

AGENDA
REGULAR MEETING OF COUNCIL
December 1, 2020
6:30 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 CORRESPONDENCE RECEIVED FROM DPW DIRECTOR DATED NOVEMBER 20, 2020 REGARDING RESOLUTION NO. 49, 2020 EQUIPMENT TO THE CITY FROM KEYSTONE SANITARY LANDFILL.

[Correspondence received from DPW Director dated 11-20-2020.pdf](#)
 - 3.B LACKAWANNA COUNTY COURT OF COMMON PLEAS ORDER DATED NOVEMBER 5, 2020 REGARDING CITY OF SCRANTON REQUEST TO INCREASE LOCAL SERVICES TAX FOR FISCAL YEAR 2020.

[Lackawanna County Court of Common Pleas LST Tax.pdf](#)
 - 3.C CORRESPONDENCE RECEIVED FROM OECD EXECUTIVE DIRECTOR DATED NOVEMBER 24, 2020 REGARDING COVID-19 REIMBURSEMENTS THROUGH LACKAWANNA COUNTY CARES ACT FUNDING.

[Correspondence received from OECD dated November 24, 2020 COVID-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 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 6, 1976 ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON THE TRANSFER OF REAL PROPERTY SITUATE WITHIN THE CITY OF SCRANTON; PRESCRIBING AND REGULATING THE METHOD OF EVIDENCING THE PAYMENT OF SUCH TAX; CONFERRING POWERS AND IMPOSING DUTIES UPON CERTAIN PERSONS, AND PROVIDING PENALTIES", BY IMPOSING THE RATE OF THE REALTY TRANSFER TAX AT TWO AND TWO TENTHS PERCENT (2.2%) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

[Ordinance-2020 Realty Transfer Tax 2021.pdf](#)

- 5.C FOR INTRODUCTION - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 148, 1986, ENTITLED "AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 98, 1976, AS AMENDED, AND IMPOSING A MERCANTILE LICENSE TAX OF 2 MILLS FOR THE YEAR 1987 AND ANNUALLY THEREAFTER UPON PERSONS ENGAGING IN CERTAIN OCCUPATIONS AND BUSINESSES THEREIN; PROVIDING FOR ITS LEVY AND COLLECTION AND FOR THE ISSUANCE OF MERCANTILE LICENSES; CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE TAX COLLECTOR OF THE CITY OF SCRANTON; AND IMPOSING PENALTIES EFFECTIVE JANUARY 1, 1987", BY IMPOSING THE MERCANTILE LICENSE TAX AT ONE (1) MILL (.001) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

[Ordinance-2020 Mercantile License Tax 2021.pdf](#)

- 5.D FOR INTRODUCTION - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 147, 1986, ENTITLED "AN ORDINANCE PROVIDING FOR THE GENERAL REVENUE BY IMPOSING A TAX AT THE RATE OF TWO (2) MILLS UPON THE PRIVILEGE OF OPERATING OR CONDUCTING BUSINESS IN THE CITY OF SCRANTON AS MEASURED BY THE GROSS RECEIPTS THEREFROM; REQUIRING REGISTRATION AND PAYMENT OF THE TAX AS CONDITION TO THE CONDUCTING OF SUCH BUSINESS; PROVIDING FOR THE LEVY AND

COLLECTION OF SUCH TAX; PRESCRIBING SUCH REQUIREMENTS FOR RETURNS AND RECORDS; CONFERRING POWERS AND DUTIES UPON THE TAX COLLECTOR; AND IMPOSING PENALTIES", BY IMPOSING THE BUSINESS PRIVILEGE TAX AT THE RATE OF ONE (1) MILL (.001) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

[Ordinance-2020 Business Privilege Tax 2021.pdf](#)

- 5.E FOR INTRODUCTION – AN ORDINANCE – AMENDING FILE OF THE COUNCIL NO. 11, 1976, ENTITLED “AN ORDINANCE (AS AMENDED) ENACTING, IMPOSING A TAX FOR GENERAL REVENUE PURPOSES IN THE AMOUNT OF TWO PERCENT (2%) ON EARNED INCOME AND NET PROFITS ON PERSONS, INDIVIDUALS, ASSOCIATIONS AND BUSINESSES WHO ARE RESIDENTS OF THE CITY OF SCRANTON, OR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON, REQUIRING THE FILING OF RETURNS BY TAXPAYERS SUBJECT TO THE TAX; REQUIRING EMPLOYERS TO COLLECT THE TAX AT SOURCE; PROVIDING FOR THE ADMINISTRATION, COLLECTION AND ENFORCEMENT OF THE SAID TAX; AND IMPOSING PENALTIES FOR THE VIOLATIONS”, BY RE-ENACTING THE IMPOSITION OF THE WAGE TAX AT TWO AND FOUR TENTHS (2.4%) PERCENT ON EARNED INCOME FOR RESIDENTS AND ONE (1%) PERCENT ON EARNED INCOME FOR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON FOR THE YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

[Ordinance-2020 Earned Income Tax 2021.pdf](#)

- 5.F FOR INTRODUCTION – AN ORDINANCE – AMENDING FILE OF THE COUNCIL NO. 100, 1976, ENTITLED “AN ORDINANCE (AS AMENDED) LEVYING GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 1977”, BY SETTING THE MILLAGE FOR THE YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

[Ordinance-2020 Millage Tax Rate 2021.pdf](#)

- 5.G FOR INTRODUCTION – A RESOLUTION – RATIFYING AND APPROVING OF THE EXECUTION AND SUBMISSION OF THE GRANT APPLICATION BY THE CITY OF SCRANTON, ON BEHALF OF SCRANTON CULTURAL CENTER AT THE

MASONIC TEMPLE TO THE COMMONWEALTH OF PENNSYLVANIA ACTING THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A LOCAL SHARE ACCOUNT GRANT, PURSUANT TO THE PA RACE HORSE DEVELOPMENT AND GAMING ACT IN THE AMOUNT OF \$95,928.00 FOR THE PROJECT TO BE KNOWN AS "COVID-19 PUBLIC HEALTH, SAFETY, AND SECURITY UPGRADE" LOCATED AT 420 N. WASHINGTON AVENUE, SCRANTON, PENNSYLVANIA, AND AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS OF THE CITY OF SCRANTON, PENNSYLVANIA, TO ACCEPT THE GRANT, IF SUCCESSFUL, AND EXECUTE AND ENTER INTO A LOCAL SHARE ACCOUNT GRANT CONTRACT AND COMMITMENT LETTER WITH THE COMMONWEALTH OF PENNSYLVANIA TO ACCEPT AND UTILIZE THE GRANT IN THE AMOUNT OF \$95,928.00 AWARDED BY THE COMMONWEALTH OF PENNSYLVANIA FOR SUCH PROJECT.

[Resolution-2020 LSA Grant Cultural Center at the Masonic Temple.pdf](#)

6. CONSIDERATION OF ORDINANCES - READING BY TITLE

- 6.A READING BY TITLE - FILE OF THE COUNCIL NO. 37, 2020 - AN ORDINANCE - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO AN AGREEMENT FOR COLLECTION OF DELINQUENT MUNICIPAL CLAIMS ON BEHALF OF THE CITY OF SCRANTON WITH PORTNOFF LAW ASSOCIATES, LTD. AND APPROVING COLLECTION PROCEDURES, APPOINTMENT OF SOLICITOR, INTEREST ASSESSMENT, CREDIT CARD AND DEBIT CARD CHARGES, AND FEES AND COSTS TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS.

[Ordinance-2020 Portnoff Law Associates to Collect Delinquent Accounts.pdf](#)

7. FINAL READING OF RESOLUTIONS AND ORDINANCES

- 7.A FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION - FILE OF THE COUNCIL NO. 34, 2020 - AMENDING FILE OF THE COUNCIL NO. 95, 2015, AN ORDINANCE, ENTITLED "AMENDING FILE OF THE COUNCIL NO. 79 OF 2015, AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 145 OF 2007 ENTITLED 'AN ORDINANCE RENAMING THE

EMERGENCY AND MUNICIPAL SERVICES TAX (“EMST”) TO LOCAL SERVICE TAX (“LST”)’ AND BY IMPOSING A WITHHOLDING OF \$52.00 FOR THE CALENDAR YEAR 2015 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER BY INCREASING THE LOCAL SERVICES TAX WITHHOLDING FROM \$52.00 TO \$156.00 FOR THE CALENDAR YEAR 2015, AND PROVIDING FOR AN EXEMPTION FROM TAXATION FOR ANY PERSON WHOSE TOTAL EARNED INCOME AND NET PROFITS FROM ALL SOURCES WITHIN THE MUNICIPALITY IS LESS THAN \$15,600.00 FOR THE CALENDAR YEAR 2015 UNDER AND PURSUANT TO THE LOCAL TAX ENABLING ACT, ACT 511 OF 1965, P.L. 1257, 53 P.S. § 6924,101 ET. SEQ. AND THE MUNICIPALITIES RECOVERY ACT, ACT 47 OF 1987, P.L. 246,53 P.S. § 11701.101 ET. SEQ. AND THEIR RESPECTIVE AMENDMENTS” EFFECTIVE RETROACTIVE TO JANUARY 1, 2020. THIS TAX ENABLES THE CITY OF SCRANTON TO CONTINUE TO LEVY THE LOCAL SERVICES TAX AT THE FISCAL YEAR 2019 RATE FOR FISCAL YEAR 2020 FOR A TOTAL MAXIMUM LOCAL SERVICES RATE OF ONE HUNDRED FIFTY-SIX (\$156.00) DOLLARS FOR THE FISCAL YEAR 2020 EFFECTIVE RETROACTIVE TO JANUARY 1, 2020.

[Ordinance-2020 Local Services Tax 2020.pdf](#)

- 7.B FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION - FILE OF THE COUNCIL NO. 36, 2020 – AMENDING FILE OF THE COUNCIL NO. 6, 2020, AMENDING FILE OF THE COUNCIL NO. 59, 2019 ENTITLED “AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 17, 1994 ENTITLED ‘AN ORDINANCE (AS AMENDED) AUTHORIZING THE GOVERNING BODY OF THE CITY OF SCRANTON TO ENACT ‘A WASTE DISPOSAL AND COLLECTION FEE’ FOR THE PURPOSE OF RAISING REVENUE TO COVER THE WASTE DISPOSAL AND COLLECTION COSTS INCURRED BY THE CITY OF SCRANTON FOR THE DISPOSAL OF REFUSE’” BY IMPOSING A WASTE DISPOSAL AND COLLECTION FEE OF \$300.00 FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER AND TO AMEND THE TIMELINE FOR PAYMENTS ALLOWING CHANGE IN THE MECHANISM OF BILLING, UPDATE THE REQUIREMENTS FOR EXONERATIONS AND INCREASE PENALTIES FOR VIOLATIONS.

[Ordinance-2020 Waste Disposal & Collection Fee 2021.pdf](#)

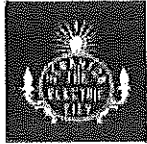
- 7.C FOR CONSIDERATION BY THE COMMITTEE ON PUBLIC SAFETY - FOR ADOPTION - RESOLUTION NO. 100, 2020 - RATIFYING AND APPROVING OF THE EXECUTION AND SUBMISSION OF THE GRANT APPLICATION BY THE CITY OF SCRANTON POLICE DEPARTMENT TO THE COMMONWEALTH OF PENNSYLVANIA ACTING THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A LOCAL SHARE ACCOUNT GRANT PURSUANT TO THE GAMING FUNDS GRANT PROGRAM IN THE AMOUNT OF \$257,925.00 TO INSTALL A HVAC SYSTEM IN EMERGENCY SERVICES CENTER (FORMERLY SERRENTI ARMORY) LOCATED AT 1801 PINE STREET, SCRANTON, PENNSYLVANIA, AND AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS OF THE CITY OF SCRANTON, PENNSYLVANIA, TO ACCEPT THE GRANT, IF SUCCESSFUL, AND EXECUTE AND ENTER INTO A LOCAL SHARE ACCOUNT GRANT CONTRACT AND COMMITMENT LETTER WITH THE COMMONWEALTH OF PENNSYLVANIA TO ACCEPT AND UTILIZE THE GRANT IN THE AMOUNT OF \$257,925.00 AWARDED BY THE COMMONWEALTH OF PENNSYLVANIA FOR SUCH PROJECT.

[Resolution-2020 LSA Grant HVAC System for Emergency Services Center.pdf](#)

- 7.D FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION - RESOLUTION NO. 101, 2020 - AUTHORIZING THE MAYOR AND OTHER CITY OFFICIALS TO MAKE A SOLVENCY PAYMENT TO THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY BUREAU OF UNEMPLOYMENT COMPENSATION.

[Resolution-2020 Solvency Payment to PA Unemployment Compensation.pdf](#)

8. ADJOURNMENT



DEPARTMENT OF PUBLIC WORKS

101 West Poplar Street | Scranton, PA 18508 | 570.348.4180

Inter Departmental Memo

To: Scranton City Council

Re: Resolution 49 of 2020 (Tabled)

Date: November, 20, 2020

RECEIVED

NOV 20 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council President and Members

As you are previously aware from legislation submitted for passage concerning gifted equipment to the City of Scranton from Keystone landfill. The city of Scranton receives an annual Grant detailed in the Waste Disposal Agreement in the amount of \$100,000 from Keystone Landfill as a result of our agreement. On July 14th the City Administration had submitted to City Council legislation for consideration to accept the annual Grant for 2020 from Keystone Landfill with the grant proceeds targeted for a new John Deere Backhoe. Following the 1st reading on July 21st of this legislation, Council tabled the Resolution 49, 2020 and requested historical data concerning this Grant funding and asset purchases with the Grant funding.

Following an extensive and exhaustive review for this historical data we have found that no complete record exist to provide to City Council. I have attached what is available, however the history is sporadic over the last 10 years. Moving forward we are committed to creating historical data files for future Councils to request such historical data related to this grant agreement.

With this initiative in mind, we respectfully request that City Council removes from the table the current legislation related to the 2020 Grant from Keystone Landfill (Backhoe) and passes the Resolution in an affirmative manner to accept the John Deere Backhoe as part of said 2020 Grant.

Sincerely,

Tom Preambo,
Director, Department of Public Works
City of Scranton

cc: Carl Deeley, Business Administrator

IN RE: CITY OF SCRANTON
REQUEST TO INCREASE LOCAL
SERVICES TAX FOR FISCAL YEAR
2020

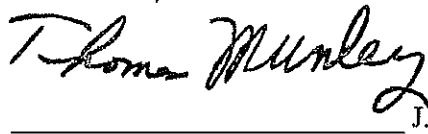
: IN THE COURT OF COMMON PLEAS
: OF LACKAWANNA COUNTY
:
:
: 2020 CV 716

ORDER

AND NOW, this 5th day of November 2020 upon consideration of the City of Scranton's Petition for Approval to Continue Levying the Local Services Tax at the Fiscal Year 2019 Rate for Fiscal Year 2020, and opposition filed thereto, and argument having been heard on September 21, 2020, it is hereby **ORDERED and DECREED** that the City of Scranton's Petition is hereby **GRANTED**.

