

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SCRANTON CITY COUNCIL MEETING

HELD:

Monday, January 7, 2008

LOCATION:

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

CATHENE S. NARDOZZI- COURT REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SCRANTON COUNCIL:

MR. ROBERT MCGOFF, PRESIDENT

MS. JUDY GATELLI, VICE-PRESIDENT

MS. JANET E. EVANS

MS. SHERRY FANUCCI

MR. WILLIAM COURTRIGHT

MS. KAY GARVEY, CITY CLERK

MR. NEIL COOLICAN, ASSISTANT CITY CLERK

MR. AMIL MINORA, SOLICITOR

1 (Pledge of Allegiance recited.)

2 MS. GARVEY: I would like to ask
3 that everyone please remain standing. I
4 would ask for a moment of silence to
5 remember the victims of yesterday's fatal
6 fire. I'd ask for your prayers for Richard
7 and Marie Fenstermacher, who were victims of
8 the fire, and especially for Captain James
9 Robeson and the Scranton fire Department,
10 who lost his life in the line duty at this
11 fire. Please remember his family in his
12 prayers, especially Jim's wife, Linda, and
13 his son, Ryan, and this most devastating
14 time of loss. Please pray for firefighters
15 Jennifer Hawker, Tommy Owns and Richard
16 Czyzyk who were also injured in this fire.
17 Please ask that they, as well as the entire
18 Scranton Fire Department, will recover from
19 this most tragic event.

20 (Moment of silent observed.)

21 MS. GARVEY: Thank you. I would now
22 like to ask Monsignor Philip Gray to step
23 forward to the podium to offer the
24 invocation, please.

25 MR. GRAY: Allow me to pray the

1 prayer of St. Francis.

2 (Invocation given by Monsignor
3 Gray.)

4 MS. GARVEY: In accordance with the
5 Home Rule Charter of the City of Scranton,
6 designating the first Monday of January as
7 the day for City Council to reorganize, I
8 hereby call this 2008 reorganization meeting
9 to order. Neil, can we please have roll
10 call?

11 MS. GATELLI: On the question? Roll
12 call.

13 MR. COOLICAN: Mrs. Evans.

14 MS. EVANS: Here.

15 MR. COOLICAN: Mr. Courtright.

16 MR. COURTRIGHT: Here.

17 MR. COOLICAN: Mrs. Fanucci?

18 MS. FANUCCI: Here.

19 MR. COOLICAN: Mrs. Gatelli.

20 MS. GATELLI: Here.

21 MR. COOLICAN: Mr. McGoff.

22 MR. MCGOFF: Here.

23 MS. GARVEY: I have before me the
24 certificate of election of Roseann
25 Novembrino, City Controller. Will the

1 council adopt a motion to the effect that
2 the certificate be received and ordered
3 filed and made a part of the minutes?

4 MS. EVANS: I so move.

5 MS. GATELLI: I'll second the
6 motion.

7 MS. GARVEY: On the question? All
8 those favor?

9 MS. EVANS: Aye.

10 MS. FANUCCI: Aye.

11 MS. GATELLI: Aye.

12 MR. COURTRIGHT: Aye.

13 MR MCGOFF: Aye.

14 MS. GARVEY: Opposed? The ayes have
15 it and so moved.

16 MS. EVANS: And I just wanted to say
17 what a great honor it is to have made that
18 motion for Scranton's first lady and a six
19 term city controller.

20 MS. GARVEY: At this time I would
21 just like to ask that as the people are
22 being called to the podium to be sworn in,
23 it would be appreciated if the judges and
24 the elected officials would then sign the
25 documents that Neil will have ready for you

1 upon completion of your comments. And,
2 Neil, they may need that before them, they
3 may have to give it to them as they are
4 coming up to the podium so that they can
5 recite what's on the paper.

6 I will now ask that Honorable James
7 J. Walsh to step forward to the podium to
8 administer the oath of officer to Mrs.
9 Novembrino for the elected office of City
10 Controller.

11 (ROSEANNE NOVEMBRINO was
12 administered the oath of office by the
13 Honorable James J. Walsh.)

14 JUDGE WALSH: Well, once again on
15 behalf of myself and my whole family and
16 people of the City of Scranton,
17 congratulations again. I think this must be
18 a record, isn't it six times, city
19 controller? It must be. Good luck.

20 MS. NOVEMBRINO: Monsignor Gray,
21 Honorable Judges, Mayor and Council, I feel
22 so privileged to be standing here today. I
23 realize that once again I have received the
24 wealth and support of my wonderful family,
25 friends and exceptional citizens of Scranton

1 who truly have supported me year after year.

2 Next to my love of God, family and
3 friends, comes my love for my great city.
4 In government no longer can we afford to sit
5 in judgment of one another or be at odds
6 with one another. Yes, we made disagree,
7 but our disagreements should be resolved as
8 quickly as possible and always with the
9 terms of the Home Rule Charter that dictate
10 our roles as separate governmental bodies.
11 Let common sense and common courtesy
12 prevail.

13 It is time as a city we determine
14 our goals, set out to achieve them and work
15 together to realize them as controller, I
16 pledge that my staff will be part of a
17 positive process that will ensure the city's
18 future. We will always keep our eyes on the
19 builders, the planners and the future of
20 Scranton.

