

1
2 SCRANTON CITY COUNCIL MEETING
3
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5
6 HELD:
7

8 Monday, November 5, 2018
9

10 LOCATION:
11

12 Council Chambers
13

14 Scranton City Hall
15

16 340 North Washington Avenue
17

18 Scranton, Pennsylvania
19
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22
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24 CATHENE S. NARDOZZI, RPR - OFFICIAL COURT REPORTER
25

CITY OF SCRANTON COUNCIL:

PATRICK ROGAN, PRESIDENT

TIM PERRY, VICE PRESIDENT

WAYNE EVANS

WILLIAM GAUGHAN

KYLE DONAHUE

LORI REED, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

AMIL MINORA, ESQUIRE - SOLICITOR

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

3 MR. ROGAN: Roll call, please.

4 MS. CARRERA: Mr. Perry.

5 MR. PERRY: Here.

6 MS. CARRERA: Mr. Donahue.

7 MR. DONAHUE: Here.

8 MS. CARRERA: Mr. Evans.

9 MR. EVANS: Here.

10 MS. CARRERA: Mr. Gaughan.

11 MR. GAUGHAN: Here.

12 MS. CARRERA: Mr. Rogan.

13 MR. ROGAN: Here. Please dispense
14 with the reading of the minutes. Actually,
15 I apologize, one quick announcement. There
16 will be a motion this evening to move Item
17 6-A to Seventh Order for a final vote. If
18 the motion passes, there will be a second
19 opportunity to speak in Seventh Order, the
20 final the final passage of this specific
21 piece of legislation.

22 MS. REED: THIRD ORDER. 3-A. TAX
23 ASSESSOR'S RESULTS REPORTS FOR HEARING DATES
24 HELD OCTOBER 17 AND OCTOBER 18, 2018.

25 MR. ROGAN: Are there any comments?

1 If not, received and filed.

2 MS. REED: 3-B. ANNUAL FINANCIAL
3 REPORT FOR THE CITY OF SCRANTON YEAR ENDED
4 DECEMBER 31, 2017 PREPARED BY SB & COMPANY,
5 LLC.

6 MR. ROGAN: Are there any comments?
7 If not, received and filed.

8 MS. REED: 3-C. AGENDA FOR THE
9 BOARD OF ZONING APPEALS MEETING TO BE HELD
10 NOVEMBER 14, 2018.

11 MR. ROGAN: Are there any comments?
12 If not, received and filed.

13 MS. REED: 3-D. SINGLE TAX OFFICE
14 CITY FUNDS DISTRIBUTED COMPARISON REPORT
15 2017-2018 YEAR TO DATE OCTOBER 31, 2018.

16 MR. ROGAN: 3-E. MINUTES OF THE
17 SCRANTON SEWER AUTHORITY BOARD MEETING HELD
18 AUGUST 16, 2018.

19 MS. REED: Are there any comments?
20 If not, received and filed.

21 MR. ROGAN: Are there any comments?
22 If not, received and filed.

23 Do any council members have
24 announcements at this time? I have a
25 couple. Tomorrow, November 6, is Election

1 Day. City Hall will be closed and DPW will
2 be off. Refuse and blue recycling will be
3 one day behind for the remainder of the
4 week.

5 Veteran's Day will be observed next
6 Monday, November 12. City Hall will be
7 closed in observance of the holiday. DPW
8 will be off that day. Refuse and paper
9 recycling will be one day behind next week.

10 Once again, recycling leaf bags are
11 available at all fire stations throughout
12 the city. A date will be announced when the
13 leaves will be picked up.

14 And, finally, an executive session
15 was held this evening to discuss a matter of
16 litigation.

17 MS. REED: FOURTH ORDER. CITIZENS'
18 PARTICIPATION.

19 (The following speakers offered
20 public comment: Joan Hodowanitz spoke on
21 city business. Ron Ellman spoke on matters
22 of general concern. Bob Bolus spoke on
23 matters of general concern. Marie
24 Schumacher spoke on agenda items and city
25 business. Lee Morgan spoke on matters of

1 general concern. Dave Dobrzyn spoke on
2 matter of general concern.)

3 MS. REED: FIFTH ORDER. 5-A.
4 MOTIONS.

5 MR. ROGAN: Mr. Perry, any motions
6 or comments?

7 MR. PERRY: Yeah, I just have two
8 quick comments and kind of housekeeping from
9 last week, Mrs. Schumacher asked me to send
10 out a question to our police and fire. I
11 want to thank Chief Graziano and Chief
12 Desarno for getting back to us on a timely
13 basis. Chief Desarno said yes, all of the
14 Fire Department is to report anything from a
15 misdemeanor on up to their superior and Carl
16 -- Chief Graziano has sent us an e-mail and
17 in that e-mail it states, "Officers who are
18 arrested, cited or come under investigation
19 for any criminal offense in this or any
20 other jurisdiction shall report this fact to
21 a supervisor as soon as possible. The
22 supervisor shall report the same via chain
23 of command to the Superintendent of Police."

24 So in both cases it is pretty clear
25 that anything -- arrests from a misdemeanor

1 on up on both sides of the spectrum is
2 reported to the supervisor.

