

COUNCIL FOR THE CITY OF SCRANTON

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HELD:

Monday, December 16th, 2019

LOCATION:

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

Maria McCool, RPR
Official Court Reporter

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

PATRICK ROGAN, PRESIDENT - absent

TIMOTHY PERRY, VICE PRESIDENT - absent

WILLIAM GAUGHAN

KYLE DONAHUE

MARY WALSH DEMPSEY

LORI REED, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

COREY EGAN, ESQUIRE

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

3

4 MR. GAUGHAN: Roll call, please.

5 MS. CARRERA: Mr. Perry. Mr.

6 Donahue.

7 MR. DONAHUE: Here.

8 MS. CARRERA: Atty. Dempsey.

9 ATTY. DEMPSEY: Here.

10 MS. CARRERA: Mr. Gaughan.

11 MR. GAUGHAN: Here.

12 MS. CARRERA: Mr. Rogan.

13 MR. DONAHUE: I would like to make a
14 motion to appoint Councilman Gaughan as
15 temporary Chair for the Committee on Rules.

16 ATTY. DEMPSEY: Second.

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

19 MR. DONAHUE: Aye.

20 ATTY. DEMPSEY: Aye.

21 MR. GAUGHAN: Aye. Opposed? The
22 ayes have it and so moved. Mrs. Reed, please
23 dispense with the reading of the minutes.

24 MS. REED: THIRD ORDER.

25 3-A. MINUTES OF THE CIVIL SERVICE

1 COMMISSION MEETING HELD DECEMBER 5, 2019.

2 3-B. CORRESPONDENCE RECEIVED FROM
3 THE CITY'S BUSINESS ADMINISTRATOR IN RESPONSE
4 TO COUNCIL'S REQUEST REGARDING ALTERNATIVE
5 BUDGET ANALYSIS.

6 3-C. CORRESPONDENCE RECEIVED FROM
7 THE CITY'S BUSINESS ADMINISTRATOR IN RESPONSE
8 TO COUNCIL'S QUESTIONS REGARDING THE 2020
9 OPERATING BUDGET.

10 3-D. CHECK RECEIVED FROM COVENANT
11 PRESBYTERIAN CHURCH IN THE AMOUNT OF \$1,000.00,
12 WHICH IS PAYMENT IN LIEU OF TAXES.

13 MR. GAUGHAN: Are there any comments
14 on any of the Third Order items? If not,
15 received and filed. Do any Council members
16 have any announcements at this time?

17 ATTY. DEMPSEY: No.

18 MR. GAUGHAN: I have two. This
19 evening's meeting is expected to be the last
20 regular meeting of Council for 2019. The
21 meetings for December 23rd and 30th will be
22 cancelled.

23 The next meeting of Council will be
24 held on the first Monday in January at 10 a.m.,
25 and the reorganization meeting will follow at

1 11 a.m.

2 Council will meet in caucus tomorrow
3 evening, December 17th at 6:30 p.m., in the
4 City Clerk's Office for the purpose of
5 discussing reorganization for 2020. This will
6 be a public caucus. Everybody is invited to
7 attend. An executive session will be held to
8 discuss personnel matters as well tomorrow.
9 Mrs. Reed?

10 MS. REED: FOURTH ORDER. CITIZENS
11 PARTICIPATION.

12
13 The following speakers offered
14 public comment on agenda items and matters of
15 general concern:

16 John Bravo
17 Dorothy Dietrich
18 Joan Hodowanitz
19 Les Spindler
20 Bob Bolus

21 MR. GAUGHAN: I'd like to make a
22 motion to take a five minute recess.

23 MR. DONAHUE: Second.

24

25 (A brief recess was taken.)

1 MR. GAUGHAN: Before I call the next
2 speaker up, I just want to say we do have rules
3 of Council that I have in my hand here. I'd
4 like the following, please. You have five
5 minutes to speak. All I'm asking is that you
6 keep to City business and please address the
7 Council and not members of the audience. Thank
8 you.

9
10 (Public comment continues.)

11
12 Sharlene Stancavage

13 Robert Stancavage

14 Tom Coyne

15 Lee Morgan

16 Pat Hinton

17 Dave Dobrzyn

18 Marie Schumacher

19
20 MS. REED: FIFTH ORDER. 5-A.

21 MOTIONS.

22 MR. GAUGHAN: Councilman Donahue, do
23 you have any motions or comments?

24 MR. DONAHUE: My only comment would
25 be in response to Joan about 511. You know, I

1 haven't seen a copy of any decision yet. So
2 until I'm able to review that I wouldn't have
3 any -- wouldn't be able to give any comment to
4 you on that. And that's all I have for
5 tonight.

6 MR. GAUGHAN: Thank you, Councilman
7 Donahue. Attorney Dempsey, do you have any
8 motions or comments?

9 ATTY. DEMPSEY: I do. Good evening
10 everyone and thank you for coming. I as well
11 received a letter from the Department of
12 Licensing and Inspection. So I went to do a
13 little investigating today. It was interesting
14 to me because my letter is dated December 2nd
15 and I received it Saturday via certified mail.

16 So I received it on December 12th.
17 And it gave me 15 days from the date of the
18 letter, not the day of receipt to take action
19 which would be tomorrow which is difficult for
20 anyone under any circumstances. But luckily I
21 work in a law office.

22 And I read the body of the letter at
23 least two to three times because quite frankly,
24 from my perspective -- and I send out letters
25 pretty regularly like this. It is an

1 intimidating letter to anyone who receives it.

2 And the letter specifically stated
3 that according to City records my above
4 property was listed as a rental unit. I as
5 well have lived in this home for 25 years since
6 the date I purchased it with my family. So I
7 was seeking clarification on that statement
8 because they said according to City records --
9 and I was thinking what records do they have to
10 prove this because this is an untrue statement.

11 So I did make some calls today. I
12 did call over to Mr. Oleski who I did not
13 personally hear back from. He did get back to
14 Lori and there was a little bit of a
15 communication delivered to me on that that they
16 were going by a tax record from Lackawanna
17 County, which I live on a corner lot.

