

AGENDA
REGULAR MEETING OF COUNCIL
February 4, 2019
6:00 PM

1. ROLL CALL
2. READING OF MINUTES
3. REPORTS & COMMUNICATIONS FROM MAYOR & HEADS OF DEPARTMENTS AND INTERESTED PARTIES AND CITY CLERK'S NOTES
 - 3.A MINUTES OF THE SCRANTON-LACKAWANNA HEALTH & WELFARE AUTHORITY MEETING HELD OCTOBER 18, 2018.

[Scranton Lackawanna Health & Welfare Authority Minutes 10-18-18.pdf](#)
4. CITIZENS PARTICIPATION
5. INTRODUCTION OF ORDINANCES, RESOLUTIONS, APPOINTMENT AND/OR RE-APPOINTMENTS TO BOARDS & COMMISSIONS MOTIONS & REPORTS OF COMMITTEES
 - 5.A MOTIONS.
 - 5.B FOR INTRODUCTION – AN ORDINANCE – AUTHORIZING THE SECRETARY OF TRANSPORTATION TO ACQUIRE RIGHT-OF-WAYS NECESSARY FOR THE MULTI-BRIDGE PROJECT DOCUMENT NO. 04M173.

[Ordinance-2019 Right of Ways for Multi-Bridge Project.pdf](#)
 - 5.C FOR INTRODUCTION – A RESOLUTION – APPOINTMENT OF JOSEPH J. EARYES, 138 LAKEVIEW DRIVE, SCRANTON, PENNSYLVANIA, 18505, AS A

MEMBER OF THE HOUSING APPEALS REVIEW BOARD EFFECTIVE JANUARY 22, 2019. MR. EARYES IS BEING APPOINTED TO A FIVE (5) YEAR TERM WHICH WILL EXPIRE ON JANUARY 22, 2024.

[Resolution-2019 Appt. Joseph Earyes to Housing Appeals Board.pdf](#)

- 5.D FOR INTRODUCTION – A RESOLUTION – APPOINTMENT OF KELEENA MCNICHOLS, 1310 CORNELL STREET, SCRANTON, PA, 18504 AS A MEMBER OF THE BOARD OF THE SCRANTON SEWER AUTHORITY EFFECTIVE JANUARY 18, 2019. MS. MCNICHOLS WILL BE REPLACING GOPAL PATEL WHO RESIGNED DECEMBER 21, 2018. MS. MCNICHOLS WILL FILL THE UNEXPIRED TERM OF GOPAL PATEL, WHOSE TERM IS SCHEDULED TO EXPIRE ON JANUARY 4, 2022.

[Resolution-2019 Appt. Keleena McNichols to Scranton Sewer Authority.pdf](#)

- 5.E FOR INTRODUCTION – A RESOLUTION – ACCEPTING THE RECOMMENDATION OF THE HISTORICAL ARCHITECTURE REVIEW BOARD (“HARB”) AND APPROVING THE CERTIFICATE OF APPROPRIATENESS FOR POCONO SIGN COMPANY, 1979 SCRANTON CARBONDALE HIGHWAY, BLAKELY, PA 18447, FOR SIGNAGE WORK TO BE COMPLETED ON THE FRONT EDIFICE OF THE EVERHART MUSEUM, SITUATED AT 1901 MULBERRY STREET, SCRANTON, PA 18510.

[Resolution-2019 HARB Everhart Museum.pdf](#)

6. CONSIDERATION OF ORDINANCES - READING BY TITLE

- 6.A READING BY TITLE - FILE OF THE COUNCIL NO. 52, 2019 – AN ORDINANCE – ESTABLISHING A “NO PARKING” ZONE ALONG THE SOUTHERLY SIDE OF LACKAWANNA AND JEFFERSON AVENUE (S.R.3018) FROM SEGMENT 0010 OFFSET 0300 (KRESSLER COURT INTERSECTION) EXTENDING NORTH TO A DRIVEWAY, AT SEGMENT 0010 OFFSET 0630.

[Ordinance-2019 No Parking Zone Lackawanna and Jefferson.pdf](#)

- 6.B READING BY TITLE - FILE OF THE COUNCIL NO. 53, 2019 - AN ORDINANCE - APPROVING AND ACCEPTING THE SUBMISSION OF THE CITY OF SCRANTON'S OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT'S FIVE YEAR REVOLVING LOAN FUND (RLF) PLAN AS REQUIRED BY THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION (EDA).

[Ordinance-2019 OECD Five Year Revolving Loan Fund Plan.pdf](#)

- 6.C READING BY TITLE - FILE OF THE COUNCIL NO. 54, 2019 - AN ORDINANCE - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO DISBURSE SIX THOUSAND DOLLARS (\$6,000.00) FROM THE UDAG REPAYMENT ACCOUNT INTO WHICH URBAN DEVELOPMENT ACTION GRANTS (UDAG) REPAYMENTS ARE DEPOSITED. THIS WILL COVER THE CITY OF SCRANTON'S SHARE OF COSTS FOR THE UNITED NEIGHBORHOOD CENTERS OF NORTHEASTERN PENNSYLVANIA TO ADMINISTER THE CONTINUUM OF CARE FOR LACKAWANNA COUNTY DURING THE PERIOD JULY 1, 2018 THROUGH JUNE 30, 2019.

[Ordinance-2019 Disburse \\$6K from UDAG for UNC of NEPA for Continuum of Care.pdf](#)

7. FINAL READING OF RESOLUTIONS AND ORDINANCES

- 7.A FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 95, 2019 - AMENDING RESOLUTION NO. 86, 2018 ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SCRANTON AND LOCAL UNION NO. 60 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO"; TO INCLUDE ONLY THE IME PANEL OF PHYSICIANS FOR DISABILITY PENSIONS.

[Resolution-2019 Amending Res 86, 2018 Include IME Panel of Physicians for Disability Pensions.pdf](#)

- 7.B FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 96, 2019 - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SCRANTON
AND LODGE NO. 2 OF THE FRATERNAL ORDER OF POLICE BY AMENDING
SECTIONS OF THE MEMORANDUM OF AGREEMENT DATED MARCH 11, 2016
REGARDING DISABILITY PENSIONS.

[Resolution-2019 MOU with FOP regarding Disability Pensions.pdf](#)

8. ADJOURNMENT

SCRANTON LACKAWANNA HEALTH & WELFARE AUTHORITY
MINUTES OF MEETING
October 18, 2018

Attended By:

Authority Members:

Vincent O'Bell, Chairman
William Lazor, Vice Chairman
Jerry Weinberger, Secretary
John Granahan, Asst. Secretary

David Phaneuf, Treasurer
Victor Giambrone, Asst. Treasurer
Frank Pazzaglia, Member
William Boyle, Member

Staff Members

Brian Koscelansky, Solicitor
Mary Ellen Clarke, Asst. Administrator

Mr. O'Bell, the Chairman of the Scranton Lackawanna Health and Welfare Authority called the regular board meeting to order at 5:30PM.

I. APPROVAL OF MINUTES

Mr. O'Bell presented the Minutes of the June 21, 2018, meeting which had previously been sent to the board members. Mr. Phaneuf moved that the minutes be approved as presented. Mr. Pazzaglia seconded the motion and it passed unanimously.

II. TREASURER'S REPORT

A. Approval of Expenditures

Mr. Giambrone, Asst. Treasurer, presented the Treasurer's Reports for June, July, August and September 2018, copies of which are incorporated with the Minutes of this Meeting. As of September 30, 2018, expenditures total \$51,644.42. The balance in the Budget is \$17,055.58. The balance in the Operating Fund is \$17,055.59. Income received and deposited for the month was \$.78. A motion was made by Mr. Granahan to approve the Treasurer's Report for September 30, 2018. Mr. Lazor seconded and it passed unanimously.

B. Investment Report

A copy of the Investment Report was distributed to all. Mr. Giambrone noted a CD earning 1.25% matured in August at Fidelity Bank and was reinvested for one year at 1.65%

Two CD's will mature in November at P S Bank. At that time we will take approximately \$25,000 from the maturing CD for the operating fund and reinvest the remainder. Mr. Weinberger noted that rates are going up. Ms. Clarke will call various banks for their rates before the CD's mature.

III. NEW BUSINESS

A. Approval and Adoption of Revised By-Laws

Atty. Koscelansky stated that at the board meeting in June he distributed a copy of the Proposed Revised By-Laws. Atty. Koscelansky explained the need to revise and update the Authority's By Laws to include provisions in line with other Authorities. Added was Article VII – Conflict of Interest and Article VIII – Indemnification of the Authority Members. It also revised Article IV – Meeting of Members to allow members to participate by conference, telephone or similar communications equipment.

With no questions or objections and being that the 30-day review period is over, The By-Laws can now be adopted. A motion was made by Mr. Weinberger to approve and adopt the By-Laws as presented. It was seconded by Mr. Lazor and passed unanimously.

Ms. Clarke reminded the board that at the last meeting Mr. Weinberger inquired if there is an Indemnification clause in the Authority's Insurance Policy. Ms. Clarke stated that she called Kincel Insurance and was told that the Public Officials Policy does not have an Indemnification Clause. When Ms. Clarke inquired as to what the cost would be to include the Indemnification Clause, Kincel Insurance stated that they would have to know "who is asking the question and why they are asking it". Various scenarios were given on coverage. Indemnification is very broad and needs to be specific. After a lengthy conversation regarding the Authority's Insurance Coverage, Mr. Weinberger and Mr. Granahan expressed a need to enhance the Authority's coverage. It was discussed whether to ask Mr. Kincel to attend a meeting to give an explanation for the current policy and about increasing coverage with an Indemnification clause. The board asked Atty. Koscelansky if he could assist in this matter. Atty. Koscelansky stated that his firm has an affiliation that does insurance reviews on behalf of their clients. If the board would like, Atty. Koscelansky will compare the Authority's policy with other similar policies and compare costs and coverage. Atty. Koscelansky asked Ms. Clarke to send him a copy of the current Public Officials Policy and he will look into what coverage other clients have and will obtain rates from other insurance carriers and the cost to include the Indemnification clause.

A motion was made by Mr. Granahan to have Atty. Koscelansky review Insurance Policies on behalf of the Authority. Mr. Pazzaglia seconded and it passed unanimously.

B. Review and Approval of 2019 Budget

Mr. Giambrone presented a proposed 2019 Budget for the board's approval noting that copies had previously been sent to all members of the Finance Committee for their review.

Mr. Giambrone went over Schedules 1 thru 6 noting that the 2019 Budget is in line with the 2018 Budget with no substantial increases in any line item.

Due to decreasing Administrative Fees and no new projects slated for 2019, the Authority will have to start using the interest from CD's for operating expenses.

With no questions from the board on the proposed 2019 Budget, Mr. Pazzaglia motioned to accept the 2019 Budget as presented. Mr. Lazor seconded and it passed unanimously.

The board thanked Mr. Phaneuf and Mr. Giambrone for their work on the 2019 Budget.

C. Other Business

1) Tax Laws

Mr. Granahan asked Atty. Koscelansky if the tax laws are affecting business. Atty. Koscelansky stated it certainly did impact things but felt it was a combination of things. Interest rates are rising and Mutual Bonds are not as attractive as they used to be which has clients putting off projects and there is no Advanced Refunding. There does not seem to be any indication of changing back and there are discussions to possibly expand it. Senator Toomey did not respond to the letter which was sent by the Authority.

2) 2019 Meeting Dates

Ms. Clarke asked if the board members wanted to keep meeting on the Third Thursday of the month in 2019. It was noted that the third Thursday in April 2019 falls on Holy Thursday so the board will meet on the Fourth Thursday in April. All other meetings will be held on the Third Thursday of the Month.

Ms. Clarke will advertise the 2019 Meeting Dates before the end of the year. By that time, hopefully we will know if the January meeting will be held here or at our new location in the former Globe Store.

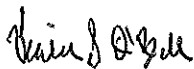
3) Other Business

The board inquired if there was any new business expected. Ms. Clarke stated that she will send the annual questionnaire out in November asking clients what their financial plans are for the coming year and if they plan on using the Authority.

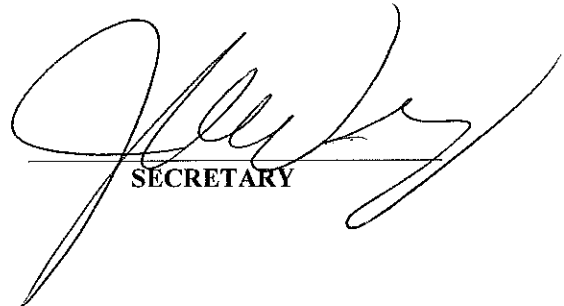
The Authority did have one call last month from Marty Fotta of United Neighborhoods. They were looking to replace their windows at a cost of \$500,000. Atty. Koscelansky explained to the board that it is difficult to get those small deals to work on a tax exempt basis due to fees etc. Atty. Koscelansky spoke to Mr. Fotta who was going to get some rates from his lenders for taxable and tax exempt and look into his options.

IV. ADJOURNMENT

With no further business, Mr. Granahan moved to adjourn the meeting. Mr. Pazzaglia seconded and the meeting adjourned at 6PM.



CHAIRMAN



SECRETARY

SCRANTON/LACKAWANNA HEALTH AND WELFARE AUTHORITY

LACKAWANNA COUNTY ADMINISTRATION BUILDING • P.O. Box 860 • 200 ADAMS AVENUE, • SCRANTON, PA 18501-0860

(570) 342-2353

FAX (570) 342-4088

January 18, 2019

RECEIVED
JAN 28 2019

Scranton City Council
Attention: Ms. Lori Reed, City Clerk
340 N. Washington Avenue
Scranton, PA 18503

OFFICE OF CITY
COUNCIL/CITY CLERK

RE: SCRANTON-LACKAWANNA HEALTH & WELFARE AUTHORITY MINUTES

Dear Ms. Reed:

Pursuant to the Pennsylvania Municipality Authorities Act of 1945, enclosed you will find the Minutes of the Scranton-Lackawanna Health & Welfare Authority's Regular Board Meeting of October 18, 2018.

If you have any questions, or need additional information, please call at any time.

Sincerely,



Mary Ellen Clarke
Asst. Administrator

Enc.

FILE OF THE COUNCIL NO. _____

2019

AN ORDINANCE

AUTHORIZING THE SECRETARY OF TRANSPORTATION TO ACQUIRE RIGHT-OF-WAYS NECESSARY FOR THE MULTI-BRIDGE PROJECT DOCUMENT NO. 04M173.

