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01 SCRANTON CITY COUNCIL

02 PUBLIC HEARING

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04 IN RE: FILE OF COUNCIL NO. 127, 2005 - AN ORDINANCE -

04 APPROVING THE TRANSFER OF A RESTAURANT LIQUOR

05 LICENSE IN THE NAME OF DEFAZIO'S RISTORANTE,

05 INC., 143 COUNTRY CLUB ESTATES, GOULDSBORO,

06 PENNSYLVANIA, THORNHURST TOWNSHIP, LICENSE NO.

06 R-21270 TO TASTE OF ITALY OF SCRANTON, LLC FOR

07 USE AT 208 MEADOW AVENUE, SCRANTON,

07 PENNSYLVANIA, 18505 AS REQUIRED BY THE

08 PENNSYLVANIA LIQUOR CONTROL BOARD.

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12 Held:

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13 Thursday, April 14, 2005

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15 Time:

15 6:45 p.m.

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17 Location:

17 Council chambers

18 Scranton City Hall

18 340 North Washington Avenue

19 Scranton, Pennsylvania

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23 Lisa M. Graff, RPR

23 Court Reporter

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01 CITY OF SCRANTON COUNCIL:

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02 MR. GARY DIBILEO, COUNCIL PRESIDENT

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03 MS. JANET E. EVANS, VICE-PRESIDENT

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04 MR. WILLIAM COURTRIGHT

05

05 MR. JOHN POCIUS

06

06 MR. ROBERT McTIERNAN

07

07 MARK WALSH, ESQUIRE, SOLICITOR

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08 MS. KAY GARVEY, ASSISTANT CITY CLERK

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01 MR. DIBILEO: Okay. I'd like to

02 call to order this public hearing.

03 The purpose of said Public Hearing

04 is to hear testimony and discuss the following:

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06 FILE OF COUNCIL NO. 127, 2005 - AN ORDINANCE -

07 APPROVING THE TRANSFER OF A RESTAURANT LIQUOR

08 LICENSE IN THE NAME OF DEFAZIO'S RISTORANTE,

09 INC., 143 COUNTRY CLUB ESTATES, GOULDSBORO,

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12 USE AT 208 MEADOW AVENUE, SCRANTON,
13 PENNSYLVANIA, 18505 AS REQUIRED BY THE
14 PENNSYLVANIA LIQUOR CONTROL BOARD.

15 I have a sign-in sheet for anyone
16 that would like to discuss this topic, and there's no
17 one listed on the sign-in sheet. Would anyone like to
18 speak?

19 MR. WALSH: Mr. DiBileo I think we
20 should just have a roll call just for the record.

21 MR. DIBILEO: Kay, can we have a
22 roll call, please?

23 MS. GARVEY: Mr. McTiernan.

24 MR. McTIERNAN: Here.

25 MS. GARVEY: Mrs. Evans.

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01 MS. EVANS: Here.

02 MS. GARVEY: Mr. Pocius.

03 MR. POCIUS: Here.

04 MS. GARVEY: Mr. Courtright.

05 MR. COURTRIGHT: Here.

06 MS. GARVEY: Mr. DiBileo.

07 MR. DIBILEO: Here.

08 Would anyone like to comment on this public hearing?

09 MR. WALSH: And Mr. DiBileo, just
10 let the record reflect, as well, that all of the people
11 on the roll call were here for the reading of the
12 purpose of the meeting, the public hearing.

13 MR. DIBILEO: Okay. All were
14 present and no speakers wish to speak. With that said,
15 we're going to take a break and be back right at seven
16 o'clock for our regular Council meeting. Thank you.

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18 (HEARING WAS CONCLUDED.)

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01 C E R T I F I C A T E

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02 I hereby certify that the proceedings and
03 evidence are contained fully and accurately in the

03 notes taken by me on the hearing of the above cause and
04 that this copy is a correct transcript of the same to
04 the best of my ability.

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08 LISA M. GRAFF, RPR
08 OFFICIAL COURT REPORTER

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02 SCRANTON CITY COUNCIL MEETING

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08 Held:

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09 Thursday, April 14, 2005

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15 Council chambers

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16 340 North Washington Avenue

16 Scranton, Pennsylvania

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07 MR. WILLIAM COURTRIGHT

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09 MR. JOHN POCIUS

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11 MR. ROBERT McTIERNAN

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13 MR. MARK WALSH, ESQUIRE, SOLICITOR

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15 MS. KAY GARVEY, ASSISTANT CITY CLERK

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01 MR. DIBILEO: Please stand for the

02 Pledge of Allegiance. Please remain standing for a

03 short prayer. Kay, can we have a roll call, please?

04 MS. GARVEY: Mr. McTiernan.

05 MR. McTIERNAN: Here.

06 MS. GARVEY: Mrs. Evans.

07 MS. EVANS: Here.

08 MS. GARVEY: Mr. Pocius.

09 MR. POCIUS: Here.

10 MS. GARVEY: Mr. Courtright.

11 MR. COURTRIGHT: Here.

12 MS. GARVEY: Mr. DiBileo.

13 MR. DIBILEO: Here. Before we

14 dispense with the reading of the minutes, we have a

15 special guest here this evening that's going to be

16 honored with a proclamation, and he's a very well-known

17 and actually more than well-known high school

18 basketball coach, and his name is Jack Lyons.

19 He's actually probably more soon

20 becoming a legendary high school coach in our area, and

21 he recently achieved the 400 win total, and he's beyond

22 that at 406.

23 And Jack Lyons is here this

24 evening, and I'd like to ask him to come forward to

25 receive a proclamation from City Council. I'd like to

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01 invite all members of City Council to please join me

02 down in front of our stand. Thank you.

03 Okay. And the proclamation reads:

04 Whereas the Council of the City of Scranton is desirous

05 of honoring Jack Lyons for his outstanding career as

06 high school basketball coach; and whereas, Jack began

07 his career at West Catholic High School where his team
08 reached the Eastern Final in his second year; and
09 whereas, Jack was the assistant coach at Scranton Prep
10 where the junior varsity won two championships in three
11 years; and whereas, Jack was named the Region 19
12 All Star Coach at Lackawanna Junior College; and
13 whereas, while at Bishop O'Hara, the team one two
14 Lackawanna Team Championships, four Christmas
15 Tournament Championships, Six District Two PIAA
16 Championships, including four consecutive titles and
17 appeared in the state playoffs eleven times in 15
18 seasons; and whereas, Jack led Scranton High School to
19 two district two runner-up finishes and led the Knights
20 to four state playoff appearances in five seasons; and
21 whereas, after having success in each position he has
22 held, he still continues to excel as he currently holds
23 the position of head coach for the West Scranton High
24 School Boys Basketball Teams reaching his 400th win on
25 January 25, 2005, over Western Wayne with a score of
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01 59 to 38; and whereas, throughout his career he has
02 managed to obtain 406 varsity basketball wins, as well
03 as leading West Scranton to the Riverside Christmas
04 Tournament Championship and the Invaders first PIAA
05 state playoff appearance in 35 years.

06 Now, therefore, be it resolved
07 that on Thursday, April 14, 2005, Scranton City Council
08 wishes to congratulate Jack Lyons on his outstanding
09 achievements and extend our best wishes for success in
10 all of its future endeavors.

11 Be it further resolved that this
12 proclamation be made a permanent part of the minutes of
13 this Council as lasting tribute to Jack Lyons. Jack,
14 congratulations. Jack would like to say a few words.

15 MR. LYONS: I would first of all
16 like to sincerely thank Jay Saunders, who isn't here,
17 and Kay, for asking me to be here today.
18 Attorney Walsh, Mr. McTiernan,
19 Mrs. Evans, Mr. DiBileo, Mr. Courtright, Mr. Pocius,
20 thank you very, very much. This means I've been around
21 a long time, pretty old, at a number of different
22 schools.

23 But this award and this
24 proclamation goes to a lot of people, you know, the
25 great administrators that I worked under in all the
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01 schools, the great athletic directors, particularly
02 Tommy DiLeo at Bishop O'Hara and Tommy Smith at West

03 Scranton, very close friends of mine, tremendous
04 assistant coaches throughout the area that are now head
05 coaches, you know, too numerous to mention, but very
06 proud of my three assistant coaches, Mrs. Evans' son
07 Chris, who I had the pleasure of coaching at Scranton
08 High School, Craig Mailen and Paul Doherty, tremendous,
09 tremendous people, but more importantly the great
10 players that I have had all at every school.

11 And I'm especially proud at the
12 end of my career to be in the two high schools that I
13 feel are two of the best high schools in the State of
14 Pennsylvania, the pleasure at Scranton High School,
15 where I had the pleasure of coaching my son, who went
16 on to Ithaca and is now a physical therapist, and now
17 at West Scranton High School where, you know, we had
18 the opportunity to turn this program around.

19 I've been blessed to be around
20 tremendous young people, and they are the greatest
21 influence on my life to keep me going, and it's a great
22 pleasure to always be able to help young kids.

23 You know, in my life if I had ups
24 and downs, and I tried to teach my players and my
25 students, you know, how to respond to respond to
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01 adversity and how to have the character to do it, so I
02 have been very blessed to be around tremendous young
03 people, and I want to thank you people very seriously.
04 And are all very good friends of mine, and I know in
05 your hearts you work to the best of your abilities to
06 help this city go forward, and I thank you very much
07 and I'm very humbled by this award. Thank you very
08 much.

09 MR. DIBILEO: Jack,
10 congratulations. It's an achievement that obviously
11 doesn't happen every day, and not only do you coach
12 high school athletes, but I know that you put on
13 clinics during the summer for younger children, and my
14 daughter attended the last two clinics, and at the end
15 of the clinic I've been present for a talk that you
16 give to the kids about life. It's not about
17 basketball, it's about what life is all about and
18 friendship and respect, and it's really moving, and I
19 just want to say you're a tremendous coach and a
20 tremendous person, and thanks for everything you do for
21 our community. Thank you again.

22 Mr. Walsh, if we could dispense
23 with the reading of the minutes now.

24 MR. WALSH: Yes. Third order,

25 there is no business this evening under third order.

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01 Fourth order, citizen participation.

02 MR. DIBILEO: Okay. I have a

03 sign-in sheet, and the first person is Reverend Kathryn

04 Simmons.

05 MS. SIMMONS: Good evening. My

06 name is Reverend Kathryn Simmons and I'm a Scranton

07 resident.

08 MR. DIBILEO: Good evening.

09 MS. SIMMONS: Good evening,

10 Councilpersons.

11 MS. EVANS: Thank you. Good

12 evening.

13 MS. SIMMONS: That's all right.

14 You're deserving of it. I begin by saying peace onto

15 each of you from my Lord Jesus Christ.

16 I came here tonight to talk about

17 three issues, one you may already know about, on

18 April 20th of next week at ten o'clock a.m., there will

19 be a town hall meeting at Bethel AME Church. The

20 issues will be guns, violence and gangs.

21 A large group of persons will be

22 coming into the Scranton area from the mayor's office

23 in Philadelphia, Pennsylvania, and they are going to

24 help us in presenting information to those who attend.

25 Second, summer is fast approaching

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01 and we need help from everyone citywide to aid us in

02 finding and funding programs and projects for young

03 persons.

04 The lines of communication are

05 open daily to crime watch and to the ministry. Please

06 do not wait until our children feel as though they are

07 just an argument for us. They're not worth putting

08 some money up front.

09 And now, Mr. Courtright, I'm going

10 to address you directly.

11 MR. COURTRIGHT: Okay.

12 MS. SIMMONS: I do this tonight

13 because you are the one who is affiliated with the

14 police department. Yesterday I requested that

15 Officer Ed Bohnan be present for our news conference

16 this morning to announce the April 20 meeting. I had

17 no problem with Officer Bohnan, he told me that he

18 would have to get clearance from his boss.

19 I received a call later on in the

20 day from Chief Elliot saying, no, he would not allow

21 this officer to attend this conference, and I quote,
22 there were things that may be said that he didn't agree
23 with.

24 What would he not agree with, the
25 issue of gangs? They're here. The issue of guns?
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01 All we have to do it go downstairs, they're here. The
02 issue of violence? The prison is full. The fact that
03 I had to go to Philadelphia to get people to come in
04 and supply us with us information and show support for
05 the crime watches across the city?

06 I've been insulted many times in
07 my life, most times I just forgive and move on. It's
08 always a test of my faith, but this has gone a little
09 too far.

10 I'm a minister who has supported
11 the police consistently. As long as they were
12 legitimate and ethical issues, but then yesterday to be
13 told that I am not to be trusted and I would do harm to
14 my city is absolutely heartbreaking.
15 I do not know this man's problems
16 with Bethel AME and/or Florence Midtown Crime Watch. I
17 know that over the year we have tried to get in touch
18 with him by telephone, he has never accepted a phone
19 call from us, nor has he ever returned a phone call
20 from us.

21 Yesterday most of the people in
22 the office when he called were celebrating, they
23 thought it was a joyous occasion until he said what he
24 had to say.

25 He has never come to an event at
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01 Bethel, he's never come and asked to walk through
02 Midtown Complex with us to see what our problems are
03 and what we could discuss with him.

04 What I'm about to say is very
05 graphic and I'm sorry if it upsets some people, but
06 that's all right, because if I get my point across,
07 then I've done my job.

08 Bigotry occurs each day, but it
09 causes greater pain when it comes inside your own
10 home. Mr. Courtright, tell him he need not be worried
11 about a minister who is out there doing God's work.
12 I know that some people, many
13 people, for that matter, feel that because I'm married
14 to and Afro American gentleman and I have Afro American
15 children that I'm a traitor to my race.
16 That's all right, but I'm not a

17 traitor to God, and I do God's work, and I will
18 continue to do God's work. And you tell him he can
19 want all he wants to, but I'm not going away. Thank
20 you.

21 MR. DIBILEO: Thank you, Reverend
22 Simmons. Regina Yetkowskas.

23 MS. YETKOWSKAS: Regina
24 Yetkowskas. This evening I will discuss what
25 Mr. Doherty may do on tax increases if re-elected, and
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01 then I will continue my discussion on how Mr. Doherty
02 hid his losing arbitrations and their costs from the
03 people.

04 Because of Scranton's financial
05 mess the Doherty administration created in the last
06 four years, if Mr. Doherty is re-elected, I believe the
07 people can look forward to tax increases shortly after
08 the general election.

09 We should just hope they will not
10 be substantially similar to the percentage tax increase
11 the new Lackawanna County commissioners imposed on us
12 in 2005.

13 Their reason for the large county
14 tax increase is because the new commissioners claim
15 they must now pay the bills left over by the previous
16 majority commissioners.

17 I truly fear other laws which may
18 be passed in Scranton if Mr. Doherty is re-elected and
19 carries with him a new rubber stamp City Council. The
20 people should watch and do what they can to protect
21 themselves.

22 I've consistently said that
23 Doherty does not report to the people on financial
24 matters because the reports can be very damaging to him
25 if accurately reported.

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01 Let me give one example, when Jim
02 Connors was in office and lost an arbitration to one of
03 the city unions, the local newspapers widely published
04 the details of the arbitration, including the city's
05 costs to comply with the award and additional legal
06 costs.

07 On March 13, the Sunday Times
08 wrote an editorial entitled, Freedoms Roots Lie In
09 Openness. It was an excellent editorial which
10 advocated more voluntary access to public information.
11 The editorial states, Tyranny thrives in darkness, that
12 is why controlling the flow of information is a feature

13 of every dictatorship and why open access to
14 information and an independent and active press are
15 hallmarks of every Democracy worthy of the name.

16 Let me apply this statement to the
17 Doherty administration, since Doherty has been in
18 office, it is known that he lost a number of
19 arbitrations to the city unions. Neither Doherty nor
20 the newspapers ever told the people how many
21 arbitrations the Doherty administration tried, won,
22 lost and their costs.

23 What are the additional bills the
24 people must pay? Based on the many and kind of
25 presentations Mr. Gervasi of the firemen's union,
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01 Ms. Stulgis of the police union and Ms. Krake of the
02 office employees union made to City Council and the
03 television public at this podium. It is easy to
04 conclude the city unions are against Mr. Doherty.

05 These unions were parties to the
06 arbitrations. They won the arbitrations. They have
07 the complete opinion and award each arbitrator wrote.
08 If my conclusion is correct, then the unions involved
09 in the arbitrations indirectly help Mr. Doherty's
10 re-election because they did not inform the public on
11 the arbitration results.

