

**AGENDA**  
**RESCHEDULED REGULAR MEETING OF COUNCIL**  
**May 23, 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 REGULAR MEETING OF THE MEMBERS OF SCRANTON HOUSING AUTHORITY HELD APRIL 1, 2019.  
  
[Scranton Housing Authority Meeting Minutes 4-1-19.pdf](#)
  - 3.B TAX ASSESSOR'S RESULTS REPORT FOR HEARING DATE HELD MAY 8, 2019.  
  
[Tax Assessor's Results Report for 5-08-19.pdf](#)
  - 3.C TAX ASSESSOR'S REPORT FOR HEARING DATE TO BE HELD MAY 29, 2019.  
  
[Tax Assessor's Report for 5-29-19.pdf](#)
  - 3.D MINUTES OF THE SCRANTON FIREFIGHTERS PENSION COMMISSION MEETING HELD APRIL 17, 2019.  
  
[Scranton Firefighters Pension Commission Meeting 04-17-19.pdf](#)
  - 3.E MINUTES OF THE NON-UNIFORM MUNICIPAL PENSION BOARD MEETING HELD APRIL 17, 2019.

[Non-Uniform Municipal Pension Board Minutes 04-17-19.pdf](#)

- 3.F MINUTES OF THE SCRANTON POLICE PENSION COMMISSION MEETING HELD APRIL 17, 2019.

[Scranton Police Pension Commission Meeting 04-17-19.pdf](#)

- 3.G MINUTES OF THE COMPOSITE PENSION BOARD MEETING HELD APRIL 17, 2019.

[Composite Pension Board Minutes 4-17-19.pdf](#)

- 3.H AGENDA FOR THE NON-UNIFORM MUNICIPAL PENSION BOARD MEETING HELD MAY 15, 2019.

[Agenda for Non-Uniform Municipal Pension Board 04-17-19.pdf](#)

- 3.I CONTROLLER'S REPORT FOR MONTH ENDING APRIL 30, 2019.

[Controller's Report 04-30-19.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 – A RESOLUTION – RE-APPOINTMENT OF DAVID J. WENZEL, 7 PHILLIPS DRIVE, SCRANTON, PENNSYLVANIA, 18505 AS A MEMBER OF THE SHADE TREE COMMISSION FOR AN ADDITIONAL FIVE (5) YEAR TERM EFFECTIVE APRIL 24, 2019. MR. WENZEL'S PRIOR TERM

EXPIRED ON OCTOBER 29, 2018 AND WAS HELD OVER TO APRIL 24, 2019. HIS NEW TERM WILL EXPIRE ON OCTOBER 29, 2023.

[Res 115-2019 Re-Appt. David Wenzel to Shade Tree Commission.pdf](#)

- 5.C FOR INTRODUCTION – A RESOLUTION – RE-APPOINTMENT OF JOSEPH A. RICCARDO, JR., 1002 FROUDE AVENUE, SCRANTON, PENNSYLVANIA, 18505 AS A MEMBER OF THE SHADE TREE COMMISSION FOR AN ADDITIONAL FIVE (5) YEAR TERM EFFECTIVE APRIL 24, 2019. MR. RICCARDO’S PRIOR TERM EXPIRED ON DECEMBER 7, 2018 AND WAS HELD OVER UNTIL APRIL 24, 2019. HIS NEW TERM WILL EXPIRE ON DECEMBER 7, 2023.

[Res 116-2019 Re-Appt. Joseph Riccardo to Shade Tree Commission.pdf](#)

- 5.D FOR INTRODUCTION – A RESOLUTION – AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF SCRANTON TO SIGN AND SUBMIT THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (“PENNDOT”) APPLICATION FOR TRAFFIC SIGNAL APPROVAL FOR TRAFFIC SIGNAL PERMIT NO. 6357 FOR TRAFFIC SIGNAL REPLACEMENT AT GREEN RIDGE STREET (SR 6011) AND WYOMING AVENUE (SR 3025).

[Res 117-2019 Traffic Signal Permit Green Ridge St & Wyoming Ave.pdf](#)

- 5.E FOR INTRODUCTION – A RESOLUTION – AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO GRANT A SPECIAL ENCROACHMENT PERMIT TO CROCUS CAFÉ TO OPERATE AN OUTDOOR CAFÉ AT 323 NORTH WASHINGTON AVENUE, SCRANTON, PENNSYLVANIA.

[Res 118-2019 Special Encroachment Permit to Crocus Cafe.pdf](#)

- 5.F FOR INTRODUCTION – A RESOLUTION – AMENDING RESOLUTION NO. 170, 2017, ENTITLED “AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH LOCAL LODGE 2462 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF A MEMORANDUM OF UNDERSTANDING RATIFIED BY THE MEMBERSHIP” BY ENTERING INTO A SUPPLEMENTAL

AGREEMENT BETWEEN LOCAL LODGE NO. 2462 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO AND THE CITY OF SCRANTON IN ORDER TO STRENGTHEN THE IAM NATIONAL PENSION FUND. (EMERGENCY CERTIFICATE ATTACHED).

[Res 119-2019 Amending Res 170, 2017 Emergency Certificate.pdf](#)

- 5.G FOR INTRODUCTION – A RESOLUTION – AMENDING RESOLUTION NO. 214, 2017, ENTITLED “AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH LOCAL LODGE 2305 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF A MEMORANDUM OF UNDERSTANDING RATIFIED BY THE MEMBERSHIP” BY ENTERING INTO A SUPPLEMENTAL AGREEMENT BETWEEN LOCAL LODGE NO. 2305 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO AND THE CITY OF SCRANTON IN ORDER TO STRENGTHEN THE IAM NATIONAL PENSION FUND. (EMERGENCY CERTIFICATE ATTACHED).

[Res 120-2019 Amending Res 214, 2017 Emergency Certificate.pdf](#)

## 6. CONSIDERATION OF ORDINANCES - READING BY TITLE

- 6.A READING BY TITLE – FILE OF THE COUNCIL NO. 63, 2019 – AN ORDINANCE – APPROVING THE TRANSFER OF A RESTAURANT LIQUOR LICENSE OWNED BY RDRM, INC., HC 2, BOX 177, THORNHURST TOWNSHIP, THORNHURST, PA 18424-0177 LICENSE NO. R-16828 TO GIANT FOOD STORES, LLC FOR USE AT 1600 NAY AUG AVENUE, LACKAWANNA COUNTY, SCRANTON, PA 18509 AS REQUIRED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD.

[FOC 63-2019 Transfer Liquor License to Giant Food Stores.pdf](#)

- 6.B READING BY TITLE – FILE OF THE COUNCIL NO. 64, 2019 – AN ORDINANCE – AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO ACCEPT ON BEHALF OF THE CITY OF SCRANTON THIS QUITCLAIM DEED CONVEYING TITLE TO THE CITY OF SCRANTON, THE PROPERTY FORMERLY OWNED BY THE LACKAWANNA COUNTY LAND BANK KNOWN AS 100 BLOCK KEYSER AVENUE, SCRANTON, PENNSYLVANIA, 18504 AS MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF.

FOC 64-2019 Quitclaim Deed for 100 Block Keyser Avenue.pdf

7. FINAL READING OF RESOLUTIONS AND ORDINANCES

7.A NO BUSINESS AT THIS TIME.

8. ADJOURNMENT

**MINUTES OF THE REGULAR  
MEETING OF THE MEMBERS OF  
SCRANTON HOUSING AUTHORITY  
APRIL 1, 2019**

**RECEIVED**

**MAY 10 2019**

**OFFICE OF CITY  
COUNCIL/CITY CLERK**

The members of the Scranton Housing Authority met in a regular session at the office of the Authority in the City of Scranton, Pennsylvania, at 5:00 P.M. on April 1, 2019.

Pledge of Allegiance.

Mrs. Mary Anne Sinclair, Madame Chairman, called the meeting to order. Roll call please.

1. Roll Call.

Present

Mary Anne Sinclair  
Thomas J. Galella, Jr.  
Mary Clare Kingsley  
Devendabhai Dave

Absent

Terrence V. Gallagher

In addition to the board members, those in attendance were Gary P. Pelucacci, Executive Director, Karl P. Lynott, Deputy Executive Director; and Boyd Hughes, Solicitor.

2. Executive Session.

Mrs. Sinclair: Executive Session.

Attorney Hughes: Yes, Madame Chairman, at the Executive Session we discussed litigation and personnel.

Mrs. Sinclair: Thank you.

3. Approval of the minutes of the Regular Meeting held March 4, 2019.

Mrs. Sinclair: Approval of the minutes of the regular meeting held March 4, 2019.

Ms. Kingsley: So moved.

Mr. Dave: Second.

Upon roll call, the ayes and nays were as follows:

AYES	NAYS
Mary Anne Sinclair	None
Thomas J. Galella, Jr.	
Mary Clare Kingsley	
Devendabhai Dave	

4. Treasurer's Report for the period February 28, 2019 to March 27, 2019.

Mrs. Sinclair: Treasurer's Report for the period February 28, 2019 to March 27, 2019.

Mr. Galella: This report is as of March 27, 2019. The balances in our checking accounts and Money Market accounts are \$4,106,266.97. The Section 8 NRA Fund has a balance of \$1,554.96. This savings account is required by HUD to deposit excess HAP funds not used by the Authority. The payroll account will now be listed as the bank is requiring the account to have on deposit the amount of the direct deposit funds two days prior to the disbursement of the funds. Thus, the SHA will keep at minimum at least \$75,000 on deposit in the payroll account. Investments made in Certificates of Deposits amounted to \$4,653,859.75. Petty Cash totaled \$300.00, for a grand total of \$8,761,981.71. Paid bills from February 28, 2019 to March 27, 2019 were forwarded to all board members. If there are no questions, a motion should be made for approval of this report.

Mr. Dave: So moved.

Ms. Kingsley: Second.

Upon roll call, the ayes and nays were as follows.

AYES	NAYS
Mary Anne Sinclair	None
Thomas J. Galella, Jr.	
Mary Clare Kingsley	
Devendabhai Dave	

5. Secretary's Report.

Mrs. Sinclair: Secretary's Report.

Mr. Pelucacci: There are no communications to report at this time, Madame Chairman.

6. Committee Reports.

6.(a) Chairman Report.

Mrs. Sinclair: Committee Reports, I have nothing to report at this time. Executive Director's Report.

6. (b) Executive Director Report.

Mr. Pelucacci: Yes, Madame Chairman. Under our Utility Report for the month of February, 2019 our total utility cost was \$184,808.58 and for the month of March, 2019 our total utility cost was \$158,646.70 .

On our Tenant's Accounts Receivable Report, for the month of January, 2019 we had a total of 322 delinquents totaling \$197,109.94; for the month of February, 2019 we had 317 delinquents totaling \$210,607.53 and for the month of March, 2019 we had 264 delinquents totaling \$157,878.29.

On our Construction Report Madame Chairman, work is almost complete on the comprehensive renovation of buildings 15 and 17 and the new gas distribution system at Valley View Terrace.

Work is almost complete on the implementation of our Energy Conservation measures through our Energy Performance Contract.

That is all I have, Madame Chairman.

Mrs. Sinclair: Thank you. Attorney Hughes, do you have anything under Solicitor's Report?

6.(c) Solicitor Report.



Attorney Hughes: Yes, Madame Chairman, the bid for the cleaning supplies my legal opinion is attached.

Mrs. Sinclair: Thank you. Apartment Report.

6.(d) Apartments.

Mr. Pelucacci: Yes, Madame Chairman. Under our Public Housing Program, we have an A.C.C. of 1,244 units with 1,186 units under effective lease. Thirteen (13) vacant notices were received and Twenty-Two (22) apartments were accepted. There are Fifty-Eight (58) vacant apartments. In which 17 vacant units are under modernization at Valley View Terrace. Under our Section 8 Housing Choice Voucher Program, we have an A.C.C. of 1050 units with 837 units under effective lease. Total apartments under effective lease by the Scranton Housing Authority as of March 31, 2019, are 2,023 out of an A.C.C. of 2,294.

That concludes the Apartment Report, Madame Chairman.

Mrs. Sinclair: Any unfinished business?

7. Unfinished Business.

Mr. Pelucacci: Not to my knowledge, Madame Chairman.

Mrs. Sinclair: New Business.

8. New Business.

8.(a) Bid Opening – March 21, 2019 – Cleaning Supplies for all Developments.

Mr. Pelucacci: Yes, Madame Chairman. Item 8.(a) is for a bid opening for cleaning supplies for all developments. The bid opening was on March 21, 2019 at 10:00 a.m. The Scranton Housing Authority received one bid. The bid was from Pennsylvania paper & Supply Company, Inc. for \$25,141 dollars and 80 cents. The bid was reviewed by our staff and our Solicitor.

It would be my recommendation to make the award the contract to Pennsylvania Paper & Supply Company for \$25,141.80.

Mr. Galella: So moved.

Mr. Dave: Second.

Upon roll call, the ayes and nays were as follows.

AYES

NAYS

Mary Anne Sinclair  
Thomas J. Galella, Jr.  
Mary Clare Kingsley  
Devendabhai Dave

None

9. Personnel.

Mr. Pelucacci: Yes, Madame Chairman, under personnel, we have no resignations or retirements.

There is currently no one on workers compensation. Paul Morgan is currently on long term disability.

Also, under Personnel Madame Chairman, Sandra Gavin completed her 60 day probationary period as Manager for 150 units and over.

It would be my recommendation that the Board of Commissioners make a motion to place Sandra Gavin on permanent status as Manager for 150 units and over, effective January 14, 2019.

Ms. Kingsley: So moved.

Mr. Dave: Second.

Upon roll call, the ayes and nays were as follows.

## AYES

Mary Anne Sinclair  
 Thomas J. Galella, Jr.  
 Mary Clare Kingsley  
 Devendabhai Dave

## NAYS

None

Mr. Pelucacci: Also, under personnel Madame Chairman, is approval to amend the Scranton Housing Authority's Personnel Policy to add the following job description.

Clerk/Cashier/Occupancy Specialist/Language Access Coordinator. The job description is as follows:

"Under the supervision of the Deputy Executive Director, a Department Head or Development Manager to perform and assist with all clerical and general office duties, to conduct periodic annual and interim reexaminations through the assembling and verification of materials and reports relating to tenant status for continued occupancy. Also, to assist a Department Head or Development Manager in maintaining the financial efficiency of the operation of the Central Office Cost Center, the Section 8 Department and the Asset Management Projects (AMP's). More specifically, to assist a Department Head or Development manager in the collection of rents, preparation of financial daily statements of operations, petty cash fund needs, tenants account receivable, trial balance, security deposit, fund balance, monthly status reports and initialization. Also, to interview new applicants and new tenants and process all necessary forms in performing a wide variety of tasks in occupancy and tenant selection.

Also, to assist the Deputy Executive Director in overseeing language access compliance and to receive complaints as they pertain to Limited English Proficiency (LEP) individuals, who is bilingual in a language to be determined by SHA management. Also, to be responsible for compiling statistics and continual review of ethnic population data for the LEP analysis,

posting/publishing notices at all developments, addressing staff and public questions and issues related to LEP matters and to perform other duties as assigned.”

Mr. Galella: So moved.

Mr. Dave: Second.

Upon roll call the ayes and nays were as follows.

AYES

NAYS

Mary Anne Sinclair  
Thomas J. Galella, Jr.  
Mary Clare Kingsley  
Devendabhai Dave

None

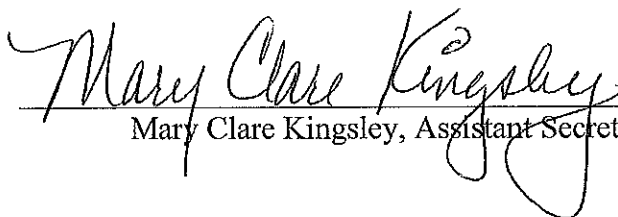
Mr. Pelucacci: That concludes the Personnel Report Madame Chairman.

10. Public Comment.

(No one present for Public Comment.)

11. Adjournment.

There being no further business to come before the board, the meeting was adjourned at the call of the Chair on motion made by Mr. Galella, and seconded by Mr. Dave.

  
Mary Clare Kingsley, Assistant Secretary

## **Certificate**

**I, Mary Clare Kingsley, hereby certify that:**

**1. I am the duly appointed, qualified and Assistant Secretary of the Scranton Housing Authority.**

**2. I am custodian of the records of said Authority.**

**3. The attached copy of the Minutes of the Regular Meeting of said Authority held April 1, 2019 is a true and correct copy of the original Minutes of said meeting, as approved at the meeting of said Authority on May 6, 2019 and is recorded in the Minutes of the Authority.**

**In Witness Whereof, I have hereunto set my hand and the corporate seal of this Authority this 6th DAY of MAY, 2019.**

  
**Mary Clare Kingsley**  
**Assistant Secretary**

# TAX ASSESSOR'S REPORT

Hearing Date: 05/08/19

Time	Name	Boro/Twp.	Pin Number	Attorney	Proposed/Current Assessed Value	After Appeal Value
10:00 AM	ROBERTS LAURA J	ARCHBALD	09517080024		13500	13000
10:10 AM	BROMLEY ANREW & HELEN	ARCHBALD	09402050033		51500	35000
10:20 AM	LEO ANDREW	GREENFIELD TWP	01412010005		30500	20500
10:30 AM	RIVENBARK OLGA O	JEFFERSON TWP	1490205000154		49000	35000
10:40 AM	TALLO PATRICIA M	MAYFIELD	0740101000225	KEVIN SMITH	24500	9500
10:50 AM	SHVARTSMAN OLEG & NATAL	COVINGTON	22004070076		7650	7200
11:00 AM	GALLART PAUL JR & NOREEN	COVINGTON	22002090652		6150	5000
11:20 AM	JONES RYAN & KATHRYN	ROARING BROOK TWP	1800403005304	GUY VALVANO	44000	39000
11:30 AM	DEPIETRO ANTHONY & MELANIE	ROARING BROOK	1600102000523		46500	46500
11:40 AM	MATECHAK JOSEPH & ELLIE	SCOTT TWP	0410201001307		16500	16500
11:50 AM	PETERS KIM	OLYPHANT	1150508000805		7200	4700
12:00 PM	LLOYD MICHAEL J JR & ALLYSON	SPRINGBROOK TWP	21004010018		40500	38000
12:10 PM	LOMEO SAMUEL J & NATALIE S	DALTON	0680203000125	PATRICK LAVELLE	35500	35500
12:20 PM	FITZPATRICK EDWARD L & CATHERI	SCOTT	06211020018		38500	29000
12:30 PM	GERMONPREZ SARAH & ISIL OZGUR	SCRANTON	15705030010		3000	3000
12:30 PM	GERMONPREZ SARAH & ISIL OZGUR	SCRANTON	15705030009		25000	25000
12:40 PM	RAVAIOLI ALBERT F & CHARLOTTE	DALTON	0680101001200		28250	16100
12:50 PM	AKHONDI ZAHRA L & BETH TSH MARY	SCRANTON	14618010008		19200	18000
1:00 PM	HOWARD MAUS REALTY	SCRANTON	13411030008	JAMES PHILLIPS	30000	30000
1:10 PM	MAROS STANLEY A & CAROL J	SCRANTON	17705030004		15242	10000
1:20 PM	WEIDOW EDWARD J & SHIRLEY A	SCRANTON	1680303004435		20550	20000
1:30 PM	MYQUEST PROPERTIES LLC	SCRANTON	15668030007	ANGELO TERRANA JR	24000	24000
1:40 PM	BOYLE MEGHAN & JUDGE MATTHE	SCRANTON	13518020062		14300	14300
1:50 PM	LEE PATRICK E & MELINDA M	SCRANTON	15610010032		2000	2000
2:00 PM	BISHOP JANE	BENTON	02809010008		33300	18800

TOTAL RECORDS 25

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(01/01) 05/14/2019 12:17:41 PM

Melissa Maguire 5709636385

# TAX ASSESSOR'S REPORT

Hearing Date: 05/29/19

Time	Name	Boro/Twp.	Pin Number	Attorney	Proposed/Current Assessed Value	After Appeal Value
10:00 AM	JONES CARL E & BARBARA	ARCHBALD	0940402000124		52300	
10:10 AM	SHEN MANUFACTURING COMPANY	BLAKLEY	10319LL0002	EDWIN ABRAHAMSEN	707000	
10:20 AM	MCALLISTER LYNN	MAYFIELD BOROUGH	07406040016		16000	
10:30 AM	CARROLL THOMAS D & ANN MARIE	OLYPHANT	1250209000182		54000	
10:40 AM	SEYMOUR BARRY A & BARBARA	MOOSIC	1850102001032		43750	
10:50 AM	BESKO JERRY	MADISON TWP	20703LL0404		17000	
11:00 AM	KNIGHT MARION	ARCHBALD	09402040002		28000	
11:10 AM	HOWE ANDREW T & AMANDA L	MADISON TWP	2060103000408		44000	
11:20 AM	STACKHOUSE DAVID S	CARBONDALE TWP	0550401000202		6000	
11:30 AM	HOROWITZ SAUL & GITTY	SCOTT TWP	06215010027	MARK RUDALAVAGE	80500	
11:40 AM	MOSLEY DONALD J & JUDITH	SCOTT TWP	06207010023		5500	
11:50 AM	EMPUR LLC	BENTON TWP	02903020019	PATRICK LAVELLE	34000	
12:00 PM	BERKOWITZ JASON & MELISA	MOSCOW	1900401012137		42000	
12:10 PM	CALPIN GERALD J & VALERIE A	NEWTON TWP	1410201000501		55400	
12:20 PM	VALS ENTERPRISE LLC	SCRANTON	15710020006		14500	
12:30 PM	BLAKENEY ROBERT D	NEWTON TWP	09903010007		39000	
12:40 PM	SHEA MICHAEL F & NANCYN ANN	SCRANTON	15753030023		27100	
12:50 PM	EMMI ANTHONY P & HARRIET B	SCRANTON	14514090032	JEFFREY NEPA	22000	
1:00 PM	NGUYEN NGOC	SCRANTON	15609010038		19000	
1:05 PM	TUCKY JOSHUA A & ASHLEY A	DUNMORE	14713020028		15500	

TOTAL RECORDS 20

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# CITY OF SCRANTON FIREFIGHTERS PENSION COMMISSION

Minutes

April 17, 2019

The Scranton Firefighters Pension Commission was called to order at 08:34 hrs. The following members were in attendance:

Chairman John Judge

Secretary Brian Scott

Active Rep. Jim Sable (Absent)

Retired Rep. Bernard Garvey

Retired Rep. Terry Osborne

Attorney Larry Durkin

Controller Rosanne Novembrino

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Motion to accept March 2019 minutes by Osborne, second by Garvey. Motion carried.

## Correspondence:

Anderson to Scott in reference to outstanding check sent to Robert Gavern dated 11-28-18 in the amount of \$292.22 for individual life insurance deduction from individual pensioner. Anderson will cancel check and re-issue to Gavern.

## Bills:

Motion to pay bill for Durkin and MacDonald LCC \$623.50 by Novembrino, second by Osborne. Motion carried.

## Old Business:

Jerome Scott Jr. request to reimburse pension contributions. Durkin gave written opinion that he can reimburse the pension fund and get his time back. 2A code contemplates that he can do an installment. Board has to set up an installment plan, Durkin will draft one up so it is in writing. Judge asked if the board has to



specifically charge him interest and Durkin replied that no the board does not. All money must be paid back. Durkin asked what will be the terms. Judge stated 5 years is reasonable. Judge asked about charging him interest, Durkin stated that nothing specifically states that there has to be interest.

Motion made by Garvey that that Jerome Scott Jr. be allowed to reimburse pension fund for a period of 5 years without interest. Second by Novembrino. Brian Scott abstained from voting due to conflict of interest. Motion carried.

Judge asked if the city could provide payroll deduction for reimbursement, will look into it.

#### **New Business:**

Judge informed board that active firefighter will be resigning from department due to other employment as a firefighter in NJ. Judge stated NJ law states that he can buyback his city time and asked Durkin if it can be transferred between pension systems. Osborne stated that he was able to roll it directly when he left the city.

Durkin stated he will look into it. Durkin stated it should not be taxed.

Judge stated he will email pension fund balance.

Judge stated that PFM is inviting members to baseball games. Judge asked Durkin if that is an ethical issue. Durkin will look into it.

