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SCRANTON CITY COUNCIL MEETING

HELD:

Monday, January 28, 2019

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:

PATRICK ROGAN, PRESIDENT

TIM PERRY, VICE PRESIDENT

WAYNE EVANS

WILLIAM GAUGHAN

KYLE DONAHUE

LORI REED, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

AMIL MINORA, ESQUIRE - SOLICITOR

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

3 MR. ROGAN: Roll call, please.

4 MS. CARRERA: Mr. Perry.

5 MR. PERRY: Here.

6 MS. CARRERA: Mr. Donahue.

7 MR. DONAHUE: Here.

8 MS. CARRERA: Mr. Evans.

9 MR. EVANS: Here.

10 MS. CARRERA: Mr. Gaughan.

11 MR. GAUGHAN: Here.

12 MS. CARRERA: Mr. Rogan.

13 MR. ROGAN: Here. Dispense with the
14 reading of the minutes.

15 MS. REED: THIRD ORDER. 3-A.

16 CONTROLLER'S REPORT FOR MONTH ENDING
17 DECEMBER 31, 2018.

18 MR. ROGAN: Are there any comments?
19 If not, received and filed.

20 MS. REED: 3-B. MINUTES OF THE
21 SCRANTON FIREFIGHTERS PENSION COMMISSION
22 MEETING HELD DECEMBER 19, 2018.

23 MR. ROGAN: Are there any comments?

24 MR. GAUGHAN: Yes, just one that we
25 discussed in the caucus. I did ask for a

1 copy of the correspondence that was sent to
2 Mr. Bulzoni from Mr. Durkin and I'm reading
3 from the minutes here in reference to the
4 2018, 2019 MMOs, \$1 million less than
5 anticipated, and it goes on with other than
6 language, so we just have questions about
7 what that letter states and some of the
8 other things in the minutes here. Thank
9 you.

10 MR. ROGAN: Anyone else? Received
11 and filed.

12 MS. REED: 3-C. MINUTES OF THE
13 NON-UNIFORM MUNICIPAL PENSION BOARD MEETING
14 HELD DECEMBER 19, 2018.

15 MR. ROGAN: Are there any comments?
16 If not, received and filed.

17 MS. REED: 3-D. MINUTES OF THE
18 SCRANTON POLICE PENSION COMMISSION MEETING
19 HELD DECEMBER 19, 2018.

20 MR. ROGAN: Are there any comments?
21 If not, received and filed.

22 MS. REED: 3-E. MINUTES OF THE
23 COMPOSITE PENSION BOARD MEETING HELD
24 DECEMBER 19, 2018.

25 MR. ROGAN: Are there any comments?

1 If not, received and filed.

2 MS. REED: 3-F. AGENDA FOR THE
3 NON-UNIFORM MUNICIPAL PENSION BOARD MEETING
4 HELD JANUARY 16, 2019.

5 MR. ROGAN: Are there any comments?
6 If not, received and filed.

7 MS. REED: 3-G. CORRESPONDENCE
8 RECEIVED JANUARY 21, 2019 FROM THOMAS J.
9 ANDERSON & ASSOCIATES, INC. REGARDING THE
10 REVISED FINANCIAL REQUIREMENT AND MINIMUM
11 MUNICIPAL OBLIGATIONS (MMOs) FOR THE
12 CITY OF SCRANTON'S PENSION PLAN(s) FOR 2018
13 AND 2019 BASED ON 2018 PENSION BOND
14 TRANSACTION.

15 MR. ROGAN: Are there any comments?
16 If not, received and filed.

17 MS. REED: 3-H. TAX ASSESSOR'S
18 RESULTS REPORT FOR HEARING DATE HELD JANUARY
19 16, 2019.

20 MR. ROGAN: Are there any comments?
21 If not, received and filed.

22 MS. REED: 3-I. TAX ASSESSOR'S
23 REPORT FOR HEARING DATE TO BE HELD JANUARY
24 30, 2019.

25 MR. ROGAN: Are there any comments?

1 If not, received and filed.

2 MS. REED: 3-J. MINUTES OF THE
3 REGULAR MEETINGS OF MEMBERS OF THE SCRANTON
4 HOUSING AUTHORITY HELD NOVEMBER 5 AND
5 DECEMBER 3, 2018.

6 MR. ROGAN: Are there any comments?
7 If not, received and filed. Do any council
8 members have announcements at this time?

9 MR. PERRY: Yes, I have one
10 announcement. This one is from Lackawanna
11 County I'm sure anybody who has seen the
12 weather knows it's going to be very cold.
13 Based on the current weather information
14 Lackawanna County they are declaring a Cold
15 Blue frigid weather alert. A Code Blue is
16 in effect for Lackawanna County beginning at
17 8 a.m. on Tuesday, January 29, and ending at
18 2 p.m. on Saturday February 2. A Code Blue
19 Alert issued when the forecasted temperature
20 in Lackawanna County, including windchills,
21 is expected to reach 25 degrees Fahrenheit or
22 lower.

23 The goal of this notification is to
24 make people aware of the extremely cold
25 conditions, provide information related to

1 health and wellness and cold weather
2 publications of emergency shelters that are
3 operated by various social security. During
4 a Cold Blue Alert, homeless individuals can
5 access an emergency shelter at the following
6 locations: St. Anthony's Haven, 409 Olive
7 Street. They have overnight hours 7:30 p.m.
8 to 8 a.m., and Community Intervention
9 Center, 445 North Sixth Avenue, they have
10 daytime hours 8 a.m to 6:00 p.m. That's all
11 I have.

