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1 SCRANTON CITY COUNCIL MEETING

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5 Held:

6 Thursday, December 7, 2006

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9 Time:

10 6:30 p.m.

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13 Location:

14 Council Chambers

15 Scranton City Hall

16 340 North Washington Avenue

17 Scranton, Pennsylvania

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24 Lisa M. Graff, RMR

25 Court Reporter

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1 CITY OF SCRANTON COUNCIL:

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3 MS. JUDY GATELLI, COUNCIL PRESIDENT

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5 MR. WILLIAM COURTRIGHT, VICE-PRESIDENT

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7 MS. JANET EVANS

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9 MS. SHERRY NEALON FANUCCI

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11 MR. ROBERT MCGOFF

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13 MR. AMIL MINORA, ESQUIRE, SOLICITOR

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15 MS. KAY GARVEY, CITY CLERK

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17 MR. NEIL COOLICAN, ASSISTANT CITY CLERK

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1 MS. GATELLI: Okay. Please stand for
2 the Pledge Of Allegiance. Please remain standing for a
3 moment of reflection.

4 MR. MCGOFF: I would just like to add
5 to what Mrs. Gatelli said. Today is December 7th,
6 Pearl Harbor Day, and I think a special moment for
7 Veterans of World War II who served their country
8 during that horrendous time.

9 MS. GATELLI: Just before we start,
10 could everyone please turn off their cell phones?
11 Including me. Thank you.

12 MR. COOLICAN: Mrs. Evans.

13 MS. EVANS: Here.

14 MR. COOLICAN: Mrs. Fanucci.

15 MS. NEALON FANUCCI: Here.

16 MR. COOLICAN: Mr. McGoff.

17 MR. MCGOFF: Here.

18 MR. COOLICAN: Mr. Courtright.

19 MR. COURTRIGHT: Here.

20 MR. COOLICAN: Mrs. Gatelli.

21 MS. GATELLI: Here. Mrs. Garvey.

22 MS. GARVEY: Third order, no business

23 at this time.

24 MS. GATELLI: Thank you. Just a few

25 announcements. On Saturday, December 16 at 6:30, there

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1 will be a free movie in the park up at Nay Aug. You

2 can enjoy the holiday light display and stay for the

3 movie It's a Wonderful Life. It will be held in the

4 amphitheater in Hanlon's Grove and it will be heated.

5 If anyone looked in the paper this week

6 in the legal ads, there was one for a study that's

7 going to be conducted by the planning office on an

8 assessment of Brown Field in the City of Scranton.

9 They applied for a \$200,000 study to identify some

10 environmentally and abandoned commercial projects

11 within the City of Scranton, so we will be able to see

12 exactly what we have, if any cleanup is needed and if

13 we can develop these particular properties.

14 The Lackawanna Avenue bridge, we had a
15 question last week about that, \$195,000 to the
16 engineering firm, we have already paid them \$737,000,
17 for a total of \$933, 0000. Eighty percent of that will
18 be paid with federal money, fifteen from state funds
19 and five percent will be paid by OECD. There's a
20 reimbursement agreement with the City of Scranton.
21 They will be widening it, and it looks like the start
22 is going to be in July.

23 When I talked to the engineer, I asked
24 him to please tell PENNDOT that we would like that
25 expedited, as the bridge is in terrible condition. So,
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1 if I get any more updates, I will let you know. But
2 the date I got for start time was July.
3 I went to the SRA meeting Wednesday
4 speaking on behalf of Ozzie Quinn's request. They will
5 be coming to a public caucus the first chance they get
6 in January.

7 I told them to let us know what
8 Thursday is good, and they will be coming, and I
9 expressed all the concerns of Mr. Quinn.
10 I also went Tuesday evening to a

11 meeting up at the Keyser Valley Community Center
12 concerning the flooding that occurred up there, and
13 some people also came from North Scranton.
14 Mary Alice Burke is to be commended for
15 all the work she did with PEMA and Kanjorski's office,
16 going to all the sites that were flooded and for
17 conducting that meeting.

18 She came up with assessments of
19 approximately \$802,000 of damage, and those are
20 preliminary figures. And out of that, \$773,000
21 occurred in Keyser Valley.

22 I spoke to her before I came to the
23 meeting, and she said that there were four more
24 assessments delivered to her home today. So, they're
25 still coming in.

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1 If anyone had any damage from that
2 rainstorm on the 16th of November, we will have surveys
3 available also in City Council office.
4 So, if you need one, just come in and
5 get one, and then we will forward it to Mr. Flannigan
6 at the county office.

7 I did send several requests from that

8 meeting. I wasn't able to stay for the whole thing,
9 but there was a cave-in just before Overbrook Circle in
10 Fawnwood. I received that from a Mr. Peritano, and I
11 sent that to Mr. Parker today.

12 Also, the top of Frink Street, there's
13 a ditch above the turnpike that is full of boulders and
14 debris, and I sent that to Mr. Parker.

15 The night of the meeting I called him
16 when I got home about Crisp Avenue, because the
17 residents were concerned that there was no lighting and
18 it was very dark there, and the next day they put in
19 concrete barriers, and the neighbors called and they
20 were very pleased that something was done.

21 In case anyone sees the copy of the
22 budget that Council is going to consider that Mrs.
23 Evans worked on, we needed to keep the mayor's salary
24 at \$50,000. He is not allowed to change his salary,
25 because it's in the Home Rule Charter.

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1 So, if he wishes to give what he
2 stated, he's going to need to write a check the way I
3 wrote a check. We cannot change our salary because
4 it's by the Home Rule Charter.

5 So, Kay, if you would write him a note
6 just to apprise him of that. I didn't tell him that.
7 He may want to know that it couldn't be done that way.
8 He's going to have to write a check.
9 I talked about the light show up at Nay
10 Aug. I talked to Jeff Brazil, he said they're getting
11 a tremendous crowd up there.
12 And last week they said that there was
13 new lights added. He wanted me to tell you that the
14 lights were given to the city by the county. They did
15 not pay for any additional lighting. That was donated
16 by the county.
17 There were numerous potholes repaired.
18 I'm not going to get into them, because they said the
19 snow is very bad. I also received a call from the
20 police department that there are accidents all over
21 town, so I'm going to try to expedite what we're doing
22 here this evening so that everyone can get home safely.
23 So, I will dispense with the reading of anything that
24 Mr. Parker did. And I think that's all I have.

25 MS. NEALON FANUCCI: If I might.

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1 MS. GATELLI: Go ahead, Mrs. Fanucci.

2 MS. NEALON FANUCCI: I just want to
3 congratulate Lackawanna County for winning their big
4 win in The Sun Bowl. This was just something that I
5 would like to send a letter, maybe Kay, that we can
6 send a letter congratulation to them and their coach
7 Mark Duda, and I will give you the information later,
8 but just to congratulate them on such a good win.

9 MS. GATELLI: Anyone else? The first
10 speaker is Douglas Miller. I don't want to cut
11 anyone's speaking time, but if you can condense your
12 comments so that we can all get home safely tonight, we
13 would certainly appreciate it.

14 MR. MILLER: Good evening, Council.
15 Doug Miller. First off, I would like to present City
16 Council with a copy of our monthly report for December.
17 A couple weeks ago we agreed as a body
18 to submit to Council a monthly report of all of our
19 activities that we're involved in, also to supply to
20 you the minutes from all our meetings to better inform
21 you. So, if I may, I'd like to give each of you a
22 copy.

23 I would just like to start off by
24 saying that the breakfast with Santa that was
25 cosponsored by the Junior Council and Scooter's Hot

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1 Dawg Hut that was held on Saturday, December 2 raised
2 \$640, and that will be donated to Channel 61.

3 And I would like to take this time to
4 personally thank Mr. Bolus and Mr. Morgan and the
5 employees of Scooter's for their support and
6 assistance.

7 And I would like to thank Mrs. Gatelli
8 and Mrs. Evans who attended our breakfast, and I would
9 like to give both of you a T-shirt from Scooter's from
10 Mr. Bolus, who also thanks you for your support, and
11 you're now an official member of the Scooter's family.

12 MS. GATELLI: I don't know if we can
13 wear shirts from Dunmore, Mrs. Evans. If we institute
14 the commuter tax, they won't want us to wear it. Thank
15 you.

16 MR. MILLER: Again, thank you to
17 everybody who supported us in this fundraiser. And on
18 December 28, we will present the check with Mr. Bolus
19 for \$640 at the telethon, Channel 61's telethon, and we
20 look forward to that.

21 Also, it has been suggested by Channel
22 61 that the Junior Council participate in interviews

23 and questions such as why there is a Junior Council and

24 what we are learning and so on.

25 And I'd like to say I think it's a

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1 wonderful idea and we will look forward to this

2 opportunity to express our thoughts individually,

3 rather than as a body, because we all do have our own

4 opinions and reasons for being here.

5 Regarding the smoking ban, I and

6 members of the Junior Council were insulted by the

7 comments made last week toward the West Scranton High

8 School students because they proposed this ban.

9 To say that these students were put up

10 to this is totally ludicrous. It was brought up by the

11 students because they feel that their right of clean

12 air should not be taken away from them.

13 This issue has to do with the health

14 and safety of the city, and people need to understand

15 that. Please don't belittle these students who are

16 doing somebody so positive and helpful to this city,

17 and they should be commended for participating in our

18 government.

19 I would also like to clear something

20 just for the record, this Junior Council has absolutely
21 nothing to do with the smoking ban, so before anybody
22 against the ban comes up here and chastises us, I
23 suggest to them that they do their homework.
24 This was all the students from West,
25 and they deserve all the credit and recognition.

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1 Personally I support the ban. I don't like smoke, and
2 I know that it's a known killer, and I don't feel that
3 I or any other non-smoker should have to suffer and
4 allow our right to clean air be taken away from us.
5 Of course everyone is welcome to their
6 opinion on this issue. This is America, and that is
7 what makes our country so great.
8 Just regarding the budget, this past
9 week I've been reading the newspaper and watching the
10 news, and I have been here at Council observing the
11 meetings, and I think it's totally unfair the criticism
12 being heaped upon Mrs. Evans regarding the mayor's
13 budget. I believe it's unfair to criticize Mrs. Evans
14 or any other Councilperson who is only trying to do
15 their job in the best interest of this city.
16 And these people who do criticize

17 should be ashamed of themselves. Rather than
18 criticize, they should come here and bring suggestions
19 regarding the budget and any other issue in the city,
20 rather than point the finger at the Junior Council or
21 any City Councilperson who's only trying to do their
22 job.

23 They, too, have their opinions and
24 should not be chastised for expressing them. We're
25 only trying to do what's best for the city and our

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1 future.

2 Also in response to a letter that was
3 received from the commissioners, early last week we had
4 sent a letter to them asking them to consider the
5 formation of junior commissioners, and I would like to
6 thank the commissioners for responding, and I would
7 like to read the letter from Mr. Munchak.

8 Dear Mr. Miller, I would like to thank
9 you for your letter on November 28th, where you would
10 like the commissioners to consider forming a Junior
11 County Commissioners Council in order to bring a youth
12 perspective into the county.

13 Since I have not seen every City

14 Council broadcast on Channel 61, I am unaware of your
15 successes as a Junior Council, as you state in the
16 letter. I am also unaware of your mission statement,
17 exactly what is the purpose of the Council and what are
18 your goals. Please send me a list of those successes
19 and goals.

20 Obviously the county commissioners have
21 a larger responsibility than that of Council, simply
22 because we answer to approximately 209,000 and have a
23 \$106 million budget, more departments and three times
24 the number of employees, and it is not an easy task.

25 When Mr. Cordaro and I took office in

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1 2004, we formed various advisory councils to help us
2 run the county more effectively. Their participation
3 has been provided ideas to improve the quality of life
4 in our county.

5 There are 18 advisory councils ranging
6 from the arts to Veterans affairs, which have over 100
7 members. In addition, each county department head
8 reports directly to me or Mr. Cordaro so we know
9 exactly what is happening throughout the county.

10 As far as I could tell from Channel 61,

11 the City Councilpersons have just a solicitor, a clerk
12 and your Junior Council to help make decisions. The
13 mayor has direct responsibility for all departments,
14 employees and makes all the decisions.
15 Our form of government is different
16 from what you have experienced at City Hall. Mr.
17 Cordaro and I make all the decisions for the county
18 utilizing the staff mentioned above.
19 In conclusion, I cannot see the benefit
20 of a Junior County Commissioners Council at this time.
21 We would, however, consider anyone interested in
22 becoming a part of our 18 existing councils as a
23 non-voting member.
24 Please remember that our commissioners'
25 meetings are held during school hours, which would
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1 interfere with your education. Sincerely yours, A.J.

2 Munchak.

3 And I just, again, respect the fact

4 that he responded.

5 MR. MINORA: Time.

6 MR. MILLER: And I do understand that

7 the county does have work to oversee rather than the

8 city.

9 And one more announcement, the freshman
10 class at West Scranton High School is having a
11 Christmas Wonderland on Friday, December 15 from five
12 to nine. There will be pictures with Santa, a bake
13 sale, there will be hot drinks, light displays, movies.
14 It's \$3 for kids 13 and under, and four for adults.
15 Admission price covers entry to the courtyard, as well
16 as Christmas movies and time with Santa. Please come
17 and support our school. Children of all ages are
18 welcome, and you won't be disappointed. Thank you.

19 MS. GATELLI: Thank you. Andy

20 Sbaraglia.

21 MR. SBARAGLIA: Andy Sbaraglia, citizen
22 of Scranton. Fellow Scrantonians, I got a little
23 notation in here in your final reading of resolution an
24 ordinance for adoption, 7-B, For adoption - ordinance
25 entitled annual operating revenue by transferring

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1 \$390,000 from account number, well, forget it,
2 contingency to account number, forget it, to provide
3 funding to cover the principal and interest payments on
4 series 2004, \$4 million sales leaseback of DPW and

5 series 2005, \$5 million sewer authority guaranteed

6 lease revenue.

7 That's \$9 million, plus you just gave

8 another \$10 million, right, plus we owe probably

9 another \$3 million on that. You're telling me that

10 piece of real estate is worth \$22 million? But it adds

11 up. If you already got \$9 million for the same piece

12 of real estate, you just borrowed another \$10 million

13 for the same piece of real estate, and he still owes

14 that \$72 million he borrowed when he built the place.

15 I assume he owes about \$22 million on this piece of

16 real estate.

17 I think that's pretty good. I think we

18 should sell everything in the city. If we can get

19 enough money, we can get out of debt and all go to

20 Florida.

21 MS. EVANS: Mr. Sbaraglia, I'm sorry to

22 interrupt you, I apologize, but did you confirm that

23 the DPW is being used in the leaseback agreement with

24 the Redevelopment Authority?

25 MR. SBARAGLIA: No, because that's a

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1 different group. I'm just referring to the \$9 million

2 here.

3 MS. EVANS: No. The 2004 and the 2005.

4 MR. SBARAGLIA: That other one is still

5 in abeyance, what it actually transpired. All I can

6 say is we're getting a lot of money for pieces of real

7 estate that aren't worth near that much.

8 So, obviously all this burden is going

9 to fall on the taxpayers, really on the taxpayers,

10 because there's no other person that's going to pay for

11 it.