**Application for Membership: None**

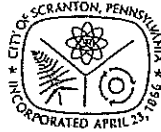
**Application for Pension: None**

**Audience: None**

**Motion to Adjourn:**

**Motion to adjourn by Osborne, second by Garvey. Motion Carried**

*City of Scranton*  
*Pennsylvania*



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*Municipal Pension Fund*

MINUTES

NON-UNIFORM MUNICIPAL PENSION BOARD

April 17, 2019

The City of Scranton's Non-Uniform Municipal Pension Board held their monthly meeting on Wednesday, April 17, 2019 at 9:30 A.M. in City Council Chambers.

In attendance were:

**John Hazzouri**, President

**Maggie Perry**, Vice-President

**Roseann Novembrino**, City Controller

**Danielle Kennedy**, Proxy for Mayor

**Lori Reed**, Proxy for City Council President

**Larry Durkin**, Esquire, Attorney for Board

**President Hazzouri** asked for a motion to accept the minutes of last month's meeting held on Wednesday, March 20, 2019.

**Mrs. Novembrino** made a motion to accept the minutes from the March 20<sup>th</sup> meeting.

**Mrs. Perry** seconded the motion.

**President Hazzouri:** All in favor? (All were in favor) The ayes have it.

**President Hazzouri** read the following agenda items:

1. An invoice from Durkin MacDonald, LLC in the amount of \$1,110.75 for services rendered from March 19, 2019 through April 15, 2019 was presented for payment. Mrs. Reed made the motion to pay and Mrs. Perry seconded the motion. All were in favor.

2. A pension application was received from former Library employee Shirley Zerechak. Mrs. Zerechak began employment with the Library in 1971 and has contributed to the pension fund for over 34 years. She is entitled to a \$700.00 per month pension beginning in May 2019. Mrs. Reed made a motion to accept the pension application and Mrs. Perry seconded the motion. All were in favor.

4. A refund of \$407.00 is due to the estate of Regina Van Wie, former Single Tax Office employee, who passed away on April 3, 2019. Mrs. Novembrino made a motion to pay the refund and Mrs. Reed seconded the motion.

There was a question as to where the contributions would go -- to the estate or to the spouse. Attorney Durkin suggested that the current motion be amended so that a refund for a deceased employee would go to either the estate or the appropriate beneficiary. The motion was made by Mrs. Reed and seconded by Mrs. Kennedy. All were in favor.

**President Hazzouri** opened the meeting to the Board.

**President Hazzouri** opened the meeting to the floor.

**Joseph Schimes** asked to see a copy of a proxy for the meeting. The Mayor's proxy was shown to him. He wanted to know if the Mayor signed it today. He wondered if the proxy was signed today, why the Mayor did not come to the meeting instead of his proxy. He then stated that the proxies were not legal since there was no ordinance authorizing them. He also stated that the meeting did not have a quorum.

**Attorney Durkin** stated that we were good on both the proxies and the quorum.

Mrs. Perry wanted to know if the issue was resolved regarding whether or not employees who left and were then re-employed by the City could make pension contributions.

Attorney Durkin stated that if someone retires and then comes back to work, State Law language is such that your pension has to be suspended (frozen) but that you could also continue to contribute and you could, depending on how long you are here, accrue a benefit. So, when they leave again, it would have to be determined whether or not they have accrued an additional pension benefit.

Laura Hendricks from the Library asked if the medical report had been received on Michele Phillips who is applying for a disability pension.

Attorney Durkin stated that it had not. Since Ms. Phillips had been examined at the end of March, it typically takes 30 days to get the doctor's report. He also stated that next week or so he would touch base with the doctor's office to see about the report.

There were no other comments or questions.

President Hazzouri asked for a motion to adjourn. Mrs. Novembrino made a motion to adjourn the meeting and Mrs. Reed seconded the motion. All were in favor.

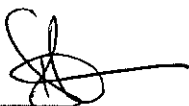
Meeting adjourned at 9:40 a.m.

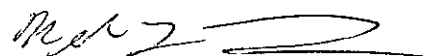
Minutes approved by: John Hazzouri Date: 5-15-19  
John Hazzouri, President

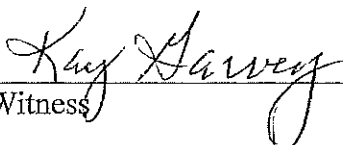
Respectfully submitted: Kathy Carrera Date: 5-15-19  
Kathy Carrera, Recording Secretary

**PROXY**

I, William L. Courtright, hereby revoke any previous proxies and appoint Danielle Kennedy, Human Resource Director/Assistant Business Administrator, as my proxy to attend the meeting of the Non-Uniform Pension Board Meeting and any continuation or adjournment thereof, and to represent, vote and otherwise act for me in the same manner and with the same effect as if I were personally present.

DATE: APRIL 17, 2019 

  
\_\_\_\_\_  
Mayor William L. Courtright  
City of Scranton

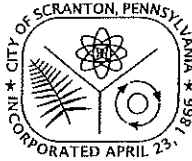
  
\_\_\_\_\_  
Witness

# Council of the City of Scranton

340 No. Washington Avenue • Scranton, Pennsylvania 18503 • Telephone (570) 348-4113 • Fax (570) 348-4207

Lori Reed  
City Clerk

Amil Minora, Esq.  
Counsel



PROXY

Pat Rogan, President  
Timothy Perry, Vice President  
William Gaughan  
Wayne Evans  
Kyle Donahue

I, Patrick Rogan, hereby revoke any previous proxies and appoint Lori Reed as my proxy to attend the meeting of:

non-uniform pension board

On:

April 17, 2019

And any continuation or adjournment thereof and to represent, vote and otherwise act for me in the same manner and with the same effect as if I were personally present.

This proxy and the authority represented herein is valid only on the above date and shall not survive said date.

Dated: 4/17/19

Signed: Pat Rogan

Witness: Jamie Marciano

**SCRANTON POLICE PENSION  
COMMISSION MEETING**

SCRANTON CITY COUNCIL CHAMBERS  
APRIL 17, 2019

**BOARD MEMBERS**

1. THOMAS TOLAN- PRESENT
2. JUSTIN BUTLER- PRESENT
3. NANCY KRAKE- PRESENT
4. ROSEANNE NOVEMBRINO-ABSENT
5. PAUL HELRING- PRESENT
6. MICHAEL CAMMEROTA- PRESENT

ALSO IN ATTENDANCE ATTORNEY LARRY DURKIN.

RECEIVED

MAY 15 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

MINUTES FROM WEDNESDAY MARCH 20, 2019 MEETING OF THE SCRANTON POLICE PENSION COMMISSION MEETING, WERE REVIEWED. MOTION MADE BY CAMMEROTA TO ACCEPT THE MINUTES AND SECONDED BY BUTLER. THE MOTION PASSED.

**BILLS:**

A BILL FROM DURKIN MACDONALD LLC ATTORNEY AT LAW FOR SERVICES RENDERED FOR ONE MONTH. MARCH 19, 2019 THRU APRIL 15, 2019 TO THE AMOUNT OF \$217.50

A MOTION MADE BY BUTLER TO PAY DURKIN MACDONALD LLC ATTORNEY AT LAW FOR SERVICES RENDERED FOR 217.50 FROM MARCH 19, 2019 THRU APRIL 15, 2019. SECONDED BY CAMMEROTA, ALL IN FAVOR MOTION PASSED.

**COMMUNICATION:**

THE BOARD RECEIVED AN OPINION FROM DR. FISCHBEIN REGARDING TIMOTHY HARDING'S DISABILITY EXAMINATION. A MOTION WAS MADE BY HELRING TO GRANT A DISABILITY PENSION TO TIMOTHY HARDING SECONDED BY KRAKE. ON THE QUESTION IT WAS DISCUSSED A COUPLE BOARD MEMBERS DID NOT LIKE THE LANGUAGE THE DR USED IN THE LETTER. THE MOTION FAILED AND THE BOARD WAS GOING TO CONTACT THE DR FOR CLARIFICATION ON HIS LETTER.

A MOTION TO ADJOURN WAS MADE BY HELRING AND SECONDED BY KRAKE.  
MEETING ADJOURNED AT 1021HRS.



RECEIVED

MAY 15 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

**COMPOSITE PENSION BOARD MINUTES**

**April 17, 2019**

The regular meeting of the Composite Pension Board was held on Wednesday, April 17th at 11:00AM in City Council Chambers.

The following were in attendance:

**DAVID MITCHEL – Pres - Police Employee Representative**  
**JOHN HAZZOURI – Vice Pres – Municipal Board Representative**  
**ROBERT SENCHAK – Sect. - Fire Employee Representative**  
**PAUL HELRING – Police Board Representative**  
**MAGGIE PERRY – Municipal Employee Representative**  
**JOHN JUDGE – Fire Board Representative**  
**LORI REED – (Proxy) City Council**  
**ROSEANN NOVEMBRINO – City Controller**  
**LARRY DURKIN – Durkin MacDonald (Legal Counsel)**  
**ALEXANDER GOLDSMITH – PFM Group (Trustee)**  
**JAMES KENNEDY – Thomas Anderson & Assoc. (Administrator)**

**David Mitchell...** Called the meeting to order, he entertained a Motion to accept the Minutes of the March 20, 2019 meeting. **Motion to accept made by John Hazzouri to accept, seconded by Roseann Novembrino, all were in favor.**

**Bills:**

We have a bill for \$13,023.53 from PFM Asset Management Group for the period of 2/1 – 2/28/2019. **Motion to pay made by John Hazzouri, seconded by Maggie Perry, all were in favor.**

The next bill is for Durkin and MacDonald for an all time low of \$217.50 for the period of 3/19 – 4/15. **Motion to pay this bill made by John Hazzouri, seconded by Lori Reed, all were in favor.**

**Correspondence:**

From PFM Asset Management it's the report that they will be going over in a couple of minutes.

We also got a report from Thomas Anderson & Associates. Jim will be going over it, it's the 12/31/18 Aggregate Pension Plan Financial Statement.

**Jim Kennedy...** This is just the annual financial statement in aggregate form for the plan that we distribute to you all and the City. The key highlight in here obviously is the improvement. We started off 1/1/18 at \$74.1 million and ended up at almost \$93 million \$92.8 and that's including the downturn that you had at yearend. The bulk of that obviously came from the bond proceeds going into the plan but obviously as everybody has commented it has been a very positive thing to see value increasing overall for the aggregate plan. This is just the detail that goes to the auditors for that purpose.

The one thing that I will be interested to see, which as you all know is, well Beyer Barber is working on the 1/1/19 ACT 205 Valuation and that generally comes out in the summer timeframe but that will take into account everything through 12/31/18. He will be interested to see where the funding levels liability, what changes we have and we'll come in and have Randee and report the funding levels and all those things once that study is completed within the timeframe. It is done every two years as you are all aware of.

Dave said so the percentages and everything that are in there are based off the two year old liability. Jim said he's not even highlighting because what happens is when you look at these ratios, he always reminds the Board if you want to look at the ACT 205 Report the market value numbers are accurate but all of the liability numbers are roll forwards from two years ago. He likes to see the actual current date to look at that and really they're just interim funding ratios that got it there for GASBY purposes.

Dave asked if any of the Board members has any questions on this, no response.

**Alexander Goldsmith...** Distributed his report to the Board and made his presentation. This is as of the end of the 1<sup>st</sup> Quarter 3/31/19. He reviewed the markets briefly, the trend of recovery in the markets continue, the markets here and abroad as well as fixed income markets. The U.S. markets were up anywhere from 11 to 17% for the quarter. Where we are as of the end of the day yesterday, so far year to date U.S. stocks were up 17%. Big cap stocks were up 18.5% as of yesterday. International markets you can see in the year to date they were up about 10.3%. As of yesterday international stocks were up 13%. Alternative markets were up about 10% for the quarter are now also up 13% year to date.

Our employment market remains strong at 3.8%. The Federal Reserve did not raise rates in March. It's looking like there may not be an interest rate increase at all this year. The lack of movement by the Fed has bolstered equity markets here. That's probably the reason for the strong 17% plus returns. It's also bolstered fixed income markets. Bond market is up about 3, Treasury bond market is up about 3.5, Corporate bonds have recovered very nicely from their struggle in the 4<sup>th</sup> Quarter last year. The yield spreads, so if the interest rate spreads, Corporate bonds, Government bonds which widen a lot at the end of last year have narrowed back to where they were.

He then reviewed the Plan Performance. The plan was up 1.44% for the month of March, year to date 7.79%. If you look at the 1 Year Column it's up 3.79%. The quarter back in December was down very sharply, it dragged the full year of 2018 return -4%. So you can see just how in one quarter that trading in one year is back up in positive territory. We'll see how that affects the cash flow as well.

The story for the month, for the quarter largely active management for the most part this time, that being said there are some new slight fixes with in the asset boxes. The bulk of domestic equities is the Vanguard Total Stock Fund. The Jensen Fund was added late in March. It continues to outperform the benchmark. The mid cap was added at the end of March, the small cap has been in the plan for a while. They did lag for the month, however so far in April small and mid-cap sectors have outperformed large cap.

He reviewed international equity and the fixed income. John Hazzouri questioned the domestic equity – I Shares Core S&P Small-Cap ETF which is -3.33. Al said that is a passive allocation to the small cap universe. The S&P 600 is the benchmark. It's a higher quality sub set in the Russell 2000. The whole small cap sector, the small cap capitalization class was negative for the month of April. Why do we favor small caps, they are typically higher growing companies. That is one reason we view the growth engine here in the U.S. has not petered out and that small cap companies will still take advantage of the current business climate. So far in April he thinks large caps are up 2.5%, small caps are up 3%, the mid-cap stocks were down -.50% for the month of March, they are also up 3.0% in April. Mid-cap stocks are leading the way about 18% year to date.

John Hazzouri asked for the balance of the plan as of the 12<sup>th</sup>, Al said it was up 1.08% in April through the 12<sup>th</sup> he didn't have the updated year to day of return. The market value as of last Friday was \$97,796,358 we continue to move in the right direction.

They did make some adjustments to the portfolio. The allocation as of the end of March, we have an underweight in caps. You have a large caps market and you want to keep some reserves on hand but as your plan becomes better funded the more you put in we don't see the need to keep that large 5% cash card. Recently our investment committee elected to, given how performance has been year to date, recognizing that the vast majority of plans we manage are government pension plans they elected to go neutral, slightly underweight to cash but more in line with the benchmark across the board.

The U.S. economy there are a lot of uncertainties still out there and we saw how the very volatile quarter at the end of the year last year can sneak up because not many investors predicted, no one had timed the market correctly. So we've gone risk neutral. We've don't things in the market like being overweight in small caps, to corporate bonds. Adding to our

active managers to review if our cost is affective, If it benefits this plan, that's how we seek to outperform.

He reviewed the cash flow with the Board. We started off with \$96.5 about a million coming out to pay benefits and a \$1.381 million investment return. For one year the net flow was \$21.8 million over the last 12 months this is the impact of that trailing one year return being in a positive number.

Dave asked if anybody had any new business that they would like to bring up at this time.

**Paul Helring...** Our distressed status on our pension, did we get upgraded by any chance. He doesn't know the levels of distress. Dave said over 50% we go from severely to moderate. Jim said it will just depend on where we end up on the new valuation. We do the 1/1/19 it's based on that. So the proceeds will be reflected from the bond issue and we'll get that when we do the ACT 205 Report this summer and then new distress report because remember we always do these reports well ahead of the due date. The 1/1/19's aren't due to the State until 3/30/20 so all the new distress reports will come out basically usually it's July or August of 20 but we'll know all those numbers and the aggregate once we get the reports from Beyer Barber basically in the midsummer time frame. That down turn at the end of last year really hurt everybody. He's seeing MMO's going up anywhere from 15 or 20% in some cases even more depending on what people have been doing with their funding levels.

Dave said that down turn in December helped us with the MMO but it hurt us for our funding ratio. So for the next two years we'll have higher MMO's because of that. Jim said that's from an assumed interest rate standpoint and then it will depend on all the other things, which is the demographics, salary increases, people coming in, going out, disabilities, all that stuff will be the other factor. He knows just for a fact that we will run into an asset loss situation. He is use to talking to municipal entities that are paying the budgets. This reality, which is a great thing from a pension standpoint because of this check and balances we have with ACT 205. It forces every time we come down and the unfunded increases it forces the municipality to pay the additional amount in to assure that the plan is going to be funded. He doesn't mean to imply that it is a bad thing he is just talking about it from a budget standpoint that people budget out of pocket or to increase for most of the plans because of that downturn.

John Judge said he doesn't want to sound like a broken record, he doesn't mean to harp on it but he knows the City sets the assumed interest that they're getting. Even PFM is telling us everything I look at doesn't say 7%, doesn't say 7.5%. Since inception of the plan it's 5.6 in the return. He wants to know how we can force them to bring that actuarial assumption rate down so that it makes them put in more money. Then it's more realistic and not that 7.5 or 7.75%. On here other than the year to date which there has been a large uptake because of the markets

recovery for the 4<sup>th</sup> Quarter of last year it's 7.79. But everywhere else you look across here 12 to 7.

Dave said for the five years that he's been on the pension board he's been harping on the same exact thing, whether it be at this meeting or at meetings with the administration. We did go down to 7.5 and they did tell our attorney, last month he reported that they're hoping to go lower as a result of them taking that discount with the bond, because there was a bigger discount than they initially expected. He thinks they quoted a possible 7% when they do the next valuation.

Larry said he thought they went down to 7.25%. Jim said that is his understanding 1/1/19. So we did the last one at 7.5%. His understanding is 7.25 for the 1/1/19 and it dropped another 25 basis points. Larry said within the last couple of month he spoke to Dave Bulzoni and he said that he is contemplating going to below 7.25. John Judge said Dave if you have a discussion with him and I'm sure you're not privy to this, and I'm sure he's well aware of this, he's trying to balance the City's budget and assets. He thinks he needs to use realistic numbers and plug them in. He can't use realistic numbers and plug them in. He can't wrap his head around the fact that we're still... everybody's gonna tell you (couldn't make out the rest of what he said).

Dave asked do we have any legal recourse. Larry said no. John Judge said if they're taking unrealistic numbers to skew that so that their MMO is where they want, they're building this the wrong way. They are looking at the number they want to put in and then building it out. They should be looking at hey we need to make sure we are funding the plan properly and if they're not there has to be some kind of legal recourse. Especially when every number he looks at every time he speaks to anybody about it, even the Business Administrator it's not the right assumption.

Dave said outside of a legal recourse he doesn't know what recourse we can take. We've asked and we've asked and we've asked. Larry said ACT 205 gives the discretion to the municipality. There is an 8% cap. John Judge said let's say they say it's 8%, that's pretty unrealistic. We have no leg to stand on to force the issue. Jim said the current long term returns just so you're all aware of the financials that PFM provides for the plan are 6.58%. Dave said it's the same issue he had and you did as well with them not paying for the COLA's, the funding for the COLA's. He is a firm believer that they should be calculated, budgeted and paying that towards the MMO so we could jump start those being reinstated but they're taking that discount at a price of 4 or 5 million here.

John Judge said we don't even know that if Dave gets that money, let's say the police get their money, we don't even know if they are going to be entitled to the previous COLA's. Once we're funded properly do we have to give back those COLA's, nobody can give that answer

either. We have it funded for them but we might have a huge hit to the pension fund because then we have to pay them back COLA's for 14, 15, 16 and 17.

Dave said he doesn't disagree with him but outside of legal recourse, he brings it up every chance he gets. John Judge said he just doesn't understand it. He understands that there is a statute but if they're not following the rules properly and there is clearly data suggesting that they're building it the wrong way. Larry said he thinks there are two tracks that you're talking about, one what makes economic sense and what does the law say and they don't always parallel and a statute is a big deal. When the statute says this person has discretion then they have discretion.

Jim said the positive news is just to remind everybody too, which he thinks they've talked about this and you're all aware of it is that to the extra let's just say the interest assumption is 7.5 and we come in over the two years at less than that, every two years that resets so the MMO goes back. There is a little bit of a lag from that standpoint but the nice protection of ACT 205 is that if you're basically at one interest assumption and your coming in below it forces the plan to go refund and have those funds backed in. John Judge said isn't that the problem to begin with, that if there is that lag and that's why we're so far behind the eight ball to begin with. There are a lot of things that are wrong with this plan for a long time.


Jim said there were a lot of other factors that contributed much more than that one in particular to the plans funding status over many many years. Your absolutely right the best way to fund a plan is to try to be as consistent with your returns as possible and have an assumption that as realistic as you can but the good news is that at least it catches up from that standpoint if you're under it. In that average of plans there are some that we deal with that are down. There are still a lot that are at 8. Statutorily it use to be 8.5 and there are some that are down 6.5 or 7. He would say that the bulk that he sees are 7 and up, mid 7's in that range. But everybody's trying to do what you've been doing is instead of in one fell swoop is tackling that down if you can by 25 basis point each coming valuation so that you're sort of chipping away rather they trying to take a landslide approach.

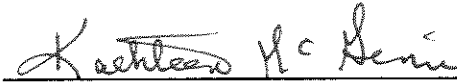
So the progress that you all have made here and that the City has made has been really positive over the last couple of years in beginning to lower that down. Many have not made that move at all that we deal with we always try to recommend that they do. John Judge asked if that is something that we can ask D. Pasquale, Dave said you were at the meeting with me as was Paul Herring for the FOP, he has a number of 6 that is when we were at 8 probably about 3 or 4 years ago we were down at the Chamber of Commerce at that meeting. That was when he pitched us a pension plan that's better than the one we have and we told him we'd take it. He was kind of shocked. He has recommended that we try to get to 6, maybe not publically but in a meeting, said it would be idealistic for the City of Scranton to be down to 6%.

Dave asked the Board if anybody had anything else on this topic or any other topic, no response.

**Motion to adjourn made by Roseann Novembrino, seconded by Maggie Perry all were in favor.**

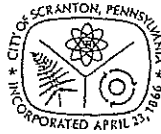
**Minutes approved May 15, 2019:**

  
\_\_\_\_\_  
**David Mitchell**  
**President**

  
\_\_\_\_\_  
**Kathleen McGinn**  
**Recording Secretary**

**June 19th is our next Meeting.**

*City of Scranton*  
*Pennsylvania*



*Municipal Pension Fund*

**RECEIVED**  
APR 17 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

**NON-UNIFORM MUNICIPAL PENSION**

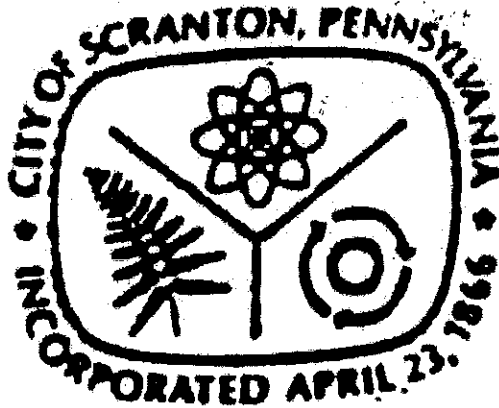
**AGENDA**

**APRIL 17, 2019**

1. RECEIVED AN INVOICE FROM DURKIN MACDONALD, LLC IN THE AMOUNT OF \$ 1,110.75 WHICH REPRESENTS SERVICES RENDERED FROM MARCH 19, 2019 THROUGH APRIL 15, 2019.
2. RECEIVED A PENSION APPLICATION FROM FORMER LIBRARY EMPLOYEE SHIRLEY ZERECHAK. MRS. ZERECHAK BEGAN EMPLOYMENT WITH THE LIBRARY IN 1971 AND HAS CONTRIBUTED TO THE PENSION FUND FOR OVER 34 YEARS. SHE IS 84 YEARS OF AGE AND IS ENTITLED TO A \$700.00 PER MONTH PENSION BEGINNING IN MAY 2019.
3. A REFUND OF \$407.00 IS DUE TO THE ESTATE OF REGINA VAN WIE, FORMER SINGLE TAX OFFICE EMPLOYEE, WHO PASSED AWAY ON APRIL 3, 2019.



**CITY OF SCRANTON  
PENNSYLVANIA**



**OFFICE OF THE CITY CONTROLLER  
AND BUREAU OF INVESTIGATIONS**

**ROSEANN NOVEMBRINO  
CITY CONTROLLER**

**RECEIVED**

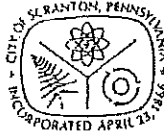
**MAY 15 2019**

**OFFICE OF CITY  
COUNCIL/CITY CLERK**

**CONTROLLER'S REPORT  
FOR THE MONTH ENDING  
APRIL 30, 2019**

*City of Scranton*  
*Pennsylvania*

*Roseann Novembrino*  
*City Controller*  
*Municipal Building*  
*Scranton, Pennsylvania 18503*  
*(570) 348-4125*



*Office of the City Controller*  
*and Bureau of Investigations*

May 15, 2019

The Honorable Mayor William L. Courtright  
And  
The Honorable City Council  
Municipal Building  
Scranton, Pa 18503

Dear Honorable Mayor and Honorable Council:

In Accordance with the Home Rule Charter of the City of Scranton, I am hereby submitting the report of the Office of the City Controller for the month of April, 2019.