12 At least the arbitration decisions
13 will show Mr. Doherty wasted city monies, which the
14 people must also pay.

15 If the arbitration decisions are
16 published, they will also show Doherty failed to
17 protect and use public money for the good of the
18 people.

19 Mr. Doherty never mentioned one
20 word, nor was he ever quoted in the newspapers about
21 the arbitration decisions or their costs in all the
22 time he was in office. One need not explain why.

23 In my opinion, both newspapers
24 also controlled the flow of information because they
25 will have access to the arbitrator's decisions but did
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01 nothing to inform the taxpayers.
02 Why can't both newspapers at least
03 be objective and report a story fully and fairly when
04 dealing with any and all city and county
05 administrations?

06 At all times both newspapers have
07 a First Amendment Right to printing slanted articles,
08 slanted opinions, and incomplete articles, but

09 professional journalism ethics require when any
10 newspaper writes slanted articles and opinions, they
11 belong on the editorial and op-ed pages, not in factual
12 news stories.

13 I cannot and do not accuse each
14 member of City Council for their failure to inform the
15 public about the details of the lost arbitrations.

16 They did not fail the people, because even though you
17 asked for copies of the decisions, Mr. Doherty did not
18 and so far will not provide them to Council members.

19 By now this and previous
20 presentation -- by now in this and previous
21 presentations I presume we could all easily guess why
22 there is an iron curtain of silence all around City
23 Hall which prevents access to the arbitrations.

24 Could it be because those
25 arbitrations will tarnish Doherty's carefully

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01 manufactured image that he works for the people?

02 I, for one, do not believe this, because the facts show
03 the opposite.

04 There are many more incidents,
05 items and projects on which Mr. Doherty claims credit,
06 but which continue to prove he failed to help the
07 people who voted him into office and did nothing but
08 spend Scranton into terrible debt. Thank you.

09 MR. DIBILEO: Thank you.

10 Andy Sbaraglia.

11 MR. SBARAGLIA: Andy Sbaraglia,
12 citizen of Scranton. Fellow Scrantonians, at the close
13 of last week's meeting the letter of credit was brought
14 up. If you remember that letter of credit, it was in
15 December it was issued, remember, for \$5 million, and
16 the bank would only allow, was it, \$4.some or \$3.98 or
17 whatever it was that you quoted to the administration.
18 And then you said this money was not used, it's still
19 in the coffers of the city; is that true?

20 MR. DIBILEO: Andy, I'm not
21 exactly sure what you're referring to.

22 MR. SBARAGLIA: Well, if you
23 remember you the TAN loans for \$9 million, right, tax
24 anticipation notes for \$9 million five, and four was
25 nine, and then there was a letter of credit that was

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01 debated many hours at this meeting, because it was,
02 like, for almost \$5 million, and you asked -- and it
03 was asked if he needed the money, he didn't need the
04 money so forth and so on.

05 But the main thing it was, you did
06 vote it. My question is, Was it issued? Did they draw
07 on it? And when did they draw on it?
08 MS. EVANS: Are you referring to
09 the TAN series?
10 MR. SBARAGLIA: Not the TANS, the
11 \$5 million letter of credit.
12 MS. EVANS: The \$4 million loan?
13 MR. SBARAGLIA: Well, it wasn't a
14 tax, it was a letter of credit. That's a whole
15 different ballgame. Letter of credits aren't like just
16 borrowing. Usually the bank makes out very well on a
17 letter of credit. My question is, Did he use it?
18 MS. EVANS: Supposedly that was to
19 be used, as I understand it, to pay outstanding bills
20 for the fiscal year 2004. I do not know for a fact
21 that has been done, I do not know if it's currently
22 being used to pay 2005 bills. It's very difficult to
23 obtain that information.
24 MR. SBARAGLIA: Because if you
25 remember right, they were talking about layoffs and so
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01 forth and so on. This was a very specific deal with
02 this letter of credit. And if you ever look at the
03 interest rate on the letter of credit, you would find
04 out it's higher than it would have been on the open
05 market, so I assume this thing was done because it was
06 immediately needed, like it was presented to us.
07 But you don't know exactly how --
08 I wish you would look into it and find out exactly how
09 this letter of credit was utilized. Was it utilized
10 for what you said it was going to be utilized, or is
11 this the money he's going to use now for different
12 projects?
13 MS. EVANS: I will do that for
14 you, Andy, but I can't promise results, because as
15 Regina indicated in her presentation, Council,
16 specifically this Councilperson, had requested the
17 arbitrations and the opinions of the arbitors in each
18 one of those cases many months ago from our legal
19 department, and to date, I've received nothing.
20 So, I certainly am more than
21 willing to make that request, because that information
22 is important to you, to me, and to everyone in this
23 city, but I can't guarantee the information will be
24 immediately forthcoming.
25 MR. SBARAGLIA: Well, all you have
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01 to do is get a hold of the business administrator, call
02 hill down here and ask him point blank, that's all. He
03 should be able to give you an answer, and if he don't
04 want to attend, then I'm sure he would just send down
05 the answer, which is probably more convenient to him.
06 But I think you should do that.

07 MS. EVANS: We could schedule a
08 caucus with Mr. Kresefski.

09 MR. SBARAGLIA: Not necessarily.
10 You just have to ask him, and if he refuses, then call
11 him down. That's the best way to go. And I thank you.

12 MR. DIBILEO: Thank you. Bob
13 Bolus.

14 MR. BOLUS: Good evening, Council.
15 Bob Bolus, Scranton. It seems what we're hearing
16 tonight is we have a major issue, and we've known that
17 for a long time.
18 We saw ads in the paper, Chris
19 Doherty is coming to your neighborhood. Four years as
20 a councilman, three plus years as a mayor, and it took
21 him this long to find our neighborhood?
22 Well, he came to East Mountain,
23 maybe he was looking for the vehicle that went into the
24 lake, but better yet, maybe he was looking to find the
25 motorcycle that used to patrol East Mountain that kept
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01 the people with the drugs and the ATVs and everybody
02 out of our backyards and took care of the crime on the
03 mountain.
04 I just find it interesting that we
05 see all these advertisements that this man is coming to
06 the neighborhood. I wonder what he thought about
07 East Mountain when he rode up to Waldorf Park for a
08 beer bash, how bumpy it was.
09 I don't know if the work is still
10 continuing there. I come down there, I don't see a lot
11 of activity right now.
12 Look at the potholes we have. We
13 have a Super Saturday coming, we have all this nonsense
14 going on, we're filling potholes? I don't know where
15 they are all. It's not DPW's problem, it's starts at
16 the leadership level.
17 And we can tell where our
18 leadership is. He's telling you, here is his picture,
19 this is what I look like and I'm coming to your
20 neighborhood.
21 Well, don't come to my
22 neighborhood unless you're going to do something.

23 Today, tomorrow and the next day. But if you're going
24 to come every seen years, I don't think we need you in
25 our neighborhood anymore. We don't need the
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01 propaganda.

02 I sat here and I listened tonight

03 about issues that are serious issues. You know, we

04 don't see the boards on TV anymore, The

05 Scranton Rec Authority, the Sewer Authority, they don't

06 come here anymore, because this is where they used to

07 to be televised.

08 And why, Mayor Doherty? Because

09 you don't want us to know what is going on with your

10 committees and your boards and you won't give us

11 answers.

12 You won't tell us about your

13 campaign finance reports and your reports where you

14 took money from a corporation and you sit and

15 administer this city, you sit and administer the funds

16 of this city on behalf of all the people, yet you don't

17 talk to us.

18 Council tonight it's critical.

19 We've asked these questions and we keep asking, and you

20 heard it all tonight. And I'm going to tell the people

21 out there that watch this program to send you an Email

22 and ask to you subpoena Chris Doherty and the members

23 of his board to come here before you and cut the

24 nonsense out, because we want the answers. We are the

25 employers, not Chris Doherty or his administration or

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01 the cronies that are hiding.

02 And tonight I'm going to ask

03 Mr. Pocius, would you issue a subpoena?

04 MR. POCIUS: No.

05 MR. BOLUS: Mr. McTiernan, would

06 you issue a subpoena to Mr. Doherty and the boards to

07 come here?

08 MR. McTIERNAN: No.

09 MR. BOLUS: Mr. Courtright?

10 MR. COURTRIGHT: For Mr. Doherty

11 to come here, a subpoena?

12 MR. BOLUS: Under subpoena,

13 absolutely, and give us the answers, yes, sir.

14 MR. WALSH: Mr. Courtright,

15 perhaps because it's a subpoena issue, perhaps I could,

16 and I apologize, Mr. Bolus, as you can see Jay is on a

17 much needed vacation, so I'm working the clock tonight,

18 so I'll make sure you get your five minutes here, but

19 let me just say one thing with respect to subpoenas,
20 subpoenas are legal documents which are used to compel
21 people to be in certain places; for instance, legal
22 proceedings, hearings, you see them in congressional
23 investigations.

24 I don't believe you'd be able to
25 use a subpoena just to make somebody come to a
0023

01 particular place because you want them there. The only
02 way to issue a subpoena, I think, would be pursuant to
03 either a court proceeding that's going on or if indeed
04 there was a lawfully started investigation.

05 The Home Rule Charter that we have
06 does provide for subpoena power, but interestingly, and
07 I didn't know you were going to bring this issue up,
08 just in the Pennsylvania Bar Quarterly this week there
09 was a case reported out of Erie, Pennsylvania saying
10 that Councils do not have subpoena power.

11 Now, of course that case may
12 differ greatly from our situation here, because we live
13 in a AA city and also they may not have a Home Rule
14 Charter that has a provision in it providing for
15 subpoenas, but I think -- what I did, by the way, was I
16 sent for that case so I could read it, it is on appeal.

17 I think the best thing to do,
18 rather than to ask the Council whether they would
19 subpoena, because indeed if they had to subpoena, they
20 would do that, I would assume, because it's in the
21 Home Rule Charter, but it would have to be pursuant to
22 a lawful investigation, and the lawful investigation
23 would have to be started by Council.

24 I don't want to take any more of
25 your time, but just to say that the lawful
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01 investigation is needed because, say, Council issues a
02 subpoena, say, the person subpoenaed said, I'm not
03 going to come, well, the only way to force them to come
04 would be to go to court.

05 Once you went to court, the Court
06 is going to want to know whether or not there's an
07 investigation and why you're bringing these people in.
08 And what the Court is going to do is say, Hey, can we
09 get this issue resolved and these documents produced
10 shy of bringing the person in? And if yes, they would
11 probably simply require the documents to be given.

12 So, again, although I understand
13 exactly what you're asking, there are certain legal
14 issues that have to be explored before any subpoena can

15 be issued.

16 I think I've summarized the law on
17 subpoena as it relates to municipalities. And, again,
18 I apologize for taking your time and for interrupting,
19 Mr. DiBileo.

20 MR. BOLUS: Well, Mr. Walsh, not
21 that I want to disagree with you, but I do disagree
22 with you. We put a lot of time into the legal process
23 here, and Council does have subpoena power. It has the
24 right to subpoena anyone within this city that
25 administers anything regarding this city.

0025

01 They are an investigative body,
02 similar to a grand jury. They could subpoena to ask
03 questions regarding finance or money regarding this
04 city without a court proceeding.
05 I understand fully that if a court
06 proceeding has to take place to order someone to appear
07 here under subpoena, we could take that step next, but
08 they do have the power of subpoena granted under the
09 Home Rule Charter that governs this city, no more than
10 it governs Mr. Pocius' pension and Mr. Hazzouri's
11 pension that they're not entitled to.
12 If we don't follow each and every
13 aspect of the Home Rule Charter, then it's best we burn
14 it and start all over again.

15 But right now I believe from our
16 legal researching the opinions I have, this Council can
17 issue a subpoena. Whether anybody wants to honor it,
18 well, that's the next step down the road.

19 But we are entitled to answers.

20 They have followed every legal remedy so far by
21 correspondence and question to get these answers, and I
22 believe we have every legal right to ask a subpoena be
23 issued, and at that point let the legal games begin.

24 If they want to ignore them, well, guess what? What
25 are you hiding? And that's what the people out here

0026

01 want to know. And I believe that's where we need to
02 be. And I would still like to ask that question
03 whether or not it works.

04 Mr. Courtright, would you issue a
05 subpoena?

06 MR. COURTRIGHT: I'll answer the
07 question, sure. Let me just say this, you know, we pay
08 Mr. Walsh to be our -- for our legal advice, I'm not a
09 lawyer, and might I say he got \$18,000 less than
10 previous, which I guess I don't want to get into that

11 right now, but anyway, if Mr. Walsh advises me that we
12 subpoena the mayor and he comes here and we get some
13 questions answered and that's going to take place,
14 that's his legal opinion that that would happen, then I
15 would certainly vote for a subpoena, but I have to take
16 Mr. Walsh's advice.

17 I'm not a lawyer, you know? And I
18 understand what you're saying. I know, but that's who
19 I look to for legal advice.

20 I would hope that the mayor would
21 have had a town meeting, something like Mayor Connors
22 had so everybody could ask him questions, not just the
23 panel up here.

24 If Mr. Walsh tells me that that
25 would bring him here to answer our questions, I will
0027

01 certainly vote for a subpoena. If he tells me what I
02 think he's telling me tonight, then, no, I'm not going
03 to do it just for the sake of doing it.

04 MR. BOLUS: I absolutely agree with
05 you. That's what Mr. Walsh is here for. That's what
06 we all pay him to be here, but it's a question I wanted
07 to ask to the credibility of this council, and this is
08 the reason I'm asking.

09 Mr. DiBileo, if Mr. Walsh said it
10 was okay, would you issue a subpoena?

11 MR. DIBILEO: Yeah. If you're
12 asking would I? Of course I would, Mr. Bolus. If I
13 had the legal right to do so and under the appropriate
14 circumstances, I absolutely would. And I'm not exactly
15 sure if I have that legal right or if the circumstances
16 are appropriate.

17 MR. BOLUS: I understand. And,
18 Mrs. Evans, I guess you're the last on the totem pole
19 here.

20 MS. EVANS: Well, I anticipated
21 the question since it's been raised for approximately
22 two months now, and I prepared just a brief statement.
23 I stated in Council's open meeting that I could be
24 counted on for an affirmative vote if Council would
25 desire to issue one or more subpoenas.

0028

01 As finance chair, it is still my
02 opinion that because of Scranton's deteriorating
03 financial condition and the municipal authorities'
04 continuing refusal to provide requested information or
05 answers to inquiries, that subpoenas and subpoenas
06 decus tecum should be issued to certain officials and

07 anyone else who could give relevant evidence in aid of
08 legislative powers and functions.

09 We must stop the mayor's

10 hemorrhaging of money, especially since the money is
11 not used to improve the people's quality of life.

12 People of Scranton must again

13 answer the important question of whether they will be

14 better off without the knowledge gained from the

15 issuance of subpoenas, or would the people rather let

16 the Doherty wall of silence continue and hope they can

17 pay the piper later.

18 So, yes, I would issue subpoenas.

19 MR. BOLUS: Thank you.

20 MS. EVANS: According to the

21 Home Rule Charter, Article 3, Section 312, Council is

22 given the power of subpoena to bring municipal

23 authority officials and employees before Council to

24 give evidence as required.

25 MR. BOLUS: If I may just briefly,

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01 I had all that information tonight, but I got out of my

02 vehicle earlier tonight, I happened to lock the door

03 and the keys were locked in it, as well as all my

04 paperwork that I had to bring before Council.

05 And, Mr. Walsh, I will make that

06 available to you, to your office, and members of

07 Council that would back up the power of this.

08 And I'm not saying Council has the

09 enforcement power, you're strictly an investigative

10 body. The enforcement, if there's any wrongdoing,

11 whether it's through his campaign finances, which are

12 in black and white, I'm not making up a story, that he

13 took money from a corporation. And if you do that and

14 you do other things, there's an enforcement body out

15 there that needs to deal with this. And that's all I'm

16 saying.

17 And just two quick things, they

18 had a saturation patrol on the police, I think we

19 should do this every single day. We need more police

20 on the street, we need the cars.