12 And the Sewer Authority, as you know,

13 is going to come before you for another loan, Pennvest

14 loan, I believe, probably in the near future, because

15 they already printed that their rates are going up on

16 their sewer bill.

17 I don't have the code on me, I got the

18 information home on it, but anyway, I don't know what

19 you're going to do with that.

20 I really cannot even -- no accountant

21 could come and say that that isn't a bad piece. This

22 is better than Enron. I don't think Enron did that

23 well as this mayor has done with that one piece of real

24 estate, because if -- I asked last week, nobody

25 actually knows whether it was the DPW site or every

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1 piece of DPW equipment in that site.

2 For all I know, we don't own these

3 trucks anymore. It's partly between one and the other,

4 but I don't see how we can borrow from one and not pay

5 off the other. That's the thing that bothers me the

6 most.

7 In other words, if he had come up with

8 the \$9 million, paid the Sewer Authority off, then I

9 can see him owning the building and then being able to

10 sell it to the SRA, but I don't know where they're

11 going to get the money from to pay. They're going to

12 be stuck with the garage. And if people stop using the

13 parking meters, we're going to be stuck even with that.

14 So, I mean, you're working on the

15 budget now. These ain't even the lawsuits or the money

16 we owe the water company or money we may have to put in

17 funds for people being hurt or so forth and so on.

18 I mean, this is really, really a

19 serious problem inside the city. If you're going to

20 sock the taxpayers, you should also sock the business

21 people, too, who is the benefit of most of this.

22 If we didn't pour all that money into

23 Central City, we wouldn't be in the problem we're in

24 now, and anybody knows that.

25 So, you got to come up with the

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1 businessmen to come up with their share. They've been

2 sitting there cutting down. They're going down there

3 reducing their tax burdens. You've got all kinds of

4 buildings. You've got TIFS, TANS, everything you can

5 think of, you got historical.

6 Believe me, you have cost the taxpayers

7 millions and millions of dollars in tax revenue by

8 squashing all of this in the very beginning. I'm not

9 even talking about the KOZs.

10 Because in town, we've seen very, very

11 little -- well, the best -- get a hold of the tax

12 assessor, not the tax assessor, down there at your --

13 MR. MINORA: Time.

14 MR. SBARAGLIA: Who's working on the --

15 MR. MINORA: Mr. Sbaraglia, it's five

16 minutes.

17 MR. SBARAGLIA: Okay. I won't get into

18 that, but that's where you have to go to people that's

19 paying the wage tax and actually find out where

20 everything is going and coming.

21 MS. GATELLI: Thank you. Les Spindler.

22 MR. SPINDLER: Good evening, Council.

23 Les Spindler, city resident. I have another comment to

24 make about the police officer that's usually here, I

25 see there's not one here tonight, so I guess that's

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1 because of the weather.

2 Last week, Mrs. Gatelli, you said he

3 has a radio if there's an emergency, he could be called

4 out, but I think that's too late. That's like closing

5 the barn door after the horse gets out.

6 The state policeman is out patrolling

7 the city streets. He could be preventing crimes before

8 they start. If he's here called out after the crime is

9 committed, that's too late. I mean, common sense tells

10 you, if he's out patrolling the streets preventing

11 crimes, he's doing a much better job than standing here

12 and doing nothing. That's all I have to say on that

13 subject.

14 About the smoking ban, last week there

15 was a speaker here representing a vending company, and

16 he's talked about smokers' rights are being violated,

17 and I said this once before, but I don't know what

18 constitution he studied, but the one I studied, I

19 didn't see a right to smoke in there.

20 And he also said smoking is legal,

21 nobody said it wasn't legal, but smoke in your own

22 house if you want to. Don't pollute people's air if

23 they don't want to smoke.

24 I have a question for the solicitor,

25 Attorney Minora, I've read a few things in the paper

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1 this week, and it's your opinion that this smoking ban

2 is legal?

3 MS. GATELLI: You have to address

4 through the chairman.

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

6 MS. GATELLI: Mr. Minora does not

7 answer questions. He is Council's solicitor.

8 MR. SPINDLER: Well, Mrs. Gatelli,

9 could you ask the solicitor that question?

10 MS. GATELLI: Yes, I can. Attorney

11 Minora, what is your legal opinion on the smoking ban?

12 MR. MINORA: The same as I told you in

13 caucus, The Fire Act was amended in 1988 to establish

14 non-smoking areas in certain buildings. We're all
15 probably most familiar with non-smoking areas and
16 restaurants, and that was established by that act in
17 1988.

18 There were restrictions placed in the
19 act as to second class cities not to legislate in that
20 area, and I believe that the legislative history of
21 that act will demonstrate that those restrictions were
22 placed in there for the purpose of establishing a floor
23 so that municipalities who are subject to that act in
24 1988, could not cut out their community from the
25 requirements of that act; in other words, they
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1 established a floor, a minimum, but not a maximum.

2 It would be -- I guess the easiest
3 analogy I can give you is, there's a clean air act
4 passed by the federal government having to do with
5 emissions of vehicles.

6 As most people know, California's
7 emissions standards for their vehicles are much, much
8 stricter than the federal government's, so the federal
9 government had to establish a floor or a minimum and
10 left open to the states, including California, to

11 establish a more strict, if that's such a word,
12 stricter emissions requirements for their vehicles.
13 So, I believe it will be demonstrated
14 by legislative history that that is what the
15 legislature and the state legislature intended in 1988,
16 and I think the language of their restrictions as to
17 what the municipalities can do demonstrates that, as
18 well.

19 So, my opinion is that, and we're a
20 Home Rule Charter, but that's another issue. I think
21 we're on fairly solid ground, but I will also say that
22 there is a question, and if that question is
23 challenged, it will be decided by a court.

24 MR. SPINDLER: Thank you. Another
25 question, the bars that 90 percent of their sales are
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1 alcohol, they can put in for an exemption for a year,
2 who decides whether they have 90 percent alcohol sales?

3 MS. EVANS: If I might, I think they're
4 going to apply for a waiver through LIPS, the
5 licensing, inspection and permits department.

6 And according to the ordinance, it will
7 be the health inspector who makes the determination,

8 and if the health inspector requires further
9 information or assistance, that individual can also
10 confer with the director of LIPS or even the BA or the
11 tax collector, because I believe one of -- for example,
12 one of the terms of receiving an exemption is that your
13 taxes must be current.

14 MR. SPINDLER: Okay. And what happens
15 when the year is up? Can they apply for another
16 exemption?

17 MR. MINORA: That's your five minutes.

18 MS. NEALON FANUCCI: When the year is
19 up, we said we might evaluate again and see if they can
20 extend it and decide whether we will give them another
21 year exemption. You know, we will reevaluate it in a
22 year.

23 MR. SPINDLER: I have one more quick
24 comment. Being that the students of West Side High
25 School are the ones that got this started, if it wasn't

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1 for them, this wouldn't have happened, I think City
2 Council should give them each a proclamation, and if
3 not each of them could be given one, maybe you can give
4 one single one to have in the high school.

5 As I said, if it wasn't for them, this
6 never would have happened. I think it would be a nice
7 thing to do.

8 MS. GATELLI: Thank you, Mr. Spindler.

9 Lee Morgan. No? Charlie Newcomb.

10 MR. NEWCOMB, SR.: Good evening,

11 Council. Just a few topics here, like you said, to
12 make it a little bit short, because the weather isn't
13 the greatest out there.

14 Mrs. Evans and Mrs. Fanucci, last week

15 I believe at the end of the meeting you were talking
16 about -- they were talking about our health care for
17 our employees, for the retired employees, and, you
18 know, they we pay their health care until death, I'm
19 sure you read, you know, the contracts and you know
20 what we're dealing with, but I just want to make
21 something a little bit clear so everybody does
22 understand, our health care for our retired employees,
23 it's not until death.

24 Our health care, we only pay these

25 people, like anybody else does. When you hit 65 years

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1 old, you're covered by your Medicare, you know, and

2 then our insurance becomes secondary. So, just for a
3 thought, like, you know, they make you feel like we
4 don't pay for these people, you know, if they live to
5 be 100 years old, which I hope they do, but it's just
6 that it's only while -- you know, when they go on
7 Medicare, like the rest of us do, then their insurance
8 is covered by -- they pay, like, 80 percent, then
9 Medicare covers. So, just a thought about that.

10 And, Mrs. Evans, I see that you said
11 you were going have a budget for this evening, and I
12 hope it is, you know, a lot better than borrowing
13 \$10 million.

14 And I understand, I'm sure we're not
15 going to get help borrowing, but I brought this up once
16 before, what I hope everybody up there considers when
17 you make your votes is the little old lady, and I'm
18 only going to say her name is Mary, I'm not going to
19 tell you her last name, these are as figures as you can
20 get.

21 She lives in the city. All she has in
22 her whole life is \$700 a month for her Social Security.
23 It gives her \$8400 a year. She owns her home, but her
24 taxes are \$1,200.

25 So, if she pays them taxes and keeps

1 them current, which they are current, for her
2 utilities, her groceries and everything else, she has
3 \$7,200 for the rest of the year to pay her bills and to
4 live on.

5 So, I mean, those are the kind of
6 people -- and unfortunately there's a lot more Marys
7 and Sams and everybody else that lives in this city.
8 So, there's a lot of people that are in that situation.

9 You know, or even if the two of them
10 had Social Security, you're only looking at \$14,000 a
11 year, if that was the case. It's probably a little bit
12 easier than it would be to pay on \$8,400, but a lot of
13 these people are widowed, and, you know, that's all
14 that they do have.

15 And I know the mayor, even if we give
16 him the money and borrow money for the budget and
17 everything else, he stood here at this podium and he
18 admitted that, you know, he wants to cut firemen.

19 And I believe we have 150, he wants to
20 go down to 112. So, people like Mary and people like
21 yourselves up there and everybody else in the city
22 that, you know, that pays their taxes every year,

23 you're going to be paying 25 percent more tax, I

24 believe that's what we're going to go up, for less

25 service. That's 38 less firemen.

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1 I know it might save a lot of money,

2 but we're going to be paying more money for less

3 services.

4 And, Mrs. Gatelli, just one more thing,

5 you touched a little bit before, you mentioned about

6 the commuter tax, I know somebody had a comment in the

7 paper this morning, you know, where they didn't

8 appreciate the commuter tax, but I'll tell you what, we

9 definitely should bring back the commuter tax.

10 If you look for an example tonight, if

11 you came down here around rush hour time and the roads

12 are as bad as they are and everybody trying to get out

13 of the city, the last figure I got was 29, I believe

14 306 (29,306) people come in here every day that don't

15 live here.

16 And unfortunately if there was any at

17 5:30, six o'clock when rush hour was, you look at these

18 roads, and if there's any accidents out there, and when

19 you look in the paper tomorrow or the next day or

20 whatever, if there were enough reported, you're going
21 to see that so and so in Old Forge, so and so in
22 Taylor, so and so -- I mean, our policemen, they're
23 getting paid to do this right now on our tax dollars
24 and they're covering a lot of these with the commuter
25 problems. So, I do hope that we could bring the
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1 commuter tax back.

2 And, Mrs. Evans, I just hope your
3 budget does touch on the arbitrations that we owe,
4 because I know you mentioned once before, I think the
5 mayor's budget only had like a \$200,000 payment or
6 something in there for arbitrations, and I know just
7 keep it in the back of everybody's heads that I think
8 we owe, it's probably more now, but it's \$10 million
9 was the last figure.

10 So, when you do vote and you do come up
11 with these budgets, please, please take into
12 consideration people like Mary and everybody else that
13 only, you know, try to pay their bills on \$700 a month
14 or \$8,400 a year.

15 Because believe me when I tell you,
16 there's going to come a time that it's not going to be

17 able to do it and they're going to sell their house or
18 they're going to lose their house or something. So,
19 take those thoughts into consideration when you make
20 your decisions. Thank you.

21 MS. EVANS: Mr. Newcomb, I just wanted
22 to clarify one item for you that you discussed during
23 your address. The borrowing has already occurred, in
24 that, Council approved the borrowing in seventh order
25 last week.

28

1 It's no longer an option. It's a done
2 deal. And I know, for example, I had to in the midst
3 of a big storm last Friday, make sure that a new
4 signature was affixed to the decreased borrowing that
5 was originally \$15 million, and then Mrs. Gatelli
6 decreased it to \$10 million. So, I would feel quite
7 secure that very likely the money's on the way.

8 MR. NEWCOMB, SR.: Okay. Thank you. I
9 just hope, like I said, in the future you will be --
10 you know, still you will be voting on -- I'm sure
11 someone is going to come here again for more money, but
12 I just hope when we do make these decisions that we do
13 keep people like Mary in mind, because those are the

14 kind of people that are trying to struggle to pay their
15 bills. Thank you.

16 MS. EVANS: Absolutely.

17 MS. GATELLI: Thank you. Justin

18 Gagliardi.

19 MR. GAGLIARDI: Good evening. My name

20 is Justin Gagliardi, city resident and I work in the

21 City of Scranton, as well.

22 I would like to say you've done a lot

23 of good things to the City of Scranton -- this Council

24 and the past couple of Councils have all done great

25 things. You've brought business into the city, people

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1 are moving in, well, maybe not numberwise, but it seems

2 like more people living here, enjoying the city more.

3 Don't flip flop now and make it

4 difficult for people in the city. The smoking ban is

5 going to make it difficult for restaurants and bars

6 because we're competing with different areas.

7 Scranton is not a very large city. We

8 only have maybe a couple hundred restaurants in this

9 city, and bars are only a couple more probably.

10 People from Scranton, you know, if they

11 want to smoke, they're probably going to continue to
12 smoke, and they're probably going to go smoke in Old
13 Forge or Dickson City or in Dunmore, the outlining
14 areas.

15 The problem we have, unlike
16 Philadelphia or New York or maybe Allegheny County and
17 Pittsburgh, is that it's only a five minute drive to go
18 somewhere that you could smoke.

19 And Scranton, I mean, we have great
20 restaurants, great bars, but if you want to smoke, it's
21 not that much more hassle to go somewhere else. It's
22 going to hurt the business in the city, because just
23 for the fact that it's only here. If it was a
24 statewide thing, and I understand, that's a little
25 different.

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1 You know, I can see where the point
2 comes from from both sides, but it's going to hurt
3 business in the city, I believe.
4 Plus you have the exemption bars. So,
5 if ten percent of your revenue or less comes from food,
6 who can apply for an exemption? Well, that's going to
7 favor them an awful lot.

8 If you have somewhat of a great
9 restaurant that has to outlaw smoking, if they have
10 people that want to smoke, it's definitely going to
11 favor the place, the exemption bars. So, even in the
12 city it's not a level playing field very much. You
13 know, I understand the clean air, but, you know, it's
14 kind of a difficult situation there.

15 Plus you have -- there are certain
16 restaurants and bars that are clean air. And the thing
17 with them is they're not very busy. You have bars and
18 restaurants that you can't smoke at, their owners have
19 their own rules, but they're not very busy. The need
20 isn't there, for the most part.

21 If there was a huge, huge need for
22 these smoke free places, the restaurants would probably
23 be doing a lot better than they are now, but they're
24 really not.