The first section of this report includes a summary of the General Fund Activities for the month as well as a year to date revenue summary. The second section contains a detailed listing of the purchases in all departments for the period. Both sections are the end result of the review, authoritative approval, and audit procedures applicable to each section. This reflects the Controller's integral part of the internal control environment and the application of those independent audit techniques designed to provide improvement within the system and/or identify irregularities.

Rather than traditional audit reports which outline the results of an examination performed on a particular schedule within the calendar cycle, this department applies audit reviews on a daily, bi-weekly and monthly basis. Audit procedures were applied to the following financial applications which are an integral part of or have a direct impact on this report; all cash receipts flowing through the Treasurer's Office, all bank account reconciliations, Capital Budget reviews, Operating budget review/monthly reconciliation, payroll review and reconciliation, and voucher/requisition order review/authorization. Any item considered reportable would have been detailed later in this report (page 2).

This report is presented for your review. All figures are accurate as of this date but are subject to change due to subsequent postings by the Business Administration Department. Any such posting will be accounted for within the next monthly report from this department.

Sincerely,

*Roseann Novembrino*

Roseann Novembrino  
City Controller

**CITY OF SCRANTON  
GENERAL FUND EXPENDITURES  
MONTH OF APRIL 2019**

<b>CODE #</b>	<b>DEPARTMENT</b>	<b>EXPENDITURES</b>
10	Mayor's Office	\$ 11,320.88
11	Public Safety	-
20	City Council	20,384.09
30	Controller	18,970.61
40	Business Administration	347,853.28
41	Bureau of Human Resources	29,248.30
42	Bureau of Information Technology	99,523.46
43	Treasurer	10,962.64
51	Inspections and Licenses	77,352.02
60	Law	29,225.32
71	Police	1,870,963.91
75	Traffic Maintenance	-
78	Fire	1,376,893.40
80	Public Works	261,649.89
81	Engineering	15,705.23
82	Buildings	77,700.82
83	Highways	184,902.58
84	Refuse	290,445.73
85	Garages	60,037.84
90	Single Tax Office	66,275.56
100	Parks and Recreations	134,047.02
<b>TOTAL DEPARTMENTAL:</b>		<b>\$ 4,983,462.58</b>
<b>NON DEPARTMENTAL</b>		
0140	Scranton Plan	\$ -
1000	Boards and Commissions	32,901.81
1100	Utilities	-
1300	Contingency	-
1500	Special Items	(421,476.00)
1600	Unpaid Bills	245,160.40
1700	Grants and Contributions	-
1900	Special Items (Non Add)	-
<b>TOTAL NON DEPARTMENTAL:</b>		<b>\$ (143,413.79)</b>
<b>GRAND TOTAL:</b>		<b>\$ 4,840,048.79</b>

**CITY OF SCRANTON  
GENERAL FUND REVENUE REPORT  
FOR THE MONTH OF APRIL 2019**

<b>CODE #</b>	<b>FUND SOURCE</b>	<b>REVENUES</b>
300	Previous Year Balance	\$ -
301	Real Property Taxes	6,767,814.82
302	Landfill and Refuse Fees	2,107,726.44
304	Utility Tax	-
305	Non-Resident Tax	-
310	Local Taxes (Act 511)	1,293,956.99
319	Penalties and Interest (Delinquent Taxes)	22,278.09
320	Licenses and Permits	332,693.23
330	Fines and Forfeitures	-
331	Police Fines and Violations	186,152.60
341	Interest Earnings	6.26
342	Rents and Concessions	500.00
350	Inter-Government-Revenue Reimbursements	-
359	Local Governments (Payments in Lieu)	(25,000.00)
360	Departmental Earnings	23,569.00
367	Recreational Departments	6,240.50
380	Cable TV and Miscellaneous Revenue	11,526.14
392	Interfund Transfers	657,107.00
392*	Interfund Transfers (Non Add)	-
394	Tax Anticipation Loan/Note	-
<b>TOTAL</b>		<b>\$ 11,384,571.07</b>
<b>MONTH TO DATE:</b>		
	Revenues To April 2019	\$ 48,711,037.75
	Expenditures To April 2019	28,839,594.90
	<b>NET:</b>	<b>\$ 19,871,442.85</b>

\*Non Add

**CITY OF SCRANTON**  
**APRIL 30, 2019**  
**GENERAL FUND REVENUE REPORT**  
**YEAR TO DATE**

CODE #	FUND SOURCE	ESTIMATED	REALIZED	UN-REALIZED
300	Previous Year Balance	\$ -	\$ -	\$ -
301	Real Property Taxes	33,520,050.63	22,350,257.45	11,169,793.18
302	Landfill and Refuse Fees	7,267,500.00	2,528,916.28	4,738,583.72
304	Utility Tax	75,000.00	-	75,000.00
305	Non-Resident Tax	520,000.00	-	520,000.00
310	Local Taxes (Act 511)	40,692,118.03	8,730,502.44	31,961,615.59
319	Penalties and Interest (Delinquent Taxes)	249,600.00	72,615.95	176,984.05
320	Licenses and Permits	1,992,004.00	1,023,457.49	968,546.51
330	Fines and Forfeitures	165,100.00	-	165,100.00
331	Police Fines and Violations	182,750.00	265,369.14	(82,619.14)
341	Interest Earnings	150,000.00	100,955.40	49,044.60
342	Rents and Concessions	5,000.00	2,000.00	3,000.00
350	Inter-Government-Revenue Reimbursements	6,659,966.00	-	6,659,966.00
359	Local Government (Payments in Lieu)	250,000.00	175,000.00	75,000.00
360	Departmental Earnings	267,125.00	89,486.00	177,639.00
367	Recreational Departments	45,500.00	17,674.25	27,825.75
380	Cable TV and Miscellaneous Revenues	1,119,200.00	41,160.80	1,078,039.20
392	Interfund Transfers	4,147,793.00	657,107.00	3,490,686.00
392*	Interfund Transfers SSA/SPA	-	-	-
394	Tax Anticipation Loan/Note	12,750,000.00	12,656,535.55	93,464.45
395	Unfunded Pension	-	-	-
396	Capital Budget Reimbursements	-	-	-
<b>TOTALS</b>		<b>\$ 110,058,706.66</b>	<b>\$ 48,711,037.75</b>	<b>\$ 61,347,668.91</b>

**PURCHASE ORDER REPORT**

MONTH ENDING APRIL 30, 2019

# ACCOUNT BALANCES AS OF APRIL 30, 2019

DEPARTMENT / ACCOUNT		2019 BUDGET	BEGINNING BAL.	APRIL, 2019 ACTIVITY	ENDING BAL.
OFFICE OF THE MAYOR					
0101000000 4270	DUES & SUBSCRIPTIONS	21,913.63	0.00		0.00
0101000000 4290	STATIONERY / OFFICE SUPPLIES GLEN SUMMIT SPRINGS WATER	150.00	143.35	6.65	136.70
0101000000 4420	TRAVEL & LODGING	1,000.00	1,000.00		1,000.00
DEPARTMENT OF PUBLIC SAFETY					
POLICE BUREAU:					
0101100071 4201	PROFESSIONAL SERVICES ENCUMBERED: CURRENT PERIOD STRIVE	40,000.00	23,352.40	2,175.00 648.50	20,528.90
0101100071 4210	SERVICES & MAINTENANCE FEE HORSE POWER HARLEY DAVIDSON	69,000.00	22,290.67	9,840.00	12,450.67
0101100071 4270	DUES & SUBSCRIPTIONS PENNSYLVANIA CHIEFS OF POLICE ASSN.	3,150.00	655.00	100.00	555.00
0101100071 4280	MISCELLANEOUS SERVICES - NON CLASSIFIED	2,000.00	1,849.35		1,849.35
0101100071 4290	STATIONERY / OFFICE SUPPLIES ENCUMBERED: PREVIOUS PERIOD DUPLI CRAFT PRINTING, INC.	2,750.00	702.34	(455.00) 455.00	702.34
0101100071 4380	GUNS / AMMUNITION ENCUMBERED: PREVIOUS PERIOD ENCUMBERED: CURRENT PERIOD ZELLER'S SPORTING GOODS	30,000.00	27,860.10	(1,479.90) 15,450.00 1,479.90	12,410.10
0101100071 4390	MATERIALS / SUPPLIES (MISC) ENCUMBERED: PREVIOUS PERIOD ENCUMBERED: CURRENT PERIOD	21,000.00	13,152.24	(1,563.75) 1,563.75	13,152.24

DEPARTMENT / ACCOUNT	2019 BUDGET	APRIL, 2019	ENDING BAL
		ACTIVITY	
0101100071 4420 TRAVEL & LODGING STELMACK, ROBERT J.	4,500.00	486.57	3,699.30
0101100071 4470 TRAINING & CERTIFICATION			
ENCUMBERED: PREVIOUS PERIOD	50,000.00	(4,149.94)	
ENCUMBERED: CURRENT PERIOD		3,099.94	
STREET COP TRAINING - NJ		298.00	
NATIONAL TACTICAL OFFICER		4,725.00	
PATC		535.00	
PNC BANK		5,016.43	
PAAL - NANCY LOVE		300.00	
NEW YORK TACTICAL OFFICER		1,399.96	
DARTDRONES		1,687.50	
TURNING STONE RESORT		1,815.48	
OMNI DISTRIBUTION, INC.		1,050.00	
			17,317.85
0101100071 4550 CAPITAL EXPENDITURES			
ENCUMBERED: PREVIOUS PERIOD	275,000.00	(174,687.80)	
ENCUMBERED: CURRENT PERIOD		174,687.80	
			173,640.20
0101100071 4570 MAINTENANCE COMMUNICATION EQUIPMENT			
	7,500.00	4,212.77	4,212.77
0101100071 6003 SPCA - ANIMAL CONTROL			
GALLO, KATHLEEN M.	86,976.00	25,674.45	
VETERINARY REFERRAL & EMERGENCY CENTER		83.83	
		225.03	
			25,365.54
<b>FIRE BUREAU:</b>			
0101100078 4201 PROFESSIONAL SERVICES			
	30,000.00	23,112.69	23,112.69
0101100078 4210 SERVICE & MAINTENANCE FEE			
	15,000.00	13,592.49	13,592.49
0101100078 4270 DUES & SUBSCRIPTIONS			
	1,000.00	806.44	806.44
0101100078 4320 BUILDING REPAIR - SUPPLY MAINTENANCE			
DUNMORE APPLIANCE, INC	15,000.00	13,276.00	
LOWE'S		1,054.00	
		1,095.05	
			11,125.95
0101100078 4390 MATERIALS / SUPPLIES (MISC)			
JUDGE LUMBER COMPANY	7,250.00	5,344.48	
GRAINGER		41.66	
A.I.T. AUTOMOTIVE		269.75	
FRIEDMAN ELECTRIC SUPPLY		30.00	
GLEN SUMMIT SPRINGS WATER		97.36	
SCRANTON GRINDER & HARDWARE		45.15	
		63.92	
			4,796.64



DEPARTMENT / ACCOUNT	2019 BUDGET	APRIL, 2019		ENDING BAL
		BEGINNING BAL	ACTIVITY	
0101100078 4420 TRAVEL & LODGING	3,000.00	3,000.00		3,000.00
0101100078 4430 AIR PACK / REHAB SUPPLIES MID-ATLANTIC FIRE AND AIR	6,000.00	6,000.00	199.57	5,800.43
0101100078 4470 TRAINING & CERTIFICATION NEWHART, BRIAN GAVERN, ROBERT FLYNN, SHAUN PREBISH, MARK PFLECKL, ROBERT DESARNO, PATRICK HUGHES, NICHOLAS PATTISON, THOMAS SEROWINSKI, BRIAN NUNEMACHER, DREW NOLL, THOMAS MURRAY, BRIAN MEGOTZ, CARL FRANTZ, DANIEL POLANSKY, ANDY APLEGATE, DAVID SCHIRRA, PAUL FANNON, ZACHARY GAVERN, MATTHEW FRATAMICO, DARYL SAWICKI, MICHAEL LUCA, CHRISTOPHER KOPA, ERIC BARL, CHRISTOPHER YOUSHOCK, ERIC MCDONALD, MATTHEW DAVIS, JOHN JUDGE, JOHN FROST, JAMES	95,000.00	62,394.30	625.00 39.50 39.50 500.00 39.50 28.50 39.50 39.50 756.53 39.50 39.50 29.50 29.50 29.50 39.50 29.50 727.03 727.03 39.50 762.20 29.50 28.50 29.50 39.50 29.50 39.50 39.50 39.50 39.50	
0101100078 4550 CAPITAL EXPENDITURES 877 DESIGN	853,000.00	155,792.10	150.00	57,488.01
0101100078 4570 MAINTENANCE COMMUNICATION EQUIPMENT BUDGET TRANSFER FROM: 0101100078 4580 JALVO, INC.	4,250.00	1,473.00	(1,000.00) 1,641.50	155,642.10
0101100078 4575 MAINTENANCE-EQUIPMENT	1,000.00	1,000.00		831.50
0101100078 4580 GENERAL EQUIPMENT BUDGET TRANSFER TO: 0101100078 4570 REEVE'S RENT-A-JOHN, INC. WITMER ASSOCIATES, INC.	65,005.00	47,713.43	1,000.00 189.00 1,141.00	1,000.00
	4			45,383.43

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL 2019 ACTIVITY	ENDING BAL
<b>OFFICE OF THE CITY CLERK / CITY COUNCIL</b>				
0102000000 4201 PROFESSIONAL SERVICES MCCOOL, MARIA NARDOZZI, CATHENE LACKAWANNA COUNTY TREASURER EDM AMERICAS INC.	59,000.00	57,878.52	354.00 287.00 60.00 217.20	<u>56,980.32</u>
0102000000 4210 SERVICES & MAINTENANCE FEE	15,000.00	4,920.00		<u>4,920.00</u>
0102000000 4230 PRINTING & BINDING LACKAWANNA PRINTING CO.	6,250.00	2,484.67	62.00	<u>2,422.67</u>
0102000000 4250 ADVERTISING SCRANTON TIMES	31,500.00	27,221.35	1,448.85	<u>25,774.50</u>
0102000000 4290 STATIONERY / OFFICE SUPPLIES GLEN SUMMIT SPRINGS WATER	500.00	478.00	22.50	<u>455.50</u>
<b>CITY CONTROLLER</b>				
0103000000 4201 PROFESSIONAL SERVICES	40,000.00	40,000.00		<u>40,000.00</u>
0103000000 4230 PRINTING AND BINDING	1,000.00	1,000.00		<u>1,000.00</u>
0103000000 4240 POSTAGE & FREIGHT	100.00	100.00		<u>100.00</u>
0103000000 4270 DUES & SUBSCRIPTIONS	700.00	481.60		<u>481.60</u>
0103000000 4290 STATIONERY / OFFICE SUPPLIES GLEN SUMMIT SPRINGS WATER STAPLES BUSINESS ADVANTAGE	500.00	395.17	17.25 74.99	<u>302.93</u>
0103000000 4420 TRAVEL AND LODGING	500.00	500.00		<u>500.00</u>

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL 2019 ACTIVITY	ENDING BAL
<b>BUSINESS ADMINISTRATION DEPARTMENT</b>				
<b>ADMINISTRATION</b>				
0104000040 4201 PROFESSIONAL SERVICES ECVIS, INC. JOYCE HATALA ASSOCIATES BEYER-BARBER COMPANY PA DEPARTMENT OF ENVIRONMENTAL PROTECTION ARCADIS US, INC.	500,000.00	441,402.22	8,930.25 550.00 875.00 2,500.00 16,754.20	411,792.77
0104000040 4210 SERVICES & MAINTENANCE FEE	1,750.00	1,725.00		1,725.00
0104000040 4230 PRINTING & BINDING	1,500.00	1,500.00		1,500.00
0104000040 4240 POSTAGE & FREIGHT POSTAGE REFILL	34,000.00	23,861.00	5,000.00	18,861.00
0104000040 4250 ADVERTISING SCRANTON TIMES	22,500.00	16,855.35	2,930.15	13,925.20
0104000040 4270 DUES & SUBSCRIPTIONS	1,000.00	40.00		40.00
0104000040 4290 STATIONERY / OFFICE SUPPLIES ENCUMBERED: PREVIOUS PERIOD ENCUMBERED: CURRENT PERIOD RUBINSTEIN'S INC. PHILLIPS SUPPLY CO. OFFICE DEPOT LOWE'S STAPLES BUSINESS ADVANTAGE	12,750.00	8,944.94	(2,243.90) 2,017.83 20.57 1,772.50 1,024.83 168.96 160.15	6,023.98
0104000040 4390 MATERIALS / SUPPLIES (MISC) GLEN SUMMIT SPRINGS WATER	600.00	401.37	11.55	389.82
0104000040 4420 TRAVEL & LODGING	2,500.00	2,500.00		2,500.00
0104000040 4470 TRAINING & CERTIFICATION	2,000.00	1,507.65		1,507.65
0104000040 4480 SELF INSURANCE	110,000.00	110,000.00		110,000.00
0104000040 6009 OPERATING TRANSFERS - WORKERS' COMP	3,300,718.00	1,499,218.00		1,499,218.00
0104000040 6024 BANK FEES AND CHARGES	11,000.00	10,984.00		10,984.00

DEPARTMENT / ACCOUNT	2019 BUDGET	APRIL, 2019		
		BEGINNING BAL.	ACTIVITY	ENDING BAL.
<b>HUMAN RESOURCES:</b>				
0104000041 4201 PROFESSIONAL SERVICES WE PAY PAYROLL PROCESSING CONCORDE, INC. FISCHEIN, RICHARD E. MD P & A GROUP ADMIN SERVICE MILLENNIUM ADMINISTRATORS NORTHEASTERN REHABILITATION ASSOCIATES	170,000.00	139,663.47	4,753.50 499.78 3,000.00 358.62 4,669.04 195.00	126,187.53
0104000041 4290 STATIONARY / OFFICE SUPPLIES	1,000.00	1,000.00		1,000.00
0104000041 4390 MATERIALS / SUPPLIES (MISC) GLEN SUMMIT SPRINGS WATER	500.00	82.70	21.95	60.75
0104000041 4420 TRAVEL & LODGING	2,000.00	2,000.00		2,000.00
0104000041 4470 TRAINING & CERTIFICATION	5,000.00	5,000.00		5,000.00
0104000041 4630 LIABILITY / CASUALTY INSURANCE ABRAHAMSEN CONABOY & ABRAHAMSEN, PC WILLIAMSON, ALLISTER R.	1,175,000.00	51,958.74	465.50 675.00	50,818.24
0104000041 6006 PERSONNEL COST ADJUSTMENT ABM PARKING SERVICES	7,500.00	7,500.00	1,860.54	5,639.46
<b>INFORMATION TECHNOLOGY:</b>				
0104000042 4201 PROFESSIONAL SERVICES	150,000.00	85,468.11		85,468.11
0104000042 4210 SERVICES & MAINTENANCE FEE ESD SOLUTIONS, INC.	100,000.00	81,456.00	5,989.00	75,467.00
0104000042 4270 DUES AND SUBSCRIPTIONS	500.00	500.00		500.00
0104000042 4290 STATIONARY / OFFICE SUPPLIES	1,000.00	1,000.00		1,000.00

DEPARTMENT / ACCOUNT	2019 BUDGET	APRIL 2019 BEGINNING BAL.    ACTIVITY    ENDING BAL.
0104000042 4390 MATERIALS / SUPPLIES (MISC) ENCUMBERED: PREVIOUS PERIOD ENCUMBERED: CURRENT PERIOD CDW GOVERNMENT, INC. FRIEDMAN ELECTRIC SUPPLY	75,000.00	53,860.05 (10,443.14) 10,443.14 16,740.00 1,831.82 <u>35,288.23</u>
0104000042 4420 TRAVEL AND LODGING	1,000.00	1,000.00 <u>1,000.00</u>
0104000042 4440 TELEPHONE COMCAST FRONTIER COMMUNICATIONS A T & T MOBILITY SOLID ROCK IT SOLUTIONS VERIZON	200,000.00	151,224.64 5,379.13 7,318.43 8,073.96 3,180.00 414.20 <u>135,858.92</u>
0104000042 4470 TRAINING & CERTIFICATION	35,000.00	35,000.00 <u>35,000.00</u>
0104000042 4550 CAPITAL EXPENDITURES ENCUMBERED: PREVIOUS PERIOD ENCUMBERED: CURRENT PERIOD CDW GOVERNMENT, INC.	455,000.00	368,343.46 (43,028.54) 43,028.54 38,770.00 <u>329,573.46</u>
0104000042 4560 EQUIPMENT MAINTENANCE / LEASES	94,000.00	94,000.00 <u>94,000.00</u>
<b>TREASURY:</b>		
0104000043 4201 PROFESSIONAL SERVICES	13,000.00	13,000.00 <u>13,000.00</u>
0104000043 4390 MATERIALS / SUPPLIES (MISC) ENCUMBERED: PREVIOUS PERIOD DUNBAR AMORED, INC. OFFICE DEPOT GLEN SUMMIT SPRINGS WATER GREAT AMERICA FINANCIAL SERVICES	15,000.00	13,112.62 (221.10) 1,896.94 221.10 17.25 122.49 <u>11,076.94</u>
0104000043 5000 TAX & MISCELLANEOUS REFUNDS	5,000.00	5,000.00 <u>5,000.00</u>
0104000043 6001 TAX COLLECTION COMMITTEE EXPENSE	500.00	500.00 <u>500.00</u>

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL, 2019 ACTIVITY	ENDING BAL.
<b>BUREAU OF LICENSES, INSPECTIONS &amp; PERMITS</b>				
<b>LICENSE, INSPECTIONS &amp; PERMITS:</b>				
0105100051 4201 PROFESSIONAL SERVICES SCRANTON NEIGHBORHOOD HOUSING	50,000.00	50,000.00	5,800.00	44,200.00
0105100051 4290 STATIONERY / OFFICE SUPPLIES	500.00	500.00		500.00
0105100051 4390 MATERIALS / SUPPLIES (MISC)	500.00	500.00		500.00
0105100051 4420 TRAVEL AND LODGING	1,000.00	1,000.00		1,000.00
0105100051 4470 TRAINING & CERTIFICATION	1,000.00	1,000.00		1,000.00
0105100051 4550 CAPITAL EXPENDITURES COMMUNITY FIRST NATIONAL BANK	20,000.00	20,000.00	5,725.91	14,274.09
0105100051 4570 MAINTENANCE COMMUNICATION EQUIPMENT	500.00	500.00		500.00
0105100051 4590 BUILDING DEMOLITION DATOM PRODUCTS, INC.	150,000.00	148,975.00	8,400.00	140,575.00
<b>BUREAU OF BUILDINGS:</b>				
0105100082 4201 PROFESSIONAL SERVICES GARVEY, DAVID F.	5,000.00	5,000.00	1,300.00	3,700.00
0105100082 4320 BUILDING REPAIR - SUPPLY MAINTENANCE VECTOR SECURITY URBAN ELECTRICAL CONTRACTORS, INC. CINTAS CORPORATION THE H F WOLFE CO. BURKE, MICHAEL C & C CLEANING SERVICES J. C. EHRLICH CO. TORBIK SAFE & LOCK, INC. PA DEPARTMENT OF LABOR & INDUSTRY AMERICAN JANITOR ROSSI ROOTER LLC	150,000.00	123,398.00	97.20 294.30 651.36 24.90 728.00 2,795.00 385.00 179.00 73.58 1,288.52 500.00	115,381.14
0105100082 4447 UGI - GAS UGI PENN NATURAL GAS	135,000.00	93,193.54	6,048.85	87,144.79