21 The \$700,000 that went from

22 South Side should have went in the police cars and not

23 Nay Aug Park, when we saw in the paper the other day, a

24 man, his girlfriend and the dogs were the only ones on

25 Davis Trail. How many people were walking in the

0030

01 City of Scranton that could have used the police

02 protection?

03 And last but not least, we need to
04 really pay attention to the subpoena to bring them
05 here, because the pools are going to open, we have the
06 question of the deeds, and the only answer we're going
07 to get is, if Mr. Walsh agrees, to put those people
08 before the public eye and not in falsify newspaper ads
09 and TV commercials telling us how grand this is, we
10 want the truth. It's as simple as that. Thank you
11 very much for your time.

12 MS. EVANS: Mr. Bolus, if I might
13 just add my opinion, I think the focus should be placed
14 on the city authorities who've provided no reports to
15 the people of Scranton about their financial activities
16 and conduct over the last three and a half years, so I
17 think perhaps that would be the most beneficial avenue
18 to pursue in terms of subpoena, were that ever to
19 occur.

20 MR. DIBILEO: Thank you,
21 Mr. Bolus.

22 MR. BOLUS: Well, I would just
23 like to thank the three members of Council that came
24 here tonight and stood up. And the other two,
25 gentlemen, I hope you never make the election. Thank
0031
01 you.

02 MR. DIBILEO: Jimmy Stucker.

03 MR. STUCKER: Hi, Mr. DiBileo.

04 MR. DIBILEO: Good evening.

05 MR. STUCKER: I had a good time at
06 the party. I really had a good time. A lot of friends
07 I met. Mr. DiBileo had a good time, I know. And I
08 seen a lot of people I know and a lot of people I
09 didn't know. So, I had a good time, and my buddy took
10 me home.

11 MR. DIBILEO: Great, Jimmy.

12 MR. STUCKER: And we have the
13 holes, they're supposed to fix our holes Saturday, they
14 never did on Moosic Street, in the alleyway, they never
15 came.

16 MR. DIBILEO: I know Mr. Saunders
17 is --

18 MR. STUCKER: And we have --

19 MR. DIBILEO: Jim, hold on one
20 second. I know Mr. Saunders is unable to be with us
21 tonight, normally I would ask him for an update, but
22 being he's not here this evening, I'll ask him next
23 week what the situation is.

24 MR. STUCKER: Okay. I met a guy

25 coming up the street when I was coming up here, the guy
0032
01 mentioned about a hole in the road. There's a hole in
02 the alleyway. I think in the alley, I don't know, 100,
03 it was.
04 MR. DIBILEO: 100 block?
05 MR. STUCKER: Yeah.
06 MR. DIBILEO: Okay. Mr. Walsh,
07 could you mark that down for Mr. Saunders?
08 MR. WALSH: I certainly will.
09 MR. DIBILEO: All right, Jim.
10 We'll check that out for you. Thank you, Jimmy.
11 Appreciate it.
12 MR. STUCKER: And another thing we
13 have, too, we have problems with people parking in the
14 alleyways where I live on Moosic Street. Can you let a
15 cop up there? Can you see about it?
16 MR. COURTRIGHT: Yeah, Jim, we'll
17 get somebody out there.
18 MR. STUCKER: We have people
19 parking in the alley that doesn't belong.
20 MR. COURTRIGHT: All right. We'll
21 send somebody out there, Jim.
22 MR. STUCKER: Okay.
23 MR. COURTRIGHT: All right?
24 MR. STUCKER: Right. And I'm
25 getting a new scooter?
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01 MR. COURTRIGHT: Beautiful.
02 MR. STUCKER: Yeah. Mr. Pocius, I
03 think he's got it. I heard -- everybody in Scranton
04 told me he has my scooter.
05 MR. POCIUS: Now, how would I
06 possibly fit on that scooter?
07 MR. STUCKER: Well, I don't know.
08 Everybody told me you have it.
09 MR. DIBILEO: Oh, I don't think
10 so, Jim. He'd give it to you if he had it.
11 MR. STUCKER: All right.
12 MR. DIBILEO: All right, Jimmy.
13 Thank you. Appreciate it.
14 MR. SPINDLER: Good evening,
15 Council. Les Spindler.
16 MR. DIBILEO: Good evening.
17 MR. SPINDLER: Last week Mr. Walsh
18 mentioned that he and Mr. Saunders met with
19 Attorney Farrell about the deed for Nay Aug, and I
20 guess Attorney Farrell had to talk to the mayor, well,

21 correct me if I'm wrong, but isn't the city solicitor
22 hired to handle legal discussions? Why does he have to
23 talk to the mayor about it? Can't he answer questions
24 on his own?

25 MR. DIBILEO: Mr. Walsh.
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01 MR. WALSH: Yes. It's my belief
02 that the solicitor is hired to represent the city, but
03 the mayor is his supervisor. So, when he's making
04 decisions or when he has to do a task, I believe he
05 would speak with his supervisor, and that's the reason
06 why I believe he wanted to speak with the mayor.

07 MR. SPINDLER: Well, then why do
08 we need a solicitor, if he's asking the mayor's
09 opinion? Why don't we just have the mayor make his own
10 decisions? He's hired to make legal decisions. Why
11 does he need the mayor's opinion?

12 MR. WALSH: Well, I don't think he
13 was looking for his opinion, I think he was just
14 consulting with him as the supervisor.
15 I think in terms of the legal
16 opinion itself, the solicitor is very confident to make
17 that decision on his own. Again, I think the way that
18 the Home Rule Charter reads and the Administrative Code
19 is that the solicitor serves the city, but the
20 supervisor for the city solicitor is the mayor.

21 MR. SPINDLER: Okay. Something is
22 rotten in Denmark, but I'll go on. I seen the other
23 day where the mayor wants to spend \$250,000 to fix up
24 Connell Park; meanwhile, St. Ann's Basilica is being
25 vandalized, there's mailboxes blowing up in
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01 Tripp Park, and he wants to fix up another park.
02 I've lived in Tripp Park for 16
03 years. We've never had problems like that. We never
04 had a gang. We used to have a beat cop, now we don't
05 have a beat cop anymore, but we have the Tripp Park
06 Posse.
07 It was very reassuring to sit only
08 on the porch in the summertime to see the beat cop go
09 by talking to children. You knew the area was safe.
10 Now we don't have a beat cop and we have more crime.
11 This mayor has an obsession with
12 fixing up parks, where his obsession should be with the
13 safety of the people in this city. That \$250,000
14 should go towards new police cars, putting adequate
15 police protection on our streets, not fixing up
16 Connell Park.

17 I have two daughters, they like to
18 ride their bikes down to the Tripp Park Playground.
19 That's where the quarter sticks of dynamite were being
20 sold. Now I feel terrible. I can't even let my
21 daughters ride their bikes down to the
22 Tripp Park Playground. We're supposed to feel safe in
23 this city, not run for our lives.
24 We can't live in fear because the
25 mayor would rather fix up parks, than put police
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01 protection on the streets. This mayor doesn't care
02 anything about the people of this city.
03 The soldiers came home, where was
04 Chris Doherty? Green Ridge Neighborhood Association
05 had a meeting about crime, where was Chris Doherty?
06 The Plot Section and other sections of the city were
07 flooded twice in September, where was Chris Doherty?
08 Nowhere to be found.
09 I hope the people let him know how
10 they feel on May 17. Thank you.
11 MR. DIBILEO: Thank you. John
12 Litwinsky.

13 MR. LITWINSKY: Good evening, City
14 Council, members of the community.
15 MR. DIBILEO: Good evening.
16 MR. LITWINSKY: My name is
17 John Litwinsky, I live at 530 Gordon Avenue, and that's
18 an area known as the -- the older citizens know it as
19 the Sandy Banks Area.
20 If you're leaving the new
21 Central High School, you're travelling on Olive Street,
22 as soon as you go over the river, the first right turn.
23 My neighbors and I call it pretty much the
24 Forgotten Zone, Land Of The Lost.
25 And the reason being is -- well, I

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01 was here in September '03 looking for help, we were
02 flooded for the fourth time then. Now it's our sixth
03 time.
04 You know, I've called everybody I
05 was supposed to call. Every answer that we received so
06 far, you know, the water doesn't come over the bank to
07 where we live, it backs up through this big tunnel and
08 comes out like a geyser.
09 So, as far as any help that we
10 were supposed to be getting, all we keep getting is
11 turned down. We can't do anything for you, you're too
12 low there. Every answer has been unacceptable,

13 unacceptable. How we flood well, we flood -- can I
14 show you these pictures?
15 MR. DIBILEO: Sure.
16 MR. LITWINSKY: The pictures I
17 just submitted is what's called a regulator box.
18 There's a tunnel that comes down through my backyard,
19 water from the Hill Section, East Scranton comes
20 through this tunnel underneath my backyard across the
21 street into this so-called regulator box, then a tunnel
22 leads from there into the river.
23 So, when the river is up here or
24 whatever, 20 feet high and we're in a low area, it's a
25 combination of the river water backing up and the storm
0038
01 water coming down through the tunnel and it blows the
02 lids off. So, we literally have a geyser there.
03 We tried to figure out ways to
04 control this. I came up with an idea where I acquired
05 a six-inch pump. We were going to weigh the lids down,
06 block the lids down with sandbags.
07 But now since after last flood,
08 the water is pushing up from my backyard, so this
09 tunnel is not too secure. So, we're going to secure
10 the lids, put a six-inch pump in and pump the water
11 back over the bank.
12 Obviously -- I can't even let my
13 children play in the yard now because there's a big
14 depression there from the water pushing up through
15 there, also.
16 Our only thoughts are is a pump
17 station, which it's probably not going to be feasible,
18 what we're told, because there's only "X" amount of
19 houses there. There's maybe 12 houses, two businesses.
20 Like I said, I'm not an engineer.
21 Either it's a pump station or this has to be dredged.
22 Where this tunnel leads into the river has never been
23 cleaned ever. I'm just thinking -- that's the only
24 possible solution that could be done right now.
25 MR. DIBILEO: Have you talked to
0039
01 Ralph Pappas at all?
02 MR. LITWINSKY: Ralph Pappas, yes,
03 I did talk to him last year when I got flooded.
04 MR. DIBILEO: What does he say,
05 John?
06 MR. LITWINSKY: Basically they
07 can't do anything for us because the water does not
08 come over the bank, it backs up through there. And

09 also I talked to another person in the city, I forget
10 his name right now, came down and looked at it and
11 suggested putting a gate on the tunnel where it leads
12 into the river to prevent back flow, but that still
13 would not help us. This is our sixth time.
14 MR. DIBILEO: Now, John, do you
15 get water in your basement, the first floor area?
16 MR. LITWINSKY: The last time, not
17 this month, but last time our first floors were wiped
18 out.
19 MR. DIBILEO: First floor?
20 MR. LITWINSKY: So, it's a
21 combination of what we have in our homes is the storm
22 water line, plus the sanitary line, so you have sewage
23 in your house, you have the storm water in your house,
24 you have holes in your foundation. I have two holes now
25 leading underneath my foundation.

0040

01 And as far as those pictures there
02 show the safety concern, obviously there is none. The
03 regulator box, there's an old grate thrown off like a
04 display rack covering it. There's many children that
05 play there.
06 And the other thing points to a
07 sanitary line, which the lid is broke right in half.
08 And in spring, people want to open their windows, all
09 you smell is raw sewage through your house. That's all
10 you smell.

11 And as far as the regulator,
12 that's probably about a ten, twelve foot drop. The
13 other one is like a 15 foot drop to the bottom.
14 So, the concern about children,
15 there's no safety fence, the lids are still not
16 replaced since September '04's flood. But we just
17 can't do it anymore. We can't. This is our sixth time
18 since '95.

19 MR. DIBILEO: John, what I'll do is
20 I'll meet with Mr. Pappas and possibly someone from the
21 Sewer Authority and come down there, and any other
22 Council members willing to come down there, maybe we
23 can get together and take a look at this --

24 MR. LITWINSKY: I mean, it's
25 something to be seen. I'm sorry. I didn't mean to cut
0041

01 you off there.
02 MR. DIBILEO: So, I'd like to come
03 down, and not that, you know, it's supposed to be our
04 job to look at that, but I'd like to get information

05 from the people that do know, and maybe we can arrange
06 a meeting down in this area here.

07 MR. LITWINSKY: We would
08 appreciate that very much.

09 MR. DIBILEO: Okay. We'll do that.

10 MR. LITWINSKY: You know, one
11 other -- can I just mention one other thing real quick?
12 Just in case anybody isn't aware of it, but the flood
13 gates that they close are painted light gray, and when
14 you close them, there's fog coming up off the river, I
15 mean, how many times people almost run right into them.
16 There's no danger signs, there's no warning signs on
17 them.

18 MR. DIBILEO: Okay.

19 MR. LITWINSKY: All right? Thank
20 you.

21 MR. DIBILEO: Yeah, we'll make it
22 a point to see if we can get together with members of
23 the Sewer Authority and Mr. Pappas and arrange a
24 meeting to meet you down there, okay?

25 MR. LITWINSKY: I appreciate that.
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01 MR. DIBILEO: All right. You're
02 welcome. Kay, can you keep these? Thank you.
03 Erik Johnson.

04 MR. JOHNSON: Good evening City
05 Council and Lisa and staff. Eric Johnson, taxpayer,
06 Scranton. The Scranton Police Department did a
07 commanding great job in their dragnet crime stops last
08 Friday evening in West Side, along with federal and
09 state agents.
10 Local police officers are to be
11 just as important as the federal and state officers.
12 Our local police deserve the same benefits as they are
13 receiving, but they are not.
14 A total of \$500,000 in grants will
15 be invested in South Scranton Connell Park facility.
16 The grant money will come from two separate grants, one
17 state amount of \$250 grand and the other supposed to be
18 federal. The federal grant, which is to be matched
19 with the state grant, will also be \$250 grand.

20 One positive indication that
21 someone told to me is that not one cent will come from
22 the Scranton taxpayers, from the tax -- the city tax
23 budget, but one thing for certain that is in need,
24 there is a need -- a new arsenal fleet of police cars.
25 Why are there not any state and

0043

01 federal representatives legislating initiative grants
02 for public safety, which is a high priority? And it
03 would not be called pork barrel it would be called
04 improving the security and safety of our city
05 citizens.
06 \$500,000 could buy at least ten
07 more new police car -- patrol cars, and money left over
08 for the fire department. A good idea also would be if
09 you bought two new police patrol cars a year. It would
10 eventually eliminate unsafe or rundown police cars.
11 \$250,000 total would be more than
12 enough for a small park that has a pool and ground
13 improvements if it is really needed, because it is
14 stated by the Scranton Times Tribune that the park is
15 not heavily used, they stated this.
16 And since the pool is often used,
17 that's where any money should be going for
18 improvements, and it wouldn't cost \$500,000 for
19 renovation of a pool.
20 Again, I say, public safety seems
21 to be on the bottom list. I might as well sing the
22 song, Hollow Walls, How Did Things Go For You Today.
23 Thank you for letting me speak.
24 MR. DIBILEO: Thank you, Erik.
25 That's it for the sign-in sheet.