As stated by Petitioner, "[a]pproval of this petition [does] *not* represent an increase in the Local Services Tax from fiscal years 2015, 2016, 2017, 2018, or 2019; rather, it [*permits*] the City to introduce an ordinance at City Council to continue the previously approved rate for fiscal years 2015, 2016, 2017, 2018, and 2019: One-Hundred and Fifty-Six (\$156) Dollars." (see Petition for Approval to Continue Levying the Local Services Tax at the Fiscal Year 2019 Rate for Fiscal Year 2020 at ¶ 27) (*emphasis added*) Pursuant to the Municipalities Financial Recovery Act, 53 P.S. §110701.101 et seq., the City of Scranton, having duly obtained an order of court, may proceed by way of its executive and legislative authorities to introduce and publicly deliberate an ordinance to continue levying the Local Services Tax at the Fiscal Year 2019 Rate of Fiscal Year 2020.

BY THE COURT:



Hon. Thomas J. Munley

CLERK OF
JUDICIAL RECORDS
CIVIL DIVISION

Copies sent from Chambers via electronic mail:
Joseph Price, Esquire; John McGovern, Esquire; Marie Shumacher

MAURIE B. KELLY
LACKAWANNA COUNTY

RECEIVED

NOV 23 2020

OFFICE OF CITY
COUNCIL/CITY CLERK



RECEIVED

NOV 24 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Date: November 24, 2020

To: Members of
Scranton City Council

From: Eileen Cipriani
Executive Director

Re: Scranton, Pennsylvania
COVID -19 Reimbursements through Lackawanna County Cares Act Funding

In accordance with Resolution #50 passed by City Council on July 28, 2020, below please find a list of additional expenses incurred in the amount of \$28,000 We are submitting the following expenses to Lackawanna County for reimbursement.

- Scranton City website update to improve citizen's access to services and information due to COVID pandemic. - Total expenditures \$28,000

Received reimbursement from the county in the amount of \$326,203.37 it is thought that is amount covers invoices submitted through the first week of October.

Sincerely

Eileen Cipriani

CITY OF SCRANTON OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT
340 N. Washington Avenue • Scranton, Pennsylvania 18503 • Tel: (570) 348-4216 • Fax (570)348-4123 •
www.scrantonpa.gov

2020

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 6, 1976 ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON THE TRANSFER OF REAL PROPERTY SITUATE WITHIN THE CITY OF SCRANTON; PRESCRIBING AND REGULATING THE METHOD OF EVIDENCING THE PAYMENT OF SUCH TAX; CONFERRING POWERS AND IMPOSING DUTIES UPON CERTAIN PERSONS, AND PROVIDING PENALTIES", BY IMPOSING THE RATE OF THE REALTY TRANSFER TAX AT TWO AND TWO TENTHS PERCENT (2.2%) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

SECTION 1. Be it ordained by the Council of the City of Scranton that the following

Sections of File of the Council No. 6, 1976 shall be amended to read as follows:

- A. Section 2. IMPOSITION OF TAX. For calendar year 2021, the City of Scranton adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that Article subject to the rate limitations therein on each transfer of real property situate within the City of Scranton, or any interest therein, regardless of where the instruments making the transfers are made, executed or delivered, or where the actual settlements on such transfers take place. On and after the effective date of this Ordinance, every person who accepts delivery of any document or on whose behalf delivery of any document is accepted, shall be subject to pay a tax of 2.2 percentum of the value of the property represented by such documents which tax shall be payable at the time of the acceptance of delivery of the document. Where any document is delivered to the Commonwealth, to a political subdivision or to an authority created by the Commonwealth, or a political subdivision, the person by whom the document was made, executed, issued or delivered shall be subject to pay the tax, unless the transfer is between such governmental agencies, in which case no tax shall be paid. Where any lands, tenements or hereditament are situate partly within and partly without the boundaries of the City of Scranton, the tax shall be paid on the value of the portion of the lands, tenements or hereditament situate within the City of Scranton, the tax shall be paid on the value of the portion of the lands, tenements or hereditament situate within the City of Scranton."
- B. Section 6. INTEREST. Any tax under Section 2 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. Section 7101, et seq.) as amended, known as "The Municipal Claims and Tax Liens Act". The interest rate shall be the lesser of the interest rate imposed upon delinquent Commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. S806), as amended, known as "The Fiscal Code", or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.
- C. Section 11. EFFECTIVE DATE. The provisions of this ordinance shall become effective on and be applicable to any document made, executed, delivered, accepted or presented for recording on or after October 5, 2005 and shall be effective annually thereafter, without annual reenactment unless and until there is a change in the rate of taxation, pursuant to the Local Tax Enabling Act, 53 Pa. C.S. § 6924.306.



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 23, 2020

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

RECEIVED
NOV 23 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 6, 1976 ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON THE TRANSFER OF REAL PROPERTY SITUATE WITHIN THE CITY OF SCRANTON; PRESCRIBING AND REGULATING THE METHOD OF EVIDENCING THE PAYMENT OF SUCH TAX; CONFERRING POWERS AND IMPOSING DUTIES UPON CERTAIN PERSONS, AND PROVIDING PENALTIES", BY IMPOSING THE RATE OF THE REALTY TRANSFER TAX AT TWO AND TWO TENTHS PERCENT (2.2%) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

Very truly yours,

Joseph A. O'Brien (S)
Joseph A. O'Brien, Esquire
City Solicitor

/pal

FILE OF THE COUNCIL NO. _____

2020

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 148, 1986, ENTITLED "AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 98, 1976, AS AMENDED, AND IMPOSING A MERCANTILE LICENSE TAX OF 2 MILLS FOR THE YEAR 1987 AND ANNUALLY THEREAFTER UPON PERSONS ENGAGING IN CERTAIN OCCUPATIONS AND BUSINESSES THEREIN; PROVIDING FOR ITS LEVY AND COLLECTION AND FOR THE ISSUANCE OF MERCANTILE LICENSES; CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE TAX COLLECTOR OF THE CITY OF SCRANTON; AND IMPOSING PENALTIES EFFECTIVE JANUARY 1, 1987", BY IMPOSING THE MERCANTILE LICENSE TAX AT ONE (1) MILL (.001) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON, that

Section 4 of File of the Council No. 148, 1986 shall be amended to read as follows:

"Section 4. Imposition and rate of tax.

Every person engaging in any of the following occupations or businesses in the City shall pay a Mercantile License Tax for the year 2021 and annually thereafter at the rate set forth:

- (a) Wholesale vendors or dealers in goods, wares and merchandise, at the rate of one (1) mill (.001) on each dollar of the volume of the annual gross business transacted by them;
- (b) Retail vendors or dealers in goods, wares and merchandise, at the rate of one (1) mill (.001) on each dollar of the volume of annual gross business transacted by them;
- (c) All persons or entities engaged in conducting restaurants or other places where food, drink or refreshments are sold, whether or not the same be incidental to some other business or occupation, and all persons or entities conducting places of amusement or entertainment, whether or not the same be incidental to some other business or occupation, at the rate of one (1) mill (.001) on each dollar of the volume of the annual gross business transacted by them; and
- (d) The tax imposed by this Section shall not apply to the dollar volume of annual business covering the resale of goods, wares or merchandise taken by a dealer as a trade-in or part-payment for other goods or wares, except to the extent that the resale price exceeds the trade-in allowance."

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



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 23, 2020

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

RECEIVED
NOV 23 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 148, 1986, ENTITLED "AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 98, 1976, AS AMENDED, AND IMPOSING A MERCANTILE LICENSE TAX OF 2 MILLS FOR THE YEAR 1987 AND ANNUALLY THEREAFTER UPON PERSONS ENGAGING IN CERTAIN OCCUPATIONS AND BUSINESSES THEREIN; PROVIDING FOR ITS LEVY AND COLLECTION AND FOR THE ISSUANCE OF MERCANTILE LICENSES; CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE TAX COLLECTOR OF THE CITY OF SCRANTON; AND IMPOSING PENALTIES EFFECTIVE JANUARY 1, 1987", BY IMPOSING THE MERCANTILE LICENSE TAX AT ONE (1) MILL (.001) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

Very truly yours,

Joseph A. O'Brien (S)
Joseph A. O'Brien, Esquire
City Solicitor

/pal

FILE OF THE COUNCIL NO. _____

2020
AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 147, 1986, ENTITLED "AN ORDINANCE PROVIDING FOR THE GENERAL REVENUE BY IMPOSING A TAX AT THE RATE OF TWO (2) MILLS UPON THE PRIVILEGE OF OPERATING OR CONDUCTING BUSINESS IN THE CITY OF SCRANTON AS MEASURED BY THE GROSS RECEIPTS THEREFROM; REQUIRING REGISTRATION AND PAYMENT OF THE TAX AS CONDITION TO THE CONDUCTING OF SUCH BUSINESS; PROVIDING FOR THE LEVY AND COLLECTION OF SUCH TAX; PRESCRIBING SUCH REQUIREMENTS FOR RETURNS AND RECORDS; CONFERRING POWERS AND DUTIES UPON THE TAX COLLECTOR; AND IMPOSING PENALTIES", BY IMPOSING THE BUSINESS PRIVILEGE TAX AT THE RATE OF ONE (1) MILL (.001) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

SECTION 1. Be it ordained by the Council of the City of Scranton that Section 3 of File of the Council No. 147, 1986 shall be amended to read as follows:

"Section 3. Imposition and rate of tax:

Beginning with the tax year 2021, and annually thereafter, every person engaging in any business in the City of Scranton shall pay an annual tax at the rate of one (1) mill (.001) on each dollar of volume of the gross annual receipts thereof."

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

SECTION 3. In all other respects, File of the Council No. 147, 1986 shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective January 1, 2021.

SECTION 5. This Ordinance is enacted by the Council of the City of Scranton and said taxes are levied pursuant to 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.

SECTION 6. The tax imposed herein is effective for calendar year 2021 and

shall remain in full force and effect annually thereafter, without annual reenactment unless and until there is a change in the rate of taxation.



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 23, 2020

To the Honorable Council
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RECEIVED
NOV 23 2020

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COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 147, 1986, ENTITLED "AN ORDINANCE PROVIDING FOR THE GENERAL REVENUE BY IMPOSING A TAX AT THE RATE OF TWO (2) MILLS UPON THE PRIVILEGE OF OPERATING OR CONDUCTING BUSINESS IN THE CITY OF SCRANTON AS MEASURED BY THE GROSS RECEIPTS THEREFROM; REQUIRING REGISTRATION AND PAYMENT OF THE TAX AS CONDITION TO THE CONDUCTING OF SUCH BUSINESS; PROVIDING FOR THE LEVY AND COLLECTION OF SUCH TAX; PRESCRIBING SUCH REQUIREMENTS FOR RETURNS AND RECORDS; CONFERRING POWERS AND DUTIES UPON THE TAX COLLECTOR; AND IMPOSING PENALTIES", BY IMPOSING THE BUSINESS PRIVILEGE TAX AT THE RATE OF ONE (1) MILL (.001) FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

Very truly yours,
Joseph A. O'Brien
Joseph A. O'Brien, Esquire
City Solicitor

/pal

FILE OF THE COUNCIL NO. _____

2020

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 11, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) ENACTING, IMPOSING A TAX FOR GENERAL REVENUE PURPOSES IN THE AMOUNT OF TWO PERCENT (2%) ON EARNED INCOME AND NET PROFITS ON PERSONS, INDIVIDUALS, ASSOCIATIONS AND BUSINESSES WHO ARE RESIDENTS OF THE CITY OF SCRANTON, OR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON, REQUIRING THE FILING OF RETURNS BY TAXPAYERS SUBJECT TO THE TAX; REQUIRING EMPLOYERS TO COLLECT THE TAX AT SOURCE; PROVIDING FOR THE ADMINISTRATION, COLLECTION AND ENFORCEMENT OF THE SAID TAX; AND IMPOSING PENALTIES FOR THE VIOLATIONS", BY RE-ENACTING THE IMPOSITION OF THE WAGE TAX AT TWO AND FOUR TENTHS (2.4%) PERCENT ON EARNED INCOME FOR RESIDENTS AND ONE (1%) PERCENT ON EARNED INCOME FOR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON FOR THE YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

SCRANTON, and it is hereby ordained that Part II of File of the Council No. 11, 1976 is hereby amended to read as follows:

"II. IMPOSITION OF TAX.

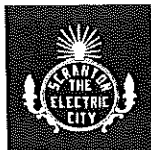
An annual tax for general revenue purposes of two and four tenths percent (2.4%) is hereby imposed on the earned income received and net profits earned in the period beginning January 1ST and ending December 31ST annually by all persons, individuals, associations, and businesses who are residents of the City of Scranton, and one percent (1%) on non-residents of the City of Scranton, for work done, services performed or businesses conducted within the City of Scranton."

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

SECTION 3. In all other respects, File of the Council No. 11, 1976 shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective January 1, 2021.

SECTION 5. This Ordinance is enacted by the Council of the City of Scranton and said taxes are levied pursuant to the authority of the Act of the Legislature, April 13, 1972, Act No.



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 23, 2020

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

RECEIVED
NOV 23 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 11, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) ENACTING, IMPOSING A TAX FOR GENERAL REVENUE PURPOSES IN THE AMOUNT OF TWO PERCENT (2%) ON EARNED INCOME AND NET PROFITS ON PERSONS, INDIVIDUALS, ASSOCIATIONS AND BUSINESSES WHO ARE RESIDENTS OF THE CITY OF SCRANTON, OR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON, REQUIRING THE FILING OF RETURNS BY TAXPAYERS SUBJECT TO THE TAX; REQUIRING EMPLOYERS TO COLLECT THE TAX AT SOURCE; PROVIDING FOR THE ADMINISTRATION, COLLECTION AND ENFORCEMENT OF THE SAID TAX; AND IMPOSING PENALTIES FOR THE VIOLATIONS", BY RE-ENACTING THE IMPOSITION OF THE WAGE TAX AT TWO AND FOUR TENTHS (2.4%) PERCENT ON EARNED INCOME FOR RESIDENTS AND ONE (1%) PERCENT ON EARNED INCOME FOR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON FOR THE YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

Very truly yours,

Joseph A. O'Brien (S)
Joseph A. O'Brien, Esquire
City Solicitor

/pal

FILE OF THE COUNCIL NO. _____

2020

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 100, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) LEVYING GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 1977", BY SETTING THE MILLAGE FOR THE YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

SECTION 1. Be it ordained by the Council of the City of Scranton, that Section 1 of File of the Council No. 100, 1976 shall be amended to read as follows:

"The Council of the City of Scranton ordains that for the purpose of defraying the expense of the City of Scranton for the fiscal year commencing on the first day of January, 2020 and certain other deficiencies prior thereto, a tax is hereby levied on all real, personal and mixed property within the limits of the City of Scranton, Pennsylvania taxable according to the laws of the Commonwealth of Pennsylvania as follows:

To provide for the payment of general expenses and to provide for the various interest and sinking funds as required by law, there is hereby levied on each thousand dollar of valuation in the Scranton Twenty-Four Ward area:

For General Expense and Sinking Fund purposes:

Levy on all Land	.239521 millage rate
Levy on all buildings	.050564 millage rate

The total levy for general and special purpose is two hundred thirty nine dollars and .521 cents (\$239.521) on each one thousand dollars of said valuation of land, and fifty dollars and .564 cents (\$50.564) on each one thousand dollars of said valuation on all buildings."

