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SCRANTON CITY COUNCIL

PUBLIC HEARING

IN RE: RESOLUTION NO. 56, 2014, A RESOLUTION ON THE
CITY OF SCRANTON, LACKAWANNA COUNTY PENNSYLVANIA,
ADOPTING A COMPREHENSIVE PLAN.

HELD:

Thursday, November 20, 2014

LOCATION:

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

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CATHENE S. NARDOZZI, RPR - OFFICIAL COURT REPORTER

CITY OF SCRANTON COUNCIL:

ROBERT MCGOFF, PRESIDENT

PATRICK ROGAN, VICE-PRESIDENT

WAYNE EVANS

JOSEPH WECHSLER

WILLIAM GAUGHAN

LORI REED, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

AMIL MINORA, SOLICITOR

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

3 MS. CARRERA: Mr. Wechsler.

4 MR. WECHSLER: Here.

5 MS. CARRERA: Mr. Rogan.

6 MR. ROGAN: Here.

7 MS. CARRERA: Mr. Evans.

8 MR. EVANS: Here.

9 MS. CARRERA: Mr. Gaughan.

10 MR. GAUGHAN: Here.

11 MS. CARRERA: Mr. McGoff.

12 MR. MCGOFF: Here. The purpose of
13 the said public hearing is to hear testimony
14 and discuss the following: RESOLUTION NO.
15 56, 2014, A RESOLUTION ON THE CITY OF
16 SCRANTON, LACKAWANNA COUNTY PENNSYLVANIA,
17 ADOPTING A COMPREHENSIVE PLAN.

18 I probably should turn the
19 microphone on. I would like to welcome
20 Cindy Campbell from DCED, Denise Prowell,
21 representing SAPA itself, and Don King, the
22 city planner, and also member of the SAPA
23 board, I believe. I believe that, Denise,
24 if you would like to begin.

25 MR. PROWELL: I think I'd like to

1 ask Cindy to begin just about the municipal
2 planning agenda.

3 MR. MCGOFF: Thank you.

4 MS. CAMPBELL: Thank you for hearing
5 us. Act 247, which is the Pennsylvania
6 Municipalities Planning Code governs land
7 use in Pennsylvania. Act 67 and 68 amended
8 Act 247 in 2000. Basically what Act 67 does
9 is allow for intergovernmental cooperation
10 and implementation agreements to be done
11 among municipalities and it allows for
12 designated growth areas, future growth
13 areas, world resource areas, etcetera. Act
14 68, among other things, addresses the
15 capability of development between one
16 municipality and the other. It's purpose
17 was basically for the preservation of
18 historic preservation, resources,
19 agriculture preservation, etcetera.

20 It requires that municipal plans or
21 multi-municipal plans be consistent with
22 county plans, but it is not the same as the
23 county plan, it goes into -- a
24 multi-municipal plan would go into much more
25 detail than a county plan, which is very

1 general, for all the municipalities in the
2 county. It does also allow for
3 implementation agreements to implement a
4 county or a multi-municipal comprehensive
5 plan through updating of the zoning
6 ordinances or subdivision and land
7 development ordinances.

8 In my career at DCED, especially
9 over the last maybe ten years, I have
10 covered 15 counties in the northeast and at
11 one point in time I had over 40
12 multi-municipal planning projects ongoing.
13 It really took off after the Act 67 and 67
14 amendments to allow the development rights
15 to be dealt with among many municipalities
16 instead of just one single municipality, and
17 especially for the designated growth areas
18 to be able to grow and be the economic
19 engines for the region, particularly the
20 urban areas, and less sprawl for the suburb
21 areas.

22 It's a very popular program in our
23 department. The technical loan services has
24 funded millions of dollars worth of projects
25 over the last ten years or so and it does

1 require the plans to be updated every ten
2 years, SAPA is into five years now so it
3 will require an update in five more years,
4 but the update is no where near as expensive
5 as the original one because the original
6 ones, you know, had a lot of municipalities
7 that hadn't had their plans updated in, you
8 know, 20 years or 30 years, so with the
9 update it will not be as extensive and/or as
10 expensive because the documentation and the
11 information will not be as old.

12 But it's a great program, it's a
13 great tool for municipalities to use to be
14 an able to share the resources that's
15 required by the MPC.