0044

01 MR. GERVASI: Good evening, City
02 Council. My name is Dave Gervasi, taxpayer and a
03 member of the Scranton Fire Department.
04 MR. DIBILEO: Good evening.
05 MR. GERVASI: Just a few points
06 I'd like to make, some questions came up tonight during
07 Mrs. Yetkowskas' presentation about arbitrations.
08 I don't have the exact figures
09 with me at this time, but Mrs. Evans, I would be happy
10 to give you anything that I have, if you're looking for
11 that information. I do have some partial information
12 on how much the city spent.
13 This was months and months and
14 months ago, and I believe the city's legal bills were
15 approaching \$700,000, fighting for an illegal recovery
16 plan.
17 I don't really have all the
18 updated figures on that from the city side of it. I
19 have our figures on what it cost our members for our
20 lawyer, which is in the tens of thousands.
21 And there was other questions
22 about how many arbitrations. I can only speak for the

23 fire department, but actually the first year of the
24 Doherty administration we broke all records with
25 grievances. I believe we filed 38 grievances in the
0045
01 first year. That's unheard of, that many grievances.
02 Seventeen of those issues were not
03 satisfied. Usually when we filed a grievance it was a
04 mistake the city made, whether it was under safety or
05 procedural or a violation of the contract.
06 When we made those grievances,
07 usually we were able to work them out either with the
08 fire chief or the public safety director, but 17 of
09 them mostly were grievances that had to do with our
10 personnel department.
11 The personnel department was a
12 little less willing to discuss different things, even
13 if we showed them that we were right in black and
14 white.
15 Seventeen of those issues went to
16 mediation, which the unions were successful, and 16 of
17 them, 16 of the 17.
18 As of right now, we had two
19 arbitrations that went their distance, one was on the
20 health care, and one was on our total contract. And as
21 of right now, we have three more in the pipeline.
22 And just to explain the health
23 care one, I think we brought this up before, the health
24 care one was we had a health care agreement for years,
25 we had a health care cost containment committee, we
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01 found problems in the health care system that our
02 co-pays were going up, there was different procedural
03 things that were happening that were wrong and we were
04 trying to correct.
05 And just so everyone knows, this
06 was along with the city. This is not just the unions
07 dictating anything. The city had equal amount of
08 representation at these meetings.
09 The Doherty administration came in
10 and fired the auditor that was supposed to recoop money
11 from Blue Cross. We're never going to be able to do
12 that at this point, because the statute of limitations
13 has run out to go after Blue Cross. But if you look at
14 the mayor's campaign contribution reports, Blue Cross
15 donated money to his campaign, so I'm wondering why --
16 maybe that's why we didn't go after Blue Cross.
17 But as of right now we took that
18 back to arbitration, the arbitrator decided in our

19 favor, even though the mayor said it was a win for the
20 city, which it wasn't, because it's not over yet.

21 But good news again finally, we
22 were supposed to have a meeting a few weeks ago with
23 the health care cost containment committee for the
24 first time in about a year and a half.

25 The new consultant that was hired
0047

01 to guide our committee has -- apparently, according to
02 our lawyer, the city was not provided with any of the
03 information. Typical.

04 But as of tomorrow, I believe
05 tomorrow at eleven o'clock, the cost containment is
06 going to get back here and start working on some
07 reductions of our expenses. So, hopefully we're going
08 to have some good news on that.

09 The other one was Act 111, which
10 is our entire contract. We tried to negotiate. We had
11 formal negotiations right in this room, and that ended
12 up in arbitration, because, frankly, the city, I think,
13 scheduled about one hour for the first session, and
14 that's when they brought up that really nice
15 Director Hayes proposed that if firefighters are killed
16 in the line of duty, the widows and orphans of -- that
17 they would be cut off from health care. So, you could
18 tell probably how that went. That didn't go too well.

19 So, that ended up in arbitration.

20 I just want people to know that,
21 again, we're saying that there's illegalities in the
22 recovery plan that we will never accept.
23 Some of the language that we have
24 a problem with -- there's very little language in the
25 entire recovery plan that we have problems with are
0048

01 things like the mayor has sole discretion to decide
02 anything he wants.

03 I mean, you know, if he doesn't
04 like me, he can give me another job or take me out of
05 my bid positions or violate my seniority.

06 He's never going to win those
07 things. And that's the only thing -- we're not really
08 arguing in arbitration on anything that's economic. It
09 really has nothing to do with the economics of the fire
10 department. We're not asking for a raise. We're not
11 asking for anything. And that's right in our proposals.

12 So, that's all. I guess I'm out of time. Thank you.

13 MS. EVANS: Thank you.

14 MR. DIBILEO: Thank you.

15 MS. HALPIN-MEDALLIS: Good
16 evening, Council. My name is Grace Halpin-Medallis. I
17 have papers here I want to distribute, if you'd not
18 start the clock.
19 Mr. President, last week I was
20 hear, I spoke about two issues, one regarding the
21 Workers' Comp. situation, and I don't want to spend a
22 lot of time on that, because that's really not my
23 focus.
24 I did receive a letter from human
25 resources stating that they would help me, that I
0049
01 should have brought it to their attention. I did.
02 MR. DIBILEO: This week?
03 MS. HALPIN-MEDALLIS: No, I did.
04 I met in the mayor's office regarding the flood issue
05 on October 18, 2002. I wrote a letter to the mayor on
06 November 18, 2002, regarding my unpaid bills, and I met
07 with Ms. Moran in the mayor's office on December 3,
08 2002, with PMA supervisor Terry Smith.
09 This all took place in the
10 presence of the mayor's secretary. All the bills, I
11 made copies of the bills and I gave them to them in the
12 mayor's office. The mayor wasn't present, but his
13 secretary was there and PMA Group.
14 They assured me at that time that
15 they would pay my bills and speak to my doctor that
16 day. What happened was nothing, somebody dropped the
17 ball, and that's when I received the letters from
18 Aetna, and then I received information from the
19 Rawlings Group.
20 So, the letter from human
21 resources, I sent that over -- it's a little stinging
22 that I should have let them know about that, just a
23 little -- the words are like bees, they have a honey
24 and a sting to it.
25 Anyway, my more pressing problem
0050
01 is the flood issue. Again, I filed an action in
02 Lackawanna County Court against the City of Scranton.
03 Now, most of those pictures that
04 you're reviewing today are pictures that were taken
05 today up at the Tripp Park Development. That site was
06 what they call a brown field. Mr. Pocius, you would
07 know more about that. It's a brown field site,
08 Keystone Opportunity.
09 MR. POCIUS: Mr. Walsh, could I
10 pose a question to you?

11 MR. WALSH: Certainly.

12 MR. POCIUS: Excuse me, Mrs.

13 Medallis. Because there's a lawsuit filed against the

14 city, should we be entering into any discussions at

15 this point in time on this matter, because she has

16 stated publicly she has filed suit against the city?

17 I'm just asking the question,

18 because in the past, even with pending lawsuits, we

19 have been advised not to kind of discuss litigation in

20 public.

21 MS. HALPIN-MEDALLIS: Okay. You

22 know what, they don't even have to talk to me. I

23 initially --

24 MR. POCIUS: That's not my point.

25 It's protecting the City of Scranton, which we're all a

0051

01 part of, both the Council and the mayor and the

02 controller's office and everyone else. Mr. Walsh, I'm

03 just asking for advice.

04 MR. WALSH: Certainly. I'd be

05 happy to give that advice. If there's a lawsuit that's

06 pending --

07 MR. POCIUS: She said she filed

08 one.

09 MR. WALSH: Certainly. The better

10 side of prudence would be not to discuss the issue of

11 the lawsuit if the city's a party to the lawsuit.

12 I think the Grace has indicated

13 that she just wants to speak, though, without asking

14 particular questions; is that correct?

15 MS. HALPIN-MEDALLIS: That's

16 fine. I did file. This initially -- I had written a

17 letter to City Council regarding the situation up

18 there. We were being flooded, but the more pressing

19 problem is there's a property, and two kids live on

20 this property.

21 And I was told -- I contacted the

22 Scranton Sewer Authority, and my fear is that they

23 would go down into this drain because of the water and

24 the high volume of it.

25 The Scranton Sewer Authority said

0052

01 if they were sucked to the drain, they would drown, so

02 that's why I was a city police officer, I felt enormous

03 responsibility to notify the city of that. It would

04 have been gross negligence on my part.

05 I also had a tape in my possession

06 with the flood and with people's comments in there,

07 someone could drown in there. Now, that tape for
08 discovery purposes, for court purposes, was given to
09 city clerk's office, and that's on file there so they
10 could review that.

11 Mr. McTiernan did come last week,
12 and it's a much bigger flood problem than what it
13 initially was with all the development up there.
14 Now, I was up there today, our
15 issue with the city and with the developer, and that's
16 also on the tape in the clerk's office, that the basin,
17 the detention basin, isn't big enough.
18 I did call Jay Saunders on Monday
19 and I asked him if Mr. Parker is aware that there's two
20 basins up there. Now, Jay lives up there, and he
21 didn't know that. I told him where the second basin
22 is. I have pictures there.
23 You stated you met with
24 Mr. Parker last week, are you aware that there's two
25 detention basins up there?

0053

01 MR. WALSH: I think Mr. Parker is
02 aware of that. I didn't go over all of the different
03 issues with all of the different basins, but --

04 MS. HALPIN-MEDALLIS: Well, Jay
05 didn't know that, and that's what I want to make sure
06 is that Mr. Parker is aware that there's two basins up
07 there and I took photos of that.

08 MR. WALSH: And you informed Jay
09 as to that, as well? I'll make sure that he knows
10 that.

11 MS. HALPIN-MEDALLIS: He stated he
12 had calls into -- he just couldn't believe it. He
13 thought I was wrong. And, you know, that's why I want
14 to take pictures here for Council, but there is two
15 basins. And that's what's emptying down into our
16 neighborhood there.

17 What I am planning on doing is,
18 I'm really not satisfied with the city's response,
19 because Judge Nealon had stated for the city to comply
20 in keeping this debris clean.
21 I'm here for two reasons pressing
22 tonight, and I'm going to have to come every week until
23 May 27th, my court date.

24 I feel that the city is
25 deliberately inattentive to the storm basin up there,
0054

01 and the only outcome for me is my home will be flooded,
02 and I'm asking that Council, anyone on Council, talk

03 with Mr. Parker to have that cleaned out.
04 As you can see by the pictures,
05 it's not channelled properly. That's what I'm asking
06 for in the meantime. That should be a reasonable
07 request, whether I'm right or I'm wrong in court.
08 MR. DIBILEO: Grace, No. 1, I
09 wasn't aware of the second basin. Last time I was
10 there there was only the one basin. I see that there
11 is a second.
12 MS. HALPIN-MEDALLIS: No, really,
13 I don't think anybody is. Now, you know, I was stopped
14 today up at the development taking pictures. They're
15 up there increasing the volume of the one detention
16 pond, but there's a second pond up there.
17 That pond -- there's one pond on
18 the right of Euclid Avenue, the second pond is on the
19 left-hand side between Abby Way and Gerard.
20 MR. DIBILEO: This almost reminds
21 me in a way of the Merrifield Avenue situation, where
22 you're almost, like, a sitting duck there when it rains
23 heavily.
24 And regarding the Merrifield
25 Avenue problems, we met with Mr. Parker, and I can't
0055
01 see why we can't arrange another meeting with him
02 involving your area.
03 MS. HALPIN-MEDALLIS: I know that,
04 but I was dismayed when I saw Mr. Kennedy from
05 Merrifield Avenue on television, and he felt that, you
06 know, just because of three homes in the neighborhood,
07 okay?
08 That's what Scranton is about. We
09 have all different little unique neighborhoods here.
10 We have Bunker Hill, we have Little England, we have
11 Petersburg, we have what was called Dodge Town, we have
12 Bellvue, the Flats.
13 This city is all unique little
14 neighborhoods, and every one of them deserves the same
15 type of attention.
16 And what bothers me is the city is
17 having so many problems with this KOZ developer.
18 They're not paying taxes up there. Now, I don't have a
19 problem with the Tripp Park people at all up there,
20 good for them, but all the time is being taken with
21 Mr. Parker with them, and there should be fines and
22 there -- there just should be fines for all the time
23 that he has to keep going over the plans up there,
24 okay?

25 Now, my second thing that I'm --
0056

01 I'm just letting everyone know here, I am going to
02 every taxing body in the city here, the Scranton
03 School Board, I am going to the County Commissioners.
04 Everybody up here is a democrat, I'm a democrat --

05 MR. DIBILEO: Grace, can I stop
06 you for a second?

07 MS. HALPIN-MEDALLIS: Yeah.

08 MR. DIBILEO: Can I ask you to
09 stay after the meeting so that -- because we're beyond
10 our time, and I'd like to continue talking about this,
11 and I'd like to, as Mr. Litwinsky mentioned the
12 Sandy Banks area is unique, in that there's about
13 12 homes there and they have problems, Merrifield
14 Avenue, just three homes, your area has just a few
15 homes, we need to show, you know, show you as much
16 attention as anyone.

17 MS. HALPIN-MEDALLIS: I'm just
18 trying to find solutions here. I'm not -- that's all
19 I'm trying to find out, you know?

20 Really no one cares about my
21 house, other than my husband and myself. And I don't
22 live in a flood area, and I have a flood policy, and
23 that's ridiculous.

24 MR. DIBILEO: Well, something has
25 to get done, and we're going to try to help you get
0057

01 something done. And if you can stay afterwards, we can
02 continue this conversation.

03 And you can have the photos back
04 for now, but we have to get with Mr. Parker and see if
05 we can have a meeting up there at your neighborhood.

06 MS. HALPIN-MEDALLIS: Okay. Thank
07 you very much.

08 MR. DIBILEO: Thank you. Thank
09 you, Grace.

10 MR. DAVIS: Now I know why I keep
11 coming back here. I was listening to Travis Smiley,
12 and he was saying that leaders have to love those that
13 they lead, and you sort of showed that to be true.

14 I don't know if there are personal
15 agendas that are being kept or being made. It is now
16 time to vote. And I know that we have to listen to you
17 even more closely now than ever before, because we
18 don't know.

19 We have heard the spins before.

20 We have heard people come out and say they're for this

21 or they're for that, but in this audience, we have a
22 constant -- we have a constant audience that have
23 problems that are solved sometimes, and sometimes
24 they're not solved.

25 And we keep thinking that the city
0058

01 is being run by people who love us, who want to do the
02 best for us. We don't come in here thinking that you
03 hate us or that you desire to hurt us. We don't
04 understand why this is so.

05 Today I was -- I had the great
06 company of Kay helping me with this whole thing about
07 the lines. And she called DPW for me. I said, Please
08 call them, and you have the voice that will get their
09 attention. She did. Seriously, I could have called
10 them for two years, I would have never got the
11 information that she did.

12 She asked them when were the lines
13 in front of Prep painted. The lady who was on the
14 phone with her called somebody on the squad box or
15 wherever it was, we don't know, but she called somebody
16 and they said two years ago.

17 If we could find out the paint
18 they used two years ago to paint that street up there,
19 we've got to buy it. I'm serious, because it has
20 not -- it has not even darkened.

21 The rest of the city is just worn
22 out. Out here in front of City Hall, which was painted
23 four months ago; do you remember that Mrs. --
24 MS. EVANS: Yes.

25 MR. DAVIS: Now the lines are --
0059

01 they're gone.

02 MS. EVANS: I agree.

03 MR. DAVIS: That means that we
04 have a program that's intact here in Scranton, but
05 we're not policing it. We have to stay -- those are
06 programs that you have to go back to.

07 You realize that the traffic is
08 such and such and such, because we have all sorts of
09 traffic surveys and we know how much traffic goes over
10 our streets, so, therefore, we should know by now how
11 long it's going to take for those lines to deteriorate.

12 If we don't do something about
13 that, if we wait until somebody gets hurt or killed, or
14 even worse, then we'll say, Oops, out with the baby
15 with the wash.

16 And I know since you love the

17 people of Scranton, you -- I would not have put myself
18 in the position that you guys are in right now for all
19 the money in China. You have to love us.
20 You're being paid to love us, and
21 worse yet, it's not that much money. So, we know that
22 it has to be -- it has to be something that's sincere
23 in you to come here and serve us.
24 And we appreciate it. I
25 appreciate it. But there are things that are happening
0060
01 in this city that are endangering a lot of people.
02 The flood that was spoken of in
03 the Plot Section. There are whole sections of this
04 town that are literally being inundated with bad smells
05 and insect -- there are health causes, there are health
06 reasons that we should do something about them. And we
07 keep saying that we're going to.
08 Now, there's the same thing -- we
09 got the lighting up on Adams Avenue, and I thank
10 everybody who got involved with that, but what we
11 didn't get is a crossing sign.
12 I saw that somewhere. I saw it
13 down by Prep. There's a sign that says people
14 crossing. If we could put that on that runway that
15 comes down there, maybe people will slow down a little
16 bit until the lines are painted.
17 But will you please ask someone in
18 public safety or something to put up a sign that says
19 crossing, because a lot of people cross that street
20 there. As we have traffic control, we should have
21 something that says this is the amount of pedestrians
22 that we have that cross the street every day. And it's
23 dangerous. So, that's the second thing. The last
24 thing I have to say is -- okay.
25 MR. DIBILEO: Thank you, Jim.
0061
01 MR. DAVIS: Prep, we need that
02 paint. Wherever they got that paint -- Mr. Pocius,
03 will you please find out where they got that paint
04 from, because if they painted that sidewalk two years
05 ago and it's still as fresh as it is, we're in big --
06 oh --
07 MS. EVANS: Jim, actually on North
08 Washington there's another crosswalk there from a
09 parking area across to where the AAA used to be and the
10 students cross there walking toward their school,
11 that's very worn away, but I know what you're talking
12 about on Wyoming Avenue. It's absolutely lovely, the

13 crosswalk land the crossing guard.