The total levy remains unchanged from 2020 at 290.085 mills.

SECTION 2. Eliminating the dedicated millage for debt service and imbedding a dedicated percentage of revenues thereby meeting the intent of a segregated stream of revenues assigned to debt service. To address the continued dedication of real estate tax revenue, the Single Tax Office will be notified, and the amended legislation will certify, that 33% of real estate tax revenue on a current year basis will be remitted to the City's Single Point Paying Agent to meet the budgeted debt service requirement for the fiscal year.

SECTION 3. This Ordinance shall become effective January 1, 2021.

SECTION 4. In all other respects, File of the Council No. 100, 1976 shall remain in full force and effect.

SECTION 5. 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 interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

SECTION 6. The tax imposed herein is effective for calendar year 2021 and shall remain in full force and effect annually thereafter, without annual reenactment unless and until there is a change in the rate of taxation, pursuant to the Local Tax Enabling Act, 53 Pa. C.S. § 6924.306 and the Act of the Legislature, April 13, 1972, Act No. 62.

SECTION 7. This Ordinance 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 LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

NOVEMBER 23, 2020

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

RECEIVED
NOV 24 2020

Dear Honorable Council Members:

OFFICE OF CITY
COUNCIL/CITY CLERK

ATTACHED IS AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 100, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) LEVYING GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 1977", BY SETTING THE MILLAGE FOR THE YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER.

Very truly yours,

Joseph A. O'Brien (S)

Joseph A. O'Brien, Esquire
City Solicitor

JAO/sl

RESOLUTION NO. _____

2020

RATIFYING AND APPROVING OF THE EXECUTION AND SUBMISSION OF THE GRANT APPLICATION BY THE CITY OF SCRANTON, ON BEHALF OF SCRANTON CULTURAL CENTER AT THE MASONIC TEMPLE TO THE COMMONWEALTH OF PENNSYLVANIA ACTING THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A LOCAL SHARE ACCOUNT GRANT, PURSUANT TO THE PA RACE HORSE DEVELOPMENT AND GAMING ACT IN THE AMOUNT OF \$95,928.00 FOR THE PROJECT TO BE KNOWN AS "COVID-19 PUBLIC HEALTH, SAFETY, AND SECURITY UPGRADE" LOCATED AT 420 N. WASHINGTON AVENUE, SCRANTON, PENNSYLVANIA, AND AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS OF THE CITY OF SCRANTON, PENNSYLVANIA, TO ACCEPT THE GRANT, IF SUCCESSFUL, AND EXECUTE AND ENTER INTO A LOCAL SHARE ACCOUNT GRANT CONTRACT AND COMMITMENT LETTER WITH THE COMMONWEALTH OF PENNSYLVANIA TO ACCEPT AND UTILIZE THE GRANT IN THE AMOUNT OF \$95,928.00 AWARDED BY THE COMMONWEALTH OF PENNSYLVANIA FOR SUCH PROJECT.

WHEREAS, the City of Scranton, through the Office of Economic and Community Development, will submit a grant application on behalf of Scranton Cultural Center at the Masonic Temple to the Commonwealth of Pennsylvania ("the Commonwealth") acting through the Commonwealth Financing Authority (the "Grantor") for a Local Share Account Grant, pursuant to the PA Race Horse Development and Gaming Act, for "COVID-19 public health, safety, and security upgrade" ("project") located at 420 n. Washington Avenue, Scranton, Pennsylvania. A copy of such Project details is attached hereto as Exhibit "A" and incorporated herein as if set forth at length; and

WHEREAS, the City of Scranton intends herein to ratify and approve the execution and submission of the Grant Application; and

WHEREAS, the Commonwealth of Pennsylvania will review the Grant Application for funding for the Local Share Account Grant in the amount of \$95,928.00 ("Grant") for the Project; and

WHEREAS, if the Grant Application is approved, the City of Scranton intends herein to authorize the execution of the Local Share Account Grant Contract and Commitment Letter, and the acceptance, disbursement, and utilization of the Grant for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that the execution and submission of the Grant Application is hereby ratified and if approved, the Mayor and other appropriate City Officials are hereby authorized to enter into and execute and submit any additional related paperwork for this Grant, and if

successful, to, accept the grant funds to be used for the Project as attached hereto. This approval anticipates and authorizes the execution of any and all related documentation necessary for the Grant or to accept, disburse, and utilize the Grant for the Project.

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 decisions shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Resolution, and the effective administration thereof.

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

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of 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.

- ***What Department is this legislation originating from? Where did the initiative for this legislation originate?***

OECD

Local Share Account (LSA) of Monroe County

- ***Summary and Facts of the legislation***

A resolution ratifying and approving local share account (LSA) grant application on behalf of Scranton Cultural Center at the Masonic Temple for the \$95,928.00 for project COVID-19 public health, safety, and security upgrade.

- ***Purpose – please include the following in the explanation:***

- ***What does the legislation do – what are the specific goals/tasks the legislation seek to accomplish?***

The Resolution is a requirement within the guidelines for all LSA grants submissions and the City is the fiscal agent for this funding.

- ***What are the benefits of doing this/Down-side of doing this***

Benefits - Developers must work with the City, who is the fiscal agent for this funding. The City facilitates, while the project will provide increased public health, safety, and security for the Scranton Cultural Center at the Masonic Temple. This application is comprised of several projects that will provide an overall increase in protection for students, guests and clients attending this nationally recognized historic structure.

Downside – N/A.

- ***Financial Impact – please include the following in the explanation:***

- ***Cost (initial and ongoing)***

The grant request for \$95,928.00 will upgrade equipment for safety measures enhanced by COVID-19. There are no City funds being used for this grant. The City receives an administration fee for being the fiscal agent.

- ***Benefits (initial and ongoing)***

See above.

- ***Funding Sources – please include the following in the explanation:***

If transferring funds, please ensure specific accounts are noted; if appropriating funds from a grant, list the agency awarding the grant.

Local share account (LSA) of Monroe County commonwealth financing authority for a Local Share Account Grant, pursuant to the PA Race Horse Development and Gaming Act.

- ***Priority Status/Deadlines, if any***

Applications are due to the Commonwealth by November 30, 2020 and this resolution is to be included at such time.

- ***Why should the Council unanimously support this legislation?***

This legislation is a benefit for both the City and historic Cultural Center as they do business more efficiently and safely. As a regional economic driver generating more than \$6 million and up to 110 jobs annually in Lackawanna County, the Cultural Center strives to serve the community as best as possible.

- ***Include any other pertinent details and/or relevant information that the Council should be aware of:***

None at this time.

EXHIBIT A

COVID-19 Public Health, Safety, and Security Upgrade Scranton Cultural Center at the Masonic Temple

Project Description

The project will provide increased public health, safety, and security for the Scranton Cultural Center at the Masonic Temple. This application is comprised of several projects that will provide an overall increase in protection for students, guests and clients attending this nationally recognized historic structure. The elements of this project include:

- Purchase and installation of baby changing stations in both male and female restrooms
- Purchase and installation of hand sanitizing stations in all restrooms, offices, dressing rooms, and other areas utilized by the public
- Purchase and installation of video monitoring systems for the SCC exterior and interior corridors to increase public and staff safety
- Purchase of 16 two-way radios and associated accessories for staff to better communicate throughout events and more quickly respond to emergency situations
- Purchase of intercom system base station and belt packs to allow for better communication for stage and ballroom events
- Purchase and installation of metal/temperature walk through detectors

All of these add to an increase in public safety in this era of COVID-19, allowing the Scranton Cultural Center to do business more efficiently and safely. This project increases public safety and security both in handling the daily operational communications as well as the needs of event staff and theatrical tours.

LSA Grant Request: \$95,928.00



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 23, 2020

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

RECEIVED
NOV 23 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION RATIFYING AND APPROVING OF THE EXECUTION AND SUBMISSION OF THE GRANT APPLICATION BY THE CITY OF SCRANTON, ON BEHALF OF SCRANTON CULTURAL CENTER AT THE MASONIC TEMPLE TO THE COMMONWEALTH OF PENNSYLVANIA ACTING THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A LOCAL SHARE ACCOUNT GRANT, PURSUANT TO THE PA RACE HORSE DEVELOPMENT AND GAMING ACT IN THE AMOUNT OF \$95,928.00 FOR THE PROJECT TO BE KNOWN AS "COVID-19 PUBLIC HEALTH, SAFETY, AND SECURITY UPGRADE" LOCATED AT 420 N. WASHINGTON AVENUE, SCRANTON, PENNSYLVANIA, AND AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS OF THE CITY OF SCRANTON, PENNSYLVANIA, TO ACCEPT THE GRANT, IF SUCCESSFUL, AND EXECUTE AND ENTER INTO A LOCAL SHARE ACCOUNT GRANT CONTRACT AND COMMITMENT LETTER WITH THE COMMONWEALTH OF PENNSYLVANIA TO ACCEPT AND UTILIZE THE GRANT IN THE AMOUNT OF \$95,928.00 AWARDED BY THE COMMONWEALTH OF PENNSYLVANIA FOR SUCH PROJECT.

Very truly yours,

Joseph A. O'Brien (S)

Joseph A. O'Brien, Esquire
City Solicitor

/pal

FILE OF THE COUNCIL NO. _____

2020

AN ORDINANCE

AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO AN AGREEMENT FOR COLLECTION OF DELINQUENT MUNICIPAL CLAIMS ON BEHALF OF THE CITY OF SCRANTON WITH PORTNOFF LAW ASSOCIATES, LTD. AND APPROVING COLLECTION PROCEDURES, APPOINTMENT OF SOLICITOR, INTEREST ASSESSMENT, CREDIT CARD AND DEBIT CARD CHARGES, AND FEES AND COSTS TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS.

WHEREAS, a request for qualifications was advertised for the City of Scranton, and five (5) proposals were submitted for review; and

WHEREAS, after review of the qualifications submitted, it was determined that it would be in the best interest of the City to award the contract to Portnoff Law Associates, Ltd, for the reasons provided in the attached Memorandum from the City of Scranton Business Administrator. Please refer to the November 2, 2020 letter from City of Scranton Business Administrator, Carl Deeley, attached hereto and incorporated as Exhibit "A;" and

WHEREAS, an Agreement for Collection of Delinquent Municipal Claims on behalf of City of Scranton is attached here as Exhibit "B" an incorporated herein by reference thereto with Portnoff Law Associates, Ltd. for collection of delinquent fees for the City of Scranton; and

WHEREAS, to be fair to all property owners and other residents of the City of Scranton (the "City"), it is necessary for the City to recover promptly unpaid, delinquent refuse fee accounts (collectively, the "Unpaid Claims"), if necessary, by legal proceedings; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended (the "Act"), authorizes the addition of attorney fees, charges, costs, expenses, commissions and fees to the total payable with respect to the Unpaid Claims, but only if the municipality involved has approved by ordinance a schedule of such fees; and

WHEREAS, the City has determined that it is in the best interest of all property owners and other residents to have vigorous enforcement of all Unpaid Claims and other unpaid charges, utilizing the procedures set forth in the Act, except in cases of serious hardship, which the City will address on a case-by-case basis pursuant to uniform policies; and

WHEREAS, the City has reviewed the subject of interest and attorney fees for collection matters, and has determined that the fees set forth in this Ordinance are reasonable in amount for the services herein described.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY that the Mayor and other appropriate City Officials are authorized to execute and enter into an Agreement for Collection of Delinquent Municipal Claims on Behalf of the City of Scranton, substantially in the form attached hereto marked as Exhibit "B" and incorporated herein by reference thereto with Portnoff Law Associates, Ltd. for collection of delinquent refuse fees as follows:

1. Fees to be Added to the Unpaid Claims. The City hereby approves the following fee schedule for the collection of the Unpaid Claims, which fees shall be added to the Unpaid Claims:

(a) Legal Fees.

Initial review and sending first legal demand letter	\$175.00
File Lien and prepare Satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00
Prepare and mail letter under Pa. R.C.P. 237.1	\$ 50.00
Prepare Default Judgment	\$175.00
Research, prepare and obtain Re-issued Writ	\$175.00
Prepare Praecipe to Amend	\$100.00
Prepare Motion to Amend	\$150.00
Present Motion to Amend	\$ 50.00
Obtain vehicle identification number (VIN) for mobile home	\$100.00
Prepare Motion for Alternate Service	\$250.00
Present Motion for Alternate Service	\$ 50.00
Prepare Motion to Consolidate Claims	\$250.00
Present Motion to Consolidate Claims	\$ 50.00
Prepare Motion to Add United States as Defendant	\$175.00
Present Motion to Add United States as Defendant	\$ 50.00
Prepare Writ of Execution	\$800.00
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400.00
Prepare Motion to Continue Sheriff Sale	\$ 50.00
Present Motion to Continue Sheriff Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00

Present Petition for Free and Clear Sale	\$ 50.00
Services not covered above	At an hourly rate between \$75.00-\$275.00 per hour

(b) Collection Fees.

Notice of delinquent claim and fee shifting	\$ 40.00 per notice, plus applicable postage
Bookkeeping fee for payment plan of 3 months or less	\$ 25.00
Bookkeeping fee for payment plan of more than 3 months	\$ 50.00
Handling fee for returned check	\$ 25.00

2. Costs to be Added to the Unpaid Claims. In addition to the fees set forth in Section 1 above, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in the collection of the Unpaid Claims, including, but not limited to, postage, title searches, VIN searches, prothonotary fees and charges, and sheriff fees and charges, shall be added to the Unpaid Claims.