3 Secondly, we did hear back from
4 Mr. Fallon on a Port-a-John for Weston Park.
5 His answer was the only -- the only park in
6 the city that gets a wintertime Port-a-John
7 is Nay Aug and that's due to all of the
8 heavy foot traffic with the Christmas
9 lights, but if we would, Mrs. Reed, if we
10 could send something to Director Fallon
11 asking him that I request one put in Weston
12 Park based on foot traffic and usage and if
13 you would like to get back to me on that I
14 would be sure happy to have a conversation
15 with him, and if it's needed, you know, I
16 would like to have one there. If he can
17 convince me otherwise, I would like to have
18 that conversation as well. And that's all I
19 have right now. Thank you.

20 MR. ROGAN: Thank you. Mr. Donahue,
21 any motions or comments?

22 MR. DONAHUE: Yes, I just would like
23 to quickly clarify my position that I stated
24 last week that I'm not sold on a prozed
25 pocket park on the corner of Wyoming Avenue

1 and Linden Street. I would just first like
2 to say that I'm absolutely a proponent of
3 downtown green spaces and I'm not and
4 convinced that is possible for that land to
5 be developed anyway. I'm just not sold on
6 this proposal because the city, including
7 the administration and also this council,
8 along with any outside groups, we all need
9 to do a better job at communicating how this
10 project as well as other projects achieve a
11 broader plan and a broader vision for
12 economic development in this city. Exactly
13 how this is achieved is a conversation I
14 plan on having with by colleagues, the
15 administration and a variety of other
16 stakeholders in the coming weeks and a
17 months.

18 And then just quickly, I would also
19 like to remind everyone that tomorrow is
20 Election Day and I urge everyone to get out
21 and vote. In doing so, I ask that you not
22 fall victim to the bigoted, deceitful and
23 divisive rhetoric of our president. I ask
24 that you vote tomorrow for a country we
25 could once again all be proud of. Thank

1 you.

2 MR. ROGAN: Thank you. Mr. Evans,
3 any motions or comments?

4 MR. EVANS: Thank you. First of
5 all, in light of a sometimes raucous city
6 council meeting last week I'd like to
7 reinforce some comments I made previously
8 about the topic of civil discourse. First
9 of all, I respect the public's right to
10 speak their minds. In fact, I encourage it,
11 but I also have respected and have always
12 tried to follow the basic rules of civil
13 discourse. To be respectful and to not make
14 a personal. And, by the way, it never hurts
15 to actually stick to the issues at hand.

16 In civil discourse, you actually use
17 logic, use persuasion, use your facts and
18 information to make your point and to defend
19 your position and in civil discourse you
20 would not attack someone personally. Of
21 course, you are always entitled to your
22 opinion, but if someone disagrees with that
23 opinion you should then treat that person
24 with that same respect that you would be
25 treated with.

1 The reality is if you truly want to
2 convince someone else that your position or
3 your opinion is valid you can achieve that
4 in many cases through civil discourse. You
5 will never, and I mean never, convince
6 someone to side with your position by using
7 derogatory terms, insults and ridicule. It
8 just doesn't happen that way.

9 So it should be noted though that my
10 comments this evening and other times -- and
11 at other times are not on this particular
12 subject -- are just not meant for what
13 happens here in our little slice of heaven
14 that we call city council meetings next
15 week. They are meant for those at every
16 level of government and even for those that
17 are engaged in the community at large and
18 wherever debate on the issues of today are
19 occurring. We all have a responsibility to
20 work towards our -- work our way back and
21 find our way back to a place where we can
22 genuinely listen to each other and respect
23 each other's opinions no matter how diverse
24 those opinions are from our own, and only
25 then can we begin to build a true consensus

1 for a better Scranton and maybe a better
2 world. That's all I have on that particular
3 issue.

4 A few thoughts about tomorrow,
5 tomorrow is Election Day. First and
6 foremost, please exercise your right to
7 vote. I would like to leave you with a
8 couple of quotes about the process. "No
9 one, nobody, will ever deprive the American
10 people of the right to vote except the
11 American people themselves, and the only way
12 they could do this is by not voting."
13 Franklin Delano Roosevelt.

14 "For this nation to remain true to
15 its principals we cannot allow any American
16 vote to be denied. The right to vote is the
17 crown jewel of the American liberties, and
18 we will not see it's luster diminished."
19 Ronald Reagan.

20 And, finally, some inspirational
21 advice from none other than Mahatma Gandhi
22 who said simply and eloquently, "Be the
23 change that you wish to see in the world."

24 So tomorrow all of us could be the
25 change by going to your local polling place

1 and again exercising our right to vote.

2 That's all I have for now.

3 MR. ROGAN: Thank you. Mr. Gaughan,
4 any motions or comments?

5 MR. GAUGHAN: Yes. I just wanted to
6 update everybody on the storm water report
7 from Arcadis. We did get an update from the
8 business administrator. Tony Dill, who came
9 and presented to us I think about a month
10 ago, said that at this point they are on the
11 same schedule as he indicated back on
12 September 11. Within a month of completing
13 the digitizing, they should be ready to
14 report their preliminary rate analysis
15 recommendations and hold a workshop which
16 according to Mr. Dill will be held
17 mid-January 2019, and according to Mr. Dill
18 it's going to take another one to two months
19 to finalize the budget, rate structure and
20 credit policy concepts and memorandum, so
21 that looks like February-March timeframe of
22 2019 for completing the full report.

