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SCRANTON CITY COUNCIL MEETING

HELD:

Tuesday, January 26, 2010

LOCATION:

Council Chambers

Scranton City Hall

340 North Washington Avenue

Scranton, Pennsylvania

CATHENE S. NARDOZZI, RPR - OFFICIAL COURT REPORTER

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CITY OF SCRANTON COUNCIL:

JANET EVANS, PRESIDENT

PAT ROGAN, VICE-PRESIDENT

ROBERT MCGOFF

FRANK JOYCE

JOHN LOSCOMBE

NANCY KRAKE, CITY CLERK

NEIL COOLICAN, ASSISTANT CITY CLERK

BOYD HUGHES, SOLICITOR

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

3 MS. EVANS: Roll call, please.

4 MR. COOLICAN: Mr. McGoff.

5 MR. MCGOFF: Here.

6 MR. COOLICAN: Mr. Rogan.

7 MR. ROGAN: Here.

8 MR. COOLICAN: Mr. Loscombe.

9 MR. LOSCOMBE: Here.

10 MR. COOLICAN: Mr. Joyce.

11 MR. JOYCE: Here.

12 MR. COOLICAN: Mrs. Evans.

13 MS. EVANS: Here. Third order.

14 MS. KRAKE: THIRD ORDER. 3-A.

15 CONTROLLER'S REPORT FOR THE MONTH ENDING
16 DECEMBER 31, 2009.

17 MS. EVANS: Are there any comments?

18 If not, received and filed.

19 MS. KRAKE: 3-B. MINUTES OF THE
20 COMPOSITE PENSION BOARD MEETING HELD ON
21 DECEMBER 16, 2009.

22 MS. EVANS: Are there any comments?

23 If not, received and filed.

24 MS. KRAKE: Do you have any
25 announcements this evening, Mrs. Evans?

1 MS. EVANS: Well, we do, but let us
2 proceed with clerk's report.

3 MS. KRAKE: Hopefully, this is our
4 first time and hopefully all of the requests
5 from January 12 and January 19 to the best
6 of our ability were submitted to the
7 appropriate department heads and some of
8 those have been answered.

9 The first was a request by
10 Councilman Rogan about vehicles parked in
11 the from 920 to 926 Greenridge Street. That
12 was sent to Chief Elliott and he told us
13 that e-mailed Councilman Rogan directly on
14 that.

15 The next letter was to Stu Renda,
16 business administrator, that was dated
17 January 15 regarding a resident's inquiry
18 into refuse disposal. His response was
19 Scranton pays 4725 per ton for refuse at
20 Keystone Sanitary Landfill. He says
21 Scranton realized approximately 4.3 million
22 from current and delinquent refuse disposal
23 fee.

24 However, our solicitor pointed out
25 that we had also asked for a breakdown of

1 that. Our original letter said, "Council
2 would like to know what is the cost per ton
3 for refuse disposal and how much of the
4 revenue for the waste disposal fee that the
5 city received 2009 went to the sanitary
6 landfill tipping."

7 So we only received a partial
8 response to that.

9 MS. EVANS: Mrs. Krake, if we could
10 send a second request for the missing
11 information, please, on behalf of all of
12 council.

13 MS. KRAKE: The next letter went to
14 George Robert, district executive of
15 PennDOT. He is responding to council's
16 letter of January 15 regarding the Scranton
17 CBD signal project. It says, "The
18 department is currently waiting on the
19 decision of the Federal Highway
20 Administration on approving a time extension
21 to continue using federal funding on this
22 project. Once this decision has been
23 rendered, the department will arrange a
24 meeting with the City of Scranton to discuss
25 this decision and plan out that this project

1 moving forward. The most current plans
2 include the intersection of River and Meadow
3 and it will be included in the final seven."

4 Our next issue was the property on
5 Cedar Avenue and Elm, it's 1101 Cedar. The
6 history of this property goes back several
7 years. It's been vacant, it's been in
8 deplorable condition and council has been
9 sent many letters of behalf of residents. I
10 believe all of council received in their box
11 a letter from Janet Curry, from Lancaster,
12 PA, and she had also sent this to the mayor
13 and Mark Seitzinger saying that they were
14 unable to sell a property next door because
15 of the condition of this building.

16 Now, our letter that we sent to Mark
17 Seitzinger, the director of License and
18 Inspections, addressed all of these issues,
19 remarked on how long the issue had been
20 ongoing, and the only response we got was
21 that the gentleman did pull the permits to
22 start the work and he would be doing so
23 immediately, but that's been over a week and
24 a half now and in the mean time when we got
25 that letter, which was very serious, and the

1 only thing that was addressed was the
2 shoving of the sidewalks, so what is your
3 pleasure, Madame Chairwoman?

4 MS. EVANS: Mrs. Krake, I believe
5 that it would have been perhaps a year ago
6 that we would told that that property was
7 going to be renovated and it has certainly
8 been more than a week and a half since this
9 owner indicated he would be making
10 renovations, and if we could please send a
11 copy of Mrs. Curry's letter to
12 Mr. Seitzinger, advise him that we have
13 already heard this story, it was
14 approximately a year ago, and there are no
15 more excuses that can be accepted for the
16 deterioration of this particular property.
17 It's hazardous and it's an eyesore to that
18 neighborhood and to the entire city. It's
19 been ongoing for several years and the lack
20 of action on the part of the owner is
21 unacceptable and what process could be
22 followed by the city for demolition of that
23 property.

24 MS. KRAKE: The next three letters
25 are first was from Councilman Rogan

1 concerning Keystone Business Products and we
2 believe that was anticipated appropriately
3 in last week's council. The next was
4 concerned the Albright Avenue flood project
5 which was answered this evening; and
6 thirdly, we asked Chief Elliott to no longer
7 send a police officer, which it's obvious he
8 hasn't again this week. So these are the
9 letters that were answered.

10 Next, we have some that have not
11 been answered by the January 22 date the
12 council requested a response by. The first
13 is regarding an abandoned home at 1023
14 Bunker Hill Street. Residents state the
15 house was gutted by fire, the roof collapsed
16 and a lot of garbage was on the property.
17 They also cited that several letters had
18 been sent and they had had a meeting seven
19 months ago with the city concerning this.
20 We had a January 22 deadline and we have
21 heard nothing from Mark Seitzinger, Director
22 of License and Inspections.

23 MS. EVANS: Mrs. Krake, if we would
24 send him a reminder memo and that council
25 expects a request by Monday, February 1.

1 Should we not receive a request then I think
2 we may have to invite Mr. Seitzinger in for
3 a public caucus in order that we would be
4 able to discuss the progress or lack thereof
5 on many of these hazardous structures that
6 remain standing throughout the city.

7 MS. KRAKE: Our next request wasn't
8 answered in a timely fashion was also to
9 Mr. Seitzinger, Director of Licensing and
10 Inspections. This is regarding an abandoned
11 home at the corner of Wheeler Avenue and
12 Olive Street. Councilwoman Evans stated in
13 warm weather the grass and weeds were never
14 cut and in cold weather snow and ice removal
15 never occurs.

16 MS. EVANS: And a second memo,
17 please with a response date of Monday,
18 February 1.

19 MS. KRAKE: Some letters have not
20 yet gone beyond the response deadline, so we
21 will report on them as they move along in
22 the process.

23 MS. EVANS: Thank you, Mrs. Krake.

24 MS. KRAKE: You're welcome.

25 MS. EVANS: Do any council members

1 have announcements at this time? Yes?

2 MR. MCGOFF: Yes. The Friends of
3 the Poor and Sister Mary Alice Jacquinet are
4 looking for winter clothing, especially
5 jackets for adult workers, people who are
6 working out in the outdoors that are not
7 adequately dressed for the season. If you
8 have anything that you would like to donate
9 to the Friends of the Poor you can bring it
10 to their office on I guess it's Jackson
11 Street, below the Jackson Height's housing.
12 There are signs that designate or that say
13 Friends of the Poor, but I dropped some
14 things up there today that were collected
15 through our parish and they are still in
16 need of, as I said, winter items, especially
17 jackets and hats, gloves, that type of
18 thing. Thank you.

19 MS. EVANS: For both men and women?

20 MR. MCGOFF: I would say yes. I'm
21 not sure. The stuff that I brought over was
22 male, so I'm not sure.

23 MS. EVANS: Is that all?

24 MR. MCGOFF: That's it.

25 MS. EVANS: Thank you. Anyone else?

1 Once again, I request all speakers who
2 address council during citizens'
3 participation do put in writing all requests
4 for information and problems that require
5 attention. Please include your name on your
6 request as well and give to the assistant
7 city clerk who is seated to the right of the
8 podium. This council is willing and anxious
9 to try to answer your questions and address
10 your problems. We need your help to better
11 serve you.

12 Attention, Veterans. There will be
13 will a very important informational meeting
14 to discuss the closing of the Governor's
15 Outreach office in Pittston on Friday,
16 February 5, 2010, at 9 a.m. The meeting
17 will be held at the DeNaple's building on
18 the University of Scranton campus and
19 speakers will include state representatives
20 Kevin Murphy and Ken Smith as well as other
21 representatives from Harrisburg. Again, it
22 is very important that local veterans attend
23 this meeting.

24 The fifth annual pet supply drive to
25 benefit the Griffin Pond Animal Shelter will

1 be conducted from Monday, February 1,
2 through Friday, February 12. This animal
3 shelter exists solely on donations from the
4 community and receives no government funds.
5 Last years drive exceed 10,000 pounds of
6 donations. Locally, both West Scranton and
7 Scranton High Schools participated and
8 several students used the drive as a senior
9 graduation project fr community service
10 work. We hope their active participation
11 will continue.

12 The mayor granted his permission for
13 receptacles to be placed on the first floor
14 of Scranton City Hall for pet supply
15 donations beginning on February 1. I
16 encourage all city employees and city
17 residents to contribute to this very worthy
18 cause in order to save the lives of so many
19 precious animals. The animal shelter wish
20 list includes the following items: Cat
21 litter, cat and kitten food, used ink jet
22 cartridges, copier paper, aluminum cans for
23 recycling. Large durable chew bones, dog
24 and puppy food. Collars and leashes. Cat
25 toys and small litter pans. Hamster, rabbit

1 and guinea pig food. Garbage bags, all
2 sizes. Paper towels, cloth towels and
3 blankets. Dish and laundry detergent.
4 Bleach, scrub brushes and rubber gloves.
5 Brooms, buckets and insulated hose and
6 nozzles. Have a heart humane traps.

7 So, please, if you are able you can
8 drop those donations off beginning on
9 February 1, on a first floor of Scranton
10 City Hall.

11 The FF Joseph Flannery Division V
12 Ancient Order of Hibernians will hold a
13 benefit ham dinner on January 30, 2010, from
14 4 p.m. to 10 p.m. at the Keyser Valley
15 Community Center. Donations are \$10 and all
16 proceeds go to the Donachi family who lost
17 their home to fire at Thanksgiving time.
18 There will be entertainment, raffles, prizes
19 and refreshments and anyone who cannot make
20 the fundraiser you may, of course, make a
21 donation by contacting Frank Dodge at the
22 following phone number: 687-0826.

23 Finally, the Scranton affiliate of
24 the Pancreatic Cancer Action Network will
25 conduct it's first meeting of the new year

1 on Tuesday, February 2, at 6:30 p.m. at the
2 Clarion Hotel on Meadow Avenue in Scranton.
3 All members and volunteers should attend as
4 well as anyone who is interested in
5 supporting this important cause. And that's
6 it.

7 MS. KRAKE: FOURTH ORDER. CITIZENS
8 PARTICIPATION.

9 MS. EVANS: Our first speaker is Andy
10 Sbaraglia.

11 MR. SBARAGLIA: Andy Sbaraglia,
12 citizen of Scranton. Fellow Scrantonians,
13 5-C, I believe something like this came up
14 maybe four months ago or five months ago
15 dealing with the bridge. I thought that was
16 all taken care of. You have another
17 resolution on the same order as this one.

18 MS. EVANS: Yes.

19 MR. SBARAGLIA: And they said we
20 turned the money in because of the cost
21 overruns that wasn't quite that big. This
22 one I think is requested funds be turned
23 back for some reason or another. I just
24 wonder if you -- for your own inference you
25 should read them and see how they correspond

1 with each other.

2 Okay, this is the first chance in a
3 long time we got to talk about the letters
4 of credit. There is two letters of credit,
5 if I remember, outstanding, one with the
6 Redevelopment Authority and the other with
7 the Scranton Parking Authority, both of them
8 were granted awhile ago. Now, I remember on
9 the Parking Authority, I believe the
10 collateral is the revenue from our parking
11 meters, and as you know we just increased
12 the revenue from our parking meters. Now,
13 how does that affect that letter of credit,
14 I don't know, and maybe it was the bank that
15 insisted upon it because for some reason or
16 other it was sort of odd that they both came
17 up at the same time, the Parking Authority
18 raised their rates and the city raised their
19 rates on, of course, the parking meters
20 which is, of course, mortgaged to the bank.

21 The other is you don't hear about it
22 too much, the Scranton Redevelopment
23 Authority's letter of credit. For your own
24 information you should find out exactly how
25 much is left on them letters of credit, how

1 garage at one time, Scranton did, at that
2 time.

3 MS. EVANS: Okay. Thank you.

4 MR. SBARAGLIA: That's where I think
5 they got the money to what they did. Thank
6 you.

7 MR. MCGOFF: May I?

8 MS. EVANS: Yes.

9 MR. MCGOFF: Mr. Sbaraglia, I don't
10 know if this answers your initial question,
11 in the backup there is letter from a Charles
12 Ruther, district assistant liaison engineer
13 and it says, "Attached is a sheet from the
14 reimbursement agreement that needed to be
15 revised. Our office noted a math error and
16 also requested a sentence to be added to one
17 of the paragraphs. I included a copy of the
18 old agreement page and also highlighted a
19 copy of the new sheet showing the changes.
20 The costs of the project have not changed
21 since the revision sent to you back in
22 August, just the amount showed in the body
23 of the agreement was incorrect."

24 I believe what's happened -- the
25 only thing that was changed, this is not a

1 new, what do I want to say, a new agreement,
2 it's just amending the agreement that was
3 approved in August and what it changes is
4 the amount -- the total amount of the
5 reimbursement that is allowed and not the
6 cost of the project.

7 MR. SBARAGLIA: Okay.

8 MS. EVANS: Thank you, Mr. McGoff.
9 Bill Jackowitz.

10 MR. JACKOWITZ: Good evening,
11 Council. Bill Jackowitz, South Scranton
12 resident and member of the Taxpayers'
13 Association. I read on-line the
14 Times-Tribune report on the meeting held
15 last Tuesday at the Lackawanna Station by
16 the Power of Scranton Young Business
17 Association. The Power of Scranton are the
18 residents, taxpayers and voters. Just look
19 at Massachusetts, not some young business
20 people who do live in the City of Scranton.
21 They reside either out-of-state or in
22 outlying communities. Most of them are
23 located in tax exempt KOZ properties thank
24 to Mr. Austin Burke and previous city
25 councils, but yet Mayor/Governor Doherty,

1 Commissioner Washo and
2 Commissioner/Congressman O'Brien chose to
3 attend the meeting at the Radisson instead
4 of attending the Scranton City Council
5 meeting where the taxpayers and citizens and
6 voters were at or watching the meeting on
7 ECTV Channel 19. Proof, the results of the
8 last city election.

9 The City of Scranton and Lackawanna
10 County are overloaded with debt, vacant
11 houses, high unemployment, unpaved streets
12 and roads, gangs, crime on the rise, no
13 contracts for police and fire, Scranton in
14 distressed status for 18, business moving
15 away from the city, a ghost town mall and
16 higher parking rates downtown chase more
17 people away, but yet the Mayor/Governor
18 Doherty and County Commissioner/Congressman
19 O'Brien and Commissioner Washo are speaking
20 at the Radisson Hotel who, by the way, have
21 been given plenty of taxpayer dollars just
22 to stay afloat. It shows you where these
23 elected officials really stand. They stand
24 with the young business owners, not the
25 senior citizens and working class people of

1 Scranton and Lackawanna County.

2 Oh, and by the way, Mr. Austin
3 Burke, president and chamber of Commerce was
4 also at the Radisson with the Power of
5 Scranton. He refuses to attend a Scranton
6 City Council meeting and speak directly to
7 the citizens and taxpayers, the real power
8 of Scranton.

9 On a brighter note, it is great to
10 be an American citizen where I have the
11 right of freedom of speech. I am proud that
12 I am a veteran and now I can say that I am
13 proud to be a Scranton resident. I was away
14 for 30 years living in other states and
15 cities and foreign countries. Upon my
16 return to Scranton, I could not believe how
17 far the city had deteriorated. Now we have
18 a city council that is beginning to work for
19 the people, not the Mayor/Governor Doherty
20 and his appointed authorities, you know, the
21 people who lease the old Wildlife Center Zoo
22 to Lackawanna College for \$1 a year for 25
23 years for a total of \$25 for 25 years. I
24 forgot to mention last week that the college
25 has four more 25 years options on the

1 building, so they could lease the building
2 for a total of 125 years for \$125.

3 That is what authorities do for the
4 residents and taxpayers, but yet the same
5 Recreation Authority continues to charge
6 children from the age of six to 15 \$3 a day
7 to swim and use the slide at the same park.
8 Unbelievable. And we cannot forget about
9 the Sewer Authority who sent out letters to
10 all ratepayers and voted four to one to
11 raise the rates by \$90 a quarter without
12 having all of the information. Those are
13 the words of Mr. Barrett who is the head of
14 the Sewer Authority.

