

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

SCRANTON CITY COUNCIL MEETING

HELD:

Thursday, September 12, 2013

LOCATION:

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

CATHENE S. NARDOZZI, RPR - OFFICIAL COURT REPORTER

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

CITY OF SCRANTON COUNCIL:

- JANET EVANS, PRESIDENT
- FRANK JOYCE, VICE-PRESIDENT
- ROBERT MCGOFF
- PAT ROGAN
- JOHN LOSCOMBE  
(Not present)
- NANCY KRAKE, CITY CLERK
- JAMIE MARCIANO, ASSISTANT CITY CLERK
- BOYD HUGHES, SOLICITOR

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

3 MS. EVANS: Roll call, please.

4 MS. MARCIANO: Mr. McGoff.

5 MR. MCGOFF: Here.

6 MS. MARCIANO: Mr. Rogan.

7 MR. ROGAN: Here.

8 MS. MARCIANO: Mr. Loscombe.

9 Mr. Joyce.

10 MR. JOYCE: Here.

11 MS. MARCIANO: Mrs. Evans.

12 MS. EVANS: Here. Dispense with the  
13 reading of the minutes, please.

14 MS. KRAKE: THIRD ORDER. 3-A.

15 MINUTES OF THE SCRANTON POLICE PENSION  
16 MEETING HELD JULY 24, 2013.

17 MS. EVANS: Are there any comments?

18 If not, received and filed.

19 MS. KRAKE: 3-B. MINUTES OF THE  
20 FIREMEN'S PENSION COMMISSION MEETING HELD  
21 JULY 24, 2013.

22 MS. EVANS: Are there any comments?

23 If not, received and filed.

24 MS. KRAKE: 3-C. AGENDA FOR THE  
25 ZONING HEARING BOARD HELD AUGUST 14, 2013.

1 MS. EVANS: Are there any comments?  
2 If not, received and filed.

3 MS. KRAKE: 3-D. TAX ASSESSOR'S  
4 REPORT, HEARING DATE ON AUGUST 21, 2013.

5 MS. EVANS: Are there any comments?  
6 If not, received and filed.

7 MS. KRAKE: 3-E. AUDIT STATUS FROM  
8 ROBERT ROSSI & CO. RECEIVED AUGUST 18, 2013.

9 MS. EVANS: Are there any comments?  
10 If not, received and filed.

11 MS. KRAKE: 3-F. APPLICATIONS ALONG  
12 WITH THE DECISIONS RENDERED BY THE ZONING  
13 HEARING BOARD ON AUGUST 14, 2013.

14 MS. EVANS: Are there any comments?  
15 If not, received and filed. Do we have any  
16 Clerk's notes this evening, Mrs. Krake?

17 MS. KRAKE: No, Mrs. Evans.

18 MS. EVANS: Thank you, Ms. Krake.  
19 Do any council members have announcements at  
20 this time?

21 MR. MCGOFF: One brief one. Mrs.  
22 Krake, put in this our male, Lackawanna  
23 County College is hosting a free electronics  
24 recycling event from 10 a.m. to 2 p.m.  
25 September 21, at its parking lot at 501 Vine

1 Street. And verbatim, people can drop off  
2 computers, monitors, printers, laptops,  
3 televisions, stereo equipment, microwaves,  
4 GPS units, cell phones, copy machines,  
5 vacuum cleaners, and other household  
6 electronics. So if you have any of those  
7 that are around and DPW cannot take or  
8 whatever the case may be Lackawanna College  
9 from 10 to 2 on the September 21 at the Vine  
10 Street parking lot.

11 MS. EVANS: Is there anyone else?  
12 Councilman Loscombe is unable to attend  
13 tonight's meeting.

14 The South Side Senior Center will  
15 hold its annual pasta dinner and basket  
16 raffle on Thursday, September 19, 2013, from  
17 4 to 7 p.m. This dinner is its major  
18 fundraiser of the year and helps to support  
19 the many and varied activities that go on at  
20 the center. Tickets cost \$9.00 per adults,  
21 \$4.50 for children under 12, and takeouts  
22 are available.

23 For additional information please  
24 contact Rita at 570-346-2487.

25 The Scranton City Council will

1           conduct a public hearing on Thursday,  
2           September 19, 2013, at 5:30 p.m. in order to  
3           gather citizens' input regarding the  
4           proposed City of Scranton 2014 Action Plan,  
5           which includes the CDBG program, Home  
6           Investment Partnership Program and the  
7           Emergency Solutions Grant or ESG program.  
8           The public is invited to attend. And that's  
9           it.

10                               Mrs. Krake?

11                               MS. KRAKE:   FOURTH ORDER.   CITIZENS'  
12           PARTICIPATION.

13                               MS. EVANS:   Our first speaker  
14           tonight is Ron Ellman.

15                               MR. ELLMAN:   That was in the nick of  
16           time, wasn't it?  I'm sorry I was late.  
17           Well, I don't know with the thousands of  
18           adversities going on in this city why  
19           council has chosen to get involved in Joe  
20           Burke's vendetta with DeNaples.  It's just  
21           senseless.  He spent \$10,000 on a study.  
22           Why?  What's your definition of a study?

23                               MS. EVANS:   A study was conducted by  
24           an engineering firm after inspection and  
25           observation of Lake Scranton Road, and it

1 contained very useful information such as  
2 what is needed on that road that should be  
3 provided by the City of Scranton, the  
4 reasons for the deterioration of the road,  
5 and the fact that there is another access  
6 route that can be taken by the trucks that  
7 are traveling Lake Scranton Road daily.

8 MR. ELLMAN: Okay. I understand  
9 that. This study, let's just take it apart  
10 real quick. This study says use an  
11 alternate road on Elmhurst Boulevard; right?  
12 Pardon?

13 MS. EVANS: Could you repeat that?

14 MR. MCGOFF: Yes. They said use  
15 Elmhurst, I imagine whoever conceived this  
16 study was looking at the GPS, there is a  
17 bridge with a 12,000 pound weight limit on  
18 Elmhurst Boulevard. DeNaples has been  
19 prohibited 35 or 40 years from crossing that  
20 bridge. This is no one -- evidently nobody  
21 ever drove down the street. They cannot use  
22 Ash. They cannot go up and down Ash Street  
23 because there a bridge is 11 feet high. The  
24 trucks are 11 feet 6. The only thing is  
25 Lake Scranton Road which has uninterrupted

1 truck traffic for 75 or 80 years. It used  
2 to be a rendering plant down there that the  
3 buildings are still there. They used to go  
4 up to the Moosic Street to New York City to  
5 Goldsboro and all before the expressways.  
6 And if you go find out there is a law about  
7 uninterrupted use of property.

8 This is just such a waste. People  
9 need money to pay taxes and it's throwing  
10 down the toilet for a study like this. Like  
11 I said, all that gentleman that did the  
12 study had it do was drive down that road he  
13 would have seen the bridge with 12,000  
14 pounds. It's been there probably 100 years,  
15 80 years. You have no other alternative,  
16 but just let this slide. What else are you  
17 going to do?

18 MS. EVANS: I don't know.

19 MR. ELMHURST: You cannot land lock  
20 that business.

21 MS. EVANS: I believe the city  
22 should be --

23 MR. ELLMAN: You know, you got the  
24 hardship -- you got the hardship law of  
25 people being laid off temporarily for Joe

1 Burke. Here you are taking on people that  
2 got plans all over town. The library, the  
3 medical school, every place you look he has  
4 been a benefactor to this city. I had  
5 coffee with him.

6 MS. EVANS: To the nonprofits of the  
7 city.

8 MR. ELLMAN: Pardon?

9 MS. EVANS: A benefactor to the  
10 nonprofits of the city.

11 MR. ELLMAN: Well, that's my  
12 feelings about it. I feel that way about  
13 Mr. Bolus. He has done so much for this  
14 city. I just find it heartbreaking the  
15 attitude against him, but I had coffee  
16 yesterday morning before 6:00 with the  
17 DeNaples and I promise you, you do not want  
18 to take this city, the city does not want to  
19 take them on over this issue. We'll lose.  
20 We are already facing 117 percent interest.  
21 You never talked to people over on Luzerne  
22 Street and Washington and Capouse, they are  
23 hanging onto their houses by their  
24 fingertips. I talk to them almost every day  
25 someplace around here. There is great

1 suffering in this city. Half the people are  
2 senior citizens and retired people and low  
3 income. We are certainly not in any  
4 position to handle a 117 percent increase  
5 and now you are talking about a lawsuit. If  
6 it just costs a couple of hundred thousand  
7 we don't have the money. They could close  
8 that yard for a year and not hurt them. It  
9 would hurt the little people and I'm not  
10 talking as a former associate and a family  
11 friend.

12 I'm talking as a taxpayer right now  
13 and somebody asked me today my taxes are  
14 paid. I told you I wasn't going to pay  
15 them, but I paid my taxes. Without threat  
16 from Mr. Courtright, I might say. And I'm  
17 not mad at council, I'm not mad at anybody,  
18 I'm trying to avoid a situation that they  
19 can't understand it's going on and on like  
20 this. Thank you very much for allowing me  
21 to speak, Mrs. Evans.