12 MR. ROGAN: Anyone else? One brief
13 announcement, an executive session was held
14 prior to the meeting tonight regarding a
15 matter of litigation.

16 MS. REED: FOURTH ORDER. CITIZENS'
17 PARTICIPATION.

18 (The following speakers offered
19 public comments as follows: Joan Hodowanitz
20 spoke on city business and matter of general
21 concern. Gerard Hetman spoke on matters of
22 general concern. Lee Morgan spoke on
23 matters of general concern. Bob Bolus spoke
24 on agenda items and city business. Jay
25 Walsh spoke on matters of general concern.

1 Ron Ellman spoke on matters of general
2 concern. Fay Franus spoke on matter of city
3 business and matters of general concern.
4 Glyniss Johns spoke on matters of general
5 concern. Dave Dobrzyn spoke on matters of
6 general concern. Marie Schumacher spoke on
7 city business and matters of general
8 concern.

9 MS. REED: FIFTH ORDER. 5-A.
10 MOTIONS.

11 MR. ROGAN: Mr. Perry, any motions
12 or comments?

13 MR. PERRY: Yes, just a couple. As
14 far as the meetings on Monday, to tell the
15 truth, meetings are my favorite part of the
16 week. This is the longest I get to sit down
17 at one stretch of time ever so I have no
18 problem with meetings. I'll actually fall
19 on the sword a little bit, one of the
20 reasons why we moved meetings to Monday was
21 for my work schedule. As you know, at the
22 time I was working in West Hazelton and the
23 meetings were on Thursdays and it was
24 difficult for me to get here and they asked
25 me my day off, my one day off a week is

1 Monday, so that was one of the reasons why
2 we kind of shifted them.

3 But as far as rescheduling a meeting
4 that falls on an off day, yeah, I never have
5 an issue with that as long as I'm free to
6 show up at the meeting. If it's a night I'm
7 working, the meeting can go on I just might
8 not be able to be there, but, you know, I'm
9 definitely not a man that's afraid of work
10 and, like I said, meetings are -- you know,
11 they are one of my favorites parts of the
12 week.

13 Mrs. Reed, we did talk a little bit
14 about the property on 641 Pittston Avenue.
15 I have been dealing with the property over
16 there for some weeks now about a damaged
17 drain pipe and we did get a response from
18 DPW, I forwarded that response to the
19 property owner, and I guess where we are at
20 right now is the property owner we are just
21 like on-site visit with a representative
22 from DPW who determined the cause of the
23 problem I guess is the best way to put it
24 and we just want to see damage, the cause of
25 the problem, who is responsible for it, how

1 it's going to be get fixed and a timeline.
2 I'm more interested in a timeline since it
3 is on a city street that abuts his sidewalk
4 and what's happening now when we are having
5 the cold and warm weather go back and forth,
6 the drainage bleeds out into the street,
7 runs onto Pittston Avenue and then freezes
8 and we have that extra definitely unneeded
9 layer of ice on the bottom of that hill
10 crest there and it's going to definitely be
11 an issue sooner rather than later.

12 So if we could forward a copy of
13 that to the DPW for a request of a
14 representative and then if we could also
15 send that same letter to the property owner
16 on Pittston Avenue at the address of 2641
17 Pittston and that way they are both in the
18 loop and we can definitely get them
19 together. I have no problem being the
20 liaison for them and getting these guys
21 together to fix this issue, but it just
22 can't be one of those issues this goes on.
23 I want to get this taken care. That's
24 really the only two things I have for you
25 today, Mr. Rogan.

1 MR. ROGAN: Thank you. Mr. Donahue,
2 any motions or comments?

3 MR. DONAHUE: Yes, just a respond to
4 Fay, I would be more than happy to
5 reschedule meetings at any time. I mean, at
6 some point, you know, in the beginning of
7 the year it's a little different but
8 absolutely at the end of the year when you
9 get a Columbus Day, you know, a Veteran's
10 Day when we have budget going on I think
11 it's more important to schedule those so I'd
12 be in favor of rescheduling them any time.

13 And then in response to Joan, I'd
14 being in favor of releasing the storm water
15 study as soon as we receive it, and in terms
16 of your question for PEL, I also have the
17 same concerns, I meant to bring those up
18 today but our meeting with PEL was cancelled
19 today, so I will reach out to them this
20 week.

21 I would just like to start off by
22 saying how extremely frustrated and fed up I
23 am with government at all levels. We have a
24 federal government that could be best
25 described as dysfunctional. On the state

1 level we have a legislature that is too
2 bloated and ineffective to get anything of
3 substance actually done. Our county
4 government is not only under investigation
5 regarding the county prison, but it also
6 lacks the quality of leadership that is
7 desperately needed at this moment. We have
8 a school district under investigation with a
9 school board majority that just can't seem
10 to get out of it's own way, and now we have
11 a city who has a mayor who has a mayor who
12 is apparently under FBI investigation at a
13 time when he have much work to be done on
14 issues such as storm water, quality of life,
15 garbage infrastructure, economic
16 development, just to name a few.

