

COUNCIL FOR THE CITY OF SCRANTON

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HELD:

Tuesday, January 21st, 2020

LOCATION:

Council Chambers
Scranton City Hall
340 North Washington Avenue
Scranton, Pennsylvania

Maria McCool, RPR
Official Court Reporter

1 C O U N C I L M E M B E R S :

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- WILLIAM GAUGHAN, PRESIDENT
- KYLE DONAHUE, VICE PRESIDENT
- PATRICK ROGAN
- MARK MCANDREW
- JESSICA ROTHCHILD

- LORI REED, CITY CLERK
- KATHY CARRERA, ASSISTANT CITY CLERK
- KEVIN HAYES, COUNCIL SOLICITOR

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

3
4 MR. GAUGHAN: Roll call, please.

5 MS. CARRERA: Mr. Rogan.

6 MR. ROGAN: Here.

7 MS. CARRERA: Mr. McAndrew.

8 MR. MCANDREW: Present.

9 MS. CARRERA: Dr. Rothchild.

10 DR. ROTHCHILD: Here.

11 MS. CARRERA: Mr. Donahue.

12 MR. DONAHUE: Here.

13 MS. CARRERA: Mr. Gaughan.

14 MR. GAUGHAN: Here. Mrs. Reed,
15 would you please dispense with the reading of
16 the minutes?

17 MS. REED: 3-A. MINUTES OF THE
18 ETHICS BOARD REGULAR MEETINGS HELD NOVEMBER 7
19 AND DECEMBER 12, 2019.

20 3-B. CORRESPONDENCE DATED DECEMBER
21 29, 2019 RECEIVED FROM DEPARTMENT
22 OF LICENSING, INSPECTIONS AND PERMITS REGARDING
23 DELINQUENT RENTAL REGISTRATION MAILING.

24 3-C. MEMORANDUM DATED JANUARY 13,
25 2020 FROM MAYOR PAIGE G. COGNETTI IN REFERENCE

1 TO ACT 511 APPEAL.

2 3-D. INDEPENDENT AUDITORS' REPORT
3 FOR YEAR ENDING DECEMBER 31, 2018
4 PREPARED BY KOHANSKI & COMPANY, PC.

5 3-E. MINUTES OF THE SCRANTON
6 FIREFIGHTERS PENSION COMMISSION MEETING
7 HELD DECEMBER 18, 2019.

8 3-F. MINUTES OF THE NON-UNIFORM
9 MUNICIPAL PENSION BOARD MEETING HELD
10 DECEMBER 18, 2019.

11 3-G. MINUTES OF THE SCRANTON POLICE
12 PENSION COMMISSION MEETING HELD
13 DECEMBER 18, 2019.

14 3-H. MINUTES OF THE COMPOSITE
15 PENSION BOARD MEETING HELD DECEMBER
16 18, 2019.

17 3-I. AGENDA FOR THE NON-UNIFORM
18 MUNICIPAL PENSION BOARD MEETING HELD
19 JANUARY 15, 2020.

20 3-J. CONTROLLER'S REPORT FOR THE
21 MONTH ENDING DECEMBER 31, 2019.

22 3-K. TAX ASSESSOR'S RESULTS REPORT
23 FOR HEARING DATE HELD JANUARY 15, 2020.

24 3-L. AGENDA FOR THE CITY PLANNING
25 COMMISSION MEETING TO BE HELD JANUARY 22, 2020.

1 MR. GAUGHAN: Are there any comments
2 on any of the Third Order items? If not,
3 received and filed. Do any Council members
4 have any announcements at this time?

5 MR. MCANDREW: This Saturday,
6 January 25th from 9 to 3 p.m., at Montage
7 Mountain is the Polar Plunge Splashin' with
8 Compassion. All proceeds from this event go
9 directly into the hands of young individuals
10 battling cancer in Northeastern Pennsylvania.

11 MR. GAUGHAN: Thank you, Mr.
12 McAndrew. Anyone else? I have three
13 announcements.

14 First, I would like to congratulate
15 Lieutenant Marty Crofton, one of Scranton's
16 finest in our police department who retired
17 last week. Lieutenant Crofton has served the
18 City since 1980, the last 17 years of those as
19 Patrol Lieutenant.

