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SCRANTON CITY COUNCIL MEETING

HELD:

Tuesday, September 29, 2009

LOCATION:

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

CATHENE S. NARDOZZI, RPR - OFFICIAL COURT REPORTER

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CITY OF SCRANTON COUNCIL:

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. PAT SCANLON, SOLICITOR

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

3 MR. MCGOFF: Roll call.

4 MR. COOLICAN: Mrs. Evans.

5 MS. EVANS: Here.

6 MR. COOLICAN: Mrs. Gatelli.

7 MS. GATELLI: Here.

8 MR. COOLICAN: Ms. Fanucci.

9 MS. FANUCCI: Here.

10 MR. COOLICAN: Mr. Courtright.

11 MR. COURTRIGHT: Here.

12 MR. COOLICAN: Mr. McGoff.

13 MR. MCGOFF: Here. Dispense with
14 the reading of the minutes, Third Order.
15 3-A.

16 MS. GARVEY: 3-A. MINUTES OF THE
17 SCRANTON-LACKAWANNA HEALTH & WELFARE
18 AUTHORITY MEETING HELD ON FEBRUARY 19, 2009.

19 MR. MCGOFF: Are there any comments?
20 If not, received and filed.

21 MS. GARVEY: 3-B. MINUTES OF THE
22 SCRANTON-LACKAWANNA HEALTH & WELFARE
23 AUTHORITY MEETING HELD ON JUNE 18, 2009.

24 MR. MCGOFF: Are there any comments?
25 If not, received and filed.

1 MS. GARVEY: 3-C. MINUTES OF THE
2 FIREMEN'S PENSION COMMISSION MEETING HELD ON
3 AUGUST 26, 2009.

4 MR. MCGOFF: Are there any comments?
5 If not, received and filed.

6 MS. GARVEY: 3-D. MINUTES OF THE
7 POLICE PENSION COMMISSION MEETING HELD ON
8 AUGUST 26, 2009.

9 MR. MCGOFF: Are there any comments?
10 If not, received and filed.

11 MS. GARVEY: 3-E. MINUTES OF THE
12 COMPOSITE PENSION BOARD MEETING HELD ON
13 AUGUST 26, 2009.

14 MR. MCGOFF: Are there any comments?
15 If not, received and filed.

16 MR. MCGOFF: 3-F. MINUTES OF THE
17 NON-UNIFORM MUNICIPAL PENSION BOARD MEETING
18 HELD ON AUGUST 26, 2009.

19 MR. MCGOFF: Are there any comments?
20 If not, received and filed.

21 3-G. AGENDA FOR THE NON-UNIFORM
22 MUNICIPAL PENSION BOARD MEETING HELD ON
23 SEPTEMBER 23, 2009.

24 MR. MCGOFF: Are there any comments?
25 If not, received and filed.

1 3-H. 2008 AUDIT FOR THE SCRANTON
2 PARKING AUTHORITY.

3 MR. MCGOFF: Are there any comments?
4 If not, received and filed.

5 MS. GARVEY: That's it for Third
6 Order.

7 MR. MCGOFF: Thank you, Mrs. Garvey.
8 Any announcements from council?

9 MS. EVANS: Yes. St. Peter and Paul
10 Roman Catholic Church, 1309 West Locust
11 Street in Scranton will hold a fall festival
12 and bazaar October 11 in the church hall
13 from 11:30 a.m. to 5:00 p.m. The festival
14 will feature ethnic Polish foods such as
15 potato pancakes, piggies and haluski as well
16 as theme baskets, children's stands and
17 baked goods.

18 Dine at Friendly's in Dunmore on
19 Wednesday, October 14, from 5 to 8 p.m.
20 Proceeds will be donated to the St. Francis
21 of Assisi Food Kitchen. Because of your
22 generosity, last year the Interfaith Friends
23 Committee was able to donate over \$6,000 to
24 the food kitchen. Many people were fed
25 because of your support. Once again, you

1 can make a difference and feed those in
2 need.

3 Holy Name of Jesus Church will
4 conduct it's annual roast beef dinner on
5 October 4 from noon to 4 p.m. at the Parish
6 Hall on Scranton's East Mountain. Tickets
7 are \$9 per adults, \$5 for children and can
8 be can be purchased at the door. The roast
9 beef and the coleslaw, believe me, are out
10 of this world. Can eat in then takeouts
11 will be available from 11 a.m. to 4:00 p.m.

12 According to ECTV, dates for Comcast
13 channel changes are as follows: On Monday,
14 October 5, Channel 61 government access will
15 be aired on Channel 19. Channel 62
16 education will be aired on Channel 21.

17 Lastly, a reminder to senior
18 citizens, flu vaccine clinics will offer
19 flue shots from 10 a.m. to 2 p.m. next
20 Monday at the Downtown Senior Center;
21 Tuesday, October 6, at the South Side Senior
22 Center; Wednesday, October 7, at the West
23 Side Senior Center; Thursday, October 8,
24 Dunmore Senior Center; Friday, October 9,
25 Taylor Senior Center; and on Wednesday,

7

1 October 14 at the Jewish Community Center in

2 Scranton. Th shot is free for all seniors
3 with Medicare Part B primary insurance, all
4 Aetna plans, Bravo and High Mark Freedom
5 Blue. Without proper insurance, the cost is
6 \$30. Remember, it is very important to get
7 your seasonal flu shot. That's all.

8 MR. MCGOFF: Anyone else? Citizens'
9 participation. Andy Sbaraglia.

10 MR. SBARAGLIA: Andy Sbaraglia.
11 Citizen of Scranton, fellow Scrantonians. I
12 see you have the audit from the Scranton
13 Parking Authority. I suppose you all went
14 into it in great depth because the fact is
15 the figures that they give for the -- of
16 course, it's a 2008 audit, I don't see any
17 encouragement in that audit. I don't see
18 anything at all. First of all, their
19 long-term debt in 2008 was \$52,860,000.
20 That's for the Parking Authority. That's
21 how much they are in debt for and how much
22 do they generate in income a year?
23 \$3,034,331. Their bond payments are almost
24 three million a year. Don't you see
25 something is wrong there? Now they are

8

1 looking to borrow again. I don't know, I --

2 some of you weren't here when they had
3 a letter of credit that's granted them and
4 all of the parking revenue is put up as a
5 guarantee. Mr. Courtright may remember it.
6 Okay, so they have a letter of credit, so
7 chances are you will never see how much they
8 borrow. All that you know, you can't borrow
9 your way out of debt, and I keep telling you
10 this, there is a sword hanging over the
11 taxpayers in Scranton. When that rope
12 breaks we are going to get our heads cut off
13 because we have to make it up, and there is
14 no reason for it. All you have to do if you
15 don't understand the audit, ask somebody to
16 explain it to you. Explain exactly what's
17 happening. I mean, the only reason they are
18 not in a big hole now is because they got
19 30-year bonds, okay? Thirty years from now
20 is when they are going to pay them off.
21 Them garages will be falling apart by then
22 and they can't fix the garage. You are
23 already taking so many thousands I think to
24 fix the sidewalks for them people. In other
25 words, they can't even make the repairs on

9

1 the garages themselves and there is no way
2 they are going to be able to pay it in the

3 next ten years, 15 years when they actually
4 do fall apart and you have to, of course,
5 none of us might not even be here, but
6 somebody is going to be here, your
7 grandchildren are going to be here, I hope.
8 Something you got to really, really get into
9 that audit and really break it down so you
10 know what they are going to do and how much
11 they plan to borrow with their letter of
12 credit and if that letter of credit is still
13 in affect because, believe me, if they can't
14 make it, pay their bills every year, then
15 what good are they? You might as well sell
16 off the garages and take that yolk from
17 around our necks. I'm just sorry that you
18 believe that everything is a rosy down
19 there, but believe me, that audit does not
20 say it's rosy. It says it's marginal. If
21 it wasn't for the city giving them that
22 million bucks they would have went long ago.
23 I'm sorry to say that. But I hope you do
24 live up to your responsibility to the city
25 and check into these authorities, all of the

10

1 authorities and really check out their
2 financial status. Them audits, an audit is

3 an audit like you keep saying you can do
4 anything with an audit even they are
5 supposed to be accurate, but I can't see any
6 hope for the Scranton Parking Authority, I
7 really can't.

8 And when, first of all, they are
9 giving away spaces. I don't know how many
10 spaces they plan to give away to the Connell
11 building, they gave 120 away to the Hilton.
12 That's money lost. That's revenue lost. A
13 loss they can't afford to lose. That's the
14 sad part of it. Every penny that they get
15 really has to be accounted for. Just like
16 in your house, if you -- if you have a bill
17 coming up and you know you got to pay that
18 bill then you got to make sure you have
19 money to pay that bill without going to the
20 banks and borrowing the money to pay off the
21 bill because now you got to a bill that's
22 paid off, but you still got to go to the
23 bank, and that's what's happening with the
24 Parking Authority. They are not getting rid
25 of their bills, they are making more bills.

11

1 I thank you.

2 MR. MCGOFF: Joe Dwyer.

3 MR. DWYER: Good evening, members of

4 council, and citizens of Scranton out here
5 in the viewing audience. I'd like to speak
6 to you about some of the articles that have
7 been recently ran in the Scranton Times
8 about the medical care given to the
9 prisoners over in Lackawanna County. I am
10 sad to report or sad to say that the medical
11 care over there is so deficient it has
12 killed people, it has maimed people and
13 there are --and the people are so threatened
14 to ask for medical care because they are
15 told they will be placed in a hole if they
16 ask for care. One such person is Chris
17 Capone, he is a 23-year-old guy.

18 MR. MCGOFF: Please, specifics
19 are -- and plus this is a county issue that
20 we have no control over the county prison.

21 MR. DWYER: You have no control over
22 the county prison itself, but you do have
23 control in asking for an investigation of
24 what's going on in that prison.

25 MS. FANUCCI: No, we don't.

12

1 MR. MCGOFF: No, we don't.

2 MS. FANUCCI: And we can't.

3 MR. DWYER: Well, something needs to

4 be done because what's happening next.

5 MR. MCGOFF: I would suggest going to
6 a commissioner's meeting.

7 MR. DWYER: We will be going to the
8 commissioner's meeting. We also have the
9 ACLU there who is doing an investigation.
10 The state department is now getting
11 involved, but what is going on is atrocious
12 and it needs to stop. These are family
13 members, these are our brothers, are
14 sisters, our sons and our daughters and
15 they need some help. They need to know that
16 the community cares about them. Some people
17 are in jail because they need to be there.
18 Other people who are addicts don't need to
19 be locked up in a prison, they need a
20 rehabilitation center. Thank you for your
21 time.

22 MR. MCGOFF: Mike Dudek.

23 MR. DUDEK: Mike Dudek, 608 Depot
24 Street, Scranton, PA, that's in the Plot.
25 I'm here to talk to you about basically a

13

1 story that appeared about a month ago on the
2 History Channel and it's in reference to all
3 of the cities that they consider rust built
4 cities from Pennsylvania all the way east to

5 Boston, so that would be not only Boston,
6 New York, but cities like Scranton, Utica,
7 Schenectady and so forth. Most of these
8 cities, including ours, were founded more
9 than 100 years ago. In other words,
10 100 years ago we were a bustling city
11 already which means that Scranton a
12 100 years ago had an extremely extensive
13 water supply system. All of these other
14 cities are the same, okay?

15 Now, they estimate that for New York
16 City, which is a city that has a municipal
17 water system, and this is a system that is
18 constantly inspected day in and day out and
19 day in and day out, even New York City loses
20 10 percent of all of the water coming into
21 that city through the water pipes coming
22 from the lakes that are above New York that
23 service them and they think that in our
24 smaller cities, in all of our smaller
25 cities, the loss will be greater because are

14

1 systems are not going to be as good as New
2 York was when even they were discovered.
3 With that thought in mind, and if you live
4 on Division Street I think you will know

5 what I'm talking about, I think we ought to
6 require the Pennsylvania American Water
7 Company to tell city council exactly where
8 their problem areas are in the city, what
9 kind of water loss they are experiencing and
10 what plans they are making to do about it.