15 Mr. McGoff wants to create another
16 authority. Possibly they can lease Albright
17 Library to Lackawanna College for \$1 a year
18 for another 125 years. But now we have hope
19 because there is a council in place who are
20 willing to fight the fight for the citizens
21 of Scranton. Mayor/Governor Doherty, on the
22 other hand, he is in Pittsburg and other
23 Pennsylvania cities telling everybody how
24 great a job he has done. As of the last
25 report, his popularity is 3 percent of the

1 state vote. There is still plenty of time
2 for Mayor/Governor Doherty to improve on
3 that percentage. For \$5,000 as a host,
4 \$1,000 as a sponsor, or a measly \$500 as a
5 friend, you can attend a fundraiser for
6 Mayor/Governor Doherty on 2 February 2010
7 right here in Scranton, you know, the
8 distressed city.

9 The 6,000 people who received the
10 6,000 jobs Mayor/Governor Doherty created in
11 the last four years should at least be a
12 friend for \$500, that's not asking too much
13 considering he created your new job in the
14 City of Scranton, all 6,000 of them.

15 I invite more citizens to attend the
16 city council meetings. They are informative
17 and there is a relaxed atmosphere at the
18 meetings. Power to the citizens not the
19 young business owners. They have failed for
20 at least the last eight years that I know
21 of. The state of the city address which
22 will probably be held in the Scranton
23 Chamber of Commerce building, the
24 Mayor/Governor Doherty and the young
25 business entrepreneurs will say the same

1 thing again. Mr. Austin Burke, retire
2 already. Take a look at the ghost town mall
3 and vacant store fronts including the 500
4 block of Lackawanna Avenue. Oh, by the way,
5 let's not forget about Southern Union. By
6 all means, Scrantonians, donate \$5,000 to
7 Mayor/Governor Doherty, that is if you make
8 \$5,000 a year in the City of Scranton.

9 The names that appear in the host
10 list are all attorneys who for the most part
11 work for the City of Scranton. These are
12 some of the pledgers who pledged \$5,000:
13 Rob Farrell, Richard Goldberg, Carl Greco,
14 Gene Hickey, Paul Kelly, Sean McDonough, Tom
15 Nealon, Joe O'Brien, Todd O'Malley, Mary
16 Theresa and Paul Patterson, Judy Price, Joe
17 Wright. Any of those names sound familiar?
18 I believe they all have contracts, most of
19 them with the City of Scranton.

20 MR. HUGHES: Madame President, if I
21 could just make one remark?

22 MS. EVANS: Certainly.

23 MR. HUGHES: There is a small error
24 that Mr. Jackowitz made. The way that this
25 lease, and I'm just seeing it for the first

1 time tonight, it is for 150 years.

2 MR. JACKOWITZ: Okay, I was off.

3 MR. HUGHES: No, sir, what it is,
4 it's a 25 year lease, then when you go
5 further down in the lease there is five, 25
6 year options, so this lease could
7 conceivably right now go out to what, 2160?
8 It's being looked into. This is the first
9 time I have seen it tonight as to the
10 legality of this lease and whether council
11 could take action on it. Thank you, Madame
12 President.

13 MS. EVANS: Thank you.

14 MR. ROGAN: Mr. Jackowitz, last week
15 I believe you asked about the city's
16 surveillance cameras. We sent out a letter
17 to the police department and we still
18 haven't put back, but when we do we'll let
19 you know what the response was.

20 MS. EVANS: Thank you, Mr. Rogan.
21 Our next speaker is Mike Dudek.

22 MR. DUDEK: Good evening. My name is
23 Mike Dudek, 608 Depot Street, Scranton. I
24 love down there in the Plot. Back in
25 November I stood here and tried to get the

1 last city council, the previous council, to
2 please pay attention and not put us in the
3 position of having a Library Authority
4 because I pointed out that once it's created
5 council doesn't have the power to destroy
6 it. Well, I'm looking at 6-A, I certainly
7 hope your motion carried and I certainly
8 hope that it does prevail and I hope I'm
9 wrong on this one, okay? Really do.

10 But if it does not work there is a
11 fallback position I think you might want to
12 look into. In Pennsylvania, authorities
13 have to have a revenue stream. For
14 instance, a Housing Authority's revenue
15 stream would be in the rents that they
16 charge people. The Parking Authority has
17 the parking garages and parking meters. The
18 Sewer Authority has the sewer bills they
19 send out, but with a Library Authority the
20 only two or actually three areas of revenue
21 streams I could see for a Library Authority
22 would be library fines would be one, this
23 humongous bake sale, which would be a second
24 one, and as far as the third one is
25 concerned they would have to do what WVIA

1 does hold a telethon. In other words, there
2 is no revenue stream and I'm pretty certain
3 that under the Pennsylvania Municipal Act,
4 you know, governing authorities, you cannot
5 create a authority where there is no revenue
6 stream.

7 You know, I keep comparing our city
8 to New York City in terms of governmental
9 structure and it really amazes me how we
10 have governmental agencies and governmental
11 functions in this city that do not exist in
12 the city of seven and a half million people.
13 You don't have a Library Authority, you have
14 a library board, you have a library. You
15 have a water commissioner, you have a sewer
16 commissioner, but they are under the
17 public works, you know, under the public
18 works there is no separate authority.

19 Whenever you create a separate authority you
20 are creating a separate level of taxation
21 that's going to be totally unnecessary and
22 that's why I kept pounding away for this.

23 For as much as I want the library I
24 want it in the right way. I want our
25 governmental officials to stand up for it or

1 against it, but to stand up as
2 officeholders, not to hide behind an
3 authority, so I applaud you for the -- you
4 know, for the attempt to try to overthrow it
5 and I certainly hope that you can do it by
6 rescinding it and I hope I am wrong. I hope
7 I am wrong, but I think there is a fallback
8 position if it turns out that I'm right and
9 I wanted to, you know, to bring that to your
10 attention. And that's you all I wanted to
11 mention tonight. Thank you very much.

12 MS. EVANS: Thank you, Mr. Dudek.

13 MR. JOYCE: Thank you.

14 MS. EVANS: Carl Kupchunas.

15 MR. KUPCHUNAS: Good evening. My
16 name is a Carl Kupchunas. I'm a life-long
17 resident of the lower Greenridge section of
18 Scranton. First of all, I would like to
19 congratulate the new council and thank them
20 for the work that -- for the people they
21 have been doing so far. I also appreciate
22 the council having Mr. Garbarino from the
23 Army Corp here this evening to give us an
24 update on the flood control project and
25 answer some of the questions the residents

1 of our neighborhood have, which the projects
2 has been at a standstill for over a month.
3 Having been flooded out three times, I was
4 very nervous on Monday's rainstorm.
5 Luckily, the river crested below flood
6 stage.

7 One of the reasons I'm here this
8 evening is to reinforce through council how
9 unfair the flat sewer rate approved by
10 Mr. Barrett is for a single homeowners like
11 myself. I use less water than households
12 with more people and with the new rate
13 schedule I will be paying the same as
14 families who use much more water. In many
15 instances higher consumption users will see
16 their sewer rate go down. All utilities
17 with the exception of cable TV are based on
18 consumption and the sewer rate should also
19 be based on consumption. When Mr. Barrett
20 appears in caucus, it would be appreciated
21 if he was aware of how unfair the flat rate
22 is to single homeowners and to senior
23 citizens, many of which are on a fixed
24 income. Also, I would like to know if the
25 public caucus is still scheduled for next

1 Tuesday night, February 2.

2 The other reason I'm here this
3 evening, I'm not sure if anyone had ever
4 brought this up to city council or not, also
5 I don't know if there is a city ordinance
6 about this, but it creates a very dangerous
7 situation. Living in lower Greenridge, many
8 of the streets in lower Greenridge and North
9 Scranton are very narrow and if cars are
10 parked on the side of the street it's
11 difficult to have two vehicles pass at the
12 same time. I noticed that in the past year
13 or so many more pedestrians are walking in
14 the middle of the street instead of using
15 the sidewalks. This creates a very
16 dangerous situation for both the pedestrians
17 and the motorists. In the daytime at least
18 you can see the pedestrians walking on the
19 street well in advance.

20 At night it can be difficult to see
21 the people walking on the street from a
22 distance especially because most do not wear
23 reflective clothing or light clothing. I
24 have experienced groups of teenagers walking
25 up the middle of Theodore Street three

1 abreast and they refuse to the side to allow
2 vehicles to pass and walk on the sidewalk.
3 If there isn't an ordinance preventing
4 pedestrians from walking in the middle of
5 the street, I'd appreciate if the police
6 department when they encounter people
7 walking on the street inform them how
8 dangerous it is to be walking there. By
9 somehow educating the people who do walk in
10 the streets that they should be walking on
11 the sidewalk, this could prevent a vehicular
12 accident because there wouldn't be enough
13 room for two cars to pass or even worse if a
14 pedestrian was hit because a motorist could
15 not see them, especially at night.

16 If pedestrians walk on the sidewalk
17 where they should be, it would be safer for
18 everyone in the city. I appreciate your
19 time and thank you very much on that matter.

20 MS. EVANS: Mr. Kupchunas, before
21 you leave, the meeting of the Scranton Sewer
22 Authority I believe is occurring as we speak
23 and certainly the flat rate increase is on
24 their agenda and will be discussed among the
25 board members and I'm sure with members of

1 the public who would potentially be paying
2 those rate increases. Council has invited,
3 formally invited, Mr. Barrett, the executive
4 director of the Scranton Sewer Authority to
5 a caucus, as you said, tentatively for next
6 week. At this point in time, I don't
7 believe we received his response, did we,
8 Mrs. Krake?

9 MS. KRAKE: No, we have not.

10 MS. EVANS: And I fully hope that
11 following this evening's meeting the Sewer
12 Authority is going to have a better handle
13 on the direction it's going to take in terms
14 of any rate increases. And it's my hope,
15 once again, that Mr. Barrett will join us in
16 caucus next Tuesday. If for any reason he
17 is unavailable, we will reschedule with him
18 as soon as possible on a Tuesday evening
19 prior to the regular council meeting. I
20 would say that should be scheduled at 5:30
21 and I will keep you abreast of that.

22 MR. KUPCHUNAS: Yes, you do have my
23 e-mail address, I'd appreciate if you would
24 keep my informed of that.

25 MS. EVANS: Certainly. Thank you.

1 Les Spindler.

2 MR. SPINDLER: Good evening,
3 Council. Les Spindler, city resident and
4 homeowner and taxpayer. Mrs. Evans, may I
5 approach council, please?

6 MS. EVANS: Yes.

7 (Mr. Spindler approached the dais.)

8 MR. SPINDLER: I want to speak about
9 this Library Authority. Mr. McGoff has said
10 that there is nothing in the legislation for
11 the Library Authority that says there is
12 going to be a new library built. Well, on
13 the Doherty newsletter of December 16 the
14 headline was: "City council creates Library
15 Authority with eye on new library." Well,
16 it might not be in the legislation, but I
17 think everybody and their brother knows that
18 if this Library Authority is formed a new
19 library is going to be built and if anybody
20 doesn't think so then they are very naive.

21 And last week in the Doherty
22 newsletter Mr. McGoff made a comment, I'm
23 going to read it, "There is nothing in the
24 legislation that would saddle the city with
25 any debt, Mr. McGoff said."

1 Well, in the highlighted area on the
2 sheet I gave you there, Mr. Doherty said he
3 continues to scour the state and federal
4 sources for funding, but acknowledged
5 construction would require local funding and
6 borrowing money. Well, borrowing money sure
7 sounds like putting the city in more debt,
8 Mr. McGoff, and in the financial situation
9 in this city is in, Mr. McGoff, do you
10 really think this city could borrow anymore
11 money? Do you want to answer the question?

12 MR. MCGOFF: I didn't say that the
13 city was going to borrow anymore money.

14 MR. SPINDLER: But the mayor did and
15 you said that the city wouldn't be saddled
16 with any debt. If we borrow money, we are
17 sure going to be saddled with more debt.

18 MR. MCGOFF: Again, we are talking
19 about supposition.

20 MR. SPINDLER: No, it's in black and
21 white what the mayor said, that we are going
22 to have to borrow money.

23 Moving on, that's all about that
24 subject. I brought this up quite awhile
25 ago, Mrs. Evans. North Rebecca Avenue, it's

1 a one-way street going north, it ends at
2 west Gibson Street then it becomes two ways.
3 The 500 block of North Rebecca is two ways
4 and it's a hill going up and you can't fit
5 two cars and at the top of the hill there is
6 a stop sign, also, so if it's snowing or icy
7 you have to stop at that stop sign or stop
8 in the middle of the hill to let someone
9 else down, it's -- you are going to get
10 stuck, and I do have this in writing, Mrs.
11 Evans, so you don't have to write everything
12 down.

13 I brought this up when
14 Mr. Courtright was here and he said the
15 people on that block called him and said
16 they wanted it that way, but I never got an
17 answer why is it like that. I mean, it
18 doesn't seem like a safe situation.

19 MS. EVANS: Yes.

20 MR. SPINDLER: Because there is a
21 stop sign at the top of the hill and there
22 is a stop sign at the cross street, so I
23 don't know why there wouldn't be a stop sign
24 at the top of the hill there and I don't
25 know that one block would be two ways when

1 the whole street is one-way.

2 MS. EVANS: Well, we can certainly
3 look into that for you.

4 MR. SPINDLER: I will give this to
5 Neil.

6 MS. EVANS: But I have been told by
7 members of the traffic maintenance
8 department that stop sign aren't typically
9 installed unless there has been a traffic
10 study conducted prior to their installation,
11 so it may very well be that the study
12 indicated the necessity of the sign.

13 MR. JOYCE: Excuse me, if I can ask,
14 is the part of the street where it becomes a
15 two-way street, is that the part that
16 empties right by the Cathedral cemetery?

17 MR. SPINDLER: No, it's further
18 down.

19 MR. JOYCE: It's further down, okay.

20 MR. SPINDLER: I think Oram Street
21 is where Cathedral Cemetery is. West Gibson
22 is a little further. It's in Tripp Park.

23 MR. JOYCE: Okay.

24 MR. SPINDLER: The next thing, I
25 brought up last week again about the DiBileo

1 signs being stolen and mentioned about
2 Attorney Cullen, did Attorney Hughes have a
3 chance to speak to him yet, do you know,
4 about the report that he has, the police
5 report?

6 MS. EVANS: I don't believe he has,
7 Mr. Spindler. I've been keeping Attorney
8 Hughes very, very busy on some vital issues,
9 monumental issues that are the people's
10 overall priorities and I apologize for that,
11 that I neglected to mention that to him in
12 our discussions of so many other issues
13 including, for example, the zoo and --

14 MR. SPINDLER: I understand, but
15 this was a crime committed.

16 MS. EVANS: Yes.

17 MR. SPINDLER: And when two city
18 employees are identified in that police
19 report.

20 MS. EVANS: I'm certain we will
21 discuss it, and again, you have my
22 apologies.

23 MR. SPINDLER: Thank you. That's
24 okay. I'm going to bring this up again
25 about the parking fees, Mrs. Evans, I

1 brought it up the last couple of weeks, more
2 and more I find more empty parking spaces
3 downtown. I mentioned Mifflin Avenue and
4 Franklin Avenue are empty and I work in the
5 200 block of Penn Avenue, normally before
6 the new parking fees were instituted you
7 couldn't get a parking spot on that block.
8 Now, you can basically get a spot there any
9 time during the day and this new -- these
10 new fees are definitely affecting how many
11 people are coming downtown and I see it as a
12 big decrease people parking all over.

13 MR. ROGAN: Mr. Spindler, I was
14 speaking Mrs. Krake the other day and many
15 people in the city don't know that tokens
16 can be purchased for the meters and I
17 believe it was \$10 worth for \$8, so it's not
18 a lot of savings, but every little bit
19 helps.

20 MR. SPINDLER: Oh, sure.

21 MR. ROGAN: And they can be
22 purchased, which office was it in?

23 MS. KRAKE: In the Treasurer's
24 Office.

25 MR. ROGAN: In the Treasurer's

1 Office so if you come in with a roll of
2 quarters you'll get tokens for \$8.

3 MR. SPINDLER: I know about that.
4 Personally I don't pay to park, I walk over
5 the Linden Street Bridge because I think
6 these fees are outrageous. It's a little
7 cold in the winter walking over that bridge,
8 but I won't pay these parking fees.

9 Basically that's all, I just want to
10 say that I think this council is doing a
11 great job. I hope they continue to Do a
12 great job and I'm sure they will and I find
13 that i probably won't even have to come here
14 every week to keep an eye on you guys, not
15 like the last council, but I'll be watching.
16 Thank you.

17 MS. EVANS: Thank you.

18 MR. JOYCE: Thank you.

19 MS. EVANS: Ron Ellman.

20 MR. ELLMAN: Hello, council.

21 MS. EVANS: Good evening.

22 MR. ELLMAN: As usual, I'm not
23 prepared and don't know what I'm going to
24 talk about. I didn't read the paper until
25 12:00. I went to Wilkes-Barre and I was at

1 Barber Ford and I saw this little article
2 about the colleges. I guess it's their
3 feeble attempt to excuse their obscene
4 intentions, as far as I'm concerned. This
5 is terrible. You people have got to -- you
6 have got to do something, put them in the
7 zone or something. They are destroying the
8 tax base of the city. I got a cousin lives
9 in Florida and this guy is so smart he -- I
10 mean, he retired when he was 47 years old,
11 he was a lawyer in Chicago, moved to Florida
12 and I talk to him once a week and he keeps
13 up with Scranton. He says he has never in
14 his life seen anything of what goes on in
15 this town, you know, a fourth of it not
16 paying taxes. It's just -- you know, this
17 is bad.

