

COUNCIL FOR THE CITY OF SCRANTON

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HELD:

Monday, October 21st, 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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PATRICK ROGAN, PRESIDENT
TIMOTHY PERRY, VICE PRESIDENT
WILLIAM GAUGHAN
KYLE DONAHUE
MARY WALSH DEMPSEY - absent

LORI REED, CITY CLERK - absent
KATHY CARRERA, ASSISTANT CITY CLERK
AMIL MINORA, ESQUIRE

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

3
4 MR. ROGAN: Roll call, please.

5 MS. CARRERA: Mr. Perry.

6 MR. PERRY: Here.

7 MS. CARRERA: Mr. Donahue.

8 MR. DONAHUE: Here.

9 MS. CARRERA: Attorney Dempsey. Mr.
10 Gaughan.

11 MR. GAUGHAN: Here.

12 MS. CARRERA: Mr. Rogan.

13 MR. ROGAN: Here. Please dispense
14 with the reading of the minutes.

15 ATTY. MINORA: REPORTS &
16 COMMUNICATIONS FROM MAYOR & HEADS OF
17 DEPARTMENTS AND INTERESTED PARTIES AND CITY
18 CLERK'S NOTES.

19 3-A. TAX ASSESSOR'S RESULTS REPORTS
20 FOR HEARING DATES HELD SEPTEMBER 25, SEPTEMBER
21 26, OCTOBER 2 AND OCTOBER 9, 2019.

22 3-B. MINUTES OF THE REGULAR MEETING
23 OF THE MEMBERS OF SCRANTON HOUSING AUTHORITY
24 HELD SEPTEMBER 9, 2019.

25 3-C. TAX ASSESSOR'S REPORT FOR

1 HEARING DATE TO BE HELD OCTOBER 30, 2019.

2 3-D. CONTROLLER'S REPORT FOR MONTH
3 ENDING SEPTEMBER 30, 2019.

4 3-E. MINUTES OF THE SCRANTON
5 FIREFIGHTERS PENSION COMMISSION MEETING HELD
6 SEPTEMBER 18, 2019.

7 3-F. MINUTES OF THE NON-UNIFORM
8 MUNICIPAL PENSION BOARD MEETING HELD SEPTEMBER
9 18, 2019.

10 3-G. MINUTES OF THE SCRANTON POLICE
11 PENSION COMMISSION MEETING HELD SEPTEMBER 18,
12 2019.

13 3-H. MINUTES OF THE COMPOSITE
14 PENSION BOARD MEETING HELD SEPTEMBER 18, 2019.

15 3-I. AGENDA FOR THE NON-UNIFORM
16 MUNICIPAL PENSION BOARD MEETING HELD OCTOBER
17 16, 2019.

18 3-J. MINUTES OF THE REGULAR MEETING
19 OF SCRANTON REDEVELOPMENT AUTHORITY HELD
20 SEPTEMBER 13, 2019.

21 3-K. CHECK RECEIVED IN THE AMOUNT
22 OF \$500.00 FROM HARRISON HOUSE PERSONAL CARE
23 HOME, WHICH IS PAYMENT IN LIEU OF TAXES FOR THE
24 CITY OF SCRANTON.

25 MR. ROGAN: Are there any comments?

1 If not, received and filed.

2 MR. GAUGHAN: I'd like to make a
3 motion to table Item 7-A.

4 MR. PERRY: Second.

5 MR. ROGAN: On the question?

6 MR. GAUGHAN: Yes, on the question.
7 Item 7-A is the legislation where the City or
8 Council is going to adopt the contract with
9 Barry Isett and Associates to complete a
10 service assessment for a review of the
11 Licensing, Permits and Inspections Department.

12 I'm making this motion to table this
13 legislation for a few different reasons one of
14 which after reviewing the contract I think it
15 may be open-ended. I talked to the Business
16 Administrator and one of the things that we
17 discussed was possibly a rebidding this
18 contract and asking the companies for a fixed
19 cost.

20 This contract runs for two years,
21 2019 to 2021. My concern is that we're leaving
22 ourselves open with hourly rates. And the
23 other reason why I wanted to table this is in
24 looking at the other contract, the other
25 proposal, one of the things in there which we

1 have all talked about in terms of Licensing and
2 Inspections is the technology component. One
3 of the complaints that we have received time
4 and time again from the public in regards to
5 the Licensing and Inspections Department is
6 that you can't do anything online.

7 You can't get a permit online. You
8 can't file anything online. You have to
9 physically come down to the office, pay for
10 permits. Within the SAFEBuilt proposal which
11 is the one that the City did not choose there
12 is a technology component in the form of
13 software that this company would offer for no
14 cost.

15 So I think that we should look at
16 that more closely before we make a decision.
17 So for those reasons I ask my colleagues if
18 they would table this legislation. Thank you.

19 MR. ROGAN: We did discuss this in
20 caucus. This will be a one week tabling and
21 then we'll have it back up for a up or down
22 vote next week. This is a very important piece
23 of legislation. So we do need to have a vote
24 on it.

25 But an additional week to get some

1 questions answered is warranted. All those in
2 favor signify by saying aye.

3 ALL MEMBERS: Aye. Opposed? The
4 ayes have it and so moved. Do any Council
5 members have announcements to make?

6 MR. DONAHUE: Yes, I have one. The
7 City of Scranton is preparing their Five Year
8 Consolidated Plan, Annual Action Plan and its
9 analysis of impediments to fair housing choice.

10 As part of the planning process, the
11 City is conducting a survey to identify
12 residents' needs in the community and ideas on
13 what City residents would like to see funds
14 used for.

15 Please take a few minutes if you
16 haven't already and complete the survey which
17 can be found at the top of the City's website
18 Scranton PA dot gov.