16 MR. KING: And I'll be brief, I know
17 you want to take comments from the public,
18 the SAPA plan is a comprehensive plan. The
19 City's last adopted comprehensive plan was
20 in 1993 so we are more than 20 years so it
21 needs an update. This plan was done with
22 ten other municipalities. I think it's good
23 for the City of Scranton. We need a new
24 comprehensive plans. We will move into
25 hopefully implementation, which would be the

1 zoning ordinance is the main ordinance. The
2 comprehensive plan itself carries no legal
3 weight, it's a guidance or recommendation
4 document. The zoning ordinance is really
5 the ordinance that implements it. Each of
6 the municipalities and one of the core
7 principles of the plan was that each of the
8 municipalities would stay autonomous when it
9 comes to zoning so we'll still have our own
10 zoning ordinance, we will adopt our own
11 zoning ordinance that should be generally
12 consistent with the comprehensive plan.

13 MS. CAMPBELL: One thing I that
14 forget to mention, too, is that
15 municipalities that participate in a
16 multi-municipal comprehensive plan get
17 priority consideration for funding for state
18 grants through several municipalities. Some
19 of the departments applications actually
20 have a question on their application if they
21 are part of a multi-planning effort and they
22 get more points for that, so I just wanted
23 to point that out.

24 MR. EVANS: Don, can I ask you a
25 quick question, does that comprehensive plan

1 replace our 1993 plan if we adopt this?

2 MR. KING: Yes. This will be our
3 newly adopted plan.

4 MR. EVANS: Okay. Great.

5 MS. PROWELL: You want me to go over
6 those?

7 MR. KING: I'm good.

8 MS. PROWELL: I'll just go over
9 briefly when a municipality in Pennsylvania
10 does not enter a multi-municipal plan it has
11 to abide by the Pennsylvania law that states
12 that each and every community, whether urban
13 or rural, must provide or zone for enough
14 land for each and every type of land use, so
15 with this kind plan you have each of the ten
16 communities deciding what they want rather
17 than what they are forced to do by the state
18 usually, which was really forcing
19 urbanization of rural areas, also.

20 So with this one all of the
21 designated -- or most of the designated
22 growth areas are the existing urban areas,
23 the areas in the downtowns of the city and
24 of the boroughs, and I could go over the
25 growth areas, but I don't know if you want

1 me to do that.

2 MR. KING: I mean, basically if you
3 look at the land use plan in there it
4 mirrors the way the city has developed.
5 There is no radical changes in the ways of
6 the designated commercial or residential
7 areas, that mirrors basically what's on the
8 ground now and I said, the zoning ordinance,
9 which would go into a lot more detail, if
10 you look at this the land plan is just kind
11 of blobs. You know, this is a blob of
12 residential here, a blob of commercial here,
13 the zoning ordinance is what gets into the
14 nitty gritty. These particular parcels are
15 -- or these particular parcels are that.
16 The comprehensive plan isn't that detailed,
17 it's basically just a guide in this
18 document.

19 MR. WECHSLER: What are the plans
20 for updating the zoning ordinance?

21 MR. KING: We are working on an
22 implementation plan that would, you know,
23 once it's adopted that says that each
24 municipality will within two years make sure
25 that their zoning is consistent with this

1 plan so we look to begin, you know, next
2 year looking at our zoning ordinance and
3 making updates to it.

4 MR. WECHSLER: I know it's off topic
5 a little bit, but what about the cell phone
6 towers in the zoning, what are the current
7 plans in the updates to that?

8 MR. KING: Cell towers we are
9 looking at moving much quicker on. We have
10 some feelers out to some law firms that deal
11 specifically with those issues and we are
12 trying to get some proposals on helping us
13 redraft those. I mean, that's one area
14 where we are very lacking in.

15 MR. ROGAN: I have a couple of
16 questions, follow ups from what was brought
17 up. The update that has to be done in five
18 years, how is that complied and who has a
19 say in how the update is --

20 MR. KING: I would imagine, you
21 know, it would work the same way that the
22 plan was put together. There is a committee
23 with representatives from each of the
24 municipalities. I mean, like Cindy said
25 it's an update, it's not really a new plan.

