

AGENDA  
REGULAR MEETING OF COUNCIL  
JANUARY 19, 2006  
6:30 P.M.

1. ROLL CALL
2. READING OF MINUTES
3. REPORTS & COMMUNICATIONS FROM MAYOR & HEADS OF DEPARTMENTS AND INTERESTED PARTIES AND CITY CLERK'S NOTES:
  - A. APPLICATIONS AND DECISIONS RENDERED BY THE ZONING HEARING BOARD ON WEDNESDAY, JANUARY 11, 2006.

CLERK'S NOTES

4. CITIZENS PARTICIPATION:
5. INTRODUCTION OF ORDINANCES, RESOLUTIONS, APPOINTMENTS AND/OR RE-APPOINTMENTS TO BOARDS & COMMISSIONS. MOTIONS & REPORTS OF COMMITTEES:

A.  
MOTIONS

B.  
FOR INTRODUCTION - AN ORDINANCE - AMENDING FILE OF COUNCIL NO. 95 OF 2005, WHICH IN TURN AMENDED FILE OF COUNCIL NO. 9, 1976 ENTITLED "AN ORDINANCE ENACTING AND IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON INDIVIDUALS FOR THE PRIVILEGE OF ENGAGING IN AN OCCUPATION WITHIN THE CORPORATE LIMITS OF THE CITY OF SCRANTON" BY CHANGING THE NAME OF THE TAX TO THE EMERGENCY MUNICIPAL SERVICES TAX, INCREASING THE AMOUNT OF THE WITHOLDING TO \$52.00, AND DIRECTING THAT THE REVENUE BE USED FOR POLICE, FIRE, OR EMERGENCY SERVICES OR FOR ROAD CONSTRUCTION OR MAINTENANCE.

5.

C.

FOR INTRODUCTION - AN ORDINANCE - AUTHORIZING THE TRANSFER OF TWO (2) PARCELS OF LAND ACQUIRED BY THE CITY THROUGH THE FLOOD CONTROL PROJECT BY SEALED BIDS TO THE HIGHEST BIDDER, PROPERTY LOCATED AT 2322-2324 SHAWNEE AVENUE, TO BE SOLD AS ONE PARCEL, AND IDENTIFIED AS TAX MAP NUMBERS 13510-040-032 AND 13510-040-033.

D.

FOR INTRODUCTION - AN ORDINANCE - AUTHORIZING THE TRANSFER OF TWO (2) PARCELS OF LAND ACQUIRED BY THE CITY THROUGH THE FLOOD CONTROL PROJECT BY SEALED BIDS TO THE HIGHEST BIDDER, PROPERTY LOCATED AT 2326-2328 SHAWNEE AVENUE, TO BE SOLD AS ONE PARCEL, AND IDENTIFIED AS TAX MAP NUMBERS 13510-040-034 AND 13510-040-035.

E.

FOR INTRODUCTION - A RESOLUTION - (AS AMENDED) AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH THE LAW FIRM OF CARL J. GRECO, P.C. FOR LEGAL SERVICES INCLUDING BUT NOT LIMITED TO GENERAL COUNSEL TO THE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT ("OECD"), URBAN RENEWAL PROCESS AND PROCEDURE, EMINENT DOMAIN AND RELATED LITIGATION, DISPOSITION OF SURPLUS URBAN RENEWAL LANDS, TITLE SEARCHES AND DEED PREPARATION FOR \$10,000 OR UNTIL DECEMBER 31, 2006 WHICHEVER COMES FIRST.

F.

FOR INTRODUCTION - A RESOLUTION - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO SUPPLEMENTAL REIMBURSEMENT AGREEMENT NO. 048401B WITH THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION ("PENNDOT") TO ALLOW FOR AN INCREASE IN THE MAXIMUM FEDERAL REIMBURSEMENT FOR THE EAST MOUNTAIN ROAD PROJECT.

6. CONSIDERATION OF ORDINANCES - READING BY TITLE:

A.