17 I truly believe that the decisions
18 we make over the next 18 to 24 months
19 concerning those issues, and many more, will
20 have implications for decades to come. Now
21 is not the time to be distracted. A mayor
22 cannot lead from a foxhole. The residents
23 of this city deserve better leadership than
24 that. So I will again call on the mayor to
25 publically address this issue himself, not

1 through his attorney. If he did not nothing
2 wrong, he should make a statement to that
3 effect and get to work addressing the issues
4 that the city faces. If he did do wrong, he
5 needs to resign before he takes this city
6 and its residents down along with him.
7 That's all I have tonight.

8 MR. ROGAN: Thank you. Mr. Evans,
9 any motions or comments?

10 MR. EVANS: A couple of comments, on
11 the Arcadis study, the plan at this point
12 the plan at this point to have -- once the
13 study is finished and we have a copy,
14 obviously we want to make that copy
15 available to the public, and then we will
16 have probably a public caucus or a work
17 session to really flesh out what's in the
18 study and we could have a better
19 conversation of what's going to happen in
20 the future.

21 As far as the snow removal is
22 concerned, there is an ordinance that
23 requires sidewalks to be cleared within 24
24 hours so I would like to send a letter to
25 LIPS asking how many warnings or citations

1 or tickets were issued following the last
2 storm, if we can. I think that's important
3 because same thing, I walk all over the
4 city, of course, and I walk especially
5 downtown and some of the sidewalks were
6 atrocious, especially the ones associated
7 with business. There is no excuse for that.
8 It's a travesty and it should be dealt with
9 and corrected as best we can.

10 This past Wednesday the county
11 commissioners approved \$160,000 contract to
12 an environmental planning and design LLC to
13 update the zoning code for nine
14 municipalities that are part of the SAPA,
15 the Scranton-Abington Planning Association,
16 so I was a very early supporter of the SAPA
17 concept and I continue to offer my support
18 whenever I can and, in fact, my involvement
19 dates back to the very beginning in 2006, so
20 this grant will allow nine municipalities to
21 begin the planning for nine separate zoning
22 codes while simultaneously keeping in mind
23 what is happening in their neighboring
24 communities while keeping the cost well
25 below what they would have been otherwise,

1 so I would like to thank Commissioner
2 Notarianni and Commissioner O'Malley for
3 their "yes" votes on this contract, clearly
4 they understand this initiatives to the SAPA
5 municipalities and on how important is
6 update their zoning codes. As far as the
7 county commissioner that voted in the
8 negative, not so much.

9 So now this clears the way for a new
10 zoning code in Scranton that is long overdue
11 and extremely important in maintaining a
12 proper safety net for our neighborhoods as
13 well. If done correctly, it will create an
14 environment for growth and development
15 within our city and we expect that to happen
16 soon, the consultant is now hired, the money
17 has been appropriated and we would expect
18 that to happen within the next few months
19 that process getting started so I'm looking
20 forward to it.

21 And I would encourage once this
22 process starts, it should be here at city
23 council chambers at that table. I would
24 neighborhood groups, citizens, the business
25 community to be engaged in this process.

1 And that's all I have for now.

2 MR. ROGAN: Thank you. Mr. Gaughan,
3 any motions or comments?

4 MR. GAUGHAN: Yes. The first thing
5 I'd like to say is how sorry I was to hear
6 about the passing of a police officer in the
7 city, 16-year veteran Dan Schaufler. I
8 didn't know police officer Schaufler, but
9 everything that I have read about him online
10 and I have heard about him over the last few
11 days, he was a terrific police officer and a
12 terrific family man, so my thoughts and my
13 prayers go out to him and his family at this
14 difficult time.

15 In the caucus I brought up a few
16 things that I'd like an update on. Number
17 one, I'd ask that we send a letter to the
18 mayor and to the superintendent on a shared
19 services update. The way that we left it in
20 the last two months we met with the mayor
21 and the superintendent and the ball was
22 really in their court in both
23 administrations on whether or not to proceed
24 with the number of initiatives that we gave
25 them and the report that we presented to

1 them so I'd like an update on where we are
2 there.

3 Also, I asked again for an update on
4 the -- and I think Mrs. Hodowanitz asked as
5 well, for an update on the Serrenti Center,
6 how much money we have spent there, and also
7 whether or not the city intends at this
8 point to build a pole barn for the police
9 department. It did mention that in the
10 budget narrative and I'm confused as to why
11 because as we had discussed in caucus I was
12 under the assumption, and I think my
13 colleagues were as well that when this
14 council voted to acquire that piece of
15 property up in the Hill Section it was under
16 the guise that we were going to do that in
17 lieu of having to build a pole barn for
18 extra storage, so if something has changed I
19 think we should be updated on that.

20 Also, Mrs. Reed, I received a
21 complaint about West Mountain Road,
22 dangerous conditions up there, so I'll give
23 you more details after the meeting, I have
24 an e-mail from a gentleman. Also, East
25 Mountain Road apparently is a mess after the

1 storm still and after some flooding. We
2 also received an issue about the Neil
3 Armstrong school issues in the morning and
4 after school with parking so we did forward
5 that to Chief Graziano.

6 As it relates to Scranton Tomorrow,
7 Mrs. Schumacher brought that up, I do
8 believe that Mrs. Collins was supposed to
9 come in to give us an update on the progress
10 of Scranton Tomorrow and I think -- yeah, we
11 did have to reschedule her, so we could
12 should see that within the next few weeks.

