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SCRANTON CITY COUNCIL MEETING

HELD:

Monday, July 16, 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

JEANNIE DAVIDSON, SECRETARY

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. Please dispense
14 with the reading of the minutes.

15 MS. REED: THIRD ORDER. 3-A. TAX
16 ASSESSOR'S REPORT FOR HEARING DATE TO BE
17 HELD JULY 25, 2018.

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

20 MS. REED: 3-B. MINUTES OF THE
21 REGULAR MEETING OF THE MEMBERS OF THE
22 SCRANTON HOUSING AUTHORITY HELD MAY 7, 2018,
23 AND JUNE 4, 2018.

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

1 MS. REED: 3-C. MINUTES OF THE
2 REGULAR MEETING OF THE LACKAWANNA COUNTY
3 LAND BANK HELD MAY 11 2018.

4 MR. ROGAN: Are there any comments?
5 If not, received and filed. Do any council
6 members have announcements at this time? I
7 have a few. First, an executive session was
8 held prior to our meeting tonight regarding
9 potential litigation. Secondly, the city
10 will provide free electronics recycling this
11 Friday, July 20. Residents can drop off
12 electronic recyclables at the DPW, 101
13 Poplar Street from 6 a.m. to 11 a.m. Help
14 will be available for loading items onto DPW
15 trucks. For more information please call
16 the recycling coordinator Tom Lynch at
17 570-348-4165.

18 Lackawanna County is distributing
19 farmer's market nutrition vouchers this
20 Wednesday, July 18, at the South Scranton
21 Senior Center, 425 Alder Street from 9 a.m.
22 to 1:00 p.m.

23 And, finally, fireworks at Nay Aug
24 Park will be held on Wednesday, August 8,
25 following the concert. For more information

1 you can call the Parks Department at
2 570-348-4186.

3 MR. GAUGHAN: And I just have one.
4 I just want to ask everyone to keep a young
5 man and his family in their prayers today.
6 A former student of mine, Devon Walker,
7 passed away Saturday. He was a very sick
8 young man. He was very brave and he fought
9 very hard the last couple of years and he
10 was a really great kid so I just want to ask
11 everyone if they could keep him in their
12 prayers and his family and his younger
13 siblings. Thank you.

14 MS. REED: FOURTH ORDER. CITIZENS'
15 PARTICIPATION.

16 (The following speakers offered
17 public comments as follows: Joan Hodowanitz
18 spoke on city business. Dave Dobrzyn spoke
19 on city business and matters of general
20 concern. Glynnis Johns spoke on city
21 business and matters of general concern.
22 Marie Schumacher spoke on agenda items and
23 matters of general concern. Lenny Srebro
24 spoke on city business and matters of
25 general concern.)

1 MS. REED: FIFTH ORDER. 5-A.
2 MOTIONS.

3 MR. ROGAN: Mr. Perry, do you have
4 any motions or comments?

5 MR. PERRY: Yes, just a couple.
6 From last week I want to send a thank you
7 out, we had a little DPW conversation, but I
8 do want to send them some thanks. They
9 installed a couple of "Children at Play"
10 signs in the neighborhood. They were up
11 within 24 hours. I know that because the
12 residents gave me a call. They wanted me to
13 pass along a thank you to DPW for that
14 timely installation on the "Children at
15 Play" signs.

16 Also, I want to send a big thank you
17 out to the Scranton Police Department. A
18 couple of days ago there was a wrong-way
19 driver that hit one of my friends. The
20 friend wasn't seriously injured but,
21 nonetheless, was, you know, hit by a
22 wrong-way driver and the police -- you know,
23 when you find out somebody at that you know
24 has been hurt, you know, you make every
25 effort to try to do what you could and it

1 wasn't too far where I live so by the time I
2 got there the police department was already
3 there with and had everything under control
4 and you talk about a very -- again, a lot of
5 people know this who deal with first
6 responders, but somebody like myself who
7 don't get to deal with them every day, it's
8 just a really little fluid environment to
9 say the least when you get on an accident
10 scene and, you know, their professionalism,
11 I know we can't say this enough about them,
12 but they really know how to handle their
13 business and they are the best at what they
14 do and I just want to thank them for
15 everything they did just not only to make
16 sure they were safe to bring justice to it,
17 but to make sure that all of the other cars
18 coming down the street were protected. It
19 was something to see, just a great operation
20 there, a bunch of professionals and I want
21 to thank them.

22 We talked about the capital budget,
23 Joan. I believe that from the sewer sale I
24 think we earmarked \$2 1/2 million I believe
25 for capital improvements and then that money

1 was up for discussion on how it was going to
2 be spent. At the time, Mr. Bulzoni
3 explained to us that the general budget
4 there really wasn't much room to earmark
5 anything for capital budget and if there was
6 there wasn't much to get anything
7 accomplished, so once we get this assessment
8 of the \$8 million, and this is the jumping
9 off point, the starting point on now if
10 that's really what it's going to cost we
11 know what we have, what are we going to
12 spend it, how are we going to allocate those
13 funds so this starts the discussion right
14 now on what's going to be done, but I
15 believe, don't hold me to this, I think \$2
16 1/2 million is what we earmarked from the
17 sale for capital improvements, but that
18 wasn't just necessarily for city hall that
19 was going to be for any capital improvements
20 that we wanted to do n any city assets so
21 that's where we are money wise on that.