WHEREAS, the City of Scranton and the Commonwealth of Pennsylvania, Department of Transportation, have coordinated through appropriate officials a multi-bridge project in the City of Scranton; and

WHEREAS, by Resolution No. 89 of 2018 adopted November 27, 2018, Scranton City Council authorized the Mayor and other appropriate City officials to execute for and on behalf of the City of Scranton an agreement for the Commonwealth's performance of the multi-bridge project; and

WHEREAS, the Bridges included in the Multi-Bridge Project are the West Lackawanna Avenue Bridge over the railroad, Elm Street Bridge over Lackawanna River, North Main Avenue Bridge over Leggetts Creek, and Parker Street over Lackawanna River; and

WHEREAS, the Department wishes to proceed in a prompt manner with the acquisition of all necessary right-of-ways for the multi-bridge project; and

WHEREAS, pursuant to Section 2305 and 2307 of the General Local Government Code, 53 Pa. C.S. §§2305, 2307, and Para. 5 of Agreement No. 04M173, the City of Scranton hereby agreed and enacts this date the following Ordinance.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED as follows:

SECTION ONE. Delegation of Authority.

The City of Scranton hereby delegates to the Secretary of Transportation its authority to acquire the right-of-ways necessary for the multi-bridge project described and enumerated in Agreement 04M173, passed by City Council on November 27, 2018, said Agreement containing all applicable multi-bridge project terms and conditions incorporated by reference therein as if fully set forth:

SECTION TWO. Duration

This delegation shall continue until all multi-bridge project terms and conditions of Agreement No. 04M173 shall be fully satisfied or, at the election of the parties as set forth herein, the same shall be otherwise terminated:

SECTION THREE. Purpose and Scope of Delegation.

The Secretary of Transportation shall have the authority to acquire the right-of-ways necessary for the multi-bridge project described and enumerated in Document No. 04M173, passed by City Council on November 27, 2018, subject to review and approval of the City of Scranton Business Administrator and City of Scranton Engineer as to the extent of the right-of-ways necessary for any project:

SECTION FOUR. Financing

One hundred percent of the right-of-way costs, along with all other costs under Agreement No. 04M173, is being funded with the combination of federal funds available through the Surface Transportation Plan, Z240; State funds available through the State Bridge Funds – Local, 183; and through the City of Scranton 2018 Capital Budget:

SECTION FIVE. Organizational Structure.

the multi-bridge project shall be managed, directed and performed by the Commonwealth of Pennsylvania, Department of Transportation:

SECTION SIX. Property.

The Secretary of Transportation shall acquire property pursuant to all applicable policies and procedures as necessary for the multi-bridge project as authorized by Section 2003(e) of the Administrative Code, 71 P.S. §513(e), for all transportation purposes which shall include, and not be limited to acquisitions for local roads and streets:

SECTION 7. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 8. This Ordinance shall become effective immediately upon approval.

SECTION 9. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the “Home Rule Charter and Optional Plans Law” and any other applicable law arising under the laws of the State of Pennsylvania.



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263

January 25, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

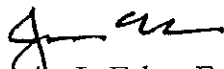
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JAN 25 2019

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AUTHORIZING THE SECRETARY OF
TRANSPORTATION TO ACQUIRE RIGHT-OF-WAYS NECESSARY FOR THE
MULTI-BRIDGE PROJECT DOCUMENT NO. 04M173.

Respectfully,


Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RESOLUTION NO. _____

2019

APPOINTMENT OF JOSEPH J. EARYES, 138 LAKEVIEW DRIVE, SCRANTON, PENNSYLVANIA, 18505, AS A MEMBER OF THE HOUSING APPEALS REVIEW BOARD EFFECTIVE JANUARY 22, 2019. MR. EARYES IS BEING APPOINTED TO A FIVE (5) YEAR TERM WHICH WILL EXPIRE ON JANUARY 22, 2024.

WHEREAS, the Mayor of the City of Scranton desires to appoint Joseph J. Earyes as a member of the Housing Appeals Review Board effective January 22, 2019. Mr. Earyes is being appointed to a five (5) year term effective January 22, 2019 which will expire on January 22, 2024; and

WHEREAS, Joseph J. Earyes has the requisite, experience, education and training necessary to serve as a member of the Housing Appeals Review Board.

NOW, THEREFORE, BE IT RESOLVED that Joseph J. Earyes, 138 Lakeview Drive, Scranton, Pennsylvania is hereby appointed as a member of the Housing Review Appeals Board for a five (5) year term effective January 22, 2019 which will expire on January 22, 2024.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intend of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.



OFFICE OF THE MAYOR

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4101 • FAX: 570-348-4251

January 22, 2019

Honorable Council of The City of Scranton
340 N. Washington Avenue
Scranton, Pa. 18503

RE: Housing Appeals Review Board Appointment

Dear Council Members:

Please be advised that I am appointing, Joseph J. Earyes, 138 Lakeview Drive, Scranton, Pa. 18505 as a member of the Housing Appeals Review Board effective January 22, 2019.

Mr. Earyes is being appointed to a five year term which will expire on January 22, 2024.

I respectfully request City Council's concurrence in this appointment.

Sincerely,



William L. Courtright

WLC/kg

CC: Patrick Hinton, Director, L.I.P.S.
Jessica Eskra, City Solicitor
Housing Appeals Review Board
Joseph J. Earyes



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263

January 23, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

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JAN 24 2019

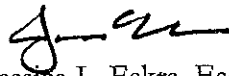
OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AUTHORIZING APPOINTMENT OF JOSEPH J. EARYES, 138 LAKEVIEW DRIVE, SCRANTON, PENNSYLVANIA, 18505, AS A MEMBER OF THE HOUSING APPEALS REVIEW BOARD EFFECTIVE JANUARY 22, 2019. MR. EARYES IS BEING APPOINTED TO A FIVE (5) YEAR TERM WHICH WILL EXPIRE ON JANUARY 22, 2024.

THE ADMINISTRATION HAS VERIFIED THAT THE APPOINTEE HAS NO DELINQUENT CITY TAX OR REFUSE PAYMENTS DUE.

Respectfully,


Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RESOLUTION NO. _____

2019

APPOINTMENT OF KELEENA MCNICHOLS, 1310 CORNELL STREET, SCRANTON, PA 18504 AS A MEMBER OF THE BOARD OF THE SCRANTON SEWER AUTHORITY EFFECTIVE JANUARY 18, 2019. MS. MCNICHOLS WILL BE REPLACING GOPAL PATEL WHO RESIGNED DECEMBER 21, 2018. MS. MCNICHOLS WILL FILL THE UNEXPIRED TERM OF GOPAL PATEL, WHOSE TERM IS SCHEDULED TO EXPIRE ON JANUARY 4, 2022.

WHEREAS, Gopal Patel resigned as a member of the Board of the Scranton Sewer Authority effective December 21, 2018, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Mayor of the City of Scranton desires to appoint Keleena McNichols as a member of the Board of the Scranton Sewer Authority effective January 18, 2019. Ms. McNichols will fill the unexpired term of Gopal Patel who resigned December 21, 2018, whose term is scheduled to expire January 4, 2022; and

WHEREAS, Keleena McNichols has the requisite, experience, education and training necessary to serve as a member of the Board of the Scranton Sewer Authority.

NOW, THEREFORE, BE IT RESOLVED that Keleena McNichols, 1310 Cornell Street, Scranton, PA is hereby appointed as a member of the Board of the Scranton Sewer Authority effective January 18, 2019. Ms. McNichols will fill the unexpired term of Gopal Patel who resigned effective December 21, 2018 whose term is scheduled to expire January 4, 2022.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.



OFFICE OF THE MAYOR

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4101 • FAX: 570-348-4251

January 18, 2019

Honorable Council of The City of Scranton
340 N. Washington Avenue
Scranton, Pa. 18503

RE: Scranton Sewer Authority Board Appointment

Dear Council Members:

Please be advised that I am appointing, Keleena McNichols, 1310 Cornell St., Scranton, Pennsylvania 18504, as a member of the Board of the Scranton Sewer Authority Board effective January 18, 2019.

Ms. McNichols will be replacing Gopal Patel, who resigned on December 21, 2018.

Ms. McNichols will fill the unexpired term of Mr. Patel, whose term is scheduled to expire on January 4, 2022.

I respectfully request City Council's concurrence in this appointment.

Sincerely,



William L. Courtright

WLC/mm

CC: Jessica Eskra, City Solicitor
David Bulzoni, Business Administrator
Scranton Sewer Authority Board
Keleena McNichols



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263

January 23, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

RECEIVED

JAN 24 2019

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AUTHORIZING APPOINTMENT OF KELEENA MCNICHOLS, 1310 CORNELL STREET, SCRANTON, PA 18504 AS A MEMBER OF THE BOARD OF THE SCRANTON SEWER AUTHORITY EFFECTIVE JANUARY 18, 2019. MS. MCNICHOLS WILL BE REPLACING GOPAL PATEL WHO RESIGNED DECEMBER 21, 2018. MS. MCNICHOLS WILL FILL THE UNEXPIRED TERM OF GOPAL PATEL, WHOSE TERM IS SCHEDULED TO EXPIRE ON JANUARY 4, 2022.

THE ADMINISTRATION HAS VERIFIED THAT THE APPOINTEE HAS NO DELINQUENT CITY TAX OR REFUSE PAYMENTS DUE.

Respectfully,

Jessica L. Eskra (s)
Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RESOLUTION NO. _____

2019

ACCEPTING THE RECOMMENDATION OF THE HISTORICAL ARCHITECTURE REVIEW BOARD ("HARB") AND APPROVING THE CERTIFICATE OF APPROPRIATENESS FOR POCONO SIGN COMPANY, 1979 SCRANTON CARBONDALE HIGHWAY, BLAKELY, PA 18447, FOR SIGNAGE WORK TO BE COMPLETED ON THE FRONT EDIFICE OF THE EVERHART MUSEUM, SITUATED AT 1901 MULBERRY STREET, SCRANTON, PA 18510.

WHEREAS, the Historical Architecture Review Board ("HARB") has convened and reviewed the submission of Pocono Signs, 1979 Scranton Carbondale Highway, Blakely, PA 18447, for signage work to be completed on the front edifice of the building as follows: installing two (2) static billboard banners to the exterior façade, billboards are to be static non-illuminating, the mounting height of signage to align with the heads of the flanking bay first floor windows, billboard shall be situated such that a minimum of 12" of exposed limestone remains between the projection of the central bay and the first fold of the window recesses at the flanking bays, billboard shall be affixed to the front edifice of the Everhart Museum situated at 1901 Mulberry Street, Scranton, PA, 18510 as outlined in the proof provided to the HARB, a copy of which is attached hereto and marked as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the HARB has determined that the improvements meet with the guidelines of the HARB and recommend for approval by the Governing Body of the City of Scranton; and

WHEREAS, the HARB specifically recommends that a Certificate of Appropriateness be issued for the above improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that City Council hereby accepts the recommendation of the HARB concerning the above improvement and approves the issuance of a Certificate of Appropriateness as defined by law and City ordinance.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect

any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.



HISTORICAL ARCHITECTURE REVIEW BOARD

CITY HALL • 340 NORTH WASHINGTON AVE., 4TH FL. • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105

TO: Jessica Eskra
City Solicitor
Law Department

FROM: Tim Corbett
HARB Solicitor

DATE: January 23, 2019

RE: HARB Recommendation

Enclosed please find the following recommendation from the Historical Architecture Review Board (HARB) regarding the following project:

Pocono Signs, 1979 Scranton Carbondale Highway, Blakely, PA 18447, for signage work to be completed on the front edifice of the building as follows: installing two (2) static billboard banners to the exterior façade, billboards are to be static non-illuminating, the mounting height of signage to align with the heads of the flanking bay first floor windows, billboard shall be situated such that a minimum of 12" of exposed limestone remains between the projection of the central bay and the first fold of the window recesses at the flanking bays, billboard shall be affixed to the front edifice of the Everhart museum situated at 1901 Mulberry Street, Scranton, PA, 18510

A Certificate of Appropriateness was recommended for project listed and has received approval from the HARB at their meeting on January 10, 2019.

Please prepare the necessary submission to City Council for review and passage. Thank you in advance for your attention regarding this matter.

encl.



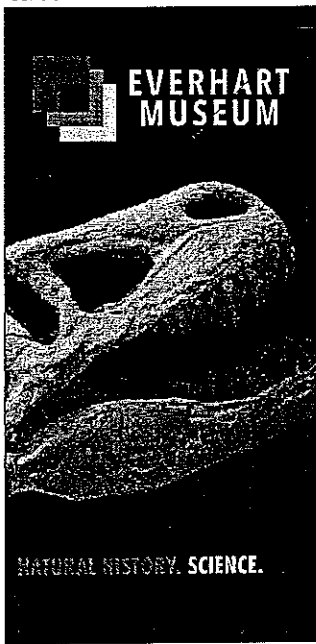
570-503-3939

1979 Scranton Carb Hwy
Blakely, PA 18447
www.poconosignco.com

ART PROOF

PICTURE SCALE 3/32 IN:1FT

COPY 1

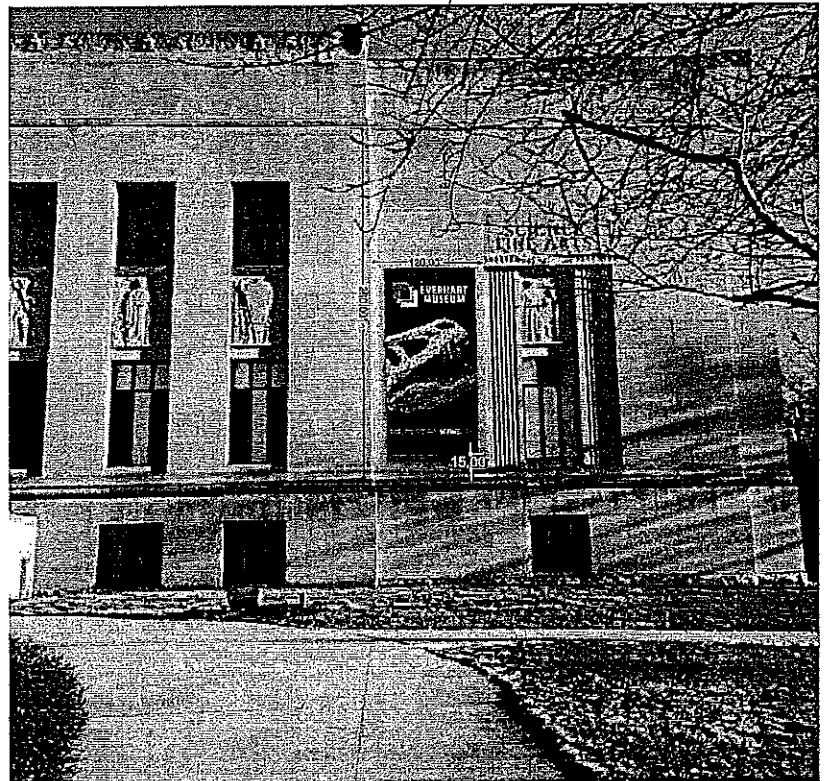


FRAME-LESS WALL SCAPE SYSTEM
LOW PROFILE AT 1 IN. ELIMINATES
THE USE OF RACHET STRAPS, CABLES,
GROMMETS, AND BUNGEE CORDS