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL.	APRIL, 2019 ACTIVITY	ENDING BAL.
0105100082 4448 PAWC - WATER LGP REALTY HOLDINGS, LP PENNSYLVANIA AMERICAN WATER CO.	475,000.00	396,533.51	112.29 26,480.97	369,950.25
0105100082 4450 ELECTRICAL PPL ELECTRIC UTILITIES	135,000.00	117,974.00	28,491.83	89,482.17
0105100082 4465 BUILDING SUPPLIES	1,000.00	1,000.00		1,000.00
<b>LAW DEPARTMENT:</b>				
0106000000 4201 PROFESSIONAL SERVICES MICHAEL A. GENELL, ESQ. ABRAHAMSEN CONBOY & ABRAHAMSEN, PC SAUL EWING, LLP	255,000.00	229,472.40	1,390.20 3,616.00 5,657.70	218,808.50
0106000000 4210 SERVICES AND MAINTENANCE FEE	2,000.00	2,000.00		2,000.00
0106000000 4270 DUES & SUBSCRIPTIONS	3,000.00	3,000.00		3,000.00
0106000000 4290 STATIONERY / OFFICE SUPPLIES	500.00	327.62		327.62
0106000000 4390 MATERIALS / SUPPLIES (MISC) LOWE'S	500.00	500.00	168.98	331.02
0106000000 4420 TRAVEL & LODGING	3,500.00	3,500.00		3,500.00
0106000000 4470 TRAINING & CERTIFICATION	3,500.00	3,201.00		3,201.00
<b>DEPARTMENT OF PUBLIC WORKS ADMINISTRATION BUREAU:</b>				
0108000080 4201 PROFESSIONAL SERVICES KRUKOWSKI, JUSTIN	10,000.00	9,938.20	61.80	9,876.40
0108000080 4210 SERVICES & MAINTENANCE FEE PA ONE CALL SYSTEM, INC.	2,040.00	1,836.89	66.14	1,770.75

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL 2019 ACTIVITY	ENDING BAL.
0108000080 4420 TRAVEL AND LODGING	500.00	500.00		500.00
0108000080 4550 CAPITAL EXPENDITURES	10,000.00	10,000.00		10,000.00
0108000080 4570 MAINTENANCE COMMUNICATION EQUIPMENT INDUSTRIAL ELECTRONICS, INC.	16,500.00	13,335.00	1,575.00	11,760.00
0108000080 4575 MAINTENANCE SUPER FUND SIGHT	13,000.00	13,000.00		13,000.00
0108000080 6007 FLOOD PROTECTION SYSTEM MAINTENANCE S & S TOOLS & SUPPLIES	1,973,900.00	1,963,632.94	20.00	1,963,612.94
<b>ENGINEERING BUREAU:</b>				
0108000081 4201 PROFESSIONAL SERVICES LABELLA ASSOCIATES	59,500.00	56,900.00	5,300.00	50,600.00
0108000081 4210 SERVICES & MAINTENANCE FEE	500.00	500.00		500.00
0108000081 4290 STATIONERY / OFFICE SUPPLIES	100.00	100.00		100.00
0108000081 4390 MATERIALS / SUPPLIES (MISC)	250.00	202.50		202.50
0108000081 4470 TRAINING & CERTIFICATION	1,000.00	910.00		910.00
<b>HIGHWAYS BUREAU:</b>				
0108000083 4260 RENTAL VEHICLES & EQUIPMENT	300,000.00	299,625.00		299,625.00
0108000083 4340 CONSTRUCTION - PAVING MATERIAL HEI-WAY LLC	150,000.00	134,449.45	10,540.48	123,908.97
0108000083 4350 PAINT / SIGN MATERIAL ENCUMBERED: PREVIOUS PERIOD ENCUMBERED: CURRENT PERIOD S & S TOOLS & SUPPLIES SHERWIN WILLIAMS	25,000.00	21,482.78	(12.00) 48.00 12.00 177.45	21,257.33



DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL, 2019 ACTIVITY	ENDING BAL
0108000083 4357 PARKS AND RECREATION SUPPLIES	37,600.00	37,600.00		37,600.00
0108000083 4390 MATERIALS / SUPPLIES (MISC)	37,600.00	25,322.38	(6,640.32)	
ENCUMBERED: PREVIOUS PERIOD			3,851.26	
ENCUMBERED: CURRENT PERIOD			124.50	
ANZULEWICZ JR., CHESTER			1,286.70	
WILLIAMS INDUSTRIAL SUPPLY			523.92	
CENTRAL CLAY PRODUCTS			117.93	
S & S TOOLS & SUPPLIES			5,771.75	
DALEVILLE ACE HARDWARE			29.00	
DIXON SEALER & SUPPLY, INC.			1,021.40	
BRADCO SUPPLY CO.				19,256.24
0108000083 4410 SALT	425,000.00	115,102.03	(42,832.00)	
ENCUMBERED: PREVIOUS PERIOD			41,757.98	
AMERICAN ROCK SALT CO. LLC				116,176.05
0108000083 4460 STREET LIGHTING	200,000.00	155,905.73	18,233.36	137,672.37
PPL ELECTRIC UTILITIES				
0108000083 4465 STREET LIGHTING SERVICE / MAINTENANCE	60,000.00	40,079.26	4,287.89	35,791.37
URBAN ELECTRICAL CONTRACTORS, INC.				
0108000083 4467 TRAFFIC SIGNAL ELECTRICITY	90,000.00	80,054.35	10,462.46	69,591.89
PPL ELECTRIC UTILITIES				
0108000083 4550 CAPITAL EXPENDITURES	450,000.00	245,061.40		245,061.40
0108000083 4551 ROADWAY RESURFACING PROGRAM	875,000.00	875,000.00		875,000.00
REFUSE BUREAU:				
0108000084 4390 MATERIALS / SUPPLIES (MISC)	1,000.00	340.15		340.15
0108000084 4420 TRAVEL AND LODGING	1,000.00	948.80		948.80
0108000084 4490 LANDFILL	1,300,000.00	1,034,315.71	113,411.53	920,904.18
KEYSTONE SANITARY LANDFILL				

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL, 2019 ACTIVITY	ENDING BAL.
0108000084 4550 CAPITAL EXPENDITURES	225,000.00	225,000.00		<u>225,000.00</u>
0108000084 4555 RECYCLING	175,000.00	175,000.00		<u>175,000.00</u>
<b>GARAGES BUREAU:</b>				
0108000085 4220 CONTRACTED SERVICES	2,500.00	1,979.57		<u>1,979.57</u>
0108000085 4301 GAS, OIL, LUBRICANTS	340,000.00	237,655.59	(199.95) ENCUMBERED: PREVIOUS PERIOD 898.90 ENCUMBERED: CURRENT PERIOD 303.85 D. G. NICHOLAS CO. 112.00 DENAPLES AUTO PARTS 17,095.50 PAPCO	<u>219,445.39</u>
0108000085 4310 EQUIPMENT/VEHICLE REPAIR/MAINTENANCE	325,000.00	255,626.80	(3,688.88) ENCUMBERED: PREVIOUS PERIOD 9,709.85 ENCUMBERED: CURRENT PERIOD 1,673.14 D. G. NICHOLAS CO. 100.00 FARGIONE AUTO SERVICE 144.76 AIR BRAKE & EQUIPMENT CO., INC. 1,640.49 TRIPLE CITIES ACQUISITIONS, LLC 184.35 INDUSTRIAL ELECTRONICS, INC. 250.00 JORDAN'S TOWING 1,257.61 WAYNE COUNTY FORD 6.80 PETHICK PAINT SUPPLY 609.13 DAVE'S AUTO IGNITION 112.00 DENAPLES AUTO PARTS 1,876.00 A-2 SPRING SERVICE 468.89 A.I.T. AUTOMOTIVE 770.00 ELECTRO BATTERY 1,399.78 FRP FIRE & RESCUE PRODUCTS 20.03 DAILEY RESOURCES 61.72 S & S TOOLS & SUPPLIES 566.79 C. G. CUSTOM TRUCKS 330.91 FIVE STAR EQUIPMENT CO., INC. 619.14 NORTHEAST HYDRAULICS 2,544.78 THC ENTERPRISES	<u>234,949.31</u>
0108000085 4360 SMALL TOOLS / SHOP SUPPLIES	6,500.00	1,742.51	182.27 ENCUMBERED: CURRENT PERIOD 33.65 S & S TOOLS & SUPPLIES 5.95 A.I.T. AUTOMOTIVE	<u>1,520.64</u>

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL, 2019 ACTIVITY	ENDING BAL
0108000085 4390 MATERIALS / SUPPLIES (MISC)	49,500.00	37,352.51		
ENCUMBERED: PREVIOUS PERIOD			(443.27)	
ENCUMBERED: CURRENT PERIOD			2,349.33	
GRAINGER			292.27	
FASTENAL COMPANY			32.19	
D. G. NICHOLAS CO.			876.66	
WELLER'S LOCK & KEY SERVICE			110.00	
S & S TOOLS & SUPPLIES			49.74	
GLECO PAINTS, INC			101.19	
A.I.T. AUTOMOTIVE			376.80	
TRIPLE CITIES ACQUISITIONS, LLC			682.28	
DAILEY RESOURCES			220.00	
C. G. CUSTOM TRUCKS			51.49	
THC ENTERPRISES			81.98	32,611.85
0108000085 4401 TIRES	109,500.00	93,102.61		
ENCUMBERED: PREVIOUS PERIOD			(941.35)	
ENCUMBERED: CURRENT PERIOD			2,525.73	
KOST TIRE & AUTO SERVICE			2,717.24	
F & S SUPPLY COMPANY, INC.			429.50	88,371.49
0108000085 4420 TRAVEL AND LODGING	500.00	500.00		500.00
0108000085 4550 CAPITAL EXPENDITURES	70,000.00	59,250.00		59,250.00
0108000085 4501 MAINTENANCE (PREVENTATIVE)	7,500.00	7,070.91		7,070.91
<b>PARKS &amp; RECREATION DEPARTMENT</b>				
0110000080 4280 MISC SERVICES - NON CLASSIFIED	5,000.00	4,991.15	500.00	4,491.15
COMMUNITY NEWSPAPER GROUP				
0110000080 4290 STATIONERY / OFFICE SUPPLIES	500.00	500.00		500.00
0110000080 4320 BUILDING REPAIR - SUPPLY MAINTENANCE	15,000.00	10,596.11		
S & S TOOLS & SUPPLIES			939.66	
JUDGE LUMBER COMPANY			54.30	
JERMYN SUPPLY			2,350.00	
CINTAS CORPORATION			99.00	
LAMEO & ASSOCIATES			206.00	
F & S SUPPLY COMPANY, INC.			867.43	6,080.72

DEPARTMENT / ACCOUNT	2019 BUDGET	APRIL 2019		ENDING BAL.
		BEGINNING BAL	ACTIVITY	
0110000000 4330 MEDICAL, CHEMICAL, LAB SUPPLIES MAIN POOL & CHEMICAL CO.	20,000.00	19,252.25	232.00	19,020.25
0110000000 4360 SMALL TOOLS / SHOP SUPPLIES	500.00	500.00		500.00
0110000000 4370 PARKS & RECREATION SUPPLIES ENCUMBERED: CURRENT PERIOD	11,000.00	11,000.00	526.56	10,473.44
0110000000 4420 TRAVEL AND LODGING	750.00	750.00		750.00
0110000000 4530 PERFORMING ARTS	20,000.00	7,500.00		7,500.00
0110000000 4540 SPRING / SUMMER PROGRAMS	3,000.00	1,343.67		1,343.67
0110000000 4550 CAPITAL EXPENDITURES RECREATION RESOURCE, INC. DON SCARTELLI CONSTRUCTION SERVICES STEAMTOWN BLUEPRINT & COPY MAR-PAUL CO., INC. KOVATCH FORD, INC. REDLINE TOWING INC. KEYSTONE CONTAINER SERVICE INC. KEYSTONE FENCE CO.	875,000.00	760,382.00	9,600.00 425.00 500.00 36,450.30 22,829.00 17,500.00 1,050.00 2,549.30	669,478.40
<b>NON-DEPARTMENTAL EXPENDITURES</b>				
0140110030 4299 ZONING BOARD	25,000.00	19,303.35		15,303.35
0140110080 4299 EVERHART MUSEUM EVERHART MUSEUM	29,000.00	9,666.68	9,666.66	0.02
0140110075 4299 SCRANTON PLAN	150,000.00	0.00		0.00
0140110080 4299 SCRANTON TOMORROW	225,000.00	0.00		0.00

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL, 2019		ENDING BAL
			ACTIVITY		
0140110110 4299 SHADE TREE COMMISSION SCRANTON TIMES TRAFFIC CONTROL SERVICES S & S TOOLS & SUPPLIES STEAMTOWN BLUEPRINT & COPY ECONOMY TREE SERVICE OF NEPA SHADE TREE ADVERTISING NORTHERN TREE EXPERT CO.	200,000.00	138,500.00	101.00 682.08 440.00 58.46 1,500.00 1,415.95 9,800.00		124,512.53
0140110120 4299 ST. CATS AND DOGS	10,000.00	10,000.00			10,000.00
0140110130 4299 MAYOR'S 504 TASK FORCE	1,000.00	1,000.00			1,000.00
0140110140 4299 CIVIL SERVICE COMMISSION PENNSYLVANIA CHIEFS OF POLICE ASSN. FIRE SERVICE TESTING COMPANY SCRANTON TIMES PERRY LAW FIRM	25,000.00	14,569.13	7,260.07 1,890.41 69.15 1,444.00		4,305.50
0140110150 4299 HUMAN RELATIONS COMMISSION	1,000.00	1,000.00			1,000.00
0140110155 4299 LHVA TRAIL MAINTENANCE	24,000.00	13,500.00			13,500.00
0140115230 4299 TAN SERIES TAN PRINCIPLE PAYMENT (3/5/19)	12,750,000.00	12,750,000.00	3,944,546.18		8,805,453.82
0140115240 4299 TAN SERIES INTEREST	465,375.00	465,375.00			465,375.00
0140115310 4299 OPER TSF TO DBT SVC - STREET LIGHTING	525,000.00	525,000.00			525,000.00
0140115320 4299 OPER TSF TO DBT SVC - GUARANTEED ENERGY SAVINGS	144,997.96	108,748.47			108,748.47
0140115324 4299 OPER TSF TO DBT SVC - FDM REVOLVING AID LN	100,000.00	100,000.00			100,000.00
0140115328 4299 OPER TSF 2016 REDEVELOPMENT AUTH SERIES AA	883,725.00	883,725.00			883,725.00
0140115329 4299 OPER TSF TO DBT SVC - LEASE OF REFUSE PACKERS	218,147.96	218,147.96			

DEPARTMENT / ACCOUNT	2019 BUDGET	APRIL, 2019		ENDING BAL.
		BEGINNING BAL.	ACTIVITY	
				218,147.96
0140115330 4299 OPER TSF TO DBT SVC - LEASE OF KME ENGINE	49,849.00	0.00		0.00
0140115331 4299 OPER TSF TO DBT SVC - 2019 GO BONDS BLDG	1,000.00	1,000.00		1,000.00
0140115332 4299 OPER TSF TO DBT SVC - SERIES 2017 GENERAL OBLIGATION REFUNDING	3,231,000.00	3,231,000.00		
2017 DEBT PAYMENT INTEREST (3/1/19)			585,500.00	2,665,500.00
0140115333 4299 OPER TSF TO DBT SVC - 2018 TAXABLE SERIES	1,208,252.22	1,208,252.22		1,208,252.22
0140115334 4299 OPER TSF TO DBT SVC - LEASE OF JOHN DEERE WHEEL LOADER	25,851.02	25,851.02		25,851.02
0140115335 4299 OPER TSF TO DBT SVC - LEASE OF LAW ENFORCEMENT MGMT SYSTEM	219,557.60	219,557.60		219,557.60
0140115337 4299 OPER TSF TO DBT SVC - ESCO LEASE BUILDING	100,000.00	100,000.00		100,000.00
0140115338 4299 OPER TSF TO DBT SVC - 2016 RED AUTH SERIES A	3,614,000.00	3,614,000.00		3,614,000.00
0140115339 4299 OPER TSF TO DBT SVC - 2016 GENL. OBL. NOTES	1,875,250.00	1,875,250.00		1,875,250.00
0140115340 4299 OPER TSF TO DBT SVC - 2016 LEASE FORD TRKS	53,925.94	0.00		0.00
0140115341 4299 OPER TSF TO DBT SVC - PIB LOAN	244,811.66	244,811.66		244,811.66
0140115342 4299 OPER TSF TO DBT SVC - LEASE STREET LIGHTING GENESEE STREET CORPORATION	421,476.00	0.00	(421,476.00)	421,476.00
0140115343 4299 2018 ARIEL PLATFORM TRUCK LEASE	102,156.57	102,156.57		102,156.57

DEPARTMENT / ACCOUNT	2019 BUDGET	BEGINNING BAL	APRIL, 2019 ACTIVITY	ENDING BAL
0140113090 4299 CONTINGENCY	596,904.82	596,904.82		<u>596,904.82</u>
0140113100 4299 OECD CONTINGENCY	150,000.00	2,067.34		<u>2,067.34</u>
0140116090 4299 UNENCUMBERED EXPENSES PRIOR YEAR OBLIG. JUDGE LUMBER COMPANY GALLAGHER BASSETT SERVICE CORBETT PRICE LAW J. C. EHRLICH CO.	375,000.00	275,306.53	589.90 (1,000.00) 484.50 86.00	<u>275,146.13</u>
0140116270 4299 COURT AWARDS ROSEN, JENKINS & GREENWALD	725,000.00	722,592.00	245,000.00	<u>477,592.00</u>
0140117020 4299 VETERAN'S ORGANIZATION	50,000.00	0.00		<u>0.00</u>
0140117040 4299 OPEB TRUST FUND	100,000.00	100,000.00		<u>100,000.00</u>
0140117060 4299 TRIPP PARK COMMUNITY CENTER	1,000.00	1,000.00		<u>1,000.00</u>
0140117080 4299 TARGETED EXPENSES - REVENUE PASS THROUGH ACCOUNT	275,000.00	275,000.00		<u>275,000.00</u>
0140117100 4299 GRANT MATCH	850,499.00	345,607.00		<u>345,607.00</u>

RESOLUTION NO. \_\_\_\_\_

2019

**RE-APPOINTMENT OF DAVID J. WENZEL, 7 PHILLIPS DRIVE, SCRANTON, PENNSYLVANIA, 18505 AS A MEMBER OF THE SHADE TREE COMMISSION FOR AN ADDITIONAL FIVE (5) YEAR TERM EFFECTIVE APRIL 24, 2019. MR. WENZEL'S PRIOR TERM EXPIRED ON OCTOBER 29, 2018 AND WAS HELD OVER TO APRIL 24, 2019. HIS NEW TERM WILL EXPIRE ON OCTOBER 29, 2023**

WHEREAS, David J. Wenzel's prior term on the Shade Tree Commission expired on October 29, 2018 and was held over to April 24, 2019; and

WHEREAS, the Mayor of the City of Scranton desires to re-appoint David J. Wenzel as a member of the Shade Tree Commission for an additional five (5) year term effective April 24, 2019. His new term will expire October 29, 2023; and

WHEREAS, David J. Wenzel has the requisite experience, education and training necessary to serve as a member of the Shade Tree Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that David J. Wenzel, 7 Phillips Drive, Scranton, Pennsylvania 18505 is hereby re-appointed to the Shade Tree Commission for a five (5) year term effective April 24, 2019. His new term will expire on October 29, 2023.

**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

April 24, 2019

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

RE: Scranton Shade Tree Commission Appointment

Dear Council Members:

Please be advised that I am re-appointing David J. Wenzel, 7 Phillips Dr., Scranton, Pa. 18505, as a member of the Scranton Shade Tree Commission for an additional five year term effective April 24, 2019.

Mr. Wenzel's term expired on October 29, 2018 and was held over until April 24, 2019. His new term will expire on October 29, 2023.

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 Shade Tree Commission  
David J. Wenzel



DEPARTMENT OF LAW

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

May 10, 2019

RECEIVED

MAY 13 2019

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

OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AUTHORIZING RE-APPOINTMENT OF DAVID J. WENZEL, 7 PHILLIPS DRIVE, SCRANTON, PENNSYLVANIA, 18505 AS A MEMBER OF THE SHADE TREE COMMISSION FOR AN ADDITIONAL FIVE (5) YEAR TERM EFFECTIVE APRIL 24, 2019. MR. WENZEL'S PRIOR TERM EXPIRED ON OCTOBER 29, 2018 AND WAS HELD OVER TO APRIL 24, 2019. HIS NEW TERM WILL EXPIRE ON OCTOBER 29, 2023.

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

Respectfully,

*Jessica Eskra* (S)  
Jessica L. Eskra, Esquire  
City Solicitor

JLE/sl

RESOLUTION NO. \_\_\_\_\_

2019

**RE-APPOINTMENT OF JOSEPH A. RICCARDO, JR., 1002 FROUDE AVENUE, SCRANTON, PENNSYLVANIA, 18505 AS A MEMBER OF THE SHADE TREE COMMISSION FOR AN ADDITIONAL FIVE (5) YEAR TERM EFFECTIVE APRIL 24, 2019. MR. RICCARDO'S PRIOR TERM EXPIRED ON DECEMBER 7, 2018 AND WAS HELD OVER UNTIL APRIL 24, 2019. HIS NEW TERM WILL EXPIRE ON DECEMBER 7, 2023.**

**WHEREAS**, Joseph A. Riccardo Jr.'s prior term on the Shade Tree Commission expired on December 7, 2018 and was held over to April 24, 2019; and

**WHEREAS**, the Mayor of the City of Scranton desires to re-appoint Joseph A. Riccardo, Jr. as a member of the Shade Tree Commission for an additional five (5) year term effective April 24, 2019. His new term will expire on December 7, 2023; and

**WHEREAS**, Joseph A. Riccardo, Jr. has the requisite experience, education and training necessary to serve as a member of the Shade Tree Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON** that Joseph A. Riccardo, Jr., 1002 Froud Avenue, Scranton, Pennsylvania 18505 is hereby re-appointed to the Shade Tree Commission for a five (5) year term effective April 24, 2019. His new term will expire on December 7, 2023.

**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

April 24, 2019

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

RE: Scranton Shade Tree Commission Appointment

Dear Council Members:

Please be advised that I am re-appointing Joseph A. Riccardo, Jr., 1002 Froude Ave., Scranton, Pa. 18505, as a member of the Scranton Shade Tree Commission for an additional five year term effective April 24, 2019.

Mr. Riccardo's term expired on December 7, 2018 and was held over until April 24, 2019. His new term will expire on December 7, 2023.

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 Shade Tree Commission  
Joseph A. Riccardo, Jr.



DEPARTMENT OF LAW

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

May 13, 2019

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

RECEIVED

MAY 13 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION RE-APPOINTMENT OF JOSEPH A. RICCARDO, JR., 1002 FROUDE AVENUE, SCRANTON, PENNSYLVANIA, 18505 AS A MEMBER OF THE SHADE TREE COMMISSION FOR AN ADDITIONAL FIVE (5) YEAR TERM EFFECTIVE APRIL 24, 2019. MR. RICCARDO'S PRIOR TERM EXPIRED ON DECEMBER 7, 2018 AND WAS HELD OVER UNTIL APRIL 24, 2019. HIS NEW TERM WILL EXPIRE ON DECEMBER 7, 2023.

Respectfully,

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

JLE/sl

RESOLUTION NO. \_\_\_\_\_

2019

**AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF SCRANTON TO SIGN AND SUBMIT THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ("PENNDOT") APPLICATION FOR TRAFFIC SIGNAL APPROVAL FOR TRAFFIC SIGNAL PERMIT NO. 6357 FOR TRAFFIC SIGNAL REPLACEMENT AT GREEN RIDGE STREET (SR 6011) AND WYOMING AVENUE (SR 3025).**

WHEREAS, it is necessary for the Director of the Department of Public Works to sign and submit the traffic signal application on behalf of the City of Scranton. A copy of the application 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 the Director of the Department of Public Works is authorized to sign and submit the traffic signal application on behalf of the City of Scranton for Traffic Signal Permit No. 6357 for traffic signal replacement at Green Ridge Street (SR 6011) and Wyoming Avenue (SR 3025).

**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 the 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.




**BUREAU OF ENGINEERING**

101 WEST POPLAR STREET • SCRANTON, PENNSYLVANIA 18508 • PHONE: 570-348-4180 • FAX: 570-348-0197

**MEMORANDUM**

TO: Jessica Eskra, Esquire, City Solicitor

FROM:  John J. Pocius, P.E., P.L.S., City Engineer  
LaBella Associates

DATE: May 3, 2019

RE: *Application for Traffic Signal Approval*  
*Traffic Signal Permit No. 6357*  
*Green Ridge Street (SR 6011) and Wyoming Avenue (SR 3025)*  
*Green Light-Go Program Agreement #: 2016GLG017*

Enclosed is one copy (1) of TE-160 (6-12) Application for Traffic Signal Approval. The project consists of Traffic Signal Replacement at Green Ridge Street and Wyoming Avenue through the above referenced Green Light-Go Program Grant/Reimbursement Agreement. The City is receiving \$135,200.00 from this Grant.

