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1 SCRANTON CITY COUNCIL MEETING

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5 Held:

6 Thursday, September 28, 2006

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9 Time:

10 6:30 p.m.

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13 Location:

14 West Scranton High School

15 Scranton, Pennsylvania

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22 Lisa M. Graff, RMR

23 Court Reporter

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1 CITY OF SCRANTON COUNCIL:

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4 MS. JUDY GATELLI, COUNCIL PRESIDENT

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6 MR. WILLIAM COURTRIGHT, VICE-PRESIDENT

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8 MS. JANET EVANS

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10 MS. SHERRY NEALON FANUCCI

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12 MR. ROBERT McTIERNAN

13

14 MR. AMIL MINORA, ESQUIRE, SOLICITOR

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16 MS. KAY GARVEY, CITY CLERK

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18 MR. NEIL COOLICAN, ASSISTANT CITY CLERK

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1 MR. ROGAN: Good evening and welcome to

2 West Scranton High School. We're thrilled that you're

3 here. I would like to present Mr. Chris Estevez to

4 you. He's going to make a little introduction.

5 Chris is a state champion poetry reciter in

6 Pennsylvania and has competed nationally and done very

7 well in Washington, D.C. appearing at the Lincoln

8 Center. Chris.

9 MR. ESTEVEZ: Thank you. Good evening.

10 I'd like to welcome the members of City Council, the

11 Junior City Council and the members of our city.

12 My name is Chris Estevez, and on behalf of the student

13 body, I would like to welcome you to West Scranton High

14 School. Tonight we plan on presenting a dynamic case

15 to you, the City Council, and to the City of Scranton

16 concerning the urgent need of a smoking ban within our

17 city. We believe that it does not only affect us as
18 young adults, but the citizens, as well.

19 As part of our presentation tonight, we will discuss
20 the recently enacted Philadelphia law. Although some
21 people felt that the State of Pennsylvania wouldn't
22 permit this ordinance to be passed, it has been
23 accomplished.

24 The Constitutional right to smoke is an
25 argument that will be brought out by those who oppose
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1 the smoking ban, however, it has been proven in many
2 Supreme Court cases that smoking is not a right, but
3 rather a privilege that can be restricted.

4 Students have conducted interviews with
5 the members of the community and the citizens have
6 expressed tremendous support in favorite of the smoking
7 ban.

8 We have researched other cities and
9 states that are in the process or have already passed
10 the ordinance prohibiting smoking in public places.
11 New York City has been subject to the
12 smoking ban for nearly three years, and we have
13 examined the economic impact that it has had on the

14 taverns and restaurants in our city -- in the city.

15 And as you will learn there is nothing to fear.

16 Our most compelling argument is the

17 effects of smoking and the negative outcomes it has on

18 you, me, and the environment.

19 I would like to express my gratitude

20 for you coming here today again, and at this time I

21 would like to introduce our first speaker, Mike

22 Genello.

23 MS. GATELLI: Excuse me. Mr. Estevez,

24 I thought you were just welcoming us. The speaking

25 part won't be until about ten minutes from now, because

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5

1 we have to open the meeting.

2 MR. ESTEVEZ: Okay. All right.

3 MS. GATELLI: We'll stand for the

4 pledge. Please remain standing for a moment of

5 reflection. Roll call.

6 MR. COOLICAN: Mrs. Evans.

7 MS. EVANS: Here.

8 MR. COOLICAN: Mrs. Fanucci.

9 MS. FANUCCI: Here.

10 MR. COOLICAN: Mr. McTiernan.

11 MR. MCTIERNAN: Here.

12 MR. COOLICAN: Mr. Courtright.

13 MR. COURTRIGHT: Here.

14 MR. COOLICAN: Mrs. Gatelli.

15 MS. GATELLI: Here. Dispense with the

16 reading of the minutes.

17 MS. GARVEY: Third order. 3-A,

18 COMPOSITE PENSION BOARD MEETING TO BE HELD ON AUGUST

19 23, 2006 WAS CANCELLED DUE TO LACK OF QUORUM.

20 MS. GATELLI: Are there any comments?

21 If not, received and filed.

22 MS. GARVEY: 3-B, MINUTES OF THE

23 SCRANTON-LACKAWANNA HEALTH & WELFARE AUTHORITY MEETING

24 HELD ON JULY 20, 2006.

25 MS. GATELLI: Are there any comments?

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1 If not, received and filed.

2 MS. GARVEY: 3-C, MINUTES OF THE

3 NON-UNIFORM MUNICIPAL PENSION MEETING HELD ON AUGUST

4 23, 2006.

5 MS. GATELLI: Are there any comments?

6 If not, received and filed.

7 MS. GARVEY: 3-D, AGENDA FOR THE

8 NON-UNIFORM PENSION MEETING TO BE HELD ON SEPTEMBER 27,
9 2006.

10 MS. GATELLI: Are there any comments?

11 If not, received and filed.

12 MS. GARVEY: 3-E, MINUTES OF THE
13 FIREMEN'S PENSION COMMISSION MEETING HELD ON AUGUST 23,
14 2006.

15 MS. GATELLI: Are there any comments?

16 If not, received and filed.

17 MS. GARVEY: 3-F, MINUTES OF THE
18 SCRANTON POLICE PENSION COMMISSION MEETING HELD ON
19 AUGUST 23, 2006.

20 MS. GATELLI: Are there any comments?

21 If not, received and filed.

22 MS. GARVEY: And for clerk's notes
23 tonight, we received a response to Mrs. Evans' letter
24 to Chief Elliott regarding the problems mentioned last
25 week pertaining to the dismissal time at Northeast

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1 Intermediate School. He could not find any reports for
2 that area involving students, but that does not mean it
3 isn't occurring, so he will make the patrol division
4 aware of the problems and also have the assigned school

5 resource officer walk to this area after school, since
6 he's covering the school grounds after dismissal. He
7 will also contact the principal of the school to see if
8 she can do any type of prevention in-house.

9 Chief Elliott also responded to
10 Mr. Courtright's request regarding the beat cops, and
11 Mr. Courtright will be reporting on that.

12 A response from Gene Barrett from the
13 Sewer Authority regarding a catch basin at the 1600
14 block of Schlager Street. It was cleaned by the Sewer
15 Authority on September 20.

16 We also received a response to
17 Mrs. Gatelli's letter regarding overcrowded conditions
18 in single family homes and apartments from Attorney
19 Penetar from the zoning hearing board. He stated that
20 because the problem deals with an enforcement issue,
21 such as enforcement of apparent violations of the
22 zoning ordinance, he was instructed by Mr. Wallace, the
23 zoning officer, to refer the letter to the city
24 solicitor's office since they handle enforcement
25 issues.

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1 While the zoning board will hear any

2 appeals from notices of violations once issued, the
3 zoning board has no enforcement powers, and that is his
4 understanding that Mr. Wallace will be meeting with the
5 solicitor's office to look into this problem.

6 And in the meantime if a specific
7 complaint is made on a specific property, he is sure
8 that Mr. Wallace will investigate the matter.

9 Mr. McDowell returned my call yesterday
10 regarding the fax from Rossi & Company and the
11 independent audit holdup. He asked that I fax that
12 same information to him, because did he not receive it
13 before.

14 He also asked me to find out if his
15 office was being audited, as well, and he said that
16 they are currently being audited by McGrail, Merkel and
17 Quinn and have been since July and did not know when
18 that would be completed.

19 He seems to think that our audit is not
20 contingent upon their audit, and I believe that he said
21 that the numbers are given to the city via the
22 treasurer's office prior to their audit anyway.

23 And then I did ask him if he would
24 respond in writing, if he could, after reading the fax
25 from Rossi & Company that I forwarded to him.

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1 As of this time, I haven't heard from
2 him. And as of today when I left the office, we did
3 not receive anything from Rossi & Company. So, I don't
4 know. They did say by the end of this week, so maybe
5 tomorrow, I'm hoping we get something.

6 And then Mark Seitzinger called this
7 afternoon to let me know that he did get
8 Mr. Courtright's request about Edwards Court, and he
9 will look into that and get back to him tomorrow, if
10 possible; if not, next week.

11 He also was in receipt of the letter
12 that Mrs. Gatelli request regarding the inspector's
13 schedules and said actually they fall under Mr.
14 Fiorini's department and that he was aware that he also
15 received that same letter, but Mr. Fiorini is on
16 vacation this week. He will talk to him next week.

17 And that's all I have.

18 MS. GATELLI: I just have a few
19 announcements. I'd like to thank the principal who you
20 heard from, Mr. Rogan. Without his help, this would
21 not be possible to have this here this evening.

22 And I don't want to insult

23 Mr. McTiernan, but he is the best high school principal
24 in Scranton.

25 MR. MCTIERNAN: I agree.

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1 MS. GATELLI: Also Mrs. Sember, she
2 couldn't be with us tonight, she's the vice principal,
3 she also helped. Mr. Fox and the maintenance staff.
4 Megan Duffy's art class did the beautiful banner in the
5 back. Nutrition, Inc. donated all the coffee, the
6 stirrers, the cakes, the plates, so we would like to
7 thank them.
8 We'd like to thank people that baked
9 cakes, Kathy Martin, Kay Martinelli, Mary Ruddy, Peggy
10 Murray, and Wendy Kelly.
11 I'd also like to thank one of the
12 junior council members, Jackson Lockhead. He does all
13 of our audio when our meetings are not in City Hall.
14 And he does a wonderful job. Thank you, Jackson.
15 I'd like to introduce the two resource
16 officers. They are officers that are located in the
17 schools. Officer Gilroy is at West Scranton High
18 School. Stand up, Officer Gilroy. And Officer Keiper
19 is in the intermediate school in West Side.

20 I'd also like to introduce the
21 president of the West Scranton Neighborhood Association
22 who's with us, Mrs. Beverly Ghilardi.

23 MS. GATELLI: Mr. Murray and
24 Mr. O'Herne have worked with the students on their
25 presentation for this evening. Also, Mrs. Judy Kilmer,

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1 and I see Mr. Chris Mazino here. If there are any
2 other teachers here, I can't see you with the lights in
3 my eyes, but thank you for coming and supporting City
4 Council and your West Scranton High School. We're very
5 appreciative for all the children that have shown up
6 here tonight and showed an interest in their
7 government.

8 There's only a few things. The
9 streetlight on the Old Log Road has been installed.
10 The abandoned car on the 100 of South Filmore has been
11 removed. The crosswalk was painted on Mulberry Street.
12 The tree was removed from 222 Oak Street. And paving
13 was done on Hawk Court, Highnet Court, Factory Place,
14 Kester Court, and the levy was built up on Glen Street.
15 I just have a few announcements. Saint
16 Francis of Assisi Church is having their pasta pranzo

17 Monday, October 9, Tuesday, October 10, and Wednesday,

18 October 11. Tuesday is just for takeouts.

19 Saint Peter and Paul Fall Festival and

20 Bizarre will be held on Sunday, October 8 from twelve

21 to six at the church hall, 1309 West Locust Street.

22 There will be ethnic foods, raffles, baked goods,

23 games, and a children's corner.

24 Also, the Elm Park Youth Group will be

25 sponsoring a spaghetti dinner on Saturday, September 30

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1 from four to seven. Tickets are \$4.00 for children and

2 \$6.00 for adults. And Elm Park Church is located at

3 712 Linden Street. Please use the side door on Madison

4 Avenue.

5 And the first speaker is Kara Krazer

6 and Christopher Estevez.

7 MS. KRAZER: Good evening, ladies and

8 gentlemen. My name is Kara Krazer, and I'm a student

9 of Mr. Murray's at West Scranton High School.

10 We are presenting to you a project

11 which we have been working on which includes lessons of

12 law, government and writing.

13 It is our hope that you will listen to

14 this presentation of facts, and upon the conclusion
15 that you reach the same opinion that we as students of
16 West Scranton High School have, and that is to ban
17 smoking in bars and restaurants.

18 We have worked very hard to be sure
19 that our information is accurate and is researched
20 based. The purpose of this assignment is to become
21 proactive members of our community.

22 As a group, we have reached consensus
23 that the best way to change the health of our city is
24 to eliminate smoking in public places, specifically in
25 bars and restaurants. It is our hope that this

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1 information will convince you to enact the ban. And
2 now I would like to present Justin Tyrell.

3 MR. TYRELL: Good evening, members of
4 Scranton City Council. My name is Justin Francis
5 Xavier Tyrell and I'm a tenth grade student in
6 Mr. Murray's American History class.

7 As you already know, the other
8 participating students and I are trying our best to
9 encourage the City of Scranton to establish a ban on
10 smoking in bars and restaurants.

11 I am here this evening to present to
12 you the collective opinions of bartenders, waiters,
13 waitresses, as well as the owners of bars and
14 restaurants.

15 It is important to interview people
16 that work in a smoking environment, as they're at the
17 greatest risk of suffering from the illnesses related
18 to secondhand smoke.

19 Because of the sensitivity of this
20 topic, the people with whom I spoke with preferred to
21 remain anonymous.

22 The first person I spoke with is a
23 local bartender named Michelle. Michelle is a
24 non-smoker and stated that ever since she has been
25 working in a smoking environment, she has experienced

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1 increased coughing, more severe colds and a reduced
2 lung capacity.

3 Another waitress, Dawn, stated that her
4 clothes and her hair wreaked of smoke, her eyes burnt
5 and a scratchy throat. Additionally, she suffered from
6 the same ailments as Michelle.

7 Surprisingly, many owners of bars and

8 restaurants shared similar opinions as those of

9 Michelle and Dawn.

10 One owner stated that she believes that

11 her customers, as well as the greater public, are ready

12 to accept a ban on cigarette smoking in bars and

13 restaurants. In fact, she worries little about the

14 economic effect that banning smoking will have on her

15 business.

16 She is also confident that her

17 customers will continue to patronize her business if

18 this ban is passed and believes that perhaps she might

19 even attract new business.

20 Similarly, a South Side business owner

21 stated that a ban on smoking would save her money.

22 She claims that the smoke from cigarettes actually

23 costs her money. Recently she replaced the ceiling due

24 to its decay and discoloration as a result of cigarette

25 smoke.

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1 Sadly, this business owner reports

2 losing employees because they cannot work in a

3 smoke-filled environment. Some of these employees

4 complained of the same ailments as others that I

5 interviewed.

6 Other waiters and waitresses with whom

7 I spoke had similar protests. One waitress stated

8 that, I'm a non-smoker, so I have no problem with

9 banning smoking in public areas.

10 When I'm around people who smoke, my

11 eyes get watery and my throat gets scratchy. My

12 daughter's little lungs are being polluted by those

13 smoking around her.

14 We can only blame society and the

15 cigarette manufacturers for making smoking so popular

16 as a favorite past time.

17 In a brief interview with an anonymous

18 individual who is employed in a restaurant where

19 smoking is permitted, stated that smoking should

20 absolutely be banned in all public restaurants. It is

21 offensive and dangerous. Non-smokers should not have

22 to be exposed to it.

23 Any time a smoker smokes in a public

24 place, they are offending others nearby. It is

25 unavoidable. You cannot contain or control your smoke.

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1 And as smokers, you probably don't

2 realize how far the stench travels or how offensive it
3 is. Cigarettes are bad, cigars are even worse. If
4 smokers were courteous, they would not smoke where it
5 would impact others.
6 Also, unless a complete separate room
7 is available, it is impossible to have a smoking
8 section in a restaurant. It just does not work.
9 Apparently this feeling is shared by
10 many restaurant employees. As stated by a waiter from
11 a local eatery, a non-smoker in a restaurant bothers no
12 one. A smoker bothers everyone.
13 Restaurants are for eating, not for
14 smoking. If you can't go for the time it takes to eat
15 a meal without smoking, then that's a problem. There
16 is no right to smoke, but I'm pretty sure that being
17 able to breathe falls under the right to life.
18 If you want to smoke, fine, just do it
19 where it won't bother others. Just because it's a free
20 country does not mean that you can do whatever you like
21 wherever you like whenever you like.
22 In a final interview with a waiter from
23 a pub in Downtown Scranton, the message was the same.
24 Smoking should be banned in public places. Not only
25 does it hurt the environment, but holds no pleasure to

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1 people, especially those that are allergic or highly

2 sensitive to the odors of smoke.

3 Council members, the vast majority of

4 the people I spoke with clearly indicated that smoking

5 is indeed more harmful to their business.

6 They believe that they gain nothing

7 from those who choose to smoke cigarettes in their

8 establishments. In fact, cigarette smoke has forced

9 them to make premature repairs to their businesses,

10 lose value employees who suffer from the deadly effects

11 of secondhand cigarette smoke and endure personal

12 physical illnesses from being exposed themselves to the

13 same smoke infested environment.

14 Clearly it would be a bold and

15 progressive move if the distinguished members of the

16 Scranton City Council were to seriously consider a

17 non-smoke ban in public bars and restaurants. Implore

18 all of you to take this bold and progressive step.

19 Thank you for your time.

20 MS. GATELLI: Thank you.

21 MR. GENELLO: Good evening, members of

22 City Council and residents of Scranton. My name is

23 Michael Genello, and I'm here this evening to speak to
24 you about an important issue, the implementation of a
25 smoking ban in restaurants in the City of Scranton.

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1 If you recall, a ban on smoking in
2 restaurants was recently enacted in Philadelphia. The
3 bill was proposed by a Philadelphia City Councilman,
4 Michael Nudder, in May of this year. It was passed by
5 Council in June and it was signed into law by Mayor
6 Street in September.

7 Initially the law was to take effect in
8 January 2007. However, Mayor Street ordered it to take
9 effect immediately.

10 This law follows on the heels of many
11 other pieces of legislation that have sought to ban
12 smoking in public places.

13 In its original form, the law
14 prohibited smoking in the following places in
15 Philadelphia, all enclosed places to which the public
16 has access, within 20 feet of any entrance to any
17 enclosed place where smoking is prohibited, all
18 restaurants, all workplaces, common areas of buildings,
19 including lobbies, hallways, elevators and 75 percent

20 of the rooms in hotels and motels.

21 Unfortunately the law does not prohibit

22 smoking in the following places, restaurants or bars

23 where the sale of alcoholic beverages is 60 percent or

24 more of the gross annual sales, private clubs, retail

25 tobacco stores, conference and meetings rooms and

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1 private residences.

2 The penalty for violating this law is a

3 fine which may range from \$25 to \$300. To help enforce

4 this law, the health department hired two new

5 inspectors to police establishments.

6 They respond immediately during regular

7 business hours to calls concerning violations of this

8 law. They address violations committed after business

9 hours the next morning.

10 The city of Philadelphia has committed

11 to strictly enforcing this ban. I believe that it

12 would be beneficial to the City of Scranton to follow

13 the lead of Philadelphia and to ratify a similar law.

14 If a law such as this could be passed

15 in Philadelphia, a city of 1.5 million, then surely the

16 City of Scranton can do the same. I ask you to

17 consider this carefully before making your decision.