18 Right there the University of
19 Scranton got a gate and cost everybody you
20 people go by this thing it cost you \$100 a
21 week in loss taxes for that lousy gate.
22 That's their intentions for the whole city.

23 Well, I was going to say something
24 else about our news media here or lack of
25 it. You know, I really -- I know the heart

1 of this city, I talk to people every place I
2 go. I was talking to a fellow down at
3 Barber Ford today about Scranton that, you
4 know, he seen this program and we don't have
5 any news media here. Channel 16 talks about
6 places 150 miles from here, they got the
7 worst news bureau humanly possible, you
8 know, it's just terrible. The newspaper is
9 real biased, you can't read anything adverse
10 to this administration. And I guess the
11 only radio station is WILK and, you know,
12 they got this fool in the morning that
13 doesn't like Scranton, Kevin Lynn, he should
14 have been fired years ago with his mouth and
15 I listen to Corbett when I walk the dog, you
16 know, alls he seems interested in he find a
17 subject that he just -- he just squeezes it
18 to death for weeks and weeks. Yesterday for
19 a few minutes he is still talking about
20 DeNaples getting his permit to be in the
21 gaming, you know, that's a year ago. We
22 don't know what goes on in this city unless
23 you talk to a cab driver like I do all of
24 the time. We have no media here. We are
25 fortunate, I shouldn't say we don't have

1 none, we have got Joe's little newsletter, I
2 got more of this when I read it.

3 It's just the city is going to pot
4 and nobody wants to believe it. I'm not
5 Chicken Little. I listen to people. I had
6 a little boy, a couple of days ago, I don't
7 know like five years old with his mother he
8 is telling me -- he said, "The rich white
9 kids took our playground." You know?
10 That's a bad attitude. That's what he hears
11 at the house, but now the rich white kids
12 are going to take his house away. It's in
13 the paper, their intentions. They are going
14 to take the projects. Then they are going
15 to take 20 acres of land that there is
16 buildings on. You got to stop them somehow,
17 whether it's the state or whatever you have
18 to do. You can't -- a city can't survive
19 with a fourth of it not paying taxes, you
20 know, we have gone through this, but it's
21 just impossible.

22 You know, I don't know what the
23 solution is because I'm not that bright and
24 my first cousin told me he wouldn't know
25 what to do if he lived here except he got

1 more sense to live here, but you talk to an
2 utter stranger and they talk about the tax
3 base. It's -- all you got to do is see what
4 we lose every year and what our obligations
5 are and multiply it by 15 years from now
6 which it seems like everybody is using the
7 Sewer Authority and you got over a half --
8 500, million dollars, plus the other 500
9 million dollars we are already behind. Now,
10 how in the world do you think anybody is
11 going to stay in a city like that? The
12 houses are going to be 100 years old,
13 three-quarters of them. A young person
14 wouldn't want a hundred year old house. You
15 know, you got to start thinking now for the
16 people like Mr. Miller's age that is going
17 to inherit everything. My house was built
18 in 35 and it's cost me a fortune since I
19 lived there. Last year we put a roof and a
20 new furnace in, you know. Think, these
21 people aren't going to buy a hundred year
22 old house and have to pay taxes be
23 outrageous, you know, I don't know what the
24 world it would be. It's up, huh?

25 MS. EVANS: Yes. Thank you,

1 Mr. Ellman.

2 MR. ELLMAN: All right. Thank you.

3 MS. EVANS: Lee Morgan.

4 MR. MORGAN: Good evening, Council.

5 MS. EVANS: Good evening.

6 MS JOYCE: Good evening.

7 MR. MORGAN: I just have two
8 questions I'm going to integrate them into
9 one. If council finds itself at odds with
10 what's happened to the zoo at Nay Aug or
11 let's say that the council tries to get
12 control of any of the authorities whether
13 it's the Sewer Authority or whoever or maybe
14 trying to stop the Library Authority, how
15 are you going to litigate? I know the city
16 will use probably it's attorneys, but how
17 will council itself litigate to defend the
18 residents of this city?

19 MS. EVANS: Attorney Hughes, would
20 you like to respond?

21 MR. HUGHES: I really haven't looked
22 into that issue yet, but there are ways that
23 council will be able to do certain things to
24 enforce it's legislation, just let me leave
25 it at that. I don't want to discuss

1 litigation. As you know, under the Sunshine
2 Law council could adjourn to go into
3 executive session to address litigation. I
4 think let's take it one step at a time
5 and see what happens and what the Library
6 Authority would do because once the
7 ordinance is passed the law states that the
8 authority shall reconvey all of it's
9 property, that's a mandatory word in
10 statutory construction. It's not may, so
11 once the authority is terminated, if any
12 properties is transferred to it, it's
13 incumbent on that board to transfer it back
14 to the city immediately, all of it's
15 property. I'll just let it go at that, but
16 that's my position legally is to the -- as
17 to the statute that this council has
18 authority to terminate that authority.

19 MR. MORGAN: Okay. Thank you. I
20 understood what you said. I have two
21 questions left if I have an opportunity to
22 ask them, has council thought about putting
23 all of their information on the web? I
24 mean, I know, Mrs. Evans, you discussed how
25 much work it would be to do that, but I

1 really think, you know, that it would
2 benefit the residents and maybe one of the
3 council members could put that information
4 and all of the backup on the Internet. I
5 think there is lot of people who have a lot
6 of interest in what happens here. Not
7 everybody sits at home and laughs about what
8 happens here, and I do have to say that that
9 does happen, and it's a really ashame
10 because really the joke is on them because
11 how long can you laugh at yourself until you
12 realize we are in the situation we are in
13 today?

14 And I did have an opportunity
15 tonight to attend the Sewer Authority
16 meeting prior to coming here, and I do
17 understand that the residents are angry --
18 well, some of the residents are angry about
19 the rate change, and I do have to say that I
20 don't believe seniors are conserving, I
21 think that they are trying to survive, and I
22 think some solutions have to be found to the
23 problems there and maybe it's a two-tier
24 system because, like I said when I was
25 there, you know, this is a very, very

1 complex issue because I'm sure the Sewer
2 Authority has to have revenue to meet it's
3 obligations to the federal government to
4 modernize and to upkeep of the system, but
5 by the same token how can you tell somebody
6 with a young family with seven or eight
7 children that they are going to pay \$100
8 sewer bill every two months and then expect
9 young families to move into the city, so I
10 just hope that maybe council would offer
11 it's opinions to Mr. Barrett when he comes
12 because I do believe Mr. Barrett will come
13 to these council chambers.

14 I just think everybody really has to
15 work together and it's easy, and I'm not
16 saying council is doing this, but you know
17 it's easy to not understand what somebody is
18 trying to do and I don't find the Sewer
19 Authority to be like any other authority in
20 the city and I was opposed to the increase
21 in their charter, but with the federal
22 mandates they are under and with the economy
23 where it is at this point, I mean, solutions
24 have to be found to problems and I just hope
25 that maybe cooler minds will prevail and the

1 five council members here will have some
2 input which will have a positive effect on
3 the rates, and I just -- I do see that the
4 Sewer Authority does care. They did listen
5 to the people that I saw present arguments
6 to them on their situations, and that's all
7 I have. Thank you.

8 MS. EVANS: Mr. Morgan, just to
9 address one of your first questions.
10 Council will be asking the IT Department of
11 the City if they can possibly get the agenda
12 backup onto the website weekly. I do agree
13 with you, I think there are many people who
14 are be interested in reading the backup who
15 would have questions about it and so we are
16 going to pursue it with them.

17 MR. MORGAN: I appreciate that.
18 Thank you.

19 MS. EVANS: Sam Patilla.

20 MR. PATILLA: Sam Patilla, Scranton
21 resident and Scranton taxpayer and member of
22 the Scranton/Lackawanna County Taxpayers'
23 Association. Good evening, Madame
24 President, Councilman Joyce, Councilman
25 Rogan, Councilman Loscombe.

1 MS. EVANS: Good evening.

2 MR. PATILLA: I gave Neil a copy of
3 some questions and requests that I have.
4 I'm not sure if council got them, but I
5 apologize in advance for the poor copy.

6 Part of the membership of the
7 Scranton/Lackawanna County Taxpayers'
8 Association are attending this meeting and
9 the other half at the Sewer Authority
10 meeting. So request number one on my list
11 was actually penned by Marie Schumacher, and
12 she requests that the solicitor review the
13 Home Rule Charter, Section 502, to determine
14 whether numbers 1 through 17 are valid and
15 enforceable or whether there is any part of
16 the Municipal Authorities Act that render
17 any or all of these null and void with
18 respect to the action of city authorities.

19 Number two, requests Scranton City
20 Council review the financial, personal,
21 political and/or business affiliation of
22 members of the various authorities and/or
23 boards within the City of Scranton,
24 specifically, the Scranton Sewer Authority,
25 the Scranton Parking Authority, the Scranton

1 DPW Department, the Scranton Parks and
2 Recreation Authority, the Scranton Housing
3 Authority, the Scranton Library Authority,
4 and the other various Scranton based
5 authorities not listed above with each other
6 along with the affiliations both personally
7 of a business nature, political and/or
8 otherwise in any manner, financially or
9 otherwise advantageous with members of the
10 aforementioned various authorities and
11 boards.

12 In addition, the affiliations, both
13 personally of a business nature, political
14 and/or otherwise in any manner, financial or
15 otherwise advantageous with the executive
16 and judicial branches of the Scranton
17 governments, specifically with the current
18 mayor of the City of Scranton.

19 Number three: Requests financial
20 information in regards to the compensation
21 received by the administrative members of
22 the Scranton Sewer Authority, the Scranton
23 Parking Authority, the Scranton Park and
24 Recreation Authority, the Scranton Housing
25 Authority, the Scranton DPW Department, and

1 other Scranton-based authorities and boards
2 not listed above.

3 Scrantonians have a right to know
4 the salaries of the members of these various
5 boards and the benefit packages they
6 receive, just want information on what they
7 are being paid in regards to the jobs that
8 they are held accountable for.

9 MS. EVANS: Mr. Patilla, I'm sorry
10 to interrupt you, is this request for
11 members of the boards and commissions or
12 authorities, department heads? There seem
13 to be a mixture.

14 MR. PATILLA: Not so much the --
15 well, not so much the department heads, even
16 though it would be nice to include them, we
17 really want to know the board members, the
18 authorities, the leaders, the ones making
19 the decisions.

20 MS. EVANS: The authority members?

21 MR. PATILLA: The authority members.
22 Number four: Request information pertaining
23 to the hiring practices in regards to family
24 members, political affiliates, financial
25 and/or otherwise business affiliated or

1 associated individuals and/or businesses of
2 the Scranton Sewer Authority, the Scranton
3 Parking Authority, the Scranton Park and
4 Recreation Authority, the Scranton Housing
5 Authority, and the Scranton DPW Department,
6 and other Scranton based authorities and
7 boards not listed above.

8 Number five: Request a financial
9 breakdown of the current status of the
10 January 26, 2010, all state and/or federally
11 mandated improvement that are funded in it's
12 entirety or partially by the State of
13 Pennsylvania and/or federal government as
14 required by law from the Scranton Sewer
15 Authority, the Scranton Parking Authority,
16 the Scranton Park and Recreation Authority,
17 the Scranton Housing Authority, the Scranton
18 DPW Department and/or the Scranton based
19 authorities and/or all boards that receive
20 public funding that are not listed above.

21 Okay? We want to know where our
22 money is going. If these people are
23 actually doing what they are supposed to be
24 doing and what they are telling us they are
25 doing. We need some type of backup that we

1 can look at and say, okay, they are actually
2 doing what they are saying they are doing.

3 Now, in closing, I was approached by
4 three different individuals at last council
5 meeting who voiced their concerns in regards
6 to Council member McGoff not giving those
7 speaking his full attention. Case in point,
8 is not hearing what Councilman Joyce had to
9 say in regards to council forwarding the
10 concern of the taxpayers to those most
11 qualified to answer those questions and/or
12 concerns. You know, in order to get respect
13 one first has to give it.

14 Now, I sat back here, I'm getting
15 kind of old, I don't hear that well, but I
16 heard, you know, what Councilman Joyce had
17 to say in regards to forwarding that
18 information along and for a council person
19 not 20 feet away from him to stand up here
20 and argue on something that he evidently
21 didn't hear is a disgrace and a slap in the
22 face. You know, you asked us for decorum
23 you ask us for respect and all we ask that
24 you do the same thing. If somebody has
25 something to say, these concerns are

1 important to us. They might not be
2 important to you, but they are important to
3 us if and we can't show you that respect and
4 give you that decorum we just ask for the
5 same in return. Thank you.

6 MS. EVANS: Thank you. Dan Hubbard.

7 MR. HUBBARD: Good evening, Council.
8 Daniel Hubbard, lower Greenridge. It was
9 refreshing tonight to hear Mr. Garbarino the
10 projected dates for the completion of the
11 flood project. It is ahead of schedule
12 since the contracts were put into inception,
13 but we are four years behind schedule so it
14 is nice to see that.

15 Unfortunately, you know, we did
16 touch upon in the caucus the removing of the
17 trees and he did inform me that they are
18 going to be diligent with making sure that
19 they don't remove all of the trees along the
20 river like they did between Market Street
21 and Greenridge Street. It's a fine line
22 between, you know, I would like the flood
23 protection. Every resident in lower
24 Greenridge would like flood project, but
25 there is a lot of people in the city that do

1 see the river as a resource and they are
2 trying to develop it as such. The
3 Lackawanna River Corridor Association, the
4 Lackawanna River Heritage Trail, you know,
5 these are all going to be along river and
6 the river festival they hold. We are trying
7 to develop the river as a resource in the
8 city which it can be and, unfortunately,
9 removing the vast amount of trees will
10 greatly affect the native trout and the
11 Pennsylvania -- the brown trout and the
12 brook trout and the rainbow trout because
13 they are dependent upon water temperature.
14 And, unfortunately, when you do remove shade
15 the shade downstream from where it is
16 removed will not lower the water
17 temperature, it will only maintain it, so
18 shade doesn't lower the temperature of the
19 water it just maintains it so as the water
20 passes through these vast stretches of river
21 that have been de-treed, it will increase in
22 temperature during low water conditions and
23 it won't be lowered as it goes downstream.

24 So hopefully they will be a little
25 bit more diligent upon that to protect the

1 river, to protect us and protect the river
2 because I don't want to see an environment
3 like the river. It is a native trout river,
4 it is a Class A trophy trout fishery in the
5 State of Pennsylvania and there are certain
6 sections and rivers upstream of Scranton
7 that are designated such by the state
8 because they do hold trophy-size trout.

9 So it is good to see that they will
10 be a little bit more diligent with removing
11 the trees along the river because I would
12 like to see Scranton be able to use this as
13 a resource as we clean up the banks of the
14 river and give access to the river. To more
15 fisherman. It's obviously can be a resource
16 to people that come in the area and use the
17 river, so that is a good thing.

18 I did inform Mr. O'Hora that there
19 is currently a logjam, although, yesterday
20 after yesterday's rain I don't know if it's
21 still there, but the Popular Street bridge
22 does have a logjam currently in it and he
23 informed me they will look at it and see if
24 he can manually remove it or the have the
25 DPW go in there and remove that, so I'd just

1 like to make sure that council is aware of
2 that and you can follow-up on that.

3 MS. EVANS: Thank you.

4 MR. HUBBARD: Also, I'd like it see
5 that if council -- or working with the
6 residents along the river we can be a little
7 bit more diligent with keep Mr. O'Hora's
8 department and/or the DPW on top of removing
9 a lot of the silt that is front of the flood
10 gates. The gates inside of the river open
11 and allow the storm drain water to go out,
12 but a lot of them are silted up in the
13 openings and I know they are required to
14 clear that, but I don't think they are as
15 diligent as they can be, and I understand
16 that they have a limited crew, so that is
17 something that hopefully we can be more
18 diligent on, to keep the residual water
19 backup and going.

20 Unfortunately, it was saddening to
21 hear that the funding for the pump station
22 is not there, although, it was there at one
23 point and it ended up in the Steamtown Mall,
24 and let's just say that at this point I
25 think a pump station in lower Greenridge

1 would be a little bit more productive entity
2 in the City of Scranton than the Steamtown
3 Mall currently is, so we would be the only
4 protected neighborhood without a pumping
5 station to remove the residual backup. It
6 is an issue.

7 The river in 2004 did not actually
8 reach the riverbank. The flooding in lower
9 Greenridge in 2004 was caused by residual
10 storm drain backup that started at the
11 intersection of Albright and Nay Aug Avenue
12 and continued to build because the storm
13 drains will not open. If the river level
14 gets to a certain point the pressure that
15 gets to those gates won't allow them to
16 open, so it backs up. In 2004 the majority
17 of the flooding in lower Greenridge in the
18 1400 of Albright and Gardner Avenue and Nay
19 Aug Avenue at that time were caused by
20 residual rainwater backup due to the
21 pressure on the river keeping the gates
22 closed.

23 So the pump station is important.
24 Park Place has a pump station and so does
25 the Plot. We will not have one, so possibly

1 I don't know if that's something that
2 council could work towards in grant writing
3 or something in the future to help obtain
4 funding with the federal government to put
5 that in there. I would hate to see it
6 become a litigation issue later on.

