

COUNCIL FOR THE CITY OF SCRANTON

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HELD:

Wednesday, July 10th, 2019

LOCATION:

Council Chambers  
Scranton City Hall  
340 North Washington Avenue  
Scranton, Pennsylvania

Maria McCool, RPR  
Official Court Reporter

1 C O U N C I L M E M B E R S :

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3 PATRICK ROGAN, PRESIDENT

4 TIMOTHY PERRY, VICE PRESIDENT - absent

5 WAYNE EVANS

6 WILLIAM GAUGHAN

7 KYLE DONAHUE

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10 LORI REED, CITY CLERK

11 KATHY CARRERA, ASSISTANT CITY CLERK

12 AMIL MINORA, ESQUIRE - SOLICITOR

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

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4 MR. ROGAN: Roll call, please.

5 MS. CARRERA: Mr. Perry. Mr.

6 Donahue.

7 MR. DONAHUE: Here.

8 MS. CARRERA: Mr. Evans.

9 MR. EVANS: Here.

10 MS. CARRERA: Mr. Gaughan.

11 MR. GAUGHAN: Here.

12 MS. CARRERA: Mr. Rogan.

13 MR. ROGAN: Here. Do we have any  
14 motions prior to the meeting? Mr. Evans?

15 MR. EVANS: I would like to make a  
16 motion to take from the table Resolution number  
17 127 2019.

18 MR. ROGAN: Is there a second?

19 MR. GAUGHAN: Second.

20 MR. ROGAN: On the question? This  
21 piece of legislation is taken from the table  
22 and placed in Seventh Order for a final vote.  
23 This resolution concerns the settlement  
24 agreement between the city and UGI Utilities to  
25 settle litigation filed against the city and

1 the PUC.

2 Anyone who wishes to speak on this  
3 particular legislation may do so in Fourth  
4 Order, Citizens Participation. All those in  
5 favor signify by saying aye.

6 MR. GAUGHAN: Aye.

7 MR. EVANS: Aye.

8 MR. ROGAN: Aye. Opposed?

9 MR. DONAHUE: No.

10 MR. ROGAN: The ayes have it and so  
11 moved. Please dispense with the reading of the  
12 minutes.

13 MS. REED: THIRD ORDER. 3-A.  
14 MINUTES OF THE REGULAR MEETING OF SCRANTON  
15 REDEVELOPMENT AUTHORITY HELD JUNE 11, 2019.

16 MR. ROGAN: Are there any comments?  
17 If not, received and filed. Do any Council  
18 members have announcements at this time?

19 I have one. As decided yesterday  
20 during our caucus, City Council will appoint a  
21 Mayor by the end of this month. We unanimously  
22 agreed to an appointment process that involves  
23 collecting letters of interest and resumes from  
24 potential appointees and conducting public  
25 interviews.

1                   Letters of interest and resumes will  
2                   be received in the Clerks Office until next  
3                   Wednesday, July 11th at noon.

4                   Please contact the City Clerk if you  
5                   have any questions. I would also like to note  
6                   again, the interested party should not contact  
7                   or communicate with Council members directly  
8                   ahead of this decision. July 17th, sorry about  
9                   that. Anyone else?

10                   MS. REED: FOURTH ORDER. Citizens  
11                   Participation.

12  
13                   (The following speakers offered  
14                   public comment as follows:

15                   Joan Hodowanitz spoke on city  
16                   business and matters of general concern.

17                   Lee Morgan spoke on matters of  
18                   general concern.

19                   Bob Bolus spoke on matters of  
20                   general concern.

21                   Marge Kravitz spoke on matters of  
22                   general concern.

23                   Marie Schumacher spoke on city  
24                   business and matters of general concern.

25                   Jay Walsh gave resume to City Clerk.

1 Dave Dobrzyn spoke on matters of  
2 general concern.)

3  
4 MS. REED: FIFTH ORDER.

5 MR. ROGAN: Mr. Donahue, any motions  
6 or comments?

7 MR. DONAHUE: Yeah, just briefly. I  
8 would like to say that I entirely agree with  
9 Joan Hodowanitz's assessment of Dave Bulzoni  
10 and the residency requirement. I voted against  
11 waiving the residency requirement because it  
12 was written in our charter or in our  
13 Administrative Code that we -- that you are  
14 required to live in the city.

