

1 SCRANTON CITY COUNCIL

2 PUBLIC HEARING

3  
4 IN RE: FILE OF THE COUNCIL NO. 107, 2015 AS AMENDED.  
5 AMENDING FILE OF THE COUNCIL NO. 74, 1993 AS AMENDED  
6 ENTITLED CITY OF SCRANTON ZONING ORDINANCE OF 1993 BY  
7 ADDING TO SECTION 807, TEMPORARY STRUCTURE USE, AND  
8 DEFINING AND REGULATING THE SIZE, OPERATION AND USE OF  
9 PORTABLE ON DEMAND TEMPORARY STORAGE CONTAINERS AS  
10 DEFINED HEREIN AND AUTHORIZING THE ENFORCEMENT AND  
11 IMPOSITION OF PENALTIES AND FEES FOR VIOLATIONS WITHIN  
12 THE CITY OF SCRANTON.

13  
14 HELD:

15 Thursday, September 24, 2015

16  
17 LOCATION:

18 Council Chambers

19 Scranton City Hall

20 340 North Washington Avenue

21 Scranton, Pennsylvania

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25 ELIZABETH V. KEDRICK, RPR - OFFICIAL COURT REPORTER

1 MR. ROGAN: I'd call this hearing to  
2 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. ROGAN: The purpose of said  
13 public hearing is to hear testimony and  
14 discuss the following: FILE OF THE COUNCIL  
15 NO. 107, 2015 AS AMENDED. AMENDING FILE OF  
16 THE COUNCIL NO. 74, 1993 AS AMENDED ENTITLED  
17 CITY OF SCRANTON ZONING ORDINANCE OF 1993 BY  
18 ADDING TO SECTION 807, TEMPORARY STRUCTURE  
19 USE, AND DEFINING AND REGULATING THE SIZE,  
20 OPERATION AND USE OF PORTABLE ON DEMAND  
21 TEMPORARY STORAGE CONTAINERS AS DEFINED  
22 HEREIN AND AUTHORIZING THE ENFORCEMENT AND  
23 IMPOSITION OF PENALTIES AND FEES FOR  
24 VIOLATIONS WITHIN THE CITY OF SCRANTON. Our  
25 first speaker is Bob Bolus.

1 MR. BOLUS: Evening Council, Bob  
2 Bolus, Scranton. As we know from the past,  
3 there's been many, many issues regarding  
4 containers. I've had them on my property in  
5 East Mountain. I've had them there for  
6 about several--about three or four years.  
7 There's a definition that determines what a  
8 container is. That's a unit without wheels.  
9 It can't be pulled by a tractor, nor could  
10 it be used to haul freight. That's what a  
11 container is by classification by the city's  
12 own ordinance, which we fully comply with.  
13 We had an issue. We were before Judge  
14 Corbett, the Magistrate. We complied with  
15 her order. We removed one within two  
16 months. And within the five month period,  
17 we removed the other two that were there.  
18 We later brought in containers without  
19 landing gears which you put down if want to  
20 raise or lower the elevation of the trailer.  
21 Or in a container, to keep water and stuff  
22 running out of it. There were also  
23 insulated containers that on site carry a  
24 box that you put propane tanks in so you  
25 could heat them and keep stuff from

1 freezing. They were insulated units. We  
2 replaced them, put them back. Judge Corbett  
3 decided about a month later that we didn't  
4 comply with her order because we took them  
5 off the property and then they returned.  
6 Well, once they left the property, we were  
7 in compliance with the court order. If they  
8 had an issue, they should have filed it.  
9 But to make the story short, we appealed her  
10 decision and it's before the Court of the  
11 Common Pleas right now. I would ask tonight  
12 Council--and what I have here for Council's  
13 benefit, I've been in the business my whole  
14 life. We have roughly around 550  
15 containers, trailers that used to be  
16 trailers that are now containers. And  
17 they're all over the place. And we have C  
18 containers, these people are familiar with.  
19 We have them all. So we've been in the  
20 trailer and storage container business for  
21 probably the last 25 years. And what I'm  
22 going to give Council--and it's for your own  
23 edification, to better understand the  
24 industry. Is this is one photograph showing  
25 containers that are stacked probably, let's