1 You would like to see if there is areas that
2 develop differently in the plan that need to
3 be adjusted. You know, it would be done
4 through the committee and would have to be
5 come back to each of the governing body for
6 adoption the same as the initial plan has.

7 MR. ROGAN: And the committee, the
8 makeup of that, how many of the members of
9 the committee are from Scranton?

10 MR. KING: Two the way it is right
11 now.

12 MR. ROGAN: Out of how many?

13 MR. KING: I believe there is two
14 from each municipality.

15 MR. ROGAN: So Scranton being the
16 largest municipality in the plan has the
17 same representatives as say South Abington?

18 MR. KING: Yes.

19 MS. PROWELL: It's done that way
20 usually because the plan isn't made through
21 voting, nobody gets voted down. All of the
22 communities create their own plans so it's
23 done through consensus rather than voting.

24 MR. ROGAN: If a consensus couldn't
25 be reached then it would be by vote; right?

1 MS. PROWELL: If consensus couldn't
2 be reached then that would mean a community
3 wasn't getting what it wants and that
4 community might just elect to drop out
5 instead of going forward.

6 MR. ROGAN: And my other question,
7 and this is something that has been -- and
8 this is our third time going through it so I
9 don't want to belabor these points, the SAPA
10 plan holds no legal weight, and that's been
11 said many, many times, but you just
12 mentioned that the zoning would be changed
13 to reflect SAPA and the zoning does hold
14 legal weight.

15 MR. KING: The zoning does hold
16 weight, the zoning ordinance -- all zoning
17 ordinances, even the one we have now,
18 according to the state law has to be
19 generally consistent with your comprehensive
20 plan.

21 MR. ROGAN: So by adopting the
22 comprehensive plan then the zoning which
23 does hold legal weight would have to be?

24 MR. KING: Generally consistent with
25 that plan.

1 MR. ROGAN: That's all. Thank you.

2 MR. MCGOFF: Mr. Evans?

3 MR. EVANS: Nothing.

4 MR. MCGOFF: Mr. Gaughan?

5 MR. GAUGHAN: No.

6 MR. MCGOFF: Just a general comment,
7 we have gone through this, you know, a
8 number of -- as Mr. Rogan said we have been
9 here a number of times dealing with this
10 plan and as we move forward I believe that
11 regionalization is something that is
12 becoming very popular and I would say almost
13 necessary throughout the Commonwealth and I
14 think at least in my estimation that SAPA
15 represents a step forward toward greater
16 regionalization, regionalization of other,
17 you know, things that go on within the
18 Commonwealth and go on within the city, and
19 I see it as a benefit to the city.

20 Now, I know that there are probably
21 some things that we may disagree with as we
22 move along, but the last thing is that
23 should this plan in some way become
24 detrimental to the City of Scranton or to
25 any of the entities that are part of this

1 regional plan that entity is able to remove
2 itself from the plan; is that correct?

3 MR. KING: Certainly, yeah.

4 It's kind of -- especially for our area we
5 got 10 or 11 municipalities that sit
6 together and work and come up with something
7 that they all agreed with. But, yes, the
8 implementation agreement, which would come
9 after this, you know, states that whenever a
10 municipality feels it wishes to withdrawal
11 from participation it can.

12 MR. MCGOFF: And what we are -- I
13 should make that clear at least when we
14 spoke before about this that tonight is
15 really the adoption, we are voting on the
16 adoption of the plan. The implementation of
17 the plan would come at a later date.

18 MR. KING: Correct.

19 MR. MCGOFF: And some time, I
20 assume, in 2015.

21 MS. PROWELL: Hopefully.

22 MR. KING: Yes.

23 MR. MCGOFF: We would actually
24 implement this as part of it and become part
25 of the implementation of the plan. Maybe

1 just one last question, going back to the
2 update how would the funding of the update
3 be handled? In other words, would it be on
4 equal kind of sharing of the municipalities
5 involved or --

6 MS. CAMPBELL: Well, the Department
7 of Community and Economic Development has a
8 problem that would -- it's 50/50 match
9 program that would provide funding for any
10 update. I believe SAPA used a formula
11 initially based on population of land -- -

12 MR. KING: Population and size.

13 MS. CAMPBELL: Square mileage, yeah,
14 I determined the amount each municipality
15 would pay. I would imagine something like
16 that would be done again for an update.
17 But, again, keep in mind, as Don said
18 before, the update could be very minute if
19 nothing much has changed, but we do have
20 funding available for it whether it's, you
21 know, through a consultant or through
22 communities do it on their own, you know,
23 the department would be sustained with
24 financial with an update.