20 He is one of the most respected and
21 trusted officers. And we wish him a long
22 healthy and well-deserved retirement.
23 Congratulations, Lieutenant Crofton. We thank
24 you for your dedicated service to your fellow
25 officers and to the residents of this city.

1 Second announcement, Kohanski and
2 Company will conduct an audit exit conference
3 regarding the 2018 independent auditor's report
4 on Tuesday, February 4th at 5:45 p.m., in
5 Council Chambers and that will be televised on
6 ECTV.

7 The 2018 audit report has been
8 posted to the City's website on the Department
9 of Business Administrator's page and is also
10 listed as Item 3-D on tonight's agenda. The
11 2020 budget is also posted on the City's
12 website as well. Mrs. Reed, Fourth Order.

13 MS. REED: FOURTH ORDER. CITIZENS
14 PARTICIPATION.

15
16 (The following speakers offered
17 public comment on agenda items and matters of
18 general concern:

19 Anna Tunny

20 Joan Hodowanitz

21 Fay Franus

22 Marie Schumacher

23 Ron Ellman

24 Les Spindler

25 Norma Jeffries

1 Lee Morgan
2 Thomas Coyne.)

3
4 MS. REED: FIFTH ORDER. 5-A.

5 MOTIONS.

6 MR. GAUGHAN: Councilman Rogan, do
7 you have any motions or comments?

8 MR. ROGAN: Yes, just one brief
9 comment on one item. I know for the last
10 couple of weeks -- been contacted by a number
11 of people with issues with the recycling now
12 that the recycling center requires cardboard
13 and paper to be separated.

14 Today I did get a couple calls from
15 residents -- and I did see on social media and
16 I hope it's not true. But what I was told was
17 people had done what they were told to do,
18 separated their paper and their cardboard and
19 that the paper was picked up as it should have
20 been by our recycling crews.

21 But the cardboard was just thrown in
22 the trash. So I would like to inquire with DPW
23 to see if that's, in fact, happening or if it
24 was just an isolated incident. Obviously
25 recycling has been a tough issue lately for the

1 City. And it's no fault of our DPW that the
2 County Recycling Center has changed their
3 protocols.

4 But simply throwing away cardboard
5 that people took the time to separate out to
6 recycle certainly isn't acceptable. There's an
7 environmental issue and more importantly
8 because the garbage fee comes up every week at
9 these meetings, the City pays for every ton of
10 garbage that goes into that landfill. It costs
11 us money.

12 Every ton of recycling is money that
13 we don't have to spend. So it's keeping your
14 cost down. That's why I've always been such a
15 strong proponent of recycling. So if everyone
16 agrees, I would like to send a correspondence
17 to the DPW just asking if that's, in fact,
18 happening as a policy. And also, I know we've
19 inquired already what the plan for the future
20 is.

21 I know there was talk about -- I
22 know one of my colleagues mentioned about maybe
23 doing alternating weeks, paper one week and
24 then cardboard the next, which some people
25 would be upset about. But it certainly beats

1 the alternative of just throwing the cardboard
2 away.

3 So like I said, I hope that that's
4 not true. But I did hear it from multiple
5 people in West Scranton that have -- typically
6 they have their garbage picked up on Monday but
7 because of the holiday they were picked up
8 today. That's all I have. Thank you.

9 MR. GAUGHAN: Thank you, Councilman
10 Rogan. Councilman McAndrew, any motions or
11 comments?

12 MR. MCANDREW: Yes, I do. As
13 Chairman of the Public Safety Committee, I
14 would like to thank Detective Monahan and the
15 Scranton Police Department SWAT Team for the
16 active shooting training and simulation
17 yesterday provided to me and my colleagues at
18 the Career Technology Center.

19 I know that we often -- we were
20 often criticized for high taxes. But this is a
21 prime example where our tax dollars are at work
22 providing valuable training to keep our kids
23 safe.

24 And secondly, I would also like to
25 thank and congratulate Lieutenant Marty

1 Crofton, the former Commander of the Special
2 Operations Group, which is the City's SWAT
3 team for retiring after 40 years of exemplary
4 service. That's all I have.