3. Credit Card and Debit Card Charges. The City authorizes any attorney or private collector collecting the Unpaid Claims to accept payment of the Unpaid Claims by credit card or debit card. When payment is made by credit card or debit card, any fees charged by the credit card company, debit card company, credit card servicing agent, or debit card servicing agent shall be charged immediately to the credit card or debit card used to make payment. This applies to credit card or debit card payments made by mail, telephone, over the internet, or in person.

4. Interest. Interest will be assessed upon the Unpaid Claims at a rate of 10% per annum and added to the Unpaid Claims.

5. Collection Procedures. The following collection procedures are hereby established in accordance with the Act:

- (a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Unpaid Claim account, the City or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the property owner or other entity liable for the account (collectively, the "Property Owner").
- (b) If the certified mail notice is undelivered, then, at least ten (10) days prior to assessing or imposing such attorney fees, the City or its designee shall mail or cause to be mailed, by first class mail, a second notice to the Property Owner.
- (c) All notices required by this Ordinance shall be mailed to the Property Owner's last known post office address as recorded in the records or other information of the City or such other address obtained by the City from the county tax assessment office.
- (d) Each notice as described above shall include the following:
 - (i) The type of municipal claim or other charge, the year that it became due and the amount owed, including penalty and interest;
 - (ii) A statement of the City's intent to impose or assess attorney fees no earlier than thirty (30) days after receipt of the first notice, or no earlier than ten (10) days after receipt of the second notice;
 - (iii) The manner in which the imposition or assessment of attorney fees may be avoided by payment of the account; and

- (iv) The place of payment for accounts and the name and telephone number of the City's representative designated as responsible for collection matters.

6. **Related Action.** The proper officials of the City are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

7. **Appointment of Solicitor.** The proper officials of the City are hereby authorized to appoint Michelle R. Portnoff, Esquire, as Solicitor for the limited purpose of collecting the Unpaid Claims and hereby authorizes her, and all attorneys employed by Portnoff Law Associates, Ltd., to sign any and all documents, including municipal claims and liens, on behalf of the City.

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 decisions 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 of 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. All ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

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

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of 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 and Pennsylvania.

- ***What Department is this legislation originating from? Where did the initiative for this legislation originate?***

Department of Business Administration.

- ***Summary and Facts of the legislation***

The legislation appoints a new vendor for the collection of delinquent refuse fees and replaces the current vendor, NRS. The new vendor will collect delinquent fees beginning January 1, 2021.

- ***Purpose – please include the following in the explanation:***

- ***What does the legislation do – what are the specific goals/tasks the legislation seek to accomplish?***

The legislation replaces the current vendor, NRS, with a new vendor, Portnoff Law Associates, Ltd.

- ***What are the benefits of doing this/Down-side of doing this?***

Benefits – The benefits include having a collector of delinquent taxes who will aggressively pursue collections while also providing payment arrangements with delinquent property owners. Additional benefits include access by City management to collections data and improved reporting on collections from the new vendor to allow for better accountability and tracking of delinquencies.

Downside – N/A

- ***How does this legislation relate to the City's Vision/Mission/Priorities***

The legislation will result in improved collections and accountability.

- ***Financial Impact – please include the following in the explanation:***

- ***Cost (initial and ongoing)***

The city will eliminate the 15% cost of collections with the current vendor and will net no new cost to the city.

- ***Benefits (initial and ongoing)***

We expect the shift to the new vendor to result in improved collections and reduced costs to the city.

- ***Funding Sources – please include the following in the explanation:***

If transferring funds, please ensure specific accounts are noted; if appropriating funds from a grant, list the agency awarding the grant.

N/A

- *Priority Status/Deadlines, if any*

The ordinance must be approved by Council as soon as possible so that refuse fee payers can be timely notified, especially those with delinquent fee repayment plans.

- *Why should the Council unanimously support this legislation?*

To support improved collection of refuse fees.

- *Include any other pertinent details and/or relevant information that the Council should be aware of:*

None at this time.



DEPARTMENT OF BUSINESS ADMINISTRATION

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4118 • FAX: 570-348-4225

Joe O'Brian
City Attorney
City Of Scranton
340 N. Washington Ave
Scranton, Pa 18503

November 2nd 2020

RE: RFP for collection of Delinquent Refuse fees due to the City for the tax years 2002 to 2020.

Joe,

We have determined that Portnoff Law is the most qualified bidder for the Collection of delinquent refuse fees.

Please prepare a 2 year contract based on the attached proposal.

The City received 5 bids in response to the RFP – Ability, CrediTech, IC Systems, NCS Plus and Portnoff Law. All bids were compliant with the conditions of the RFP; the decision analysis is attached for reference.

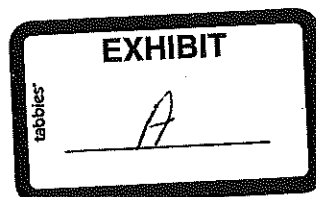
I am satisfied that delinquent fees will be collected efficiently while remaining respectful to the delinquent payee.

The Mayor is in agreement with this decision.

Sincerely,

Carl Deeley
Business Administrator
City of Scranton

CC. Mayor Cagnetti
City Council Lori Reed
Controller John Murray
HR Director Amber Viola
Purchase Clerk Julie Reed



Bid Analysis summary – Collection of delinquent taxes 2002~2020

After the comparison of key requirements by the BA and Treasury offices, supported by reference calls to current clients we conclude that Portnoff Law is the lowest cost most responsible bidder.

	Bid Companies				
	Ability	Creditech	IC Systems	NCSPlus	Portnoff Law
Results summary			2		1
Submission Timely & Complete	Y	Y	Y	Y	Y
Years in Business	30	35	75+	35	31
# Employees	50	?	570 F-T	15-25	75
Local - PA	Y-Dupont	Y-Bangor PA	MN - N	NY - N	Y-King of Prussia
Minority or Women Owned	N	Y	N	N	Y
Reporting/Analytics	Monthly Wkly	Dashboard & Monthly	Dashboard & Monthly	Additional deep dive for add\$0.6	Client directed structure and timeframe
Online Access	Limited	Y	Y	Y	Y
Data Conversion	Y	Y	Y	Y	Y
Remittance	Y-as required	Y	Y	Y	Y weekly
Fees \$	20%	16% - Primary 18% Secondary	9.5%	16%	\$45.75 Upfront per account (property)
Fee Passed Through	Y	Y	N	Not Clear	Y
Recovery Of Accounts or \$		41~63%	Yr. 1 - 12~15% \$ Value		20~25% - Year 1 >50% Total recovery Verified by reference
Upfront Debt Buyout	N/A	N/A	N/A	N/A	N/A
Court Commissions	10.0%				Advances fees and costs incurred.
Bilingual			Y		Y
References/Reg. PA	Y/Y	Y/Y	Y/N	Y/N	Y/Y
Reference Response	Negative	Negative	V Positive	No Responses	V Positive
Incentive to pay		Y?	Y	Y	Y Escalating
Lead Time to Start			45 days Onboard		~ 30 Days
Local Contracts	Y	Y	N	N	Y - x 7
Recommendation:	Eliminate due to poor service w County	Eliminate due to lack of aggressiveness	Consider due to responsiveness, metrics and methodology	Eliminate due to overall lack of responsiveness.	Consider due to recommendations, aggressiveness, responsiveness

**AGREEMENT FOR COLLECTION OF
DELINQUENT MUNICIPAL CLAIMS ON BEHALF OF
CITY OF SCRANTON**

City of Scranton ("City") and Portnoff Law Associates, Ltd. ("Portnoff") hereby enter into this Agreement for Collection of Delinquent Municipal Claims on Behalf of City (the "Agreement"), pursuant to the following terms and conditions:

1. **Retention.** City hereby retains Portnoff to collect its delinquent refuse fee accounts for *in rem* collection pursuant to the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended (the "MCTLA"). Portnoff shall have the discretion to refuse to accept or return any account. All accounts that have been or will be placed with Portnoff for collection shall hereinafter be referred to individually as an "Account," or collectively as the "Accounts." During the term of this Agreement, Portnoff shall have the exclusive right to collect the Accounts until the Accounts are paid in full, as defined in Section 9(a) below. Specifically excluded from the scope of this Agreement are claims to be collected in *assumpsit*.

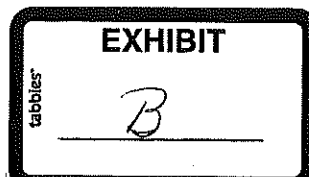
2. **Term.** The initial term of this Agreement shall expire on December 31, 2021. This Agreement shall be renewed automatically under the same terms and conditions for additional one-year terms, unless either party provides written notice of termination to the other no later than ninety (90) days prior to the expiration of any current term.

3. **Obligations of Portnoff.** Portnoff agrees, on behalf of City, to:

- (a) undertake the *in rem* collection of the Accounts in accordance with the MCTLA;
- (b) respond in a timely manner to all requests and inquiries by City for information concerning any Account;
- (c) collect, account for, and pay over to City, the Accounts collected pursuant to this Agreement, less any attorney fees and other charges, expenses and fees payable to Portnoff; and
- (d) provide financial information to auditors working on behalf of City with respect to routine annual audits, at no additional charge to City.

4. **Obligations of City.** City agrees, as a condition precedent to Portnoff's obligations hereunder, to:

- (a) provide Portnoff with the following information as to each delinquent Account in electronic format: (i) name of property owner(s), (ii) property address, (iii) billing address, (iv) tax parcel number, (v) vehicle identification number (VIN) for mobile homes, (vi) assessed value of the property, (vii) docket numbers and copies of any liens, judgments or open litigation filed against the parcel by City, (viii) the amount of the



delinquency, including an itemized and detailed breakdown of the dates and amounts of the following figures comprising the balance: principal, penalty, interest, finance charges, administrative fees, legal fees, costs, and any other individual charges, and (ix) an itemized and detailed breakdown of the dates and amounts of any payments or credits applied to the Account;

- (b) enact any and all ordinances required to: (i) authorize the entry into this Agreement by City; (ii) authorize Portnoff's attorneys to sign and file liens on behalf of City; and (iii) authorize the imposition upon the delinquent property owner(s) of all attorney fees, unreimbursed costs, and other charges, expenses and fees charged or incurred by Portnoff (collectively, "Portnoff's Fees and Costs"), and all attorney fees, unreimbursed costs, and other charges, expenses and fees charged or incurred by any attorney(s) retained by Portnoff (collectively, "Outside Attorneys' Fees and Costs"), in connection with any Account;
- (c) provide Portnoff with cooperation and candor at all times, and respond in a timely manner to all requests and inquiries Portnoff may have with regard to an Account or other matter related to this Agreement;
- (d) adopt a policy whereby requests for hardship exemptions can be properly evaluated, and Portnoff will assist, upon request, in the establishment and administration of such a policy without additional charge;
- (e) forward to Portnoff, in a timely manner, all legal notices received by City relating to any Account, property or property owner against which Portnoff is collecting delinquent municipal claims, including, but not limited to, all bankruptcy notices and notices of sale; and
- (f) with respect to any claim commenced by or against City that in any way relates to the collection of delinquent municipal claims or any Account: (i) inform Portnoff, in a timely manner, of such claim; (ii) keep Portnoff advised, in a timely manner, of any developments that arise; (iii) allow Portnoff to have meaningful involvement in City's prosecution or defense of the claim; and (iv) allow Portnoff to intervene as a party in any litigation.

The failure of City to fully comply with any of its obligations in Sections 4(a) through 4(f) above shall constitute grounds to terminate this Agreement. In the event that City is unable to provide Portnoff with the information required in Section 4(a) in electronic format, City may hire Portnoff to convert the data into electronic format at an hourly rate of \$60.00. In the event that the data provided contains errors or is not calculated or recorded in a manner that will allow Portnoff, in its discretion, to proceed with collection, City may hire Portnoff to reconcile the records at an hourly rate of \$100.00. In either instance, Portnoff will not proceed without express approval from City.

5. **Bankruptcy of Property Owner.** In the event that Portnoff receives notice of a property owner's bankruptcy filing at least thirty (30) days prior to the deadline for filing proofs of claim in a Chapter 13 bankruptcy case, Portnoff will file a proof of claim on behalf of City for all pre-petition Accounts that have been placed with Portnoff for collection. Unless City enters into a separate agreement with Portnoff to represent City in the property owner's bankruptcy case, Portnoff will cease its collection efforts on all Accounts for the bankrupt property owner while the bankruptcy case is open, and will resume collections after the case is closed.

6. **Mobile Homes and Trailers.** As set forth in Section 4(a) above, City shall provide Portnoff with the vehicle identification number (VIN) for each mobile home and trailer associated with an Account. Portnoff shall not be obligated to proceed with collection on any Account where the mobile home or trailer is taxed separately from the real estate.

7. **Consideration.** In consideration of Portnoff's performance of its obligations under this Agreement, City hereby agrees to incur the attorney fees and other charges, expenses and fees in the amounts set forth in Exhibit "A" hereto, or as amended by future ordinance of City, which amounts City acknowledges are fair and reasonable, and to reimburse Portnoff for any cost or expense incurred by Portnoff in the performance of its obligations under this Agreement, subject to Section 9 below. City agrees that Portnoff's Fees and Costs and Outside Attorneys' Fees and Costs, in connection with any Account, shall be part of the lien on the real property subject to the Account, and shall remain part of the lien until satisfied by payment in full.

8. **Outside Attorneys.** Portnoff shall be permitted, at its discretion, to hire outside attorneys to assist Portnoff in the collection of the Accounts under this Agreement. The fees of such outside attorneys shall not exceed the amounts referenced in Exhibit "A" hereto, or as amended by future ordinance of City.

9. **Payment and Reimbursement of Portnoff's Charges, Expenses and Fees.** Except as set forth in this Section 9 and Sections 10 and 15 below, Portnoff shall attempt to collect Portnoff's Fees and Costs and Outside Attorneys' Fees and Costs directly from the delinquent property owner(s), pursuant to the MCTLA. Portnoff will not pursue payment of Portnoff's Fees and Costs or Outside Attorneys' Fees and Costs directly from City, unless:

- (a) City suspends collection on any Account prior to payment in full for non-economic reasons. The failure to approve Portnoff's request to list any real property for sheriff's sale shall be deemed a suspension of collection. City shall not incur any liability to Portnoff for suspending collection on any Account prior to payment in full if Portnoff agrees that suspension is warranted. An Account shall not be considered to be "paid in full" unless all of Portnoff's Fees and Costs and all of Outside Attorneys' Fees and Costs, in connection with any Account, are paid in full; or
- (b) collection of any Account is discontinued, dismissed or delayed due to an error on the part of City; or
- (c) City sells, assigns or transfers any Account to any person(s), entity or entities, other than Portnoff; or

(d) this Agreement is terminated and City instructs Portnoff to cease collection of any Account; or

(e) this Agreement is terminated by Portnoff pursuant to Section 4 above.