COPY 2



SCAN HERE TO SEE A VIDEO
ON THE FRAME-LESS WALL
SCAPE SYSTEM



By signing this proof, the client is verifying all spelling and aspects of design and layout are final and approved to be manufactured
COPYRIGHT 2015 BY POCONO SIGN COMPANY: ALL DESIGNS PRESENTED ARE THE SOLE PROPERTY OF POCONO SIGN COMPANY AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT PERMISSION FROM POCONO SIGN COMPANY

CLIENT: EVERHART MUSEUM

LOCATION: 1901 MULBERRY ST. SCRANTON, PA
REP CONTACT INFO: DAWN 346-7186 EXT.521

DATE: 01112019
PO#:

PAGE: /

CLIENT SIGNATURE: _____

Historical Architecture Review Board

City Hall . 340 North Washington Avenue . Scranton, PA 18503

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Building address: 1901 Mulberry St. Scranton, PA 18510
Street and number City State Zip

Owner of building: Everhart Museum

Owner's address: 1901 Mulberry St. Scranton, PA 18510
Street and number City State Zip

Applicant: Pocono Sign Company

Applicant's address: 1979 Scranton Catawale Hwy. Blokeely, PA 18447
Street and number City State Zip

Applicant's Phone Number: 570-503-3939

Tax Identification #: 464499161

Note: Application form, photographs and required drawings and application fee are to be submitted to the City of Scranton's Department of Licensing, Inspections and Permits (340 N Washington Ave, City Hall 4th floor, Scranton, PA 18503) no later than 12:00 noon on the first Monday of the month in order to be placed on the agenda for that month's meeting. All information must be completed in full or it will be not be placed on the agenda or considered for approval, this application will be labeled invalid and will need to be refilled.

A BOND MAY BE REQUESTED AT THE RECOMMENDATION OF THE HARB FOR DEMOLITION APPLICATIONS. In the event of default of the approved Certificate of Appropriateness, the bond will be used for demolition completion, historical preservation, historical education, mitigation, construction, or otherwise deemed appropriate by the HARB.

1. PHOTOGRAPHS - Photographs of your building and neighboring buildings must accompany your application.

2. TYPE OF WORK PROPOSED – Check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Trim and decorative woodwork | <input type="checkbox"/> Skylights |
| <input type="checkbox"/> Siding and Masonry | <input type="checkbox"/> Metal work |
| <input type="checkbox"/> Roofing, gutter and downspout | <input type="checkbox"/> Light fixtures |
| <input type="checkbox"/> Windows, doors, and associated hardware | <input checked="" type="checkbox"/> Signs |
| <input type="checkbox"/> Storm windows and storm doors | <input type="checkbox"/> Demolition |
| <input type="checkbox"/> Shutters and associated hardware | <input type="checkbox"/> Other _____ |

3. DRAWINGS OF PROPOSED WORK – Required drawings must accompany your application. Please submit ten (10) copies of 8-1/2"x 11" or 11" x 17" drawings.

- ☐ **Alteration, Restoration, Renovation:** Provide photos of the existing conditions and images along with scaled drawings to fully communicate the proposed changes. Include manufacturer's information on new products to be installed (awnings, siding, trim, roofing, signage, windows, doors, hardware, etc.) Provide dimensions to communicate scale. Drawing should indicate which materials will be used and where they will be used. Provide material or color samples and photographs/drawings to communicate intended color-use.

____ **New Addition:** Provide photos of the existing conditions and images along with scaled drawings (elevations, floor plans, and sections) to fully communicate the proposed scope of work. Include manufacturer's information on new products to be installed (awnings, siding, trim, roofing, signage, windows, doors, hardware, etc.) Provide dimensions to communicate scale. Drawing should indicate which materials will be used and where they will be used. Provide material or color samples and photographs/drawings to communicate intended color-use.

____ **New Building or Structure:** Provide photos of the existing conditions and images along with scaled drawings (elevations, floor plans, and sections) to fully communicate the proposed scope of work. Include manufacturer's information on new products to be installed (awnings, siding, trim, roofing, signage, windows, doors, hardware, etc.) Provide dimensions to communicate scale. Drawing should indicate which materials will be used and where they will be used. Provide material or color samples and photographs/drawings to communicate intended color-use.

____ **Demolition:** Provide existing photos and historic images (if available) of the existing conditions. Provide drawings to fully communicate proposed use after demolition. Provide structural reports or other information that justify demolition.

____ **Windows and Doors:** Provide manufacturer's information on new doors and windows to communicate the dimensions, materials, colors, profile, hardware and operability.

✓ **Signage** – Provide the following:

- Photographs or elevation drawings showing existing conditions and proposed signage to depict approximate scale, materials, colors, and lettering.
- Material specifications and/or material samples.
- Information pertaining to the attachment method (diagrams, drawings, photos, details, samples, etc.)

____ **Lighting** – Provide lighting manufacturer specifications which indicate dimensions, materials, colors, lamping, and photometric information (if available)

4. **DESCRIBE PROJECT** – Describe any work checked in #2 and #3 above. Attach additional sheets as needed.

Installing qty 2 Static billboards banners to
exterior building facade.
8'x 16' SS Static, Non Illumination
See proof & layout.

5. **BUILDING USE** – Describe the current use and the proposed use of this property. Attach additional sheets as needed.

Museum.

ITEMS 6-11 ONLY NEED TO BE COMPLETED FOR DEMOLITION APPLICATIONS. MARK N/A IF THIS IS NOT APPLICABLE TO YOUR PROJECT. PROCEED TO SECTION 12.

Demolition applications may attach additional sheets as necessary.

6. PROVIDE PROJECT SCHEDULE

7. PROVIDE HISTORICAL BACKGROUND – Year built, previous owners, use & occupants, Architect of Record, previous renovations. Etc.

8. ANTICIPATED IMPACTS TO THE SURROUNDING AREA – Historical, Architectural, lines of site, viewshed, financial, social

9. JUSTIFICATION FOR DEMOLITION

10. ALTERNATIVES ANALYSIS –
Alternative Locations

Alternative-Use, Alterations, Renovation-Analysis

No Action Analysis

11. PROPOSED MITIGATION OF HISTORICAL AND ARCHITECTURAL LOSS

12. APPLICANT'S SIGNATURE: Amanda Cordero Date: 12-20-18

DO NOT WRITE BELOW THIS LINE: FOR COMMISSION USE ONLY

Presented at Commission Meeting on: _____

Reviewed by: _____ Date: _____

Zoning Approval: _____ YES _____ NO

Commission Recommendations:

Additional Comments:

OFFICIAL LIPS DEPARTMENTAL USE ONLY

APPROVED: YES

NO

DATE

SIGNATURE OF ZONING OFFICER

APPROVED: YES

NO

12-26-18
DATE

SIGNATURE OF DIRECTOR/BCO

Comments:



DEPARTMENT OF LICENSING, INSPECTIONS AND PERMITS

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4193 • FAX: 570-348-4171



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263

January 25, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

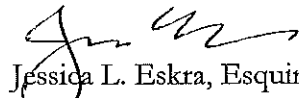
RECEIVED
JAN 25 2019

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE HISTORICAL ARCHITECTURE REVIEW BOARD ("HARB") AND APPROVING THE CERTIFICATE OF APPROPRIATENESS FOR POCONO SIGN COMPANY, 1979 SCRANTON CARBONDALE HIGHWAY, BLAKELY, PA 18447, FOR SIGNAGE WORK TO BE COMPLETED ON THE FRONT EDIFICE OF THE EVERHART MUSEUM, SITUATED AT 1901 MULBERRY STREET, SCRANTON, PA 18510.

Respectfully,


Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

FILE OF THE COUNCIL NO.

2019

AN ORDINANCE

ESTABLISHING A "NO PARKING" ZONE ALONG THE SOUTHERLY SIDE OF LACKAWANNA AND JEFFERSON AVENUE (S.R. 3018) FROM SEGMENT 0010 OFFSET 0300 (KRESSLER COURT INTERSECTION) EXTENDING NORTH TO A DRIVEWAY, AT SEGMENT 0010 OFFSEET 0630.

WHEREAS, one existing driveway (Kressler Court) enters and exits onto Lackawanna Avenue a state highway; and

WHEREAS, Pennsylvania Department of Transportation's (PennDOT's) minimum safe site distance for driveways requirements mandate that certain parking restrictions be implemented; and

WHEREAS, one proposed driveway enters and exits on Lackawanna Avenue a state highway; and

WHEREAS, regulations contained in the City of Scranton Zoning Ordinance requiring minimum safe site distance for driveways mandate that certain parking restrictions be implemented; and

WHEREAS, among the above requirements is the need to eliminate parking for a specific sight distance on either side of the driveways.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON as follows:

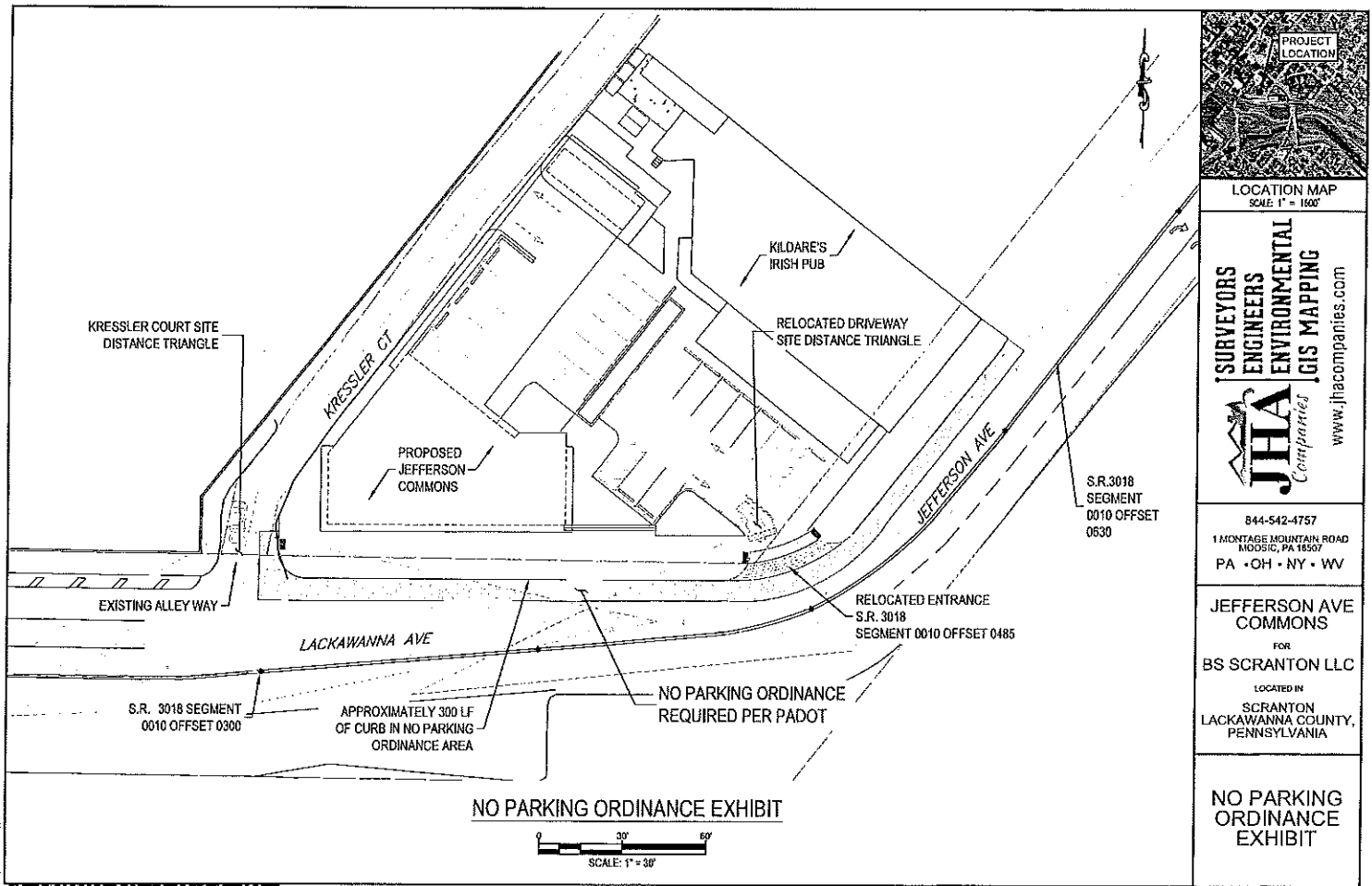
SECTION 1. A "No Parking" zone is hereby established as follows:

- A. Along the southerly curb line of SR 3018, known as Lackawanna Avenue, from SR3018 Segment 0010 Offset 0300 to Segment 0010 Offset 0630 for a distance of three hundred feet (300 ft.) along the southerly curb line (more or less) of Lackawanna Avenue, as shown on the attached Exhibit.

SECTION 2. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 3. This Ordinance shall become effective immediately upon approval.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the Authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule charter and Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.





DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263

January 15, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE ESTABLISHING A "NO PARKING" ZONE
ALONG THE SOUTHERLY SIDE OF LACKAWANNA AND JEFFERSON AVENUE
(S.R. 3018) FROM SEGMENT 0010 OFFSET 0300 (KRESSLER COURT
INTERSECTION) EXTENDING NORTH TO A DRIVEWAY, AT SEGMENT 0010
OFFESET 0630.

Respectfully,

Jessica Eskra (S)

Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RECEIVED

JAN 16 2019

OFFICE OF CITY
COUNCIL/CITY CLERK

FILE OF THE COUNCIL NO. _____

2019

AN ORDINANCE

APPROVING AND ACCEPTING THE SUBMISSION OF THE CITY OF SCRANTON'S OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT'S FIVE YEAR REVOLVING LOAN FUND (RLF) PLAN AS REQUIRED BY THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION (EDA).