21 At this time I would also like to
22 extend my congratulations to Councilmen Bill
23 Courtright and Bob McGoff. I also would
24 like to mention my condolences to the family
25 of Captain Robeson. A person once a friend

1 of mine once give me a quote about a firemen

2 and it reads: No one is a stranger in the
3 eyes of a firefighter. Thank you so much.

4 MS. GARVEY: I have before me the
5 certificates of election of William L.
6 Courtright and Robert E. McGoff, Jr. As City
7 Councilpersons. Will the Council adopt a
8 motion to the effect that the certificates
9 be received and ordered filed and made a
10 part of the minutes?

11 MS. EVANS: I so move.

12 MS. GATELLI: I second the motion.

13 MS. GARVEY: On the question? All
14 those in favor say aye.

15 MS. EVANS: Aye.

16 MS. FANUCCI: Aye.

17 MS. GATELLI: Aye.

18 MR. COURTRIGHT: Aye.

19 MR. MCGOFF: Aye.

20 MS. GARVEY: Those opposed? The
21 ayes have it and so moved. I will now ask
22 the Honorable Judge Thomas J. Munley to step
23 forward to the podium and administer the
24 oath of office to William L. Courtright for
25 the elected office of City Council.

1 (WILLIAM L. COURTRIGHT was
2 administered the oath of office by the

3 Honorable Thomas J. Munley.)

4 MR. COURTRIGHT: I will reserve my
5 comments until the end of the meeting when
6 we all make our comments at the end to speed
7 it up for everybody.

8 MS. GARVEY: I would the ask the
9 Honorable Judge Carmen Minora if he would
10 step forward to the podium to administer to
11 oath of office to Robert E. McGoff for
12 elected office of City Council.

13 (ROBERT E. MCGOFF was administered
14 the oath of office by the Honorable Carmen
15 Minora.)

16 MR. MCGOFF: I, too, would like to
17 reserve my comments until the end. Thank
18 you.

19 MS. GARVEY: I would now like to ask
20 Mayor Doherty if you would like to come to
21 the podium and have a few comments.

22 MAYOR DOHERTY: Good afternoon,
23 everyone. Judges, welcome.
24 Mrs. Novembrino, congratulations, sixth
25 term, that's outstanding. I just want to

10

1 thank you for all of that you have done for
2 the city and more importantly for allowing

3 us to work city government, we work
4 extremely well with you, you are very kind
5 and often guide us through many obstacles
6 that we face throughout the day as we run
7 the city, you really are an outstanding
8 asset to our community and I just want to
9 thank you personally.

10 Councilman Courtright,
11 congratulations, an outstanding election and
12 four years of great service. You do an
13 outstanding for the city and you really are
14 a voice for the people and I just want to
15 congratulate you for all your hard work and
16 what you do for our community and your
17 success in this past election.

18 MR. COURTRIGHT: Thank you.

19 MAYOR DOHERTY: Bob, congratulations,
20 an outstanding election and your service to
21 the community. You have done a great, great
22 job.

23 I would like to also thank Mrs.
24 Gatelli. Working with you the past few
25 years as a council president has been

11

1 tremendous. When I say you are always open,
2 I mean we talk all the time regarding
3 different situations that happen as to the

4 day-to-day running of the city and you
5 really have done the city a great service.
6 You have been outstanding, so I just want to
7 congratulate you.

8 And to everyone on council, I
9 appreciate all of your hard work. It is not
10 easy to be of public service, but the great
11 think is you all have a tremendous love for
12 our city and you want to serve our city well
13 and you have. We have done very, very well
14 as a city and I appreciate all of your hard
15 work and your commitment and your love for
16 our city, so I look forward to working with
17 all of you over the next two to four years
18 and I just want to say thank you. Thank you
19 on behalf of everyone in the city for your
20 hard work, your love and your passion for
21 Scranton. Thank you very much.

22 MS. GARVEY: I will now accept
23 nominations for temporary chairperson, what
24 is your pleasure?

25 MS. GARVEY: I move that Sherry

12

1 Fanucci be appointed temporary chair.

2 MR. MCGOFF: I second the motion.

3 MS. GARVEY: On the question? All

4 those in favor say aye.

5 MS. EVANS: Aye.

6 MS. FANUCCI: Aye.

7 MS. GATELLI: Aye.

8 MR. COURTRIGHT: Aye.

9 MR. MCGOFF: Aye.

10 MS. GARVEY: Those opposed? The ayes
11 have it and so ordered. Mrs. Fanucci, will
12 you please take over as temporary
13 chairperson?

14 MS. FANUCCI: Thank you. We will now
15 proceed with the reorganizational meeting.
16 I know ask for nominations for City Clerk.

17 MS. EVANS: I nominate Kay Garvey,
18 City Clerk.

19 MS. GATELLI: I second the motion.

20 MS. FANUCCI: On the question? I
21 will ask for a roll call, please, Neil.

22 MR. MCGOFF: On the question? Roll
23 call.

24 MR. COOLICAN: Mrs. Evans.

25 MS. EVANS: Yes.

13

1 MR. COOLICAN: Mr. Courtright.

2 MR. COURTRIGHT: Yes.

3 MR. COOLICAN: Ms. Fanucci.

4 MS. FANUCCI: Yes.

5 MR. COOLICAN: Ms. Gatelli.

6 MS. GATELLI: Yes.

7 MR. COOLICAN: Mr. McGoff.

8 MR. MCGOFF: Yes.

9 MS. FANUCCI: The motion is adopted
10 and I declare Kay Garvey duly and legally
11 elected City Clerk. I will now call for
12 nominations for permanent president --

13 MR. COURTRIGHT: I would like to
14 nominate Sherry Fanucci as president for the
15 chairperson and as for President of City
16 Council for the ensuing two years.