22 And I'm going to save everything
23 else I have for our agenda items tonight.

24 MR. ROGAN: Thank you. Mr. Donahue,
25 any motions or comments?

1 MR. DONAHUE: Yes. I just want to
2 briefly comment on not only the multiple
3 articles that have appeared in the Scranton
4 Times over the past few weeks regarding a
5 property on Columbia Street and also the
6 Castle House on Ridgemont Street, but also
7 on the overall issues regarding the
8 Licensing and Inspection Department. In the
9 six months I have been on council the number
10 two -- the two biggest complaints I get
11 involve either pave cuts or the LIPS
12 Department, and I agree with both Councilman
13 Gaughan that we have to work with all
14 developers instead of working against them.
15 And, also, with Councilman Evans that, you
16 know, we need to address this issue before
17 we lose more blocks and neighborhoods to
18 blight and demolition.

19 The politically correct term to
20 describe how the LIPS Department functions
21 would be to call it selective enforcement,
22 but I need to take it a step further because
23 I believe it needs to be said. I believe
24 that office is being used to try to settle
25 personal and/or political grudges and that

1 needs to end immediately. This is not how
2 government should function, and that's all I
3 have. Thank you.

4 MR. ROGAN: Thank you. Mr. Evans,
5 do you have any motions or comments?

6 MR. EVANS: Yes, thank you. As a
7 former of member of the city's Historical
8 Architectural Review Board or HARB and a
9 president or current member of the
10 Architectural Heritage Association, I'm
11 extremely encouraged by the steps being
12 taken to finally address the much needed
13 repairs, renovations and restoration of
14 Scranton City Hall.

15 As a generation of deferred
16 maintenance, stopgap repairs, along with the
17 lack of foresight and finances, it's now
18 time to stop kicking the can down the road.
19 As stewards of this building and this
20 government, it's now time for all of us to
21 step up and do what needs to be done. This
22 building is not only our link to the past
23 but through a thoughtful restoration and a
24 fresh look at how interior space can be
25 better utilized, city hall can be a link to

1 the future as well. So I appreciate and
2 would like to recognize BA Bulzoni for his
3 efforts in pushing this initiative to the
4 forefront. This building is far too
5 important and too historically and
6 architecturally significant to be allowed to
7 deteriorate any further, so count me in as a
8 support of this imitative, in fact count me
9 as all in.

10 Also, as the newest member of the
11 CDSP board, a subsidiary of NDC that is
12 contracted to manage the city's garages and
13 on-street parking, I was officially put on
14 the board 6-25-18 as City Council's
15 representative. Of course, the request for
16 information through a Right-to-Know long
17 before I was put on the board but in a
18 continuing to bring a new level of
19 transparency my request for periodic updates
20 by NDC to Scranton City Council will begin
21 with a public caucus on July 23 to discuss a
22 2018 semi-annual financial and operations
23 report, so certainly that is encouraging.

24 However, as a member of the CDSP
25 board I expect even more transparency. To

1 that end, I suggested in an e-mail to
2 members of NDC management today that they
3 may want to include information requested in
4 a Right-to-Know request as part of their
5 presentation to city council next week, and
6 if that does not happen I will make a formal
7 request to the CDSP board to release that
8 information as soon as possible.

9 NDC and ABM through the CDSP board
10 have asked us to spend public dollars to
11 make improvements to public garages as well
12 as make improvements to public on-street
13 parking areas. Meetings remain private and
14 limited information is released without
15 great hesitation and consternation. Public
16 officials the public deserve better. I am
17 but one vote on the board but I will
18 continue to press for full transparency.
19 That's all I have for now.

20 MR. ROGAN: Thank you. Mr. Gaughan,
21 any motions or comments?

22 MR. GAUGHAN: Yes, thank you, quite
23 a few. Mrs. Reed, I was approached by a
24 resident of North Scranton about dumping in
25 the 500 block of Wale Street, an empty lot,

1 and the neighbors there believe that the
2 Housing Authority owns it so if we could
3 please check into that.

4 We did send a request to 2200 block
5 of Kelly Avenue. Residents were concerned
6 about a faded one-way sign and a "Do Not
7 Enter" sign so we sent that to DPW. I did
8 attend the zoning board meeting last week
9 regarding the North Scranton apartment
10 complex, the developer wants to put 252
11 apartment buildings, or apartments rather,
12 throughout ten buildings in North Scranton.
13 And I can tell you from living in that
14 neighborhood that there is absolutely nobody
15 that is for this project and there was I
16 think over 100 people that packed this --
17 these council chambers for the zoning board
18 meeting last week in opposition to it. The
19 matter did get continued until next August,
20 until this August coming, August 8 at 6
21 p.m., so I would again urge anyone in North
22 Scranton to come out to oppose that project.