15 But I agreed that should be looked  
16 at because talent needs to be what we're  
17 looking for going forward. And so I would just  
18 like to say I agree with that. And also on  
19 Marie's point about PEL, we're looking to  
20 reschedule our public caucus with PEL before  
21 our summer recess.

22 We haven't -- I don't believe we  
23 have heard back from them yet. Lori, have we?  
24 We're still working -- okay. So we're trying  
25 to reschedule that before recess to get an

1 update on the exit plan. A date hasn't been  
2 set yet.

3 And then just I'll be passing along  
4 some request I got regarding updates on the  
5 renovation at Crowley Park. And I will save  
6 the rest of my comments for agenda items.

7 MR. ROGAN: Thank you. Mr. Evans,  
8 any motions or comments?

9 MR. EVANS: A few comments. First  
10 of all, on the City Hall renovations, I had  
11 some conversations and asked Mr. Bulzoni to  
12 look at the options that we might have to see  
13 what can be done to finance the restoration of  
14 City Hall.

15 Also we talked a little bit about do  
16 we have a space plan prior to that so we can  
17 incorporate that space plan into the ultimate  
18 plan? Because I think it's important after  
19 seeing how some of the employees are working  
20 within City Hall. It really is horrendous  
21 conditions.

22 As Marie stated, effective July 1,  
23 2019, the new common level ratio for Lackawanna  
24 County is 9.43. Last year it was 6.54. It  
25 hasn't been above 7.09 since 1986. So

1           currently we have the third highest common  
2           level ratio of any county in the State of  
3           Pennsylvania.

4                         And why is that significant? Well,  
5           the common level ratio is a ratio that measures  
6           how a county's base year assessment compares  
7           with the real estate market values. This  
8           number is established by the State Tax  
9           Equalization Board or STEB to calculate a  
10          revised assessed value based on established  
11          real estate sales from the prior year.

12                        For example, if you presently have  
13          an assessed value of 20,000 and multiply that  
14          by the 9.43 CLR, your market value or revised  
15          assessed value is 188,600. So theoretically  
16          this could be considered the market value, but  
17          as we know based on Marie's comments that's not  
18          necessarily true.

19                        What it really points to is the  
20          inherent unfairness to our current county  
21          assessments. And the higher the common level  
22          ratio is, is more of an indication of how  
23          skewed our current assessments really are.

24                        So being number three in the state  
25          is something we should not be proud of. And



1           it's another reasons among the myriad of valid  
2 reasons for a countywide reassessment.

3                       On Monday I attended a meeting at  
4 the PennDOT office in Dunmore with Councilman  
5 Donahue. We met with the acting head of the  
6 district office, Rich Roman and his staff. The  
7 purpose of our meeting was two-fold. One was  
8 to revisit the problems at the intersection of  
9 Pittston Avenue and Orchard Street.

10                      So PennDOT agreed to look at it  
11 again and come up with some additional  
12 suggestions over the next few weeks that could  
13 create a safer environment, especially for  
14 pedestrians. That's a big concern of ours.

15                      So we're hopeful that something  
16 positive could finally come out of that. But  
17 secondly, we met to create a better  
18 relationship with PennDOT ahead of the  
19 connectivity, walkability study that's going to  
20 be done for the downtown. There are quite a  
21 few streets downtown that are currently listed  
22 as state roads.

23                      And to develop a dialogue early in  
24 the process will go a long way toward working  
25 together once the study is finally on underway.

1           So we all know PennDOT is the vast keeper of  
2 regulations. So it's important that they know  
3 our concerns and issues right up front before  
4 implementation takes place and the study  
5 begins.

6                       So we also discussed the possibility  
7 of turnbacks. Now, turnbacks are when state  
8 roads could be turned back to the city in  
9 certain cases that make sense. And what  
10 happens is, PennDOT in perpetuity will pay the  
11 city some maintenance costs for taking that  
12 street back.

13                      Also, there is the idea of a swap  
14 program which is swapping out certain city  
15 streets for state streets when that makes  
16 sense. It's important to have that  
17 conversation as well with PennDOT.