17 MS. EVANS: Second.

18 MS. FANUCCI: On the question? I'm
19 going to decline, but I want to thank you
20 very much for nominating me and your faith
21 in me is outstanding and overwhelming, but
22 being the fact that I, you know, am right
23 now raising my daughter and a home and
24 trying to have a job and city council I
25 believe that the president would be just too

14

1 much for me to handle at this moment, but I
2 want to thank you for the nomination. Thank
3 you. Now, I'd like to proceed and I'd ask--

4 MR. COURTRIGHT: We have to vote,

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Amil?

MS. FANUCCI: Oh, we have to vote,
okay. I'll ask for a roll call.

MR. COOLICAN: Mrs. Evans.

MS. EVANS: Yes.

MR. COOLICAN: Mr. Courtright.

MR. COURTRIGHT: Yes.

MR. COOLICAN: Ms. Fanucci.

MS. FANUCCI: No.

MR. COOLICAN: Ms. Gatelli.

MS. GATELLI: No.

MR. COOLICAN: Mr. McGoff.

MR. MCGOFF: No.

MS. FANUCCI: The no's have it and
motion has failed. On the question I'd like
to ask for nominations for President of
Council? I would like to nominate for the
next two years Mr. Robert McGoff as
permanent chairperson and President of City
Council?

MS. GATELLI: I second the motion.

15

1
2
3
4
5

MS. FANUCCI: On the question?

MS. EVANS: Yes. Most often council
casts unanimous votes. Occasionally,
however, council demonstrates disagreement
on crucial issues such as borrowing,

6 budgets, and taxation. Throughout both
7 agreements and disagreements I respect my
8 honorable colleagues, however, out of equal
9 respect and concern for all taxpayers
10 present and future I cannot approve of a
11 President of City Council who voted to
12 borrow in 2007 and 2008, increased taxes
13 unnecessarily in 2007, and saddled senior
14 citizens and the working core in 2007 with
15 Draconian fees, penalties, costs and fines
16 in the collection of delinquent taxes that
17 may result in a the loss of their homes.

18 Further, I cannot vote for any who
19 would seek to limit free speech past,
20 present or future.

21 MS. FANUCCI: Anyone else on the
22 question?

23 MS. GATELLI: I'd just like to say
24 that some things never change.

25 MS. FANUCCI: I'll ask for a roll

16

1 call. Neil?

2 MR. COOLICAN: Mrs. Evans.

3 MS. EVANS: No.

4 MR. COOLICAN: Mr. Courtright.

5 MR. COURTRIGHT: Yes.

6 MR. COOLICAN: Ms. Fanucci.

7 MS. FANUCCI: Yes.

8 MR. COOLICAN: Ms. Gatelli.

9 MS. GATELLI: Yes.

10 MR. COOLICAN: Mr. McGoff.

11 MR. MCGOFF: Yes.

12 MS. FANUCCI: The motion is adopted
13 and I declare Robert McGoff duly and legally
14 elected President of City Council. Now I'd
15 like to call for nominations for
16 vice-president of city council for the
17 ensuing next two years.

18 MR. MCGOFF: I nominate Judy Gatelli
19 as vice president of city council.

20 MS. FANUCCI: I second the motion.
21 On the question?

22 MS. EVANS: Yes. As an elected
23 representative of the people I cannot cast
24 my vote for Mrs. Gatelli as I did in 2006.
25 The people have railed against a lack of

17

1 leadership, professionalism and decorum
2 during her presidency. She cancelled
3 numerous meetings, assigned police to
4 council meetings, removed television cameras
5 from council chambers, limited the number of
6 speakers or the number of citizens who could

7 attend council meetings causing them to
8 stand in line for many cold hours to gain
9 entry to city council, and engaged in
10 behavior, name calling and disrespect of our
11 constituency.

12 MS. FANUCCI: Is there anyone else on
13 the question? I actually want to say
14 something, it just goes to show me that
15 class cannot be taught. Is there anyone
16 else on the question? Roll call, please,
17 Neil.

18 MR. COOLICAN: Mrs. Evans.

19 MS. EVANS: No.

20 MR. COOLICAN: Mr. Courtright.

21 MR. COURTRIGHT: No.

22 MR. COOLICAN: Ms. Fanucci.

23 MS. FANUCCI: Yes.

24 MR. COOLICAN: Ms. Gatelli.

25 MS. GATELLI: Yes.

18

1 MR. COOLICAN: Mr. McGoff.

2 MR. MCGOFF: Yes.

3 MS. FANUCCI: I declare Judy
4 Gatelli, vice-president of city council
5 legally and duly.

6 MS. GATELLI: At this time I'd like

7 to make a motion that we appoint Amil Minora
8 to the position of city solicitor.