25 Plus, my last point is the City of
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1 Scranton, I was going to ask you guys to consider at
2 least a tax incentive for places that do go non-smoking
3 on their own account, but then I realize that, you
4 know, taxes are going to -- it's going to take away tax

5 money from the city and we're kind of not doing too
6 well moneywise to being with, so it got me thinking,
7 why don't you just leave it alone and make the -- make
8 a licensing fee a little more money if you want to have
9 smoking, you know, instead of making a license fee the
10 same amount of money to eat and drink licensing fee?
11 Increase that fee if someone wants to
12 have smoking at their establishment. I don't know how
13 much. I mean, you're the Council, I'm just a resident.
14 But if you wanted to make that more money, if you
15 wanted to charge them so much more money per seat or
16 per unit or per whatever, that's a good revenue. I
17 mean, it could be a good revenue producing thing until
18 the state or something else comes along.
19 I mean, not every bar might enact to do
20 it, and that's their own prerogative, but if some of
21 them do do it, that's money in the city's pockets.
22 So, I think the City Council is doing a
23 great job. But I'm just asking you, as a resident in
24 the city and a non-smoker, don't make a poor decision.
25 Thank you.

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1 MS. GATELLI: Thank you. Fay Franus.

2 MS. FRANUS: Fay Franus, Scranton.

3 Mrs. Gatelli, I would like to ask you, how do you

4 justify giving the mayor \$10 million when all he asked

5 for was 6.9? Does this make sense? Why would you give

6 him \$3 million more than what he asked for when you

7 didn't have to? That was a question.

8 MS. GATELLI: I'm not going to answer

9 it.

10 MS. FRANUS: You've got to be kidding.

11 MS. GATELLI: No, I'm not kidding. I'm

12 not answering your questions, Mrs. Franus.

13 MS. FRANUS: Wow. I asked you a

14 question, and I wanted an answer, and you're not going

15 to give me an answer.

16 MS. GATELLI: I'm not going to answer

17 your questions.

18 MS. FRANUS: You're not going to answer

19 any of my questions?

20 MS. GATELLI: I don't know. It depends

21 on what they are, because you just come here week after

22 week to harass me.

23 MS. FRANUS: Wow.

24 MS. GATELLI: And I'm not going to

25 answer you.

1 MS. FRANUS: That -- that says a lot.

2 MS. GATELLI: Yeah, it says a lot when

3 you sit there making faces at me all night, too.

4 MS. FRANUS: Really? A little

5 paranoid, aren't you? Amazing. I wanted an answer to

6 that question. I can't even comprehend how somebody

7 can give someone \$10 million, when they only asked for

8 seven.

9 MS. GATELLI: He didn't only ask for

10 6.9.

11 MS. FRANUS: He asked for 6.9, and you

12 gave him ten. Do the math.

13 MS. GATELLI: That's your opinion.

14 MS. FRANUS: No, it's a fact.

15 MS. GATELLI: It was never on the

16 agenda. The 6.9 was never on the agenda.

17 MS. FRANUS: First of all, you didn't

18 have to give him anything, because you shouldn't have

19 put it on the agenda.

20 MS. GATELLI: Well, it was my decision

21 to vote that way.

22 MS. FRANUS: I know.

23 MS. GATELLI: As other people on here

24 voted.

25 MS. FRANUS: And then there's an

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1 article in the paper about Mike Washo going to pick

2 someone to be his running mate for county commissioner,

3 and you said that you wouldn't do it because the city

4 need you. Now, I'd like to know why -- may I ask why

5 does the city need you?

6 MS. GATELLI: I'm not going to answer

7 any more questions, Mrs. Franus.

8 MS. FRANUS: Well, then I'm going to

9 keep asking.

10 MS. GATELLI: You can stand there until

11 the cows come home.

12 MS. FRANUS: Well, wait for the cows,

13 because --

14 MS. GATELLI: And I am not going to

15 answer you.

16 MS. FRANUS: That's fine. Let the

17 people decide for themselves that you're that arrogant

18 that you don't want to answer the --

19 MS. GATELLI: Yes. Let the people

20 decide why you come here and harass me every week.

21 MS. FRANUS: They're the taxpayers.

22 You're representing me and you refuse to answer me?

23 Boy, you have guts.

24 MS. GATELLI: I don't represent you.

25 MS. FRANUS: You certainly should.

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1 MS. GATELLI: I don't.

2 MS. FRANUS: I pay your salary, Judy.

3 I said this last week.

4 MS. GATELLI: I gave my half of -- five

5 percent of my salary back.

6 MS. FRANUS: Wow. Unbelievable. And

7 then last week it's, I'm scared of this, I'm afraid of

8 this, I'm afraid to do that.

9 For someone who's in a leadership

10 position, president of City Council, you're afraid of

11 everything. You have a policeman here. You threw a

12 man out that was almost 80 years old at the high school

13 when you had the meeting there because he spoke over

14 five minutes. Then a man over there in a wheelchair,

15 you had him thrown out because he said something in the

16 audience.

17 MS. GATELLI: I didn't have anyone
18 thrown out that night. I didn't ask for anyone to be
19 removed.

20 MS. FRANUS: You asked the policeman to
21 take him out.

22 MS. GATELLI: No, I didn't. Look at
23 the minutes, Mrs. Franus.

24 MS. FRANUS: How about the man at West
25 Scranton?

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1 MS. GATELLI: Look at the minutes, Mrs.
2 Franus.

3 MS. FRANUS: I had to look at the
4 meeting. I see enough. I see plenty.

5 Now, I want to ask you, Mrs. Fanucci,
6 last week you made a statement about Mrs. Evans saying
7 something was criminal, do you think that statement was
8 justified?

9 MS. NEALON FANUCCI: Yes, I do.

10 MS. FRANUS: You think Mrs. Evans made
11 criminal statements?

12 MS. NEALON FANUCCI: I think what she
13 was accusing people of was a criminal statement, yes.

14 That's why I said it. You were here.

15 MS. FRANUS: But don't you think you

16 should back that up with proof before you make such a

17 statement?

18 MS. NEALON FANUCCI: Wait a minute. It

19 wasn't me making the accusation. Backing it up with

20 proof would be someone who was accusing people and then

21 backing up, yes. That's why I made the statement, yes.

22 MS. FRANUS: Well, I think somebody

23 should clarify that, because that's totally crazy.

24 MS. NEALON FANUCCI: I think I just

25 did. There were statements being made that I wanted to

.

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1 distance myself from, because I felt that they were

2 crossing a line, and that's why I did that. So, yes,

3 that is why I said what I said.

4 MS. FRANUS: Well, I hope all of you

5 tonight consider Mrs. Evans' budget and really take

6 into consideration, and we'll see what happens here as

7 to whether you will or not. And if you don't, well,

8 then, again, it speaks volumes. You can almost predict

9 what's going to happen here, but we'll see.

10 Just like you said last week, Mrs.

11 Gatelli, you said you don't have a crystal ball, you
12 don't know how I'm going to vote, well, you're almost
13 pretty predictable. You just sold the city down the
14 river. Sold the city down the river and the taxpayers.
15 Do you know how many people come up to me and say
16 they'll never get another vote for you again because of
17 what you just did?

18 MS. GATELLI: That's their prerogative.

19 MS. FRANUS: It certainly is.

20 MR. MINORA: That's your five minutes.

21 MS. GATELLI: If you can do better, you
22 come up here and try, and we'll see how many people
23 want you up here.

24 MS. FRANUS: I'm not running for
25 office.

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1 MS. GATELLI: Well, you should.

2 MR. MINORA: Five minutes.

3 MS. GATELLI: You should, then you can
4 vote however you want.

5 MS. FRANUS: We're not talking about
6 me, we're talking about you. And last week five people
7 spoke over five minutes, and you said not one word.

8 You pick and chose who you want --

9 MS. GATELLI: Attorney Minora says it,

10 the time.

11 MS. FRANUS: He said the five minutes

12 are up, and you never said one word to any of those

13 people. You're the president of this Council. You're

14 the one that's supposed to be in charge, not Mr.

15 Minora. He just tells you what time it is. You're the

16 president of this Council, and you never once said to

17 five of these people, but other times you certainly

18 say, Your minutes are up, get out.

19 MS. NEALON FANUCCI: Actually the five

20 minute rule is discretioned to the president. She's

21 allowed to extend people who she feels wants --

22 MS. FRANUS: Okay. I can understand,

23 but that's sort of discrimination, isn't it?

24 MS. NEALON FANUCCI: Well, that's in

25 our rules, correct? Well, it's in our rules. I mean,

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1 we voted on those.

2 MS. FRANUS: So, she can pick and chose

3 who she wants to let speak over five minutes basically

4 is what you're saying?

5 MS. NEALON FANUCCI: Yeah, and I think

6 yours are up.

7 MS. FRANUS: I know. So, like I'm

8 saying, she can pick and chose who she wants to speak.

9 MS. GATELLI: Yeah, exactly. It's the

10 prerogative of the president.

11 MS. FRANUS: That's nice. Thank you.

12 MS. GATELLI: God bless you, Mrs.

13 Franus. Mark Gowarty. Sorry.

14 MR. GERBAS: Yeah, my name is Mark

15 Gerbas, I live in the city. The reason I'm here, I'm

16 addressing Mr. Courtright. Remember me? And I was at

17 Mrs. Gatelli's house, you don't work here no more, and

18 I see Mrs. Evans.

19 I live on Fig Street in Scranton. It's

20 about rats, okay? For about four or five months,

21 right, I kept going to the city asking for help. I

22 went to public health -- okay. So, for about four or

23 five months I was going to the city asking for help

24 about rats, all right? And I spoke to Mr. Courtright.

25 He said he was going to see what he could do, passed

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1 the buck down to Mark Seitzinger in public safety.

2 Okay. Nobody could do anything. They
3 said everything had to be abated, to go by the law,
4 this and that.
5 So, at 722 Fig Street, it was just
6 condemned two days ago after a neighbor in the back of
7 me had rats in his basement, had he had three little
8 kids and a dog.
9 I live right next door to this property
10 that was condemned on Fig Street, okay? I have
11 pictures here of all the rats, right? And Ehrlich Pest
12 Control came out two days ago, and they had to come to
13 my house, which cost me \$238, right, to have the rats
14 taken care of. And my buddy over there cost \$238.50,
15 right? They got one rat. Now, there's about 30 or 40
16 rats around there. I have pictures right here. Do
17 you want to see them?
18 MS. GATELLI: Yes.
19 MR. COURTRIGHT: Didn't Mr. Seitzinger
20 come out to your house after I spoke to him?
21 MR. GERBAS: Never did.
22 MR. COURTRIGHT: He never came out?
23 MR. GERBAS: You guys know Patty
24 Fowler? Okay. She come out two days ago, condemned
25 the house.

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1 Now, I spoke to her for, like, five
2 months already, right? A guy named Brian Walsh, he
3 lives on Palm Street, right in back of me, I live On
4 Fig, the next one is Palm, he calls one time because he
5 found a rat in his basement, all right? Patty Fowler
6 comes out there and condemns the house.
7 I call for, like five or six, maybe
8 four, five, six months, right, nothing was done, right?
9 Now, remember I told you -- remember I spoke to you,
10 Mr. Courtright, about when the weather gets cold, the
11 rats have to find a place to get warm now.
12 I got a beautiful home up there, right,
13 and like my who yard is fenced in. I have three dogs.
14 I shouldn't have to go out there with my dogs at
15 nighttime and watch them and pray to God no rats come
16 out.
17 Because right now I was told -- in the
18 pictures, like, you know, they say rats don't come out
19 in the daytime. Well, they do if they have a whole big
20 nest of them with about maybe 30, 40, 50 rats maybe,
21 right?
22 And, like, you know, I'm just worried

23 about, you know, since the weather is cold now, they're
24 going to come to my house, all over the neighborhood.

25 I spoke to everybody. I spoke to

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42

1 everybody. I went to the mayor's office, nobody can
2 help me. Everybody kept passing the buck. You know,
3 that's why I was told to come here. I just need some
4 help. That's all.

5 MR. COURTRIGHT: I know, sir. I

6 thought we had gotten you help when you were in there
7 that day. I didn't realize they didn't come to do
8 anything.

9 MR. GERBAS: What had happened was,

10 okay, there was a big pile up against my fence, you can
11 see the fence there, the big pile. My brother-in-law
12 moved the fence away and moved it over in the other
13 yard where the rats are coming from.

14 He picked up a rug, okay, I counted 17

15 rats flew out of there. And if I use a shotgun in the

16 City of Scranton, I'll have SWAT teams at my house, and

17 if I set a fire to the pile, I will have the fire

18 department there.

19 Like, you know, like, say, you're a

20 taxpayer, you want some help from public safety or
21 someone. Mark Seitzinger kept lying from me day after
22 day. Well, Mark, we're going to do something about it,
23 Mark, we're going to do something about. I said, Well,
24 Mark, when? When's it going to be done? Well, he has
25 to get a lawyer, he has to speak to a lawyer, it has to

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1 be abated.

2 I mean, it's not right, man. Like, you

3 shouldn't have to live in fear. And rats do multiply.

4 They're worse than Chinese people, especially in the

5 wintertime.

6 MS. GATELLI: Are the two houses

7 abandoned?

8 MR. GERBAS: 722 just got condemned.

9 MS. GATELLI: And the other one people

10 live in?

11 MR. GERBAS: Yeah. And, like, you

12 know, there's garbage, and the pictures are there.

13 There's all kinds of rats coming out of there.

14 MR. COURTRIGHT: 722 are where the rats

15 are coming from?

16 MR. GERBAS: And 716.

17 MR. COURTRIGHT: So, they should go up
18 there now and bate that place, because they condemned
19 it. And they do --

20 MR. GERBAS: Yeah, but after five
21 months, the damage is already done now.

22 MR. COURTRIGHT: I understand. I know.
23 You were here, I spoke to you in person here. But what
24 they'll do is they'll have -- the city will have
25 somebody come in and they'll put the cost onto the

44

1 individual who owns the home later on.

2 MR. GERBAS: Okay. Well, the
3 individual who owns the home is in Iraq. He had a guy
4 working with him. His name is Lorenzo Clark. He's in
5 Iraq right now. He's in the Air Force.

6 MR. MINORA: Five minutes.

7 MR. GERBAS: Okay. I'll be right done.
8 I swear to God. So, like, the person who owns the
9 house is in Iraq, right? Okay. Mr. Seitzinger spoke
10 to the man who was taking care of the property, his
11 name was Paul, he quit on him because he never got
12 paid. So, nobody is taking care of the property
13 whatsoever now.

14 MR. COURTRIGHT: But it's condemned?

15 MR. GERBAS: Yeah.

16 MS. GATELLI: We'll report this

17 tomorrow.

18 MR. GERBAS: I swear. Please. That

19 will be my best Hanukkah present ever.

20 MS. GATELLI: I'll report it to The

21 Community Justice Council. There's a District

22 Attorney, and she'll know the ins and outs.

23 MR. GERBAS: That will be my best

24 Hanukkah present ever. Thanks.

25 MS. GATELLI: Okay. Thank you.

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1 MR. GERBAS: Okay. Thank you. Have a

2 good holiday.