13 Just to echo what Mr. Donahue had
14 said about the mayor, you know, first of all
15 let me say this again, I don't think it's
16 right for anyone in this city to speculate
17 on anything. I don't think it's fair to the
18 mayor, I don't think it's fair to anybody,
19 and I do think that we have to let the
20 investigation run its course and the facts
21 eventually will come out and as frustrating
22 as it is to my colleagues and probably all
23 of you in the city, the FBI is going to do
24 their investigation and we will eventually
25 know the facts and, you know, that's what I

1 think I have prided myself on so far in five
2 years on council is making a determination
3 once you have seen all of the facts. Again,
4 I only think that that is fair to the mayor,
5 to his family. If the mayor didn't do
6 anything wrong, great. If he did do
7 something wrong, then it will be dealt with
8 in the appropriate fashion. I do think
9 though that we need to hear from the mayor,
10 not just through his attorney but from him
11 because I don't think, as Mr. Donahue
12 alluded to, I don't think we can sit up here
13 and pretend that this whole thing isn't
14 effecting the operation of the city. We
15 can't just sit up here for I don't know how
16 long this is going to go on for, but we
17 can't just pretend it's not effecting
18 business. Somebody brought up PEL and
19 whether it affects the credit rating, so I
20 do think that if the mayor didn't do
21 anything wrong then he should address the
22 public and should address council and just
23 be upfront about the whole situation. And
24 that's all I have this week. Thank you.

25 MR. ROGAN: Thank you. Just a

1 couple of items, last week a resident spoke
2 regarding a handicapped sign on East
3 Mountain and I just want to thank Chief
4 Graziano for sending a very lengthy reply.
5 If we can forward that to the resident that
6 came, there is pictures included as well and
7 very important to hear both sides of the
8 story. You know, we can tell by the
9 pictures provided here why this handicapped
10 sign was denied, so I want to thank Chief
11 Graziano for his lengthy explanation of that
12 situation and we'll forward that reply along
13 to the resident as well.

14 Sticking to signage issues, I was
15 contacted by a new business that's moving
16 into the city regarding a 15-minute parking
17 spot for in front of their business. I will
18 send that address along to our city clerk,
19 but they asked a question and I don't think
20 anyone has ever given an answer on this
21 where some of the signs in front of
22 businesses will say "15 minute bank parking
23 only" or "15 minute parking for this
24 business." They wanted to know what the
25 requirements were to have a business

1 specific 15 minute parking sign or just a
2 general 15 minute parking sign and I think
3 that's something, especially that we see a
4 lot of growth in particularly smaller
5 businesses in our downtown, it's a request
6 that we are going to hear more and more over
7 the coming months.

8 And, finally, just one quick
9 comment, not something I typically bring up
10 at council meetings, but I have been on
11 council for nine years and part of being a
12 council member whether you like it or not is
13 dealing with the media, and I just wanted to
14 give a thank you out to Eric Deabill who is
15 moving on from WYOU. He has covered city
16 council I think since I was first elected.
17 I have done a number of interviews with him
18 and he has always been nothing but fair.
19 Gave great coverage to what was going on in
20 our meeting, as is all the TV media in our
21 area, but I just want to give him a thank
22 you for all his great work and a
23 congratulations and we wish him well in his
24 new position. That's all.

25 MS. REED: 5-B. FOR INTRODUCTION -

1 AN ORDINANCE - ESTABLISHING A "NO PARKING"
2 ZONE ALONG THE SOUTHERLY SIDE OF LACKAWANNA
3 AND JEFFERSON AVENUE (S.R.3018) FROM SEGMENT
4 0010 OFFSET 0300 (KRESSLER COURT
5 INTERSECTION) EXTENDING NORTH TO A DRIVEWAY,
6 AT SEGMENT 0010 OFFSET 0630.

7 MR. ROGAN: At this time, I'll
8 entertain a motion that Item 5-B be
9 introduced into its proper committee.

10 MR. PERRY: So moved.

11 MR. EVANS: Second.

12 MR. ROGAN: On the question?

13 MR. EVANS: On the question, this
14 request to create a 300 foot no parking zone
15 in downtown Scranton because of a driveway
16 adjustment for a project that, quite
17 frankly, should have been never been
18 approved boy the zoning board in the first
19 place is concerning at the very least. This
20 PennDOT regulation driven approved design
21 which seems to be another case of applying
22 highway design standards on our local
23 streets, is another example, in my opinion,
24 of wrong headed public policy. We should
25 not be eliminating on-street parking in the

1 downtown. We should be adding on-street
2 parking at every opportunity. Time and
3 again additional on-street parking have
4 proven to make our streets more walkable,
5 increase commerce and are simply safer. So
6 I'll vote to move this forward tonight but
7 I'm requesting that we send a letter to the
8 engineering firm responsible for this design
9 and PennDOT to come before city council
10 prior to the final vote to explain the
11 rationale of this proposal prior to
12 adoption, and while they are here maybe they
13 could be prepared to discuss real solutions
14 for the intersection of Pittston Avenue and
15 Orchard Street, a request made by Councilman
16 Donahue that has gone unanswered to date.
17 It's time that we don't continually rubber
18 stamp these type of ordinances, and we look
19 at different type of designs and have a
20 different kind of dialogue with PennDOT on a
21 going forward basis. I understand it's a
22 state highway, but it's also a city street
23 and it's also our downtown.

24 Some of these rules are absolutely
25 ludicrous, so hopefully we can begin this

1 dialogue and start to come to some common
2 sense approaches to these type of projects
3 in the downtown and in our neighborhoods for
4 that matter, so that's all I have.