14 MR. DAVIS: I'm telling you. It's

15 like we didn't even exist, and that hurts. Kids see

16 that. Believe it or not, our kids are made to feel

17 inferior just by little things like that. They know

18 what is going on. Thank you very much.

19 MR. DIBILEO: Thanks, Jim. Jim,

20 I'm glad you were able to get a hold of Kay, and I want

21 to thank Kay for helping you out. She's wonderful at

22 what she does. Thank you, Kay.

23 MR. COURTRIGHT: You know, Jim, if

24 you can give Kay one more job, if you leave her the

25 exact location of where you think that sign needs to be
0062

01 placed, we'll see if we can get that for you. Let Kay

02 know, we'll try to help you out.

03 MR. NEWCOMB, JR.: Good evening,

04 Council.

05 MR. DIBILEO: Good evening.

06 MR. NEWCOMB, JR.: The first thing

07 I want to talk about, last week I brought up about how

08 I couldn't get a hold of the mayor, and I asked you,

09 Mr. Pocius, if you, by any chance, will be able to ask

10 the mayor if he'd be able to return a call to me that,

11 I believe, for a year or to contact this Council about

12 the QRS, did you ever get to ask him that?

13 MR. POCIUS: No.

14 MR. NEWCOMB, JR.: Would you?

15 MR. POCIUS: I didn't hear the

16 last part of it, Charlie.

17 MR. NEWCOMB, JR.: I didn't --

18 MR. POCIUS: What you asked

19 specifically, I didn't hear it.

20 MR. NEWCOMB, JR.: Okay. Did you

21 get a chance to ask him about the QRS system?

22 MR. POCIUS: No, I didn't.

23 MR. NEWCOMB, JR.: Would you ask

24 him, because honestly I can't get an answer, I can't

25 get anywhere.

0063

01 Can we schedule a caucus with the

02 business administrator and ask him where that \$4

03 million is? I don't think you should send a letter,

04 because that will take a long time, so can we schedule

05 a caucus and ask him where that \$4 million loan is?

06 MR. DIBILEO: Well, we can try to

07 find out first without a letter just by speaking to

08 him, Charlie, and hopefully we can get an answer for

09 you.

10 MR. NEWCOMB, JR.: Okay. I

11 understand that there's a city surplus sale that's
12 going to happen on April 18 down at the DPW department,
13 and it's to my understanding that if you want to go
14 down there, for example, I guess it's all of the old
15 equipment and what they're doing is they're having an
16 auction on it or they're talking bids, and you can't
17 buy individual pieces, you have to buy everything as a
18 whole.

19 So, for example, say, like, I

20 wanted to go down and purchase a packmaster and so and
21 so wanted to go down and purchase a truck and this
22 person wanted to buy this, you can't do that, you have
23 to bid on it as a whole.

24 Is there any way we can find out

25 about that, because people have said it's common sense
0064

01 that you would make more money if there's 15 people
02 from different areas that want to buy different things
03 to put -- to get bids on for each individual piece
04 instead of one whole thing.

05 Like, if I want to buy a truck,

06 why would I want to buy 100 of them? That just didn't
07 seem right in the newspaper there. So, if we can find
08 out about that and maybe change it, it would make more
09 sense.

10 Last night I attended a dinner

11 that approximately 1,000 other people did, as well.

12 Everybody who attended this particular dinner was just
13 a regular person, like you and I.

14 Before they can get in to be

15 seated, they had to wait, I don't know, 30, 45 minutes,
16 which is a thing that you expect because of the great
17 hospitality that the church puts on.

18 What I found to be very extremely

19 troubling, to say the least, was our mayor came rushing
20 down the street as if Mr. Bush was there with all of
21 the Secret Service, and was rushed into the bottom of
22 this church to his own secret reserved table, had his
23 dinner, spoke with a few people, and was out of there
24 faster than a jack rabbit, while the senior citizens
25 and everybody that had to crawl up the steps and they
0065

01 had to wait there 45 minutes to an hour were just the
02 regular people, they had to wait like you and I would
03 have to if we went there, like we all had to wait.

04 So, I hope that this sends a

05 message and a very, very, very strong message to the
06 people that were there and the people that can hear me
07 to show you that this is the kind of politics that we
08 have to deal with.

09 For even if I was the mayor and
10 somebody said to me, Here, you can cut the line in
11 front of all these people, you don't do that. That is
12 just -- when I was in kindergarten, they used to stand
13 you up against the wall in single file and you weren't
14 allowed to cut. You were brought up that way.
15 So, for the mayor to do something
16 like this I just think proves a lot, and I really hope
17 people take this message and they see what is going to
18 happen.

19 During the mayor's last campaign,
20 he said he would be the sixth councilmen, he would
21 reduce our wage taxes. We can't forget the
22 intimidations that happened to people, what was done to
23 Mrs. Evans' family when her father passed away, what
24 was done to my family.

25 I, like I said before, have tried
0066

01 to contact this mayor and this administration about the
02 quick response system for the fire department. I have
03 copies, I don't have them with me, but I have them at
04 home, seven letters that I sent to try to get answers,
05 and 13 phone calls in the last six months to go on deaf
06 ears.

07 And then people say that they want
08 to keep this city moving forward. How can you keep the
09 city moving forward, when you have to run away from the
10 people?

11 Yesterday at that dinner was the
12 first time, the first time in all almost four years,
13 that I've seen this mayor in public.

14 And all I wanted to do was go up
15 and ask him about this QRS system, so that the people,
16 like Mrs. Grant, don't have to suffer and wait for an
17 ambulance for 25 minutes. And he couldn't even face
18 me. And I don't know why he won't face the people.

19 So, before I sit down I'll ask,
20 Mrs. Evans, you said before about the subpoena, that we
21 can use the subpoena for these committees or whatever
22 to --

23 MS. EVANS: The municipal
24 authorities.

25 MR. NEWCOMB, JR.: Thank you. The
0067

01 authorities. I drew a blank there. How long have we
02 been trying to get answers to -- for them to try to get
03 information out of these people, the financial reports?

04 MS. EVANS: I honestly can't even
05 give you a time line. And, you know, it has been
06 concerning various issues, and some information has
07 been provided, albeit not in a timely fashion, but some
08 of the information has been provided.

09 But what concerns me is that these
10 authorities have become so empowered that they are
11 under, let us say, no rules, no procedures, no laws;
12 whereby, they are responsible for reporting to the
13 people of this city or to city Council, and we
14 ultimately shoulder the bills for these authorities.
15 We do not know how much money they
16 have in their possession, how that money is spent, what
17 debt they may have incurred. As I said, it ultimately
18 is our debt, we, the taxpayers.

19 And so, I think it's, you know,
20 imperative for all of us to find out the answers to
21 those questions.

22 MR. NEWCOMB, JR.: So, there's a
23 paper trail, in other words, to back up the questions.

24 MS. EVANS: Right. Right now
25 there really isn't a paper trail for the authorities.
0068

01 They're autonomous.

02 MR. DIBILEO: Thank you,

03 Mr. Newcomb.

04 MR. NEWCOMB, JR.: But before I
05 step down, can we subpoena these people then if there's
06 a paper trail to back it up? Can we subpoena them to
07 get answers, since there's already documentation that
08 they're not responding to?

09 MR. DIBILEO: Charlie, do you want
10 to wait until after the meeting and talk to Mrs. Evans?

11 MR. NEWCOMB, JR.: Sure.

12 MR. DIBILEO: Okay. Thank you.

13 MS. STULGIS: Good evening,
14 Ann Marie Stulgis, city resident and president of the
15 local police union. Before I start, I just want to
16 thank you for giving us all the opportunity to be here
17 and to let you know that it looks like it really does
18 make a difference what we say here, because last week I
19 commented about the fact that it's been over two years
20 since we had a health care committee meeting, and early
21 this week we were notified that we would be having a
22 health care committee meeting tomorrow morning.

23 So, maybe it's a coincidence, but
24 I like to think it's because you give us the
25 opportunity to make things known.

0069

01 Also, I had no intention of being
02 here, but I was watching Regina while I was at home,
03 and I quickly grabbed a few arbitration awards, so
04 please bear with me, since I'm absolutely not prepared
05 and haven't read them in quite some time, but I thought
06 I would fill you in on the ones that were handy.
07 The first one I have here is the
08 Lake Scranton award. A little bit of background on
09 that, that is where Pennsylvania American Water Company
10 was paying this city to provide 24-hour a day police
11 protection.
12 Pennsylvania American Water was
13 paying the police officer's salary, but in addition
14 they were paying the city \$5 an hour for every hour
15 that we had a police officer there. And that was a
16 24-hours-a-day, seven-day-a-week situation.
17 And the award, the city stopped
18 it. The union grieved it. And the award reads, The
19 grievance is sustained. The city violated the
20 agreement when it terminated the use of bargaining unit
21 members to provide security service to the Pennsylvania
22 American Water Company at Lake Scranton.
23 As a remedy, this city shall pay
24 on an equal share and share alike basis those
25 bargaining unit members and former bargaining unit

0070

01 members who worked extra duty assignments for the water
02 company prior to the city's termination of that work
03 and about equal to the total amount of wages that would
04 have been payed, had the work continued for 90 days
05 beyond the day the city ended the patrols.
06 So, that's unfortunate that the
07 city ended up spending that money, when they really
08 didn't have to.
09 Another one is the SIT clerks, and
10 SIT stands for strategic implementation team, and it's
11 something that was put together when the city first
12 became distressed, and it was done with PEL at the
13 time.
14 And that was arbitrated originally
15 in January of 1997, and that's known as the Brogen
16 Award, and in that award the union fought and did win.
17 In the latest one, and I'm just
18 going to give you parts of it, the arbitrator -- Light

19 is the arbitrator, and he ruled that while the city
20 tried as it could to distinguish the Brogen Award from
21 the instant case, the arbitrator simply cannot agree.

22 On the contrary, as was
23 persuasively argued by union counsel, this case really
24 has its genesis in the rendition of the Brogen Award in
25 January of 1997, as respects initially finding the SIT
0071

01 agreement to be binding upon the parties and later in
02 her award providing for the immediate hire of six
03 additional employees to perform the functions
04 envisioned by the SIT agreement.

05 While she stopped short of
06 ordering attorney's fees, she did in fact state in her
07 award that future refusal by the city to comply with
08 this award may be grounds for finding bad faith, and
09 upon such finding I will direct the city to pay
10 attorney fees.

11 Based upon my understanding of the
12 case, and this is a quote from Arbitrator Light, by the
13 way, it is clear to me that as was persuasively argued
14 by unique counsel, the incumbent mayor decided to
15 simply ignore the language of the SIT agreement and to
16 thereafter reduce the mandated number of SIT clerks.

17 The off-quoted phrase in these
18 kinds of cases is that the arbitrator is simply a
19 creature of contract and derives his authority
20 therefrom.

21 That having been said, it is his
22 responsibility to enforce the collective bargaining
23 agreement as he finds it and to make certain that each
24 side fulfills its bargain in adhering to its terms.

25 Simply put here, the city has
0072

01 failed to do so. Of relevance here is the quid pro quo
02 which would inure to the benefit of the FOP for the
03 concessions that it granted to the city in the past.

04 Specifically that quid pro quo was
05 that the city would employ SIT clerks to perform all
06 the clerical tasks that had been previously performed
07 by police officers, so that, as was the objective of
08 the city, there would be more police officers on the
09 street.

10 That was the bargain that was
11 negotiated between these parties, and both sides must
12 be held to these terms. The arbitrator is not
13 unmindful of the need to keep pace with technology and
14 to adapt and adjust to changing events.

15 Having said that, however, the
16 arbitrator cannot be unaware of the fact that the SIT
17 agreement was written with full contemplation of the
18 existence of computers, and that fact has not been
19 refuted.

20 It is apparent to me, for whatever
21 reason the city saw fit, to breach the collective
22 bargaining agreement and that it was blatant, willful
23 and in total disregard of its responsibilities
24 thereunder.

25 MR. DIBILEO: Ann Marie.

0073

01 MS. STULGIS: Just one more line,
02 please. That being so, it is my finding that bad faith
03 did exist. So the remedies sought by the FOP is
04 appropriate under these circumstances and all attorneys
05 fees from the FOP shall be paid by the city.

06 Those are just two of the
07 arbitration awards. And I'll be happy to provide
08 anyone with copies of them, if you want them. Thank
09 you.

10 MR. DIBILEO: Thank you.

11 MR. DUDEK: My name is Mike Dudek,
12 608 Depot Street, Scranton, PA. I've been out of town
13 for the last three weeks, I had a vacation and I really
14 enjoyed it out on the West Coast, only my neighbors
15 didn't, and I'm here in kind of a role reversal. I'm
16 here representing my attorney. My attorney is a
17 friend, Tom Gilbride. I'm sure you know Tom.
18 He set a record. His family was
19 flooded out of his house three times in the last seven
20 months down in the Plot because of the flooding that's
21 taken place, largely as an unfortunate result of the
22 work already completed channelling the water faster and
23 so forth.

24 But where Tom is having a problem,
25 and I believe Council may be able to help him with
0074

01 this, the insurance company that represents, not only
02 him, but all the other insurance companies that
03 represent people who bought insurance that live in
04 those affected blocks that get hit with the flood, that
05 would be Comegys, Brown, Amelia, Race and so forth on
06 those streets.

07 I would like to see if the Council
08 could ask the city engineer to make a determination if
09 the preponderance of the flooding was caused by the
10 Lackawanna River or by storm water.

11 The reason is because Tom told me
12 his insurance company is trying to claim it's storm
13 water that has been damaging his house, therefore they
14 don't have to pay him anything.
15 Now, my experience in living there
16 is that the water runs through a lot quicker than the
17 storm water, and part of my work as the chair of the
18 flood prevention committee at the Plot Neighborhood
19 Association going back to '96, was to see to it all
20 those storm drains were cleaned.
21 They were cleaned. They were
22 brought back to their original condition right around
23 the year 2000. So, I can't see those storm drains
24 clogging up that fast to cause a problem like that for
25 our neighbors down there.

0075

01 So, I'm asking the city to please
02 contact the city engineer to make a determination if
03 the most recent flooding in the last 7 or 8 months was
04 a direct result of storm water or a direct result of
05 the water overflowing the banks.
06 It would be that critical to every
07 resident in that part of the Plot to get a letter to
08 present to their insurance companies, so that when the
09 insurance companies decide to sit on their thumbs, they
10 can take those companies to court.

11 MR. DIBILEO: Mike, why didn't the
12 insurance company want to pay?

13 MR. DUDEK: The insurance
14 companies are trying to say it's storm water backing up
15 into the homes, and not the river. And the only other
16 point I want to make listening to everything that's
17 been said here about whether or not subpoenas should be
18 issued and so forth, and when you're looking at large
19 amounts of money, whether it's from authorities or from
20 the city administration or whatever, if you're looking
21 at large amounts of money, you have to assume that
22 meetings had to have been held at some time in order to
23 get to those figures.

24 So, I think it's possible to issue
25 subpoenas under something called the Sunshine Act. I

0076

01 think that you might take that route, you might have an
02 opportunity to get the information you need. Thank
03 you.