5 MR. GAUGHAN: Thank you, Councilman
6 McAndrew. Dr. Rothchild, any motions or
7 comments?

8 DR. ROTHCHILD: Yes, I do have a few
9 comments. First off, as Chair of the Committee
10 on Community Development, I do plan on meeting
11 with OECD on Friday to go through the
12 department, meet everyone there and to discuss
13 what their plans are and how I could help.

14 I also know that there were some
15 questions regarding my platform while I was
16 campaigning. And a couple of the things that I
17 did talk about as I was campaigning prior to
18 being here on Council I am already making some
19 movement on.

20 One of those things was to build our
21 relationships with the colleges and
22 universities that are here in Scranton and to
23 help retain students in Scranton after they are
24 graduating. So I have met with the University
25 of Scranton. And I plan on setting up meetings

1 with all the other local colleges and
2 universities touring the ones that I have not
3 been to and discussing how we can have more
4 internships here in the City of Scranton and
5 also what changes we can help make in order to
6 keep students here.

7 And something else that was also
8 very important to me as a citizen was to have
9 more communication with the City. And I feel
10 like there should be other opportunities for
11 the public to talk to us City Council members
12 aside from just having our weekly meetings.

13 So I would like to make myself
14 available on a monthly basis as well as any
15 other Council members that would like to join
16 me in more of an informal meeting just around
17 in the community that is open to the public and
18 anyone who would like to come and discuss
19 whatever topics are on their mind.

20 In addition to that, something that
21 I would like to propose and discuss with my
22 fellow Council members would be to hold
23 quarterly town halls throughout the City in
24 different neighborhoods. And that would be a
25 more formalized event but to perhaps get some

1 others in the public to come and talk about
2 issues with the City who wouldn't normally be
3 able to come here during our weekly meetings.
4 And I believe that is all that I have. Thank
5 you.

6 MR. GAUGHAN: Thank you, Dr.
7 Rothchild. Councilman Donahue, do you have any
8 motions or comments?

9 MR. DONAHUE: Yes, just briefly.
10 Mrs. Reed, I believe after we met with Kohanski
11 in December we requested a meeting with Rainey
12 and Rainey. Did we ever receive a response
13 because I know it went to Dave. So the request
14 went to Dave initially, so probably -- okay.
15 So would you be able to schedule that then as
16 soon as possible? That's all I have. Thank
17 you.

18 MR. GAUGHAN: Thank you, Councilman
19 Donahue. Thank you for coming tonight
20 everyone. I just have a few comments. First,
21 I had an opportunity last night to attend a
22 service as Mrs. Jeffries mentioned at the
23 Shiloh Baptist Church in North Scranton to
24 honor and commemorate and remember Dr. Martin
25 Luther King, Jr.

1 talking the other day with Julie Schumacher
2 Cohen from the University, and she is
3 advertising again to their student body to have
4 another intern come in hopefully within the
5 next few months.

6 So I think, you know, working with
7 our local universities and colleges has really
8 been a benefit to the City. And I'm hoping to
9 do more of that as Dr. Rothchild had mentioned
10 tonight.

11 One of the other issues that I
12 brought up last week was an issue that
13 residents were having in the 600 block of Main
14 Avenue. Behind the homes in the 600 block of
15 Main Avenue is Powderly Court. And apparently
16 there was some issues there with the land
17 actually kind of caving in.

18 I did speak to Director Gallagher
19 from the DPW. And he informed me that, you
20 know, this has been an issue that has occurred
21 before. The land is privately owned. So I did
22 contact Mrs. Reed today and at Mr. Gallagher's
23 suggestion to forward that request over to the
24 Licensing and Inspections Department to see if
25 they can assess the situation because in

1 speaking to two of the neighbors, it is very
2 dangerous.

3 And the third thing I want to
4 mention tonight and this is an agenda item
5 where we're ratifying of the fee agreement with
6 Stevens and Lee in regards to appealing Judge
7 Gibbons Act 511 decision.

8 I think it's really important that
9 we don't hand any law firm a blank check. As I
10 sat here on Council for the past six years and
11 has been documented very well in the newspaper
12 and in other sources, you know, we enter into
13 agreements with law firms. Everybody knows the
14 deal that went down with the Sewer Authority
15 and all the legal fees and then months and
16 months later everyone is shocked to learn of
17 the exorbitant at times legal fees.