23 I did attend the West Scranton
24 Neighbor's Association meeting last week as
25 well and there were many issues and concerns

1 that were discussed. This was the first
2 time that they had actually met. It was a
3 room full of concerned and passionate
4 individuals in West Scranton. Mr. Donahue
5 already touched on this, but -- and
6 Mr. Donahue was there as well, I can tell
7 you that one of the major issues that the
8 residents brought up was not getting a
9 return phone call from people who work in
10 city hall, whether it be a department head
11 or one of the employees. Specifically, many
12 of the complaints came from the Licensing
13 and Inspections Department. So, Mrs. Reed,
14 if we can send something to the mayor and
15 inform him that people around the city, this
16 isn't just in West Scranton, it's in
17 Greenridge, it's in South Side, it's in
18 North Scranton and really every neighborhood
19 meeting I go to people complain they call
20 city hall, either they don't get a return
21 call or somebody does answer and they get
22 booted around to different departments and
23 then they don't know what happened with
24 their issues, so it's extremely frustrating.

25 One of the programs Councilman Evans

1 presented a few months ago, and I think
2 everyone on this council agrees with it, is
3 the See, Click, Fix program. I believe that
4 if somebody calls city hall with a complaint
5 there should be a paper trail of that
6 complaint. It should be logged some place
7 so that if it's going to take a week and a
8 half or two weeks to get fixed the person
9 who calls should know that. They should get
10 an e-mail, they should get a notification
11 that their problem was taken care of.

12 So there are better ways or more
13 efficient ways to deal with problems
14 throughout the city, and I'm not just
15 blaming this administration because I think
16 this has gone on for decades, but there is a
17 problem, people are frustrated and they get
18 disgusted with city hall and they just end
19 up giving up all together, so I would like
20 to see something sent to the mayor so he
21 hopefully is aware of that.

22 There also was a gentleman a the
23 West Scranton neighborhood meeting who to
24 his credit takes the time to clean in and
25 around where the viaduct is there on Fourth

1 Avenue, and I have said this before, you
2 know, the gentleman mentioned that he ends
3 up, you know, being the only one that cleans
4 it. He wasn't complaining about it, but he
5 was simply saying that people say they want
6 to come out and help but usually they never
7 do. I brought this up before, I have seen
8 across really the country cities who have
9 yearly neighborhood clean ups, yearly park
10 cleans ups and the administration
11 coordinates that and they happen at the same
12 time every year so there is no surprise that
13 we are going to clean Rockwell Park in
14 April, next year it will be May, maybe June,
15 and then it kind of gets all
16 discombobulated.

17 So I do think, and I would again
18 urge the mayor, to come up with a yearly
19 schedule where the DPW coordinates with
20 these neighborhood groups, they go out, they
21 pick these spots and they clean them up
22 because the neighbors will come out. I just
23 think the administration needs to make that
24 a priority.

25 Also, one of the issues that came

1 out of the neighborhood meeting was street
2 markings, either there are none in certain
3 parts of the West Scranton or they are
4 faded, so if we could send something to DPW
5 about that so somebody from DPW can go out
6 and make an assessment of that situation,
7 and it's also a public safety issue.

8 I would like somebody from Licensing
9 and Inspections to go out and take a look at
10 the 300 block of North Sumner Avenue, there
11 are several quality of life issues there.
12 Also, the 300 block of Railroad avenue, a
13 neighbor expressed concern that trash pickup
14 is Friday, there are people putting their
15 trash out a few days early not in cans,
16 there is garbage all over the place so if we
17 can send something to LIPS on that as well.

18 I also attended the Greenridge
19 Neighborhood meeting. They would like to
20 know the status of 934 Woodlawn Street.
21 It's apparently condemned so they would like
22 an update on that. There was a woman at
23 this meeting that complained, and I can back
24 her up on this, about the condition of the
25 3000 block of Olyphant Avenue. Several

1 potholes so DPW can make their way out there
2 to fill them, and there is an overgrowth on
3 a lot and I'll give you the address for
4 that, Mrs. Reed, after the meeting.

5 Also, residents brought up, and I
6 wasn't aware of this, construction going on
7 near the greenhouse at Nay Aug Park. They
8 would like to know what this is so if we
9 could reach out to Mr. Fallon and find out
10 what they're building there, what they're
11 putting there.

12 We got an update from the city
13 solicitor on the status of the treehouse.
14 The engineer has completed 75 percent of the
15 plans, the submission for repairs. Budget
16 related questions may account for the
17 remaining 25 percent. There would be a
18 meeting this week, next at the latest, and
19 the engineer will finalize following that
20 meeting and I'm glad to see that because,
21 you know, I use Nay Aug Park often and it is
22 really an embarrassment that the tree house
23 is lacked and has not been open for this
24 long.

25 Also, I asked for an update of the

1 lawsuits from the city solicitor, the Act
2 511 case is pending a decision from the
3 judge. There is still nothing on preemptory
4 judgment. The refuse case is pending class
5 notice. The city opposed some of the
6 language in the notice and they are waiting
7 on the judge to decide that. The rental
8 registration lawsuit is in discovery which
9 is the information sharing period of the
10 process, and the sewer proceed lawsuit they
11 are waiting for the oral argument on
12 preliminary objections to be scheduled so we
13 should see something on these lawsuits in
14 the next few months.

15 I also asked also week about the
16 recent agreement between the city and I
17 believe the fire union employees to split
18 the cost of the required physician
19 evaluation which is involved with the
20 disability pension process. I was
21 questioning the cost of the city in this
22 cost share arrangement so we did receive a
23 reply from the administration. There will
24 be a memorandum of understanding between the
25 city and the police and fire unions. It's

1 currently being drafted, the details will be
2 available once all parties have signed off
3 and that. And that's I have this week.