18 Thank you and good evening.

19 MS. GATELLI: Thank you.

20 MR. GENELLO: Hector Gonzales will now

21 speak.

22 MR. GONZALES: Good evening, ladies and

23 gentlemen of the Council.

24 MR. MINORA: If I may. If I may

25 interrupt for just a second. For the students that may

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20

1 not be aware, we have a rule of Council that limits the

2 time to five minutes.

3 And obviously there's a lot of people

4 who want to speak and we want all to speak, so if you

5 could please limit it to five-minutes. I will give you

6 a little ring to let you know when that is, okay?

7 Thank you.

8 MR. GONZALES: All right. As I said,

9 good evening, ladies and gentlemen of the Council. My

10 name is Hector Gonzales, and I'm here to address the

11 issue of a smoking ban in bars and restaurants in

12 Scranton.

13 Since the founding of the United

14 Constitution, many people have argued that their rights
15 -- about their rights.

16 But now there are some who say their
17 constitutional right is to smoke. Well, guess what?

18 It's not. Many confound their rights with their
19 privileges.

20 Common usage of the term rights usually
21 has two legal meanings; number one, those rights that
22 are specially provided or protected by law, example,
23 free speech, and those, number two, rights that exist
24 simply because no contradicting law has been passed
25 restricting them, for example, using a cell phone while
21

1 you're driving your car.

2 Therefore, public smoking is a
3 privilege since there is no legal law prohibiting any
4 ban against it. And like all privileges, public
5 smoking may be taken away.

6 As for the statement it's ours as a
7 smokers' fundamental right to smoke in public, smoking
8 is not mentioned anywhere in either the federal or the
9 state Constitution.

10 The claim is usually made in one of two

11 ways, number one, that the fundamental right to privacy
12 in the state or federal Constitution includes the right
13 to smoke, and, number two, that the clauses in the
14 state and federal constitutions granting equal
15 protection provides several protection for smokers.
16 Neither of these claims have any legal
17 basis. There really is no fundamental right to smoke.
18 The argument that someone has a fundamental right to
19 smoke fails, because only certain rights are protected
20 by The Constitution as fundamental, and smoking is not
21 one of them.

22 The U.S. Supreme Court has held that
23 only personal rights can be deemed fundamental or
24 inherent in the concept of ordered liberty are included
25 in the guarantee of personal liberty.

22

1 These rights are related to an
2 individual's privacy and independence within its home.
3 The privacy interest protected by the U.S. Constitution
4 includes only marriage, contraception, family
5 relationships and the rearing and educating of
6 children.

7 The equal protection clause of the

8 Constitution not only protects certain groups of
9 people, the clause also prohibits discrimination
10 against certain underlying interests that innately
11 require equal treatment.

12 The equal protection clause clearly
13 states that, number one, the clause in essence
14 guarantees that people who are similarly situated,
15 that's a hard word to say, will be treated similarly,
16 and number two, the equal protection clause also
17 guarantees that people who are not similarly situated
18 will be not -- will not be treated similarly.

19 In layman's terms, the clause only
20 protects fundamental interests, including the right to
21 vote, the right to be a political candidate, the right
22 to have access to courts for any certain kind of
23 proceeding or the right to migrate inner state.
24 Smoking is not one of these recognized
25 rights. For example, in upholding a high school campus

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1 ban on smoking, a North Carolina Court stated that the
2 right to smoke in public places is not a protected
3 right, even for adults.

4 Also, smoking is not a specially

5 protected liberty under the due process clause of the
6 Constitution.

7 The fundamental right to privacy does
8 not apply to smoking. The due process clause states
9 that the state may not condition an individual's
10 employment on their agreement to give up a
11 Constitutional Right, such as the freedom to speak,
12 vote, marry, travel, et cetera.

13 Lastly, I will read an excerpt from the
14 5th amendment of the Constitution, and I quote, nor
15 shall any person be deprived of life, liberty or
16 property without the process of law, nor shall private
17 property be taken for public use without just
18 compensation.

19 Keep this in mind in case the Fifth
20 Amendment is brought up in any smoking ban argument.

21 There is, in fact, no part of the 5th Amendment which
22 protects our liberties as citizens, as you may all
23 know, that says that a smoking ban is Unconstitutional.

24 In conclusion, there is no
25 Constitutional right to smoke. No court has ever

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1 recognized smoking as a protected fundamental right,

2 nor has any court ever found smokers to be a protected
3 class.

4 To the contrary, every court has
5 considered the issue that has declared that no
6 fundamental right to smoke even exists.

7 Since The Constitution does not extend
8 special protection to smokers, smoke free legislation
9 need only be, and I quote, rationally related to a
10 legitimate government goal, unquote.

11 Because there is no specially protected
12 right to smoke, tobacco control advocates can work to
13 amend or repeal state laws that stand in the way of
14 tobacco control efforts. Thank you. Good night.

15 MS. GATELLI: Thank you.

16 MR. WILLIAMS: Good evening, members of
17 the Scranton City Council. My name is Chet Williams,
18 and like the students who spoke before me, I'm a tenth
19 grade student in Mr. Murray's American History One
20 Honors Class here at West Scranton High School.

21 I would like to take this opportunity
22 to summarize what you just heard from these speakers
23 this evening. There's nothing in the Constitution of
24 the United States to support cigarette smoking in
25 public places; furthermore, The Court system has yet to

1 be persuaded that smokers have the right to smoke in
2 restaurants, bars or other public places.

3 As Hector Gonzales made his speech, he
4 proved that there is no Constitutional right to smoke.
5 Smoking is not mentioned anywhere in the federal or
6 state constitutions, due process clause or the equal
7 protection clause. Claims that are contrary have no
8 legal basis to support them. Hector's statements are
9 indeed quite accurate, and I urge you to consider them
10 carefully.

11 Next, Michael Genello spoke about the
12 Philadelphia law that was voted on by City Council in
13 June and enacted this month. He showed how prohibited
14 smoking in all public places.

15 Additionally, this act followed many
16 other legislative attempts to ban smoking in public
17 places. Although it is too early to determine if it
18 will make Philadelphia a healthier city in which to
19 live, I believe that the environment will be much safer
20 and much more attractive to an increasing population of
21 non-smokers.

22 I agree with Mike and believe that

23 Scranton should follow in Philadelphia's footsteps and

24 ratify a law similar to the Philadelphia law.

25 Finally, Justin Tyrell spoke to you

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26

1 about the opinions of bartender, waiters and owners of

2 restaurants concerning the ban on smoking.

3 Many of the people he spoke with said

4 that they welcome a ban on smoking in public areas.

5 Waitress and waiters that just started working in

6 restaurants that allow smoking said that they

7 experienced more illnesses since the beginning of their

8 employment.

9 Additionally, owners of restaurants

10 want a ban on smoking because they continue to lose

11 money from people who smoke in their establishments and

12 cause pre-mature damage to their environment. I would

13 encourage you to keep Justin's speech in mind as you

14 move closer to a decision.

15 At this time I would like to introduce

16 Mr. O'Herne's class, who researched information about

17 the health effects of smoking in New York City. Again,

18 thank you for your time.

19 MS. GATELLI: Thank you.

20 MS. CADDEN: Good evening,
21 Mr. Courtright, Mrs. Gatelli, Mrs. Fanucci,
22 Mr. McTiernan, and Mrs. Evans. Welcome to West
23 Scranton High School.

24 My name is Katie Cadden, and we are
25 here tonight to bring up an important issue of

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1 secondhand smoking to your attention. We are proposing
2 a law that bans smoke from all public places in
3 Scranton.

4 As you may know, New York City has
5 recently passed this law on March 27, 2003, and took
6 effect that July. In a recent article, the surgeon
7 general stated that 126 million non-smokers are exposed
8 to tobacco.

9 It has come to our attention that the
10 problem is not only hurting the smoker himself, but
11 also hurting non-smokers around him.

12 In a live vote on MSNBC.com, 66 percent
13 of voters say they would support a nationwide ban on
14 cigarette in public places.

15 Banning smoke in public places in
16 Scranton, we feel, is a start to support this

17 nationwide ban.

18 In survey after survey, New Yorkers say

19 they are happier eating and drinking in a smoke free

20 environment.

21 A public health study indicates those

22 work in New York restaurants are healthier now.

23 Employees have fewer soar throats, runny noses and red

24 eyes which are all signs of secondhand smoke.

25 Louise Better, the New York American

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1 Lung Association CEO stated, Over the summer new

2 information came out that actually showed that by

3 reducing exposure to secondhand smoke in restaurants

4 and bars, the saliva of those showed a 78 percent

5 reduction in Cotinine, which is a key chemical that

6 tracks exposure to tobacco smoke.

7 Following me with additional evidence

8 on the smoking ban in New York, will be my fellow

9 classmate Alyssa Gatto. Thank you.

10 MS. GATELLI: Thank you.

11 MS. GATTO: Good evening, Council

12 members. My name is Alyssa Gatto, and I will be adding

13 to Katie's information on the topic of the smoking ban

14 in New York.

15 According to the 2004 survey which

16 polled nearly 30,000 New York City restaurant patrons,

17 respondents said that they eat out more because of the

18 smoking ban by a margin of six to one.

19 Also, the survey confirmed that the

20 smoke bans are popular to the public and aren't a

21 threat to the restaurants, bars and other businesses.

22 In fact, they are responsible for a major lift.

23 In New York City, 29,361 diners found

24 that 96 percent of people are eating out the same

25 amount or more since the smoking ban. Also, the survey

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1 found that jobs in bars and restaurants in New York

2 City are up.

3 When we contacted the New York Chamber

4 of Commerce, we spoke to a secretary Helen Apth, who

5 answered a few questions. I quote, New York's local

6 business were not greatly affected by the ban, and

7 business owners seem optimistic by the idea when it was

8 initially brought up. Overall, the positives of the

9 smoke free ban outweigh the negatives.

10 In conclusion, we believe that

11 secondhand smoke is a big problem in our city. Due to
12 the statistics we researched and the people we talked
13 to, we believe establishing a law that bans smoking
14 from all public places will help prevent health
15 problems due to secondhand smoke.

16 We hope that our statements help you
17 understand the dangers of secondhand smoke and how
18 those dangers could be prevented. Thank you. To talk
19 to you about the dangers of secondhand smoke is Ryan
20 Reed.

21 MS. GATELLI: Thank you.

22 MR. REED: Good evening. I'm Ryan
23 Reed, as she introduced me, and I'm a student in
24 Mr. O'Herne's American History Class.

25 MS. WALSH: And hello. My name is
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1 Olivia Walsh, and I'm also from Mr. O'Herne's tenth
2 grade history class. And, again, welcome Council
3 members.

4 MR. REED: We'd like to briefly discuss
5 with you the dangers of secondhand smoke to the general
6 populus. For years smoking has been thought of as a
7 harmless habit.

8 However, recent studies show the habit
9 causing cancer in other lung diseases is real. Even
10 more recently, the United States Surgeon General
11 released a warning stating that secondhand smoke is
12 also dangerous to one's health. This is alarming, in
13 that a person who does not pick up the habit can be
14 adversely affected by it.

15 MS. WALSH: The dangers of secondhand
16 smoke were not discovered by the Surgeon General,
17 however, they were merely confirmed.

18 Previous medical studies led to the
19 proof that inhalation can cause lung cancer, premature
20 births and certain other diseases.

21 It has also been found that the smoke
22 itself contains hundreds of chemicals known to be toxic
23 or carcinogenic.

24 MR. REED: Statistically, secondhand
25 smoke causes about 3,400 deaths due to lung cancer,

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1 222,700 to 69,000 due to heart disease in adult
2 non-smokers each year.

3 In addition, a study found that
4 non-smokers exposed to secondhand smoke are 25 percent

5 more likely to develop coronary heart diseases than
6 non-smokers who are not exposed to secondhand smoke.

7 MS. WALSH: Information has also been
8 released that Phillip Morris did private research in
9 1980s on secondhand smoke. Researchers found that it
10 was highly toxic, but suppressed the findings over the
11 next two decades.

12 MR. REED: Finally, there is the
13 Surgeon General's report on secondhand smoke that
14 concludes scientifically that there is no risk free
15 level of exposure to secondhand smoke.

16 The report also concludes that even
17 short exposure to secondhand smoke can damage the
18 lining of blood vessels, reduce heart variability and
19 increase the risk of heart attack.

20 This is obviously relevant because the
21 smoking ban in the City of Scranton would reduce or
22 totally remove these risks in public areas.

23 With that much reduction of exposure to
24 secondhand smoke, overall health in the city would be
25 higher. This benefits everyone, including you.

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1 I hope these facts have convinced you

2 of the danger of secondhand smoke and thank you for
3 your time. And now I would like to present Brianna
4 Spindler speaking about the trends of smoking.

5 MS. GATELLI: Thank you.

6 MS. SPINDLER: Good evening, Council.

7 My name is Brianna Spindler, and I'm a student of
8 Mr. O'Herne's American History Honors Class.

9 Smoking is very influential in our

10 everyday lives, whether we realize it or not.

11 Cigarettes have been proven harmful to the smoker and
12 the secondhand smoker.

13 Actions have been taken to limit

14 smoking in public places all over the country. Many

15 citizens of the cities that have past no smoking laws

16 have shown positive responses to the legislation.

17 Major cities throughout the country, as

18 well as 14 states and Puerto Rico, have passed smoking

19 bans with some resistance, but positive results. The

20 health positive far outweigh the small negatives.

21 The Supreme Court Justice Oliver

22 Wendell Holmes said, Your right to throw a pouch ends

23 at my face. This represents our right to limit smokers

24 so that non-smokers are protected.

25 A smoking ban could help the health of

1 our community. It has done so in other cities. For
2 example, in the first 18 months in a town in Colorado,
3 enacted a smoking ban in 2003. Hospital admission for
4 heart attacks start dropped by 27 percent. Neighboring
5 cities showed no change.

6 The American Heart Association said
7 that the decline was most likely due to the decrease in
8 secondhand smoke in the area.

9 Albuquerque, New Mexico banned smoking
10 in restaurants and bars. Bismark North Dakota banned
11 smoking in restaurants in 2005. Austin Texas banned
12 smoking in restaurants and in public places.

13 The state of Washington passed a
14 smoking ban, in which includes restaurants, bars,
15 bowling allies and casinos. New York State banned
16 smoking in most businesses. In our own state,
17 Philadelphia has banned restaurants and bars which
18 serve food from smoking.

19 We know that people may argue by saying
20 that if they can purchase cigarettes legally, why can't
21 they smoke them where they'd like?

22 Well, we think that it's one thing to

23 smoke and damage your own health, but when you're
24 smoking in an enclosed area around people who may not
25 want to be close to it, is unfair to them. Inhaling

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1 secondhand smoke is almost as deadly to them as if they
2 were smoking themselves.

3 The City of Scranton has made great
4 steps to become the modern city it is today. You
5 should continue this legacy by passing a smoke ban in
6 all restaurants and bars.

7 Now I'd like to introduce the next

8 speaker, Mariah Auriemma.

9 MS. AURIEMMA: Hello, ladies and
10 gentlemen. I am Mariah Auriemma. Welcome to West
11 Scranton High School.

12 We're here today to show you our
13 opinion and the statistics that we have found on the
14 ban of smoking in restaurants and bars in the City of
15 Scranton.

16 We have research on the situation and
17 have interviewed many citizens of Scranton. In America
18 there has been a great dependency on smoking for many
19 Americans. Smoking is not only dangerous to yourself,

20 but also to the people around you.

21 Quote, this here alone 93,010 men and

22 79,560 women will be diagnosed with lung cancer, and

23 almost an equal number of 90,490 men and 70,010 women

24 will die of it, end quote, according to

25 theseattletimes.nwsourc.com.

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1 Ninety-five percent of the people in

2 our community that we have interviewed have said that

3 they want to see the change in our community.

4 If New York and Philadelphia can ban

5 smoking in restaurants and bars, why can't we? Why can

6 we also try to help our community? Their business

7 hasn't gone down. It's actually been calculated that

8 their business has either stayed the same or increased.

9 Our opinion is just not based on facts,

10 but also the opinions of our community and fellow

11 classmates.

12 Throughout the people we have

13 interviewed, we have found we're correct, that 95

14 percent of people in our community are in favor of the

15 ban.

16 One of the questions we have asked our

17 community is, if someone sat beside you and started
18 smoking, how would you react? Half the people that we
19 have interviewed have said they would either leave, and
20 the other half said that they would sit there because
21 they didn't want to be rude.

22 But by sitting there, are they not
23 putting themselves at risk? Try not to control the
24 risk. I mean, why not control the risk?

25 We think that anywhere and everywhere

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1 that people are smoking and your health and welfare are
2 at risk. Are we ready to make a decision to stop the
3 harmful effects of secondhand smoke?

4 My group and I agree that if we do ban

5 smoking in these public places, our health will go up

6 and our economy will grow. So, why not take control

7 today and help other communities for tomorrow? Thank

8 you for your time, and I hope you have a nice evening.

9 MS. GATELLI: Thank you. That's the

10 end of the presentation of the students. I would just

11 like to commend their teachers, Mr. O'Herne and Mr.

12 Murray for spending so much time researching the issue

13 and encouraging the students to participate in City

14 Council. Thank you very much.

15 MS. KILMER: Mrs. Gatelli, even though

16 we have did not sign in, we have two students who are

17 covering it for the newspaper who over the course would

18 like to say something, okay? It will only take a few

19 minutes.

20 MR. ROSATTO: Good afternoon, members

21 of City Council. My name is Jim Rosatto. I'm a senior

22 at West Scranton High School. I'm here to oppose the

23 been on public smoking. I, myself, am not a smoker and

24 I have not come here to argue the fact that smoking is

25 bad for you.

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1 I would hope every competent adult

2 here, smoker and non-smoker, understands that smoking

3 is bad for you; however, smoking is not a crime. If

4 you smoke, you are certainly not a criminal.

5 This idea of banning public smoking is

6 discrimination, no ifs, ands or buts about it. Thank

7 you.

8 MS. ABBOTT: Good evening, City Council

9 members. My name is Tiffany Abbott, and I am a senior

10 here at West Scranton.

11 I stand here in front of you to oppose
12 the ban on smoking. I, myself, am not a smoker, but I
13 believe that if we do place this ban, it would be
14 considered discrimination, which is a federal offense.
15 Smokers are Americans, also. They are
16 fellow Americans protected by the same Constitution
17 that protects us all equally.
18 I'm afraid that if this goes into
19 effect, then there will be no end to this process. We
20 will no longer be a democracy, we will slowly turn into
21 a dictatorship and a police state. Thank you.

22 MS. GATELLI: Thank you very much.

23 Before we get on to the rest of the speakers, someone
24 came in that wasn't here before that I would certainly
25 be remiss if I didn't introduce. He is the backbone of

38

1 West Scranton High School, and without him, I don't
2 know what anyone would do, because he takes care of
3 everybody. Tippy Denunzzio.