3 MS. EVANS: Merry Christmas.

4 MS. GATELLI: David Drobson.

5 MR. DROBSON: Okay. The last two days

6 I took a stroll through Nay Aug Park, and I had some

7 left over doggie bags, so I started to pick up litter.

8 I didn't get very far before I had two full bags, maybe

9 1,000 square feet along the Davis Trail.

10 So, I'd like to offer, and it doesn't

11 have to happen tonight, but to volunteer citizens to --
12 if they want to volunteer and get together every
13 Saturday or every fourth Saturday or something like
14 that and help out with the litter problems in the parks
15 and so forth. Maybe they would like to do a few good
16 deeds.

17 I noticed from walking around the city,
18 Central City, that at times there's crosswalk lights
19 out and there was an unfortunate accident a few days
20 ago, a 70-some-year-old lady was hit by a Colts bus.
21 And it's really sad, because most of the Colts people
22 are pretty nice and they're not wiseguys or anything
23 with their busses, and it's unfortunate.

24 And that particular light was probably
25 working, but I have seen a lot of crosswalk lights out
.

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1 at times where, for instance, up by the Hilton, it
2 looks like one you got smacked by a truck, and it just
3 doesn't work. So, people should use them. That's
4 common sense.

5 Now, on the smoking issue, I'd, once
6 again, I would just like to mention we covered the wage
7 -- possible wage losses and traveling out of town and

8 possible intrusions in the business, that the impacts
9 can't be really determined until it happens, so that
10 I'm just pointing out.
11 And then more or less if we change
12 governments entirely almost in this entire country this
13 November, and being of usually Democrat persuasion, I'd
14 like to mention to the Democrats to try, try to keep
15 issues we have.
16 For instance, last week a man lost his
17 temper, but he brought up some interesting points. If
18 you stand in front of the old Globe Store on any given
19 day, you'll probably see 20 people smoking cigarettes
20 waiting for a bus and you'll smell mostly diesel smoke.
21 Under the Bush Administration, The
22 Clear Air Act was amended constantly to trade emission
23 credits where perhaps somebody could open up a dirty
24 business in Scranton or continue to run one and because
25 they're not polluting Clarks Summit, they can, oh,

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1 okay, that's all right. And that's the same
2 administration that came up with the findings on
3 secondhand smoke.
4 I believe some of them. I don't

5 believe all of those findings. I could probably, if I
6 researched it, but who's going to believe the tobacco
7 companies anyway after the years of misstatements of
8 theirs? They kind of did themselves in, but the people
9 will ultimately will suffer, the ones that do continue
10 to smoke.

11 And it will -- there are questions that
12 I have on a 20-foot ban on being in front of a door of
13 a public building.

14 If you just look across the street from
15 this on the opposite side of Washington Avenue, you
16 could probably legally light a cigarette crossing the
17 street and pass four doorways where you're not 20 feet
18 away from a doorway. And it's my concern that people
19 aren't basically cited or something. I don't know
20 all of the regulations that will be included on that.

21 MR. MINORA: Five minutes.

22 MR. DODSON: If I could petition you to
23 answer that, I'd appreciate it. That's about all I
24 have anyway.

25 MS. GATELLI: Thank you.

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1 MR. DODSON: Thank you.

2 MS. GATELLI: Is there anyone else?

3 There's no one else on the list. I have Mr.

4 Courtright calling the police department, because Ian's

5 mother just called and said the roads have turned to

6 ice.

7 So, if you could please, please reduce

8 your comments as little as possible so we can get to

9 the business section of the meeting, I would certainly

10 appreciate it.

11 I don't want anyone here to get hurt,

12 including the people up here and all the children, so

13 please be very brief with your comments.

14 MR. DAVIS: Assalaam Alaikum. Can you

15 hear me? Because I couldn't hear me. I couldn't hear

16 those that were speaking from here and I was sitting

17 right here. I was just wondering.

18 Assalaam Alaikum. I came back for two

19 reasons, number one, I thank you very much for making

20 that statement about Lackawanna Junior College or

21 Lackawanna Community College. I think maybe we should

22 get a, like you do with all the other students or all

23 the other laymen that play ball or different things,

24 have them come here, have them be presented.

25 These kids are our future. We want

1 them to come back to Scranton. We want them to be a
2 part of Scranton.

3 And if we go ahead and show them that
4 we really care about what they're doing and what
5 they're saying and what they're being, perhaps they
6 will come back. And that's what we need.

7 We're losing all of our intelligence
8 right out of this country, right out of this county
9 very quickly. That's number one point.

10 And thank you, Ms. Fanucci, for
11 mentioning them. I think the kids did a fantastic job.
12 They stayed together, they played good ball all the way
13 down to the last minute.

14 Number two, Mr. Courtright, the lines
15 on Washington Avenue, have they given you -- has DPW or
16 Mr. Munley, or I believe his name is Munley, has he
17 given you any sort of date or are you going to wait
18 until March 17 again?

19 MR. COURTRIGHT: There's multiple
20 places throughout the city that need lines painted, and
21 I'm not getting any answer as to when they're going to
22 be done.

23 I know that's not what you want to
24 hear, that's not what I want to hear, but that's the
25 answer.

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1 MR. DAVIS: That's the answer? Because
2 Washington Avenue is a big thoroughfare, as far as the
3 older people goes.

4 MR. COURTRIGHT: There's many
5 throughout the city. You're not incorrect.

6 MR. DAVIS: I'm just -- I'm worried
7 about the old people, because I'm old. But I'm saying
8 to you that the kids that go to high school and things
9 like that and use that, and we should try to prepare
10 ourselves for things that are not going to cause
11 accidents. Now, I don't know -- okay. You can --

12 MR. COURTRIGHT: I think the problem
13 is, I've said it before, and maybe when we do this
14 budget, we need another individual to paint lines. We
15 do not have the manpower that we need to get it done,
16 in my opinion. So, maybe when we're doing our budget,
17 maybe we can --

18 MR. DAVIS: I think the last time we
19 talked I said, Why don't they hire a kid from school

20 and teach him how to paint the --

21 MR. COURTRIGHT: Well, it's a union

22 situation. We can't do that.

23 MR. DAVIS: Excuse me. We can't do

24 that either. I'm very proud of you guys for coming and

25 showing up every week, week after week. It must be

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1 boring at certain points of this, but this is the

2 education that you need in order to get to that point,

3 and I hope that one day we can vote on you being a

4 Councilperson.

5 I hope that our centers, I hope that

6 our social groups are starting to try to wage our

7 children into the whole idea of becoming Councilpeople

8 and being politicians and being politicians with

9 morals. And that's important.

10 And I've heard you question the morals

11 of people who come here and speak to you, and I think

12 it's a very good lesson for you. I think it's an

13 excellent exposing for what is the truth. And if you

14 are going to search for truth in this life, you've got

15 to listen to every single drop of it.

16 My father once told me, I came home and

17 I said, Dad, I'm tired of these people looking down at
18 me, I'm tired of these people pushing me aside, I'm
19 tired of the teachers not answering my questions when I
20 have questions.

21 And he looked at me very strangely and
22 he said, Vengeance is mine say it The Lord. You go
23 back and study again. That's all he ever said to me.

24 And from that point on, I took a new
25 point of view as far as what I'm going to do in life,

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1 and being able to let those who down you, those who
2 make fun of you because you're on the Council or those
3 who think you're wearing a shirt and tie, you think
4 you're better than us, all those people, God will take
5 care of them.

6 I'm serious. God will protect you.

7 I'm quite sure, because you're doing something that's
8 honorable, at least in my eyes.

9 And the positions that you hold up
10 there are honorable positions, and that's why we look
11 at you, and that is the reason why we are so hard on
12 you, because you're not at sometimes being honorable
13 with us.

14 Excuse me for -- am I over my five
15 minutes there? Less than five minutes there? I'm
16 good? Okay. Thank you very much.

17 MS. GATELLI: Thank you.

18 MS. DAVIS: Have a nice holiday.

19 MS. GATELLI: You too. We just had Mr.

20 Courtright call the police department, the roads have
21 turned to ice. Please, I'm begging you, to be as brief
22 as possible.

23 MR. DELANTI: Okay. Tony Delanti with

24 The Lung Association. Just a brief thing. One of the
25 restaurants that's going smoke free on their own out of
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1 the city, the reason they did it was because the
2 bartender contracted lung disease, lung cancer, I
3 believe it is.

4 So, you see the importance of having
5 these laws. And one thing we just have to remember is
6 that we all have little things that we do, but we don't
7 do them all in public.

8 Smoking always got a special privilege.

9 I mean, if after supper I feel like playing a tuba,
10 well, if I'm in my home, it's not going to be a

11 problem, but say you take the tuba out to a restaurant
12 and start playing it, I would be kicked out.
13 Tuba hearing might damage your ears,
14 but it won't harm your health. Smoking does. So, we
15 have to keep that in mind when we're considering laws
16 such as this to protect everybody that's out there.
17 Thank you.

18 MS. GATELLI: Thank you very much.

19 Mrs. Shumaker.

20 MS. SHUMAKER: Good evening. I'd like
21 to note, it was already icy when I came in. I think
22 we're probably better off staying here until our DPW
23 has a chance to put some of that mountain of ice
24 removal stuff they have.

25 MS. GATELLI: Well, maybe you think

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1 that will happen fast, but I don't agree with you.

2 MS. SHUMAKER: Well, hope springs
3 eternal. From that last week's -- last week I asked a
4 question on why -- why if we have those two TAN A's and
5 B's are to be sold for \$14 and a half million, then why
6 was another \$15 million, which you subsequently reduced
7 to \$10 million required? Nobody had the answer. Does

8 anybody have the answer tonight?

9 MS. GATELLI: The ten is for last

10 year's budget, part of it that was, you know, short.

11 The TAN --

12 MS. SHUMAKER: Last year's? You mean

13 this year's budget.

14 MS. GATELLI: Last year's.

15 MS. SHUMAKER: 2005?

16 MS. GATELLI: 2006.

17 MS. SHUMAKER: That is this year's.

18 I'm sorry.

19 MS. SHUMAKER: But --

20 MS. GATELLI: The TANS are tax

21 anticipation notes.

22 MS. SHUMAKER: I understand what they

23 are, but that's partially what that \$15 million was

24 supposed to cover. So, if they're being sold for \$14

25 and a half -- but anyway, I'll get on with it, because

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1 I do have a number of issues.

2 You know, at this time of the year it's

3 not uncommon for little kids to come home and be told,

4 you know, stay out of this room, and of course when

5 they're told that, they want to get in there all the
6 more because they figure their Christmas presents are
7 hidden in there.

8 In a large respect, citizens are sort
9 of like that, too. When you ask something of your
10 government and you do it the right way, you file your
11 right to know question and you aren't provided answers
12 or you're not provided -- you're totalling ignored or
13 you're given obfuscation, you sort of think maybe
14 there's something that's being hidden, too, which I'm
15 sure probably led Supreme Court Justice Brandise to
16 come up with his saying sunshine is the best
17 disinfectant. And I think this budget, all of the
18 financial items in the city need a whole lot of
19 sunshine.

20 Some of the things that I find
21 troubling, now, Section 904 of the capital budget
22 requirements state, Shall be submitted, number one, a
23 summary of its contents; number two, a list of all
24 capital improvement which are proposed to be undertaken
25 during the five fiscal years ensuing with appropriate

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1 supporting information as to the necessity for such

2 improvements; three, cost estimated method of financing
3 and recommended time schedule for such improvements;
4 four, estimated annual cost of operating and
5 maintaining the facilities to be constructed or
6 acquired; five, inventory replacement schedule for
7 purchase and replacement of major equipment.
8 The above information may be revised
9 and extended each year with regard to capital
10 improvements still pending or in the process of
11 construction or acquisition.
12 What do we get from this mayor? Take
13 the parks and recreation department, for instance, we
14 get two items, park system improvements and capital
15 budget miscellaneous.
16 Now, there are two, one's got a U after
17 it, which I've been told is unfunded, so why bother,
18 and two is funded, but there is absolutely no
19 itemization.
20 But, of course, we learned recently
21 that new this year are, and this is with respect to the
22 lighting at Nay Aug, new this year are a gulping Santa
23 Claus, a moose kicking a football through goalpost and
24 25 poinsettias.
25 MS. GATELLI: Excuse me. You weren't

1 here when I said that, but those were donated by the
2 county. They did not pay for those.

3 MS. SHUMAKER: Okay. Thank you.

4 MS. GATELLI: I got that answer.

5 MS. SHUMAKER: Thank you. Okay. I

6 would still like to know what is in that budget, what
7 has been in that budget, and we still have no idea of
8 what any kind of itemization of what those are, and
9 we've been trying, and we keep coming up dry.

10 Now we also know from the 29th of

11 November, from another of the monopoly newspaper
12 articles, no, I'm sorry, the 11th of November 2006, the
13 mayor said, We've started a conservancy which
14 alleviates the expenses that come with city parks, that
15 was a quote.

16 Today I had a relative from Nebraska up

17 to Nay Aug Park, we walked the Davis Trail, and I'm
18 happy to report nobody broke a leg in any of the ruts,
19 so that was thankful, something to be thankful for, but
20 there was also a sign, and it had the Nay Aug
21 conservancy.

22 MR. MINORA: Five minutes.

23 MS. GATELLI: Thank you.

24 MS. SHUMAKER: May I continue?

25 MS. GATELLI: I'd rather you not with

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1 the condition of the roads, Mrs. Shumaker, please.

2 MS. SHUMAKER: Well, there are -- I

3 have multiple examples of where the mayor has said

4 things that have turned out to be not true, and I think

5 that's very troubling, and I think if it, you know, the

6 old saying, if it walks like a duck and it quacks like

7 a duck, it probably is a duck, and I think there's been

8 a lot of dodging telling citizens what is in the

9 budgets, what expenses are being, and it's just -- I'll

10 be back next week hopefully, good Lord willing, with

11 the rest of my concerns.

12 MS. GATELLI: Okay. Thank you. Next.

13 MS. EVANS: Mrs. Gatelli, if I might

14 just add something about the weather, I got a phone

15 call from an individual who had spoken with a DPW

16 employee, and what they're saying is that they will get

17 to the downtown, I guess, shortly and salt and cinder

18 so that actually, you know, by extending -- well, I

19 don't mean extending until midnight, but --

20 MS. GATELLI: They never get to Connell

21 Street ever, so I'll be walking up the hill.

22 MS. EVANS: To continue might be safer

23 at this point than trying to get out of here before

24 they actually do the work downtown.

25 MR. KANE: Good evening, Council. And

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1 even with that said, I'll try to remain brief as

2 possible. My name is Jamie Kane, and I'm a city

3 resident.

4 The Clean Indoor Air Act is a health

5 and safety issue, and I want to completely stress that.

6 There's been a lot of talk about a couple of things,

7 and I just want to briefly touch on them, but there's

8 been a lot of talk about rights, and if you look at the

9 Pennsylvania State Constitution, Section 27, it says,

10 All Pennsylvanians have the right to clean air, and

11 that's what this is about.

12 There's been some comment and question

13 about the 20 feet, and the 20 feet was basically just

14 to state that there's some distance between the smoking

15 and the entrance to the place so you're not walking

16 through a cloud of smoke to help clarify that a bit.