18 And it does specifically say it's a
19 residential single dwelling. But then I
20 thought I'll call over to the number that was
21 given to me and just say my regular name. I
22 didn't say what I was or what I did. And the
23 message I received was that we have gotten tons
24 of calls on the letters that we have sent out.
25 Please bear with us and we will get to you.

1 So I called a second time because I
2 thought I don't think I heard that right and I
3 did hear that right, currently we are getting a
4 ton of calls regarding the letters that we sent
5 out to everybody, please bear with us and we
6 will get back to you. So I did. I left my
7 number.

8 And I with everyone else am awaiting
9 the same phone call. So I'm not going to lie.
10 I do like to see some aggressive action with
11 some of these things that we've probably all
12 complained about from time to time. But if
13 it's not done the right way and if it's not
14 done in good faith, I think this created a lot
15 of fear and anger with our residents including
16 me to be quite frank.

17 I am concerned about elderly people
18 who received this. I got two calls today from
19 people, one was a 77-year-old man who was so
20 afraid he was going to lose his house. He was
21 going down to City Hall today. I did not hear
22 back from him. But I could tell you he had
23 tears in his eyes.

24 And I heard of but did not speak to
25 someone else who received 16 of these and

1 really could not even figure out why, how or
2 any relationship.

3 So I'm also concerned about the cost
4 because from what I understand I am not
5 obviously the only one that received this and
6 it was sent certified mail which I believe -- I
7 could be wrong on this is about \$6.80 per
8 letter.

9 I talked to some neighborhood
10 leaders as well because again, I wanted to make
11 sure I wasn't overreacting when I received mine
12 over the weekend. And the neighborhood leaders
13 as well had indicated to me that they had had
14 quite a busy weekend receiving complaints on
15 these.

16 One other man told me -- and this
17 was a little bit alarming that he called and he
18 gave them his number -- his address and they
19 said, oh, no, you're fine. There's no problem.
20 He said that's great. Would you just send me a
21 letter to confirm it? And they said we don't
22 send letters and hung up on him.

23 So this is not really the customer
24 service that I expect or want. And it really
25 makes me feel much better quite frankly even in

1 light of Mr. Hinton's comments that we need to
2 go ahead with that full review of the Licensing
3 and Inspection Department because I do think
4 that changes need to be made.

5 And it's quite ironic to me to be
6 quite honest and candid with everyone that they
7 could send out this letter to me in a house
8 that I lived in for 25 years and, you know, I
9 wish someone would pay me rent, but they don't.
10 I have adult kids who I still let live there
11 for free when one door away from me is a
12 dilapidated falling down structure that my
13 neighbors and I have consistently complained
14 about.

15 It is a health hazard. It is a
16 safety hazard and nothing has been done to that
17 but they could send out this letter to me. So
18 I'm concerned about the priorities. The letter
19 also says magisterial action will be taken
20 against people. That's concerning me again as
21 well. Why? Any time you file a magistrate
22 complaint, there is a cost associated with it.

23 Is the City going to file these
24 actions against people? You're going to have,
25 number one, the cost associated with it.

1 Number two, are they going to go and send
2 employees to these which we're going to have
3 the employees' time out of the office and at
4 magisterial actions or are we going to hire a
5 lawyer and then we're going to have lawyers'
6 costs.

7 And with all due respect having
8 practiced law for 29 years, if Mary Dempsey is
9 the magistrate sitting up there and a person
10 comes in and says under oath that they are not
11 accepting rent and they have lived in that
12 property, I'm going to dismiss it. So then
13 we're going to have the postage fee, the filing
14 fee, potentially an attorney fee and
15 potentially an employee's time out of the
16 office fee -- cost.

17 So I plan on fixing this by going
18 into my office tomorrow and creating four
19 notarized statements from me and my three adult
20 children that I have lived in this house for 25
21 years that I do not receive or accept rent.
22 That having been said, I'm concerned as I
23 always am about our most vulnerable residents,
24 the disabled, the elderly, those who are
25 economically disadvantaged and those who may

1 not have access to transportation.

2 They will not be able to get to City
3 Hall. They will not be able to know what to
4 do. So instead of complaining, I also wanted
5 to think of what I thought was a reasonable
6 solution. And I thought the way this could
7 have easily been rectified was if an affidavit
8 of ownership was placed in the envelope.

9 And then I could have filed it out
10 as the owner, Mary Dempsey, I could have
11 attested to the fact that I do not receive rent
12 and that I reside there myself and that all you
13 would ask them to do is go get it notarized.

14 And then when the Licensing and
15 Inspection Department receives it back, it
16 would also be subject to the penalties of
17 perjury under Pennsylvania law. They would put
18 it in your file and the issue would be solved.

19 That having been said, I do have a
20 motion tonight on this matter because I would
21 like to at least get to the bottom of this some
22 way. My motion is to do a letter to Mr. Oleski
23 the acting director. I would like to know,
24 number one, who authored this letter; number
25 two, who authorized this letter; number three,

1 the number of residents this letter was sent
2 and to. If possible, I would like the list of
3 all people that it was sent to.

4 I would like just the listing of all
5 the City records that the LIPS Department
6 relied on sending out these letters. In other
7 words, what evidentiary basis did they have to
8 send these to the homeowners in question. I
9 would like to know what was the cost of the
10 total postage bill sent with these letters.
11 And I would like to know just as importantly
12 what is the plan of action for the people who
13 wrongly received these letters.

14 And I would like an answer to these
15 questions by Monday, December 30th as I will
16 only be attending one more meeting on January
17 6th. So that is my motion at this time,
18 gentlemen.

19 MR. DONAHUE: Second.

20 MR. GAUGHAN: There's been a motion
21 made on the floor by Attorney Dempsey. It's
22 been seconded by Councilman Donahue. On the
23 question? On the question, I agree with
24 Attorney Dempsey's motion. I too have received
25 several calls from people who have received

1 these letters.