11 If you live on Division Street, the
12 one thing you would love to have would be
13 running water on a timely basis. We don't
14 have it on Division Street so that's one
15 area of known loss in this city.

16 Now, you may recall, Mr. Courtright,
17 a couple of times I came to you, you know,
18 here at council to talk about streets that
19 seem to be giving in like at Nay Aug Avenue
20 and Albright. When I talked to you about
21 that one, eventually when they went down
22 there to dig it out they found a hole so big
23 you could put a fire in the whole that was
24 there complete with the ladder section
25 behind it. It was enormous. Absolutely

15

1 enormous. That was an area of water loss.
2 So since Scranton is the only rust built
3 city that is a mining city we have all of
4 these mines underneath, any water that is
5 lost coming in the Pennsylvania American

6 Water system will get into these mines and
7 make the land even weaker and weaker.
8 Remember, about a year ago or two, it may
9 have been a year or two ago on Pittston
10 Avenue a man was driving down Pittston
11 Avenue and the car and the man and
12 everything else disappeared, the street
13 caved in and Pittston Avenue was tied up for
14 four months until they could fill the hole
15 in. That was done by water that was being
16 lost from the Pennsylvania American system.
17 We have to make sure this doesn't happen
18 again.

19 Now, I can tell you that I won't
20 even walk behind the Guild Studios. I won't
21 even walk back there, let alone drive my car
22 over it because as I am walking I can see a
23 crack in the street. When I look at the
24 crack in the street I see this enormous
25 canyon under there and something has got to

16

1 be done about that one.

2 So let us get ahold of Pennsylvania
3 American Water Company, find out through
4 them what does their system look like, what
5 is the oldest parts and so forth and let's

6 start a program of preventative maintenance
7 removing some of these old 100 and 120-year
8 old mains and pipes, do it now, rather than
9 before they break and really cause problems
10 for us. Thank you.

11 MR. MCGOFF: Jean Suetta.

12 MS. SUETTA: Good evening, Jean
13 Suetta. I think you all know why I'm here.
14 I want some answers, please. Like Bob said
15 before, now we got people living in the
16 jungle. The Japanese bamboo is so much
17 overrun on Gardener Avenue down by the
18 shopping center, Godzilla might be in there
19 for all I know. There was a fugitive hiding
20 in a box car. Take a ride over, you can't
21 even see the box car for the Japanese
22 bamboo. I have been coming here how long
23 for this problem?

24 MS. FANUCCI: Weeks.

25 MS. SUETTA: And I get (indicating.)

17

1 What? Now the corrugated box took care of
2 their side on Gardener Avenue, I don't know
3 who owns that other lot. I gave you the
4 number, you the name, VIP. Still nothing
5 done.

6 Now, I got a problem across the

7 street from my house, Greenwood Sanitation.
8 Their offices are on Albright Avenue, the
9 back of the building they got three cones so
10 nobody can park there. You can't even see
11 the cones now they are overgrown, and the
12 Lace Works is building up again, so now
13 what?

14 MS. FANUCCI: Send another letter.

15 MR. COURTRIGHT: I don't know what
16 to tell you, Jean, we're I'm trying.

17 MS. SUETTA: You know, what do I got
18 to do, get a bunch of little kids, give them
19 some fluid and tell them to get rid of this
20 stuff for me?

21 MR. COURTRIGHT: No, Jean.

22 MR. MCGOFF: No, please, don't do
23 this.

24 MS. SUETTA: Well, then how are we
25 going to get rid of it? I mean, I'm coming

18

1 here and coming here and coming here. You
2 know my house was robbed, remember?

3 MR. COURTRIGHT: Yes.

4 MS. SUETTA: I heard from detective
5 that Wednesday, oh, I'll call you back.
6 Every morning I open my phone I have a dial

7 tone, no detectives call. Esposito.

8 MR. COURTRIGHT: Spinozi?

9 MS. SUETTA: No telephone call.

10 Pick up my phone, there is the dial tone.

11 MR. COURTRIGHT: I'll call him, Jean.

12 MS. SUETTA: Yeah. You know, it's
13 not funny until you get robbed then, you
14 know, now I'm sleeping with a machete. If I
15 get a gun I feel sorry for the fool that
16 comes in my house. I feel sorry for him now
17 if he comes in. You don't know what it's
18 until you get robbed, invade my privacy.
19 And don't ring that bell, all right. Are we
20 going to do anything about the bamboo?

21 MS. FANUCCI: We'll send another
22 letter.

23 MR. MCGOFF: Jean, I will go
24 personally to Mr. Oleski tomorrow and ask
25 him --

19

1 MS. SUETTA: I mean, it is bad.

2 MR. MCGOFF: I will go and tell him
3 specifically that they should get out there
4 and do what they can to alleviate the
5 problem.

6 MS. SUETTA: Because, you know, a
7 little kid is going to go walking by there

8 and with the crazies out there today God
9 forbid what happens if something happens to
10 a little kid. Then it's going to be too
11 late because they all walk over to the
12 shopping center. And who is Mr. Oleski?

13 MR. MCGOFF: I said I will go
14 tomorrow.

15 MS. SUETTA: Who is he.

16 MS. EVANS: Deputy Director of Public
17 Safety.

18 MR. MCGOFF: He is basically the
19 person that does the, you know, cleanups and
20 authorizes the cleanups and demolitions and
21 so on.

22 MS. SUETTA: So how come the bank or
23 the Giant ain't cleaning up that lot across
24 the street from me?

25 MR. MCGOFF: I can't answer for what

20

1 they do and don't do.

2 MS. SUETTA: I know, are they being
3 fined? I mean, three months is a long time
4 to look at it.

5 MS. FANUCCI: I don't think so.

6 MS. SUETTA: So why aren't they being
7 fined?

8 MR. MCGOFF: Like I said, I will look
9 into it.

10 MS. GATELLI: Maybe we can ask for a
11 report from the inspector that's assigned to
12 that.

13 MS. SUETTA: You are seeing if they
14 are doing their job.

15 MS. GATELLI: And see if they're
16 filing a report.

17 MR. COURTRIGHT: He is going to go
18 down tomorrow personally.

19 MS. SUETTA: Are you going to call
20 me and let me know the results?

21 MR. MCGOFF: Yes.

22 MS. SUETTA: I'll give Neil my phone
23 number.

24 MR. COURTRIGHT: He doesn't already
25 have it?

21

1 MS. FANUCCI: He does. We know this.

2 MS. SUETTA: You have my phone
3 number, Neil?

4 MR. COOLICAN: No.

5 MS. SUETTA: No, he doesn't.

6 MR. COOLICAN: Bill might have it
7 though.

8 MS. SUETTA: Bill has my phone

9 number.

10 MR. COURTRIGHT: I was down there
11 last week, I beeped at you, you ignored me
12 so I kept going.

13 MS. SUETTA: No. No you didn't.

14 MR. COURTRIGHT: I did, too. Last
15 week I was down there.

16 MS. SUETTA: That's when we were
17 having the drug raid there.

18 MR. COURTRIGHT: I don't know, Jean.
19 In all seriousness he is going to take care
20 of it tomorrow.

21 MS. SUETTA: I would appreciate it.
22 Thank you.

23 MR. MCGOFF: Les Spindler.

24 MR. SPINDLER: Good evening, Council.
25 Les Spindler, city resident and homeowner

22

1 and taxpayer. Last week, Mr. McGoff, you
2 said you didn't vote for Mrs. Evans' motion
3 because that would guarantee that nobody
4 from the Parking Authority would come here
5 and, Mr. McGoff, if that's the case why
6 don't you use your subpoena power to get
7 them in here? That's a question,
8 Mr. McGoff.

9 MR. MCGOFF: Because we have
10 attempted that and it hasn't worked either.

11 MR. SPINDLER: Well, pursue the issue
12 and take it to court. Use your power, you
13 have it. I know what the real reason is,
14 Chris Doherty doesn't want Mr. Scopelitti in
15 here so you are not going to do anything
16 against Chris Doherty.

17 MR. MCGOFF: If you knew the answer
18 why did you ask me the question?

19 MR. SPINDLER: I just wanted to get
20 it out there for everybody else to hear.

21 MR. MCGOFF: Okay.

22 MR. SPINDLER: And to quote Mr.
23 Scopelitti from the Doherty newsletter last
24 week, he said, "The Scranton Parking
25 Authority," and I quote, he said, "It's a

23

1 sound ship."

2 Well, if it's a sound ship then why
3 did they need a line of credit? The sound
4 like crickets.

5 Mrs. Evans, last week I'm glad you
6 set the record straight on your voting
7 record on the business loans. I think it's
8 pretty sad how people are sent here to lie
9 about things and try to discredit you and

10 funny how people come here and say they love
11 the city, but the only time they come here
12 is around election time, and myself and a
13 lot of other people come here every single
14 week we love this city and we are here every
15 week fighting for what we think is right.
16 People who come here only around election
17 time are only looking out for Chris Doherty,
18 they are not looking out for anybody else.

19 Now, I have something I wanted to
20 bring up since July, but since I couldn't
21 come to these meetings. On the meeting of
22 July 14, Mr. McGoff, Mrs. Gatelli and
23 Mrs. Fanucci said you are insulted by
24 something Andy Sbaraglia said. Well, you
25 know what, myself as a taxpayer and a lot of

24

1 other taxpayers in this city are insulted
2 every time the three of you do what Chris
3 Doherty wants you to do and vote the way he
4 wants you to vote and it costs us money,
5 such as these outrageous fees and penalties
6 and delinquent taxes and a 25 percent tax
7 hike. So think about that next time you are
8 insulted.

9 And, Mrs. Fanucci, you had the gaul

10 to call Mr. Sbaraglia ignorant when you sit
11 up there week after week and insult people,
12 laughing at them and giggling at them and
13 you have the gaul to call him ignorant?
14 Talk about the pot calling the kettle black.

15 MS. FANUCCI: You waited all summer
16 for that, Les?

17 MR. SPINDLER: I have a job I have to
18 go to every day, so I couldn't come here.

19 MS. FANUCCI: You should have
20 e-mailed me.

21 MR. SPINDLER: Next thing, since
22 Chris Doherty doesn't want to be a man, he
23 wants to be governor, I think on November 3
24 everybody should write someone else's name
25 in and not let this guy get away it. Thank

25

1 you for your time.

2 MR. MCGOFF: Lee Morgan.

3 MR. MORGAN: Good evening, Council.
4 You know, I think a lot of people love the
5 city and they don't come here, I'd like to
6 say that. I don't disagree with some of the
7 things that Les said. But, you know, I find
8 it very interesting that this gentleman came
9 here tonight and I came in and I didn't
10 catch everything that this gentleman said,

11 it's probably the first time he's been here,
12 he came here and he started and I believe he
13 was talking about the prison. I would just
14 like to say that, you know, I have spent
15 some time studying what's happened at the
16 prison, it's a terrible thing, and I'm glad
17 that somebody came here tonight to try to
18 shed some light on the lack of health care
19 and the abuses that have taken place in this
20 prison.

21 You know, I came here and I asked
22 council to do a proclamation for a lady who
23 spent a lot of time in that prison working
24 with the prisoners. I have spent a lot of
25 time studying what's taken place in that

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1 prison and I find it to be atrocious and I
2 really have to say that the Court of Common
3 Pleas I think is responsible for that
4 prison, and I think that the abuses that
5 take place there shouldn't be taking place
6 there. I think the judges should have
7 stepped in a long time ago. Food is
8 substandard there, health care is
9 nonexistent there to a very large extent. I
10 have talked to prisoners who have come out

11 of there. I have talked to women who had
12 the most atrocious crimes committed against
13 them in that prison and I'm not talking
14 about rape or anything else. This is my
15 opinion, Mr. McGoff. This is called freedom
16 of speech.

17 MR. MCGOFF: Well, that's fine, but
18 it's not city business.

19 MR. MORGAN: I don't have to only
20 talk about city business here. That's
21 already been adjudicated by the Court. This
22 is my common concern. I have a right to
23 come--

24 MR. MCGOFF: No, actually the courts
25 have said that it should be city business.

27

1 MR. MORGAN: No, I disagree.

2 MR. MCGOFF: I can get the court
3 ruling.

4 MR. MORGAN: You can get that Court
5 ruling, but now if we are on Court ruling
6 let's switch gears a little bit and ask the
7 big question.