We recommend that a Resolution be prepared and forwarded to City Council indicating that *"The Director of the Department of Public Works of the City of Scranton is authorized and directed to submit the attached Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the City of Scranton"*.

The Application cannot be signed and dated and witnessed until after the Resolution is passed by City Council and approved by the Mayor. If there are any questions on this matter, please do not hesitate to contact me at (570)904-6189.

JJP/lmz

Z-11-04-30 ESKRA memo-Permit No. 6357-5-3-19

Enclosures

c Dennis Gallagher, Director, Department of Public Works  
Donald J. King, AICP, City Planner  
Lori Reed, City Clerk  
David Bulzoni, City Business Administrator  
QA/QC C. File

**Application for  
Traffic Signal Approval**

Please Type or Print all information in Blue or Black Ink

**pennsylvania**  
DEPARTMENT OF TRANSPORTATIONCounty : LackawannaEngineering District : 4-0

Department Tracking # : \_\_\_\_\_

Initial Submission Date : \_\_\_\_\_

**A - Applicant's (Municipal) Contact Information**Municipal Contact's Name : Dennis GallagherTitle : Director of Department of Public WorksMunicipal Name : City of ScrantonMunicipal Address : 340 North Washington Avenue, Scranton, PA 18503Municipal Phone Number : ( 570 ) 348-4180Alternative Phone Number : ( 570 ) 357-4988E-mail Address : dgallagher @ scrantonpa.govMunicipal Hours of Operation : 6:00 a.m. to 2:00 p.m.**B - Application Description**Location (intersection) : Green Ridge Street ( SR 6011 ) and Wyoming Avenue ( SR 3025 )Traffic Control Device is : ☐ NEW Traffic Signal ☒ EXISTING Traffic Signal (Permit Number) : 6357Type of Device (select one) ☒ Traffic Control Signal  
(MUTCD Section 4D, 4E, 4G) ☐ Flashing Beacon  
(MUTCD Section 4L) ☐ School Warning System  
(MUTCD Section 7B)☐ Other : \_\_\_\_\_Is Traffic Signal part of a system? : ☒ YES ☐ NOSystem Number (if applicable) : Green Ridge Street

If YES, provide locations of all signalized intersections in system.

Green Ridge Street and Sanderson Avenue; Green Ridge Street and Capouse Avenue; Green Ridge Street and North Washington Avenue

Explain the proposed improvements :

The scope of this work is to replace the existing traffic signal with a new traffic signal system including mast arms, vehicular and pedestrian signal heads, video detectors, controller assembly, sign-age and pavement markings.Associated with Highway Occupancy Permit (HOP)? : ☐ YES ☒ NO If YES, HOP Application # : \_\_\_\_\_**C - Maintenance and Operation Information**

Maintenance and Operations are typically performed by? :

☐ Municipal Personnel ☐ Municipal Contractor ☒ Municipal Personnel & Contractor☐ Other : \_\_\_\_\_Maintenance and Operations Contact Name : Dennis GallagherCompany/Organization : City of ScrantonPhone # : ( 570 ) 357-4988Alternative Phone # : ( 570 ) 348-4180E-mail : dgallagher@scrantonpa.gov**D - Attachments Listing**☒ Municipal Resolution (required)☐ Location Map☐ Traffic Volumes / Pedestrian Volumes☐ Letter of Financial Commitment☐ Photographs☐ Turn Lane Analysis☐ Traffic Signal Permit☐ Straight Line Diagram☐ Turn Restriction Studies☐ Warrant Analysis☐ Capacity Analysis☐ Other : \_\_\_\_\_☐ Crash Analysis☐ Traffic Impact Study (TIS)☐ Traffic Signal Study☐ Condition Diagram**EXHIBIT**

tabbles

" A "



**Application for  
Traffic Signal Approval**

Please Type or Print all information in Blue or Black Ink

**pennsylvania**  
DEPARTMENT OF TRANSPORTATIONCounty: LackawannaEngineering District: 4-0

Department Tracking #: \_\_\_\_\_

Initial Submission Date: \_\_\_\_\_

**E- Applicant (Municipal) Certification**

The applicant desires to own, operate, and maintain the traffic control device in the location indicated above; and the Vehicle Code requires the approval of the Department of Transportation ("Department") before any traffic signals may be legally erected or modified. A signed Application for Traffic Signal Approval (TE-160) must be submitted in conformance with the instructions provided by the Department, and a Traffic Signal Permit must be issued, before any work can begin.

If the Department approves a traffic signal after a traffic engineering study and engineering judgment indicates the need, the traffic signal shall be installed, owned, operated, and maintained within the parameters indicated in the Vehicle Code and the Department's regulations relating to traffic signs, signals, and markings. The Department may direct appropriate alterations to the design or operation (including, but not limited to, hours of operation) of the traffic signal, or require removal of the traffic signal, if traffic conditions or other considerations necessitate alteration or removal.

All items associated with the traffic control device (geometric features, signs, signals, pavement markings, pedestrian accommodations, and other traffic control device associated items) are the applicant's responsibility. The Traffic Signal Permit will then document all of the items associated with operation of each traffic control device. The applicant, at its sole expense, shall provide the necessary inspection, maintenance, and operation activities in conformance with the Department's Publication 191 or as otherwise agreed to by the Department. The applicant shall perform the preventative and responsive maintenance requirements and recordkeeping in accordance with the exhibits specified below. If the applicant fails to provide the required inspection, maintenance, or operation services within thirty (30) days of receipt of written notice from the Department, the Department shall have the right to perform the required inspection, maintenance, or operation services in the applicant's stead and the applicant shall reimburse the Department for all costs incurred. Federal- and/or state-aid participation may be withheld on all future projects if the applicant fails to demonstrate to the Department the ability to provide all required maintenance and operation services. The applicant certifies that it has funds available and committed for the operation and maintenance of the traffic control device and that it will make available sufficient funds for all required future inspection, maintenance, and operation activities.

The applicant shall indemnify, save harmless and, defend (if requested) the Commonwealth of Pennsylvania, its agents, representatives, and employees from and against any damages recoverable under the Sovereign Immunity Act, 42 Pa. C.S. §§ 8521-8528, up to the limitations on damages under said law, arising out of any personal injury or damage to property which is finally determined by a court to be caused by or result from acts or omissions of the applicant and for which a court has held applicant, its officials, or employees to be liable. This provision shall not be construed to limit the applicant in asserting any rights or defenses. Additionally, the applicant shall include in any contracts into which it enters for maintenance, operation, or inspection of the traffic control device this same obligation to indemnify the Commonwealth and its officers, agents, and employees; and it shall require its contractor(s) to provide public liability insurance coverage, naming the Commonwealth and the applicant as additional insureds for bodily injury, including death and property damage, in the minimum amounts of \$500,000 per person, \$1,000,000 per occurrence, it being the intention of parties to have the contractor fully insure and indemnify the Commonwealth and the applicant.

The applicant shall comply with the study and ordinance requirements of 75 Pa. C.S. § 6109. The applicant submits this application with the intention of being legally bound.

Neither this application nor any Traffic Signal Permit creates any rights or obligations with respect to parties other than the applicant and the Department. Third parties may not rely upon any representations made by either the applicant or the Department in connection with the submission or approval of this application or any work permitted or approved that is related to this application, as regards either payment of funds or performance of any particular item of maintenance precisely as specified.

The applicant agrees to comply with the attached Exhibits:

- Exhibit "A": Preventative and Response Maintenance Requirements (Sheet 3 of 5)
- Exhibit "B": Recordkeeping (Sheet 4 of 5)
- Exhibit "C": Signal Maintenance Organization (Sheet 5 of 5)

Printed Municipal Contact Name : Dennis Gallagher

Date : \_\_\_\_\_

Signed By : \_\_\_\_\_

Witness or Attest : \_\_\_\_\_

Title of Signatory : Director of Department of Public WorksTitle of Witness or Attester: City Solicitor

**Exhibit "A":  
Preventative and Response Maintenance  
Requirements**County: LackawannaEngineering District: 4-0

Department Tracking #: \_\_\_\_\_

Initial Submission Date: \_\_\_\_\_

**Preventive Maintenance**

The APPLICANT or its contractor will provide preventive maintenance for each individual component of the traffic signal installation covered by this application at intervals not less than those indicated in the Preventive Maintenance Summary, PA DOT Publication 191, current version. This is the recommended level of maintenance to keep the Intersection control equipment and signals in mechanically, structurally and aesthetically good condition.

**Response Maintenance**

The APPLICANT or its contractor will provide response maintenance in accordance with the provisions of the Response Maintenance Schedule. It encompasses the work necessary to restore a traffic signal system to proper and safe operation. Includes Emergency Repair and Final Repair.

**FINAL REPAIR:**

Repair or replace failed equipment to restore system to proper and safe operation in accordance with permit within a 24-hour period.

**EMERGENCY REPAIR:**

Use alternative means or mode to temporarily restore system to safe operation within a 24-hour period. Final repair must then be completed within 30 days unless prohibited by weather conditions or availability of equipment.

**Response Maintenance Schedule****KNOCKDOWNS**

Support - Mast arm  
Support - Strain pole  
Span wire/tether wire  
Pedestal  
Cabinet  
Signal heads

**TYPE OF REPAIR PERMITTED**

Emergency or Final  
Emergency or Final  
Final Only  
Emergency or Final  
Emergency or Final  
Final Only

**EQUIPMENT FAILURE**

Lamp burnout (veh. & ped.)  
Local controller  
Master controller  
Detector sensor  
    - Loop  
    - Magnetometer  
    - Sonic  
    - Magnetic  
    - Pushbutton  
Detector amplifier  
Conflict monitor  
Flasher  
Time clock  
Load switch/relay  
Coordination unit  
Communication interface, mode  
Signal cable  
Traffic Signal Communications  
Traffic Signal Systems

Final Only  
Emergency or Final  
Emergency or Final  
Emergency or Final  
Emergency or Final  
Emergency or Final  
Emergency or Final  
Emergency or Final  
Final Only  
Final Only  
Emergency or Final  
Final Only  
Emergency or Final  
Emergency or Final  
Final Only  
Final Only  
Final Only

**Exhibit "B":**  
**Recordkeeping**



Sheet 4 of 5  
DEPARTMENT USE ONLY

County: Lackawanna

Engineering District: 4-0

Department Tracking #: \_\_\_\_\_

Initial Submission Date: \_\_\_\_\_

**Recordkeeping**

Accurate and up-to-date recordkeeping is an essential component of a good traffic signal maintenance program. In recognition of this fact, the APPLICANT must prepare, retain, and make available to the COMMONWEALTH, on request, a record of all preventive and response maintenance activities performed on the traffic signal equipment covered by this application.

The APPLICANT shall establish a separate file for each installation and keep its records in the municipal building, signal maintenance shop, or other weather-protected enclosure.

At a minimum, the following records will be kept by the APPLICANT or its contractor for each traffic signal. These forms can be found in Section 10.0, Maintenance Record Forms, PA DOT Publication 191, current version.

**FORM 1 - Master Intersection Record**

This form, which lists all maintenance functions performed at the intersection, should be updated within one day of the activity but no more than one week later.

**FORM 2 - Response Maintenance Record**

Each time response maintenance is required at the intersection, this form is to be completed. Once the pertinent information is transferred to the master intersection record, this form is to be placed in the intersection file.

**FORM 3 - Preventive Maintenance Record**

This form will be used to provide a record of the preventive maintenance activities performed at each intersection. The date, the activities performed, and the signature of the person in charge of the work must be recorded in the form.

This form may be kept at the intersection, if it is adequately protected from the weather. Form 1 must be updated at the central file, however, to reflect the date and activity.

**Exhibit "C":**  
**Signal Maintenance Organization**



Sheet 5 of 5  
 DEPARTMENT USE ONLY

County: Lackawanna

Engineering District: 4-0

Department Tracking #: \_\_\_\_\_

Initial Submission Date: \_\_\_\_\_

**Personnel Classifications**

In order to properly maintain the traffic signal equipment covered by this applicant, the APPLICANT agrees to provide, as minimum, the following staff throughout the useful life of equipment. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191.

**Traffic Engineer** - The administrative position which has prime responsibility for the proper operation of traffic signal equipment. The principal function of this position is the supervision and control of subordinate personnel and the planning of their activities to ensure adequate preventive and response maintenance programs.

**Minimum Position Requirements**

1. A thorough understanding of traffic signal design, installation and maintenance.
2. A working knowledge of the interaction between the following traffic characteristics: intersection geometry, traffic flow theory, control type (fixed time, actuated, etc.), signal phasing and timing, and interconnection.
3. An ability to supervise subordinate personnel effectively in the assignment of their work.
4. Possession of a college degree in engineering, which includes course work in traffic engineering.
5. Either four years experience in the field of traffic engineering or its equivalent in graduate college work.

**Signal Specialist** - The individual responsible for the diagnostics and repair of all traffic signal equipment including solid state equipment.

**Minimum Position Requirements**

1. Extensive training and troubleshooting skills in electronics and software.
2. Ability to repair modules in the shop and to design test equipment needed to diagnose and repair a problem.
3. Ability to make design and modifications to implement or omit special functions.
4. Ability to implement a recordkeeping system to include maintenance activities, inventory control and identification of recurring problems.
5. Ability to perform all tasks required of a signal technician.

**Signal Technician** - Individual responsible for the operation and maintenance of traffic signals and electromechanical equipment.

**Minimum Position Requirements**

1. Ability to perform response maintenance on solid state equipment up to the device exchange level.
2. Capability to diagnose a vehicle loop failure and initiate corrective action.
3. Ability to tune detector amplifiers.
4. Ability to follow wiring schematics, check and set timings from plan sheet and check all field connections.
5. Ability to perform preventive maintenance on all equipment and to maintain accurate records of all work perform.

**Training**

The APPLICANT agrees to secure training in order to upgrade the ability of its present staff to properly perform the required maintenance functions. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191.

**Budget Requirements**

The APPLICANT agrees to provide, in its annual operating budget, dedicated funds which are sufficient to cover the cost of the personnel, training, contractors (if utilized) and specialized maintenance equipment which are required, by virtue of this application. The APPLICANT agrees to abide by all guidance provided in PA DOT Publication 191..



DEPARTMENT OF LAW

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

May 13, 2019

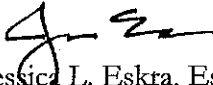
To the Honorable Council  
Of the City of Scranton  
Municipal Building  
Scranton, PA 18503

RECEIVED  
MAY 13 2019  
OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF SCRANTON TO SIGN AND SUBMIT THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ("PENNDOT") APPLICATION FOR TRAFFIC SIGNAL APPROVAL FOR TRAFFIC SIGNAL PERMIT NO.6357 FOR TRAFFIC SIGNAL REPLACEMENT AT GREEN RIDGE STREET (SR 6011) AND WYOMING AVENUE (SR 3025).

Respectfully,

  
Jessica L. Eskra, Esquire  
City Solicitor

JLE/sl

RESOLUTION NO. \_\_\_\_\_

2019

**AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO GRANT A SPECIAL ENCROACHMENT PERMIT TO CROCUS CAFÉ TO OPERATE AN OUTDOOR CAFÉ AT 323 NORTH WASHINGTON AVENUE, SCRANTON, PENNSYLVANIA.**

**WHEREAS**, the City of Scranton is desirous of attracting potential customers to the Downtown Business District; and

**WHEREAS**, Crocus Café is a Café located at 323 North Washington Avenue in the Downtown Business District; and

**WHEREAS**, Crocus Café is desirous of expanding its business to the sidewalk in front of the Café on 323 North Washington Avenue by providing outdoor seating/dining in order to enhance its business as well as that of other businesses within the Downtown Business District; and

**WHEREAS**, Crocus Café submitted to the City a schematic of said expansion, which is marked Exhibit "A" attached hereto and incorporated herein by reference thereto; and

**WHEREAS**, the Department of Licensing, Inspections and Permits has reviewed the schematic, inspected the area and found no traffic problems; and

**WHEREAS**, the City of Scranton stipulates that as a condition for granting the Special Encroachment Permit, said restaurant agrees (1) to keep the premises free of any rubbish and debris at all times; (2) that a full-time employee will supervise the operation of the outdoor area during its hours of operation; and (3) the restaurant will remain current on all City taxes and fees or the permit may be revoked upon delinquency of any payment; and

**WHEREAS**, the City reserves the right to direct that all furniture in the outdoor seating area be removed from the sidewalks in the event of traffic problem, utility work, disorder or emergency.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON**, that the Mayor and other appropriate City officials are authorized to grant a Special Encroachment Permit to Crocus Café to operate an outdoor Café at 323 North Washington Avenue, Scranton, Pennsylvania.

**SECTION 1.** The Special Encroachment Permit is subject to any restrictions which may be enacted through Resolutions and Ordinances under consideration by the governing body.

**SECTION 2.** If any section, clause, provision or portion of this Resolution shall be hold 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 3.** This Resolution shall become effective immediately upon approval.

**SECTION 4.** This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of the 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 LICENSING, INSPECTIONS AND PERMITS**

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

April 26, 2019

Jessica Eskra, Esq.  
City Solicitor/Law Department  
City of Scranton – Fourth Floor  
340 N. Washington Ave  
Scranton, PA 18503

**RE: OUTDOOR SEATING/CROCUS CAFÉ**

Dear Atty. Eskra,

I received a request from Marina Ginko from the Crocus Café, located at **323 N. Washington Ave.**, for outdoor seating/dining. After reviewing, I note the following:

1. The area in question is twelve (12) ft. from the curb line.
2. Table area size six (6) ft. X sixteen and a half (16.5) ft.
3. Area will feature two tables, each with four seats.
4. The area will be enclosed by a decorative rope with upright ballisters.
5. Tables and chairs will be confined within the barriers.

Everything is acceptable to this office. If you have any questions feel free to contact me.

Thank You,

Jack Sweeney  
Zoning Code Enforcement Officer

JS/mr

Enclosures:

Cc: Patrick Hinton, Director, Licensing, Inspections & Permits





Crocus cafe  
323 N. Washington Ave  
Scranton PA  
18503

DATE: 3/26/2019

570-851-2017  
718-795-3836

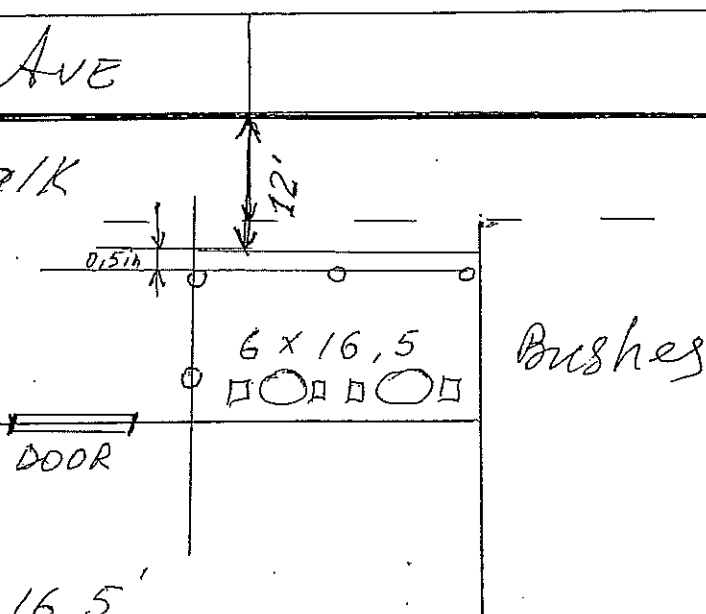
CROCUS CAFE

323. N. Washington AVE

Scranton PA. 18503

N. Washington AVE

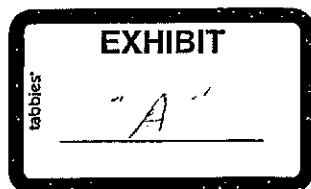
SIDE WALK



1. Table area size 6' x 16.5'
2. From curb to FENCE - 12'
3. Area inside the FENCE 6' x 16'
4. Tables - 2, chairs - 4.

Marina Ginko

IRYNA FONTANA





DEPARTMENT OF LAW

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

May 13, 2019

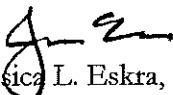
To the Honorable Council  
Of the City of Scranton  
Municipal Building  
Scranton, PA 18503

RECEIVED  
MAY 13 2019  
OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AUTHORIZING THE MAYOR AND  
OTHER APPROPRIATE CITY OFFICIALS TO GRANT A SPECIAL  
ENCROACHMENT PERMIT TO CROCUS CAFÉ TO OPERATE AN OUTDOOR  
CAFÉ AT 823 NORTH WASHINGTON AVENUE, SCRANTON, PENNSYLVANIA.

Respectfully,

  
Jessica L. Eskra, Esquire  
City Solicitor

JLE/sl

RESOLUTION NO. \_\_\_\_\_

2019

**AMENDING RESOLUTION NO. 170, 2017, ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH LOCAL LODGE 2462 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF A MEMORANDUM OF UNDERSTANDING RATIFIED BY THE MEMBERSHIP" BY ENTERING INTO A SUPPLEMENTAL AGREEMENT BETWEEN LOCAL LODGE NO. 2462 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO AND THE CITY OF SCRANTON IN ORDER TO STRENGTHEN THE IAM NATIONAL PENSION FUND.**

**WHEREAS**, the Clerical Union and the City elected to have employees participate in the IAM National Pension Fund; and

**WHEREAS**, on March 29, 2019 the actuary for the IAM National Pension Fund ("Fund") certified to the U.S. Department of Treasury, and also to the Board of Trustees, that the Fund is in endangered status for the plan year beginning January 1, 2019, and that it is projected to be in critical status in one of the succeeding five plan years. On April 17, 2019 the Board of Trustees voluntarily elected for the Fund to be in critical status effective for the plan year beginning January 1, 2019 as permitted under the law (ERISA Section 305(b)(4)) to strengthen the Fund's financial health; and

**WHEREAS**, the Fund adopted a Rehabilitation Plan on April 17, 2019 pursuant to 29 U.S.C.A. §1085, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, the City and Union can adopt either the preferred schedule or the default schedule pursuant to the options provided in the Rehabilitation Plan, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, the City is desirous of adopting the Preferred Plan. A copy of the Supplemental Agreement with the Clerical Union, adopting such plan is attached hereto as Exhibit "B".

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON** that Resolution No. 214, 2017 is hereby Amended by entering into a Supplemental Agreement between Local Lodge No. 2462 of the International Association of Machinists and Aerospace Workers, AFL-CIO and the City of Scranton substantially in the form attached hereto as Exhibit "B" in order to strengthen the IAM National Pension Fund.

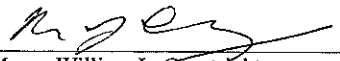
**SECTION 1.** If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable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

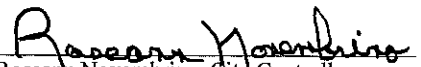
**SECTION 3.** This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

EMERGENCY CERTIFICATE

This is to certify that an emergency exists requiring the immediate passage of the attached Resolution, authorizing the Mayor and other appropriate City officials to execute and enter into a Supplemental Agreement with the Clerical Union. This Supplemental Agreement must be executed on or before June 1, 2019 as the IAM National Pension has declared that its fund is in critical status, and failure to select an option under the Fund's Rehabilitation Plan will result in the assessment of a 5% surcharge being levied against the City.

  
Mayor William L. Courtney

I hereby certify and concur in the above emergency.

  
Roseann Novembrino, City Controller



## IAM NATIONAL PENSION FUND

### Rehabilitation Plan

*Adopted April 17, 2019*

#### I. INTRODUCTION

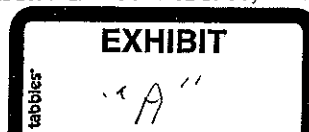
The Pension Protection Act of 2006 ("PPA") requires an annual actuarial status determination for multiemployer pension plans including the IAM National Pension Fund (the "Fund"). On March 29, 2019, the Fund's actuary certified to the U.S. Department of the Treasury, and also to the Fund's Board of Trustees ("Board"), that the Fund is in endangered status for the plan year beginning January 1, 2019, and that it is projected to be in critical status in one of the succeeding five plan years. On April 17, 2019, to improve the Fund's financial health the Board voluntarily elected for the Fund to be in critical status effective for the plan year beginning January 1, 2019 as permitted under the law.