4 MR. DENUNZZIO: Thank you. And, you
5 know, one thing, pave my street, please.

6 MS. GATELLI: Okay. We will. Thank
7 you.

8 MR. DENUNZZIO: Thank you.

9 MS. GATELLI: The first speaker is

10 Doug Miller.

11 MR. MILLER: Good evening, Council.

12 Doug Miller. I'd like to welcome everyone to West

13 Scranton High School. It's a wonderful turnout this

14 evening. It's great to see the support.

15 I'd also like to welcome all the

16 students here this evening. It's great to hear some of

17 their issues this evening that they presented to us. I

18 commend them for coming, commend their teachers.

19 I'd also like to thank our principal

20 here at West Scranton High School, Mr. Rogan, and our

21 vice principal, Mrs. Sember, for allowing us to hold

22 this meeting here this evening. This is a wonderful

23 auditorium, and we're very lucky to have such a nice

24 auditorium.

25 I'd like to go over our skate park

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1 project in the city. I'm sure we all know by now that

2 we have applied for Tony Hawk grant application.

3 However, one of the requirements is we

4 need to assemble a committee of skateboarders to design

5 the skate park which we will have to send in with the
6 application.

7 We're asking any skateboarders in the
8 city that would be interested in helping us, please see
9 your school administrator and they can pass your name
10 to us or you can contact the city clerk's office.

11 And lastly tonight I would like to
12 again remind everyone that we are working on a
13 handicapped swing set project that we will install at
14 Nay Aug Park near the handicapped tree house.

15 Over the Italian Festival we sold 500
16 raffle tickets. This evening we have more tickets
17 available for a dollar. We encourage you to please
18 support this project and purchase a ticket for a good
19 cause. Again, we thank everyone for the support that
20 we've had and thank you and have a good night.

21 MS. GATELLI: Thank you. Andy

22 Sbaraglia.

23 MR. SBARAGLIA: Andy Sbaraglia, citizen
24 of Scranton. Fellow Scrantonians, 49-plus years I,
25 too, was on that stage. I graduated from West. I'm a

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1 product of West Side and West Scranton High School, and

2 I can say that I -- when they wanted to close this
3 school, I was against it 110 percent, if you can go
4 that high.

5 I attended three meetings this week
6 that has to do with city finances, well, taxpayers
7 finances. True, you have nothing to do with it, but
8 one of them, of course, this one here, you do have a
9 lot to do with it.

10 As you know, the school board has
11 borrowed \$60 million and plans to spend it on some
12 upgrades and maybe two new schools, but the taxpayers,
13 of course, have to pay off that \$60 million.

14 Now, the Sewer Authority, as you know,
15 you attended the same meeting I did, wants to go for
16 \$50 plus million. What that plus may be, no one knows,
17 because it all depends on the plan they plan to use.

18 And unfortunately the Sewer Authority
19 has a habit of borrowing in the names of the citizens
20 of Scranton, and Dunmore, of course, isn't mentioned,
21 which I found very bad, but you have nothing to do with
22 that either, other than when it comes before you, you
23 have a chance to change it.

24 Now, the taxpayers of Scranton are
25 actually between a nail and a hammer, and we're going

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41

1 to get real whacked on the head and it's going to hurt.

2 The mayor wants to borrow quite a bit

3 of money, \$44 million for the next three or four years,

4 so he says, but yet he had an opportunity many, many

5 times to have money flow into the treasury. Instead he

6 had it all flow out.

7 When the South Side Complex, if he

8 wanted to sell it, he should have never transferred the

9 complex over to the Redevelopment Authority and he

10 should have never said the Redevelopment Authority was

11 supposed to maintain this park, which they didn't.

12 They right away -- they had all intentions of selling

13 it.

14 But had the city kept it and sold it

15 themselves, that money would have flowed into the city

16 treasury and not into appointees of the Scranton

17 Redevelopment Authority.

18 So, hence, that's what happened there.

19 So, we're out millions of dollars there. Well,

20 probably \$1.3, I think, something like that million

21 that should have been in our coffers.

22 Now, when he built all these garages in

23 town, he mortgaged our parking money. The money that
24 the parking meters make was supposed to flow into the
25 city treasury. Instead, they're going to be flowing

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1 into the bank.

2 Now, I attended one meeting that says

3 that it's against the law to use the CommD money to pay

4 off debt. Now, of course if you looked at your CommD

5 money that was going to be spent last year, quite a --

6 one for the mall and one for the garage there on

7 Lackawanna Avenue and Adams was supposed to be -- some

8 of that money was supposed to go to that.

9 Now, if they in turn can't use CommD

10 money, that means that money has to come out of the

11 city treasury. So, hence, there's more money being

12 flowed out.

13 Now we're at a point where we're

14 really, really in trouble. I mean, the city is on the

15 verge of bankruptcy. I believe the parking authority

16 isn't that far behind.

17 This man has -- the mayor and the

18 public officials of this city has not watched a penny

19 of how it was flowed. All they did was rhetoric, but

20 the money flowed out anyway, and it's gone, and the
21 city's in trouble, and there's no way in heck the
22 taxpayers could take all this brunt.

23 There's no way. You can't take \$200
24 million more worth of debt that's going to be poured
25 onto the taxpayers in the next three years. There's no

43

1 way. We're in trouble as it is now. A lot of people
2 are going to lose their homes, a lot of people is going
3 to have to make a choice between heating the house and
4 freezing it or medicine and food.

5 There's no reason for this. I lived
6 here all my life, and I've never saw a city run so
7 poorly as I had there in the last five years. I thank
8 you.

9 MR. NOLE: Good evening, City Council,
10 Junior City Council, ladies and gentlemen. I'm here
11 tonight to support the mayor. And like the mayor, I
12 also believe in this city. I believe this is a great
13 place to raise a family and the school systems are
14 wonderful for children.

15 But we're at the point now where we
16 need to help him out and provide some guidance for the

17 mayor, because I believe he's wandering off the
18 reservation a little bit.
19 Several months back originally I was
20 concerned about the massive debt and additional tax
21 increases that this city was potentially facing, but
22 now it seems the mayor and possibly some people on this
23 very Council here are going for the hat trick. We're
24 talking about borrowing, excessive borrowing, we're
25 talking about layoffs and tax increases, all three
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44

1 items on the table now.
2 And I just find that hard to believe
3 that it's just in a one-year period, we're talking
4 about borrowing a couple million dollars to close a
5 budget and seal it up with five or \$6 million here, and
6 now we're talking about all three things, we're talking
7 about laying off people, tax increases and excessive
8 borrowing of \$44 million or whatever.
9 I've already heard some discussion at
10 last week's City Council of some suggestions to
11 generate revenue, and I would point out to you that
12 simply implementing new taxes on the backs of the
13 taxpaying citizens, that's not generating revenue,

14 that's just confiscating money from taxpayers.

15 Let's say we decided to cut -- reduce

16 the amount of trash pickups. Say, we picked up trash

17 every other week instead of once a week, well, that's

18 not generating revenue, that simply -- that would be

19 saving money.

20 Generating revenue, an example that

21 would be -- suppose DPW offered -- were to offer its

22 services to some of the citizens for demolition, say

23 someone needed a property torn down, they could hire

24 the city to do it for them and they can charge an

25 appropriate amount of money, five or \$10,000 to

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1 demolish and haul away a building. That would be a

2 service the city is offering a citizen in exchange for

3 fair compensation. That would be an example of

4 generating revenue, not just simply coming up with a

5 new entertainment tax or a hotel tax.

6 Let me give you another example. Maybe

7 through eminent domain we can take all five of your

8 houses and we can sell that for cash, or maybe we can

9 take, say, a karate business and we can put a methadone

10 maintenance clinic there, because the health business

11 is very lucrative and profitable, maybe we can generate
12 money that way. That would be a way. Because I
13 understand we're doing that with a pizza shop, so maybe
14 we could explore other areas, as well, with that.

15 What I'm talking about is any mention
16 or consideration of a tax increase, what you're really
17 saying to us as taxpayers, you're saying that it's our
18 fault that the city is in the financial straits it's in
19 because we're not paying enough. It's our fault, so we
20 have to pay more. And that's what you're saying to us
21 just by suggesting that you're considering a tax
22 increase.

23 So, I would also point out that the
24 mayor cannot borrow money or increase taxes without
25 accomplices. He needs accomplices. He doesn't have
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46

1 the sole power to do that, so he's counting on -- I'm
2 getting some accomplices. So, hopefully nobody on this
3 council will aid and abet such an action.

4 But let me tell you this thing, if
5 raising taxes is such a great idea, let's raise them
6 right now. Raise them tonight. In fact, why don't you
7 just raise them tonight and make them retroactive all

8 the way back to January?

9 As we all read in the paper, the City

10 of Scranton is the third highest -- it has the third

11 highest wage tax rate. Well, why don't we strive and

12 be number one? Just bump them up to five percent. We

13 can be the number one -- have the number one highest

14 wage tax in the country. Why should we settle for

15 number three?

16 Philadelphia, which is the highest one

17 in the state, they were 4.331, was their tax rate in

18 2005. Even the City of Philadelphia is moving in the

19 right direction.

20 In 2006 they reduced their wage tax

21 rate. Albeit, it was three-hundreds of a percent, but

22 at least it's moving in the right direction. It's

23 coming down lower.

24 Instead of things like that, why don't

25 you maybe put together some type of urban development

.

47

1 task force and approach Harrisburg? Perhaps you can

2 suggest that since we're a distressed city, maybe we

3 can go the other way with that. Maybe we can lobby and

4 say we can have a reduced sales tax rate of three

5 percent for the city for maybe a period of time,

6 18 months or 24 months.

7 Can you imagine what a half of a sales

8 tax rate would do for the businesses in here? How many

9 would drive to Scranton to buy big ticket items like

10 refrigerators and new cars if they only had to pay

11 three percent sales tax instead of six percent sales

12 tax?

13 Now, other cities are going to lobby

14 against that, but in any case, I just thought maybe you

15 might want to consider going the other way with

16 taxation, instead of increasing it.

17 But if raising them one-tenth of a

18 percent is good, maybe a whole percent is better. So,

19 raise them tonight and make them retroactive and raise

20 them high. Thank you.

21 MS. GATELLI: Mr. Bolus.

22 MR. BOLUS: Good evening, Council.

23 Bob Bolus, Scranton. It is kind of different to stand

24 here tonight. I, too, attended West Side many, many

25 years ago, I don't want to say how many, but I played

.

48

1 football at West Side, and I remember standing on this

2 very stage when I was in the band and doing solo
3 trumpet. But it does bring a lot of memories to stand
4 here tonight. I guess when you're a West Sider, you're
5 always a West Sider, and that's never going to change.
6 You know, I listened to the kids
7 tonight, and, you know, it was interesting to listen to
8 them. You know, we have a restaurant, Scooter's in
9 Dunmore, that has a non-smoking, period. There isn't a
10 section. It's zero smoking.
11 And I definitely think a ban should be
12 in place, irrespective of where it is. Nothing annoys
13 me more than when I do go into a restaurant where there
14 is smoking in certain sections. People light up, your
15 food comes, they're puffing away and blowing smoke in
16 your face as you take a bite of your food.
17 Nothing would intrigue me more,
18 probably and more satisfaction to have a nice big
19 cigar, and as soon as they light up, have a little
20 electric fan and blow it in their faces, because they
21 put out their cigarettes to eat their food, but they
22 forget the people they're annoying. So, I congratulate
23 the kids. I commend them for coming here tonight. And
24 hopefully their voices will be heard.
25 You know, maybe if we cut a ban on

1 smoking, I've been fighting for more drug enforcement,
2 maybe we cut out the pot smoking in Scranton, the drug
3 dealers don't have to come here if we put a ban on it.

4 Maybe that's what will call it illegal.

5 You know, we have a lot of issues going
6 on. Mayor Lou Barletta, I think he should be supported
7 in Hazleton. If you're illegal, you don't belong here.

8 I think the language should be English, period.

9 Nothing aggravates me more when I pick
10 up a phone or I do something, I have to determine
11 whether I should speak a foreign language or I should
12 speak English.

13 You know, we need to do things in an
14 interest to adopt into this city to set standards.

15 We've been letting our standards go the other
16 direction.

17 You know, Dunmore the other night
18 adopted the violent sexual offender ordinance. We need
19 to put a motion tonight to do that here in Scranton. I
20 supported it, I applauded the police department because
21 they're doing one heck of a job up there, but
22 unfortunately they don't have the detectives to fight

23 the crime that's undercover.

24 And I brought that up with the

25 commissioners to maybe there's money out there to give

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50

1 the local agencies to hire detectives to go out and do

2 what's necessary, that's why I brought up the pot

3 smoking and the drugs.

4 It's rampant. Maybe Chris Doherty

5 doesn't believe it, but let me tell you something,

6 every incident we've had has been somebody that's been

7 involved with drugs.

8 So, if they're not here, people can't

9 buy them here, and we turn it around by the enforcement

10 we should have, drug dealers will make a U-turn and go

11 back to the city where they came from.

12 You know, answer me a question where

13 Chris Doherty is presented to anybody where he planned

14 to make a cut. I have not heard one single cut come

15 out of Chris Doherty's lips in his administration how

16 they intend to cut the expenses in the city, other than

17 give us more money and we will tell you next year what

18 we're going to do. And that's why we've been adamant

19 about fighting this mayor on this plan.

20 Tell the people what you want to do,
21 but be upfront with us. Maybe we should sell the City
22 of Scranton to the University. They could build a
23 \$30-some million addition. They know how to make
24 money. So maybe Chris Doherty has to attend a few
25 classes .

51

1 Maybe that's where we should be going.
2 It's not the cutting of our assets, with his high ideal
3 of let's raise taxes, let's hammer the people in the
4 City of Scranton and take care of his buddies.
5 There's not been one mention of a cut,
6 that's why I'm adamant that this Council doesn't give
7 him a dime. If he doesn't have the money, he's got to
8 make the cuts.
9 This is a poker game and we're the
10 stakes, every one of us in the city. So, let's play a
11 little hardball in the game. Let's call his hand. And
12 you need to do that now. You know, if we don't do what
13 we need to do here, we're never going to get to where
14 we need to be.
15 Now, last week I was criticized by some
16 people for addressing the Junior Council because they

17 had an election coming up and I discussed things with
18 him.

19 To me, these are like my kids, and I
20 don't have any kids on the Junior Council, but I've
21 supported this Junior Council since its inception.
22 During La Festa, I was out there
23 helping them sell tickets. And the criticism I have
24 isn't really a criticism, it's a request of the parents
25 throughout the city, not the kids from the Council, but

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1 the parents that have children here, these kids clean
2 parks, they sold tickets, they made their presence
3 known and they represent in the city in the same
4 fashion that the kids came here tonight.
5 Look around these kids tonight and then
6 tell me why these kids should not be supported by every
7 single parent or every business in this community to
8 support these kids.

9 You may not see the drugs in the
10 future, you won't have the issues we have. We have a
11 breed of people growing up and they're one hell of a
12 group of kids, and we need to support them.

13 And this message is to every parent out

14 there, don't criticize me for supporting these kids,
15 criticize yourselves for not coming out here and doing
16 your job. It's your city, too, and your children.

17 Thank you.

18 MS. GATELLI: Les Spindler.

19 MR. SPINDLER: Good evening, Council.

20 Les Spindler, city resident. I, too, want to commend

21 all the students who spoke so eloquently here tonight

22 for the ban on smoking. I agree 110 percent with them.

23 Every once in a while on a Sunday I'll

24 go to a local sports bar and watch the football games.

25 When I come out of there, when I come in the house, my

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53

1 family can't come near me because I wreak from the

2 smell of smoke from everybody that is smoking in that

3 bar. So, like I said, I agree with the man 110

4 percent, and I hope Council goes through with it.

5 I couldn't make the meeting last week,

6 I had other plans, but there were some things said I

7 want to comment on. Comment in the paper this week,

8 Mrs. Fanucci, the quote from you, it says, Nobody wants

9 to borrow money, but I haven't heard a better plan.

10 Well, if you paid attention to

11 Mrs. Evans last week, I think she had a great plan.

12 I'll read it for you in case you were sleeping.

13 MS. GATELLI: Mr. Spindler, please.

14 MR. SPINDLER: She suggests we should

15 fire all consultants, stop the appeal of contracts in

16 court, fire all outside legal counsel, lower the

17 salaries of the administration, collect more taxes from

18 the wealthy, collect an amusement tax and collect

19 payments in lieu of taxes for non-profits. It sounds

20 like a plan to me.

21 Moving on. Last week, Mrs. Gatelli,

22 you spoke about the ordinance against dangerous animals

23 that Tom Preambo gave you. Well, I was happy to hear

24 about that. I don't know what it includes.

25 MS. GATELLI: You can get a copy from

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54

1 Mrs. Garvey.

2 MR. SPINDLER: Okay. But, you know,

3 there are state ordinances that weren't put into

4 effect. I complained here about my dog being attacked

5 on June 1 by two pit bulls and nothing was done.

6 The people that owned them weren't

7 cited. To this day, nothing was done. Granted, at

8 that time there was no animal control officer, now we
9 have one. We need more than one animal control
10 officer.

11 We just hired a new public -- an
12 assistant public safety director. We need that like we
13 need a hole in the head. We don't need a regular
14 public safety director.

15 The mayor was here a few weeks ago
16 bragging about how he hired Ray Hayes. Well, what has
17 Ray Hayes done to better our fire and police
18 protection? Nothing.

19 Our police protection and fire
20 protection are as good now as it was before Ray Hayes
21 got here. They did a fine job then and they're doing a
22 fine job now. So, I think what we need to do is hire
23 more animal control officers.

24 Moving on, I haven't brought this
25 subject up, but I guess we're having a lot of thunder

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1 storms tonight, and I'm sure I have a lake in front of
2 my house again. I haven't commented about this in a
3 long time. Has anything come of that, Mrs. Gatelli?

4 MS. GATELLI: No, I never got a

5 response. I'll send it again.

6 MR. SPINDLER: Well, you know, if

7 nothing is done soon, maybe I will take matters into my

8 own hands and put the curb back in there that the city

9 took out and then maybe I'll get some action. Maybe

10 George Parker will come up then.

11 I don't know if he knows where I live,

12 because he doesn't live in the city, so maybe he's not

13 familiar with our streets.

14 Something else. I brought this up,

15 Mr. Courtright, I think you were looking into this or

16 Mr. Parker is supposed to look into it, the 500 block

17 of North Rebecca, which it's two ways on the one block.

18 MR. COURTRIGHT: Yeah. He gave me a

19 response, and I spoke on it several weeks ago.