READING BY TITLE - FILE OF COUNCIL NO. 1, 2006 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 8, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) PROVIDING FOR THE GENERAL REVENUE BY IMPOSING A TAX AT THE RATE OF 2 MILL UPON THE PRIVILEGE OF OPERATING OR CONDUCTING BUSINESS IN THE CITY OF SCRANTON AS MEASURED BY THE GROSS RECEIPTS THEREFROM; REQUIRING REGISTRATION AND PAYMENT OF THE TAX AS CONDITION TO THE CONDUCTING OF SUCH BUSINESS; PROVIDING FOR THE LEVY AND COLLECTION OF SUCH TAX; PRESCRIBING SUCH REQUIREMENTS FOR RETURNS AND RECORDS; CONFERRING POWERS AND DUTIES UPON THE TAX COLLECTOR; AND IMPOSING PENALTIES", BY IMPOSING THE BUSINESS PRIVILEGE TAX AT THE RATE OF 1 MILL FOR CALENDAR YEAR 2006.

B.

READING BY TITLE - FILE OF COUNCIL NO. 2, 2006 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 7, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING A MERCANTILE LICENSE TAX OF 2 MILLS FOR THE YEAR 1976 AND ANNUALLY THEREAFTER UPON PERSONS ENGAGING IN CERTAIN OCCUPATIONS AND BUSINESSES THEREIN; PROVIDING FOR ITS LEVY AND COLLECTION AND FOR THE ISSUANCE OF MERCANTILE LICENSES; CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE TAX COLLECTOR OF THE CITY OF SCRANTON; AND IMPOSING PENALTIES", BY IMPOSING THE MERCANTILE LICENSE TAX AT 1 MILL FOR CALENDAR YEAR 2006.

C.

READING BY TITLE - FILE OF COUNCIL NO. 3, 2006 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 100, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) LEVYING GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 1977", BY SETTING THE MILLAGE FOR THE YEAR 2006.

6.

D.

READING BY TITLE - FILE OF COUNCIL NO. 4, 2006 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 6, 1976 ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON THE TRANSFER OF REAL PROPERTY SITUATE WITHIN THE CITY OF SCRANTON; PRESCRIBING AND REGULATING THE METHOD OF EVIDENCING THE PAYMENT OF SUCH TAX; CONFERRING POWERS AND IMPOSING DUTIES UPON CERTAIN PERSONS, AND PROVIDING PENALTIES", BY IMPOSING THE RATE OF THE REALTY TRANSFER TAX AT 2.2% FOR CALENDAR YEAR 2006.

E.

READING BY TITLE - FILE OF COUNCIL NO. 5, 2006 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 17, 1994 ENTITLED "AN ORDINANCE (AS AMENDED) AUTHORIZING THE GOVERNING BODY OF THE CITY OF SCRANTON TO ENACT A "WASTE DISPOSAL AND COLLECTION FEE" FOR THE PURPOSE OF RAISING REVENUE TO COVER THE WASTE DISPOSAL AND COLLECTION COSTS INCURRED BY THE CITY OF SCRANTON FOR THE DISPOSAL OF REFUSE", BY IMPOSING A WASTE DISPOSAL AND COLLECTION FEE OF \$178.00 FOR CALENDAR YEAR 2006.

F.

READING BY TITLE - FILE OF COUNCIL NO. 6, 2006 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 11, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) ENACTING, IMPOSING A TAX FOR GENERAL REVENUE PURPOSES IN THE AMOUNT OF 2% ON EARNED INCOME AND NET PROFITS ON PERSONS, INDIVIDUALS, ASSOCIATIONS AND BUSINESSES WHO ARE RESIDENTS OF THE CITY OF SCRANTON, OR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON, REQUIRING THE FILING OF RETURNS BY TAX PAYERS SUBJECT TO THE TAX; REQUIRING EMPLOYERS TO COLLECT THE TAX AT SOURCE; PROVIDING FOR THE ADMINISTRATION, COLLECTION AND ENFORCEMENT OF THE SAID TAX; AND IMPOSING PENALTIES FOR THE VIOLATIONS", BY IMPOSING THE WAGE TAX AT 2.4% ON EARNED INCOME FOR THE YEAR 2006 FOR RESIDENTS.