17 Also, the one-year waiver, at least in
18 Philadelphia, the purpose of that was really to give
19 businesses an opportunity who qualify to prepare for
20 life -- to prepare for life as a non-smoking workplace,
21 and that was really the purpose. And I hope that will
22 not be considered to be a permanent thing.

23 All workers and patrons must be
24 protected. The legislation works best when it's
25 comprehensive and it does allow no exemptions.

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1 There's been some comment about if it
2 -- if this hasn't been working, it would not be
3 spreading all over the world and all over our country.
4 So, like I said, I will try and be brief, but I hope
5 you would consider final passage. Thank you.

6 MR. COURTRIGHT: Thank you.

7 MR. GENELLO: Good evening, ladies and
8 gentlemen of the Council. My name is Mike Genello, and
9 I'm a tenth grade student at West Scranton High school.
10 First of all, I would like to thank all
11 the members of Council for supporting our cause and
12 enacting a smoking ban in Scranton.

13 I'm here tonight to reiterate the

14 importance of a smoking ban in Scranton. There's some
15 people with dissenting opinions about enacting a
16 smoking ban because they feel it would hurt the
17 prosperity of local businesses.

18 I have visited many states where
19 smoking bans are already enacted and have found this
20 not to be the case.

21 All of the restaurants I have visited
22 in New York, California and Florida were, in fact,
23 beaming with clientele. Also, each year vast sums of
24 money are spent treating smoke-related illnesses.

25 By enacting a smoking ban, we can

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1 reduce the number of people exposed to secondhand
2 smoke. This could lead to less illness in the
3 community, which in turn will allow people to spend
4 more money at businesses in the city.

5 Regardless of this, however, I must ask
6 you what price is to be placed on the health and well
7 being of the community. Thank you for your time.

8 MR. GONZALES: Good evening, members of
9 the Council. Hector Gonzales. Of course, you know I'm
10 here to talk about the smoking ban, and there's been

11 some controversy, and I know, Ms. Evans, you are
12 concerned with the economy, and I thank you for that,
13 it shows you really care about the city, but there are
14 different cities with other smoking bans, and the
15 economy has not suffered.
16 And as we know if this smoking ban does
17 no go as planned, all laws can be amended. As you
18 know, by The Constitution all laws -- all amendments of
19 the constitution.
20 But all of the people saying that this
21 smoking ban will bother them, well, it has been
22 bothering us for about over 200 years, people smoking
23 in our faces. It's about time we stop them. Thank
24 you.

25 MR. HUBBARD: Good evening, Council.

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1 Daniel Hubbard, resident and taxpayer of Scranton.
2 A couple of topics I want to touch on
3 really quick. One, the smoking ban. I'm not against
4 it, but I don't think the city needs to open itself up
5 to lawsuits. Our past track record with lawsuits is
6 deplorable. We will undoubtedly lose if we go to
7 court. The city loses every court case it goes to. It

8 will lose.

9 MR. MINORA: I just won one.

10 MR. HUBBARD: You should take that into
11 account. The snowfall tonight, tonight's weather is a
12 perfect example. The DPW, my favorite organization
13 under the administration in the City of Scranton.

14 Mr. Parker had an article in the paper
15 with Stacy Brown praising him for doing his job,
16 essentially saying we're prepared for the winter.

17 Well, I'm glad they're prepared for the
18 winter, because the DPW isn't prepared for anything
19 else that comes our way. They're not prepared for
20 heavy rains, they're not prepared for floods.

21 They spent August getting ready for the
22 winter. Why did it take 63 days worth of phone calls
23 to get the DPW to do their job to clear the bridge?

24 This is ridiculous.

25 Mr. Parker is paid to do his job. He

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1 doesn't need to be praising himself in the articles in
2 the paper with Stacy Brown.

3 This is his job. His job is to make

4 sure that we're safe when the snow falls, that we're

5 safe and that we're protected when the river rises.

6 We're not.

7 I just came across the Albright Avenue

8 bridge sideways. That's a half a block from the DPW

9 facility. No salt on the bridge, no salt on Albright

10 Avenue or the whole length of Albright Avenue, no salt

11 on any roads in lower Green Ridge. But the road by the

12 DPW itself right to Albright Avenue is salted, but from

13 Albright Avenue, it stopped.

14 DPW has got to get their things

15 together as far as training their people to handle any

16 event that comes our way.

17 Third, this goes along with the DPW, I

18 spent a lengthy conversation on the phone with Steve

19 Garabino today from the Army Corps of Engineers

20 regarding the intersection of Marion Street, which is a

21 street, and Ross Avenue.

22 If you're familiar with lower Green

23 Ridge, you know that most -- 90 percent of the traffic

24 comes over the Albright Avenue Bridge and goes up Nay

25 Aug Avenue to Ross, which is the only red light in

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1 lower Green Ridge to get in and out of the Green Ridge

2 shopping plaza and Green Ridge Street. Colts busses
3 have diverted their bus route from Albright Avenue
4 across Marion to Ross to the red light, because they
5 said they were falling behind schedule, the busses
6 couldn't get out on Green Ridge Street, because there's
7 no light at Albright Avenue.

8 So, the first point I'd like to make
9 is, how do I -- who do I address and how do we try to
10 get a light at the Albright Avenue intersection?
11 Because when the levee project comes in, Albright
12 Avenue will be the main road from lower Green Ridge
13 over the Albright Avenue bridge.

14 The intersection of Ross and Marion is
15 a very -- it's a quiet street. Marion is quiet. All
16 the traffic is on Nay Aug and Ross.

17 After speaking with the owner of Rowe
18 Doors today, Mr. Garabino and several people with the
19 flood control department in Scranton, I was informed
20 that Marion and Ross will now be realigned, that Ross
21 Avenue will come into Marion Street so that all the
22 traffic coming from the Green Ridge Street Plaza and
23 anybody that wants to go over the Albright Avenue
24 bridge will turn at that light, go down Ross Avenue,
25 make a left onto a side street, which they will go a

1 half a block to a four-way stop sign intersection, they

2 will go another half a block to another stop sign.

3 If you're familiar with Nay Aug Avenue,

4 you know how much traffic that street carries. To

5 realign Ross Avenue to connect with Marion to divert

6 all the traffic from the major shopping center to a

7 side street in a residential neighborhood is

8 deplorable.

9 And who is responsible for that? Well,

10 my favorite person, Mr. Parker. He's the city

11 engineer. The City of Scranton is responsible for all

12 the realignment of the streets. The Army Corps is only

13 responsible for the levee project. The city acquires

14 the land and realigns the streets.

15 The Army Corps is willing to work with

16 the city on finding a solution that benefits Rowe Door

17 Sales and the residents of lower Green Ridge as far as

18 trying to have Ross dead ended, like it was originally

19 supposed to, and Marion go into a cul de sac, like it

20 was originally supposed to.

21 Somewhere somebody got into this plan

22 and decided it was a great idea -- an engineer, which I

23 love engineers. I went through hell and high water
24 with engineers in the flood. Engineers are my favorite
25 people. They're book smart, common sense clueless.

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1 You cannot take a major street and
2 divert the traffic across a side street in a
3 residential neighborhood. That's -- somebody's going
4 to get hit by a car, my son, my neighbor's children.
5 Marion Street is where the kids play.
6 It's a side street. That's where they play. And we
7 let them play there, because there's no traffic on
8 Marion.
9 So, now we have to deal with Colts bus,
10 which I'm fighting with them about. They won't change
11 their route back to Nay Aug Avenue --
12 MR. MINORA: Five minutes.
13 MR. HUBBARD: -- because they don't
14 want to have to reroute the busses again when the levee
15 project comes in.
16 This intersection, this is a serious
17 drawback to the levee project for the residents of
18 lower Green Ridge, and it's a safety hazard for all of
19 us that live in that neighborhood.

20 I certainly don't want to deal with the
21 traffic. The best thing I heard was when my street,
22 Gardner Avenue, was going to be a dead end. There
23 would be no traffic. Now I have to deal with enormous
24 -- probably five to ten fold increase in traffic on
25 Marion Street for this -- because of this realignment

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1 of the street.

2 Somebody thought it was a good idea to
3 divert all the traffic through a side street. That's
4 the engineers for you. So, this -- that's an issue
5 that needs to be addressed.

6 I'm going to work with the Army Corps
7 on this and try to work with the city on this to try to
8 get this done. I'd like to circumnavigate the DPW to
9 work on this, because the DPW has done nothing for the
10 residents.

11 MS. GATELLI: Okay. We'll keep in
12 touch.

13 MR. HUBBARD: And the streets aren't as
14 bad as you think they are.

15 MS. GATELLI: Okay. Thank you. Next.

16 MR. HUBBARD: It would be better if the

17 DPW would get out there and do their job.

18 MS. GATELLI: Okay. Thank you. Ho,

19 ho, ho.

20 MR. MORGAN: You know what, that's a

21 terrible thing to say in town.

22 MS. GATELLI: It's a little inside

23 joke. We can't say what it's all about, because we

24 didn't want to ruin it for the children.

25 MR. MORGAN: Okay. I thought you were

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1 talking about a slang terminology. Here's my point

2 here tonight. The first question I have for Council

3 is, are the rules of Council going to be suspended for

4 any legislation tonight?

5 MS. GATELLI: No.

6 MR. MORGAN: Okay. I've taken some

7 time, and I appreciate the Council, you know, giving me

8 a copy of Janet's proposal here, but I have some

9 questions here.

10 And I guess some of these would go to

11 the finance chairman, and I guess that's you, Janet,

12 since -- or Mrs. Evans, since I guess this is the real

13 debate that's raging in the city.

14 And my question is, Have you received
15 all the information you've requested from the mayor or
16 have you requested any information from the mayor in
17 regard to his budget?

18 MS. EVANS: I made many requests, and
19 I've received no information with one exception --
20 actually two exceptions, I did receive information from
21 Council's office concerning professional services,
22 advertising, et cetera, and I did receive from PNC Bank
23 the new debt service schedule for the \$10 million in
24 borrowing. But outside of that, my numerous requests,
25 no, I received zero.

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1 MR. MORGAN: Okay. You know, the tax
2 group is going to have a meeting probably on Tuesday,
3 and I don't know what day Council is going to have
4 their next meeting, but I guess the tax group is going
5 to present its own budget with the Scranton Lackawanna
6 Taxpayers and Citizens Association, and I'd just like
7 to say that we're really troubled as a group by the way
8 the discussion on this budget is being handled and by
9 the amount of information this Council has at its
10 disposal to make smart choices for the residents in

11 this city.

12 I don't know if Mrs. Garvey can answer

13 this question or maybe Council can ask Mrs. Garvey this

14 question, but was she presented with a complete and

15 total working copy of the budget?

16 MS. GATELLI: Of the mayor's budget?

17 MR. MORGAN: Yes. I mean, it came from

18 --

19 MS. GARVEY: The budget that is with

20 the backup of the agenda is the budget that I received.

21 MR. MORGAN: Okay.

22 MS. GARVEY: I also received a PDF file

23 disk, which you can read but you can't do anything else

24 with.

25 MR. MORGAN: Okay. That was my

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1 question. You know, we have on 7-B and C where we're

2 shuffling money around.

3 I just for the life of me can't

4 understand -- you know, like, last week I tried to

5 bring forward the fact of bringing -- just totally, you

6 know, and bringing stuff up for consideration for

7 votes, when legislation may be flawed.

8 And to be honest with you, I don't see
9 how this Council can vote on this budget. And the one
10 thing this Council needs to do is, they need to use the
11 power of subpoena to get the answers that we, the
12 residents of this city, deserve.

13 We can't take any more debt on. It's
14 ridiculous. I mean, last week we went with \$10
15 million. Here we're talking about a tax anticipation
16 note of \$14 and a half million dollars. And I thought
17 that \$6 million of the \$10 million last week was to pay
18 a TAN. So, is that true or not? I mean --

19 MS. GATELLI: Partly.

20 MR. MORGAN: Where are we going here?

21 How are we going to pay this \$14 million?

22 MS. GATELLI: The money tonight is the
23 TAN for next year.

24 MR. MORGAN: Yeah, but my point is,
25 that when that money comes due, how are we going to pay

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1 it? We're borrowing money here to cover 2004 series
2 and 2005 series, a leaseback, lease revenue to pay
3 consultants. I mean, where are we going? It's a shell
4 game. And I think that the Council is going off with

5 no information.

6 And not to be -- you know, I don't want

7 to go to this rubber stamp thing, but, I mean, I think

8 this Council owes it to the residents of this city.

9 And to even talk about -- you know, I

10 read The Scranton Times paper talking about the

11 commuter tax might make a reappearance here. There's

12 no place for that.

13 MR. MINORA: Five minutes.

14 MR. MORGAN: The residents of this city

15 have to come forward and stand up for once, and we

16 can't expect other people from other communities to pay

17 our bills.

18 And I think that tonight, we should

19 have a vote by Council to use the power of subpoena to

20 get the answers that the residents of this city deserve

21 so that we can make a change in course to this city and

22 offer the children of this community real hope. Thank

23 you.

24 MS. GATELLI: Thank you. Anyone else?

25 If there's anyone else, could you please come over and

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1 get in line so we can expedite it a little? Hello,

2 Mrs. Krake.

3 MS. KRAKE: Good evening. My name is

4 Nancy Krake. I'd just like to clear up something. I

5 was at last week's meeting, and, in fact, the newspaper

6 reporter was city right behind me, and Mrs. Evans never

7 said the word criminal, Mrs. Fanucci said the word

8 criminal, but Mrs Evans never did.

9 And I believe that the newspaper just

10 wants to distract us from the facts, so it's putting a

11 lot of propaganda, that they're very good at this, past

12 week.

13 The facts are that anything Mrs. Evans

14 has asked for in her preparation for the budget, as was

15 just brought out at the Council meeting, any

16 information at all, has not been forthcoming from this

17 mayor.

18 If he is not accountable to City

19 Council, then he is absolutely not accountable to any

20 of the residents of this city, and that is a shame.

21 There is no way that anyone with a

22 conscience could vote for his budget without knowing

23 what it means. He's already had you vote him a huge

24 borrowing amount, and now he wants you to vote a budget

25 with no backup.

1 In fact, he demanded that backup from
2 Mayor Connors when he was on Council, he and PEL, but
3 now that he's mayor, the Pennsylvania Economy League
4 does not hold him accountable.

5 It simply comes down to a tax increase
6 or no tax increase. That's going to be the bottom
7 line. And if this City Council can't make him be
8 accountable, I don't even know what the point is
9 anymore.

10 We really don't need politicians on
11 City Council or rubber stampers, we need people
12 concerned about their fellow citizens. Thank you.

13 MS. GATELLI: Thank you. Anyone else?

14 Mrs. Garvey.

15 MS. GARVEY: 5-A, Motions.

16 MS. GATELLI: Mrs. Evans.

17 MS. EVANS: Good evening. As we
18 commemorate the 65th anniversary of the attack on Pearl
19 Harbor, I hope you will remember in your prayers all
20 those who died on that infamous day, as well as those
21 who survived to defend our country in World War II.
22 I also received a lovely thank you note

23 from Sister Terry O'Rourke, executive director of St.

24 Joe's Center, which I would like to read for all of the

25 senior citizens who donated their dollars.