23 He also goes onto say that this is
24 will in part depend on interaction with the
25 city and how quickly feedback is provided

1 and decisions can be made. Next week they
2 are going to start preparing some
3 preliminary concepts regarding a credit
4 policy and he will share that feedback prior
5 to preparing the draft memorandum.

6 Also, an update on the tree house,
7 the city solicitor provided the following
8 update: The review, the bid proposals, that
9 has been completed, they were open September
10 24. Mar Paul was the company that was
11 awarded the contract which is now being
12 circulated for signatures. Work is expected
13 to commence in the coming weeks. The first
14 thing that's going to be addressed,
15 according to the city solicitor, is the
16 concrete supports on the bottom of the tree
17 house and then structural steel, so that's
18 an update on those two issues.

19 Just a reminder that this Wednesday,
20 November 7, we are going to have an idea
21 session with our young people in the
22 community so the purpose of this is to
23 listen to ideas from our young people. We
24 reached out to all of the high schools and
25 the local colleges and universities.

1 Council is trying to engage them because
2 they are a very important part of our
3 community and that will be broadcast on
4 ECTV.

5 Also, we discussed in the caucus
6 about an update to our Ethics Code which is
7 written in 1978 so I have been working on
8 that over the last few weeks and Solicitor
9 Minora has been reviewing it. We are going
10 to try to get it on the agenda for November
11 19 so I'm very hopeful that that will happen
12 so that we can get it passed before the end
13 of the year.

14 Also, I'd like to make a motion that
15 Scranton City Council reschedule our meeting
16 for the week of the November 12, 2018, to
17 Tuesday, November 13, 2018.

18 MR. DONAHUE: Second.

19 MR. ROGAN: On the question? We did
20 actually -- first you make the motion.

21 MR. GAUGHAN: Sure, on the question,
22 the reason I make this motion, and I have
23 said this before, but I do think that we are
24 missing too many meetings where every time
25 there is a holiday since this new schedule

1 has been put in place we are canceling
2 meetings every time, and coincidentally,
3 holidays fall mostly on Mondays, so it's my
4 belief that moving forward we really should
5 make an effort, and I have said this before,
6 to reschedule the meetings for another day
7 that week. There is no reason that we can't
8 do that. There is important things on our
9 agenda and I think we should make that a
10 matter of regular practice.

11 MR. ROGAN: On the question, we did
12 discuss this through e-mail and a little bit
13 last week as a group. There was talks about
14 having a special meeting next week
15 specifically for Item 6-A, but there was no
16 way for all five members to coordinate on a
17 day when all five members were available.

18 MR. GAUGHAN: Well, this isn't even
19 for the -- this wouldn't be a special
20 meeting. This actually would just be a
21 regularly scheduled meeting in place of the
22 Monday meeting which we would have off
23 because of Veteran's Day. I think we should
24 have that regardless.

25 MR. ROGAN: Anyone else on the

1 question. Those in favor?

2 MR. GAUGHAN: Aye.

3 MR. DONAHUE: Aye.

4 MR. ROGAN: Opposed?

5 MR. PERRY: No.

6 MR. EVANS: No.

7 MR. ROGAN: No. The nos have it and
8 the motion fails.

9 MR. GAUGHAN: That's all I have.
10 Thank you.

11 MR. ROGAN: Nothing at this time.

12 MS. REED: 5-B. FOR INTRODUCTION -
13 AN ORDINANCE - AUTHORIZING THE TRANSFER OF A
14 VACANT PARCEL OF PROPERTY OWNED BY THE CITY
15 OF SCRANTON TO THE LACKAWANNA COUNTY LAND
16 BANK IN ACCORDANCE WITH THE
17 INTERGOVERNMENTAL COOPERATION AGREEMENT BY
18 AND BETWEEN THE LAND BANK, LACKAWANNA
19 COUNTY, CITY OF SCRANTON AND SCRANTON SCHOOL
20 DISTRICT, PROPERTY MORE COMMONLY KNOWN AS
21 2935-2937 PITTSTON AVENUE, SCRANTON, PA
22 18505.

23 MR. ROGAN: At this time, I'll
24 entertain a motion that Item 5-B be
25 introduced into its proper committee.

1 MR. PERRY: So moved.

2 MR. EVANS: Second.

3 MR. ROGAN: On the question? All
4 those in favor signify by saying aye.

5 MR. PERRY: Aye.

6 MR. DONAHUE: Aye.

7 MR. EVANS: Aye.

8 MR. GAUGHAN: Aye.

9 MR. ROGAN: Aye. Opposed? The ayes
10 have it and so moved.

11 MS. REED: 5-C. FOR INTRODUCTION - A
12 RESOLUTION - AUTHORIZING THE MAYOR AND OTHER
13 APPROPRIATE CITY OFFICIALS TO ACCEPT AND
14 EXECUTE THE PENNSYLVANIA STATE CLEAN DIESEL
15 GRANT PROGRAM (DERA) GRANT IN THE AMOUNT OF
16 \$128,723.00 TO REPLACE TWO (2) STREET
17 SWEEPERS WITH NEW CLEAN DIESEL STREET
18 SWEEPERS.