20 MR. SPINDLER: I didn't hear it.

21 MR. COURTRIGHT: I don't know where I

22 placed his response. I will ask Kay to dig it back out

23 for me.

24 MR. SPINDLER: Okay. Lastly, I guess

25 somebody mentioned something that you are going to talk

.

56

1 about the beat cops tonight. Well, I know here was

2 supposed to be one in Tripp Park. I didn't see one all

3 summer.

4 I'm out all the time walking my dog and

5 going places. I didn't see a beat cop in Tripp Park

6 all summer. I'm interested to hear your comments

7 later. Thank you very much.

8 MS. GATELLI: Thank you.

9 MR. BADZEREK (phonetic): Good evening,

10 ladies and gentlemen. My name Victor Badzerek. I want

11 to speak to City Council today. I want to read the

12 Jefferson, article one, Congress shall make no law

13 respecting, establish of religion or prohibiting that

14 free exercise (INAUDIBLE) the freedom of speech or the

15 press or the rights of the people peaceably

16 (UNTRANSCRIBABLE).

17 Article for the right of people to be

18 secure, prevention, houses, effect against

19 (UNTRANSCRIBABLE).

20 Article five, no person shall be

21 subject to same offense. Twice wrote the

22 (UNTRANSCRIBABLE) of life or limb or shall be completed

23 in any criminal case be witness against himself not to

24 be the private -- or life, liberty or property without

25 the protest of law that shall private property be taken

1 for the public yours without just compensation for this
2 principle man have brought and die (UNTRANSCRIBABLE)
3 throughout the nation's history for the liberty --
4 million today are ready to be sacrificed for life, et
5 cetera.
6 I today come and speaking against city
7 police. Seven times I was murdered --
8 MR. COURTRIGHT: Victor, Victor.
9 MR. BADZEREK: Give me break. I got my
10 time today, okay? I was last time. Thirty-seven times
11 (UNTRANSCRIBABLE) neighbors maybe 20 times they were
12 sacrificed. I come to the state, the city, the country
13 in America that sacrificed production and terrorized,
14 murdered people not in Scranton. I was seven times by
15 police crucified, crucifixion, and nobody opened door
16 for me. No medical treatment, nothing.
17 April 17 by the Brick Avenue and West
18 Market Street, they pulled me over, and I asked the
19 policeman, Why pull me over? What's going on? He
20 taken my eyeglasses, sprayed my face and
21 (UNTRANSCRIBABLE) for gestapo policeman
22 (UNTRANSCRIBABLE) take me to the street -- PNC Bank

23 (UNTRANSCRIBABLE) crucified murdered me.

24 For what? And take me to the butcher

25 shop to the -- I was four times in the court, gestapo

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58

1 never coming. Hitler never did this or Stalin or

2 Mussolini. For freedom, democratic state, we need

3 right here --

4 MS. GATELLI: Thank you, Mr. Badzerek.

5 MR. BADZEREK: I'm not finished yet.

6 MS. GATELLI: Your time is up, sir.

7 MR. BADZEREK: I'm not finished yet.

8 Give me five-minute break.

9 MS. GATELLI: No, you can't, because

10 it's not fair to everybody else.

11 MR. BADZEREK: What? I got five-minute

12 break, okay? Give me five-minute break. I have to

13 take my time. I was eight years, six months first time

14 I was murdered by police. Nobody seen nobody --

15 MS. GATELLI: You cannot talk longer

16 than anybody else. It's not fair.

17 MR. BADZEREK: Nobody talked to me. I

18 was cleaning Scranton, scrubbed my yard, property, I

19 have been doing for 28 years. The police came, take me

20 (UNTRANSCRIBABLE) to crucify my property bid me
21 crucifixion, injury, my body, make me damage. That was
22 Saturday, March 28, 1998 between 13 and 14 --
23 afternoon. It was police (UNTRANSCRIBABLE) they go and
24 steel my vehicle and my property. What kind -- we got
25 protection. What vehicle? (ESCORTED OUT.)

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59

1 MS. GATELLI: Mary Ann Wardell.

2 MS. WARDELL: Good evening, Council.

3 My name is Mary Ann Wardell, I'm a resident of

4 Scranton. I have quite a few questions tonight, and I

5 would appreciate it if you would hold your answers

6 until I'm finished with my questions, because I don't

7 want to lose my five minutes, okay?

8 First of all, I would like to know what

9 is the status on the Hollow Avenue situation? Has it

10 been decided that, yes, as a city we are clearing the

11 right of way for people that need their right of way

12 cleared, and if so, is there going to be something

13 introduced by this Council or by the mayor that says

14 this is the policy of this city, that we will clear the

15 right of way?

16 It doesn't matter if you're a Democrat

17 or a Republican. If you live in the city and you need
18 your right of way cleared, we will do it.
19 I have not heard anything for several
20 weeks about the Hollow Avenue situation, and I'm just
21 very curious as to where we are with this.
22 Also, 7-A, final reading, is this or is
23 this not a contract for a consultant? And if it is,
24 why would anybody vote to hire a consultant for the
25 office of OECD, when the director has been there for
. . .
60

1 five years, and certainly by this time should have
2 passed a learning curve and should know how to run that
3 office and what to do with it.
4 We are in dire financial straits and we
5 simply cannot afford to waste money on consultants. If
6 this person that runs OECD cannot do their job, then
7 it's time to get somebody in there who can. They're
8 certainly being paid enough money to do it.
9 I'm also curious about the skate park.
10 I know that there has been talk about it and there's
11 going to be a committee set up, and I am curious as to
12 where this skate park is going to be set up.
13 I would also like to know if there is

14 going to be a charge for children to use this skate
15 park. We pay a lot of taxes, and I'm sure our
16 children's parents pay a lot of taxes, and I would
17 certainly hope that this will not be like the swimming
18 pools and that kids are going to have to pay a fee to
19 use this facility.

20 I realize it's going to cost money, but
21 you know, we have to get something for our taxes
22 besides the basic necessities.

23 The cronies of the mayor and the
24 supporters of the mayor have certainly gotten an awful
25 lot on our money, and I would like to see us get
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61

1 something, and the kids get something.
2 And as far as this loan goes, I have
3 talked to a lot of people, but I will speak for myself.
4 This mayor should not get one dollar more. He has put
5 us farther in debt than any mayor in this city.
6 I was a very vocal critic of Jimmy
7 Connors, I admit it. I criticized the way that he ran
8 this city, and I was very vocal about it, but I have to
9 say, Jimmy Connors was a saint compared to Mayor
10 Doherty, at least he did things upfront and in the

11 open.

12 We do not know what this mayor has done

13 with the millions of dollars that he has had in the

14 past five years.

15 I don't believe that he is entitled to

16 have you people enable him to cover up his problems and

17 the way he put this city in debt.

18 He needs to be responsible. And if

19 you, just like families of alcoholics or drug addicts

20 enable them by making excuses and by covering up for

21 them, we have city councils, and I don't mean in

22 particular this particular Council, but we have had

23 city councils in the past five years that have enabled

24 this mayor to borrow and borrow and borrow until not

25 only my grandchildren, but my great grandchildren, if

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62

1 they are living here, will wind up paying this debt.

2 And anybody that has children here that

3 wants to keep them here, we certainly don't want them

4 to have to pay for his mistakes. It's time for him to

5 pay the piper, not us. We have paid enough. Thank

6 you.

7 MS. GATELLI: Wayne Phillips.

8 MR. PHILLIPS: Good evening. My name
9 is Wayne Phillips, a resident of Scranton. I want to
10 address the problem of pit bulls. I know you've heard
11 it before, but please indulge me.
12 I know that the Council is aware of it,
13 because I want to read a few articles here and take
14 some excerpts out of it, June 27 in The Scranton Times.
15 Scranton Considering Pit Bull Law. Council made the
16 decision to seek such an ordinance after several
17 residents began complaining about pit bulls attacking
18 other dogs. The state has a law prohibiting breed
19 specific legislation.
20 Municipal officials can, however,
21 impose rules that could make it tough for the average
22 pet owner. Some municipalities, such as Pittsburgh and
23 Monroeville, which, as you know, are in Pennsylvania,
24 already require owners of pit bull terriers and
25 Rotweillers to have the dogs housed behind an

63

1 eight-foot fence. I don't see why we couldn't do that,
2 also.
3 They maintain costly licenses to keep
4 the animals and proof of liability insurance. I dont'

5 see why we couldn't do that, also.

6 Expenses for these could easily mount

7 making it unaffordable for many dog owners. That's a

8 shame, because these dog owners -- these dogs are

9 vicious animals.

10 A vicious attack in December 2000 left

11 a 17-month old girl with a severed nerve in her face

12 and a gash that required 450 stitches.

13 In 2002, a pit bull was beaten to death

14 by an ex-city cop who apparently came to the rescue of

15 a neighbor and two other dogs.

16 Just as signs are placed on streets

17 alerting traffic to children or handicapped

18 individuals, Mr. McTiernan says, another avenue to

19 possibly explore is placing signs in neighborhoods

20 where pit bulls are kept to warn of the presence of

21 dangerous or vicious animals. That won't work, and

22 I'll explain that shortly.

23 It is important for Council to act

24 before someone is seriously injured, Council President

25 Judy Gatelli said. Thank you, Mrs. Gatelli.

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64

1 Scranton Times, August 8 this year,

2 owner has pit bull euthanized after attack. Thank you,
3 Mr. Owner.

4 In Taylor a two-year old dog mauled a
5 person, I'm not going to mention names, on August 4 a
6 few doors from his house. He suffered deep gashes on
7 his left leg.

8 The owner could face charges of not
9 adequately confining her dog and updating its rabbi
10 shots, a state dog supervisor said. The offense
11 carries fines of \$25 to \$300. Whoop-de-do.

12 Scranton, a 19-year old woman, this is
13 August 30, reporting being bit by a pit bull next to
14 her home on North Irving Avenue.

15 Cops used seven rounds to kill a dog in
16 Wilkes-Barre recently, as a matter of fact. The pit
17 bull went after a police Sunday after assaulting two
18 kids and a man who tried to help them in Wilkes-Barre.

19 I could go on and on and on, but I want
20 to point out one thing. Cities such as Denver, Miami,
21 Cincinnati has banned pit bulls. Now, I know
22 Pennsylvania won't allow that.

23 But Wilkes-Barre, this is the chief of
24 police speaking there, must rely on state law and the
25 vicious dog ordinance it passed in 1998.

1 The ordinance can result in fines for
2 anyone who raises a non-police dog to attack or owns a
3 dog that inflicts injury to another person or to a
4 domestic animal without being provoked. That's the
5 key, without being provoked. The city can also order
6 a dog deemed vicious to be muzzled with outside of its
7 owner's home.

8 They want to do research to see if such
9 an ordinance would be legal, but he said such a
10 proposal would probably be unpopular.

11 When people come up to this podium they
12 speak of issues that are a concern to them. I'll have
13 to cut my speech short here.

14 People don't care about potholes unless
15 they hit one, people don't care about flooding until
16 their cellar has three and a half feet of water in it.

17 The reports on these pit bulls in the
18 newspaper are nowhere near the amount of people that
19 are mauled by a pit bull.

20 I want to give you pictures of a person
21 in this city who was mauled by a pit bull two days ago
22 in South Scranton. The person in that picture is me.

23 Two days ago at five o'clock in the
24 afternoon, I'm a businessman, I had an appointment in
25 South Side, I went to the home. The door opened and
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66

1 the person held the door opened while they were talking
2 to me.

3 All of a sudden, a brown streak came
4 flying at me in the air right out of the house in the
5 air. I put up my arm, as a normal reaction, it bit my
6 arm. It pulled me down, it bit me again.

7 He was blocking my exit by the steps.

8 I saw a railing with bushes behind it. I had to get to
9 that railing. I started to walk or run towards the
10 railing. He grabbed my leg.

11 Now, I always figured that pit bulls
12 were antagonized before they bit, I didn't do anything.
13 I didn't even see this dog, but now I relate to the pit
14 bull problems, because when you have 1500 pounds of
15 pressure in your leg and you can't move your leg,
16 there's a problem.

17 I could not get my leg out of his
18 mouth. There was a chair there that I pushed down on
19 top of him startling him which allowed me to dive head

20 first over the railing into the bushes.

21 I have bruises on my stomach, I have

22 bites on my arm, and I have five stiches in my leg.

23 Now, I want to say one thing --

24 MS. GATELLI: Mr. Phillips, can you

25 wrap up your comments, please?

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67

1 MR. PHILLIPS: Yes. Unpopular or not,

2 it's time to decide what's safe and right. There are a

3 lot of things that are unpopular, but when a child -- I

4 was lucky. If that was a child, they would be

5 seriously injured or killed.

6 When, not if a child is killed by a pit

7 bull in this town, you're going to have a far larger

8 legal problem than whether an ordinance is popular or

9 not. Thank you for your time.

10 MS. GATELLI: Thank you.

11 MR. WELBY: Tom Welby, and I'm a

12 resident of West -- excuse me -- former resident and

13 graduate of West Side, now a resident of South

14 Scranton, and I'm also a volunteer for a group called

15 Stand For Children, and I'm here to talk about some

16 concerns that we have, and in particular -- well, the

17 first our mission statement, if you will, with Stand
18 for Children is that every child deserves the
19 opportunity to grow up healthy, educated and safe.
20 And I'm here to talk with you tonight
21 asking for your support regarding the safe part of that
22 for our children and for our families in Pennsylvania.
23 And it's regarding some of the concerns
24 that have been expressed with the legislation in
25 Dunmore and the neighborhood meeting Wednesday night in
. . .
68

1 Scranton, and that mostly being regarding the Megan's
2 Law.
3 And as it happens, just ten years ago
4 in May, Megan's Law was enacted, and the intent of
5 Megan's Law was to provide us and our families the
6 appropriate information that would help to protect our
7 families and our loved ones from sexual predators.
8 And in 48 states, that information is
9 available, and it's -- most of the sites, as in Florida
10 and in California and New York, the sites are set up
11 very user friendly, where you just type in your address
12 and then you tell it you want to search out two miles,
13 five miles, whatever it might be, and you hit enter and

14 little flags will pop up where there's a registered sex
15 offender for that particular location.

16 You roll over your mouse over those

17 little flags and it gives you the information, the

18 picture of the individual, the crime that they were

19 convicted of and the address where they live, work

20 and/or go to school.

21 In Pennsylvania, we do not have that

22 information available to us. There are only two states

23 in the entire country where you cannot get that

24 information, Pennsylvania and Vermont.

25 Forty-eight states allow you that

.

69

1 information, and it is not a conflict on the

2 Constitutional Rights of the predator. Forty-eights

3 states are able to do it. Two states, Pennsylvania and

4 Vermont, you cannot get it.

5 The only information -- some people are

6 under the impression that you can get the information

7 in Pennsylvania. You cannot. You cannot get it. The

8 only information that you can get is the ZIP code that

9 that person lives in, the ZIP code. You can determine

10 -- you cannot determine if that person is across the

11 street or across town.

12 You have no protection. You don't know

13 if where your daughter takes dance classes or perhaps

14 where her friend goes to visit -- or she goes to visit

15 her friend in an apartment building or a house we don't

16 know.

17 If there's a predator there, there's no

18 way for you to obtain that information, and it's just

19 not right that 48 states have found a way to protect

20 their citizens and Pennsylvania has not.

21 Our legislators seem to find the time

22 to be able to debate what our state insect is going to

23 be, but can't make the time to find to protect our

24 children and our families, and it's just not right.

25 Senator Bob Mellow has co-sponsored

.

70

1 some legislation, it's Senate Bill 1054, SB 1054, that

2 provides for the dissemination of that information

3 through the Megan's Law website.

4 Just tonight before I came over here, I

5 just punched in -- you can search, by the way, three

6 different ways. You can search by ZIP code, by city

7 and by county.

8 I searched by Scranton, and 111 names
9 came up as sexual predators in Scranton. You cannot
10 find the address of one single person in here through
11 the Megan's Law website. There are 25 registered sex
12 offenders in West Scranton.

13 There's just, out of curiosity, I
14 punched up a few of them, here is one. Here is a
15 gentleman -- excuse me. He's not a gentleman. Here's
16 someone that is listed in West Scranton. He's a
17 convicted rapist. You cannot find out where this
18 person lives, if he lives across the street from you or
19 lives across town. A convicted rapist, and you can't
20 find out if they live in your neighborhood.

21 In South Scranton there are 32
22 registered sex offenders, and you can't find out where
23 they are. In Lackawanna County, there are eight pages
24 of names of registered sex offenders.

25 In Dunmore, there are 14; Carbondale

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71

1 there's eleven; nine in Pittston; seven in Moosic, and
2 you can't find out if they live across the street from
3 you.

4 Something must be done. And I ask you

5 as committed and people that care about our community,
6 that's obvious, you wouldn't have accepted the
7 positions that you do and put up with the abuse that
8 you do, if you didn't care about our citizens and about
9 our city, and I ask you as individuals, I'm asking you
10 as leaders of our community for you with positions of
11 influence and positions of leadership, to contact our
12 state legislators, to contact our state -- our governor
13 and to let them know that we cannot accept this. We're
14 just mad as heck, and we're not going to take it
15 anymore.

16 If 48 states can protect their
17 citizens, why can't Pennsylvania? And I ask for your
18 support, and I also ask everybody that's here if you
19 would please call your legislators.

20 It's unfortunate that the only way that
21 people are finally going to raise up and say, Hey, I'm
22 not going to take this anymore is after it happens to
23 someone we care about, after someone is so negatively
24 affected. We have to act now and stop this insidious
25 -- 48 states allow this and Pennsylvania does not. And

72

1 I ask for your support on that. Thank you.

2 MS. GATELLI: Thank you. Is there

3 anyone else that cares to speak before Council?

4 MR. MORGAN: Good evening, Council.

5 The first thing I have is a gentleman who came up here

6 and spoke about pit bulls. When Mr. DiBileo was

7 Council President on the previous council, I brought

8 pictures in of a pit bull -- that a pit bull had

9 attacked a dog and actually ripped its throat out and

10 did all kinds of stuff.

11 You know what I'm wondering here is, as

12 this gentleman stated, and as other people have stated

13 about dangerous dogs, you know, we've got to make some

14 really important decisions here, and I think it's time

15 for this Council to actually do something.

16 Mark Walsh is going to research it,

17 everybody is going to research it. There has been

18 numerous attacks. And just certain animals aren't safe

19 around people, because they weren't designed to be safe

20 around people, even though all dogs come from one

21 animal through breeding, some aren't safe.

22 The other thing I have here is I'd like

23 to say that some of our -- the young adults who came

24 here and spoke about smoking, you know, I respect all

25 their opinions, and I just like to say that some of our

1 rights predate the Constitution, and I'm not for or
2 against smoking, but I just think that when we're born,
3 we're born with certain rights irregardless of the
4 Constitution.