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1 Dear Mrs. Evans and friends, as St.

2 Joe's Center embarks on its second century of love and

3 care, I want to thank you for your recent donation of

4 \$160. The challenges that St. Joseph faces will

5 hopefully be easier to overcome because of your love,

6 prayers and generosity.

7 The commitment to serve all who turn to

8 St. Joe's for help has always been a shared one based

9 on a legacy of concerned, compassionate care.

10 With your enduring support, I can assure you

11 this commitment will not only continue, but will be

12 expanded to reach out to as many as possible.

13 As always, you are remembered in daily

14 prayers of the sisters and in a mass celebrated each

15 month at St. Joe's Chapel for our friends and

16 benefactors. Sincerely, Sister Terry. I wanted

17 especially Mr. Budzinski to know that.

18 Kay, can we also find out -- or maybe

19 even Mrs. Gatelli would know from her OECD years, if

20 flood buyouts occur, the money used for the buyouts,

21 where does that come from? PEMA?

22 MS. GATELLI: It can come from PEMA,

23 yes.

24 MS. EVANS: Then if the state is

25 providing the money, does anyone know, and if we don't,

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1 then maybe Kay could find out for us, if you're allowed

2 to sell that property or barter that property, or if

3 there's specific legal uses for that property, you

4 know, that was purchased through state money.

5 MS. GATELLI: Yeah, I think control it,

6 too.

7 MS. EVANS: The state?

8 MS. NEALON FANUCCI: I believe so, but

9 we can find out, but I believe the state controls it.

10 MS. EVANS: Okay. Thank you. The

11 Scranton Times, avowed apologist and guardian of

12 political powers evidently believes that if you repeat

13 something often enough, that will make it true, no

14 matter that it's false or a blatant lie.

15 Next, they will report that I kidnapped

16 the Lindbergh baby, and the editorialist will challenge

17 me to prove that I did not.

18 Here are the facts, as was indicated

19 earlier, Mrs. Fanucci used the word criminal, not I. I

20 said nothing even remotely synonymous with that. So,

21 why all the fuss about something I never said?

22 Fact, Mrs. Gatelli last week cut three

23 million from the borrowing because she did not know

24 what that money would be used for. That was 20 percent

25 of the \$15 million.

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1 And you know what, I agree with her, in

2 fact, her Council colleagues agreed with her, as well,

3 because they all voted in favor of reducing the

4 borrowing from \$15 to \$10 million, or 33 percent, since

5 no one knew what the money was for. Where is the news

6 story about that?

7 The administration refused to provide

8 financial information that was requested to check the

9 proposed budget and create amendments to that budget,

10 and this same information was provided to Council from

11 1998 through 2001. What happened since 2002? Where is

12 the editorial about that?

13 Evidently The Scranton Times has no

14 desire to know how borrowed money will be used. Heck,
15 just borrow it and ask questions later. They don't
16 care about the balance of power or accountability.
17 Just take those budget numbers at face
18 value. Why? Because they say so, and it's not their
19 money. Heck, most of the owners and editorialists
20 don't even live in Scranton.

21 And I recall a conversation we had
22 tonight during some budgetary deliberations, and every
23 one of my honorable colleagues indicated that they
24 needed time, time to examine my two proposals and to
25 check it out to get the information, to talk to

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1 department heads, to talk to the mayor, to talk to
2 other people, as well they should, to determine the
3 credibility of the figures I've placed before them, but
4 yet this Council is deprived of that very same ability
5 by the administration.

6 Fact, there was some degree of
7 controversy last week, because, as I said, the
8 administration refused to provide very necessary
9 financial information, yet this is nothing new.
10 It's the never ending saga of what Mr.

11 Courtright accurately terms playing gotcha. And I
12 agree with him 1,000 percent. It isn't right. And
13 they don't spite me, they spite the good taxpayers of
14 Scranton.

15 And here are several examples of
16 questionable budgetary items. First of all, Workers'
17 Comp. revenues to be received. We don't pay all
18 individuals out of Worker's Comp. Many are paid by
19 insurance carriers.

20 We do front some money, then we receive
21 money from the carrier, but it is improper to take that
22 money out of the expenditure side and not put revenue
23 in. I can only assume that they're putting this
24 revenue in another spot.

25 Now, whether it goes into, for example,

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1 the reserve fund or not, I don't know; however, I do
2 know the money should come into the general fund.
3 If you book the total expense, you must
4 book the total revenue. In fact, this budget books the
5 total expense, although the city isn't even on the hook
6 for the total expense.

7 In 2001, the Worker's Comp

8 reimbursement to general fund line item showed
9 \$400,000. In 2002, again, \$400,000.
10 Now, this administration has governed
11 for five years. That equals potentially, potentially
12 \$2 million that fails to appear. That line item has
13 declined to absolutely no entry for 2007, zero dollars.
14 If nothing else, we need clarification
15 of where that money is going, because that \$400,000 a
16 year has only been growing as these people have been
17 out on Comp. longer and longer.
18 Next, exactly what property or entity
19 has been leased to the SRA in return for the \$10
20 million in new borrowing? The DPW remains in the hands
21 of the Sewer Authority, according to a leaseback
22 agreement for \$9.5 million.
23 The advance on the sale of delinquent
24 real estate taxes is listed as nearly \$3.7 million in
25 revenue, yet the mayor himself has said at Council and
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1 in the newspaper this sale would generate anywhere from
2 \$2.1 to \$2.5 million.
3 Let's go with \$2.5, that's a difference
4 of \$1.5 million. And by the way, he's already chosen

5 the company to do business with without bidding, I
6 assume, and without the consent of City Council.
7 Local taxes, Act 511, have increased by
8 \$4 million. Actual 2006 figures should amount to, and
9 I say should amount to, approximately \$24.7 million by
10 year end.

11 The increase in the realty transfer tax
12 equals \$2.4 million for 2007. Okay? So, that would
13 give you a total of \$27.1 million for 2007, yet the
14 budget lists it at \$28.8 million. The increase of \$1.7
15 is questionable.

16 Total unpaid bills, court awards
17 miscellaneous for 2006, \$470,511 was in the account.
18 As of September 30 2006, \$17,000 was spent, yet for
19 2007, the amount leaps to nearly \$980,000. This
20 requires an explanation.

21 SPA citation issuers jump from 471,951
22 in 2006 to 725,000 in 2007. Am I too assume they hired
23 many, new workers?

24 Tax and miscellaneous refunds under
25 expenditures jump from \$1,241 in 2006 to \$10,000 in

80

1 2007. Why the increase?

2 And total revenue for 2006 was half a
3 million dollars more according to budgetary figures
4 than what was actually brought in.
5 And in prior years, the discrepancy in
6 revenues is even larger. And that's just beginning.
7 There are many, many more examples I could cite.
8 I say to you tonight that if any of my
9 honorable colleagues votes for this budget on blind
10 trust, it's the same thing as trusting the bank without
11 checking on your own accounts and balance.
12 We are doing the people's work.
13 This is the people's money. Council, we must do our
14 due diligence. The administration must lift the iron
15 curtain of secrecy, and we must receive answers to
16 these questions: Number one, how much money is in the
17 reserve fund, are we overfunded or underfunded; number
18 two, show the numbers for insurance premiums, show the
19 numbers for Worker's Comp payments, show the numbers
20 for Worker's Comp reimbursements, a detailed analysis
21 of where this money has gone, names, costs and duties
22 and responsibilities of all consultants.
23 When will we receive the realty
24 transfer tax for the sale of Montage Ski Resort?
25 Numbers that explain the dramatic increase in citation

1 issuers. Where does the \$505,000 placed into
2 contingency for 2007 come from? What is the number of
3 buyouts, Worker's Comp buyouts, that has occurred since
4 2002? And how do you intend to address the payment of
5 over \$5.5 million for American Water Services?

6 Now, what should be our focus, the
7 people's money, incessant borrowing, spending and the
8 withholding of information, but I can see the newspaper
9 is only concerned with appearances, not the people who
10 must pay the bills. Meanwhile, I have chosen to focus
11 on the people, and I developed a no tax increase
12 budget.

13 Now, my honorable Council colleagues
14 will choose which budget they prefer next week,
15 December 14, and because of time constrictions this
16 evening, though I had intended to read the two
17 proposals of my budget to the public, I will refrain
18 from doing so, but I would like to leave you with just
19 a small bit of information.

20 The revenues that are listed in my
21 budget that are currently under consideration by my
22 Council colleagues total over \$5 million, and the cuts

23 to the budget total very nearly \$3 million.

24 And I repeat, those options will

25 provide the people of this city with no tax increase,

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1 with additional housing inspectors, additional animal

2 control officers, additional health inspectors, there

3 could even be free swimming, there could be either no

4 tax increase again next year, or very possibly, which

5 would be my choice, paying down the debt that has been

6 accumulated, because this budget has a surplus of

7 revenue. That's it.

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

9 MS. NEALON FANUCCI: I guess I'll pick

10 up where she left off. I haven't had time. Obviously

11 we were presented with this tonight, and we have not

12 had time to really go over it. We only had actually

13 about a half an hour. I only perused the document

14 quickly.

15 I can't comment on what we're going to

16 do or what we're not going to do, but we are going to

17 sit down and try to come to some solution.

18 I do believe that Mrs. Evans should be

19 able to get her information she wants, and I think that

20 maybe the best way would be for her to walk into the
21 mayor's office and say, I'm here. Here are my
22 questions, and find out if you get answers that way,
23 because obviously the letters do not work.

24 So, that is something that I think
25 might help, if we can get some answers. I don't have

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1 all those questions, because obviously I'm not the
2 finance chair, and thank God for all of you.

3 I wish I could say that this budget is
4 going to be an easy task. I said that before, it's not
5 going to be an easy task.

6 I have been meeting with PEL. I am
7 going to go out on a limb and say, I am for the
8 Recovery Plan. This is where this all stems from. All
9 of this goes back to recovery or not recovery.

10 I am going to stand by the people who
11 voted for it, I'm going to make sure that it is
12 something that we implement, because they voted on it.
13 And in keeping with that thing will be
14 my choices for what we can do and what we can't do with
15 this budget. It's a very simple issue to me. It is
16 recovery or not recovery.

17 I know that one of the choices I would
18 have to eliminate because of that, so the other one
19 will be the one that I will check out over the next few
20 days.

21 Now, onto the smoking ban, very excited
22 for this. I heard a lot of different views on the
23 smoking ban tonight. I have to say today while I was
24 out at one of our local downtown establishments, I
25 looked over and there were three other bar owners

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1 sitting there, tavern owners, and they applauded our
2 efforts and said that they are thrilled. Now, is that
3 amazing? Yes, it's definitely amazing. It goes all
4 ways.

5 Now, these are downtown businesses who
6 depend on people coming in, drinking and eating and
7 still are okay with the non-smoking. That's a
8 wonderful thing.

9 I will stand by the fighting for
10 health. I think it's a wonderful thing to fight about.
11 Out of all the things we scream about in this forum and
12 yell about and abuse that people take in this forum, I
13 am willing to stand up for the health issue. It

14 actually makes me happy. I know that the kids will be
15 happier later on, I know the adults will be happier
16 later on.
17 One of the big comments that I heard
18 tonight, which was amazing to me, that we will not know
19 the effects of this until later on, sort of like lung
20 cancer or dying from secondhand smoke.
21 You're sitting there, you don't know
22 what's happening at the time. Later on is when you're
23 going to feel the effects.
24 So, to me, it's an issue worth fighting
25 for, the people who are working in these
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1 establishments.
2 These West Side kids were unbelievable.
3 I only took this ball from them, I said it last night.
4 I was definitely not instrumental in this. I totally
5 stole it from them. They were wonderful and their
6 teacher and the support that they gave and the way that
7 they did this. They deserve this for being intelligent
8 enough, courageous enough and smart enough to fight for
9 something that at their age I don't think I would have
10 been able to do.

11 So, that, to me, deserves the effort on
12 our part. It also is not a gift for me to give to
13 them. They're giving everyone in this city a gift by
14 even attempting to do something like this, and that's
15 where this lies with me. And I just want to thank them
16 for even being courageous enough and smart enough to
17 take this ball and run with it. And that's all.

18 MS. GATELLI: Thank you. Mr. McGoff.

19 MR. MCGOFF: Thank you. Mrs. Evans,
20 I'd just like to ask you if you would please not
21 presume to speak for me on why I voted for any items
22 before the Council. If you want to know why I voted,
23 just ask and I will tell you.

24 Also, I have not been deprived of
25 anything from the administration, and I would like to
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1 reiterate what Mrs. Fanucci said, that perhaps the
2 direct route may be the best way of getting answers for
3 the questions that we have.

4 As far as the TANS are concerned, I did
5 ask -- I spoke to a banker about the TANS, and he said
6 that he thought it was a no brainer. He said borrowing
7 money at three point whatever percent, you can take

8 that money and invest it just about anywhere and
9 actually make money.
10 He said not -- his idea was that not
11 voting for it would be a ludicrous thing to do. So, I
12 believe that rather than being a -- adding to the debt,
13 it may actually by a way of increase revenue, if
14 invested wisely.

15 And the last thing I would like to say
16 very quickly on the smoking ban, that it's not a matter
17 of -- I really believe that it's not a matter of rights
18 that we're talking about, that it's a matter of the
19 health of the city, and I think that in the future, the
20 county, the state, and the country are going to follow
21 suit. And there's nothing wrong with the City of
22 Scranton being at the forefront of that movement.

23 Thank you.

24 MS. EVANS: Mrs. Gatelli, I'm sorry to
25 interrupt, but could I just respond to a comment that

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1 Mr. McGoff made concerning me?

2 MS. GATELLI: Yes.

3 MS. EVANS: I will be very quick.

4 First of all, with regard to the TANS, that was the

5 precise story that we were told last year when we
6 borrowed the exact same amount of money for the TANS,
7 that the reason we were doing so was because we
8 increased the amount in order to garner revenue
9 throughout the year, however, the administration came
10 in in the last, well, even beyond the last quarter of
11 the year saying we can't even pay that back.

12 So, according to them, they can't pay
13 it back, and where that interest went to, I really
14 don't know.

15 But since you are, I might ask you,
16 since you are such a good friend of the mayor's, and
17 like Mr. Courtright says, the mayor enjoys playing
18 gotcha with some of us, I'd ask you as my colleague if
19 you would take my questions to him and ask him for
20 answers in writing, please.

21 MR. MCGOFF: I'll go with you.

22 MS. EVANS: Well, I would prefer that
23 -- I'm asking you as my colleague, my new colleague,
24 since you are the individual who is able to enjoy a
25 cordial relationship, that you would do this for me.

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1 It only requires giving him the papers and requesting

2 that written response.

3 And I know that we have -- you were not

4 here at the time, but I did ask the mayor for the

5 information, and the mayor said publicly that I could

6 have whatever information I wanted. And I said would

7 he pass that along to his department heads? And he

8 agreed, yes, he would, but now, again, the story has

9 changed.

10 And so, again, I'm asking you with all

11 due respect as my colleague, if you would do that, not

12 so much for me, but for the people of the city.

13 MR. MCGOFF: And as I said, I can do

14 that. I would much prefer that they're your questions,

15 the questions of the people, I'll accompany you.

