

SCRANTON CITY COUNCIL

PUBLIC HEARING

IN RE: FILE OF THE COUNCIL NO. 51, 2019,  
AMENDING THE CODE OF ETHICS OF THE ADMINISTRATIVE CODE  
OF THE CITY OF SCRANTON, PENNSYLVANIA.

HELD:

Monday, January 14, 2019

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

JAMIE MARCIANO, ASSISTANT CITY CLERK

AMIL MINORA, SOLICITOR

1 MR. ROGAN: I'd like to call this  
2 public hearing to order. Roll call, please.

3 MS. MARCIANO: Mr. Perry.

4 MR. PERRY: Here.

5 MS. MARCIANO: Mr. Donahue.

6 MR. DONAHUE: Here.

7 MS. MARCIANO: Mr. Evans.

8 MR. EVANS: Here.

9 MS. MARCIANO: Mr. Gaughan.

10 MR. GAUGHAN: Here.

11 MS. MARCIANO: Mr. Rogan.

12 MR. ROGAN: Here.

13 MS. REED: The purpose of said  
14 public hearing is to hear testimony and  
15 discuss the following: FILE OF THE COUNCIL  
16 NO. 51, 2019, AMENDING THE CODE OF ETHICS OF  
17 THE ADMINISTRATIVE CODE OF THE CITY OF  
18 SCRANTON, PENNSYLVANIA.

19 MR. ROGAN: Thank you. As our city  
20 clerk mentioned, this hearing, our 5:30  
21 hearing, is just specifically to discuss  
22 this one piece of legislation so if there is  
23 -- we do have a few people signed in to  
24 discuss. Anyone who wishes to discuss  
25 general city issues or other items will have

1 an opportunity to discuss them at our 6:00  
2 meeting which will be gaveled in right after  
3 this one. So our first speaker on this  
4 hearing is Joan Hodowanitz.

5 MS. HODOWANITZ: Joan Hodowanitz,  
6 city resident and taxpayer. Again, I want  
7 to compliment Councilman Gaughan and the  
8 rest of city council for undertaking this  
9 project. Obviously, it's long overdue and  
10 much needed. I will preface my remarks  
11 again by what I said last week. Number one,  
12 not to be flippant, but I do think you ought  
13 to provide a copy of this draft to the  
14 school district and to Warren Betti at the  
15 prison and to the county commissioners.

16 Do you realize that Scranton and  
17 Lackawanna County, three taxing bodies, the  
18 school district, the city and the county,  
19 and all three of them are under  
20 investigation? The county and the school  
21 district by the state police and the state  
22 Attorney General and now the city by the  
23 FBI. So if ever an Ethics Code was needed  
24 it's needed here.

25 The second thing is I seriously hope



1 Sheridan.

2 MS. SHERIDAN: Good evening,  
3 Mr. Rogan and other councilmen. I  
4 just wanted to, first of all, thank you for  
5 updating the Ethics Code. I was thrilled to  
6 see the news coverage on this and I really  
7 appreciate your initiative. I have only  
8 skimmed the -- excuse me, I'm a little  
9 nervous speaking, but I have only skimmed  
10 the document itself but it looks very  
11 impressive to me. I think you have  
12 addressed a lot of very important matters in  
13 it. I have not closely reviewed it yet  
14 though, but I did notice one thing that I  
15 have a question about and that is with  
16 regard to the composition of the board and  
17 the selection of the board members. I was  
18 wondering how the board members would be  
19 appointed and whether there would be a  
20 public solicitation or if applications would  
21 be possibly sought from the public, and the  
22 reason I ask is because I'm not interested  
23 in being considered for the Ethics Board you  
24 were going to reach out to members of the  
25 public. My work as an audit manager, might

1           serve well. I have done a lot of work and  
2           I'm very familiar with the Pennsylvania  
3           Public Employees -- Public Officials and  
4           Employees Ethics Act myself in relation to  
5           the audits that I have worked on, so that  
6           was just the question that I had and, again,  
7           I'm really grateful to you for updating the  
8           code, for reforming the board and I look  
9           forward to seeing the continued work in this  
10          area. I really believe that improved  
11          transparency and controls over campaign  
12          finance, such as what you have spelled out  
13          in the code, is very important so thank you.