18 So what Council discussed in our
19 caucus tonight and what we will make an
20 amendment on next week is that we are going to
21 ask Stevens and Lee or request Stevens and Lee
22 to live within a litigation budget. So we
23 would like them to anticipate costs as
24 accurately as they can as the circumstances
25 will allow.

1 And as I said, it is very important
2 to control costs and to have this firm provide
3 a detailed budget based on their expectations
4 concerning the scope of the litigation.

5 So before next week, Solicitor Hayes
6 has been working diligently on this. And I
7 appreciate that and hopefully we have it before
8 the final vote next week so we can make an
9 amendment on that.

10 And finally as I mentioned at the
11 top of the meeting, you know, one of the things
12 that as far as I know has never been done in
13 Council Chambers or with City Council is we
14 have requested an exit conference to be held
15 with Kohanski and Company, the firm that
16 prepares our audit.

17 So next week at 5:45, Kohanski and
18 Company will provide the Council with the exit
19 conference information and the results of the
20 audit. As I mentioned in the caucus tonight, I
21 think this is just best practice. And I'm
22 hoping moving forward that this occurs on a
23 regular basis.

24 In speaking with Mayor Cagnetti a
25 week ago, I know that she is eager as well to

1 make sure that the audit is done on time and
2 that we have that in hand as it says in the
3 Home Rule Charter. Obviously you're always
4 going to run into issues and things pop up that
5 you weren't aware of.

6 But when Kohanski and Company were
7 in, they highlighted some serious issues with
8 the 2018 audit and with the preparation. So
9 the purpose of that next week is to communicate
10 the results to this Council.

11 And finally -- I said finally before
12 but I do have one more thing. The Keyser
13 Valley Flooding situation is something that in
14 six years on Council we have had people,
15 Mr. Srebro amongst others who have communicated
16 to us obviously the major issues in the Keyser
17 Valley area.

18 Also there are issues across the
19 City. Mr. Young comes to mind on Wyoming
20 Avenue, flooding issues there. One of the
21 things that I actually spoke with Mr. Gallagher
22 today about and we're going to reach out to our
23 grant writer in the police department, Maggie
24 Perry is a grant opportunity that I think the
25 City is interested in pursuing which is an

1 overall analysis of the Keyser Valley area,
2 particularly in where the pumping station is to
3 see if we can address that whole issue, whether
4 it's do we need a bigger pumping station, does
5 the City need to pursue possibly buying out
6 those properties?

7 Every year it is an issue. Every
8 year there are people that come to Council that
9 call us and that call the administration. So
10 I'm hopeful we're going to get an update on
11 that. I asked Mrs. Reed to contact Mrs. Perry.
12 We're going to get an update on that, and I
13 will provide that to the public. That's all I
14 have. Thank you.

15 MS. REED: 5-B. FOR INTRODUCTION -
16 A RESOLUTION - RATIFYING AND APPROVING THE
17 FEE AGREEMENT FOR LEGAL SERVICES FROM THE LAW
18 FIRM STEVENS & LEE ON BEHALF OF THE CITY OF
19 SCRANTON IN THE MATTER OF ST. FLEUR, ET AL. V.
20 CITY OF SCRANTON, ET AL. (LACKAWANNA COUNTY
21 COURT OF COMMON PLEAS DOCKET NO. 2017-CV-1403.)

22 MR. GAUGHAN: At this time I'll
23 entertain a motion that Item 5-B be introduced
24 into its proper committee.

25 MR. DONAHUE: So moved.

1 DR. ROTHCHILD: Second.

2 MR. GAUGHAN: On the question? All
3 those in favor of introduction signify by
4 saying aye.

5 MR. MCANDREW: Aye.

6 MR. DONAHUE: Aye.

7 DR. ROTHCHILD: Aye.

8 MR. GAUGHAN: Aye. Opposed?

9 MR. ROGAN: No.

10 MR. GAUGHAN: They ayes have it and
11 so moved.

12 MS. REED: SIXTH ORDER. 6-A.

13 READING BY TITLE - FILE OF THE COUNCIL NO. 1,
14 2020 - AN ORDINANCE - CLOSING AND VACATING A
15 PORTION OF BLUCHER AVENUE BETWEEN BEECH STREET
16 AND BIRCH STREET.