5 MR. ROGAN: Anyone else?

6 MR. PERRY: Yeah, I'll just
7 follow-up Mr. Evans' sentiments on that, I
8 know we ran into an issue a couple of years
9 ago, I think it was about a driveway
10 installation and it was happened to end out
11 on the PennDOT road and it's, unfortunately,
12 one of those PennDOT rules that it's a
13 blanket rule. It doesn't matter where it is
14 or who owns it, if a driveway extends into a
15 state street it's a 300-foot buffer no
16 parking zone, and I really think, like
17 Mr. Evans point, it needs to be looked at on
18 a site by site basis. I know the reasoning
19 we got last time was for liability reasons.
20 If they had to make an adjustment to it and
21 they moved into 100 feet or 200 feet and
22 someone got hit pulling out of that driveway
23 and was obstructed by parked cars, the state
24 was not going to be liable for putting a
25 variance to that 300-foot no parking zone,

1 but I do think it should be on a case by
2 case study because it is downtown and there
3 is parking that we are going to lose for
4 which if you don't have the parking you
5 don't have the people, if you don't have the
6 people you don't have the revenue, so I
7 agree wholeheartedly with your statement,
8 Mr. Evans.

9 MR. EVANS: Thank you.

10 MR. ROGAN: Anyone else? All those
11 in favor of introduction signify by saying
12 aye.

13 MR. PERRY: Aye.

14 MR. DONAHUE: Aye.

15 MR. EVANS: Aye.

16 MR. GAUGHAN: Aye.

17 MR. ROGAN: Aye. Opposed? The ayes
18 have it and so moved.

19 MS. REED: 5-C. FOR INTRODUCTION -
20 AN ORDINANCE - APPROVING AND ACCEPTING THE
21 SUBMISSION OF THE CITY OF SCRANTON'S OFFICE
22 OF ECONOMIC AND COMMUNITY DEVELOPMENT'S FIVE
23 YEAR REVOLVING LOAN FUND (RLF) PLAN AS
24 REQUIRED BY THE U.S. DEPARTMENT OF COMMERCE,
25 ECONOMIC DEVELOPMENT ADMINISTRATION (EDA).

1 MR. ROGAN: At this time, I'll
2 entertain a motion that Item 5-C be
3 introduced into its proper committee.

4 MR. PERRY: So moved.

5 MR. EVANS: Second.

6 MR. ROGAN: On the question? All
7 those in favor Signify by saying aye.

8 MR. PERRY: Aye.

9 MR. DONAHUE: Aye.

10 MR. EVANS: Aye.

11 MR. GAUGHAN: Aye.

12 MR. ROGAN: Aye. Opposed? The ayes
13 have it and so moved.

14 MS. REED: 5-D.FOR INTRODUCTION – AN
15 ORDINANCE – AUTHORIZING THE MAYOR AND
16 OTHER APPROPRIATE CITY OFFICIALS TO DISBURSE
17 SIX THOUSAND DOLLARS (\$6,000.00) FROM THE
18 UDAG REPAYMENT ACCOUNT INTO WHICH URBAN
19 DEVELOPMENT ACTION GRANTS (UDAG) REPAYMENTS
20 ARE DEPOSITED. THIS WILL COVER THE CITY OF
21 SCRANTON'S SHARE OF COSTS FOR THE UNITED
22 NEIGHBORHOOD CENTERS OF NORTHEASTERN
23 PENNSYLVANIA TO ADMINISTER THE CONTINUUM OF
24 CARE FOR LACKAWANNA COUNTY DURING THE PERIOD
25 JULY 1, 2018 THROUGH JUNE 30, 2019.

1 MR. ROGAN: At this time, I'll
2 entertain a motion that Item 5-D be
3 introduced into its proper committee.

4 MR. PERRY: So moved.

5 MR. EVANS: Second.

6 MR. ROGAN: On the question? All
7 those in favor signify by saying aye.

8 MR. PERRY: Aye.

9 MR. DONAHUE: Aye.

10 MR. EVANS: Aye.

11 MR. GAUGHAN: Aye.

12 MR. ROGAN: Aye. Opposed? The ayes
13 have it and so moved.

14 MS. REED: 5-E. FOR INTRODUCTION -
15 A RESOLUTION - AMENDING RESOLUTION NO. 86,
16 2018 ENTITLED "AUTHORIZING THE MAYOR AND
17 OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE
18 AND ENTER INTO A MEMORANDUM OF UNDERSTANDING
19 BY AND BETWEEN THE CITY OF SCRANTON AND
20 LOCAL UNION NO. 60 OF THE INTERNATIONAL
21 ASSOCIATION OF FIRE FIGHTERS, AFL-CIO"; TO
22 INCLUDE ONLY THE IME PANEL OF PHYSICIANS FOR
23 DISABILITY PENSIONS.

24 MR. ROGAN: At this time, I'll
25 entertain a motion that Item 5-E be

1 introduced into its proper committee.

2 MR. PERRY: So moved.

3 MR. EVANS: Second.

4 MR. ROGAN: On the question?

5 MR. GAUGHAN: Yes, on the question,
6 I brought this up in caucus, I think we will
7 need clarification on this piece of
8 legislation for a number of different
9 reasons: First, it says, "Whereas the
10 modified duties, sick time reimbursement, E
11 MT/EMR paramedic nurse certification as
12 contained in the memorandum of understanding
13 attached to Resolution No. 86, 2018, which
14 we voted on I believe in December of 2018,
15 was not approved by the bargaining union
16 members.