8 MR. MCGOFF: Thank you.

9 MR. MORGAN: But by no means do I
10 agree with what you said, but I think since
11 you've got an opinion here I'd like to ask

12 your opinion on something else, and since
13 you feel free to give your opinions I'd like
14 to hear your opinion to this question, how
15 did the city give away it's right to set
16 sewer rates in the City of Scranton with the
17 American Anglican deal? I'd like you to
18 answer that question for me tonight.

19 MR. MCGOFF: I don't know exactly
20 what you are asking. We voted --

21 MR. MORGAN: Mrs. Evans, at the
22 debates, if you remember the debates, said
23 that the City of Scranton lost it's right to
24 set the sewer rates because of the deal with
25 American Anglican when the mayor ran the

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1 deal through American Anglican and I'm
2 asking you since you have so much wisdom I'm
3 standing here tonight asking you to answer
4 that question.

5 MR. MCGOFF: Well, I don't have it
6 with me.

7 MR. MORGAN: Can you bring it another
8 day and explain to all of the residents of
9 this city how this city -- how this council
10 happened to lose the right to set the sewer
11 rates that set in the Home Rule Charter and

12 did the judge sign that off? How did the --
13 how did the city council break the rules of
14 council so severely that it lost the right
15 to set the sewer rates?

16 MR. MCGOFF: I don't believe we did,
17 but --

18 MS. GATELLI: I believe from what I
19 know, and I'm not claiming it to be the
20 truth.

21 MR. MORGAN: Okay.

22 MS. GATELLI: Okay? I'd have to
23 investigate it further, but as far as I
24 remember asking the question, I was told
25 that the lease agreement was up. They had a

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1 lease agreement with the city for let's say
2 20 years, and in that lease agreement was
3 included the rates would go through city
4 council and that lease agreement was up. It
5 was terminated. Twenty years was up and
6 that gives them the right to set their own
7 rates.

8 MR. MORGAN: Who, the mayor?

9 MS. GATELLI: Well, the mayor doesn't
10 set it, the sewer authority sets the rate.

11 MR. MORGAN: So you have no say over
12 the rates?

13 MS. GATELLI: Not without a lease
14 agreement and from what I understand the
15 lease agreement was up, the 20 years or 30
16 or however many years this agreement was for
17 the time was up on that.

18 MR. MORGAN: So what you are saying
19 to me then is that the sewer authority has
20 no watchdog and that the sewer authority can
21 spend out of control fiscally and punish
22 every resident in this city and they have no
23 recourse because they're not under --

24 MS. GATELLI: Well, we don't set the
25 parking authority rates either.

30

1 MR. MORGAN: Well, look at where the
2 parking authority is. I mean, you know,
3 let's be honest with each and other and
4 let's take it one more step. You know, why
5 are all of the authorities abolished because
6 evidently you lack the courage to use your
7 subpoena powers. The city is absolutely
8 destitute and broke. You can talk about
9 poverty in this city and you can talk about
10 blight, but let's talk about overtaxation
11 and a body which doesn't use it's authority
12 for the betterment of the residents?

13 I mean, Mr. McGoff, you know, I
14 appreciate hour opinions, but what would
15 your opinion be of turning this city around
16 since you are council president? Why are we
17 facing all of the debt we are facing, why
18 are we allowing all of these authorities to
19 borrow all of the money and why hasn't there
20 been subpoenas issued and you said that they
21 don't work. I don't remember you issuing a
22 subpoena and ever following the process. Am
23 I wrong?

24 MR. MCGOFF: Yes, you are.

25 MS. GATELLI: We did issue one for

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1 Ken McDowell and we got no where.

2 MR. MORGAN: Well, that was the tax
3 office. That's a different animal.

4 MS. GATELLI: Well, it doesn't
5 matter. We did it and nothing happened.

6 MR. MORGAN: A different animal.

7 MR. MCGOFF: Thank you. Richard
8 Banks.

9 MR. BANKS: Good evening, Council.

10 MR. MCGOFF: Mr. Banks, prior to
11 speaking, the rules of council indicate that
12 you should be a citizen or taxpayer of the
13 city in order to speak. With the discretion

14 of the president of council that can be kind
15 of waived. I understand that you possibly
16 are a spokesperson for a group that is here?

17 MR. BANKS: There is a number of
18 people here that are for the same purpose,
19 many of which are residents.

20 MR. MCGOFF: And you will act as a
21 spokesperson for those people?

22 MR. BANKS: In a large degree, yes.

23 MR. MCGOFF: Okay then --

24 MR. BANKS: I did call ahead.

25 MR. MCGOFF: With that caveat then we

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1 will -- with the approval of, you know, the
2 other members, please.

3 MR. BANKS: Thank you very much.
4 Before I get started, can I give you a
5 couple of handouts? It's just a -- it's for
6 a public hearing.

7 MR. MCGOFF: While you are doing
8 that name and address, please, for the
9 stenographer?

10 MR. BANKS: My name is Richard Banks
11 and I live at 52 Forest Road in Mountaintop.
12 I apologize, I was going to make more copies
13 and technical difficulties today there is

14 one, so if you could share it amongst
15 yourself. It's not a critical for my
16 information, it's just for your reference.

17 So I thank you for the opportunity
18 to speak tonight regarding the amendment to
19 Chapter 232 which is otherwise known as the
20 Firearm's loss and stolen ordinance. As you
21 mentioned, I am not a city resident, but I
22 have done a bit of research into similar
23 ordinances in PA as well as other states and
24 I have some information that I feel is
25 important for council and Scranton city

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1 residents to consider regarding this
2 proposal.

3 Before I begin, let me start by
4 saying that I personally, as I'm sure
5 council and Scranton city residents are, I'm
6 very concerned about crime in Pennsylvania,
7 particularly crimes of violence including
8 crimes involving use of firearms. We
9 have -- we definitely have a problem with
10 criminals committing crimes and often with
11 firearms and I share in the council's
12 presumed desire to work towards implementing
13 solutions to these problems. I see that
14 another -- as I mentioned before, there is a

15 number of other firearm's owners have also
16 come in this meeting and I'm confident in
17 presuming that they all share this common
18 desire. We definitely do not wish to see
19 criminals get away with firearm's related
20 crimes. In fact, we, like yourselves on
21 council, wish to see criminals prosecuted.

22 So why would gun owners concerned
23 about crime and stemming the effects of
24 crime be here to oppose this ordinance to
25 amend Chapter 232 of the Scranton City Code?

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1 I have been told by gun owners more than
2 once upon hearing about lost and stolen
3 requirements, that it seems like a common
4 sense thing to do. Why wouldn't someone
5 report a lost or stolen firearm? That's a
6 great question. And, as a matter of fact, I
7 have been involved directly with people that
8 have had to report lost and stolen firearms.

9 If my personally owned firearm was
10 lost and/or stolen and I found myself in
11 that position, I would definitely want my
12 property back as well as being concerned
13 about where the firearm ended up. Both good
14 reasons why one would want to report a lost

15 or stolen firearm which is probably why most
16 folks do already.

17 Now, another problem that this
18 legislation proposes to address is the issue
19 of firearm straw purchasers. A straw
20 purchaser is a person who knowingly supplies
21 a firearm to someone who is prohibited from
22 owning a firearm. They can't buy the
23 firearm themselves because there is
24 limitations in the crimes code as to what
25 crimes -- there are certain crimes that

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1 prevent from purchasing -- owning firearms
2 so when they are confronted with this fact
3 they many times have someone who is not
4 prohibited from buying firearms by them or
5 of course otherwise supply them. This is a
6 crime in Pennsylvania.

7 According to law enforcement, there
8 is a number of firearms that they have
9 recovered from a crime or just from a
10 prohibited person that during their attempts
11 to trace where the criminal attained the
12 firearm they end up at a person who through
13 sales records and trace records show
14 purchased the firearm in some point. Said
15 person will then claim a firearm as lost or

16 stolen.

17 Law enforcement officials may
18 presume that many of these individuals are,
19 in fact, straw purchasers and they may be
20 correct, and the criminals use the excuse of
21 lost or stolen to explain their
22 circumstances. I am in no way doubting this
23 occurs, but let's examine if and how lost or
24 stolen ordinances can address the situation.

25 First and foremost, and the largest

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1 problem that this proposal faces is that it
2 itself is illegal. According to state law,
3 specifically the Pennsylvania Crimes Code,
4 Title 18, Chapter 61, Subchapter (A),
5 Subsection 6120, this proposal is unlawful
6 and as such unenforceable.

7 I quote the statute I just
8 mentioned, "No county municipality or
9 township may in any manner regulate the
10 lawful ownership, possession, transfer or
11 transportation of firearms, ammunition or
12 ammunition components when carried or
13 transported for purposes not prohibited by
14 the laws of this Commonwealth."

15 What this means is Scranton City

16 cannot enact such gun laws that regulate
17 ownership, possession, etcetera in any way
18 that is stricter than existing state law.
19 Just another way of stating what I read
20 prior.

21 I will explain how this ordinance
22 will run a fowl of that in a minute. The
23 statute is a very overprotection of the
24 citizens of the Commonwealth, I want to
25 point that out. In Pennsylvania --

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1 MR. MCGOFF: If it's brief, continue.

2 MR. BANKS: I'm more than half way
3 through.

4 MR. MCGOFF: Well, we have a
5 five-minute time limit.

6 MR. BANKS: I'm sorry, I guess with
7 the conversation we had in the beginning I
8 started a little late.

9 MR. MCGOFF: We'll give you one
10 minute to finish.

11 MR. BANKS: Pennsylvanians have a
12 right to carry firearms in Pennsylvania with
13 certain limitations like we mentioned prior.
14 Firearm's prevention further safeguards
15 citizen's rights on top of the constitution
16 of Pennsylvania. Without this, citizens

17 would be hopeless not to run afoul of a
18 myriad of gun laws that would exist from
19 town to town. So since the courts have
20 viewed lost or stolen firearms as property
21 of the rightful owner despite being lost or
22 stolen, this ordinance requiring citizens to
23 report to the government the status of their
24 legally owned property violates the
25 preemption law and I quote, "Regulates

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1 possession by requiring reporting the
2 status."

3 That's probably the most important
4 point I have to make here tonight. And I
5 would add that the documents that I gave you
6 show how statutes that are -- people who are
7 found violating even straw purchase laws are
8 not being convicted, are not being sentenced
9 between the minimum and maximus, they are
10 being slapped on the wrist, and the problem
11 that another -- if this ordinance was not
12 unlawful for the state what exactly does
13 this council expect to accomplish if it's
14 not enforced by the D.A.'s Office? Thank
15 you.

16 MR. MCGOFF: Thank you. Jack

17 Dobenhauser.

18 MR. DOBENHAUSER: Good evening,
19 Council. I'm a resident of Scranton, a
20 property owner, and taxpayer.

21 THE COURT REPORTER: Would you state
22 your name again?

23 MR. DOBENHAUSER: Jack Dobenhauser.
24 I believe Rich spoke very well on most of
25 the points, I'd like to follow-up with a

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1 couple of things. My biggest concern with
2 this is that it's going to victimize victims
3 already. This is going to -- if your
4 firearm is stolen that leaves you a victim
5 of a crime and this will possibly further
6 victimize an innocent gun owner. My second
7 major concern is the city has a lot of
8 issues financially as it is, and this
9 ordinance being passed is going to open the
10 city up to a lawsuit on it. The city
11 doesn't have a good record with lawsuits and
12 this -- it's not going to win. The city is
13 not going to win. This is an illegal
14 ordinance. I don't want to see more of my
15 tax money wasted. I don't want see legal
16 responsible firearm owners victimized.
17 Please take it into consideration and thank

18 you for your time.

19 MR. MCGOFF: Sandra Roberts.

20 MS. ROBERTS: My name is Sandra
21 Roberts, and I'm the executive director the
22 Breadbasket of Northeaster Pennsylvania. I
23 have come here to ask you for your
24 consideration in regard to the Breadbasket
25 for the Community Development Block Grant.