4 Thank you.

5 MR. ROGAN: Thank you, just two
6 items. First is the double pension item.
7 Unfortunately, it has been taken longer than
8 expected to get legislation put together,
9 but rest assured there will be legislation
10 coming together to prevent this from
11 happening again. As far as comments on the
12 report, again, we are very limited as to
13 what we could say per the agreement between
14 council and the state police, so the items,
15 the individuals that are referenced in the
16 report, unfortunately, we are not able to by
17 Court order get into any of that. Now, we
18 were able to by reading through that report
19 see some of the items that happened, and at
20 least I have an idea and a better
21 understanding on how some people that
22 weren't entitled to double pensions received
23 them, but the goal is once legislation is
24 put in place in the future there will be --
25 if there ever is any type of incentive given

1 to employees to retire early that's it's
2 done in a thoughtful process and a process
3 that is streamlined to avoid this type of
4 issue from happening again.

5 And the second issue I wanted to
6 talk about, Councilman Evans actually talked
7 on already and I believe it was reported in
8 the newspaper is the condition of city hall.
9 For decades, as Councilman Evans said,
10 generations city hall has been neglected
11 from a maintenance standpoint. You could
12 just take a walk around the building and you
13 could see many areas that are deteriorating
14 and you could see where repairs have to be
15 done, and that's only what meets the eye.
16 There is much more under the surface than
17 what needs to be maintained and improved,
18 including energy efficiency upgrades, a
19 number of items. So I am in support of the
20 city doing -- getting a full analysis of
21 what needs to be done to get this building
22 up to 2018 standards, but when those
23 findings come back I think at that point in
24 time all options need to be on the table.
25 Again, we are talking people -- the number

1 of \$8 million has been thrown around to get
2 the building to where it should be. That's
3 an awful lot of money. There may be better
4 options than spending \$8 million. As much
5 as I want to see the building restored, it
6 is a very large number, and hopefully we
7 could find grants and be able to, you know,
8 move things around to make city hall more
9 efficient and work better, but we will take
10 it step by step, but I'm glad to see that
11 something finally is being done one way or
12 the other with regards to the condition of
13 the city hall. And that is it all.

14 MS. REED: 5-B. FOR INTRODUCTION -
15 AN ORDINANCE - GRANTING A TEMPORARY
16 CONSTRUCTION AND PERMANENT MAINTENANCE
17 EASEMENT AGREEMENT ON PROPERTY OWNED BY THE
18 CITY OF SCRANTON TO SCRANTON LACKAWANNA
19 INDUSTRIAL BUILDING COMPANY FOR THE
20 INSTALLATION OF SIDEWALKS AT THE MOUNT
21 PLEASANT CORPORATE CENTER ALONG MOUNT
22 PLEASANT DRIVE AS MORE FULLY DESCRIBED IN
23 EXHIBIT "A".

24 MR. ROGAN: At this time, I'll
25 entertain a motion that Item 5-B be

1 introduced into its proper committee.

2 MR. PERRY: So moved.

3 MR. EVANS: Second.

4 MR. ROGAN: On the question? All
5 those in favor of introduction signify by
6 saying aye.

7 MR. PERRY: Aye.

8 MR. DONAHUE: Aye.

9 MR. EVANS: Aye.

10 MR. GAUGHAN: Aye.

11 MR. ROGAN: Aye. Opposed? The ayes
12 have it and so moved.

13 MS. REED: 5-C. FOR INTRODUCTION – A
14 RESOLUTION – AUTHORIZING THE MAYOR AND
15 OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE
16 AND ENTER INTO A GRANT AGREEMENT BY AND
17 BETWEEN THE CITY OF SCRANTON (HEREINAFTER
18 REFERRED TO AS THE “CITY” AND/OR “GRANTOR”)
19 AND SCRANTON LACKAWANNA INDUSTRIAL BUILDING
20 COMPANY, (HEREINAFTER REFERRED TO AS THE
21 “GRANTEE/SUB-RECIPIENT”) IN THE AMOUNT OF
22 FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THE
23 INSTALLATION OF SIDEWALKS AT THE MOUNT
24 PLEASANT CORPORATE CENTER LOCATED ALONG
25 MOUNT PLEASANT DRIVE.

1 MR. ROGAN: At this time, I'll
2 entertain a motion that Item 5-C be
3 introduced into its proper committee.

4 MR. PERRY: So moved.

5 MR. EVANS: Second.

6 MR. ROGAN: On the question? Just
7 one item I wanted to point out because it
8 was brought up, these items are not in
9 relation to the Sheetz gas station being put
10 in there. I'm sure they will benefit from
11 the sidewalks being put in Mt. Pleasant,
12 but anyone that goes to, for instance, the
13 Geisinger facility that's in there, you can
14 see that there is not access for pedestrians
15 and especially with a school so close by and
16 a medical facility that if somebody who
17 doesn't drive if they need to go to a
18 doctor's appointment at that facility we
19 certainly should have sidewalks in that area
20 so I am in support of this legislation.
21 Anyone else? All those in favor of
22 introduction signify by saying aye.