17 So the way that I'm reading that is
18 what we had originally voted on in 2018, the
19 modified duty, sick time reimbursement,
20 paramedic nurse certification, the fire
21 union did not end up voting on that so it's
22 not part of the deal, so I'd like to know
23 why they didn't vote on that and get
24 clarification from the administration.
25 Thank you.

1 MR. ROGAN: Anyone else? All those
2 in favor Signify by saying aye.

3 MR. PERRY: Aye.

4 MR. DONAHUE: Aye.

5 MR. EVANS: Aye.

6 MR. GAUGHAN: Aye.

7 MR. ROGAN: Aye. Opposed? The ayes
8 have it and so moved.

9 MS. REED: 5-F. FOR INTRODUCTION -
10 A RESOLUTION - AUTHORIZING THE MAYOR AND
11 OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE
12 AND ENTER INTO A MEMORANDUM OF UNDERSTANDING
13 BY AND BETWEEN THE CITY OF SCRANTON AND
14 LODGE NO. 2 OF THE FRATERNAL ORDER OF POLICE
15 BY AMENDING SECTIONS OF THE MEMORANDUM OF
16 AGREEMENT DATED MARCH 11, 2016 REGARDING
17 DISABILITY PENSIONS.

18 MR. ROGAN: At this time, I'll
19 entertain a motion that Item 5-F be
20 introduced into its proper committee.

21 MR. PERRY: So moved.

22 MR. EVANS: Second.

23 MR. ROGAN: On the question? All
24 those in favor of introduction signify by
25 saying aye.

1 MR. PERRY: Aye.

2 MR. DONAHUE: Aye.

3 MR. EVANS: Aye.

4 MR. GAUGHAN: Aye.

5 MR. ROGAN: Aye. Opposed? The ayes
6 have it and so moved.

7 MS. REED: SIXTH ORDER. 6-A. NO
8 BUSINESS AT THIS TIME.

9 SEVENTH ORDER. 7-A. FOR
10 CONSIDERATION BY THE COMMITTEE ON RULES -
11 FOR ADOPTION - FILE OF THE COUNCIL NO. 51,
12 2019 -AMENDING "THE CODE OF ETHICS OF THE
13 ADMINISTRATIVE CODE OF THE CITY OF SCRANTON,
14 PENNSYLVANIA."

15 MR. EVANS: I make a motion to amend
16 Item 7-A as follows: 1. In Section 1,
17 Declaration of Policy insert a new
18 subsection as follows: "E). To the extent
19 and only to the extent that this code
20 conflicts with the existing rights of labor
21 or its members by statute or contract then
22 such statute or contract shall supercede
23 this code."

24 2. In Section 3, Definitions.
25 Subsection P. Employee. Omit the current

1 definition and replace with: "Any
2 individual receiving full time salary or
3 wages and benefits from the City of
4 Scranton."

5 Subsection U. No-bid contract.
6 Insert an additional sentence at the end of
7 the section to read: "A no-bid contract
8 excludes sole source procurement, contracts
9 below the bidding threshold, and those
10 contracts arising out of an Emergency
11 Declaration."

12 3. In Section 6, Prohibited
13 Behaviors Subsection A. Conflicts of
14 interest: Omit number 4 in its entirety.

15 4. In Section 7, Penalties;
16 Restitutions Subsection A. Penalties:
17 Strike "as set forth in Section 1202 (b) of
18 the Charter of the City of Scranton".

19 5. In Section 12, Campaign
20 Contributions and Reporting Requirements
21 Subsection 1. Campaign Contribution
22 Limitations Section D. Adjustments i., in
23 the second sentence remove: "Administrative
24 Services Director" and insert: "Business
25 Administrator."

1 MR. PERRY: Second.

2 MR. ROGAN: On the question?

3 MR. GAUGHAN: Yes, on the question,
4 all of those amendments that Mr. Evans just
5 made were basically to clean up some of the
6 language, nothing major was changed at all.
7 I'd like to thank the city solicitor for her
8 help. When the administration had reviewed
9 the legislation our solicitor, Mr. Minora,
10 Mrs. Eskra and the council for the police
11 union got together to change some of the
12 language so that's it. Thank you.

13 MR. ROGAN: Anyone else? All those
14 in favor of the motion to amend 7-A signify
15 by saying aye.

16 MR. PERRY: Aye.

17 MR. DONAHUE: Aye.

18 MR. EVANS: Aye.

19 MR. GAUGHAN: Aye.

20 MR. ROGAN: Aye. Opposed? The ayes
21 have it and so moved.

22 As Chairperson for the Committee on
23 Rules, I recommend final passage of Item 7-A
24 as amended.

25 MR. EVANS: Second.

1 MR. ROGAN: On the question?

2 MR. GAUGHAN: Yes, on the question,
3 I won't, you know, dwell too much on this
4 because I think I talked about it the last
5 three or four weeks, but it's my belief that
6 every city should have a strong code of
7 ethics and an Ethics Board that is relevant
8 and active, which I don't believe this board
9 was over the last few years and I don't know
10 believe that that was the case. I do think
11 that this is a step in the right direction.
12 I think we have received every indication
13 from the administration that they are on
14 board with this and they are going to
15 implement it. I know that once this is
16 passed, we've -- council has discussed
17 soliciting applications for the two
18 appointments that we will get to the Board
19 of Ethics and then it would be my
20 recommendation to interview those
21 applicants and then make a decision and I
22 would hope the same would be done by the
23 mayor and the city controller who would also
24 get one appointment because I do think these
25 appointments are extremely important.

