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SCRANTON CITY COUNCIL MEETING

HELD:

Tuesday, July 26, 2011

LOCATION:

Council Chambers

Scranton City Hall

340 North Washington Avenue

Scranton, Pennsylvania

CATHENE S. NARDOZZI, RPR - OFFICIAL COURT REPORTER

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CITY OF SCRANTON COUNCIL:

JANET EVANS, PRESIDENT

PAT ROGAN, VICE-PRESIDENT

ROBERT MCGOFF

FRANK JOYCE

JOHN LOSCOMBE

NANCY KRAKE, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

BOYD HUGHES, SOLICITOR

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

3 MS. EVANS: Roll call, please.

4 MS. CARRERA: Mr. McGoff.

5 MR. MCGOFF: Here.

6 MS. CARRERA: Mr. Rogan.

7 MR. ROGAN: Here.

8 MS. CARRERA: Mr. Loscombe.

9 MR. LOSCOMBE: Here.

10 MS. CARRERA: Mr. Joyce.

11 MR. JOYCE: Here.

12 MS. CARRERA: Mrs. Evans.

13 MS. EVANS: Here. Dispense with the
14 reading of the minutes.

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

16 APPLICATIONS ALONG WITH DECISIONS RENDERED
17 BY THE ZONING HEARING BOARD ON JULY 13,
18 2011.

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

21 MS. KRAKE: 3-B. CONTROLLER'S REPORT
22 FOR THE MONTH ENDING JUNE 30, 2011.

23 MS. EVANS: Are there any comments?
24 If not, received and filed.

25 MS. KRAKE: 3-C. TAX ASSESSOR'S

1 REPORT OF APPEAL HEARINGS FOR JULY 6, 2011.

2 MS. EVANS: Are there any comments?

3 If not, received and filed.

4 MS. KRAKE: 3-D. TAX ASSESSOR'S

5 SCHEDULED HEARINGS FOR AUGUST 3, 2011.

6 MS. EVANS: Are there any comments?

7 If not, received and filed.

8 MS. KRAKE: 3-E. AUDIT STATUS FROM

9 ROBERT ROSSI & CO. AS OF JULY 18, 2011.

10 MS. EVANS: Are there any comments?

11 If not, received and filed.

12 MS. KRAKE: 3-F. BUDGET COMPARISON

13 FROM THE OFFICE OF THE BUSINESS

14 ADMINISTRATOR FOR THE MONTH OF JUNE, 2011.

15 MS. EVANS: Are there any comments?

16 If not, received and filed.

17 MS. KRAKE: Mrs. Evans, I believe a

18 person that's receiving the proclamation is

19 here, would you like to finish Third Order?

20 MS. EVANS: Yes, please.

21 MS. KRAKE: 3-G. LIQUID FUELS

22 ACCOUNT FOR THE MONTHS OF APRIL, MAY, AND

23 JUNE OF 2011.

24 MS. EVANS: Are there any comments?

25 If not, received and filed.

1 MS. KRAKE: 3-H. MINUTES OF THE
2 COMPOSITE PENSION BOARD MEETING HELD JUNE
3 22, 2011.

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

6 Do we have any Clerk's notes this
7 evening?

8 MS. KRAKE: No, we did not,
9 Mrs. Evans.

10 MS. EVANS: Thank you, Mrs. Krake.
11 At this time, I would ask that Pat Hinton
12 and his friends join council up here at the
13 front of the room, please.

14 WHEREAS, the COUNCIL OF THE CITY OF
15 SCRANTON is desirous of honoring PAT HINTON;
16 and

17 WHEREAS, PAT HINTON, who grew up in
18 South Scranton and continues to reside
19 there, watched his neighborhood change due
20 to bankruptcies, foreclosures, and absentee
21 landlords; and.

22 WHEREAS, PAT HINTON decided that
23 "enough is enough" and had an idea to get
24 involved and make a difference in his
25 neighborhood so PAT organized a volunteer

1 group to target blighted and abandoned
2 properties throughout the South Scranton
3 area in order to make them safer and cleaner
4 for all; and.

5 WHEREAS, PAT HINTON, along with
6 neighbors and volunteers Pat Hopkins, Colin
7 McCann and Shane Hinton founded the "SOUTH
8 SIDE CLEAN UP CREW" and in the past three
9 years, cleaned and cleared nearly fifty
10 properties throughout South Scranton,
11 including the following: The 1600 block of
12 South Irving Avenue, the corner of Prospect
13 Avenue and East Elm Street, the corner of
14 South Irving Avenue and Birch Street, the
15 1100 block of Moltke Avenue, the 100 block
16 of South Webster Avenue, the corner of
17 Prospect Avenue and Orchard Street, the 600
18 block of East Locust Street, the corner of
19 Maple Street and Pittston Avenue, 620
20 Pittston Avenue and 722 Fig Street; and.

21 WHEREAS, PAT HINTON has worked
22 during his time off to clear overgrown and
23 abandoned lots, providing gloves and trash
24 bags at his own expense and even paid the
25 costs involved with the disposal of

1 discarded tires; and.

2 WHEREAS, PAT HINTON and the group of
3 volunteers continue their efforts and have
4 started a program called "ADOPT-A-LOT" where
5 neighbors can continue the care of a lot
6 that has been cleared by maintaining it on a
7 monthly basis; and.

8 NOW, THEREFORE, BE IT RESOLVED, that
9 on TUESDAY, JULY 26, 2011, Scranton City
10 council wishes to congratulate PAT HINTON,
11 the SOUTH SIDE CLEAN UP CREW, family,
12 neighbors, volunteers and friends for their
13 self-motivated volunteerism and hope that
14 others will join them or follow their
15 example.

16 BE IT FURTHER RESOLVED, that this
17 Proclamation dated Tuesday, July 26, 2011,
18 be made a permanent part of the Minutes of
19 this Council, as lasting tribute to PAT
20 HINTON, the South Side Clean Up Crew,
21 volunteers, neighbors, and friends.

22 MS. EVANS: Is there anything you
23 would like to say to the public?

24 MR. HINTON: Sure, I have a couple
25 of words. This won't take long, I promise.

1 I just want to say thanks first, you know,
2 to city council members that invited us down
3 here to so we could receive this great
4 honor. Council staff as well that helped
5 put this together for us tonight. You know,
6 we really appreciate you guys acknowledging
7 what -- you know, the efforts that we do
8 because just by doing that it's going to
9 help promote our cause.

10 We also want to thank individuals
11 who helped support our cause whether it's,
12 you know, helping, you know, loaning us
13 equipment, letting us know where these
14 abandoned and blighted properties are, so we
15 can go clean them and, of course, a big
16 thanks to all of the volunteers, you know,
17 without them none of this would happen.

18 Basically this group was conceived
19 three years ago for one purpose and that is
20 to help our community and a lot of people
21 would say why, and basically because, you
22 know, we have a pride in our neighborhood
23 and because we care. It was very difficult
24 for not only myself but for the great people
25 here with me and for the many people

1 throughout South Scranton to watch their
2 neighborhood deteriorate to blight and
3 abandoned properties. So basically what we
4 said was "enough is enough" and let's put
5 these words into action and we did, and this
6 is a great cause.

7 These volunteers take their personal
8 time out of their busy schedules to fight
9 for a cause they believe in. Cleaning,
10 chopping, cutting and picking up garbage in
11 sometimes 95 degree weather to help their
12 neighborhood and make it safe and more
13 beautiful for our neighbors to live in it.
14 We hope that more of our neighbors will help
15 take part in our efforts, especially in our
16 Adopt-a-Lot program. We also hope our cause
17 will help motivate other people to do the
18 same throughout this great city.

19 Our cause is very reminiscent of
20 what John Kennedy said so many years ago
21 about ask not what your community can do for
22 you, but what you can do for your community.

23 And lastly, I want to leave you with
24 this one quote, it's actually a passage from
25 a quote, it's from the ancient Athenian

1 pledge which I think is very reminiscent of
2 what we do and really highlights the goals
3 of what we are trying to accomplish here.
4 It says, "We will strive to quicken our
5 sense of civic duty, thus, in these ways we
6 will transmit this community greater,
7 better, stronger, prouder and more beautiful
8 than it was transmitted to us."

9 So on behalf of myself and the South
10 Side clean up crew, we thank you for this
11 great honor and for letting us be here
12 tonight. We appreciate it. Thank you.

13 MS. EVANS: If each of you could
14 come up and announce your names because
15 certainly you worked very hard, too, and you
16 deserve acknowledgment you are not the South
17 Side Crew, you are individuals.

18 MR. HINTON: Chris Hinton, I'm Pat's
19 brother.

20 MR. WINKLER: Kevin Winkler.

21 MR. GAUGHAN: My name is Brendon
22 Gaughan.

23 MR. HINTON: My name is Shane
24 Hinton.

25 MR. MCCANN: Colin McCaan.

1 MR. CHICKLO: Jamie Chicklo.

2 MR. HOPKINS: Pat Hopkins.

3 MR. FALCON: Ryan Falcon.

4 MR. BARKLEY: Larry and Faith
5 Barkley.

6 MR. HINTON: Chris Hinton, and this
7 a Kerry Hinton.

8 MS. EVANS: You know, as I listen to
9 these names in brings back some memories
10 from Scranton High School. I think some of
11 you, at least two of you fellows have
12 something in common with me, my daughter,
13 because now I remember, Mr. McCann, I think
14 Kelly dated you in high school.

15 MR. MCGOFF: Close. That was
16 actually my brother, Ryan.

17 MS. EVANS: And you, I think I have
18 a picture of you in my house --

19 MR. HINTON: Yes, you do.

20 MS. EVANS: Because you and Kelly
21 went to the Scranton High School senior prom
22 together and you were so handsome back in
23 your white tuxedo.

24 MR. HINTON: I tried.

25 MS. EVANS: Absolutely.

1 MR. HINTON: So that's why we're
2 getting this award.

3 MS. EVANS: And the Fallon name, the
4 Hopkins names, all of these names ring such
5 a bell from Scranton High School, so you
6 have certainly grown into tremendous young
7 men and I think not only your families, but
8 this city and all of it's residents can be
9 very proud of you and most grateful to you,
10 and your parents did an excellent job.
11 Thank you.