18                      And finally with PennDOT, there is a  
19 winter maintenance agreement where PennDOT  
20 would pay the city to plow certain state roads.  
21 And that may make sense for both parties  
22 because there are currently times when either  
23 the state or city plow trucks are lifting their  
24 plows for a few blocks and putting it back down  
25 because they are passing through someone else's

1 roads.

2 In fact, in Philadelphia County  
3 alone, PennDOT pays them 4.5 million dollars a  
4 year to the City of Philadelphia to plow --  
5 for the city to plow state roads within city  
6 limits. So we talked a lot about that. And I  
7 would like thank Mr. Roman again and his staff  
8 for agreeing to meet with us and allowing us to  
9 create a dialogue and conversation.

10 And I think it will be very, very  
11 important as we move forward. And it was  
12 encouraging. And everybody knows I'm very much  
13 a critic of PennDOT. So it was very helpful  
14 for me.

15 At yesterday's meeting we met to  
16 establish our paths to appoint an interim mayor  
17 for the rest of this year as well as having a  
18 special election for a new mayor in November.  
19 And then that person would begin serving the  
20 first Monday of January in 2020. So all I  
21 could tell you is we'll do our very best to  
22 have a professional open and transparent  
23 process.

24 And as I stated before, we'll  
25 continue to do our best to do our best for the

1 city. You know, there's a saying that I've  
2 used over the years. I think everybody's  
3 probably heard this. If you are not part of  
4 the solution, you are part of the problem.

5 I'm asking everyone as part of this  
6 government as well as our citizens and business  
7 community to do your part to be part of the  
8 solution. So maybe together if that happens we  
9 can all begin to heal a little bit from the  
10 deep wounds that have been inflicted on us.  
11 And then maybe we can start seeing the other  
12 side and begin to thrive again.

13 And finally, my weekly reminder that  
14 I've said for months and months at these  
15 council meetings may be more relevant than  
16 ever. Every day is your chance to make this  
17 city a little better. That's all I have for  
18 tonight.

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

21 MR. GAUGHAN: Yes, I think everybody  
22 at this point feels like we're in a state of  
23 purgatory. I've run into a lot of people over  
24 the last few days who've asked what exactly  
25 will happen over the next six months, what's

1 going to happen over the next two to two and a  
2 half years and even further down the road than  
3 that.

4 I have a few suggestions. The first  
5 is the Ethics Board. I sent a letter on June  
6 25th -- or this Council sent a letter on June  
7 25th to the City Solicitor asking that  
8 legislation be drafted to officially appoint  
9 the four members to the Board of Ethics. We'll  
10 have to wait for the fifth person to be  
11 appointed by whoever the next Mayor is.

12 But we do have four members. So  
13 those four people will provide a quorum. They  
14 can have a meeting. And I do think we need to  
15 get started as soon as possible on that. I  
16 think that's important to start to restore  
17 confidence and credibility in the city  
18 government. Because if you remember, the  
19 Ethics Board had been dormant for a number of  
20 years.

21 And I think some of the things that  
22 we put in the new Ethics Code are important. I  
23 think part of that process is education of city  
24 employees, of city officials. I looked to what  
25 the school board did where elected officials

1 are required to take a course in finance or  
2 something to that effect.

3 I think we need look at doing things  
4 like that. The second thing that I would  
5 recommend and that they are already doing is an  
6 assessment of the Licensing and Inspections  
7 Department. I think that's really important,  
8 again to restore credibility to city  
9 government.

10 I think every department in this  
11 building needs to be reevaluated. Everything.  
12 At this point, I know that there is a lot of  
13 negativity. And I understand that because of  
14 what happened. And what happened was horrible.  
15 But as I said two weeks ago, we now have an  
16 incredible opportunity.

17 We have an incredible opportunity to  
18 turn things around and do things the right way.  
19 And I think that starts with evaluating every  
20 department, evaluating every process that goes  
21 on inside City Hall.

22 One of the things I would recommend  
23 and I have been recommending for the last few  
24 years is communication. There is -- there has  
25 been a total lack of communication between City

1 Council and the Mayor's Office and the  
2 Administration.

3 And there's been a real lack of  
4 communication between our government and our  
5 residents. We have provided several ideas on  
6 that front. One program would be see click fix  
7 where you would start to actually blog and  
8 record citizen's requests and problems that  
9 occur throughout the city.