WHEREAS, the City of Scranton was the recipient of a grant from the United States Economic Development Administration in 1991 from which six hundred thousand dollars (\$600,000.00) was designated as a revolving loan fund in accordance with the terms of the grant agreement dated May 13, 1991, Project No. 01-39-03140 between the City and EDA (the "EDA Grant Agreement"; and

WHEREAS, the City of Scranton utilizes this revolving loan fund in order to provide capital for business development and expansion opportunities that attracts and leverages additional investment, resulting in creating employment/retention for the residents of the City of Scranton; and

WHEREAS, every five years the City of Scranton is required to revise, submit and receive approval for the City's Five-Year Revolving Loan Fund (RLF) Plan according to the U. S. Department of Commerce's Economic Development Administration (EDA) regulations.; and

WHEREAS, the City has complied with the U.S. Department of Commerce's Economic Administration (EDA) recommendations concerning the City's Five-Year Revolving Loan Fund (RLF) Plan.; and

WHEREAS, in order for this plan to be officially approved by the U. S. Department of Commerce's Economic Development Administration (EDA) the City of Scranton through its Office of Economic and Community Development must receive approval from Scranton City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON that the City of Scranton's Five Year Revolving Loan Fund (RLF) Plan is hereby approved in order to comply with and receive official approval from the U.S. Department of Commerce's Economic Development Administration (EDA).

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect

any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Resolution, and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.



Office of Economic and
Community Development

January 15, 2019

Atty. Jessica Eskra
340 North Washington Avenue
City Hall
Scranton, PA 18503

Re: City of Scranton
U. S. Department of Commerce
Economic Development Administration
Revolving Loan Fund Program
Five Year Plan

Dear Atty. Eskra:

Attached is a Resolution along with the City of Scranton/OECD's Revolving Loan Fund Program Five Year Plan that needs City Council approval.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Linda B. Aebli".

Linda B. Aebli
Executive Director

Lba/
Attachments



UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
Philadelphia Regional Office
Robert N.C. Nix Federal Building
900 Market Street, Room 602
Philadelphia, PA 19107

6/7 1 5 2618

Ms. Linda Aebli
Executive Director
City of Scranton Office of Economic and Community Development
340 N. Washington Avenue
Scranton, PA 18503

Re: EDA Project No. 01-39-03140

Dear Ms. Aebli:

Thank you for the submission of City of Scranton Office of Economic and Community Development's Five Year Revolving Loan Fund (RLF) Plan. The Philadelphia Regional Office has completed its review, in accordance with EDA regulations; and is pleased to announce that your RLF Plan is conditionally approved.

In order for the RLF Plan to be fully approved, the items listed below must be added to the RLF Plan within 30 days from the date of this letter.

- Date the Board approved the RLF plan
- Private Sector Leverage: Indicate the ratio of private sector dollars to be leveraged by RLF funds. EDA requires a minimum ratio of \$2 in private financing for every \$1 in RLF financing, for the portfolio overall. *See 13 CFR 307.15(d)*. Per EDA RLF regulations: Private investments shall not include accrued equity in a borrower's assets. This is regardless of the time period.
- Environmental Reviews: Discuss how the Recipient will ensure compliance with applicable environmental laws and regulations, including but not limited to 13 CFR Parts 302 and 314, the National Environmental Policy Act of 1969 and other Federal environmental mandates. A staff person responsible for ensuring compliance should be identified (by title). At a minimum, the RLF Plan should include the following procedures for environmental review of loan applications for construction projects:
 - Determine whether the project will result in a significant adverse environmental impact. No activity shall be financed which would result in a significant adverse environmental impact unless that impact is to be mitigated to the point of insignificance. When necessary to ensure compliance, any required mitigation shall be made part of the loan conditions.
 - Determine whether the project involves new above-ground development within a floodplain based on a review of the proposed development against FEMA Flood Insurance Rate Maps. No activity shall be financed which would result in new above-ground development in a 100-year floodplain, per E.O. 11988.
 - Determine whether the project will be located within or adjacent to any wetland area. No activity shall be financed which would result in alternation of any wetland or i



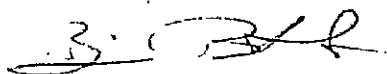
any adverse impact on any wetland without consultation with the U.S. Department of the Interior Fish and Wildlife Service and, if applicable, a Section 404 Permit with the Army Corp of Engineers shall be obtained.

- The RLF Plan should indicate that the Recipient shall notify the State Historic Preservation Officer (SHPO) of each approved loan that involves significant new construction and expansion and request and receive comments on the effect of the proposed activity on historic and archaeological resources prior to closing of the loan.
- The RLF Plan should indicate that all loan applicants are required to provide information regarding whether or not there are hazardous materials such as EPA listed hazardous substances (see 40 CFR 300), leaking underground storage tanks, asbestos, polychlorinated biphenyls (PCB), or other hazardous materials present on or adjacent to the affected property that have been improperly handled and have the potential of endangering public health. No activity shall be financed which involve unresolved site contamination issues.
- Loan Closing Documents: Provide a list of documents that will be required for the types of loans made under the RLF and any special timing requirements. Per 13 CFR 307.15(b)(2), the required documents should at a minimum include:
 - loan application
 - loan agreement (missing)
 - Board meeting minutes approving the RLF loan
 - promissory note
 - security agreement(s)
 - Deed of trust or mortgage (as applicable),
 - agreement of prior lien holder (as applicable) (missing)
 - a signed bank "turn-down" letter demonstrating that credit is not otherwise available.
- Loan Disbursements: Indicate how the loan funds will be disbursed.
- Job Creation: Describe how initial job creation claims will be reviewed and how jobs will be tracked after loan approval.

Please note that a Plan modification request must be approved by EDA before the City of Scranton may change any aspect of their Plan or the operation of their revolving loan fund program as per EDA regulations at 13 CFR § 307.9.

We wish you continued success in your efforts to implement the economic development activities described in your RLF plan. Please address any questions to the RLF Economic Development Specialist for Pennsylvania, Jennifer Sloms, at (215) 597-9584 or by email at jsloms@eda.gov.

Sincerely,



for Chris Christian
Area Director
Philadelphia Regional Office

CITY OF SCRANTON
OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT
REVOLVING LOAN FUND PROGRAM ADMINISTRATIVE
FIVE YEAR PLAN
ECONOMIC DEVELOPMENT ADMINISTRATION

Amended December 1, 2018

William L. Courtright, Mayor

340 North Washington Avenue
Scranton, Pennsylvania 18503
Phone: 570/348-4216
FAX: 570/348-4123
TDD: 570/348-4233

REVOLVING LOAN FUND STRATEGY

ECONOMIC ADJUSTMENT OVERVIEW

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)

The 2013-2018 Northeastern Pennsylvania Comprehensive Economic Development Strategy (CEDS) has provided the template for all NEPA areas to use so that all are aligned with the regional goals and strategies. The CEDS has already defined the problems, needs, and resources that may exist in each area so that strategies and action plans can be integrated to achieve the regional goals. The CEDS also stresses the importance of private/public sector partnerships which will also contribute to the achievement of regional goals. The needs that have been defined include: a trained and available workforce, an integrated transportation network, infrastructure, affordable housing, educational attainment, recreational/leisure/cultural amenities, access to capital, environmental awareness, and entrepreneurial development. This integrated approach is required for the Northeastern Pennsylvania region to achieve its goals for Economic Development, Business Development, Economic Infrastructure, and Competitive Positions in National and International Markets. Economic development activities play a crucial role in community development. An educated workforce in conjunction with business and employment opportunities is a catalyst for economic development.

CITY OF SCRANTON (OECD) ECONOMIC DEVELOPMENT STRATEGY

The City of Scranton (OECD) has implemented the strategy defined in the NEPA-EDA RLF to: "Provide capital for business development and expansion opportunities that attracts and leverages additional investment, resulting in employment creation/retention for the residents of the City".

The City of Scranton has come a long way since the last Five-Year Strategy Plan. Business Week has referred to Scranton as one of the "Best Places to Raise Your Kids: 2010" and one of "The Best Places to Start Over". Nicknamed "The Electric City", Scranton originated the first electric streetcar in 1886 and is now leveraging its rich history to encourage economic development particularly in its historic downtown.

The City has experiencing an economic and cultural renaissance. Private developers are investing in Scranton's future at a rate not seen since the 1930's when the City's population reached its historical peak. Scranton will capitalize

on the building momentum and ensure that proposed projects occur according to the RLF plan.

Lackawanna Avenue is the commercial center of downtown Scranton. On one end of this major thoroughfare, sits the Marketplace at Steamtown Shopping Mall and recently completed in 2017 the “Renaissance at 500” that consists of a Park owned by the National Park Service, the Plaza and elevator that leads to the NPS Park, Pedestrian Court that has small boutiques. The Second floor of these historic buildings have several condominiums, first floor has businesses. There are also two well-known hotels that include the transformation of the Erie-Lackawanna Railroad Station into the Radisson at Lackawanna Station. The south side of the 500 block is lined with commercial structures, several of which were constructed near the end of the nineteenth century. The other end of Lackawanna Avenue is the new Lackawanna County's new Intermodal Transportation Center. After years of planning and construction, the new Intermodal Transportation Center opened in 2016. The \$12.4 million building sits along Lackawanna Avenue. This Intermodal Transportation Center will house County of Lackawanna Transit System (COLTS) buses, long distance buses from Martz, taxis, and a train station. The building features indoor seating, out of the cold, plus vending machines and public restrooms. Bus drivers have a break room inside of the building.

The Connell Building on North Washington Avenue directly adjacent to Lackawanna Avenue is another project preserving Scranton's history. The Connell Building is one of the first historic mixed use rehabilitation in downtown Scranton. Connell has 89 apartments, office and retail space available.

Recently the Samter's Building was recently sold to the same developer as the Connell Building and that will also have mixed use with apartments on the higher floors and office and retail space available on the lower floors.

Another historic building the Oppenheim Building was just purchased with the same concept in mind as Samter's and Connell.

It is the City's intention to ensure that the Downtown flourishes with new development, while complimenting and restoring its older, historic architecture.

OECD recognizes that public investment encourages private investment; therefore, the city government intends to take a leadership role in economic development through the RLF Program. When public investment and private investment create a partnership, economic development can reach new heights. Businesses will create more employment opportunities and will provide the types of consumption amenities that improve the overall quality of life in our

city. We also intend to encourage private sector investment to improve our city's infrastructure so that we can readily support new businesses and offer the type of environment that fosters continued economic growth.

Specific Objectives of the City and use of RLF for Support

- Provide capital to private-sector enterprises who wish to form a business or expand an existing business in the City. EDA RLF will assist those businesses to whom, due to equity deficiency, traditional credit is not available. Job creation/retention will be required.
- Encourage an entrepreneurial culture in the City.
- Ensure that there are incubator and accelerators to meet entrepreneurial opportunities.
- Devote the resources necessary to ensure that our infrastructure suits the needs of businesses that exist in the City or that may be interested in relocating to the City.
- Direct funds to redevelop neighborhood commercial areas, especially those neighborhoods which are comprised of primarily low and moderate income families, in order to provide additional and higher quality services for its residents.
- Pursue sources of funding for economic development initiatives, beyond the EDA programs, in order to effectively leverage the federal investment in these initiatives.
- Continue to work closely with the PA Career Link, Greater Scranton Chamber of Commerce; the County of Lackawanna; the University of Scranton Small Business Development Center (SBDC); Scranton Tomorrow's Small Business Alliance, a collaborative group of Downtown business owners and professionals; and various non-profit agencies and neighborhood organizations, in order to ensure that, through cooperation, we can maximize the effects of our efforts to promote economic development initiatives.
- Use the RLF Program as a financing tool to fill gaps in local commercial lending/capital markets by providing funding to otherwise credit worthy businesses denied conventional funding due to an inadequate capital investment.

REVOLVING LOAN FUND BUSINESS DEVELOPMENT STRATEGY

The Revolving Loan Fund provides resources to support and foster the development of new businesses by providing loans in conjunction with capacity building and entrepreneurial assistance. The program is designed to stimulate economic growth and create businesses and jobs that will improve and preserve the City of Scranton's several business districts and neighborhoods. The main focus of the RLF program is to foster the development of new businesses and expansion of existing businesses that present employment opportunities for persons of low to moderate income families by providing subordinate financing in sufficient amount to reverse conventional loan denial decisions.

A targeted business is a commercial enterprise that has at least one (1) or more employees, one (1) or more of which is the principal and owns the enterprise at the time of application regardless of size, age, or particular markets within which they compete. This includes both part-time and full-time employees. This business is a private for-profit business entity; corporation, partnership or sole proprietorship that is legal, licensed and operating entities in the Commonwealth of Pennsylvania. This targeted business will be one in need of a loan that, when subordinated to conventional financing options, provides a sufficient equity position to remediate conditions that caused an initial denial of conventional financing.

The City of Scranton (OECD) adheres to prudent lending practices. This means accepting underwriting and lending practices for public loan programs to include Loan Processing, documentation, loan approval, collections, servicing, administrative procedures, collateral protection and recovery actions.

POLICY AND PORTFFOLIO STANDARDS

1. Monthly payments will be required based on an amortization schedule.
2. Subordinate liens to commercial lenders will be allowed.
3. Job creation/retention will be required.
4. Prudent lending practices will be followed.
5. All legal requirements will be followed.

LOCAL CAPITAL MARKET ANALYSIS AND FINANCING NEEDS OF TARGETED BUSINESSES

Local Capital Market Analysis

The City of Scranton has a significant number of large and smaller banking institutions that it deals with on a daily basis. PNC, Wells Fargo, and M&T make up a percentage of the larger banks, while ESSA Bank, First National Bank, Fidelity Discount and Deposit, Peoples Security Bank & Trust, Wayne Bank, and Community Bank, N.A. are some of the smaller lending organizations.

In addition to these lending institutions, credit unions have begun to enter the commercial marketplace in terms of extending credit to businesses.

The credit market in this region tightened considerably over the past decade. Many small and large institutions have posted aggregate losses in 2009. Banks reported decreases in the number of commercial and industrial loans. The relative percentage of non-performing loans increased in 2009 particularly in the larger banks. However, the portfolios of community banks also deteriorated and created problems in the loan loss reserve levels.

In 2017 conditions were improved. Nearly 16% of manufacturers surveyed reported that borrowing conditions had somewhat eased. However, a significant percentage of those surveyed reported that there has been no change in borrowing conditions, and nearly 13% reported that borrowing conditions have tightened.