22 MS. EVANS: Absolutely. And our  
23 next speaker is a Les Spindler.

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

1 homeowner and taxpayer.

2 MS. EVANS: Good evening.

3 MR. SPINDLER: Good to be back. I  
4 missed most of the summer meetings because  
5 of my job with PNC Field for the summer. I  
6 was disappointed I couldn't come and speak  
7 on the Leahy Hall project. I'm sure people  
8 are sick of hearing about it, but I want to  
9 put my two cents in. I was never a fan of  
10 the University of Scranton, but I think that  
11 was the right thing to do passing that  
12 legislation. We have to start getting along  
13 with the "U". With all due respect, the way  
14 this council went about trying to get the  
15 nonprofits to contribute more hasn't worked  
16 so I think we have to try and get along with  
17 them. If this deal wasn't passed whoever  
18 our next mayor is going to be wouldn't have  
19 a chance to go sit down with them and try to  
20 get them to contribute more.

21 Now, this is like extending an olive  
22 branch, now, maybe whoever the mayor is can  
23 sit down with them face to face and possibly  
24 try to get more money. Without this deal,  
25 that never would have happened.

1                   And, also, if this deal wasn't  
2                   passed we would -- the city would have lost  
3                   in Court anyway as was proven with the  
4                   zoning board and we can't afford anymore  
5                   losses in the Courts. I had to write  
6                   everything down so I didn't forget it, and  
7                   as that building something now, it didn't  
8                   benefit the city in any way, so I think a  
9                   new building with jobs and whatever I think  
10                  in the long run I think it would help the  
11                  city.

12                 And as far as being historic, if  
13                 that was so historic where was the Scranton  
14                 Historical Society? Going back to the  
15                 baseball games, at every baseball game there  
16                 was a community organization of the night,  
17                 and the one night during the end of the year  
18                 was the Historical Society and they were  
19                 asked, "What is the mission of the Scranton  
20                 Historical Society?"

21                 And the president said, "To protect  
22                 and preserve the history of the Scranton."

23                 Obviously, they didn't think that  
24                 was part of the history of Scranton because  
25                 they did nothing to save it.

1                   Oh, another thing, I talked to  
2 someone over the summer and asked them why  
3 they thought it was so historic and they  
4 said, "I learned to swim there."

5                   I said, "Really? You want to save  
6 that building because you learned how to  
7 swim there?"

8                   That's unbelievable.

9                   MS. EVANS: Mr. Spindler, actually  
10 there was an article in the newspaper that  
11 was authored by a University of Scranton  
12 professor who is researching women's history  
13 in the City of Scranton and after the  
14 decision was made by city council and all  
15 was said and done, her article was published  
16 in the newspaper and it indicated that  
17 building, indeed, was highly significantly  
18 historical in terms of the women's movement  
19 at the turn of the century, the suffrages,  
20 etcetera.

21                  MR. SPINDLER: That's just one  
22 person's opinion, but the Historical Society  
23 doesn't think it was historical. And as far  
24 as being architecturally historical, as  
25 somebody said, nothing more been a brick

1 building. Lackawanna College, the old  
2 Scranton Central building, the Albright  
3 Library, the Cultural Center, those are  
4 beautiful buildings. This building was just  
5 a plain brick building.

6 Moving on, during the summer,  
7 Mr. McGoff, somebody asked if you called  
8 Frank Joyce to see if the way he is going to  
9 vote and I don't blame you for doing that  
10 because I wouldn't have driven 11 hours if I  
11 knew my vote wasn't going to count so for  
12 you to get criticized for that I thought  
13 that was wrong and I think it was very  
14 admirable of you to drive 11 hours and give  
15 up your vacation time.

16 Lastly, a speaker was up here asking  
17 Councilman Joyce if he voted for a project  
18 because he was offered a job at the  
19 University or to get votes from the unions,  
20 I thought that speaker was totally out of  
21 line and those comments bordered on being  
22 slanderous and I don't think you should come  
23 to this podium and say things without proof.  
24 You know, freedom of speech only goes so  
25 far. You can only say certain things. You

1 can't say stuff that isn't true and open  
2 yourself up to lawsuits. Okay, enough on  
3 that.

4 About two weeks in the paper there  
5 was an article, "The West Scranton Youth  
6 Center Seeks Casino Cash." I have been told  
7 that Mr. Lewis wants \$179,000 for that  
8 building. I have been told by the people in  
9 real estate that that building isn't worth  
10 nearly that much and I think the city should  
11 ask for an independent appraisal of that  
12 building and whatever money they get from  
13 the casino they could use the rest to pay  
14 for the taxes because Mr. Lewis owes \$75,000  
15 approximately back taxes on that building.

16 And I speak of people who were at  
17 the public hearing for that. And the city  
18 is going to be on the hook for the utilities  
19 for that and I don't think we can afford  
20 that. I don't know if that will come up  
21 before council or not, but I could speak  
22 about that later on, also.

23 In the Sunday paper this week there  
24 was an article about the Republican  
25 candidate for mayor saying about how he has

1 got financial troubles, he lost a building  
2 to foreclosure, he had a car repossessed, he  
3 owed back taxes, he was late on his garbage  
4 fees, I don't think we need somebody trying  
5 to get the city out of a mess that can't  
6 keep his own house clean. I don't think  
7 that's right.

8 One last thing on the question, why  
9 was the meeting moved to 6:00 now? It used  
10 to be the 6:30.

11 MS. EVANS: I had asked that that  
12 occur because Mr. Loscombe obtained  
13 employment and he often began his work in  
14 the evening hours so I wanted to be sure  
15 that he would be able to be present for the  
16 entire length of council meetings.

17 MR. SPINDLER: Okay, that's a good  
18 reason, but I think for the lot of citizens  
19 that come here it's a little inconvenient,  
20 people that work until five or 5:30 it's a  
21 big rush to get here. That's all I have.  
22 Thank you.

23 MS. EVANS: Thank you. And is there  
24 anyone else who cares to address council?

25 MR. DOBRZYN: Good evening, Council.

1 Dave Dobrzyn, resident of Scranton, taxes  
2 paid, uncompensated by the IRS, by the way.  
3 I didn't fit the description. And I'd like  
4 to approach you with a little thing here  
5 that I printed out.

6 One is a present for Pat, I have a  
7 little housewarming present for you. So  
8 don't wind it too tight and it will continue  
9 to work. Take care of the little boy.

10 As you can see there, that's a  
11 printout of the fine print and I did  
12 encircle an area where I'll read out of the  
13 book, "What began as an effort by Kentucky  
14 to help a single company in Appalachia raise  
15 capital by keeping state income taxes  
16 withheld from the worker's paycheck has  
17 grown to more than 2,700 some companies in  
18 19 states when this book was first  
19 published. The big bang car markers and  
20 insurers, a host of Canadians, Chinese,  
21 Europeans, Japanese companies all get the  
22 profit by pocketing the taxes withheld from  
23 their American worker's paychecks.

24 Since "The Fine Print" came out in  
25 hardback two more states have joined this

1 trend, Oregon and Pennsylvania."

2 Now, in other words, they are going  
3 to deduct your PA state income and keep it  
4 in their pocket as a sort of subsidy or  
5 something like that. No wonder you poor  
6 people get asked if you expect manna from  
7 heaven by our state officials. It's no  
8 wonder. And the name of the book is "The  
9 Fine Print", it's the latest out, I don't  
10 know if this one is available for loan at  
11 the library, I paid \$17 for it at the book  
12 store.

13 There is also another one, it's the  
14 oldest one, "Perfectly Legal," if you  
15 register your company in the Cay men Islands  
16 you can -- if one executive even put the tax  
17 savings into his pocket with the whole  
18 company. And, by the way, if you are  
19 registered in the Cay men Islands be leery  
20 of investing there because the small  
21 stockholders have to go to the Cay men  
22 Islands if they plan to sue, and then there  
23 is "Free Lunch" which a lot of freebies  
24 handed out to very wealth people at  
25 taxpayers' expense, like our stadium over

1           there. \$40 million handed out and what do  
2           we have to show for? We tore the old one  
3           down, we hardly had a crack in it.

4                         And last week I mentioned about the  
5           water bill, please keep that in mind. And  
6           there is an issue raised about signage,  
7           well, it's all over the city. Our signs are  
8           terrible. There are some faded on in the  
9           900 block of Crown and I think it's Beech  
10          Street, there is a faded stop sign. It's  
11          already silver, showing silver, and a lady  
12          just went right through it, it didn't hit  
13          her or register, and she upset another car  
14          and there was a big hoopla about it in an  
15          accident. So our signs are terrible. You  
16          can't -- some streets you can't tell what  
17          street you are on or you have to stop and  
18          really practically take a look or it's not  
19          safe or you are going to cause accidents and  
20          stuff.

21                         And I really appreciated your little  
22          story, Mrs. Evans, about economic activity  
23          and the colleges and how austere a college  
24          -- a middle class college person's life has  
25          to be. They don't have money to go to the

1           steakhouse. They don't have money to go to  
2           the lobster house. They don't have money  
3           for very much of anything, and it's entirely  
4           ridiculous the way this is portrayed, like,  
5           we are going to have so much economic  
6           activity.