5 And I liked an article that was in the
6 newspaper with Mr. Minora, which discussed bankruptcy,
7 and I know that Mr. Minora -- or I believe Mr. Minora
8 is of the opinion that the city can't file bankruptcy.

9 MR. MINORA: No, I'm not.

10 MR. MORGAN: Well, I mean, from what
11 you stated as far as the Home Rule Charter --

12 MR. MINORA: That's not what I said.

13 MR. MORGAN: What's that?

14 MR. MINORA: That's not what I said.

15 MR. MORGAN: Okay. But you said that
16 the Home Rule Charter has no cap on taxing, is that
17 what you said?

18 MR. MINORA: No.

19 MR. MORGAN: Okay. Well, then The
20 Scranton Times got it wrong. And I just think in all
21 honestly, there's really only one avenue here. That's
22 bankruptcy. There's nothing really left to be debated.

23 There are no more debates here.

24 We've talked about it, Mr. Murphy was

25 Council President, he stated the time he was president

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74

1 that they were going to borrow money to bail the city

2 out because bankruptcy wasn't very pleasant.

3 But I think we have to really take a

4 good hard look at what's happening in this city and

5 realize that most of the businesses have left. Some

6 are here.

7 A lot of people have left. They

8 haven't gone very far. I've spent the last month at my

9 cottage at Lake Henry. And when you come down into the

10 city at eight or nine o'clock in the morning, the

11 traffic going on 347 and going to 84 is just

12 unbelievable, because all these people have fled the

13 city.

14 You look at vacancy rates for

15 apartments. You know, I'm of the opinion, because I've

16 been doing some research, everybody knew the hotel in

17 Downtown Scranton wasn't going to make it, they still

18 funded it and built it. There's been a lot of

19 projects. They've thrown money all over the place and

20 they're talking about economic development.

21 But people are running from here, and

22 there are some answers. But they're not easy ones.

23 And bankruptcy isn't an easy answer, but it's a viable

24 answer. I don't see how we're going to keep every year

25 borrowing money.

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75

1 When you look at Mr. Connors here and

2 then you look at the budgets that the mayor's brought

3 on line, 2006, \$74,000; 2005, \$65,000; 2004, \$60,000.

4 Nothing's been cut. There's been no cutbacks at all.

5 We go tax anticipation notes year after

6 year borrowing and borrowing and borrowing, and now

7 we're talking about tax increases on properties. We're

8 tearing more homes down than we're probably building,

9 and I don't see where that solution is going to lead us

10 anywhere.

11 And everybody is talking about the

12 train coming to Scranton. The train isn't going to

13 bring salvation to Scranton, it's going to bring a

14 bedroom community here. And they're going to leave her

15 and they're going to go back to New York or New Jersey.

16 And what we need here is Scrantonians.

17 And we need to find a viable solution to our problems.
18 And some of that may be by building small business
19 incubators.
20 But I'm going to say this much, this
21 Council has to say no to borrowing to the mayor and let
22 him make all the cuts necessary.
23 And if bankruptcy is so unpalatable,
24 then let's find solutions, but let's not borrow any
25 money. Let's cut to the bone.
.
76

1 And I don't see how we can do it any
2 less, firemen, policemen or DPW workers or clerical
3 workers. We've already went through all that. We've
4 created tons of positions in the upper echelon of this
5 government, all at the expense of the lower echelon.
6 And the truth of the matter is that the
7 poverty we have here is because for decades we've
8 overtaxed the people on every single level we can. And
9 not to be negative, Mrs. Gatelli, but I've heard this
10 Council talk about new forms of taxation. We don't
11 need new forms of taxation. We need to abolish a lot
12 of old forms of taxation and allow the economy to
13 function the way it should and create jobs and wealth,

14 and it can't do that, as long as the government eats it

15 all. Thank you.

16 MR. DAVIS: Assalaam Alaikum.

17 Mrs. Gatelli and Attorney Minora, I was going to bring

18 with me the Bill of Rights, freedom of speech, and I

19 said to myself, no, they've already read that. They

20 know that by heart.

21 Well, I'm one of those We the People,

22 and that's all I want to say to that. And the next

23 time you insult me or the next time you tell me to

24 leave or to sit down, I'll sue you. I'll take you to

25 court and I'll sue you. Now, that's enough of that.

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77

1 Last week I had a fantastic weekend. I

2 went up to a place called Mid-Valley Cougars. There

3 was a field, Lackawanna Junior College was playing

4 there. My nephew plays there, excuse me, A.J. A.J. is

5 my nephew and he plays football with Lackawanna Junior

6 College. This field was beautiful.

7 What they did -- I remember this place

8 when it was column dumps. That's all it was column

9 dumps. I remember going there as a kid or going to

10 Carbondale through there, not really in there.

11 They took that place and they made it
12 into a beautiful field where kids can run, they can
13 talk, they can play. But the thing is, it's an ideal
14 place for a lot of people, and that's something that
15 we're not going to have here in Scranton, not for our
16 kids.

17 Maybe for your kids wherever they are,
18 in West Side or in South Side or in Dunmore, wherever
19 it might be, but not in Central City.

20 And I think that it's time that you
21 start make propositions for Central City. I think it's
22 time you start speaking up for Central City, but I
23 doubt that we're going to do that, because nobody here
24 is from Central City, not really.

25 OECD, is -- has been a thorn in our

.

78

1 sides as far as grants, relegation of monies to the
2 non-profits organizations in Scranton.
3 The non-profit organizations, such as
4 the UNC, we can't find out what their -- what are they
5 making per year that they can afford to tear down a
6 building with DPW workers in one afternoon right on the
7 corner of Olive Street and Forest Court? Totally

8 demolished it.

9 And that is something that we don't

10 understand how you can come into a community and find

11 structures there that have been useful for hundreds of

12 years and destroy them without even a lick a whimper.

13 UNC, who is UNC? How come I can't get

14 an audit on that them? I go to them and I ask them for

15 an audit. I'll ask you, would you please get me an

16 audit on UNC? I'd like that. I have some friends in

17 Harrisburg that would like to go over the records.

18 Thank you very much for your time. I

19 don't want to take up too much time. I know -- I'm not

20 the reason why you have extra policemen here, are you?

21 That's not because of me.

22 MS. GATELLI: No, Mr. Davis, it's not.

23 MR. DAVIS: Oh, please.

24 MS. GATELLI: They're the resource

25 officers from the school.

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79

1 MR. DAVIS: Oh, thank goodness. Thank

2 you.

3 MS. GATELLI: Anyone else.

4 MS. SHUMAKER: Marie Shumaker. I have

5 several items which I'll hold until next week, but
6 tonight I am here for one purpose, and that is to ask
7 what you people intend to do to get visibility into the
8 mayor's capital budget for next year.
9 It's now two weeks overdue as of today,
10 and if you don't soon start calling the heads of
11 departments in, either by invitation or by subpoena to
12 find out what they've asked for so that when you do get
13 the mayor's budget that's in compliance with Section
14 904 of the Home Rule Charter, you will be prepared to
15 act, because I don't think we can afford anything but
16 necessary capital expenditures for the foreseeable
17 future.
18 There may be a lot of things on there
19 nice to have, there may be things on there, as we've
20 talked before, that require -- that will require more
21 maintenance that maybe we can't afford right now.
22 We should be looking at things that
23 save us maintenance dollars and essential projects.
24 And unless you people act soon, you may as well have
25 let the mayor go until November and submit it and have
.

80

1 it become law de facto on December 15.

2 So, I would like to know what kind of
3 action you're going to take to get visibility into the
4 individual items that are in that budget.

5 MS. GATELLI: Would you like us to
6 answer now?

7 MR. SHUMAKER: Please, if you're
8 prepared.

9 MS. GATELLI: Well, Attorney Minora has
10 sent correspondence.

11 MR. MINORA: We -- the budget was
12 tabled. It was returned to the mayor with a request
13 that he comply with 904 by being more specific as 094
14 requests.

15 MS. SHUMAKER: And did you give him a
16 time? Was there a time associated with that when you
17 expected the response? I mean, obviously it's got to
18 be, I mean, not totally zero based budget, because
19 you've got projects that are left over that I'm sure
20 are continuing. They must have that list. The
21 department heads must --

22 MR. MINORA: It has to be done at the
23 earliest possible time.

24 MS. SHUMAKER: It's too ambiguous for
25 me.

81

1 MR. MINORA: I'm sorry.

2 MS. SHUMAKER: Well, I appreciate that.

3 You're not here to please me, nor I you. I really

4 think you need to start calling in the department heads

5 and asking them what they requested of the mayor for

6 this year so you're prepared when you do get the budget

7 in whatever format the mayor finds it in his early

8 convenience.

9 MS. GATELLI: We'll have Attorney

10 Minora resend the letter and put a date on it for a

11 response.

12 MS. SHUMAKER: Okay. I hope it's short

13 so there's plenty of time to see what's on there.

14 Thank you very much.

15 MS. GATELLI: Anyone else care to speak

16 before Council.

17 MR. ELMAN: You didn't think you were

18 going to get away without me, did you? I hope

19 everybody's car window's up, because it's pouring out

20 there.

21 Last week -- last Wednesday I said that

22 The Scranton Times was a first rate third rate

23 newspaper, and I want to retract that. After reading
24 the editorials this week, they are just the worst first
25 rate last rate paper a community could be blessed with.

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82

1 I guess everybody saw the editorial, was it Monday,
2 about the South Side Complex and the City Council.
3 You know, they believe that they have
4 every right to dictate how the residents of this city
5 should vote, support issues and so on, and how dare
6 anybody to confront them, you know, in their statements
7 and their editorials.

8 And I think in that cartoon of
9 Mrs. Evans a couple weeks ago, which was in such poor
10 taste, anybody that is adverse to something goes on in
11 the newspaper, they attack them.

12 And it seems like this station, this
13 channel, is just our only hope of any free speech
14 around here, because, you know, they're not going to
15 give us anything. We're not going to have no facts and
16 truths if this channel is closed.

17 And secondly, this editorial garbage
18 that I'm talking about the South Side Complex, since
19 that started, I've never heard one person in favor of

20 selling it, but the newspaper went on and on and on why
21 we should sell it, but then the last sentence in that
22 article, it said that Mr. Doherty needs to quickly find
23 a new location for a park.

24 Did you all read that? It's, you know,
25 instead of them finding a new location for a ball

83

1 field, we should find one. And the article said we
2 would lose the use of that park eventually.

3 And lastly, I wish to address this --

4 this repugnant attack on you people. I don't know how
5 you didn't read that, on our City Council. The first

6 couple paragraphs stated -- quoted Mrs. Evans last week
7 about we made to cut fat to make it, you know.

8 And then the last thing they said that

9 you people haven't come up with anything. You know, if
10 cutting fat isn't a reason -- isn't what we're supposed

11 to do, I don't know what they're thinking.

12 My first cousin worked in Rockford,

13 Illinois, which is about twice as big as Scranton.

14 He'd been there over 20 years and worked his way up

15 from a custodian to over a whole city maintenance

16 department, and they started getting in some financial

17 trouble a couple years ago. You know what they did?
18 Straight across the board cut jobs and cut people and
19 offered them lesser positions or told them to hit the
20 road. And, you know, he got a job in town with a
21 private company.

22 But not us. Look at all the fat in
23 this administration inventing positions and so forth
24 that hadn't stopped since the day the mayor took over.

25 You know, I said a couple weeks ago, I

84

1 said Mr. Doherty is the PT Barnum of American mayors,
2 and that's an error, because he was the PT Barnum.

3 I've had one person after another come up and tell me
4 he might still be preaching, but the pews are empty.

5 That's a southern expression, you know.

6 I'll tell you, to me, Mr. Doherty is
7 the core of our problem. He's just incapable of
8 running this city. He might be able to run that little
9 tiny plastic business in Maryland or wherever it is,
10 but he cannot run the city, and he does not have an
11 administration to help him.

12 And I wish to thank you last week, Miss

13 Judy, for, you know, trying to put an end to all this

14 non-profit nonsense with the University of Scranton.

15 It's come where this city seems to think a non-profit

16 is just spend all the money on salaries and renting

17 cars and eating at the train station and not having

18 anything left over, and this has got to stop.

19 The University isn't a friend of this

20 city. If they were a friend of this city, they would

21 have said we'll just back down off the South Side

22 Complex. I just -- you know, you talk to someone that

23 lives next door to one of their properties, and they're

24 the biggest slum lord in the city. They make money

25 left and right, and they got properties that ought to

.

85

1 be closed. I've been in one of them. You know, but

2 somehow they keep them open. Thank you.

3 MS. GATELLI: Thank you.

4 MR. GERVASI: Good evening, City

5 Council. My name is Dave Gervasi, I'm a firefighter

6 with the City of Scranton.

7 At the risk of being redundant, I'd

8 like to just a little more about what I talked about

9 last week and what everyone's been talking about for

10 the last two weeks.

11 And I have a few questions for Council
12 on this borrowing. Has anyone on Council, have you
13 seen any preliminary budget or any budget that the
14 administration has put together yet? Anyone? Mrs.
15 Fanucci?

16 MS. FANUCCI: No. I'm sorry.

17 MR. GERVASI: Thank you. Has anyone
18 seen any preliminary numbers from the independent audit
19 from the Rossi Company?

20 MS. EVANS: No.

21 MR. GERVASI: No. Okay. Well, if you
22 haven't seen any of that, I would just reiterate what I
23 said two weeks ago, how could you possibly give him any
24 more money, when no one up there really knows the base
25 line?

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86

1 Until you know what situation the city
2 is actually in, and the Rossi Company is a very good
3 company, and there are laws that they cannot fudge
4 numbers for the administration. Their audit will be
5 the audit and it will be accurate, and that's going to
6 tell the story. So, I would suggest keeping this
7 tabled until you get all the answers you need.

8 A bunch of speakers were talking about
9 what did the mayor, what has he done to save money.
10 Well, there's one point that should be made that he did
11 actually make some cuts in the beginning.
12 He cut 29 police positions and he cut
13 30 clerical jobs. On top of that, the budget still
14 went up by \$12 million. So, I think that tells a story
15 on his spending and where the money went, because I'll
16 say it again, and I'll say it every week if I have to,
17 the police and firefighters didn't get a dime the last
18 five years, nothing, zero.
19 So, look at the budget when he came in,
20 look at the budget and what it's going to be now, look
21 at the budget what he is proposing for next year, and
22 then make it very simple, look and see where the money
23 went and then make your decision, an educated decision,
24 based on the audit, based on his budget numbers and
25 based on what he didn't give any of us, and then come

87

1 to your own conclusions, even though the paper will
2 constantly say that it's the unions' fault, and he
3 didn't get to implement the Recovery Plan and now -- I
4 think you will make the right decision, the right

5 conclusion, based on those numbers.
6 The other thing is, I've read in the
7 paper now, which we like to call the Doherty
8 newsletter, they have said, I believe eight times so
9 far in the last two weeks, that he needs the
10 \$44 million for refinancing \$9 million in old debt and
11 a couple other things, and a bunch of infrastructure
12 projects. Does anyone up there on City Council know
13 what any of this large list of infrastructure projects
14 that we're going to move the city ahead, we're going to
15 be moving forward in the right direction? Does anybody
16 know one of those projects that is probably tens of
17 millions of dollars of that \$44 million? Does anyone
18 know what he's going to do with any of that money?
19 Well, it was unanimous on all of my
20 answers, so I would suggest that you keep this tabled
21 right up until November 11, if you have to.
22 I wouldn't give him a dime. I wouldn't
23 give him a dime, unless he answers every question you
24 need answered and know where the city is before you do
25 it. Thank you so much for the opportunity.

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88

1 MS. GATELLI: Thank you.

2 MR. TALAMINI: I'd like to introduce
3 myself first. I'm Joe Talamini, I'm a retired
4 journalist, and I've heard a lot of comments. Well,
5 you know, you're not a Scrantonian.
6 I've got news for you, I predate most of
7 you. I used to come to Scranton when I was a kid back
8 in the forties, and I remember many Scrantonians, many
9 people from Pittston, Wilkes-Barre, Freeland, Jetto, et
10 cetera who moved down to New Jersey where I lived, and
11 that's how I got to know Pennsylvania.
12 And I can honestly say, and I'm not
13 going to condemn anybody, because I know you have a
14 mayor, I just never had seen him.
15 I mean, I've seen the movie Ghost, and
16 I'm sure he's part of that scene there. But I have
17 never in my life, and in 55 years of journalism, I've
18 attended many, many Council meetings around the
19 country, in major cities and in small towns, and I have
20 yet to see your mayor at a Council meeting in
21 attendance, and I don't know why. I thought this was a
22 mayor and Council form of government.
23 Now, if this man is going to introduce
24 a budget, I cannot believe that you people would even
25 think about voting on a budget you haven't seen.

1 I grow up in a town of 8,000 people,
2 and they had a 51-page budget that everybody saw and
3 all the Council members had a chance to vote on it
4 before the mayor went and enacted it. You know, this
5 is ridiculous.

6 I mean, what are you people up here
7 for? You're being paid a salary, you've been elected
8 officially, and yet you think you can vote on something
9 you haven't seen? This is asinine.

10 And what I see what you constitute as a
11 newspaper in this town, this is why I'm going to
12 publish my own newsletter, because I'm quite frankly
13 sick and tired of this.

14 I never met any of you people prior to
15 this, other than Mrs. Evans, but I'll tell you
16 something, when I came here, I tried to introduce a
17 scholarship program for Scranton/Wilkes-Barre kids.
18 You know, I sent letters out to every Congressman,
19 every Senator, every representative in this area and I
20 got one answer back, that was from Senator Arlen
21 Specter who was just coming off a bout with cancer, he
22 came back from Europe. Not a one of them supported

23 this.

24 Your mayor and that mayor in

25 Wilkes-Barre tossed the letter in the waste basket,

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90

1 couldn't even be bothered, couldn't even pay the

2 courtesy of picking up the phone and calling.

3 I was proposing \$100,000 worth of

4 scholarships to be subsidized by the businesses and

5 industry in this area, and not a one of these elected

6 officials, not a single one, had the -- even had the

7 courtesy to make a telephone call or drop a letter.

8 And I called and I was told to fax the

9 letter down. And the assistants all said the same

10 thing, I was told by one in this community that, Well,

11 you know, he has his own scholarship. I was talking

12 about 100 scholarships worth \$1,000 each, and not a

13 politician in this area backed it up.

14 And I'm going sit her and lit tone you

15 people talk budget you haven't seen? Give me a break,

16 people. If this is the best you can do, I suggest you

17 resign right now and start over again on something

18 else. Thank you.

19 MS. GATELLI: Is there anyone else who

20 cares to speak?

21 MR. SLEDZINSKI: Well, Judy, welcome to

22 our house, baby. We're back where we belong, Jude.

23 Right where we belong, Baby, right where we belong.

24 I want to say one thing, Bobby, can I

25 ask you a question? We're playing you guys next week,

91

1 right, Bob? We play you guys next week, don't we?