19 MR. ROGAN: At this time, I'll
20 entertain a motion that Item 5-C be
21 introduced into its proper committee.

22 MR. PERRY: So moved.

23 MR. EVANS: Second.

24 MR. ROGAN: On the question?

25 MR. GAUGHAN: Yes, on the question.

1 I give the administration a lot of credit
2 for going through with this grant program.
3 As was reported months ago, the city only
4 has one street sweeper at this time and when
5 we put the street sweeping schedule out it's
6 almost impossible for one truck to make it
7 through over 23 square miles in the city.
8 Most people think that the street sweeper
9 just buzzes through the neighborhood, but
10 the truck has to go and dump off all of the
11 debris and everything that it picks up so
12 there is a lot that goes into it and then,
13 of course, the street sweeper gets called to
14 other areas if there is more pressing need.

15 So I think getting two new clean
16 diesel vehicles is a great step, but what I
17 would like to see in the future is an
18 investment made, and I think we were on our
19 way with this legislation, to make sure that
20 we have one street sweeper for every section
21 of the city. I think that would be the
22 ideal goal, so hopefully we can do that.

23 I do have a question on this, Mrs.
24 Reed. According to the legislation we have
25 \$386,169 match and in the backup it says

1 that's going to be made available within the
2 2018 budget and then reallocated in the 2019
3 budget as needed, so if we could just get
4 clarification from Mr. Bulzoni on how that
5 is actually going to work. That's all I
6 have on that. Thank you.

7 MR. EVANS: On the question, I think
8 one thing that gets lost a lot of times with
9 sweep sweepers, I think people see a street
10 sweeper and they think it's going to take
11 care of their street and it looks clean and
12 whatever the case may be, but the reality is
13 street sweepers are really a vital tool in
14 the ongoing effort to control storm water.
15 I mean, we can't minimize that anymore than
16 that because it's keeping the catch basins
17 clean, it's keeping debris out of the catch
18 basins and that, to me, is the most
19 important thing we can do by adding street
20 sweepers to our community. Is it nice to
21 get our streets cleaned? Absolutely. But
22 if we don't take care of those critical
23 catch basins that are full of debris every
24 single day then we are just wasting our
25 time.

1 So certainly I support to effort to
2 get additional street sweepers on the
3 streets, but I agree with the Councilman
4 Gaughan at the minimum we need one for every
5 section of the city.

6 MR. ROGAN: Anyone else? All those
7 in favor signify by saying aye.

8 MR. PERRY: Aye.

9 MR. DONAHUE: Aye.

10 MR. EVANS: Aye.

11 MR. GAUGHAN: Aye.

12 MR. ROGAN: Aye. Opposed? The ayes
13 have it and so moved.

14 MS. REED: SIXTH ORDER - 6-A.

15 READING BY TITLE - FILE OF THE COUNCIL NO.
16 35, 2018 - AN ORDINANCE - AN ORDINANCE OF
17 THE COUNCIL OF THE CITY OF SCRANTON,
18 LACKAWANNA COUNTY, PENNSYLVANIA, SETTING
19 FORTH ITS INTENT TO ISSUE ITS FEDERALLY
20 TAXABLE GENERAL OBLIGATION NOTE, SERIES OF
21 2018 (THE "NOTE") IN A PRINCIPAL AMOUNT NOT
22 TO EXCEED TWENTY-TWO MILLION NINE HUNDRED
23 NINETY THOUSAND DOLLARS (\$22,990,000)
24 PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY
25 OF THE COMMONWEALTH OF PENNSYLVANIA, 53

1 PA.C.S. CHAPTERS 80-82, AS AMENDED,
2 REENACTED AND SUPPLEMENTED, KNOWN AS THE
3 LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT");
4 FINDING THAT A PRIVATE SALE BY NEGOTIATION
5 IS IN THE BEST FINANCIAL INTERESTS OF THE
6 CITY; DETERMINING THAT SUCH NOTE SHALL
7 EVIDENCE NONELECTORAL DEBT OF THE CITY;
8 SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE
9 INCURRED TO PROVIDE FUNDS TO FINANCE A
10 PROJECT OF THE CITY WHICH CONSISTS OF, AMONG
11 OTHER THINGS: (1) FUNDING ALL OR A PORTION
12 OF THE CITY'S UNFUNDED ACTUARIAL ACCRUED
13 PENSION LIABILITY; AND (2) PAYING THE COSTS
14 AND EXPENSES OF ISSUANCE OF THE NOTE;
15 SETTING FORTH THE REASONABLE ESTIMATED
16 USEFUL LIFE OF THE PROJECT TO BE FINANCED BY
17 THE NOTE; ACCEPTING A PROPOSAL FOR THE
18 PURCHASE OF SUCH NOTE AT PRIVATE SALE BY
19 NEGOTIATION; PROVIDING THAT SUCH NOTE, WHEN
20 ISSUED, SHALL CONSTITUTE A GENERAL
21 OBLIGATION OF THE CITY; FIXING THE
22 DENOMINATION, DATED DATE, INTEREST PAYMENT
23 DATES, INTEREST RATE, REDEMPTION PROVISIONS
24 AND PLACE OF PAYMENT OF THE PRINCIPAL OF AND
25 INTEREST ON SUCH NOTE; AUTHORIZING SPECIFIED