10 That's just one way to start to  
11 change the narrative here where people call  
12 City Hall and can't get an answer. I do think  
13 that we need to come up with a communications  
14 plan over the next two and a half years or  
15 however long it would take.

16 Again, I think communication is key.  
17 And I don't think we have done a good job --  
18 the city has done a good job on that. The  
19 third thing would be our website. I think this  
20 is an incredible opportunity to change the way  
21 we put information online.

22 Council started to do this a few  
23 years ago with putting everything that you see  
24 on the agenda online. Where in the past you  
25 would have to come down and physically get a

1 copy. I think all financial information,  
2 anything that is public that we can put on the  
3 website we should put on the website so that  
4 you do not have to make a right to know request  
5 or anything like that.

6 I also think we need to evaluate --  
7 reevaluate the way we operate down in DPW and  
8 our Parks Department. I think we could do some  
9 things more efficiently there. But again,  
10 every function at this point of city government  
11 needs to be under a microscope, needs to be  
12 reevaluated and needs to be put on the table.

13 I had a conversation to that effect  
14 with the Business Administrator, Mr. Bulzoni  
15 this morning. And he agreed. I also think  
16 whoever the next mayor is needs to establish a  
17 monthly meeting schedule with the neighborhood  
18 leaders. Again, for all of the negative things  
19 I've heard over the last week, one of the  
20 things that we have going for us in the city is  
21 that we do have very strong neighborhoods.

22 And for the most part, we have very  
23 strong neighborhood leaders and very strong  
24 neighborhood groups. So I think whoever the  
25 next mayor is over the next six months or two



1 and a half years, they need to reestablish a  
2 very close relationship with the neighborhood  
3 leaders and meet with them at least once a  
4 month.

5 I know that in the past few years  
6 there has been neighborhood summit between the  
7 police department and the neighborhood leaders.  
8 I think we need to reestablish that. The mayor  
9 needs to take a major part in that.

10 You know, just listening again to  
11 some of the people that I talked to over the  
12 last few days, I do think we have to remain  
13 positive here. You know, my family just like  
14 a lot of families in this city have been in  
15 Scranton and in this valley since the 1800s.

16 I don't think it's time to give up.  
17 I don't think it's time to shut the lights off.  
18 I don't think that we have any place other to  
19 go than up at this point. I mean, if there is  
20 a rock bottom I think either we hit it or we're  
21 pretty close. But I think that all of us need  
22 to step up to the plate at this point and  
23 really reevaluate where we are and come up with  
24 a plan to continue to move toward. So that's  
25 what I have to say on that whole situation.

1                   Mrs. Reed, if we could find out from  
2                   Mr. Gallagher and our City Engineer an update  
3                   on the Paving Program. I've gotten several  
4                   requests from people who are curious as to when  
5                   that exactly is going to take place. I know we  
6                   recently voted on the legislation for the  
7                   engineering contract.

8                   I just want to know when the actual  
9                   Paving Program is going to take place. I  
10                  mentioned this a few weeks ago, Mrs. Jefferies  
11                  who is not here today usually gets up and asks  
12                  about the Sign Program. We had a company come  
13                  in and they were taking a look at all of the  
14                  street signs, stop signs, any other signs  
15                  throughout the city.

16                  And when I talked to Mrs. Jefferies,  
17                  I incorrectly stated a few weeks ago that their  
18                  assessment was complete. I was under that  
19                  impression. But I was actually wrong. We  
20                  received an e-mail from Mr. Bulzoni. The  
21                  company has completed seven nights and have  
22                  three more to go to finish the  
23                  retroreflectivity portion of it to see how  
24                  signs are viewed at night which is a major  
25                  problem.

1                   They sent in a report to show that  
2                   the signs that they've rated so far have been  
3                   very poor. There's many speed limit signs,  
4                   street name signs, and stop signs that are --  
5                   you can't see at night. They're going to set  
6                   up training for the first or second week in  
7                   August and then eventually we should start to  
8                   see some movement.

9                   I think the plan is to replace these  
10                  signs section by section in the city. So I  
11                  thank Mr. Bulzoni for the update. Another  
12                  update that we haven't talked about in quite  
13                  some time is the Kiosk Project that was kind of  
14                  butted up against the Streetlight Project  
15                  replacing all the streetlights in the city with  
16                  LED.