The PPA requires that the board of trustees of a multiemployer pension plan in critical status develop a rehabilitation plan that is intended to improve a plan's funding over a period of years. A rehabilitation plan sets forth the actions (including increases in employer contributions to, and/or reductions in benefits under, the plan) that, based on reasonably anticipated experience and reasonable actuarial assumptions, are formulated to enable the plan to emerge from critical status no later than the end of a 10-year "rehabilitation period."<sup>1</sup> The rehabilitation plan must be based on reasonably anticipated experience and reasonable actuarial assumptions regarding investment income and other experience of the Fund over the rehabilitation period.<sup>2</sup>

---

<sup>1</sup> The 10-year rehabilitation period begins with the first plan year that begins two years after adoption of the RP or, if earlier, the first plan year after expiration of collective bargaining agreements (in effect when the actuarial certification for the first critical year was due) covering at least 75% of the Fund's active participants, although the RP may be effective before the 10-year rehabilitation period begins. In the case of the Fund, the 10-year rehabilitation period begins January 1, 2022 and goes through December 31, 2031.

<sup>2</sup> All of these requirements are set forth in Section 305(e)(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA") and Section 432(e)(3) of the Internal Revenue Code of 1986, as amended (the "Code").



## II. OVERVIEW OF REHABILITATION PLAN

### *Key Date Summary*

- Notice of Critical Status: 4/26/2019
- Lump Sum Benefit and Social Security Option Modifications Effective: 4/26/2019
- Employer Surcharges Imposed: 6/1/2019 (5%); 1/1/2020 (10%)
- RP Effective Date: 9/1/2019
- RP Schedule Adoption Deadline: 180 days from expiration of CBA in effect on 9/1/2019 (or 3/2/2020 if CBA had expired on or before 9/1/2019)

The Board is adopting this Rehabilitation Plan (“RP”) to emerge from critical status within the 10-year rehabilitation period. The Board has determined that the RP is in the best interest of the Fund and its participants and beneficiaries.

The Board is adopting the RP effective September 1, 2019 (“RP Effective Date”).

The RP consists of two schedules, the “Preferred Schedule” and the “Default Schedule”, that set forth both benefit modifications and employer contribution requirements. Under the PPA, the collective bargaining parties are responsible for selecting and adopting one of the two schedules consistent with the RP (an “RP Schedule”).

Collective bargaining parties are not required to select and adopt an RP Schedule until the expiration of their collective bargaining agreement in effect on or after the RP Effective Date. Nevertheless, the Board anticipates that some collective bargaining parties will adopt the RP earlier than the RP Effective Date to avoid or minimize the employer surcharge described in Section V, by agreeing to one of the RP Schedules as soon as June 1, 2019. In that circumstance, the RP will become effective upon the adoption of a schedule by the bargaining parties.

The Board reserves the right to not accept any collective bargaining agreement that the Board determines, in its sole and absolute discretion, fails to comply with, or is intended to evade or avoid, the RP.

The main elements of the RP are as follows:

### **A. Under the Preferred Schedule:**

1. Benefit Modifications. The Preferred Schedule eliminates the following adjustable benefits and benefit alternatives previously available under the Fund: (i) early retirement subsidy; (ii) unreduced age and service pensions, including the 20 and age 62 pension and 30 and out pension; (iii) the unreduced disability pension; and (iv) normal form of payment for unmarried participants.

These modifications, which are described in more detail in Section III below, will generally apply to participants for whom the Fund office receives a completed pension application on or after the later of: (i) January 1, 2022 or (ii) the date that a participant’s employer and union incorporate the Preferred Schedule into their collective bargaining agreement (“Preferred Schedule Participant Effective Date”). The date on which the Fund

office receives a participant's completed pension application is referred to as the participant's "Completed Application Date." The benefit modifications under the Preferred Schedule are applied to benefits earned both before and after the Preferred Schedule Participant Effective Date.

2. Contribution Increases. Under the Preferred Schedule, effective for contributions earned on or after September 1, 2019, unless adopted earlier, the employer contribution rate will increase by 2.5% annually during the rehabilitation period. The employer contribution requirements are described in more detail in Section IV below.

#### **B. Under the Default Schedule:**

1. Benefit Modifications. The Default Schedule eliminates the following adjustable benefits and benefit alternatives previously available under the Fund: (i) early retirement subsidy; (ii) unreduced age and service pensions, including the 20 and age 62 pension and the 30 and out pension; (iii) unreduced disability pension; and (iv) normal form of payment for unmarried participants.

The Default Schedule also eliminates the 60 monthly payments pre-retirement death benefit and the "pop-up" benefit. Lastly, the Default Schedule reduces the benefit accrual rate to 1% of benefit-bearing contributions.

These modifications are described in more detail in Section III below and will generally apply to participants with a Completed Application Date (and to benefits earned) on or after the later of: (i) June 1, 2019 or (ii) the date that a participant's employer and union incorporate the Default Schedule into their collective bargaining agreement or the Default Schedule is imposed on them ("Default Schedule Participant Effective Date").

2. Contribution Increases. Under the Default Schedule, effective for contributions earned on or after September 1, 2019, unless adopted earlier, the employer contribution rate will increase by 6% annually during the rehabilitation period. The employer contribution requirements are described in more detail in Section IV below.

#### **C. Benefit Modifications Applicable to all Participants:**

As described in more detail in Section III below, payments in excess of the monthly amount paid under a single life annuity (and similar payments) are eliminated as of April 26, 2019, regardless of the Preferred Schedule Participant Effective Date or the Default Schedule Participant Effective Date.

### **III. BENEFIT MODIFICATIONS**

#### **A. Preferred Schedule**

Benefit modifications under the Preferred Schedule apply to participants with a Completed Application Date on or after the Preferred Schedule Participant Effective Date, effective for all benefits earned by such participants – that is, both before and after the Preferred Schedule Participant Effective Date. Deferred vested participants will be covered by the RP Schedule elected by (or imposed on) their last covered employer of record. Orphaned deferred vested participants (whose employers no longer contribute to the Fund) will be covered by the Preferred Schedule as of the RP Effective Date.



Preferred Schedule benefit modifications include:

1. Reduction of Early Retirement Pension. The Early Retirement Pension will be in an amount determined based on the Normal Pension Benefit to which the participant would be entitled if he had attained his Normal Retirement Age at the time of his retirement, reduced using the actuarially equivalent factors set forth in Appendix A ("Early Retirement Reduction Factors") for the years, or portion of years, by which the participant is younger than age 65 on the Effective Date of his Early Retirement Pension.
2. Elimination of Unreduced Age/Service Pensions; 20 and Age 62 Pension and 30 and Out Pension. Unreduced benefits under the 20 and Age 62 Pension and 30 and Out Pension benefits are eliminated. A participant may receive an early retirement benefit before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.
3. Elimination of Unreduced Disability Pension. The unreduced Disability Pension benefit is eliminated. A participant may receive a benefit due to a disability before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.
4. Normal Form of Payment for Unmarried Participants. The Fund's normal form of payment for unmarried participants will be a single life annuity providing equal monthly payments for life, with no benefit payable after the participant's death.

#### **B. Default Schedule**

Benefit modifications under the Default Schedule apply to participants with a Completed Application Date on or after the Default Schedule Participant Effective Date, generally effective for benefits earned by such participants on or after the Default Schedule Participant Effective Date. Deferred vested participants will be covered by the RP Schedule elected by (or imposed on) their last covered employer of record.

Default Schedule benefit modifications include:

1. Reduction of Early Retirement Pension. The Early Retirement Pension will be in an amount determined based on the Normal Pension Benefit to which the participant would be entitled if he had attained his Normal Retirement Age at the time of his retirement, reduced using the Early Retirement Reduction Factors for the years, or portion of years, by which the participant is younger than age 65 on the Effective Date of his Early Retirement Pension.
2. Elimination of Unreduced Age/Service Pensions; 20 and Age 62 Pension and 30 and Out Pension. Unreduced benefits under the 20 and Age 62 Pension and 30 and Out Pension benefits are eliminated. A participant may receive an early retirement benefit before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.
3. Elimination of Unreduced Disability Pension. The unreduced Disability Pension benefit is eliminated. A participant can receive a benefit due to a disability before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.

4. Normal Form of Payment for Unmarried Participants. The Fund's normal form of payment for unmarried participants will be a single life annuity providing equal monthly payments for life, with no benefit payable after the participant's death.
5. Elimination of 60 Payments Death Benefit. The 60 monthly payments pre-retirement death benefit is eliminated.
6. Elimination of "Pop-Up" Benefit. The Fund will no longer provide a "pop-up" benefit under which, if a spouse of a pensioner who is receiving a 50%, 75%, or 100% Spouse Pension Option dies before the pensioner, the monthly amount payable to the pensioner is increased to the full monthly amount that would have been payable if the 50%, 75%, or 100% Spouse Pension Option had not been in effect.
7. Reduction of Benefit Accruals. Prospectively, benefits will accrue at a rate of 1% of benefit-bearing contributions.

**C. Amendments Applicable to all Participants in the Fund**

The following benefits are eliminated for all participants with a Completed Application Date on or after April 26, 2019:

1. Disability Pension – Auxiliary Benefit, under which a participant whose effective date for a Disability Pension is after the first day of the seventh month of total and permanent disability receives a payment for the first month equal to the monthly benefit amount plus an additional auxiliary amount equal to the monthly benefit times the number of months (to a maximum of 12) between the effective date of the Disability Pension and such first day of the seventh month.
2. Social Security Option, under which eligible participants may elect to have their monthly benefits actuarially adjusted so that they receive a higher amount payable to age 62 and a reduced amount thereafter.
3. Partial Lump Sum Option, under which eligible participants may elect to have the amount of their monthly benefit reduced by not more than 10% in return for the payment of a lump sum.
4. Lump Sum Elections, under which the recipient of a pension with an Actuarial Present Value in excess of \$5,000 but not greater than \$10,000 may elect to receive it in a single sum.
5. Return to Employment lump sum, under which a participant who retires before Normal Retirement Age and then returns to Covered Employment and earns subsequent benefits with an Actuarial Present Value of \$7,500 or less may elect to receive such benefits in a lump sum payment.

In addition, the Pre-Retirement Lump Sum Death Benefit is eliminated effective with respect to all deaths on and after April 26, 2019.

## **D. Merged Plans**

Fund participants who have accrued adjustable benefits (as defined in Code section 432(e)(8)) as employees of an employer that maintained a plan that subsequently merged with the Fund prior to the RP Effective Date ("Merged Plan") will have their adjustable benefits under a Merged Plan modified consistent with the schedule adopted by or imposed on that employer (or the Preferred Schedule, in the case of orphaned deferred vested participants). Additional details regarding the specific benefits affected and the effective date will be provided in a future addendum to the RP.

In addition, all lump-sum benefits (excluding those under \$5,000) and other forms of benefits that result in payments in excess of the monthly amount paid under the single life annuity otherwise payable under a Merged Plan will be eliminated as of April 26, 2019 for all participants regardless of which schedule is adopted by or imposed on the employer.

## **IV. SCHEDULE OF CONTRIBUTION INCREASES**

### **A. Employer Contribution Increases Required under the Rehabilitation Plan**

The RP requires contributing employers to increase the amount of contributions made to the Fund. Although the bargaining parties are not required to agree to an RP Schedule until the expiration of a collective bargaining agreement in effect on September 1, 2019, as described in Section IV(B) below, if the bargaining parties do not agree to the increased contributions in this RP by June 1, 2019, the employer will be subject to a surcharge required by law, as described in Section V, in addition to scheduled contribution increases.

The required increase in the employer contributions is as follows:

1. Preferred Schedule. Effective for contributions earned on or after September 1, 2019, unless adopted earlier (or upon adoption of the Preferred Schedule, if later), the contribution rate will increase by 2.5% over the contribution rate otherwise in effect under the applicable collective bargaining agreement. Effective for contributions earned on or after January 1 of each subsequent year for the remainder of the rehabilitation period, the contribution rate will increase by an additional 2.5% over the contribution rate otherwise in effect (that is, the contribution rate under the applicable collective bargaining agreement plus previous increases under this RP).
2. Default Schedule. Effective for contributions earned on or after September 1, 2019, unless adopted earlier (or upon adoption of the Default Schedule, if later), the contribution rate will increase by 6% over the contribution rate otherwise in effect under the applicable collective bargaining agreement. Effective for contributions earned on or after January 1 of each subsequent year for the remainder of the rehabilitation period, the contribution rate will increase by an additional 6% over the contribution rate otherwise in effect (that is, the contribution rate under the applicable collective bargaining agreement plus previous increases under this RP).

The increased contributions are payable on the same schedule as the contributions on which the increase is based. However, increased RP contributions will not generate benefit accruals.

## B. Effective Date of Contribution Increases

Unless otherwise specifically provided herein, the contribution increases required by the RP become effective upon the *earlier of*:

1. the effective date of a collective bargaining agreement (or an amendment to that collective bargaining agreement) that adopts terms consistent with an RP Schedule, or
2. 180 days after the expiration date of a collective bargaining agreement providing for contributions to the Fund that was in effect on September 1, 2019, *if* by such date the bargaining parties have failed to adopt a collective bargaining agreement that contains terms consistent with the RP Schedule.

If the collective bargaining agreement had an expiration date before September 1, 2019 and no successor agreement was yet in effect on that date, the RP Schedule must be adopted by March 2, 2020 (180 days from September 1, 2019).

If the bargaining parties fail to adopt a collective bargaining agreement that contains terms consistent with an RP Schedule within 180 days after the expiration date of a collective bargaining agreement providing for contributions to the Fund that was in effect on September 1, 2019 (or by March 2, 2020, if the collective bargaining agreement expired before September 1, 2019), the Default Schedule will automatically be imposed effective immediately upon expiration of the 180 days (or, if later, on March 2, 2020).

Any collective bargaining agreement providing for contributions to the Fund with an evergreen provision that was entered into before April 17, 2019 will be deemed to expire on January 1, 2020. Any collective bargaining agreement governed by the Railway Labor Act will be deemed to expire on the amendable date of the collective bargaining agreement.

## V. EMPLOYER SURCHARGES

PPA requires that mandatory “surcharges” be imposed on every contributing employer beginning 30 days after the date on which the notice of critical status is provided to the employer – in this case, beginning June 1, 2019 – and continuing until the employer’s collective bargaining agreement(s) (or other agreement(s) pursuant to which it is contributing) is amended to incorporate an RP Schedule.

The amount of the surcharge is as follows:

1. Effective for contributions earned on or after June 1, 2019 and before January 1, 2020, the surcharge is 5% of the employer’s contributions to the Fund; and
2. Effective for contributions earned on or after January 1, 2020, the surcharge is 10% of the employer’s contributions to the Fund. The 10% surcharge remains in effect for each plan year in which the Fund remains in critical status.

The surcharge is due and payable on the same schedule as the contributions on which the surcharges are based. Surcharges are over and above the required employer contributions and, consistent with law, will not generate any benefit accruals for participants.

The employer remains subject to all surcharges imposed under the PPA until such time as the bargaining parties adopt provisions (or, if later, such time as those provisions take effect) in the employer's collective bargaining agreement that contain terms consistent with one of the RP Schedules. An RP Schedule may not be adopted retroactively. If the Fund receives an executed agreement that contains terms consistent with an RP Schedule more than thirty business days after the date of adoption set forth in the executed agreement, the Fund will treat the date of receipt as the adoption date and the surcharge will be imposed through that date.

The law provides that employers on whom the Default Schedule is imposed (e.g., because the bargaining parties have not adopted an RP Schedule within 180 days after expiration of the collective bargaining agreement) will remain subject to the surcharges imposed under the PPA until such time as the collective bargaining parties adopt provisions in their collective bargaining agreements that contain terms consistent with an RP Schedule. Thus, under the law, such employers will be subject to both the Default Schedule and the surcharge.

## **VI. DELINQUENT EMPLOYER CONTRIBUTIONS/WITHDRAWAL**

A contributing employer's failure to contribute to the Fund timely at the rates required by the applicable RP Schedule (once agreed to or imposed) will result in the deficient amounts being treated as delinquent employer contributions under the Fund.

Additionally, this may result in a determination by the Board that the employer has failed to maintain (and thus has withdrawn from) the Fund, in which case such employer will then be subject to withdrawal liability under the terms of the governing Fund documents and Title IV of ERISA. Further, under the PPA, any failure to make a surcharge payment will also be treated as a delinquent contribution.

## **VII. NOTICE GIVEN BEFORE BENEFIT REDUCTIONS BECOME EFFECTIVE**

Pursuant to Section 432(e)(8)(C) of the Code, notice was given at least 30 days before the general effective date of the reduction in adjustable benefits under the Fund.

## **VIII. NON-COLLECTIVELY BARGAINED PARTICIPANTS**

Special rules apply for non-bargained employees participating in the Fund. In the case of an employer that contributes to the Fund for both collectively bargained employees and non-bargained employees, benefits of and contributions for the non-bargained employees are determined as if those non-bargained employees were covered under the first to expire of the employer's collective bargaining agreements in effect on September 1, 2019.

Employers that contribute to the Fund only for non-bargained employees are treated as if the employer were the bargaining party and its participation agreement with the Fund were a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the RP (January 1, 2020).

## **IX. APPLICATION OF RP TO FUTURE AGREEMENTS**

If a collective bargaining agreement providing for contributions to the Fund in accordance with an RP Schedule expires while the Fund is still in critical status and the bargaining parties to the agreement fail to adopt a collective bargaining agreement with terms consistent with an updated RP Schedule, then the RP Schedule under the expired collective bargaining agreement (as updated and in effect on the date the

collective bargaining agreement expires) is implemented 180 days after the date on which the collective bargaining agreement expires.

Any new collective bargaining agreement entered into by the bargaining parties or any other agreement providing for participation in the Fund on or after the RP Effective Date must reflect the terms of the most recently issued RP.

## **X. RP STANDARDS**

The Fund's rehabilitation period under the PPA funding rehabilitation rules will begin on January 1, 2022 and will continue for 10 years. The Fund's rehabilitation period may end earlier than the end of 10 years if the Fund actuary certifies during the rehabilitation period that the Fund is not projected to have an accumulated funding deficiency for a plan year or any of the 9 succeeding plan years and the Fund is not projected to become insolvent for any of the 30 succeeding plan years.

Based on reasonably anticipated experience and reasonable actuarial assumptions regarding investment income and other experience of the Fund over that period, the Fund actuary currently projects that, under the RP, the Fund will emerge from critical status within the rehabilitation period. The Board recognizes the possibility that the Fund's actual experience could be more or less favorable than the assumptions used as the basis for developing the RP. The Board also recognizes the need to review and update the RP on an annual basis. Consequently, the Board will rely on an annual updated assessment regarding this projection as the basis for evaluating the Fund's progress under this RP, and the annual standard for meeting the requirements of the RP will be a demonstration, based on the updated actuarial projections each year using reasonable assumptions, that the RP (as amended from time to time and as then currently in effect) will as implemented continue to allow the Fund to emerge from critical status.

## **XI. ANNUAL REVIEW AND UPDATE OF RP**

The Fund's actuary will annually report to the Board regarding the Fund's progress in meeting this annual standard. The Board may make any changes to this RP that it deems necessary or advisable.

## **XII. CONSTRUCTION AND MODIFICATIONS TO THIS RP**

This RP is intended to present only a summary of the law, the Fund and the changes to the Fund. It is not intended to serve as an exhaustive, complete description of the law, the Fund or the modifications discussed herein.<sup>3</sup>

The Board reserves the right, in its sole and absolute discretion, to construe, interpret and/or apply the terms and provisions of this RP in a manner that is consistent with the PPA and other applicable law. Any and all constructions, interpretations and/or applications of the Fund (and other Fund documents) or the RP by the Board, in its sole and absolute discretion, will be final and binding on all parties affected thereby. Subject to the PPA and other applicable law, and notwithstanding anything herein to the contrary, the Board further reserves the right to make any modifications to this RP that the Board, in its sole and absolute discretion, determines are necessary and/or appropriate (including, without limitation in the event of any omission or the issuance of any future legislative, regulatory or judicial guidance).

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<sup>3</sup> The terms of the official plan documents will govern in the event of any contradiction between this RP and the plan documents as adopted to incorporate the changes described herein. All capitalized terms within this RP not otherwise defined have the meaning set forth in the plan documents.

# APPENDIX A

## Early Retirement Reduction Factors based on Actuarial Equivalence

RETIREMENT AGE	EARLY RETIREMENT FACTOR	SAMPLE \$1,000 ACCRUED BENEFIT
20	.023	\$23
21	.024	\$24
22	.026	\$26
23	.028	\$28
24	.030	\$30
25	.033	\$33
26	.035	\$35
27	0.038	\$38
28	0.041	\$41
29	0.044	\$44
30	0.048	\$48
31	0.051	\$51
32	0.056	\$56
33	0.06	\$60
34	0.065	\$65
35	0.07	\$70
36	0.076	\$76
37	0.082	\$82
38	0.088	\$88
39	0.096	\$96
40	0.103	\$103
41	0.112	\$112
42	0.121	\$121
43	0.132	\$132
44	0.143	\$143
45	0.155	\$155
46	0.168	\$168
47	0.182	\$182
48	0.198	\$198
49	0.216	\$216
50	0.235	\$235
51	0.256	\$256
52	0.28	\$280
53	0.305	\$305
54	0.334	\$334
55	0.366	\$366
56	0.401	\$401
57	0.441	\$441
58	0.485	\$485
59	0.534	\$534
60	0.59	\$590
61	0.653	\$653
62	0.723	\$723
63	0.804	\$804
64	0.895	\$895
65	1	\$1,000

### Actuarial Equivalence Basis

Interest Rate: 7.50%

Mortality Table: RP-2000 Combined Healthy Male Mortality with Blue Collar Adjustment

**SUPPLEMENTAL AGREEMENT BETWEEN**  
**LOCAL LODGE No. 2462**  
**AFFILIATED WITH DISTRICT 1**  
**OF THE**  
**INTERNATIONAL ASSOCIATION OF MACHINISTS**  
**AND AEROSPACE WORKERS, AFL-CIO**  
  
**AND**  
  
**THE CITY OF SCRANTON**

This Supplemental Agreement between Local Lodge No. 2462 ("Clerical Union") and the City of Scranton ("Employer") supplements the parties' collective bargaining agreement (the "CBA") dated from January 1, 2016 through December 31, 2020 or the Employer's participation agreement with the Fund dated July 3, 2018. For the purposes of this Supplemental Agreement, further references to the CBA include participation agreements.

Effective May 31, 2019 ("Adoption Date"), Employer will contribute to the IAM National Pension Fund (the "Fund") in accordance with the schedule of contribution rates of the Preferred Schedule of the rehabilitation plan adopted by the Board of Trustees of the Fund on April 17, 2019 (the "2019 Rehabilitation Plan"), which is incorporated by reference into this Supplemental Agreement. Specifically, the Employer's contribution rate under the CBA will increase as follows:

- Effective on the Adoption Date, the Employer's contribution rate will increase from \$14.00 for each hour for each day for each employee participant to the rate shown in Box 1 of the table attached hereto as Exhibit "A."
- Effective each subsequent date set forth in Exhibit "A," the employer's contribution rate will increase as shown on the table.

All remaining provisions of the CBA remain in effect to the extent they are consistent with the 2019 Rehabilitation Plan.

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between:

\_\_\_\_\_

\_\_\_\_\_





## Contractual increases by year:

	2019	2020
Clerical	\$ 14.00	\$ 14.40

BOX	YEAR	DATE OF INCREASE	INCREASE IN RATE
1	Year in which supplemental agreement is adopted YEAR 1 (2019)	Date on which Supplemental Agreement is adopted (May 31, 2019)	Rate in Effect Under CBA x 102.5%: \$14 x 102.5% = \$14.35

2A	YEAR 2 (2020)	Date of CBA increase in year 2 (if applicable): January 1, 2020	Rate in effect under box 1 x 102.5%: \$14.35 x 102.5% = \$14.71
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2B	YEAR 2 (2020)	January 1 of year 2	Rate in effect under box 1 or 2A x 102.5%: \$14.71 x 102.5% = \$15.08
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3A	YEAR 3 (2021)	Date of CBA increase in year 3 (if applicable): January 1, 2021	
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3B	YEAR 3 (2021)	January 1 of year 3	
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Contractually, the City will increase contributions by \$.40 per hour, or 2.8% from 2019 to 2020.