7                           And, by the way, I was downtown I  
8           think Tuesday and somebody was touring the  
9           town with a bunch of the backpacks and they  
10          were I don't know if they were from the  
11          college or where I thought they might be,  
12          but they just walked out in front of the  
13          cars and did what they wanted and against  
14          traffic signals and everything else liked  
15          they owned the place. So if that's the kind  
16          of the economic activity we are encouraging  
17          I don't know need to pay more car insurance  
18          and I certainly don't want to hit somebody  
19          crossing against the signals.

20                           So one final thing with Mulberry  
21          Street, when they narrowed that if there is  
22          anything we could do to get rid of that  
23          parking up there. Anything whatsoever.  
24          It's entirely ridiculous. It's like you are  
25          driving drunk down the road. Maybe if you

1 had a half bottle of whiskey you could make  
2 all of the swerves, and keep in mind that  
3 there is going to be college students and  
4 everybody parking or crossing in front of  
5 there and we are going to have bad weather  
6 where the street is covered with ice or snow  
7 and it's just a recipe for disaster, so  
8 those parking spaces shouldn't be there.  
9 Absolutely not.

10 Well, thank you for listening and  
11 don't forget, if you don't try to acquire  
12 these books and read them you are somebody  
13 else's fool and you will get the golden  
14 parrot. Bawk, bawk and have a good night.

15 MS. EVANS: Thank you. Mrs. Krake,  
16 if we could be maybe send a memo to DPW  
17 concerning that stop sign on Crown Avenue.  
18 Hopefully, you know, I recognize that we  
19 were discussing this prior to the meeting  
20 that budget appears to have been frozen, but  
21 I think in some instances the mayor is going  
22 to be able to speak with the controller for  
23 necessary items that would involve public  
24 safety, I'm not sure.

25 Is there anyone else who cares to

1 address council?

2 MR. MILLER: Good evening, Council.  
3 Doug Miller, Scranton. First off this  
4 evening just on the agenda momentarily, 5-D,  
5 repealing Resolution No. 50, 2012,  
6 appointing John Moore to the Architectural  
7 Review Board for another five-year term, it  
8 came to my attention earlier that I believe  
9 this individual was originally appointed 16  
10 years ago in 1997. Would I be correct in  
11 that?

12 MS. EVANS: Yes.

13 MR. MILLER: I mean, from what I  
14 understand in relation to the city code  
15 individuals who are appointed to such boards  
16 I believe, and correct me if I'm wrong, are  
17 only allowed two consecutive five-year  
18 terms; is that correct?

19 MS. EVANS: Well, actually, I'm  
20 going to address this under motions, and I'm  
21 going to ask our solicitor to do so as well.  
22 He has done a great deal of research on this  
23 matter and the ordinance that will be  
24 referencing is specific to the HARB.

25 MR. MILLER: Okay. I look forward

1 to hearing that later on. I'll move onto  
2 some other business. Tuesday, I had the  
3 opportunity to meet with the West Scranton  
4 Hyde Park Neighborhood Watch. Tuesday  
5 evening they had a walkthrough of the LA  
6 Lewis building that was addressed earlier  
7 this evening, and I do appreciate the  
8 opportunity to have been able to walk  
9 through that building. It's a nice building  
10 inside if anybody hasn't had a chance to get  
11 in there. They did have another walkthrough  
12 this evening, but it certainly is a  
13 structure that can be utilized for the  
14 intended purpose by the group.

15 Looking over the plans, they do  
16 intend on doing a lot of good things over  
17 there. It's an investment that I think is  
18 sorely needed in that neighborhood. You  
19 know, they look to provide educational  
20 resources, whether it's tutoring or  
21 learning-type center, they look to enter a  
22 partnership in the Scranton School District  
23 to allow that to take place. They also talk  
24 about putting in basketball courts, boxing  
25 rings, bringing in professional box coaches

1 and Olympic boxing trainers, so I do think  
2 it's a good project for that part of town.  
3 I commend them for all of their work, and  
4 they do state in their letter here they have  
5 a lot of support from local leaders in the  
6 community, State Senator Blake,  
7 Representative Flynn, our county  
8 commissioners, Mayor Doherty, Scranton City  
9 Council and the school district, and many  
10 other political organizations, local  
11 churches and civic organizations so I'm  
12 grateful for the opportunity to go through  
13 there and I commend them for their ongoing  
14 work in that part of town. They have done a  
15 lot of good things through the year and this  
16 is certainly another prime example of what  
17 they are trying to do over there and I do  
18 look forward to the project coming to  
19 fruition and seeing those things take place  
20 in the future.

21 Finally this evening, I noticed in  
22 the paper I believe it was yesterday that a  
23 motion for reconsideration was filed in  
24 Court in regard to the University project  
25 with Leahy Hall and the demolition and the

1 reconsideration was asking the Court to  
2 reconsider allowing for the University to  
3 provide a traffic study that was never  
4 provided to the zoning board or council or  
5 to HARB and, you know, looking back at this  
6 today I do think that that would have been  
7 an important aspect to this project. That  
8 was never done.

9           You know, as you drive through  
10 downtown daily going on Jefferson Avenue and  
11 Linden Street as it stands now there is a  
12 lot of pedestrian traffic and when you are  
13 looking to add to the structures and develop  
14 it you are only going to make it more  
15 chaotic and you are only going to add more  
16 pedestrian traffic, that's just common  
17 sense, you really don't have to do a lot of  
18 homework on that, and that should be a cause  
19 for concern.

20           And I do believe that the Court  
21 should allow this motion for reconsideration  
22 to be approved and I do think the University  
23 should provide a traffic study. There are  
24 some serious concerns. Not to disrespect  
25 the students in the school, but many of whom

1           have a lack of regard for, you know, cars  
2           transporting back and forth. I think a lot  
3           of them don't pay attention, they cut in  
4           front of you. They have no regard for any  
5           cars going through intersections and I think  
6           that needs to be addressed, especially when  
7           we are looking to add and expand the  
8           University and add and expand.

9                        I think a suggestion to them would  
10           be to look into constructing skywalks on  
11           Mulberry Street, Jefferson Avenue, Linden  
12           Street, all of the main arteries where there  
13           is heavy pedestrian traffic with the  
14           students. When you take a look, the  
15           hospital has one. I know of other colleges  
16           and institutions that have one. Bloomsburg  
17           has one, Penn State has it. You know, with  
18           the millions and millions that the  
19           University brings in I don't think it would  
20           certainly go over their budget to construct  
21           some skywalks. I think they should  
22           seriously take a look at that with this  
23           project.

24                       But I do hope that the motion for  
25           reconsideration is granted. And it's my

1           understanding if it's not, there will be an  
2           injunction filed preventing the demolition  
3           of that building on Monday because the study  
4           should be done. It's a serious concern of  
5           safety and regard. Thank you.

6                     MS. EVANS: Thank you.

7                     MS. FRANUS: Fay Franus, Scranton.  
8           I just want to speak because of what Les  
9           Spindler said. He would be referring to was  
10          Ms. Schumacher said about Frank Joyce.  
11          Marie Schumacher and myself, these are our  
12          opinions, and we have every right to say it,  
13          you are public officials. And Mr. McGoff  
14          said last week there is no place for someone  
15          at the podium to say things about people on  
16          council. Yes, it is. You are public  
17          officials and we have every right to express  
18          our opinions. Just because Les Spindler we  
19          don't have proof, he doesn't know that. He  
20          has no idea what kind of proof we have.  
21          Just because you, Mr. Joyce, sit there and  
22          say it isn't true doesn't mean it's not  
23          true. So it's a question of what you people  
24          want to believe. Absolutely. That's their  
25          choice, but we have every right to say how

1 we feel. Every right, and we will continue  
2 to do so.

3 You can sit here and say all you  
4 want contradictory to what we say, it  
5 doesn't mean it's true. What's that  
6 expression, thus does protest too much.  
7 That's all. I just want this council to  
8 know that we, as citizens, have every right  
9 to come here and voice our opinions whether  
10 you like it or whether you don't. We have  
11 that right. It's called freedom of speech  
12 and just because a councilman says we have  
13 no right, yes, we do. And I hope Mr. McGoff  
14 doesn't become president of the next council  
15 because he will try to stop people from  
16 talking and most people will probably listen  
17 to him but they think what he's saying is  
18 true, but it's not. They have a right to  
19 say how they feel. You are public  
20 officials.

21 And you don't know what kind of  
22 proof we have. We don't say things  
23 lightly. We didn't say things we don't feel  
24 are true. We just don't make stuff up. We  
25 really strongly believe what we say and

1 Marie Schumacher deserves that respect.

2 MS. EVANS: Is there anyone else who  
3 cares to address council?

4 MR. SBARAGLIA: Andy Sbaraglia,  
5 citizen of Scranton. Fellow Scrantonians, I  
6 wasn't really going to speak, but you don't  
7 have the right to criticize decisions of the  
8 board. Their decisions. Not their family,  
9 not anything else. And if anyone believes  
10 that somebody did something dishonest, he  
11 can file charges and bring it up before the  
12 board if they believe they did something  
13 that bad. Then the Court's will decide  
14 whether this or that. But, like I said  
15 before, you have no right to criticize  
16 anybody's family or anything like that, only  
17 their decisions. Even their personal action  
18 I wouldn't care of any of you got divorced  
19 or got married or had a girl on the side,  
20 that doesn't effect me. What effects me is  
21 your decisions up at that board. What you  
22 do effects me, and it effects every citizen  
23 in Scranton.

