not
5 think this is the right location. I think
6 there should be a Sheetz in Scranton but not
7 in this location because of the traffic
8 issues, specifically, at North Main Avenue
9 where, as our city engineer mentioned, it is
10 an older streetlight and I may be biased
11 because I travel this route literally twice
12 every day and I see the traffic that's there
13 currently, I do think there will be traffic
14 issues with this project in this location.
15 That's not to say I'm against the Sheetz
16 coming to Scranton. I certainly would
17 support this project just in a different
18 location.

19 MR. EVANS: On the question, as has
20 been stated our role and focus on this
21 legislation is truly on voting on the
22 traffic signalization and safety for
23 vehicular and pedestrian traffic so the
24 public caucus last week with Reilly
25 Associates, the city engineer and the city

1 planner, I firmly believe that the design
2 will be comprehensive and appropriate.

3 This is really not a debate on, you
4 know, small business versus large business,
5 but I will say for the record, nobody is
6 more probusiness and more small business
7 than this councilman, but I will continue to
8 advocate for that small business and work
9 towards moving any and all impediments that
10 will make Scranton once again the friendly
11 city for all, including the business
12 community, so I am supportive of this
13 application and supportive of what we are
14 doing tonight.

15 What did we briefly with the caucus
16 was simply a routine matter of bringing the
17 engineer in and discuss what was happening
18 with the traffic. I know it turned into
19 something a little more than that, but we
20 all didn't expect that to happen but I guess
21 it was a good debate so we are going to vote
22 tonight.

23 MR. ROGAN: Anyone else? Roll call,
24 please?

25 MS. DAVIDSON: Mr. Perry.

1 MR. PERRY: Yes.

2 MS. DAVIDSON: Mr. Donahue.

3 MR. DONAHUE: Yes.

4 MS. DAVIDSON: Mr. Evans.

5 MR. EVANS: Yes.

6 MS. DAVIDSON: Mr. Gaughan.

7 MR. GAUGHAN: Yes.

8 MS. DAVIDSON: Mr. Rogan.

9 MR. ROGAN: No. I hereby declare
10 Item 7-D legally and lawfully adopted.

11 MS. REED: 7-E. PREVIOUSLY TABLED -
12 FOR CONSIDERATION BY THE INTRODUCTION - A
13 RESOLUTION NO. 31 -2018- AUTHORIZING THE
14 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
15 OF THE CITY OF SCRANTON TO SIGN AND SUBMIT
16 THE PENNSYLVANIA DEPARTMENT OF
17 TRANSPORTATION ("PENNDOT") APPLICATION FOR
18 TRAFFIC SIGNAL APPROVAL FOR TRAFFIC SIGNAL
19 PERMIT NO. 40308 TO UPGRADE TRAFFIC SIGNAL
20 AT WEST LINDEN STREET (SR 3020) AND NORTH
21 EIGHTH AVENUE/MOUNT PLEASANT DRIVE.

22 MR. ROGAN: What is the
23 recommendation of the Chairperson for the
24 Committee on Public Works?

25 MR. GAUGHAN: As Chairperson for the

1 Committee on Public Works, I recommend final
2 passage of Item 7-E.

3 MR. DONAHUE: Second.

4 MR. ROGAN: On the question? Roll
5 call, please?

6 MS. DAVIDSON: Mr. Perry.

7 MR. PERRY: Yes.

8 MS. DAVIDSON: Mr. Donahue.

9 MR. DONAHUE: Yes.

10 MS. DAVIDSON: Mr. Evans.

11 MR. EVANS: Yes.

12 MS. DAVIDSON: Mr. Gaughan.

13 MR. GAUGHAN: Yes.

14 MS. DAVIDSON: Mr. Rogan.

15 MR. ROGAN: No. I hereby declare
16 Item 7-E legally and lawfully adopted.

17 MS. REED: 7-F - PREVIOUSLY TABLED -
18 FOR CONSIDERATION BY THE COMMITTEE ON RULES
19 - FOR ADOPTION - RESOLUTION NO. 32-2018 -
20 AUTHORIZING THE MAYOR AND OTHER APPROPRIATE
21 CITY OFFICIALS TO EXECUTE AND ENTER INTO A
22 CONTRACT WITH PETERS DESIGN GROUP, INC. FOR
23 PROFESSIONAL ARCHITECTURAL AND ENGINEERING
24 SERVICES FOR THE SERRENTI MEMORIAL ARMY
25 RESERVE CENTER RENOVATION PROJECT.