Under the Preferred Plan we are to increase contributions by 2.5% on top of the already planned 2.8% for a total of 5.3% or \$.74 per hour. (\$.34 more/hour)



DEPARTMENT OF LAW

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

May 15, 2019

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

RECEIVED


MAY 15 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AMENDING RESOLUTION NO. 170, 2017, ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH LOCAL LODGE 2462 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF A MEMORANDUM OF UNDERSTANDING RATIFIED BY THE MEMBERSHIP" BY ENTERING INTO A SUPPLEMENTAL AGREEMENT BETWEEN LOCAL LODGE NO. 2462 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO AND THE CITY OF SCRANTON IN ORDER TO STRENGTHEN THE IAM NATIONAL PENSION FUND.

Respectfully,

  
Jessica L. Eskra, Esquire  
City Solicitor

JLE/sl

RESOLUTION NO. \_\_\_\_\_

2019

**AMENDING RESOLUTION NO. 214, 2017, ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH LOCAL LODGE 2305 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF A MEMORANDUM OF UNDERSTANDING RATIFIED BY THE MEMBERSHIP" BY ENTERING INTO A SUPPLEMENTAL AGREEMENT BETWEEN LOCAL LODGE NO. 2305 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO AND THE CITY OF SCRANTON IN ORDER TO STRENGTHEN THE IAM NATIONAL PENSION FUND.**

**WHEREAS**, the Department of Public Works Union and the City elected to have employees participate in the IAM National Pension Fund; and

**WHEREAS**, on March 29, 2019 the actuary for the IAM National Pension Fund ("Fund") certified to the U.S. Department of Treasury, and also to the Board of Trustees, that the Fund is in endangered status for the plan year beginning January 1, 2019, and that it is projected to be in critical status in one of the succeeding five plan years. On April 17, 2019 the Board of Trustees voluntarily elected for the Fund to be in critical status effective for the plan year beginning January 1, 2019 as permitted under the law (ERISA Section 305(b)(4)) to strengthen the Fund's financial health; and

**WHEREAS**, the Fund adopted a Rehabilitation Plan on April 17, 2019 pursuant to 29 U.S.C.A. §1085, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, the City and Union can adopt either the Preferred Schedule or the Default Schedule pursuant to the option provided in the Rehabilitation Plan, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, the City is desirous of adopting the Preferred Plan. A copy of the Supplemental Agreement with the Department of Public Works Union, adopting such plan is attached hereto as Exhibit "B".

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON** that Resolution No. 214, 2017 is hereby Amended by entering into a Supplemental Agreement between Local Lodge No. 2305 of the International Association of Machinists and Aerospace Workers, AFL-CIO and the City of Scranton substantially in the form attached hereto as Exhibit "B" in order to strengthen the IAM National Pension Fund.

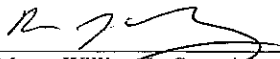
**SECTION 1.** If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable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

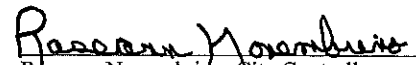
**SECTION 3.** This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

EMERGENCY CERTIFICATE

This is to certify that an emergency exists requiring the immediate passage of the attached Resolution, authorizing the Mayor and other appropriate City officials to execute and enter into a Supplemental Agreement with the Department of Public Works Union. This Supplemental Agreement must be executed on or before June 1, 2019 as the IAM National Pension has declared that its fund is in critical status, and failure to select an option under the Fund's Rehabilitation Plan will result in the assessment of a 5% surcharge being levied against the City.

  
Mayor William L. Courtright

I hereby certify and concur in the above emergency.

  
Roseann Novembrino, City Controller



## IAM NATIONAL PENSION FUND

### Rehabilitation Plan

*Adopted April 17, 2019*

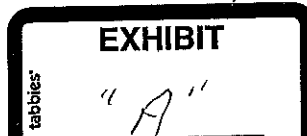
#### I. INTRODUCTION

The Pension Protection Act of 2006 ("PPA") requires an annual actuarial status determination for multiemployer pension plans including the IAM National Pension Fund (the "Fund"). On March 29, 2019, the Fund's actuary certified to the U.S. Department of the Treasury, and also to the Fund's Board of Trustees ("Board"), that the Fund is in endangered status for the plan year beginning January 1, 2019, and that it is projected to be in critical status in one of the succeeding five plan years. On April 17, 2019, to improve the Fund's financial health the Board voluntarily elected for the Fund to be in critical status effective for the plan year beginning January 1, 2019 as permitted under the law.

The PPA requires that the board of trustees of a multiemployer pension plan in critical status develop a rehabilitation plan that is intended to improve a plan's funding over a period of years. A rehabilitation plan sets forth the actions (including increases in employer contributions to, and/or reductions in benefits under, the plan) that, based on reasonably anticipated experience and reasonable actuarial assumptions, are formulated to enable the plan to emerge from critical status no later than the end of a 10-year "rehabilitation period."<sup>1</sup> The rehabilitation plan must be based on reasonably anticipated experience and reasonable actuarial assumptions regarding investment income and other experience of the Fund over the rehabilitation period.<sup>2</sup>

<sup>1</sup> The 10-year rehabilitation period begins with the first plan year that begins two years after adoption of the RP or, if earlier, the first plan year after expiration of collective bargaining agreements (in effect when the actuarial certification for the first critical year was due) covering at least 75% of the Fund's active participants, although the RP may be effective before the 10-year rehabilitation period begins. In the case of the Fund, the 10-year rehabilitation period begins January 1, 2022 and goes through December 31, 2031.

<sup>2</sup> All of these requirements are set forth in Section 305(e)(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA") and Section 432(e)(3) of the Internal Revenue Code of 1986, as amended (the "Code").



## II. OVERVIEW OF REHABILITATION PLAN

### *Key Date Summary*

- Notice of Critical Status: 4/26/2019
- Lump Sum Benefit and Social Security Option Modifications Effective: 4/26/2019
- Employer Surcharges Imposed: 6/1/2019 (5%); 1/1/2020 (10%)
- RP Effective Date: 9/1/2019
- RP Schedule Adoption Deadline: 180 days from expiration of CBA in effect on 9/1/2019 (or 3/2/2020 if CBA had expired on or before 9/1/2019)

The Board is adopting this Rehabilitation Plan (“RP”) to emerge from critical status within the 10-year rehabilitation period. The Board has determined that the RP is in the best interest of the Fund and its participants and beneficiaries.

The Board is adopting the RP effective September 1, 2019 (“RP Effective Date”).

The RP consists of two schedules, the “Preferred Schedule” and the “Default Schedule”, that set forth both benefit modifications and employer contribution requirements. Under the PPA, the collective bargaining parties are responsible for selecting and adopting one of the two schedules consistent with the RP (an “RP Schedule”).

Collective bargaining parties are not required to select and adopt an RP Schedule until the expiration of their collective bargaining agreement in effect on or after the RP Effective Date. Nevertheless, the Board anticipates that some collective bargaining parties will adopt the RP earlier than the RP Effective Date to avoid or minimize the employer surcharge described in Section V, by agreeing to one of the RP Schedules as soon as June 1, 2019. In that circumstance, the RP will become effective upon the adoption of a schedule by the bargaining parties.

The Board reserves the right to not accept any collective bargaining agreement that the Board determines, in its sole and absolute discretion, fails to comply with, or is intended to evade or avoid, the RP.

The main elements of the RP are as follows:

### **A. Under the Preferred Schedule:**

1. **Benefit Modifications.** The Preferred Schedule eliminates the following adjustable benefits and benefit alternatives previously available under the Fund: (i) early retirement subsidy; (ii) unreduced age and service pensions, including the 20 and age 62 pension and 30 and out pension; (iii) the unreduced disability pension; and (iv) normal form of payment for unmarried participants.

These modifications, which are described in more detail in Section III below, will generally apply to participants for whom the Fund office receives a completed pension application on or after the later of: (i) January 1, 2022 or (ii) the date that a participant’s employer and union incorporate the Preferred Schedule into their collective bargaining agreement (“Preferred Schedule Participant Effective Date”). The date on which the Fund

office receives a participant's completed pension application is referred to as the participant's "Completed Application Date." The benefit modifications under the Preferred Schedule are applied to benefits earned both before and after the Preferred Schedule Participant Effective Date.

2. Contribution Increases. Under the Preferred Schedule, effective for contributions earned on or after September 1, 2019, unless adopted earlier, the employer contribution rate will increase by 2.5% annually during the rehabilitation period. The employer contribution requirements are described in more detail in Section IV below.

**B. Under the Default Schedule:**

1. Benefit Modifications. The Default Schedule eliminates the following adjustable benefits and benefit alternatives previously available under the Fund: (i) early retirement subsidy; (ii) unreduced age and service pensions, including the 20 and age 62 pension and the 30 and out pension; (iii) unreduced disability pension; and (iv) normal form of payment for unmarried participants.

The Default Schedule also eliminates the 60 monthly payments pre-retirement death benefit and the "pop-up" benefit. Lastly, the Default Schedule reduces the benefit accrual rate to 1% of benefit-bearing contributions.

These modifications are described in more detail in Section III below and will generally apply to participants with a Completed Application Date (and to benefits earned) on or after the later of: (i) June 1, 2019 or (ii) the date that a participant's employer and union incorporate the Default Schedule into their collective bargaining agreement or the Default Schedule is imposed on them ("Default Schedule Participant Effective Date").

2. Contribution Increases. Under the Default Schedule, effective for contributions earned on or after September 1, 2019, unless adopted earlier, the employer contribution rate will increase by 6% annually during the rehabilitation period. The employer contribution requirements are described in more detail in Section IV below.

**C. Benefit Modifications Applicable to all Participants:**

As described in more detail in Section III below, payments in excess of the monthly amount paid under a single life annuity (and similar payments) are eliminated as of April 26, 2019, regardless of the Preferred Schedule Participant Effective Date or the Default Schedule Participant Effective Date.

**III. BENEFIT MODIFICATIONS**

**A. Preferred Schedule**

Benefit modifications under the Preferred Schedule apply to participants with a Completed Application Date on or after the Preferred Schedule Participant Effective Date, effective for all benefits earned by such participants – that is, both before and after the Preferred Schedule Participant Effective Date. Deferred vested participants will be covered by the RP Schedule elected by (or imposed on) their last covered employer of record. Orphaned deferred vested participants (whose employers no longer contribute to the Fund) will be covered by the Preferred Schedule as of the RP Effective Date.



Preferred Schedule benefit modifications include:

1. Reduction of Early Retirement Pension. The Early Retirement Pension will be in an amount determined based on the Normal Pension Benefit to which the participant would be entitled if he had attained his Normal Retirement Age at the time of his retirement, reduced using the actuarially equivalent factors set forth in Appendix A ("Early Retirement Reduction Factors") for the years, or portion of years, by which the participant is younger than age 65 on the Effective Date of his Early Retirement Pension.
2. Elimination of Unreduced Age/Service Pensions; 20 and Age 62 Pension and 30 and Out Pension. Unreduced benefits under the 20 and Age 62 Pension and 30 and Out Pension benefits are eliminated. A participant may receive an early retirement benefit before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.
3. Elimination of Unreduced Disability Pension. The unreduced Disability Pension benefit is eliminated. A participant may receive a benefit due to a disability before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.
4. Normal Form of Payment for Unmarried Participants. The Fund's normal form of payment for unmarried participants will be a single life annuity providing equal monthly payments for life, with no benefit payable after the participant's death.

## **B. Default Schedule**

Benefit modifications under the Default Schedule apply to participants with a Completed Application Date on or after the Default Schedule Participant Effective Date, generally effective for benefits earned by such participants on or after the Default Schedule Participant Effective Date. Deferred vested participants will be covered by the RP Schedule elected by (or imposed on) their last covered employer of record.

Default Schedule benefit modifications include:

1. Reduction of Early Retirement Pension. The Early Retirement Pension will be in an amount determined based on the Normal Pension Benefit to which the participant would be entitled if he had attained his Normal Retirement Age at the time of his retirement, reduced using the Early Retirement Reduction Factors for the years, or portion of years, by which the participant is younger than age 65 on the Effective Date of his Early Retirement Pension.
2. Elimination of Unreduced Age/Service Pensions; 20 and Age 62 Pension and 30 and Out Pension. Unreduced benefits under the 20 and Age 62 Pension and 30 and Out Pension benefits are eliminated. A participant may receive an early retirement benefit before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.
3. Elimination of Unreduced Disability Pension. The unreduced Disability Pension benefit is eliminated. A participant can receive a benefit due to a disability before age 65, but it is a reduced benefit based on the Early Retirement Reduction Factors.

4. Normal Form of Payment for Unmarried Participants. The Fund's normal form of payment for unmarried participants will be a single life annuity providing equal monthly payments for life, with no benefit payable after the participant's death.
5. Elimination of 60 Payments Death Benefit. The 60 monthly payments pre-retirement death benefit is eliminated.
6. Elimination of "Pop-Up" Benefit. The Fund will no longer provide a "pop-up" benefit under which, if a spouse of a pensioner who is receiving a 50%, 75%, or 100% Spouse Pension Option dies before the pensioner, the monthly amount payable to the pensioner is increased to the full monthly amount that would have been payable if the 50%, 75%, or 100% Spouse Pension Option had not been in effect.
7. Reduction of Benefit Accruals. Prospectively, benefits will accrue at a rate of 1% of benefit-bearing contributions.

**C. Amendments Applicable to all Participants in the Fund**

The following benefits are eliminated for all participants with a Completed Application Date on or after April 26, 2019:

1. Disability Pension – Auxiliary Benefit, under which a participant whose effective date for a Disability Pension is after the first day of the seventh month of total and permanent disability receives a payment for the first month equal to the monthly benefit amount plus an additional auxiliary amount equal to the monthly benefit times the number of months (to a maximum of 12) between the effective date of the Disability Pension and such first day of the seventh month.
2. Social Security Option, under which eligible participants may elect to have their monthly benefits actuarially adjusted so that they receive a higher amount payable to age 62 and a reduced amount thereafter.
3. Partial Lump Sum Option, under which eligible participants may elect to have the amount of their monthly benefit reduced by not more than 10% in return for the payment of a lump sum.
4. Lump Sum Elections, under which the recipient of a pension with an Actuarial Present Value in excess of \$5,000 but not greater than \$10,000 may elect to receive it in a single sum.
5. Return to Employment lump sum, under which a participant who retires before Normal Retirement Age and then returns to Covered Employment and earns subsequent benefits with an Actuarial Present Value of \$7,500 or less may elect to receive such benefits in a lump sum payment.

In addition, the Pre-Retirement Lump Sum Death Benefit is eliminated effective with respect to all deaths on and after April 26, 2019.

## **D. Merged Plans**

Fund participants who have accrued adjustable benefits (as defined in Code section 432(e)(8)) as employees of an employer that maintained a plan that subsequently merged with the Fund prior to the RP Effective Date ("Merged Plan") will have their adjustable benefits under a Merged Plan modified consistent with the schedule adopted by or imposed on that employer (or the Preferred Schedule, in the case of orphaned deferred vested participants). Additional details regarding the specific benefits affected and the effective date will be provided in a future addendum to the RP.

In addition, all lump-sum benefits (excluding those under \$5,000) and other forms of benefits that result in payments in excess of the monthly amount paid under the single life annuity otherwise payable under a Merged Plan will be eliminated as of April 26, 2019 for all participants regardless of which schedule is adopted by or imposed on the employer.

## **IV. SCHEDULE OF CONTRIBUTION INCREASES**

### **A. Employer Contribution Increases Required under the Rehabilitation Plan**

The RP requires contributing employers to increase the amount of contributions made to the Fund. Although the bargaining parties are not required to agree to an RP Schedule until the expiration of a collective bargaining agreement in effect on September 1, 2019, as described in Section IV(B) below, if the bargaining parties do not agree to the increased contributions in this RP by June 1, 2019, the employer will be subject to a surcharge required by law, as described in Section V, in addition to scheduled contribution increases.

The required increase in the employer contributions is as follows:

1. Preferred Schedule. Effective for contributions earned on or after September 1, 2019, unless adopted earlier (or upon adoption of the Preferred Schedule, if later), the contribution rate will increase by 2.5% over the contribution rate otherwise in effect under the applicable collective bargaining agreement. Effective for contributions earned on or after January 1 of each subsequent year for the remainder of the rehabilitation period, the contribution rate will increase by an additional 2.5% over the contribution rate otherwise in effect (that is, the contribution rate under the applicable collective bargaining agreement plus previous increases under this RP).
2. Default Schedule. Effective for contributions earned on or after September 1, 2019, unless adopted earlier (or upon adoption of the Default Schedule, if later), the contribution rate will increase by 6% over the contribution rate otherwise in effect under the applicable collective bargaining agreement. Effective for contributions earned on or after January 1 of each subsequent year for the remainder of the rehabilitation period, the contribution rate will increase by an additional 6% over the contribution rate otherwise in effect (that is, the contribution rate under the applicable collective bargaining agreement plus previous increases under this RP).

The increased contributions are payable on the same schedule as the contributions on which the increase is based. However, increased RP contributions will not generate benefit accruals.

## **B. Effective Date of Contribution Increases**

Unless otherwise specifically provided herein, the contribution increases required by the RP become effective upon the *earlier of*:

1. the effective date of a collective bargaining agreement (or an amendment to that collective bargaining agreement) that adopts terms consistent with an RP Schedule, or
2. 180 days after the expiration date of a collective bargaining agreement providing for contributions to the Fund that was in effect on September 1, 2019, *if* by such date the bargaining parties have failed to adopt a collective bargaining agreement that contains terms consistent with the RP Schedule.

If the collective bargaining agreement had an expiration date before September 1, 2019 and no successor agreement was yet in effect on that date, the RP Schedule must be adopted by March 2, 2020 (180 days from September 1, 2019).

If the bargaining parties fail to adopt a collective bargaining agreement that contains terms consistent with an RP Schedule within 180 days after the expiration date of a collective bargaining agreement providing for contributions to the Fund that was in effect on September 1, 2019 (or by March 2, 2020, if the collective bargaining agreement expired before September 1, 2019), the Default Schedule will automatically be imposed effective immediately upon expiration of the 180 days (or, if later, on March 2, 2020).

Any collective bargaining agreement providing for contributions to the Fund with an evergreen provision that was entered into before April 17, 2019 will be deemed to expire on January 1, 2020. Any collective bargaining agreement governed by the Railway Labor Act will be deemed to expire on the amendable date of the collective bargaining agreement.

## **V. EMPLOYER SURCHARGES**

PPA requires that mandatory “surcharges” be imposed on every contributing employer beginning 30 days after the date on which the notice of critical status is provided to the employer – in this case, beginning June 1, 2019 – and continuing until the employer’s collective bargaining agreement(s) (or other agreement(s) pursuant to which it is contributing) is amended to incorporate an RP Schedule.

The amount of the surcharge is as follows:

1. Effective for contributions earned on or after June 1, 2019 and before January 1, 2020, the surcharge is 5% of the employer’s contributions to the Fund; and
2. Effective for contributions earned on or after January 1, 2020, the surcharge is 10% of the employer’s contributions to the Fund. The 10% surcharge remains in effect for each plan year in which the Fund remains in critical status.

The surcharge is due and payable on the same schedule as the contributions on which the surcharges are based. Surcharges are over and above the required employer contributions and, consistent with law, will not generate any benefit accruals for participants.

The employer remains subject to all surcharges imposed under the PPA until such time as the bargaining parties adopt provisions (or, if later, such time as those provisions take effect) in the employer's collective bargaining agreement that contain terms consistent with one of the RP Schedules. An RP Schedule may not be adopted retroactively. If the Fund receives an executed agreement that contains terms consistent with an RP Schedule more than thirty business days after the date of adoption set forth in the executed agreement, the Fund will treat the date of receipt as the adoption date and the surcharge will be imposed through that date.

The law provides that employers on whom the Default Schedule is imposed (e.g., because the bargaining parties have not adopted an RP Schedule within 180 days after expiration of the collective bargaining agreement) will remain subject to the surcharges imposed under the PPA until such time as the collective bargaining parties adopt provisions in their collective bargaining agreements that contain terms consistent with an RP Schedule. Thus, under the law, such employers will be subject to both the Default Schedule and the surcharge.

## **VI. DELINQUENT EMPLOYER CONTRIBUTIONS/WITHDRAWAL**

A contributing employer's failure to contribute to the Fund timely at the rates required by the applicable RP Schedule (once agreed to or imposed) will result in the deficient amounts being treated as delinquent employer contributions under the Fund.

Additionally, this may result in a determination by the Board that the employer has failed to maintain (and thus has withdrawn from) the Fund, in which case such employer will then be subject to withdrawal liability under the terms of the governing Fund documents and Title IV of ERISA. Further, under the PPA, any failure to make a surcharge payment will also be treated as a delinquent contribution.

## **VII. NOTICE GIVEN BEFORE BENEFIT REDUCTIONS BECOME EFFECTIVE**

Pursuant to Section 432(e)(8)(C) of the Code, notice was given at least 30 days before the general effective date of the reduction in adjustable benefits under the Fund.

## **VIII. NON-COLLECTIVELY BARGAINED PARTICIPANTS**

Special rules apply for non-bargained employees participating in the Fund. In the case of an employer that contributes to the Fund for both collectively bargained employees and non-bargained employees, benefits of and contributions for the non-bargained employees are determined as if those non-bargained employees were covered under the first to expire of the employer's collective bargaining agreements in effect on September 1, 2019.

Employers that contribute to the Fund only for non-bargained employees are treated as if the employer were the bargaining party and its participation agreement with the Fund were a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the RP (January 1, 2020).

## **IX. APPLICATION OF RP TO FUTURE AGREEMENTS**

If a collective bargaining agreement providing for contributions to the Fund in accordance with an RP Schedule expires while the Fund is still in critical status and the bargaining parties to the agreement fail to adopt a collective bargaining agreement with terms consistent with an updated RP Schedule, then the RP Schedule under the expired collective bargaining agreement (as updated and in effect on the date the

collective bargaining agreement expires) is implemented 180 days after the date on which the collective bargaining agreement expires.

Any new collective bargaining agreement entered into by the bargaining parties or any other agreement providing for participation in the Fund on or after the RP Effective Date must reflect the terms of the most recently issued RP.

## **X. RP STANDARDS**

The Fund's rehabilitation period under the PPA funding rehabilitation rules will begin on January 1, 2022 and will continue for 10 years. The Fund's rehabilitation period may end earlier than the end of 10 years if the Fund actuary certifies during the rehabilitation period that the Fund is not projected to have an accumulated funding deficiency for a plan year or any of the 9 succeeding plan years and the Fund is not projected to become insolvent for any of the 30 succeeding plan years.

Based on reasonably anticipated experience and reasonable actuarial assumptions regarding investment income and other experience of the Fund over that period, the Fund actuary currently projects that, under the RP, the Fund will emerge from critical status within the rehabilitation period. The Board recognizes the possibility that the Fund's actual experience could be more or less favorable than the assumptions used as the basis for developing the RP. The Board also recognizes the need to review and update the RP on an annual basis. Consequently, the Board will rely on an annual updated assessment regarding this projection as the basis for evaluating the Fund's progress under this RP, and the annual standard for meeting the requirements of the RP will be a demonstration, based on the updated actuarial projections each year using reasonable assumptions, that the RP (as amended from time to time and as then currently in effect) will as implemented continue to allow the Fund to emerge from critical status.

## **XI. ANNUAL REVIEW AND UPDATE OF RP**

The Fund's actuary will annually report to the Board regarding the Fund's progress in meeting this annual standard. The Board may make any changes to this RP that it deems necessary or advisable.

## **XII. CONSTRUCTION AND MODIFICATIONS TO THIS RP**

This RP is intended to present only a summary of the law, the Fund and the changes to the Fund. It is not intended to serve as an exhaustive, complete description of the law, the Fund or the modifications discussed herein.<sup>3</sup>

The Board reserves the right, in its sole and absolute discretion, to construe, interpret and/or apply the terms and provisions of this RP in a manner that is consistent with the PPA and other applicable law. Any and all constructions, interpretations and/or applications of the Fund (and other Fund documents) or the RP by the Board, in its sole and absolute discretion, will be final and binding on all parties affected thereby. Subject to the PPA and other applicable law, and notwithstanding anything herein to the contrary, the Board further reserves the right to make any modifications to this RP that the Board, in its sole and absolute discretion, determines are necessary and/or appropriate (including, without limitation in the event of any omission or the issuance of any future legislative, regulatory or judicial guidance).

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<sup>3</sup> The terms of the official plan documents will govern in the event of any contradiction between this RP and the plan documents as adopted to incorporate the changes described herein. All capitalized terms within this RP not otherwise defined have the meaning set forth in the plan documents.