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1 One of the reasons we have -- we have the
2 short story and we have the long story. The
3 short story is that we have been unable to
4 continuously raise the funds for warehousing
5 of our nonperishable foods in which we give
6 to the needy. We received these
7 nonperishable foods under a grant through
8 the state every single year we apply for.
9 The food comes in in large pallets and has
10 to be warehoused and then it is distributed
11 to seven different pantries throughout
12 Lackawanna County. We have been doing this
13 for over 26 years. This past year we
14 touched over 18,000 people. It's risen from
15 17,000 which now we are putting not only the
16 poorest of hardships and the low income and
17 the no income we have the newly unemployed.

18 The problem that I'm having as
19 executive director, I am the only paid
20 employee, we run very lean, we have no
21 endowment is that all funds to run this
22 organization to support the Breadbasket is
23 by donation. Because of the economic crisis
24 that many people have come upon, donation
25 giving has not been as fluent, both

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1 individual, both faith and both civic.

2 Everyone has been affected.

3 That was one of the reasons why I
4 put in application for a Community Block
5 Grant was to help us with the warehousing.
6 Understandably when I read the project
7 description it is not a building/mortar
8 project, but the mortar is already there.
9 It's a warehouse. And we have certain
10 specifications. We need a loading dock and
11 we need labor in which to accomplish our
12 mission.

13 Secondly, I have a long story that I
14 would like your advices. Basically for
15 26 years as a city we have said, yes, to
16 being able to grant these funds to help all
17 of the people in the community, but yet on
18 the other hand we don't grant any funds for

19 supporting of the warehouse of this large
20 amount of food. It's just like this
21 imbalance that has gone on. In years past,
22 things were financially more fluid, and now
23 we have more nonprofits going for the same
24 amount of money from the same amount of
25 individuals from the same amount of

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1 community service and faith organizations.
2 So I have come here to ask you two
3 things: One, in the short run if you can
4 would consider the Breadbasket for a
5 Community Development Grant, that would be
6 help us this year immensely. Second of all,
7 I need to solve this warehouse problem. The
8 warehouse that we are in is wonderful. They
9 have never raised the rent in 26 years.
10 That's just amazing and a wonderful
11 community gift in itself, but still trying
12 to raise that and raise the operating costs
13 with no endowment going month to month,
14 laying awake to see if I'm going to be able
15 to make the budget, but yet serving over
16 18,000 people in the county. We have 75
17 wonderful volunteers, I can't even put a
18 price on that labor, and it's a wonderful

19 organization and I just came tonight to see
20 if you would take a second look at the group
21 of people in which you are considering.
22 Thank you for your time.

23 MS. EVANS: Mrs. Roberts, I would be
24 very interested in doing that and I have
25 ready recently articles concerning the

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1 organization and how difficult it's becoming
2 because of this economy and the rising
3 unemployment rate in our geographical area.
4 It's becoming more and more and more
5 difficult for you to do your job because the
6 numbers are increasing far beyond, you know,
7 the funding --

8 MS. ROBERTS: Boy, is it.

9 MS. EVANS: -- that you have, and I'm
10 very impressed, I have to say, to hear that
11 you have 75 volunteers and that you are the
12 only paid employee of this organization; is
13 that correct?

14 MS. ROBERTS: Yes.

15 MS. EVANS: I think it's certainly
16 merits serious consideration because you
17 certainly are feeding and addressing the
18 needs of the low to moderate income
19 individuals of our area, so I will, indeed,

20 do anything I can.

21 MS. ROBERTS: Thank you. I
22 appreciate it, Mrs. Evans.

23 MS. EVANS: Thank you.

24 MR. MCGOFF: Joanne Williams.

25 MS. WILLIAMS: Good evening, City

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1 Council. Joanne Williams, homeowner. I
2 would just want to get the nonsense out of
3 the way, whether it be election time, June,
4 October, whatever, I have every constitution
5 right to come here and speak whenever I
6 feel, and I'm sorry that Mr. Spindler
7 doesn't like to see me come here because I'm
8 a positive person, and I'm just going to let
9 that go.

10 Also, because he brought to the
11 attention of about Mayor Doherty running for
12 governor, in this Times, Saturday, June 3,
13 June of 2006, this is from Mrs. Evans,
14 "Scranton Councilwoman Janet Evans will not
15 seek the third term when her seat is up in
16 2009 perhaps gearing for a possible mayoral
17 run in a showdown with Mayor Chris Doherty.
18 She states: "I have been here six years
19 already. I can see now that I'm not going

20 to run for this seat again, said Mrs. Evans,
21 who noted she wasn't quitting politics."

22 Now to what I was really here for.
23 Last week I spoke about a few things, my
24 first thing was curfew. It's time for a
25 curfew in place for this city for children

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1 under the age of 18. I am reaching out this
2 evening and asking all city residents to put
3 their porch lights on this Friday,
4 October 2. Let's all light up to show our
5 city we need a curfew. Mrs. Evans, you do
6 not want to give loans to businesses yet you
7 approved \$885,000 worth of loans to Molly
8 Brannigan's, Vida Bar and Michael's Eyewear.
9 Mrs. Evans, I know you don't like the mayor
10 and I know you are so negative about the
11 positive that he does in our city. I'm
12 tired of the negative, negative, negative
13 and the negative that comes up here each
14 week like we talk about our authorities, you
15 know, too much money authority here, too
16 much money authority there. We are in an
17 economic crises right now. I'm glad my
18 grandparents and my great-grandparents and
19 my parents didn't give up on this city.

20 This is my city. I was born here, I

21 was raised here and I will probably die here
22 and I was here in good and bad times and I
23 was here long before the cameras were here
24 to speak on how much I love this city, okay?
25 And, Mrs. Evans, let's know where all of

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1 your solutions are, you know? I really
2 would like to know what your solutions are.

3 Last week -- I spoke last week on
4 someone who is running for office with a
5 criminal background. Mr. Courtright, I was
6 really upset that you came to this person's
7 defense. You know, it's not right.

8 MR. COURTRIGHT: I don't know who
9 the individual -- I don't know who you were
10 talking about.

11 MS. WILLIAMS: Well, I'm not going
12 to name that individual.

13 MR. COURTRIGHT: I was just saying in
14 general.

15 MS. WILLIAMS: Sorry. I apologize
16 then.

17 MR. COURTRIGHT: That's fine. I
18 don't know the individual.

19 MS. WILLIAMS: Mrs. Evans, you stated
20 that the state needed to look into this. If

21 you are such an advocate, Mrs. Evans, for
22 the people and the citizens of this city I
23 think you should step up to this and find
24 out what's going on, who has this criminal
25 record and wants to be seated and make

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1 decisions for us. I mean, none of you have
2 a criminal record, do you? I hope not. I
3 wouldn't think so. I'm glad -- I wouldn't
4 think so, and I certainly don't want anyone
5 else -- I certainly don't want anyone else
6 who is sitting whether on city council,
7 Scranton school board, the mayor, whoever it
8 is have a criminal record. Excuse me, I'm
9 talking, that's rude, and that's what
10 happens here.

11 MR. MCGOFF: Please address council.

12 MS. WILLIAMS: Oh, I'm sorry,
13 Mr. McGoff. I strongly feel that no one
14 should sit in a government seat if they
15 possess a criminal record. This person
16 needs to come forward and explain and
17 perhaps maybe even withdraw from the race.
18 Remember, voters and taxpayers and
19 residents, you have the Right-to-Know.

20 And the Scranton Times' reporter ran
21 out here last week to me and defended this

22 person too, to me. His job is to
23 investigate what's going on in this city and
24 I just hope, you know, and I'll tell you
25 something, you know, people, it's not hard

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1 to find. It's not hard to find.

2 MR. COURTRIGHT: Could I ask you a
3 question. Do you know if it's a felony or
4 not or, whatever they did?

5 MS. WILLIAMS: There is quite a few,
6 okay? There's quite a few.

7 MR. COURTRIGHT: Felonies?

8 MS. WILLIAMS: I'm not saying
9 felonies.

10 MR. COURTRIGHT: Oh, okay, that's
11 what I'm asking.

12 MS. WILLIAMS: I'm not saying
13 felonies. I don't care what kind of
14 criminal record it is, as a taxpayer and a
15 citizen and the other taxpayers they should
16 not be seated in a government seat, council,
17 I'll say it again, school board, whatever,
18 I'll finish up, with any kind of criminal
19 background record. Like I said last week,
20 when you apply for a job if you have any
21 kind of a misdemeanor they won't hire you.

22 So it's time to step up to the plate here,
23 Folks.

24 MR. MCGOFF: Thank you.

25 MS. WILLIAMS: And let's find out

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1 what's going on. Thank you so much for your
2 time.

3 MR. MCGOFF: David Dobrzyn.

4 MR. DOBRZYN: Good evening, Council.
5 Dave Dobrzyn, resident of Scranton, member
6 of the Taxpayers' Association. On 5-F, I
7 can't figure out what somebody is trying to
8 talk about there, so if it happens to be the
9 formation of another authority that does not
10 have to answer to city council, please, both
11 authorities. No more authorizing your
12 rights as director of this community to
13 diminish and give up your rights to review
14 these various people that insist on spending
15 \$50 million and with -- for empty parking
16 spaces because that's about what it's about.

17 On this mention of a curfew, there
18 is two standards for a curfew. You
19 absolutely cannot put a curfew unless you
20 declare marshal law on any person over
21 18 years of age. If that man there caught
22 me walking around at 2:00 in the morning

23 with a crowbar and glass cutters he could
24 take me down and have a talking to me, you
25 know, but you can't tell me that I can't be

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1 on the street.

2 As far as children are concerned or
3 teenagers, there is another reference, it's
4 called intermediate scrutiny of civil rights
5 and under intermediate scrutiny of civil
6 rights it has to be reasonable, so more or
7 less if you wanted to set a curfew at
8 11:00 p.m. and if a child was out every
9 night until 11:00 p.m. it might be reason
10 for concern anyway, but you have no right to
11 tell them that they have to be home after
12 dark, that's been tried before.

13 It turns dark at 4:47 on
14 December 20. It's dusk. It is dusk at
15 4:47. Now, Janet, you are teach school,
16 right, are there school activities until
17 3:30?

18 MS. FANUCCI: I don't think she heard
19 you.

20 MR. DOBRZYN: Would be it normal for

21 --

22 MR. MCGOFF: Yes.

23 MS. EVANS: Pardon.

24 MR. DOBRZYN: Yes. Okay. So, in
25 other words, I was just trying to establish

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1 the fact that a student might be still in
2 school at 3:30 p.m?

3 MS. EVANS: Yes.

4 MR. DOBSON: Okay. Now, suppose that
5 person -- that student attended school at
6 Scranton High School down there by Olive
7 Street and lived in the very furthest region
8 of Minooka and had to walk. You could
9 arrest them on the way home, and you could
10 arrest his parents and fine them if that
11 were the case, that they had to be in after
12 dark, so, in other words, if we are going to
13 have any type of -- any type of that
14 situation, a curfew examined, then I would
15 recommend that you go to the -- on the web
16 and ask for the Supreme Court decision on
17 juvenile curfews and you will find a lot of
18 information there. There is a wealth of
19 information and it's going been tried and
20 tried and tried, and I've seen it north of
21 here in a small town and it absolutely
22 didn't work. The next thing you know the
23 police chief quit because he was sick and

24 tired of listening to the parents and the
25 town council was in a hoopla and there were

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1 threats of assault.

2 In other words, all I'm saying is if
3 you consider a curfew that's keep is
4 reasonable, that's all and consult your --
5 the Internet and look what the Supreme Court
6 rulings on curfews that's -- but on 5-E, I
7 don't understand that and it's like I said,
8 if we are delegating more authority out to
9 another authority, please, or it's what, I
10 need my glasses, 5-F. I have them in my
11 pocket. Okay, so that's all I have to say.
12 Have a good night.

13 MR. MCGOFF: Thank you. Any other
14 speakers? Go ahead, Jim.

15 MR. STUCKER: How you doing? I was
16 over by Wendy's the other day and there is
17 no light there where they have the track at
18 the stadium there.