12 MR. HINTON: Thanks so much.

13 MS. EVANS: I also wanted to
14 acknowledge at this time the little bird who
15 put that information in my ear regarding
16 this group and that was Mrs. Jean Marie
17 Warpus, so I thank her for bringing this
18 group and their hard work to our attention.

19 Do any council members have
20 announcements at this time?

21 MR. LOSCOMBE: I have two. On
22 Saturday, July 30, there will be an
23 Invader's Night Out at Haggerty's Bar and
24 Grill, 421 North Main Avenue hosted by the
25 West Scranton football boosters. The time

1 is from 7 p.m. to 10 p.m. and the price
2 would be \$10. Come out and support the West
3 Scranton football boosters.

4 The Dante Literary Society will hold
5 it's annual chicken dinner on Saturday,
6 August 13, from 4:30 to 7:00. The cost is
7 \$10 per person. It says, "Due to the
8 capacity of our ovens, we can only serve 230
9 chickens. I encourage all members and
10 friends of this society to reserve your meal
11 by paying early. Please contact the Dante
12 Literary Society, 1916 Prospect Avenue."

13 And it's all I have.

14 MS. EVANS: Are there any other
15 announcements? Scranton City Council will
16 recess for the month of August. The fall
17 session of regularly scheduled city council
18 meetings will resume on Tuesday, September
19 6, 2011. City residents can continue to
20 contact the Office of the City Clerk and the
21 city council at 348-4113, and can contact
22 individual council members at their e-mail
23 addresses which are posted on Channel 19,
24 ECTV. And that's it.

25 MS. KRAKE: FOURTH ORDER. CITIZENS'

1 PARTICIPATION.

2 MS. EVANS: Our first speaker
3 tonight is Andy Sbaraglia.

4 MR. SBARAGLIA: Andy Sbaraglia,
5 citizen of Scranton. Fellow Scrantonians,
6 I'm sorry I missed the meeting last week
7 when you brought up Boscov. It was a sad
8 thing. We have been paying some of his
9 debts quite along, his 108 loans. We have
10 been paying that for God knows how many
11 years. Now, of course, do we have to pay to
12 HUD wherever that money was borrowed from
13 when he didn't pay us? Do we still continue
14 to have to make those payments?

15 MS. EVANS: The city I believe,
16 according to the documents that I have read,
17 the city will continue to make the interest
18 payments.

19 MR. SBARAGLIA: There you go. There
20 is another --

21 MS. EVANS: Not the city, but OECD
22 through CDBG allocations.

23 MR. SBARAGLIA: With our money that
24 we could actually spend somewhere in the
25 city. That's the way it goes in this city.

1 He has plenty of the money to give to
2 political contributions if you read any of
3 his gifts that he gave. I guess he had a
4 good return on the investments. Okay.

5 Mr. Rogan, I guess you were unhappy
6 with the recess, but if you are willing to
7 come here Thursday I will meet you and we'll
8 canvass the city one section at a time. I'd
9 gladly go with you.

10 MR. ROGAN: Thursday?

11 MR. SBARAGLIA: As a member of the
12 Taxpayers' Association. You know, it's good
13 to get out there. I haven't been out there
14 since I ran for council.

15 Now, let's get onto the override.
16 You are going to recess, if you vote to
17 override his veto for the pools exactly who
18 is going to handle the things that are going
19 to happen afterwards? The mayor already
20 says it's illegal, so chances are there are
21 going to be litigation, is your solicitor
22 going to handle and back you up or is this
23 just another deal where we make promises
24 that we can't fulfill? And this concerns
25 me, especially with the weather we have been

1 to make sure that your legislation has some
2 teeth, not like it was when you sent me up
3 to the SRA and they laughed at me. That's
4 not a thing to do. You got to put teeth in
5 what you do and stand by it no matter what
6 the consequences are. Thank you.

7 MS. EVANS: Thank you. Jerry
8 Schalk.

9 MR. SCHALK: Jack, pass these out,
10 okay? Good evening, my name is Jerry
11 Schalk. I live at 603 Fellows Street. They
12 should declare it a disaster area. The
13 Price Rite is ruining our neighborhood.
14 Now, the reason why I'm down here because
15 the whole neighborhood didn't want to come
16 down with us, we don't want to make this a
17 circus, okay? So let's play a little bit of
18 Jeopardy. Okay, here we go. Wall, smell,
19 noise, garbage trucks. By the way, my
20 neighborhood cannot sleep at 7:00. I just
21 thought you would know that, and you know
22 what, we are not complaining because that's
23 the ordinance, we understand that. And I
24 just retired from the city and I went to
25 work every morning at 5:30 so it never

1 really bothers me, but trucks come every --
2 all of the hours of the day, I mean, in the
3 morning.

4 Oh, what'd I miss here? One-way and
5 fine and cite. So all of this -- let's
6 start doing these. Well, there is a
7 retaining wall that should be up there, we
8 have none. I live, what's this, about 20
9 yards, two first downs? That's how far I
10 live from the loading dock. They have --
11 the dumpster is attached to the building.
12 When it comes out it leaks, the whole
13 neighborhood stinks. I was talking to a
14 couple people in the lobby here they said
15 they can't even go by my house. I live
16 right on the corner.

17 Okay, let's move back five more
18 yards. There's the loading dock, I wake up
19 in the morning, I look out, Price Rite
20 truck. This is 24/7. This is all year
21 round, not supposed to be there. It's
22 supposed a retaining wall according to the
23 council -- the ordinance. We are not --

24 So, okay, smell. That's already
25 documented. How many times Seitzinger's

1 Office been up there, Board of Health. I
2 mean, when it stinks, it stinks. Do you
3 realize we can't enjoy our homes? All we
4 are asking is just the same process that we
5 just want to live like the other 70 plus
6 people in Scranton. That's all we're asking
7 for. Nothing less, no more, we don't want
8 no pools, we don't want know this or that,
9 we just want to live like everybody else.
10 That's all we are asking for. It's a mess.
11 Nobody here in this place would want to live
12 where I live. I live right on the corner of
13 South Sixth and Fellows, it's a zoo.

14 I went over, I tried diplomacy. It
15 doesn't work. And before I forget I want to
16 thank Jack and Nancy for all they did for
17 us. Okay, let's go down the line here.
18 Garbage, again, garbage, the retaining wall,
19 should prevent the garbage from going on our
20 property. Not mine. I'm not here about
21 Jerry Schalk, I'm here about the
22 neighborhood. About six, seven houses --
23 Price Rite, I'm going to be honest with you,
24 they throw coffee cups, they tear up the
25 packages. We could actually have a bag of

1 garbage in a month's end now.

2 You know, if I get a little
3 emotional I'm a little aggravated because
4 this is years of building up. This years of
5 building up, getting woke up every morning
6 at 6:30, 6:00, and one of these days I don't
7 want to go to jail. I'm telling you, I have
8 a bad temper and something is going to
9 happen, so that's why I'm coming here today
10 to ask you people for help. We need it
11 badly. This has got to be done tomorrow.
12 Tomorrow, okay? Tomorrow. You got to go
13 downstairs and get them people up there and
14 not to put Band-Aids on this problems. No
15 more Band-Aids. If I start cutting my lawn
16 at 12:00 in the morning I am going to get
17 cited or fined or whatever and I deserve it.
18 These people come in here from out of where,
19 from New York? They are running our
20 neighborhood. They do not care about the
21 neighbors. I have been there since 1978 and
22 people are there before me. They don't
23 care. They are putting their eight hours in
24 and going home. They could many care less
25 about us, okay?

1 Let's go down the line here.
2 Trucks. You saw the pictures. They have
3 turned the parking, lot, repeat, they have
4 just turned the parking lot into a truck
5 stop. Now, all you people go shopping, I
6 understand that, go to the Giant or the
7 Price Chopper, go to three Gerrity's in the
8 area, do you see any trucks parked there and
9 these semis? No, you don't. No, you don't.
10 You don't see no trucks parked there. These
11 trucks are there years. They are parked
12 there 24/7, sometimes six, that's why I took
13 the pictures, and that's why I very grateful
14 that Jack came up so I'm not exaggerating
15 nothing. It's horrible to live there.
16 Probably people have the gas lines live
17 better than us.

18 Signs. Here is the funny thing
19 about it and it's really not funny, here I
20 am complaining about all of this and you
21 know what, there are signs all over the lot.
22 No trucks from seven to ten. No loitering,
23 no idling, no trucks parked, it's right
24 there; am I right, Jack?

25 MR. LOSCOMBE: Correct.

1 MR. SCHALK: So how can the
2 neighborhood be wrong here?

3 MR. LOSCOMBE: Explain what happened
4 when you called 911, too, on the trucks.

5 MR. SCHALK: Oh, geez, I was going
6 to get to that Jack, I forgot to mark that
7 down. Okay, I understand, it's only common
8 sense, a nine-year-old will understand this,
9 when you see something funny you report it,
10 just like when I was in Vietnam if I saw a
11 football in the rice paddy that's something
12 different; am I right? Yeah, Family Dollar
13 truck parked by our house, our houses, okay?
14 Is there something wrong with that? Yeah.
15 He was there all night. Number one, he is
16 putting the truck on and off because it was
17 hot, you know what I mean? On and off.
18 That's aggravating. So we called COM
19 Center. We sat on the porch waiting for
20 them to come, three times we called. You
21 know what they told us? You know what they
22 told us? If we call one more time they are
23 going to cite us for harassment. Duh? Are
24 you kidding me?

25 So here is what I'm trying to say,

1 you know, you look at your check and there
2 is taxes taken out, but for what? Why would
3 they take taxes out of my check for this?
4 Don't do that, but you see something, you
5 know, and it got -- what I have any time
6 left? I'm done.

7 MS. CARRERA: It's up to them.

8 MR. SCHALK: Guys, please help us
9 out, okay? I have all of this down here, we
10 are going to file a lawsuit if this is not
11 done and we are going to include the City of
12 Scranton because you already came, you all
13 did your job. This has to be done tomorrow.
14 We can't take much more.

15 MR. LOSCOMBE: I'll be addressing
16 some of the issues, Jerry.

17 MR. SCHALK: It has to be done
18 tomorrow. You got the trucks idling, you
19 got the noise, the stink and everything. In
20 fact, if they moved tomorrow I could care
21 less. Thank you so much I appreciate it.
22 I'm sorry I got out of hand.