# APPENDIX A

## Early Retirement Reduction Factors based on Actuarial Equivalence

RETIREMENT AGE	EARLY RETIREMENT FACTOR	SAMPLE \$1,000 ACCRUED BENEFIT
20	.023	\$23
21	.024	\$24
22	.026	\$26
23	.028	\$28
24	.030	\$30
25	.033	\$33
26	.035	\$35
27	0.038	\$38
28	0.041	\$41
29	0.044	\$44
30	0.048	\$48
31	0.051	\$51
32	0.056	\$56
33	0.06	\$60
34	0.065	\$65
35	0.07	\$70
36	0.076	\$76
37	0.082	\$82
38	0.088	\$88
39	0.096	\$96
40	0.103	\$103
41	0.112	\$112
42	0.121	\$121
43	0.132	\$132
44	0.143	\$143
45	0.155	\$155
46	0.168	\$168
47	0.182	\$182
48	0.198	\$198
49	0.216	\$216
50	0.235	\$235
51	0.256	\$256
52	0.28	\$280
53	0.305	\$305
54	0.334	\$334
55	0.366	\$366
56	0.401	\$401
57	0.441	\$441
58	0.485	\$485
59	0.534	\$534
60	0.59	\$590
61	0.653	\$653
62	0.723	\$723
63	0.804	\$804
64	0.895	\$895
65	1	\$1,000

### Actuarial Equivalence Basis

Interest Rate: 7.50%

Mortality Table: RP-2000 Combined Healthy Male Mortality with Blue Collar Adjustment

**SUPPLEMENTAL AGREEMENT BETWEEN**  
**LOCAL LODGE No. 2305**  
**OF THE**  
**INTERNATIONAL ASSOCIATION OF MACHINISTS**  
**AND AEROSPACE WORKERS, AFL-CIO**  
  
**AND**  
  
**THE CITY OF SCRANTON**

This Supplemental Agreement between Local Lodge No. 2305 ("DPW Union") and the City of Scranton ("Employer") supplements the parties' collective bargaining agreement (the "CBA") dated from January 1, 2018 through December 31, 2021 or the Employer's participation agreement with the Fund dated June 22, 2018. For the purposes of this Supplemental Agreement, further references to the CBA include participation agreements.

Effective May 31, 2019 ("Adoption Date"), Employer will contribute to the IAM National Pension Fund (the "Fund") in accordance with the schedule of contribution rates of the Preferred Schedule of the rehabilitation plan adopted by the Board of Trustees of the Fund on April 17, 2019 (the "2019 Rehabilitation Plan"), which is incorporated by reference into this Supplemental Agreement. Specifically, the Employer's contribution rate under the CBA will increase as follows:

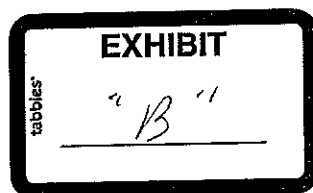
- Effective on the Adoption Date, the Employer's contribution rate will increase from \$18.90 for each hour for each day for each employee participant to the rate shown in Box 1 of the table attached hereto as Exhibit "A."
- Effective each subsequent date set forth in Exhibit "A," the employer's contribution rate will increase as shown on the table.

All remaining provisions of the CBA remain in effect to the extent they are consistent with the 2019 Rehabilitation Plan.

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between:

\_\_\_\_\_

\_\_\_\_\_





## Contractual increases by year:

	2019	2020	2021
DPW	\$ 20.40	\$ 21.20	\$ 22.00

BOX	YEAR	DATE OF INCREASE	INCREASE IN RATE
1	Year in which supplemental agreement is adopted YEAR 1 (2019)	Date on which Supplemental Agreement is adopted (May 31, 2019)	Rate in Effect Under CBA x 102.5%: \$20.40 x 102.5% = \$20.91

2A	YEAR 2 (2020)	Date of CBA increase in Year 2 (if applicable): January 1, 2020	Rate in effect under box 1 x 102.5%: \$20.91 x 102.5% = \$21.43
2B	YEAR 2 (2020)	January 1 of year 2	Rate in effect under box 1 or 2A x 102.5%: \$21.43 x 102.5% = \$21.97
3A	YEAR 3 (2021)	Date of CBA increase in Year 3 (if applicable): January 1, 2021	Rate in effect under box 2B x 102.5%: \$21.97 x 102.5% = \$22.52
3B	YEAR 3 (2021)	January 1 of year 3	Rate in effect under 2B or 3A x 102.5%: \$22.52 x 102.5% = \$23.08

Contractually, the City will increase contributions by \$.80 per hour, or 3.9% from 2019 to 2020.

Under the Preferred Plan we are to increase contributions by 2.5% on top of the already planned 3.9% for a total of 6.4% or \$1.3056 per hour. (\$.5056/hour)

Contractually, the City will increase contributions by \$.80 per hour, or 3.7% from 2020 to 2021.

Under the Preferred Plan we are to increase contributions by 2.5% on top of the already planned 3.7% for a total of 6.2% or \$1.31 per hour. (\$.51/hour)



DEPARTMENT OF LAW

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

May 15, 2019

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

RECEIVED


MAY 15 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION AMENDING RESOLUTION NO. 214, 2017, ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH LOCAL LODGE 2305 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF A MEMORANDUM OF UNDERSTANDING RATIFIED BY THE MEMBERSHIP" BY ENTERING INTO A SUPPLEMENTAL AGREEMENT BETWEEN LOCAL LODGE NO. 2305 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO AND THE CITY OF SCRANTON IN ORDER TO STRENGTHEN THE IAM NATIONAL PENSION FUND.

Respectfully,

  
Jessica L. Eskra, Esquire  
City Solicitor

JLE/sl

FILE OF THE COUNCIL NO. \_\_\_\_\_

2019

AN ORDINANCE

**APPROVING THE TRANSFER OF A RESTAURANT LIQUOR LICENSE OWNED BY RDRM, INC., HC 2, BOX 177, THORNHURST TOWNSHIP, THORNHURST, PA 18424-0177 LICENSE NO. R-16828 TO GIANT FOOD STORES, LLC FOR USE AT 1600 NAY AUG AVENUE, LACKAWANNA COUNTY, SCRANTON, PA 18509 AS REQUIRED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD.**

**WHEREAS**, the Pennsylvania Liquor Control Board ("PLCB") requires that the governing body of a municipality pass legislation approving an inter-municipal transfer of a liquor license when a municipality has met its quota of liquor licenses; and

**WHEREAS**, Giant Food Stores, LLC, wishes to transfer Restaurant Liquor License No. R-16828 owned by RDRM, Inc., HC2, Box 177, Thornhurst Township, Thornhurst, PA 18424-0177 to the City of Scranton to be used by the Giant located at 1600 Nay Aug Avenue, Scranton, Lackawanna County, Pennsylvania. The Giant will be remodeling a section of their existing grocery store in order to operate a beer and wine garden and eatery; and

**WHEREAS**, the Council of the City of Scranton approves the transfer of this license subject to its authority regarding inter-municipal transfers and subject to public comment on the same.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON** that the inter-municipal transfer request of Giant Food Stores, LLC to transfer Restaurant Liquor License No. R-16828 owned by RDRM, Inc., HC2, Box 177, Thornhurst Township, Thornhurst, PA 18424-0177 to the City of Scranton for use at 1600 Nay Aug Avenue, Scranton, Pennsylvania is hereby approved.

**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 Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.



Ellen M. Freeman, Esquire  
Direct Dial: 412-535-5100  
E-mail Address: ellen@flaherty-ohara.com

Pittsburgh Office:  
610 Smithfield Street 412-456-2001  
Suite 300 FAX: 412-456-2019  
Pittsburgh, PA 15222 www.flaherty-ohara.com  
Toll Free: 1-866-4BEVLAW  
File No. 27033.139

April 2, 2019

*Via Federal Express*

City of Scranton  
Attn: Lori Reed, City Clerk  
Scranton City Hall  
340 North Washington Avenue  
Scranton, PA 18503

RECEIVED

APR 03 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

Re: Request for a Hearing on the Inter-municipal Transfer of a Liquor License  
into City of Scranton, Lackawanna County, Pennsylvania

Dear Ms. Reed:

I represent and am writing on behalf of Giant Food Stores, LLC ("Giant") to request a resolution from the City of Scranton approving the inter-municipal transfer of a Pennsylvania "R" or "restaurant" liquor license from outside the municipality into the City of Scranton. The restaurant liquor license would be used by the Giant located at 1600 Nay Aug Avenue, Scranton, PA 18509. Giant will be remodeling a section of their existing grocery store in order to operate a beer & wine garden and eatery. Giant's intentions are to sell beer, referred to in the Liquor Code as malt and/or brewed beverages, for on-premises consumption at this location. Additionally, Giant plans to sell beer and wine "to go" from this location.

In order to sell beer and wine in its restaurant in the City of Scranton in accordance with its business plan, Giant must secure a restaurant liquor license. No City of Scranton restaurant liquor license is available for purchase. As a result, Giant has entered into an agreement to purchase a liquor license currently located outside of the City and plans to move the license into the City, pursuant to the inter-municipal transfer provisions of the Liquor Code (47 P.S. 4-461).

Giant hereby formally requests that, pursuant to 47 P.S. 461, the City of Scranton issue a resolution approving the transfer by Giant of a restaurant liquor license from outside the municipality to within the municipality.

The purpose of this hearing is to allow residents of the City of Scranton to voice their opinions on the proposed inter-municipal transfer by Giant to City Council. City Council must approve or deny the requested transfer, by way of a resolution or ordinance, within 45 days of this request.

April 2, 2019

Page 2

To date, the PLCB has approved liquor licenses at 110 Giant locations. Ninety-five (95) of these locations are currently selling beer for consumption on premises and both beer and wine "to go." To date, none of these locations have ever been cited by the Pennsylvania Liquor Control Enforcement Agency ("LCE") for any violations of the PA Liquor Code, including sales to minors and sales to intoxicated persons. Giant has a perfect record with the LCE.

For your convenience and reference, I have enclosed a resolution which other municipalities have used in the past when responding to requests for inter-municipal transfers. The Pennsylvania Liquor Control Board requires that a resolution approving an inter-municipal transfer must include the following: (1) the name of the applicant (here, Giant Food Stores, LLC); (2) the address to which the license is being transferred (here, 1600 Nay Aug Avenue, Scranton, PA 18509); (3) the liquor license number (here, R-16828); (4) a statement that a public hearing was held on the requested resolution; (5) a statement that proper notice of the hearing was published and (6) the name of the current licensee and address (here, RDRM, Inc., HC 2, Box 177, Thornhurst Township, Thornhurst, PA 18424-0177).

Further, the Liquor Code (47 P.S. Section 102) requires that notice of the public hearing must be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Pursuant to the statute the notices must state the time and place of the hearing and the matter to be considered at the hearing (i.e., request by Giant Food Stores, LLC for an intermunicipal transfer of a liquor license). Section 102 also provides that the first publication shall not be more than 30 days before the date of the hearing and the second publication shall not be less than seven (7) days before the date of the hearing.

At the time of the hearing, my client and I will present complete information on the operations of Giant's proposed restaurant and answer any questions that you, City Council, solicitor or residents might have. However, if there are any preliminary questions or concerns, please do not hesitate to contact me regarding any additional information.

Please be advised that Giant will reimburse the City of Scranton for all costs and expenses associated with the hearing. Please forward all invoices to Diane DeNardo at [diane@flaherty-ohara.com](mailto:diane@flaherty-ohara.com).

April 2, 2019

Page 3

Please direct all communications regarding this matter through this office, and I would appreciate if you would inform me as soon as the public hearing is scheduled so there is adequate time to prepare and coordinate scheduling with my client.

Best regards,



ELLEN M. FREEMAN, ESQ.  
EMF

Enclosure: Draft Municipal Resolution

**CITY OF SCRANTON  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF SCRANTON,  
COUNTY OF LACKAWANNA, COMMONWEALTH OF PENNSYLVANIA,  
APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-16828  
INTO THE CITY OF SCRANTON**

WHEREAS, Act 141 of 2000 ("the Act") authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in the City of Scranton, sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to an applicant's submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant's intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Giant Food Stores, LLC, has requested the approval of the City of Scranton for the proposed transfer of Pennsylvania restaurant liquor license no. R-16828, from RDRM, Inc., HC 2, Box 177, Thornhurst Township, Thornhurst, PA 18424-0177 to Giant Food Stores, LLC for a restaurant facility within the City of Scranton to be located at 1600 Nay Aug Avenue, Scranton, PA 18509. Further, said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the City of Scranton has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED that the City of Scranton approves, by adoption of this Resolution, the proposed inter-municipal transfer of restaurant liquor license no. R-16828 into the City of Scranton by Giant Food Stores, LLC and



BE IT FURTHER RESOLVED that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

Duly adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the City of Scranton, Lackawanna County, Pennsylvania, in lawful session duly assembled.

CITY COUNCIL

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DEPARTMENT OF LAW

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

April 15, 2019

RECEIVED

APR 15 2019

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

OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE APPROVING THE TRANSFER OF A RESTAURANT LIQUOR LICENSE OWNED BY RDRM, INC., HC 2, BOX 177, THORNHURST TOWNSHIP, THORNHURST, PA 18424-0177 LICENSE NO. R-16828 TO GIANT FOOD STORES, LLC FOR USE AT 1600 NAY AUG AVENUE, LACKAWANNA COUNTY, SCRANTON, PA 18509 AS REQUIRED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Respectfully,

Joseph G. Price, Esquire  
Assistant City Solicitor

JGP/sl

FILE OF THE COUNCIL NO. \_\_\_\_\_

2019

AN ORDINANCE

**AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO ACCEPT ON BEHALF OF THE CITY OF SCRANTON THIS QUITCLAIM DEED CONVEYING TITLE TO THE CITY OF SCRANTON, THE PROPERTY FORMERLY OWNED BY THE LACKAWANNA COUNTY LAND BANK KNOWN AS 100 BLOCK KEYSER AVENUE, SCRANTON, PENNSYLVANIA, 18504 AS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

WHEREAS, Keyser Valley Community Center has received grant funding for a project to improve its parking lot with the assistance of Lackawanna County; and

WHEREAS, the project will pave, grade and correct the pitch of the parking area to correct poor drainage and remediate current situation during rainfall of water pooling and running into the entrance area and kitchen area of the building; and

WHEREAS, the proposed work will include grading and paving of three (3) areas: (1) the entrance and entrance area with blacktop that is broken up, (2) main paring area is dirt and (3) the parking lot and back of the building near the garbage dumpster. Blacktop will include binder and topcoat. This does not include porous blacktop but regulation sealant will be applied; and

WHEREAS, if funded, this project will correct severe drainage issues present during rainfall at the Keyser Valley Community Center in Scranton, PA. This site is a heavily used community center and the largest polling place in the City of Scranton and is run by a community board of directors as volunteers. A portion of the parking lot is paved and the rest is unpaved, leading to water pooling and at times, running under the door to the kitchen area and main all area of the facility; and

WHEREAS, in order to proceed with this project, it is necessary for the City to acquire a parcel that presently is being used for parking for the center from the Land Bank; and

WHEREAS, the Land Bank has approved the transfer of this parcel to the City and submits the Deed attached hereto as Exhibit "A"; and

WHEREAS, this QUITCLAIM DEED, by and between the LACKAWANNA COUNTY LAND BANK (hereinafter referred to as the "GRANTOR"), whose mailing address is 123 Wyoming Avenue, 5<sup>th</sup> floor, Scranton, Pennsylvania 18503, and the CITY OF SCRANTON (hereinafter referred to as the "GRANTEE") whose mailing address is 340 North Washington Avenue, Scranton, Pennsylvania 18503; in consideration of One Dollar (\$1.00), in hand paid the receipt whereof is hereby acknowledged, the said Grantor does hereby release and quit claim to the said Grantee: all those certain lots, pieces or parcels of land situate in the City of Scranton, County of Lackawanna and State of Pennsylvania described in Exhibit "A" attached hereto.

**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 accept on behalf of the City of Scranton this Quitclaim Deed conveying title to the City of Scranton the property formerly owned by the Lackawanna County Land Bank known as 100 block Keyser Avenue, Scranton, Pennsylvania, 18504 as more fully described in Exhibit "A" attached hereto and made a part hereof.

**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.

# Quitclaim Deed

THIS DEED, made the \_\_\_\_\_ day of \_\_\_\_\_, 2019, between the LACKAWANNA COUNTY LAND BANK, a body corporate and politic, as authorized under the provisions of 68 Pa. C.S.A. § 2101 et seq.

GRANTOR

AND

The CITY OF SCRANTON, A Municipal Corporation, located at City Hall, 340 North Washington Avenue, Scranton, PA 18503.

GRANTEE

WITNESSETH, that in the consideration of One Dollar (\$1.00), in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby release and quit claim to the said Grantee:

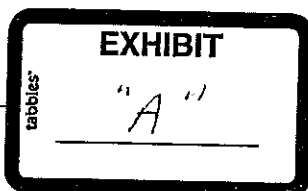
ALL THOSE CERTAIN lots, pieces or parcels of land situate in the City of Scranton, County of Lackawanna, and State of Pennsylvania, described in Schedule "A" attached hereto.

SUBJECT to the same exceptions and reservations as are contained in former deeds in the line of title.

BEING the same premises transferred from the Tax Claim Bureau of Lackawanna County to the Lackawanna County Land Bank by Deed dated April 17, 2019 and recorded in the Office of the Recorder of Deeds of Lackawanna County on April 18, 2019 as Instrument Number 201905272.

This property is also known as 100 Block Keyser Avenue, Scranton, PA 18504, Lackawanna County Tax Map # 14412-030-017.

THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE, CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.



*In Witness Whereof*, said Grantors have hereunto caused this Deed to be executed by the Chairman of the Lackawanna County Land Bank the day and year first above written.

LACKAWANNA COUNTY LAND BANK

\_\_\_\_\_  
By: Patrick M. O'Malley, Chairman

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF LACKAWANNA :

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared before me, the Clerk of Judicial Records of Lackawanna County, Pennsylvania, Patrick M. O'Malley, known to me to be the person whose signature is affixed to the foregoing deed, and acknowledged to be the Chairman of the Lackawanna County Land Bank, and that as such Chairman, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Lackawanna County Land Bank as Chairman.

Witness my hand and official seal the day and year aforesaid.

My Commission Expires: \_\_\_\_\_

Mauri B. Kelly, Clerk of Judicial Records

It is hereby certified that the precise address of the Grantee named in the foregoing Deed is:

340 North Washington Avenue  
Scranton, PA 18503

\_\_\_\_\_  
Grantee

# SCHEDULE "A"

Tax Map # 14412-030-017  
100 Block Keyser Avenue  
Scranton, PA 18504

All the following lot, piece or parcel of land situate in the Twenty-first Ward of the City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows, to wit:

Being Lot No. 519 in Block No. 3 upon the Bramer and Levy Plot of Lots in Keyser Valley, Twenty-first Ward, Scranton, Pennsylvania, the said Plot being recorded in Map Book No. 1, page 124, in the Recorder's Office for the recording of deeds in Lackawanna County, the said lot is irregular in shape, being forty-one and three-tenths feet (41.3) wide in front, forty-one and five-tenths feet (41.5) wide in rear, one hundred fifty-one and sixty-nine hundredths (151.89) feet in depth on its Northernly side and one hundred fifty-three and seventy-five one hundredths (153.75) feet in depth on its Southernly side, and fronts on a street called or known as Keyser Avenue.

Together with a perpetual privilege of enclosing, occupying and using twenty (20) feet in front of the front line of the above-mentioned lot, piece or parcel of land on Keyser Avenue aforesaid for yard, lawn, flowers, trees, shrubbery, porch, piazza, bay window or vault, but for no other purpose.

Being the same premises conveyed to James Walsh and Alice Walsh his wife, the Grantees herein by three separate deeds as follows: from William H. Hestel, et ux, by deed dated June 24, 1935 and recorded in the office of the Recorder of Deeds in Lackawanna County in Deed Book No. 887, at page 297; from the County of Lackawanna by deed dated November 13, 1935 and recorded in Deed Book 519 at page 513, and from the City of Scranton by deed dated August 28, 1930, and intended to be duly recorded in the office of the Recorder of Deeds of Lackawanna County.

Subject to all the conditions, exceptions, reservations and restrictions as are contained in prior deeds forming the chain of title.

Also all the following described piece or parcel of land, situate in the Twenty-first Ward of the City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows, to wit:

Being Lot No. 511 in Block 3, upon Bramer and Levy Plot of Lots in Keyser Valley, Twenty-first Ward, Scranton, Pa, the said Plot being recorded in Map Book No. 1 at page 124, in the Recorder's Office for Recording of Deeds in Lackawanna County, the said lot being forty-one (41) feet in front, forty-one (41) feet in rear, and one hundred forty-nine (149) feet in depth, more or less and fronting on Keyser Avenue.

Together with a perpetual privilege of enclosing, occupying and using twenty (20) feet of land in front of the front line of the above mentioned lot, piece or parcel of land on Keyser Avenue aforesaid for yard, lawn, flowers, trees, shrubbery, porch, piazza, bay window or vault but for no other purpose.

Being the same premises conveyed to James H. Walsh and Alice Walsh, his wife, the Grantees herein, by two separate deeds as follows: from Daniel A. Bailey, et ux, et al by deed dated June 13, 1908 and recorded in the Recorder of Deeds' Office for Lackawanna County in Deed Book No. 512 at page 237; and from Catherine Walikowski, et al, by deed dated June 13, 1902, and recorded in Deed Book No. 513 at page 272.

Subject to all the conditions, exceptions, reservations and restrictions as are contained in prior deeds forming the chain of title.

Schedule A





**pennsylvania**  
DEPARTMENT OF REVENUE  
Bureau of Individual Taxes  
PO BOX 280603  
Harrisburg, PA 17128-0603

# REALTY TRANSFER TAX STATEMENT OF VALUE

See reverse for instructions.

## RECORDER'S USE ONLY

State Tax Paid  
Book Number  
Page Number  
Date Recorded

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

### A. CORRESPONDENT - All inquiries may be directed to the following person:

Name Joseph S. Colbassani, Esquire		Telephone Number: (570) 961-1616	
Mailing Address 700 Vine Street	City Scranton	State PA	ZIP Code 18510

### B. TRANSFER DATA

Date of Acceptance of Document / /			
Grantor(s)/Lessor(s) Lackawanna County Land Bank	Telephone Number: (570) 963-6830	Grantee(s)/Lessee(s) City of Scranton	Telephone Number:
Mailing Address 123 Wyoming Avenue 5th Floor		Mailing Address 340 North Washington Avenue	
City Scranton	State PA	ZIP Code 18503	City Scranton
		State PA	ZIP Code 18503

### C. REAL ESTATE LOCATION

Street Address 100 Block Keyser Avenue		City, Township, Borough Scranton
County Lackawanna	School District Scranton School District	Tax Parcel Number 14412-030-017

### D. VALUATION DATA

Was transaction part of an assignment or relocation? ☐ Y ☒ N

1. Actual Cash Consideration 1.00	2. Other Consideration + 0.00	3. Total Consideration = 1.00
4. County Assessed Value 3,400.00	5. Common Level Ratio Factor X 6.54	6. Computed Value = 22,236.00

### E. EXEMPTION DATA - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed \$ 22,236.00	1b. Percentage of Grantor's Interest in Real Estate 100.00 %	1c. Percentage of Grantor's Interest Conveyed 100.00 %
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### 2. Check Appropriate Box Below for Exemption Claimed.

- ☐ Will or intestate succession. \_\_\_\_\_ (Name of Decedent) \_\_\_\_\_ (Estate File Number)
- ☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- ☐ Transfer from a trust. Date of transfer into the trust \_\_\_\_\_  
If trust was amended attach a copy of original and amended trust.
- ☐ Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- ☐ Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- ☐ Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- ☐ Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- ☒ Other (Please explain exemption claimed.) 72 P.S. 8102-C.3(24) Landbank

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Date

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.



DEPARTMENT OF LAW

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

May 6, 2019

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

RECEIVED

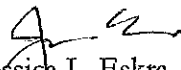
MAY - 6 2019

OFFICE OF CITY  
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO ACCEPT ON BEHALF OF THE CITY OF SCRANTON THIS QUITCLAIM DEED CONVEYING TITLE TO THE CITY OF SCRANTON, THE PROPERTY FORMERLY OWNED BY THE LACKAWANNA COUNTY LAND BANK KNOWN AS 100 BLOCK KEYSER AVENUE, SCRANTON, PENNSYLVANIA, 18504 AS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Respectfully,

  
Jessica L. Eskra, Esquire  
City Solicitor

JLE/sl