19 MR. COURTRIGHT: Wendy's, Jim?

20 MR. STUCKER: Yeah, Wendy's, and
21 there is a school there and there is no
22 light there.

23 MR. COURTRIGHT: Near Prep you mean?

24 MR. STUCKER: Prep. There is no
25 light there.

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1 MR. COURTRIGHT: Traffic light?

2 MR. STUCKER: No traffic light at
3 all.

4 MR. COURTRIGHT: Yeah, there's a
5 traffic light there, Jim.

6 MR. STUCKER: No.

7 MR. COURTRIGHT: Yes, there is.

8 MR. STUCKER: Not a light, there is
9 not.

10 MR. COURTRIGHT: Okay. All right.

11 MR. STUCKER: That's the only way --
12 we seen people going across the street and
13 going fast, the cars.

14 MR. COURTRIGHT: Maybe they are just
15 not paying attention. There is a light
16 there, Jim, maybe they are not obeying it,
17 but there is a light there. Okay?

18 MR. STUCKER: Yeah. And my buddy
19 Pat told me to tell you hello. He is
20 working over the VA Hospital. They ain't
21 found my bike yet. I think that bike is
22 gone.

23 MR. COURTRIGHT: I think it's gone,
24 Jim.

25

MR. STUCKER: I think so.

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1

MR. COURTRIGHT: Yeah.

2

3

MR. STUCKER: So we need more cops
out there. The kids with the skateboards
ain't too many out there now.

5

6

MR. COURTRIGHT: It's getting cold,
they will go home.

7

8

9

10

MR. STUCKER: The one today I seen
more kids out, so -- oh, over in Hamm Court
they didn't fix that hole yet in the middle
of the road.

11

MR. COURTRIGHT: They didn't?

12

MR. STUCKER: Nope.

13

14

MR. COURTRIGHT: Well, we'll get on
that, Jim.

15

16

MR. STUCKER: I was over there
today.

17

MR. COURTRIGHT: Hamm Court.

18

MR. STUCKER: Yeah.

19

MR. COURTRIGHT: Okay.

20

21

MR. STUCKER: That's been like that
for about a month.

22

MR. COURTRIGHT: All right.

23

24

MR. STUCKER: What about them houses
and stuff on the corner of Mulberry and --

1 one by the Mercy, there are two empty ones
2 there.

3 MR. COURTRIGHT: They boarded the one
4 up on Greenridge Street, they got that far,
5 they didn't tear it down yet though. It's
6 coming, Jim.

7 MR. STUCKER: And there is two of
8 them on -- there is two of them up the
9 hill -- going up the hill by the Mercy.

10 MR. COURTRIGHT: You got to get the
11 addresses, okay? Give them to Neil.

12 MR. STUCKER: Ones right across the
13 street from the Mercy because one is a stone
14 house with a stone in front of it --

15 MR. COURTRIGHT: A stone house, okay.

16 MR. STUCKER: And there is one
17 behind, that's the only one I know.

18 MR. COURTRIGHT: Okay, Jim. All
19 right. Thanks, Jim.

20 MR. MCCLOE: Good evening. My name
21 is Brett McCloe, homeowner and Scranton
22 taxpayer. Mr. McGoff, last week you made a
23 statement at council and it was quoted in
24 print that Mrs. Evans and Mr. Courtright
25 used supposition as a reason for asking for,

1 inquiring and demanding further insight and
2 answers from the Scranton Parking Authority
3 and that doing so will virtually ensure that
4 the public meeting would never happen.

5 I have to disagree. Mr. McGoff, it
6 was your "no" vote followed by your
7 statement about supposition that virtually
8 insured that a public meeting would never
9 happen. As president of Scranton City
10 Council, you gave this gentleman a reason
11 and the okay not to appear before council in
12 public. The demands -- the demands were not
13 based on supposition or hypothesis because
14 now there are numbers to backup and support
15 Mrs. Evans' assertions. The numbers are
16 telling a story that the people should hear.
17 It is wrong to undermine the status or the
18 dignity of her statements by labeling them
19 as supposition.

20 At this stage, Mrs. Evans is well
21 into the realm of the theoretical, although,
22 I will say that theories are not facts nor
23 can theories turn into them, but they are
24 also not completely separate and opposite of
25 each other. Theories are an attempt to

1 explain the facts through observation and
2 investigation. That's a grade school lesson
3 anyone can follow. More information is
4 needed to complete and that information has
5 to come from Mr. Scopelitti directly to the
6 people of this city without benefit of a
7 proxy council. Why? Because it's not
8 rocket science. The people of this city are
9 capable of understanding the nature of the
10 questions that will be asked and more than
11 able to digest the answers for themselves or
12 maybe you are another one of those who
13 thinks that the citizens of this city will
14 get it wrong.

15 Nobody wants to delve into his man's
16 private life. No one wants to prove he did
17 anything incorrectly or illegally. It's
18 about job performance and the apparent
19 possible misuse of hundreds of thousands of
20 dollars of local, state and federal tax
21 dollars. Accountability will never factor
22 in where none is demanded. Our city
23 government has been turned into a collection
24 of private corporations accountable to no
25 one but the mayor. All of this council does

1 is hold the purse strings and the people's
2 pockets open while these many corporations
3 corporations take what they want to misuse
4 with impunity.

5 Mrs. Evans has the courage enough to
6 say enough is enough while the majority of
7 this council continues to let these mini-
8 corporations take their fill. I'm not going
9 to say my last statements are fact, but it
10 is what you have been doing and that is the
11 theory that forms my truth because in this
12 city facts and truths may not always coexist
13 and are easily explained away.

14 For instance, the FBI. You can't
15 convict the inept, also giving a free pass
16 to the majority of this council to sweep a
17 \$12 million issue under the rug. OECD on
18 delinquent payments. Well, that's just the
19 way we do our jobs or in the case of the JAG
20 grants it's just a big misunderstanding and
21 now \$4 million this city was supposed to get
22 is now being held up by a computer glitch
23 and most assuredly will be explained away at
24 a later time.

25 Your statements painted a picture

1 with pastel colors like you do with every
2 other issue involving taxpayer money.
3 Mrs. Evans needs to paint this picture in
4 bright, bold colors enough for everyone to
5 see instead of the cabin color smoke and
6 mirrors that cloud the viscosus of the
7 citizens of Scranton.

8 Over the past couple of months I
9 have had some time to just take a look at
10 things. I have had a lot of time on my
11 hands, and I have done a lot of reading and
12 I have done a lot of listening, and I would
13 just like people to get a better insight
14 into not how to think, but just get more
15 insight. There is a gentleman, he is a
16 professor of behavioral economics, his name
17 is Dan Ariella. He is a professor of
18 behavioral economics at Duke University. He
19 is a burn patient and he is authored a book
20 called "Predictably Irrational."

21 And he covers corporate and consumer
22 decisions. Look him up on-line, probably on
23 Youtube and look up things about cheating,
24 and then look up things about corporate
25 mismanagement and you will find some very,

1 very scary similarities to what goes on here
2 in Scranton.

3 MR. MCGOFF: Anyone else?

4 MS. SCHUMACHER: Good evening,
5 Council. Marie Schumacher, resident and
6 member of the Taxpayers' Association. I'll
7 be brief tonight. I came -- I had the
8 misfortune of coming down Spruce Street and
9 turning onto Adams Avenue this afternoon and
10 I thought I was dropping down into the
11 mines. I don't know who is in charge, if
12 it's the Sewer Authority or if it's the DPW,
13 but that -- if you get in the right-hand
14 lane, which I have done many times, and just
15 recently apparently it has sunk
16 tremendously.

17 MS. EVANS: Where on Spruce Street?

18 MS. SCHUMACHER: Adam's right in
19 front of the courthouse annex and it's --
20 it's very, very not good for your car, and I
21 don't know who could ferret that out, who is
22 responsible, but that certainly needs to be
23 fixed because that's a highly used
24 right-turn lane and you can't avoid it if
25 are you in the proper lane.

1 Next, I would like to talk about the
2 de facto grant that you all have made to I
3 believe it's LRCA, the Lackawanna County
4 River Corridor Association. Awhile back
5 there was legislation about the Silkman
6 House and providing a new furnace for the
7 Silkman House and making some other repairs
8 and I inquired with that and I was told that
9 was occupied by LRCA and by formerly the
10 library, so I sent a Right-to-Know to the
11 city and asked how much the LRCA was paying
12 to the city in rent. I got letter back,
13 delinquent, of course, but nonetheless I got
14 a letter back informing me that that was a
15 verbal agreement that went back long time
16 between the library and the LRCA.

17 As luck would have it, the trustees,
18 the library trustees meeting was at noon the
19 next day after I received a letter, so I
20 went and I asked them how much they were
21 receiving on a monthly basis, and they said
22 they haven't received any money for years.
23 When the library moved out it's the city's
24 property and LRCA took over the whole
25 building, so essentially we are paying the

1 maintenance on the building, we own the
2 building, we are paying I assume the
3 insurance on the building and a nonprofit is
4 using it for free without the approval of
5 council, which I say is a de facto grant and
6 I'm not saying that -- making any comment
7 about what they use it for, but if you are
8 going to do that I think it should be
9 approved by council.

10 I also would like to speak on the
11 CDBG proposed budget a little bit more. I
12 know there is \$150,000 for the Parking
13 Authority to replace, not repair, but
14 replace the sidewalks at the initial -- the
15 initial parking garage at North Washington
16 and Linden. I did walk those. There are
17 maybe two huge slabs in what used to
18 Flashbacks that do need to be replaced, but
19 the others could certainly -- the others are
20 only in somewhat disrepair and I'm sure
21 could be repaired and that \$150,000 could be
22 better used and I would recommend that some
23 of that, I know Mr. Santolli ran out of
24 money again this year or he spent his
25 budget, let me say that, and I know there is

1 still an awful lot of dangerous trees that

2 are marked for removal around the city
3 including at the -- at Nay Aug Park, and I
4 think that some of that money should be
5 transferred -- allowed to remain in the --
6 put in the city's budget, but directed
7 towards removal for Mr. Santolli.

8 And then finally I would like to ask
9 what happened to the Home Rule Charter
10 Revision. You all voted on it once. Isn't
11 in your court to take the next step and get
12 it on the ballot? Mrs. Gatelli, I believe
13 it was you who proposed it.

14 MS. GATELLI: Yes, but no one else
15 showed any interest.

16 MS. SCHUMACHER: I believe the vote
17 was in favor for it.

18 MS. GATELLI: Well, that's exactly
19 where it's gotten. No one else seemed
20 interested in it.

21 MS. SCHUMACHER: May I ask if the
22 balance of the comment -- whether the
23 balance of the council members are in favor
24 of a Home Rule Charter review? We are past
25 the five-year mark?

1 MS. EVANS: Um-hum.

2 MS. GATELLI: We are way past the
3 five-years.

4 MS. FANUCCI: Yeah.

5 MS. SCHUMACHER: I suggest it be
6 brought back to the forefront then. Thank
7 you very much.

8 MR. ANCHERANI: Good evening,
9 Council. Nelson Ancherani, First Amendment
10 Rights, expressing my opinion. I was
11 wondering what the delay is on the
12 renovations to the Connell building? I have
13 been asking for about three weeks.

14 MS. EVANS: Actually --

15 MS. FANUCCI: We got a letter.

16 MS. EVANS: -- we did receive an
17 update on that and I'll announce that under
18 motions.

19 MS. FANUCCI: I was going to do it,
20 but that's okay.

21 MR. ANCHERANI: Six more weeks and
22 the 2010 city budget has to be presented to
23 city council. What does the city do now
24 that it may, and I say may, get the money
25 from the Single Tax Office? The money from

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1 the tax office was used to balance the 2009
2 budget. Not getting the money could

3 guarantee another 25 percent tax increase,
4 and don't forget that the 2007 25 percent
5 tax increase was approved by Mrs. Fanucci,
6 Mrs. Gatelli, and Mr. McGoff and they get to
7 vote on the 2010 budget. I won't forget it
8 because that 25 percent tax increase came
9 while \$12 million was, in my opinion, hidden
10 in the Single Tax Office to make it appear
11 that the city was still depressed, I mean,
12 distressed.