2 MR. MCTIERNAN: Next week.

3 MR. SLEDZINSKI: Bob, can you get the

4 game on Friday for us on TV on 61, can you cover it for

5 us or not, for the game?

6 MR. MCTIERNAN: I can ask.

7 MR. SLEDZINSKI: Thank you, Bobby.

8 MR. ANCHERANI: Good evening, Council.

9 I'm Nelson Ancherani, resident, taxpayer, city employee

10 and financial secretary of the FOP. I'm exercising my

11 First Amendment rights.

12 The first thing I want to clear up is

13 the pronunciation of the work word tabloid. I've been

14 saying tabloid for the paper. I've had a number of

15 people correct me or question me about calling at the

16 paper the tabloid. I know the word is tabloid, but to

17 me, the word is tabloid, because to me, they're like a
18 Hemorid. They're a pain in the donkey, that's back
19 there. That's my opinion. I have no use for them. I
20 don't buy the paper, I do, however, read it for free.
21 To me, they are vultures. Although, Stacy Brown, a
22 staff writer for the Scranton paper, I've nothing
23 personal against Stacy, in fact, we joke with each
24 other. He has a job to do, and that is to print the
25 truth. He has to strive for journalistic excellence.

92

1 If he covers a story and prints it in
2 its entirety, even if it means stepping on someone's
3 toes, so be it. He's a journalist, he should print the
4 whole story pros and cons, and I do know that Stacy is
5 not the editor's or the editorialists.

6 I feel bad I didn't wear my legion
7 shirt. I forgot about it while I was preparing some
8 information.

9 The mayor was at the caucus and he was
10 talking about the new police building. I know that it
11 wasn't built with the intent, the size is too small, it
12 doesn't house all of the departments, and it cost \$3
13 million.

14 And I'm going to ask Mr. Courtright
15 tonight, I know I'm going to probably get flack for it,
16 but the juvenile unit's copying machine has been broke
17 since January.
18 We were supposed to get one. They were
19 going to lease one, because we were supposed to stay in
20 our present offices for at least six months. They
21 would have extended the lease, had we stayed up there
22 longer, but we haven't gotten one. We need copies. I
23 have to run down to the building a mile away to make
24 copies.

25 Back to city business. Last week I

.

93

1 read off how this year we have a \$408 million available
2 and we will have an \$8 million deficit. I'm concerned,
3 because I'm a taxpayer, city employee and union member.
4 The unions have been getting the blame
5 both from the mayor and the tabloid. The mayor and his
6 PEL henchmen make it sound like the Doomsday scenario
7 is the union's fault.
8 You're not going to put that on the
9 unions. The BS, borrowing and spending, Mrs. Evans, I
10 hope you don't mind if I borrow that from you --

11 MS. EVANS: Feel free.

12 MR. ANCHERANI: The BS of this mayor

13 and his administration is trying to justify their BS by

14 blaming the unions. If they say it enough, people will

15 believe them, and the tabloid backs them.

16 Well, as long as I'm able, I'm going to

17 come here and defend the unions. The mayor has the

18 paper and the paper has the power of the press.

19 I know when I get up here and speak

20 about this, some people will say it's redundant, some

21 people will call us names, like the paper, but maybe if

22 I say it enough, people will believe me.

23 Also, they've been blaming us for the

24 deficits, and they need the Recovery Plan. But I went

25 through some of the budgets, and the wages, the wages

.

94

1 alone in 2002, I'll go to 2001, for 159 policemen, and

2 that counts federal, was \$4,120,479.

3 And It says here the 2001 salaries of

4 union personnel indicated above do not include the back

5 pay. But that's for 159. It's \$4,120,000.

6 In 2002, 169, \$6,794,000. It increased

7 there. We have 169 patrolman or policemen. The 2001

8 budget should have reflected Cops Ahead cost of

9 \$916,518.

10 So, 140 policemen would have been

11 \$3,560,000; 2003, 161 policemen, \$6,478,000; 2004, 157

12 policemen, \$6,141,000; 2005, 147 policemen, \$5,969,000;

13 2006, we had -- well, it was basically the same.

14 So, if you go five years, and we will

15 go to \$7 million, that's \$35 million that it cost the

16 city, and it's still only costing us basically the

17 same. So, you can't blame that on us. You can't blame

18 his deficit on us. It has to be the BS. Thank you.

19 MS. GATELLI: Thank you.

20 MS. KRAKE: Good evening, Council. My

21 name is Nancy Krake. Because of the things Mr.

22 Ancherani has been speaking of, we started researching

23 with the help of Council's staff, all of the money that

24 this mayor has borrowed. I'm not finished with the

25 research yet, but there were, before Mrs. Evans and

.

95

1 Mr. Courtright were on Council, two large amounts of

2 borrowing from the previous Council. They were \$7.5

3 million and \$10 million, and I'm sure Mrs. Evans and

4 Mr. Courtright remember what was asked of them when

5 they were on Council.

6 And now, once again, this mayor is

7 asking for another \$44 million. He's borrowing so far

8 into our future that it would seem he would have some

9 sort of a budget done.

10 We know this is his pattern to ask

11 every year for some borrowing, but \$44 million? I just

12 can't even comprehend how he come to that without some

13 sort of skeleton budget.

14 MS. EVANS: Mrs. Krake, you make an

15 excellent point, in that if the mayor can project

16 deficits four years into the future, evidently he has

17 an outline of his budgets from 2007 forward, and I

18 would like to see a copy of each of those budgets.

19 He's been able to, again, firmly

20 determine an amount that he feels is sufficient to

21 cover his annual deficits, of course, that being said,

22 we must also assume that he has no intention of working

23 toward downsizing or, God forbid, eliminating the

24 deficit, but if indeed that type of financial

25 projection has occurred, then it only makes sense that

.

96

1 we would have projected budgets for those years. And I

2 do think it's important for Council to see each one of
3 those.

4 MS. KRAKE: It would have to be. If
5 you're being asked to okay that amount of money, which
6 is incredible, there should be something besides just
7 that he says you should.

8 He has said to us that he won't rest
9 until he brings city workers to their knees. Well, it
10 seems to me that he won't rest until he brings every
11 citizen in the City of Scranton to their knees with his
12 borrowing.

13 People have -- every working person in
14 this family -- in this -- every working person in the
15 City of Scranton and everyone who's worked all of their
16 lives and is now retired, he is putting such a burden
17 on us, he is trying to bring the entire city to their
18 knees without a doubt. Thank you.

19 MS. GATELLI: Thank you. Is there
20 anyone else that cares to address Council?

21 MR. BECK: Good evening, Wayne Beck,
22 city resident and taxpayer. I wasn't prepared with
23 anything tonight, but I've asked for some information
24 in order to become more familiar with the lease and
25 sublease agreement, the bond floating. By no means do

1 I know much about floating bonds or the terms or
2 definitions behind them.

3 But I do have a couple of questions

4 just from what I started. I got some of this

5 information today, so I'm not really prepared, but

6 there's a couple questions I do want to ask and maybe

7 you can have them for some other time.

8 Number one is, as a part of the

9 ordinance that I think you were presented with a few

10 weeks ago to pass, it presented a debt service schedule

11 not to exceed, and the not to exceed amount, principal

12 amount, it was the \$44 million, but then there was a

13 coupon rate of ten percent, which runs for the -- in

14 the sample runs for the full 28 years. There's an

15 interest repayment based on that bond rate of

16 \$99,288,000.

17 So, that coupled with the \$44 million

18 bond issue or borrow issue, I should say, has a gross

19 debt service based on a not to exceed formula of

20 \$143,288,000. I just would like an explanation why the

21 ten percent not to exceed rate and why the not to

22 exceed total repayment of \$143 plus million.

23 MR. MCTIERNAN: I can answer the rate
24 question, Mr. Beck. The reason why there is a spread

25 or what appears to be a higher interest rate in the
. . .

98

1 ordinance, not to exceed is so that in the event that
2 during the period of time when we're considering the
3 adoption of that ordinance, rates may fluctuate over
4 time.

5 So, if the projected rate, the market
6 rate, exceeds what actually is the proposed rate, for
7 example, if we say it's going to be -- I think the
8 quoted -- they quoted six and a half percent, so if we
9 write in the ordinance that it's six and a half
10 percent, and over the three-week reading, and now we're
11 at, it would be five weeks or six weeks, if in that
12 time frame it went above the six and a half percent,
13 then that ordinance wouldn't be in effect and it would
14 be void, so we would have to rewrite the ordinance and
15 go through three readings again.

16 So, the bottom line is there is a
17 spread there to cover in the event that there's an
18 increase in the rate.

19 MR. BECK: So, they're allowing a three

20 and a half percent spread to --

21 MR. MCTIERNAN: What has happened in

22 all of the borrowing we've done over the last three

23 years in '04 and '05, the number that was proposed by

24 the lending agency, and in this case the bond issuers,

25 there was a greater number stipulated in the ordinance

.

99

1 itself, and that was in the event that there was an

2 increase.

3 MR. BECK: Okay. That explains it, but

4 in that event --

5 MR. MCTIERNAN: It's a large number.

6 MR. BECK: Oh, yeah. It's a great

7 disparity. It's three and a half percent.

8 MR. MCTIERNAN: I'm just telling you

9 the purpose.

10 MR. BECK: Three and a half percent of

11 \$44 million over 28 years is a big disparity. But that

12 also then makes it more important that the budget be

13 presented to you for review and action, because if

14 they're in a rising rate interest rate environment and

15 they're concerned enough to put a three and a half

16 percent fluctuation in there, the longer we wait if the

17 rate goes up than the bond issue is going to go up.

18 MR. MCTIERNAN: I think that's what the

19 gentleman who was here a few weeks ago said exactly,

20 that right now the environment is conducive for that

21 type of borrowing.

22 MR. BECK: Which means it's that much

23 more important to get the budget submitted to you from

24 the administration.

25 MR. MCTIERNAN: Correct. I don't

.

100

1 disagree with you there, but I think you're making a

2 very valid point that the environment today is very

3 conducive if we indeed choose to borrow, in that, we

4 don't expect that environment to hold for an extended

5 period of time.

6 MR. BECK: Okay. Thank you. In the

7 lease and sublease agreements, there's no rental amount

8 entered, the line is blank. And it says, I believe,

9 I'd have to go back and look at it, like I said, I just

10 looked at it briefly today, that the rents in addition

11 to other funds would be used, I believe, for this bond.

12 I don't know what the other funds are, and I don't know

13 how you can tie a rent payment -- again, I'm a novice,

14 but if you take \$44 million in 28-year spread -- a
15 28-year term, that's like \$120,000 some a month just
16 for the principal, if they're using that as the full
17 backing of the bond. I don't know. I don't
18 understand. Maybe somebody could look into that.
19 And the last thing I have right now
20 was, can you tell me, what's our official city rating,
21 our classification of city?

22 MS. GATELLI: You mean, like, AA?

23 MR. BECK: Yes.

24 MS. GATELLI: Yeah, we're AA.

25 MR. MCTIERNAN: Yeah, with the

101

1 insurance purchased, we're a AA.

2 MR. BECK: Because I didn't know if any

3 -- well, not a bond rating, though, city

4 classification.

5 MR. MCTIERNAN: Oh, I'm sorry. I'm

6 sorry. We're AA.

7 MR. BECK: It was either the lease

8 agreement or the sublease agreement, I think, referred

9 to under the authority of the city classification of a

10 AA city or -- no, I'm sorry class three city, and I

11 didn't think we were changing, but the agreement says

12 we're a class three city. That's all. Thank you.

13 MS. GATELLI: Thank you. Anyone else?

14 MS. EVANS: Mr. Beck, I was wondering

15 if perhaps you might be able to assist me in a few

16 questions concerning the bond rate insurance. I know

17 at one time for the issuance of the \$72 million bond,

18 this city paid approximately \$1 million, and according

19 to new borrowing, it appears that approximately

20 three-quarters of a million dollars will be paid to

21 insure this bond issue. What is the purpose of that

22 insurance?

23 MR. BECK: That's, again, I'm not

24 really in depth at that, but the insurance is to reduce

25 the risk. You're putting this money up front because

.

102

1 you don't have a true AAA rating.

2 And that brings up a good point. One

3 of the reasons for the increase could be because we're

4 looking for \$44 million which is compared to \$17 last

5 time or something? I don't remember.

6 But the other question I would have is

7 I could have sworn, I watched it on television at the

8 caucus meeting when the representatives from PEL were
9 here, that they referred to -- they said we slipped to
10 a BB. We were a BBB, and we slipped to a BB, which
11 means to me that we've had somewhat of a slip back in
12 our financial status.

13 And I meant to look that up. I
14 couldn't -- I didn't know where to find it. It's not
15 in the minutes yet that were available.

16 MS. EVANS: Attorney Minora maybe can
17 address this.

18 MR. MINORA: I'm not sure what you're
19 referring to, Wayne, but our bond rating -- the city's
20 bond rating has gotten better, not worse.

21 MR. BECK: From the time they were
22 going to float, the last one where we got the AAA
23 rating, they bought a AAA ratings, we were BBB at the
24 time, I think.

25 MR. MINORA: I'm not sure what you're

.

103

1 referring to then, but --

2 MR. BECK: But I think when the PEL
3 speakers were here, I could have sworn he said we were
4 now a BB rating.

5 MS. EVANS: I thought I heard that, as

6 well.

7 MS. NEALON FANUCCI: Triple.

8 MS. GATELLI: Triple.

9 MR. BECK: Pardon me?

10 MS. NEALON FANUCCI: It was triple.

11 MR. BECK: It was triple.

12 MS. EVANS: Was.

13 MS. GATELLI: No. He said now, now.

14 MR. BECK: Pardon?

15 MS. GATELLI: Now we are considered

16 triple.

17 MR. BECK: Were there minutes from that

18 caucus meeting?

19 MS. EVANS: No, I don't believe we had

20 a stenographer.

21 MS. GATELLI: It's on tape.

22 MS. NEALON FANUCCI: It's on tape.

23 MR. BECK: It's on tape? Who has the

24 tape?

25 MS. GATELLI: Absolutely it's on tape.

.

104

1 We can get a copy for you.

2 MS. EVANS: But it appears that the
3 insurance was purchased in order to elevate our rating,
4 but it would seem to me that this insurance, like any
5 other, automobile insurance, for example, that one
6 purchases, as one also purchases a car, is there in the
7 event that any type of accident should occur, the
8 insurance company is going to cover the costs of that
9 accident, so it would appear that bond insurance not
10 only produces an elevated rating for the borrower, but
11 it might also provide for the default of a payment.

12 However, I would like to know, and
13 perhaps, Kay, you could send a letter to -- was it
14 Mr. Kozlansky, the bond counsel, for the latest issue.
15 Does he know of any city in Pennsylvania that has
16 defaulted on a bond payment? And if that is the case,
17 then what, in fact, is the real purpose of this bond
18 insurance?

19 And I would further submit that it
20 would be very likely that any borrower, any
21 municipality, would have a reserve fund that would be
22 required with such a sizeable bond issue so that in the
23 event the city incurred such extensive debt, that
24 reserve fund would be in place to make that payment.

25 But, again, I am not sure about that

1 either so perhaps Mr. Kozlansky could address that, as

2 well, if indeed there is a reserve fund.

3 MS. GATELLI: All right. Mrs. Garvey.

4 MS. GARVEY: 5-A motions.

5 MS. GATELLI: Mrs. Evans.

6 MS. EVANS: I'd like to make the

7 following announcement, St. Ann's Youth Basketball will

8 conduct two additional registrations for boys from 1st

9 through 8th grade and girls from 2nd through 8th grade

10 on Monday, October 2 and Monday, October 9 from six to

11 eight. No one will be turned away. St. Ann's Youth

12 Basketball will make room for every child. Be sure to

13 take advantage of this excellent opportunity for your

14 children to build a healthy mind and body.

15 Also, I wish to recognize and thank the

16 officers and members of the Sloan Little League

17 Association who have stepped up to the plate to help

18 young Brian Kusick with his Eagle Scout project, the

19 installation of a flag pole at the firehouse on East

20 Mountain.

21 This weekend a 50/50 raffle will be

22 conducted at Sloan field as a college tournament

23 occurs, and one half of the proceeds of that raffle
24 will be donated to Brian Kusick's Eagle Scout project.

25 I admire Sloan's spirit of community service, and I
.

106

1 particularly thank Mr. Pete Broad for spearheading this
2 donation.

3 And once again, if any Council member

4 wishes to contribute \$40, you can give it to me, and I

5 will make that donation for all of us immediately,

6 because Brian intends to dedicate the flag pole on

7 Veteran's Day, that would be November 11, which

8 coincidentally is Brian's 16th birthday.

9 I also ask for your prayers for the

10 soul of young Patrick Kennedy and for his family,

11 particularly his mother Tina and his brother Ron who is

12 Scranton DPW employee.

13 I have some citizens' requests this

14 week. 1427 Birch Street, within the last few weeks the

15 resident informs me that a new curb was installed at

16 Yesu Drive, yet no curb has been installed on Birch

17 Street, an area of regular flooding which is a

18 approximately one minute's distance from Yesu. If the

19 DPW performed this installation, why then was Birch

20 Street ignored?

21 Also letters to Colts, Mary Ellen

22 Coleman of Lamar Advertising and a representative of

23 the Steamtown Mall, benches at three downtown Scranton

24 locations were set for installation until something

25 occurred to halt the project.

.

107

1 In early little 2006, representatives

2 of Colts, Diversified, the Steamtown Mall and others

3 met and approved of bench placements at their

4 locations, while Lamar Advertising agreed to place the

5 covered benches at their own cost. Why has this

6 project been delayed and when will the covered benches

7 be installed?

8 Sidewalks located on the south side of

9 Moosic Street while traveling over Route 81 remain

10 littered with cinders. If this is state property,

11 please notify the state to perform the cleanup.

12 Citizens continue to demand to know the

13 whereabouts of the Schmidt plaque that was removed from

14 the South Side Complex. Please respond in writing,

15 since numerous requests from more than one Council

16 member have been made for the past three years.

17 Meadow Avenue and River Street,
18 residents complain about liter and sign placements in
19 this area which create a safety hazard and send a poor
20 message at this gateway to South Scranton.

21 Harrison Avenue bridge, residents
22 report that it requires sweeping and the dirt, again,
23 presents another poor image of our city.

24 Are there any ordinances that address
25 the clearing of yard and estate sale signs following

.

108

1 the actual events?

2 Many residents complain that those
3 signs are never taken down. City residents request a
4 written update concerning the single lane of traffic on
5 Lackawanna Avenue as one travels towards West Scranton,
6 and residents stated that anti-littering laws should be
7 enforced or strengthened. They draw comparisons to
8 other areas that remain clean, while Scranton returns
9 to littered conditions even after community cleanups.