9 MR. MCGOFF: I second the motion.

10 MS. GATELLI: On the question?

11 MS. FANUCCI: On the question?

12 MR. MCGOFF: On the question? All
13 in favor.

14 MS. EVANS: Aye.

15 MS. FANUCCI: Aye.

16 MS. GATELLI: Aye.

17 MR. COURTRIGHT: Aye.

18 MR. MCGOFF: Aye. The ayes have it
19 and so moved.

20 MS. GARVEY: I will now ask
21 Councilman McGoff to come forward to the
22 podium and be sworn in as council president
23 by the Honorable Judge Carmen Minora.

24 JUDGE MINORA: This oath will sound
25 familiar since you just took it ten minutes

19

1 ago.

2 (ROBERT E. MCGOFF, was administered
3 the oath of office by Judge Minora.)

4 JUDGE MINORA: Congratulations again,
5 Robert.

6 MS. GARVEY: I will now ask
7 Councilwoman Gatelli to come forward to the

8 podium and be sworn in as Council
9 Vice-President by the Honorable Judge Carmen
10 Minora.

11 JUDGE MINORA: I just have to tell as
12 I just whispered to Council President
13 McGoff, I'm pleased and privileged to be
14 here and participate in any ceremonies. I
15 did this four years ago and I'm delighted to
16 do it again. Our families have known each
17 other for about three generations, and I
18 also hope that the message of Monsignor Gray
19 isn't lost on the day and that we reflect on
20 the sacrifices that public servants have to
21 make, firefighters making the ultimate
22 sacrifice and also the Fenstermakers who
23 I've known since I was a magistrate, and I
24 would hope that the acrimony that associates
25 itself with this chambers can become reduce.

20

1 Judge Munley and I were just the Board
2 of Elections for the past election cycle and
3 one of the efforts that he and I thought we
4 should make was that we should to try
5 approach our task in the most bipartisan way
6 possible and it was a pleasure and privilege
7 to work with Judge Munley on that and I

8 would hope that can carry for your term as
9 well and I wish that for all of you.

10 (JUDY GATELLI, is administered the
11 oath of office by Judge Minora.)

12 MS. FANUCCI: I will now ask Judge
13 Thomas Munley to come to the podium and have
14 Kay Garvey sworn in as city clerk.

15 (KAY GARVEY, is administered the
16 oath of office by Judge Munley.)

17 MS. GARVEY: I really didn't prepare
18 anything to say this is just off the record,
19 off the cuff, I would like to thank all of
20 you once again for your confidence in me and
21 retaining me for city clerk for the next two
22 years and I will support each of you and
23 offer you the -- I'm a little bit nervous
24 right now, I'm not usually at this side of
25 the podium, with the confidence that you

21

1 have shown in me, I will return respect to
2 each of you and treat you in that way that
3 you deserve. Thank you.

4 I'd also thank to my husband for
5 putting up with me for the last two years,
6 it hasn't been easy.

7 MS. FANUCCI: I'm going to ask that
8 Robert McGoff take over as permanent

9 chairperson and president of Scranton City
10 Council.

11 MR. MCGOFF: Thank you. We are now
12 ready to consider the Rules of Procedure by
13 which this council will be governed during
14 the next two years, what is your pleasure?

15 MS. GATELLI: I move that the Rules
16 of Council be adopted, Resolution No. 1,
17 2008, as required by the Home Rule Charter.

18 MS. FANUCCI: I second the motion.
19 Mrs. Garvey, would you please read
20 Resolution No. 1.

21 MS. GARVEY: Resolution No. 1, 2008,
22 ADOPTING THE RULES AND ORDER OF BUSINESS OF
23 THE SCRANTON CITY COUNCIL, SCRANTON,
24 PENNSYLVANIA.

25 MR. MCGOFF: On the question?

22

1 MR. COURTRIGHT: On the question, I
2 have a question for Mr. Minora. I have no
3 problem with any of the rules except one and
4 that is the one Mrs. Franus had brought up,
5 she brought it up before I had an
6 opportunity. I can understand after their
7 five minutes is up that we shouldn't be
8 conversing back and forth with them and I

9 support that, but I don't know how could I
10 sit here if somebody asks me a question and
11 then they are willing to forfeit their time,
12 and if I'm willing to answer the question,
13 I'm not saying any council person has to
14 answer the question, but I think I should be
15 afforded the opportunity if they say they
16 would forfeit their time to me to allow me
17 to answer the question.

18 You know, I have sat here for four
19 years and sometimes the first year when I
20 was council that sometimes you get two or
21 three people asking a question and you say,
22 you know, we'll do it in motion when motions
23 were at the end, sometimes it didn't have
24 the impact, sometime I didn't remember the
25 question as enough, I understand the intent,

23

1 the intent is to do away with some of the
2 animosity we have here, and I'm all for
3 that, but are you telling me it's -- they
4 can legally stop me from answering the
5 question?

6 MR. MINORA: Well, here's -- we are
7 adopting rules and the Home Rule Charter,
8 the charter requires us to adopt the rules.
9 Those are the rules proposed. Once you have

10 a rule if they are not followed, as I said
11 numerous times, if you don't follow a rule
12 it's a mere suggestion, so if the rules are
13 adopted they are rules. I'm not sure the
14 legal question you are asking me.