In the event of the occurrence of any of the actions set forth in Sections 9(a) through 9(e) above, City immediately shall pay to Portnoff all outstanding Portnoff's Fees and Costs and all outstanding Outside Attorneys' Fees and Costs, in connection with any Account.

In the event that any payment or partial payment on any Account is made directly to City, or should City be obligated to make any payment to Portnoff under this Agreement, City shall immediately tender said payment to Portnoff. Should City fail to tender to Portnoff any payment owed to Portnoff within ninety (90) days of Portnoff's request therefor, City agrees that Portnoff shall be permitted to withhold the amount of said payment from City's remittances.

10. Notice of Delinquent Claim and Fee Shifting. On behalf of City, Portnoff shall provide property owners with notice of the delinquent claim and fee shifting required under Section 7106 of the MCTLA. City shall pay to Portnoff a one-time charge of \$40.00, plus applicable postage, per Account, to partially cover the costs associated with: (i) setting up a computerized file and data base for the Account; (ii) providing the initial notice of delinquent claim and fee shifting; (iii) communicating with property owners and establishing and monitoring hardship plans and payment plans; and (iv) accounting to City for any monies received in response to the initial notice. City shall adopt an ordinance that authorizes charging the above amounts to the delinquent property owner, and upon collection, City shall be reimbursed for the one-time charge listed above. If Portnoff learns of new or additional owners during the course of collection, Portnoff shall send a notice of delinquent claim and fee shifting to each new or additional owner and may charge the Account \$40.00 per additional notice sent, plus applicable postage.

11. Application of Payments Received by Portnoff. Amounts recovered by Portnoff pursuant to this Agreement will be applied to the Accounts in the following order of priority: (i) reimbursement of costs and expenses incurred by Portnoff or any attorney(s) retained by Portnoff; (ii) attorney fees and other charges, expenses and fees charged by Portnoff or any attorney(s) retained by Portnoff; and (iii) amounts payable to City, including the face amount of the municipal claim, the penalty, reimbursement of amounts paid by City under Section 10 above, and interest.

12. Remittance by Portnoff. Portnoff will remit funds collected no less frequently than once per month, and weekly when the collected funds exceed \$1,000. Remittance will be made directly to City's designated account via an automated clearing house (ACH) transfer.

13. Reporting by Portnoff. For each remittance, Portnoff will send City a detailed accounting in an easy-to-read format via email. In the event that City requires additional accounting information, record organization or custom financial reporting, City shall be charged at an hourly rate of \$60.00 for this service, with a minimum charge of \$25.00 per request.

14. Payoff Information. Portnoff shall provide payoff information in response to requests made by third parties, including, but not limited to, mortgage companies and title insurance companies. In consideration of providing payoff information, Portnoff shall be permitted to charge the requestor a fee not to exceed \$25.00 per parcel. This Section 14 does not apply to requests made under the Pennsylvania Right-to-Know Law, 65 P.S. § 67.101, *et seq.*

15. Rights on Termination. Upon termination of this Agreement, Portnoff shall have the exclusive option to continue to act, pursuant to the terms and conditions of this Agreement, as the exclusive collector of all Accounts that have not been paid in full, as defined in Section 9(a) above. In the event that this Agreement is terminated by either City or Portnoff, and Portnoff ceases to act as the exclusive collector of any Account, City:

- (a) shall immediately execute and deliver any documents that are necessary to allow Portnoff to formally withdraw its appearance in any and all pending litigation;
- (b) shall immediately pay to Portnoff all unreimbursed costs and expenses incurred by Portnoff or incurred by any attorney(s) retained by Portnoff, in connection with any Account;
- (c) agrees that Portnoff shall be entitled to retaining and charging liens on the Accounts, collections, recoveries, municipal claims and client papers of City to secure the payment of Portnoff's Fees and Costs and Outside Attorneys' Fees and Costs, in connection with any Account; and
- (d) agrees that Portnoff's Fees and Costs and Outside Attorneys' Fees and Costs, in connection with any Account, shall be part of the lien on the real property subject to the Account, and shall remain part of the lien until satisfied by payment in full.

In the event that City terminates this Agreement and requests the return of any Account to City, or the transfer of any Account to any person(s), entity or entities other than Portnoff, in addition to the rights listed in Sections 15(a) through 15(d) above, City also shall immediately pay to Portnoff all of Portnoff's Fees and Costs and all of Outside Attorneys' Fees and Costs, in connection with any such Account.

16. Indemnity and Liability. Portnoff shall indemnify and hold harmless City from any and all errors or omissions of Portnoff in the collection of the Accounts. City shall indemnify and hold harmless Portnoff from and against any and all losses, damages, claims, judgments, and costs of defense, including attorney fees, arising from any and all acts or omissions of City in connection with the property owner(s) or the collection of the Accounts, including, but not limited to, the placement for collection with Portnoff of an Account that is determined to be unauthorized by law in whole or in part, or the providing of incorrect, inaccurate or incomplete information by City, or the failure of City to provide information to Portnoff, or the failure of City to fulfill any of its obligations under this Agreement.

17. Conflict of Interest Waiver. There may be situations where Portnoff represents more than one municipal creditor holding liens on a given property. To the extent that the property is sold at a sheriff's sale free and clear of liens and encumbrances, a potential conflict of interest could arise, given that the sale may divest all or part of the claims of one or more clients. Because distribution of the sale proceeds is made by the sheriff's office in accordance with established law, Portnoff does not believe that representing multiple municipalities will impede Portnoff's ability to fairly and effectively represent each client. City confirms that it is aware of this issue and agrees to waive any potential conflict of interest that may arise.

18. Arbitration. City and Portnoff agree that any dispute arising out of, or relating to, this Agreement, or the subject matter thereof, whether sounding in tort, contract or otherwise, shall be submitted to binding arbitration, to be conducted by a single arbitrator agreed to by City and Portnoff in accordance with the rules of the American Arbitration Association, in lieu of any judicial determination of the dispute. In the event the parties are unable to agree upon an arbitrator, either party may petition the Court of Common Pleas of Lackawanna County for the appointment of an independent arbitrator. Both parties waive the right to bring judicial proceedings in connection with any dispute arising under or relating to this Agreement, including the right to a trial by jury.

19. Choice of Law. This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania.

20. Assignment. Neither City nor Portnoff shall assign this Agreement, or any part of this Agreement, without the prior written consent of both City and Portnoff.

21. Modification. No term of this Agreement may be changed or modified without the written consent of both City and Portnoff.

22. Severability and Waiver. In the event that any portion of this Agreement is declared invalid by legislation, or order, decree or judgment of a court, this Agreement shall be construed as if such portion had not been inserted herein, and the remainder of the Agreement shall be enforced with the invalid term omitted. The failure of either party to insist upon a strict performance of any of the terms or provisions of this Agreement, or to exercise any option, right or remedy herein contained, shall not be construed as a waiver or as a relinquishment for the future enforcement of such term, provision, option, right or remedy, but the same shall continue and remain in full force and effect. No waiver by either party of any term or provision hereof shall be deemed to have been made unless expressed in writing and signed by such party.

23. Headings. The headings used in the sections, paragraphs and clauses of this Agreement are inserted for convenience only and shall not be deemed to constitute a part of this Agreement.

24. Effective Date. This Agreement shall become binding and effective upon the execution of this Agreement by both City and Portnoff. By executing this Agreement, City warrants that it has the legal authority to enter into this Agreement.

25. Entire Agreement. This Agreement constitutes the entire agreement among the parties hereto concerning the subject matter set forth herein and supersedes all prior or contemporaneous oral and/or written agreements and representations not contained herein concerning the subject matter of this Agreement. The parties acknowledge that they have had the opportunity to have this Agreement reviewed by counsel of their own choosing and to negotiate the terms hereof, and that no party is deemed the drafter of this Agreement.

CITY OF SCRANTON

Dated: _____

By: _____
Name:
Title:

Dated: _____

Attest: _____
Name:
Title:

PORTNOFF LAW ASSOCIATES, LTD.

Dated: _____

By: _____
Michelle R. Portnoff, Esquire

EXHIBIT "A"**Legal Fees**

Initial review and sending first legal demand letter	\$175.00
File Lien and prepare Satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00
Prepare and mail letter under Pa. R.C.P. 237.1	\$ 50.00
Prepare Default Judgment	\$175.00
Research, prepare and obtain Re-issued Writ	\$175.00
Prepare Praecipe to Amend	\$100.00
Prepare Motion to Amend	\$150.00
Present Motion to Amend	\$ 50.00
Obtain vehicle identification number (VIN) for mobile home	\$100.00
Prepare Motion for Alternate Service	\$250.00
Present Motion for Alternate Service	\$ 50.00
Prepare Motion to Consolidate Claims	\$250.00
Present Motion to Consolidate Claims	\$ 50.00
Prepare Motion to Add United States as Defendant	\$175.00
Present Motion to Add United States as Defendant	\$ 50.00
Prepare Writ of Execution	\$800.00
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400.00
Prepare Motion to Continue Sheriff Sale	\$ 50.00
Present Motion to Continue Sheriff Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Present Petition for Free and Clear Sale	\$ 50.00
Services not covered above	At an hourly rate between \$75-\$275 per hour

Collection Fees

Notice of delinquent claim and fee shifting	\$ 40.00 per notice, plus applicable postage
Bookkeeping fee for payment plan of 3 months or less	\$ 25.00
Bookkeeping fee for payment plan of more than 3 months	\$ 50.00
Handling fee for returned check	\$ 25.00

Payoff Fee

Providing guaranteed payoff to third parties	\$ 25.00
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DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 17, 2020

RECEIVED

NOV 17 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

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

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO AN AGREEMENT FOR COLLECTION OF DELINQUENT MUNICIPAL CLAIMS ON BEHALF OF THE CITY OF SCRANTON WITH PORTNOFF LAW ASSOCIATES, LTD. AND APPROVING COLLECTION PROCEDURES, APPOINTMENT OF SOLICITOR, INTEREST ASSESSMENT, CREDIT CARD AND DEBIT CARD CHARGES, AND FEES AND COSTS TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS.

Very truly yours,

Joseph A. O'Brien
Joseph A. O'Brien, Esquire
City Solicitor

/PAL

FILE OF THE COUNCIL NO. _____

2020

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 95, 2015, AN ORDINANCE, ENTITLED "AMENDING FILE OF THE COUNCIL NO. 79, OF 2015, AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 145 OF 2007 ENTITLED 'AN ORDINANCE RENAMING THE EMERGENCY AND MUNICIPAL SERVICES TAX ("EMST") TO LOCAL SERVICE TAX ("LST")' AND BY IMPOSING A WITHHOLDING OF \$52.00 FOR THE CALENDAR YEAR 2015 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER BY INCREASING THE LOCAL SERVICES TAX WITHHOLDING FROM \$52.00 TO \$156.00 FOR THE CALENDAR YEAR 2015, AND PROVIDING FOR AN EXEMPTION FROM TAXATION FOR ANY PERSON WHOSE TOTAL EARNED INCOME AND NET PROFITS FROM ALL SOURCES WITHIN THE MUNICIPALITY IS LESS THAN \$15,600.00 FOR THE CALENDAR YEAR 2015 UNDER AND PURSUANT TO THE LOCAL TAX ENABLING ACT, ACT 511 OF 1965, P.L. 1257, 53 P.S. §6924.101 ET. SEQ., AND THE MUNICIPALITIES RECOVERY ACT, ACT 47 OF 1987, P.L. 246, 53 P.S. § 11701.101 ET. SEQ. AND THEIR RESPECTIVE AMENDMENTS" EFFECTIVE RETROACTIVE TO JANUARY 1, 2020. THIS TAX ENABLES THE CITY OF SCRANTON TO CONTINUE TO LEVY THE LOCAL SERVICES TAX AT THE FISCAL YEAR 2019 RATE FOR FISCAL YEAR 2020 FOR A TOTAL MAXIMUM LOCAL SERVICES RATE OF ONE HUNDRED FIFTY-SIX (\$156.00) DOLLARS FOR THE FISCAL YEAR 2020 EFFECTIVE RETROACTIVE TO JANUARY 1, 2020.

WHEREAS, the Local Tax Enabling Act (hereinafter "LTEA"), specifically 53 P.S. § 6924.311 (8), limits a municipality to levying a \$52.00 Local Services Tax on individuals who are employed within its limits; and

WHEREAS, the Municipalities Financial Recovery Act (hereinafter "MFRA"), 53 P.S. § 11701.123 (c)(1) and (d)(1), allows a Municipality that has adopted a Plan under 53 P.S. § 11701.241, et.seq. to petition the Court of Common Pleas of proper jurisdiction to increase its Local Services Tax beyond the maximum amount allowed by the LTEA up to a new maximum rate of \$156.00 on individuals who are employed within its limits; and

WHEREAS, the City of Scranton approved and adopted the Act 47 Exit Plan under 53 P.S. § 11701.245 on July 28, 2017, via File of the Council No. 111, 2017, which specifically recommended an increase in the Local Services Tax to the new maximum rate allowed by law of \$156.00 for fiscal year 2015 and going forward; and

WHEREAS, based on the foregoing, the City of Scranton Petitioned and received Court approval to increase the Local Services Tax from \$52.00 per year to \$156.00 per year in and for fiscal year 2015; and

WHEREAS, File of the Council No. 95, 2015, which amended File of the Council No. 79, 2015, which amended File of the Council No. 145 of 2007, passed final reading by City Council on May 7, 2015 and was signed into law on May 8, 2015 imposing a withholding of

\$156.00 for the fiscal year 2015 and exempting any person from the local services tax whose total earned income and net profits from all sources within the municipality is less than \$15,600.00 for the calendar year in which the local services tax is levied.

WHEREAS, MFRA requires Municipalities seeking to continue utilizing an increased Local Services Tax to Petition the Court annually for authorization of the same; and

WHEREAS, On January 31, 2020, the City of Scranton petitioned the Court of Common Pleas of Lackawanna County for approval to continue levying the Local Services Tax at the Fiscal Year 2019 rate for Fiscal Year 2020 for a total maximum Local Services Tax rate of One Hundred Fifty-Six (\$156.00) dollars for Fiscal Year 2020; and

WHEREAS, on November 5, 2020, the Honorable Thomas J. Munley of the Court of Common Pleas of Lackawanna County granted the City's Petition to continue levying the Local Services Tax at the Fiscal Year 2019 rate for Fiscal Year 2020 for a total maximum Local Services Tax rate of One Hundred Fifty-Six (\$156.00) dollars for Fiscal Year 2020, a copy of which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON, that Section 1 of File of the Council No. 95 of 2015 shall be amended to read as follows:

SECTION 1.