13 I hope everyone out there is reading
14 between the lines. It's as plain as the
15 noses on our faces. The groundwork is being
16 prepared as we speak. First, prepare a 2009
17 budget in which at least the \$5 million
18 deficit or not receivable in 2009. Give us
19 a deficit from the get-go. Next, prepare
20 the sheep hold for the next sheering.

21 A newspaper story comes out six
22 weeks before the 2010 budget is to be
23 presented to council saying the city may not
24 have at least 4 million that is coming from
25 the Single Tax Office until the end of the

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1 year because of the computer glitch. Wow.
2 12 million discovered in this secret account

3 for the past tax collector reign, two
4 million missing because of accounting errors
5 and now the third strike, computer glitch
6 delaying the 4 million and opening the door
7 for the 25 percent tax increase that I
8 predict and the three people still on
9 council that gave us the last 25 percent
10 increase, I predict that 25 percent
11 increase.

12 All we are missing now is that Cross
13 guy from PEL and the begging bankers to be
14 here. They will start showing up at
15 council, wait and see. They are getting us
16 prepared for the inevitable. Tax increase.
17 Thank you.

18 MS. KRAKE: Good evening, Council.
19 My name is Nancy Krake. First I would like
20 to say that I believe the gentleman that was
21 speaking about the Lackawanna County Prison
22 had a right to do so because Scranton police
23 do bring prisoners there, sometimes directly
24 and sometimes first to the processing
25 center, so the city does and should have a

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1 say in what goes on there.

2 It's been nine years since I've
3 started coming to speak at council. People

4 have grandchildren born, people have passed
5 away, speakers, but I must say in all of
6 this nine years that the most arrogant and
7 blatantly disrespectful thing that has
8 happened for the Scranton residents yet.
9 Mayor Doherty is campaigning full out not
10 for mayor, but for governor in the 2010
11 governor's race. Today's Washington Post
12 runs a campaign story or ad, more like it,
13 complete with picture. I recommend everyone
14 read it in full for themselves because I'm
15 going to give my interpretation and wouldn't
16 like to speak for anyone else.

17 I disagree with the claims in the
18 article. For example, Doherty elected in
19 2001 took a city on the verge of economic
20 collapse. Urr. Wrong. Surplus. Surplus.
21 And without a bond rating. Yep. True, but
22 he paid over \$1 million for bond insurance
23 to get a rating which we have since lost.
24 He mustn't have paid the insurance again,
25 and immediately brought in 500 million in

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1 new construction investments. Well, that's
2 debatable, they were KOZ's and many of them
3 were long vacant.

5 that up. Thank you.

6 MR. MCGOFF: Anyone else? Mrs.
7 Evans.

8 MS. EVANS: Good evening. I'd like
9 to begin with some promising news, a
10 proposed bill by State Representative Murphy
11 if approved by a vote of the full house
12 would change billing for city real estate
13 taxes, and thereby, assist many elderly,
14 unemployed and poor homeowners in Scranton.
15 To better understand Representative Murphy's
16 bill we need to go back to 2007, when the
17 mayor and city council majority enacted an
18 ordinance for delinquent real estate tax
19 payments that attached 23 additional fees,
20 costs, and fines to delinquent tax payments.
21 These additional fees, costs and fines are
22 not received by the city, rather, they are
23 paid to Northeast Credit and Collections.

24 One of the final provisions of this
25 ordinance authorizes the taxes of the homes

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1 by sheriff's sale. Although, I support the
2 collection of tax delinquencies I opposed
3 this harsh Draconian ordinance, but I lost.
4 I believe the vote was 3 to 2 with
5 Mr. Courtright and I voting against.

6 Within the following year and a half
7 I twice drafted legislation to amend that
8 ordinance. My amendment cut or decreased
9 several of the unnecessary costs, fees and
10 fines and eliminated the possibility of a
11 sheriff's sale. Both times I presented such
12 motions at council I was defeated. Again,
13 the votes were 3 to 2. Mr. Courtright and I
14 voted in favor of these amendments and three
15 council members voted against. As a result,
16 the ordinance still stands in it's original
17 form.

18 Because I couldn't succeed in
19 helping the elderly, the unemployed and the
20 less fortunate through city council, I took
21 my case to Kevin Murphy. Soon after his
22 swearing in as state representative of the
23 113 District, he and his assistants met with
24 me to discuss state legislation that would
25 separate the city real estate tax bill from

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1 the Scranton School District tax bill. They
2 are currently combined on one bill while the
3 county taxes are a separate bill to be paid
4 separately.

5 Rather than paying these two

6 combined bills, which is highly burdensome
7 for many city residents, a separate payment
8 could be made for the city and for the
9 school district. Remember, only nonpayment
10 of city taxes can result in a sheriff's sale
11 of your home. When this tax bill is
12 separated from the school district taxes it
13 becomes easier to pay city taxes, which are
14 far less than those of the school district,
15 and thereby, prevents losing your home.

16 In addition, the option to pay
17 delinquent costs, fees and fines on a
18 payment schedule would also be created.
19 Mr. Murphy was very pleased to take the ball
20 and run with it. Last week, this proposal
21 passed unanimously in the Urban Affairs
22 Committee. It now awaits a vote by the full
23 house when it returns to legislative
24 session. This legislation affects only the
25 City of Scranton and the Commonwealth of

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1 Pennsylvania. It is my greatest hope that
2 Representative Murphy's bill will pass and I
3 ask all viewers of this council meeting to
4 contact your state representative and urge
5 him or her to pass this legislation to help
6 the struggling people of Scranton.

7 Finally, I do not believe that
8 separate tax bills may increase mailing
9 costs. All three tax bills, the city, the
10 school district and the county can be sent
11 together in the same envelope. Also, I hope
12 our next tax collector, Mr. Courtright, will
13 be open to this plan and consider it's
14 merits for the people.

15 Additionally, I thank Representative
16 Murphy for his hard work and continuous
17 efforts in Harrisburg to help the people of
18 Scranton. I also support his second bill to
19 help firefighters diagnosed with cancer who
20 contracted it from their perilous job
21 duties.

22 Next, city council faces a very
23 serious legal issue on tonight's agenda,
24 Item 6-A, an ordinance that seeks to amend
25 Chapter 232 of the Code of the City of

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1 Scranton to repeal Article I of Chapter 232
2 Titled "Firearms" and to replace it with a
3 new Article I titled "Firearms." I voted to
4 introduce this legislation last Tuesday in
5 order to provide time to research this issue
6 and open it to discussion. During the week,

7 I have received numerous e-mails both
8 favoring and opposing this legislation.

9 I firmly believe in responsible gun
10 ownership. I understand the importance of
11 registering lost or stolen firearms, but I
12 also wish to remain within the scope of City
13 Council authority. Several years ago, four
14 members of city council proposed and passed
15 a smoking ban in the City of Scranton, an
16 act which violated state law. As a result,
17 the city smoking ban was invalidated.

18 Eventually, the state legislature
19 enacted a statewide smoking ban which placed
20 businesses on a level playing field and
21 restricted all citizens of Pennsylvania from
22 smoking in public places. The firearm's
23 legislation presents a similar situation.
24 The Commonwealth of Pennsylvania, based on
25 the research I have conducted, has

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1 preemption laws that prevent local
2 jurisdictions from imposing ordinances more
3 restrictive than laws passed by the state
4 legislature. In other words, state law
5 supersedes local government in firearms
6 issues. In fact, several cases remain in
7 litigation statewide concerning cities that

8 legislated the issue of filing to report
9 loss or stolen firearms. I don't wish to
10 see the City of Scranton engaged in costly
11 additional legal battles.

12 Our city, unlike many of the cities
13 who has passed this legislation, is a
14 distressed city. It suffers financially
15 from a shaking tax base that has been
16 devoured by nonprofits, 25 percent of our
17 city is eaten up by nonprofits who do not
18 pay taxes. It has a significant population
19 of senior citizens and it's unemployment
20 numbers are higher than the state average.
21 In the face of these facts, our city has
22 already wasted millions in legal fees to
23 attorneys and courts in it's attempt to
24 violated contracts and break municipal
25 unions.

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1 Rather than add to our financial
2 woes, I would like council to send a letter
3 to the State Attorney General to seek his
4 opinion of this Scranton ordinance before it
5 is presented to council for a final vote. I
6 would like to know if he believes this
7 legislation is legal and enforceable, and I

8 would send that letter on behalf of council
9 if my council colleagues are agreeable.

10 MR. COURTRIGHT: Sure.

11 MR. MCGOFF: Well, can we -- we are
12 going to get into a debate on this before
13 it's even presented. We are acting, again,
14 this has already been -- similar bills have
15 already been enacted -- similar laws have
16 been enacted in 11 municipalities throughout
17 the state. I think if there were a question
18 from the Attorney General that it would
19 probably would have been addressed by now.

20 MS. EVANS: Nevertheless, I would
21 like to send the letter.

22 MR. COURTRIGHT: Can I say something?

23 MS. GATELLI: I want to say
24 something, too.

25 MR. COURTRIGHT: As somebody who,

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1 might know, I sat on a board with the
2 Pennsylvania State Police and Frank Moroski,
3 who is a colonel of the state police sits on
4 that board with me. There is also a member
5 in the second or third command of the
6 Attorney General's Office, his name is Ray
7 Sheetz, he sits on that board also with me.
8 The chiefs of police of some of the cities

9 that have passed it Reading, Philadelphia,
10 they sit on that board with me and they are
11 all in favor, but I understand your concern
12 of the legality. I will personally call Ray
13 myself. I think we could send myself, but I
14 will call Ray Sheetz from the Attorney
15 General's Office myself and ask him on a
16 personal level what his opinion is. And if
17 he -- if we get the information back and
18 it's legal then I'll vote in favor of it.
19 I'm going to vote in favor of it tonight.
20 We are only in Sixth Order; correct?

21 MS. GARVEY: Yes.

22 MR. COURTRIGHT: I'm going to vote in
23 favor of it tonight to move it to Seventh
24 Order and I'll contact Ray between now and
25 our next meeting, but I'm all for sending

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1 the letter.

2 MS. GATELLI: I was just going to
3 vote "no" tonight, but it doesn't look like
4 it's going to be voted down. From the
5 research that I have done, it is already
6 before the Supreme Court of Pennsylvania.
7 People have challenged -- you know, written
8 these laws and they were challenged and it's

9 before the Supreme Court of Pennsylvania, so
10 for us to enact this while something is
11 before the Supreme Court of Pennsylvania is
12 just ludicrous. The DA's, I believe, were
13 informed by the Attorney General not to
14 proceed with this until the case is settled
15 in the Supreme Court of Pennsylvania, so I'm
16 going to be voting "no."

17 MS. EVANS: I'm just going to finish
18 off now which is connected to my remarks.
19 Therefore, I am going to ask tonight that we
20 table Item 6-A on the agenda until council
21 can determine if it may be in violation of
22 state preemption law, and also I believe it
23 is wiser to consider the outcome of
24 litigation on this matter against other
25 cities throughout the Pennsylvania before we

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1 move ahead. It seems to be the state
2 legislature who should address this issue in
3 order to provide uniformity statewide.

4 And finally, I have citizens'
5 requests for the week: 601-603 Wheeler
6 Avenue, neighbors report that there is an
7 open door leading into the basement in this
8 vacant home. Please ask the DPW to board up
9 the door. Also, I am aware that Mr. Oleski

10 sent letters to the owner who may be an
11 out-of-town resident and that letter
12 concerned the overgrown conditions of this
13 property.

14 A city resident reports that the
15 "Walk/Don't Walk" sign at the corner of
16 Lackawanna Avenue and South Washington
17 Avenue is facing downhill rather than facing
18 pedestrians who are trying to cross
19 Lackawanna Avenue. A truck turning onto
20 South Washington nearly struck this resident
21 as he was crossing that intersection. He is
22 concerned for the safety of senior citizens
23 and children when crossing. Please turn
24 this traffic signal in it's proper visible
25 direction.