7 Also, you know, we touched on Gordan
8 Avenue. This is the last section of
9 Scranton that will not be protected by a
10 levy. When the levy is done in lower
11 Greenridge it will stop at Popular Street
12 and below Popular and above Olive there are
13 no houses on the -- going down the river on
14 the left-hand side that would be affected by
15 any high water conditions, so any channeling
16 and raising of the water level created by
17 the levy system in Scranton will hit Olive
18 Street and in a high water event will flood
19 Gordan Street. They were flooded in 2006
20 and by finishing the levies all the way
21 through Popular Street we are going to force
22 the water levels up even here, similar to
23 what's going on on Parker Street now, and
24 then the residents of Gordan Avenue will be
25 receiving the full brunt of the Lackawanna

1 River, where in the past a lot of the spill
2 off happened into lower Greenridge and such,
3 they will receive the full brunt of that.
4 So hopefully the Army Corp will realize that
5 after this project is completed they will be
6 able to extend is past Olive Street in order
7 to protect the residents of Gordan Avenue in
8 that neighborhood because they are the last
9 piece of the puzzle and once they are
10 protected every single resident in the City
11 of Scranton along the Lackawanna River
12 Corridor will have a levy in place.

13 The South Side flats have their
14 levies in place for a long time and there is
15 no residential communities that's affected
16 between Olive Street and the South Side
17 complex, for example, so Gordan Street is
18 not a big neighborhood, but yet it will be
19 drastically affected by the flood waters in
20 any high water event, so that is something
21 that I think council could try to be
22 diligent on behalf the city or the residents
23 moving forward to help protect those
24 residents because I would hate to see them
25 have to receive the full blunt of the

1 Lackawanna River while the rest of us are
2 enjoying protection. So thank you, I
3 appreciate the caucus tonight.

4 MS. EVANS: You are welcome.

5 MR. JOYCE: Thank you.

6 MS. EVANS: Is there anyone else who
7 wishes to address council?

8 MR. MCCLOE: Good evening. My name
9 is Brett McCloe, taxpayer and homeowner. I
10 just have a couple of questions and a little
11 observations, things that went through my
12 mind since I made some statements last week.
13 I was wondering if I could ask Attorney
14 Hughes a question? Can I?

15 MS. EVANS: Yes.

16 MR. MCCLOE: Is it possible, is it
17 legal to have possibly a loss of revenue tax
18 based on someone selling off taxable
19 property to a nontaxable entity because in
20 my mind I equate it to the death tax. I
21 mean, once somebody dies they are no longer
22 paying taxes so the government does take
23 what they want out of the deal, so in my
24 mind death of a property, that property has
25 been taken off, can't -- is it possible to

1 create such a legislation?

2 MR. HUGHES: I thought it was a very
3 intriguing statement, however, the general
4 rule is that any municipality and political
5 subdivision in the Commonwealth can only
6 enact taxes that the legislature authorizes
7 it to enact, and the subject matter of the
8 taxation has to be allowed and also the city
9 could impose a tax on that depending on the
10 tax legislation.

11 Death taxes are something different,
12 that's a federal government, that's state
13 government.

14 MR. MCCLOE: Yes, I understand.

15 MR. HUGHES: Whether the city right
16 now I doubt, and I really haven't had time
17 to look at that and I can really only
18 investigate things that council authorizes
19 me to, but my general reaction is that that
20 type of tax would not allowed under the
21 enabling statutes, but it was an intriguing
22 concept.

23 MR. MCCLOE: Oh, okay. I was just
24 -- we are looking as council and, you know,
25 the city is looking for new avenues of

1 revenue, I'm just trying to figure it out.
2 Not that a lot of property owners even sell
3 every year, but that's just that one
4 property this year, maybe four properties
5 next year, you know. I just thought it
6 would be interesting.

7 Also, another thing that went
8 through my mind is in reference to like the
9 large parking garages of the hospitals and
10 University of Scranton, I see those as
11 amenities and those are also covered under
12 that nontaxable realm, and can you tax
13 amenities is what I'm asking, also. Like,
14 it's not germane to the operation of the
15 school.

16 MS. EVANS: In other words, what I
17 think I hear you saying is nonprofits --

18 MR. MCCLOE: Yes.

19 MS. EVANS: -- that would own --

20 MR. MCCLOE: Large parking garages.

21 MS. EVANS: Yes. Yes. Property or
22 let us say businesses from which they are
23 deriving a profit --

24 MR. MCCLOE: Yes.

25 MS. EVANS: -- can those types of

1 properties be taxed or fees set against
2 them, but I did think that the city was
3 receiving money for the garages, hospital
4 garages, for example.

5 MR. MCCLOE: Oh, really.

6 MS. EVANS: I'm not certain about
7 the University of Scranton or Marywood
8 University, however.

9 MR. MCCLOE: Okay. Those are just
10 things that just went through my head, you
11 know, as I read the newspaper and they were
12 talking about that meeting that they had and
13 I guess it was yesterday and they were
14 talking about coming together and improving
15 education levels and starting to do things
16 for this city, but I just don't -- they are
17 going to plan on improving education and all
18 of things they talked about at the
19 University of Scranton, I believe you guys
20 should have a major role in that. I mean
21 there's not a school board thing improving
22 the neighborhoods and things like that, I
23 believe you guys should be the once directed
24 to them. Just not the neighborhoods in
25 front of their property, they should go to

1 places where it's not so seen maybe, you
2 know, just being citizens instead of
3 private. It takes a lot to be a citizen and
4 they act in a way more like a civilian, and
5 there is a difference and I had wrotten -- I
6 had written, excuse me, a large thing about
7 the difference between a citizen and a
8 civilian and I'll get into that some other
9 time. It will be one of the big long boring
10 long speeches I always make, but they're
11 following civilian suits and they need to
12 act a little bit more as if they are
13 citizens of this city, scholastic education
14 of citizens of this city, they need to do a
15 little bit more.

16 But as far as the other questions I
17 asked, I was just trying get things straight
18 in my head so maybe I can sit around and
19 brain storm up something else and scribble
20 all over pieces of paper and throw them
21 behind me. All right. Thank you.

22 MS. EVANS: Thank you.

23 MR. JOYCE: Thank you.

24 MR. HUGHES: Madame Chairman, if I
25 could from what Mr. McCloe said, I think

1 that maybe council should ask the
2 solicitor's office, I know at one time there
3 was an ordinance in affect that every
4 commercial parking facility, be it the
5 ground or a structure, that there was a fee
6 to the city per space per year if they
7 leased it commercially. The Parking
8 Authority I don't believe pays it because
9 they would be exempt as an authority,
10 however, the other structures such as
11 hospitals, the University of Scranton where
12 they have a commercial facility in charge, I
13 don't know if that ordinance is still on the
14 books. I don't know what the price was per
15 space, but the city used to impose that tax.
16 It wasn't a tax it was service fee on the
17 stall itself, and I think that to follow-up
18 on that I don't believe that council should
19 look into that or that I should, I think
20 that would be up to the solicitor's office
21 to see, number one, if that ordinance is
22 still on the books if it's being charged to
23 private surface parking and if it is that is
24 it applicable to the University of Scranton
25 garages, to the Parking Authority garages or

1 anyone else, any other really misonary
2 institution, charitable organization that
3 owns a parking lot and leases it to students
4 and that might be it's not a tax.

5 I remember when I was involved with
6 the mall that Mr. Boscov was charging and
7 you had to pick up a ticket, you had to
8 wait -- you had three hours free parking if
9 it was validated at Boscov's, The Globe
10 Store had the same thing, Oppenheim's had
11 the same thing. If you didn't you were
12 charged. The city went down I believe
13 Boscov's might have had 1,800 to 2,000
14 parking spaces, somehow I believe that the
15 fee might have been \$10, Mr. Boscov refused
16 to pay it and he just opened the garage and
17 polices it internally and there is source of
18 revenue that the city had lost, and I don't
19 know if he was the only one, but I believe
20 that an inquiry would be in order to the
21 solicitor's office to determine that. I
22 don't believe we should look at it.

23 MS. EVANS: Mrs. Krake, if we could
24 send that letter, please. And, in addition,
25 I would like to know which garages are

1 contributing and in what annual amount and
2 which garages are not contributing or are
3 delinquent in those fees.

4 MR. TALIMINI: Joe Talimini, city of
5 Scranton. First of all, I'd like to thank
6 Mr. Ellman for the kinds words, and I can
7 assure that there are a lot more people who
8 read the newsletter than just Mr. Ellman as
9 evidenced by the fact that MSNBC this week
10 is taking off on things that I have been
11 saying for the past three years. Two years
12 ago I was working with a few people down in
13 the Plot section with the flooding thing, we
14 had some pictures in there, and contrary to
15 popular belief, the improvement in the media
16 is noticeable with Roger and Boris, they
17 have been doing an excellent job. I can't
18 say the same thing for management because
19 they are still doing their thing, but the
20 media is improving in this community.

21 And, Mr. Hughes, I'd like to
22 compliment you, it's nice to have a
23 user-friendly solicitor.

24 MR. HUGHES: Thank you. I'm glad to
25 be in Scranton.

1 MR. TALIMINI: Well, it's been very
2 unusual in this community. Several things I
3 would like to mention with some of these
4 nonprofits, I mentioned last week that under
5 501 (c) (3) there are provisions that unless
6 it is absolutely vital to the operation of
7 the institution or the one that's been
8 granted the 501 (c) (3), they are taxable.
9 Like the IRS has already determined that; am
10 I correct, sir?

11 MR. HUGHES: Yes. I've done it many
12 times, I'm familiar with the procedure.

13 MR. TALIMINI: Consequently, I do
14 believe there is plenty of room for you to
15 hit up these nonprofits. The University is
16 just absorbing, as I said before and I said
17 it a couple of years ago, it's an octopus,
18 it's growing and growing and growing and we
19 are feeding it more and more, and now with
20 the medical college, I don't know where they
21 are getting all of their information or who
22 they are getting their approval from and
23 everything else, but advocating grabbing up
24 all of these low incoming housing projects I
25 think the next step would probably be they

1 are going to try the United House which is
2 also low income and handicap. They have
3 already taken up playground to the kids.

4 Another thing probably in the future
5 would be the acquisition of the intermediate
6 school which means then again we are going
7 to be get whacked with building another new
8 school and there is no question Lackawanna
9 College and Medical College has had their
10 eye on Washington Plaza which is beginning
11 to undergo renovations at a considerable
12 cost incidentally, of course. Everybody can
13 say, well, it's federal government money,
14 but it's also our money because it comes out
15 of our pockets one way or the other.

16 I don't believe they can grab off
17 Washington West because it is a dedicated
18 senior citizen project and some of the
19 Housing Authority, but you might want to
20 check into that.

21 There are so many things going on in
22 this city and I would like to tell you one
23 thing, I had three calls this week from
24 national media who suddenly are finding out
25 that Scranton is not the greatest place in

1 the world and any of you who are on-line can
2 check with MSN and MSNBC you will find out
3 that Lackawanna County and Scranton have
4 been taking a shot this week and, as I said,
5 I'd like to take a little credit for because
6 I have been doing for three years now and
7 I'm going to continue to do it. Hopefully,
8 we will be back in print form again first of
9 March. That depends on how things go, but I
10 keep getting calls from people who kept
11 saying, "When are you going to put out the
12 newsletter, Joe?"

13 Well, we are working on it that's
14 all I can tell you. And, Mrs. Evans, I
15 would like to get some more information
16 about the animal shelter, if I could, and I
17 have some ideas about that. Thank you very
18 much for your time, and again, my
19 compliments. It's a user-friendly council.

20 MR. ROGAN: Thank you.

21 MR. LOSCOMBE: Thanks.

22 MR. ROGAN: Are there any more
23 speakers?

24 MR. ANCHERANI: Good evening.

25 Nelson Ancherani, First Amendment Rights.

1 First off, it appears that the Connell
2 building reconstruction has finally gotten
3 back on track. The 23 million dollar
4 project is progressing. My only hope is
5 that the delay does not translate into more
6 taxpayer money being requested to complete
7 the job.

8 On the agenda, 6-A, legislation
9 repealing File of Council No. 95, 2000, as
10 amended, etcetera, that's the library
11 legislation. Last week I mentioned that I
12 felt that the main library needed more
13 space. By more space I don't mean building
14 a \$16 million building to accomplish that
15 end. I'm talking about an existing
16 building. This would cut the cost of
17 construction by millions and still
18 accomplish having more room for the library.

19 I mentioned the former Bishop Hannon
20 building in the 300 block of Wyoming Avenue.
21 There is plenty of room and the building
22 appears to be in good shape. There is
23 plenty of parking as there is an adjacent
24 parking lot that served as parking for the
25 former school. This building is centrally

1 located and would serve the public well, not
2 to mention saving the taxpayers millions. I
3 believe currently that the building is owned
4 by the Scranton Catholic Diocese and what
5 would it hurt to approach the Diocese and
6 ask them to donate the building to be used
7 only as a branch of the main library? This
8 would also make use of the vacant building.
9 It's something to consider.

10 I would also like to say that there
11 are petitions around asking for the library
12 subject to be put on the ballot for the
13 electorate to vote on. I say let the voters
14 decide whether or not they want a \$16
15 million library built when they could save
16 millions by using an existing building. I
17 would ask that the council consider asking
18 for a referendum to have the issue put on
19 the ballot if the petition effort failed.

20 Please have your solicitor look into
21 whether or not council can make the request
22 for a referendum. Let the people, we the
23 people, decide whether or not we want to
24 spend millions when we could save millions
25 especially in these economically distressed

1 times. Just as an example of these trying
2 times, on page 12 of the 2010 operating
3 budget for the city, there is a one million
4 decrease in the wage tax revenues and the
5 quote from page 13 of the same budget reads:
6 Revenue from current wage tax decreased due
7 to economic conditions in 2009 whereas the
8 Scranton area as realized a rising
9 unemployment. These figures have an inverse
10 relationship with our wage tax revenue.

11 Maybe someone can explain to me that
12 if the 6,000 individuals were hired in the
13 first four years of the current
14 administration and 3,000 more were hired in
15 the last four years of this current
16 administration how can we have a decrease of
17 one million dollars in the wage tax? I did
18 pretty good in math in school, but this had
19 me perplexed.

20 Also, I'm going to ask council to
21 amend a budget to take the bull by the
22 horns, make the hard decisions, you will
23 have the taxpayers' interests and the
24 backing by them. There was 20 million
25 cumulatively up to 2009 in raises and new

1 hires. That's something I'd ask you to look
2 at, if you can. If no one got a raise in
3 the city I would have no gripe, I couldn't
4 complain at all, but since favorites were
5 given raises I do have a gripe.

6 The court award gave raises to the
7 police and fire. We are not getting the
8 raises. I just want to let everybody know
9 that interest is going to be compounding on
10 those raises that are not being paid. The
11 taxpayers are going to suffer again. Thank
12 you.

13 MR. DOBRZYN: Dave Dobrzyn, resident
14 of Scranton, member of the Taxpayers'
15 Association. A few days ago I read an
16 article about graffiti vigilantes in South
17 Side, we had a second-time victim and he was
18 fined \$680 for not removing the graffiti on
19 a timely basis. I would suggest that
20 whoever those graffiti vigilantes are
21 consider that they are not fighting for
22 their neighborhood, they are fighting with
23 them. Hopefully you people can do something
24 about that, that somebody is not fined after
25 a crime has been committed, you know, they

1 can't stop the graffiti, they shouldn't be
2 penalized for it excessively.

3 And this is just basically a
4 statement, park leases. Is this how our
5 learning institutions are helping us?
6 Excuse me, I had a great education in
7 Scranton High School with a teacher named
8 Cathy and that was back around '72 and she
9 taught objective reading and part of the
10 course was make a statement like 100 percent
11 of all people who ate baked potatoes are
12 going to die. Well, it's a true statement,
13 right, but is it reasonable, well -- or
14 worthwhile, no?

15 So, you know, at a dollar a year or
16 whatever and there and now they are going to
17 eat up Nay Aug Park and it's not going to be
18 for the people it's going to be for parking
19 spaces and traffic that -- traffic that the
20 public isn't really supposed to drive around
21 that area, now, we will have traffic in that
22 area and so forth, and I maybe some day we
23 could just turn it into a big parking lot.

24 A suggestion for and a question, we
25 all know that there is big project to

1 relocate our military institutions up around
2 North Scranton somewhere, anybody hear about
3 that? I'm wondering what the status of the
4 Wattress Army is going to be some day. Now,
5 that's in our neighborhood and I would
6 suggest that if they want to move in a town
7 and take up more acres at least take up
8 acres that somebody else has no longer a use
9 for.

10 And a little thing I noticed in
11 passing, I get down on the corner of
12 Lackawanna and Washington and constantly,
13 even after it's fixed, a tractor-trailer
14 comes by and whacks the cross sign and it's
15 pointed entirely in the wrong direction, the
16 walk and don't walk sign.

17 MS. EVANS: Where is this?

18 MR. DOBRZYN: Down on Lackawanna and
19 Washington. On the mall corner it's
20 constantly getting whacked even though it
21 get straightened out from month to month or
22 after a couple of months, well, I come by
23 two or three weeks later and it got whacked
24 again and it's pointing down into South Side
25 or something it's supposed to be to cross

1 sign may be from the 500 block to whatever
2 the next -- the mall block is. What is
3 that, a 400 block or something like that,
4 the block where the mall starts on? I think
5 it's 400, but anyway. Also, the one on the
6 bank corner, what is it, Liberty, is that
7 the Liberty Bank?

8 MS. EVANS: Yes. I believe so.

9 MR. DOBRZYN: That walk sign, don't
10 walk and the walk absolutely doesn't work on
11 it, possibly on an intermittent basis and it
12 would be helpful in our developer shoveled
13 those sidewalks seeing as he owns them on
14 that corner. Last year nothing was ever
15 done with them.