19 MR. ROGAN: One announcement,
20 Council recently placed an ad in the newspaper
21 for an alternative member of the Zoning Board
22 of Appeals. If any resident would be
23 interested in being considered as an alternate
24 zoning board member, kindly submit a letter of
25 interest or resume to the Office of the City

1 Clerk no later than Wednesday, October 30th,
2 2019.

3 ATTY. MINORA: FOURTH ORDER.
4 CITIZENS PARTICIPATION.

5 The following speakers offered
6 public comment on agenda items and matters of
7 general concern:

8 Joan Hodowanitz

9 David Yarros

10 Sue Verrone

11 Theresa Roberts

12 Marie Schumacher

13 Ron Ellman

14 Bob Bolus

15 Dave Dobrzyn

16 ATTY. MINORA: 5-A. MOTIONS.

17 MR. PERRY: Nothing at this time.

18 MR. DONAHUE: Yes, just to answer
19 Joan's question about the audit, when I asked
20 about that last week I was told hopefully by
21 November 1st.

22 So I did mention to Mayor Evans that
23 maybe we should consider putting our bids
24 together for next year's audit now to try to
25 speed up that process so we already have the

1 bids in and we just have to approve it.

2 On Mrs. Schumacher's -- Marie's
3 comment for cleaning out the creek beds, that's
4 actually done by FEMA and PEMA in relation to
5 the flooding from last year. So they could
6 control that to clear out any creek beds that
7 were disturbed because of that flooding.

8 So they do it in conjunction with
9 the City because the City has to go through and
10 justify all the funding. But it's really FEMA
11 and PEMA that are putting out those bids.

12 Councilwoman Dempsey and myself
13 attended the Plot Neighborhood meeting about a
14 week and a half ago. They passed along a few
15 complaints. Those include several large
16 potholes on Race Street between Shawnee and
17 Comegys and on Brown Avenue and also on Amelia
18 Avenue between Parker Street and Bates Street.

19 It was also reported that there is a
20 missing stop sign on Brighton Avenue where
21 Brighton wraps around to meet Finn Street. And
22 they also passed along complaints about
23 tractor-trailers being parked mostly on Shawnee
24 Avenue and other surrounding streets at night
25 with the motor still running.

1 They're unsure if the drivers are
2 using it as a spot to sleep at night, but the
3 noise from the tractor-trailers is disturbing
4 the peace of the neighborhood. I will be
5 forwarding along those complaints to the proper
6 departments.

7 A couple other complaint I received
8 in the past week I will also be forwarding
9 along include one from residents of Jackson
10 Heights of a dangerous situation in front of
11 St. Lucy's church where cars are speeding
12 around the bend where Scranton Street and St.
13 Frances Cabrini Avenue meet.

14 Residents feel it's a dangerous
15 situation as they are trying to pull out of the
16 parking lot for Jackson Heights while cars are
17 speeding around that bend. I've also gotten a
18 few complaints about storm drains collapsing
19 into the road, one is on the corner of Pierce
20 Street and North Main Avenue. And the other is
21 on Gerard Drive where the sidewalk is actually
22 collapsing in. So I will be forwarding those
23 along to the proper departments this week as
24 well.

25 Now, on the issue with Sewer

1 Authority easements, I actually decided to run
2 for Council in the first place mainly because
3 of my dissatisfaction with the way the sewer
4 sale was handled. It was my opinion then and
5 that opinion still holds true today that the
6 sewer system should not have been sold until
7 this easement issue is settled and also until
8 the City developed a plan on how to handle
9 stormwater.

10 And here we are three years later
11 and these easements still have not been secured
12 and we don't have a plan for stormwater. It is
13 absolutely completely unacceptable. It is
14 clear as can be that the major beneficiaries of
15 this whole deal were the lawyers who were paid
16 millions of dollars to handle the deal.

17 I also agreed at the time with the
18 request by the previous Council to ask the
19 Sewer Authority to request the Auditor General
20 to come in and review the sale in its entirety.
21 Unfortunately, the Sewer Authority Board shot
22 that request down.

23 Given everything that has transpired
24 regarding the former Mayor, I believe the Sewer
25 Authority Board should reconsider that request.

1 I am pleased that Attorney Shrive has agreed to
2 come in next week to answer Council's questions
3 regarding this easement issue because I also
4 have a few questions including how many
5 easements have been secured to date? How many
6 still need to be secured?

7 Also what outside attorneys have
8 been hired to secure these easements and what
9 have they been paid since the close of sale.
10 These are all important questions and I'm
11 hopeful that Attorney Shrive could answer those
12 questions for us next week.

13 Finally on the continuing fiasco
14 involving the gas cards, I have been saying for
15 the last four years that the City of Scranton
16 needs to fundamentally change the way it does
17 business. The revelations over the last few
18 months are definitive proof that the City's
19 financial controls and internal oversight need
20 to be improved immediately.

21 For too long City employees were
22 able to run amok and do what they please
23 because they were well aware of the lack of
24 internal controls and oversight in place to
25 actually hold them accountable. It's important

1 to mention that there may have been justifiable
2 reasons for the amounts cited in yesterday's
3 paper.

4 But if there was proper
5 justification it needs to be properly explained
6 and documented. And that bring us to back to
7 the question of why the City does not have a
8 fleet manager. According to the City vehicle
9 list Councilman Gaughan and myself were
10 provided over a year ago, the City has 277
11 vehicles in its fleet, which includes
12 everything from fire trucks, police cruisers
13 and motorcycles to garbage trucks, backhoes and
14 trailers.

15 Without a fleet manager, who is
16 responsible for overseeing all of those
17 vehicles? This Council requested an audit of
18 the Gas Card Program because we wanted to rely
19 on an expert to come in and determine what, if
20 any, controls are currently in place and what
21 we need to do to strengthen those controls.