04 MR. DIBILEO: Thank you.

05 Mr. Walsh, could you ask Mr. Parker to respond to
06 Mr. Dudek's question in the case that people in the

07 Plot are in limbo over their insurance settlements?
08 Appreciate that.
09 MR. WALSH: Sure.
10 MR. DIBILEO: Thank you.
11 MR. McANDREW: Good evening,
12 Council. Larry McAndrew. At last week's Council
13 meeting there was something brought up about one of our
14 police officers and carbon monoxide, do we have an
15 update on his condition on that?
16 MR. COURTRIGHT: Jay was looking
17 into that for us, and unfortunately he's out of town.
18 I'm sure he's got an answer, but I believe he left on
19 Wednesday, so he hasn't given it to us yet, but we'll
20 bring you up to date on it when he gets back.
21 MR. McANDREW: I believe it was in
22 Sunday's Scranton Times, they had an interesting
23 article comparing the City of Reading with the
24 City of Scranton's police force and also the condition
25 of our police vehicles and what we have to operate
0077
01 with.
02 My understanding is we're going to
03 have six new vehicles the mayor is bringing in, the
04 Chevy Impalas or whatever, Chevrolets, compared to the
05 Ford cars that we did have.
06 Well, this is fine, but what I'm
07 getting at is the comparison. I don't know how
08 accurate those figures were. The population they gave
09 for the City of Scranton at 76,000. My own impression,
10 I don't think we have 76,000 people here in the
11 City of Scranton, maybe we do.
12 But they're comparing the
13 City of Scranton with Reading, and there's something
14 like maybe 4,000 more people in the City of Reading.
15 But the amount of police officers
16 they had and the amount of vehicles that they had, it's
17 clearly that the city is safer. And this is what the
18 City of Scranton needs. We need to take them as an
19 example and go that way.
20 Also, riding around the
21 City of Scranton I notice we have our campaign signs
22 out in our neighborhoods, and there was one particular
23 sign that caught my attention as I was driving by
24 trying to avoid the potholes, and this person has on
25 there sign who is running for City Council, vote for
0078
01 this person and put this person in the City Council for
02 a positive direction.

03 Well, I have news for this person,
04 thanks to Mrs. Evans, President DiBileo, and
05 Mr. Courtright, this City Council is headed in a
06 positive direction right now. Thank you.
07 MS. EVANS: Thank you.
08 MR. DIBILEO: Okay. Thank you,
09 Mr. McAndrew.
10 MS. KRAKE: Good evening, Council.
11 My name is Nancy Krake.
12 MR. DIBILEO: Good evening.
13 MS. KRAKE: This mayor asked the
14 citizens to vote for his recovery plan or he would be
15 forced to raise their taxes. Well, this mayor has
16 raised your taxes.
17 He did this by wasting your money,
18 the \$4 million that many people spoke of this evening,
19 it's either a loan or -- in reality, he really wanted
20 twelve, let's be serious, first of all. He only got
21 four.
22 One interesting fact that occurred
23 to me, though, I need to stop myself here is,
24 Mr. Pocius, you said you received all of the
25 information that you needed about finances every week,
0079
01 can you tell us how the \$4 million was spent?
02 MR. POCIUS: I believe that it was
03 spent on salaries and bills from the closeout of 2004,
04 but we're going to try to get that information and I'll
05 find out.
06 MS. KRAKE: But, so, in other
07 words, we really don't get enough information every
08 week to determine that you need to go beyond --
09 MR. POCIUS: Mrs. Krake, not on a
10 weekly basis, but we get quarterly reports. We just
11 had one through the end of February on the line items.
12 MS. KRAKE: And that would have
13 been quarterly for this year?
14 MR. POCIUS: Yes. It's in my box.
15 I keep all the financial stuff in there in case
16 somebody wants to look in there. Mrs. Novembrino's
17 report, we had something in her report on, I guess it
18 was automotive repairs and tires and so on. I kept
19 that in there.
20 MS. KRAKE: So, you would agree
21 then that we had a shortage in 2004, from what you can
22 determine?
23 MR. POCIUS: No, Mrs. Krake.
24 You're putting words in my mouth. What I said was the

25 \$4 million line of credit was used to close out 2004.

0080

01 MS. KRAKE: Which means?

02 MR. POCIUS: To pay salaries and
03 bills.

04 MS. KRAKE: So, we didn't have
05 enough money put aside in the 2004 budget to pay those
06 things?

07 MR. POCIUS: Absolutely. And it
08 was stated openly in the meeting that the largest part
09 was health care and another cost that went over.

10 MS. KRAKE: Went over what the
11 mayor's original budget was. So, he wasn't able to do
12 a clear budget for 2004, and he needed to borrow \$4
13 million.

14 MR. POCIUS: Well, it was openly
15 stated that it was -- that the line item for health
16 care was underfunded. That's not a surprise. That's
17 from day one.

18 MS. KRAKE: Oh, my goodness. I
19 wish we all knew that from day one. Thank you. Thank
20 you for your view on that.

21 MR. POCIUS: I'm always trying to
22 help, Mrs. Krake. I'm very honest. I'll tell you
23 everything you want to know.

24 MS. KRAKE: That's very much
25 appreciated. So, therefore we had a shortage in 2004,
0081

01 so the 2005 budget most likely is not underfunded. We
02 won't need to borrow any money for 2005?

03 MR. POCIUS: The budget that was
04 adopted had the same line of credit in for the closeout
05 of the year, I'm not mistaken.

06 MS. KRAKE: So, we will be
07 borrowing more money for 2005.

08 MR. POCIUS: It's now April.
09 We'll find out in December where we're at.

10 MS. KRAKE: So, Mr. McTiernan and
11 Mr. Pocius actually voted for raising the city
12 residents' taxes, also.

13 MR. POCIUS: I did vote to raise
14 taxes. I think the year was 1999 or 2000. I think
15 that was the last time real estate taxes were raised.
16 I think that's the last time that taxes were actually
17 raised. But I did vote for that.

18 MS. KRAKE: Well, my opinion is,
19 when you take out a loan, basically you are raising
20 taxes. It may not be today, but somewhere down the

21 line that money will be called in.
22 MR. POCIUS: Well, Mrs. Krake,
23 what I said to another constituent, that I will argue
24 facts, not opinions, and you stated it was your
25 opinion, so I'm not going to argue your opinion. It's
0082
01 your opinion, and I respect it.
02 MS. KRAKE: No, I'm sorry. That's
03 not my opinion that we borrowed money, it's a fact.
04 MR. POCIUS: No. You said it was
05 your opinion that we raised taxes, that we had raised
06 taxes by borrowing money, and we have not raised taxes
07 since 2000 of 1999, I forget the year, but it was. I
08 was on Council at the time.
09 MS. KRAKE: So, you have a way to
10 pay that money back?
11 MR. POCIUS: Pardon?
12 MS. KRAKE: You have a way to pay
13 that money back then?
14 MR. POCIUS: Yeah. It's built
15 into the budget, the line of credit.
16 MS. KRAKE: Okay. Another way the
17 mayor wasted your money was his gift of a double
18 pension to a group of clerical workers, the retirees.
19 It cost this city over \$400,000 this year alone. I did
20 not negotiate for that.
21 After four years, that's \$1.6
22 million, after 10 years, it rises to \$4 million, and
23 after 20 years, which is approximately a person's life
24 expectancy if they retired at 55, and they're expected
25 to live to 75, that will be \$8 million. That is a
0083
01 fact.
02 The mayor's silence on the city's
03 and the authorities' finances speaks volumes, even
04 though somewhere apparently there is information. Some
05 people apparently are aware of it.
06 Four more years of this regime is
07 a frightening thought. And this mayor has raised your
08 taxes, you just haven't gotten the bill yet. Thank
09 you.
10 MR. DIBILEO: Thank you. If
11 there's no further speakers, Mr. Walsh.
12 MR. WALSH: 5-A, motions.
13 MR. DIBILEO: Mr. McTiernan, any
14 motions or comments at this time?
15 MR. McTIERNAN: Just a comment
16 regarding Reverend Simmons' comments before. I just

17 want to point out there was a little bit of activity.
18 I'm sorry to hear that Reverend Simmons feels the way
19 she does, and that's not something I can speak to, but
20 I would like to speak to the issue regarding
21 Detective Bohnan.
22 We did have a meeting with
23 Detective Bohnan, Chief Elliot, all the school resource
24 officers and the secondary administrators from the
25 Scranton School District, and there's an ongoing flow
0084
01 of information back and forth.
02 Again, I think it's unfortunate
03 that Reverend Simmons is not happy with her treatment,
04 but, again, I can't speak to that, but there is some
05 ongoing discussions back and forth regarding the issues
06 she spoke of. So, that is a good start. That's all I
07 have, Mr. President.
08 MR. DIBILEO: Thank you,
09 Mr. McTiernan. Mrs. Evans, any motions or comments?
10 MS. EVANS: Thank you. I'd like
11 to begin with two announcements tonight. First,
12 St. Ann Basilica Parish, West Scranton, will
13 conduct a chicken dinner at the school lyceum
14 on Sunday April 24, 2005 from 12:30 to 4 p.m. Advanced
15 purchase of tickets is requested. For those tickets
16 call the church office at 342-5166 or the shrine office
17 at 342-5691. Tickets may also be obtained after
18 masses.
19 Next, if you spot abandoned or
20 junk vehicles, please contact the office of licensing
21 and inspection at 348-4193.
22 In my mail today I also received,
23 and I'm sure the other councilpersons did, as well, a
24 copy of a telephone message from a resident of the area
25 surrounding the Green Ridge teener league field, and
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01 this individual called to voice his opinion regarding
02 the proposal to have the field used as the alternate
03 location for the South Side Complex, and he indicates
04 no one came to ask him and his neighbors, and they are
05 opposed to this.
06 Now, as one Councilperson, I'm
07 very interested in meeting with the residents of the
08 neighborhood surrounding the Green Ridge Teener League,
09 and so I'd like to offer Council chambers or perhaps we
10 might even be able to utilize the legion building on
11 Deacon Street in order to conduct such a meeting.
12 I believe Mr. Scopelliti,

13 Parks and Recreation Director, stated that he had met
14 with the residents, but if they wish to meet with
15 Council members, and most particularly if there are
16 those who have not met and spoken to Mr. Scopelliti,
17 please know that I'm available. Certainly other
18 council members may be, as well.
19 Call Council's office and let us
20 know that you are requesting a meeting be scheduled, so
21 that at least City Council can listen to your concerns
22 about your area.

23 And October 25, 2004, a letter was
24 sent to City Council and the mayor by William B.
25 Isenstat, Vice President and General Counsel of
0086

01 American Water. It contained a notice of intent to
02 arbitrate pursuant to the professional services
03 agreement of March 1, 1999.

04 Kay, I would like a letter sent to
05 our legal department and the Scranton Sewer Authority
06 with the following questions, first, who is
07 representing the City of Scranton in this arbitration;
08 second, what is the cost for counsel, as well as all
09 related costs for the arbitration, and third, when will
10 the arbitration occur?

11 AWS claims a termination fee of
12 \$6,628,207 is owed for early termination of the
13 professional services agreement between them and the
14 City of Scranton and the Borough of Dunmore.

15 The city potentially could owe
16 millions of dollars in 2005 or 2006, and I believe now
17 is the time to foresee and plan for such problems, not
18 in November and December.

19 I also noticed that a sewer line
20 happily is nearing completion on Meade Street in
21 Dunmore. So, I did a little bit of investigating, and
22 I learned that the project was discussed in the fall of
23 2004, and I think it's wonderful that the Dunmore
24 project has proceeded so rapidly, but I do have a
25 serious concern for the residents of Ripple Street in
0087

01 Scranton who have waited for over two years for their
02 sewer lines and are still waiting as we speak, in
03 fact.

04 They have been promised a
05 completion date of November 2005. Now, if Dunmore's
06 problems can be solved so quickly, there's no excuse
07 for any more delays for Ripple Street in Scranton.

08 I also like to keep abreast of the

09 progress of our city authorities, and like many of you,
10 I can't attend all of the meetings, so I view them on
11 TV, and lately I've been doing a great deal of
12 door-to-door campaigning, and as I do, I've noticed
13 that many people do view channel 61 programs, and most
14 particularly municipal authority meetings, as well as
15 Council meetings.

16 And we have all noticed that the
17 Sewer Authority meetings and the Recreation Authority
18 meetings, for instance, are no longer broadcast, and I
19 feel, having spoken with so many individuals, this is a
20 terrible loss to the taxpayers, since we all have the
21 right to know how our money is spent, and in the case
22 of the Sewer Authority, what our sewer rates will be;
23 therefore, I'd like to make a motion to send letters to
24 the Sewer and Recreation Authorities to request that
25 their monthly and special meetings be televised again.

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01 MR. COURTRIGHT: I'll second that.

02 MR. DIBILEO: Okay. We have a
03 motion on the floor and a second. On the question?

04 MR. WALSH: Obviously, Mr.
05 DiBileo, anybody from the public speaks on that, as
06 well, on the question because it's a motion.

07 MR. DIBILEO: If there's no future
08 questions, all those in favor, signify by saying aye.

09 MR. McTIERNAN: Aye.

10 MS. EVANS: Aye.

11 MR. POCIUS: Aye.

12 MR. COURTRIGHT: Aye.

13 MR. DIBILEO: Aye. Opposed? By a
14 5-0 vote, motion carries.

15 MS. EVANS: Thank you. And
16 lastly, I have this week a list of 36 problems and
17 requests, which you'll be glad to hear I will not read,
18 but because a few individuals basically pleaded with me
19 specifically to mention their requests aloud, I will do
20 so.

21 One is a letter to PennDOT. And a
22 meeting was to be conducted in October 2004 regarding
23 speeding on Birney Avenue as a follow-up to a summer
24 2004 meeting, which many of us on Council attended, as
25 well as Representative Cawley.

0089

01 I did send a letter several months
02 ago asking for that meeting to occur, and thus far I
03 hadn't received a response, so I'd like another letter
04 sent certified return receipt, please.

05 Also, on Oak Street and
06 Wayne Avenue in the area of St. Stanislaus Church we
07 need to clean out some sewer lines that are blocked
08 there, and we're having some streetlight problems on
09 Division Street and South Heratio and the 1000 block of
10 Cedar Avenue.

11 But what I failed to stress to
12 those homeowners when I spoke with them is this, and
13 I'm sorry, it's my fault, we need the pole numbers in
14 order to Email the information to MEM, and so if those
15 individuals are able to listen to this meeting, if you
16 could please call Council's office with those pole
17 numbers, we'll be able to take care of that far more
18 rapidly.

19 Also, Euclid Avenue, which some
20 audience members have spoken about in the past from the
21 North Main Avenue entrance upward, it's littered with
22 garbage.

23 And finally, oh, my gosh, here it
24 is, a pothole at 600 Apgar Place and South Ninth.

25 Thank you.

0090

01 MR. DIBILEO: Thank you,
02 Mrs. Evans. Mr. Pocius, any motions or comments?

03 MR. POCIUS: I'll be very brief,

04 Mr. President. First of all, I'm looking into a
05 problem with Mr. Parker, our city engineer, it has been
06 happening, it's not a recent problem, it's been a
07 historical problem in the 2600 block of Pittston Avenue
08 that's been flooding as long as I've been living in
09 Minooka over 30 years.

10 The problem seems to originate
11 from up on Kane Street, so Mr. Parker did a preliminary
12 inspection, I'm going to try to find an old study that
13 was done and we're going to try to see what could be
14 done and maybe put our heads together and come up with
15 something for that area.

16 Also, No. 2, it's curious that
17 there's comments made that we don't have any
18 information on finances. Well, on our motion
19 Mr. Rossi did reply back to us, and we are supplied
20 every year with the audits of all the authorities and
21 we put them on third order and we can comment on them
22 and they're here.

23 I think the only one, because they
24 never handle financial matters in the past, is the
25 Recreation Authority, and I think they're conducting an

0091

01 audit, I'm not sure, because they were always just tied
02 in with the golf course and it was a different thing.
03 The golf course used to go to the controller years ago.
04 So, to say we don't get certified
05 audits, we do get certified audits from certified
06 public accountants for all our authorities and they
07 come in -- two of them are the 31st, and the Sewer
08 Authority's fiscal years runs to March 31, so we won't
09 be getting that one probably, you know, for a while.
10 Well, not for a while, that one should be -- we already
11 have these, as a matter of fact, except the two.

12 We have the Sewer Authority's, we do not
13 have the other two, which would run to the end of the
14 year. So, that's all. That's it.

15 MR. DIBILEO: Thank you,

16 Mr. Pocius. Mr. Courtright, motions or comments?

17 MR. COURTRIGHT: Well, on a

18 happier note, I got a call last night from a woman

19 about eight or 8:30, from a woman Nancy, I don't want

20 to say her last name, she's a senior citizen, she could

21 not say enough about Officer Tom Lee.

22 She hit a pothole or Archbald

23 Street, blew out her tire and damaged her vehicle and

24 she just went on and on how great of a job he did and

25 curious and everything you could imagine, so we just

0092

01 want to thank Officer Tom Lee for being so kind to that
02 woman Nancy.