23 MR. PERRY: Aye.

24 MR. DONAHUE: Aye.

25 MR. EVANS: Aye.

1 MR. GAUGHAN: Aye.

2 MR. ROGAN: Aye. Opposed? The ayes
3 have it and so moved.

4 MS. REED: SIXTH ORDER. 6-A. NO
5 BUSINESS AT THIS TIME.

6 SEVENTH ORDER. 7-A. FOR
7 CONSIDERATION BY THE COMMITTEE ON FINANCE -
8 FOR ADOPTION - FILE OF THE COUNCIL NO. 25,
9 2018 - CREATING AND ESTABLISHING SPECIAL
10 CITY ACCOUNT NO. 02.229634 ENTITLED "POLICE
11 GRANTS" FOR RECEIVING FUNDS FROM MULTIPLE
12 SHORT TERM OR PASS THROUGH POLICE GRANT
13 SOURCES THAT REQUIRE FUND ACCOUNTS SEPARATE
14 FROM THE GENERAL FUND.

15 MR. ROGAN: What is the
16 recommendation of the Chair for the
17 Committee on Finance?

18 MR. EVANS: As Chairperson for the
19 Committee on Finance, I recommend final
20 passage of Item 7-A.

21 MR. PERRY: Second.

22 MR. ROGAN: On the question? Roll
23 call, please?

24 MS. DAVIDSON: Mr. Perry.

25 MR. PERRY: Yes.

1 MS. DAVIDSON: Mr. Donahue.

2 MR. DONAHUE: Yes.

3 MS. DAVIDSON: Mr. Evans.

4 MR. EVANS: Yes.

5 MS. DAVIDSON: Mr. Gaughan.

6 MR. GAUGHAN: Yes.

7 MS. DAVIDSON: Mr. Rogan.

8 MR. ROGAN: Yes. I hereby declare
9 Item 7-A legally and lawfully adopted.

10 MS. REED: 7-B. FOR CONSIDERATION
11 BY THE COMMITTEE ON RULES - FOR ADOPTION -
12 RESOLUTION NO. 59, 2018 - AUTHORIZING THE
13 MAYOR AND OTHER APPROPRIATE CITY OFFICIALS
14 TO EXECUTE AND ENTER INTO A PROFESSIONAL
15 SERVICES CONTRACT WITH ABRAHAMSEN, CONABOY &
16 ABRAHAMSEN, P.C. FOR SPECIAL LABOR COUNSEL
17 LEGAL SERVICES FOR THE CITY OF SCRANTON.

18 MR. ROGAN: As Chairperson for the
19 Committee on Rules, I recommend final
20 passage of Item 7-B.

21 MR. PERRY: Second.

22 MR. ROGAN: On the question?

23 MR. GAUGHAN: Yes, on the question.
24 You know, at this point, I really don't even
25 know where to begin with this legislation

1 but let me check through some things here so
2 that people can understand, kind of the
3 ridiculous things that I'm dealing with and
4 I believe the whole council is dealing with.

5 Last week I asked several questions
6 about this contract and I did receive a
7 reply from our city solicitor Jessica Eskra
8 on Friday and I'm going to read through some
9 of the responses, but I was not satisfied
10 with many of them that were given because
11 most of my questions were not actually
12 answered they were kind of danced around and
13 I really did not appreciate that.

14 So my first question was about the
15 RFQ how it was advised I asked for an
16 explanation of that whole process which, I
17 mean, I thought was a pretty simple ask.
18 The answer was that the RFQ was advertised
19 in the Scranton Times following the normal
20 advertisement procedure we follow here in
21 the city, and then the advertisement
22 procedure was not detailed, so I had to go
23 back and ask for that this morning and I did
24 get it and I appreciate that but, again, I
25 asked a simple question, did not get a

1 simple answer.

2 Number two, second question I asked
3 was to provide the reason that the contract
4 was well pass the expiration date of the
5 contract because legislation was submitted
6 to council's office for consideration. I
7 asked what the reason was for the delay.
8 The answer was that -- it says, "My approach
9 to crafting bids is to ensure that they are
10 thorough and updated to reflect the city's
11 present needs which requires an investment
12 of time. This goal must be balanced with my
13 many duties of the city with prepping and
14 handling litigation matters, managing all
15 insurance defense litigation and claims,
16 preparing and negotiating contracts and
17 agreements, researching and responding to
18 legal questions and issues of the various
19 city departments, involvement and oversight
20 of various projects, etcetera, to name a
21 few."

22 Again, didn't really answer my
23 question and, quite frankly, I went back and
24 looked at the bid, the RFP from 2014, most
25 of the language was the same in 2018 except

1 for one difference, which I'll talk about in
2 a second, and most of it is boilerplate.
3 So, again, I'm not really buying that it
4 took, you know, a few months to put that
5 together when the contract had expired.