22 That audit had to be put out to bid
23 for 30 days and those bids are set to be opened
24 on November 1st. Since that is not enough time
25 to post on Council's agenda for our meeting on

1 November 4th, we should consider holding a
2 special meeting either late in the week of the
3 fourth or the following week of the 11th to
4 pass the legislation with emergency certificate
5 so the company with the lowest bid could be
6 hired sooner than later so they could get to
7 work immediately.

8 Otherwise, if we're going to follow
9 our normal procedure we wouldn't be passing
10 legislation for this audit to actually being
11 until November 25th after we were to introduce
12 it on November 18th. I also believe the
13 Administration should also reach out to the
14 Auditor General's Office to see if they could
15 be of any assistance in looking into and
16 reviewing internal controls of the Gas Card
17 Program.

18 In the meantime, the Administration
19 should provide Council with an update on any
20 and all new procedures and/or policies put in
21 place since this issue arose and -- any
22 justification and/or explanation of the
23 irregular charges already brought to light by
24 the Scranton Times. And that's all I have for
25 this evening.

1 MR. ROGAN: Thank you. Attorney
2 Minora, I know you said you had something to --

3 ATTY. MINORA: Yes, Attorney
4 Dempsey, she asked that some of her remarks be
5 made part of the record. So I will give them
6 to Kathy so that they could be recorded.

7 (The following are Attorney
8 Dempsey's remarks given to Attorney Minora.)

9 1. Spoke to Mr. Bulzoni and the
10 expected date for the final audit remains
11 12/1/19. The reason for the delay remains
12 consistent with my prior explanation in that he
13 advised me that Kohanski is a new auditing firm
14 and there is additional delay in the inputting
15 of information. If that is accurate, which I
16 have absolutely no reason to doubt, I would not
17 expect this type of delay next year which is
18 hopefully the good news.

19 2. The budget remains in the same
20 timetable -- due to PEL -- in preliminary form by
21 10/18/19. I have not been provided a copy of
22 what was sent to PEL, as of the writing of
23 these notes, 10/17/19.

24 3. NRS Update -- I participated in a
25 meeting in the Mayor's office. The

1 city relayed to NRS that we are selecting
2 12/31/19 as the date to officially end our
3 relationship with NRS. There was also ample
4 discussion about the transfer of data from NRS
5 to the City and that may actually end up being
6 more complicated than I originally thought
7 due to the different programs and due to what
8 appears to be a lack of full automation on the
9 City's behalf. I hope this can be rectified
10 asap. The matter is now in the hands of the
11 City Solicitor to deal with NRS as we
12 transition and to fine tune the details of an
13 agreement and also in the hands of the IT
14 people from both sides to hopefully make this
15 transfer as seamless, timely and efficient as
16 possible.

17 We were unable to pick a quicker
18 date for two reasons, (1) Per Mr. Bulzoni, the
19 City needs the continuing monthly revenue
20 available to us especially at the end of the
21 year (which I cannot argue with) and (2) the
22 data transfer – in and of itself is
23 unfortunately going to take time and require
24 some logistics on both ends.

25 Our next step in handling these

1 refuse delinquencies is to put out a
2 new RFQ for someone to assist the City in
3 collecting the "delinquent" refuse fees going
4 forward. Having had conversations with the
5 Mayor and the City Solicitor we are thinking of
6 writing the RFQ to mandate the inclusion of
7 lawyers and/or a legal team of some sort, who
8 can go to court almost automatically in the
9 future, so that these delays do not continue to
10 exist in the fashion that they currently
11 do and also, so that the people who are the
12 greatest offenders on that delinquent list are
13 caught earlier.

14 Also, so that once hired, this new
15 group can aggressively go after the all
16 delinquent refuse fees. As everyone knows,
17 this has been a pet peeve of mine since my
18 arrival to Council and I remain confident that
19 we are moving in the right direction here. I
20 thank Mayor Evans for his leadership in this
21 regard.

22 4. I attended the Plot Neighborhood
23 Meeting with Mr. Donahue and continue to find
24 that all neighborhoods share the same sort of
25 problems. They were concerned with Blight,

1 traffic issues, neighborhood nuisances etc. I
2 was impressed with the group and the
3 leadership - they are a passionate group of
4 people and love their neighborhood as we all do
5 which is one of the reasons that this City
6 remains a great place to live.

7 5. I attended a tour of the Boys
8 and Girls Club in Scranton with Mayor
9 Evans, Mr. Donahue and Mary Pat Ward from OECD.
10 I was impressed with their services and their
11 commitment to this community. My hat goes off
12 to all nonprofits in this City especially
13 those that continue to serve our most
14 vulnerable populations, the homeless, those
15 struggling with income, the elderly and of
16 course, our children.

17 6. Kathy - I have two people who
18 are waiting on crosswalks and some signage out
19 on Green Ridge St. - they are St. Paul's School
20 and the Green Ridge Library. Can someone
21 please be kind enough to find out when the
22 "line painting machine" will be ready to go.
23 If, in fact it is ready, Kathy, would you be
24 kind enough to make sure the relevant person at
25 DPW has our two letters to them, authored in

1 the past, about the library and St. Paul's.
2 Both leaders (Kara Ware and Scott Thomas) have
3 contacted me on numerous occasions, and I can
4 no longer justify any more delay. If the
5 machine is not fixed, Can we please get a
6 reason for the delay and hopefully rectify it
7 asap?

8 I have seen this machine before and
9 it does not appear to be a machine that
10 is complex to repair unless there are
11 additional issues that I am unaware of.

12 7. I remain concerned about the
13 Scranton Sewer Authority easement issue. I
14 tried to contact Atty. Jason Shrive numerous
15 times (4-5) before my departure. In his
16 defense, he called me back, but we could
17 never get to each other at the right time. I
18 know he is supposed to appear next week at
19 Council, and I will be looking forward to
20 hearing his answers to my Councilmates and I
21 will be investigating this further
22 when I return.