17 MR. GAUGHAN: You've heard reading
18 by title of Item 6-A. What is your pleasure?

19 MR. DONAHUE: I move that Item 6-A
20 pass reading by title.

21 MR. ROGAN: Second.

22 MR. GAUGHAN: On the question. All
23 those in favor of introduction signify by
24 saying aye.

25 MR. ROGAN: Aye.

1 MR. MCANDREW: Aye.

2 MR. DONAHUE: Aye.

3 DR. ROTHCHILD: Aye.

4 MR. GAUGHAN: Aye. Opposed? The
5 ayes have it and so moved.

6 MS. REED: 6-B. READING BY TITLE -
7 FILE OF THE COUNCIL NO. 2, 2020 - AN
8 ORDINANCE - AMENDING FILE OF THE COUNCIL NO.
9 43, 2018, AN ORDINANCE AMENDING FILE OF THE
10 COUNCIL NO. 100, 1976, ENTITLED "AN ORDINANCE
11 (AS AMENDED) LEVYING GENERAL AND SPECIAL TAXES
12 FOR THE FISCAL YEAR 1977", BY SETTING THE
13 MILLAGE FOR THE YEAR 2020 AND THE SAME SHALL
14 REMAIN IN FULL FORCE AND EFFECT ANNUALLY
15 THEREAFTER" BY AMENDING SECTION 1 REVERTING
16 BACK TO THE MILLAGE RATES FROM 2016 WHICH ARE
17 .232521 MILLS LEVY ON LAND AND .050564 MILLS
18 LEVY ON ALL BUILDINGS AND BY ELIMINATING
19 THE DEDICATED MILLAGE FOR DEBT SERVICE
20 CONTAINED IN SECTION 2 AND REPLACING THE
21 DEDICATED MILLAGE FOR DEBT SERVICE WITH A
22 DEDICATED DEBT PERCENTAGE OF 33% OF REAL ESTATE
23 TAX REVENUES COLLECTED ON A CURRENT YEAR BASIS.

24 MR. GAUGHAN: You've heard reading
25 by title of Item 6-B. What is your pleasure?

1 MR. DONAHUE: I move that Item 6-B
2 pass reading by title.

3 DR. ROTHCHILD: Second.

4 MR. GAUGHAN: On the question. All
5 those in favor signify by saying aye.

6 MR. ROGAN: Aye.

7 MR. MCANDREW: Aye.

8 MR. DONAHUE: Aye.

9 DR. ROTHCHILD: Aye.

10 MR. GAUGHAN: Aye. Opposed? The
11 ayes have it and so moved.

12 MS. REED: SEVENTH ORDER. 7-A. FOR
13 CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR
14 ADOPTION - RESOLUTION NO. 2, 2020 - APPROVING,
15 IN ACCORDANCE WITH SECTION 147(f) OF THE
16 INTERNAL REVENUE CODE OF 1986, AS AMENDED, A
17 PLAN OF FINANCING OF THE SCRANTON-LACKAWANNA
18 HEALTH AND WELFARE AUTHORITY AND DECLARING THAT
19 IT IS DESIRABLE FOR THE HEALTH, SAFETY AND
20 WELFARE OF THE PEOPLE OF THE CITY OF SCRANTON
21 FOR THE SCRANTON-LACKAWANNA HEALTH AND WELFARE
22 AUTHORITY TO UNDERTAKE A PROJECT FOR
23 NORTHEASTERN CHILD CARE SERVICES.

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

1 on Finance?