6 The third question was how much has
7 the law firm billed the city pursuant to the
8 previous labor contract and for any and all
9 other work performed for the city during
10 that time period including work to date. I
11 did receive a vendor report, and I had to
12 add it up, obviously, because everybody is
13 so busy in city hall. Now, the numbers were
14 very small and I want to say I think I got
15 this total right, but I'm sure other people
16 will double check. To date, and this is as
17 of June 25, Abrahamsen, Conaboy and
18 Abrahamsen has billed the city \$890,067.63.
19 Now, this figure does include the two
20 separate payments of \$200,000, that would be
21 one for the parking deal and one for the
22 Sewer Authority deal. The parking deal was
23 included in the vendor report of the sewer
24 report. Pavement was obviously because
25 money came out, proceeds of the Sewer

1 Authority so close to a million dollars
2 there.

3 My next question was has the city
4 been successful in defending grievances and
5 other labor matters that have gone to
6 arbitration? What is the percentage that
7 the city has actually been successful? So
8 in all of the matters what is the percentage
9 the city has been successful? Very clear.
10 The answer was, "Abrahamsen, Conaboy and
11 Abrahamsen has successfully negotiated five
12 collective bargaining agreements for the
13 city since 2014. He served as lead counsel
14 on the back payment mandamus for the police
15 and fire unions which was successfully
16 negotiated and resolved. He also
17 successfully defended the city in the
18 arbitrations regarding cost of living
19 adjustment and the age requirements for
20 retirement, which has resulted in the
21 actuarial valuations of the city's pension
22 funds." Most of this is already included in
23 the memo in the RFP, by the way. "Because
24 of the monumental successes, I have the
25 utmost confidence in Abrahamsen, Conaboy and

1 Abrahamsen to continue the City's success in
2 labor negotiations and arbitrations.

3 Again, what is the percentage that
4 the city has actually been successful. That
5 question is not answered so I would like
6 that answered and I'm going to make a motion
7 to table at the end of my comments here.
8 The most egregious response here in my
9 opinion as an elected official comes for
10 number five. I asked and I referenced the
11 attachment E, which is in the RFP. Now,
12 keep in mind I didn't put that in there,
13 nobody on counsel put that in there. The
14 city is requesting this information from the
15 firm that replied to the RFP. I asked why
16 the submittal Mr. Abrahamsen did not reply
17 because the information pertaining to the
18 recipient, the amount of the contribution
19 and the date in which the contribution was
20 made is not disclosed. The answer that was
21 given by the city solicitor is, "Information
22 regarding political contributions are public
23 record."

24 Again, that's not what I asked. I
25 understand stand that it's public record.

1 My question was, "Please explain the reason
2 for the omission of the date and the amounts
3 of the contributions and why this was
4 acceptable to the city."

5 If you are not going to require
6 firms to fill out the RFP correctly then
7 don't put the attachment in. So, again, I
8 don't understand the answer here and I was
9 not satisfied with most that I just read.

10 Now, one of the things that we just
11 received early this morning right before the
12 council meeting was a response from
13 Abrahamsen, Conaboy and Abrahamsen and the
14 do include the amount of the contribution,
15 the date, and the person who contributed and
16 who they contributed to so I appreciate
17 that. But, again, Councilman Evans made his
18 point in caucus, another tactic, they are
19 giving us this information right before
20 council meeting with little or no time to
21 actually review the answer which, again, I
22 find unacceptable. I asked about this last
23 week.

24 Second thing, the Attachment E, the
25 disclosure form, number eight, it clearly

1 asks if the person who submits the RFP has
2 donated any money to any campaign, any
3 candidate or a person in the State of
4 Pennsylvania, and that was not filled out
5 and I find it hard to believe that
6 Mr. Abrahamsen and anyone in his law firm
7 did not donate any money over \$500 to any
8 other candidates in Pennsylvania, and I'll
9 also point out, I have here for agenda item
10 7-C we have contract with Labella Associates
11 for engineering services and I had Mrs. Reed
12 print pages 51 through 65 for their Act 44
13 disclosure form and their affidavit,
14 disclosure by current contractors, they
15 submitted about 17 to 20 pages of backup
16 where they detailed very specifically all of
17 the contributions that they have given to
18 candidates in Pennsylvania and Lackawanna
19 County in the City of Scranton. So, again,
20 I would say to my colleagues that this RFP
21 does not comply. Again, I mean, you know, I
22 have to wonder if I wasn't here to look at
23 this, if I didn't bring this up, would
24 anybody have brought this up or are we going
25 to let it slide because this firm is a

1 contributor to the mayor's campaign. It's
2 very simple. It's very simple in the RFP.
3 Fill it out the right way, that's what I was
4 saying last week and that's why I think this
5 bid is still incomplete.

6 So, again, I ask this week where is
7 the transparency? I don't think it was
8 filled out the right way, so it's seriously
9 concerning and the response from the city
10 solicitor is extremely troubling. I would
11 like to know why we are going to award a
12 lawyer a contract when they were not
13 responsive to the bid. This is not, ladies
14 and gentlemen, a good indication of the work
15 that they will perform and the bid, in my
16 opinion, is unacceptable. Also, the
17 language of the RFP, in 2014, I looked back
18 at the RFP, and the only major change in the
19 language of the scope of the services was
20 that in 2018 this line was put in, "Strong
21 preference will be given to those
22 applications who have experience and
23 understanding of the unique culture of the
24 City of Scranton's labor unions."