6.

G.

READING BY TITLE - FILE OF COUNCIL NO. 7, 2006 - AN ORDINANCE - APPROVING THE TRANSFER OF A RESTAURANT LIQUOR LICENSE IN THE NAME OF MID-VALLEY COMMUNITY GROUP, 1149 MAIN STREET, DICKSON CITY, PENNSYLVANIA, BOROUGH OF DICKSON CITY, LICENSE NO. R-4219 TO FACCIA LUNA, LLC FOR USE AT 301 NORTH MAIN AVENUE, SCRANTON, PENNSYLVANIA, 18504 AS REQUIRED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD.

H.

READING BY TITLE - FILE OF COUNCIL NO. 8, 2006 - AN ORDINANCE - AUTHORIZING THE CONVEYANCE BY SEALED BID OR AUCTION OF THREE PARCELS OF LAND IN NORTH SCRANTON ACQUIRED PURSUANT TO THE LACKAWANNA RIVER FLOOD CONTROL PROJECT, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED MAP.

I.

READING BY TITLE - FILE OF COUNCIL NO. 9, 2006 - AN ORDINANCE - AUTHORIZING THE TRANSFER OF A PARCEL OF LAND ACQUIRED BY THE CITY THROUGH THE FLOOD CONTROL PROJECT BY SEALED BIDS TO THE HIGHEST BIDDER, PROPERTY LOCATED AT 622 RACE STREET, AND RECORDED AT RECORD BOOK R044, PG. 1321.

7. FINAL READING OF RESOLUTIONS AND ORDINANCES - CONSIDERATION FOR ADOPTION:

A.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 2, 2006 - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A CONTRACT WITH LODGE 2305 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING NEGOTIATED BETWEEN THE PARTIES AND RATIFIED BY THE MEMBERSHIP.

7.

B.

FOR CONSIDERATION BY THE COMMITTEE ON COMMUNITY DEVELOPMENT - FOR ADOPTION - RESOLUTION NO. 3, 2006 - APPROVING AND AUTHORIZING A MORTGAGE SUBORDINATION AGREEMENT, IN FAVOR OF FIRST NATIONAL COMMUNITY BANK CONCERNING A CITY OECD COMMERCIAL INDUSTRIAL LOAN WITH 501 SOUTH WASHINGTON AVENUE ASSOCIATES, LLC, TO BE EXECUTED (ATTACHED).

C.

FOR CONSIDERATION BY THE COMMITTEE ON COMMUNITY DEVELOPMENT - FOR ADOPTION - RESOLUTION NO. 4, 2006 - APPROVING AND AUTHORIZING A MORTGAGE SUBORDINATION AGREEMENT, IN FAVOR OF FIRST NATIONAL COMMUNITY BANK CONCERNING A CITY OECD COMMERCIAL INDUSTRIAL LOAN WITH JOHN B. COOPER, PAUL S. COOPER, AND ANGELA COOPER, T/A 519 LINDEN STREET COMPANY, TO BE EXECUTED (ATTACHED).

D.

FOR CONSIDERATION BY THE COMMITTEE ON COMMUNITY DEVELOPMENT - FOR ADOPTION - RESOLUTION NO. 5, 2006 - APPROVING AND AUTHORIZING A MORTGAGE SUBORDINATION AGREEMENT, IN FAVOR OF FIDELITY DEPOSIT & DISCOUNT BANK CONCERNING A CITY UDAG LOAN WITH PETTINATO REALTY COMPANY, INC., TO BE EXECUTED (ATTACHED).

E.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 6, 2006 - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE OFFICIALS FOR THE CITY OF SCRANTON TO EXECUTE AND ENTER INTO AMENDMENT NO. 2 TO THE GRANT AGREEMENT WITH THE NATURAL RESOURCES CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE (NRCS) EMERGENCY WATERSHED PROTECTION MEASURES ON STAFFORD MEADOW BROOK TO ALLOW FOR ADDITIONAL FUNDING OF THE PROJECT.

7.