23 MS. EVANS: Thank you very much.
24 Bill Jackowitz.

25 MR. JACKOWITZ: Good evening,

1 Council. I never met Jerry before, but I
2 have driven by his neighborhood and I tell
3 you what, it does stink over there. No
4 offense.

5 Good evening, Scranton City Council.
6 Bill Jackowitz, South Scranton resident and
7 member of the Taxpayers' Association. One
8 man with courage is a majority. Thomas
9 Jefferson said that. Last Tuesday was a
10 very disappointing meeting. I watched and
11 listened to the Boscov four stuff a bailout
12 right down my throat. Call it what you
13 want, when you move a vote from first
14 reading to final reading in 20 minutes,
15 something is wrong.

16 Councilwoman Evans has said many
17 times that this does not pass the smell
18 test. The Boscov's bailout did not pass the
19 smell test with me. When you reduce the
20 interest payments by 3 percent and delay
21 payments on \$880,000 for two years that is a
22 bailout. If my creditors would do that for
23 me I would be a very happy camper, but then
24 again, I do not have the power and money
25 like Mr. Al Boscov.

1 Furthermore, I do not contribute
2 thousands of dollars to political campaign
3 funds. The financing for the mall project
4 came from a variety of sources, none of
5 which were banks. I repeat, none of which
6 were banks. Due to the position and risk
7 they took to aid and renew revitalization of
8 downtown Scranton, Scranton Mall Association
9 were able to draw untraditional financing
10 sources. Some of the eventual sources for
11 financing included an urban development
12 action grant from the federal government,
13 taxpayers' money, a financial commitment
14 from the state, taxpayers' money, and
15 recognition for the potential economic
16 rebirth of Scranton and the northeast which,
17 by the way, never happened. They gambled
18 the taxpayers' money and lost. Now, it
19 seems city council is willing to gamble
20 again.

21 Scranton has been distressed since
22 January 1992. The Mall at Steamtown opened
23 23 August of 1993, almost two years after
24 Scranton went distressed. For those of you
25 who are not aware of the fact that Scranton

1 still remains distressed as of 26 July of
2 2011. Now, the Boscov four wants to take
3 another chance with taxpayers' money. The
4 public employees and board of International
5 Brotherhood of Electrical Workers from it's
6 pension funds also financed construction of
7 the Steamtown Mall. Over \$100 million was
8 needed to open the Steamtown Mall in 1993.
9 Steamtown Mall Partners and Al Boscov's
10 money was invisible and for that matter
11 still is. Add in the 31 million for the 500
12 block of the Lackawanna Avenue or \$131
13 million taxpayer dollars with nothing to
14 show for it.

15 Mr. Boscov received millions from
16 the state, three million from Scranton and
17 other surrounding communities where he
18 happens to have his retail stores located.
19 He employs many people at minimum wage and
20 the majority of his employees are part-time
21 workers supplementing other incomes, mostly
22 small social security checks. These are not
23 family sustaining jobs. They do little for
24 the Scranton wage tax collection.

25 Furthermore, not all employees in

1 the mall and Boscov's are Scranton
2 residents, meaning no wage tax collection
3 for those workers. One million dollars
4 short fall in wage tax, how can that be with
5 the Honorable Mayor Doherty creating 9,000
6 jobs and Mr. Boscov and the mall employing
7 all of these people. How can there possibly
8 be a shortfall in wage tax collection?

9 Mr. Boscov bragged about how good
10 his retail stores were doing after he came
11 out of retirement, how he turned everything
12 around, now he is back on his feet. I must
13 ask the Boscov four, why are they willing to
14 take another chance with taxpayers' money?
15 I have spoken on Scranton's economy for
16 eight years plus, also have spoken about the
17 affiliate of the Steamtown Mall on several
18 occasions. You know, it is kind of like the
19 Fram oil filter commercial, you can pay me
20 now or pay me later. In two years when the
21 mall fails again the taxpayers of Scranton
22 will be paying for Mr. Boscov's mistakes
23 plus city council's vote. Myself, I would
24 have preferred to pay now and get it over
25 with.

1 The Steamtown Mall has been losing
2 tenants on a regular basis for the last ten
3 years. The mall lost another tenant in the
4 past few weeks and will continue to lose
5 tenants. Why, because it is a failure and a
6 burden on the already strapped taxpayers of
7 the Scranton, but then again, power and
8 money goes a long way especially when you
9 bring politicians and attorneys into the
10 picture. The vacancy rate is three times or
11 more higher in the Steamtown Mall than the
12 national average of 9.1 percent.

13 Boscov's four, what you are going to
14 do about this? When the mall opened they
15 had 69 tenants plus three anchors, currently
16 they are no where near close to those
17 numbers. Montgomery Ward is gone, Globe
18 also gone.

19 Mr. Rogan, you have the right idea,
20 stay the course. \$6.5 million deficit, my
21 hope is that council will work diligently
22 and come September 1 will see agreement
23 between the administration and council.
24 More importantly, progress, not handouts.
25 Hope to see the Honorable Mayor Doherty at

1 the next city council meeting. I have
2 confidence that the administration and
3 council will find a way. Enjoy your
4 vacation. Scranton will still be distressed
5 when you returned, although, a new Recovery
6 Plan is on the way.

7 I have made this statement many
8 times, you milk cows not taxpayers. I, for
9 one, have been milked enough. The Feds put
10 the shackles on me, the state blindfolds us,
11 the county leads us to the gallows and the
12 school board puts the noose around our neck
13 and the city buries us. Thank you.

14 MS. EVANS: Thank you,
15 Mr. Jackowitz. Marie Schumacher.

16 MS. SCHUMACHER: Good evening, Marie
17 Schumacher.

18 MR. JOYCE: Good evening.

19 MS. SCHUMACHER: I would first like
20 to start off by reminding Mr. Joyce that I'm
21 still waiting for the promise 2010, 2011
22 comparison of city audit delinquencies and
23 hope maybe you will have that tonight.

24 MR. JOYCE: I will get that
25 information to you.

1 MS. SCHUMACHER: And also I'm hoping
2 to hear from Mr. Loscombe on the status of
3 the neighborhood police patrol and the
4 number of officers that have been deployed
5 so far in 2011.

6 And then I guess back to Mr. Joyce,
7 does the 6.5 million shortfall for 2011
8 include paying the Pennstar for the shortage
9 of collections of delinquent property taxes?

10 MR. JOYCE: It's a combination of
11 the 2010 deficit carried over into what's
12 projected for this year as well. Yes, that
13 is taken into consideration. And just on
14 another note, I will get those comparisons
15 to you, I don't have them now, I spent a lot
16 of time over the past week on CDBG issues
17 and OECD funds, so I probably put about a
18 good nine hours into that, so I will --

19 MS. SCHUMACHER: Well, maybe you
20 could have handed that to the Community
21 Development Chair and you wouldn't have had
22 to do that, but that's the way it is.

23 MR. JOYCE: I did attempt to reach
24 out to the Community Development Chair.

25 MR. ROGAN: And I did send you an

1 e-mail.

2 MR. JOYCE: I never received that
3 e-mail.

4 MR. ROGAN: Yes, you did. You sent
5 me a text message saying it was received.

6 MR. JOYCE: I received a text
7 message from you.

8 MR. ROGAN: That said I sent an
9 e-mail. Whatever. Let's not get into it.

10 MS. SCHUMACHER: Okay. And now I
11 know you are bound and determined to take
12 the next five weeks off and I would just
13 like to close off with the five reasons, one
14 for each week, that I don't think you should
15 be leaving here.

16 Number five, I think the public
17 comment should still be of interest to
18 council members who elected you, not just
19 passing legislation. I think that's a real
20 part of the council.

21 Number four, I think the ordinances
22 need to be reviewed to see where changes may
23 be required. A lot of them require update.

24 Number three, CDBG. I think you
25 should meet to both establish criteria for

1 acceptability of the grants to council and
2 invite the recipients of those who have been
3 not tapped into their funding, sometimes for
4 years, to explain why they requested the
5 money and council approved it and they are
6 not spending it.

7 Number two, I think review of all
8 organizations, and I didn't take the time to
9 make a count, but they are very numerous, of
10 all of the organizations whose properties
11 currently are tax exempt from at least
12 property taxes to determine whether they
13 meet the five criteria for a purely
14 charitable organization or whether they
15 should be -- that status should be -- they
16 should be paying property taxes.

17 And finally the structural imbalance
18 in the budget and how the differences will
19 be addressed. Are we going to -- can we
20 avoid having a tax increase in 2012? Thank
21 you and enjoy your vacation.

22 MS. EVANS: Thank you. Les
23 Spindler.

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

1 homeowner and taxpayer.

2 MS. EVANS: Good evening.

3 MR. SPINDLER: I, too, want to talk
4 about the bailout of Mr. Boscov. Last week
5 I was in favor of it, but over the past week
6 the more I thought about it the more I
7 thought it was a bad idea. How many times
8 are we going to bail this man out? I would
9 love to have one of my big bills forgiven
10 for two years, also. What would my mortgage
11 company say if I called them and asked them
12 to not let me pay my mortgage for two years.
13 I think they would probably take my house
14 off me, so I don't think that was a good
15 idea, and I think this mall is poorly
16 managed. We shouldn't have to make up for
17 poor management. Look at the Viewmont Mall,
18 the vacancy up there is not nearly as high
19 as it is down here. We just can't get
20 businesses in this city.

21 There is a little article last week
22 in the Doherty newsletter where there is two
23 businesses going up by the new movie theatre
24 up in Dickson City. I'm going to challenge
25 council to have a caucus here, get the

1 people that manage the mall in here and ask
2 them why can't we get people in this mall.
3 Give businesses an incentive. Maybe lower
4 the rent a little bit. There has got to be
5 a reason. There can't be this many
6 vacancies in this mall. It's a sin. I just
7 think it's poor management, I don't think
8 the people are qualified, and I would like
9 council to get them in here and ask them
10 these questions. Like I said, give them an
11 incentive to come here.