25 So I would like to know, and

1 First of all, the comment that we
2 don't see eye to eye, this is nothing
3 personal. This is a matter of transparency.
4 A year ago all I simply did was ask for
5 information. I was doing my job. I'm doing
6 the same thing this year, and again,
7 Mr. Abrahamsen is making it seem like we are
8 asking for additional information. That was
9 included in the RFP. They didn't fill the
10 RFP out. They either willfully did that or
11 they should have known better, which is
12 scary in and of itself that we are going to
13 put our trust in the law firm and they are
14 omitting that information.

15 So, again, I have serious concerns,
16 I have questions that are still not
17 answered. The other issue at play here is
18 to do with the shared services committee.
19 We have a meeting, we finally got a meeting
20 with the city solicitor on July 24 to
21 discuss the possibility of sharing legal
22 services with the school district in an
23 effort to save money and be more efficient.
24 So we were trying to take a look at,
25 Councilman Donahue and I and Director

1 Cognetti and Gilmartin, the possibility that
2 maybe we would co-bid this labor contract,
3 this labor RFP with the school district to
4 be more efficient. Is that a possibility?
5 We had asked a month or two ago for a
6 meeting with the city solicitor and we just
7 got one on July 24, so I'm going to ask that
8 this legislation be tabled until I get
9 adequate responses to my questions and we do
10 have an opportunity to meet with the city
11 solicitor, so at this time I would like to
12 make a motion to table agenda item 7-B.

13 MR. EVANS: Second.

14 MR. ROGAN: On the question?

15 MR. PERRY: Yes, on the question,
16 last week I was very clear about the RFQ
17 process. If it's on the application it has
18 to be answered. Once we start deciding on
19 what questions are allowed to get answered
20 and what aren't then what's the point of a
21 true RFQ. I believe, and question five was
22 answered, question eight wasn't. So as far
23 as I'm concerned this is still an incomplete
24 RFQ and until all of the questions get
25 answered on that I'm in agreeance with the

1 table.

2 MR. ROGAN: Anyone else?

3 MR. EVANS: On the question, I
4 certainly would like to see many of city
5 council's questions answered, especially
6 those that are within the scope of the RFP.
7 I received a response to most of the
8 questions and a partial reply to Attachment
9 E at 11:50 a.m. today, so clearly we have
10 not had an opportunity to review the answers
11 and where we were with that information.
12 However, I made my intentions known to my
13 colleagues that until the lawsuit against
14 Councilman Gaughan is withdrawn with
15 prejudice effectively ending any chance of
16 resurrecting the lawsuit in it's current
17 state and until Attachment E, specifically
18 number five, the disclosure document, is
19 fully filled out then this resolution should
20 not move to a full vote. I will continue to
21 vote to table this legislation and I believe
22 it should remain tabled until such a time as
23 those conditions are met.

24 MR. GAUGHAN: And just to add to
25 that, you know, in the newspaper this

1 morning it says that Mr. Abrahamsen was
2 surprised that I brought up the defamation
3 case again last week and he said it's not
4 coming back, that's old news. I would
5 disagree with that. I did check on the
6 Prothonotary's website and the matter is
7 still -- has been withdrawn without
8 prejudice which means, and they made a point
9 last year to say, that they could refile
10 that at any time. Now, that doesn't bother
11 me because I did nothing wrong. They could
12 refile it tomorrow and I would fight it all
13 the way to the end because I did not do
14 anything wrong, I did not say anything wrong
15 I was just doing my job, but as a public
16 official I just find it amazing that there
17 is a possibility that we are going to award
18 a law firm who took that action that, as I
19 think Councilman Evans said last year, sent
20 a chilling effect and it should send a
21 chilling effect on every public official in
22 Lackawanna County. The fact that one person
23 would ask a question and several of my
24 colleagues asked the same questions
25 thereafter and that you would then be sued

1 for that or the threat of a lawsuit and then
2 dangling it over somebody's head, and then
3 the fact that in this RFP there was things
4 omitted, and it took me to actually say that
5 and ask for the information, and then in the
6 newspaper Mr. Abrahamsen is making it seem
7 like he is doing us a favor by providing
8 this extra information when, in fact, it was
9 clearly requested in the RFP.

10 So, again, I would hope that my
11 colleagues go along with this and table is
12 it until we have further information and
13 until we can meet with the city solicitor on
14 July 24. Thank you.

15 MR. ROGAN: All those in favor of
16 tabling signify by saying aye.

17 MR. PERRY: Aye.

18 MR. DONAHUE: Aye.

19 MR. EVANS: Aye.

20 MR. GAUGHAN: Aye.

21 MR. ROGAN: Aye. Opposed? The ayes
22 have it and Item 7-B is tabled.

23 MS. REED: 7-C. FOR CONSIDERATION BY
24 THE COMMITTEE ON RULES - FOR ADOPTION -
25 RESOLUTION NO. 60, 2018 - AUTHORIZING THE

1 MAYOR AND OTHER APPROPRIATE CITY OFFICIALS
2 TO EXECUTE AND ENTER INTO A PROFESSIONAL
3 SERVICES CONTRACT WITH LABELLA ASSOCIATES
4 FOR CITY OF SCRANTON GENERAL CONSULTING
5 ENGINEERING SERVICES FOR THE PERIOD AUGUST
6 1, 2018 THROUGH JULY 31, 2021.