25 MR. MCGOFF: Thank you. Any other

1 questions?

2 MR. GAUGHAN: Yeah. First of all, I
3 would just like to thank all of you for
4 coming. I read through the plan the last
5 time when you came and I just want to say
6 that I realize how much hard work each one
7 of you put into this plan and the
8 cooperation that it took to get it done and
9 I appreciate that, so thank you.

10 MR. ROGAN: I just have one
11 follow-up from something that was mentioned,
12 the funding is based on population and size,
13 why isn't the representation on the board
14 based on population and size?

15 MS. PROWELL: It was actually based
16 on assessed value -- we did a formula on
17 assessed value, population and land area,
18 and as we had said, the representation on
19 the committee is to make the plan is done
20 through consensus and not voting and that's
21 the way as I understand most groups do it
22 because it has to be done through consensus
23 so that each community gets what it wants
24 from the plan.

25 MR. ROGAN: Well, if a dispute were

1 to arise though in the future, which can be
2 possible, then Scranton could be on the
3 short end of a vote if there were to be a
4 vote.

5 MR. KING: Well, it's hard to answer
6 that because through this whole process we
7 never took a vote, and anything that any
8 community asked for if someone said we would
9 like this said about our community or that
10 said about our community that was
11 immediately put in the plan. From the very
12 beginning everybody agreed that what the
13 municipality wants it's their plan, that's
14 what it should say about their municipality.

15 MR. GAUGHAN: And you represented
16 Scranton on the --

17 MR. KING: Yes. And all of the
18 meetings are open to the public so any
19 number of people could attend and comment.

20 MR. GAUGHAN: From what I see, I
21 mean, I think Scranton benefits greatly from
22 this plan and I don't think the point of the
23 meeting is who gets the most votes or
24 whatever, it's like you said, consensus and
25 collaboration among this region, which I

1 think will be helpful moving forward.

2 MR. KING: If it wasn't consensus we
3 wouldn't be sitting here because there
4 wouldn't have been a plan.

5 MR. GAUGHAN: Good point.

6 MR. KING: I think the group would
7 have fell apart early.

8 MR. EVANS: One more follow up, if
9 somebody drops out, and I'm not suggesting
10 we would drop out, is a contiguous
11 municipality law take effect is this?

12 MR. KING: Yeah. The state law
13 requires that the participating
14 municipalities be contiguous.

15 MS. CAMPBELL: Or in the same school
16 district.

17 MR. KING: Or in the same school
18 district, but basically for us that means
19 contiguous.

20 MR. EVANS: If somebody dropped out,
21 I'm not sure if one would drop out it would
22 effect us, but that could happen I guess.

23 MR. KING: It could happen, we have
24 a couple of municipalities that are
25 contiguous to us, so if we weren't part of

1 it Dunmore couldn't be a part of it because
2 they are kind of off on their own.

3 MR. EVANS: Yeah. Okay.

4 MR. MCGOFF: Anyone else? I should
5 make note that the legislation for adoption
6 it's not on the agenda, there will be a
7 motion to take it from the table and it will
8 be voted on in Seventh Order this evening.

9 MR. KING: Thank you.

10 MR. MCGOFF: And going with what
11 Mr. Gaughan said I'd like to thank Cindy and
12 Denise and Don for coming this evening and
13 for this public hearing. Thank you. And if
14 there is nothing else.

15 MR. ROGAN: Public comment.

16 MR. MCGOFF: Oh, I'm sorry, yes.
17 There is no one on the sign-in sheet for
18 public comment, if anyone would like to,
19 please.

20 MR. SBARAGLIA: Andy Sbaraglia,
21 citizen of Scranton. Fellow Scrantonians,
22 the name expresses really what's happening
23 to Scranton, we are being made a sap, and
24 that's the whole idea of this plan. When
25 this was brought up, oh, maybe two or three

1 years ago I said why can't we incorporate
2 all of the valley communities to be part of
3 this plan? Why they don't want this
4 explains it. The burden of the financial
5 will fall on the people of the Scranton. We
6 don't need more financial responsibilities.