16 MS. EVANS: Mr. McGoff, are you trying

17 to play gotcha with me, too?

18 MR. MCGOFF: No, I'm not trying to play

19 gotcha with you, I'm simply saying that as members of

20 the Council, we should both go.

21 MS. EVANS: And what I'm saying is as a

22 three-year member of this Council, I've sought

23 information in person, I've sought information by

24 letter, I've sought information on, you know, through

25 direct one on one communication before the public, and

1 every time I've been met with a closed door in my face
2 and an iron curtain of secrecy.

3 And on behalf of the people, I'm asking
4 you if you will do this for them, because you may be
5 our only chance to receive those answers.

6 MR. MCGOFF: Fine.

7 MS. EVANS: Thank you.

8 MR. MCGOFF: And I will let you know
9 when the meeting is and I will ask you to attend.

10 MS. GATELLI: Mr. Courtright.

11 MR. COURTRIGHT: Okay. I haven't
12 answered any of my E-mails or phone calls or anything
13 this week. I was out of town. So, I apologize to
14 those of you that have sent them to me. I will get to
15 them as soon as possible.

16 I also have not seen my mail. I just
17 got back today. And I'm guessing, Kay, we made a
18 motion last week about Main Avenue, did I get an answer
19 by any chance?

20 MS. GARVEY: No.

21 MR. COURTRIGHT: No? Okay. So, the
22 motion didn't work. I might have to go knock on the

23 door to see if I can get it that way.

24 I would ask -- just one more thing.

25 Kay, if you could send a letter for me to PEL and ask

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1 what their opinion is on a commuter tax, because I was

2 told today that they're helping another municipality,

3 and I'll use the word down the line, because I cannot

4 recall, up the line, down the line, this is Scranton, I

5 can't recall the town, it might be Nanticoke, I'm not

6 sure, that's looking into instituting a commuter tax.

7 So, I would just like to -- and PEL is

8 helping them, and maybe it's not Nanticoke, but down

9 the line somewhere, if they can tell me what their

10 opinion would be on Scranton reinstating their

11 commuter tax. And that's all I have. Thank you.

12 MS. GATELLI: Mrs. Garvey.

13 MS. GARVEY: Fifth order, there's no

14 business at this time. Sixth order. 6-A, READING BY

15 TITLE - FILE OF COUNCIL NO. 66, 2006 - AN ORDINANCE -

16 APPROPRIATING FUNDS FOR THE EXPENSES OF THE CITY

17 GOVERNMENT FOR THE PERIOD COMMENCING ON THE FIRST DAY

18 OF JANUARY 2007 TO AND INCLUDING DECEMBER 31, 2007 BY

19 THE ADOPTION OF THE GENERAL CITY OPERATING BUDGET FOR

20 THE YEAR 2007.

21 MS. GATELLI: You've heard reading by

22 title of Item 6-A, what is your pleasure?

23 MR. COURTRIGHT: I move that Item 6-A

24 pass reading by title.

25 MS. NEALON FANUCCI: Second.

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1 MS. GATELLI: On the question? All

2 those in favor.

3 MS. NEALON FANUCCI: Aye.

4 MR. MCGOFF: Aye.

5 MS. GATELLI: Aye. Opposed?

6 MR. COURTRIGHT: No.

7 MS. EVANS: No.

8 MS. GATELLI: This is the --

9 MS. EVANS: That was the budget.

10 MS. GATELLI: Oh. Oh, okay. I thought

11 it was Ronny Kitlas.

12 MR. COURTRIGHT: I wouldn't do that to

13 Ronny.

14 MS. NEALON FANUCCI: I knew what I was

15 doing. That's the cool part.

16 MS. GATELLI: I was on the wrong page.

17 MS. NEALON FANUCCI: I was on the right

18 page.

19 MS. GATELLI: All right. How many?

20 3-2. And that was just to move the budget forward so

21 that next week we can amend it and move forward. It

22 doesn't necessarily mean that we agree with that

23 budget. It's just to move it forward. I'm sorry.

24 MS. GARVEY: 6-B, READING BY TITLE -

25 FILE OF COUNCIL NO. 68, 2006 - AN ORDINANCE

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92

1 AUTHORIZING THE TRANSFER OF A PARCEL OF LAND ACQUIRED

2 BY THE CITY THROUGH THE FLOOD CONTROL PROJECT TO RONALD

3 F. AND MARY ANN KITLAS AS PARTIAL COMPENSATION FOR THE

4 ACQUISITION OF PROPERTY THEY OWN ON ROSS AVENUE FOR THE

5 LACKAWANNA RIVER FLOOD CONTROL PROJECT.

6 MS. GATELLI: You've heard reading by

7 title of Item 6-B, what is your pleasure?

8 MR. COURTRIGHT: I move that Item 6-B

9 pass reading by title.

10 MS. NEALON FANUCCI: Second.

11 MS. GATELLI: On the question? All

12 those in favor.

13 MS. EVANS: Aye.

14 MS. NEALON FANUCCI: Aye.

15 MR. MCGOFF: Aye.

16 MR. COURTRIGHT: Aye.

17 MS. GATELLI: Aye. Opposed? The ayes

18 have it and so moved. Unanimous. Tell Mr. Kitlas

19 we're sorry we didn't give him the first one.

20 MS. GARVEY: 6-C, READING BY TITLE -

21 FILE OF COUNCIL NO. 69, 2006 - AN ORDINANCE -

22 AUTHORIZING THE ISSUANCE AND SALE OF A FIVE MILLION

23 (\$5,000,000.00) DOLLARS PRINCIPAL AMOUNT, TAX AND

24 REVENUE ANTICIPATION NOTE OF THE CITY OF SCRANTON KNOWN

25 AS TAN SERIES A, AWARDED TO COMMUNITY BANK AND TRUST

.

93

1 COMPANY; DETERMINING THE FORM AND TERM OF SAID NOTE;

2 AWARDING SAID NOTE; AUTHORIZING AND DIRECTING THE

3 FILING OF CERTAIN DOCUMENTS; AND DIRECTING THE PROPER

4 OFFICIALS OF THE CITY OF SCRANTON TO TAKE ANY AND ALL

5 OTHER ACTIONS AS MAY BE REQUIRED IN CONNECTION WITH THE

6 ISSUANCE OF SAID NOTE.

7 MS. GATELLI: You've heard reading by

8 title of Item 6-C, what is your pleasure?

9 MR. COURTRIGHT: I move that Item 6-C

10 pass reading by title.

11 MS. NEALON FANUCCI: Second.

12 MS. GATELLI: On the question? All

13 those in favor.

14 MS. EVANS: Aye.

15 MS. NEALON FANUCCI: Aye.

16 MR. MCGOFF: Aye.

17 MR. COURTRIGHT: Aye.

18 MS. GATELLI: Aye. Opposed? The ayes

19 have it and so moved.

20 MS. GARVEY: 6-D, READING BY TITLE -

21 FILE OF COUNCIL NO. 70, 2006 - AN ORDINANCE -

22 AUTHORIZING THE ISSUANCE AND SALE OF A NINE AND ONE

23 HALF MILLION (\$9,500,000.00) DOLLARS PRINCIPAL AMOUNT,

24 TAX AND REVENUE ANTICIPATION NOTE OF THE CITY OF

25 SCRANTON KNOWN AS TAN SERIES B, AWARDED TO COMMUNITY

.

94

1 BANK AND TRUST COMPANY; DETERMINING THE FORM AND TERM

2 OF SAID NOTE; AWARDING SAID NOTE; AUTHORIZING AND

3 DIRECTING THE FILING OF CERTAIN DOCUMENTS; AND

4 DIRECTING THE PROPER OFFICIALS OF THE CITY OF SCRANTON

5 TO TAKE ANY AND ALL OTHER ACTIONS AS MAY BE REQUIRED IN

6 CONNECTION WITH THE ISSUANCE OF SAID NOTE.

7 MS. GATELLI: You've heard reading by

8 title of 6-D, what is your pleasure?

9 MR. COURTRIGHT: I move that Item 6-d

10 pass reading by title.

11 MS. NEALON FANUCCI: Second.

12 MS. GATELLI: On the question? All

13 those in favor.

14 MS. NEALON FANUCCI: Aye.

15 MR. MCGOFF: Aye.

16 MR. COURTRIGHT: Aye.

17 MS. GATELLI: Aye. Opposed?

18 MS. EVANS: No.

19 MS. GATELLI: The ayes have it and so

20 moved. 4-1.

21 MS. GARVEY: 7-A, FOR CONSIDERATION BY

22 THE COMMITTEE ON RULES - FOR ADOPTION - FILE OF COUNCIL

23 NO. 64, 2006 - ORDINANCE OF THE CITY OF SCRANTON,

24 LACKAWANNA COUNTY, PENNSYLVANIA, ESTABLISHING THE CLEAN

25 INDOOR AIR WORKER PROTECTION LAW WITHIN THE CITY,

.

95

1 PROVIDING FOR PENALTIES FOR VIOLATIONS OF SUCH SMOKING

2 RESTRICTIONS AND ESTABLISHING AN EFFECTIVE DATE.

3 MS. GATELLI: As chairperson for the

4 committee on rules, I recommend final passage of Item

5 7-A.

6 MR. COURTRIGHT: Second.

7 MS. GATELLI: On the question?

8 MS. EVANS: Yes. Attorney Minora, I

9 see some problems with the ordinance, technically

10 speaking. Page 3 states that the ordinance takes

11 effect January 9, 9007, whereas Page 9 states that it

12 takes effect immediately upon Council approval.

13 Also, the health department, according

14 to the ordinance, shall review all requests for

15 waivers, but we do not have in the City of Scranton a

16 health department.

17 Also, it is to be enforced by the

18 department of public safety, which I think most of us

19 naturally would assume to be the police or any other

20 person authorized by the director of public safety, Mr.

21 Hayes.

22 So, will we be hiring additional

23 enforcers, only because city employees, with the

24 exception of police and fire, work only until 4 p.m.,

25 whereas, the many businesses are going to be

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1 flourishing between the hours of four and 2 a.m. So,

2 how is that going to be handled?

3 MR. MINORA: There isn't a necessity of

4 hiring anybody else. All of the --

5 MS. EVANS: So, the police will go out

6 at night?

7 MR. MINORA: There isn't a necessity to

8 hire other people. The police can do it, licensing

9 people can do it.

10 MS. EVANS: But the licensing people

11 only work until four.

12 MR. MINORA: In that case, the police

13 will do it or the fire department will do it. There

14 are -- it was broadly drafted so that there would be no

15 necessity to hire additional people.

16 MS. EVANS: Oh, I agree with that, but

17 I just think it's --

18 MS. NEALON FANUCCI: It's my idea that

19 it would be like a 21-year-old, if you're not 21, the

20 bars know that they cannot serve you. They have to

21 police themselves, also. And if there are complaints,

22 then we will deal with the complaints then.

23 I don't believe we're going to have the

24 big smoke task force out there, like, you know, Hey,

25 don't light up. I think it's going to be a self

1 policing. It is a rule, just like being 21 and not
2 being able to drink alcohol. It will be a rule and it
3 will be enforced by the owners of the establishments.
4 And if they are not enforced by the
5 owners of the establishments and we get complaints and
6 we do have someone walk in, then they will be the one
7 conducting a fine. And it's very broad that we can
8 have so many people who are department heads enforcing.

9 MS. EVANS: Well, it doesn't really say
10 anything about the department heads, but it -- oh, I'm
11 losing my train of thought about something you had
12 said. Can you just back up to what you said right
13 before you last statement about the --

14 MS. NEALON FANUCCI: Twenty one of --

15 MS. GATELLI: Self enforcing?

16 MS. EVANS: Oh, self enforcing, yes. I
17 believe the establishments must post no smoking signs,
18 and if they see anyone attempting to smoke, they must
19 direct the individual, be it the tavern owner or the
20 manager, whoever is on duty at the time, to put the
21 cigarette out or to refrain from lighting the cigarette
22 or cigar, whatever.

23 Now, as long as the owner or manager
24 has taken those measures, according to the ordinance,
25 they will not be fined, because they have done their

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1 due diligence.

2 If the person continues and lights up,
3 as has been happening throughout Philadelphia, there
4 really is very little that anyone can do. And the
5 owner can't be held responsible.

6 MS. NEALON FANUCCI: So, are you
7 encouraging people to break the -- is this what you're
8 doing? You're trying to encourage people and coach
9 them into how to get out of a --

10 MS. EVANS: No. What I'm saying is --

11 MS. NEALON FANUCCI: It's very sad.

12 MS. EVANS: It's the smoker who will
13 incur the \$300 fine, if it is policed, but in the
14 meantime, beyond what you've read in the paper, I think
15 it's also important to note that in Philadelphia last
16 week, I don't know if we want to call it an amendment,
17 a revised ordinance, I think is a better choice, was
18 passed by Council, and that revised ordinance contains
19 the following information, That the ceiling on liquor

20 sales has been lowered from 90 to 80 percent, and that
21 those businesses who apply for an exemption are going
22 to receive a permanent exemption.

23 And I know that Philadelphia's a first
24 class city, Scranton is a second class city, and if
25 certainly they're taking those measures, I think in

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1 order to help businesses survive, I think Scranton, if
2 indeed Scranton passes a smoking ban, and I believe we
3 will, should be following suit.

4 But I think beyond all of this, my
5 greatest concern is that we have a preemption of
6 legislation here. And though our solicitor is willing
7 to roll the dice on a 50/50 situation, and in the past
8 we've been quite caution in circumstances that could
9 involve litigation; for example, the commuter tax, for
10 example, the pursuit of the non-profits, I think it
11 behooves us to proceed with caution in this area, as
12 well, because I don't believe that it's a stretch to
13 say that the City of Scranton would be sued, and I
14 think the City of Scranton can ill afford more court
15 cases and appeals at this point in time, so I would
16 move to table the legislation.

17 MS. GATELLI: Do we have a second?

18 MR. COURTRIGHT: You know, I'm going to

19 second it, and if I could give my reason why. Where I

20 was all week was Philadelphia. And I asked about this

21 out there.

22 I did not know that there was any

23 questions being brought up back here in Scranton, until

24 my wife had told me on the phone, and I took a quick

25 look at the paper today.

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1 I'm for a smoking ban, I'm not against

2 the smoking ban. I have a little bit of concern. Now,

3 Mr. Minora spoke to me earlier in Council for about

4 five minutes and he feels confident that we will win

5 any suits, and I certainly have all the faith in the

6 world in you.

7 So, my reason for tabling it would be,

8 I, too, I'll take a page out of Mr. McGoff's book, I

9 would like to ask around a little bit this week, if I

10 may.

11 I'm for a smoking ban. I've asked them

12 out there in Philadelphia when I was there all week how

13 it went. There's just as many people out there for it

14 and against it. There doesn't seem to be any problems.

15 I hadn't been able to find anybody

16 where there was an enforcement issue, not one person

17 tell me that they saw it enforced or wasn't enforced.

18 It's kind of on the honor system they were doing it and

19 it seemed to be working.

20 MS. EVANS: Right. But they're

21 enjoying right now what the -- some of the news sources

22 in the Philadelphia area are calling a Christmas

23 present to the smokers of Philadelphia, which is, I

24 believe, a three-week-long lifting of the smoking ban

25 in all of these places.