2 And I do agree with Attorney Dempsey
3 that we need to receive a response in writing.
4 This is just unacceptable. To say that it's
5 unbelievable is just not accurate. I do
6 believe that -- I could believe that this could
7 happen again. This happened a few years ago.
8 At this point though I just -- I cannot imagine
9 that you would send a letter of that magnitude
10 without making sure the list was correct.

11 Are there going to be some
12 inaccuracies and maybe some errors, sure. But
13 to send this out and then from what I
14 understand people are calling the Licensing and
15 Inspections Department and they're being told,
16 well, there's really nothing we can do at this
17 time. It's just unacceptable.

18 As Attorney Dempsey noted, there is
19 many senior citizens who probably received this
20 letter. Maybe some of them will just go and
21 pay it because they don't really know what it
22 is. To send a letter like this out, just a
23 mass letter is simply unacceptable.

24 If this letter were sent out to
25 people who actually owed for a number of years

1 I could understand it. Again, I don't
2 understand the thought process behind it.

3 And I agree with the motion and I
4 would hope that we would receive answers as
5 soon as possible. Anyone else on the question?
6 All those in favor of the motion signify by
7 saying aye.

8 MR. DONAHUE: Aye.

9 ATTY. DEMPSEY: Aye.

10 MR. GAUGHAN: Aye. Opposed? The
11 ayes have it and the motion is approved.

12 ATTY. DEMPSEY: Thank you. And I
13 just have one final comment for tonight. This
14 got put aside a little bit because of the audit
15 and because of the budget. But on November
16 6th, 2019, the Mayor sent the late Mrs.
17 Novembrino, our Controller a letter which had
18 to do with Chief DeSarno's self-audit.

19 And without getting into the details
20 of the whole letter because quite frankly it's
21 not relevant. The last paragraph said the
22 following:

23 I would defer to your office if you
24 would prefer to have the auditor to be hired
25 for the full gas card usage audit review this

1 information as well.

2 So in caucus I brought up the
3 following that I do think that is proper. We
4 have been provided copies of what Chief DeSarno
5 put together. And quite frankly, it's
6 difficult to interpret. It really is. So I
7 think it should be done by someone who is an
8 expert in this field.

9 So I would like to make a motion at
10 this time that Chief DeSarno's self-audit be
11 sent onto Mr. Moretti, our accountant who was
12 hired for the gas card audit for him to review
13 the same and to provide his recommendation
14 regarding the self-audit and whether it is, in
15 fact, satisfactory or not. And if so, how it
16 should be rectified.

17 MR. GAUGHAN: There's been a motion
18 made on the floor by Attorney Dempsey. Do we
19 have a second?

20 MR. DONAHUE: Second.

21 MR. GAUGHAN: Second. All those in
22 favor -- on the question rather? Anyone on the
23 question? All those in favor signify by saying
24 aye.

25 MR. DONAHUE: Aye.

1 ATTY. DEMPSEY: Aye.

2 MR. GAUGHAN: Aye. Opposed? The
3 ayes have it and the motion passes.

4 ATTY. DEMPSEY: That's all I have
5 for tonight. Thank you.

6 MR. GAUGHAN: Thank you. I just
7 have a few things. First, Mrs. Reed, if we can
8 contact -- and I believe this was agreed to
9 when Barry Isett, the company who is going to
10 do the assessment of the Licensing and
11 Inspections Department was here, but can we
12 please contact Barry Isett and ask them for --
13 to provide regular updates and progress to
14 Council on their assessment of the Licensing
15 and Inspections Office?

16 I think that this is very important
17 for Council to receive periodic updates. I
18 prefer to do it if it's not in writing --
19 Actually I'd like it in writing and I'd also
20 like them to come before Council if they can do
21 that.

22 Moving forward -- and I've asked for
23 this before, these periodic updates and
24 periodic appearances by people who are
25 contracted and work for the City to find out

1 exactly what they have been doing is important.
2 And I was shocked tonight.

3 I was actually shocked when we had
4 the audit firm Kohanski and Company in for a
5 caucus prior to the meeting to find out why we
6 have not received the 2019 audit yet -- or the
7 2018 audit rather. They provided a list to us,
8 a timeline of the audit proposal. It's three
9 pages.

10 I'm not going to go through
11 everything. But I want to point out a few
12 things that stuck out to me. May 20th -- or
13 May 6th, 2019, the audit contract was signed by
14 this Council. May 20th, 2019, Kohanski and
15 Company and their staff were onsite at City
16 Hall to start the audit.

17 Preliminary meeting and planning
18 discussion with City officials, no financial
19 information available. Told by a member of the
20 Business Administration Office that Rainey and
21 Rainey who's the audit prep firm had not
22 started year end work. That's May 20th and no
23 year end work had been started yet.

24 June 10th, 2019, received pension
25 fund trial balance from Rainey and Rainey

1 contained obvious errors, returned for
2 corrections. We had asked the firm, you know,
3 what the obviously errors were and they went
4 through them.

5 And they basically stated to us that
6 these were things that should have been caught.
7 There's no way that it should have made it to
8 their desk -- onto their desk.

9 June 14th, 2019, Kelly Lindey{sic}
10 from Kohanski responded to City official's
11 e-mail indicating that we would meet the
12 deadline as long as we had trial balances by
13 Monday, July 15th. No information received by
14 that date. There's a pattern here -- going to
15 go through a couple more.

16 There's a pattern here that the
17 auditing firm went to receive information and
18 they couldn't get it. July 10th, 2019,
19 financial information needed to audit the
20 General Fund, special city, OECD, capital
21 assets and compensated absences is not
22 available. Kohanski and Company leaves the
23 City.

24 October 31st, 2019, Kohanski and
25 Company received a schedule of expenditures,

1 federal awards from Rainey and Rainey, received
2 it one month after the due date for filing with
3 the federal audit clearing house.

4 I think that's what Miss Hodowanitz
5 was referring to. The gentleman from Kohanski
6 explained that if you miss the deadline, you
7 could lose federal funding -- the City could
8 lose federal funding. I think one of the
9 followup questions is have we received anything
10 from the federal audit clearing house and are
11 those funds in danger? We don't know that.