14                   MR. ROGAN: Thank you. And on that  
15          point, I know when the Human Relations Board  
16          was reconstituted that was put out to the  
17          public and I think that was a good way of  
18          getting applications to come in so we'll  
19          certainly take that recommendation under  
20          advisement. Jay Walsh -- or, I'm sorry,  
21          John Walsh.

22                   MR. WALSH: Good evening. Ethics  
23          are good. Laws are even better, okay?  
24          There is an issue with the mayor and the  
25          permit office concerning laws and there is

1 -- when you passed that budget last month  
2 with the garbage tax --

3 MR. ROGAN: Mr. Walsh, if you could  
4 please keep your comments specifically to  
5 the ethics legislation. If you want to talk  
6 about general issues there will be an  
7 opportunity during the regular meeting.

8 MR. WALSH: No, this is real ethics,  
9 okay? You illegally passed, you want to  
10 call you broke the ethics or you broke the  
11 law, but you passed the garbage bill last  
12 month --

13 MR. ROGAN: Mr. Walsh, this hearing  
14 is not regarding the garbage bill.

15 MR. WALSH: No, it's regarding  
16 ethics.

17 MR. ROGAN: Correct. It's regarding  
18 a specific --

19 MR. WALSH: I'm talking ethics.

20 MR. ROGAN: -- a specific ethics  
21 proposal that council is considering.

22 MR. WALSH: And I'm calling your  
23 ethics into question, Mr. Rogan.

24 MR. ROGAN: Mr. Walsh, do you have a  
25 comment regarding the legislation that



1 council is voting on tonight?

2 MR. WALSH: Yeah, well, it's way  
3 overdue.

4 MR. ROGAN: Well, please comment on  
5 that legislation. If you want to talk about  
6 any other issue, you have that opportunity  
7 at our 6:00 meeting.

8 MR. WALSH: I think they are  
9 commingled. No doubt about it, okay? You  
10 are basically stepping up to the plate now  
11 about ethics and I pointed out a number of  
12 times where you broke the law, which is  
13 beyond ethics. Don't you get it? Thank  
14 you.

15 MR. ROGAN: Thank you. Is there  
16 anyone else who would like to address Item  
17 6-A specifically? Mr. Bolus?

18 MR. BOLUS: Good evening, Council.  
19 Bob Bolus, Scranton. You know, what you are  
20 putting into place is a very serious set of  
21 regulations and you have to remember you  
22 live by the sword, you die by the sword.  
23 Accountability is going to be first and  
24 foremost now once this is passed. Does it  
25 speak to council, does it speak to the



1 all of us within the City of Scranton and  
2 that's all the governing bodies, county,  
3 school district, and city council, Fire  
4 Department, Police Department, DPW and so on  
5 and so forth. We have an issue with zoning  
6 here and the enforcement of the permitting  
7 and all that goes on. Who is going to take  
8 the responsibility or be the policing body  
9 of a complaint? Who makes that decision?  
10 Who is going to be the judge and jury  
11 regarding the ethics that are violated  
12 whether it's on this side of the lectern or  
13 on that side? Those are the questions I  
14 think we need to answer. We just can't have  
15 a random set.

16 It's a heck of an idea to have, it's  
17 a great governing tool that you are doing,  
18 but you got to put a bite in it. You know,  
19 just putting it on paper and not have the  
20 proper methodology to enforce it, it's a  
21 waste of time and energy, but that's why we  
22 need to include all bodies, and I think  
23 tonight you should table it, have a public  
24 meeting with all of the other bodies and  
25 let's have one Bible once and for all in

1           this city and maybe then and only then does  
2           the city is going to move forward in the  
3           proper direction because accountability is  
4           among everyone not just a few. Thank you.

5                     MR. ROGAN: Thank you, Mr. Bolus.  
6           Is there anyone else who would like to  
7           address Item 6-A?

8                     MS. FRANUS: Fay Franus, Scranton.  
9           I understand you can't any questions at a  
10          hearing, but I'm going to put this out  
11          there, I'd like to know, I mean, I want this  
12          to be addressed like Mr. Bolus said, in the  
13          past this council has never followed any  
14          laws, any laws that come ahead of them that  
15          were broken, you have never done anything  
16          about, so I'd like to know how you are going  
17          to address this? How are you going to  
18          follow laws that you are making in this  
19          Ethics Code if you never followed them  
20          before? I mean, we have no trust in you at  
21          all. Mr. Bulzoni is here illegally and you  
22          don't care, I mean, there is so many laws  
23          that you break but you don't care, so your  
24          ethics laws have to be enforced. I'm just  
25          wondering, are you going to enforce them

1           because you have never enforced any other  
2           law in the city so that's very important.