15 People have a right under public
16 meeting laws to make comment, they don't
17 have a right to answers, they don't have
18 a right to require you to produce documents.
19 There is a separate statute for that, but a
20 lot of those things have happened here, so
21 if you are asking me to a legal opinion
22 whether or not you have the right to
23 comment, as I understand these rules they
24 provide that right in motions and really
25 it's not different from our old rules which

24

1 said that all comments and questions should
2 be directed through the chair and really the
3 other members, the president was the only
4 person who had the right under the old
5 rules, you know, the previous rules to make
6 comment and to direct answers. So it's
7 really not a dramatic change in that
8 respect, it's just really stating in black
9 and white what already was the rule.

11 are telling me that I can't answer
12 somebody's questions until my portion of the
13 meeting where I comment and I don't agree
14 with that, I think that's wrong.

15 Let me ask you this question, if I
16 vote, no, and then someone asks me a
17 question and I answer in their five minutes
18 what happens to me?

19 MR. MINORA: Well, the rules are the
20 rules, you are can be gaveled.

21 MR. COURTRIGHT: If I break the rule
22 what happens to me?

23 MR. MINORA: As anybody who breaks
24 the rules you can be gaveled down, called
25 out of order and, you know, those are

26

1 Robert's Rules of Order.

2 MR. COURTRIGHT: And I can be removed
3 from these chambers?

4 MR. MINORA: Well, I hope that
5 nothing would ever come to that.

6 MR. COURTRIGHT: Well, I've seen
7 worse in here, that's why I'm asking. I
8 mean, let's face it, the last two years have
9 been a lot of problems.

10 MR. MINORA: Can a councilperson be

11 removed for being out of order, is that what
12 you're asking me?

13 MR. COURTRIGHT: Yes.

14 MR. MINORA: At some point in time
15 when a council person, just like any other
16 person who disrupts a meeting can they be
17 removed, yes, and it's been done in this
18 county in the past.

19 MR. COURTRIGHT: Okay, I would be
20 voting, no, just for that one particular
21 reason. I agree with all of the other rules
22 and I agree with the reasoning why they are
23 doing it I just feel like I'm under a
24 Communist Rule here right now, so I will be
25 voting, no.

27

1 MS. EVANS: Like Mr. Courtright, I do
2 agree with the majority of the rules, but it
3 does appear that one of the rules of council
4 is rudded in ignorance and I cannot vote
5 then to approve the rules nor will I be
6 party to them or abide by that rule.
7 Citizens have the right to question their
8 elected officials and to receive answers.
9 Elected officials have the right to speak to
10 constituents and respond to their questions.
11 No citizen should have to engage in a game

12 of question and answer that plays out as the
13 weeks and months dwindle. Not all citizens
14 can remain to receive a response later in
15 the meeting and not all citizens can attend
16 weekly meetings to receive their responses
17 at later dates. Not all citizens are naive
18 enough to be duped into a procedure that
19 enables their questions and comments to go
20 unanswered or be totally forgotten.

21 And I empathize with the public. I
22 know how it feels not to have their
23 questions answered. I know how it feels to
24 have the questions drag on for months with
25 no answers. Therefore, I will not refuse to

28

1 respond when asked. My purpose is to serve
2 and respect the people, they alone are my
3 bosses. That's it.

4 MR. MCGOFF: The rules that we are a
5 considering were made in deference to
6 people's request. At times people did
7 complain that their speaking time was being
8 used by council members responding to them
9 and that they were not granted adequate
10 time. The provision to which Mr. Courtright
11 and Mrs. Evans are remarking was in an

12 attempt not to curb anyone's right to know,
13 not to curb anyone's ability to speak, it
14 was simply to provide the persons at the
15 podium during civic participation five
16 uninterrupted time to make a statement to
17 council.

18 As Attorney Minora has said, Robert
19 Rules of Order and past practice have
20 accepted that as a means of doing business.
21 Whether we practice that at all times may be
22 a different story, but it is not a
23 fundamental change in procedure. It merely
24 is, again, as Attorney Minora said, it is
25 merely stating what was understood as a rule

29

1 before. Anybody else on the question?

2 MS. EVANS: Yes. I would agree with
3 what much of Mr. McGoff has to say and I
4 feel that all council members when requested
5 by speakers to respond during motions have
6 done so in deference to the speaker, and in
7 order to be able to allow a full three
8 minutes or two minutes to their
9 presentation. When asked for a response,
10 though, I do believe that most council
11 members, if not all, have responded
12 immediately to comply with the request of

13 the constituent and I see no reason why the
14 speaker cannot make that decision, why the
15 speaker cannot state their preference for
16 waiting for a response from a council member
17 under motions or receiving a response
18 immediately.

19 MR. MCGOFF: Anyone else?

20 MS. GATELLI: Well, I would just
21 like to say having been in your position,
22 Mr. McGoff, that sometimes council members
23 respond to the speaker and that diatribe
24 goes on for 10 to 15 minutes and other
25 speakers always complain that they never got

30

1 to speak that long, so when a council person
2 interrupts the speaker or uses some of their
3 time the limit should be five minutes, also,
4 but sometimes it's not, and then the other
5 speakers get very angry with that because
6 they weren't allowed to have a diatribe with
7 the council member for 10 to 15 minutes, so
8 that's the only other side of the coin that
9 I see.

10 MR. COURTRIGHT: On the question
11 again, I'm just saying if someone asks me a
12 question, if I can't answer it within their

13 five-minute time then I will stop speaking
14 and I will wait until motions, but if they
15 stand there and tell me they are willing to
16 forfeit their minutes to me so I can respond
17 to their question, I don't see the harm in
18 it. I understand, and I don't agree with,
19 you know, 10, 15 minutes going by and the
20 other person is standing waiting for their
21 turn, I do not agree with that, but I
22 disagree with me not being able if the
23 person is willing to forfeit their time.