23 8. I am very pleased to note that
24 City Council has changed past practice
25 for appointment to the Zoning board. I believe

1 the zoning board is the one board in the city
2 that City Council is responsible for
3 appointing.

4 In the paper, within the last two
5 weeks, City Council placed an advertisement
6 noting that it was accepting applications for
7 appointment to the zoning board. In the past,
8 I believe this was more of an "informal
9 appointment process."

10 Now, all of Scranton's residents
11 have a right to send in an application, apply
12 for that seat and potentially sit on that board
13 regardless of who you are or who you know
14 etc.....For now, we are looking for one
15 alternate, I believe.

16 I commend my Councilmates on this
17 decision as it is one more step
18 toward equal access to government, additional
19 transparency and increased accountability which
20 I commend, and which remains one of my main
21 priorities during my tenure here.

22 Thank you.

23 MR. ROGAN: Perfect. Mr. Gaughan,
24 any motions or comments?

25 MR. GAUGHAN: Yes, quite a few.

1 Thank you. First, I'd like to make a motion
2 that City Council send correspondence to the
3 Scranton Sewer Authority Board and its Chairman
4 asking them to reconvene for a special meeting
5 as soon as possible to consider voting to
6 invite the Auditor General of Pennsylvania to
7 audit the Authority and the sale of the
8 Authority to Pennsylvania American Water.

9 MR. DONAHUE: Second.

10 MR. ROGAN: On the question?

11 MR. GAUGHAN: Yes, on the question.

12 Two years ago I had made a motion in these
13 chambers almost simultaneously with all Council
14 members in Dunmore to invite the Auditor
15 General of Pennsylvania to come in and review
16 the sale of the Scranton Sewer Authority.

17 In one of the most mind-boggling
18 decisions that I have ever seen in my entire
19 life, the Sewer Authority Board voted against
20 inviting the Auditor General in to review the
21 sale. If you remember at that time there was
22 many questions and there was controversy and
23 really a black cloud hanging over the sale.

24 Fast forward three years later and I
25 believe we're in the same position. I have not

1 talked to one person in this City or in Dunmore
2 or in Lackawanna County for that matter that
3 has any faith whatsoever that this deal was
4 done above board as the previous Mayor had
5 said.

6 The Auditor General is on record
7 multiple times saying that he would be more
8 than happy to come in and review the sale of
9 the Authority to Pennsylvania American Water.
10 Why would anyone in their right mind not want
11 Eugene DePasquale, the Auditor General to come
12 in and review the sale of the Scranton Sewer
13 Authority.

14 In the State of Pennsylvania it was
15 and I believe it still is the largest sale of a
16 public authority of its kind. I think the lack
17 of oversight and the Board's decision not to
18 allow the Auditor General to come in was a
19 major mistake.

20 Fast forward a few years and we find
21 out that there was an awful lot of corruption
22 going on in this building and elsewhere from
23 the previous Mayor. And I think that in light
24 of that, in light of the issues that we
25 currently find ourselves in, in light of the

1 lawsuits I think it's time to take another look
2 at this and put it to bed once and for all.

3 Now, should the Auditor General come
4 in and review the sale of the Scranton Sewer
5 Authority and find that everything was done
6 above board, great. I do not see a drawback
7 just like I didn't see one three years ago to
8 having him come in with his team and take
9 another look.

10 And I don't think that anybody
11 should be afraid to allow a thorough review by
12 the Auditor General if everything was done
13 above board. I want to read from an article of
14 January 9th, 2018 where the Auditor General
15 said if he is granted additional power to audit
16 authorities which he would have had to been
17 granted by the state legislature, the first
18 authority on his list in the State of
19 Pennsylvania would have been the Scranton Sewer
20 Authority.

21 He said when the Philadelphia
22 Parking Authority and the Pittsburgh Water and
23 Sewer Authority responded to public pressure
24 and invited my team in, we uncovered
25 wide-ranging problems that led to dramatic

1 reforms at both entities.

2 I also would like to cite Senator
3 Blake who at that time in an article January
4 12th, 2018 on Eyewitness News, NBC or WBRE
5 rather, he said that audits don't just uncover
6 wrongdoing but they could also point out good
7 conduct as well.

8 I would rather have the authority
9 and rather be reaffirmed and let the taxpayers
10 be reassured that what has been going on has
11 been going on in their interest. I think
12 that's an important point to make.

13 The Governor of the State of
14 Pennsylvania said I have to admit I haven't
15 studied the bill to allow the Auditor General
16 to audit municipal authorities, but in general,
17 the idea of more accountability and more
18 transparency strikes me as a really good idea.
19 I would agree with the Governor.

20 I don't think we have any elected
21 official in the City of Scranton or in Dunmore
22 that does not want an audit of the sale of the
23 Scranton Sewer Authority to Pennsylvania
24 American Water. So if this City is truly going
25 to turn the corner and embrace transparency and

1 do things the right way then let this be the
2 first step.

3 So I would hope that my colleagues
4 would agree let's ask the Sewer Authority Board
5 to reconvene for a special meeting. Let's ask
6 them to do the right thing for the taxpayers
7 and the ratepayers of this City and Dunmore.
8 Let's ask them to invite the Auditor General in
9 who is more than willing to come in with his
10 team and audit the sale and let's finally move
11 in the right direction.

12 MR. ROGAN: Anyone else on the
13 question? All those in favor signify by saying
14 aye.

15 MR. PERRY: Aye.

16 MR. DONAHUE: Aye.

17 MR. GAUGHAN: Aye.

18 MR. ROGAN: Aye. Opposed? The ayes
19 have it and so moved.

20 MR. GAUGHAN: And I do plan on
21 calling Mayor Burke of Dunmore tomorrow morning
22 and asking that a similar motion be made. And
23 I will call the President of Council of Dunmore
24 and ask him that a similar motion be made at
25 their next regularly scheduled meeting.