12 Council did lower the business
13 privilege tax a little bit, but the mall
14 partners themselves have to do something and
15 try to get businesses in here. We can't let
16 them all go to Dickson City or else, you
17 know, in two years they are going to be here
18 asking the same thing. We can't keep doing
19 this. We got to get tenants in the mall.

20 The pool fees, what a surprise the
21 mayor vetoed it. If he doesn't get his own
22 way he vetoes everything. I have to read a
23 quote from him: "Mr. Doherty's veto letter
24 also states that the legislation is both
25 fiscally and logically irresponsible because

1 it reduces the Authority's ability to raise
2 revenue."

3 The man is nothing but a hypocrite.
4 He is talking about this not being able to
5 raise revenue, but he is sabotaging a
6 revenue source that council put in last
7 year's budget, the StreetSmart program, so
8 he is talking about this not bringing in
9 revenue, we are going to lose a year's
10 revenue not implementing that StreetSmart
11 program when it should have been in the
12 beginning of the year. The man is nothing
13 about a hypocrite and so is everybody else
14 that supports him.

15 Another article in the Doherty
16 newsletter, the mayor wants to put a park
17 where Lincoln Jackson school is right now.
18 All this man believes in is putting parks in
19 this city. Pretty soon it's going to be
20 Park City, Pennsylvania, not Scranton,
21 Pennsylvania. I have a great idea where to
22 put two parks right downtown here where two
23 big eyesore holes in the ground are. Two
24 wonderful places to put a park.

25 Mr. Loscombe, I forgot to ask you a

1 few weeks ago when you were talking about
2 the Linden Street bridge, and I saw in the
3 paper and you even stated, that they are not
4 going to start until September, do you know
5 why?

6 MR. LOSCOMBE: The Linden Street
7 bridge? Actually, it's supposed to be the
8 end of August, if I'm not mistaken.

9 MR. SPINDLER: Yeah, why? I mean,
10 they could have started weeks ago. Why is
11 it just sitting there with nothing being
12 done?

13 MR. LOSCOMBE: Basically there is
14 bureaucracy everywhere and, fortunately, it
15 didn't sit over the river, but it does sit
16 over a railroad track. If it's over a river
17 they have to go through other regulations.
18 That's what the problem with the Harrison
19 Avenue bridge. They have a lot of
20 situations up there that have to be
21 improved. Believe me, I think, you know,
22 the municipalities and even the state would
23 love to have less bureaucracy to progress
24 with these projects, but there is lot that
25 has to be done step by step, DEP approval,

1 approval from the Rail Transit system and
2 everything for the modifications, the
3 engineering approval and stuff like that,
4 basically that's what the tie up is.

5 MR. SPINDLER: Okay, I was wondering
6 why they waited --

7 MR. LOSCOMBE: In this particular
8 case, I mean, the state has been handling it
9 and I was on top of it and they told me what
10 kind of structure they are going to put
11 there and everything, too, but getting the
12 necessary permits and approvals was what the
13 hold up was, and basically Crisp Avenue was
14 that to a certain degree, but a lot of it
15 was our fault here for not pushing it on
16 that end, but they did have to get approvals
17 for waterway and stuff like that, so it's
18 not just cut and dry where you can come in
19 say, "Hey, I'm going to get the permit, this
20 is the bridge I want to put in," they have
21 to design the proper structure and
22 everything for today's traffic and that, but
23 that's basically what the delay is.

24 MR. SPINDLER: Thank you.

25 MR. LOSCOMBE: And they said I

1 believe it was 45 to 90 day time table for
2 completion once they start on it.

3 MR. SPINDLER: Okay. This isn't
4 really city business, but I have to speak
5 about this article in the Doherty newsletter
6 about Mrs. Evans' comp case. I wrote a
7 letter to the editor about that awhile back
8 and to make a long story short it's none of
9 the Times-Tribune's damn business. It's a
10 school district issue and they said they
11 wrote Right-to-Know letters, they can write
12 Right-to-Know letters for the rest of their
13 lives, it's none of their darn business.
14 HIPPA laws protect a person's privacy when
15 it comes to problems like this, and I wrote
16 that in the letter to the editor which they
17 published. I'm sick of hearing about this.
18 Don't they have more important stuff to
19 write about? If this was Chris Doherty you
20 wouldn't see anything about this in the
21 newspaper. Why don't they write something
22 about all of the nonsense that's going on
23 with all of the cronyism in his
24 administration and leave Mrs. Evans alone.

25 Okay, moving on, I just have two

1 announcements, a neighbor of mine asked me
2 to announce this, this Sunday, it's called
3 Picnic in the Park in conjunction with the
4 Bark in the Park at Nay Aug Park, July 31,
5 2011, this Sunday, from 12 to 5. I can't
6 read the whole thing because there is food
7 and special events all day and it sounds
8 like a great time. They are having over 80
9 vendors, so hopefully everybody can make it
10 up there on Sunday.

11 And last but not least, April 12 and
12 11, I have announced this a few times
13 already, the Tripp Park Neighborhood
14 Association is having a picnic in the Tripp
15 Park Community Center parking lot from six
16 to ten. There is going to be food, prizes,
17 games and EJ the DJ will be there and that's
18 Friday, April 12, and Saturday, April 13.

19 MR. LOSCOMBE: August.

20 MS. EVANS: August?

21 MR. LOSCOMBE: You said April, I'm
22 sorry.

23 MR. SPINDLER: August. I'm sorry,
24 thank you. August 12 and 13. Thanks for
25 your time.

1 MR. LOSCOMBE: Pushing for spring
2 already.

3 MR. ROGAN: We'll just skip winter
4 this year and make it easy on everybody.

5 MS. EVANS: Ron Ellman.

6 MR. ELLMAN: Well, better late than
7 never. Jack, I see you and Gary didn't fall
8 for with that free lunch Sunday from Johnny
9 Super Star, huh?

10 MR. LOSCOMBE: Oh, no, I couldn't
11 make it.

12 MR. ELLMAN: He phoned Rosie, she
13 come out and said Johnnie Superstar phoned
14 and said come down to the club he wants to
15 buy supper. I said, oh, good. We go down
16 there, there is a free roast beef dinner for
17 members. He's a real tightwad, you know?
18 He should be mayor because he didn't spend a
19 dime I'll tell you. You could have a budget
20 with him.

21 You know talking about Mr. Boscov, I
22 talked to several people that were very
23 disappointed in you supporting him. I just
24 wondering what the chances are of getting my
25 taxes postponed for a couple of years?

1 MS. EVANS: Actually, his taxes
2 aren't being postponed for any years, as
3 long as the mall remains open it's going to
4 continue to paying it's taxes.

5 MR. ELLMAN: I'm supporting him, he
6 is not taking away nothing. I think I have
7 a better chance than he does. The more I
8 think of it I was watching Joe Snedeker
9 pedal his bicycle this morning and as tight
10 as I am I give them a little donation. This
11 such an achievement, like I have said in the
12 past, with riding that 100 miles in this
13 heat, you know, I don't know how he can do
14 it.

15 And I had a lady Saturday, Rosie's
16 aunt, Charlotte, said if they close the two
17 pools to save money why do they have to
18 raise the other pool a dollar and a fee,
19 which is good point, you know? Where is all
20 of this money going anyways? I don't know.
21 It's just ashame what goes on with this man.

22 You know, a young fellow was talking
23 to me at the drugstore last week and he
24 lives on Ferdinand Street and he said that
25 the railroad bridge needs a lot of attention

1 and I went up there and looked at it and
2 it's pretty bad. Have you seen it?

3 MR. LOSCOMBE: Yes, we have already
4 I believe sent letters out on it.

5 MR. ELLMAN: It looks like it's on
6 it's last leg to me, I'll tell you. I don't
7 know. And I would like to say again about
8 my neighbor across the street that can't
9 take care of himself. I was watching -- in
10 fact, I talked to him yesterday, he is
11 wearing a long sleeve shirt in this 100
12 degree heat and got rubber boots that come
13 up to his knees and the people next door
14 took his refrigerator out last week and a
15 keyboard and some other boxes of things. He
16 is not rationale, he has got to have an
17 advocate or somebody to take care of him
18 because Scranton Counseling sure isn't doing
19 their job, and I happen to know when his
20 mother was alive she told Rosie that he has
21 his father's old guitar, which was supposed
22 to be, you know, she called it priceless,
23 but these neighbors probably got it by now.
24 I never heard of nobody not caring about
25 this fellow. He just can't take care of

1 himself, you know, as far as living alone
2 and the neighbors have looted his house and
3 nobody seems to care, you know. The DA's
4 Office doesn't seem to care, it seems like
5 I'm the only one worried about him and he
6 don't talk to me too much. I tried
7 yesterday, but people like this they just --
8 they just shouldn't be taken advantage of
9 and let someone get away with taking
10 advantage of the refrigerator out of the
11 house in broad daylight like that and nobody
12 does anything.

13 Well, I hope you guys have a nice
14 month off. I was -- I have been planning to
15 go to Memphis all summer and I just never
16 get around to going anywhere. I haven't
17 fixed my car air conditioner. In fact, let
18 me -- I thought my air conditioner something
19 was wrong with it, there is a filter, a
20 cabin filter they call it, that thing must
21 have been in there since the car was new.
22 It looked like a big mud pie when I finally
23 took it out, but I am just saying that. I
24 hope you have a nice vacation.

25 MR. LOSCOMBE: You, too. Pack up

1 Rosie and take her to Memphis.

2 MR. ELLMAN: I'll find something to
3 do. I don't know. I get on my little motor
4 scooter and hit garbage cans on Tuesdays.
5 I'd like to go get Bob Jones' and run right
6 over them with it. He has a big rubber one
7 you can knock it up in air, you know. It
8 goes up about two houses down the street and
9 I can imagine him going to look for it.
10 Thank you.

11 MS. EVANS: Lee Morgan.

12 MR. MORGAN: Good evening, Council.

13 MR. JOYCE: Good evening.

14 MS. EVANS: Good evening.

15 MR. MORGAN: I would just like to
16 make a couple of comments tonight, one in
17 regard to the mall. You know, I'm quite
18 sure that a lot of people aren't very happy
19 where the mall is at this point and maybe
20 the administration, maybe yourselves, a lot
21 of the city residents, but I think that we
22 should really in my opinion be very careful
23 what we do in regards to the mall because if
24 that mall closes I don't know what we are
25 going to do with all of that real estate in

1 the center of town and I don't know what
2 will happen to it.