12 November 1st, Kohanski and Company
13 contacted Rainey and Rainey regarding the
14 amounts on the scheduled of expenditures of
15 federal awards related to OECD expenditures.
16 Kohanski and Company also inquired why one
17 program was excluded from that report.

18 As of December 16th, 2019, Kohanski
19 and Company has not received a response.
20 November 18th they received revised OECD trial
21 balance from Rainey and Rainey. Additional
22 errors were noted. You know, I could go
23 through this whole thing.

24 I would like this, Mrs. Reed, to be
25 placed in Third Order when we have our first

1 meeting in January because I think the public
2 should see this list. It was to say the least
3 just unacceptable.

4 I would like to make a motion at
5 this time that this Council ask for a meeting
6 as soon as possible with the Business
7 Administrator and with Rainey and Rainey.

8 MR. DONAHUE: Second.

9 MR. GAUGHAN: On the question? All
10 those in favor signify by saying aye.

11 MR. DONAHUE: Aye.

12 ATTY. DEMPSEY: Aye.

13 MR. GAUGHAN: Aye. Opposed? The
14 ayes have it and the motion passes. We asked
15 continually over the last few years why wasn't
16 the audit in on time. Why wasn't the audit in
17 on time? We received, you know, it will be
18 next month we'll get a draft audit.

19 It just -- there's definitely an
20 issue here. I don't know exactly what it is.
21 But from what they said it has to do with
22 Rainey and Rainey. So I think we need to
23 figure out exactly what's going on because when
24 you put an RFP out to have an audit done and
25 you continually are late with it, it's just

1 unacceptable.

2 As was mentioned here, the gentleman
3 from Kohanski said he's not even sure how you
4 could make decisions based on the budget that
5 we voted on without an audit. It just is
6 unbelievable and unacceptable that we
7 continually year after year do not have the
8 audit on time.

9 So I cannot wait to hear what the
10 answers are from administration and from Rainey
11 and Rainey. The second thing that I would like
12 to mention is about the residents from Third
13 Avenue who came regarding the truck traffic.
14 I've talked to Mrs. Reed about this. I've
15 talked to Mr. Pocius, the City engineer in
16 length about it.

17 We're going to put something in
18 writing to Mr. Pocius so that he could respond
19 to us in writing, come up with a game plan for
20 the situation that we find ourself in. They're
21 basically without going into great detail,
22 there are trucks because the Elm Street Bridge
23 is closed, the trucks are now rerouted from the
24 salt plant where Danny Sansky's garage used to
25 be on Elm Street.

1 And they're now are being rerouted
2 through Third Avenue. So this is causing major
3 issues with noise, major issues with the
4 destruction of some of the sidewalks and the
5 roads among a number of other things. So I
6 have been in touch with one of the neighbors
7 down there and one of the business owners and
8 neighborhood leaders, Mr. Chomko. So we will
9 get that letter out to Mr. Pocius and I will
10 update those neighbors as it progresses.

11 As for the breaking news I guess on
12 the City losing the Act 511 case, I also can't
13 really comment on it because I have not -- I
14 just heard it as I was coming in tonight,
15 wasn't able to confirm -- although I know my
16 colleagues have heard it as well.

17 So I haven't read the opinion yet
18 although I think it's obvious that it is -- it
19 would be devastating to the City. But until I
20 actually read it, I can't comment any further.
21 Mrs. -- Miss Schumacher rather talked about the
22 conversion of the Business Privilege to the
23 Mercantile Tax. We do have a copy and it was
24 on our agenda a few weeks ago, the memo from
25 the Pennsylvania Economy League that detailed

1 all the steps that are involved in that.

2 And Councilman Donahue is correct
3 that we do need to go before the courts to get
4 it approved. And then I think some time in
5 July is when that process will start to take
6 shape. What the school district is doing at
7 this point I'm really not sure.

8 But the Pennsylvania Economy League
9 did lay out all the different options. The
10 only other thing I wanted to mention as I
11 mentioned at the beginning of the meeting, this
12 will be our last meeting for 2019. The
13 meetings for December 23rd and 30th will be
14 cancelled.

15 We're going to pass the legislation
16 in Seventh Order tonight so there will be no
17 reason for us to meet moving forward. The next
18 meeting of Council will be held the first
19 Monday in January, January 6th at 10 a.m. And
20 the reorganization meeting will follow at 11
21 a.m.

22 Tomorrow again, I just want to
23 announce we are having a public caucus December
24 17th at 6:30 p.m., in the City Clerk's Office
25 for the purpose of discussing reorganization,

1 committee assignments, that sort of stuff for
2 2020.

3 And an executive session will be
4 held either before or after this meeting to
5 discuss personnel matters, specifically the
6 City Clerk and the Council Solicitor. I would
7 just like to thank -- and I know we'll thank
8 Attorney Dempsey and the other members of
9 Council who are leaving during the sine die
10 meeting January 6th.

11 But I do want to take a moment and
12 thank Attorney Dempsey for all the work that
13 she's done. It has been, you know, she was
14 only appointed I think for six -- five or six
15 months. It could have been easy for her to
16 just mail it in and, you know, just go through
17 the motions.

18 I have never in six years on Council
19 seen anybody work as hard and be as committed
20 to the City as Attorney Dempsey. So I want to
21 personally thank her for all of her hard work
22 and her dedication. And it's been really
23 outstanding. I think we had a really good
24 team. And Attorney Dempsey added a lot of
25 value to being a member of Council. So I want

1 to thank her for that.

2 And I want to wish everyone a Merry
3 Christmas and with that we'll wrap it up for
4 tonight. Mrs. Reed, you can proceed. Thank
5 you.