Throughout the U.S. stricter credit regulations have, in some ways, stymied economic development. The staff of OECD met with many area businesses as well as banks and other economic development organizations. The following summarizes existing conditions in this city based upon discussions with these businesses and organizations.

- A significant percentage of businesses indicated that their ability to secure financing was difficult. This condition is prevalent – even for businesses that have good financial statements and credit histories. This inability to secure financing is one of the many reasons for the current state of the local and regional economy.
- There is a general reluctance to finance new-to-market and start-up companies lacking a track record and operating history.
- High equity participation from a loan-to-value perspective makes it difficult to secure financing.

- Certain business sectors are having a difficult time securing financing due to historically high loan default rates.
- Collateral requirements prohibit business development activities as banks are forming critical estimates in regard to appraised asset values, as well as toward the value of the borrowers' collateral.
- Fluctuating interest rates usually one to two points above prime lending rates make it more difficult for businesses to survive during initial development states. The cost of capital can be a deterrent to business development.
- Some businesses are reluctant to seek financing and increase their debt – due to their uncertainty on the national economy.

Financing needs of Surveyed Businesses

The following measures would help to alleviate tight credit and provide financing needs:

1. Lower owner equity participation requirements.
2. Leverage credit risk through numerous funding sources to entice lenders to finance. “Stacking the Debt” so that banks have first secured liens would help to stimulate financing.
3. Stagger Debt Payment dates so that multiples loans become due at different times.
4. Lower interest rates and lengthen terms of repayment.
5. Allow new-to market and start-up entities access to credit.
6. Encouragement to seek financing and have confidence that they will succeed instead of remaining focused on past National Economic woes.

With improving bank financial performance and the competitive nature of that industry, many of these needs will or have been addressed. Many good businesses and potential entrepreneurs have exhausted savings reserves to weather the economic downturn and may still remain short of capital investment dollars to fund expansion or new business ventures. Attempts to obtain conventional financing from banks and other investors may be denied for lack of a sufficient capital investment or a shortage of sufficient collateral.

The City of Scranton's EDA RLF Program will target those businesses that present employment opportunities for persons of low to moderate income families and are in need of a loan that, when subordinated to conventional financing options, provides a sufficient equity position to remediate conditions that caused an initial denial of conventional financing.

OPERATING PROCEDURES

Organizational Structure

The organization structure of the City of Scranton's Office of Economic and Community Development is outlined in the accompanying organizational chart. The Director controls the activity of the staff and staff members are cross trained to assist when needed in most areas of the business activity.

Ultimately, the Director, assisted by the Deputy Director and specialists in their respective areas of expertise, is responsible for the Marketing, Business Assistance, Loan Processing, Loan Closings, Loan Servicing, and Organizational Administration. The Deputy Director takes the lead with Loan Processing and Loan Closing and works closely with the Director to provide Business Assistance. Specialists assist with Marketing efforts. The Director of Finance and Compliance generally oversees the Loan Servicing and Organizational Administration. The City Planner, who is housed in the City's Department of Licensing, Inspection and Permits, assists OECD with Environmental Review as needed.

City of Scranton OECD- RLF Operating Procedures

A. Loan Program Marketing

The following marketing/outreach activities occur on a routine basis:

- Website – The City of Scranton's website (www.scrantonpa.gov) contains information and an application for the City's OECD Business and Industry Loan Program, along with information about the EDA-RLF Program.
- Seminars/Workshops – OECD actively participated in various seminars/workshops conducted by other organizations within the City. OECD staff serves as committee members of the Main Street Scranton Economic Restructuring Committee and Scranton Tomorrow's Small Business Alliance.
- Presentations – OECD meets with commercial lenders throughout the City as necessary when those institutions are providing primary financing to a potential borrower to discuss our financing programs.
- Brochures – OECD has developed brochures that are used for informational purposes, such as a map of downtown Scranton, a Small

Business Loan brochure and a Doing Business in Scranton booklet. The map and “Building Your Business in Scranton” informational booklet can also be found on the City’s homepage.

- Referrals – referrals as provided by other economic development organizations within this region are pursued.

B. Operating Plan

1. Eligibility Standards

a. Eligible Loan Recipients

Applicants must be new or existing private, for-profit businesses located within the City of Scranton to be eligible for this Economic Adjustment Assistance. Lending areas may be added in the future with EDA’s prior written approval. Applicants must demonstrate that credit is not otherwise available. RLF Capital shall be used for the purpose of making RLF loans that are consistent with this plan and the loan agreement shall state clearly the purpose of each loan.

b. Eligible Project Costs

Loans may be used to purchase real estate, renovate business premises, buy or upgrade machinery and equipment, invest in new technology, or serve as working capital.

c. Ineligible Loan Activities

The City of Scranton (OECD) EDA Revolving Loan Fund will not be used for borrowers to: acquire an equity position in a private business; subsidize interest payments on an existing RLF loan; provide a loan to a borrower for the purpose of meeting required equity contributions of another Federal Agency’s loan programs; acquire an interest in a business either through the purchase of stock or through the acquisition of assets, unless sufficient justification is provided in the loan documentation, invest in interest-bearing accounts, certificates of deposit, or any investment unrelated to the RLF; or refinance existing debt unless certain justifications exist.

2. General Requirements

a. Loan Amount

The maximum EDA loan amount will not exceed 25% of the RLF capital base. The minimum EDA loan amount will be \$10,000.

b. Equity and Collateral

Prospective businesses must provide at least 10% of the total cost in cash equity. This requirement may be waived or reduced dependent upon the particular situation at the sole discretion of the City of Scranton. Personal loan guarantees from business principals and co-owners of assets will be required. Collateral requirements will vary and be negotiated in a manner consistent with achieving the objectives of the financing strategy and protecting the assets of the RLF.

c. Interest Rate

The interest rate shall be equal to four (4) percentage points below the lesser of current money center prime rate quoted in the *Wall Street Journal* or the maximum interest rate allowed under Pennsylvania law. In no event shall the interest rate be less than the lower of four percent (4.00%) or seventy-five per cent of the prime rate quoted in the *Wall Street Journal*. However, should the interest rate listed in the *Wall Street Journal* exceed fourteen percent (14.00%), the City of Scranton may, in its sole discretion, adopt a maximum RLF interest rate of ten percent (10.00%) so as not to compromise the City's implementation of its financing strategy. This interest rate will be calculated on the date of the loan closing and fixed at that level until maturity. Any balance remaining beyond the date of maturity will continue to accrue interest at this rate until the debt is fully repaid.

d. Loan Terms

The standard loan term for all RLF loans is 10 years and the maximum is 15 years. Different terms not to exceed the maximum term may be negotiated. The loan agreement will clearly specify monthly payments of principal and interest based on the approved term.

e. Moratoria

Moratoria may be a negotiated loan term and condition based on the circumstances of the borrowing need. Such moratoria may not exceed the primary lender's moratoria for construction periods. Generally, monthly interest only payments will be due during the period of principal moratoria. Moratoria for emergency conditions that interrupt the normal repayment cycle will require prior approval by the Director of the Office of Economic and Community Development and may not exceed a total of sixty-days (60) over the

term of the loan. Such emergency moratoria will result in accrued interest and will extend the loan term by an equal time period.

f. Portfolio Standards and Targets

- **Target Percentages**

The City elects not to establish targeted percentages of RLF Investments based on land use, business status, or fixed vs. working capital loans.

- **Private Sector Leverage**

- The RLF must leverage private investment of at least two dollars for every one dollar (2 to 1 ratio) of such RLF loans. This leveraging requirement applies to the RLF portfolio as a whole rather than to individual loans and is effective for the duration of the RLF's operation. To be classified as leveraged, private investment must be made within twelve (12) months prior to or twelve (12) months after approval of an RLF loan, as part of the same business development project, and may include:

- Capital invested by the borrower or others;
- Financing from private entities; or
- The non-guaranteed portion and ninety (90) percent of the guaranteed portions of U.S. Small Business Administration's 7(A) loans and 504 debenture loans.

- Private investments shall not include accrued equity in a borrower's assets.

- **Employment/Job Cost Ratio**

- OECD-RLF recipients must agree to create and/or retain jobs within the City of Scranton. One full-time equivalent position must be created and/or retained per every \$30,000 in EDA-RLF proceeds. These positions must be created within one (1) year of the date of closing and present opportunities to low to moderate income families.
- OECD will monitor the job creation requirements on a quarterly basis for the first year and annually thereafter.

g. Loan Fees

The City of Scranton OECD requires no loan fees. There are no application fees, and no closing costs. The only cost the borrower may incur, are the fees associated with UCC or mortgage filing costs. Legal fees incurred by the borrower for representation throughout the loan process are the responsibility of the borrower. Any circumstantial fee that should arise as a result of negotiation during the loan origination process will be disclosed in the loan agreement.

C. RLF Loan Selection Criteria (Loan Approval Process)

Loan Processing

The City of Scranton's Office of Economic and Community Development (OECD) staff is responsible for the loan processing. A loan application for use by applicants has been developed. Eligibility for the City of Scranton OECD-RLF loan consideration is determined at the beginning of the loan process.

The application and initial interview is designed to determine if the proposed loan is consistent with the RLF Plan and places strong emphasis on job creation requirements.

Applications must be accompanied by documentation demonstrating this credit is not otherwise available. Documentation may be in the form of a bank "credit denial" letter, or a bank letter indicating that the bank will approve only a portion of the loan originally requested by the applicant.

Attachments to the application include:

1. Brief history and description of the business, including market and projected business future.
2. Detailed description of the project and anticipated benefit from the loan (i.e., jobs to be created).
3. A defined use of the loan proceeds. (Purchase of equipment, real estate, inventory, etc.) If equipment will be purchased, a complete listing of such will be required.
4. Management resume(s) of all owners and key staff.
5. Personal financial statements and three (3) years personal income tax returns from each owner of 20% or more of the company.
6. Historical business financial statements (or tax returns) for the past three years.
7. Most recent quarterly financial statement (less than 90 days old).
8. Credit Reports and Appraisals (as needed)
9. Project budget and sources of project funds.

10. Names of affiliates and/or subsidiary firms.
11. Copy of lease agreement (if applicable).
12. Certification of good standing, by-laws, partnership agreement.
13. A release form for the Scranton Single Tax Office. (For verification that taxes are paid up to date.)

Loan Evaluation

Upon completion, the application and all supporting documentation is returned to the office for an initial review by the Deputy Director. Documentation is reviewed to substantiate the use of funds requested and to determine project costs are reasonable and appropriate.

The Deputy Director (OECD) will communicate with the applicant, their accountant or other named officer of the applicant's company to ensure all documentation has been furnished and to answer any questions regarding the loan process.

The Deputy Director (OECD) will review all funding sources as presented in the application to ensure the appropriate amount of RLF funds are committed to the project. This will include verifying bank commitment and equity injection by applicant and to ensure that proceeds from the loan will not be used to pay existing debt and/or satisfy terms of a bridge loan.

The Deputy Director (OECD) will review all documentation provided by applicant for reasonableness of project income and expenses to determine if there is sufficient cash flow to cover the debt service of both the private and public portions of the project.

The Deputy Director (OECD) will evaluate the management resumes of each principal borrower and review their personal financial statements to determine the ability of the applicant(s) to manage the business and assess the risk associated with each. A secondary review of all supporting documentation is also performed.

The OECD Deputy Director and Director of Finance & Compliance will determine the total amount of the loan, the interest rate and term of the loan and verify the number of full-time equivalent jobs to be created.

An Environmental Review is completed by the City Planner that ensures compliance with applicable laws and regulations, including but not limited to 13 CFR Parts 302 and 314, the National Environmental Policy Act of 1969, and other Federal environmental mandates. The Finance and Compliance Director in the Office of Economic and Community Development will ensure the

compliance of this review and that the following procedures for environmental review of loan applications for construction projects are completed.

This review will:

- Determine whether the project will result in a significant adverse environmental impact. No activity shall be financed which would result in a significant adverse environmental impact unless that impact is to be mitigated to the point of insignificance. When necessary to ensure compliance, any required mitigation shall be made part of the loan conditions.
- Determine whether the project involves new above-ground development within a floodplain based on a review of the proposed development against FEMA Flood Insurance Rate Maps. No activity shall be financed which would result in new above-ground development in a 100 year flood plain, per E.O. 11988.
- Determine whether the project will be located within or adjacent to any wetland area. No activity shall be financed which would result in the alteration of any wetland or in any adverse impact on any wetland without consultation with the U.S. Department of the Interior Fish and Wildlife Services and, if applicable, a Section 404 Permit with the Army Corp of Engineers shall be obtained.
- The City shall notify the State Historic Preservation Officer (SHPO) of each approved loan that involves significant new construction and expansion and receive comments on the effect of the proposed activity on historic and archaeological resources prior to closing of the loan.
- Loan applicants are required to provide information regarding whether or not there are hazardous materials such as EPA listed hazardous substances (see 40 CFR 300). Leaking underground storage tanks, asbestos, polychlorinated biphenyls (PCB), or other hazardous materials present on or adjacent to the affected property that have been improperly handled and have the potential of endangering public health. No activity shall be financed which involve unresolved site contamination issues.

The Deputy Director generates the Internal Approval letter for file which attests that the applicant has met all requirements outlined in the application; the activity meets the requirement of creating or retaining permanent jobs, and is in accordance with financing policies and targeting and loan selection criteria.

The Deputy Director (OECD) will complete the Term Sheet and acquire all necessary signatures.

The Deputy Director notifies OECD solicitor of the total number of full-time equivalent jobs to be created as a direct result of the project and ensures the number is reflected under the Hiring Commitment section of the loan documents; via the Term Sheet.

A City Resolution accompanied by the loan write-up and recommendation for approval by OECD Administration is prepared by the City Solicitor and submitted to Scranton City Council.

Scranton City Council acts as the Loan Administration Board for EDA RLF and makes the final loan decision. City Council is comprised of five members nominated and elected by the qualified voters of the City at large to serve four year terms. A loan decision/City Resolution requires a majority vote of Council for approval.

The Borrower will be monitored to assure that the monies were spent according to the loan agreement and to determine that all regulations were followed.