1 OFFICERS OF THE CITY TO CONTRACT WITH THE
2 PAYING AGENT FOR ITS SERVICES IN CONNECTION
3 WITH THE NOTE; SETTING FORTH THE SUBSTANTIAL
4 FORM OF THE NOTE EVIDENCING THE DEBT;
5 AUTHORIZING EXECUTION AND ATTESTATION OF
6 SUCH NOTE; PROVIDING COVENANTS RELATED TO
7 DEBT SERVICE APPLICABLE TO SUCH NOTE TO THE
8 EXTENT REQUIRED BY THE ACT AND PLEDGING THE
9 FULL FAITH, CREDIT AND TAXING POWER OF THE
10 CITY IN SUPPORT THEREOF; CREATING A SINKING
11 FUND IN CONNECTION WITH SUCH NOTE, TO THE
12 EXTENT REQUIRED BY THE ACT; DESIGNATING THE
13 PAYING AGENT TO BE THE SINKING FUND
14 DEPOSITARY; PROVIDING A COVENANT TO INSURE
15 PROMPT AND FULL PAYMENT FOR SUCH NOTE WHEN
16 DUE; SETTING FORTH REGISTRATION AND TRANSFER
17 PROVISIONS WITH RESPECT TO SUCH NOTE;
18 AUTHORIZING THE EXECUTION OF ONE OR MORE
19 INVESTMENT AGREEMENTS BY SPECIFIED OFFICERS
20 OF THE CITY (IF APPLICABLE) AND THE PURCHASE
21 OF CERTAIN U.S. TREASURY OBLIGATIONS OR ANY
22 OTHER SECURITIES OR INVESTMENTS IN
23 CONNECTION WITH THE PROJECT; AUTHORIZING AND
24 DIRECTING SPECIFIED OFFICERS OF THE CITY TO
25 DO, TO TAKE AND TO PERFORM CERTAIN

1 SPECIFIED, REQUIRED, NECESSARY OR
2 APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF
3 THE NOTE, INCLUDING, WITHOUT LIMITATION, THE
4 PREPARATION OF A DEBT STATEMENT AND
5 BORROWING BASE CERTIFICATE, AND THE FILING
6 OF SPECIFIED DOCUMENTS WITH THE DEPARTMENT
7 OF COMMUNITY AND ECONOMIC DEVELOPMENT, ALL
8 AS REQUIRED BY THE ACT; DECLARING THAT THE
9 DEBT TO BE EVIDENCED BY SUCH NOTE, TOGETHER
10 WITH ALL OTHER INDEBTEDNESS OF THE CITY,
11 WILL NOT BE IN EXCESS OF ANY APPLICABLE
12 LIMITATION IMPOSED BY THE ACT; AUTHORIZING
13 PROPER OFFICERS OF THE CITY TO DELIVER THE
14 NOTE UPON THE APPROVAL OF THE DEPARTMENT OF
15 COMMUNITY AND ECONOMIC DEVELOPMENT;
16 PROVIDING WHEN THIS ORDINANCE SHALL BECOME
17 EFFECTIVE; PROVIDING FOR SEVERABILITY OF
18 PROVISIONS; AND REPEALING ALL ORDINANCES OR
19 PARTS OF ORDINANCES INSOFAR AS THE SAME
20 SHALL BE INCONSISTENT HERewith.

21 MR. ROGAN: You've heard reading by
22 title of Item 6-A, what is your pleasure?

23 MR. EVANS: Mr. Chairman, I move
24 that Item 6-A pass reading by title.

25 MR. PERRY: Second.

1 MR. ROGAN: On the question?

2 MR. DONAHUE: Yes. I'm going to be
3 voting for this to move it through regular
4 order, but since we won't be going through
5 regular order I'll be voting against it in
6 Seventh Order. Thank you.

7 MR. GAUGHAN: Yes, on the question.
8 Any time you go to borrow \$23 million and
9 especially in a deal like this as we hard
10 last week in caucus that has so many moving
11 parts, there is so many different things
12 that can happen, I think it's incumbent upon
13 city council to take all three weeks to
14 investigate the deal and do their research,
15 so I certainly need more to evaluate this.
16 I don't think it's acceptable, although, I
17 do understand that they are on a tight
18 timeline, but the timeline of council is
19 three weeks, especially with borrowing \$23
20 and a deal of this magnitude and I don't
21 think that it's acceptable that the
22 administration has known apparently about
23 this deal since June or July, from what I
24 understand I just found out about it last
25 Monday and then we are expected to vote in

1 two readings, so I don't find that
2 acceptable.