6 MS. REED: 5-B. No business at this
7 time. SIXTH ORDER. 6-A. No business at this
8 time. SEVENTH ORDER.

9 7-A. FOR CONSIDERATION BY THE
10 COMMITTEE ON FINANCE - FOR ADOPTION -
11 FILE OF THE COUNCIL NO. 80, 2019 - AMENDING
12 FILE OF THE COUNCIL NO. 6, 1976 ENTITLED "AN
13 ORDINANCE (AS AMENDED) IMPOSING A TAX
14 FOR GENERAL REVENUE PURPOSES ON THE TRANSFER OF
15 REAL PROPERTY SITUATE WITHIN THE CITY OF
16 SCRANTON; PRESCRIBING AND REGULATING
17 THE METHOD OF EVIDENCING THE PAYMENT OF SUCH
18 TAX; CONFERRING POWERS AND IMPOSING THE DUTIES
19 UPON CERTAIN PERSONS, AND PROVIDING PENALTIES",
20 BY IMPOSING THE RATE OF THE REALTY TRANSFER TAX
21 AT TWO AND TWO TENTHS PERCENT (2.2%) FOR
22 CALENDAR YEAR 2020 AND THE SAME SHALL REMAIN IN
23 FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

24 MR. GAUGHAN: What is the
25 recommendation of the Chairperson for the

1 Committee On Finance?

2 ATTY. DEMPSEY: As Chairperson for
3 the Committee On Finance, I recommend final
4 passage of Item 7-A.

5 MR. DONAHUE: Second.

6 MR. GAUGHAN: On the question?

7 Roll call, please.

8 MS. CARRERA: Mr. Donahue.

9 MR. DONAHUE: Yes.

10 MS. CARRERA: Attorney Dempsey.

11 ATTY. DEMPSEY: Yes.

12 MS. CARRERA: Mr. Gaughan.

13 MR. GAUGHAN: Yes. I hereby declare
14 Item 7-A legally and lawfully adopted.

15 MS. REED: 7-B. FOR CONSIDERATION
16 BY THE COMMITTEE ON FINANCE - FOR ADOPTION -
17 FILE OF THE COUNCIL NO. 81, 2019 - AMENDING
18 FILE OF THE COUNCIL NO. 11, 1976, ENTITLED "AN
19 ORDINANCE (AS AMENDED) ENACTING, IMPOSING A TAX
20 FOR GENERAL REVENUE PURPOSES IN THE AMOUNT OF
21 TWO PERCENT (2%) ON EARNED INCOME AND NET
22 PROFITS ON PERSONS, INDIVIDUALS, ASSOCIATIONS
23 AND BUSINESSES WHO ARE RESIDENTS OF THE CITY OF
24 SCRANTON, OR NON-RESIDENTS OF THE CITY OF
25 SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR

1 BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON,
2 REQUIRING THE FILING OF RETURNS BY TAXPAYERS
3 SUBJECT TO THE TAX; REQUIRING EMPLOYERS TO
4 COLLECT THE TAX AT SOURCE; PROVIDING FOR THE
5 ADMINISTRATION, COLLECTION AND ENFORCEMENT OF
6 THE SAID TAX; AND IMPOSING PENALTIES FOR THE
7 VIOLATIONS", BY RE-ENACTING THE IMPOSITION OF
8 THE WAGE TAX AT TWO AND FOUR TENTHS (2.4%)
9 PERCENT ON EARNED INCOME FOR RESIDENTS AND ONE
10 (1%) PERCENT ON EARNED INCOME FOR NON-RESIDENTS
11 OF THE CITY OF SCRANTON, FOR WORK DONE,
12 SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN
13 THE CITY OF SCRANTON FOR THE YEAR 2020 AND THE
14 SAME SHALL REMAIN IN FULL FORCE AND EFFECT
15 ANNUALLY THEREAFTER.

16 MR. GAUGHAN: What is the
17 recommendation of the Chairperson for the
18 Committee On Finance?

19 ATTY. DEMPSEY: As Chairperson for
20 the Committee On Finance, I recommend final
21 passage of Item 7-B.

22 MR. DONAHUE: Second.

23 MR. GAUGHAN: On the question? Roll
24 call, please.

25 MS. CARRERA: Mr. Donahue.

1 MR. DONAHUE: Yes.

2 MS. CARRERA: Attorney Dempsey.

3 ATTY. DEMPSEY: Yes.

4 MS. CARRERA: Mr. Gaughan.

5 MR. GAUGHAN: Yes. I hereby declare
6 Item 7-B legally and lawfully adopted.

7 MS. REED: 7-C. FOR CONSIDERATION
8 BY THE COMMITTEE ON FINANCE - FOR ADOPTION -
9 FILE OF THE COUNCIL NO. 82, 2019 - AMENDING
10 FILE OF THE COUNCIL NO. 43, 2018, AN ORDINANCE
11 AMENDING FILE OF THE COUNCIL NO.
12 100, 1976, ENTITLED "AN ORDINANCE (AS AMENDED)
13 LEVYING GENERAL AND SPECIAL TAXES FOR THE
14 FISCAL YEAR 1977", BY SETTING THE MILLAGE FOR
15 THE YEAR 2020 AND THE SAME SHALL REMAIN IN FULL
16 FORCE AND EFFECT ANNUALLY THEREAFTER" BY
17 AMENDING SECTION 1 REVERTING BACK TO THE
18 MILLAGE RATES FROM 2016 WHICH ARE .232521
19 MILLS LEVY ON LAND AND .050564 MILLS LEVY ON
20 ALL BUILDINGS AND BY ELIMINATING THE DEDICATED
21 MILLAGE FOR DEBT SERVICE CONTAINED IN SECTION 2
22 AND REPLACING THE DEDICATED MILLAGE FOR DEBT
23 SERVICE WITH A DEDICATED DEBT PERCENTAGE OF 33%
24 OF REAL ESTATE TAX REVENUES COLLECTED ON A
25 CURRENT YEAR BASIS.

1 ATTY. DEMPSEY: I would like to make
2 a motion to table Item 7-C.

3 MR. DONAHUE: Second.

4 MR. GAUGHAN: There is a motion on
5 the floor and a second to table Item 7-C. On
6 the question? Yes, on the question just to
7 explain why we're tabling this. Last week as
8 has been noted, Council made the decision to
9 raise taxes 7 mills on land. This is the tax
10 enabling legislation.

11 We are going to table this for two
12 reasons, number one, we're not exactly sure if
13 the Mayor is going to veto the budget. So if
14 we were to pass this tonight and the Mayor
15 vetoed the budget, we'd have to go back and
16 entertain this again which wouldn't make sense.
17 So that's number one.