03 SIT clerks, you know, I made a

04 comment at the Green Ridge meeting, the neighborhood

05 meeting, the large one that they had, and somebody said

06 that it was a political comment, and I think I said

07 here before it had nothing to do with politics.

08 SIT clerks were put in in an

09 effort to keep the officers on the road. Now, some

10 people agree that SIT clerks keep the officers on the

11 road, and some people disagree, and everybody is

12 entitled to their opinion.

13 I personally think if the officer,

14 you know, talks into a Dictaphone and dictates his

15 report, then, boom, he can get back on the street

16 again. That's a matter of opinion.

17 But the thing that concerns me the

18 most is this, if in fact we are short, and I believe

19 Ms. Stulgis said there were six SIT clerks, if we are

20 in fact short of six of them and that's violating the

21 contract, are we going to ultimately end up paying for

22 these clerks and not getting any services?

23 So, you know, why are we going to
24 end up paying? And maybe not. I hope we are not going
25 to end up paying, but what are we going to do, have to
0093

01 pay a large arbitration award for six clerks that never
02 existed? And nothing against the officers, the money
03 will get split up, I imagine, against the officers and
04 they'll get called bad guys because they got the money,
05 but if that's not the case, and I hope I'm wrong, and
06 I'd be happy for somebody to come and tell me I'm
07 wrong, but if that is the case, I can't imagine that,
08 you know, put them there until you negotiate them out
09 of the contract.

10 And that's the prerogative, I
11 guess. And if I'm wrong, I will be more than happy to
12 be wrong on this issue. So, if I'm wrong, please
13 somebody come and tell me I'm wrong.

14 One last thing, you know, a lot of
15 people talking about the floods, and I didn't realize
16 that so many different areas of Scranton got flooded,
17 not as severely as the Plot Section, but one thing I
18 took notice of, and I got to be honest with you, I
19 can't tell the difference sometimes if it's a sewer
20 line grate or if it's drain water grate, but at least
21 four different locations that I went to this week, it's
22 just a square grate. I'll have to find out, I'll have
23 to wait until the boss comes back, Jay, he'll have to
24 straighten me out here.

25 A square grate that -- it looks
0094

01 that water runoff from a road goes into, and at least
02 four different locations I went to, it is filled up
03 with dirt, so there's absolutely no way water is going
04 to get into these things, so therefore it's running
05 down the road and probably causing problems for people.
06 So, I'm not quite sure who we have
07 to talk to to fix that problem, but I'll try to find
08 out, and I know it's not going to stop major flooding,
09 but maybe could stop some minor flooding on some
10 streets.

11 MS. EVANS: If I might,
12 Mr. Courtright, I can add a bit to what you're
13 discussing, because I've had just those problems on
14 North Washington Avenue and Price Street, which I
15 believe you saw, as well.

16 So, I contacted -- actually the
17 Sewer Authority, I spoke with Mr. Lennox and
18 Mr. McDonald, and those two situations were already

19 taken care of this week.

20 MR. COURTRIGHT: Oh, terrific.

21 Because one had a strut from a car in it, I think. I

22 don't know how that got in there, but it was in there.

23 And that's who we need to contact, the Sewer Authority?

24 Okay. So, if you have one of those grates out in front

25 of your house, please contact the Sewer Authority and
0095

01 maybe they can help you out.

02 MS. EVANS: Or they can contact us

03 and I can share those numbers with anyone who is

04 interested and we can pass that along for them.

05 MR. COURTRIGHT: Okay. That's all

06 I have. Thank you.

07 MR. DIBILEO: Thank you,

08 Mr. Courtright and Mrs. Evans. I want to congratulate

09 John Pocius' nephew, Randy Gabriel, on his coming home

10 from Iraq. And there was a nice coming home party, and

11 I'm sure it was a very happy event.

12 I saw it on the news actually, and

13 I just want to say that I would have been there myself,

14 but I just wasn't aware that it was occurring, so I

15 wish Randy all the best for coming home and to everyone

16 that's coming home from Iraq that we don't hear about

17 and that doesn't make the news. It's all news worthy,

18 I think, every single person.

19 Secondly, I just want to say that

20 this past Monday I attended a meeting held by

21 Governor Rendell in South Scranton at the -- I guess

22 it's the United Neighborhood Building, South Side

23 Senior Center is what I refer to it as, and

24 Governor Rendell was in town to lobby for his

25 Act 72 legislation.
0096

01 Now, the Act 72 legislation,

02 you're probably familiar with, but it's the state law

03 to cut property taxes through slot machine anticipated

04 revenues from the proceeds from slot machines.

05 Now, it seems as though it's not

06 going to occur until 2007, but the good news is that

07 property taxes, if this is enacted in your area, it

08 actually would reduce school property taxes by

09 23 percent on average or a statewide average of \$333 per

10 household, per home, I guess we should say. So, that's

11 a pretty substantial decrease in property taxes.

12 Now, it does require a couple of

13 things, and only five of the 501 school districts in

14 Pennsylvania have opted to vote in favor of accepting

15 Act 72, and zero school districts in Northeastern
16 Pennsylvania, and I think the reason for that is
17 because it limits future tax increases to a wage
18 inflation index, and any increase in property taxes
19 would require a vote of the public, so that's something
20 that is of concern to school districts, but the second
21 concern is the fact that it requires school districts
22 to increase their wage -- that city's wage tax by
23 one-tenth of one percent, and that's another major
24 concern, especially in Scranton, because as you all
25 know, our wage taxes are, I think the second highest in
0097

01 the state next to Philadelphia.

02 So, the Scranton School District
03 is of course going to really hesitate before accepting
04 Act 72, because of the requirement of increasing the
05 wage tax.

06 Now, I met where the School Board
07 President Todd O'Malley since that meeting, and we
08 discussed Act 72, because of course I think that the
09 school district and the city needs to work together,
10 because we attempt to benefit and serve the same
11 individuals, the same residents of the City of
12 Scranton.

13 So, you know, obviously Scranton
14 taxpayers can't afford a wage tax increase, but we can
15 certainly benefit from a property tax decrease.

16 I proposed that to Todd O'Malley
17 that the city and the school board work together to
18 benefit these same residents that we serve, and I
19 suggested to him that wouldn't it be great if the
20 school board had to increase their wage tax by
21 one-tenth of one percent and that equates to an
22 increase in their budget by \$700,000, okay, by an
23 increase in their portion of the wage tax.

24 But wouldn't it be great if the
25 city could lower its wage tax by at least an equivalent
0098

01 amount so that the residents of Scranton could end up
02 with an even wage tax, just at least no higher than we
03 are today, but every resident would then be able to
04 take advantage of the property tax decrease, because
05 that should be the end result.

06 Todd O'Malley actually loved the
07 idea. He said, That's a great idea, we have to work
08 together on this. Scranton wage taxpayers can't
09 forward an increase, but if they have to increase and
10 if we can somehow formulate a budget at the end of the

11 year simultaneous to their budget and have a wage tax
12 decrease, our wage taxpayers will be at least even, but
13 property taxpayers will be able to benefit by the
14 decrease in the property tax.
15 On average it's \$333. It may be
16 more in Scranton, it may be less, but I think that we
17 should try to formulate a budget that includes the
18 Emergency Municipal Services Tax, which we know that
19 will generate an extra \$1 million of revenue, okay,
20 that happens to come from non-residents, but in the
21 process of formulating that entire budget, I'm sure
22 that we can find a way to lower the wage tax just so
23 that we can benefit by this Act 72 decrease in property
24 taxes.

25 We just have to do it. I don't
0099

01 think there has ever been a better reason to lower wage
02 taxes than right now.
03 So, I would like to say that we
04 need to work with the mayor this budget season and we
05 have to lower our wage tax, and the Scranton
06 School Board knowing that, would go ahead probably and
07 enact Act 72 and allow people to benefit from the
08 property tax decrease.
09 So, we plan on looking forward to
10 working with the mayor and City Council and we just
11 have to lower that wage tax, and that is never --
12 there's never been a better reason than that.
13 And lastly, this would be an
14 individual's last opportunity to register to vote,
15 okay, Monday, four o'clock. If there's anyone out
16 there that's not register to vote, it's their deadline
17 to do so. I actually have the form here. It's very
18 simple.

19 This particular person who filled
20 out -- it's actually not a new registration, but is a
21 change of party, same application. So, you have until
22 money at four o'clock to exercise your right to vote,
23 and let's hope that everybody does so that's not
24 registered. And that's all I have under fifth order.

25 MS. EVANS: I just wanted to
0100

01 respond to some statements made a bit ago. We did
02 receive a very prompt response from Mr. Rossi, who runs
03 a private business. He conducts the independent audit
04 of Scranton City Council, and I believe is paid through
05 Council's budget, so I, of course, would expect that he
06 would respond.

07 On the other hand, one item I'm
08 still awaiting is a list of properties for sale from
09 the Redevelopment Authority.
10 We also received no reports from
11 the controller's office concerning these authorities,
12 because their financial business does not run through
13 that office.

14 So, I have a few questions that I
15 think we're really not informed about. What do the
16 authorities own, how much money each authority owes,
17 how is each debt to be paid, is each authority's income
18 sufficient to pay its debt and other expenses, if the
19 authority cannot pay its debt, then from where will it
20 obtain the money, and are these expenses in fact
21 reasonable and legal, and what has each authority done
22 to improve the people's quality of life and afford them
23 all tax relief?

24 So, I do believe that we are in
25 need of far more information than we are ever to
0101

01 receive from what has become autonomous governing
02 bodies.

03 MR. DIBILEO: Thank you.

04 Mr. Pocius.

05 MR. POCIUS: Just to respond, I
06 wasn't going to -- I'll respond to that first, but
07 first of all, I'd like to -- I missed an item, and I
08 would like to commend our Scranton Police Department
09 and the postal inspectors and everyone else involved in
10 that quick apprehension of that dangerous individual
11 with the dynamite.

12 And I guess they're pretty close
13 to apprehending the gang members or whatever they're
14 called, but it was very quick, and I think they did a
15 great job with a pretty volatile situation, due to the
16 fact of what was involved, actually dynamite.

17 And, Mrs. Evans, just -- that's
18 why our historically from whatever act it was, 1945 or
19 1950 and the different authorities acts, the
20 authorities by the state legislature were set up to be
21 autonomous, that's by the nature.

22 So, to say that they have to work
23 completely under our wings or under our guidance is
24 something that I don't think has to be, or if it's got
25 to be changed, it's got to be changed at the state
0102

01 level, not at this level right here.

02 They do provide us with what

03 they're supposed to provide us with, which is their
04 annual certified audits. We get those every year. So,
05 we don't need any more.

06 I mean, if you need to know
07 something, you can go to wherever you want to go and
08 get the right answer.

09 MS. EVANS: Well, I agree, yes,
10 the state does provide by means of their law or code
11 that these authorities have to submit by a certain date
12 their audits, but --

13 MR. POCIUS: No, you're missing
14 the point. What I said was the state set these up to
15 be autonomous, that they're not under the thumb of the
16 city mayor or the council. They're separate and
17 autonomous by themselves.

18 MS. EVANS: Well, they're
19 appointed by the mayor, as we all know --

20 MR. POCIUS: Again, that is by
21 state act allows that to happen with the concurrence of
22 City Council.

23 MS. EVANS: Yes. But if we read,
24 for example, the definition of the duties and
25 responsibilities of a recreation authority, it is
0103

01 primarily to handle and manage and address blight, and
02 this redevelopment authority has gone far beyond the
03 definition provided in state law.

04 MR. POCIUS: Well, the
05 Redevelopment Authority has always stood for economic
06 development and has always stood for, by removal of
07 blight, allowed for substantial economic development to
08 happen in urban and residential revitalization.

09 To take you back to the sixties,
10 when the Mulberry Street project was done, the
11 University project, the Cabrini Avenue, which was the
12 Diamond Project, there was many projects done, not only
13 in the heart of the city, but also in the neighborhoods
14 that included infrastructure improvements and so on and
15 so forth, and that was -- to me, that's well within
16 their reach.

17 It's not only blight, but they put
18 back in the neighborhoods infrastructure and helped to
19 revitalize neighbors, and also offer sites for economic
20 development by the placing of buildings and so on and
21 so forth.

22 MS. EVANS: And I might
23 respectfully remind you of statements made by the
24 Redevelopment Authority concerning the South Side

25 Complex originally designated as blighted, and then
0104

01 months later statements were made by a report
02 commissioned by the mayor that indeed the property was
03 not blighted.

04 So, I think when we have
05 contradictions and conflicting statements, it merits
06 investigation.

07 MR. POCIUS: Again, Mrs. Evans, I
08 think what we're going back to, and I'm going to stop
09 right here, because again what we're going to debate
10 here is opinions and not facts and I was trying to
11 quote facts from the state acts and not -- that's not
12 my opinion, that's the fact.

13 MS. EVANS: And I'm using facts,
14 too, that I would assume are facts, because I'm using
15 what I read in the Scranton Times.

16 MR. POCIUS: Believe me, if you
17 read it in the paper, then it is 100 percent accurate
18 and whatever was said is just the Gospel, just put it
19 right in the Bible.

20 MS. EVANS: And I also read the
21 report that the mayor commissioned, so I would hope
22 that that was factual and not opinion.

23 MR. POCIUS: Well --

24 MR. DIBILEO: Can I suggest maybe
25 that we move on?

0105

01 MR. POCIUS: I really want to move
02 on, Gary.

03 MR. DIBILEO: Okay.

04 MR. POCIUS: Buy, you know, I'm
05 not going to sit here and just --

06 MR. DIBILEO: Let me suggest that
07 we move on.

08 MR. POCIUS: You know, if I say
09 something, then I'm commented on. And, you know, I try
10 to sit here a lot of times and just take it, but every
11 once in a while -- I'm trying to be polite here, but
12 you know, I will argue --

13 MS. EVANS: John, I said things
14 and you commented on them. I merely responding to the
15 comments that you've made concerning my statements, so
16 it's basically just a friendly point counterpoint
17 discussion, and I think we're just getting all of the
18 relevant issues out there for everyone to consider.

19 MR. DIBILEO: Well, we certainly
20 appreciate comments of both councilpersons. And if

21 there's no further comments on this topic --

22 MR. POCIUS: That's it,

23 Mr. DiBileo.

24 MR. DIBILEO: Thank you.

25 MR. WALSH: Fifth order. 5-B, FOR

0106

01 INTRODUCTION - AN ORDINANCE - AUTHORIZING THE REMOVAL
02 OF PARKING SPACES AND PARKING METERS ALONG A DESIGNATED
03 SECTION OF THE 100 BLOCK OF LACKAWANNA AVENUE FOR
04 PURPOSES OF COMPLYING WITH PENNSYLVANIA DEPARTMENT OF
05 TRANSPORTATION (PENNDOT) REQUIREMENTS FOR A HIGHWAY
06 OCCUPANCY PERMIT FOR THE INGRESS AND EGRESS OF THE NEW
07 PARKING GARAGE ON ADAMS AVENUE.

08 MR. DIBILEO: At this time I'll

09 entertain a motion that Item 5-B be introduced into its

10 proper committee.

11 MR. POCIUS: So moved.

12 MR. COURTRIGHT: Second.

13 MR. DIBILEO: On the question?

14 All those in favor, signify by saying aye.

15 MR. McTIERNAN: Aye.

16 MS. EVANS: Aye.

17 MR. POCIUS: Aye.

18 MR. COURTRIGHT: Aye.

19 MR. DIBILEO: Aye. Opposed? The

20 ayes have it and so moved.

21 MR. WALSH: 5-C, FOR INTRODUCTION

22 - AN ORDINANCE - AMENDING FILE OF COUNCIL NO. 86, 2004

23 ENTITLED AN ORDINANCE APPROVING THE TRANSFER OF A

24 LIQUOR LICENSE IN THE NAME OF EDWARD AND ALICE KAKAREKA

25 T/A THE FIRESIDE INN, BOROUGH OF MOSCOW, LICENSE

0107

01 NO. R-20511 TO BMM ENTERTAINMENT, INC., FOR USE AT THE

02 RITZ BUILDING, 222 WYOMING AVENUE, SCRANTON,

03 PENNSYLVANIA, 18503 AS REQUIRED BY THE PENNSYLVANIA

04 LIQUOR CONTROL BOARD IN ORDER TO CORRECT AN ERROR IN

05 THE LICENSE NUMBER.

06 MR. DIBILEO: At this time I'll

07 entertain a motion that Item 5-C be introduced into its

08 proper committee.