24 So if you don't like the decisions  
25 of the council then come before the council

1 and voice your dissatisfaction with their  
2 vote, but don't impune anything on their  
3 honesty or this or that or whatever, that's  
4 not your prerogative to do it. If you  
5 believe they did something wrong, then file  
6 charges, that's all, and let the Courts  
7 decide or a hearing board or so and so  
8 decide.

9 I'm getting tired of people getting  
10 up here and complaining that this person is  
11 dishonest or that person is dishonest.  
12 Nobody is dishonest unless it's proven that  
13 they are dishonest. Innuendo does not count  
14 and that's small of people to have that.  
15 Like I said before, only your decisions that  
16 effect you is important. Whatever you do up  
17 there like you are going to raise the taxes  
18 that effects me, so I got a right to come up  
19 there and criticize about the taxes. That's  
20 my right. Whether you cannot say though  
21 that you are raising your taxes because you  
22 are getting a cut in your taxes or you want  
23 to get a get raise because of this, that's  
24 not there to do. You have no right to do  
25 that. I know people get up and say a lot of

1 things they shouldn't be saying. I  
2 understand that, but you should only say  
3 things, like I said before, that effect you  
4 personally or your neighbor or whatever  
5 effects you, and don't criticize anybody for  
6 their actions unless you can prove that they  
7 did something dishonest or were biased or  
8 anything like that. You have to be able to  
9 prove it and if you are not willing to prove  
10 it, keep your mouth shut. Thank you.

11 MS. EVANS: Thank you. Is there  
12 anyone else?

13 MR. SLEDZENSKI: Janet, forgot about  
14 me, didn't you?

15 MS. EVANS: Hi.

16 MR. SLEDZENSKI: Hi, Frankie.

17 MR. JOYCE: Hey, Chrissy.

18 MR. SLEDZENSKI: No none was here  
19 last week. Nobody called me. Well, Frank,  
20 our kids did good last week. I'll tell  
21 right now, I hope they win tomorrow night.  
22 Abington, good luck tomorrow, too. Thank  
23 you.

24 MS. EVANS: Thank you. Anyone else?

25 MS. KRAKE: 5-A. Motions.

1 MS. EVANS: Councilman McGoff, do  
2 you have any comments or motions tonight?

3 MR. MCGOFF: Yes, very quickly.  
4 First of all, we received a letter from  
5 someone involved with the petition we had  
6 from the 900 block of permit parking and  
7 that it did was gave us some clarification  
8 to the request that it's -- they were not  
9 looking for -- they are not looking for  
10 permit parking for the entire block that  
11 would hinder some of the commercial  
12 establishments there, but it just gave some  
13 clarification, which I thought it was very  
14 nice, and it does present a reasonable  
15 argument for permit parking and I hope that,  
16 you know, it's seriously looked into.

17 Next, the PEL meeting on Monday,  
18 very short, but somewhat informative and I  
19 provided Mr. Joyce with some of the  
20 information that was provided at the PEL  
21 meeting, but suffice to say that through  
22 those meetings there is some optimism for  
23 stability I guess moving forward through the  
24 end of the year, and I'm sure Mr. Joyce will  
25 have more to say on it, but just that the

1 meetings do continue and that some very  
2 useful information was being provided.

3 And the last thing, I had a citizen  
4 request just that I have it written, as far  
5 as the streetlight on Ferdinand Street was  
6 concerned, I just want to let the person  
7 that sent the question request to me that I  
8 did pass it on and asked Mrs. Krake if she  
9 would please contact Joyce Electric on their  
10 behalf. And that's all.

11 MS. EVANS: Thank you. And,  
12 Councilman Rogan, do you have any comments  
13 or motions?

14 MR. ROGAN: Yes, thank you very  
15 much. A couple of items tonight, I guess  
16 I'll start off with some of the comments  
17 that were made from the podium regarding  
18 Mr. Joyce. And, Frank, I apologize for  
19 bringing this up again, I just want to say  
20 everyone has the right to come and criticize  
21 our votes, criticize where somebody stands  
22 on an issue, support where they stands on an  
23 issue, and I think the comments made last  
24 week were out of line. I don't believe  
25 somebody could come up here and accuse a

1 council person of voting a certain way to  
2 take a job or get votes unless they could  
3 prove it. And if that's the case, they  
4 should bring that forward, but I have known  
5 Mr. Joyce for quite a few years, we don't  
6 always agree on everything, but I do know  
7 that he is an honorable person and I take  
8 him at his word.

9 A couple of more items, one we did  
10 receive yesterday in the mail, the public  
11 notice regarding the Action Plan for January  
12 2014 through the December 2014, and I'd like  
13 to thank Mrs. Evans for scheduling a caucus  
14 as well so we can hear from the public.  
15 Just looking through there are, as always,  
16 many more applicants than there are funds  
17 available, so following hearing from the  
18 public, council members, you know, we can  
19 all discuss as we have in the past to put  
20 together a plan that tries to represent the  
21 city and help as many people as we can.

22 As I have stated many times, I think  
23 many of agree two of the top priorities on  
24 this list or paving and police officers  
25 because some of the cuts that were made in

1 the police department going back a few years  
2 ago that the mayor made we were unable to  
3 fund COM-D officers for our neighborhoods.  
4 Luckily now we can once again fund them and  
5 have our patrols and have them monitoring  
6 areas where they are needed most, so that's  
7 definitely something that I am going to  
8 support and hopefully the public and my  
9 colleagues do as well, but certainly look  
10 forward to working on that.

11 I spoke to a resident over the week,  
12 during the course of the week, regarding the  
13 condition of the firehouse on East Mountain.  
14 The resident reported many problems  
15 regarding the roof of the house, so before  
16 speaking about it I reached out to some  
17 members of the fire department and  
18 Mr. Judge, the president of the fire union,  
19 and he confirmed that, in fact, the roof at  
20 the firehouse is leaking, and that the leak  
21 has gotten so bad I believe part of the  
22 carpeting had to be taken out.

23 I know that Mrs. Novembrino has  
24 stated we are trying to not spend as much  
25 money the rest of the year and when it comes

1 to cutting costs I'm all for that, but in an  
2 instant like this where if this leak  
3 continues it's only going to cost more to  
4 fix it down the line, and we certainly need  
5 to make sure that firehouse is in good shape  
6 for our firemen.

7 Additionally, while speaking to  
8 firefighters and Mr. Judge, they are gravely  
9 concerned about the condition of the  
10 apparatus that they are using. Some of them  
11 are older than me, 1985 some of the trucks  
12 that our men are using were first made. I  
13 did reach out to Mr. Loscombe, I understand  
14 he isn't feeling well, so I will discuss  
15 these issues with him as well.

16 But, Mrs. Krake, could we please  
17 send a letter to the mayor and the fire  
18 chief asking that the issue of the East  
19 Mountain Firehouse regarding the roof is  
20 addressed as quickly as possible. Also,  
21 regarding the condition of the inside and  
22 any water damage from the rain and with the  
23 storms we have had the last two days, I  
24 can't emergency that that leaky roof faired  
25 too well because those were two big storms.

1                   So these are things that, you know,  
2                   a stitch in time saves nine type of thing  
3                   where if we are spending a little bit of  
4                   money now to fix these items, maintenance on  
5                   our police vehicles, maintenance on our fire  
6                   trucks, fixing the leaky roof before it  
7                   ruins the carpets, these are the things that  
8                   anyone would do even in lean times to save  
9                   money in the long run. So whatever needs to  
10                  be done to fund these item we need to do it.  
11                  We certainly can't have these problems with  
12                  one of the most important departments in the  
13                  city.

14                  Two other items, I did read the  
15                  report regarding Lake Scranton Road, and I  
16                  did take the time to go up and I did see  
17                  what Mr. Ellman mentioned, I forget the name  
18                  of the street with the weight restrictions,  
19                  I certainly see that, and also by reading  
20                  the report it seems that water damage is  
21                  probably the number one reason why the road  
22                  is deteriorating.

23                  I think the solution is to fix the  
24                  road instead of pursuing truck bans and all  
25                  of those other items the read needs to be

1 fixed. This scenario does seem a little bit  
2 different in other areas, especially in West  
3 Side, where there are many routes around it  
4 does seem that there really is only the one  
5 route, and by reading through the study it  
6 did cite drainage issues and the condition,  
7 the age of the road, for being two of the  
8 top reasons why the road is in the shape it  
9 is.

10 Finally, over the August recess I  
11 had the chance to attend an event up in  
12 Susquehanna County actually, it was a  
13 compressed natural gas station where they  
14 have vehicles running off natural gas, and  
15 from speaking to representatives from the  
16 gas industry there is a push and there are  
17 grants available for municipalities to  
18 convert their vehicles from running on  
19 diesel fuel to natural gas.