18 Number two, there's question about
19 whether we have to run a special ad for three
20 weeks with this legislation. So what we're
21 going to -- the plan is we're going to
22 introduce this our first meeting back in
23 January. It will be on the agenda for three
24 weeks. It will be amended to recognize the 7
25 mill increase and then it will be retroactive

1 to January 1st.

2 And Mrs. Reed and I have discussed
3 sending correspondence to Mr. Fox the Tax
4 Collector just notifying him that we're going
5 to make that change and that there will be a 7
6 mill increase on the land, granted that the
7 Mayor does not veto the budget. Anyone else on
8 the question? All those in favor signify by
9 saying aye.

10 MR. DONAHUE: Aye.

11 ATTY. DEMPSEY: Aye.

12 MR. GAUGHAN: Aye. Opposed? The
13 ayes have it and so moved.

14 MS. REED: 7-D. FOR CONSIDERATION
15 BY THE COMMITTEE ON FINANCE - FOR ADOPTION -
16 FILE OF THE COUNCIL NO. 83, 2019 - AMENDING
17 FILE OF THE COUNCIL NO. 147, 1986, ENTITLED "AN
18 ORDINANCE PROVIDING FOR THE GENERAL
19 REVENUE BY IMPOSING A TAX AT THE RATE OF TWO
20 (2) MILLS UPON THE PRIVILEGE OF OPERATING OR
21 CONDUCTING BUSINESS IN THE CITY OF SCRANTON AS
22 MEASURED BY THE GROSS RECEIPTS THEREFROM;
23 REQUIRING REGISTRATION AND PAYMENT OF THE TAX
24 AS CONDITION TO THE CONDUCTING OF SUCH
25 BUSINESS; PROVIDING FOR THE LEVY AND COLLECTION

1 OF SUCH TAX; PRESCRIBING SUCH REQUIREMENTS FOR
2 RETURNS AND RECORDS; CONFERRING POWERS AND
3 DUTIES UPON THE TAX COLLECTOR; AND IMPOSING
4 PENALTIES", BY IMPOSING THE BUSINESS
5 PRIVILEGE TAX AT THE RATE OF ONE (1) MILL
6 (.001) FOR CALENDAR YEAR 2020 AND THE SAME
7 SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY
8 THEREAFTER.

9 MR. GAUGHAN: What is the
10 recommendation of the Chairperson for the
11 Committee On Finance?

12 ATTY. DEMPSEY: As Chairperson for
13 the Committee on Finance, I recommend final
14 passage of Item 7-D.

15 MR. DONAHUE: Second.

16 MR. GAUGHAN: On the question? Roll
17 call, please.

18 MS. CARRERA: Mr. Donahue.

19 MR. DONAHUE: Yes.

20 MS. CARRERA: Attorney Dempsey.

21 ATTY. DEMPSEY: Yes.

22 MS. CARRERA: Mr. Gaughan.

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

25 MS. REED: 7-E. FOR CONSIDERATION

1 BY THE COMMITTEE ON FINANCE - FOR ADOPTION -
2 FILE OF THE COUNCIL NO. 84, 2019 - AMENDING
3 FILE OF THE COUNCIL NO. 148, 1986, ENTITLED "AN
4 ORDINANCE AMENDING FILE OF THE COUNCIL NO. 98,
5 1976 AS AMENDED, AND IMPOSING A MERCANTILE
6 LICENSE TAX OF 2 MILLS FOR THE YEAR 1987 AND
7 ANNUALLY THEREAFTER UPON PERSONS ENGAGING IN
8 CERTAIN OCCUPATIONS AND BUSINESSES THEREIN;
9 PROVIDING FOR ITS LEVY AND COLLECTION AND
10 FOR THE ISSUANCE OF MERCANTILE LICENSES;
11 CONFERRING AND IMPOSING POWERS AND DUTIES UPON
12 THE TAX COLLECTOR OF THE CITY OF SCRANTON; AND
13 IMPOSING PENALTIES EFFECTIVE JANUARY 1, 1987",
14 BY IMPOSING THE MERCANTILE LICENSE TAX AT ONE
15 (1) MILL (.001) FOR CALENDAR YEAR 2020 AND THE
16 SAME SHALL REMAIN IN FULL FORCE AND EFFECT
17 ANNUALLY THEREAFTER.

18 MR. GAUGHAN: What is the
19 recommendation of the Chairperson for the
20 Committee On Finance?

21 ATTY. DEMPSEY: As Chairperson for
22 the Committee On Finance, I recommend final
23 passage of Item 7-E.

24 MR. DONAHUE: Second.

25 MR. GAUGHAN: On the question? Roll

1 call, please.

2 MS. CARRERA: Mr. Donahue.

3 MR. DONAHUE: Yes.

4 MS. CARRERA: Attorney Dempsey.

5 ATTY. DEMPSEY: Yes.

6 MS. CARRERA: Mr. Gaughan.

7 MR. GAUGHAN: Yes. I hereby declare

8 Item 7-E legally and lawfully adopted.

9 MS. REED: 7-F. FOR CONSIDERATION
10 BY THE COMMITTEE ON RULES - FOR ADOPTION -
11 FILE OF THE COUNCIL NO. 85, 2019 - APPROVING
12 THE TRANSFER OF A RESTAURANT LIQUOR LICENSE
13 OWNED BY KAYGEECEE, INC. D/B/A J.J.
14 BRIDJES, CURRENTLY IN SAFE KEEPING WITH THE
15 PENNSYLVANIA LIQUOR CONTROL BOARD FORMERLY USED
16 AT 925 NORTHERN BOULEVARD, SOUTH ABINGTON
17 TOWNSHIP, PENNSYLVANIA, 18411, FOR USE AT 100
18 NORTH MAIN AVENUE, SCRANTON, LACKAWANNA COUNTY,
19 PENNSYLVANIA, 18504 AS REQUIRED BY THE
20 PENNSYLVANIA LIQUOR CONTROL BOARD.