3                       So unless you can enforce them,  
4           don't do it, but make sure you do do it, but  
5           if you are going to do it follow them and  
6           enforce every law and go after everybody  
7           that breaks them.

8                       MR. ROGAN: Thank you. Is there  
9           anybody else who would like to address Item  
10          6-A?

11                      MR. DOBRZYN: I'm not going to  
12          criticize anybody directly, but I'd like to  
13          see if we can reintroduce the two-party  
14          system here, run under the general election  
15          one party only --

16                      MR. ROGAN: Mr. Dobrzyn, this is,  
17          again, just regarding the ethics  
18          legislation.

19                      MR. DOBRZYN: Yeah, I'd like to see  
20          it adopted in the ethics. If it's not  
21          possible, fine, you know, that's okay, but  
22          in other words, if you win both parties you  
23          should advocate and go with the party you  
24          agree with most. If I didn't agree with  
25          two-thirds of my party, I wouldn't be in it.

1 Have a good night.

2 MR. ROGAN: Thank you. Is there  
3 anyone else who would like to discuss item  
4 6-A?

5 MS. SCHUMACHER: Yes, I'm going to  
6 jump around a little bit because I want to  
7 make sure I get ins what's most important to  
8 me. Section 12 on the individual gifts, I  
9 take umbrage at you telling me how much of  
10 my money I can spend and how I can spend it,  
11 especially when in "B" you sort of favor  
12 those if people want to spend -- they can  
13 spend as much of their own money as they  
14 want, but a candidate cannot accept more  
15 than \$2,700 from me. I mean, not that I  
16 would probably do that for any city council  
17 candidate or -- you know, but, I mean, I  
18 worked a long time, I worked long hours, I  
19 made money, I was budgeted, now that I have  
20 discretionary income I think it should be me  
21 that decides that, not you people telling me  
22 how much of my money I can spend, so that is  
23 the thing that I most dislike.

24 I think back in Section 2 (a) (1) is  
25 the council vote by -- a vote or by

1 appointment?

2 MR. EVANS: The two members you  
3 mean?

4 MS. SCHUMACHER: Yes.

5 MR. EVANS: By appointment among  
6 ourselves I think is how we are going to  
7 handle it?

8 MS. SCHUMACHER: I'm sorry?

9 MR. EVANS: Well, we'll decide who  
10 the two are, the two members.

11 MS. SCHUMACHER: Well, no, are you  
12 going to do it out here? Is it going to  
13 be--

14 MR. GAUGHAN: Yes.

15 MS. SCHUMACHER: And are you going  
16 to take turns nominating somebody as you do  
17 with the others.

18 MR. EVANS: No.

19 MR. GAUGHAN: No. The way I envision  
20 it working is that the public -- we will  
21 solicit people to -- people to be on the  
22 board and then we as a council will make a  
23 decision, but it will come by vote at public  
24 meeting.

25 MR. EVANS: As a group.

1 MS. SCHUMACHER: Okay. And "D" in  
2 that same section, I think where you talk  
3 about recent orders of the Court of Common  
4 Pleas of Lackawanna County, I think that's  
5 too vague and that ruling or whatever it was  
6 should be specified either by number or  
7 included because this is going to last  
8 awhile and I think that, you know, recent is  
9 relative and I think it should be  
10 specifically referenced.

11 MR. GAUGHAN: What section are you  
12 talking about?

13 MR. EVANS: Section 2.

14 MS. SCHUMACHER: No, Section 2 (d).

15 MR. EVANS: Subsection (d).

16 MS. SCHUMACHER: Within Section 2,  
17 yes.

18 MR. EVANS: Preservation.

19 MS. SCHUMACHER: Yes.

20 MR. GAUGHAN: Thank you.

21 MS. SCHUMACHER: And then (AA) of  
22 the gift section, how do you evaluate social  
23 benefit?

24 MR. GAUGHAN: How would you define  
25 social benefit?



1 MS. SCHUMACHER: I don't know. I'm  
2 sort of asking you that, it's in here. It's  
3 in here and it talks about social benefit  
4 and I wouldn't know how to evaluate that if  
5 I --

6 MR. GAUGHAN: I would defer that to  
7 Solicitor Minora, I'm not sure how you would  
8 define social benefit.

9 MS. SCHUMACHER: And then Section 4  
10 or it might be five, I sort of lost track,  
11 but it was (e), whose responsibility is it  
12 to make employees or officers familiar with  
13 the types of fraud and the potential,  
14 etcetera, you know, you know what it says?  
15 Whose job? It doesn't say whose job that  
16 is?