20 I know from reading this is very  
21 popular out in California, a lot of buses  
22 have been converted. It's cleaner for the  
23 environment, it's locally produced, it's not  
24 foreign, and it's very cost effective. The  
25 cost of a gallon of equivalent of compressed

1 natural gas is around \$2 a gallon compared  
2 to the cost of diesel which is running close  
3 to \$4 a gallon, so this is something that I  
4 think the city needs to look into doing in  
5 the future, especially when grants could be  
6 obtained to convert the vehicles to run on  
7 natural gas, and I know there are a great  
8 strides being made having the infrastructure  
9 brought into our area.

10 Like I said, just two counties up  
11 they are already mini-marts that have  
12 compressed natural gas stations open for the  
13 public and I would like to see the day when  
14 instead of our DPW fueling up a the city  
15 diesel pump, they will be fueling up at the  
16 city natural gas pump if we could do it,  
17 especially through grants and cost savings.

18 I do have a couple of comments on  
19 agenda items, but I will wait until they  
20 come up, so this is all for now. Thank you.

21 MS. EVANS: Thank you. Councilman  
22 Joyce, do you have any comments or motions?

23 MR. JOYCE: Yes, very briefly, I'm  
24 not going to be too long. Mr. McGoff did  
25 give me some information that he obtained

1 from the PEL meeting, just to give everyone  
2 an update where we are at. Cash balance in  
3 the city general fund is \$6.8 million. We  
4 have \$300,000 in accounts payable and we did  
5 receive \$300,000 from Geisinger for fees and  
6 permits related to their development.

7 Over the past week, I had the  
8 opportunity to speak with Ms. McAndrew, our  
9 business administrator, I met with her later  
10 on Monday afternoon. Our city clerk, Mrs.  
11 Krake, also attended and she took some very  
12 copious notes. In the position -- from the  
13 position that we are in right now as far as  
14 payroll is concerned, as far as paying the  
15 critical expenses that are important to our  
16 employees such as paying for their health  
17 care costs and keeping the city afloat, she  
18 believes that we are in a fine position to  
19 make it through the end the year, that we  
20 are not going to have any problems.

21 As typical to other years, the city  
22 is holding up some bills, and this was a  
23 practice that was done in the past, I know  
24 each year we bring in prior year expenses  
25 that's in just about every budget that I

1           have seen, some years it's more, some years  
2           it's less and I also mentioned to her and  
3           now what the administration was planning on  
4           sending down as far as the budget was  
5           concerned.

6                       Obviously, we know have a real  
7           problem. PEL is taking about 117 percent  
8           tax increase which will cripple the  
9           residents in the city in my opinion.  
10          Basically at this point the administration  
11          was just getting under development as far as  
12          the budget is concerned. There is some  
13          ideas that were discussed such as the  
14          possible scoop out refinancing of the debt,  
15          the commuter tax, trying to lessening costs  
16          with our workers' compensation insurance and  
17          also the possibility of a health care  
18          consortium, which I know was brought up in  
19          the past and didn't quite go through because  
20          of the county not wanting to be involved.

21                      But at this point, you know, I'm not  
22          quite satisfied because I don't know a  
23          figure or a percentage of or even a goal  
24          that the administration has at this point,  
25          so I did take a liberty to call the mayor's

1 office and request a meeting with him and  
2 I'm going to meet with him in the next week  
3 at 4:30 on Wednesday and discuss my ideas on  
4 how to get the tax increase lowered and  
5 hopefully get some of these things in the  
6 action because we don't have lot of time at  
7 this point.

8 The deadline to submit the budget  
9 obviously is November 15, that's the  
10 administration's deadline, and I think the  
11 sooner that we act -- or the sooner that  
12 action is taken the better off we will be  
13 and hopefully we will all be able to get  
14 lessened quite a bit, and that's all.

15 MS. EVANS: Thank you. Good  
16 evening. I wish to begin with a brief  
17 update regarding the Scranton Parking  
18 Authority's appearance at a county tax  
19 assessment hearing yesterday. Mr. Michael  
20 Washo, who represented the SPA, contested  
21 the appraised dollar amount per square  
22 footage of the commercial properties the SPA  
23 leases to businesses based on the dollar  
24 amount per square footage paid by three  
25 neighboring properties.

1                   In addition, Mr. Washo referred to  
2                   the approximate annual \$3.5 million bond  
3                   payment and operation costs related to the  
4                   parking garages. We must remember, however,  
5                   that the City of Scranton funds the  
6                   difference between the actual bond payment  
7                   due and the payment made by Mr. Washo in his  
8                   capacity as a receiver. Thus, the city  
9                   would receive less tax revenue from the  
10                  commercial garage spaces, while it continues  
11                  to make SPA bond payments. The hearing  
12                  decision is due within the next few weeks.

13                  In a related matter, tax assessment  
14                  hearings will be conducted on October 17,  
15                  2013, for 27 Scranton businesses and on  
16                  October 24 for LIPI, an arm of the Greater  
17                  Scranton of Chamber of Commerce and for  
18                  Pennsylvania American Water Company.

19                  Mrs. Krake, please send a letter to  
20                  the mayor and city solicitor urging the  
21                  mayor to direct Attorney Kelly to attend  
22                  these hearings and contest lower tax  
23                  appraisals in light of our distressed city's  
24                  financial status.

25                  In addition, some of these entities

1           who sought loans, K0Zs, and financial  
2           agreements from the City of Scranton, now  
3           look to pay decreased taxes and are looking  
4           toward the tax assessment hearing to provide  
5           that for them. Scranton homeowners cannot  
6           afford to pay increasing tax burdens for  
7           city businesses as well as the local tax  
8           exempt nonprofits.

9                        Next, during city council's August  
10           recess, some city residents brought to my  
11           attention an error made by the  
12           administration and city council.  
13           Apparently, the law department drafted  
14           legislation which council adopted in  
15           violation of a city ordinance regarding the  
16           Commission for Architectural and Urban  
17           Design and reappointment of board members.

18                       In response to residents' requests,  
19           I asked Council Solicitor Hughes to research  
20           the ordinance and advise council as to how  
21           it should proceed to make corrections, if  
22           necessary. And I now defer to Solicitor  
23           Hughes for his comments and we also have a  
24           written memo that was supplied by Solicitor  
25           Hughes to council members which I'll now

1 distribute.

2 Attorney Hughes?

3 MR. HUGHES: Yes, thank you, madam  
4 president. Before I get to that, it's  
5 interesting on what Councilman Rogan stated,  
6 you know, with the natural gas. Just so  
7 everybody is aware and they could go look at  
8 it, Pennsylvania American Water Company is  
9 building a compressed natural gas filling  
10 station for all of their vehicles over on  
11 Stafford Avenue. It's under construction  
12 now and they are going to convert all of  
13 their vehicles to natural gas. From what I  
14 understand, it's not going to be open to the  
15 public.

16 I also think that Verrastro  
17 Beverage, they have application in to  
18 convert their trucks and they are building a  
19 refueling station down where they are in Old  
20 Forge and I think that that's going to be  
21 open to the public to by natural gas and  
22 natural gas cars.

23 So there are two exciting  
24 developments that are going forward and you  
25 can save substantial amounts of the money,

1           you know, converting to natural gas and also  
2           I understand there is a lot less  
3           maintenance. As long as it's compressed  
4           natural gas. I have clients in the  
5           Interstate trucking industry and there is a  
6           real problem converting those right now  
7           because they don't have the type of engines,  
8           but that's another issue for another time.

9                         But regarding this with HARB and  
10           with Mr. Moore's comments, I did at the  
11           request of the president research this  
12           issue. I wrote a memo I believe that  
13           everyone has right now, and to be very  
14           succinct on this, and it's a very simple  
15           issue. There is really two issues involved  
16           in this because when Mr. Moore and other  
17           people who were appointed their terms were  
18           to start in October of the years, October  
19           14, that is incorrect.

20                         There is a case, Volpe v.  
21           Strickland, it goes back to 1975, I cited it  
22           in my memo, that the real appointments on  
23           the HARB Commission all commence on April 1  
24           and terminate on April 1. How this got  
25           extended to Mr. Moore being reappointed when

1 he was reappointed to his third consecutive  
2 office I believe it starts on October 11 --  
3 October 11 was the original one 2007 to  
4 October 11, 2012, that was an error. It  
5 should have been from April 1, 2007, to  
6 April 1, 2012, and then reappointed to his  
7 fourth term that again stated that it would  
8 run from October 11, 2012, to October 11,  
9 2017, that is incorrect.

10 No matter when you're reappointed or  
11 the term starts from where it is established  
12 in the ordinance and not to when the  
13 successor is appointed, so that's the first  
14 incorrect issue.

15 It's not in the city code, as the  
16 president stated, as to the applicability of  
17 the HARB, as to the appointments it is right  
18 in the ordinance itself, which is File of  
19 Council No. 45 of 1996, which amended File  
20 of Council No. 38 of 1976. I did not go  
21 through to see what the amendments were. To  
22 me, it almost looks like File of Council No.  
23 45, 1996, really replaced the Ordinance 38  
24 of 1976.