3 As I mentioned last week, I'm also
4 concerned, I think we should all be
5 concerned about the lawsuit that deals with
6 the Scranton Sewer Authority and what effect
7 that would have if we lost that lawsuit and
8 who would be on the hook for all that money.

9 So, again, I understand the
10 reasoning behind this deal, I understand why
11 the administration is doing it for the
12 savings on the MMO, but I don't think we
13 should rush this through in two council
14 meetings. I think we should take the full
15 three weeks to make sure that everyone has
16 evaluated this deal and I don't think that
17 -- I don't think any piece of legislation
18 should be rushed through, so I'll be voting
19 no for those reasons.

20 MR. ROGAN: Anyone else?

21 MR. EVANS: Yeah, on the question.
22 I think, of course, we have questions, but
23 I've had general conversation about this
24 issue with the Pennsylvania Economy, the
25 business administrator and of course with

1 the principal that attended our caucus last
2 week so I feel I've done my due diligence.
3 I strongly feel at this time it's the right
4 thing to do. That is putting a savings of
5 approximately \$4.5 million into this year
6 and next because of a provision in Act 205
7 that allows for this type of transaction is
8 in my opinion sound public policy, so one of
9 the take-aways from all of those
10 conversations that I've had is that time is
11 of the essence, and as Councilman Gaughan
12 said, there is a lot of moving parts, it's a
13 very complicated transaction, and that is
14 why time is of the essence.

15 So I feel extending the legislation
16 to next week could possibly put this
17 transaction in jeopardy, so I'm not willing
18 to take that risk at this time and that's
19 while I'll be voting to suspend the rules
20 and approve this legislation.

21 MR. ROGAN: Just a point of order,
22 this initial vote is just on passing the
23 legislation to Seventh Order. Then there
24 will be a motion made, so at this point we
25 are just voting on the legislation.

1 MR. EVANS: Okay.

2 MR. ROGAN: All those in favor
3 signify by saying aye.

4 MR. PERRY: Aye.

5 MR. DONAHUE: Aye.

6 MR. EVANS: Aye.

7 MR. ROGAN: Aye. Opposed?

8 MR. GAUGHAN: No.

9 MR. ROGAN: The ayes have it and so
10 moved.

11 MR. PERRY: I make a motion to
12 suspend the rules to move Item 6-A to
13 Seventh Order for final passage.

14 MR. EVANS: Second.

15 MR. ROGAN: On the question? Yes,
16 on the question. I believe my colleagues
17 kind of summed everything quite nicely. I
18 believe, and we have discussed this for a
19 week now, comprehensively I believe we are
20 all basically on the same page with this
21 plan, but I do understand the concerns
22 procedurally wise that Councilman Gaughan
23 and Donahue have with going from Sixth to
24 Seventh, but as Councilman Evans said, there
25 is a timeline and this is something I feel

1 needs to get done and, again, the bones and
2 structure of this I'm confident with and
3 happy and although we don't like to suspend
4 rules and I feel this is such a case where
5 we can make an amendment to it.

6 MR. ROGAN: Anyone else? All those
7 in favor signify by saying aye.

8 MR. PERRY: Aye.

9 MR. EVANS: Aye.

10 MR. GAUGHAN: Aye.

11 MR. ROGAN: Aye. Opposed?

12 MR. DONAHUE: No.

13 MR. ROGAN: The ayes have it and so
14 moved.

15 MS. REED: 6-B. READING BY TITLE -
16 FILE OF THE COUNCIL NO. 36, 2018 - AN
17 ORDINANCE - AUTHORIZING THE ISSUANCE OF A
18 TAX AND REVENUE ANTICIPATION NOTE, SERIES OF
19 2019 IN THE PRINCIPAL AMOUNT NOT TO EXCEED
20 \$12,750,000; PROVIDING FOR THE DATED DATE,
21 INTEREST RATE, MATURITY DATE, REDEMPTION
22 PROVISIONS, PAYMENT AND PLACE OF PAYMENT IN
23 RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL
24 ATTACHED HERETO AS EXHIBIT "B" FROM THE
25 FINANCIAL INSTITUTION NAMED THEREIN FOR THE

1 PURCHASE OF THE NOTE; NAMING A SINKING FUND
2 DEPOSITARY/PAYING AGENT; AUTHORIZING THE
3 PROPER OFFICERS OF THE CITY TO EXECUTE AND
4 DELIVER THE NOTE AND CERTAIN OTHER DOCUMENTS
5 AND CERTIFICATES IN CONNECTION THEREWITH;
6 AUTHORIZING AND DIRECTING THE PREPARATION,
7 CERTIFICATION AND FILING OF THE NECESSARY
8 DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY
9 AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH
10 OF PENNSYLVANIA; SETTING FORTH A FORM OF THE
11 NOTE. AUTHORIZING THE ISSUANCE OF A TAX AND
12 REVENUE NOTE SERIES OF 2019, IN THE
13 PRINCIPAL AMOUNT NOT TO EXCEED \$12,750,000,
14 PROVIDING FOR THE DATED DATE, INTEREST RATE,
15 MATURITY DATE, REDEMPTION PROVISIONS,
16 PAYMENT AND PLACE OF PAYMENT IN RESPECT OF
17 THE NOTE, ACCEPTING THE PROPOSAL ATTACHED
18 HERETO AS EXHIBIT B FROM THE FINANCIAL
19 INSTITUTION THEREIN FOR THE PURCHASE OF THE
20 NOTE; NAMING THE SINKING FUND DEPOSITARY
21 PAYING AGENT, AUTHORIZING THE PROPER
22 OFFICERS OF THE CITY TO EXECUTE AND DELIVER
23 THE NOTE, AND CERTAIN OTHER DOCUMENTS AND
24 CERTIFICATES THEREWITH; AUTHORIZING AND
25 DIRECTING THE PREPARATION, CERTIFICATION AND