17 MR. EVANS: It's all part of the  
18 education process and we are going to try to  
19 do our best to fully fund that to make sure  
20 education happens with all of the employees  
21 of the City of Scranton. So it would be the  
22 commission itself that would be responsible  
23 but there will be workshop seminars.

24 MS. SCHUMACHER: Will the employees  
25 and officials have to attend?

1 MR. EVANS: I would recommend that  
2 they would, yes.

3 MR. SCHUMACHER: Shouldn't that be  
4 in there?

5 MR. GAUGHAN: Your Honor, there is a  
6 part in here about that someplace about  
7 education.

8 MS. SCHUMACHER: Okay and there are  
9 a lot of people and a lot of work for this  
10 commission to hire a solicitor which is  
11 pretty typical, they are going to conduct  
12 investigations, they are going to have to  
13 hire somebody for that, what are you  
14 planning to budget for this effort?

15 MR. GAUGHAN: Well, it would be --  
16 my understanding in talking to Mr. Bulzoni  
17 is that it would probably come out of  
18 professional services, but it's hard to  
19 budget for this because it's the first time  
20 that we are doing it so we don't have a  
21 specific number.

22 MS. SCHUMACHER: Okay, and that  
23 brings up something else because it says  
24 it's an amendment but it really isn't an  
25 amendment because when there is an amendment

1           you usually have -- I mean, legislatively  
2           you usually have the current document and  
3           then you "X" out what there was and what you  
4           are putting in so you can compare the two,  
5           so my five minutes are up again.

6                   MR. ROGAN: Thank you. Is there  
7           anyone else who would like to discuss Item  
8           6-A?

9                   MR. FOLEY: Good evening, gentlemen.  
10          John Foley. I did not come here to talk  
11          about this piece of legislation, but here's  
12          an observation.

13                   MR. ROGAN: Mr. Foley, if you want  
14          to talk about general issues we will have  
15          that regular portion of the meeting.

16                   MR. FOLEY: No, no, I'm talking  
17          about your program now.

18                   MR. ROGAN: Okay, that's what this  
19          hearing is for.

20                   MR. FOLEY: My experience is having  
21          somebody independent responsible as  
22          chairman. I would encourage you to  
23          consider, even if you have to pay the  
24          individual, of appointing somebody from the  
25          University of Scranton in the Philosophy

1 Department that's responsible for the ethics  
2 program or somebody in the finance area that  
3 is responsible for business ethics and make  
4 them chairman. That way I think you can  
5 assure yourself there will be some  
6 independence.

7 MR. ROGAN: Thank you.

8 MR. ELLMAN: Yes, Council. We  
9 already have a strong enough position that  
10 you can fire the mayor how much stronger do  
11 you need than that? And I remember the very  
12 first thing that the mayor did was step all  
13 over the people of this city and that law by  
14 disregarding it and hiring Mr. Bulzoni.

15 MR. ROGAN: Mr. Ellman, we are only  
16 specifically speaking on the ethics  
17 legislation at this time. If you want to  
18 talk about general city issues, we are going  
19 to have that meeting in about ten minutes.

20 MR. ELLMAN: What do I not  
21 understand that we -- that council can hire  
22 and fire someone?

23 MR. ROGAN: Council does not have  
24 the ability to hire and fire.

25 MR. ELLMAN: All right. You win

1                   this time, and your 5:00 shadow is terrible.  
2                   I'll tell you, I saw it last night on TV.

3                   MR. ROGAN: Thank you, Mr. Ellman.

4                   Anyone else specifically regarding  
5                   the new Ethics Act? If not, this hearing is  
6                   adjourned. We will reconvene in seven  
7                   minutes for our regularly scheduled meeting.

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9                   (Public hearing adjourned.)

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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.

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CATHENE S. NARDOZZI, RPR  
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