24 I have tried to treat everybody with
25 respect here in the four years I have been

31

1 here and believe me it's been difficult, but
2 I have -- I'm not doing it -- I don't want
3 to hear myself talk, I try to always make
4 myself as brief as possible and to not allow
5 me answer somebody that pays taxes or lives
6 in this city, that's just wrong.

7 MS. GATELLI: Well, I know, I don't
8 have it with me, but I think it was the
9 lawsuit that Bob Bolus filed with Fosset,
10 Mr. Fosset that passed away, I was reading
11 in that lawsuit and it says specifically
12 that under the Sunshine Law you are not
13 obligated to answer. It is a public

14 comment. It's not to be a dialogue with
15 council members. It is for the public to
16 say their comments and for us to accept it.
17 It isn't a question and answer period. You
18 know, it wasn't meant to be that. It's
19 public participation and comment. And if we
20 can find the answer for them at a future
21 time that's different, and there is also the
22 Right to Know Law. You know, they come here
23 and ask questions, they can write a letter
24 under the Right to Know. They can probably
25 get the answer quicker than we can. So, it

32

1 isn't a diatribe with the council member
2 with the speaker, it's public comment.

3 MR. COURTRIGHT: And if you'd listen
4 to what I said earlier, I said it was up to
5 each individual. I mean, I have watched
6 prior councils and the council president
7 would always ask the individual, do you care
8 to respond, and if the individual didn't
9 care to respond then they didn't respond.
10 What I'm saying is I don't want that taken
11 away from me, my right to be able to respond
12 if they are willing to. If you don't want
13 to respond that's certainly up to you. I

14 understand that fully, and I'm not stupid.

15 MS. EVANS: And I would agree once
16 again with Mr. Courtright, at times council
17 members have not responded and certainly
18 that is their choice. If they care to
19 ignore the question posed by a citizen that
20 is their prerogative. Similarly, if it is
21 my choice to respond to the best of my
22 ability I believe that my right to free
23 speech is being taken away in that I'm not
24 going to be prevented from responding. And,
25 once again, I'm not doing this without the

33

1 permission or rather without the individual
2 asking for that response.

3 MS. FANUCCI: Well, you can correct
4 me if I'm wrong, Attorney Minora, in our
5 rules, the only one who can direct whether
6 or not these questions come to a council
7 member would be the president; is that
8 correct?

9 MR. MINORA: The present rules call
10 for all comments and responses to go through
11 the president and chair rather than the
12 individual councilperson. Those are the
13 ones that were adopted two years.

14 MS. FANUCCI: Right, so no one

15 really should be asking a council person a
16 question until they direct it through Mr.
17 McGoff; is that correct?

18 MR. MINORA: Well, under the old
19 rules.

20 MS. FANUCCI: Right.

21 MR. MINORA: Under the old rules.

22 MS. FANUCCI: So, now if that
23 happens, and obviously -- first let me get
24 into the freedom of speech and your right,
25 you still have your right to speak during

34

1 motions. We will not be taking away
2 anyone's right to say what they need to say
3 and say whatever they need to say during
4 their own motions; correct?

5 MR. MINORA: Yeah, it's not a muzzle,
6 it's just transposing when the response is
7 going to take place.

8 MS. FANUCCI: Okay, so when this
9 happens if they -- if a speaker comes up to
10 the podium and says to Mr. McGoff, I would
11 like to know if Mrs. Evans can tell me
12 whatever, whatever her committee would be,
13 if he does not say, Mrs. Evans, you can
14 speak, can she still speak?

15 MR. MINORA: Technically under the
16 rules that are adopted in 2006, technically
17 the answer would be, no, but the response
18 would have to come through the chair.

19 MS. FANUCCI: And this has always
20 been; correct?

21 MR. MINORA: They were before I was
22 here. They weren't new.

23 MS. FANUCCI: So that rule has not
24 changed?

25 MR. MINORA: No, not at all. This

35

1 is the first change.

2 MR. COURTRIGHT: I would like to go
3 back to when Council President Murphy was
4 here, they always asked President Murphy and
5 I distinctly recall him asking the council
6 person whether they wanted to answer or not.
7 I would hope that if somebody asks a
8 question Mr. McGoff is not -- I hope he is
9 not going to just ignore it, and not let one
10 of us answer. If somebody comes to that
11 podium and asks Mr. McGoff, "I would like to
12 ask Mr. Courtright, you know, if he has got
13 that pothole fixed on Washburn Street," I
14 would hope he is not going to sit and
15 pretend he didn't hear them and just move

16 on, that that would just be plain ignorant.

17 MS. EVANS: And I don't think --
18 actually I think this goes beyond a matter
19 of simple decorum. I do understand the need
20 to redirect decorum within the city council
21 chambers, but let us not forget this has not
22 been an issue for simply the last two years,
23 this has been an issue for at least the last
24 10 years. It goes well beyond this council.
25 What I fear is that this is an attempt to

36

1 stifle speech. I do know that -- well, let
2 us say stifle speech and protect certain
3 council members. I do know that many
4 citizens have in writing under the Right to
5 Know Act and another have requested
6 information that they have not received and
7 it is all too easy to ignore the taxpayers,
8 the citizens of the Scranton by hiding
9 behind a shield of council rules that state,
10 I will not interact with you publically.