1 FILING OF THE --

2 MR. ROGAN: Mrs. Reed, we are on
3 Item 6-B.

4 MS. REED: Yes.

5 MR. ROGAN: This is 7-A I think you
6 are reading.

7 MS. REED: I'm reading 6-B.

8 MR. ROGAN: Continue then.

9 MS. REED: AUTHORIZING THE PROPER
10 OFFICERS OF THE CITY TO EXECUTE AND DELIVER
11 THE NOTE AND CERTAIN OTHER DOCUMENTS AND
12 CERTIFICATES IN CONNECTION THEREWITH;
13 AUTHORIZING AND DIRECTING THE PREPARATION,
14 CERTIFICATION AND FILING OF THE NECESSARY
15 DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY
16 AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH
17 OF PENNSYLVANIA SETTING FORTH A FORM OF THE
18 NOTE.

19 MR. ROGAN: You've heard reading by
20 title of Item 6-B, what is your pleasure?

21 MR. PERRY: I move that Item 6-B
22 pass reading by title.

23 MR. EVANS: Second.

24 MR. ROGAN: On the question? I
25 think what was happened, and I checked with

1 a couple of my colleagues, where our iPads
2 have a shorter version of what was just
3 read. I think that's what caused confusion
4 where we are showing a one paragraph --

5 MS. REED: 6-A was the pension note,
6 6-B is the 2010 TAN.

7 MR. ROGAN: Right, and for some
8 reason on our iPad it's showing as a smaller
9 item, but as long as it's the same -- as
10 long as we are voting on the same
11 legislation I think we are okay.

12 All those in favor signify by saying
13 aye.

14 MR. PERRY: Aye.

15 MR. DONAHUE: Aye.

16 MR. EVANS: Aye.

17 MR. GAUGHAN: Aye.

18 MR. ROGAN: Aye. Opposed? The ayes
19 have it and so moved.

20 If anyone would like to address
21 council regarding the pension note
22 legislation specifically, you may do so at
23 this time.

24 (Whereupon the following speakers
25 offered public comment: Joan Hodowantiz,

1 Marie Schumacher and Dave Dobrzyn.)

2 MR. ROGAN: I think we are on
3 Seventh Order now.

4 MR. MINORA: 6-B repeated itself in
5 the document, which is Granicus, but it says
6 the same thing twice, so I think we are
7 covered.

8 MR. ROGAN: I knew it sounded like
9 the right legislation but then it was --

10 MR. MINORA: It was just repeated.

11 MR. ROGAN: But it's not that long.

12 MR. MINORA: It was just repeated in
13 total from what we have in Granicus and what
14 she has in her document, we don't know why,
15 but it's fine as it went.

16 MR. ROGAN: Okay.

17 MS. REED: SEVENTH ORDER. 7-A -
18 FORMERLY 6-A - FOR CONSIDERATION BY THE
19 COMMITTEE ON FINANCE - FOR ADOPTION - FILE
20 OF THE COUNCIL NO. 35 2018 - AN ORDINANCE OF
21 THE COUNCIL OF THE CITY OF SCRANTON,
22 LACKAWANNA COUNTY, PENNSYLVANIA, SETTING
23 FORTH ITS INTENT TO ISSUE ITS FEDERALLY
24 TAXABLE GENERAL OBLIGATION NOTE, SERIES OF
25 2018 (THE "NOTE") IN A PRINCIPAL AMOUNT NOT

1 TO EXCEED TWENTY-TWO MILLION NINE HUNDRED
2 NINETY THOUSAND DOLLARS (\$22,990,000)
3 PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY
4 OF THE COMMONWEALTH OF PENNSYLVANIA, 53
5 PA.C.S. CHAPTERS 80-82, AS AMENDED,
6 REENACTED AND SUPPLEMENTED, KNOWN AS THE
7 LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT");
8 FINDING THAT A PRIVATE SALE BY NEGOTIATION
9 IS IN THE BEST FINANCIAL INTERESTS OF THE
10 CITY; DETERMINING THAT SUCH NOTE SHALL
11 EVIDENCE NONELECTORAL DEBT OF THE CITY;
12 SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE
13 INCURRED TO PROVIDE FUNDS TO FINANCE A
14 PROJECT OF THE CITY WHICH CONSISTS OF, AMONG
15 OTHER THINGS: (1) FUNDING ALL OR A PORTION
16 OF THE CITY'S UNFUNDED ACTUARIAL ACCRUED
17 PENSION LIABILITY; AND (2) PAYING THE COSTS
18 AND EXPENSES OF ISSUANCE OF THE NOTE;
19 SETTING FORTH THE REASONABLE ESTIMATED
20 USEFUL LIFE OF THE PROJECT TO BE FINANCED BY
21 THE NOTE; ACCEPTING A PROPOSAL FOR THE
22 PURCHASE OF SUCH NOTE AT PRIVATE SALE BY
23 NEGOTIATION; PROVIDING THAT SUCH NOTE, WHEN
24 ISSUED, SHALL CONSTITUTE A GENERAL
25 OBLIGATION OF THE CITY; FIXING THE