3 I think we need to realize that the
4 mall is in a -- just a city that's in my
5 opinion bankrupt. It's just the city is
6 spinning in disrepair and blight itself and
7 I just think that maybe this council will
8 take the next five weeks and communicate
9 amongst yourselves and try to come up with a
10 way to help the mall to turn itself around.

11 You know, I just think we have a lot
12 of problems and I think the last thing we
13 need is a mall that's closed in downtown
14 Scranton with no future because what are we
15 going to do with all of that real estate? I
16 think it really needs a lot of reflection.
17 I'm not sure we all know that Mr. Boscov has
18 a lot of money, but, you know, you walk
19 through that mall and they got props in the
20 windows and the vacancy rate is astronomical
21 and I think it would be time to consider the
22 amount of money it costs to heat and cool
23 that building, and I don't know, I mean, how
24 would you -- the city itself in my opinion
25 is mismanaged, so, I mean, you know, it --

1 you try to get people to come into the city
2 to do business, but, I mean, it's maybe just
3 a lot easier for them to get off by the mall
4 or maybe go shopping in the new development
5 Wal-Mart has created or on Montage Mountain,
6 so we have to figure a way to bring people
7 in the city and make that a shining star for
8 the city, just a way to turn the city
9 around.

10 The other thing is, you know, I have
11 been watching the federal debt and budget
12 problems that the our country is
13 experiencing, and they had the ability to
14 loot social security and loot the treasury
15 because China holds \$1.6 trillion in our
16 debt, but really the debt is held by the
17 social security administration and the
18 treasury mostly and to some degree the
19 American people, but, you know, when you
20 take a look even at the City of Scranton, I
21 mean, I don't know if the council members
22 themselves are aware that the city pension
23 fund is \$84 million underfunded, so, I mean,
24 I just think the city itself has borrowed
25 tons of money and the city itself is

1 financially destitute.

2 And the reason I came here tonight
3 is I would like to ask this council, and I
4 don't know if President Evans would allow
5 this, but I would like to poll council and
6 ask them what do they think the solutions to
7 the city's problems are? What are the
8 solutions in your opinions? And I really
9 would be interested to hear them because for
10 a long time we have talked about a Recovery
11 Plan that wasn't a Recovery Plan, we have a
12 lot of blight in the neighborhoods, we have
13 a lot of problems, and I'd just like to,
14 know what every single councilman thinks the
15 solution to our problem is and I'd
16 appreciate your comments. Thank you.

17 MS. EVANS: Thank you.

18 MR. LOSCOMBE: Thank you.

19 MS. EVANS: Is there anyone else who
20 cares to address council?

21 MR. DOBRZYN: Good evening, Council.
22 Dave Dobrzyn.

23 MR. LOSCOMBE: Good evening.

24 MR. DOBRZYN: Resident of Scranton
25 and taxpayer. One thing I would like to

1 mention on the swimming, if we don't succeed
2 on this ban on charging the Nay Aug, once
3 again, the swim prices I understand by
4 talking to some people, it's hearsay, but it
5 needs to be investigated, that various
6 groups are charged different amounts and if
7 it's a nonprofit group there should be no
8 discrimination. It should be a fixed amount
9 for a nonprofit group and the regular price
10 for everybody else if that's the way it's
11 going to being, but it shouldn't be \$2 for
12 one, \$3 for another, and \$4 for the next.
13 That's ashamed and we need a ban on them
14 doing that if we can enact this, probably
15 this summer is just about gone, but next
16 summer is another story. So, please, if you
17 can in the future once we get back start
18 working on that and investigate it because
19 it really does need to be investigated.

20 And now on our mall, I don't see how
21 calling in a loan that you are not going to
22 get paid on would have been productive. I
23 would suggest that people should judge you
24 people by what agreements you enter into and
25 not the legacy agreements that you are stuck

1 with. I mean, it's -- you are not going to
2 get your money if you demand to be paid this
3 week, so that's all there is to it.
4 Hopefully we will get it, we may not, but
5 the point being that it is a legacy of a
6 prior administration and prior council and
7 those were decisions made then and they were
8 probably bad ones.

9 And once again, I'd like to see if
10 Mr. Boscov would be willing to go back into
11 retirement and maybe try to get a K-Mart or
12 somebody like that in there with a little
13 more dynamics.

14 Okay, on this revenue deal also,
15 this is -- this really bugs me the way it's
16 being spun in the papers because most of it
17 is prior, once again, shifting things around
18 from account to account and concealing
19 actual debts and so forth, so I would ask
20 that the newspapers to report on it as prior
21 work of the prior councils and the
22 administration and not caused by this
23 council here.

24 Oh, Pat, meter 427 I think it is
25 there is a note, it's 427 North Washington

1 Avenue, somebody hung a note on the meter, I
2 just parked my car in front of it, that they
3 called it in as in-op as of 5-27-11 and it's
4 still not fixed, here we are at the end of
5 July, and it's still so hopefully people
6 aren't getting tickets and paying for
7 tickets on there or whatever and it's, of
8 course, money you are losing. It's right
9 across the street.

10 MR. ROGAN: Thank you for bringing
11 that up.

12 MR. DOBRZYN: I think it's 427.
13 Yes. And, well, I just have one question
14 and suggestion on these properties that are
15 being sold, are they being bid at the going
16 rate? When I bought a property out in the
17 city I bid what Nasser Realty suggested, the
18 language worked, so it's all a matter of you
19 people making a call there.

20 And then we got the golden parrot.
21 First of all, Washington with it's trade
22 packs, last week I mentioned about South
23 Korea using North Korean communist labor,
24 slave labor, and they couldn't fill an order
25 for high speed rail cars with Hyundai for

1 Southeast Transportation Authority south of
2 Pennsylvania yet they got stimulus money in
3 the contract and -- the Americans did. And
4 the Colombians and so forth for a shooting
5 labor organizers and then Panama who we have
6 a narco, it's been going on since Noriega,
7 all they are is a money laundering state.
8 And then Mr. Cordaro for his callous
9 disrespect for the way he spent and wasted
10 our taxes. Bawk, bawk. Have a good night.

11 MR. ROGAN: Thank you. Is there
12 anyone else who would like to address
13 council?

14 MR. MARINGOS: My name is Louis
15 Maringos, South Side, Brook Street, this is
16 my first time talking so I'm a little bit
17 nervous.

18 MR. LOSCOMBE: Relax, we won't hurt
19 you.

20 MR. JOYCE: We are really a nice
21 group of people.

22 MR. MARINGOS: Basically I went to
23 speak about the pools, the swimming pools
24 and the fees at Nay Aug. Last Wednesday I
25 went to the swimming pool at South Side,

1 which is the closest one to home, and on
2 Friday I went to Nay Aug Park with my
3 family. Basically the difference is day and
4 night in terms of the people that congregate
5 in there. In the South Side swimming pool
6 there was a lot of bullies in there. The
7 gets are open, people can come in and out as
8 they wish, which is fine, but there was no
9 enforcement because people get kicked out,
10 they come back two hours later or they come
11 back the next day.

12 When I got there on Wednesday, the
13 deep end of the swimming pool was closed,
14 the reason there was this girl -- he was
15 cursing at the lifeguard and the lifeguard
16 had enough and left. About two hours later
17 they reopened the deep end, a bunch of kids
18 were cutting in line at the diving board. I
19 got three kids, eight, ten, and 12, they are
20 trying to jump, they were trying to swim,
21 have a good time, and a bunch of kids just
22 kept cutting in line. One of them cut in
23 front of my son and I told him, you know,
24 get back in line, and -- like everybody else
25 and he basically told me to go to hell,

1 except that he used another four-letter
2 word.

3 And it's when I went to Nay Aug it
4 was different. I mean, if the fees are
5 going to be eliminated at Nay Aug there has
6 to be some way of at least being able to
7 remove this kind of people from, you know,
8 people that curse all the time, they scream.
9 They -- when the lifeguards were out in the
10 South Side Complex, when the lifeguards were
11 taking their 15-minute break these kids kept
12 jumping in the pool. They started playing
13 with that red thing that the lifeguards use
14 for, you know, for saving people, they
15 started to running around with that. They
16 were running bicycles around the perimeter
17 of the pool.

18 And I think that if it's going to be
19 free people should appreciate that and the
20 way it should be, you know, they should get
21 one warning, second time they should be
22 banned for a week, third time they should be
23 banned for the whole summer. Take a
24 picture, put it on the front gate, they are
25 not allowed here anymore. Thank you for

1 your time.

2 MR. ROGAN: Thank you.

3 MR. LOSCOMBE: Thank you.

4 MR. ROGAN: Is there anyone else who
5 would like to address council?

6 MR. ANCHERANI: Good evening.

7 Nelson Ancherani, resident and taxpayer,
8 recording secretary of the FOP, First
9 Amendment Rights. My opinion. From the
10 slimes today, six months into the year
11 Scranton's financial picture remains bleak,
12 by Josh Mrozinski, staff writer. Scranton
13 is facing a deficit of \$6.5 million,
14 business administrator Ryan McGowan said
15 this is truly an expensive problem in
16 cutting of taxes.

17 This is truly an expense problem?
18 Yeah, an expense problem, but -- I'm sorry,
19 the problem is not an expense problem, it's
20 a spending problem. \$310 million in
21 long-term debt. 310 million. Federal
22 government has us in 14 to 15 trillion in
23 debt. Between the city, federal government,
24 all our children and grandchildren will be
25 paying our debt. We are up the creek or

1 should I say they are.

2 The slimes listed major factors
3 contributing to the \$6.5 million deficit.
4 One, about four million in overages in
5 health care costs, so that leaves me asking
6 the question, who fired the health care
7 consultant a number of years ago that saved
8 the city \$5 million the first year she was
9 here? Who fired the auditor who found \$5
10 million in overpayment to Blue Cross and
11 Blue Shield? And who let the statute of
12 limitations expire to recover that money?
13 By the way, the arbitration and Court case
14 is still out there.