1 MR. ROGAN: As Chairperson for the
2 Committee on Rules, I recommend final
3 passage of Item 7-F.

4 MR. PERRY: Second.

5 MR. ROGAN: On the question?

6 MR. GAUGHAN: Yes, on the question.
7 I'm sure that Peters Design Group will do
8 fantastic job. I'm certainly not
9 questioning the company or the work that
10 they do. My one major concern and the
11 reason that I'll be voting against this is
12 that in fee schedule Peters Design Group has
13 stated at that this be a negotiated price
14 for construction monitoring so that would be
15 a separate price and a separate percentage
16 of the overall contract and the final cost
17 of the project. It's just my concern that
18 the sky could be limit this. If it was
19 going to be a negotiated price for
20 construction monitoring, it should have been
21 set in the contract. It should not be open
22 for interpretation because we could be
23 opening ourselves up to higher costs.

24 Also, just as an aside, bidders were
25 not allowed to see a proposed budget or at

1 least an estimate of the budget. They were
2 also not allowed to tour the entire
3 facility, including the inside of the
4 facility. This is highly unusual in my
5 opinion and I'm not sure why that wasn't
6 part of the RFQ so I'll be voting "no".
7 Thank you.

8 MR. ROGAN: Anyone else?

9 MR. DONAHUE: Yes, on the question,
10 I will also be voting against this. I have
11 the same reservations Mr. Gaughan has and I
12 just believe it's way to open ended and
13 although this money will be coming from
14 grant funding I believe it's our
15 responsibility to spend that responsibly.
16 Thank you.

17 MR. EVANS: On the question, I first
18 want to thank Councilman Gaughan about
19 asking some important questions about this
20 contract, but I am comfortable with the
21 answers provided Attorney Eskra, the city
22 solicitor, and be voting "yes" on this
23 legislation. I feel that because of the
24 cost of the contract is limited and because
25 of the grant requirements and the chance for

1 cost order or change orders in my mind are
2 limited and I would expect that the police
3 department and the business administrator,
4 whoever that may be in the future, would
5 also protect or taxpayers making sure costs
6 are contained.

7 MR. ROGAN: And I believe the cost
8 is limited to a total percentage of the
9 total cost of the project, so that would put
10 a cap on it. Anyone else?

11 MR. PERRY: Yes, on the question. I
12 also had some questions on this project I
13 believe it was tabled and for a good reason.
14 My question was answered, it was is this
15 project still on the books for grant funding
16 and the answer was yes. The agreement was
17 when we wanted to allocate this building and
18 use it to hold our expensive police
19 equipment was that they are not going to
20 overspend their budget. They are going to
21 get grants, use grant money to improve the
22 project and I just wanted to make sure we
23 weren't going out of bounds and spending
24 money from the general fund and, you know,
25 taking a loss and I was assured that it's

1 still a grant supplemented project and I
2 also want to say on the record that I'm
3 still on board with getting rid of our Ash
4 Street locations and using that to further
5 supplement the project as it goes forward.

6 MR. ROGAN: Roll call, please?

7 MS. DAVIDSON: Mr. Perry.

8 MR. PERRY: Yes.

9 MS. DAVIDSON: Mr. Donahue.

10 MR. DONAHUE: No.

11 MS. DAVIDSON: Mr. Evans.

12 MR. EVANS: Yes.

13 MS. DAVIDSON: Mr. Gaughan.

14 MR. GAUGHAN: No.

15 MS. DAVIDSON: Mr. Rogan.

16 MR. ROGAN: Yes. I hereby declare
17 Item 7-F legally and lawfully adopted.

18 If there is no further business,
19 I'll entertain a motion to adjourn.

20 MR. PERRY: Motion to adjourn.

21 MR. ROGAN: Meeting adjourned.

22

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C E R T I F I C A T E

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2
3 I hereby certify that the proceedings and
4 evidence are contained fully and accurately in the
5 notes of testimony taken by me at the hearing of the
6 above-captioned matter and that the foregoing is a true
7 and correct transcript of the same to the best of my
8 ability.
9
10
11

12 _____
13 CATHENE S. NARDOZZI, RPR
14 OFFICIAL COURT REPORTER
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