09 MR. POCIUS: So moved.

10 MR. COURTRIGHT: Second.

11 MR. DIBILEO: On the question?

12 MR. POCIUS: On the question,

13 Mr. Walsh, will we have to have another public hearing

14 on this, only because it was incorrectly -- the number

15 was wrong, there's a new number.

16 MR. WALSH: My thought would be

17 yes.

18 MR. DIBILEO: Should we vote on
19 the motion first.

20 MR. WALSH: We could vote on the
21 motion, and then perhaps what we'd want to do is check
22 with Mr. Saunders on the date. We can even set the
23 hearing at the next meeting or this evening, if Kay has
24 a date.

25 MR. POCIUS: Kay, we have nothing
0108

01 set for next wee, do we? No. So, we can have it next
02 week.

03 MR. DIBILEO: Let's vote on the
04 motion. If there's no further questions, all those in
05 favor, signify by saying aye.

06 MR. McTIERNAN: Aye.

07 MS. EVANS: Aye.

08 MR. POCIUS: Aye.

09 MR. COURTRIGHT: Aye.

10 MR. DIBILEO: Aye. Opposed? The
11 ayes have it and so moved. And we could set a public
12 hearing for next week at 6:45. Want to make a motion
13 to that effect.

14 MR. POCIUS: I'll second it.

15 MR. DIBILEO: Okay. We have a
16 motion on the floor and a second. On the question?
17 All those in favor, signify by saying aye.

18 MR. McTIERNAN: Aye.

19 MS. EVANS: Aye.

20 MR. POCIUS: Aye.

21 MR. COURTRIGHT: Aye.

22 MR. DIBILEO: Aye. Opposed? The
23 ayes have it and so moved.

24 MR. WALSH: 5-D, FOR INTRODUCTION

25 - A RESOLUTION - AUTHORIZING THE MAYOR AND OTHER
0109

01 APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO AN
02 AGREEMENT WITH THE COMMONWEALTH OF PENNSYLVANIA,
03 DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) TO ACCEPT
04 THE ACT 101, SECTION 902 RECYCLING DEVELOPMENT AND
05 IMPLEMENTATION GRANT IN THE AMOUNT OF \$388,829.

06 MR. DIBILEO: At this time I'll
07 entertain a motion that Item 5-D be introduced into its
08 proper committee.

09 MR. POCIUS: So moved.

10 MR. COURTRIGHT: Second.

11 MR. DIBILEO: On the question?

12 All those in favor, signify by saying aye.

13 MR. McTIERNAN: Aye.
14 MS. EVANS: Aye.
15 MR. POCIUS: Aye.
16 MR. COURTRIGHT: Aye.
17 MR. DIBILEO: Aye. Opposed? The
18 ayes have it and so moved.
19 MR. WALSH: 5-E, FOR INTRODUCTION
20 - A RESOLUTION - AUTHORIZING THE MAYOR AND OTHER
21 APPROPRIATE CITY OFFICIALS FOR THE CITY OF SCRANTON TO
22 ENTER INTO A LOAN AGREEMENT IN ORDER TO REFINANCE A
23 LOAN FROM THE COMMERCIAL/INDUSTRIAL REVOLVING LOAN
24 PROGRAM, IN AN AMOUNT OF \$200,000.00 WITH WHISTLE'S,
25 INC.

0110

01 MR. DIBILEO: At this time I'll
02 entertain a motion that Item 5-E be introduced into its
03 proper committee.
04 MR. POCIUS: So moved.
05 MR. COURTRIGHT: Second.
06 MR. DIBILEO: On the question?
07 MR. POCIUS: Just on the question,
08 even though it says \$200,000, they're only refinancing
09 the remaining \$54,890 over the next seven years at
10 three percent interest.
11 MR. DIBILEO: Thank you,
12 Mr. Pocius. Anyone else on the question? All those in
13 favor, signify by saying aye.
14 MR. McTIERNAN: Aye.

15 MS. EVANS: Aye.
16 MR. POCIUS: Aye.
17 MR. COURTRIGHT: Aye.
18 MR. DIBILEO: Aye. Opposed? The
19 ayes have it and so moved.
20 MR. WALSH: Sixth order. 6-A,
21 READING BY TITLE - FILE OF COUNCIL NO. 126, 2005,
22 AN ORDINANCE - AMENDING FILE OF COUNCIL NO. 73, 1999,
23 ENTITLED, AN ORDINANCE AUTHORIZING THE MAYOR AND OTHER
24 Aphrophilus OFFICIALS OF THE CITY OF SCRANTON TO TAKE
25 ALL NECESSARY ACTIONS TO IMPLEMENT THE CONSOLIDATED

0111

01 SUBMISSION FOR COMMUNITY PLANNING AND DEVELOPMENT
02 PROGRAMS TO BE FUNDED UNDER THE COMMUNITY DEVELOPMENT
03 BLOCK GRANT (CDBG) PROGRAM, HOME INVESTMENT PARTNERSHIP
04 (HOME) PROGRAM AND EMERGENCY SHELTER GRANT (ESG)
05 PROGRAM, BY CHANGING THE PURPOSE OF PROJECT NO. 99-87,
06 ACQUISITION/REHABILITATION NEIGHBORHOOD HOUSING
07 SERVICES.
08 MR. DIBILEO: You've heard reading

09 by title of Item 6-A. What is your pleasure?

10 MR. POCIUS: Mr. President, I move

11 that 6-A pass reading by title.

12 MR. COURTRIGHT: Second.

13 MR. DIBILEO: On the question?

14 All those in favor, signify by saying aye.

15 MR. McTIERNAN: Aye.

16 MR. POCIUS: Aye.

17 MS. EVANS: Aye.

18 MR. COURTRIGHT: Aye.

19 MR. DIBILEO: Aye. Opposed? The

20 ayes have it and so moved.

21 MR. WALSH: 6-B, READING BY TITLE

22 - FILE OF COUNCIL NO. 127, 2005 - AN ORDINANCE -

23 APPROVING THE TRANSFER OF A RESTAURANT LIQUOR LICENSE

24 IN THE NAME OF DEFAZIO'S RISTORANTE, INC., 143 COUNTRY

25 CLUB ESTATES, GOULDSBORO, PENNSYLVANIA, THORNHURST

0112

01 TOWNSHIP, LICENSE NO. R-21270 TO TASTE OF ITALY OF

02 SCRANTON, LLC FOR USE AT 208 MEADOW AVENUE, SCRANTON,

03 PENNSYLVANIA, 18505 AS REQUIRED BY THE PENNSYLVANIA

04 LIQUOR CONTROL BOARD.

05 MR. DIBILEO: You've heard reading

06 by title of Item 6-B. What is your pleasure?

07 MR. POCIUS: Mr. President, I move

08 that Item 6-B pass reading by title.

09 MR. COURTRIGHT: Second.

10 MR. DIBILEO: On the question?

11 All those in favor, signify by saying aye.

12 MR. McTIERNAN: Aye.

13 MR. POCIUS: Aye.

14 MS. EVANS: Aye.

15 MR. COURTRIGHT: Aye.

16 MR. DIBILEO: Aye. Opposed? The

17 ayes have it and so moved.

18 MR. WALSH: Seventh order. 7-A,

19 FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR

20 ADOPTION - FILE OF COUNCIL NO. 122, 2005 -

21 AUTHORIZING THE TRANSFER OF A PARCEL OF LAND ACQUIRED

22 BY THE CITY THROUGH THE FLOOD CONTROL PROJECT TO

23 JOAN M. AND ANTHONY SKUTNICK AS PARTIAL COMPENSATION

24 FOR THE ACQUISITION OF A PORTION OF THEIR PROPERTY FOR

25 THE LACKAWANNA RIVER FLOOD CONTROL PROJECT.

0113

01 MR. DIBILEO: As chairperson for

02 the committee on rules, I recommend final passage of

03 Item 7-A.

04 MR. POCIUS: Seconded.

05 MR. DIBILEO: On the question?
06 Roll call, please, Kay.
07 MS. GARVEY: Mr. McTiernan.
08 MR. McTIERNAN: Yes.
09 MS. GARVEY: Ms. Evans.
10 MS. EVANS: Yes.
11 MS. GARVEY: Mr. Pocius.
12 MR. POCIUS: Yes.
13 MS. GARVEY: Mr. Courtright.
14 MR. COURTRIGHT: Yes.
15 MS. GARVEY: Mr. DiBileo.
16 MR. DIBILEO: Yes. I hereby
17 declare Item 7-A legally and lawfully adopted.
18 MR. WALSH: 7-B, FOR CONSIDERATION
19 BY THE COMMITTEE ON RULES - FOR ADOPTION -
20 FILE OF COUNCIL NO. 123, 2005 - AUTHORIZING THE
21 TRANSFER OF A PARCEL OF LAND ACQUIRED BY THE CITY
22 THROUGH THE FLOOD CONTROL PROJECT TO FLORENCE SAWYER AS
23 PARTIAL COMPENSATION FOR THE ACQUISITION OF A PORTION
24 OF HER PROPERTY FOR THE LACKAWANNA RIVER FLOOD CONTROL
25 PROJECT.

0114

01 MR. DIBILEO: As chairperson for
02 the committee on rules, I recommend final passage of
03 Item 7-B.
04 MR. POCIUS: Seconded.
05 MR. DIBILEO: On the question?
06 Roll call, please, Kay.
07 MS. GARVEY: Mr. McTiernan.
08 MR. McTIERNAN: Yes.
09 MS. GARVEY: Ms. Evans.
10 MS. EVANS: Yes.
11 MS. GARVEY: Mr. Pocius.
12 MR. POCIUS: Yes.
13 MS. GARVEY: Mr. Courtright.
14 MR. COURTRIGHT: Yes.
15 MS. GARVEY: Mr. DiBileo.
16 MR. DIBILEO: Yes. I hereby
17 declare Item 7-B legally and lawfully adopted.
18 MR. WALSH: 7-C, FOR CONSIDERATION
19 BY THE COMMITTEE ON RULES - FOR ADOPTION - FILE OF
20 COUNCIL NO. 124, 2005 - AUTHORIZING THE TRANSFER OF A
21 PARCEL OF LAND ACQUIRED BY THE CITY THROUGH THE FLOOD
22 CONTROL PROJECT TO SUSAN HOLZMAN AND VIVIAN DERR AS
23 PARTIAL COMPENSATION FOR THE ACQUISITION OF A PORTION
24 OF THEIR PROPERTY FOR THE LACKAWANNA RIVER FLOOD
25 CONTROL PROJECT.

0115

01 MR. DIBILEO: As chairman for the
02 committee on rules, I recommend final passage of Item
03 7-C.
04 MR. POCIUS: Seconded.
05 MR. DIBILEO: On the question?
06 Roll call, please, Kay.
07 MS. GARVEY: Mr. McTiernan.
08 MR. McTIERNAN: Yes.
09 MS. GARVEY: Ms. Evans.
10 MS. EVANS: Yes.
11 MS. GARVEY: Mr. Pocius.
12 MR. POCIUS: Yes.
13 MS. GARVEY: Mr. Courtright.
14 MR. COURTRIGHT: Yes.
15 MS. GARVEY: Mr. DiBileo.
16 MR. DIBILEO: Yes. I hereby
17 declare Item 7-C legally and lawfully adopted.
18 MR. WALSH: 7-D, FOR CONSIDERATION
19 BY THE COMMITTEE ON RULES - FOR ADOPTION - FILE OF
20 COUNCIL NO. 125, 2005 - DESIGNATING CERTAIN PARKING IN
21 THE ONE HUNDRED BLOCK OF CEDAR AVENUE ON THE WESTERLY
22 SIDE, THIRTY (30) MINUTE PARKING, WHERE SUCH PARKING IS
23 CURRENTLY DESIGNATED FIFTEEN (15) MINUTE PARKING.
24 MR. DIBILEO: As chairperson for
25 the committee on rules, I recommend final passage of
0116
01 Item 7-D.
02 MR. POCIUS: Seconded.
03 MR. DIBILEO: On the question?
04 Roll call, please, Kay.
05 MS. GARVEY: Mr. McTiernan.
06 MR. McTIERNAN: Yes.
07 MS. GARVEY: Ms. Evans.
08 MS. EVANS: Yes.
09 MS. GARVEY: Mr. Pocius.
10 MR. POCIUS: Yes.
11 MS. GARVEY: Mr. Courtright.
12 MR. COURTRIGHT: Yes.
13 MS. GARVEY: Mr. DiBileo.
14 MR. DIBILEO: Yes. I hereby
15 declare Item 7-D legally and lawfully adopted.
16 MR. WALSH: 7-E, FOR CONSIDERATION
17 BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION
18 NO. 133, 2005 - AUTHORIZING THE MAYOR AND OTHER
19 APPROPRIATE OFFICIALS OF THE CITY OF SCRANTON TO
20 EXECUTE AND ENTER INTO A CONTRACT WITH BEYER-BARBER
21 COMPANY FOR ACTUARIAL VALUATION SERVICES FOR THE CITY'S
22 COMPOSITE PENSION PLANS; SAID CONTRACT SHALL BE FOR THE

23 PERIOD COMMENCING APRIL 1, 2005 AND ENDING
24 MARCH 31, 2010.

25 MR. DIBILEO: As chairperson for
0117

01 the committee on rules, I recommend final passage of
02 Item 7-E.

03 MS. EVANS: Seconded.

04 MR. DIBILEO: On the question?

05 Roll call, please, Kay.

06 MS. GARVEY: Mr. McTiernan.

07 MR. McTIERNAN: Yes.

08 MS. GARVEY: Ms. Evans.

09 MS. EVANS: Yes.

10 MS. GARVEY: Mr. Pocius.

11 MR. POCIUS: Yes.

12 MS. GARVEY: Mr. Courtright.

13 MR. COURTRIGHT: Yes.

14 MS. GARVEY: Mr. DiBileo.

15 MR. DIBILEO: Yes. I hereby

16 declare Item 7-E legally and lawfully adopted.

17 MR. WALSH: 7-F, FOR CONSIDERATION

18 BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION

19 NO. 134, 2005 - AUTHORIZING THE MAYOR AND OTHER

20 APPROPRIATE OFFICIALS OF THE CITY OF SCRANTON TO

21 EXECUTE AND ENTER INTO A CONTRACT BETWEEN THE CITY OF

22 SCRANTON AND THOMAS J. ANDERSON & ASSOCIATES, INC. FOR

23 CONSULTING PENSION ADMINISTRATOR FOR THE COMPOSITE

24 PENSION FUND COMPRISED OF THE PENSION PLANS FOR THE

25 POLICE, FIRE AND NON-UNIFORM EMPLOYEES FOR THE PERIOD

0118

01 OF APRIL 1, 2005 THROUGH MARCH 31, 2010.

02 MR. DIBILEO: As chairperson for

03 the committee on rules, I recommend final passage of

04 Item 7-F.

05 MR. POCIUS: Seconded.

06 MR. DIBILEO: On the question?

07 Roll call, please, Kay.

08 MS. GARVEY: Mr. McTiernan.

09 MR. McTIERNAN: Yes.

10 MS. GARVEY: Ms. Evans.

11 MS. EVANS: Yes.

12 MS. GARVEY: Mr. Pocius.

13 MR. POCIUS: Yes.

14 MS. GARVEY: Mr. Courtright.

15 MR. COURTRIGHT: Yes.

16 MS. GARVEY: Mr. DiBileo.

17 MR. DIBILEO: Yes. I hereby

18 declare Item 7-F legally and lawfully adopted.

19 Seeing no further business on the
20 agenda, I'll entertain a motion we adjourn.
21 MR. COURTRIGHT: So moved.
22 MS. EVANS: Second.
23 MR. DIBILEO: We're adjourned.
24 (MEETING WAS ADJOURNED.)

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01 C E R T I F I C A T E

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02

02 I hereby certify that the proceedings and
03 evidence are contained fully and accurately in the
03 notes taken by me on the hearing of the above cause and
04 that this copy is a correct transcript of the same to
04 the best of my ability.

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08 LISA M. GRAFF, RPR

08 OFFICIAL COURT REPORTER

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