1 see, one, two, three--seven high, one on top  
2 of the other. They're storage containers.  
3 And the other photograph I have is similar  
4 to what we have on the property, is a 45  
5 foot trailer that could be used as a  
6 trailer. Or it could be used for storage.  
7 And once the landing gears and the trailer  
8 suspension is removed, it becomes a storage  
9 container because it can no longer by  
10 definition of the ordinance because used to  
11 haul freight or be able to be pulled by a  
12 truck tractor. The next photograph I'm  
13 going to show you is a container lying flat  
14 on the ground without anything supporting it  
15 one way or the other. The next photograph I  
16 will give you is a container that was taken  
17 off, the wheels were removed and there's a  
18 young lady opening the back door on it. And  
19 the last photograph I'm going to show you is  
20 another van with a roll up door that's used  
21 for storage. They come in all sizes. They  
22 come from 20 foot all the way up to  
23 literally 53 foot, if that's what the  
24 customer requires. I would ask tonight,  
25 because I don't want to see people spending

1 more money. It's cost us a few thousand  
2 dollars already to go in with the  
3 litigation. And the reason I continue with  
4 the litigation is it's important because it  
5 becomes discriminatory not only about what  
6 we're doing, but to people who have had  
7 containers on their property for the last  
8 25, 30 years. So you become discriminatory  
9 saying you can't have it in a residential  
10 area. But yet, commercial people could have  
11 them in a residential area, which is the  
12 case if you go on Market Street when they  
13 were working on Harrison Avenue. Containers  
14 are part of the main stay. These pictures I  
15 showed you are from companies that are  
16 national, same as we are. And if you call  
17 up and said, I want 50 containers in Texas,  
18 we'll send you 50 containers to Texas. So  
19 they're an intricate part. You go down by  
20 the VA, they have containers. If you go to  
21 CVS on Moosic Street, there's containers  
22 parked there. So you could move all over  
23 the place and look at them. With the  
24 pending litigation, my suggestion would be  
25 that when this comes up, to table it pending

1 the outcome of the litigation. And then,  
2 maybe we'll have a better definition of what  
3 you can and cannot use. We've had  
4 discussions about containers. As far as  
5 putting them on the street, I'm adamantly  
6 opposed to doing that. They're dangerous.  
7 They're no more than roll off containers  
8 hauling garbage. So, but they should be--if  
9 they're using containers, they should be off  
10 the street and shouldn't be creating a  
11 hazard for anyone. Our containers are over  
12 500 feet off any roadway.

13 MR. ROGAN: Thank you, Mr. Bolus.  
14 This legislation will not be in for a vote  
15 for tonight.

16 MR. BOLUS: I can give you these to  
17 make them part of the record. Want me to  
18 give them to you? I'll let you guys take a  
19 look at them and then you could put them  
20 there. Make them a part of the record,  
21 please. Thank you.

22 MR. ROGAN: Next speaker is David  
23 Lewis.

24 MR. LEWIS: Good evening, Ladies and  
25 Gentlemen, David Lewis, President and

1 General Manager of L.A. Lewis Moving and  
2 Storage. I'm also a resident of Scranton  
3 all of my life, 62 years. I have some  
4 handouts here. Before I begin, I'd like to  
5 pass it along, if it's okay? I'm very sorry  
6 of the fact that with this ordinance on the  
7 table this evening, I really feel as though  
8 it should have been a little better  
9 advertised. I sort of caught this by  
10 accident in the morning paper. This  
11 ordinance is so full of holes that, you  
12 know, I feel as though legally you have so  
13 many lawsuits that would face this city.  
14 And I think this city is in enough trouble  
15 right now that they don't need to proceed  
16 any further with this ordinance. We need to  
17 take and rewrite this whole thing. Because,  
18 like I said, it's so full of holes that  
19 you're leaving yourself wide open for  
20 lawsuits. If you go to Section 1, "It shall  
21 be unlawful to convert, alter, change  
22 automobiles, trailers, tractor trailers,  
23 trailer of a tractor or any similar unit of  
24 this nature in the temporary portable  
25 storage." This is an industry that has been



1 in existence for, I'm going to say, 30 to 40  
2 years. C containers, which is part of a  
3 tractor trailer as Mr. Bolus presented--and,  
4 you know, with the hand outs that I handed  
5 to you, you know, there's companies besides  
6 Mr. Bolus here locally. Keystone is another  
7 large player in the area. The second  
8 handout that I gave you is a national  
9 organization that uses C containers.  
10 They're nationwide. Another concern is your  
11 Section A, "The fee for an extension permit  
12 shall be \$25. No trailers, tractor trailers  
13 or trailers of any kind may be used, stored,  
14 temporarily placed in a residential zone."  
15 I'm a residential mover. So now, this is  
16 going to eliminate my ability to take a  
17 tractor trailer out and drop a trailer at a  
18 residence to have my people deliver. The  
19 tractor goes back, it hooks up to another  
20 trailer, delivers. You know, basically, you  
21 have two, three crews and in a day's time,  
22 June through September, we have a high  
23 volume of traffic. So, you get into those  
24 kind of circumstances. When the trailer is  
25 empty, you come back and you pick it up at