1 This is meant basically as a guide
2 for city employees and public officials.
3 You know, I have heard a lot of talk over
4 the last few weeks that, you know, this Code
5 of Ethics is -- you know, it's something --
6 people don't understand it. They think that
7 council is going to be implementing this.
8 This legislation that we are passing is just
9 updating the Code of Ethics and making the
10 board relevant again, so when this is passed
11 it will be the prerogative and up to the
12 administration to implement this and then
13 when the Board of Ethics takes -- when they
14 take their seats then it will be on them to
15 implement and follow this code and follow
16 the legislation so I hope everyone
17 understands that. Thank you.

18 MR. ROGAN: Anyone else?

19 MR. EVANS: On the question just
20 briefly, it should be noted that this
21 legislation is not a reaction to the recent
22 events in any way. It was actually a
23 proactive initiative by this city council
24 before any of the recent events took place,
25 and I think that's important for people to

1 know that. This was in the pipeline long
2 before these events unfolded so I think
3 that's important.

4 MR. GAUGHAN: The other thing I do
5 want to mention, too, on top of that, you
6 know, one of the things within this code
7 that I think is important is the ability for
8 a city employee or a public official to get
9 an advisory opinion, so if someone thinks
10 that there may be the appearance of
11 impropriety they have the ability to go to
12 the Board of Ethics and get an opinion from
13 the board and if they get an opinion that's
14 favorable they can move forward. If it's
15 not favorable, they can't, and that's what I
16 would recommend. If you think just the
17 appearance of impropriety take the extra
18 step, use this board and get an advisory
19 opinion and that's one of the main reasons
20 that we have needed to update this. Update
21 the language and make sure that the board is
22 relevant.

23 As I mentioned two or three weeks
24 ago, I had asked the administration why the
25 appointments had expired and I don't know

1 the last time that the board had met. This
2 new code makes it mandatory that they meet
3 at least once a year to reorganize, vote on
4 a chairperson and a vice-chairperson. So is
5 it perfect? Probably not, but I think it's
6 a good start. Thank you.

7 MR. PERRY: And on the question, I
8 just want to -- I mean, obviously I'm
9 whole-heartedly for it, it's a great code,
10 it's a much needed update, I think
11 personally, I'm sure some of you guys are
12 getting this, too, I'm getting a lot of
13 people interested in the board and the
14 process for getting on the board. I know we
15 even had a speaker here a couple of weeks
16 ago interested in it, and I believe, I don't
17 think I'm speaking out of school, but the
18 council gets two picks for this board and we
19 will be going through a full application
20 process with interviews and that will be how
21 we select our two. We don't have anything
22 definitive yet, but I think what we have
23 been talking about and it's fair to say that
24 will be the process of how this council will
25 choose our two board appointees.

1 MR. ROGAN: Anyone else? Roll call,
2 please.

3 MS. CARRERA: Mr. Perry.

4 MR. PERRY: Yes.

5 MS. CARRERA: Mr. Donahue.

6 MR. DONAHUE: Yes.

7 MS. CARRERA: Mr. Evans.

8 MR. EVANS: Yes.

9 MS. CARRERA: Mr. Gaughan.

10 MR. GAUGHAN: Yes.

11 MS. CARRERA: Mr. Rogan.

12 MR. ROGAN: Yes. I hereby declare
13 Item 7-A legally and lawfully adopted.

14 MS. REED: 7-B. FOR CONSIDERATION
15 BY THE COMMITTEE ON PUBLIC SAFETY - FOR
16 ADOPTION - RESOLUTION NO. 92, 2019 -
17 AUTHORIZING THE FIRE CHIEF OF THE CITY OF
18 SCRANTON FIRE DEPARTMENT TO EXECUTE AND
19 ENTER INTO A FIRE AND RESCUE SERVICE
20 AGREEMENT BETWEEN THE PENNSYLVANIA TURNPIKE
21 COMMISSION ("COMMISSION") AND THE SCRANTON
22 FIRE DEPARTMENT ("CONTRACTOR") TO EXECUTE A
23 CONTRACT FOR FIRE AND RESCUE SERVICES.

24 MR. ROGAN: What is the
25 recommendation of the Chairperson for the

1 Committee on Public Safety?

2 MR. PERRY: As Chairperson for the
3 Committee on Public Safety, I recommend
4 final passage of Item 7-B.

5 MR. EVANS: Second.

6 MR. ROGAN: On the question?

7 MR. PERRY: Yes, just briefly on the
8 question, I don't think I brought this up
9 while we with in -- while this legislation
10 was in Fifth Order but just to give a little
11 explanation on this, this comes from
12 obviously a contract between us and the
13 Turnpike Commission, and I'll just read two
14 quick paragraphs here that kind of sum up
15 what this is about.

16 The commission desires for us to
17 provide fire protection and rescue services
18 for customers using the Pennsylvania
19 Turnpike system and their commissioner
20 buildings and other property from mile post
21 1-124.3 to mile post A-120.6 southbound,
22 from mile post A-124 1/2 to A-130.6
23 northbound and that is, again, on 476.

24 There is going to be I believe it's
25 \$250 per occurrence and there is also going

1 to be a \$1,000 yearly fee paid to the city
2 and this contract will be re-upped every
3 year, as needed.