Loan Closing

Loan closing documentation generally includes:

Copy of application

1. Application
 - a. Credit Reports
 - b. Property Appraisals
2. Signed Bank "credit denial" letter
3. Internal approval
4. Resolution of City Council
5. Resolution of borrower approving loan
6. Certificate of Organization
7. Registration of Fictitious Name
8. Promissory Note
9. Copy of Driver's License
10. Equipment List (for collateral/UCC filing purposes)
11. Attachment "A" (Listing of types/numbers of jobs to be created as referenced in the loan agreement.)
12. Loan Agreement
 - a. Clearly states the purpose of the loan and how City will ensure funds are used as intended
 - b. Job Creation; Clearly states the number of jobs to be created and that job creation will be verified by or under the direction and responsibility of the Deputy Director of OECD and tracked quarterly for the first year and annually thereafter. Verification

- will include documented site visits, reviews of payroll records, and employee interviews. The OECD Director of Finance and Compliance assures compliance with this procedure.
- c. Protects and hold Federal government harmless from and against liability incurred as a result of providing an RLF Grant to assist in site preparation, construction, or direct or indirect renovation of any facility or site
- d. Indicates the procedure for ensuring prospective borrowers, consultants, or contractors are aware of and comply with Federal statutory and regulatory borrower requirement for drawing funds
- e. Includes a loan call stipulation for instances of non-compliance
- 13. Agreement of Prior Lienholder (if applicable)
- 14. Security Agreement or Mortgage
- 15. UCC financing statements
- 16. Guaranty
- 17. Opinion of Borrower's Counsel
- 18. Insurance binder naming City as loss payee
- 19. Certificate of Good Standing
- 20. Loan Disbursement: All loans will be disbursed by check

Monitoring the Loans

OECD staff will be responsible for monitoring loan activities including the following:

1. Recording monthly loan repayments received via check or other conventional payment channel utilized by the City
2. Monitoring the status of the loan collateral, as appropriate
3. Monitoring Insurance Coverage and Renewals
4. Annual site visits will be conducted and documented
5. Quarterly job creation monitoring using verifiable source documentation to ensure loan agreement terms are met
6. UCC – Financing Statements Renewals, as appropriate
7. Loan modifications (as appropriate with approval of Director of Finance and Compliance and City Council.)
8. Loan files are maintained in secured files and in compliance with the City's Personally Identifiable Information (PII) Retention of Records Policy (attached) and include

- a. Copy of the private lender loan agreement
- b. Financial statements
- c. Annual insurance certifications
- d. Annual site visit reports
- e. General correspondence
- f. Job reports

Collection Procedures, Default and Foreclosure

The loan is considered in default when three (3) payments have been missed. The City of Scranton (OECD) has a standardized loan default letter that is sent certified to the loan recipient. Borrower has ten (10) days after receipt of the letter to bring the account current. If borrower fails to bring the account current, OECD proceeds forward, pursuant to the terms of the Promissory Note and Loan Agreement to declare the entire amount of the loan immediately due and payable and seek collection through the legal department.

Proceeds received on a defaulted loan that is not subject to liquidation pursuant to 13 CFR 307.20 will be applied as follows:

- First, toward costs of collection
- Second, toward outstanding penalties and fee
- Third, toward accrued interest due and payable
- Fourth, toward outstanding principal

The City of Scranton/OECD will work with borrowers who are experiencing financial difficulty. However, in order to fulfill our fiduciary responsibility and protect the RLF Program Capital Base, OECD will seek legal counsel to collect the outstanding loan balance. When all options have been exhausted, the City of Scranton OECD will instruct our solicitor to initiate legal action in an effort to recover any outstanding loan balances, including legal fees. UCC liens are filed as part of our loan procedures and the lien will be exercised to satisfy outstanding loan balances. If real estate has been pledged as collateral, the City of Scranton (OECD) will foreclose after an exhaustive effort to collect has occurred.

f. Write-Offs

If after prudent legal avenues of collection have been exhausted and collateral liquidated, the remaining balance may be determined uncollectable by the OECD Director, Director of Finance and Compliance and the Solicitor. At this time the balance is reported as such to City Administration and City Council and written off.

g. RLF Performance Assessment Process

The performance of the RLF will be evaluated quarterly by the Director, Deputy Director, and Director of Finance and Compliance, in accord with changing economic conditions in the region, to assess progress toward specific City objectives and the RLF Risk Rating System created by the US Department of Commerce.

The City will review and update the plan every five years.

h. Fidelity Bond Coverage

The City of Scranton does have Fidelity Bond Coverage to cover persons authorized to handle funds under the Grant award in an amount sufficient to protect the interest of EDA and the RLF. The Fidelity Bond Coverage is renewed annually.

ADMINISTRATIVE PROCEDURES

Accounting Principles

The OECD Director and appointed staff monitor the cash local share of the RLF to ensure it is used for lending, and in proper proportion to the grant funds as part of the City and OECD budget process and loan origination procedure.

A separate bank account will be maintained by the City of Scranton (OECD) for managing RLF capital to include both EDA and any local share portions of the RLF.

The City of Scranton (OECD) follows Generally Accepted Accounting Principles (GAAP).

Administrative Costs

The City will use RLF income to cover administrative costs to the maximum percentage of income permissible by regulation to be used for expenses. In the event costs exceed this limit the City of Scranton's general funds will be used to subsidize the excess cost. RLF revenues and costs together with substantiating documentation are isolated in the OECD's bookkeeping records and subject to review by audit.

Capital Utilization and Sequestration of Excess Funds

The Capital Utilization Standard will be applied to insure that at all times at least seventy-five percent of the RLF Capital is loaned or committed.

If the City fails to satisfy the capital utilization standard for two (2) consecutive Reporting Periods, EDA may require the City to deposit excess funds in an interest-bearing account. The portion of interest earned on the account holding excess funds attributable to the Federal Share of the RLF Grant shall be remitted to the U.S. Treasury. The City must obtain EDA's written authorization to withdraw any sequestered funds.

Audit

The City's approved EDA RLF is subject to an annual audit requirement and the full value of the EDA RLF must be shown on the City's Schedule of Federal Expenditures

Loan Program General Assurances

OECD shall comply with any and all applicable laws and/or regulations applicable to its receipt of Economic Development Administration Loan Program funds contained in 13 CFR, Part 300 through 303.9 and Parts 307.9 through 307.17. OECD shall also comply with OMB Circular A-102 which relates to the acceptance and use of federal funds.

The Borrower shall comply with any and all applicable laws and regulations required by the Federal Government:

- a) Flood protection insurance if project site is located within a flood plain area and mine subsidence insurance; as appropriate. These requirements are applicable to anyone who buys or takes control of the business.
- b) The lead-based paint requirements of 24 CFR, part 35, Subpart B, issued pursuant to the Lead-Based Paint Poisoning Act (42 U.S.C., 4801 et seq.);
- c) The regulations, policies, guidelines and requirements of OMB Circular A-133, which requires a Single Audit of Federal Funds received in the amount of \$500,000.00 or more.

- d) Assurance that the business will comply with federal regulations governing prevailing wage rates (Davis Bacon) for construction related projects.
- e) Assurance that the businesses will comply with the provisions of the American with Disabilities Act. The business will assure that it understands and agrees that no individual with a disability shall on the basis of the disability, be excluded from employment or activities provided for under any loan which OECD shall make available under its Revolving Loan Fund Program.
- f) Assurance that the business will adhere to the provisions of the Age Discrimination Act of 1975, as amended (Public Law 94—135);
- g) Requests from EDA, the City and the Comptroller General (or any authorized representatives) for access to and the right to examine all records, books, papers or documents related to the Loan and cooperate fully with the City in supplying information to meet EDA audit requirements;
- h) The American with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.);
- i) Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations at 24 CFR, Part 135, requiring that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the Project area and contracts for work in connection with the Project be awarded to eligible business concerns which are located in or owned in substantial part by persons residing in the area of the Project;
- j) Section 112 of P.L. 92-65 (42 U.S.C. § 3123) prohibiting sex discrimination in any program or activity receiving Federal Financial assistance under PWEDA;
- k) Borrower will, in all solicitations or advertisements for employees placed by or on behalf of Borrower; state that it is an Equal Opportunity or Affirmative Action Employer; and
- l) Assurance that the project does not involve relocation. Certain OECD loan programs capitalized through federal assistance do not allow its funds to be part of any project involving the relocation of an establishment from one area to another (Pirating) causing unemployment at the location

where such work was previously performed. For the purposes of the paragraph, “area” means that geographic area which will allow employees of relocated businesses to retain their jobs.

Environmental Compliance Assurances

All projects must adhere to all local, state and federal environmental control standards. Historical Preservation and Environmental reviews must be conducted when necessary. Projects involving acquisition and construction must certify that the land is clear of toxic waste contamination.

Civil Rights Assurances

All requirements imposed by Title VI of the Civil Rights Act of 1964 (Public Law 88—352) and Section 1.09 of the Housing and Community Development Act of 1974, as amended, and the regulations related to equal opportunity (24 CFR, Part 570.601). No person in the United States shall, on the grounds of race, color, creed, religion or national origin, sex, disability or other handicap, age, marital status or status with regard to public assistance, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any project assisted with Community Development Block Grant Funds.

Other Assurances

The City of Scranton/OECD will assure the following requirements will be met in the administration of the EDA Program:

1. That the borrowers business is located within the City of Scranton and that the RLF loan will be considered immediately due and payable if the borrower moves said business outside of the City.
2. Security Liens will be filed with the UCC on the borrowers’ furniture; fixtures; equipment; inventories and receivables.
3. The City will require insurance coverage including hazard, liability and general comprehensive coverage. The City of Scranton will be issued an insurance certificate with the City identified as a Loss Payee or mortgagee.
4. Loan pre-payment will be allowed without penalty.
5. Loan repayments returned to the RLF for relending will be held in interest bearing accounts, pending the origination of additional loans. RLF income must be put into the RLF Capital Base for the purpose of making loans or paying for eligible and reasonable administrative costs provided: (1) such RLF Income and the administrative costs are incurred in the same six-month Reporting Period, (2) RLF Income that is not used for Administrative costs during the six-month Reporting Period is made

available for lending activities, (3) RLF Income shall not be withdrawn from the RLF Capital base in a subsequent Reporting Period for any purpose other than lending without the prior written consent of EDA.

6. The City of Scranton (OECD) has a policy that all recipients of Federal dollars will complete the Conflict of Interest form which is reviewed to determine that there are no conflicts of interests. The RLF team follows this policy.

The City of Scranton shall not make RLF funds available to a business or entity if the owner of such entity or any owner of financial interest in such entity, which may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a sub-award, is related by blood, marriage, law or business arrangement to any member of City Council or an employee of the City of Scranton which advises, approves recommends or otherwise participates in decisions concerning loans or the use of grant funds.

No such individual or entity shall receive any benefits resulting from the use of loan or grant funds, unless the affected first discloses to City Council through the OECD on the public record the proposed or potential benefit and receives City Council's written determination that the benefit involved is not so substantial as to affect the integrity of City Council's decision process and of the services of the employee or member.

No such individual or entity shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment or any other thing of monetary value, for himself or another person, from any person or organization seeking to obtain a loan or any portion of the grant funds.

Such individuals or entities remain ineligible to apply for or receive loan or grant funds for a period of two years from the date of termination of his/her services.

7. All original notes, loan agreements, personal guarantees and security agreements will be kept in a fireproof file cabinet.
8. An individual revenue account will be setup for each loan to record loan payments. Loan payments are also posted to the Loan Amortization Schedule as received.
9. A separate bank account will be setup for EDA. Loan repayments returned to the EDA-RLF for relending will be held in this interest bearing account pending the issuance of additional loans.
10. Semi-annual reports will be filed timely.

11. The Capital Utilization Standard will be applied to insure that at all times at least seventy-five percent of the RLF Capital is loaned or committed.
12. All RLF loan documents and procedures must protect and hold the Federal government harmless from and against all liabilities that the Federal government may incur.



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263


January 16. 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE APPROVING AND ACCEPTING THE
SUBMISSION OF THE CITY OF SCRANTON'S OFFICE OF ECONOMIC AND
COMMUNITY DEVELOPMENT'S FIVE YEAR REVOLVING LOAN FUND (RLF)
PLAN AS REQUIRED BY THE U.S.DEPARTMENT OF COMMERCE, ECONOMIC
DEVELOPMENT ADMINISTRATION (EDA)

Respectfully,


Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RECEIVED

JAN 16 2019

OFFICE OF CITY
COUNCIL/CITY CLERK

FILE OF THE COUNCIL NO. _____

2019

AN ORDINANCE

AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO DISBURSE SIX THOUSAND DOLLARS (\$6,000.00) FROM THE UDAG REPAYMENT ACCOUNT INTO WHICH URBAN DEVELOPMENT ACTION GRANTS (UDAG) REPAYMENTS ARE DEPOSITED. THIS WILL COVER THE CITY OF SCRANTON'S SHARE OF COSTS FOR THE UNITED NEIGHBORHOOD CENTERS OF NORTHEASTERN PENNSYLVANIA TO ADMINISTER THE CONTINUUM OF CARE FOR LACKAWANNA COUNTY DURING THE PERIOD JULY 1, 2018 THROUGH JUNE 30, 2019.

WHEREAS, the City of Scranton's Office of Economic and Community Development administers Urban Development Action grants (UDAG) for which repayments is received (UDAG Repayments) that are deposited into the UDAG Repayment Account, and

WHEREAS, File of Council No. 47, 2008 requires legislation approved by the Governing Body of the City of Scranton prior to disbursement of UDAG Repayments from the UDAG Repayment Account, and

WHEREAS, Scranton City Council has requested legislation that would allow the City to provide UDAG "Re-Re" funds to the United Neighborhood Centers of Northeastern Pennsylvania to administer the Continuum of Care for Lackawanna County during the period July 1, 2018 through June 30, 2019. The total cost is \$12,000.00 for a one year period. Lackawanna County will cover one half of the total and the City of Scranton covers the other half.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON, that the Mayor and other appropriate City Officials are hereby authorized to disburse Six Thousand dollars (\$6,000.00) from the UDAG Repayment Account into which Urban Development Action Grants (UDAG) repayments are deposited. This will cover the City of Scranton's share of costs for the United Neighborhood Centers of Northeastern Pennsylvania to Administer the Continuum of Care for Lackawanna County during the period July 1, 2018 through June 30, 2019.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect

any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.



Office of Economic and
Community Development

January 15, 2019

Atty. Jessica Eskra
340 North Washington Avenue
City Hall
Scranton, PA 18503

Re: Ordinance
UDAG Re Re Funding
Lackawanna County Continuum of Care

Dear Atty. Eskra:

Attached is a Ordinance requesting City Council to approve funding from the UDAG restricted account. This will allow United Neighborhood Centers of NEPA to administer for the City of Scranton and Lackawanna County the Continuum of Care. See attached agreement. This is a yearly expense that OECD has been covering for the City for years; however, our unrestricted funds are depleted and must use restricted.