DENOMINATION, DATED DATE, INTEREST PAYMENT
DATES, INTEREST RATE, REDEMPTION PROVISIONS
AND PLACE OF PAYMENT OF THE PRINCIPAL OF AND
INTEREST ON SUCH NOTE; AUTHORIZING SPECIFIED
OFFICERS OF THE CITY TO CONTRACT WITH THE
PAYING AGENT FOR ITS SERVICES IN CONNECTION
WITH THE NOTE; SETTING FORTH THE SUBSTANTIAL
FORM OF THE NOTE EVIDENCING THE DEBT;
AUTHORIZING EXECUTION AND ATTESTATION OF
SUCH NOTE; PROVIDING COVENANTS RELATED TO
DEBT SERVICE APPLICABLE TO SUCH NOTE TO THE
EXTENT REQUIRED BY THE ACT AND PLEDGING THE
FULL FAITH, CREDIT AND TAXING POWER OF THE
CITY IN SUPPORT THEREOF; CREATING A SINKING
FUND IN CONNECTION WITH SUCH NOTE, TO THE
EXTENT REQUIRED BY THE ACT; DESIGNATING THE
PAYING AGENT TO BE THE SINKING FUND
DEPOSITARY; PROVIDING A COVENANT TO INSURE
PROMPT AND FULL PAYMENT FOR SUCH NOTE WHEN
DUE; SETTING FORTH REGISTRATION AND TRANSFER
PROVISIONS WITH RESPECT TO SUCH NOTE;
AUTHORIZING THE EXECUTION OF ONE OR MORE
INVESTMENT AGREEMENTS BY SPECIFIED OFFICERS
OF THE CITY (IF APPLICABLE) AND THE PURCHASE
OF CERTAIN U.S. TREASURY OBLIGATIONS OR ANY

1 OTHER SECURITIES OR INVESTMENTS IN
2 CONNECTION WITH THE PROJECT; AUTHORIZING AND
3 DIRECTING SPECIFIED OFFICERS OF THE CITY TO
4 DO, TO TAKE AND TO PERFORM CERTAIN
5 SPECIFIED, REQUIRED, NECESSARY OR
6 APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF
7 THE NOTE, INCLUDING, WITHOUT LIMITATION, THE
8 PREPARATION OF A DEBT STATEMENT AND
9 BORROWING BASE CERTIFICATE, AND THE FILING
10 OF SPECIFIED DOCUMENTS WITH THE DEPARTMENT
11 OF COMMUNITY AND ECONOMIC DEVELOPMENT, ALL
12 AS REQUIRED BY THE ACT; DECLARING THAT THE
13 DEBT TO BE EVIDENCED BY SUCH NOTE, TOGETHER
14 WITH ALL OTHER INDEBTEDNESS OF THE CITY,
15 WILL NOT BE IN EXCESS OF ANY APPLICABLE
16 LIMITATION IMPOSED BY THE ACT; AUTHORIZING
17 PROPER OFFICERS OF THE CITY TO DELIVER THE
18 NOTE UPON THE APPROVAL OF THE DEPARTMENT OF
19 COMMUNITY AND ECONOMIC DEVELOPMENT;
20 PROVIDING WHEN THIS ORDINANCE SHALL BECOME
21 EFFECTIVE; PROVIDING FOR SEVERABILITY OF
22 PROVISIONS; AND REPEALING ALL ORDINANCES OR
23 PARTS OF ORDINANCES INsofar AS THE SAME
24 SHALL BE INCONSISTENT HERewith.

25 MR. ROGAN: What is the

1 recommendation of the Chair for the
2 Committee on Finance?

3 MR. EVANS: As Chairperson for the
4 Committee on Finance, I recommend final
5 passage of Item 7-A.

6 MR. PERRY: Second.

7 MR. ROGAN: On the question? Roll
8 call, please?

9 MS. CARRERA: Mr. Perry.

10 MR. PERRY: Yes.

11 MS. CARRERA: Mr. Donahue.

12 MR. DONAHUE: No.

13 MS. CARRERA: Mr. Evans.

14 MR. EVANS: Yes.

15 MS. CARRERA: Mr. Gaughan.

16 MR. GAUGHAN: No.

17 MS. CARRERA: Mr. Rogan.

18 MR. ROGAN: Yes. I hereby declare
19 Item 7-A legally and lawfully adopted.

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

22 MR. PERRY: Motion to adjourn.

23 MR. ROGAN: Meeting adjourned.
24
25

C E R T I F I C A T E

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

CATHENE S. NARDOZZI, RPR
OFFICIAL COURT REPORTER