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1 At last week's council meeting, a
2 city resident asked for an update on the
3 Connell building project. Ms. Aebli, OECD
4 director, responds as follows: "Please be
5 assured that the Connell building is still
6 an active ongoing project. This office is
7 in communication with Scranton Connell LP on
8 a regular basis."

9 Also, the corner of Spruce and Adams

10 Avenue at the courthouse annex, the right
11 turn lane suffers from a deep depression,
12 and if we could please get someone from DPW
13 out there to take a look at that as soon as
14 possible. And that's it.

15 MR. MCGOFF: Mrs. Gatelli.

16 MS. GATELLI: Yes, I just have a few
17 items. The first thing I would like to
18 thank Mr. Oleski for the demolition of the
19 property at 612 Gibbons Street. It was
20 condemned for quite a few years and rat
21 infested and just a blight on that block and
22 I'm very pleased to announce that it has
23 been demolished.

24 I also have with me a list of
25 streets that are going to be paved by the

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1 gas company. They include the 500 block of
2 Ripple Street, 1600 of East Gibson, Leggett
3 Street from Market to Loop, Leggett Street
4 from Loop to the dead end. Leggett Street
5 from Ballua to Durkin. Kelly from the dead
6 end to Gilbert. Ballau from Leggett to
7 Gilbert. Durkin near Leggett to Gilbert.
8 Gilbert from Kelly to Ballau. Gilbert from
9 Ballau to Durkin. Adams from Gibson to the
10 -- Gibson to Gibson, that doesn't make sense

11 but that's what it says. Myrtle from
12 Washington to Adams. 14th from Luzerne to
13 Fellows. Luzerne from 13th to 15th.
14 Electric from North Washington to Sunset.
15 Electric from Sunset to Sanderson. Electric
16 from Sanderson to Dickson. Capouse from
17 Popular to Walnut. Capouse from Walnut to
18 the railroad tracks. Pine from Jefferson to
19 Madison. Pine from Madison to Monroe.
20 Division from South Sumner, to South Hyde
21 Park. Division from South Hyde Park to
22 South Main. Vine from Harrison to Wheeler
23 and Wheeler from Vine to Olive.

24 So, I'm pleased to announce that the
25 gas company will be doing paving on these

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1 roads where they have done a numerous amount
2 of work. We should be getting our paving
3 list from the city very shortly. If was bid
4 out and depending on the amount that would
5 determine the number of streets that would
6 be paved, and that's all I have. Thank you
7 very much.

8 MR. MCGOFF: Mrs. Fanucci.

9 MS. FANUCCI: I just want to speak
10 on the legislation tonight that we are

11 speaking of. I, myself, feel the same way.
12 With the legislation being created through
13 us and it being in the Supreme Court right
14 now and not having a ruling on that maybe we
15 need to take a better look at it and see
16 what we really should be doing here.
17 Whether or not I believe it's right or wrong
18 is not the issue, it's more of the issue of
19 what will come to be after we do make the
20 legislation.

21 With that, I will say the smoking
22 ban, and what I believe with the smoking ban
23 was we did that to step up to create the
24 buzz and make sure that the state stepped up
25 and did their job. Whether or not that's

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1 what is being done here with the other
2 municipalities who have enacted this
3 ordinance, that might be what is being done
4 and that's -- and that sometimes is the only
5 way to get it done, so just knowing that
6 other people are doing it is not enough. My
7 heart was in this smoking ban and in the
8 legislation that was created there and I
9 cannot say that that's where I am with this
10 legislation right now.

11 So with that being said, I don't

12 really believe that until we have all of the
13 answers that we are looking to for that it's
14 something that we should be considering at
15 this time, and that is all I have. Thank
16 you.

17 MR. MCGOFF: Mr. Courtright.

18 MR. COURTRIGHT: Mrs. Evans, maybe I
19 can save myself a whole bunch of phone calls
20 of you're going to make a motion to table it
21 then I will vote to table and I won't have
22 to make all those calls tomorrow.

23 Sloan Little League, there has been
24 some problems back there as far as kids
25 hanging around and I have asked the police

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1 on several occasions to go back there and
2 they have, but as always, you know, when the
3 police are there they leave, the police
4 leave they come back, and I think what we
5 need to do is I will try to get in touch
6 with Pete is that one of the neighbors feel
7 that if we lock -- there is a gate that goes
8 by there, if we lock that it will be little
9 bit of a deterrent, I will do that. I
10 haven't had an opportunity to call Pete, but
11 he is very cooperative and I am sure he will

12 be willing to do that.

13 Just one more thing, I think it was
14 Mrs. Krake that spoke about the medical
15 school who said that, mentioned about the
16 medical school, somebody made mention anyway
17 about the medical school this evening, and
18 it's funny they brought it up because this
19 morning I had this conversation, whether you
20 like Senator Mellow or dislike Senator
21 Mellow, whether you like his politics or
22 dislike his politics I don't think there is
23 anybody here that can deny he is the reason
24 the medical school is here in the City of
25 Scranton. The Senator pushed very hard for

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1 it, he has been in the Senate a long time
2 and he has seniority there, and I truly
3 believe the sole responsibility fro that
4 coming here was him. And again, whether you
5 like him or dislike him, I don't think there
6 is any denying that. And that's all I have.
7 Thank you.

8 MR. MCGOFF: A couple of things.
9 First, I would appreciate if somebody is
10 going to quote me that they quote me
11 correctly. Last week I said that the
12 failure to pay bills due by the Parking

13 Authority was based on supposition. I
14 believe I was quoted out of context and
15 incorrectly and I wish that if the future
16 people would not do that.

17 Also, on the smoking -- just very
18 quickly on the smoking ban since it's being
19 brought up again, I'd like to know how much
20 it cost the city when the smoking ban was
21 repealed? I believe the answer would be
22 nothing. There was no Court cases involved
23 in which we were a party, we didn't spend
24 any money on it when was repealed, so it
25 really didn't cost us anything. I know that

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1 you may, you know, people may say that it
2 cost businesses, but as far as the city is
3 concerned there was no cost to the city in
4 it's repeal.

5 MS. FANUCCI: Pilcheksy filed a suit.

6 MR. MCGOFF: Excuse me? Also, when
7 we keep coming back to NCC and people keep
8 telling me that, you know, I voted for it
9 and yes, I did, but we should be accurate
10 here. How many homes have been lost to
11 sheriff's sale because of those measures
12 enacted. I believe the answer would zero,

13 and when I voted for that I believe that
14 punitive measures were needed in order to
15 collect taxes and I still believe that and I
16 believe helping to -- you know, no one is
17 going to pay us and we were paid what was
18 it, 1.8 million or 2.8 million in order to,
19 you know, for NCC to receive those, so we
20 did receive, you know, quite a bit of money
21 and nobody is going to do that unless they
22 have the power to actually collect the
23 taxes.

24 And lastly, I should mention this,
25 last week I was present when the University

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1 of Scranton presented the city with a check
2 in lieu of taxes in the amount of \$110,000
3 and they are the only school in the city to
4 do so. And with that said it might be -- I
5 know the University takes some hits here on
6 a number of things, they are the only school
7 that -- and really the only large nonprofit
8 that does pay anything in lieu of taxes
9 when, in fact, they are fifth in acreage
10 among the nonprofits. Johnson College, for
11 example, has more acreage that is nonprofit
12 than the University of Scranton. And with
13 that, also, in the last four years the

14 University of Scranton has paid somewhere
15 around 1.4 million dollars to the city in
16 fees and permits for the building that's
17 gone on and add to that the Mulberry Street
18 project that they are doing at their
19 expense, that will also add to the
20 enhancement of the city.

21 So they do do something that other
22 schools and other nonprofits could not do
23 and I think they should be thanked for that,
24 and that's all.

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

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1 AN ORDINANCE - AMENDING FILE OF COUNCIL NO.
2 49, 2008, AN ORDINANCE ENTITLED "GENERAL
3 CITY OPERATING BUDGET 2009" BY TRANSFERRING
4 \$4,400.00 FROM ACCOUNT NO. 01.051.00051.4010
5 (LICENSE & INSPECTIONS- STANDARD SALARY) TO
6 ACCOUNT NO. 01.051.00051.4101 (UNIFORM
7 ALLOWANCE-MILEAGE) TO PROVIDE FUNDING TO
8 REIMBURSE EMPLOYEES IN THE LICENSE &
9 INSPECTIONS DEPARTMENT FOR MILEAGE.

10 MR. MCGOFF: At this time I'll
11 entertain a motion that Item 5-B be
12 introduced into it's proper committee.

13 MR. COURTRIGHT: So moved.

14 MS. FANUCCI: Second.

15 MR. MCGOFF: On the question? All
16 in favor signify by saying aye.

17 MS. EVANS: Aye.

18 MS. FANUCCI: Aye.

19 MS. GATELLI: Aye.

20 MR. COURTRIGHT: Aye.

21 MR. MCGOFF: Aye. Opposed? The
22 ayes have it and so moved.

23 MS. GARVEY: 5-C. FOR INTRODUCTION -
24 AN ORDINANCE - AMENDING FILE OF COUNCIL NO.
25 49, 2008, AN ORDINANCE ENTITLED "GENERAL

89

1 CITY OPERATING BUDGET 2009" BY TRANSFERRING
2 \$390.00 FROM ACCOUNT NO. 01.040.00040.4201
3 (BUSINESS ADMINISTRATION- PROFESSIONAL
4 SERVICES) TO ACCOUNT NO. 01.040.00040.4120
5 (BUSINESS ADMINISTRATION-LIFE/DISABILITY
6 INSURANCE) TO PROVIDE FUNDING TO COVER THE
7 REMAINING 2009 PAYMENTS FOR THE BUSINESS
8 ADMINISTRATION LIFE/DISABILITY INSURANCE
9 PREMIUMS.

10 MR. MCGOFF: At this time I'll
11 entertain a motion that Item 5-C be
12 introduced into it's proper committee.

13 MR. COURTRIGHT: So moved.

14 MS. FANUCCI: Second.

15 MR. MCGOFF: On the question? All
16 in favor signify by saying aye.

17 MS. EVANS: Aye.

18 MS. FANUCCI: Aye.

19 MS. GATELLI: Aye.

20 MR. COURTRIGHT: Aye.

21 MR. MCGOFF: Aye. Opposed? The
22 ayes have it and so moved.

23 MS. GARVEY: 5-D. FOR INTRODUCTION -
24 AN ORDINANCE - AMENDING FILE OF COUNCIL NO.
25 49, 2008, AN ORDINANCE ENTITLED "GENERAL

90

1 CITY OPERATING BUDGET 2009" BY TRANSFERRING
2 \$1,610.00 FROM ACCOUNT NO. 01.011.00071.4390
3 (POLICE DEPARTMENT-MATERIALS & SUPPLIES) TO
4 ACCOUNT NO. 01.011.00071.4120 (POLICE
5 DEPARTMENT-LIFE/DISABILITY INSURANCE) TO
6 PROVIDE FUNDING TO COVER THE REMAINING 2009
7 PAYMENTS FOR THE POLICE DEPARTMENT
8 LIFE/DISABILITY INSURANCE PREMIUMS.

9 MR. MCGOFF: At this time I'll
10 entertain a motion that Item 5-D be
11 introduced into it's proper committee.

12 MR. COURTRIGHT: So moved.

13 MS. FANUCCI: Second.

14 MR. MCGOFF: On the question? All

15 in favor signify by saying aye.

16 MS. EVANS: Aye.

17 MS. FANUCCI: Aye.

18 MS. GATELLI: Aye.

19 MR. COURTRIGHT: Aye.

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

22 MS. GARVEY: 5-E. FOR INTRODUCTION -
23 AN ORDINANCE - AUTHORIZING THE MAYOR AND
24 OTHER APPROPRIATE CITY OFFICIALS TO ACCEPT
25 AND RECORD A DEED CONVEYING OWNERSHIP OF AN

91

1 UNOPENED PORTION OF SWETLAND STREET, MORE
2 FULLY DESCRIBED AS LOT 173, BLOCK 13, WARD
3 21 IN THE CITY OF SCRANTON, TAX MAP NUMBER
4 13320-010-034.