If you have any questions, please contact me at laebli@scrantonpa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Linda B. Aebli".

Linda B. Aebli
Executive Director

Lba/
Attachments



UNITED NEIGHBORHOOD CENTERS of Northeastern Pennsylvania

777 Keystone Industrial Park Road, Throop, Pennsylvania 18512

Phone: (570) 346-0759

www.uncnepa.org

CHILD CARE

Administrative Office
570-344-9882
Bellevue Center
570-342-5251
Progressive Center
570-207-4950
Green Ridge Center
570-961-2224

COMMUNITY YOUTH

Bellevue Center
570-342-5251
Progressive Center
570-207-4950
Leaders in Training
570-961-1592
Adventure Course
570-961-1592
Project Hope
570-344-9882
Creative Arts
570-961-1592

COMMUNITY SERVICES

Emergency Assistance
570-343-8835
Energy Assistance
570-343-8835
Transitional Housing
570-343-8835
Permanent Supportive Housing
570-343-8835
One Stop Shop
570-343-8835
Rental Assistance
570-343-8835
Angel's Attic
570-343-8835
First Time Homebuyers
570-343-8835
Violence Intervention
570-343-8835
Foreclosure Prevention
570-343-8835
Post Foster Care Housing
570-343-8835
Community Organizing
570-343-8835

SENIOR CENTERS

West Side Center
570-961-1592
South Side Center
570-346-2487
Carbondale Center
570-282-6167
Mid Valley Center
570-489-4415

SCOLA

570-346-6203

COMMUNITY HEALTH

570-880-7130

January 10, 2019

Ms. Linda Aebli
Executive Director
Office of Economic and Community Development
340 North Washington Avenue
Scranton, PA 18503

Dear Ms. Aebli:

Enclosed please find an agreement between United Neighborhood Centers and the City of Scranton for writing the Continuum of Care for Lackawanna County. This document is a comprehensive study of the homeless population and the capacity of agencies in the county to provide services. United Neighborhood Centers has been writing this document, which is required by HUD for the submission of grants to serve the homeless, for the past fourteen years.

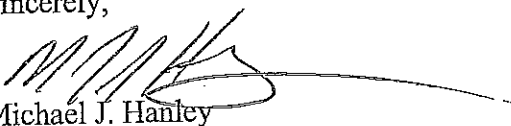
Last year this submission generated over \$2.4 million dollars for a number of programs operated by six different agencies in the county. We are again expecting over \$2 million through this year's process including the addition of new beds for chronic homeless youth and families and a continued emphasis on ending Veteran Homelessness in the City of Scranton per the direction of Mayor Courtwright.

As in previous years, Lackawanna County will cover one half of the total cost of \$12,000. The City's share will once again be \$6,000.

Maggie Willis will be coordinating this effort on behalf of United Neighborhood Centers. I have enclosed an agreement between UNC and the City for these services.

Should you have any questions please feel free to contact me at 570-346-0759.

Sincerely,


Michael J. Hanley
Chief Executive Officer



Member, United Way
of Lackawanna and
Wayne Counties
Member of
Alliance for Strong
Families and Communities

SUPER NOFA – CONTINUUM OF CARE AGREEMENT

Introduction

Each year, the Scranton/Lackawanna County Housing Collaborative reviews, evaluates, and updates the community's Continuum of Care (CoC), its system of programs and services, for individuals and families who are in need of shelter, transitional or supportive housing. The process is jointly administered by the City of Scranton Office of Economic and Community Development, the Lackawanna County Department of Human Services, and the Housing Coalition of Lackawanna County, an association of nonprofit service providers and funders.

The CoC review produces data, evaluative comments, and recommendations concerning the community's system of programs and services. These form the basis of the Continuum of Care Exhibit One, a document describing the current system and presenting a one-year plan to maintain and improve it. Exhibit One sets forth local priorities for development of new programs that fill critical gaps in the Continuum; it documents the need for the programs proposed by local agencies for HUD Supported Housing Program funding.

United Neighborhood Centers proposes to manage the annual Continuum of Care review and related work during the period July 1, 2018 through June 30, 2019. Specifics of this proposal are as follows:

Scope of Work

UNC will provide all local assistance to complete this project including data collection, meeting set up and scheduling and local mailing etc. The entire scope of work delivered directly by UNC is as follows:

1. Homeless Continuum of Care Assessment, Evaluation, and Planning

Structured provider interviews and point-in-time provider surveys will be used to obtain

- Assessment of consumer needs: e.g., emergency shelter for families, individuals.
- Inventory/Assessment of provider resources and needs: e.g., available services, funds

Relevant data on population trends, demographics, etc. will be incorporated as available

Gaps Analysis---data and discussion---based on above data

Dissemination of gaps analysis to prospective Super NOFA applicants

2. Development of a Continuum of Care Plan

A plan for strengthening the Scranton/Lackawanna Continuum of Care will be developed using the above data and public/agency input from evaluation sessions throughout the year.

The sessions will be coordinated with the Lackawanna County Continuum of Care Board, the Housing Coalition and other provider organizations.

The plan will include,

- A recommended structure/plan of organization for the Continuum (lead agency, committees, etc.)

- Goals, Objectives, Timelines and Responsibilities of Participant Agencies
- Recommended Resource Development strategy
- Recommended next steps for the Scranton/Lackawanna CoC

3. Super NOFA Response

Coordination of public meetings/planning meetings, including issuing notices, arranging space, providing RFP announcements, recording the minutes, etc.

Development of CoC Exhibit One, including narrative, forms, statistics

Assembly of the final Super NOFA submittal, including circulation for signatures, copying, mailing, etc.

Contract Period

The work will be performed during the period July 1, 2018 through June 30, 2019.

Responsibilities/Relationship of Participants

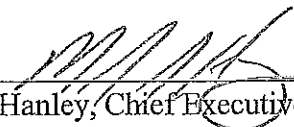
The Housing Coalition for Lackawanna County will serve as lead organization for the Scranton/Lackawanna Continuum of Care. The City of Scranton, and Lackawanna County Department of Human Services will contract with United Neighborhood Centers in provision of the above services. A representative of Lackawanna County DHS and the City of Scranton OECD will serve as points of contact for United Neighborhood Centers.

United Neighborhood Centers will circulate to prospective grantees the Exhibit One Continuum of Care (in draft or final form) to allow them the opportunity to develop their grant applications accordingly. United Neighborhood Centers will not provide consulting/advisory services to prospective applicants and will not review grant applications.

Fee

United Neighborhood Center's fee for above services for the City of Scranton will be \$6,000.

for United Neighborhood Centers



Michael Hanley, Chief Executive Officer

Date: 1.10.19

Acceptance: for Scranton Office of Economic and Community Development

Date: _____

IN WITNESS WHEREOF, the parties hereto have, in due form of law, caused this Agreement to be executed by and through their duly authorized representative on the day and year first above written.

ATTEST:

City Clerk

Date

BY _____
Mayor, City of Scranton

Date

BY _____
City Controller

Date

BY _____
Executive Director
Office of Economic and Community Development

Date

APPROVED AS TO FORM:

City Solicitor

Date



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263


January 16, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO DISBURSE SIX THOUSAND DOLLARS (\$6,000.00) FROM THE UDAG REPAYMENT ACCOUNT INTO WHICH URBAN DEVELOPMENT ACTION GRANTS (UDAG) REPAYMENTS ARE DEPOSITED. THIS WILL COVER THE CITY OF SCRANTON'S SHARE OF COSTS FOR THE UNITED NEIGHBORHOOD CENTERS OF NORTHEASTERN PENNSYLVANIA TO ADMINISTER THE CONTINUUM OF CARE FOR LACKAWANNA COUNTY DURING THE PERIOD JULY 1, 2018 THROUGH JUNE 30, 2019.

Respectfully,


Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RECEIVED

JAN 16 2019

OFFICE OF CITY
COUNCIL/CITY CLERK

RESOLUTION NO. _____

2019

AMENDING RESOLUTION NO. 86, 2018 ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SCRANTON AND LOCAL UNION NO. 60 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO; TO INCLUDE ONLY THE IME PANEL OF PHYSICIANS FOR DISABILITY PENSIONS.

WHEREAS, except as otherwise explicitly provided by this Memorandum of Understanding, all terms and conditions of the parties' 2008 – 2021 Collective Bargaining Agreement shall remain in full force and effect; and

WHEREAS, the City and Local Union No. 60 of the International Association of Fire Fighters, ALF-CIO desire to modify only the provision of the parties' 2008-2021 Collective Bargaining Agreement (CBA) regarding policies for the Independent Medical Examination Panel of Physicians for disability pensions in accordance with Paragraph 8 of the Memorandum of Agreement dated March 11, 2016; and

WHEREAS, the Modified Duty, Sick Time Reimbursement, and EMT/EMR/Paramedic/ Nurse Certification, as contained in the Memorandum of Understanding attached to Resolution No. 86, 2018 were not approved by the bargaining union members; and

WHEREAS, except as specifically provided herein, all modifications to the 2008-2021 Collective Bargaining Agreement shall be effective with the pay period next following the mutual ratification of this Memorandum of Understanding a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that Resolution No. 86, 2018 is hereby amended to include only the IME Panel of Physicians for disability pensions in the Memorandum of Understanding attached hereto marked as Exhibit "A" and incorporated herein by reference thereto.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or

any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intend of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE CITY OF SCRANTON
AND
LOCAL UNION NO 60
OF THE INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS, AFL-CIO

It is hereby agreed by and between the City of Scranton ("City") and Local Union No. 60 of the International Association of Fire Fighters ("Union") as follows:

1. UNAFFECTED PROVISIONS

Except as otherwise specifically provided by this Memorandum of Understanding, all terms and conditions of the parties' 2008-2021 Collective Bargaining Agreement ("CBA") shall remain in full force and effect.

2. EFFECTIVE DATE OF MODIFICATIONS

Except as specifically provided herein, all modifications of the CBA shall become effective with the pay period next following the mutual ratification of this Memorandum of Understanding.

3. IME PANEL

A. The panel of physicians attached hereto as Exhibit A shall be used as the panel of specialist physicians to determine whether firefighters are entitled to disability pensions, in

accordance with Paragraph 8 of the Memorandum of Agreement dated March 11, 2016 ("Mandamus Action Settlement") and the CBA. The panel of physicians attached hereto as Exhibit A can be amended upon mutual agreement of the City and the Union. In the event one side or the other wishes to amend the panel, and there is no agreement, said dispute may be referred to arbitration, consistent with the terms of the CBA.

B. The City and the Pension Board shall split the cost of the disability pension application process, including but not limited to, the fees of the examining physicians and the third party administrator, at this time being VocRehab.

International Association of Firefighters,
Local Union No. 60

JRSM
12-19-2018
DATE

City of Scranton

Danielle Kennedy, HR Director
December 19, 2018
DATE

CITY OF SCRANTON

ATTEST:

BY: _____
Lori Reed, City Clerk

Date: _____

BY: _____
William L. Courtright, Mayor

Date: _____

BY: _____
Roseann Novembrino, City Controller

Date: _____

APPROVED AS TO FORM:

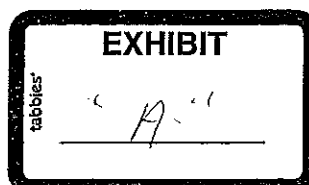
BY: _____
Jessica L. Eskra, Esq., City Solicitor

Date: _____

IME Physician Panel List
City of Scranton

Oncology

1. Hematology and Oncology of NEPA
1100 Meade Street
Dunmore, PA 18512
570-342-3675
Exam Fee – Current Medicare rate - \$1,200.00 per hour
Also depends on the level of disability, and amount of work involved.
2. Maged Khalil, MD
Hematology and Oncology of Allentown
1240 S. Cedar Crest Blvd
Allentown, PA 18103
610-402-7880
Exam Fee – Current Medicare rate - \$1,200.00 per hour
Also depends on the level of disability, and amount of work involved.
3. Thomas E. LeVoyer, MD
Robert Ozols, MD
Fox Chase Center
333 Cottman Avenue
Philadelphia, PA 19111
215-728-6900
Exam Fee – Current Medicare rate- \$1,200.00 per hour
Also depends on the level of disability and amount of work involved.
4. Stephen Shore, MD
111 Presidential Blvd
Bala Cynwyd, PA
610-492-5900
610-660-9930
Exam Fee \$1,575.00
No Show Fee \$ 750.00



5. Brian Wojciechowski, MD

**240 Centronia Road
Suite 1205
Allentown, PA 18104
866-288-0808**

Exam Fee	\$1,800.00
No Show Fee	\$1,500.00
Cancellation Fee – 72 Hours	\$1,500.00
Cancellation Fee – 7 business days	\$1,000.00

Orthopedics

1. Harry Schmaltz, MD

**Coordinated Health, Scranton Orthopedics
334 Main Street
Suite 1
Dickson City, PA 18519
570-307-1767**

Exam Fee	\$1,500.00
Addendum Fee	\$ 300.00 per hour
Narrative Report	\$ 300.00
Depositions (60 minutes)	\$2,500.00
Video Deposition	\$3,000.00
No show Fee	\$1,500.00

Cancellation/rescheduling with 2 weeks of Exam requires a \$1,250.00 forfeiture of fees

Cancellation/rescheduling of deposition will result in 50% forfeiture of fees regardless of when cancelled or rescheduled. Cancellation within one week of deposition will result in 100% forfeiture of fee.

2. Kevin Anbari, MD

**OAA Specialists
250 Centronia Road
Suite 303
Allentown, PA 18104
610-973-6200**

Exam Fee	\$1,600.00
No Show Fee	\$1,600.00

Cancellation/rescheduling with 2 business days of scheduled Exam will result in 75% forfeiture of fees. 5 business days will result in 25% forfeiture of fees.

3. Gregory Menio, MD
Mountain Valley Ortho
600 Plaza Court
East Stroudsburg, PA 18301
570-421-7020

Exam/Report Fee	\$1,000.00 - \$900 prepay
Addendum Fee	\$ 200.00-\$400.00
Depositions	\$3,200.00
No show Fee	\$1,000.00
Cancellation within 48 hours	\$400.00

Internal Medicine

1. William Dempsey, MD
The Wright Center for Primary Care
1145 Northern Boulevard
S. Abington Township, PA 18411
570-585-1300

Exam Fee - Current Medicare Rate \$1,200.00 per hour
Also depends on disability, amount of records and amount of work involved.

2. Peter Cagnetti, MD
Physicians Health Alliance
802 Jefferson Avenue
Scranton, PA 18510
570-346-7331

Exam Fee – Current Medicare Rate \$1,200.00 per hour
Also depends on the disability, amount of records, and amount of work involved.