4 Roll call, please?

5 MS. CARRERA: Mr. Perry.

6 MR. PERRY: Yes.

7 MS. CARRERA: Mr. Donahue.

8 MR. DONAHUE: Yes.

9 MS. CARRERA: Mr. Evans.

10 MR. EVANS: Yes.

11 MS. CARRERA: Mr. Gaughan.

12 MR. GAUGHAN: Yes.

13 MS. CARRERA: Mr. Rogan.

14 MR. ROGAN: Yes. I hereby declare
15 Item 7-B legally and lawfully adopted.

16 MS. REED: 7-C. FOR CONSIDERATION
17 BY THE COMMITTEE ON RULES – FOR ADOPTION –
18 RESOLUTION NO. 93, 2019 – AUTHORIZING THE
19 MAYOR AND OTHER APPROPRIATE CITY OFFICIALS
20 TO EXECUTE AND ENTER INTO A MEMORANDUM OF
21 UNDERSTANDING BY AND BETWEEN THE CITY OF
22 SCRANTON AND LODGE NO. 2 OF THE FRATERNAL
23 ORDER OF POLICE WHEREBY THE POLICE CHIEF, IN
24 HIS DISCRETION, MAY OFFER TARI ASSIGNMENTS
25 TO OFFICERS WHO HAVE BEEN DIAGNOSED OR

1 SUFFER FROM A TERMINAL HEALTH CONDITION.

2 MR. ROGAN: As Chairperson for the
3 Committee on Rules, I recommend final
4 passage of Item 7-C.

5 MR. PERRY: Second.

6 MR. ROGAN: On the question?

7 MR. GAUGHAN: Yes, on the question,
8 I think Mrs. Schumacher had a question about
9 this. I just want to read from the MOU
10 really quick. It says, "Police officers
11 sometimes encounter terminal health
12 conditions including but not limited to
13 cancer that impact their ability to perform
14 all the tasks of their job, and although
15 these police officers are not totally
16 incapacitated they are nevertheless
17 compelled to exhaust sick leave because of
18 the lack of suitable duties for them to
19 perform and this additional stress creates
20 and undue hardship for police officers who
21 are already dealing with significant health
22 issues."

23 So the way that I'm reading this is
24 they will create like a modified duty
25 position for a police officer who may have a

1 terminal illness, and quite frankly, I think
2 this is a good thing. We should be trying
3 to do everything we can. You know, if any
4 city employee gets a terminal illness we
5 should be trying to help them, and I think
6 the police department is trying to do this
7 with this piece of legislation so I'm in
8 favor of it. Thank you.

9 MR. ROGAN: Just to add to that, not
10 only is it the right thing to do for a
11 police officer that may have a health
12 condition but also it makes more sense for
13 the city. Instead of an officer being on a
14 disability pension they will be working and
15 doing a light duty capacity so it does work
16 out for both parties as well.

17 MR. GAUGHAN: I do want to add
18 terminal health condition is defined in the
19 legislation as a generally active and
20 progressive illness for which there is no
21 cure and the prognosis is fatal. Further,
22 an irreversible illness that without life
23 sustaining procedures will result in death
24 in the near future or a state of permanent
25 unconsciousness from which the recover is

1 unlikely and it gives some examples,
2 advanced cancer, types of head injuries,
3 multiple organ failure syndrome. Thank you.

4 MR. ROGAN: Anyone else? Roll call,
5 please?

6 MS. CARRERA: Mr. Perry.

7 MR. PERRY: Yes.

8 MS. CARRERA: Mr. Donahue.

9 MR. DONAHUE: Yes.

10 MS. CARRERA: Mr. Evans.

11 MR. EVANS: Yes.

12 MS. CARRERA: Mr. Gaughan.

13 MR. GAUGHAN: Yes.

14 MS. CARRERA: Mr. Rogan.

15 MR. ROGAN: Yes. I hereby declare
16 Item 7-C legally and lawfully adopted.

17 MS. REED: 7-D. FOR CONSIDERATION
18 BY THE COMMITTEE ON RULES – FOR ADOPTION –
19 RESOLUTION NO. 94, 2019 – AUTHORIZING THE
20 MAYOR AND OTHER APPROPRIATE CITY OFFICIALS
21 TO EXECUTE AND ENTER INTO A CONTRACT
22 WITH COMMONWEALTH ENERGY GROUP, LLC FOR THE
23 CITY OF SCRANTON CONSULTING SERVICES FOR
24 ENERGY SAVING PERFORMANCE FROM OCTOBER
25 1, 2018 THROUGH SEPTEMBER 30, 2021.

1 MR. ROGAN: As Chairperson for the
2 Committee on Rules, I recommend final
3 passage of Item 7-D.

4 MR. EVANS: Second.

5 MR. ROGAN: On the question? Roll
6 call, please?

7 MS. CARRERA: Mr. Perry.

8 MR. PERRY: Yes.

9 MS. CARRERA: Mr. Donahue.

10 MR. DONAHUE: Yes.

11 MS. CARRERA: Mr. Evans.

12 MR. EVANS: Yes.

13 MS. CARRERA: Mr. Gaughan.

14 MR. GAUGHAN: Yes.

15 MS. CARRERA: Mr. Rogan.

16 MR. ROGAN: Yes. I hereby declare
17 Item 7-D legally and lawfully adopted.

18 If there is no further business,
19 I'll entertain a motion to adjourn.

20 MR. PERRY: Motion to adjourn.

21 MR. ROGAN: Meeting adjourned.

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C E R T I F I C A T E

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

CATHENE S. NARDOZZI, RPR
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