2 MR. ROGAN: As Chair for the
3 Committee on Finance, I recommend final passage
4 of Item 7-A.

5 MR. DONAHUE: Second.

6 MR. GAUGHAN: On the question? Roll
7 call, please.

8 MS. CARRERA: Mr. Rogan.

9 MR. ROGAN: Yes.

10 MS. CARRERA: Mr. McAndrew.

11 MR. MCANDREW: Yes.

12 MS. CARRERA: Dr. Rothchild.

13 DR. ROTHCHILD: Yes.

14 MS. CARRERA: Mr. Donahue.

15 MR. DONAHUE: Yes.

16 MS. CARRERA: Mr. Gaughan.

17 MR. GAUGHAN: Yes. I hereby declare
18 Item 7-A legally and lawfully adopted.

19 MS. REED: 7-B. FOR CONSIDERATION
20 BY THE COMMITTEE ON PUBLIC SAFETY - FOR
21 ADOPTION - RESOLUTION NO. 3, 2020 - AUTHORIZING
22 THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
23 OF THE CITY OF SCRANTON TO SIGN AND SUBMIT THE
24 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
25 ("PENNDOT") APPLICATION FOR TRAFFIC SIGNAL

1 APPROVAL FOR TRAFFIC SIGNAL PERMIT NO. 5654
2 LACKAWANNA AVENUE AND FRANKLIN AVENUE.

3 MR. GAUGHAN: What is the
4 recommendation of the Chairperson for the
5 Committee on Public Safety?

6 MR. MCANDREW: As Chairperson for
7 the Committee on Public Safety, I recommend
8 final passage of Item 7-B.

9 MR. DONAHUE: Second.

10 MR. GAUGHAN: On the question? Roll
11 call, please.

12 MS. CARRERA: Mr. Rogan.

13 MR. ROGAN: Yes.

14 MS. CARRERA: Mr. McAndrew.

15 MR. MCANDREW: Yes.

16 MS. CARRERA: Dr. Rothchild.

17 DR. ROTHCHILD: Yes.

18 MS. CARRERA: Mr. Donahue.

19 MR. DONAHUE: Yes.

20 MS. CARRERA: Mr. Gaughan.

21 MR. GAUGHAN: Yes. I hereby declare
22 Item 7-B legally and lawfully adopted.

23 MS. REED: 7-C. FOR CONSIDERATION
24 BY THE COMMITTEE ON PUBLIC SAFETY - FOR
25 ADOPTION - RESOLUTION NO. 4, 2020 - AUTHORIZING

1 THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
2 OF THE CITY OF SCRANTON TO SIGN AND SUBMIT THE
3 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
4 ("PENNDOT") APPLICATION FOR TRAFFIC SIGNAL
5 APPROVAL FOR TRAFFIC SIGNAL PERMIT NO. 40110 AT
6 LACKAWANNA AVENUE AND MIFFLIN AVENUE
7 (ENTRANCE TO STEAMTOWN MALL.)

8 MR. GAUGHAN: What is the
9 recommendation of the Chairperson for the
10 Committee on Public Safety?

11 MR. MCANDREW: As Chairperson for
12 the Committee on Public Safety, I recommend
13 final passage of Item 7-C.

14 MR. DONAHUE: Second.

15 MR. GAUGHAN: On the question? Roll
16 call, please.

17 MS. CARRERA: Mr. Rogan.

18 MR. ROGAN: Yes.

19 MS. CARRERA: Mr. McAndrew.

20 MR. MCANDREW: Yes.

21 MS. CARRERA: Dr. Rothchild.

22 DR. ROTHCHILD: Yes.

23 MS. CARRERA: Mr. Donahue.

24 MR. DONAHUE: Yes.

25 MS. CARRERA: Mr. Gaughan.

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MR. GAUGHAN: Yes. I hereby declare Item 7-C legally and lawfully adopted.

Just one final note before we end tonight's meeting. I just want to clarify that next Tuesday at 5:45, Council will be having our quarterly meeting with the nonprofit in charge of the parking meters, NDC. That will be held at 5:45.

The following Tuesday, February 4th we will have the audit exit conference with Kohanski and Company. That will also be held at 5:45. Thank you. If there is no further business, I'll entertain a motion to adjourn.

MR. DONAHUE: Motion to adjourn.

MR. GAUGHAN: This meeting is adjourned. Thank you.

C E R T I F I C A T E

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2
3 I hereby certify that the proceedings and
4 evidence are contained fully and accurately in the
5 notes taken by me of the above-cause and that this copy
6 is a correct transcript of the same to the best of my
7 ability.

8
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10 _____
11 Maria McCool, RPR
12 Official Court Reporter
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