1 Mr. Shrive who is the attorney for
2 the Scranton Sewer Authority responded as
3 Councilman Donahue said that he will be coming
4 before Council in an executive session
5 regarding the easements on Monday, October 28th
6 at 5:15 p.m. In preparation for that meeting
7 I'd like to make a motion that Council send the
8 following letter with request for information
9 from Mr. Shrive.

10 Number one, how many easements have
11 actually been secured to date? Please list the
12 addresses of these properties.

13 Number two, how many easements still
14 need to be secured? Please list the addresses
15 of these properties.

16 Number three, were any condemnations
17 or condemnation declarations filed on specific
18 properties and if so, please list the number of
19 these proceedings and the addresses of the
20 affected property owners.

21 Number four, what attorneys were
22 hired and tasked with securing these easements?
23 Whose responsibility was this?

24 Number five, what attorneys have
25 been paid to secure easements to date and what

1 is the amount paid out for this work?

2 Number six, please provide an
3 explanation as to why attorneys were paid in
4 full before all easements were officially
5 secured.

6 Number seven, why did the sale
7 between Pennsylvania American Water and the
8 Scranton Sewer Authority close and legislation
9 was sent down before City Council in December,
10 2016 requesting the dissolution of the
11 Authority before the easements were secured?

12 If it was clear in the summer of
13 2016 that there was an issue with easements,
14 then why would you want to dissolve the
15 Authority and then turn around and it still
16 exists three years later?

17 Number eight, when were City
18 officials made aware of the escrow reversion
19 deadline? Please list all City officials who
20 were aware of this date and when they were made
21 aware.

22 Number nine, when were you as
23 Executive Director and Solicitor of the Sewer
24 Authority made aware of the escrow reversion
25 deadline? And finally, does the escrow

1 reversion deadline exist in writing anywhere?
2 If so, please provide this documentation.

3 MR. DONAHUE: Second.

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

6 MR. PERRY: Aye.

7 MR. DONAHUE: Aye.

8 MR. GAUGHAN: Aye.

9 MR. ROGAN: Aye. Opposed? The ayes
10 have it and so moved.

11 MR. GAUGHAN: On the gas card issue
12 which I think needs to be addressed at this
13 point, as the layers of the rotten onion that
14 was the former Courtright Administration are
15 continually peeled back, we uncovered gross
16 incompetence and mismanagement.

17 The most recently revelation made by
18 the Scranton Times dealing with the gas card
19 debacle is another embarrassing black eye on a
20 city that is currently punch drunk.

21 On October 9th, the City Controller
22 sent a letter to the DPW asking for an
23 explanation regarding several discrepancies
24 found within that department in regards to the
25 use of gas cards.

1 The Scranton Times investigative
2 report this past Sunday highlighted many more
3 red flags with the use of these cards. This
4 report begs the question why didn't anyone in
5 the Controller's Office, in the Business
6 Administrator's office, in the DPW or really
7 anyone tasked with reviewing these charges and
8 approving payment, why didn't anybody question
9 this?

10 How did this get through so many
11 layers of government without anybody turning an
12 eye and saying, wait. This does not look
13 right. All of these charges to my knowledge,
14 were approved and were paid. Someone in this
15 administration or in the former administration
16 must be held accountable and take
17 responsibility for this epic lack of oversight
18 and fix it immediately.

19 I'd like to start by making a motion
20 to ask City Council to send the following
21 letter to the Business Administrator, the DPW
22 Director, Mr. Gallagher and the City Controller
23 with the following question -- and also the
24 Mayor with the following questions:

25 For the Business Administrator's

1 office, why do so many employees need gas
2 cards? There are 80-plus employees with gas
3 cards. Why were all these employees given
4 cards when, to our knowledge, there is no
5 written policy on the use.

6 Whose idea was this and why was
7 there no oversight? This is just inviting
8 abuse and shows an awful lack of judgment in my
9 opinion.

10 I'd also like to ask the DPW
11 Director to explain each discrepancy listed in
12 the Controller's letter of October 9th, 2019 in
13 writing.

14 To the DPW Director and the Business
15 Administrator, please justify to City Council
16 why gas cards and pin numbers were transferable
17 between individuals and departments. Please
18 list the name and title of all employees who
19 used DPW employee Mr. McMullin's pin number to
20 get gas.

21 If gas cards were lost or stolen
22 which is the excuse that was given in the
23 newspaper as to why pin numbers were given out
24 like candy, why weren't they immediately
25 cancelled to prevent potential fraud and abuse?

1 Were there any cards in the last five years
2 that were ever reported lost or stolen to any
3 members of the Administration and were they
4 ever cancelled?

5 According to the Scranton Times
6 article this past Sunday, one DPW employee used
7 his gas card 11 times on January 22nd, 2018 and
8 January 22nd, 2019 according to the Scranton
9 Times to buy nearly 260 gallons of diesel fuel
10 on both occasions.

11 There was also a nonfuel purchase of
12 \$25.48 on January 22nd, 2018. Please provide
13 an explanation in writing for this large
14 purchase of diesel fuel. I should have put
15 this in my comments by saying that I am not
16 accusing anyone in this City of any wrongdoing
17 or any criminal activity.

18 I'm simply asking these questions
19 because something needs to be put in writing to
20 explain this. And if they can explain it and
21 it's just the fact that there was a total lack
22 of oversight and incompetence, then they
23 should put that in writing as well.