17                 This was held up according to Mr.  
18                 Bulzoni because of PennDOT approval. So he  
19                 finally received banner information regarding  
20                 the Digital Media Project with the kiosks  
21                 throughout the city and they will now approach  
22                 PennDOT for approval. So we should start to  
23                 see movement on that.

24                 Also, we received a liquid fuels tax  
25                 fund audit for the period January 1st, 2016 to

1 December 31st, 2017. And I would ask that this  
2 be put in Third Order for next week. In  
3 reviewing this document, there was one finding  
4 of a nonpermissible expenditure. And that was  
5 the city expended \$22,550 during 2016 from  
6 liquid fuel tax redecorative street lighting in  
7 the park which was a nonpermissible  
8 expenditure.

9 They also in a previous report  
10 recommended that the city file all required  
11 documents and information timely to receive its  
12 allocation during the first week in April. And  
13 during this current examination, they noted  
14 that the city had complied with their  
15 recommendation.

16 Also on the Linden Street Pocket  
17 Park Remediation, we did receive an update from  
18 Mr. Bulzoni, although not a good one. The  
19 \$50,000 LSA grant that the city was going for  
20 was not approved. So we are now on the hook  
21 for \$55,000 in direct funding. He reported  
22 that that amount would likely be a component in  
23 the 2020 budget or they can revisit the LSA  
24 again.

25 The Keystone grant was approved in

1 the amount of \$62,500. And just a reminder  
2 that Scranton Tomorrow at this point has a  
3 \$400,000 grant for those improvements.

4 I mentioned a few weeks ago some  
5 good news. The pharmacy benefit manager that  
6 the city had entered into a contract with, we  
7 have seen significant savings on that end. We  
8 received another note from the HR Director that  
9 we have \$416,000 worth of savings for the nine  
10 month period from July 1st, 2018 to March 31,  
11 2019.

12 And in the first quarter of this  
13 year alone, we've already saved \$137,000. So  
14 that actually has turned out to be a very good  
15 decision by the Administration and by this  
16 Council.

17 Mrs. Reed, Mrs. Kravitz got up and  
18 talked about the Ferdinand Street flooding  
19 issues. If you could just check with maybe  
20 start with Jeremy Hulen{sic} and see if they  
21 have a timeline on when that is going to be  
22 taken care of, I would appreciate it.

23 Also received quite a few citizens  
24 requests -- I'll just quickly run through them.  
25 Division Street between Keyser Ave., and Dale

1 Ave., is getting very narrow. On each side  
2 there's a drainage ditch that is between 2 to 3  
3 feet deep. The edge of the road is  
4 deteriorating being slowly washed away by every  
5 rainfall.

6 If you have a chance to take a ride  
7 up in that area and it is very dangerous. We  
8 did forward that to the appropriate department  
9 and hopefully they will take a look at that.

10 Also, the 300 block of Ferdinand  
11 Street received some quality of life issues.  
12 So we did forward that again to the Licensing  
13 and Inspections Department. 824 Pittston  
14 Avenue, this has been a problem property now  
15 for the last few years. And a tree had fallen  
16 down over into a woman's yard. So we did send  
17 that into Licensing and Inspections. So  
18 hopefully that gets taken care of.

19 Let's see. What else do I have  
20 here? Oh, the last thing I have is when we're  
21 talking about the renovation of City Hall, we  
22 received in our mailboxes July 9th the  
23 following petition from City Hall employees. I  
24 just want to read it. It's only a paragraph.

25 It says, "We, the employees of City

1 Hall are requesting our building be secured  
2 during working hours. Due to the recent event  
3 at City Hall, we feel as though our safety is  
4 of the utmost importance and we should be able  
5 to come to work and do our jobs knowing we are  
6 safe.

7 We are requesting measures be put in  
8 place at all entrances to ensure people who may  
9 wish to do us harm are kept out." And there  
10 are several City Hall employees here and their  
11 department. And they signed this petition.

12 I had a conversation this morning  
13 with Mr. Bulzoni about this petition. And I do  
14 think that the employees who work in this  
15 building are correct in their assessment.

16 There was actually a threat  
17 assessment completed of City Hall by the  
18 Scranton Police Department. And I have it in  
19 front of me here. There are several issues  
20 that are delineated in this report with  
21 security issues with this building.