10 In addition, I would like to commend
11 our police chief for responding to my letters in such a
12 timely fashion. The letter concerning Northeast
13 Intermediate School was sent out, I believe, on

14 September 25, and by September 27, I had received a
15 response from Chief Elliott, and he had indicated he
16 was already taking action.

17 Also, the letter to Solicitor Farrell
18 for the Scranton resident would had paid \$250 for an
19 appraisal and an application fee for the purchase of
20 city owned property, that letter, as I said, has been
21 sent, I believe it was dated September 25, and I'm very
22 anxious to receive that response, since, as I said last
23 week, the city has had this gentleman's money for quite
24 a long time, and yet the gentleman has received no
25 service from the city.

109

1 As of September 28, there remains no
2 proposed 2007 operating budget and no 2005 independent
3 audit of City Council. Also notable, the \$44 million
4 borrowing legislation remains tabled.

5 I have presented the following
6 alternatives to borrowing, cutting costs, that is
7 consultants, outside attorneys, number of assistant
8 solicitors, department of public safety, ADP, payroll
9 company and IT cutbacks, lowering salaries to 2001
10 levels, cutting funding of non-profits, cutting new

11 positions created since the 2001 budget, offering
12 Worker's Comp buyouts, a moratorium on capital
13 projects, with the exception of the transfer to gas
14 heat in City Hall, paving, and road repair projects,
15 collect \$600,000 from Mr. Burke, the owner of The Ice
16 Box, bid professional services, lower the bidding
17 threshold, collect long outstanding and significant tax
18 delinquencies, pursue payments in lieu of taxes,
19 institute an amusement tax, use the golf course
20 proceeds which are invested in CDs, settle contracts
21 and take us out of court on arbitration cases.
22 I see no movement in any of these
23 directions; in fact, rather than tightening his belt,
24 Mr. Doherty has loosened it a notch by apparently
25 hiring three individuals since he first raised the
.

110

1 issue of the \$44 million borrowing.
2 The pattern of annual borrowing since
3 2003 has created this financial nightmare. The
4 taxpayers understand how the city reached this point
5 and they understand the consequences of incessant
6 unchecked spending and borrowing. They feel the pain.
7 They feel the pain of the Doherty debt.

8 Now it is time for the mayor to share
9 our pain. Prove it to the people. Prove it by cutting
10 the budget as I have suggested and by using the golf
11 course money and by supporting the amusement tax.
12 Prove it by negotiating payments in lieu of taxes.
13 Remember, Mr. Doherty, it's not what you say, it's what
14 you do. That's it.

15 MS. GATELLI: Thank you. Mrs. Fanucci.

16 MS. NEALON FANUCCI: First of all, I
17 want to thank everyone who made this meeting possible
18 in West Side tonight. It was a lot of fun to be here,
19 and I believe it's important to go out on the road,
20 because it brings people out who normally aren't out
21 and give us some direction on what goes on in the
22 neighborhoods. And as we know, the neighborhoods are
23 probably the heart and soul of our city.

24 There's only one thing I have to speak
25 on tonight. We are introducing a loan for Uno Fitness.

.

111

1 That is something with the economic development, which
2 is my department these days.

3 But for what the loan is, it's a

4 \$70,000 loan for five years, and the pay back will be

5 five years, and that is it.

6 What they're doing is they're expanding

7 for new equipment. They have already expended once for

8 the original opening date. We had went in, created a

9 site investigation and they were up to code and

10 everything was right. They're only required by HUD for

11 two new employees for every \$35,000 that is financed.

12 So, they are actually hiring five new employees, so

13 they are expanding their business. That's really all I

14 have to speak on tonight. That is the only part of the

15 department that I have. And I want to thank everyone

16 again. And that's all.

17 MS. EVANS: Mrs. Gatelli, just before

18 we move on, I forgot something.

19 MS. GATELLI: Go ahead.

20 MS. EVANS: This goes back to, I

21 believe what Mr. Welby discussed earlier, if Council,

22 maybe I should make it in the form of a motion, if

23 Council would send letters of support for Senate Bill

24 1054 to Governor Rendell, to Senator Mellow, to all of

25 the local legislators who can in any way impact this

.

112

1 situation and bring Pennsylvania in line with the other

2 48 states of this nation.

3 And I would also ask as part of this

4 motion, that Attorney Minora might investigate the

5 legislation produced in the Borough of Dunmore. Let's

6 keep an eye on that and see if perhaps there's

7 something we might follow suit in.

8 MS. NEALON FANUCCI: I'll second that.

9 MS. GATELLI: On the question? All in

10 favor.

11 MS. EVANS: Aye.

12 MS. NEALON FANUCCI: Aye.

13 MR. MCTIERNAN: Aye.

14 MR. COURTRIGHT: Aye.

15 MS. GATELLI: Aye. Opposed? The ayes

16 have it and so moved. Unanimous, Miss Lisa.

17 MS. EVANS: Thank you.

18 MS. GATELLI: Mr. McTiernan.

19 MR. MCTIERNAN: Thank you very much,

20 Mrs. Gatelli. A couple announcements -- well, one

21 announcement actually. The Holy Cross Basketball

22 League is going to be having their registration for

23 both boys and girls basketball on October 8 and

24 October 9 from six to 8 p.m. at Holy Cross Hall.

25 That's Holy Cross boys and girls basketball, October 8

113

1 and 9th, six to 8 p.m. at Holy Cross.

2 I'm listening to the comments made

3 today and repeatedly over the last several weeks

4 regarding the Hollow Ave. situation, and I think that

5 that is a good example of how the level of some

6 scrutiny can actually drive us to formulate a policy

7 that might be worthwhile.

8 So, I would like to make a motion that

9 we send a letter to the administration to create a

10 program or policy regarding the systematic review and

11 clearing of right of ways in the city of Scranton.

12 MR. COURTRIGHT: Second.

13 MS. GATELLI: On the question? All in

14 favor.

15 MS. EVANS: Aye.

16 MS. NEALON FANUCCI: Aye.

17 MR. MCTIERNAN: Aye.

18 MR. COURTRIGHT: Aye.

19 MS. GATELLI: Aye. Opposed?

20 The ayes have it and so moved. Unanimous, Lisa.

21 MR. MCTIERNAN: The reason behind that

22 is it does prove a point. There are areas, I know

23 where Mr. Courtright and I live, that there are areas
24 of the right of way that are growing out into the road
25 and we probably would catch an inordinate amount of
.

114

1 flack if our areas got cleared, but our area probably
2 should be cleared like any other citizen's should be
3 cleared, as well.

4 So, I'm hoping that the administration
5 can develop a policy where we have folks drive around
6 the city, review it and see if there needs to be right
7 of ways cleared and taken care of. So, hopefully that
8 will work.

9 I spoke with Attorney Minora regarding
10 pit bull ordinances, and he is telling me that
11 Mrs. Gatelli gave him some paperwork, and we're going
12 to discuss that and take a serious look at whether or
13 not we can create an ordinance that will stand up.

14 We don't want to have ourselves in a
15 position where we create legislation that needs to be
16 reversed. We want to make sure we put some legislation
17 that is usable out there, and Mrs. Gatelli and Attorney
18 Minora have looked at that, and I have talked with
19 Attorney Minora, and he's going to get some more

20 information for us. So, hopefully that will be
21 beneficial for us.
22 I've had some requests regarding the
23 financial status of the city, and I had an opportunity
24 to meet with the business administrator and looking at
25 the city's cash flow reports.

.

115

1 The latest cash flow that we have in
2 our hand is through August 6 -- I'm sorry, August of
3 2006. I was told today that the September cash flow is
4 forthcoming, and that will arrive with, I'm hoping, by
5 our next meeting.
6 And just a few things that I want to
7 point out, looking at our revenues and our expenditures
8 over time, the first thing that it's worthwhile taking
9 notice of is that in the revenue line, there is a
10 miscellaneous line approved in last year's Council
11 amended budget that has a revenue source of
12 approximately \$6 million.
13 And with that plug in, we are looking
14 at, at this point in time, a deficit projected through
15 the end of the year at about \$900,000, and that,
16 Mr. Kresefski tells me, will go backwards a little bit,

17 because some of our collectibles, our receivables are a
18 little higher than they were projected.
19 So, the \$899,000 projected shortfall
20 should be reduced. I'm not sure looking, at our backup
21 today. There seems to be increase in line item of
22 receivables from the tax -- the pension reimbursements,
23 and I'm not sure it's the same item. I need to talk to
24 Mr. Kresefski about it.

25 But the projected September revenue was

.

116

1 \$2.5 million, and we received notification in our
2 mailboxes today that the number for the pension state
3 aid was \$2.7 million, and that may very well be what
4 Mr. Kresefski was referring to as that \$900,000
5 shortfall will probably be closer to between five and
6 \$700,000.
7 But the point I want to opportunity
8 make there is that when you look at the cash flow,
9 which is essentially is looking at a large checking
10 account, from all intents and purposes, the projection
11 counting the \$6 million alternate source of
12 non-departmental revenue that we approved last year,
13 still leaves us with a shortfall of about \$200,000 at

14 the end of the year.

15 So, we are looking at this year a

16 deficit of about between six and \$7 million, depending

17 on how the numbers come in.

18 I have talked with the business

19 administrator regarding the ramifications for us if we

20 don't fill that. And, again, I know there has been a

21 lot of talk about how much money is in the coffers, all

22 I can rely on is looking at the cash flow projections

23 that we have for the remainder of the year.

24 So, we will need to make some tough

25 choices for this year, and it may not be worth talking

.

117

1 about the big picture, \$44 million.

2 The first issue at hand is what will we

3 do about the projected shortfall for this year and

4 whether or not we will not make payment or we will miss

5 a payment on the MMO, which has an eight percent

6 penalty, whether or not we will not make the TAN

7 payment, and I don't know what other options there are,

8 but, again, I'm just bringing that information based on

9 some requests that we are looking at a project deficit

10 of about \$900,000, which will be reduced slightly with

11 the \$6 million that is projected.

12 And I want to remind you that we past a

13 budget that had a \$6 million hole last year. So, the

14 first order of business at hand is finishing 2006, and

15 then, of course, we need to talk about whether or not

16 we're going to go forward with 2007 and beyond.

17 So, just a rough snapshot of the city's

18 cash position as of August, and we hopefully will have

19 the September snapshot of cash on hand for the next

20 meeting. And I will try to bring that to the meetings

21 every chance I have an update. And that's all, Mrs.

22 Gatelli. Thank you.

23 MS. GATELLI: Mr. Courtright.

24 MR. COURTRIGHT: Yes. Thank you. It's

25 good to be back here on this stage. I haven't been on

.

118

1 this stage since 1975, when I graduated from here. And

2 coming in the door brought back a lot of memories.

3 And every week when I take Chrissy home

4 from our meeting over town, he always says to me, once

5 a West Sider, always a West Sider. Right, Chris? So,

6 that's true.

7 MR. SLEDZINSKI: Right, Bill.

8 MR. COURTRIGHT: I'd like to say a
9 hello to -- I met some people from St. Catherine's and
10 Lutherwood this past week, and they took some time to
11 speak with me, so I'd just like to say hello to them.
12 I'd like to thank Mr. Tom Dubas, he
13 runs the Comm Center downtown, 911, and in the last
14 three or so years I've had several occasions where I've
15 needed information, and he's always been a very
16 professional to me, very courteous, and extremely
17 helpful any time I needed any information. So, I just
18 want to thank Mr. Dubas for that.
19 Last week I brought up about the beat
20 officers, many people coming to me with a lot of
21 concerns. And just since last week, last night we had
22 a guy on Washburn Street holding a gun to another guy's
23 chest, two days ago we had an armed robbery in West
24 Side at the PNC Bank, last week we had a kid on 14th
25 Avenue running around with a gun, and so, the concerns

119

1 keep coming in, and rightfully so.
2 So, I did send a letter to the police
3 chief and I asked for several pieces of information,
4 and evidently it appears he doesn't like me asking for

5 this information.

6 It's a two-page nice letter that he

7 sent me, and I will read parts, but one is, this is the

8 third time this year I am answering the questions for

9 City Council about CommD officers.

10 Well, some of the questions I put in

11 there might have been representative, but the one that

12 I was most concerned about I hadn't asked before.

13 People are asking me why are they only seeing their

14 beat officer maybe one day out of the week, two days

15 out of the week? Where do they go? And he doesn't

16 feel the need to answer that question for me.

17 And one paragraph I'd like to read to

18 you, To supply you with the schedules for the past

19 month on each officer who requires our office to stop

20 their daily work and research information, and listen

21 to this part, that serves no legitimate purpose for the

22 public, no legitimate purpose for the public.

23 Well, I'm not asking for this

24 information for myself. I'm asking for this

25 information for the taxpayers, the citizens of

.

120

1 Scranton.

2 The last time I looked, that's who pays
3 me, that's who pays the mayor, and that's who pays the
4 police chief.

5 So, with that said, I would like to
6 make a motion that this Council send a letter to
7 Mayor Doherty asking him to order Chief Elliott to
8 respond to each and every question I asked on my letter
9 dated September 26, 2006.

10 MS. GATELLI: I'll second that. On the
11 question?

12 MS. EVANS: Yes. I shouldn't be
13 astounded by the statements that you've made,
14 Mr. Courtright, but I still find myself shocked when I
15 hear of the rise in crime in our neighborhoods, and
16 that's why I feel very strongly that we need as many
17 police officers as possible, but we need the police
18 officers we currently employ out on the streets of
19 Scranton at all times.

20 And I am upset about an incident that
21 occurred earlier this evening with a speaker. I don't
22 believe there is a necessity for police officers in
23 City Council.

24 I do, however, believe that the
25 citizens of this city have a great need of their work

121

1 on the streets every minute of the day and night.

2 I know I don't feel threatened by

3 anyone who comes to Council. Certainly we don't always

4 agree, but I believe there is an underlying reciprocity

5 of respect.

6 And it just saddens me to think that

7 we've taken so many steps backward, years backward, to

8 a time of a Council that did have police officers and

9 officers removing speakers from Council and officers

10 arresting speakers, and I find that not only

11 inappropriate, but I find it very, very wasteful, and I

12 really wish we could get the police back out on the

13 street.

14 And, you know, frankly, I think we're

15 all safer in here tonight than we may be going in our

16 front door later on this evening or than we and these

17 wonderful, wonderful young men and women might be sadly

18 at school every day. One just never knows.

19 But it is my hope if the administration

20 is ordering police officers to these meetings, I would

21 hope that our good president as president of Council,

22 would override him and insist that the police be

23 returned to the streets.

24 MS. GATELLI: Just to answer, Mrs.

25 Evans, I did not have the police here tonight. When

.

122

1 there is a function in a school and there is a large

2 amount of people, I think it is the law that you have

3 to have a police officer, I'm not sure. But I know at

4 every school board meeting there is a police officer

5 there also, and they get very few people.

6 As far as feeling safe, maybe you feel

7 safe, but I am threatened by many people that come

8 here. They make commence to me after the meeting, they

9 make comments on the street. We'll get you, Gatelli,

10 we'll get you. And I am afraid.

11 So, I feel that there should be a

12 police officer here, even though I didn't ask him to be

13 here, I feel much safer here. There are no means of

14 security with metal detectors. And, frankly, the

15 people that come here and this Council deserve

16 protection, also.

17 So, I think they'll be here. As long

18 as I'm being threatened by people that come here, I

19 will continue to support the mayor sending them here.

20 And that's my reason.

21 And I live in the worst neighborhood in

22 Scranton, South Side, and you all know it, but we

23 deserve protection, too. And when the threats stop

24 against me, then I will ask the police officer not to

25 be here.

.

123

1 MR. COURTRIGHT: Just on the question,

2 Mrs. Gatelli, I'm going to restate my motion because we

3 did a little bit of talking, but during the last

4 mayoral election I was accused of bringing out the

5 crime in the city to scare the residents. I have not

6 said anything about the crime in the city since the

7 election, so I could not be accused of that.

8 I would not have mentioned all the

9 crime that we have in the city tonight if I was just

10 given the information that I asked for. I think it was

11 a pretty simple request that I asked for. I'm not

12 trying to scare the people. They're already scared,

13 that's why they're coming to me.

14 You know, somebody says -- I was asked

15 once before, well, what are they calling you for? Why

16 don't they call the police chief? And I'm going to

17 tell you right now why they don't call him, and this is
18 what they tell me, it's not me, it's what they tell me,
19 they call, he's not there, they call, he's in a
20 meeting, they call, he's on the phone, they call, he's
21 doesn't call back. That's why they came to me.

22 So, my motion is this, and I'll restate
23 it for your sake, Kay, that we send a letter to the
24 mayor asking him to order the police chief to answer
25 each and every question in my letter dated

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124

1 September 27, 2006.

2 MS. GATELLI: And we seconded it and it
3 was on the question. All in favor.

4 MS. EVANS: Aye.

5 MS. NEALON FANUCCI: Aye.

6 MR. MCTIERNAN: Aye.

7 MR. COURTRIGHT: Aye.

8 MS. GATELLI: Aye. Opposed? The ayes
9 have it and so ordered. Unanimous, Lisa.

10 MR. COURTRIGHT: Thank you very much.

11 I appreciate that. I had made a motion a week or two
12 ago, Mr. Sbaraglia has mentioned on many different
13 occasions about the golf course money. Did we get any

14 kind of response on that, Kay? I think we had a
15 unanimous vote on that.

16 MS. GARVEY: No.

17 MR. COURTRIGHT: No response? Well,
18 when we get one, I'm sure you will let us know. Maybe
19 I'm a little bit of a troublemaker on this one, but we
20 have gotten bids from the city audit and they were
21 almost double with what the previous company had given
22 us.

23 So, this Council had requested that we
24 have rebids. We had rebids, and the only people that
25 showed up were the two that bid previously, and I

125

1 believe the low bidder raised their bid by \$20,000.

2 So, I spoke to Mr. Minora and I asked
3 him if there was any recourse we had, and he wrote some
4 motions for me. So, I make a motion that we reject the
5 two bids we have received to do the city audit.

6 MS. EVANS: Second.

7 MS. GATELLI: On the question?

8 MS. EVANS: Yes. I also noticed in
9 addition to what you had stated, Mr. Courtright, that
10 there could well be hidden costs involved in one of the

11 proposals made, in that, in addition to the costs
12 stated in the proposal, they indicate that it's, you
13 know, it is very possible that additional fees, hourly
14 fees, could be charged in the event of an unforeseen
15 circumstance.

16 And so, that leads me to believe that,
17 in fact, not only is this bid higher than it was
18 originally, but that they intended to be higher than
19 what they've stated on paper for each one of us.

20 MS. GATELLI: Anyone else?

21 MR. MCTIERNAN: Yeah, that's true, Mrs.

22 Evans. I spoke with the original bidders in the
23 summertime, and I did speak with both firms, and the
24 higher firm indicated that that was a firm number, that
25 it would not exceed that regardless of overages.