7 And another thing is what have we
8 got in common with the Abingtons? Are we
9 going to turn Scranton into a farm again?
10 Is this what you want? There are farmland
11 up there, that's what they are, they are
12 farmers and you in turn want to shake hands
13 with farmers. Where are our valley people,
14 Dickson City and all of the places around
15 us, Taylor, Moosic, Dunmore. Why can't we
16 all be incorporated, but then we would water
17 down the boat.

18 They explained to you the voting
19 process, Scranton gets two votes. I don't
20 know if they are considering Scranton and
21 Dunmore as one or Dunmore gets two votes,
22 but we got 20 votes against us just to start
23 with.

24 Scranton's problem is taxation.
25 Nobody wants to come to Scranton because of

1 the taxes, and that's still a problem. You
2 got to reach out your hand to our
3 communities on each side of us, that's the
4 only way Scranton could really survive. How
5 many of the people in Scranton are going to
6 be giving us that hundred and was it 56
7 dollars from up in the Abingtons and how
8 many people were Taylor, Dickson City,
9 Dunmore, Moosic, is going to be paying that
10 money?

11 Our life blood is in the valley.
12 Why are you turning your backs on them?
13 This plan does nothing for Scranton other
14 than adding more costs. You didn't ask if
15 any of these paid, are they are volunteers
16 to the SAPA, the people that are running it
17 are they paying being paid from public money
18 some way or another?

19 MR. GAUGHAN: I believe it's
20 volunteer.

21 MS. PROWELL: It's volunteer.

22 MR. GAUGHAN: It's all volunteer.

23 MR. SBARAGLIA: Well, that's good to
24 finalize that, but the truth of the matter
25 is it does nothing for Scranton, it really

1 doesn't. It's a great name, a great thing,
2 but I know there must be hidden costs in
3 there, grants. I guess grants, money
4 flowing from different grand organizations.
5 Somebody is going to make something out of
6 this, but not to the general people of
7 Scranton. They are not going nothing out of
8 it except higher taxes. If you can tell me
9 SAPA would take away the 19 percent tax hike
10 maybe I would say, yeah, go with SAPA. Is
11 it going too take away from our 19 percent
12 tax hike or is it going to add to the next
13 year's tax hike?

14 These are the things you got to look
15 at, but our life blood is in the valley. I
16 don't know how you can even think about
17 reaching out to the Abingtons. They really
18 don't do a darn thing for us. They want
19 clean air up there and they got clean air up
20 there, but the city in turn will not have
21 that clean air. You got to look at things
22 as they are.

23 Mr. McGoff, let us down a path to
24 destruction and he is still going to lead us
25 down the path of destruction. The more you

1 listen to him the more trouble we are going
2 to have. If you go back to what was done
3 all the way back to Fanucci, Gatelli and
4 McGoff you will see that's where the trouble
5 arised. Janet kept SAPA off the books. The
6 reason why she realized that it wasn't good
7 for the city. You in turn bring it back. I
8 told you, you can't resurrect something
9 that's not going to benefit the city, not
10 have a law that's going to benefit a few
11 individuals in the city with grants, and
12 that's all this is going to do. Somebody is
13 going to make a killing on this but it won't
14 be the people of the Scranton. Thank you.

15 MR. MCGOFF: Anyone else?

16 Mr. Morgan?

17 MR. EVANS: Before Mr. Morgan gets
18 up, my understanding is that all of the
19 boroughs in this valley were invited to be
20 part of SAPA and the Up Valley and MidValley
21 communities elected not to be part of SAPA;
22 is that correct?

23 MR. KING: Correct. Every,
24 community in the county was invited.

25 MR. EVANS: Was invited, that's what

1 I thought. Sorry.

2 MR. MCGOFF: Mr. Morgan?

3 MR. MORGAN: Well, good evening,
4 Council. It's no real secret that I think
5 this is a great plan for the city, and I do
6 respect Mr. Sbaraglia, I disagree with his
7 opinion. I think for a long time the City
8 of Scranton has been looking for a new way
9 to go, and I think this is the way to go.
10 It's just the beginning, but you know we
11 need a new start and we need a new
12 direction. You know, we have got a lot of
13 industrial parks with a lot of vacant space,
14 we could really use the jobs, we could
15 really use the economic development.