3. Steven Feinstein, MD
222 Presidential Blvd
Bala Cynwyd, PA 19004
610-660-9930

Exam Fee	\$ 1,100.00
No show Fee	\$ 550.00
Late Cancellation Fee	\$ 550.0

4. Patrick Connors, MD
2232 Pittston Avenue
Scranton, PA 18505
570-969-6327

Exam Fee	\$1,000.00
----------	------------

Cancellation Fee (less than 5 days) \$500.00

Neurology/Neurological Surgery

1. Michael D. Kim, MD
Seth Jones, MD
Kevin Madden, MD
Scranton Neurological Associates
802 Jefferson Avenue
Floor 5
Scranton, PA 18510
570-348-1118
Exam Fee/Report \$110.00 - \$275.00 hour -also depends on
disability, amount of records and amount of work involved.

2. Daniel Ackerman, MD
St. Luke's
240 Centronia Road
Allentown, PA 18104
484-526-5210
Exam Fee - Current Medicare rates - also depends on the level of disability, and
amount of work involved.

3. David Tabby, MD
301 E. City Avenue
Suite 325
Bala Cynwyd, PA 19004
610-664-2584
Exam Fee/Report – Current Medicare rates – also depends on the level of disability
and the amount of work involved.

4. Vithalbhai Dhaduk, MD
235 Main Street, Suite 115
Dickson City, PA 18519
Exam Fee \$2,000.00 to be paid 2 wks prior to appt.
No show fee \$1,000.00

5. Dr. Bragan (travels to Allentown)
111 Presidential Blvd
Bala Cynwyd, PA 19004
610-660-9930

Exam Fee	\$1,700.00
No Show Fee	\$1,700.00
Cancellation Fee within 7-3 days	\$1,050.00
Cancellation fee within 3 days	\$1,700.00

6. Richard Bennett, MD
5401 Old York Road
Philadelphia, PA 19141-3046
610-660-9930

Exam Fee	\$ 1,460.00
No Show Fee	\$ 700.00
Cancellation Fee within 3-5 days	\$ 250.00

Psychology

1. Richard Fischbein, MD
562 Wyoming Avenue
Kingston, PA 18704
570-552-3780

Exam Fee	\$2,500.00
Report Fee	\$ 630.00/hour
Psychological Testing (if needed)	\$ 400.00 per test
Deposition Fee	\$3,500.00 – half day flat fee \$7,000.00 -full day flat fee

2. James W. Truscott, PhD
John Heinz Institute of Rehabilitation
150 Mundy Street, Ste 5
Wilkes-Barre, PA 18702

Exam Fee	\$2,500.00
Report Fee	\$ 630.00/hour
Psychological Testing (if needed)	\$ 400.00 per test

3. Robert Cohn, MD
111 Presidential Blvd
Bala Cynwyd, PA 19004 (travels to Allentown)
610-660-9930

Exam Fee	\$ 2,250.00
No Show Fee	\$ 2,000.00
Cancellation Fee	\$ 700.00



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263

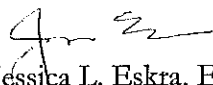
January 16, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AMENDING RESOLUTION NO. 86, 2018 ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SCRANTON AND LOCAL UNION NO. 60 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO; TO INCLUDE ONLY THE IME PANEL OF PHYSICIANS FOR DISABILITY PENSIONS.

Respectfully,


Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RECEIVED

JAN 16 2019

OFFICE OF CITY
COUNCIL/CITY CLERK

RESOLUTION NO. _____

2019

AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SCRANTON AND LODGE NO. 2 OF THE FRATERNAL ORDER OF POLICE BY AMENDING SECTIONS OF THE MEMORANDUM OF AGREEMENT DATED MARCH 11, 2016 REGARDING DISABILITY PENSIONS.

WHEREAS, E.B. Jermyn Lodge No. 2 of the Fraternal Order of Police ("FOP") and the City of Scranton ("City") are parties to a Collective Bargaining Agreement; and

WHEREAS, the "FOP" and the "City" entered into a Memorandum of Agreement on March 11, 2016, to resolve the pending Mandamus Action in the Court of Common Pleas of Lackawanna County; and

WHEREAS, the "FOP" and the "CITY" agree to paragraphs 7 through 9, inclusive to amend the Collective Bargaining Agreement between the parties regarding disability pensions; and

WHEREAS, the "FOP" and the "CITY" agree to amend the Memorandum of Agreement dated March 11, 2016 and their Collective Bargaining Agreement in certain respects but keep all other provisions intact; and

WHEREAS, the FOP and the City mutually agree, and intending to be legally bound by the terms and conditions in the Memorandum of Understanding attached hereto as Exhibit "A" that the panel of physicians attached to the Memorandum of Understanding shall be used as the panel of specialist physicians to determine whether police officers are entitled to disability pensions, in accordance with Paragraph 8 of the Memorandum of Agreement dated March 11, 2016 and their Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that the Mayor and other appropriate City officials are authorized to execute and enter into a Memorandum of Understanding by and between the City of Scranton and Lodge No. 2 of the Fraternal Order of Police attached hereto as Exhibit "A" and incorporated herein by reference thereto.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally

enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intend of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

MEMORANDUM OF UNDERSTANDING

AND NOW, E.B. Jermyn Lodge No. 2 of the Fraternal Order of Police ("FOP") and the City of Scranton ("City"), agree to mutually bound by the promises contained herein, hereby state as follows:

WHEREAS the "FOP" and the "City" enter into a Memorandum of Agreement on March 11, 2016 to resolve the pending Mandamus Action in the Court of Common Pleas of Lackawanna County, captioned E.B. Jermyn Lodge No. 2 of the Fraternal Order of Police v. City of Scranton, Docket No. 13-CV- 6690; and

WHEREAS the "FOP" and the "City" agree to paragraphs 7 through 9, inclusive to amend the Collective Bargaining Agreement between the parties regarding disability pensions; and

WHEREAS, the "FOP" and the "City" agree to amend the Memorandum of Agreement dated March 11, 2016 and their Collective Bargaining Agreement in certain respects but keep all other provisions intact;

THEREFORE, intending to be legally bound, knowingly and voluntarily and in consideration of the promises and payments described in this Memorandum of Understanding, the parties hereby agree as follows:

1. The panel of physicians attached hereto as Exhibit "A" shall be used as the panel of specialist physicians to determine whether police officers are entitled to disability pensions, in accordance with Paragraph 8 of the Memorandum of Agreement dated March 11, 2016 and their Collective Bargaining Agreement. The panel of physicians attached hereto as Exhibit "A" can be amended upon mutual agreement of the "City" and "FOP"

2. The "City" and the Police Pension Fund shall split the cost of the disability pension application process, including but not limited to, the fees of the examining physicians and the third party administrator, at this time, being VocRehab.

E.B. Jernyn Lodge No. 2
Fraternal Order of Police

Paul H. [Signature]
President

8-3-18
DATE

City of Scranton

Janille Kennedy

August 3, 2018
DATE

CITY OF SCRANTON

ATTEST:

BY: _____
Lori Reed, City Clerk

BY: _____
William L. Courtright, Mayor

Date: _____

Date: _____

BY: _____
Roseann Novembrino, City Controller

Date: _____

APPROVED AS TO FORM:

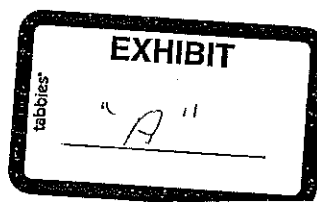
BY: _____
Jessica L. Eskra, Esq., City Solicitor

Date: _____

IME Physician Panel List
City of Scranton

Oncology

1. Hematology and Oncology of NEPA
1100 Meade Street
Dunmore, PA 18512
570-342-3675
Exam Fee – Current Medicare rate - \$1,200.00 per hour
Also depends on the level of disability, and amount of work involved.
2. Maged Khalil, MD
Hematology and Oncology of Allentown
1240 S. Cedar Crest Blvd
Allentown, PA 18103
610-402-7880
Exam Fee – Current Medicare rate - \$1,200.00 per hour
Also depends on the level of disability, and amount of work involved.
3. Thomas E. LeVoyer, MD
Robert Ozols, MD
Fox Chase Center
333 Cottman Avenue
Philadelphia, PA 19111
215-728-6900
Exam Fee – Current Medicare rate- \$1,200.00 per hour
Also depends on the level of disability and amount of work involved.
4. Stephen Shore, MD
111 Presidential Blvd
Bala Cynwyd, PA
610-492-5900
610-660-9930
Exam Fee \$1,575.00
No Show Fee \$ 750.00



5. Brian Wojciechowski, MD

240 Centronia Road
Suite 1205
Allentown, PA 18104
866-288-0808

Exam Fee	\$1,800.00
No Show Fee	\$1,500.00
Cancellation Fee – 72 Hours	\$1,500.00
Cancellation Fee – 7 business days	\$1,000.00

Orthopedics

1. Harry Schmaltz, MD

Coordinated Health, Scranton Orthopedics
334 Main Street
Suite 1
Dickson City, PA 18519
570-307-1767

Exam Fee	\$1,500.00
Addendum Fee	\$ 300.00 per hour
Narrative Report	\$ 300.00
Depositions (60 minutes)	\$2,500.00
Video Deposition	\$3,000.00
No show Fee	\$1,500.00

Cancellation/rescheduling with 2 weeks of Exam requires a \$1,250.00 forfeiture of fees

Cancellation/rescheduling of deposition will result in 50% forfeiture of fees regardless of when cancelled or rescheduled. Cancellation within one week of deposition will result in 100% forfeiture of fee.

2. Kevin Anbari, MD

OAA Specialists
250 Centronia Road
Suite 303
Allentown, PA 18104
610-973-6200

Exam Fee	\$1,600.00
No Show Fee	\$1,600.00

Cancellation/rescheduling with 2 business days of scheduled Exam will result in 75% forfeiture of fees. 5 business days will result in 25% forfeiture of fees.

3. Gregory Menio, MD
Mountain Valley Ortho
600 Plaza Court
East Stroudsburg, PA 18301
570-421-7020

Exam/Report Fee	\$1,000.00 - \$900 prepay
Addendum Fee	\$ 200.00-\$400.00
Depositions	\$3,200.00
No show Fee	\$1,000.00
Cancellation within 48 hours	\$400.00

Internal Medicine

1. William Dempsey, MD
The Wright Center for Primary Care
1145 Northern Boulevard
S. Abington Township, PA 18411
570-585-1300

Exam Fee - Current Medicare Rate \$1,200.00 per hour
Also depends on disability, amount of records and amount of work involved.

2. Peter Cognetti, MD
Physicians Health Alliance
802 Jefferson Avenue
Scranton, PA 18510
570-346-7331

Exam Fee – Current Medicare Rate \$1,200.00 per hour
Also depends on the disability, amount of records, and amount of work involved.

3. Steven Feinstein, MD
222 Presidential Blvd
Bala Cynwyd, PA 19004
610-660-9930

Exam Fee	\$ 1,100.00
No show Fee	\$ 550.00
Late Cancellation Fee	\$ 550.0

4. Patrick Connors, MD
2232 Pittston Avenue
Scranton, PA 18505
570-969-6327

Exam Fee	\$1,000.00
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Cancellation Fee (less than 5 days) \$500.00

Neurology/Neurological Surgery

1. Michael D. Kim, MD
Seth Jones, MD
Kevin Madden, MD
Scranton Neurological Associates
802 Jefferson Avenue
Floor 5
Scranton, PA 18510
570-348-1118
Exam Fee/Report \$110.00 - \$275.00 hour -also depends on
disability, amount of records and amount of work involved.
2. Daniel Ackerman, MD
St. Luke's
240 Centronia Road
Allentown, PA 18104
484-526-5210
Exam Fee - Current Medicare rates - also depends on the level of disability, and
amount of work involved.
3. David Tabby, MD
301 E. City Avenue
Suite 325
Bala Cynwyd, PA 19004
610-664-2584
Exam Fee/Report – Current Medicare rates – also depends on the level of disability
and the amount of work involved.
4. Vithalbhai Dhaduk, MD
235 Main Street, Suite 115
Dickson City, PA 18519
Exam Fee \$2,000.00 to be paid 2 wks prior to appt.
No show fee \$1,000.00
5. Dr. Bragan (travels to Allentown)
111 Presidential Blvd
Bala Cynwyd, PA 19004
610-660-9930

Exam Fee	\$1,700.00
No Show Fee	\$1,700.00
Cancellation Fee within 7-3 days	\$1,050.00
Cancellation fee within 3 days	\$1,700.00

6. Richard Bennett, MD

5401 Old York Road
Philadelphia, PA 19141-3046
610-660-9930

Exam Fee	\$ 1,460.00
No Show Fee	\$ 700.00
Cancellation Fee within 3-5 days	\$ 250.00

Psychology

1. Richard Fischbein, MD

562 Wyoming Avenue
Kingston, PA 18704
570-552-3780

Exam Fee	\$2,500.00
Report Fee	\$ 630.00/hour
Psychological Testing (if needed)	\$ 400.00 per test
Deposition Fee	\$3,500.00 – half day flat fee \$7,000.00 -full day flat fee

2. James W. Truscott, PhD

John Heinz Institute of Rehabilitation
150 Mundy Street, Ste 5
Wilkes-Barre, PA 18702

Exam Fee	\$2,500.00
Report Fee	\$ 630.00/hour
Psychological Testing (if needed)	\$ 400.00 per test

3. Robert Cohn, MD

111 Presidential Blvd
Bala Cynwyd, PA 19004 (travels to Allentown)
610-660-9930

Exam Fee	\$ 2,250.00
No Show Fee	\$ 2,000.00
Cancellation Fee	\$ 700.00



DEPARTMENT OF LAW

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4105 • FAX: 570-348-4263

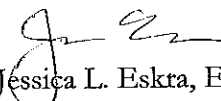
January 16, 2019

To the Honorable Council
Of the City of Scranton
Municipal Building
Scranton, PA 18503

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AUTHORIZING THE MAYOR AND
OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A
MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF
SCRANTON AND LODGE NO. 2 OF THE FRATERNAL ORDER OF POLICE BY
AMENDING SECTIONS OF THE MEMORANDUM OF AGREEMENT DATED
MARCH 11, 2016 REGARDING DISABILITY PENSIONS.

Respectfully,


Jessica L. Eskra, Esquire
City Solicitor

JLE/sl

RECEIVED

JAN 16 2019

OFFICE OF CITY
COUNCIL/CITY CLERK