7 MR. ROGAN: As Chairperson for the
8 Committee on Rules, I recommend final
9 passage of Item 7-C.

10 MR. PERRY: Second.

11 MR. ROGAN: On the question? Roll
12 call, please?

13 MS. DAVIDSON: Mr. Perry.

14 MR. PERRY: Yes.

15 MS. DAVIDSON: Mr. Donahue.

16 MR. DONAHUE: Yes.

17 MS. DAVIDSON: Mr. Evans.

18 MR. EVANS: Yes.

19 MS. DAVIDSON: Mr. Gaughan.

20 MR. GAUGHAN: Yes.

21 MS. DAVIDSON: Mr. Rogan.

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

24 MS. REED: 7-D. RESOLUTION NO. 61,
25 2018 - AUTHORIZING THE MAYOR AND OTHER

1 APPROPRIATE CITY OFFICIALS TO EXECUTE AND
2 ENTER INTO A CONTRACT WITH REUTHER + BOWEN,
3 PC FOR CITY OF SCRANTON LANDSCAPE
4 ARCHITECT/ENGINEERING DESIGN SERVICES -
5 LINDEN STREET GREENSPACE AND POCKET PARK
6 PROJECT.

7 MR. ROGAN: As Chairperson for the
8 Committee on Rules, I recommend final
9 passage of Item 7-D.

10 MR. EVANS: Second.

11 MR. ROGAN: On the question? Roll
12 call, please?

13 MS. DAVIDSON: Mr. Perry.

14 MR. PERRY: Yes.

15 MS. DAVIDSON: Mr. Donahue.

16 MR. DONAHUE: Yes.

17 MS. DAVIDSON: Mr. Evans.

18 MR. EVANS: Yes.

19 MS. DAVIDSON: Mr. Gaughan.

20 MR. GAUGHAN: Yes.

21 MS. DAVIDSON: Mr. Rogan.

22 MR. ROGAN: Yes. I hereby declare
23 Item 7-D legally and lawfully adopted.

24 MS. REED: 7-E. FOR CONSIDERATION
25 BY THE COMMITTEE ON RULES - FOR ADOPTION -

1 RESOLUTION NO. 62, 2018 - RE-APPOINTING
2 SHAWN WALSH, 2821 CEDAR AVE., SCRANTON,
3 PENNSYLVANIA, 18505, AS A MEMBER OF THE
4 BOARD OF ZONING APPEALS FOR THE CITY OF
5 SCRANTON. MR. WALSH'S TERM EXPIRED ON JULY
6 1, 2018 AND HIS NEW TERM WILL EXPIRE ON JULY
7 1, 2023.

8 MR. ROGAN: As Chairperson for the
9 Committee on Rules, I recommend final
10 passage of Item 7-E.

11 MR. EVANS: Second.

12 MR. ROGAN: On the question? Roll
13 call, please?

14 MS. DAVIDSON: Mr. Perry.

15 MR. PERRY: Yes.

16 MS. DAVIDSON: Mr. Donahue.

17 MR. DONAHUE: Yes.

18 MS. DAVIDSON: Mr. Evans.

19 MR. EVANS: Yes.

20 MS. DAVIDSON: Mr. Gaughan.

21 MR. GAUGHAN: Yes.

22 MS. DAVIDSON: Mr. Rogan.

23 MR. ROGAN: Yes. I hereby declare
24 Item 7-E legally and lawfully adopted.

25 MS. REED: 7-F. FOR CONSIDERATION

1 BY THE COMMITTEE ON RULES - FOR ADOPTION -
2 RESOLUTION NO. 63, 2018 - APPOINTMENT OF
3 PAUL MARCKS, 724 GIBBONS STREET, SCRANTON,
4 PENNSYLVANIA, 18505 AS A MEMBER OF
5 THE BOARD OF ZONING APPEALS FOR THE CITY OF
6 SCRANTON. MR. MARCKS WILL REPLACE ALAN
7 O'NEILL WHOSE TERM EXPIRED ON JULY 1,
8 2018. MR. MARCKS' TERM WILL COMMENCE ON
9 JULY 2, 2018 AND EXPIRE ON JULY 1, 2023.

10 MR. ROGAN: As Chairperson for the
11 Committee on Rules, I recommend final
12 passage of Item 7-F.

13 MR. PERRY: Second.

14 MR. ROGAN: On the question? Roll
15 call, please?

16 MS. DAVIDSON: Mr. Perry.

17 MR. PERRY: Yes.

18 MS. DAVIDSON: Mr. Donahue.

19 MR. DONAHUE: Yes.

20 MS. DAVIDSON: Mr. Evans.

21 MR. EVANS: Yes.

22 MS. DAVIDSON: Mr. Gaughan.

23 MR. GAUGHAN: Yes.

24 MS. DAVIDSON: Mr. Rogan.

25 MR. ROGAN: Yes. I hereby declare

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Item 7-F legally and lawfully adopted.

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

MR. PERRY: Motion to adjourn.

MR. ROGAN: Meeting adjourned.

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes of testimony taken by me at the hearing of the above-captioned matter and that the foregoing is a true and correct transcript of the same to the best of my ability.

CATHENE S. NARDOZZI, RPR
OFFICIAL COURT REPORTER