16 And finally on compensation for
17 nonprofits, I know the people are telling
18 you don't have a chance -- didn't even have
19 a chance to warm your seats up, but in the
20 future make we could get something on it and
21 let's not give up because it's the state
22 constitution that locks you into this and
23 these institutions are looking for places to
24 settle, but, you know, how much philanthropy
25 can we afford with five colleges in a town,

1 it's just not reasonable and we can't keep
2 having land going off the tax base, so if
3 the state wants to tell us what to do with
4 our land maybe they can some day provide a
5 little compensation for what we have to do
6 with our land. Thank you and have a good
7 night.

8 MS. EVANS: Thank you.

9 MR. SLEDZENSKI: Janet, I'm the last
10 one. Always the last one, Janet you know
11 that.

12 MS. EVANS: Save the best for last.

13 MR. SLEDZENSKI: I didn't forget
14 you, you know that. I don't forget nobody?
15 I don't forget nobody, do I?

16 MS. EVANS: No, you don't.

17 MR. SLEDZENSKI: Well, guys I'll say
18 it right now, this is it. Dave, let's keep
19 it up. All the firemen down there,
20 everybody, keep it up down there. I'm proud
21 of you guys. Thank you.

22 MS. EVANS: Anyone else?

23 MS. KRAKE: FIFTH ORDER.

24 INTRODUCTION OF ORDINANCES, RESOLUTIONS,
25 APPOINTMENTS AND REAPPOINTMENTS TO BOARD AND

1 COMMISSIONS, MOTIONS AND REPORTS OF THE
2 COMMITTEES. 5-E. FOR INTRODUCTION - AN
3 ORDINANCE - AUTHORIZING THE MAYOR AND OTHER
4 APPROPRIATE CITY OFFICIALS --

5 MS. EVANS: Mrs. Krake, we have to go
6 through motions first.

7 MS. KRAKE: Oh, I'm sorry.

8 MS. EVANS: That's okay. Mr. McGoff,
9 do you have any motions or comments?

10 MR. MCGOFF: Please. A couple of,
11 things. First, my confusion with
12 Mr. Joyce's motion last week was not a
13 manner of listening, although, my hearing is
14 getting worse with my advancing age, it was
15 more of an eyesight issue. I read it
16 quickly without my glasses on and failed to
17 see part of it and my bad. Apology if there
18 was, you know --

19 MR. JOYCE: That's okay. Your
20 apology is accepted.

21 MR. MCGOFF: -- any insult. I would
22 say though that even it did not alter my
23 objection to the motion that was made so.
24 But I'm most -- I'm glad to see that
25 Mr. Patilla finally recognized my presence

1 on council. Most evenings he comes in and
2 addresses all of the other members of
3 council, so for that I am quite pleased and
4 I do agree with him respect is a two-way
5 street and hopefully we can practice that.

6 And one response to last week a
7 little bit, I have been in the Scranton area
8 for most of the 60 years, I have taught in
9 the area, I have coached in the area for
10 more than 35 years, I belong to many
11 organizations in the community, I
12 participated in a number of civic activities
13 and certainly in the past three years as a
14 member of the council I have had the
15 opportunity to interact with any number of
16 city residents. While I didn't canvas the
17 city for votes in 2009, I believe that my
18 experiences and interactions with people do
19 provide me with some credibility for a
20 perspective audience in the city.

21 In addition, I, too, won an election
22 to this seat as some people may remember,
23 and therefore, I believe that that gives me
24 again some credibility and some connection
25 to the people of the City of Scranton.

1 Winning an election doesn't give you an
2 exclusive grasp on the truth. It gives you
3 an opportunity to present a perspective for
4 people to consider and the insinuation that
5 was made last week that somehow I was out of
6 touch and didn't have that right I thought
7 it was somewhat unprofessional and somewhat
8 insulting.

9 And the last thing, a copy of the
10 rental registration ordinance was in our
11 mailboxes, is this an indication that we are
12 ready to appoint --

13 MS. EVANS: That would be --

14 MR. MCGOFF: -- a coordinator?

15 MS. EVANS: We are ready to take a
16 look at the ordinance and see what changes
17 need to be made so that an election can
18 occur and have consequences to failure to
19 meet requirements.

20 MR. MCGOFF: Has any movement been
21 made on an RFP or, you know, any
22 consideration of hiring somebody for the
23 post that was created?

24 MS. EVANS: No, not at this time.
25 That was --

1 MR. MCGOFF: Thank you.

2 MS. EVANS: That was the first step
3 in that. I had asked Mrs. Krake to provide
4 every council member with a copy of the
5 ordinance so that you can examine it for the
6 changes that you requested should be made.

7 MR. MCGOFF: Okay. And the last
8 thing, comments on the Library Authority I
9 guess I will save again until legislation.
10 Thank you.

11 MS. EVANS: Mr. Rogan, any comments
12 or motions?

13 MR. ROGAN: A few. First, I would
14 like to start off by responding to what
15 Mr. McGoff said. Last week Mr. McGoff made
16 the comment to me that -- well, to the whole
17 council that we should talk to the members
18 on the Library Authority, and I actually did
19 put in two phone calls that were not
20 returned, but the comment I made was that he
21 should speak to some of the other residents
22 in the city who weren't on the Library
23 Authority, and from my time campaigning and
24 my time on council only one person has
25 written me in support of this authority.

1 There have been dozens of people who have
2 written to me at council and sent e-mails
3 who are afraid of what's going to become of
4 this Library Authority, not to mention all
5 of the people out during day-to-day
6 activities that will stop you at places and
7 say, "I really like what you are guys are
8 doing to get rid of the Library Authority."
9 That's all that that comment was, but moving
10 on.

11 I mentioned this earlier on in the
12 meeting, but I would like to mention it
13 again because it's worth repeating. I would
14 like to inform all of the residents of the
15 this city that tokens can be purchased for
16 the city's parking meters at a discounted
17 rate from the city treasurer's office. Ten
18 dollars worth of tokens can be purchased for
19 just \$8.

20 Last week I met with Linda Aebli,
21 who is the director of our Office of
22 Economic and Community Development. We
23 spoke at length about many of the ongoing
24 projects that her office is overseeing, and
25 I asked Mrs. Aebli to send council monthly

1 updates from her office so council can be
2 better informed of all ongoing projects,
3 future projects and outstanding loans.
4 Mrs. Aebli agreed to my request and council
5 should be receiving January's report within
6 a few weeks.

7 This week, Mr. Loscombe, Mrs. Krake
8 and myself met with several people from
9 Pennsylvania Economy League and the city's
10 administration. We spoke at length about
11 the city's finances and our large debt.
12 Mr. Cross informed me that PEL will be
13 sending the city a proposed Recovery Plan
14 between four to six weeks. Unfortunately,
15 nobody from the Pennsylvania Economy League
16 offered any details on what might be
17 included in the revised Recovery Plan. As
18 soon as I learn any details on what is in
19 the plan, I will be sure to notify my
20 colleagues on council as well as the public.

21 This week I received a few
22 complaints regarding the handicapped ramp on
23 the corner of Spruce Street and Wyoming
24 Avenue. Residents complain that the
25 concrete ramp is crumbling and is becoming

1 impassable. Mrs. Krake, could you please
2 send a letter to the DPW asking them to look
3 into repairing this ramp?

4 And finally, I would like to extend
5 my condolences to Mr. Loscombe and his
6 family for their loss of two beloved family
7 members this past week, and that's all.

8 MS. EVANS: Thank you, Mr. Rogan.
9 Mr. Loscombe, any motions or comments?

10 MR. LOSCOMBE: Not really. I have a
11 few citizens' concerns that I have to put
12 together and I'll get them to Mrs. Krake and
13 Mr. Rogan already explained about the
14 meeting, so he took my thunder on that one.

15 MR. ROGAN: Sorry about that.

16 MR. LOSCOMBE: That's okay. It's a
17 hectic week so I really didn't have a lot to
18 get together. Thank you.

19 MS. EVANS: Thank you. Mr. Joyce,
20 any motions or comments?

21 MR. JOYCE: Yes. Last week, I
22 requested that a letter be sent to MEM,
23 Municipal Energy Managers to a repair a
24 streetlight on the corner of 10th Avenue and
25 Luzerne, and I'm very happy to say that I

1 have been informed from Mr. Kerns from MEM
2 that that streetlight has been repaired and
3 is up and running, so I would like to
4 recognize him and thank him for a having
5 this light repaired so quickly as it was out
6 of service for quite sometime and it started
7 to become quite concern to some of the
8 residents that live around that area.

9 A few citizens' requests. I
10 received a request from a citizen earlier
11 this week who resides on the 300 block of
12 Cayuga Street in North Scranton regarding
13 the amount and the depth of the potholes on
14 her block. Her along with other residents
15 on this block have been complaining about
16 the wear and tear that the has been taking
17 on their automobiles, and with this in mind,
18 Mrs. Krake, if you could send a letter on
19 behalf of council to Mr. Brazil asking him
20 to assess the situation and repair the
21 potholes accordingly.

22 Also, council's office received a
23 request from the man who frequents the
24 downtown area and he uses an electric
25 wheelchair. He had pointed out that the

1 curb on the corner of Spruce and Wyoming is
2 broken up making it very difficult for him
3 along with many of the others seniors who
4 may use wheelchairs downtown to maneuver
5 about the downtown area. So, Mrs. Krake, if
6 you could also please send out a letter to
7 Mr. Brazil asking him to repair this, that
8 would be greatly appreciated and that's all
9 I have for tonight.

10 MS. EVANS: Thank you, Mr. Joyce. I
11 think the request was already made, but I am
12 very pleased to see that councilmen are so
13 anxious to help the people of this city, so
14 not one, but two requests, and I commend all
15 of you.

16 MR. MCGOFF: Mrs. Evans, before --
17 sorry, could I just add one thing I forgot.
18 The River Street bridge work that's being
19 done, I know Mrs. Schumacher has, you know,
20 talked about the lights and things that have
21 been going on there, I'm not sure if that's
22 a city or a PennDOT project, but it would
23 be -- I think it would be nice to find out
24 when that is going to be completed. It's
25 been a mess now for quite a long while.

1 MS. SCHUMACHER: Two years.

2 MR. MCGOFF: Two years. Hopefully
3 that's -- I would hope that that's
4 incorrect, but I'll ask Mrs. Krake if she
5 could send something to PennDOT and I'll put
6 it in writing to get an update on that
7 project. And I'm sorry to interrupt.

8 MS. EVANS: No, not at all.

9 MR. JOYCE: I'm sorry, I had one more
10 comment. I know -- I'm sorry. I know last
11 week Mrs. Schumacher had asked if the city
12 was going to post my e-mail address to the
13 website and I'm not sure if they currently
14 are. I did put -- okay. I have elected to
15 use my own private e-mail address to take
16 citizens comments and to complaints. It's
17 my name, FrankJoyce@live.com. L-I-V-E.com I
18 have put in a request that it it be posted
19 to the website, but I'm not sure if they
20 will be able to Honor my request since it's
21 not a Scrantonpa.gov e-mail address, and
22 that's all I have.

23 MS. EVANS: Thank you. Good evening.
24 Council will advance the ordinance which
25 repeals the Library Authority to it's final

1 reading tonight. It's possible that the
2 mayor will veto this legislation. Should
3 the mayor exercise his veto, the legislation
4 will return to council for an override vote
5 hopefully by a supermajority. At that time
6 the ordinance will become law, and as such
7 the city has the responsibility to enforce
8 it if necessary.

9 Should the members of the newborn
10 Library Authority and/or the city
11 administration choose to oppose the law and
12 city council, council will stand firm. At
13 this time, I would like to defer to Attorney
14 Hughes for his comments regarding the
15 Library Authority article that was published
16 last week.

17 MR. HUGHES: Yes, Madame Chairman,
18 Council, the public. When I was instructed
19 to draft the ordinance for consideration
20 tonight repealing File of Council No. 9,
21 2010, one of the first things I did was to
22 check the Department of State website to see
23 if the Scranton Public Library Authority was
24 formed. As of Thursday, that would have
25 been Thursday, January 14, there was nothing

1 on the website. I also checked LANDEX which
2 has all of the Lackawanna County deeds
3 recorded on it, there were no deeds
4 recorded. Because there is a lag time
5 between the Department of State Corporate
6 Bureau in obtaining documents and the
7 posting them on the website, I called the
8 corporate bureau in Harrisburg. I talked
9 with Bill at that time and he told me that
10 they had received the application to create
11 the authority, it was logged in on January
12 14, had been rejected because it was
13 incomplete and for that reason, as you know,
14 the city ordinance I used the term that had
15 it had been rejected.

16 Last week I then called back again
17 after they said on the 15th that it had been
18 filed, I thought there might have been a lag
19 time knowing how corporate -- how the state
20 government works, sometimes it's by form,
21 they just send it out in the mail that night
22 and sometimes it's by letter.

23 However, I talked with Diana on
24 January 21 about 9:30 in the morning. She
25 told me that the Scranton Public Library

1 Authority had been rejected. At the time it
2 is rejected it is not given an entity
3 number, however, on the 15th the documents
4 had been resubmitted, they could have been
5 my fax, I don't know, she is only looking at
6 the television screen just to see what's up
7 there, and it had been given an entity
8 number sometime on the 15th. I don't
9 know -- there is nothing on the screen to
10 say exactly how the city was informed that
11 it had been rejected, whether it was by fax
12 or whether it was by form letter received on
13 Saturday -- on Friday morning on the 15th
14 and then returned by the time I checked
15 there was nothing there.

16 It had been assigned an entity
17 number on the 15th, so that that would be
18 the date. What happens is that when the
19 rejection letter was sent back, when you
20 complete your filing it would then go back
21 into the date that -- to either the date
22 that it was submitted or the next day. That
23 clarifies all of the information that we had
24 and from the notes of my telephone
25 conversation the ordinance as submitted that

1 said that it had been rejected was correct.

2 If you want me to comment on
3 anything else on the resolution I will. I
4 know there is some comment in the Times,
5 they cited a different section. There is a
6 case that, first of all, the case that has
7 been --it's a Commonwealth Court case, a
8 very interesting case, it's Township of
9 Forks vs. Forks Township Municipal Sewer
10 Authority. That was decided under the
11 former Municipal Authorities Act under
12 Section 321. There has been a codification
13 of Municipal Authorities Act, it is now in
14 53 of Pennsylvania Consolidated Statutes
15 Section 5601. Section 5602 is a virtual
16 reenactment of the old Section 321. I
17 checked them word for word. It's virtually
18 the same statute, but the Commonwealth Court
19 said the Township of Forks had created the
20 Forks Township Municipal Sewer Authority,
21 the Municipal Sewer Authority had financed
22 the construction of the sewer plant and
23 leased it back to the municipality.
24 Township of Forks operated the Sewer
25 Authority, collected the revenues, gave the

1 money to the authority to pay off the bond
2 issue.

3 There came a point years later when
4 the township decided that there was no need
5 for the authority, they ended up drafting an
6 ordinance, passing the ordinance to dissolve
7 the Authority under Section 321, ordered the
8 Authority to payback all of the -- pay off
9 it's bonds, to convey all of the property to
10 the township and also all reserve funds.
11 The Authority refused. The township took
12 them to Court, the Commonwealth Court ruled
13 that pursuant to the Municipal Authorities
14 Act the township could dissolve the
15 Authority.

16 Using that case, we have appellate--
17 what we call -- we lawyers call appellate
18 decision that under the Municipal
19 Authorities Act that the governing body, the
20 City of Scranton through this ordinance can
21 repeal the former ordinance that created the
22 authority. At this point I don't think
23 anybody knows as to whether it is taken on
24 -- if anything has been transferred or if it
25 has any monies to operate. However, what

1 the statute says is that upon the Authority
2 being terminated it shall, as I previously
3 stated, it shall reconvey all of it's
4 properties to the municipality. There is no
5 wishy-washy words. Shall, under statute
6 interpretation, is the equivalent of must.
7 There is no discretion involved. If the
8 word was "may" the Authority could continue
9 to hold the property, but the word is
10 "shall."

11 As a result, with the adoption of
12 the ordinance, the Authority would be
13 terminated. Whether the Authority could
14 ignore the ordinance and continue to operate
15 it would be what we call an ultravirus act
16 which means it is acting without authority.
17 It's legal existence would have been
18 terminated and really should not continue to
19 operate. And what would happen is that in
20 the event that any of the real estate, the
21 real property has been transferred to the
22 authority it would have to be transferred
23 back. The board of trustees that was
24 created almost 120 years ago and has
25 operated the library for 120 years would

1 continue to operate the library, so the
2 library would still exist, however, it would
3 be operated by the trustees, the board of
4 trustees, as is provided by a city ordinance
5 going -- that was enacted back in 1889 when
6 the Albrights conveyed the Albright Library
7 to the City of Scranton.

8 I have nothing further on that
9 unless any member of council has a question.

10 MS. EVANS: Any questions?

11 MR. MCGOFF: If we are discussing it
12 now I guess that the two questions that I
13 had before. Can I ask --

14 MR. HUGHES: If I could, Mr. McGoff?

15 MR. MCGOFF: Yes,

16 MR. HUGHES: I believe that I was
17 just asked to comment. I believe that that
18 would be in accordance with Robert's Rules
19 of Order is that there should -- the
20 ordinance should be introduced and on the
21 floor before there is discussion on it. I
22 believe I was just asked to comment from a
23 historical standpoint. I'm not commenting
24 on the ordinance as council members would,
25 but there should be an ordinance introduced,

1 seconded, be on the floor and then entertain
2 all questions.

3 MR. MCGOFF: That's fine.

4 MS. EVANS: Thank you. While council
5 has a staff of three employees and one
6 part-time solicitor, the mayor has a staff
7 of hundreds and feeds a battalion of
8 attorneys both within and well beyond the
9 city's legal department. With this in mind,
10 council hopes the administration will
11 refrain from wasting taxpayers' dollars on
12 law firms to oppose legally adopted
13 legislation. The mayor is an elected
14 official of strong will, resolve and vision,
15 all admirable leadership qualities except
16 when transformed into obstinacy and
17 exercised against the will of the people he
18 serves.