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

24 MR. DONAHUE: Second.

25 MR. GAUGHAN: On the question? Roll

1 call, please.

2 MS. CARRERA: Mr. Donahue.

3 MR. DONAHUE: Yes.

4 MS. CARRERA: Attorney Dempsey.

5 ATTY. DEMPSEY: Yes.

6 MS. CARRERA: Mr. Gaughan.

7 MR. GAUGHAN: Yes. I hereby declare

8 Item 7-F legally and lawfully adopted.

9 MS. REED: 7-G. FOR CONSIDERATION
10 BY THE COMMITTEE ON COMMUNITY DEVELOPMENT -
11 FOR ADOPTION - RESOLUTION NO. 197, 2019 -
12 AUTHORIZING THE MAYOR AND OTHER APPROPRIATE
13 CITY OFFICIALS FOR THE CITY OF SCRANTON TO
14 EXECUTE AND ENTER INTO AN AGREEMENT WITH
15 NEIGHBORWORKS OF NORTHEASTERN PENNSYLVANIA,
16 1510 NORTH MAIN AVENUE, SCRANTON, PENNSYLVANIA
17 18508 TO CREATE, ESTABLISH, AND ADMINISTER THE
18 CITY OF SCRANTON'S HOMEBUYER PROGRAM.

19 MR. GAUGHAN: What is the
20 recommendation of the Chairperson for the
21 Committee on Community Development?

22 MR. DONAHUE: As Chairperson for the
23 Committee on Community Development, I recommend
24 final passage of Item 7-G.

25 ATTY. DEMPSEY: Second.

1 MR. GAUGHAN: On the question? Yes,
2 on the question, first I want to thank the
3 Director of OECD, Mary-Pat Ward. I had several
4 questions about this legislation. I was kind
5 of going back and forth on it until she
6 actually came to the -- at the tail end of the
7 meeting last week and I had a conversation with
8 her outside of chambers.

9 And this afternoon I posed several
10 questions to her in an e-mail which she
11 immediately responded to. The responses are a
12 little lengthy. I'm not going to go through
13 all of them but I just want to explain two
14 things.

15 First of all, the way this will work
16 is NeighborWorks will get reimbursed up to 10
17 percent for each project. So if, for example,
18 NeighborWorks expends \$300,000 on the Homebuyer
19 Program, they're subject to reimbursement of up
20 to \$30,000.

21 One of the questions that I had was,
22 you know, why would we farm this out? That was
23 my initial concern. You know, why wouldn't we
24 just have OECD's own staff run the whole
25 program. And she made a good point last week

1 and then in the e-mail today.

2 She went to a conference regarding
3 all grantees through OECD in Philadelphia. And
4 one of the things on the agenda was the Home
5 Investment Partnership Program. And she
6 explained that regarding the Home Program and
7 municipalities, especially larger cities
8 throughout the state, they -- their staffs have
9 shrunk over time.

10 And they don't do the direct service
11 work and the compliance at the same time. And
12 she states here the question is how do you
13 self-audit for compliance in an ethical way?
14 So the third party programs can provide the
15 certified training required, time, funding and
16 an opportunity for expanded training and
17 education, receive more technical assistance
18 and has the ability to use technological
19 platforms that the City doesn't currently
20 employ to sell the program.

21 My last question to her was what
22 would our role be then? What would be the OECD
23 Offices' role since we're farming the program
24 out? And I thought this was an important point
25 that she made. She said our role in the

1 Homebuyer Program remains key. OECD are the
2 conduits for the money they applied to HUD
3 each year for allocation.

4 They're the ones required to input
5 the data collected for each applicant. And as
6 stated above, they're required to complete
7 compliance on the program including reporting,
8 determination of its successfulness and ethical
9 duties such as conflict of interest.

10 There's no homebuyer program that
11 all the cities buy in. This is a three year
12 contract. Again, after talking with her I
13 don't see a reason why we shouldn't do this. I
14 think it does make sense. And I think after
15 three years obviously we'll reevaluate it and
16 see how successful or unsuccessful it's been
17 and then obviously we'll go from there. So
18 I'll be voting yes. Anyone else on the
19 question? Roll call, please.

20 MS. CARRERA: Mr. Donahue.

21 MR. DONAHUE: Yes.

22 MS. CARRERA: Attorney Dempsey.

23 ATTY. DEMPSEY: Yes.

24 MS. CARRERA: Mr. Gaughan.

25 MR. GAUGHAN: Yes. I hereby declare

1 Item 7-G legally and lawfully adopted.

2 MS. REED: 7-H. FOR CONSIDERATION
3 BY THE COMMITTEE ON RULES – FOR ADOPTION –
4 RESOLUTION NO. 198, 2019 – RE-APPOINTMENT OF
5 MICHAEL MULLER, 830 TAYLOR AVENUE, SCRANTON,
6 PENNSYLVANIA, 18510 AS A MEMBER OF
7 THE HISTORICAL ARCHITECTURE REVIEW BOARD.
8 MICHAEL MULLER’S TERM ON THE HISTORICAL
9 ARCHITECTURE REVIEW BOARD EXPIRED ON OCTOBER
10 11, 2016 AND WAS HELD OVER UNTIL NOVEMBER 20,
11 2019. HIS NEW TERM WILL EXPIRE ON OCTOBER 11,
12 2021.

13 MR. GAUGHAN: As temporary
14 Chairperson for the Committee on Rules, I
15 recommend final passage of Item 7-H.

16 MR. DONAHUE: Second.

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

19 MS. CARRERA: Mr. Donahue.

20 MR. DONAHUE: Yes.

21 MS. CARRERA: Attorney Dempsey.

22 ATTY. DEMPSEY: Yes.

23 MS. CARRERA: Mr. Gaughan.

24 MR. GAUGHAN: Yes. I hereby declare
25 Item 7-H legally and lawfully adopted.

1 MS. REED: 7-I. FOR CONSIDERATION
2 BY THE COMMITTEE ON RULES - FOR ADOPTION -
3 RESOLUTION NO. 199, 2019 - APPOINTMENT OF
4 THOMAS TANSITS, 17 TERRACE DRIVE, SCRANTON,
5 PENNSYLVANIA, 18505, AS A MEMBER OF
6 THE SCRANTON PARKING AUTHORITY EFFECTIVE
7 OCTOBER 1, 2019. THOMAS TANSITS WILL REPLACE
8 JOSEPH WECHSLER WHO RESIGNED EFFECTIVE FEBRUARY
9 5, 2019. THOMAS TANSITS WILL FULFILL THE
10 UNEXPIRED TERM OF JOSEPH WECHSLER WHOSE TERM IS
11 SCHEDULED TO EXPIRE ON JUNE 1, 2020.