1 the end of the day. This ordinance limits  
2 my ability to do--you know, to serve the  
3 general public basically. So, I'm good.  
4 Another big player in that type of industry  
5 is ABF Freight. They do the same thing, you  
6 know, but basically it's a POD situation on  
7 wheels. They drop it in your driveway.  
8 They drop them in the street. They're all  
9 over this county. You're, once again,  
10 you're limiting us to, you know, making a  
11 living basically. Another big factor,  
12 "Non-residential temporary storage  
13 containers, length of 40 feet, 8 feet, 6  
14 inches. No more than three temporary  
15 storage containers shall be in place on a  
16 specific property off-street in  
17 non-residential zones." I was at a facility  
18 today, 12. They have 12 of these  
19 containers. You're opening yourself up to  
20 so many lawsuits. I don't think the city  
21 needs this. You know, as one of your local  
22 business people, I beg that you would table  
23 this ordinance or continue to table it and  
24 have it rewritten. Thank you.

25 MR. ROGAN: Thank you. And I know,

1 as I mentioned to Mr. Bolus, this won't be  
2 up for a vote at tonight's meeting. And I  
3 appreciate you bringing up an issue I don't  
4 think any of us thought about, which was the  
5 moving aspect. The concern that I think  
6 many of us have, residents have, are PODs  
7 long term on the streets. I know I've  
8 received some pictures where they were  
9 almost blocking traffic for many months of  
10 storage. But, you know, the comments that  
11 were made today are definitely something we  
12 have to consider in making some changes.

13 MR. LEWIS: I know the bell has  
14 rung, but how many people are you going to  
15 hire to take care of this ordinance once you  
16 put it into effect? You're going to need  
17 half a dozen, 8, 10 people to go out and  
18 take care of the daily commerce that runs  
19 through PODs and containers, what have you,  
20 throughout the area. Food for thought.  
21 Thank you.

22 MR. ROGAN: Thank you.

23 MR. GAUGHAN: Thank you.

24 MR. ROGAN: Is there anyone else who  
25 would like to address Council?

1 MS. HODOWANITZ: Joan Hodowanitz.  
2 Mr. Rogan, can you--you just mentioned that  
3 it's not coming up for a vote tonight. Can  
4 you just give us an outline of what the plan  
5 is going forward for processing this  
6 ordinance?

7 MR. ROGAN: Well, there will be  
8 amendments that are made to the ordinance.  
9 And I know at least for myself, I have some  
10 other issues that I didn't realize until Mr.  
11 Lewis brought them up regarding the moving  
12 industry. And that makes total sense. We  
13 certainly wouldn't want to punish a mover  
14 for using good business practices, even in  
15 the short term. I think what we'll have to  
16 do is when we go into our caucus and moving  
17 forward, we'll have to discuss how we want  
18 to move forward with this legislation so we  
19 could address the safety concerns that  
20 residents have regarding PODs on the streets  
21 for long periods of time as well as legal  
22 issues that Mr. Lewis and Mr. Bolus brought  
23 up.

24 MS. HODOWANITZ: Yes. My only  
25 comment would be that if you make

1 substantial changes, which it seems that  
2 you're going to be doing, that you give  
3 enough publicity to the changes so that the  
4 public has enough time to view them and come  
5 forward and comment. In other words, don't  
6 simply put it back on the table for Seventh  
7 Order. Give the general public enough time  
8 to respond to any changes you propose.  
9 Thank you.

10 MR. ROGAN: You're welcome. Is  
11 there anyone else that would like to address  
12 Council? Any Council members care to  
13 comment? Meeting adjourned.

14 (WHEREUPON, the proceedings  
15 concluded.)  
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COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LACKAWANNA

I, Elizabeth V Kedrick, Notary Public, in and for the County of Wayne, Commonwealth of Pennsylvania, do hereby certify:

That said testimony was taken down by me and thereafter transcribed into typewriting, and I hereby certify the foregoing testimony is a full, true and correct transcription of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action, nor in anyway interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Elizabeth V Kedrick,  
Notary Public,  
Commonwealth of Pennsylvania,  
Honesdale Borough, Wayne County  
My commission expires 11/14/15

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