15 Number two, one million shortfall in
16 wage tax losses. How could that be? We
17 must have forgotten there was 9,000 job
18 increases in this city created by the
19 administration. We should be swimming in
20 wage tax money.

21 Number three, the loss of three
22 million in revenue is caused by tax cuts and
23 city council amendments to the 2011 budget.
24 How can that be? Council budget amendments
25 reduced the budget by a little less than a

1 million. How does that turn out to be three
2 million? Oh, I forget, in this city two and
3 two is five. As for the \$6.5 million
4 deficit, how about PEL, Executive Director
5 Cross saying we will be providing council
6 and the administration with a six-month
7 review and an introduction to the Recovery
8 Plan provisions. We plan to give council
9 and the administration in September. Only
10 six months? What happened to the last 20
11 years that they supposedly guided us? Oh
12 well, 20 years of practice, but as they say,
13 practice makes perfect expect in their case.

14 Twenty years of PEL guidance and we
15 are where we were at in 1992. Where is
16 Donald Trump when we need him? They would
17 have been fired in 1993, but you, council,
18 can fire them in 2011.

19 What about using the Workmens' Comp
20 money to pay down the deficit? How many
21 years was that done before council found out
22 about it and sounded an alarm? Oh, that's
23 right, I forgot none of those other budgets
24 were council's, but since this is your
25 amended budget we know where the blame will

1 be or they will attempt to put it.

2 Council persons, we borrowed from
3 Peter to pay Paul. Peter is now at the door
4 and he does not look happy. We are in deep
5 doo-doo. Get ready for the blame game.
6 Whatever you do when 2012 budget times comes
7 around don't raise taxes. We know there is
8 one council member that would like to raise
9 taxes. Just stay strong. Thank you.

10 MS. EVANS: Thank you.

11 MR. SLEDENZSKI: Jackie.

12 MR. LOSCOMBE: What's up, Chrissy?

13 MR. SLEDENZSKI: Hello, Janet.

14 MS. EVANS: Hey, Chris, how are you?

15 MR. SLEDENZSKI: Good. How are you?

16 Hey, Jack, tomorrow night is the big one,

17 buddy. Tomorrow night is the big one

18 tomorrow night. Remember that, Pat.

19 Tomorrow one is the big one, baby. Come out

20 and support the kids. Thank you.

21 MR. ROGAN: Thanks, Chrissy.

22 MR. LOSCOMBE: Thank you, Chris.

23 MS. FRANUS: Fay Franus, Scranton,
24 First Amendment Rights. Mr. Rogan, you work
25 for the federal government; right?

1 MR. ROGAN: Yes.

2 MS. FRANUS: For Mr. Barletta,
3 Congressman Barletta. How did you feel
4 about his views on crucial issues in
5 Washington now?

6 MR. ROGAN: My position on city
7 council is entirely separate from my
8 position during the day in federal
9 government.

10 MS. FRANUS: I was asking you a
11 question how do you feel about, what he is
12 doing?

13 MR. ROGAN: Like I said, I'm here
14 as -- I'm representing the taxpayers, I'm
15 not here in my capacity to work for the
16 federal government.

17 MS. FRANUS: It all relates to
18 Mr. -- and I'm a Republican, but
19 Mr. Barletta is cutting, Congressman
20 Barletta's cutting of hundreds of thousands
21 and maybe millions of CDBG grants funds all
22 across America, stopping Meals on Wheels for
23 senior citizens, street paving, fire and
24 police, veteran's programs, blight. This is
25 what Mr. Barletta wants to do.

1 Now, do you think you should be
2 voting on issues for funding from the
3 federal government since Mr. Barletta votes
4 on those same funds?

5 MR. ROGAN: Again, as I said before,
6 the two --

7 MS. FRANUS: They are connected.

8 MR. ROGAN: But also, and I will say
9 this, my job for Congressman Barletta I'm
10 not allowed to deal with any issues with
11 regard to Scranton to avoid any conflict.
12 For instance, if somebody from the Scranton
13 area calls my office for help in a federal
14 agency, I'm not allowed to take the call. I
15 have to give it to one of my co-workers.

16 MS. FRANUS: I understand that, but
17 I'm talking about for our area, not
18 Scranton, Congressman Barletta voted to cut
19 CDBG and you vote on these things, when it
20 comes down to the city, each city has to
21 vote on those things. Mr. Barletta voted to
22 cut them, so you think it's right that you
23 should be voting for these federal funds
24 that come from the government?

25 MR. ROGAN: Attorney Hughes, do you

1 have an opinion? Sorry to put you on the
2 spot?

3 MR. HUGHES: No, I don't have an
4 opinion on that, but I'll look into it.

5 MR. ROGAN: Okay.

6 MS. FRANUS: Because it directly
7 influences Scranton, what he does.

8 MR. HUGHES: I believe, as Mr. Rogan
9 said, that he does not vote on anything that
10 would be a conflict.

11 MS. FRANUS: But government money he
12 votes on.

13 MR. HUGHES: I mean, he doesn't vote
14 in Congress. I mean, the fact that his
15 employer does that has no reflection on
16 Mr. Rogan.

17 MS. FRANUS: Okay.

18 MR. ROGAN: I would just add that my
19 position with Congressman Barletta I don't
20 deal with any legislative issues. I deal
21 with what's called case work, constituent
22 help, problems with different federal
23 agencies.

24 MS. FRANUS: Let me go back to last
25 week, okay? Now, I don't agree with what

1 the people have said here tonight or last
2 week, this was not a bailout what you voted
3 for. We were not giving Mr. Boscov or
4 anybody money, we were extending his loan,
5 so you said that last week when asked what
6 you would cut if this did not pass, the
7 \$880,000, what would you cut? You said once
8 before you would never cut police and
9 firemen, but if we lost this \$880,000, which
10 you would have done if this vote didn't go
11 the way it did, we might have lost many
12 policemen and many firemen and many other
13 projects, so what would you have cut if this
14 came your way? You wanted to keep -- you
15 want today he get rid of the \$880,000, so
16 what you would have to cut? You said you
17 had to look at it, you had time, what would
18 you have cut?

19 MR. ROGAN: I would have hoped the
20 city would have pursued Mr. Boscov for the
21 money that he owed the city before --

22 MS. FRANUS: Say that again, I
23 couldn't hear you?

24 MR. ROGAN: I would first hope that
25 the city would pursue Mr. Boscov for the

1 money that was owed to us in Court, first of
2 all. Secondly, whether the cuts are made
3 now or the cuts are made in two years from
4 now they are going to equally as painful.

5 MS. FRANUS: You don't know that.
6 You don't know in two years from now if that
7 loan could be paid up, you have no idea, so
8 right that that \$880,000 --

9 MR. ROGAN: We will find out in two
10 years.

11 MS. FRANUS: If that \$880,000, we
12 didn't have it, what would you have cut?
13 You said you would never cut police and
14 firemen, what would you have done about it?

15 MR. ROGAN: Cut things other than
16 police and fire.

17 MS. FRANUS: Oh. Where do you draw
18 the line?

19 MR. ROGAN: I have always said that
20 police and fire --

21 MS. FANUCCI: But the other things
22 matter to other people whereas those cuts
23 would affect other people in the city, too,
24 that you represent.

25 MR. ROGAN: I agree.

1 MS. FRANUS: So you would be hurting
2 the people that you supposedly represent.

3 MR. ROGAN: We would be making --

4 MS. FRANUS: You have a fan club
5 here, I'm not one of them.

6 MR. ROGAN: What's that?

7 MS. FRANUS: I said you have a fan
8 club here, but I'm not one of them.

9 MR. ROGAN: I just try to do what I
10 think is best and we disagree on some things
11 then we disagree.

12 MS. FRANUS: Well, it's not the best
13 for the people. It's not the best for the
14 people. You have been doing a terrible job
15 for the people if you ask me and I think you
16 are going to be on my little hit list.

17 Now, I'd also like to say this about
18 the pool fee, now if you override this veto
19 tonight, I don't know which you are going to
20 go, but if you by chance do what happens
21 tomorrow, if you override it let's say, what
22 happens tomorrow if the people from the
23 Recreation Authority are there collecting
24 money? I mean, that shouldn't be because
25 you passed it. Now, in the paper it

1 mentioned, but the paper never writes the
2 truth they only print lies, but so they said
3 that it was illegal for you to do this.

4 Mr. Hughes, Attorney Hughes, you
5 must have seen that article, I believe that
6 you know much more than what the paper does,
7 so when they pass -- if they override this
8 veto, what happens if the Recreation
9 Authority tomorrow still collects that
10 money?

11 MR. HUGHES: They will be in
12 violation of the city ordinance.

13 MS. FRANUS: What would happen then?

14 MR. HUGHES: It's up to the mayor to
15 enforce the ordinance.

16 MS. FRANUS: Pardon me?

17 MR. HUGHES: It's up to the mayor to
18 enforce the ordinance under the Home Rule
19 Charter and under the Administrative Code.

20 MS. FRANUS: But if he doesn't?

21 MR. HUGHES: Council can't enforce
22 the ordinance, it's up to the mayor.

23 MS. FRANUS: So, in other words,
24 this is like the Library Authority, just
25 ignore it like it never happened, so I have

1 to ask what's the point of having
2 legislation made if the mayor is going to
3 ignore it? I mean, somebody -- something
4 legally should happen to this man for
5 disobeying every ordinance that's passed. I
6 mean, he just doesn't do what he should do.
7 I mean, where is the justice here?

8 I would say to every city person,
9 every person in this city that goes to Nay
10 Aug Park, don't you pay one penny and stand
11 your ground.

12 MR. LOSCOMBE: Or ask for a receipt.

13 MS. FRANUS: Well, yes.

14 MR. LOSCOMBE: Get your receipts.

15 MS. FRANUS: What would they do with
16 that receipt, Mr. Loscombe?

17 MR. LOSCOMBE: Well, if we were able
18 to turn it around they would be able to cash
19 them back in.

20 MS. FRANUS: Then, please, ask for a
21 receipt, and as far as revenue, that article
22 in the paper, it's not like council hasn't
23 tried to do the right thing, everything you
24 do, like, those garbage -- the foremen from
25 the DPW out of the budget to help with the

1 budget, the revenue, the mayor put it right
2 back in, so it's not council that's not
3 doing their work it's the mayor that's not
4 enforcing what's right. He is taking care
5 of his buddies, so thank you very much.