19 Your new council majority is equally
20 strong willed and is resolved to stand firm
21 for the people and their priorities. Among
22 other things, this council majority ran on a
23 platform of providing a system of checks and
24 balances to the mayor. He has been
25 overindulged by former councils and it is

1 now time for a council diet. The mayor must
2 learn to work with rather than dictate to
3 council.

4 Since the new council session opened
5 on January 4, council has accepted all
6 agenda items from the mayor and approved
7 them. Council has demonstrated it's
8 cooperation and desire to keep the city
9 moving forward. It now behooves the mayor
10 and the members of the Library Authority to
11 cooperate not only with Scranton City
12 Council, but more importantly, with the
13 taxpayers and residents of Scranton who
14 oppose the Library Authority and the
15 construction of the new facility.

16 Countless residents fear the
17 unchecked power of the municipal authorities
18 and cannot afford a new library at this time
19 or any time in the near future. Such
20 taxpayers do not agree to a small select
21 group dictating their needs, making
22 decisions for them and then handing them the
23 bag of bills. Consequently, when the people
24 of Scranton's needs and desires are at
25 stake, we are unwavering and we will pursue

1 this issue on their behalf as long and as
2 far as we are able. The new council shares
3 your vision for a responsible financial
4 future.

5 Next, Councilman Loscombe, Joyce,
6 and Rogan have agreed to serve as the
7 council representatives to the Pennsylvania
8 Economy League. They will alternate their
9 attendance in order that only two council
10 members will be present at any given meeting
11 and I thank these gentlemen for stepping up
12 to the plate.

13 Next, council has invited Mr. Austin
14 Burke, President of the Greater Scranton
15 Chamber of Commerce, Attorney Richard
16 Bishop, Chairman of the Chambers Government
17 Affairs Committee, and Mr. Jeffery Rubel,
18 vice-president to a public caucus of
19 Scranton City Council in February to discuss
20 economic and job growth in Scranton.
21 Council is currently awaiting their reply.

22 Also, I received a request from a
23 resident to explain the \$52 tax levied by
24 the city. This tax is known as the local
25 services tax or LST. The total tax levied

1 remains limited to \$52. Anyone whose total
2 earned income and net profit from all
3 sources within the political subdivision is
4 \$12,000 or more annually is subject to the
5 tax. It is withheld from your earnings by
6 your employer and must be assessed and
7 collected on a prorated basis, determined by
8 the number of payroll periods established by
9 the employer for a calendar year.

10 Also, taxpayers are not subject to
11 payment of the LST at more than one place of
12 employment during a payroll period. For
13 self-employed individuals the tax should be
14 prorated and paid on a quarterly basis to
15 the tax collector for 30 days after the end
16 each calendar quarter.

17 Finally, the law requires
18 municipalities to use at least 25 percent of
19 the local services tax for emergency
20 services including police, fire, and
21 ambulance protection. The remainder must be
22 used for road construction and maintenance
23 or reduction of property taxes through the
24 implementation of a homestead or farmstead
25 exemption. Those who earn less than \$12,000

1 annually should visit the state government
2 LST website to learn how to obtain an
3 exemption.

4 And finally, I have a few citizens'
5 request: I received reports from residents
6 of East Mountain that the street sweeper was
7 hard at work in their neighborhood a few
8 days ago. Council is pleased by that work
9 and asks that in good weather all streets
10 that have been heavily cindered will be
11 swept.

12 A table and picnic bench were placed
13 on the ice at Mountain Lake. If it has not
14 already submerged into the water, please
15 remove it before an accident may occur.

16 Citizens sent me information
17 regarding a program called CARE, call
18 reassurance to provide well-being checks and
19 medical and general reminders for senior
20 citizens and checks on Latchkey children
21 offered through Database System Corporation.
22 Perhaps, we could fax this information to
23 the County Area on Aging and the school
24 district for their possible review, and I
25 brought that along this evening, Mrs. Krake.

1 I received a letter from an East
2 Mountain resident regarding his suggestions
3 for the opening of the operating budget. I
4 want him to know they are valid suggestions
5 and many will be included in council's
6 amendment and I thank him for his
7 assistance.

8 Residents of the Grove Street area
9 report a junk vehicle, a camper, dirt piles,
10 pipes, etcetera are located in a field on
11 Grove Street. They complain these vehicles
12 and debris have created an eyesore in their
13 neighborhood and ask that a city inspector
14 would review these issues. Hopefully the
15 inspector can speak with the owner of the
16 vehicles and make appropriate arrangements
17 for their removing or relocation. And
18 that's all.

19 MS. KRAKE: FIFTH ORDER. 5-B. FOR
20 INTRODUCTION - AN ORDINANCE - AUTHORIZING
21 THE MAYOR AND OTHER APPROPRIATE CITY
22 OFFICIALS TO EXECUTE AND ENTER INTO AN
23 AGREEMENT OF CLARIFICATION TO LAND USE
24 RESTRICTIONS AND EXCEPTIONS MADE IN
25 ACCORDANCE WITH FEDERAL AND COMMONWEALTH

1 REQUIREMENTS MADE AMONG THE CITY OF SCRANTON
2 ("THE CITY"), THE COMMONWEALTH OF
3 PENNSYLVANIA ("THE COMMONWEALTH"), AND THE
4 UNITED STATES OF AMERICA, ACTING THROUGH THE
5 FEDERAL EMERGENCY MANAGEMENT AGENCY,
6 ("FEMA") IN REFERENCE TO THE REAL PROPERTY
7 ("PROPERTY") HEREINAFTER REFERRED TO AS THE
8 "HAZARD MITIGATION LAND" IN ORDER TO CLARIFY
9 THAT THE DEED RESTRICTIONS DO NOT PROHIBIT
10 THE CITY FROM ERECTING A FLOOD LEVEE UPON
11 THE HAZARD MITIGATION LAND DESCRIBED MORE
12 FULLY IN EXHIBIT "A" OF THE AGREEMENT.

13 MS. EVANS: At this time I'll
14 entertain a motion that Item 5-B be
15 introduced into it's proper committee.

16 MR. ROGAN: So moved.

17 MR. LOSCOMBE: Second.

18 MS. EVANS: On the question? All
19 those in favor signify by saying aye.

20 MR. MCGOFF: Aye.

21 MR. ROGAN: Aye.

22 MR. LOSCOMBE: Aye.

23 MR. JOYCE: Aye.

24 MS. EVANS: Aye. Opposed? The ayes
25 have it and so moved.

1 MS. KRAKE: 5-C. FOR INTRODUCTION -
2 A RESOLUTION - AMENDING RESOLUTION NO.
3 173, 2009 ENTITLED "AMENDING RESOLUTION NO.
4 122, 2009 ENTITLED 'AUTHORIZING THE MAYOR
5 AND OTHER APPROPRIATE CITY OFFICIALS TO
6 EXECUTE AND ENTER INTO SUPPLEMENTAL
7 REIMBURSEMENT AGREEMENT NO. 040809-F WITH
8 THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
9 OF TRANSPORTATION REGARDING THE LACKAWANNA
10 AVENUE BRIDGE PROJECT FOR THE PURPOSE OF
11 INCREASING THE CONSTRUCTION PHASE OF THE
12 PROJECT DUE TO CONSTRUCTION COSTS OVERRUNS'
13 TO REFLECT LOWER CONSTRUCTION COSTS AS
14 SET FORTH ON EXHIBIT 'AAAAAAA' PROJECT COSTS
15 APPENDED TO SUPPLEMENTAL AGREEMENT NO.
16 040809-F" BY MAKING FURTHER REVISIONS
17 PURSUANT TO CORRESPONDENCE DATED NOVEMBER
18 13, 2009 FROM PENNDOT.

19 MS. EVANS: At this time I'll
20 entertain a motion that Item 5-C be
21 introduced into it's proper committee.

22 MR. JOYCE: So moved.

23 MR. ROGAN: Second.

24 MS. EVANS: On the question? All
25 those in favor signify by saying aye.

1 MR. MCGOFF: Aye.

2 MR. ROGAN: Aye.

3 MR. LOSCOMBE: Aye.

4 MR. JOYCE: Aye.

5 MS. EVANS: Aye. Opposed? The ayes
6 have it and so moved.

7 MS. KRAKE: SIXTH ORDER. 6-A.

8 READING BY TITLE – FILE OF COUNCIL NO. 9,
9 2010 – AN ORDINANCE - REPEALING FILE OF THE
10 COUNCIL NO. 95, 2009 (AS AMENDED) AN
11 ORDINANCE ENTITLED “SIGNIFYING THE
12 INTENTION AND DESIRE OF THE COUNCIL OF THE
13 CITY OF SCRANTON TO ORGANIZE AN AUTHORITY TO
14 BE KNOWN AS THE SCRANTON PUBLIC LIBRARY
15 AUTHORITY UNDER PROVISIONS OF THE ACT OF THE
16 GENERAL ASSEMBLY, KNOWN AS THE MUNICIPALITY
17 AUTHORITIES ACT, 53 PA. C.S. 56; SETTING
18 FORTH AND AUTHORIZING EXECUTION OF ARTICLES
19 OF INCORPORATION; APPOINTING AND FIXING THE
20 TERMS OF THE FIRST MEMBERS OF THE BOARD OF
21 SUCH AUTHORITY; AND UPON ORGANIZATION
22 CONVEYING TITLE TO THE AUTHORITY FOR THE
23 PROPERTIES ON WHICH THE ALBRIGHT MEMORIAL
24 LIBRARY, THE GREEN RIDGE LIBRARY AND
25 THE SILKMAN HOUSE ARE LOCATED; AUTHORIZING

1 ALL OTHER NECESSARY ACTION; AND REPEALING
2 ALL INCONSISTENT ORDINANCES OR PARTS OF
3 ORDINANCES, RESOLUTIONS OR PARTS OF
4 RESOLUTIONS.”

5 MS. EVANS: You have heard reading by
6 title of Item 6-A, what is your pleasure?

7 MR. JOYCE: I would like to make a
8 motion that we suspend the Rules of Council
9 and move Item 6-A to seventh --

10 MS. EVANS: Right now we want to vote
11 on this motion and then you can make a
12 second motion.

13 MS. JOYCE: I'm sorry. Okay.

14 MR. ROGAN: Mrs. Chairman, I move
15 that Item 6-A pass reading by title.

16 MR. LOSCOMBE: Second.

17 MS. EVANS: On the question?

18 MR. MCGOFF: Yes. If I may ask
19 Attorney Hughes two questions?

20 MS. EVANS: Certainly.

21 MR. MCGOFF: I believe that you may
22 have answered these prior, but just for
23 reaffirmation sake and for my sake. First
24 one, does the facts that the authority was
25 incorporated on Friday, January 15, prior to

1 the introduction of this ordinance, does
2 that in any way affect the legislation?

3 MR. HUGHES: No, it doesn't because
4 the Authorities Act and the case that I
5 previously cited was the existing authority
6 for over ten years, the local governmental
7 agency and the City of Scranton in this
8 situation can at any time move to dissolve
9 the authority. You do not have to move to
10 dissolve it before it is actually filed.

11 The statute under the Municipal
12 Authorities Act contemplates that the
13 Authority had already been formed and is in
14 existence, so the section of the statute
15 that I cited 5622 authorizes, you know,
16 authorizes that the repeal of the ordinance
17 and that once the authority is -- that it's
18 purpose is that it's repealed it then ceases
19 legally to exist and has to convey all of
20 it's property back to the city.

21 MR. MCGOFF: Okay. I guess you
22 probably just answered my second question as
23 well, does repealing the ordinance creating
24 a Library Authority automatically abrogate
25 the articles of incorporation?

1 MR. HUGHES: No. The Authority would
2 have been incorporated. However, it's been
3 incorporated, but then it has to dissolve.
4 I have never dissolved an authority, I have
5 been solicitor for several authorities, I
6 have never been involved in anything that's
7 ever been dissolved. I have never looked
8 into that where they would have to --
9 ordinarily a corporation could file articles
10 of dissolution whether an authority would do
11 that on ceasing to exist, I haven't looked
12 into that, I will look into that for the
13 next meeting, but once it's authority to --
14 once it's existence terminates by the
15 statute that created it being repealed and
16 it's order to turn over all it's property
17 back to the City of Scranton, it no longer
18 can legally exist.

19 MR. MCGOFF: Thank you very much. I
20 would just like to reaffirm my opposition to
21 the ordinance based on not the supposed
22 building of the new library, but based on
23 the presentations made by members of the
24 library board who -- and others who feel --
25 felt that the creation of the authority was

1 a proper way to ensure that the continued
2 operation of the library as we know it and
3 hopefully at some point in the not
4 necessarily near future, but sometime in the
5 future to expand and to improve the library
6 system, and that is why I felt that the
7 authority was a worthwhile venture.

8 MS. EVANS: Is there anyone else on
9 the question? All those in favor signify by
10 saying aye.

11 MR. ROGAN: Aye.

12 MR. LOSCOMBE: Aye.

13 MR. JOYCE: Aye.

14 MS. EVANS: Aye. Opposed?

15 MR. MCGOFF: No.

16 MS. EVANS: The ayes have it and so
17 moved.

18 MR. JOYCE: Okay. Now, I would like
19 to make a motion that we suspend the Rules
20 of Council and move Item 6-A into 7-K for
21 final passage.

22 MS. EVANS: Second. On the question?
23 All those in favor signify by saying aye.

24 MR. ROGAN: Aye.

25 MR. LOSCOMBE: Aye.

1 MR. JOYCE: Aye.

2 MS. EVANS: Aye. Opposed?

3 MR. MCGOFF: No.

4 MS. EVANS: The ayes have it and so
5 moved.

6 MS. KRAKE: SEVENTH ORDER. 7-A. FOR
7 CONSIDERATION BY THE COMMITTEE ON FINANCE -
8 FOR ADOPTION - FILE OF COUNCIL NO. 1, 2010 -
9 AMENDING FILE OF THE COUNCIL NO. 6, 1976
10 ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING
11 A TAX FOR GENERAL REVENUE PURPOSES ON THE
12 TRANSFER OF REAL PROPERTY SITUATE WITHIN THE
13 CITY OF SCRANTON; PRESCRIBING AND REGULATING
14 THE METHOD OF EVIDENCING THE PAYMENT OF SUCH
15 TAX; CONFERRING POWERS AND IMPOSING DUTIES
16 UPON CERTAIN PERSONS, AND PROVIDING
17 PENALTIES", BY IMPOSING THE RATE OF THE
18 REALTY TRANSFER TAX AT TWO AND FIVE TENTHS
19 PERCENT (2.5%) FOR CALENDAR YEAR 2010.

20 MS. EVANS: What is the
21 recommendation of the Chairperson for the
22 Committee on Finance?

23 MR. JOYCE: As Chairperson for the
24 Committee on Finance, I recommend final
25 passage of Item 7-A.

1 MR. ROGAN: Second.

2 MS. EVANS: On the question? Roll
3 call, please?

4 MR. COOLICAN: Mr. McGoff.

5 MR. MCGOFF: Yes.

6 MR. COOLICAN: Mr. Rogan.

7 MR. ROGAN: Yes.

8 MR. COOLICAN: Mr. Loscombe.

9 MR. LOSCOMBE: Yes.

10 MR. COOLICAN: Mr. Joyce.

11 MR. JOYCE: Yes.

12 MR. COOLICAN: Mrs. Evans.

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

15 MS. KRAKE: 7-B. FOR CONSIDERATION BY
16 THE COMMITTEE ON FINANCE - FOR ADOPTION -
17 FILE OF COUNCIL NO. 2, 2010 - AMENDING FILE
18 OF THE COUNCIL NO. 7, 1976, ENTITLED "AN
19 ORDINANCE (AS AMENDED) IMPOSING A MERCANTILE
20 LICENSE TAX OF 2 MILLS FOR THE YEAR 1976 AND
21 ANNUALLY THEREAFTER UPON PERSONS ENGAGING IN
22 CERTAIN OCCUPATIONS AND BUSINESSES THEREIN;
23 PROVIDING FOR ITS LEVY AND COLLECTION AND
24 FOR THE ISSUANCE OF MERCANTILE LICENSES;
25 CONFERRING AND IMPOSING POWERS AND DUTIES

1 UPON THE TAX COLLECTOR OF THE CITY OF
2 SCRANTON; AND IMPOSING PENALTIES", BY
3 IMPOSING THE MERCANTILE LICENSE TAX AT ONE
4 (1) MILL FOR CALENDAR YEAR 2010.