§ 231-9. Levy of tax

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2020; upon the privilege of engaging in an occupation with a primary place of employment within the City of Scranton during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$156.00, assessed on a pro rata basis, in accordance with the provisions of this article.

This tax may be used solely for the following purposes as the same may be allocated by the City of Scranton from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The political subdivision shall use no less than twenty-five percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision. The tax shall be no more than \$156.00 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

SECTION 2. Section 6 of File of the Council No.95 of 2015, is hereby amended as follows:

The tax imposed herein is effective for fiscal year 2020.

SECTION 3. In all other respects, File of the Council No. 95 of 2015 shall remain in full force and effect.

SECTION 4. This Ordinance is enacted under and pursuant to the Municipalities Financial Recovery Act, 53 P.S. § 11701.123 (c)(1) and (d)(1).

SECTION 5. 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 interests of the promotion of the purposes and intent of this ordinance, and the effective administration thereof.

SECTION 6. This Ordinance shall be effective retroactive to January 1, 2020.

SECTION 7. This Ordinance 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.

ORDINANCE AMENDING FILE OF THE COUNCIL NO. 95, 2015, AN ORDINANCE, ENTITLED “AMENDING FILE OF THE COUNCIL NO. 79, OF 2015, AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 145 OF 2007 ENTITLED ‘AN ORDINANCE RENAMING THE EMERGENCY AND MUNICIPAL SERVICES TAX (“EMST”) TO LOCAL SERVICE TAX (“LST”)” AND BY IMPOSING A WITHHOLDING OF \$52.00 FOR THE CALENDAR YEAR 2015 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER BY INCREASING THE LOCAL SERVICES TAX WITHHOLDING FROM \$52.00 TO \$156.00 FOR THE CALENDAR YEAR 2015, AND PROVIDING FOR AN EXEMPTION FROM TAXATION FOR ANY PERSON WHOSE TOTAL EARNED INCOME AND NET PROFITS FROM ALL SOURCES WITHIN THE MUNICIPALITY IS LESS THAN \$15,600.00 FOR THE CALENDAR YEAR 2015 UNDER AND PURSUANT TO THE LOCAL TAX ENABLING ACT, ACT 511 OF 1965, P.L. 1257, 53 P.S. §6924,101 ET. SEQ., AND THE MUNICIPALITIES RECOVERY ACT, ACT 47 OF 1987, P.L. 246, 53 P.S. § 11701.101 ET. SEQ. AND THEIR RESPECTIVE AMENDMENTS” EFFECTIVE RETROACTIVE TO JANUARY 1, 2020. THIS TAX ENABLES THE CITY OF SCRANTON TO CONTINUE TO LEVY THE LOCAL SERVICES TAX AT THE FISCAL YEAR 2019 RATE FOR FISCAL YEAR 2020 FOR A TOTAL MAXIMUM LOCAL SERVICES RATE OF ONE HUNDRED FIFTY-SIX (\$156.00) DOLLARS FOR THE FISCAL YEAR 2020 EFFECTIVE RETROACTIVE TO JANUARY 1, 2020.

- *What Department is this legislation originating from? Where did the initiative for this legislation originate?*

Local Services Tax – continue levying \$156.00 for 2020 Fiscal year

- *Summary and Facts of the legislation*

The Local Tax Enabling Act (hereinafter “LTEA”), specifically 53 P.S. § 6924.311 (8), limits a municipality to levying a \$52.00 Local Services Tax on individuals who are employed within its limits. The Municipalities Financial Recovery Act (hereinafter “MFRA”), 53 P.S. § 11701.123 (c)(1) and (d)(1), allows a Municipality that has adopted a Plan under 53 P.S. § 11701.241, et.seq. to petition the Court of Common Pleas of proper jurisdiction to increase its Local Services Tax beyond the maximum amount allowed by the LTEA up to a new maximum rate of \$156.00 on individuals who are employed within its limits. The City of Scranton approved and adopted the Act 47 Exit Plan under 53 P.S. § 11701.245 on July 28, 2017, via File of the Council No. 111, 2017, which specifically recommended an increase in the Local Services Tax to the new maximum rate allowed by law of \$156.00 for fiscal year 2015 and going forward. The City of Scranton petitioned and received Court approval to increase the Local Services Tax from \$52.00 per year to \$156.00 per year in and for fiscal year 2015 and was signed into law on May 8, 2015 imposing a withholding of \$156.00 for the fiscal year 2015 and exempting any person from the local services tax whose total earned income and net profits from all sources within the municipality is less than \$15,600.00 for the calendar year in which the local services tax is levied. MFRA requires Municipalities seeking to continue utilizing an increased Local Services Tax to Petition the Court annually for authorization of the same. On January 31, 2020, the City of Scranton Petitioned the Court of Common Pleas of Lackawanna County for approval to continue levying the Local Services Tax at the Fiscal Year 2019 rate for Fiscal Year 2020 for a total maximum Local Services Tax rate of One Hundred Fifty-Six (\$156.00) dollars for Fiscal Year 2020. On November 5, 2020, the Honorable Thomas J. Munley of the Court of Common Pleas of Lackawanna County granted the City’s Petition to

continue levying the Local Services Tax at the Fiscal Year 2019 rate for Fiscal Year 2020 for a total maximum Local Services Tax rate of One Hundred Fifty-Six (\$156.00) dollars for Fiscal Year 2020.

- ***Purpose – please include the following in the explanation:***

- ***What does the legislation do – what are the specific goals/tasks the legislation seek to accomplish?***

In seeking to levy the Local Services Tax at \$156.00 represents a vital aspect of bringing meaningful change to Scranton's economic status.

- ***What are the benefits of doing this/Down-side of doing this?***

Benefits -

The Local Service Tax will generate considerable income at the higher rate of \$156.00.

Downside -

N/A.

- ***How does this legislation relate to the City's Vision/Mission/Priorities***

See above.

- ***Financial Impact – please include the following in the explanation:***

- ***Cost (initial and ongoing)***

- ***Benefits (initial and ongoing)***

- ***Funding Sources – please include the following in the explanation:***

If transferring funds, please ensure specific accounts are noted; if appropriating funds from a grant, list the agency awarding the grant.

The Local Service Tax generates significant income for the City.

- ***Priority Status/Deadlines, if any***

High priority as we just received the Order from the Court dated November 5, 2020 allowing us to introduce and publicly deliberate an ordinance to continue to levy the Local Services Tax at the Fiscal Year 2019 Rate for the Fiscal Year of 2020.

- ***Why should the Council unanimously support this legislation?***

See above.

Legislative Cover Sheet – Scranton City Council

- *Include any other pertinent details and/or relevant information that the Council should be aware of:*

None at this time.



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 10, 2020

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

RECEIVED
NOV 10 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 95, 2015, AN ORDINANCE, ENTITLED "AMENDING FILE OF THE COUNCIL NO. 79, OF 2015, AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 145 OF 2007 ENTITLED 'AN ORDINANCE RENAMING THE EMERGENCY AND MUNICIPAL SERVICES TAX ("EMST") TO LOCAL SERVICE TAX ("LST")' AND BY IMPOSING A WITHHOLDING OF \$52.00 FOR THE CALENDAR YEAR 2015 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER BY INCREASING THE LOCAL SERVICES TAX WITHHOLDING FROM \$52.00 TO \$156.00 FOR THE CALENDAR YEAR 2015, AND PROVIDING FOR AN EXEMPTION FROM TAXATION FOR ANY PERSON WHOSE TOTAL EARNED INCOME AND NET PROFITS FROM ALL SOURCES WITHIN THE MUNICIPALITY IS LESS THAN \$15,600.00 FOR THE CALENDAR YEAR 2015 UNDER AND PURSUANT TO THE LOCAL TAX ENABLING ACT, ACT 511 OF 1965, P.L. 1257, 53 P.S. §6924.101 ET. SEQ., AND THE MUNICIPALITIES RECOVERY ACT, ACT 47 OF 1987, P.L. 246, 53 P.S. § 11701.101 ET. SEQ. AND THEIR RESPECTIVE AMENDMENTS" EFFECTIVE RETROACTIVE TO JANUARY 1, 2020. THIS TAX ENABLES THE CITY OF SCRANTON TO CONTINUE TO LEVY THE LOCAL SERVICES TAX AT THE FISCAL YEAR 2019 RATE FOR FISCAL YEAR 2020 FOR A TOTAL MAXIMUM LOCAL SERVICES RATE OF ONE HUNDRED FIFTY-SIX (\$156.00) DOLLARS FOR THE FISCAL YEAR 2020 EFFECTIVE RETROACTIVE TO JANUARY 1, 2020.

Very truly yours,

Joseph A. O'Brien
Joseph A. O'Brien, Esquire
City Solicitor

IN RE: CITY OF SCRANTON
REQUEST TO INCREASE LOCAL
SERVICES TAX FOR FISCAL YEAR
2020

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

2020 CV 716

ORDER

AND NOW, this 5th day of November 2020 upon consideration of the City of Scranton's Petition for Approval to Continue Levying the Local Services Tax at the Fiscal Year 2019 Rate for Fiscal Year 2020, and opposition filed thereto, and argument having been heard on September 21, 2020, it is hereby **ORDERED and DECREED** that the City of Scranton's Petition is hereby **GRANTED**.

As stated by Petitioner, "[a]pproval of this petition [does] *not* represent an increase in the Local Services Tax from fiscal years 2015, 2016, 2017, 2018, or 2019; rather, it *[permits] the City to introduce an ordinance at City Council* to continue the previously approved rate for fiscal years 2015, 2016, 2017, 2018, and 2019: One-Hundred and Fifty-Six (\$156) Dollars." (*see* Petition for Approval to Continue Levying the Local Services Tax at the Fiscal Year 2019 Rate for Fiscal Year 2020 at ¶ 27) (*emphasis added*) Pursuant to the Municipalities Financial Recovery Act, 53 P.S. §110701.101 et seq., the City of Scranton, having duly obtained an order of court, may proceed by way of its executive and legislative authorities to introduce and publicly deliberate an ordinance to continue levying the Local Services Tax at the Fiscal Year 2019 Rate of Fiscal Year 2020.

BY THE COURT:

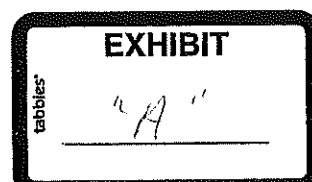


Hon. Thomas J. Munley

CLERK OF
JUDICIAL RECORDS
CIVIL DIVISION

Copies sent from Chambers via electronic mail:
Joseph Price, Esquire; John McGovern, Esquire; Marie Shumacher

MAURIE B. KELLY
LACKAWANNA COUNTY



FILE OF THE COUNCIL NO. _____

2020

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 6, 2020, AMENDING FILE OF THE COUNCIL NO. 59, 2019 ENTITLED "AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 17, 1994 ENTITLED 'AN ORDINANCE (AS AMENDED) AUTHORIZING THE GOVERNING BODY OF THE CITY OF SCRANTON TO ENACT 'A WASTE DISPOSAL AND COLLECTION FEE' FOR THE PURPOSE OF RAISING REVENUE TO COVER THE WASTE DISPOSAL AND COLLECTION COSTS INCURRED BY THE CITY OF SCRANTON FOR THE DISPOSAL OF REFUSE'" BY IMPOSING A WASTE DISPOSAL AND COLLECTION FEE OF \$300.00 FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER AND TO AMEND THE TIMELINE FOR PAYMENTS ALLOWING CHANGE IN THE MECHANISM OF BILLING, UPDATE THE REQUIREMENTS FOR EXONERATIONS AND INCREASE PENALTIES FOR VIOLATIONS.

WHEREAS, it is necessary for the city to impose a refuse fee of \$300.00 per property unit for calendar year 2021 to cover waste disposal and collection costs incurred; and;

WHEREAS, it is in the best interest of the City to change the schedule and timeline for payments in order to combine the Refuse Fee Billing with the Real Estate Billing which will change the mechanism for billing to allow the discounted payment, installment payments, and the penalty period to match the respective timelines for the real estate tax payment processes; and

WHEREAS, additional revision was made to the Exoneration and Violation/Penalty sections to strengthen the City's ability to verify and account for adjustments for vacancies and/or noncompliance. The revisions also reduce the risk of fraud.

SECTION 1. Be it ordained by the Council of the City of Scranton that Section 3, Section 4 and Section 5 of File of Council No. 17, 1994 (as amended) shall be amended to read as follows:

"SECTION 3. 'FEES'

The fee for waste collection and disposal costs, hereafter referred to as the 'refuse fee,' shall be as follows:

- A. The property owner is responsible for the payment of the refuse fee for each equivalent dwelling unit (EDU) he/she owns. The refuse fee set herein provided may be paid by the owner, tenant, lessee, or occupant of a particular dwelling unit but shall be the ultimate responsibility of the property owner.
- B. The annual fee for each EDU shall be \$300.
 - (1) If the annual waste disposal fee, that is \$300, is paid in full by the 15th of March of the year in which the fee is due, the payer may take a 10% discount from the annual fee. [Amended 5-7-2018 by Ord. No. 17-2018; 3-25-2019 by Ord. No. 59-2019]

- C. The refuse fee fixed by this subsection, if not paid in full as provided for above, shall be, at a minimum, payable in four installments.
- (1) Fees paid on an installment basis shall be due each year in the amount of \$75 per installment on or before the last business day (i.e., Monday through Friday) in March, June, August, and October. Installment payments must be paid in full on or before the respective installment due date, and, if not done so, the installment agreement shall be void.
 - (2) The refuse fee shall be considered delinquent if any installment payment is not paid on or before the established installment due date. A delinquent charge of twelve percent (12%) shall be added to the entirety of any unpaid balance.
 - (3) All fees shall be deposited in a special City interest-bearing account to be established by the Business Administrator. This account will be used to reimburse the General City Operating Fund for costs incurred directly for the disposal of refuse.
 - (4) All fees and associated penalties that remain unpaid as of the end of each calendar year shall constitute a lien against the property and will accrue interest at the rate of ten percent (10%) per annum.
- D. The Director of the Department of Public Works may discontinue all refuse collection service to any delinquent account. If service is stopped, service will be resumed only on payment of all accumulated fees during the delinquent period as well as all interest and penalties assessed against the account.
- E. Any person whose refuse is not being collected by the City under terms of this chapter shall furnish a notarized affidavit to the Director of the Department of Public Works and which describes the method and means of disposal of their garbage/ashes and which affidavit shall also include a statement of the reasons for which said person is not having his/her garbage/ashes disposed of by the City under the terms of this chapter.