11 And if I might add, the last item
12 that I did find a bit offensive today would
13 be the use of the pronoun "we". We are not
14 trying to stifle council's free speech. We
15 will give it to you understand motions. Who

16 is "we"?

17 MS. FANUCCI: We act as a body here
18 as a council. We are one body. We are not
19 individuals, so "we" being council.

20 MS. EVANS: Well, within any body
21 now, any democracy, there is certainly
22 majority and there is always room for the
23 rights of the minority as well.

24 MS. FANUCCI: You definitely have
25 rights. The votes are votes. Everyone can

37

1 vote and we are all here to work together
2 though. When we pass a vote it is legally
3 adopted as one city council. So, yes, we
4 are a "we".

5 MS. EVANS: If it does violate the
6 constitution which each of us is sworn to
7 uphold. I would think the constitution of
8 the United States, the constitution of the
9 Commonwealth of Pennsylvania would supercede
10 the rules of Scranton City Council.

11 MS. FANUCCI: Once again, we are
12 trying to figure out a way not to play by
13 the rules. There are no rules anywhere that
14 can be adopted, but as far as I'm concerned
15 I think it's time that we go on with the
16 meeting.

17 MR. MCGOFF: Anyone else? All those
18 in favor say aye.

19 MS. FANUCCI: Aye.

20 MS. GATELLI: Aye.

21 MR. MCGOFF: Aye. All those
22 opposed?

23 MR. COURTRIGHT: No.

24 MS. EVANS: No.

25 MR. MCGOFF: The ayes have it and so

38

1 ordered. At this time we will designate
2 chairpersons, committee chairpersons for the
3 next two years. Committees - appointments,
4 Community Development - Sherry Fanucci.
5 Public works - Janet Evans. Public safety -
6 William Courtright. Finance - Judy Gatelli.
7 Rules - Robert E. McGoff.

8 Sub-committees. Pennsylvania Review
9 and Administration - Sherry Fanucci.
10 Downtown Revitalization - Judy Gatelli.
11 Boards and Commissions - William Courtright.
12 Revenues/Taxes - Robert McGoff.
13 Intergovernmental relations - Janet Evans.

14 I would like to now call on each
15 council members for a few brief remarks.
16 Mrs. Evans?

17 MS. EVANS: Thank you. I wanted to
18 explain the change in the committee. I
19 declined the Chair of the Finance Committee.
20 During my term as finance chair I created
21 three budgets, all three budgets benefited
22 the taxpayers of Scranton. My budgets
23 eliminated borrowing, prevented a 25 percent
24 tax increase, and lowered the wage tax from
25 3.4 to 3.2 percent. All three were rejected

39

1 by the mayor and his council supporters.

2 It appears that the city operating
3 budget may be nothing more than the mayor's
4 checkbook and it requires no oversight,
5 input or accountability. Therefore, I
6 believed that one of my honorable colleagues
7 would be better suited to the task,
8 preferably, Mrs. Fanucci who has
9 demonstrated such astute fiduciary knowledge
10 and obsequious administrative fidelity. I,
11 on the other hand, prefer to keep a watchful
12 eye on all committees and my colleagues and
13 I must say that I do very much look forward
14 to working hand-in-hand with Mr. Brazil, the
15 director of the Department of Public Works.

16 MR. MCGOFF: Mr. Courtright?

17 MR. COURTRIGHT: Yes. I tried to

18 would you do this again? You know,
19 everybody, I ask myself that sometimes.

20 But one of the persons in this room
21 that I would like to thank more than anybody
22 would be Kay Garvey. I don't think that we
23 would be able to get done what we get done
24 here. Most of time it goes without a hitch.
25 She is the one that does all of the work,

41

1 not us, she does all of the work, and it's
2 difficult to be fair to all of us and I
3 couldn't find a more fair and hardworking
4 person than her and I think she is equally
5 fair to every single one of us. Some people
6 on this council I believe think she is more
7 fair to me because I'm here every day. I
8 come in this office every day because I have
9 a schedule different than most. I might
10 work for two hours in the morning and then
11 not work until nighttime and I might work
12 five hours then so I'm here all of the time,
13 and comments have been made and I'll just
14 consider it a source. I think that she
15 treats everybody fairly, most fairly, and I
16 would never, ever ask her to do something
17 that would compromise her. I just can't say
18 enough. Thank you, Kay.

19 And that's all I have. Thank you.

20 MR. MCGOFF: Mrs. Fanucci?

21 MS. FANUCCI: First, I'd like to
22 thank Mrs. Evans for the wonderful vote of
23 confidence in the finance, but, again, I
24 wish I could, but I am really happy with the
25 economic development and it's been a very

42

1 great committee for me and a lot of fun to
2 be able to get to sit and see some of the
3 fruits of planning come into effect and
4 thank you so much, it was very nice.

5 I just want to say that it is a
6 wonderful job. I know you look at this
7 position and you do think we are all a
8 little -- we have to be a little off to get
9 up here and do this, but at the end of the
10 day we see what we accomplish for not only
11 the taxpayers, but for our own children and
12 our grandchildren and our spouses. This
13 is what it's about. It's about you.