25 What it states for the members under

1 Article IV, which is on page 9 of the  
2 ordinance, for membership there would be  
3 nine members appointed to the HARB board,  
4 and it sets forth what the requirements are  
5 for each of them. A registered architect, a  
6 registered engineer, a licensed contractor,  
7 a licensed real estate broker, a member from  
8 the Architectural Heritage Association, one  
9 property owner, who lives within the  
10 historical district, one member whose  
11 professional training is an urban planner,  
12 architectural historian, etcetera, one  
13 property owner at large, and one other  
14 person who by training, experience or is  
15 interest is qualified to carry out the  
16 duties as a member of the commission. So  
17 that's the requirements for the nine members  
18 of the commission.

19 They are appointed for the five-year  
20 term by the mayor with the advice and  
21 consent of council, and it was to be  
22 staggered terms for nine members so that two  
23 would be appointed for two-year -- for two  
24 terms and then one was to be appointed for  
25 just one term in staggered terms.

1                   So that the original appointments  
2                   were made by Mayor Connors. There were two  
3                   four-year appointments, two five-year  
4                   appointments, one third year appointment and  
5                   then the other appointments were after that  
6                   for two -- two for three years, two for two  
7                   years and one for one year. So that's the  
8                   way that the commission was set up.

9                   The first appointments and all the  
10                  appointments should start on April 1 for a  
11                  five-year term. Somehow it got out of sync  
12                  when Mr. Moore was reappointed for his third  
13                  consecutive term.

14                 What it states is that members shall  
15                 not serve -- this is under Article IV (b),  
16                 appointment and terms of membership, on page  
17                 11 of the ordinance, "Members shall not  
18                 serve more than two consecutive five-year  
19                 terms. No member shall be reappointed until  
20                 five years after the completion of their  
21                 previous two-year consecutive terms of  
22                 service to the commission."

23                 As is set forth in my memo,  
24                 Mr. Moore has been appointed to his fourth  
25                 consecutive term. He sat on the commission

1 for a period of 13 years. It's in violation  
2 of the ordinance. He never should have been  
3 reappointed previously to his third  
4 consecutive term, which I believe started in  
5 2007, I believe -- or 2006 to 2011. That  
6 was improper. He should have stayed off for  
7 five years and then he could have been  
8 reappointed.

9 He is serving improperly on the  
10 board. He not qualified to serve on the  
11 commission. As such, it's my opinion that  
12 any vote that he casts from now on should  
13 not count. He shouldn't attend meetings.  
14 He should resign. However, in anticipation  
15 of that, what I did and I looked at it and  
16 decided that his appointment pursuant to the  
17 previous resolution, that resolution should  
18 be rescinded, which would rescind his  
19 appointment to take that out so that he  
20 could not be able to serve, you know, on the  
21 HARB board -- or on the commission. Right  
22 now, I think that any time that he would  
23 vote it could be challenged and that he is  
24 sitting there improperly.

25 I think council could take two

1 actions. One, write to him and ask him to  
2 resign, and if he didn't then remove him,  
3 but tonight we have on their a resolution  
4 which would rescind his appointment.

5 If you want me to comment on Ms.  
6 Rayburn, also that's in my memo, she has  
7 been -- she was appointed to fill a vacancy,  
8 and again, her terms were commencing in  
9 November, that's improper. It should have  
10 been in April. She was appointed to fill a  
11 vacancy for two years and then reappointed  
12 for a five-year term and recently  
13 reappointed for another five-year term. In  
14 my opinion, since she served in an interim  
15 to complete the previous vacancy that does  
16 not count from the standpoint of what the  
17 ordinance requires. It would be two  
18 successive five-year terms. So that it's my  
19 opinion that Mr. Moore is serving improperly  
20 on the board, he never should have been  
21 appointed. Mrs. Rayburn can continue in her  
22 position on the HARB Commission.

23 MS. EVANS: Well, thank you.

24 MR. HUGHES: Any other questions,  
25 I'll try to answer them.

1 MS. EVANS: Anyone?

2 MR. ROGAN: I have one question, if  
3 this was approved would this negate any  
4 votes casts previously by Mr. Moore?

5 MR. HUGHES: No, I don't believe so.  
6 I think he has been serving there under  
7 color of office. Even though the  
8 appointment was improper, because, of course  
9 you know, the mayor made the appointment an  
10 on the advice and consent of council,  
11 council approved it so I think that he does  
12 have at least color of title in his  
13 position.

14 You know, it almost, you know, you  
15 couldn't go back and say that all of the  
16 votes that he had were improper, I'm saying  
17 from this day on that if he -- if there is a  
18 meeting and let's say next week before  
19 council would vote, assuming that it's going  
20 to be -- the resolution will be introduced  
21 tonight and it wouldn't be passed until next  
22 week and there is a HARB meeting in the  
23 meantime and if he voted and his vote was a  
24 deciding vote, I think that that vote, in  
25 fact, I know that that vote could legally be

1           challenged because it's improper because  
2           right now council has taken the position to  
3           remove him or at least in the ordinance if  
4           the resolution, you know, would be  
5           introduced.

6                         But to make it retroactive, no, I  
7           don't believe that can be done especially  
8           since I think his vote was a deciding vote  
9           on the YWCA and they have already started  
10          demolition. I know they have taken the  
11          columns down and everything else up there  
12          now. So, no, it would be my opinion that  
13          cannot be retroactive.

14                        MS. EVANS: Well, thank you,  
15          Attorney Hughes, and it certainly seems that  
16          the city administration proposed a HARB  
17          member for reappointment and city council  
18          approved the reappointment without knowledge  
19          of the provisions of the 1996 ordinance.

20                        Since the HARB has stated that it  
21          intends to develop bylaws and as such any  
22          change to File of Council No. 45 of 1996  
23          requires council approval, council should  
24          act now to remedy the legislation that was  
25          drafted and approved contrary to the law by

1           repealing of Resolution 30 of 2012.

2                     In addition, I would ask Attorney  
3           Hughes to draft a letter to the mayor asking  
4           him to request the resignation of Mr. Moore  
5           and to appoint a qualified member to replace  
6           him.

7                     Further, I have asked Mrs. Krake and  
8           our staff to research reappointments to all  
9           boards and commissions, including the  
10          reappointment to the Scranton Housing  
11          Authority that is included in Fifth Order  
12          for introduction on tonight's agenda. I  
13          have been advised that this resolution is  
14          correct.

15                    MR. HUGHES: Madam President, I  
16          would state when it comes to authorities  
17          that's all by state statute, such as the  
18          Redevelopment Authority, the Parking  
19          Authority, and the Housing Authority, any  
20          authority that's granted according to the  
21          Municipalities Authority Act. To my  
22          knowledge, there is no requirement in there  
23          that they only serve for so many terms. I  
24          think this is a unique situation, you know,  
25          with the HARB board, but I believe that, you

1 know, to have it researched to see about the  
2 other boards and commissions if there is  
3 anything like that, and certainly if there  
4 isn't and it's council's decision that maybe  
5 some of those ordinances should be amended  
6 to provide that so that you don't have  
7 somebody appointed for a period of, you  
8 know, decades.

9 MS. EVANS: Yes. Thank you. Next,  
10 since Northeast Revenue Service is handling  
11 the tax and garbage delinquencies for the  
12 city, perhaps it might be able to look into  
13 wage tax delinquencies as well.

14 Therefore, Mrs. Krake, please send a  
15 letter to Mayor Doherty requesting that he  
16 contact Berkheimer, the earned income tax  
17 collector, and NRS regarding the feasibility  
18 of having NRS collect wage tax  
19 delinquencies.

20 And just two final thought --

21 MR. MCGOFF: Mrs. Evans?

22 MS. EVANS: Yes.

23 MR MCGOFF: Could I just --  
24 something that came up the other day, would  
25 they also be capable of collecting the

1 delinquent rental registration?

2 MS. EVANS: I don't see why not.

3 MR. MCGOFF: I don't know if we are  
4 adding so much to one -- they have done such  
5 a great job of collecting delinquencies,  
6 whether we are extending this too far, but I  
7 think that that's something that we could  
8 all look into for 2014.

9 MS. EVANS: We can certainly ask and  
10 if you could include that in the letter as  
11 well, please, Mrs. Krake.

12 MR. MCGOFF: Thank you.

13 MS. EVANS: You're welcome. I know  
14 there has been much discussion about the  
15 natural gas industry and its cost savings --  
16 well, the cost saving effectiveness, and  
17 certainly that cannot be disputed, but I  
18 think we also have to think about human  
19 health and what is happening within the  
20 State of Pennsylvania as the natural gas  
21 drilling is occurring and there are many,  
22 many serious issues in Susquehanna County  
23 alone, and I believe our priority should be  
24 to protect our air, our water and our soil  
25 so that we as human beings and future

1 generations are protected.

2 And I think, you know, sometimes you  
3 have to ask yourself is it more important to  
4 save the money or is more important to save  
5 your health and your health is something you  
6 can't buy.

7 Secondly, I just wanted to comment  
8 again briefly on the issue of the speakers  
9 that has been raised by council members. We  
10 have council members have here since 2010  
11 who were not privy to what occurred prior to  
12 that time. However, many of you in  
13 attendance tonight and many of you at home  
14 I'm sure remember what transpired in council  
15 chambers prior to 2010. Cameras were  
16 removed for a period of time. Speakers were  
17 searched before they could enter the  
18 building. There was great animosity between  
19 speakers and council members. Great  
20 provocation on both sides and very, very  
21 ugly comments made by both, by council  
22 speakers about council members, candidates  
23 for office, and by council members about  
24 those of you who came to the podium.