SECTION 4. 'EXONERATIONS'

- A. Any dwelling unit which is totally unoccupied and which generates no refuse for an entire consecutive six-month or twelve-month period in a calendar year shall be exonerated from the charges as herein provided. Such exoneration shall be granted only after:
- (1) The owner(s) has filed a notarized affidavit with the City certifying such vacancy; and
 - (2) The owner must provide documentary evidence from two utilities, i.e., electric and water bills, showing the minimum six-month vacancy of the dwelling unit as demonstrated. Gas bills will not be accepted.
- B. The City shall have the right to inspect and verify the occupancy status of any property for which an exoneration request is made.
- C. An exoneration given for one six-month period shall reduce the yearly fee by fifty percent (50%). An exoneration given for an entire calendar year shall reduce the fee by one hundred percent (100%).
- D. The City shall establish administrative procedures for collecting the refuse fee and

granting exonerations

- E. The City Council shall, from time to time, adopt and promulgate rules and regulations setting forth the terms, conditions, and administrative procedures for levying and collecting of the waste disposal collection fee.

SECTION 5. 'PENALTIES'

- A. Any person, whether as principal, agent or employee, violating or assisting in violation of any provisions of this article or of any regulation made by Council, or the Director of the Department of Public Works under the provisions hereof, shall, upon conviction thereof before a District Justice, pay a fine of not less than \$500 and not more than \$1,000 and, in default of the payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period of not more than 30 days.
- B. Giving false information to City officials in order to avoid or reduce payment of the within fees shall constitute a separate offense which, upon conviction thereof before a District Justice, shall be punishable by a fine of not less than \$500 and not more than \$1,000 and, in default of the payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period of not more than 30 days."

SECTION 2. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decisions 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 of any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

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

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of 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 and Pennsylvania.

- ***What Department is this legislation originating from? Where did the initiative for this legislation originate?***

Department of Business Administration originated this legislation. This initiative originated at the request of the Mayor following a review of real estate tax and refuses fee collections processes.

- ***Summary and Facts of the legislation***

The legislation does not change refuse fee, discount rate or penalty rate from the 2020 rates. Combining Refuse and Real estate billing shifts the timelines for discounted payment, installment payments, and the penalty period to match the respective timelines for the real estate tax payment processes.

The legislation strengthens procedures for residential property owners who elect not to have refuse picked up, requiring a notarized affidavit instead of a statement to the Director of the Department of Public Works and which describes the method and means of disposal of their garbage/ashes and which affidavit shall also include a statement of the reasons for which said person is not having his/her garbage/ashes disposed of by the City.

The legislation also strengthens the procedures and accountability for exonerations, requiring a notarized affidavit rather than a statement related to vacancies and requests for reduced fees and requiring two utilities demonstrating evidence of vacancy. It also eliminates exonerations for three-month consecutive periods, thereby increasing the minimum exoneration period to six months.

The legislation also increases minimum penalties from \$300 to \$500 and maximum penalties from \$500 to \$1,000.

- ***Purpose – please include the following in the explanation:***
 - ***What does the legislation do – what are the specific goals/tasks the legislation seek to accomplish?***

The shift in payment timelines allows for the refuse fee to be included on the real estate tax bill to allow city tax/rate payers to pay at one location, namely the Single Tax Office.

The revisions to the exonerations and penalties clauses strengthen the City's ability to verify and account for adjustments for vacancies and/or noncompliance. The revisions also reduce the risk of fraud.

- ***What are the benefits of doing this/Down-side of doing this?***

Benefits - Putting the refuse fee on the tax bill provides a single point of payment for city real estate tax/refuse fee payers, who will also have the option of spreading payment across installments of up to 4 payments. It will also allow the city to improve the efficiency of collections by centralizing payments and having ready access to databases

for managing collections, budgets, and cash flow forecasting. Combining Refuse and real estate billing will also promote the cross referencing and improvement of property data.

The revisions to the exonerations and penalties clauses strengthen the City's ability to verify and account for adjustments for vacancies and/or noncompliance. The revisions also reduce the risk of fraud.

Downside – N/A

○ ***How does this legislation relate to the City's Vision/Mission/Priorities***

This legislation will streamline payments for residents and improve efficiency of collections; this will centralize and improve the quality of city data. The legislation will also foster improved accountability and deterrence of fraud.

• ***Financial Impact – please include the following in the explanation:***

○ ***Cost (initial and ongoing)***

The city will eliminate the approximately \$15,000 in annual printing and mailing costs associated with a separate refuse fee bill. It will require the reallocation of a collections clerk from City Hall to the Single Tax Office.

○ ***Benefits (initial and ongoing)***

This streamlining of the refuse fee collection process will improve collections by tying the refuse fee payment to the real estate payment. Tax and fee payers will not be able to pay one and not the other. We expect this shift in the collection process to materially improve the collection rate of the refuse fee, which has been a mere 65% in 2018 and 2019, resulting in inequity.

○ ***Funding Sources – please include the following in the explanation:***

If transferring funds, please ensure specific accounts are noted; if appropriating funds from a grant, list the agency awarding the grant.

N/A

• ***Priority Status/Deadlines, if any***

The ordinance must be approved by Council before year end in order for the new bills to be printed and mailed timely.

• ***Why should the Council unanimously support this legislation?***

(1) To provide a single point of payment for city tax and rate payers; (2) to support improved collection of refuse fees; and (3) to reduce the risk of fraud.

- ***Include any other pertinent details and/or relevant information that the Council should be aware of:***

RECEIVED

NOV 13 2020

OFFICE OF CITY
COUNCIL/CITY CLERK



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 13, 2020

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

Dear Honorable Council Members:

ATTACHED IS AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 6, 2020, AMENDING FILE OF THE COUNCIL NO. 59, 2019 ENTITLED "AN ORDINANCE AMENDING FILE OF THE COUNCIL NO. 17, 1994 ENTITLED 'AN ORDINANCE (AS AMENDED) AUTHORIZING THE GOVERNING BODY OF THE CITY OF SCRANTON TO ENACT 'A WASTE DISPOSAL AND COLLECTION FEE' FOR THE PURPOSE OF RAISING REVENUE TO COVER THE WASTE DISPOSAL AND COLLECTION COSTS INCURRED BY THE CITY OF SCRANTON FOR THE DISPOSAL OF REFUSE'" BY IMPOSING A WASTE DISPOSAL AND COLLECTION FEE OF \$300.00 FOR CALENDAR YEAR 2021 AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY THEREAFTER AND TO AMEND THE TIMELINE FOR PAYMENTS ALLOWING CHANGE IN THE MECHANISM OF BILLING, UPDATE THE REQUIREMENTS FOR EXONERATIONS AND INCREASE PENALTIES FOR VIOLATIONS.

Very truly yours,

A handwritten signature in cursive script that reads "Joseph A. O'Brien /s/".

Joseph A. O'Brien, Esquire
City Solicitor

/PAL

RESOLUTION NO. _____

2020

RATIFYING AND APPROVING OF THE EXECUTION AND SUBMISSION OF THE GRANT APPLICATION BY THE CITY OF SCRANTON POLICE DEPARTMENT TO THE COMMONWEALTH OF PENNSYLVANIA ACTING THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A LOCAL SHARE ACCOUNT GRANT PURSUANT TO THE GAMING FUNDS GRANT PROGRAM IN THE AMOUNT OF \$257,925.00 TO INSTALL A HVAC SYSTEM IN EMERGENCY SERVICES CENTER (FORMERLY SERRENTI ARMORY) LOCATED AT 1801 PINE STREET, SCRANTON, PENNSYLVANIA, AND AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS OF THE CITY OF SCRANTON, PENNSYLVANIA, TO ACCEPT THE GRANT, IF SUCCESSFUL, AND EXECUTE AND ENTER INTO A LOCAL SHARE ACCOUNT GRANT CONTRACT AND COMMITMENT LETTER WITH THE COMMONWEALTH OF PENNSYLVANIA TO ACCEPT AND UTILIZE THE GRANT IN THE AMOUNT OF \$257,925.00 AWARDED BY THE COMMONWEALTH OF PENNSYLVANIA FOR SUCH PROJECT.

WHEREAS, the City of Scranton, through the Scranton Police Department, will submit a grant application to the Commonwealth of Pennsylvania ("the Commonwealth") acting through the Commonwealth Financing Authority (the "Grantor") for a Local Share Account Grant, pursuant to the Gaming Funds Grant, for the installation of a HVAC system in the Emergency Services Center (formerly Serrenti Armory) located at 1801 Pine Street, Scranton, Pennsylvania. A copy of such Project details is attached hereto as Exhibit "A" and incorporated herein as if set forth at length; and

WHEREAS, a budget narrative was submitted by Peters Design Group, Inc. in the amount of \$245,643.00. A copy of the budget narrative is attached hereto as Exhibit "B" and incorporated herein as if set forth at length; and

WHEREAS, the total grant request is \$257,925.00 which includes an additional 5% for administration costs; and

WHEREAS, completion of this project would allow the Scranton Police Department to start utilizing the facility for training purposes;

WHEREAS, the City of Scranton intends herein to ratify and approve the execution and submission of the Grant Application; and

WHEREAS, the Commonwealth of Pennsylvania will review the Grant Application for funding for the Local Share Account Grant in the amount of \$257,925.00 ("Grant") for the Project; and

WHEREAS, if the Grant Application is approved, the City of Scranton

intends herein to authorize the execution of the Local Share Account Grant Contract and Commitment Letter, and the acceptance, disbursement, and utilization of the Grant for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that the execution and submission of the Grant Application is hereby ratified and if approved, the Mayor and other appropriate City Officials are hereby authorized to enter into and execute and submit any additional related paperwork for this Grant, and if successful, to, accept the grant funds to be used for the Project as attached hereto. This approval anticipates and authorizes the execution of any and all related documentation necessary for the Grant or to accept, disburse, and utilize the Grant for the Project.

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 decisions shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Resolution, and the effective administration thereof.

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

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of 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.

RATIFYING AND APPROVING OF THE EXECUTION AND SUBMISSION OF THE GRANT APPLICATION BY THE CITY OF SCRANTON POLICE DEPARTMENT TO THE COMMONWEALTH OF PENNSYLVANIA ACTING THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A LOCAL SHARE ACCOUNT GRANT PURSUANT TO THE GAMING FUNDS GRANT PROGRAM IN THE AMOUNT OF \$257,925.00 TO INSTALL A HVAC SYSTEM IN EMERGENCY SERVICES CENTER (FORMERLY SERRENTI ARMORY) LOCATED AT 1801 PINE STREET, SCRANTON, PENNSYLVANIA, AND AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS OF THE CITY OF SCRANTON, PENNSYLVANIA, TO ACCEPT THE GRANT, IF SUCCESSFUL, AND EXECUTE AND ENTER INTO A LOCAL SHARE ACCOUNT GRANT CONTRACT AND COMMITMENT LETTER WITH THE COMMONWEALTH OF PENNSYLVANIA TO ACCEPT AND UTILIZE THE GRANT IN THE AMOUNT OF \$257,925.00 AWARDED BY THE COMMONWEALTH OF PENNSYLVANIA FOR SUCH PROJECT.

- ***What Department is this legislation originating from? Where did the initiative for this legislation originate?***

Scranton Police Department

- ***Summary and Facts of the legislation***

SPD is requesting legislation to apply for and execute grant funding from the PA Department of Community and Economic Development to complete the HVAC system in the Emergency Services Center (ESC), formerly known as the Serrenti Armory, located at 1801 Pine Street, Scranton, Pennsylvania. A budget narrative was submitted by Peters Design Group, Inc. in the amount of \$245,643.00 for construction cost. With an additional 5% for administration cost, the total grant request is \$257,925.00.

- ***Purpose – please include the following in the explanation:***
 - ***What does the legislation do – what are the specific goals/tasks the legislation seek to accomplish?***

The City of Scranton acquired this property in 2017 through a federal program that allows the municipal government to repurpose unused governmental facilities for emergency services. Renovation began in 2018. The goals of the ESC include (1) to be a regional training center for law enforcement throughout Northeastern Pennsylvania and (2) to be the location of the operation of Scranton Police Department specialized units such as the Training Division, Bomb Unit, Special Operations Group and Specific Investigations Division. Additionally, emergency operations management will be located at the ESC which allow for the coordination of emergency operations due to natural disasters and/or a pandemic. The Scranton Fire Department can also utilize the facility for training and storage of equipment. This grant will help complete the renovation work necessary for the utilization of the building.

- ***What are the benefits of doing this/Down-side of doing this?***

Benefits - This legislation will allow the completion of the renovation to allow the law enforcement agencies to utilize the building for training purposes.

Downside – To be supplemented, if applicable.

○ *How does this legislation relate to the City's Vision/Mission/Priorities*

The grant request is for \$257,925.00. This funding would cover the cost of the HVAC system and administration of the project (please see attached). This funding would allow SPD to start utilizing the building for training purposes, including the Firearms Training Simulator.

• *Financial Impact – please include the following in the explanation:*

○ *Cost (initial and ongoing)*

N/A.

○ *Benefits (initial and ongoing)*

The funding will benefit the city by improving the city's efficiency and level of service to the public.

○ *Funding Sources – please include the following in the explanation:*

If transferring funds, please ensure specific accounts are noted; if appropriating funds from a grant, list the agency awarding the grant.

The agency that would award the grant is the Pennsylvania Department of Community and Economic Development. There is no financial match requirement from the City.

• *Priority Status/Deadlines, if any*

High Priority

• *Why should the Council unanimously support this legislation?*

The facility will operate a regional training center for law enforcement and additional services for the City and will be a major asset for the region.

• *Include any other pertinent details and/or relevant information that the Council should be aware of:*

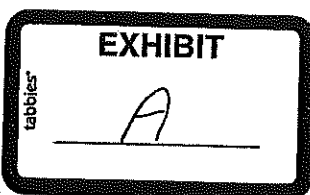
None at this time.

City of Scranton -Emergency Services Center

The City of Scranton is in the process of converting the Serrenti Memorial Army Reserve Center, located at 1801 Pine Street, into an Emergency Services Center (ESC). The City of Scranton acquired this property in 2017 through a federal program that allows the municipal government to repurpose unused government facilities for emergency services. The City of Scranton began renovation work in 2018, which consisted of a new roof and security measures. There are two main goals for the ESC, (1) to be a regional training center for law enforcement throughout Northeastern Pennsylvania and (2) to the location of the operation of Scranton Police Department (SPD) specialized units such as the Training Division, Bomb Unit, Special Operations Group, and Specific Investigations Division. The City of Scranton is requesting grant funding from the Pennsylvania Department of Community and Economic Development to complete renovation work on the facility which will allow law enforcement agencies to utilize it for training purposes.