14 It is not easy and it will never be
15 easy, but I'm always grateful to see people
16 who want to put themselves out there and to
17 run for office and to do what they need to
18 do the job -- to do the job which is not fun

19 all the time, but it is very rewarding and
20 know that we are out there for you and we
21 want you to realize that at the end of the
22 day that someone is paying attention and we
23 are.

24 And I want to also congratulate,
25 obviously, Mr. Courtright and Mr. McGoff for

43

1 their day today because that's what today
2 was about, it was about their joining a
3 wonderful team and trying to bring the city
4 where we want it to be and I just want to
5 say I look forward again working with both
6 of you and all of our council and bringing
7 our city to higher levels and if that means
8 we have to do it in a way that we come
9 together then that's what we should be doing
10 and I just want to say that I look forward
11 to starting a new year fresh and coming
12 together to work as one council, and that's
13 all I have. Thank you.

14 MR. MCGOFF: Mrs. Gatelli?

15 MS. GATELLI: I would just like to
16 thank everyone for coming today, and most of
17 all I would like to thank the man out there
18 with the gray hair, my husband, Joe, because
19 he has certainly been through a lot of

20 stress and ordeals over the last two years.
21 Never being home, always at meetings, never
22 seeing your kids or your grandchildren
23 because you are out doing the work of the
24 council president. It's very difficult and
25 I think Bob being retired it's a perfect for

44

1 him because you do need a lot of time to go
2 to meetings and make phone calls, etcetera.
3 So I do want to thank my husband most of all
4 and my family for being so kind and
5 considerate when I was not around to
6 baby-sit.

7 I'd like to thank Kay most of all
8 for all of her cooperation and her work
9 helping get agendas ready and etcetera and
10 also Neil and Sue. They stand in the
11 background, but they do a lot of legwork I'm
12 sure in the office and I'd like to thank
13 acknowledge that they have also done a fine
14 job. And Mr. Minora, who besides his family
15 being personal friends of mine, our mothers
16 were friends from when they were little
17 girls, so I'm very, very fond of the
18 Minoras, that's not a secret at all, and I
19 would like to thank Amil for working so

20 closely with me on the legal matters that
21 ensued over the past two years.

22 I was elected. Maybe I didn't
23 always vote the way people wanted me to
24 vote, but I voted the way I thought would be
25 best for the City of Scranton. I worked for

45

1 27 years in the South Side Neighborhood
2 Association and I have a pulse of the people
3 in South Side for sure and I hope that I
4 have served you in a way that you can see
5 benefit of the City of Scranton.

6 Although, sometimes at council you
7 don't always get the clear picture of how
8 people feel about you, I do get phone calls
9 and letters at home and people are
10 supportive of what's happening in the City
11 of Scranton. I'd also like to thank my
12 colleagues for always being so gracious and
13 kind during the council meetings and helping
14 me in no matter what I asked them to do and
15 I'd like to congratulate Mr. Courtright on
16 his victory and Mr. McGoff and I hope you
17 have a very successful four years and, Bob,
18 I'd like to say good luck, Buddy. I know
19 you will do a great job. Thank you all.

20 MR. MCGOFF: I, too, would like to

21 thank the voters of the City of Scranton for
22 their support of me during the past
23 election. I'd also like to give special
24 thanks to my family, my wife who has been
25 supportive from the very first time that I

46

1 mentioned to her that I was thinking of
2 being placed on council or at least being
3 considered when she said, no, but since that
4 no she has been extremely supportive and I
5 thank her for that and also the other
6 members of my family, my father, my sister
7 and her husband, my children who are here
8 today and my grandson, Ryan, who helped with
9 holding the Bible during the swearing in.
10 I really need their support and I thank them
11 for it.

12 I also would like to congratulate
13 Roseann, Mrs. Novembrino, for her sixth term
14 as controller in the City of Scranton. I
15 look forward to more of these voluminous
16 reports from your office, congratulations.

17 And I would like to thank the Honorable
18 judges for being here for the swearing in,
19 it makes it an important event when you are
20 here. Thank you.

21 And last, I would like to --well,
22 not last, I, too, would be like to thank Kay
23 and the staff in the city clerk's office,
24 they do a great deal of work and without
25 them none of the meetings would be even

47

1 close to orderly or being done properly and
2 so I thank them for their work and hopefully
3 work closely together within these coming
4 years.

5 And, lastly, I would like to thank
6 the members of the council for the
7 confidence that they have shown in me both
8 in their yes votes and their no votes. It
9 is not only in agreement that things move
10 forward, but it is also in disagreement that
11 things move forward. It is important that
12 we consider all avenues and all thoughts
13 when we are considering the legislation of
14 the city and the improvement of the city and
15 so I look forward to working with all of the
16 members of council over the next four years
17 and especially during the next two years as
18 president, and I thank you very much.

19 I was go to ask Monsignor Gray to
20 come forward for benediction, but I believe
21 he had to leave, so I would like to now call

22 for a motion to adjourn.

23 MR. COURTRIGHT: So moved.

24 MS. FANUCCI: Second.

25 MR. MCGOFF: This meeting is

48

1 adjourned. There being no further business,
2 our next regular scheduled meeting will be
3 Tuesday, January 15, at 6:30. Thank you
4 very much.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

C E R T I F I C A T E

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

CATHENE S. NARDOZZI
OFFICIAL COURT REPORTER

23

24

25