5 MR. MCGOFF: At this time I'll
6 entertain a motion that Item 5-E be
7 introduced into it's proper committee.

8 MR. COURTRIGHT: So moved.

9 MS. FANUCCI: Second.

10 MR. MCGOFF: On the question? All
11 in favor signify by saying aye.

12 MS. EVANS: Aye.

13 MS. FANUCCI: Aye.

14 MS. GATELLI: Aye.

15 MR. COURTRIGHT: Aye.

16 MR. MCGOFF: Aye. Opposed? The
17 ayes have it and so moved.

18 MR. COURTRIGHT: So moved.

19 MS. FANUCCI: Second.

20 MS. GARVEY: 5-F. FOR INTRODUCTION -
21 A RESOLUTION - APPROVING THE FINANCING BY
22 THE SCRANTON-LACKAWANNA HEALTH AND WELFARE
23 AUTHORITY OF CERTAIN CAPITAL PROJECTS FOR
24 THE BENEFIT OF MARYWOOD UNIVERSITY, A
25 PENNSYLVANIA NOT-FOR-PROFIT CORPORATION

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1 SERVING THE PUBLIC; DECLARING THAT IT IS
2 DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE
3 OF THE PEOPLE OF THE CITY OF SCRANTON,
4 LACKAWANNA COUNTY, PENNSYLVANIA, AND THE
5 AREA SERVED BY MARYWOOD UNIVERSITY, TO HAVE
6 THE PROJECTS PROVIDED BY AND FINANCED
7 THROUGH THE AUTHORITY; DESIGNATING THE MAYOR
8 OF THE CITY, OR, IN HIS ABSENCE, THE
9 PRESIDENT OR VICE PRESIDENT OF THE CITY
10 COUNCIL, AS THE PERSON TO ACT ON BEHALF OF
11 THE CITY COUNCIL AS THE "APPLICABLE ELECTED
12 REPRESENTATIVE" WITHIN THE MEANING OF THE
13 INTERNAL REVENUE CODE OF 1986, AS AMENDED;
14 AUTHORIZING SUCH MAYOR OF THE CITY OR THE
15 PRESIDENT OR VICE PRESIDENT OF THE CITY

16 COUNCIL OF THE CITY TO TAKE CERTAIN ACTIONS
17 ON BEHALF OF THE CITY COUNCIL OF THE CITY AS
18 SUCH "APPLICABLE ELECTED REPRESENTATIVE";
19 AND AUTHORIZING OTHER NECESSARY AND
20 APPROPRIATE ACTION.

21 MR. MCGOFF: At this time I'll
22 entertain a motion that Item 5-F be
23 introduced into it's proper committee.

24 MR. COURTRIGHT: So moved.

25 MS. FANUCCI: Second.

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1 MR. MCGOFF: On the question?

2 MS. EVANS: Just a bit of information
3 for the taxpayers, the approval granted
4 possibly by Scranton City Council does not
5 in any way pledge or obligate the credit or
6 taxing power of the city nor shall the city
7 be liable for the payment of the principal
8 of or interest on any obligation issued by
9 the authority in connection with this 2009
10 project which is quite a vast undertaking.

11 It affects a numbers of buildings on
12 the Marywood campus and I believe the
13 project is in the amount of \$6 million. I
14 have only one question, however, is Marywood
15 University located in Scranton or in
16 Dunmore?

17 MR. MCGOFF: Both.

18 MR. COURTRIGHT: Both.

19 MS. GATELLI: Both.

20 MS. EVANS: So is the Borough of
21 Dunmore involved in the approval process as
22 part of Lackawanna County and a host home to
23 Marywood University?

24 MR. MCGOFF: I do not know.

25 MS. GATELLI: I don't know who is on

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1 that Welfare Authority.

2 MS. EVANS: I don't either. Maybe we
3 could pose that question just by phone.

4 MS. GARVEY: I can call Mary Ellen
5 Clark tomorrow and find out.

6 MS. GATELLI: I think the
7 commissioners are on there, too, if I'm not
8 mistaken.

9 MR. MCGOFF: Anyone else on the
10 question? All those in favor signify by
11 saying aye.

12 MS. EVANS: Aye.

13 MS. FANUCCI: Aye.

14 MS. GATELLI: Aye.

15 MR. COURTRIGHT: Aye.

16 MR. MCGOFF: Aye. Opposed? The

17 ayes have it and so moved.

18 MS. EVANS: Prior to reading Item
19 6-A, I move to table Item 6-A until such
20 time as a response has been received by the
21 State Attorney General in relation to the
22 this piece of legislation and at such time
23 as the State Supreme Court rules on the
24 legality and enforceability of this change
25 in Firearms Code.

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1 MR. COURTRIGHT: Second.

2 MR. MCGOFF: On the question? I
3 would like to just make one comment. I
4 disagree with Mrs. Fanucci on this. I think
5 the issue here is doing what is right and I
6 firmly believe that this legislation is the
7 right thing to do for the city and just as
8 we did with the smoking ban I believe that
9 we should act on what is right for the
10 citizens and the policing the City of
11 Scranton and not wait until others act for
12 us. All in favor of the motion to table
13 signify by saying aye.

14 MS. EVANS: Aye.

15 MS. FANUCCI: Aye.

16 MS. GATELLI: Aye.

17 MR. COURTRIGHT: Aye.

18 MR. MCGOFF: Opposed? No. The ayes
19 have it and so moved.

20 MS. GARVEY: SEVENTH ORDER. 7-A. FOR
21 CONSIDERATION BY THE COMMITTEE ON RULES -
22 FOR ADOPTION - RESOLUTION NO. 177, 2009 -
23 APPOINTMENT OF PETER P.CUPPLE, M.D., 1656
24 SANDERSON AVENUE, SCRANTON, PENNSYLVANIA,
25 18509, AS A MEMBER OF THE HISTORICAL

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1 ARCHITECTURE REVIEW BOARD FOR AN ADDITIONAL
2 FIVE (5) YEAR TERM. DR. CUPPLE'S CURRENT
3 TERM EXPIRES ON OCTOBER 11, 2009 AND HIS NEW
4 TERM WILL EXPIRE ON OCTOBER 11, 2014.

5 MR. MCGOFF: As Chairperson for the
6 Committee on Rules, I recommend final
7 passage of Item 7-A.

8 MR. COURTRIGHT: Second.

9 MR. MCGOFF: On the question?

10 MS. EVANS: I'd like to thank
11 Dr. Cupple for all of his years of service
12 to AHA and I look forward to his continued
13 term in this position. I know he takes such
14 meticulous care of every detail of his
15 responsibilities and he has such a deep and
16 abiding love and concern for the historical
17 architecture of our city, and it is indeed a

18 great pleasure to be able to approve his
19 continuing term on the Architectural
20 Heritage Association Board.

21 MR. MCGOFF: Roll call, please.

22 MR. COOLICAN: Mrs. Evans.

23 MS. EVANS: Yes.

24 MR. COOLICAN: Mrs. Gatelli.

25 MS. GATELLI. Yes.

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1 MR. COOLICAN: Ms. Fanucci.

2 MS. FANUCCI: Yes.

3 MR. COOLICAN: Mr. Courtright.

4 MR. COURTRIGHT: Yes.

5 MR. COOLICAN: Mr. McGoff.

6 MR. MCGOFF: Yes. I hereby declare
7 Item 7-A legally and lawfully adopted.

8 MS. GARVEY: 7-B. FOR CONSIDERATION -
9 BY THE COMMITTEE ON RULES - FOR ADOPTION -
10 RESOLUTION NO. 178, 2009 - APPOINTMENT OF
11 RICHARD J. LEONORI, AIA, 848 NORTH IRVING
12 AVENUE, SCRANTON, PENNSYLVANIA, 18510, AS A
13 MEMBER OF THE HISTORICAL ARCHITECTURE REVIEW
14 BOARD FOR AN ADDITIONAL (5) YEAR TERM. MR.
15 LEONORI'S CURRENT TERM EXPIRES ON OCTOBER
16 11, 2009 AND HIS NEW TERM WILL EXPIRE ON
17 OCTOBER 11, 2014.

18 MR. MCGOFF: As Chairperson for the

19 Committee on Rules, I recommend final
20 passage of Item 7-B.

21 MR. COURTRIGHT: Second.

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

24 MR. COOLICAN: Mrs. Evans.

25 MS. EVANS: Yes.

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1 MR. COOLICAN: Mrs. Gatelli.

2 MS. GATELLI: Yes.

3 MR. COOLICAN: Ms. Fanucci.

4 MS. FANUCCI: Yes.

5 MR. COOLICAN: Mr. Courtright.

6 MR. COURTRIGHT: Yes.

7 MR. COOLICAN: Mr. McGoff.

8 MR. MCGOFF: Yes. I hereby declare
9 Item 7-B legally and lawfully adopted.

10 MS. GARVEY: 7-C. FOR CONSIDERATION
11 BY THE COMMITTEE ON RULES - FOR ADOPTION -
12 RESOLUTION NO. 179, 2009 - APPOINTMENT OF
13 JOHN T. COGNETTI, 917 SUNSET STREET,
14 SCRANTON, PENNSYLVANIA, 18509, AS A MEMBER
15 OF THE HISTORICAL ARCHITECTURE REVIEW BOARD
16 FOR AN ADDITIONAL FIVE (5) YEAR TERM. MR.
17 COGNETTI'S CURRENT TERM EXPIRES ON OCTOBER
18 11, 2009 AND HIS NEW TERM WILL EXPIRE ON

19 OCTOBER 11, 2014.

20 MR. MCGOFF: As Chair for the
21 Committee on Rules, I recommend final
22 passage of Item 7-C.

23 MR. COURTRIGHT: Second.

24 MR. MCGOFF: On the question? Roll
25 call, please?

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1 MR. COOLICAN: Mrs. Evans.

2 MS. EVANS: Yes.

3 MR. COOLICAN: Mrs. Gatelli.

4 MS. GATELLI. Yes.

5 MR. COOLICAN: Ms. Fanucci.

6 MS. FANUCCI: Yes.

7 MR. COOLICAN: Mr. Courtright.

8 MR. COURTRIGHT: Yes.

9 MR. COOLICAN: Mr. McGoff.

10 MR. MCGOFF: Yes. I hereby declare
11 Item 7-C legally and lawfully adopted.

12 MS. GARVEY: 7-D. FOR CONSIDERATION
13 BY THE COMMITTEE ON RULES - FOR ADOPTION -
14 RESOLUTION NO. 180, 2009 - APPOINTMENT OF
15 RALPH A. SCARTELLI, 1208 RUNDLE STREET,
16 SCRANTON, PENNSYLVANIA, 18504, AS A MEMBER
17 OF THE HISTORICAL ARCHITECTURE REVIEW BOARD
18 FOR AN ADDITIONAL FIVE (5) YEAR TERM. MR.
19 SCARTELLI'S CURRENT TERM EXPIRES ON OCTOBER

20 11, 2009 AND HIS NEW TERM WILL EXPIRE ON
21 OCTOBER 11, 2014.

22 MR. MCGOFF: As Chair for the
23 Committee on Rules, I recommend final
24 passage of Item 7-D.

25 MR. COURTRIGHT: Second.

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1 MR. MCGOFF: On the question?

2 MS. EVANS: I would be remiss if I
3 did not thank Mr. Leonori, Mr. Cognetti and
4 Mr. Scartelli for their dedication to AHA.
5 And again, I am most pleased to be able to
6 approve the extension of their terms.

7 MR. MCGOFF: Roll call, please?

8 MR. COOLICAN: Mrs. Evans.

9 MS. EVANS: Yes.

10 MR. COOLICAN: Mrs. Gatelli.

11 MS. GATELLI: Yes.

12 MR. COOLICAN: Ms. Fanucci.

13 MS. FANUCCI: Yes.

14 MR. COOLICAN: Mr. Courtright.

15 MR. COURTRIGHT: Yes.

16 MR. COOLICAN: Mr. McGoff.

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

19 MR. COURTRIGHT: Motion to adjourn.

20 MR. MCGOFF: Thank you for your
21 participation.

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C E R T I F I C A T E

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

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CATHENE S. NARDOZZI, RPR
OFFICIAL COURT REPORTER

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