25 As a result, for many, many, many

1           years, it even precedes my seating in 2004  
2           on this council, these council chambers were  
3           a circus, and I'm sure you remember that.  
4           And what changed was a reciprocity of  
5           respect and concern between city council and  
6           the people.

7                         Now, that includes the right of free  
8           speech, and there were times, I remember  
9           this very well, too, prior to 2010, that  
10          representatives of the ACLU sat in that  
11          audience checking for violations of such  
12          when council members would stop a speakers  
13          right to express himself or herself, and the  
14          fact of the matter is inappropriate foul, by  
15          that I mean foul, obscene language cannot be  
16          used. It's not permitted on the airways, so  
17          again, that is to the permitted. Any threat  
18          of violence toward anyone in the audience or  
19          any council member, that is not permitted,  
20          and the ACLU recognizes those instances.

21                        But it's also important to recognize  
22          the rights of the people who take the time  
23          to come here and speak and that's what's  
24          been going on since 2010 and result the  
25          atmosphere, the climate of these noble

1 chambers changed dramatically.

2 And I remember, you know, I listen  
3 to everything everyone says and I remember  
4 the times when, you know, some of the same  
5 people came here and, you know, have a  
6 little of disparaging, voiced a litany of  
7 disparaging remarks against Mayor Doherty.  
8 Others, disparaged, for example, political  
9 candidates such as Mr. DiBileo, who was  
10 council president at the time, when he was  
11 seeking the office of the mayor.

12 So I think what's important here is  
13 to remember to respect one another and not  
14 to violated civil liberties, and I fear, you  
15 know, at any point in the future when that  
16 starts to occur, when limitations begin to  
17 be placed once again there could be a  
18 deterioration back into the atmosphere that  
19 we worked so very hard to eliminate in these  
20 chambers, and that's it.

21 MR. MCGOFF: I would like to respond  
22 to that because I -- people have a right to  
23 express their opinion. People do not have a  
24 right to make acquisitions of wrongdoing,  
25 and that's what took place and that is out

1 of order by our own rules of council and by  
2 any legal precedent that you can find.

3 Personal attacks and personal  
4 accusations are not permissible, they are  
5 not legal and that's what I was responded to  
6 and I believe that that's what was done last  
7 week, also.

8 MS. EVANS: Well, we didn't have  
9 those responses years ago, did we? But more  
10 so, I think you might be overstepping by  
11 saying that's illegal. I don't know that  
12 that would stand up against the First  
13 Amendment so certainly, you know, you enter  
14 other realms of maybe possible lawsuits  
15 against individuals, but by and large, as I  
16 said, there has been a significant change in  
17 the demeanor of these chambers and the  
18 behavior of both speakers and the council  
19 members for the better and I just hope you  
20 are not going to return to the days of  
21 pre-2010 when you are going to be gaveled  
22 out of order and told "You can't say that,  
23 you shouldn't say this," and then ultimately  
24 you are removed. And more so, I hope you  
25 are not going to see a return to the days

1           when a police officer stood in the back to  
2           enforce your removal because that police  
3           officer is needed on the city streets not in  
4           this -- not in this chamber.

5                        So, as I said, I hope the decorum  
6           stays as it is and that there is not that  
7           return to the terrible mistakes of the past.  
8           And that's it.

9                        MS. KRAKE: 5-B. AUTHORIZING THE  
10          MAYOR AND OTHER APPROPRIATE OFFICIALS OF THE  
11          CITY OF SCRANTON TO TAKE ALL NECESSARY  
12          ACTIONS TO IMPLEMENT THE CONSOLIDATED  
13          SUBMISSION FOR COMMUNITY PLANNING AND  
14          DEVELOPMENT PROGRAMS TO BE FUNDED UNDER THE  
15          COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
16          PROGRAM, HOME INVESTMENT PARTNERSHIP (HOME)  
17          PROGRAM AND EMERGENCY SOLUTIONS GRANTS (ESG)  
18          PROGRAM FOR THE PERIOD BEGINNING JANUARY 1,  
19          2014.

20                       MS. EVANS: At this time I'll  
21          entertain a motion that Item 5-B be  
22          introduced into its proper committee.

23                       MR. ROGAN: So moved.

24                       MR. JOYCE: Second.

25                       MS. EVANS: On the question? All

1                   those in favor signify by saying aye.

2                   MR. MCGOFF: Aye.

3                   MR. ROGAN: Aye.

4                   MR. JOYCE: Aye.

5                   MS. EVANS: Aye. Opposed? The ayes  
6                   have it and so moved.

7                   MS. KRAKE: 5-C. APPOINTMENT OF  
8                   THELMA WHEELER, 1001 JACKSON STREET,  
9                   APARTMENT 303, SCRANTON, PENNSYLVANIA,  
10                  18504, AS A MEMBER OF THE BOARD OF THE  
11                  SCRANTON HOUSING AUTHORITY FOR AN ADDITIONAL  
12                  FIVE (5) YEAR TERM. MS. WHEELER'S CURRENT  
13                  TERM EXPIRES ON SEPTEMBER 27, 2018.

14                  MS. EVANS: At this time I'll  
15                  entertain a motion that Item 5-C be  
16                  introduced into its proper committee.

17                  MR. ROGAN: So moved.

18                  MR. JOYCE: Second.

19                  MS. EVANS: On the question? All  
20                  those in favor signify by saying aye.

21                  MR. MCGOFF: Aye.

22                  MR. ROGAN: Aye.

23                  MR. JOYCE: Aye.

24                  MS. EVANS: Aye. Opposed? The ayes  
25                  have it and so moved.

1 MS. KRAKE: 5-D. REPEALING  
2 RESOLUTION NO. 50, 2012 APPOINTING JOHN  
3 MOORE, 315 THIRTEENTH AVENUE, SCRANTON,  
4 PENNSYLVANIA 18504, AS A MEMBER OF THE  
5 HISTORICAL  
6 ARCHITECTURE REVIEW BOARD FOR AN ADDITIONAL  
7 FIVE (5) YEAR TERM WHOSE CURRENT TERM  
8 EXPIRED ON OCTOBER 11, 2012 AND WHOSE NEW  
9 TERM WILL EXPIRE ON OCTOBER 11, 2017.

10 MS. EVANS: At this time I'll  
11 entertain a motion that Item 5-D be  
12 introduced into its proper committee.

13 MR. JOYCE: So moved.

14 MR. EVANS: Second?

15 MR. MCGOFF: Second. On the  
16 question?

17 MR. ROGAN: On the question, and I  
18 believe attorney Hughes addressed this, I'm  
19 likely to vote "yes" this week just to  
20 extend Mr. Loscombe the same courtesy that  
21 he extended to me and to vote on this issue,  
22 my only concern is if this is an action for  
23 council or if this is an action for the  
24 Courts to actually remove him from --

25 MS. EVANS: The Courts?

1 MR. ROGAN: Well, council has  
2 rejected numerous appointees to the boards  
3 and authorities and they have all been  
4 seated.

5 MS. EVANS: Well, we have objected  
6 for various reasons, but this is a unique  
7 situation where the law states that you may  
8 only serve two consecutive five-year terms  
9 then you have to take a five-year absence  
10 and then you can return for additional  
11 five-year terms.

12 MR. ROGAN: No, and I agree and I  
13 thank Attorney Hughes for putting all of  
14 this information together. Like I said, I'm  
15 glad it's only the first reading and I am  
16 going to look things over and research a  
17 little bit more and, like I said, I think  
18 the full board should have a say as well.

19 MR. HUGHES: Madam President, if I  
20 could address Mr. Rogan's comment, the only  
21 way that that could happen is that a member  
22 of the public would have to file an action  
23 against, you know, Mr. Moore. Whether that  
24 would ever happen would probably be  
25 unlikely. The second way that he could be

1           challenged is that if the mayor would  
2           appoint a person in his place if Mr. Moore  
3           does not resign and council would approve  
4           that person then that person would have to  
5           file an action against Mr. Moore called quo  
6           warranto, it's by what authority do you hold  
7           the position. They would have to hire a  
8           lawyer, they would have to go into Court and  
9           have a hearing. There would be expense  
10          involved.

11                        This is the problem that you have in  
12           either -- if you do nothing whether somebody  
13           in the public would step up and bring the  
14           action or if you do nothing would the mayor  
15           then appoint a replacement and then that  
16           person approved by council would then have  
17           to sue Mr. Moore if he didn't resign, so  
18           it's a legal quagmire in there that if you  
19           don't proceed there is a real problem he is  
20           going to continue to sit if he doesn't  
21           resign. But I think that, you know, maybe  
22           after tonight and until next week's meeting  
23           if Mr. Moore resigns then you don't have to  
24           adopt the resolution next week. Personally,  
25           I think he should. I think that would be

1 looking at it and seeing what it is he has  
2 been -- you know, he has reappointed two  
3 consecutive times when he shouldn't have  
4 been and he certainly sat there and now for  
5 almost seven years when he shouldn't have  
6 sat.