24 My next question, why are DPW
25 employees getting gas using Mr. McMullin's pin

1 number but with house gas cards meant for the
2 police department. According to the newspaper
3 and what Council has been told, house gas cards
4 are not issued to individual City workers.

5 To the Business Administrator's
6 Office, the DPW, the Controller, has any City
7 employee to your knowledge used the City-issued
8 gas card for personal use? I'd like to remind
9 everyone that one cent of fuel spent on
10 personal use is theft of services.

11 Also, I'd like someone in the
12 Administration to please explain the rationale
13 behind the selection of the gas stations where
14 house cards are stored for the police
15 department. One of the things that I was
16 concerned about and I mentioned this two weeks
17 ago is that when the City transferred from
18 Valero to Sunoco, they were given a no bid
19 contract.

20 Now, the reason according to the
21 Administration is because Valero went out of
22 business and Sunoco was given a sole source
23 contract because apparently there was no other
24 stations that could do that work. I don't know
25 if that -- the truth behind that; but that's

1 what was given.

2 To Mayor Evans, what has been done
3 or will be done to clearly set forth precise
4 and exact parameters for the purchase of gas on
5 a City card with clear instructions that no
6 personal use should be allowed. The policy
7 should set forth who was responsible for
8 oversight of these charges and how the process
9 will work.

10 And to the Controller's Office, why
11 wasn't your office reviewing these gas charges?
12 How could their be approval with this many
13 discrepancies and issues?

14 MR. DONAHUE: Second.

15 MR. ROGAN: On the question?

16 MR. GAUGHAN: On the question, I
17 would like these questions to be answered by
18 the end of business 4 p.m., Friday, October
19 25th. If these questions are not answered to
20 Council's satisfaction, I would like to put in
21 the letter Council reserves the right to
22 utilize Section 312 of the Scranton Home Rule
23 Charter entitled Powers of Council which states
24 that Council may make investigations into the
25 affairs of the City and conduct of any

1 department, office, or agency in aid of its
2 legislative powers and functions and may issue
3 subpoenas for these purposes.

4 Ladies and gentlemen, this is a very
5 serious matter which is why this Council has
6 asked for a three-year certified audit of gas
7 card usage and really a look at the program as
8 a whole keeping in mind from the auditor best
9 practices in accounting standards.

10 Moving forward as I mentioned in my
11 question to the Mayor and the Administration, I
12 think that they should immediately -- and I'm
13 hoping and I'm assuming that they're revisiting
14 this issue and the fact that we're issuing
15 80-plus gas cards to employees.

16 I do think that that in it of itself
17 with no policy invites abuse. Again, I want to
18 make sure I state that I'm not accusing anyone
19 of any wrongdoing. But I do think in order for
20 us to move forward, we need these questions and
21 these explanations and answers in writing.

22 When I go around and I talk to
23 people in the public as I mentioned in the
24 beginning of my statement on this, the City has
25 a black eye now. We are literally -- I don't

1 know if we have any credibility left. So if we
2 don't get these answers in writing and someone
3 from this Administration does not step up and
4 members of the previous Administration and
5 explain this and come clean on why there was no
6 oversight and what exactly happened, then I
7 think we have a major issue.

8 So I do think in the interim we need
9 a strong policy and procedures governing this
10 program. We need to turn the corner here and
11 make sure we hold people accountable.

12 MR. ROGAN: Anyone else on the
13 question? All those in favor signify by saying
14 aye.

15 MR. PERRY: Aye.

16 MR. DONAHUE: Aye.

17 MR. GAUGHAN: Aye.

18 MR. ROGAN: Aye. Opposed? The ayes
19 have it and so moved.

20 MR. GAUGHAN: I'd like to make a
21 motion to place the overtime figures that I
22 received from City Controller Roseann
23 Novembrino in Third Order for the next Council
24 meeting.

25 MR. DONAHUE: Second.

1 MR. ROGAN: On the question?

2 MR. GAUGHAN: Yes, on the question.

3 I had requested two weeks ago for the overtime
4 numbers from the Controller's Office. And I
5 appreciate them getting back to me so quickly.
6 I asked for a complete accounting of where we
7 stand in overtime. I believe I did the same
8 last year.

9 So just to give everybody an update,
10 right now we are -- we budgeted at \$650,000 for
11 the police department. We are over budget by
12 \$16,301.06. We're actually over budget in each
13 category that's listed for overtime. We're
14 about \$40,000 over as of the pay period ending
15 September 27, 2019.

16 As for the fire department overtime
17 which I requested in a separate correspondence
18 because it wasn't included in the original one,
19 the budget allocated \$350,000. And we have a
20 balance of \$94,670.68 as of September 27th,
21 2019.

22 What I would like to ask the police
23 department and fire department is if they can
24 provide Council how much of that funding that's
25 been expended so far is reimbursable to the

1 City.

2 MR. ROGAN: Is there a second?

3 MR. DONAHUE: Second.

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

6 MR. PERRY: Aye.

7 MR. DONAHUE: Aye.

8 MR. GAUGHAN: Aye.

9 MR. ROGAN: Aye. Opposed? The ayes
10 have it and so moved.

11 MR. GAUGHAN: Thank you. I would
12 also like to make a motion to place the
13 Controller's letter of October 9th directed to
14 the Department of Public Works regarding gas
15 card discrepancies into Third Order on our
16 agenda for next week.

17 MR. DONAHUE: Second.

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

20 MR. PERRY: Aye.

21 MR. DONAHUE: Aye.

22 MR. GAUGHAN: Aye.

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

25 MR. GAUGHAN: I'd also to make a

1 motion at this time to put the letter we
2 received and we were copied on effectively --
3 the Administration effectively terminating or
4 asking for a termination of the Northeast
5 Revenue Services contract in Third Order for
6 next week.