12 MR. GAUGHAN: As temporary
13 Chairperson for the Committee on Rules, I
14 recommend final passage of Item 7-I.

15 MR. DONAHUE: Second.

16 MR. GAUGHAN: On the question? Roll
17 call, please.

18 MS. CARRERA: Mr. Donahue.

19 MR. DONAHUE: Yes.

20 MS. CARRERA: Attorney Dempsey.

21 ATTY. DEMPSEY: Yes.

22 MS. CARRERA: Mr. Gaughan.

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

25 MS. REED: 7-J. FOR CONSIDERATION

1 BY THE COMMITTEE ON RULES – FOR ADOPTION –
2 RESOLUTION NO. 200, 2019 – APPOINTMENT OF NORMA
3 JEFFRIES, 619 COLFAX AVENUE, SCRANTON,
4 PENNSYLVANIA, 18510 AS A MEMBER OF THE
5 SHADE TREE COMMISSION, EFFECTIVE OCTOBER 11,
6 2019. NORMA JEFFRIES IS REPLACING ANN MCNALLY
7 WHOSE TERM EXPIRED ON OCTOBER 29, 2017. NORMA
8 JEFFRIES IS APPOINTED TO A FIVE (5) YEAR TERM
9 WHICH WILL EXPIRE ON OCTOBER 11, 2024.

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

13 MR. DONAHUE: Second.

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

16 MS. CARRERA: Mr. Donahue.

17 MR. DONAHUE: Yes.

18 MS. CARRERA: Attorney Dempsey.

19 ATTY. DEMPSEY: Yes.

20 MS. CARRERA: Mr. Gaughan.

21 MR. GAUGHAN: Yes. I hereby declare
22 Item 7-J legally and lawfully adopted.

23 MS. REED: 7-K. FOR CONSIDERATION
24 BY THE COMMITTEE ON RULES – FOR ADOPTION –
25 RESOLUTION NO. 201, 2019 – RE-APPOINTMENT OF

1 WILLIAM LESNIAK, 314 PITTSTON AVENUE, SCRANTON,
2 PENNSYLVANIA, 18505 AS A MEMBER OF THE
3 HISTORICAL ARCHITECTURE REVIEW BOARD. WILLIAM
4 LESNIAK'S TERM ON THE HISTORICAL ARCHITECTURE
5 REVIEW BOARD EXPIRED ON OCTOBER 11, 2017 AND
6 WAS HELD OVER UNTIL NOVEMBER 15, 2019.
7 HIS NEW TERM WILL EXPIRE ON OCTOBER 11, 2022.

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

11 MR. DONAHUE: Second.

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

14 MS. CARRERA: Mr. Donahue.

15 MR. DONAHUE: Yes.

16 MS. CARRERA: Attorney Dempsey.

17 ATTY. DEMPSEY: Yes.

18 MS. CARRERA: Mr. Gaughan.

19 MR. GAUGHAN: Yes. I hereby declare
20 Item 7-K legally and lawfully adopted.

21 MS. REED: 7-L. FOR CONSIDERATION
22 BY THE COMMITTEE ON RULES - FOR ADOPTION -
23 RESOLUTION NO. 202, 2019 - APPOINTMENT OF JOHN
24 R. FINNERTY, 622 WINTERMANTLE AVENUE, SCRANTON,
25 PENNSYLVANIA, 18505, AS A MEMBER OF THE

1 PLANNING COMMISSION OF THE CITY OF SCRANTON
2 EFFECTIVE DECEMBER 31, 2019. JOHN R. FINNERTY
3 WILL BE REPLACING PASTOR ANTHONY ISMAEL WHOSE
4 TERM IS SET TO EXPIRE ON DECEMBER 31, 2019 AND
5 WILL NOT BE REAPPOINTED CREATING A VACANCY ON
6 THE COMMISSION. MR. FINNERTY'S TERM WILL
7 EXPIRE ON DECEMBER 31, 2023.

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

11 ATTY. DEMPSEY: Second.

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

14 MS. CARRERA: Mr. Donahue.

15 MR. DONAHUE: Yes.

16 MS. CARRERA: Attorney Dempsey.

17 ATTY. DEMPSEY: Yes.

18 MS. CARRERA: Mr. Gaughan.

19 MR. GAUGHAN: Yes. I hereby declare
20 Item 7-L legally and lawfully adopted.

21 Before we adjourn, I thanked
22 Councilwoman -- Attorney Dempsey earlier. I
23 want to thank first our City Clerk Lori Reed as
24 we adjourn now for the year and we don't come
25 back until January 6th.

1 I want to thank our Clerk, Lori Reed
2 for all of the work that she has done this
3 year. This has been a very trying and busy
4 year to say the least. And she does an
5 absolutely fantastic job. I think it's safe to
6 say that there is very few people in this
7 building and in City government that are more
8 respected than her.

9 She really is the sixth Council
10 person. You know, it's not just a job where
11 you come in and you file paperwork. She goes
12 to meetings and she represents this body every
13 single day. So I do want to thank her. And I
14 want to thank the two secretaries in her office
15 Miss Carrera and Miss Marciano.

16 ATTY. DEMPSEY: I second that.

17 MR. GAUGHAN: If there's no further
18 business, I'll entertain a motion to adjourn.

19 ATTY. DEMPSEY: Motion to adjourn.

20 MR. GAUGHAN: This meeting's
21 adjourned.

22

23

24

25

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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25 the certifying reporter.)