22 So I don't know if -- I want to  
23 double-check to see if this can be made public  
24 because it says that the document must be kept  
25 secure at all times. And then some other

1 things in here are privacy statements. So I  
2 want to triple check with the police department  
3 to make sure that if that can be made public  
4 before that would be done.

5 But I talked to Mr. Bulzoni this  
6 morning. And as part of the overall  
7 improvement, the improvements of this building,  
8 security would be number one on their list. I  
9 think he had a conversation with the IT  
10 Director this morning about possibly putting  
11 security cameras in the front of the building.

12 And I'm sure there are some other  
13 things that they are going to do. But I just  
14 wanted to let the City Hall employees know that  
15 we are taking those complaints very seriously.  
16 That's all I have this week. Thank you.

17 MR. ROGAN: Thank you. Just very  
18 briefly, I know most of you that are here were  
19 here at our meeting yesterday. And I did  
20 mention that at the beginning. Just to recap,  
21 regarding applications for the vacancy, we will  
22 be taking those until exactly one week today,  
23 July 17th at noon.

24 After that point, Council will  
25 likely have a special meeting to discuss and



1           have an appointment. It may take place at a  
2           regularly scheduled meeting if the schedule  
3           coincides. But I know all of our goal is to do  
4           this process as quickly and openly as possible.

5                       So I do want to thank all of my  
6           colleagues and all of our staff as well because  
7           I know this has been a lot of work, especially  
8           on our solicitors, our clerks, all of our  
9           assistants. So everyone really has come  
10          together during this difficult time for the  
11          city. And we are continuing to do our business  
12          as well.

13                      Council -- we did table a couple of  
14          items last week when this first -- when  
15          everything transpired. One of those items is  
16          coming back for a final vote this week. We're  
17          working on rescheduling our caucus with PEL  
18          before the end of the month.

19                      There is also a couple other items  
20          of outstanding legislation that we are working  
21          on getting wrapped up over the next couple of  
22          weeks as well. So although much of our efforts  
23          are going to be focused on this process of  
24          selecting a mayor for this appointment, our  
25          day-to-day business is still continuing.

1                   So we're going to still continue to  
2                   push forward with all these different  
3                   initiatives that are in front of us. And most  
4                   importantly in my opinion is the caucus with  
5                   PEL because Scranton is right on the brink of  
6                   getting out of distressed status.

7                   Despite everything that has  
8                   happened, that has not changed. We're going to  
9                   continue to work with the Pennsylvania Economy  
10                  League and our Business Administrator to keep  
11                  things moving forward on behalf of the  
12                  residents. That's all.

13                  MS. REED: 5-B. No business at this  
14                  time. SIXTH ORDER. 6-A. No business at the  
15                  time. SEVENTH ORDER. 7-A. Previously tabled  
16                  FOR CONSIDERATION BY THE COMMITTEE ON RULES FOR  
17                  ADOPTION RESOLUTION NUMBER 127 2019 AUTHORIZING  
18                  THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS  
19                  TO EXECUTE AND ENTER INTO A SETTLEMENT  
20                  AGREEMENT BY AND BETWEEN UGI UTILITIES  
21                  INCORPORATED, THE CITY OF SCRANTON, AND  
22                  PENNSYLVANIA PUBLIC UTILITY COMMISSION TO  
23                  SETTLE LITIGATION FILED AGAINST THE CITY AND  
24                  PUC BY UGI.

25                  MR. ROGAN: As Chairperson for the

1           Committee on Rules I recommend final passage of  
2           Item 7-A.

3                   MR. EVANS:    Second.

4                   MR. ROGAN:    On the question?

5                   MR. DONAHUE:   Yes, on the question.

6           I am going to be voting against this resolution  
7           tonight just because I think it's a bad deal  
8           for the taxpayers of the city.  And it will  
9           negatively impact the quality -- further  
10          negatively impact the quality of roads  
11          throughout the city.

12                   And I think this is just one more  
13          example of the natural gas industry just  
14          thumbing their nose at residents.  And that's  
15          why I will be voting no.

16                   MR. GAUGHAN:   Yes, on the question.  
17          I will be voting yes for this.  And I'll just  
18          be very blunt on why.  We had an executive  
19          session tonight with the Assistant City  
20          Solicitor, Joe Price.  And, you know, the crux  
21          of the whole conversation is that we don't have  
22          a leg -- the city does not have a leg to stand  
23          on.