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126

1 And they did say that there was a
2 possibility that there would be a reduction based on
3 the timeliness and the shape that the books were sent
4 to them in. And they said that the possible reduction
5 was there, but don't count on it.

6 But the high bidder in the last round,
7 and I'm assuming that the high bidder in this round, as

8 well, that's a firm number, and the low bidder did

9 indicate that there would be probably overages.

10 MS. EVANS: Well, we will be

11 advertising then outside of the City of Scranton?

12 MR. COURTRIGHT: Yeah, I'm going to

13 make a second motion.

14 MS. EVANS: Very good.

15 MS. GATELLI: All in favor.

16 MS. EVANS: Aye.

17 MS. NEALON FANUCCI: Aye.

18 MR. MCTIERNAN: Aye.

19 MR. COURTRIGHT: Aye.

20 MS. GATELLI: Aye. Opposed? The ayes

21 have it and so ordered. Unanimous.

22 MR. COURTRIGHT: Now, with that said,

23 I'll make a second motion that we advertise for the

24 city audit for auditors outside the city, including but

25 not limited to, advertising in the Wilkes-Barre, Pocono

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127

1 Mountain, Allentown, Reading, Williamsport and

2 Harrisburg newspapers.

3 MS. GATELLI: Second. On the question?

4 MR. COURTRIGHT: On the question. I

5 don't know either of the firms that bid, I'm sure
6 they're great firms. The Rossi and Rossi would have
7 loved to bid again, but the Home Rule Charter forbids
8 them from doing that.

9 I just feel like we're being taken. I
10 don't normally go after somebody like this, and nothing
11 personal against them, I just feel like we're being
12 taken. So, I think we need to go to the outside. If
13 any accounting firm is going to watch the replay of
14 this, please put in a bid. Thank you.

15 MS. GATELLI: Thank you.

16 MS. EVANS: And I think nothing will
17 drive down the cost like good healthy competition.

18 MR. COURTRIGHT: Absolutely.

19 MS. EVANS: And it's about time we get
20 some competition from outside the city and we actually
21 let everybody take a chance at bidding.

22 MS. GATELLI: All right. I have a few
23 comments on the pit bull ordinance -- oh, I'm sorry.

24 All in favor.

25 MS. EVANS: Aye.

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128

1 MS. NEALON FANUCCI: Aye.

2 MR. MCTIERNAN: Aye.

3 MR. COURTRIGHT: Aye.

4 MS. GATELLI: Aye. Opposed? The ayes

5 have it and so moved. Unanimous.

6 MR. COURTRIGHT: Last week I spoke just

7 briefly on the \$44 million, and I said, you know, maybe

8 at a later date -- we haven't gotten the information

9 that we need.

10 But I'm pretty accessible just due to

11 the fact where I work. I'm standing out on Main

12 Avenue, some people want to know if I work, because I'm

13 standing out there all the time.

14 But I talk to a lot of people. And I

15 get, as everybody here, phone calls, you go pump gas,

16 people are asking you questions.

17 But I wanted to take it one step

18 further, so what I did was I rode the Colts buses this

19 week, and I asked the people on the busses about

20 borrowing.

21 And the first group of people I asked,

22 everyone of them said absolutely not. The second group

23 I had to apologize to the bus driver, because I almost

24 started a riot on the bus.

25 There were several senior citizens on

1 there, and when I asked them, they all, No, no, they're
2 yelling. But one woman yelled out, What do you want
3 the city to be a dump forever? Then the other people
4 started yelling at her and it got a little out of
5 control, so I had to apologize to the bus driver, but
6 he didn't seem to mind it too much.
7 I spoke to one lady, she's 91 years
8 old. She takes care of her house herself, she pays her
9 taxes, and she said to me, Absolutely not.
10 Another person chimed in and said, O,
11 I'm over the hill, but I'm concerned for my children
12 and I'm concerned for my grandchildren, so, therefore,
13 I would ask you not to borrow any.
14 So, I wanted to take it one step
15 further and get as many people's input as I could, and
16 I guess the paper said you should be a leader and not a
17 follower, but, I mean, these are the people that
18 elected us, and I need to hear what they say.
19 And so, being that we have a little bit
20 more time, maybe I shouldn't advertise it, Colts won't
21 let me back on, maybe I'll head to the bus again this
22 week. And now that's all I have. Thank you.

23 MS. GATELLI: Thank you. The pit bull
24 ordinance, the one I gave to Attorney Minora was one
25 that was created by Tom Preambo of the planning

130

1 commission. He had intended, Attorney Minora, to give
2 it to the mayor to prepare to send down to us.

3 So, I don't know that anything has to
4 be done, other than maybe you can talk to Attorney
5 Farrell.

6 MR. MINORA: I'll talk to the
7 solicitor. I would be glad to help you.

8 MS. GATELLI: The second thing is, I
9 wrote a letter to the mayor to schedule appointments
10 with the non-profits so that he and I can go and ask
11 them for some money. So, I'll be interested to see
12 what his response is on that.

13 Also, Kay, I never got a response from
14 Mr. Kresefski about the cost per taxpayer.

15 MS. GARVEY: No.

16 MS. GATELLI: Could you please send
17 that letter again and tell him I'd like it as soon as
18 possible?

19 I was watching the county commissioners

20 meeting, and I found it very strange, and I hope some
21 of you will watch it, but this will be the second year
22 that they are giving \$40,000 of our tax money to the
23 Community Medical Center.

24 I don't know what it's all about,
25 except that it's for the trauma center, and I believe

131

1 in the trauma center, I'm a nurse, so I know what goes
2 on in a hospital very well, but I can't believe that
3 our county commissioners are giving money, our tax
4 money, to a non-profit that we're trying to get money
5 from. It just appalls me.

6 So, I'd like to make a motion that we
7 write a letter to the county commissioners and strongly
8 object to them giving our tax money to a non-profit
9 private hospital that we need money from, and I'll make
10 that in the form of a motion.

11 MS. EVANS: Second.

12 MS. GATELLI: On the question? All in
13 favor.

14 MS. EVANS: Aye.

15 MS. NEALON FANUCCI: Aye.

16 MR. MCTIERNAN: Aye.

17 MR. COURTRIGHT: Aye.

18 MS. GATELLI: Aye. Opposed? The ayes

19 have it and so moved.

20 I'd also like to make a motion that we

21 look into the smoking/non-smoking ordinance for bars

22 and restaurants, if Attorney Minora could get us some

23 ordinances that we could look at, and I'd just like to

24 introduce that.

25 MR. MINORA: I will try and get a copy

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132

1 of Philadelphia's ordinance.

2 MS. GATELLI: And New York's.

3 MR. MINORA: Okay.

4 MS. GATELLI: Do I have a second?

5 MS. NEALON FANUCCI: Second.

6 MS. GATELLI: On the question?

7 MS. EVANS: Yes, I think before,

8 however, you go ahead introducing any type of

9 legislation, it would be very sagacious to speak with

10 the owners of restaurants and bars within the City of

11 Scranton. I'm certain we have numerous owners.

12 I was not quoted any numbers tonight by

13 the young people of Mr. Murray's class. They indicated

14 they spoke with waiters and waitresses. I think I
15 counted perhaps two or three restaurants owners they
16 would have interviewed, but as we all know, Scranton,
17 thankfully, is littered with many such establishments,
18 and this can have an adverse financial effect on these
19 businesses.

20 And the last thing we need at this
21 point in time is to chase more taxpaying businesses out
22 of the city. Our business, our existing businesses,
23 are struggling, and I think they certainly deserve
24 input in this situation, or perhaps, you know, some may
25 actually choose to be smoke free establishments, others

133

1 may chose not to be, and that provides a choice for
2 clientele, but this --

3 MS. GATELLI: This is just to look at
4 the ordinance. It's not to introduce.

5 MS. EVANS: Okay. But I would suggest
6 that, you know, those -- all of those businesses would
7 have to be interviewed.

8 MS. GATELLI: We can possibly have a
9 public hearing, can't we? Amil, could we have a public
10 hearing on that?

11 MR. MINORA: Sure.

12 MS. EVANS: With or without

13 legislation?

14 MS. GATELLI: But my motion is just to

15 get the ordinances and look at them. It's not to pass

16 them, just to look at them. Do I have a second?

17 MR. MCTIERNAN: Second.

18 MS. FANUCCI: I seconded it.

19 MS. GATELLI: Anyone else on the

20 question? All in favor.

21 MS. EVANS: Aye.

22 MS. NEALON FANUCCI: Aye.

23 MR. MCTIERNAN: Aye.

24 MR. COURTRIGHT: Aye.

25 MS. GATELLI: Aye. Opposed? The ayes

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134

1 have it and so moved.

2 I'd like to make another motion, this

3 is the last one, for Attorney Minora to contact the

4 City of Hazleton to get copies of their ordinance, and

5 possibly we can enact those ordinances.

6 Most of the people that I talked to

7 agree with the ordinance that has been adopted in

8 Hazleton, and the keyword is illegal. I don't know why

9 people get upset about the ordinance, when it says

10 illegal aliens. They're not supposed to be here.

11 So, if there's people hiring them, and

12 I know they are, because I can tell you the names of

13 the places, and they're taking jobs from our people and

14 our kids that could maybe wash dishes in a restaurant

15 or fix cars in a mechanic's shop.

16 So, I think it behooves us for at least

17 for now get the copies of the ordinances and we can

18 review them and then we can go from there.

19 MS. EVANS: I'll second that.

20 MS. GATELLI: On the question?

21 MS. EVANS: Yes. In fact, just today I

22 had a very interesting conversation with a most

23 intelligent lady who offered me the following

24 information that apparently we may well have some

25 public housing in which illegal immigrants are being

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135

1 provided apartments within.

2 And that's particularly sad in light of

3 the situation with the residents at Washington Plaza

4 who are displaced and looking for public housing to

5 move into. So, I think it's time.

6 MS. GATELLI: It's necessary.

7 MS. EVANS: Yes, yes.

8 MS. GATELLI: It's necessary.

9 MS. EVANS: That we're fair to all

10 people, and that doesn't mean that we're not welcoming

11 those, but as you said so well, Mrs. Gatelli, it is

12 legal immigrants that we welcome.

13 MS. GATELLI: And most of our

14 grandparents were legal immigrants.

15 MS. EVANS: Absolutely.

16 MS. GATELLI: Anyone else on the

17 question? All in favor.

18 MS. EVANS: Aye.

19 MS. NEALON FANUCCI: Aye.

20 MR. MCTIERNAN: Aye.

21 MR. COURTRIGHT: Aye.

22 MS. GATELLI: Aye. Opposed? The ayes

23 have it and so moved. Unanimous, Lisa. Mrs. Garvey.

24 MS. GARVEY: 5-B, FOR INTRODUCTION - AN

25 ORDINANCE - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE

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136

1 OFFICIALS OF THE CITY OF SCRANTON TO TAKE ALL NECESSARY

2 ACTIONS TO IMPLEMENT THE CONSOLIDATED SUBMISSION FOR
3 COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS TO BE
4 FUNDED UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT
5 (CDBG) PROGRAM, HOME INVESTMENT PARTNERSHIP (HOME)
6 PROGRAM AND EMERGENCY SHELTER GRANT (ESG) PROGRAM.

7 MS. GATELLI: At this time I'll
8 entertain a motion that Item 5-B be introduced.

9 MR. COURTRIGHT: So moved.

10 MS. NEALON FANUCCI: Second.

11 MS. GATELLI: On the question?

12 MR. COURTRIGHT: On the question, I'm
13 going to vote to move this forward, but I do have some
14 changes I would like to make, and I guess we can all
15 discuss that.

16 MS. GATELLI: We're going to have a
17 meeting on that, yes, and a public hearing. Anyone
18 else on the question? All those in favor.

19 MS. EVANS: Aye.

20 MS. NEALON FANUCCI: Aye.

21 MR. MCTIERNAN: Aye.

22 MR. COURTRIGHT: Aye.

23 MS. GATELLI: Aye. Opposed? The ayes
24 have it and so moved. That was unanimous, Lisa.

25 MS. NEALON-FANUCCI: I would like to

137

1 make a motion that we have a public hearing and
2 schedule that public hearing for Thursday, October 5,
3 2006 at 5:30.

4 MS. EVANS: Second.

5 MS. GATELLI: On the question? All in
6 favor.

7 MS. EVANS: Aye.

8 MS. NEALON FANUCCI: Aye.

9 MR. MCTIERNAN: Aye.

10 MR. COURTRIGHT: Aye.

11 MS. GATELLI: Aye. Opposed? The ayes

12 have it and so moved. Unanimous.

13 MS. GARVEY: 5-C, FOR INTRODUCTION - A

14 RESOLUTION - AUTHORIZING THE MAYOR AND OTHER

15 APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO

16 ANY AND ALL DOCUMENTS NECESSARY TO AUTHORIZE UGI PENN

17 NATURAL GAS, INC., FORMERLY PG ENERGY, TO CONSTRUCT,

18 OPERATE AND REPAIR A NATURAL GAS REGULATION FACILITY

19 INCLUDING PIPES THEREFORE, ON WEST OLIVE STREET IN THE

20 CITY OF SCRANTON.

21 MS. GATELLI: At this time I'll

22 entertain a motion that 5-C be introduced.

23 MR. COURTRIGHT: So moved.

24 MS. NEALON FANUCCI: Second.

25 MS. GATELLI: On the question? All

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138

1 those in favor.

2 MS. EVANS: Aye.

3 MS. NEALON FANUCCI: Aye.

4 MR. MCTIERNAN: Aye.

5 MR. COURTRIGHT: Aye.

6 MS. GATELLI: Aye. Opposed? The ayes

7 have it and so moved. Unanimous.

8 MS. GATELLI: 5-D, FOR INTRODUCTION - A

9 RESOLUTION - AUTHORIZING THE MAYOR AND OTHER

10 APPROPRIATE CITY OFFICIALS FOR THE CITY OF SCRANTON TO

11 ENTER INTO A LOAN AGREEMENT AND MAKE A LOAN FROM THE

12 COMMERCIAL/INDUSTRIAL REVOLVING LOAN PROGRAM, PROJECT

13 NO. 03-150.7 IN AN AMOUNT NOT TO EXCEED \$70,000.00 TO

14 UNO FITNESS, INC. TO ASSIST AN ELIGIBLE PROJECT.

15 MS. GATELLI: At this time I'll

16 entertain a motion that 5-D be introduced.

17 MR. COURTRIGHT: So moved.

18 MS. NEALON FANUCCI: Second.

19 MS. GATELLI: On the question?

20 MS. EVANS: Yes. Uno Fitness Center
21 currently enjoys KOZ status. They are tenants of
22 owners who currently owe our city \$600,000, and I would
23 suggest that we table this loan until such time that
24 the owners of The Ice Box would provide the monies owed
25 to the City of Scranton and then we can entertain such

139

1 a loan to their tenant.

2 MS. GATELLI: I'll second that. Just
3 to table it. We already made the motion.

4 MS. EVANS: Yeah, you made the motion
5 and it was seconded, and then on the question --

6 MR. COURTRIGHT: Don't we have to vote
7 on this, because we already --

8 MS. GATELLI: It was motioned and
9 seconded. It's on the question.

10 MR. COURTRIGHT: You better ask Mr.
11 Minora.

12 MR. MINORA: You got the motion to
13 introduce and a seconded. There's an objection -- I
14 think you need to vote on it or you can make a motion
15 to table it proceed its introduction.

16 MR. MCTIERNAN: Could we withdraw the

17 motions?

18 MR. MINORA: You can withdraw the

19 motion to introduce, and then vote not to table it or

20 vote on it or vote it down.

21 MR. MCTIERNAN: Lisa, could you read --

22 could you tell us who made the motion and the second?

23 THE REPORTER: Bill, Bill made the

24 motion.

25 MR. COURTRIGHT: Right. I'll withdraw

140

1 it.

2 MS. GATELLI: He's withdrawing his

3 motion.

4 THE REPORTER: And Sherry, you seconded

5 it, correct?

6 MS. NEALON FANUCCI: I'm withdrawing my

7 second.

8 MS. GATELLI: And Sherry is withdrawing

9 her second.

10 MS. EVANS: I move to table Item 5-D.

11 MS. GATELLI: Do I have a second?

12 MR. COURTRIGHT: Second.

13 MS. GATELLI: On the question? All

14 those in favor.

15 MS. EVANS: Aye.

16 MS. NEALON FANUCCI: Aye.

17 MR. MCTIERNAN: Aye.

18 MR. COURTRIGHT: Aye.

19 MS. GATELLI: Aye. Opposed? The ayes

20 have it and so moved. And that was also unanimous.

21 MS. GARVEY: Sixth order. No business

22 at this time. Seventh order. 7-A, FOR CONSIDERATION

23 BY THE COMMITTEE ON COMMUNITY DEVELOPMENT - FOR

24 ADOPTION - RESOLUTION NO. 102, 2006 - AUTHORIZING THE

25 MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE A

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141

1 CONTRACT FOR PROFESSIONAL ACCOUNTING SERVICES FOR THE

2 OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT WITH

3 MURPHY, DOUGHERTY & COMPANY FOR A ONE-YEAR TERM TO

4 ASSIST IN DAILY ACCOUNTING, SETTING POLICIES,

5 COMPLIANCE AND LONG RANGE PLANNING AMONG OTHERS.

6 MS. GATELLI: What's the recommendation

7 of the chairperson on community development?

8 MS. NEALON FANUCCI: As chairperson for

9 the committee on community development, I recommend

10 final passage of Item 7-A.

11 MR. MCTIERNAN: Second.

12 MS. GATELLI: On the question?

13 MS. EVANS: Yes. The administration

14 will not cut its consultants. I'm very willing to do

15 it for them. I'll be voting no.

16 MS. GATELLI: Roll call.

17 MR. COOLICAN: Mrs. Evans.

18 MS. EVANS: No.

19 MR. COOLICAN: Mrs. Fanucci.

20 MS. NEALON FANUCCI: Yes.

21 MR. COOLICAN: Mr. McTiernan.

22 MR. MCTIERNAN: Yes.

23 MR. COOLICAN: Mr. Courtright.

24 MR. COURTRIGHT: No.

25 MR. COOLICAN: Mrs. Gatelli.

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142

1 MS. GATELLI: No. Do I have a motion

2 to adjourn?

3 MR. COURTRIGHT: So moved.

4 MS. NEALON FANUCCI: Second.

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6 (MEETING WAS ADJOURNED.)

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143

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2 CERTIFICATE

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4 I hereby certify that the proceedings and

5 evidence are contained fully and accurately in the
6 notes taken by me on the hearing of the above cause and
7 that this copy is a correct transcript of the same
8 to the best of my ability.

9

10

11

LISA M. GRAFF, RMR
12 Official Court Reporter

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