F.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION - RESOLUTION NO. 7, 2006 - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A LOAN AGREEMENT, AND TO EXECUTE A PROMISSORY NOTE, IN THE AMOUNT OF \$110,000 BY AND BETWEEN THE CITY OF SCRANTON AND EVEREST FURNITURE MFG. INC. FOR ENTERPRISE ZONE COMPETITIVE GRANT FUNDS TO BE DEDICATED TO THE EVEREST FURNITURE MFG., INC., PROJECT.

G.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 8, 2006 - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A CONTRACT FOR INSURANCE WITH HARIE INSURANCE EXCHANGE, NATIONAL CASUALTY AND PHILADELPHIA INSURANCE COMPANY FOR CITY INSURANCE COVERAGES FOR THE PERIOD JANUARY 1, 2006 THROUGH JANUARY 1, 2007.

H.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 9, 2006 - RE-APPOINTMENT OF WALTER RANAKOSKI, 1342 ST. ANN'S STREET, SCRANTON, PENNSYLVANIA, 18504, AS A MEMBER OF THE SCRANTON LACKAWANNA HEALTH & WELFARE AUTHORITY. MR. RANAKOSKI'S TERM EXPIRED ON DECEMBER 31, 2005 AND HIS NEW TERM WILL EXPIRE ON DECEMBER 31, 2010.

I.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 10, 2006 - RE-APPOINTMENT OF MARY ANN SINCLAIR, 1310 LUZERNE STREET, SCRANTON, PENNSYLVANIA, 18504, TO THE BOARD OF THE SCRANTON HOUSING AUTHORITY, EFFECTIVE IMMEDIATELY. MRS. SINCLAIR'S TERM EXPIRED ON SEPTEMBER 27, 2005 AND HER NEW TERM WILL EXPIRE ON SEPTEMBER 27, 2010.

7.

J.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 11, 2006 - RE-APPOINTMENT OF ANTHONY MARINUCCI, 1208 BLAIR AVENUE, SCRANTON, PENNSYLVANIA, 18508, AS A MEMBER OF THE SCRANTON MUNICIPAL RECREATION AUTHORITY. MR. MARINUCCI'S TERM EXPIRED ON JUNE 17, 2005 AND HIS NEW TERM WILL EXPIRE ON JUNE 17, 2010.

K.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 12, 2006 - APPOINTMENT OF PETER RIEBE, 1315 SANDERSON AVENUE, SCRANTON, PENNSYLVANIA, 18509, AS A MEMBER OF THE SCRANTON REDEVELOPMENT AUTHORITY. MR. RIEBE WILL BE FULFILLING THE TERM OF BARBARA MARINUCCI WHO RESIGNED ON DECEMBER 7, 2005. MR. RIEBE'S TERM WILL EXPIRE ON FEBRUARY 4, 2009.

L.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 13, 2006 - APPOINTMENT OF JAMES MCDONNELL, 1432 SANDERSON AVENUE, SCRANTON, PENNSYLVANIA, 18509, TO THE SCRANTON RECREATION AUTHORITY. MR. MCDONNELL WILL BE FULFILLING THE TERM OF PETER RIEBE WHO RESIGNED EFFECTIVE JANUARY 10, 2006. MR. MCDONNELL'S TERM WILL EXPIRE ON DECEMBER 31, 2008.

M.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 14, 2006 - APPOINTMENT OF ROBERT TIMLIN, 325 WARREN STREET, SCRANTON, PENNSYLVANIA, 18508, AS A MEMBER OF THE SCRANTON REDEVELOPMENT AUTHORITY EFFECTIVE FEBRUARY 4, 2006. MR. TIMLIN WILL BE REPLACING GREGORY WOODYARD WHOSE TERM WILL EXPIRE ON FEBRUARY 4, 2006. MR. TIMLIN'S TERM WILL EXPIRE ON FEBRUARY 4, 2010.



7.

N.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 15, 2006 - APPOINTMENT OF KATHLEEN MCDONNELL, 1929 CLEARVIEW STREET, SCRANTON, PENNSYLVANIA, 18508, AS A MEMBER OF THE SCRANTON PARKING AUTHORITY. MS. MCDONNELL WILL BE REPLACING ROBERT LIPSKI WHOSE TERM EXPIRED ON JUNE 1, 2005. MS. MCDONNELL'S TERM WILL EXPIRE ON JUNE 1, 2010.