6 MR. LOSCOMBE: Thank you, Ms.
7 Franus.

8 MS. EVANS: Is there anyone else who
9 cares to address council? Mrs. Krake?

10 MS. KRAKE: 5-A. MOTIONS.

11 MS. EVANS: Mr. McGoff, do you have
12 any comments or motions this evening?

13 MR. MCGOFF: Nothing this evening.
14 Thank you.

15 MS. EVANS: Thank you. Councilman
16 Rogan, do you have any comments or motions?

17 MR. ROGAN: Yes. First good news
18 and then I'll speak about Boscov's and my
19 employment situation again. The good news
20 is I received a call from a resident on West
21 Mountain and he said the Pike's Creek
22 construction was up in the neighborhood
23 marking up the road to construct the Crisp
24 Avenue bridge. Construction on this bridge
25 should begin in August, which is great news

1 for the people in this neighborhood, and I
2 have been waiting for that for a very long
3 time.

4 Next, on Boscov's, I don't want to
5 beat a dead horse, the issue has passed, the
6 vote went 4-1. I stand by my vote, I
7 believe it was the right thing to do. The
8 mall is in a very difficult situation. I
9 hope I'm proven wrong and the mall does
10 succeed, but I don't believe I will. Two
11 years from now when in my opinion the mall
12 does not make it, we are going to be forced
13 to come up with that money anyways. I would
14 prefer to bite the bullet now and move
15 forward to get the city on the right track.

16 As far as my employment and vote on
17 the federal issues, I would just like to
18 reiterate, my position as a constituent
19 services representative we don't deal with
20 anything legislative. We get opinions on
21 legislation, if people call on a legislative
22 matter we take the notes and pass it along
23 to the Congressman's office in Washington.
24 We deal with issues that everyone else deals
25 with on a daily basis, an issue with social

1 security, veteran's affairs, people have
2 problems getting federal benefits, social
3 security checks that haven't arrived we
4 contact the agencies. My position does not
5 involve any legislation at all. I do not
6 vote on legislation or recommend
7 legislation.

8 And Attorney Hughes, as you said
9 before, you would think that it was okay for
10 me to vote on tonight's agenda item? Well,
11 it's actually to be tabled now, just for
12 future reference?

13 MR. HUGHES: I really don't have an
14 opinion, I'll have to take a look at that
15 when we come back in September.

16 MR. ROGAN: Thank you. Moving onto
17 OECD, I received a letter it was actually to
18 Jack, Councilman Loscombe, met with Linda
19 Aebli and Nancy Krake on Monday and I know I
20 had a long conversation with Ms. Aebli, and
21 I believe Mr. McGoff did as well. And it
22 says, "Mr. Loscombe, it was a pleasure
23 meeting with you along with city clerk Nancy
24 Krake and OECD solicitor Jim Mulligan on
25 Monday, July 25, to discuss money for CDBG

1 HOME and ESG programs for 2011.

2 This office submitted a budget of
3 approximately \$3.9 million to HUD in
4 November of 2010 in the anticipation that we
5 would receive more rather than less of our
6 allocation in 2010. Unfortunately, along
7 with many other states, counties and
8 municipalities in the United States, a
9 reduction of approximately 16.5 percent from
10 last year's CDBG allocation was awarded.

11 The City of Scranton was awarded the
12 following: Community Development Block
13 Grant Program, \$3,098,322. HOME Program,
14 \$616,948,000. Emergency Shelter Grant,
15 \$150,066. OECD recently submitted
16 legislation to city council that would amend
17 our ordinance to implement activities with a
18 decreased amount and/or a total elimination
19 of activity. The attachment to the
20 legislation city council received was only
21 internal worksheets and not for official
22 legal action at this time. This office is
23 requesting that council table this
24 legislation until such time that this office
25 may review what additional funding is

1 available to make a comprehensive
2 determination as to what activities should
3 be funded, reduced or eliminated and what
4 steps are necessary to implement these
5 changes according to HUD's regulations.

6 I would prefer to take the time to
7 allocate responsibly than act hastily. The
8 Emergency Shelter Grant program was not
9 affected. The meeting with subrecipients
10 and execution of the contracts will begin
11 shortly."

12 And she says if we have any
13 questions we can contact her. And we also
14 conversed by e-mail this morning and she did
15 advise me that they are currently compiling
16 a list of streets for the street paving
17 program and that will go on as scheduled.
18 Right now they are just reviewing the
19 streets to see at that this are in low to
20 moderate income areas and I believe everyone
21 is in agreement with tabling this
22 legislation tonight from the conversations I
23 have had.

24 Let's see, next, I don't know if
25 Mr. McGowan or Mr. Joyce have any contact, I

1 know Mr. McGowan is pretty much refusing to
2 meet with you, but if you guys have
3 discussed at all the hospitals since they
4 are not coming onto our tax rolls, which is
5 a good thing, if they are going to pay the
6 mercantile tax on gross receipts or if there
7 is going to be a special arrangement made,
8 because it's a hospital it's a little built
9 different, I don't know if the
10 administration wants to try to create some
11 other way of going about taxing the
12 hospitals. That's just something that I was
13 curious about, and if you didn't have any
14 conversations, Mr. Joyce, maybe we could
15 send a letter to Mr. McGowan to see if it's
16 anything the administration has thought of.

17 MR. JOYCE: Yes, absolutely.

18 MR. ROGAN: Next, I have heard -- I
19 don't like to talk about rumors at council
20 meetings, but I've heard that the Parking
21 Authority is looking to take out a loan and
22 they have been searching to borrow more
23 money, so, Mrs. Krake, could we please send
24 a letter to the Parking Authority asking if
25 that is, in fact, true.

1 And finally, Mr. Morgan asked for
2 solutions to our financial problems, and I
3 will give them a very brief rundown of what
4 I would do. Step one would be to throw PEL
5 out of the city. Step two would be to sell
6 the Sewer Authority. Step three, would be
7 privatize the DPW. And step four would be
8 to cut the budget to the bare bones with the
9 exception of the public safety, and that is
10 all.

11 MS. EVANS: Thank you, Councilman
12 Rogan. I know that tonight a number of
13 speakers have discussed the Steamtown Mall
14 agreement that council voted upon last week
15 and I just wanted to reiterate first that
16 that action had to be taken this one
17 evening, that came by order of the United
18 States Department of Housing and Urban
19 Development. This was not something that
20 was ordered by council. Council was not in
21 any way attempting to circumvent the public,
22 council was following the direction of the
23 United State's government, but at this time,
24 I would ask our Council solicitor, Attorney
25 Boyd Hughes, if he could perhaps comment on

1 I think what many are mistakenly calling a
2 bailout, I certainly feel everyone should
3 have an opinion and I respect everyone's
4 opinion, we may not always agree, but I
5 think it's very important when expressing
6 opinions that they be tempered by facts and
7 the truth and this is why I am going to
8 defer to our solicitor so that perhaps he
9 can once again provide the correct
10 information to the public as he did and I
11 did last week.

12 MR. HUGHES: Thank you, Madam
13 President. I haven't -- I'll start this
14 way, I have not reviewed all of the
15 documents, in fact, any documents on the
16 Section 108 loan and the postponement of the
17 payment or the hiatus for two years of that
18 payment. All that I have reviewed is the
19 letters regarding the transaction. What
20 happens is a term called feasance on these
21 loans when the Section 108 loan was received
22 for the construction of the mall that what
23 happens is that the city uses a formula
24 where the city could borrow against it's
25 future COM-D funding, that loan was made to

1 the city, the city in turn loaned that to
2 the mall developers, one of whom was
3 Mr. Boscov, received back a note for the
4 payment of that loan along with the personal
5 guarantees of all of the partners of
6 Scranton Mall Associates.

7 That those loans are then sold
8 through a brokerage firm and there is a
9 series of maturing dates along with interest
10 rates. It appears from what I see and I
11 compared it with the original amount was on
12 that Section 108 loan that it's been paid
13 down to right now to \$880,000. It appears
14 that due to the cash flow of the mall that
15 the first mortgagor has stated that -- or
16 has looked at it and said that the only way
17 that that loan can be paid within the next
18 two years is if the Section 108 loan is not
19 paid. In order to do that they had to get
20 HUD's approval, HUD agreed to it, and what
21 has happened now is that they have stated
22 that we still have to pay the interest on
23 the loan, but that the maturity they would
24 extend it for two years.

25 As I read the documents it appears

1 that -- or as I read the letters in support
2 of this, it appears that the first mortgage
3 would be paid off within the two-year
4 period. At the end of that time the
5 \$880,000 would then become due. I believe
6 there was a figure of \$35 million left on
7 the first mortgage. If it did go into
8 default, the city -- and at one time there
9 were other junior mortgagees on it, there
10 were actually three second mortgagers that
11 were what we called -- they shared in pari
12 passu instead of being a second mortgage, a
13 third mortgage and a fourth mortgage, while
14 they are recorded in that time order they
15 are all considered second mortgagers, so
16 that if the mall defaulted and ever went to
17 a sheriff's sale, all the second mortgagers
18 would have to get together and pay the debt,
19 interest and costs. There is no way the
20 City of Scranton or probably any of the
21 other junior mortgagers could come up with
22 the \$35 million if that's the amount the
23 first mortgage has to be paid off.

24 So what HUD did they said that on
25 the Section 108 loan that if it did go into

1 default and if you didn't extend is what we
2 would do this year is they would take the
3 \$880,000 out of the city's COM-D funds to
4 pay the bondholders, to pay those off, and
5 then we would have to go after and sue the
6 other guarantors of that Section 108. So
7 what HUD is said that you can -- we'll enter
8 into a forbearance agreement, I don't know
9 if that's the term that they used, but
10 that's the term in the industry, that we'll
11 forebear exercising any rights and we'll
12 agree that you can pay this back, we'll
13 extend the maturity dates.

14 I see it as that over time that the
15 amount of the equity in the property will be
16 increasing as the first mortgage is paid
17 off. From the documents or from the letters
18 that I have seen is that that should be paid
19 off in two years and all the second
20 mortgagees will be in the first mortgage
21 position and once the cash flow improves or
22 they don't have to make the payment to the
23 first mortgagee that the junior creditors
24 will be more than sufficient or should be
25 more than sufficient flow, cash flow in

1 order to pay them.