7 So I think that it's incumbent upon  
8 him if he tenders his resignation then we  
9 wouldn't have to take any action next week  
10 the mayor could appoint -- you know, he  
11 could appoint a replacement. It would have  
12 to be approved by council. So I think by  
13 introducing this tonight and by passing it,  
14 it puts the pressure on Mr. Moore to do the  
15 right thing, which would be to resign, and  
16 then council wouldn't have to vote on the  
17 ordinance -- resolution, I'm so used to  
18 saying ordinances instead of resolutions, so  
19 you wouldn't have to vote on the resolution  
20 next week, but the ball would be in  
21 Mr. Moore's Court.

22 MR. ROGAN: Thank you, Attorney  
23 Hughes.

24 MS. EVANS: All those in favor  
25 signify by saying aye.

1 MR. MCGOFF: Aye.

2 MR. ROGAN: Aye.

3 MR. JOYCE: Aye.

4 MS. EVANS: Aye. Opposed? The ayes  
5 have it and so moved.

6 MS. KRAKE: 6-A. READING BY TITLE -  
7 FILE OF COUNCIL NO. 45, 2013 - AN ORDINANCE  
8 - APPROVING AND ACCEPTING THE UPDATED CITY  
9 OF SCRANTON CAPITAL BUDGET FOR THE YEAR 2014  
10 THE FIRST-YEAR REVISION AND EXTENSION OF THE  
11 2013 FIVE-YEAR PLAN.

12 MS. EVANS: You've heard reading by  
13 title of Item 6-A, what is your pleasure?

14 MR. ROGAN: I move that Item 6-A  
15 pass reading by title.

16 MR. JOYCE: Second.

17 MS. EVANS: On the question? All  
18 those in favor signify by saying aye.

19 MR. MCGOFF: Aye.

20 MR. ROGAN: Aye.

21 MR. JOYCE: Aye.

22 MS. EVANS: Aye. Opposed? The ayes  
23 have it and so moved.

24 MS. KRAKE: 6-B. READING BY TITLE -  
25 FILE OF COUNCIL NO. 46, 2013 - AN ORDINANCE

1 - CREATING AND ESTABLISHING A NEW ACCOUNT  
2 FOR THE CITY OF SCRANTON'S OFFICE OF  
3 ECONOMIC AND COMMUNITY DEVELOPMENT ("OECD")  
4 TITLED PA DCED HOUSING AND REDEVELOPMENT  
5 ASSISTANCE PROGRAM (HRA) REVOLVING LOAN  
6 FUNDS ACCOUNT NO. 19A0101 FOR THE RECEIPT  
7 AND DISBURSEMENT OF GRANT FUNDS ("DCED HRA  
8 GRANT FUNDS") RECEIVED FROM THE  
9 SCRANTON-CONNELL, LLC.

10 MS. EVANS: You've heard reading by  
11 title of Item 6-B, what is your pleasure?

12 MR. ROGAN: I move that Item 6-B  
13 pass reading by title.

14 MR. JOYCE: Second.

15 MS. EVANS: On the question? All  
16 those in favor signify by saying aye.

17 MR. MCGOFF: Aye.

18 MR. ROGAN: Aye.

19 MR. JOYCE: Aye.

20 MS. EVANS: Aye. Opposed? The ayes  
21 have it and so moved.

22 MS. KRAKE: SEVENTH ORDER. 7-A.  
23 FOR CONSIDERATION BY THE COMMITTEE ON PUBLIC  
24 WORKS- RESOLUTION NO. 35, 2013 - AUTHORIZING  
25 THE MAYOR AND OTHER APPROPRIATE CITY

1 OFFICIALS TO EXECUTE AND ENTER INTO A  
2 SUPPLEMENTAL REIMBURSEMENT AGREEMENT  
3 NO. 041222-D WITH THE COMMONWEALTH OF  
4 PENNSYLVANIA FOR THE PURPOSE OF INCREASING  
5 AND RE-ALLOCATING THE FUNDS ALLOCATED FOR  
6 DESIGN, RIGHT OF WAY, UTILITY COSTS AND  
7 CONSTRUCTION FUNDING FOR THE ROCKWELL  
8 AVENUE BRIDGE PROJECT.

9 MS. EVANS: What is the  
10 recommendation of the Chair for the  
11 Committee on Public Works?

12 MR. MCGOFF: I recommend final  
13 passage of Item 7-A.

14 MR. JOYCE: Second.

15 MS. EVANS: On the question? Roll  
16 call, please?

17 MS. MARCIANO: Mr. McGoff.

18 MR. MCGOFF: Yes.

19 MS. MARCIANO: Mr. Rogan.

20 MR. ROGAN: Yes.

21 MS. MARCIANO: Mr. Joyce.

22 MR. JOYCE: Yes.

23 MS. MARCIANO: Mrs. Evans.

24 MS. EVANS: Yes. I hereby declare  
25 Item 7-A legally and lawfully adopted.

1 MS. KRAKE: 7-B. FOR CONSIDERATION  
2 BY THE COMMITTEE ON FINANCE- RESOLUTION NO.  
3 36, 2013 - ACCEPTING A DONATION OF ONE  
4 HUNDRED (\$100.00) DOLLARS FROM ANTHRACITE  
5 HERITAGE MUSEUM AND IRON FURNACES ASSOCIATES  
6 PRESENTED TO THE CITY OF SCRANTON FIRE  
7 DEPARTMENT.

8 MS. EVANS: What is the  
9 recommendation of the Chair for the  
10 Committee on Finance?

11 MR. JOYCE: As Chairperson for the  
12 Committee on Community of Finance, I  
13 recommend final passage of Item 7-B.

14 MR. ROGAN: Second.

15 MS. EVANS: On the question? Roll  
16 call, please?

17 MS. MARCIANO: Mr. McGoff.

18 MR. MCGOFF: Yes.

19 MS. MARCIANO: Mr. Rogan.

20 MR. ROGAN: Yes.

21 MS. MARCIANO: Mr. Joyce.

22 MR. JOYCE: Yes.

23 MS. MARCIANO: Mrs. Evans.

24 MS. EVANS: Yes. I hereby declare  
25 Item 7-B legally and lawfully adopted.

1 MS. KRAKE: 7-C. FOR CONSIDERATION  
2 BY THE COMMITTEE ON RULES- RESOLUTION NO.  
3 37, 2013 - AUTHORIZING THE MAYOR AND  
4 OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE  
5 AND ENTER INTO A MEMORANDUM OF AGREEMENT  
6 THAT THE CITY OF SCRANTON WILL COOPERATE  
7 WITH LACKAWANNA COUNTY IN PREPARING THE 5  
8 YEAR UPDATE OF THE 2009 BICOUNTY HAZARD  
9 MITIGATION PLAN AND APPOINT CITY PLANNER,  
10 DON KING AS OUR MUNICIPAL REPRESENTATIVE.

11 MS. EVANS: As Chair for the  
12 Committee on Rules, I recommend final  
13 passage of Item 7-C.

14 MR. ROGAN: Second.

15 MS. EVANS: On the question? Roll  
16 call, please?

17 MS. MARCIANO: Mr. McGoff.

18 MR. MCGOFF: Yes.

19 MS. MARCIANO: Mr. Rogan.

20 MR. ROGAN: Yes.

21 MS. MARCIANO: Mr. Joyce.

22 MR. JOYCE: Yes.

23 MS. MARCIANO: Mrs. Evans.

24 MS. EVANS: Yes. I hereby declare  
25 Item 7-C legally and lawfully adopted.

1 MS. KRAKE: 7-D. FOR CONSIDERATION  
2 BY THE COMMITTEE ON PUBLIC WORKS- RESOLUTION  
3 NO. 38, 2013 - AUTHORIZING THE MAYOR AND  
4 OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE  
5 AND ENTER INTO AN INSPECTION SERVICES  
6 CONTRACT WITH SHOENER ENVIRONMENTAL TO  
7 PROVIDE DESIGN AND CONSTRUCTION INSPECTION  
8 SERVICES FOR THE CONSTRUCTION WORK FOR THE  
9 PROJECT ENTITLED: "WEST LACKAWANNA AVENUE  
10 BRIDGE IMPROVEMENT PROJECT".

11 MS. EVANS: What is the  
12 recommendation of the Chair for the  
13 Committee on Public Works?

14 MR. MCGOFF: I recommend final  
15 passage of Item 7-D.

16 MR. ROGAN: Second.

17 MS. EVANS: On the question? Roll  
18 call, please?

19 MS. MARCIANO: Mr. McGoff.

20 MR. MCGOFF: Yes.

21 MS. MARCIANO: Mr. Rogan.

22 MR. ROGAN: Yes.

23 MS. MARCIANO: Mr. Joyce.

24 MR. JOYCE: Yes.

25 MS. MARCIANO: Mrs. Evans.

1 MS. EVANS: Yes. I hereby declare  
2 Item 7-D legally and lawfully adopted.

3 If there is no further business,  
4 I'll entertain a motion to adjourn.

5 MR. JOYCE: Motion to adjourn.

6 MS. EVANS: This meeting is  
7 adjourned.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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

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

---

CATHENE S. NARDOZZI, RPR  
OFFICIAL COURT REPORTER