0.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 16, 2006 - APPOINTMENT OF FRANCIS NOONEY, 323 SOUTH WEBSTER AVENUE, SCRANTON, PENNSYLVANIA, 18505, TO THE BOARD OF THE SCRANTON SEWER AUTHORITY. MR. NOONEY WILL REPLACE HERB SANDS, WHOSE TERM EXPIRED ON DECEMBER 31, 2005. MR. NOONEY'S TERM WILL EXPIRE ON DECEMBER 31, 2010.

P.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 17, 2006 - APPOINTMENT OF LEO VERGNETTI, 519 ARTHUR AVENUE, SCRANTON, PENNSYLVANIA, 18509, TO THE BOARD OF THE SCRANTON SEWER AUTHORITY. MR. VERGNETTI WILL REPLACE PAUL KEARNS, WHOSE TERM EXPIRED ON DECEMBER 31, 2005. MR. VERGNETTI'S TERM WILL EXPIRE ON DECEMBER 31, 2010.

Q.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 18, 2006 - APPOINTMENT OF JOSÉPH A. MATYJEVICH, JR., 1318 FARR STREET, SCRANTON, PENNSYLVANIA, 18504, AS A MEMBER OF THE SCRANTON PARKING AUTHORITY. MR. MATYJEVICH WILL BE REPLACING SEAN HANLON, WHOSE TERM EXPIRED ON JUNE 1, 2004. MR. MATYJEVICH'S TERM WILL EXPIRE ON JUNE 1, 2009.

7.

R.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 19, 2006 - APPOINTMENT OF JOSEPH PALUMBO, 1007 COLUMBIA STREET, SCRANTON, PENNSYLVANIA, 18509, AS A MEMBER OF THE SCRANTON PUBLIC LIBRARY BOARD EFFECTIVE JANUARY 9, 2006. MR. PALUMBO WILL BE FULFILLING THE TERM OF RICHARD LEONARI WHO RESIGNED. MR. PALUMBO'S TERM WILL EXPIRE ON MARCH 10, 2008.

S.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 20, 2006 - APPOINTMENT OF JAMIE HAILSTONE, 730 NORTH IRVING AVENUE, SCRANTON, PENNSYLVANIA, 18510, AS A MEMBER OF THE SCRANTON PUBLIC LIBRARY BOARD EFFECTIVE JANUARY 9, 2006. MR. HAILSTONE WILL BE FULFILLING THE TERM OF ALAN SWEENEY WHO RESIGNED ON DECEMBER 31, 2005. MR HAILSTONE'S TERM WILL EXPIRE ON MARCH 10, 2008.

T.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 21, 2006 - APPOINTMENT OF RABBI DAVID ROSENBERG, 920 MONROE AVENUE, SCRANTON, PENNSYLVANIA, 18510, AS A MEMBER OF THE SCRANTON PUBLIC LIBRARY BOARD EFFECTIVE JANUARY 9, 2006. RABBI ROSENBERG WILL BE FULFILLING THE TERM OF RABBI AARON PELLER, WHO NO LONGER RESIDES IN THE CITY. RABBI ROSENBERG'S TERM WILL EXPIRE ON MAY 24, 2009.

U.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 22, 2006 - APPOINTMENT OF WILLIAM MURRAY, 1146 WEST ELM STREET, SCRANTON, PENNSYLVANIA, 18504, TO THE CIVIL SERVICE COMMISSION EFFECTIVE JANUARY 9, 2006. MR. MURRAY WILL BE REPLACING ELMER NALEVANKO, WHO RESIGNED EFFECTIVE DECEMBER 31, 2005. MR. MURRAY'S TERM WILL EXPIRE WITH THE TERM OF MAYOR CHRISTOPHER A. DOHERTY.

8. ADJOURNMENT:

KAY GARVEY  
CITY CLERK  
SCRANTON, PENNSYLVANIA