7 MR. DONAHUE: Second.

8 MR. ROGAN: On the question?

9 MR. GAUGHAN: Yes, on the question.

10 We received a letter October 16th, 2019. We
11 were copied on this letter. This letter was
12 directed to Sean Shamany of Northeast Revenue
13 Services. They are the collector of delinquent
14 real estate and refuse taxes in the City.

15 I won't go through the whole letter,
16 but the gist of it is that the City would like
17 to terminate the contract effective December
18 31st, 2019. There's other information in here.
19 And I think this is -- I would like to put it
20 in Third Order next week.

21 MR. ROGAN: On the question, I did
22 speak with the Mayor regarding this. And I
23 know Council is unanimous that we want to move
24 in another direction in regards to this
25 collection. But this is not a done deal yet.

1 It is still in negotiations. For a football
2 analogy we're on the, you know, we're on the
3 five yard line going in to have this finalized.

4 I don't think putting that letter
5 out on the record at this point is appropriate
6 because it's not a final determination. If you
7 would amend the motion to be, you know, as soon
8 as it's finalized, obviously at that point I
9 think it would be appropriate. But it is not
10 finalized yet. So I would caution with putting
11 it out there right yet.

12 MR. GAUGHAN: The only thing I would
13 say and I don't want to get into back and forth
14 on this. But there's nothing in here that says
15 it's confidential. And Council did receive it.
16 So I don't want to amend my motion but I'd just
17 like an up or down vote.

18 MR. ROGAN: We discussed this prior
19 and it was a confidential memo. Why it wasn't
20 listed that way was a mistaken on somebody's
21 part. But like we discussed earlier, I did
22 discuss it with the Mayor because I wanted to
23 bring up that letter. And he asked at this
24 time that we don't.

25 Anyone else? All those in favor

1 signify by saying aye.

2 MR. PERRY: No.

3 MR. DONAHUE: Aye.

4 MR. GAUGHAN: Aye.

5 MR. ROGAN: Opposed? No. The
6 motion fails.

7 MR. GAUGHAN: On the NRS termination
8 or potential termination, I would like -- and I
9 know the Administration is in constant
10 discussions on what the next steps are from
11 here.

12 If the City does end up terminating
13 NRS which I believe that they should based on
14 their involvement in two federal corruption
15 investigations, I would like to request a
16 timeline on where we go from here.

17 As Mr. Rogan mentioned earlier in
18 the meeting Council did request -- and I have
19 been pushing this for the last few years for us
20 to put out in the newspaper an advertisement
21 when we put people on the zoning board. So we
22 did that. It is in the newspaper. And if
23 anybody is interested in being an alternate
24 member of the zoning board, please submit your
25 resumes and your cover letters to Council.

1 Also, on September 25th I had made
2 a motion to request that the Administration
3 provide a cover sheet which I went over in
4 detail on September 25th to accompany the
5 legislation that they send down. The
6 Administration still has not complied with that
7 motion.

8 I would just like to send more
9 correspondence, Miss Carrera, if you could and
10 ask them when they intend on complying with
11 Council's request and if they could please
12 delineate that in correspondence.

13 Also, I sent a letter to Mayor Evans
14 and the administration on September 13th, 2019
15 regarding completion and progress of
16 recommendations made by the Pennsylvania
17 Economy League in our Recovery Plan. I had
18 asked when the Pennsylvania Economy League and
19 Mr. Bulzoni came before us in a caucus at the
20 end of the summer for a detailed explanation on
21 each initiative and each recommendation that
22 was in the recovery plan where the City was in
23 completing that.

24 I received a response from PEL that
25 was not -- it did not suffice with me, very

1 vague. It was either completed or underway. I
2 wanted a much more detailed response so that
3 this Council could understand, for example, the
4 Human Resources Department was supposed to put
5 together a more comprehensive program and
6 update their database.

7 It's not clear if that's been done
8 yet. So rather than it's underway since we are
9 exiting Act 47 next summer, I would appreciate
10 and, Miss Carrera, if you could send again
11 another reminder that I would like a more
12 detailed response on that.

13 I'd also like, Miss Carrera, if you
14 could send a letter on my behalf to Mayor Evans
15 the Administration asking for an update on the
16 self audit of Chief DeSarno's gas charge. I
17 would like to know is there a timeframe for the
18 self audit.

19 I know this was announced a few
20 weeks ago. I do think we need more specifics
21 in writing on what this looks like, what
22 documentation will be provided and where we are
23 in that process because, of course, I think
24 that is important.

25 We also received an e-mail from Mr.

1 Bulzoni along with proposals of the possible
2 relocation of the offices of OECD out of City
3 Hall into other locations. There's a number of
4 different reasons that are cited in here. He
5 does ask in his correspondence what the Council
6 thinks and what the Administration might think.

7 Just at first glance, I would say
8 that I would prefer to keep OECD in this
9 building and not have to pay rent to another
10 building. I do know that years ago OECD was in
11 the Scranton Life Building and eventually they
12 had to move back into City Hall. So I'm sure
13 we'll continue to discuss this. But just at
14 first glance I do have some concerns.

15 I would like Council -- and we can
16 talk about this hopefully in our caucus next
17 week to start thinking about scheduling a
18 meeting with Mayor Evans, the Business
19 Administrator and the Pennsylvania Economy
20 League in regards to the 2020 budget.

21 I'm hoping that this year Council
22 gives ourselves enough time to have meaningful
23 conversation and a meaningful back and forth
24 regarding the budget. In years past we've --
25 in my opinion we have hamstrunged ourselves to

1 30 or 45 minutes. And we're sitting here and
2 in my judgment there is never enough time. And
3 it's not a fruitful conversation.

4 So I would just ask my colleagues if
5 we can consider that next week. I don't think
6 it should be limited to just a half hour or 45
7 minutes. I think we should give ourselves more
8 time. And if we have to schedule a meeting
9 separate from the Council meeting, I think that
10 actually might even be better.