5 MS. EVANS: What is the
6 recommendation of the Chairperson for the
7 Committee on Finance?

8 MR. JOYCE: As Chairperson for the
9 Committee on Finance, I recommend final
10 passage of Item 7-B.

11 MR. ROGAN: Second.

12 MS. EVANS: On the question? Roll
13 call, please?

14 MR. COOLICAN: Mr. McGoff.

15 MR. MCGOFF: Yes.

16 MR. COOLICAN: Mr. Rogan.

17 MR. ROGAN: Yes.

18 MR. COOLICAN: Mr. Loscombe.

19 MR. LOSCOMBE: Yes.

20 MR. COOLICAN: Mr. Joyce.

21 MR. JOYCE: Yes.

22 MR. COOLICAN: Mrs. Evans.

23 MS. EVANS: Yes. I hereby declare
24 Item 7-B legally and lawfully adopted.

25 MS. KRAKE: 7-C. FOR CONSIDERATION BY

1 THE COMMITTEE ON FINANCE – FOR ADOPTION –
2 FILE OF COUNCIL NO. 3, 2010 – AMENDING FILE
3 OF THE COUNCIL NO. 8, 1976, ENTITLED “AN
4 ORDINANCE (AS AMENDED) PROVIDING FOR THE
5 GENERAL REVENUE BY IMPOSING A TAX AT THE
6 RATE OF TWO (2) MILLS UPON THE PRIVILEGE OF
7 OPERATING OR CONDUCTING BUSINESS IN THE
8 CITY OF SCRANTON AS MEASURED BY THE GROSS
9 RECEIPTS THEREFROM; REQUIRING REGISTRATION
10 AND PAYMENT OF THE TAX AS CONDITION TO THE
11 CONDUCTING OF SUCH BUSINESS; PROVIDING FOR
12 THE LEVY AND COLLECTION OF SUCH TAX;
13 PRESCRIBING SUCH REQUIREMENTS FOR RETURNS
14 AND RECORDS; CONFERRING POWERS AND DUTIES
15 UPON THE TAX COLLECTOR; AND IMPOSING
16 PENALTIES”, BY IMPOSING THE BUSINESS
17 PRIVILEGE TAX AT THE RATE OF ONE (1) MILL
18 FOR CALENDAR YEAR 2010.

19 MS. EVANS: What is the
20 recommendation of the Chairperson for the
21 Committee on Finance?

22 MR. JOYCE: As Chairperson for the
23 Committee on Finance, I recommend final
24 passage of Item 7-C.

25 MR. ROGAN: Second.

1 MS. EVANS: On the question? Roll
2 call, please?

3 MR. COOLICAN: Mr. McGoff.

4 MR. MCGOFF: Yes.

5 MR. COOLICAN: Mr. Rogan.

6 MR. ROGAN: Yes.

7 MR. COOLICAN: Mr. Loscombe.

8 MR. LOSCOMBE: Yes.

9 MR. COOLICAN: Mr. Joyce.

10 MR. JOYCE: Yes.

11 MR. COOLICAN: Mrs. Evans.

12 MS. EVANS: Yes. I hereby declare
13 Item 7-C legally and lawfully adopted.

14 MS. KRAKE: 7-D. FOR CONSIDERATION BY
15 THE COMMITTEE ON FINANCE - FOR ADOPTION -
16 FILE OF COUNCIL NO. 4, 2010 - AMENDING FILE
17 OF THE COUNCIL NO. 11, 1976, ENTITLED "AN
18 ORDINANCE (AS AMENDED) ENACTING, IMPOSING A
19 TAX FOR GENERAL REVENUE PURPOSES IN THE
20 AMOUNT OF TWO PERCENT (2%) ON EARNED
21 INCOME AND NET PROFITS ON PERSONS,
22 INDIVIDUALS, ASSOCIATIONS AND BUSINESSES WHO
23 ARE RESIDENTS OF THE CITY OF SCRANTON, OR
24 NON-RESIDENTS OF THE CITY OF SCRANTON, FOR
25 WORK DONE, SERVICES PERFORMED OR BUSINESS

1 CONDUCTED WITHIN THE CITY OF SCRANTON,
2 REQUIRING THE FILING OF RETURNS BY TAXPAYERS
3 SUBJECT TO THE TAX; REQUIRING EMPLOYERS TO
4 COLLECT THE TAX AT SOURCE; PROVIDING FOR THE
5 ADMINISTRATION, COLLECTION AND ENFORCEMENT
6 OF THE SAID TAX; AND IMPOSING PENALTIES FOR
7 THE VIOLATIONS", BY IMPOSING THE WAGE
8 TAX AT TWO AND FOUR TENTHS PERCENT (2.4%) ON
9 EARNED INCOME FOR THE YEAR 2010 FOR
10 RESIDENTS.

11 MS. EVANS: What is the
12 recommendation of the Chairperson for the
13 Committee on Finance?

14 MR. JOYCE: As Chairperson for the
15 Committee on Finance, I recommend final
16 passage of Item 7-D.

17 MR. ROGAN: Second.

18 MS. EVANS: On the question? Roll
19 call, please?

20 MR. COOLICAN: Mr. McGoff.

21 MR. MCGOFF: Yes.

22 MR. COOLICAN: Mr. Rogan.

23 MR. ROGAN: Yes.

24 MR. COOLICAN: Mr. Loscombe.

25 MR. LOSCOMBE: Yes.

1 MR. COOLICAN: Mr. Joyce.

2 MR. JOYCE: Yes.

3 MR. COOLICAN: Mrs. Evans.

4 MS. EVANS: Yes. I hereby declare
5 Item 7-D legally and lawfully adopted.

6 MS. KRAKE: 7-E. FOR CONSIDERATION BY
7 THE COMMITTEE ON FINANCE - FOR ADOPTION -
8 FILE OF COUNCIL NO. 5, 2010 - AMENDING FILE
9 OF THE COUNCIL NO. 100, 1976, ENTITLED "AN
10 ORDINANCE (AS AMENDED) LEVYING GENERAL AND
11 SPECIAL TAXES FOR THE FISCAL YEAR 1977", BY
12 SETTING THE MILLAGE LAND .103145; BUILDINGS
13 .022432 FOR THE YEAR 2010.

14 MS. EVANS: What is the
15 recommendation of the Chairperson for the
16 Committee on Finance?

17 MR. JOYCE: As Chairperson for the
18 Committee on Finance, I recommend final
19 passage of Item 7-E.

20 MR. ROGAN: Second.

21 MS. EVANS: On the question? Roll
22 call, please?

23 MR. COOLICAN: Mr. McGoff.

24 MR. MCGOFF: Yes.

25 MR. COOLICAN: Mr. Rogan.

1 MR. ROGAN: Yes.

2 MR. COOLICAN: Mr. Loscombe.

3 MR. LOSCOMBE: Yes.

4 MR. COOLICAN: Mr. Joyce.

5 MR. JOYCE: Yes.

6 MR. COOLICAN: Mrs. Evans.

7 MS. EVANS: Yes. I hereby declare
8 Item 7-E legally and lawfully adopted.

9 MS. KRAKE: 7-F. FOR CONSIDERATION BY
10 THE COMMITTEE ON FINANCE – FOR ADOPTION –
11 FILE OF COUNCIL NO. 6, 2010 – AMENDING FILE
12 OF THE COUNCIL NO. 17, 1994 ENTITLED “AN
13 ORDINANCE (AS AMENDED) AUTHORIZING THE
14 GOVERNING BODY OF THE CITY OF SCRANTON TO
15 ENACT ‘A WASTE DISPOSAL AND COLLECTION
16 FEE’ FOR THE PURPOSE OF RAISING REVENUE TO
17 COVER THE WASTE DISPOSAL AND COLLECTION
18 COSTS INCURRED BY THE CITY OF SCRANTON FOR
19 THE DISPOSAL OF REFUSE”, BY IMPOSING A WASTE
20 DISPOSAL AND COLLECTION FEE OF \$178.00
21 FOR CALENDAR YEAR 2010.

22 MS. EVANS: What is the
23 recommendation of the Chairperson for the
24 Committee on Finance?

25 MR. JOYCE: As Chairperson for the

1 Committee on Finance, I recommend final
2 passage of Item 7-F.

3 MR. LOSCOMBE: Second.

4 MS. EVANS: On the question? Roll
5 call, please?

6 MR. COOLICAN: Mr. McGoff.

7 MR. MCGOFF: Yes.

8 MR. COOLICAN: Mr. Rogan.

9 MR. ROGAN: Yes.

10 MR. COOLICAN: Mr. Loscombe.

11 MR. LOSCOMBE: Yes.

12 MR. COOLICAN: Mr. Joyce.

13 MR. JOYCE: Yes.

14 MR. COOLICAN: Mrs. Evans.

15 MS. EVANS: Yes. I hereby declare
16 Item 7-F legally and lawfully adopted.

17 MS. KRAKE: 7-G. FOR CONSIDERATION BY
18 THE COMMITTEE ON FINANCE - FOR ADOPTION -
19 FILE OF COUNCIL NO. 7, 2010 - AMENDING FILE
20 OF THE COUNCIL NO. 145 OF 2007 ENTITLED "AN
21 ORDINANCE RENAMING THE EMERGENCY AND
22 MUNICIPAL SERVICES TAX ("EMST") TO LOCAL
23 SERVICE TAX ("LST") AND BY IMPOSING A
24 WITHHOLDING OF \$52.00 FOR THE CALENDAR YEAR
25 2010.

1 MS. EVANS: What is the
2 recommendation of the Chairperson for the
3 Committee on Finance?

4 MR. JOYCE: As Chairperson for the
5 Committee on Finance, I recommend final
6 passage of Item 7-G.

7 MR. ROGAN: Second.

8 MS. EVANS: On the question? Roll
9 call, please?

10 MR. COOLICAN: Mr. McGoff.

11 MR. MCGOFF: Yes.

12 MR. COOLICAN: Mr. Rogan.

13 MR. ROGAN: Yes.

14 MR. COOLICAN: Mr. Loscombe.

15 MR. LOSCOMBE: Yes.

16 MR. COOLICAN: Mr. Joyce.

17 MR. JOYCE: Yes.

18 MR. COOLICAN: Mrs. Evans.

19 MS. EVANS: Yes. I hereby declare
20 Item 7-G legally and lawfully adopted.

21 MS. KRAKE: 7-H. FOR CONSIDERATION BY
22 THE COMMITTEE ON FINANCE - FOR ADOPTION -
23 FILE OF COUNCIL NO. 8, 2010 - AMENDING FILE
24 OF COUNCIL NO. 49, 2008, AN ORDINANCE
25 ENTITLED "GENERAL CITY OPERATING BUDGET

1 2009" BY TRANSFERRING \$1,410.00 FROM ACCOUNT
2 NO. 01.011.00011.4470 (TRAINING &
3 CERTIFICATION) TO ACCOUNT NO.
4 01.011.00011.4101 (UNIFORM ALLOWANCE-
5 MILEAGE) TO PROVIDE FUNDING TO REIMBURSE
6 EMPLOYEES IN THE PUBLIC SAFETY DEPARTMENT
7 FOR MILEAGE.

8 MS. EVANS: What is the
9 recommendation of the Chair for the
10 Committee on Finance?

11 MR. JOYCE: As Chair for the
12 Committee on Finance, I recommend final
13 passage of Item 7-H.

14 MR. LOSCOMBE: Second.

15 MS. EVANS: On the question? Roll
16 call, please?

17 MR. COOLICAN: Mr. McGoff.

18 MR. MCGOFF: Yes.

19 MR. COOLICAN: Mr. Rogan.

20 MR. ROGAN: Yes.

21 MR. COOLICAN: Mr. Loscombe.

22 MR. LOSCOMBE: Yes.

23 MR. COOLICAN: Mr. Joyce.

24 MR. JOYCE: Yes.

25 MR. COOLICAN: Mrs. Evans.

1 MS. EVANS: Yes. I hereby declare
2 Item 7-H legally and lawfully adopted.

3 MS. KRAKE: 7-I. FOR CONSIDERATION
4 BY THE COMMITTEE ON RULES – FOR ADOPTION –
5 RESOLUTION NO. 4, 2010 – APPOINTMENT OF MRS.
6 COLLEEN GLEASON, 2104 CAPOUSE AVENUE,
7 SCRANTON, PENNSYLVANIA, 18509 AS A MEMBER OF
8 THE SCRANTON MUNICIPAL RECREATION AUTHORITY
9 TO SERVE THE UNEXPIRED TERM OF JOSEPH S.
10 GUIDO THROUGH DECEMBER 31, 2012.

11 MS. EVANS: As Chairperson for the
12 Committee on Rules, I recommend final
13 passage of Item 7-I.

14 MR. JOYCE: Second.

15 MS. EVANS: On the question? I had
16 indicated at last week's meeting that I had
17 made several attempts to speak with
18 Mrs. Gleason. I was able to do so several
19 days ago. I had asked her if she believed
20 Recreation Authority meetings should be held
21 in council chambers and televised so that
22 the people of Scranton who are affected by
23 the decisions of the Recreation Authority
24 can be better informed and I was very
25 pleased to hear that Ms. Gleason agreed to

1 that. She indicated she, of course, would
2 have to discuss this matter with her fellow
3 board members. I believe their next meeting
4 will be held on Monday evening, February 1,
5 at Weston Field, and again, it was very
6 refreshing to hear a board member in
7 agreement with the people that meetings
8 should be held in a place where it is
9 accessible to the public and in a place
10 where it can be televised thereby informing
11 fully the public.

12 MR. ROGAN: I would just like to add,
13 I did not speak to Mrs. Gleason, but I spoke
14 to people who know her very closely and they
15 said that, you know, she is very active in
16 the community and does a great job in
17 everything that she puts her mind to so I'm
18 confident she will make a great addition to
19 the board as well.

20 MS. EVANS: And we wish her well.

21 MR. ROGAN: Yes.

22 MS. EVANS: Anyone else on the
23 question? Roll call, please?

24 MR. COOLICAN: Mr. McGoff.

25 MR. MCGOFF: Yes.

1 MR. COOLICAN: Mr. Rogan.

2 MR. ROGAN: Yes.

3 MR. COOLICAN: Mr. Loscombe.

4 MR. LOSCOMBE: Yes.

5 MR. COOLICAN: Mr. Joyce.

6 MR. JOYCE: Yes.

7 MR. COOLICAN: Mrs. Evans.

8 MS. EVANS: Yes. I hereby declare
9 Item 7-I legally and lawfully adopted.

10 MS. KRAKE: 7-J. FOR CONSIDERATION BY
11 THE COMMITTEE ON RULES – FOR ADOPTION –
12 RESOLUTION NO. 5, 2010 – AUTHORIZING THE
13 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
14 TO ACT AS AGENT FOR THE CITY OF SCRANTON FOR
15 EMERGENCY AND DISASTER RELIEF PURSUANT TO
16 THE ROBERT T. STAFFORD DISASTER RELIEF
17 AND EMERGENCY ASSISTANCE ACT.

18 MS. EVANS: As Chairperson for the
19 Committee on Finance, I recommend final
20 passage of Item 7-J.

21 MR. ROGAN: Second.

22 MS. EVANS: On the question? Roll
23 call, please?

24 MR. COOLICAN: Mr. McGoff.

25 MR. MCGOFF: Yes.

1 MR. COOLICAN: Mr. Rogan.

2 MR. ROGAN: Yes.

3 MR. COOLICAN: Mr. Loscombe.

4 MR. LOSCOMBE: Yes.

5 MR. COOLICAN: Mr. Joyce.

6 MR. JOYCE: Yes.

7 MR. COOLICAN: Mrs. Evans.

8 MS. EVANS: Yes. I hereby declare
9 Item 7-J legally and lawfully adopted. Now,
10 before Mrs. Krake reads our addition
11 tonight, 7-K, Library Authority legislation,
12 is there anyone in attendance this evening
13 who wishes to speak on 7, formerly 6-A, File
14 of Council No. 920-10, the Library Authority
15 legislation? Please come forward.

16 MS. SCHUMACHER: Good evening. Marie
17 Schumacher, resident and member of the
18 Taxpayers' Association. I am in favor of
19 the repeal, but I do have a couple of
20 questions. As I understand the legislation
21 does not become final until ten days have
22 passed from the transaction by council
23 unless it's either signed or vetoed?

24 MS. EVANS: The mayor has 10 days in
25 which to sign or veto a piece of

1 legislation. At that time it's returned to
2 council at their next regular meeting it's
3 placed on the agenda or an override vote.

4 MS. SCHUMACHER: So what I did see a
5 legal notice in the paper that the Library
6 Authority is holding it's first meeting at
7 1:00 p.m., I believe this Thursday. What
8 does that do to that authority meeting? Are
9 they -- when this passes are they still an
10 authority, do they still meet and transact
11 business until such time as this becomes
12 law?

13 MS. EVANS: Attorney Hughes?

14 MR. HUGHES: I feel like the answer
15 man. The authority has been created, the
16 authority in my opinion can meet. With the
17 adoption of this ordinance tonight, the
18 mayor would have ten days to either sign it
19 or to veto it. If it's vetoed by the mayor
20 it's then going to come back to council and
21 the council has to overtake other action to
22 override the mayor's veto and it requires
23 four votes, so that the process could take
24 another two to three weeks.

25 In the mean time, they have a

1 meeting.

2 MS. SCHUMACHER: Okay. And then as I
3 didn't bring my library file tonight, but as
4 you may recall last year I noted that the
5 Silkman House deed specified that it must be
6 at least partially used as a library and
7 that is something that hasn't happened for a
8 number of years and I am wondering who has
9 the responsibility for adhering to that deed
10 of trust?

11 MS. EVANS: The board of trustees?

12 MS. SCHUMACHER: The answer man.

13 MS. HUGHES: I have never looked at
14 the deed, I have never looked at the deed
15 for any of the libraries, often there are
16 two ways that when that grant is made and
17 there is what we call a restrictive covenant
18 in the deed which means that it cannot be
19 conveyed or that it can only be used for a
20 specific purpose. There is two ways, there
21 is an automatic power of termination there
22 could be in the deed so that if that were
23 never used again for that purpose but for
24 another purpose it would automatically
25 revert to the heirs of the grantor. There

1 is also what's called a power of termination
2 where you could put a covenant in the deed,
3 however, the heirs of the grantor would have
4 to come in, exercise their power to
5 terminate the current use and then revest
6 title back into the heirs of who conveyed
7 it.