16 I'm not going to argue that the
17 point that a lot of the land outside of the
18 city is farmland, but do we really want to
19 build industrial parks out there and try to
20 compete with them or do we want to try to
21 get them to come into our community, spend
22 their money, come to work here and help to
23 really pick this city up?

24 Okay, now, we have got a Class 2A
25 city, I don't know, I think that somebody

1 should be talking to our state
2 representatives on our state senators since
3 we are the only Class 2A city in the
4 Commonwealth and see what kind of the
5 funding can be developed and targeted to the
6 city to increase the amount of employment
7 opportunities here. I think this plan is
8 the most wonderful thing that's happened to
9 this city in so long that I don't ever
10 remember an opportunity like this and I'm 55
11 years old.

12 And, you know, we are wondering why
13 all of our children and grandchildren are
14 gone, they are gone looking for opportunity,
15 and this is one time when the council can
16 take a vote. Hopefully all five council
17 members will vote "yes". I know, Mr. Rogan,
18 last week you said you were going to be
19 opposed but, you know, sometimes you have to
20 really be willing to take an opportunity
21 when it shows itself. Nobody is perfect,
22 but, you know, I don't know maybe,
23 Mr. Rogan, when you are an old man when your
24 grand children and your great grandchildren
25 live here and you will be able to enjoy

1 their company you would have voted "yes"
2 today it would be been a great thing for
3 you, but I know there is a lot of older
4 people in this community that have lost
5 their children and their grandchildren to
6 opportunity else where, and I'd like to see
7 everybody living outside of City of Scranton
8 come here to work and spend their money and
9 go to the mall and shop and, you know, help
10 us to alleviate the tax rates we have here,
11 and people come here and they don't want to
12 drive from where they are coming from. They
13 want to come here, they rent an apartment
14 and the next thing they buy a property.
15 Everything starts somewhere and I just think
16 it's time for this council, all five council
17 members hopefully to vote "yes".

18 We have got a representative, we
19 couldn't ask for a better representative
20 than the one we have on that board. You
21 couldn't put 20 people there with his
22 knowledge and hope for anything better, and
23 I just hope that you will agree. Thank you.

24 MR. GAUGHAN: Thank you.

25 MR. MCGOFF: Anyone else?

1 MS. SCHUMACHER: Good evening,
2 Council. Marie Schumacher. I am here to
3 encourage you to vote for the SAPA plan, I
4 think it will promote economic development
5 if what the rest of the things you are going
6 to do tonight or in the coming weeks don't
7 kill it even with SAPA, but I think it's the
8 best shot we have and we certainly cannot
9 afford another \$100,000 for our own plan so
10 I think there is only one way to vote
11 tonight and that's in favor of SAPA. Thank
12 you.

13 MR. GAUGHAN: Thank you.

14 MR. UNGVARSKY: Good evening, City
15 Council. I'm Tom Ungvarsky and I think you
16 already know my feelings on it, SAPA. I
17 think had SAPA shown some support for the
18 City of Scranton this past year with all of
19 our problems I might be more receptive to
20 it. However, it seems like the only reason
21 they want Scranton in this plan is because
22 of our low income and their high income. It
23 will help them to secure more grants.
24 However, there is a drawback in the amount
25 of votes that they have compared to the

1 votes the City of Scranton would have on how
2 to spend that money. They have been in
3 operation for at least four years that I
4 know of and I'd like to know of one business
5 that they have sent down to the City of
6 Scranton? If somebody knows, please tell
7 me. There is no one looking to locate in
8 the City of Scranton that they can recommend
9 to come down here. I think you better take
10 a good hard look at what the benefits are
11 compared to what it's going to cost us.
12 Thank you.

13 MR. GAUGHAN: Thank you.

14 MR. MCGOFF: Anything from council?
15 Again, thank you for your participation and
16 public hearing is closed.
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C E R T I F I C A T E

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

CATHENE S. NARDOZZI, RPR
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