11 Miss Carrera, I would also like to
12 request from the Administration any and all
13 contracts the City is currently entered into,
14 the term or duration of those contracts and a
15 brief explanation as to what the contract is
16 for and what it entails. That would be very
17 helpful.

18 Also just on citizens' requests,
19 1452 West Locust Street if you remember months
20 and months ago I held up a picture of the
21 gentleman that lives next door to the large
22 hole standing in it. The hole is marked to be
23 fixed and to be filled. But the neighbors have
24 reached out to me once again and wanted to know
25 what the timeline is on that.

1 They also wanted to know whether the
2 sidewalks which have been damaged because of
3 the hole will be fixed as well. That's all I
4 have this week. Thank you.

5 MR. ROGAN: Nothing at this time.

6 ATTY. MINORA: 5-B. FOR
7 INTRODUCTION - A RESOLUTION - AUTHORIZING THE
8 MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO
9 EXECUTE AND ENTER INTO A CONTRACT WITH FOX
10 ROTHSCHILD LLP TO PROVIDE LEGAL SERVICES TO
11 THE CITY OF SCRANTON IN THE REFUSE CLASS ACTION
12 LITIGATION.

13 MR. ROGAN: At this time I'll
14 entertain a motion that Item 5-B be introduced
15 into its proper committee.

16 MR. PERRY: So moved.

17 MR. ROGAN: Is there a second?

18 MR. DONAHUE: Second.

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

21 MR. PERRY: Aye.

22 MR. DONAHUE: Aye.

23 MR. GAUGHAN: Aye.

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

1 ATTY. MINORA: 5-C. FOR
2 INTRODUCTION - A RESOLUTION - AUTHORIZING
3 APPOINTMENT OF GLYNIS JOHNS, 801 TOWNHOUSE
4 BOULEVARD, SCRANTON, PENNSYLVANIA,
5 18508 TO SERVE AS A MEMBER OF THE SCRANTON
6 PUBLIC LIBRARY AUTHORITY EFFECTIVE OCTOBER 1,
7 2019. MS. JOHNS IS BEING APPOINTED TO A FIVE
8 (5) YEAR TERM WHICH WILL EXPIRE ON OCTOBER
9 1, 2024.

10 MR. ROGAN: At this time I'll
11 entertain a motion that Item 5-C be introduced
12 into its proper committee.

13 MR. PERRY: So moved.

14 MR. DONAHUE: Second.

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

17 MR. PERRY: Aye.

18 MR. DONAHUE: Aye.

19 MR. GAUGHAN: Aye.

20 MR. ROGAN: Aye. Opposed? The ayes
21 have it and so moved.

22 ATTY. MINORA: 5-D. FOR
23 INTRODUCTION - A RESOLUTION - AUTHORIZING THE
24 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS OF
25 THE CITY OF SCRANTON TO SIGN AND SUBMIT THE

1 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
2 ("PENNDOT") APPLICATION FOR TRAFFIC SIGNAL
3 APPROVAL FOR TRAFFIC SIGNAL PERMIT NO. 40040
4 7TH AVENUE/PROVIDENCE ROAD (SR3029) AND OLIVE
5 STREET/MUNCHAK WAY AND OLIVE PLAZA FOR
6 MODIFICATIONS TO ACCOMMODATE NEW CINGULAR
7 WIRELESS D/B/A AT&T MOBILITY SMALL CELL SITES
8 PROJECT, INCLUDING MAST ARM REPLACEMENT.

9 MR. ROGAN: At this time I'll
10 entertain a motion that Item 5-D be introduced
11 into its proper committee.

12 MR. PERRY: So moved.

13 MR. DONAHUE: Second.

14 MR. ROGAN: On the question?

15 MR. GAUGHAN: Yes, on the question.
16 Mrs. Schumacher, if you can e-mail me or write
17 down your questions because I wrote them down
18 but I can't now read my own handwriting when I
19 went to look back. I was trying to scribble
20 really quick. And I would also like to pose a
21 question of my own on this.

22 Back in December of 2017, I was not
23 at the meeting for final passage of this. But
24 the City entered into a contract or an
25 agreement with New Cingular Wireless for lease

1 payments when they put up these cell towers. I
2 would like to know, Miss Carrera, if you can
3 ask the Administration how much the City has
4 earned from these lease agreements. I would
5 appreciate that. That's all I have.

6 MR. ROGAN: Anyone else? All those
7 in favor signify by saying aye.

8 MR. PERRY: Aye.

9 MR. DONAHUE: Aye.

10 MR. GAUGHAN: Aye.

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

13 ATTY. MINORA: 6-A. READING BY
14 TITLE - FILE OF THE COUNCIL NO. 75, 2019 - AN
15 ORDINANCE - ESTABLISHING PERMIT PARKING ON THE
16 EVEN SIDE OF THE 900 BLOCK OF JEFFERSON AVENUE.

17 MR. ROGAN: You've heard reading by
18 title of Item 6-A. What is your pleasure?

19 MR. PERRY: I move that Item 6-A
20 pass reading by title.

21 MR. DONAHUE: Second.

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

24 MR. PERRY: Aye.

25 MR. DONAHUE: Aye.

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MR. GAUGHAN: Aye.

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

ATTY. MINORA: 7-A has been tabled.

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

MR. PERRY: Motion to adjourn.

MR. ROGAN: Meeting adjourned.

C E R T I F I C A T E

1
2
3 I hereby certify that the proceedings and
4 evidence are contained fully and accurately in the
5 notes taken by me of the above-cause and that this copy
6 is a correct transcript of the same to the best of my
7 ability.

8
9
10 _____
11 Maria McCool, RPR
12 Official Court Reporter
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