8 I have never looked at the Albright
9 Memorial deed as to what's required there.
10 It could be possible that if there were an
11 attempted, let's put it this way, I do not
12 have the answers to whether the heirs of --
13 the Albright heirs when that was transferred
14 to the city 120 years ago if that deed
15 required city ownership forever with the
16 board of trustees, so that is it possible
17 that a conveyance by the city to the
18 authority could result in the termination of
19 the library so that it would revert to the
20 Albright heirs, I don't know the answer to
21 that.

22 I certainly think that before anyone
23 would transfer -- would issue a deed from
24 the City of Scranton to the Library
25 Authority for the Albright Memorial Library

1 somebody should do an in-depth title search
2 to determine what the actual language is. I
3 mean, it's probably a handwritten -- I don't
4 know if it's a handwritten deed back then.

5 MS. SCHUMACHER: It is.

6 MR. HUGHES: I have read many
7 handwritten deeds with coal clauses going
8 back before the time of the Civil War. I
9 think somebody before -- it's not council's
10 duty to look at it, is there a possibility
11 back then that there could have been a
12 restriction so that the property could never
13 be conveyed by the city, that's possible.

14 There was a recent case, I don't
15 believe it's in -- in fact, I think it is in
16 Pennsylvania, it might be up in Honesdale
17 where it was the property was to be used as
18 park there was a conveyance of it, the heirs
19 came in and terminated it and the Court
20 ruled that the heirs to the property
21 reverted to the heirs. I hope that somebody
22 really looks at that deed and gets an
23 opinion. I don't know the answer to that.

24 MS. SCHUMACHER: Okay. I think you
25 have answered my questions. I thank you and

1 I look forward to the vote. Thank you.

2 MS. EVANS: Thank you.

3 MR. ROGAN: Thank you.

4 MR. JACKOWITZ: Bill Jackowitz, South
5 Scranton resident. I also am in favor of
6 the repeal of the Library Authority. We
7 have seen what the authorities have done in
8 the City of Scranton. You know, for years
9 and years and years the firemen and the
10 policemen unions were blamed for destroying
11 Scranton and raping the citizens of
12 Scranton. Well, now it's the authorities
13 proven by the Recreation Authority and thank
14 you for correcting me, Mr. Hughes, that it's
15 150 years, not 125 years. For \$150 the
16 Recreation Authority sold citizens'
17 property, leased citizens' property to a
18 college for 150 years or \$150.

19 The Parking Authority are raising
20 rates, they are in debt, they are over their
21 head in debt. The Housing Authority, the
22 head of the Housing Authority has 16 federal
23 indictments against him and we want to
24 create another authority? For what? So
25 that the so-called Doherty real people and

1 the Fanucci my people can continue to
2 control the citizens of this city?

3 We just had a meeting over at the
4 Sewer Authority, again, trying to take away
5 from the working people of this city, the
6 poor people, the students, the people who
7 actually get up at 5:00 in the morning and
8 drive 25 miles to work or 50 miles to work
9 while some Sewer Authority guy is making
10 80,000, 90,000 a year or some Recreation
11 Authority, some attorney by the name of
12 Kelly signs over property that belongs to me
13 as a life-long resident and born in the City
14 of Scranton. I was born in Scranton State
15 Hospital, that's not right, that's wrong and
16 anybody who is in favor of any authority is
17 not in favor of the citizens of Scranton.
18 Please vote to repeal it.

19 MS. EVANS: Thank you.

20 MR. TALIMINI: Joe Talimini. I also
21 am in favor of repealing this ordinance. As
22 I recall a commissioner came in not too long
23 ago, mentioned the library and he said the
24 county could not afford the 20 -- or the
25 ten, 12 or whatever it was, and they not

1 only could not afford it, but they would not
2 contribute to it. I would like to remind
3 everybody that the county library is of the
4 county library system and the citizens of
5 the county pay a library tax; am I correct?

6 MS. EVANS: Yes.

7 MR. TALIMINI: And that is what
8 actually funds the library system. And I
9 resent the fact that any ten people in this
10 community, all of whom are appointed by the
11 powers that be, are going to represent me or
12 any other citizens of this town or this
13 county who uses that library system.

14 Now, there are probably 100,000
15 people in this community, library community
16 I'm talking about. I don't think those ten
17 people should outvote the 100,000 people, so
18 until you ask the citizens of this community
19 and the citizens of this county whether or
20 not they want a new ordinance creating
21 another authority which we need like a
22 second hole in the head, this thing should
23 be repealed, and thank you very much.

24 MS. EVANS: Thank you. Is there
25 anyone else?

1 MR. DUDEK: Mike Dudek, 608 Depot
2 Street from the Plot. When I went to the
3 University of Scranton in the days when they
4 actually had Jesuit priests in the classroom
5 teaching theology and philosophy, Father
6 Brady, my ethics professor I think expressed
7 it best. When you have a complex issue
8 subject it to three ethical tests: The good
9 and the bad, the right and the wrong, and
10 the proper and improper of human action. If
11 we take a look at the library everybody in
12 this town who has ever heard me here knows I
13 believe we require in this town a first
14 class library. My question is do we require
15 a Library Authority?

16 As far as the authority is
17 concerned, the action is bad, it is wrong
18 and it is improper. Mr. Jackowitz at the
19 end of his message said it best, any person
20 who supports an authority obviously he is
21 opposed to the interest of the taxpayers.
22 We need a library, but the mechanism of an
23 authority is the absolute wrong way to go.
24 Mr. Jackowitz gave so many wonderful reasons
25 why and you do not need it. Thank you.

1 MS. EVANS: Thank you. Is there
2 anyone else who wishes to address council?

3 MR. DOBRZYN: Dave Dobrzyn once
4 again, resident of the Scranton, member of
5 the Taxpayers'. I, too, am opposed to the
6 formation of the authority because I don't
7 feel that it was done in the right way at
8 the right time. And, furthermore, I would
9 just like to state that some problems were
10 pointed out about the city owning it or
11 whatever, the insurance issues and so forth,
12 so in the future maybe we could plan on also
13 addressing those problems like if we had a
14 fire it was stated that they can only get 2
15 million dollars and it's worth 10 million or
16 whatever, so that's okay and the authority
17 should be voted down, however, we need to go
18 in a direction of figuring out how we could
19 work around the negative aspects of not
20 having an authority as small as they may be.
21 Thank you and have a good night.

22 MS. EVANS: Next.

23 MR. PATILLA: Sam Patilla, Scranton
24 resident and Scranton taxpayer. I just have
25 two questions. The first one is why can't

1 the monies that will be used to create and
2 form this Library Authority be used to
3 renovate and update the current properties?
4 You know, why do we have to go to 16 million
5 dollars in debt to buy, purchase and build a
6 building when we can use those fundraising
7 skills to get the money that we need to just
8 renovate the library.

9 Now, over the course of this
10 legislation, you know, we have heard
11 numerous suggestions that we as taxpayers
12 and residents of this city can use to uplift
13 the library and the present properties. We
14 can't afford it as was stated before.

15 Now, I also have one other question
16 in regards to what Marie and the city
17 solicitor, council solicitor stated earlier
18 in terms of time. You know, I know that
19 it's a ten-day period between the mayor and
20 city council, but is there a grace period
21 between the time that that authority votes
22 on whatever it's going to vote on and it
23 becomes factual or actual or once they vote
24 on it is it a done deal? Do we have any
25 leeway and play time?

1 MR. HUGHES: Once they vote on what?

2 MR. PATILLA: Whatever actions they
3 want to vote on, you know. We can use for
4 example and this suggestion a deed.

5 MR. HUGHES: The authority, I'll
6 start with this supposition and I believe
7 that right now the authority has been
8 created. Everything that's been filed with
9 the Department of State to create the
10 authority has been accepted, so the
11 authority is created that it can act until
12 it's existence is terminated. So tonight is
13 the first day, I mean, if it's voted on
14 right and if it's approved that would be --
15 well, you could exclude today, but tomorrow
16 would start the first day of 10 days that
17 the mayor has to sign or veto the ordinance.

18 If he vetoes it, it's going to come
19 back here, we are going to have to have
20 another meeting and determine whether
21 council will have to vote on it again to
22 override the mayor's veto. If there is four
23 votes, his veto is overridden and this
24 ordinance now becomes law, so what whatever
25 the authority did in that time period --

1 MR. PATILLA: Can be reversed.

2 MR. HUGHES: -- would be binding.

3 However, what the repeal ordinance states is
4 that they are to convey everything back to
5 the city, probably all of the monies that
6 they have received to the board of trustees
7 because the board of trustees would now come
8 back in as they have been in existence for
9 the last 120 years and have run the library
10 for the last 120 years.

11 So the answer, yeah, it's -- the
12 Forks Township case that authority was
13 formed in 1969. Forks Township dissolved it
14 in I think it was 1998, so it was in
15 existence for over 30 years. I mean, I'm
16 sorry, in 2008, so it was in existence for
17 over 40 years. The township says let's
18 dissolve it under the Municipal Authorities
19 Act Section 321 which is now 5622, so that
20 the Commonwealth Court says that the
21 township had the right to dissolve it, order
22 that all of the bonds be paid, convey all of
23 the assets back to the township and any
24 reserve funds. Of course, you had a sinking
25 fund, you had a bond, so there were sinking

1 funds. When was done all of the sinking
2 funds to pay off the bonds had to come back
3 to the municipality, back to Forks Township.
4 So there, that was there for close to 40
5 years. We are talking about something that
6 might only be a couple of weeks.

7 MR. PATILLA: A couple of weeks,
8 okay. Put my fears to rest. Thank you.

9 MR. ANCHERANI: Good evening again,
10 Nelson Ancherani. This is a first step in
11 giving back to the people, the taxpayers by
12 saving them 16 million dollars. I commend
13 you for your stand and should the desire to
14 expand exist in the future, I would ask that
15 an existing building be looked into. The
16 taxpayers, we the people, thank you and stay
17 strong, repeal the authority and I have a
18 question, could the authority execute a
19 contract within an architectural firm to
20 design a new library and what would the
21 consequences be?

22 MR. HUGHES: Is that for me?

23 MR. ANCHERANI: Yeah.

24 MR. HUGHES: I'll just give my
25 opinion and this is Boyd Hughes' opinion,

1 that could they execute a contract? Yes.
2 How could they pay for it? Now. I assume
3 that they have a very tight budget, that if
4 they did execute the contract it would have
5 to be some source of funds to pay for it.

6 People talk about a 16 million
7 dollar library, I mean, we all know what's
8 going on in this area, in the country, in
9 the world the financial situation. The only
10 way that I believe that the library could
11 ever look to fund a new library would be to
12 come back to the city and have the city
13 guarantee the bond with the full taxing
14 power. So that if they went to the county
15 could the county do that without the city?
16 Sure, with the full taxing power behind them
17 because it's not a revenue authority such as
18 the Parking Authority or the Sewer
19 Authority, the only way they could ever get
20 financed because of the uncertainty -- well,
21 first of all, because of the rating in order
22 to sell the bonds, they came to the city,
23 the city put it's full pledge, it's full
24 taxing power behind those authorities so
25 they could get a better rating on the bonds

1 because theoretically and actually legally
2 they could never default, so they have a
3 much better rate.

4 The prime case of that is the West
5 Virginia Turnpike, revenue bonds was never
6 backed by the state of West Virginia. The
7 US government builds an interstate right
8 next to the turnpike, West Virginia turnpike
9 bonds tanked, they probably went down to ten
10 cents on the dollar, there was no revenue.
11 They defaulted. I mean, so you can look at
12 unless somebody donates 16 million dollars
13 to the Library Authority unless the county
14 had come in and pledge it's full taxing
15 power behind them they have to come back to
16 the city and that's going to be up to
17 council and if they said, no, there is no
18 financing.

19 MR. ANCHERANI: Thank you.

20 MS. EVANS: Is there anyone else?
21 Mrs. Krake.

22 MS. KRAKE: 7-K, which was formerly
23 6-A. FOR CONSIDERATION BY THE COMMITTEE ON
24 RULES - FOR ADOPTION - FILE OF COUNCIL NO.
25 9, 2010 - AN ORDINANCE - REPEALING FILE OF

1 THE COUNCIL NO. 95, 2009 (AS AMENDED) AN
2 ORDINANCE ENTITLED "SIGNIFYING THE
3 INTENTION AND DESIRE OF THE COUNCIL OF THE
4 CITY OF SCRANTON TO ORGANIZE AN AUTHORITY TO
5 BE KNOWN AS THE SCRANTON PUBLIC LIBRARY
6 AUTHORITY UNDER PROVISIONS OF THE ACT OF THE
7 GENERAL ASSEMBLY, KNOWN AS THE MUNICIPALITY
8 AUTHORITIES ACT, 53 PA. C.S. 56; SETTING
9 FORTH AND AUTHORIZING EXECUTION OF ARTICLES
10 OF INCORPORATION; APPOINTING AND FIXING THE
11 TERMS OF THE FIRST MEMBERS OF THE BOARD OF
12 SUCH AUTHORITY; AND UPON ORGANIZATION
13 CONVEYING TITLE TO THE AUTHORITY FOR THE
14 PROPERTIES ON WHICH THE ALBRIGHT MEMORIAL
15 LIBRARY, THE GREEN RIDGE LIBRARY AND
16 THE SILKMAN HOUSE ARE LOCATED; AUTHORIZING
17 ALL OTHER NECESSARY ACTION; AND REPEALING
18 ALL INCONSISTENT ORDINANCES OR PARTS OF
19 ORDINANCES, RESOLUTIONS OR PARTS OF
20 RESOLUTIONS."

21 MS. EVANS: As Chair for the
22 Committee on Rules, I recommend final
23 passage of Item 7-K.

24 MR. ROGAN: Second.

25 MS. EVANS: On the question?

1 MR. MCGOFF: Yes. More questions
2 for Attorney Hughes, give you some more air
3 time. First, if this is, in fact, repealed,
4 does the Library Authority that has been
5 created have the right to appeal it's
6 dissolution?

7 MR. HUGHES: No.

8 MR. MCGOFF: Thank you.

9 MS. EVANS: I have just one question
10 as well. If this legislation passes in a
11 moment and knowing the process that we are
12 probably going to have to follow over the
13 next two or three weeks, in the interim
14 period is the Library Authority on notice,
15 if you will, that legislation has been
16 passed, legislation is ongoing and so it
17 would not be in their best interest or the
18 best interest of the people of the city to
19 pursue any type of financial issues meaning,
20 you know --

21 MR. HUGHES: I could break that
22 answer up into two parts? The first is very
23 simple, it's "yes." They are on notice at
24 least that there is going to be a vote or
25 that assuming that it's adopted, I don't

1 know what the vote is going to be, but
2 whatever the vote is; and secondly, as I
3 said before, I don't know if anyone has ever
4 really done an in-depth, it doesn't -- let's
5 say, I'll say an in-depth complete title
6 search of the deed to determine exactly what
7 it says and as to whether the city has the
8 right to transfer that property not only to
9 the authority, but to anyone to be used as a
10 library. I don't know the answer to that.

11 I know that and I could -- this
12 would only be an educated guess on my part
13 that when the Albrights constructed a
14 library and donated that to the city I bet
15 you a dollar to a doughnut that there is a
16 restrictive covenant in there. I don't know
17 what it says, I don't know how it's
18 structured. I have been through enough of
19 them that I know that somebody should take a
20 good hard cold look at that and for any deed
21 that's executed to the authority, so that
22 the ownership of the Albright public library
23 by the City of Scranton would never be
24 jeopardized.

25 MS. EVANS: Thank you.

1 MR. HUGHES: And that's my opinion
2 as a resident of this city, as an attorney
3 in private practice and also to this
4 council.

5 MS. EVANS: Thank you.

6 MR. ROGAN: I would just like to say
7 once again that what speaks loudest about
8 this legislation is the fact that the people
9 that have contacted myself and my colleagues
10 on council, the responses were overwhelming
11 in favor of repealing this authority and two
12 weeks ago the Scranton Times wrote an
13 article that stated we were looking into it
14 and the past two weeks not one person has
15 come to council that was against what we are
16 doing.

17 And finally, the most important
18 reason why I support repealing the Library
19 Authority is I'm not in favor of giving a
20 blank check to anyone to deal with the
21 taxpayers' dollars. Thank you.

22 MR. LOSCOMBE: I would like to echo
23 what Mr. Rogan said and add to that. I
24 mean, we cannot saddle our taxpayers with
25 another large debt. I don't think any of us

1 are against the library, but there is plenty
2 of time down the road to look at it, get our
3 finances in order and then we can pursue
4 that route, but right now I'm in favor of
5 voting to repeal this.

6 MR. JOYCE: I'll add a few comments.
7 At this time I think that the city is in a
8 significant amount of debt and we simply
9 cannot afford to create an authority which
10 may result in more debt for the city and
11 personally I'm not a big fan of authorities.
12 They have a lot of power, a lot of free
13 reign and they have the ability to make
14 decisions before or pretty much
15 circumventing right through city council, so
16 really I'm not in favor of this authority or
17 the creation of any new authorities for that
18 matter.

19 MS. EVANS: Roll call, please?

20 MR. COOLICAN: Mr. McGoff.

21 MR. MCGOFF: No.

22 MR. COOLICAN: Mr. Rogan.

23 MR. ROGAN: Yes.

24 MR. COOLICAN: Mr. Loscombe.

25 MR. LOSCOMBE: Yes.

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MR. COOLICAN: Mr. Joyce.

MR. JOYCE: Yes.

MR. COOLICAN: Mrs. Evans.

MS. EVANS: Yes. I hereby declare
Item 7-K legally and lawfully adopted. I'll
entertain a motion for adjournment.

MR. ROGAN: So moved.

MR. JOYCE: Second.

C E R T I F I C A T E

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

CATHENE S. NARDOZZI, RPR
OFFICIAL COURT REPORTER