24                   We already lost part of the lawsuit.  
25          UGI took us right to Commonwealth Court.  The

1 permit fees have to be commensurate with the  
2 cost associated with the fees. They were not.  
3 We lost that part of it -- or excuse me. We  
4 lost part of the lawsuit where we wanted the  
5 utility company to get permits to work on  
6 PennDOT roads.

7 If we all voted against this and it  
8 went back, we would probably lose and it would  
9 be even worse. So is this a great situation?  
10 No. But I honestly don't think we have any  
11 other choice. Mr. Price also brought the fact  
12 that UGI is currently involved in lawsuits with  
13 Reading and Lancaster for the same type of  
14 reasons.

15 I don't know if they have been  
16 successful against those two municipalities.  
17 But at this point, you know, I don't think we  
18 have a choice. We really do not have a leg to  
19 stand on legally. So rather than put the city  
20 in more legal harm and potential cost, I'll be  
21 voting for this to settle the lawsuit. Thank  
22 you.

23 MR. ROGAN: I would agree with those  
24 comments. And it's one of those situations  
25 where I don't think any one of us is happy

1           about the settlement agreement. But it is the  
2           best that could have been done under the  
3           circumstances based on the laws in the state.

4                       Obviously as Mr. Gaughan mentioned,  
5           if we do vote this legislation down it will  
6           continue through the courts. And the city is  
7           likely to lose which will end up costing us  
8           more money in the long run. So unfortunately,  
9           it is -- you know, it is the situation that is  
10          before us. But it is the best decision for the  
11          taxpayers long-term.

12                      MR. EVANS: On the question.  
13          Previously we tried to take the path of more  
14          stringent guidelines and this is where it got  
15          us. But the reality was we were trying to fix  
16          a problem. Everybody knows how difficult it is  
17          to get around the city and how the pave cuts  
18          affect the roads.

19                      But what this will also do is put us  
20          in direct syncing up with PennDOT and their  
21          guidelines. So there will be some consistency  
22          there between state roads and city roads. I  
23          think there's a benefit to that. So it is what  
24          it is. And we're going to have to move on from  
25          this.

1 MR. GAUGHAN: I just want to add one  
2 more point. Again, I think this is an  
3 opportunity to reevaluate the Pave Cut  
4 Inspector's office. There is only one pave cut  
5 inspector for 26 or I don't know how many  
6 square miles we have in the city, which is in  
7 it of itself ridiculous.

8 Again, we talked to Mr. Bulzoni  
9 about that. Whoever the next mayor is really  
10 has to evaluate the way that we're doing this.  
11 I've had reservations about it since I got on  
12 Council because it's I don't, you know, think  
13 we're really doing it in the most efficient  
14 manner.

15 Having one employee to cover all of  
16 that ground doesn't make much sense to me. So  
17 I think as part of this, you will see possibly  
18 a reevaluation of how we do that. Thank you.

19 MR. DONAHUE: And I agree with Mr.  
20 Gaughan on that point about the number of  
21 people we have in the pave cut. And that's why  
22 I believe we can make -- there's administrative  
23 decisions and legislative -- quick legislative  
24 changes we can make to be -- to get us to a  
25 point where we stand on firmer legal ground.

1           And I think that should be the way we go about  
2           it.

3                   MR. ROGAN:  Anyone else?

4                   (No response.)

5                   MR. ROGAN:  Roll call, please.

6                   MS. CARRERA:  Mr. Donahue.

7                   MR. DONAHUE:  No.

8                   MS. CARRERA:  Mr. Evans.

9                   MR. EVANS:  Yes.

10                  MS. CARRERA:  Mr. Gaughan.

11                  MR. GAUGHAN:  Yes.

12                  MS. CARRERA:  Mr. Rogan.

13                  MR. ROGAN:  Yes.  I hereby declare  
14                  Item 7-A legally and lawfully adopted.  If  
15                  there is no further business, I'll entertain a  
16                  motion to adjourn.

17                  MR. EVANS:  Motion to adjourn.

18                  MR. ROGAN:  Meeting is adjourned.

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C E R T I F I C A T E

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3 I hereby certify that the proceedings and  
4 evidence are contained fully and accurately in the  
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