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101

1 MR. COURTRIGHT: I think --

2 MS. EVANS: Until such time as the new

3 ordinance takes effect.

4 MR. COURTRIGHT: Right. That is

5 happening. That's my understanding. And the other

6 thing I would like to say to those of you that are

7 against the smoking ban, we can alter this ordinance at

8 any time if we like.

9 If we take a look at it and we see that

10 things aren't working out the way that we think they

11 should, we have the ability, whether it be this Council

12 or the Council after us to do that.

13 And so, again, my only reason is I

14 would like to ask a couple of questions about the legal

15 part of it. I do not want to see us end up in court,

16 but I don't want it to be misconstrued as I'm against

17 the smoking ban, because I am not. That's all I have.

18 MS. GATELLI: My only question,

19 Attorney Minora, would be the dates, the differing

20 dates that she said there. If you could just correct

21 that.

22 MR. MINORA: I didn't find those, and I

23 frankly didn't see them, and I redrafted it several

24 times. I don't know if it was a --

25 MS. EVANS: Would you like to see it?

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1 MR. MINORA: Tell me what paragraphs

2 again.

3 MS. EVANS: The pages are not numbered,

4 but I believe it's a ten page ordinance, so I'm going

5 with page three. It's under 147.4, smoking prohibited

6 beginning on January 9, 2007. No person shall smoke in

7 any of the following places, except as provided in

8 subsection 147-B, and it continues and continues. And

9 then if you look at --

10 MR. MINORA: I think all that takes is

11 an amendment to -- that can be done prior to passage.

12 You can change the date to either January of '07 or

13 immediately.

14 MS. EVANS: No, no. I mean January 9,

15 2007 or effective immediately.

16 MR. MINORA: It's a simple amendment.

17 MS. EVANS: Okay. And what about the

18 health department? There are many paragraphs that

19 refer to a health department. And outside of the state

20 health -- we have one health inspector.

21 MR. MINORA: Yes.

22 MS. EVANS: But we have no health

23 department. I'm sure the City of Philadelphia has a

24 health department.

25 MR. MINORA: That would be the health

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1 inspector.

2 MS. EVANS: The one person is an entire

3 health department?

4 MR. MINORA: Do you know of any more?

5 MS. NEALON FANUCCI: For the

6 restaurants.

7 MS. GATELLI: They are considered that.

8 MS. NEALON FANUCCI: They're considered

9 that for the restaurants. They give you a food

10 license. It's the same thing.

11 MS. GATELLI: She does all the health

12 work.

13 MS. NEALON FANUCCI: Right.

14 MS. EVANS: I would think then you

15 would be better to state the health inspector, because,

16 in fact, there is no health department.

17 MS. GATELLI: All right. We can amend

18 that.

19 MR. MINORA: You can make that part of

20 an amendment, also.

21 MS. GATELLI: All right. The vote that

22 we will take now will be a vote to table the

23 legislation. So, if you vote yes, you want to table

24 it. Roll call.

25 MR. COOLICAN: Mrs. Evans.

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1 MS. EVANS: Yes.

2 MR. COOLICAN: Mrs. Fanucci.

3 MS. NEALON FANUCCI: No.

4 MR. COOLICAN: Mr. McGoff.

5 MR. MCGOFF: No.

6 MR. COOLICAN: Mr. Courtright.

7 MR. COURTRIGHT: Yes.

8 MR. COOLICAN: Mrs. Gatelli.

9 MS. GATELLI: No.

10 MS. NEALON FANUCCI: Okay. I'd like to

11 make an amendment. I would like to amend the dates to

12 make sure that it says January 7, up --

13 MR. MINORA: You're making this as a

14 motion to amend?

15 MS. NEALON FANUCCI: A motion to amend

16 the document. January 7 will be the official date.

17 MR. MINORA: The effective date?

18 MS. NEALON FANUCCI: The effective date

19 of the ordinance. Also, I'd like to make a motion that

20 instead of it saying the health department, in

21 parenthesis I would like to put health inspector, so

22 that in case in the next year we do get a department,

23 because I believe as part of Mrs. Evans' budget, she

24 does have a few people on there to work with the health

25 inspector.

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1 MR. MINORA: That's all in one motion.

2 MS. NEALON FANUCCI: Right. That's all

3 one motion to amend --

4 MR. MINORA: To amend to January 7,

5 2007 as the effective date and to include in

6 parenthesis behind the health department, have the

7 inspector.

8 MS. NEALON FANUCCI: Correct.

9 MR. MINORA: Now you need a second.

10 MS. GATELLI: And I'll second that

11 motion. Now we have to vote on the amendment?

12 MR. MINORA: Yes.

13 MS. GATELLI: Roll call.

14 MS. NEALON FANUCCI: We're voting on

15 the amendment.

16 MR. COOLICAN: Mrs. Evans.

17 MS. EVANS: Yes.

18 MR. COOLICAN: Mrs. Fanucci.

19 MS. NEALON FANUCCI: Yes.

20 MR. COOLICAN: Mr. McGoff.

21 MR. MCGOFF: Yes.

22 MR. COOLICAN: Mr. Courtright.

23 MR. COURTRIGHT: Yes.

24 MR. COOLICAN: Mrs. Gatelli.

25 MS. GATELLI: Yes. Now we're back to

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1 the original document for adoption.

2 MS. NEALON FANUCCI: Amended.

3 MS. GATELLI: Roll call.

4 MS. GARVEY: Wait a minute. I have to

5 read it as amended. Excuse me. Wait. We have to read

6 it as amended before you vote on it.

7 MS. GATELLI: Oh, all right. Because

8 we already read it and we already had on the question.

9 MS. GARVEY: Yes, but now I have to

10 read it as amended.

11 MS. NEALON FANUCCI: As amended.

12 MS. GATELLI: You people do this

13 purposely to confuse all of us.

14 MS. GARVEY: No. We're trying to make

15 you do things right.

16 MS. GATELLI: I'm convinced of that.

17 MS. GARVEY: So it doesn't come back at

18 you again.

19 MS. GATELLI: Okay. Go ahead.

20 MS. GARVEY: FOR CONSIDERATION BY THE
21 COMMITTEE ON RULES - FOR ADOPTION - FILE OF COUNCIL NO.
22 64, 2006 - AS AMENDED - ORDINANCE OF THE CITY OF
23 SCRANTON, LACKAWANNA COUNTY, PENNSYLVANIA, ESTABLISHING
24 THE CLEAN INDOOR AIR WORKER PROTECTION LAW WITHIN THE
25 CITY, PROVIDING FOR PENALTIES FOR VIOLATIONS OF SUCH

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1 SMOKING RESTRICTIONS AND ESTABLISHING AN EFFECTIVE
2 DATE.

3 MS. GATELLI: As chairperson for the
4 committee on rules, I recommend final passage of Item
5 7-A.

6 MS. NEALON FANUCCI: Second. As
7 amended.

8 MS. GATELLI: As amended.

9 MS. NEALON FANUCCI: Second.

10 MS. GATELLI: On the question?

11 MS. EVANS: Yes. I don't want to give
12 an improper impression that I am in favor of children
13 smoking or encouraging children or adults to smoke,
14 that is certainly not my intention, but my concern has
15 been to create a level playing field for some of the
16 businesses in our city.

17 And when I see that Philadelphia, which
18 is, you know, so much larger, and enjoys, I'm sure, a
19 grater population and a better economy, and they've
20 realized rather quickly, it's only been a matter of
21 about three or four months, they've realized already
22 that this can't occur, and they've made those changes.
23 And that's, I guess, basically all I
24 was hoping for. It wasn't to say that I think you
25 should smoke wherever and whenever you want in front of
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1 anyone at any time. That isn't so.
2 But I'm trying to keep an eye out here
3 for economics and community development, I guess,
4 rather than trying to put them out of business.
5 MS. NEALON FANUCCI: On the question, I
6 just want to welcome all of the non-smokers to
7 Scranton. Please come and enjoy. Come to our bars,
8 come to our restaurants.
9 Economically, there are more of you
10 than there are of them. So, please come and enjoy.
11 When you're driving past all of those smoking bars,
12 realize that you're going to be here, and guess what?
13 You'll come a lot longer because you'll be a little bit

14 healthier. So, thank you.

15 MS. EVANS: And I hope they don't get

16 into -- no, no. I hope we're not going to get into

17 more accidents for driving outside the city to get the

18 drink. But, I mean, it doesn't really matter to me.

19 MS. GATELLI: They should stop smoking,

20 period.

21 MS. EVANS: Right. And you know what,

22 too? Maybe they would be well served to think about

23 the drinking, too. I would bet --

24 MS. GATELLI: Well, there is laws about

25 drinking. You can only drink so much.

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1 MS. NEALON FANUCCI: Okay.

2 MS. GATELLI: Anyone else on the

3 question? Roll call.

4 MR. COOLICAN: Mrs. Evans.

5 MS. EVANS: No.

6 MR. COOLICAN: Mrs. Fanucci.

7 MS. NEALON FANUCCI: Yes.

8 MR. COOLICAN: Mr. McGoff.

9 MR. MCGOFF: Yes.

10 MR. COOLICAN: Mr. Courtright.

11 MR. COURTRIGHT: Yes.

12 MR. COOLICAN: Mrs. Gatelli.

13 MS. GATELLI: Yes. It is my proud

14 pleasure to hereby declare Item 7-A legally and

15 lawfully adopted. Thank you, West Side.

16 MS. GATELLI: 7-B, FOR CONSIDERATION -

17 BY THE COMMITTEE ON FINANCE - FOR ADOPTION - ORDINANCE

18 NO. 65, 2006 - AMENDING FILE OF COUNCIL NO. 162, 2005 -

19 AN ORDINANCE ENTITLED GENERAL CITY OPERATING BUDGET

20 2006 BY TRANSFERRING \$390,000.00 FROM ACCOUNT NO.

21 01.401.13090.4299 (CONTINGENCY) TO ACCOUNT NO.

22 01.401.15311.4299 (DEBT SERVICE-SALE LEASEBACK) TO

23 PROVIDE FUNDING TO COVER THE PRINCIPAL AND INTEREST

24 PAYMENTS ON SERIES OF 2004, \$4,000,000.00 SALES

25 LEASEBACK OF DPW AND SERIES OF 2005, \$5,500,000.00

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110

1 SEWER AUTHORITY GUARANTEED LEASE REVENUE.

2 MS. GATELLI: What is the

3 recommendation of the chair on finance?

4 MS. EVANS: As chair for the committee

5 on finance, I recommend final passage of Item 7-B.

6 MR. COURTRIGHT: Second.

7 MS. GATELLI: On the question? Roll

8 call.

9 MR. COOLICAN: Mrs. Evans.

10 MS. EVANS: Yes.

11 MR. COOLICAN: Mrs. Fanucci.

12 MS. NEALON FANUCCI: Yes.

13 MR. COOLICAN: Mr. McGoff.

14 MR. MCGOFF: Yes.

15 MR. COOLICAN: Mr. Courtright.

16 MR. COURTRIGHT: Yes.

17 MR. COOLICAN: Mrs. Gatelli.

18 MS. GATELLI: Yes. I hereby declare

19 Item 7-B legally and lawfully adopted.

20 MS. GARVEY: 7-C, FOR CONSIDERATION BY

21 THE COMMITTEE ON FINANCE - FOR ADOPTION - ORDINANCE NO.

22 67, 2006 - AMENDING FILE OF COUNCIL NO. 162, 2005 - AN

23 ORDINANCE ENTITLED GENERAL CITY OPERATING BUDGET 2006

24 BY TRANSFERRING A TOTAL AMOUNT OF \$94,990.00 FROM

25 VARIOUS CITY ACCOUNTS LISTED BELOW TO ACCOUNT NO.

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111

1 01.040.00041.4201 (DEPARTMENT OF HUMAN RESOURCES

2 PROFESSIONAL SERVICES) TO PROVIDE FUNDING TO COVER TWO

3 (2) OUTSTANDING INVOICES PAYABLE TO SEGAL CONSULTING.

4 MS. GATELLI: What is the

5 recommendation of the chair for the committee on

6 finance?

7 MS. EVANS: As chair for the committee

8 on finance, I recommend final passage of Item 7-C.

9 MR. COURTRIGHT: Second.

10 MS. GATELLI: On the question? Roll

11 call.

12 MR. COOLICAN: Mrs. Evans.

13 MS. EVANS: Yes.

14 MR. COOLICAN: Mrs. Fanucci.

15 MS. NEALON FANUCCI: Yes.

16 MR. COOLICAN: Mr. McGoff.

17 MR. MCGOFF: Yes.

18 MR. COOLICAN: Mr. Courtright.

19 MR. COURTRIGHT: Yes.

20 MR. COOLICAN: Mrs. Gatelli.

21 MS. GATELLI: Yes. I hereby declare

22 Item 7-C legally and lawfully adopted.

23 MS. GARVEY: 7-D, FOR CONSIDERATION BY

24 THE COMMITTEE ON FINANCE - FOR ADOPTION - RESOLUTION

25 NO. 115, 2006 - AUTHORIZING THE MAYOR AND OTHER

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1 APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO

2 SUPPLEMENTAL ENGINEERING AGREEMENT NUMBER 041761-C WITH
3 BUCHART-HORN, INC. TO AMEND PART II OF THE AGREEMENT TO
4 COVER UNANTICIPATED ADDITIONAL WORK NECESSARY TO
5 COMPLETE FINAL DESIGN AND AN OVERALL EXTENSION OF THE
6 LACKAWANNA AVENUE BRIDGE PROJECT FOR AN ADDITIONAL COST
7 OF \$195,212.13.

8 MS. GATELLI: What is the
9 recommendation of the chair for the committee on
10 finance?

11 MS. EVANS: As chair for the committee
12 on finance, I recommend final passage of Item 7-D.

13 MR. COURTRIGHT: Second.

14 MS. GATELLI: On the question? Roll
15 call.

16 MR. COOLICAN: Mrs. Evans.

17 MS. EVANS: Yes.

18 MR. COOLICAN: Mrs. Fanucci.

19 MS. NEALON FANUCCI: Yes.

20 MR. COOLICAN: Mr. McGoff.

21 MR. MCGOFF: Yes.

22 MR. COOLICAN: Mr. Courtright.

23 MR. COURTRIGHT: Yes.

24 MR. COOLICAN: Mrs. Gatelli.

25 MS. GATELLI: Yes. I hereby declare

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1 Item 7-D legally and lawfully adopted. Motion to
2 adjourn?

3 MR. COURTRIGHT: So moved.

4 MS. NEALON FANUCCI: Second.

5 MS. GATELLI: All in favor.

6 MS. EVANS: Aye.

7 MS. NEALON FANUCCI: Aye.

8 MR. MCGOFF: Aye.

9 MR. COURTRIGHT: Aye.

10 MS. GATELLI: Aye.

11 (MEETING WAS ADJOURNED.)

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1 C E R T I F I C A T E

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3 I hereby certify that the proceedings and

4 evidence are contained fully and accurately in the

5 notes taken by me on the hearing of the above cause and

6 that this copy is a correct transcript of the same

7 to the best of my ability.

8

9

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LISA M. GRAFF, RMR

11 Official Court Reporter

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