Regional Training Center

Maintaining a training environment that develops highly-skilled officers and is most conducive to learning, is one of the greatest challenges for today's law enforcement trainers. Implementing a solution that incorporates agency guidelines and current training programs, as well as providing the training to improve and enhance skills, de-escalation, and use of force transition techniques is critical. Many see the current environment as a new "defining moment" in which the policing profession is being challenged to step up and embrace change. Like other organizations, police agencies must balance constancy and predictability with adaptation and



change.¹ The need for continued training for law enforcement is more prevalent now than ever. Due to the high visibility of police officers and interaction with the public on a constant basis, police officers must practice situational awareness consistently throughout the day. This mindset underscores the need for routine application of training to ensure adequate investigative technique, officer safety, and efficiency. Law enforcement personnel have a responsibility to make certain they are up-to-date on modern-day training.² Training and education are more than just sitting in a classroom and earning a certificate. It is also about applying this newfound knowledge and maintaining proficiency. SPD is committed to diverse and comprehensive training for the officers, however, there lacks a facility and availability of training in the region.

The ESC will operate as a regional training facility for local, state, and federal law enforcement throughout the area. The SPD Training Division is tasked with evaluating the needs, assessing deficiencies, and creating comprehensive programs to meet those needs in order to maintain professional levels in all aspects of police work. The Training Sergeants coordinate with outside agencies seeking specialists in the community to offer their expertise to department personnel, as well as, educate officers in the use of both lethal and less than lethal munitions. SPD will host a variety of training at the ESC for both SPD officers and law enforcement throughout the NEPA. Additionally, all local, state and federal law enforcement agencies will be welcome to utilize this facility for their own training and meetings. Once the renovations are complete the ESC training rooms will have the conference space capacity to seat 40-50

¹<https://www.officer.com/training-careers/training-simulators/blog/21004242/virta-inc-training-advantages-to-combat-policing-challenges-today>

² McHenry, Michael K. *A Need for Change: The Importance of Continued Training and Education for Modern Day Police Officers*, Criminal Justice Institute

City of Scranton -Emergency Services Center

individuals for classroom-style training, have the outdoor space for physical training, and have a separate area for an interactive training simulator.

SPD, in partnership with the Dunmore Borough, recently purchased a MILO Range Firearms Training Simulator that will be housed at the ESC. This comprehensive training system is a solution that is designed to allow trainers the ability to give presentations and classes, conduct interactive testing and assessment, and provide immersive hands-on scenario-based exercise with detailed debriefing and after-action review. The system is designed to increase trainee knowledge, skills, and confidence, in a safe challenging environment that is highly interactive and engaging. The simulator will put the officer in high stress “shoot-don’t shoot” scenarios while also developing de-escalation skills. It is a holistic approach to training officers in critical skills. There are only a few Firearm Training Simulators for law enforcement in Pennsylvania. Most law enforcement agencies in NEPA have never had access to this level of equipment. The Firearms Training and Simulator will be open to law enforcement agencies throughout the region; both the Lackawanna County District Attorney’s Office and the Lackawanna County Chief’s of Police Association have expressed interest in utilizing the ESC for their own training needs as well as participating in training with the simulator.

The ESC will also be used for a variety of conference-style training and seminars for both law enforcement and the community. Penn State University Center for Business Development and Community Outreach is in the process of developing a Diversity and Bias training for law enforcement. PSU will test this training on SPD in the spring of 2021. SPD is also working with Dr. Michael Kelley from the University of Scranton to develop training for SPD officers in dealing with autistic persons. This course will be designed to help officers understand the needs

City of Scranton -Emergency Services Center

of autistic persons and ensure an appropriate response in incidents involving autistic individuals. If proven effective these training will be open to other law enforcement agencies and the ESC will have the space to accommodate.

Community programs presented by the S.P.D will also be held at the Emergency Services Center; these programs include the Citizen/Junior Police Academy, drug and alcohol programs, internet safety and gun safety, and active shooter training. The Emergency Services Center will be an asset to the citizens of Scranton by not only providing a location for emergency management but also expanding the police presence in the City and providing a place where the community and law enforcement can come together through programs that are intended to open lines of communication while producing informed citizens.

Specialized Units

Many of SPD's specialized units are part of a regional response. The Arson and Bomb Units both respond to the 10 county region of NEPA. In 2020 the Bomb Unit has responded 13 times and the Arson division responded 15 times outside of the City of Scranton. The Scranton Police Special Operations Group (SOG) is one of 7 SWAT teams assigned to the Pennsylvania North East Regional Counter-Terrorism Task Force. It covers 10 counties with a geographical area from Lehigh County north to the New York border. The Special Investigation Division is a plainclothes undercover unit that handles vice and narcotics investigations. These officers work closely with various agencies such as the Pennsylvania State Police, Lackawanna County Drug Task Force, the Federal Bureau of Investigation, and the Drug Enforcement Agency, all of which will be able to utilize the facility & share resources to minimize operational costs. The SPD

City of Scranton -Emergency Services Center

specialized units to operate from the ESC include Training Division, Special Operations Group (SOG), the Bomb Unit, and the Special Investigations Division (SID). The ESC will provide a centralized location for not only the SPD units to operate, but all law enforcement agencies involved in a regional response.

Emergency Operations management for special events such as pandemics or natural disasters directed by the EMS coordinator will be located at the Emergency Services Center. The building & facilities will be utilized for centralizing intelligence, resource management & deployment. Scranton Fire Department will also have full use of the facility for training and storage of critical equipment.

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Brief History

The structure being re-purposed as a public safety facility was originally an army reserve center. It was constructed around 1950 and functioned as a reserve center until 2011. At that time, the reservists moved to a new facility and the building became vacant. The federal government then offered the building and land to local government free of charge. Initially, the Scranton School District expressed some interest for the land as a possible site for a new school. That never advanced to any realization and the building sat vacant until 2017. At that point, the City of Scranton saw the potential of the structure as a public safety facility. It would allow some consolidation of various departments, and afforded secure storage space for numerous pieces of equipment. A space utilization plan (Figure 1) was developed by the Scranton Police Department and the project moved forward.

Physical Plant Condition

The years that the building sat vacant was not kind to the building's physical plant. Persons unknown gained entry to the building and scavenged most of the copper piping and fan coil units for the metals. The roof developed leaks along the flashings and roof fabric was at the end of it's useful life. The city replaced the roof in 2018 and the process of building upgrades began. Contracts for exterior stabilization (power wash, re-pointing, sealing) interior improvements (painting, floor coverings, ceilings) plumbing (re-piping building water service, replacing piping to the restrooms, converting to low flow devices on sinks, showers and flushometers) were all addressed. This all brings us to our current concern of upgrading the HVAC systems.

HVAC System Characteristics

The existing building employed two systems. The high bay center area utilized a gas infrared system coupled with a direct fired make-up air system. The rest of the building utilized boiler fed fan-coil units for heating and a chiller on the same system for summer cooling. This was an either or two pipe system that most likely functioned well for heating and cooling, but did not address the ventilation requirements required by today's codes.

The investigation into a proposed system(s) revealed that there was insufficient space to install an air side system that employed ductwork in lieu of piping. This alternate was viewed as a

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possible replacement for the low areas around the building perimeter. However, the structural framing does not allow for enough vertical clearance for the installation of ductwork. The bottom of steel is 9 feet above finish floor. The lay-in ceiling grid is 8 foot above finish floor. If we deduct the depth of the grid frame (1 1/2"), the remaining space is only 10 1/2 inches. Deduct 4 inches for duct insulation and you have 6 inches for duct depth. This was not a suitable situation. The width would be large and would be fighting for space with electrical conduit, IT and communication cables, and velocities would be high, creating a constant background noise. The air side system would not work!

The chosen system is a water side system utilizing new boilers and distributed piping to unit ventilators in each of the program spaces. The boilers will be new high efficiency units each sized for 60% of the load. During shoulder loads of fall and spring one boiler will handle the demand. Both boilers will fire during the heavy loads (January & February) of winter. New circulating pumps will be provided with consideration given to VFD controls. All new piping will be run to the unit ventilators in each space. Each unit will have a bypass control valve to modulate temperature within the space. An outside air inlet will be cut into the existing walls with sleeve and grill. Each unit will have face and bypass damper and thermostatic control for each space. Conference rooms and classroom will incorporate CO2 sensors to modulate the OA damper during heavy loads. A new chiller will be provided to handle the cooling loads of summer. For economic consideration, the system will be a two pipe system. The only constant cooling load is the IT room, and it has a dedicated DX system. A new digital control system shall be provided with IT ties to the municipal director of building and grounds for alarm monitoring.

Budgetary Estimate of Probable Cost

The building has 17400 SF of scheduled space. There are exclusions for areas that have been addressed with separate systems, or receive no system such as the IT area, boiler room, vault, etc. which results 14434 SF of addressable space. The high bay area uses a separate gas infrared system which modifications will be priced separately resulting in a reduction of 7021 SF for a net addressable area of 7413 SF.

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Thus:

Demolition of existing equipment (Boilers, Chiller, Etc).....	\$ 10,000
7413 SF @ \$21/SF (Boilers, Chiller, Unit Ventilators, Piping, EMS).....	185,643
High Bay Gas Infrared Modifications.....	20,000
System Back-feed Preventor.....	5,000
Design/Bidding Costs.....	25,000
Potential Total Cost.....	\$245,643

Note:

The aforementioned costing is base upon historical costs for the described systems.

It should be noted that cost database was pre-Covid, and the pandemic has had an impact on material availability and cost is in a state of flux. There is the potential for those increased costs to prevail for the next few quarters. Therefore, there may be some impact even with competitive bidding.



DEPARTMENT OF LAW

City Hall | 340 North Washington Avenue | Scranton, PA 18503 | 570.348.4105

November 17, 2020

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

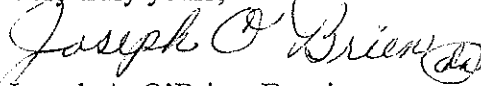
RECEIVED
NOV 17 2020

OFFICE OF CITY
COUNCIL/CITY CLERK

Dear Honorable Council Members:

ATTACHED IS A RESOLUTION FOR THE PURPOSES OF RATIFYING AND APPROVING THE EXECUTION AND SUBMISSION OF THE GRANT APPLICATION BY THE CITY OF SCRANTON POLICE DEPARTMENT TO THE COMMONWEALTH OF PENNSYLVANIA ACTING THROUGH THE COMMONWEALTH FINANCING AUTHORITY FOR A LOCAL SHARE ACCOUNT GRANT PURSUANT TO THE GAMING FUNDS GRANT PROGRAM IN THE AMOUNT OF \$257,925.00 TO INSTALL A HVAC SYSTEM IN EMERGENCY SERVICES CENTER (FORMERLY SERRENTI ARMORY) LOCATED AT 1801 PINE STREET, SCRANTON, PENNSYLVANIA, AND AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS OF THE CITY OF SCRANTON, PENNSYLVANIA, TO ACCEPT THE GRANT, IF SUCCESSFUL, AND EXECUTE AND ENTER INTO A LOCAL SHARE ACCOUNT GRANT CONTRACT AND COMMITMENT LETTER WITH THE COMMONWEALTH OF PENNSYLVANIA TO ACCEPT AND UTILIZE THE GRANT IN THE AMOUNT OF \$257,925.00 AWARDED BY THE COMMONWEALTH OF PENNSYLVANIA FOR SUCH PROJECT.

Very truly yours,


Joseph A. O'Brien, Esquire
City Solicitor

RESOLUTION NO. _____

2020

AUTHORIZING THE MAYOR AND OTHER CITY OFFICIALS TO MAKE A SOLVENCY PAYMENT TO THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY BUREAU OF UNEMPLOYMENT COMPENSATION.

WHEREAS, the City of Scranton is a reimbursable employer for purposes of Pennsylvania Unemployment Compensation Law; and

WHEREAS, the Pennsylvania Unemployment Compensation Law authorized reimbursable employees to make a solvency fee payment to the Commonwealth of Pennsylvania Department of Unemployment Security in the amount of .0018 of gross wages; and

WHEREAS, by making said payment, the City may be eligible for full reimbursement COVID-19 related unemployment compensation claims.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that the Mayor and appropriate officials of the City of Scranton are authorized to make the required solvency payment to the Commonwealth of Pennsylvania Department of employment security.

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 decisions shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Resolution, and the effective administration thereof.

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

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of 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.

AUTHORIZING THE MAYOR AND OTHER CITY OFFICIALS TO MAKE A SOLVENCY PAYMENT TO THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY BUREAU OF UNEMPLOYMENT COMPENSATION.

- *What Department is this legislation originating from? Where did the initiative for this legislation originate?*

Business Administration

- *Summary and Facts of the legislation*

The City of Scranton is a reimbursable employer for purposes of Pennsylvania Unemployment Compensation Law. The Pennsylvania Unemployment Compensation Law authorized reimbursable employees to make a solvency fee payment to the Commonwealth of Pennsylvania Department of Unemployment Security in the amount of .0018 of gross wages. By making said payment, the City may be eligible for full reimbursement COVID-19 related unemployment compensation claims.

- *Purpose – please include the following in the explanation:*

- *What does the legislation do – what are the specific goals/tasks the legislation seek to accomplish?*

Pennsylvania's Act 9 connects payment of the 2020 solvency fee and COVID-19 related unemployment claims. Act 9 states that if the fee has not been paid, a reimbursable employer is not eligible for full reimbursement of COVID – 19 related claims, but only 50%. The unplanned expenses incurred by municipalities in laying off employees because of COVID-19 is a burden that will only result in further exacerbating the current budgetary crisis municipalities are facing.

- *What are the benefits of doing this/Down-side of doing this?*

Benefits - The payment of a solvency fee to the Commonwealth of Pennsylvania Department for Labor and Industry, which may make the City eligible for full reimbursement, rather than 50% reimbursement of COVID-19 related unemployment compensation claims.

Downside – To be supplemented, if applicable.

- *How does this legislation relate to the City's Vision/Mission/Priorities*

This legislation gives the City the authority to make the payment without obligating us to make the payment. The payment, if made, would allow 100% percent rather than the standard 50% reimbursement.

- *Financial Impact – please include the following in the explanation:*

- *Cost (initial and ongoing)*

N/A.

- ***Benefits (initial and ongoing)***

See above.

- ***Funding Sources – please include the following in the explanation:
If transferring funds, please ensure specific accounts are noted; if appropriating funds from a grant, list the agency awarding the grant.***

N/A.

- ***Priority Status/Deadlines, if any***

High Priority as legislation is needed to allow payment of the fee before the end of the year.

- ***Why should the Council unanimously support this legislation?***

The ability to reap 100% reimbursement instead of 50% reimbursement will benefit the City.

- ***Include any other pertinent details and/or relevant information that the Council should be aware of:***

None at this time.



DEPARTMENT OF LAW

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RECEIVED

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Very truly yours,

Joseph A. O'Brien

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