2 MS. EVANS: And should the Steamtown
3 Mall Partners once again default on these
4 Section 108 loans two years from now by
5 August 2013 at which time the \$880,000 is
6 due to the City of Scranton, what is the
7 city's recourse?

8 MR. HUGHES: If they would be in
9 default they would go after all of the
10 partners for the -- whoever assigned the
11 guarantee to the City of Scranton on the 108
12 loan to collect that money, so they would
13 have to sue them, there's probably
14 confessional judgment clauses in there where
15 that if there is a default they would
16 confess judgment and then go after the
17 assets of those individuals in order to pay
18 the money so that any money that would be
19 advanced by HUD or any money that would be
20 taken out of the city's COM-D funds by HUD
21 of the \$880,000, that money would then come
22 back in for those programs when it is
23 collected.

24 MS. EVANS: Thank you.

25 MR. ROGAN: And Attorney Hughes, if

1 they default on that loan now it would be
2 the same procedure, the city would have to
3 sue the Mall Partners for the money?

4 MR. HUGHES: It would be the same
5 procedure; correct.

6 MR. ROGAN: Thank you.

7 MR. HUGHES: It would be the same
8 thing because when it happened if there is a
9 default on the junior mortgagee's whether
10 that would be a cross default provision
11 where that would put the first mortgage
12 position in the default position or whether
13 that would put other second mortgages that
14 shared in pari passu also in the default
15 position I don't know the answer to that. I
16 mean, I haven't reviewed all of the
17 documents and, you know, as to what it is
18 today, but ordinarily these type of
19 agreements the first mortgagee would not
20 care if it loans behind him defaulted
21 because they are in a first position, they
22 could care less what happens behind them.

23 However, if there still are other --
24 if there is more than one junior mortgage
25 the city and those other junior mortgages,

1 if one defaults that might trigger a cross
2 default and everything else which then could
3 put the whole mall into a default, so
4 that's -- I haven't reviewed all of the
5 documents, but just being familiar with the
6 way that these things are constructed or the
7 way they are written, when you get into this
8 type of financial situation that's a
9 possibility. It's a possibility that when
10 you get out of this in two years who knows
11 what the commercial climate will be, but
12 hopefully it will be better and they'll be
13 able to get more commercial tenants down
14 there. I mean, that's -- there is many
15 things that go into the equation, but the
16 thing is that the position two years from
17 now the end result with the COM-D end would
18 pretty -- would possibility be the same.
19 However, the effect is that there is cross
20 default provisions could be entirely
21 different.

22 MS. EVANS: I just wanted to add
23 according to the documents that I read and
24 reviewed, the Steamtown Mall partners are
25 currently in default on their primary loan.

1 MR. HUGHES: On the first mortgage,
2 okay.

3 MS. EVANS: Yes. There is currently
4 a default and according to the
5 inter-creditor agreement entered into years
6 ago between the Mall Partners and the city
7 involving the Section 108 loans, if a
8 default occurs on the primary mortgage, no
9 payments can be made to any of the junior
10 mortgage holders, and so when they fail to
11 make payments successfully on their primary
12 mortgage that leaves the city holding the
13 bag because no payments can then be made to
14 us; is that correct?

15 MR. HUGHES: That would be correct
16 and I believe in one of the letters that I
17 read that that was the situation where that
18 no payments could be made on any of the
19 junior lien holders because of the position
20 of the first mortgage, so that those
21 payments couldn't be made, that's why HUD
22 consent was necessary in order to extend the
23 payments for two years and to forebear for
24 making any payments for a period of two
25 years on the principle.

1 MS. EVANS: And I Do recall when
2 city council conducted a public caucus with
3 representatives of the Steamtown Mall
4 Partners to include Attorney Hickey, who
5 represents them, I questioned them regarding
6 their tax situation. Steamtown Mall does
7 pay taxes to the City of Scranton, real
8 estate, business privilege, and mercantile.
9 It's employees do pay wage taxes.

10 I think it only stands to reason
11 that we should ask ourselves if the mall
12 closed, because the mall could not make it's
13 payments on a primary mortgage because the
14 interest rate would not be decreased had we
15 voted no, and now we have lost our CDBG
16 funding, and it's not just a matter of
17 \$880,000, in addition to that there is I
18 believe \$934,000 that was cut from 2011 CDBG
19 allocations by Congress, so you have to add
20 together \$934,000 in Congressional cuts to
21 the \$880,000 plus the loss of tax revenue
22 and then decide what is the best course for
23 the city.

24 And I think at the end of the day,
25 too, you need to ask yourself this, if we

1 allowed the mall to close right now, if we
2 had voted against this agreement do you
3 believe that the Doherty administration
4 would sue the Steamtown Mall Partners for
5 what it is owed or do you believe that in
6 2014 you have the hope of a new
7 administration so that if the default occurs
8 on those loans within the City of Scranton
9 by the Steamtown Mall Partners that you at
10 least have the hope of a new administration
11 with the backbone to sue for what is owed?

12 It's something I think every
13 resident has to carefully consider. Is it
14 worth putting hundreds of people out of
15 work? Is it worth losing two years of tax
16 revenue? Is it worth losing close to \$2
17 million in CDBG funds this year?

18 And the point is in order to make
19 that up you have to look at the big ticket
20 items because most of the items in there are
21 very small. They range from 1,000 up to
22 maybe nine, 10,000 dollars and even that's
23 rare, that's pretty high. When you are
24 talking about EOTC, Meals on Wheels, St.
25 James Manor, etc. All of these agencies

1 that come to the city for assistance,
2 particularly in this recession, you are
3 looking at allocations that range between
4 \$1,000 and maximum of ten. The big ticket
5 items are a fire engine, police cars, police
6 officers in the neighborhoods, street
7 paving, and blight removal, and you are
8 going to have to take those in order to
9 makeup for that \$2 million hole.

10 So that's what you have got to think
11 about. Is it worth losing all of this right
12 now when you have an administration who is
13 not going to take Steamtown Mall Partners
14 and Mr. Boscov to task?

15 MR. ROGAN: I didn't think we were
16 going to completely beat a dead horse
17 tonight, but I will just say a few last
18 words, if this was voted down we wouldn't
19 have lost \$2 million additional in CDBG, it
20 was \$880,000.

21 MS. EVANS: Plus the 934.

22 MR. ROGAN: That was gone anyways.

23 MS. EVANS: Correct, but I think
24 having worked on this with Mr. Joyce over
25 the weekend for quite a long time I'll tell

1 you what, it was very, very difficult coming
2 up with those \$934,000 in cuts, very hard,
3 so I can't imagine sitting there and trying
4 to almost double that. Those items, those
5 big ticket items, Mr. Rogan, would be
6 decimated, and if you took a look at it you
7 would know that.

8 MR. ROGAN: May I finish speaking
9 now? I have taken a look at it, number one;
10 and number two, I sincerely hope that my
11 four colleagues that voted for I won't call
12 it a bailout, a stay of execution, for Al
13 Bosco and the Steamtown Mall Partners are
14 right. I sincerely the four of you are
15 right and the mall does recover and we do
16 get our money back because that would be the
17 best for everyone. I sincerely hope that's
18 what happens, but I do believe that's what's
19 realistic. Every time we walk into the mall
20 another store is closed, another store is
21 closed. The mall very well will be out of
22 business within two years, and if we bite
23 the bullet now and get it over with two
24 years from now we won't be having this
25 debate again. In two years from now maybe

1 the mall will be a thing of the past and
2 something else will be into the downtown,
3 and I know with this mayor that is very
4 wishful thinking, but the longer we prolong
5 this giving the stay of execution after stay
6 of execution the more it's going to hurt us
7 in the long run. I would rather just bite
8 the bullet now and get it over with again.

9 Again, I don't want to beat a dead
10 horse, we voted on it last week, I lost, it
11 went down 4-1, so in two years we will see
12 who is right and I sincerely hope that the
13 four of you are right.

14 MS. EVANS: And I sincerely hope
15 because, again, this is making the best of a
16 bad situation and what we are trying to do
17 is do the best for the people who pay taxes
18 and live in this city and if they are still
19 not paying us, which admittedly is a
20 realistic possibility, then I'm hoping, as I
21 said, we are going to have an administration
22 that will have backbone within a short
23 period of time to recoup that money, but
24 right now you are not going to see that
25 because you have a mayor who has received,

1 well, I'm going to say approximately
2 \$100,000 in campaign contributions from
3 Mr. Boscov since 2002, so I don't believe
4 you are going to see this administration try
5 to get your money back.

6 In addition to that, I think, you
7 know, if you really sit down and you look at
8 these allocations and then you really sit
9 down and you look at this budget and you
10 look at this deficit and you do the work on
11 it, you will realize what a serious problem
12 the city is in right now and you can't
13 afford to say, hey, I don't even -- we'll
14 bite the bullet now, I don't need that tax
15 revenue this year.

16 MR. ROGAN: It's better to bite the
17 bullet than kick the can down the road,
18 that's how I feel about it.

19 MS. EVANS: Well, you know, I like
20 that saying, President Obama just said it
21 the other night. Great comment. Okay.
22 Mr. Loscombe, any comments or motions this
23 evening?

24 MR. LOSCOMBE: Yes. Thank you. I
25 have several little comments on different

1 news articles and other items that were
2 discussed this evening. Good evening.
3 First, I would like to touch -- Mr. Rogan
4 touched on the hospitals, which I think is a
5 good thing we are going to be generating
6 some tax revenue, and the nice thing that I
7 happened to see is even though the tax
8 exempt hospital, which will be Geisinger, I
9 happened to see in the Wilkes-Barre paper
10 that they give a gracious donation to their
11 host municipality so that will definitely
12 help us out, something we are not receiving
13 at this point from the hospitals in this
14 place, so I just wanted to touch on that as
15 you had mentioned.

16 A couple of news articles this week,
17 some of the speakers touched on them, but,
18 you know, I have to comment on a few of
19 them. There was an editorial on the
20 editorial page on July 20 on -- it was
21 called "Don't Obstruct the New City Park"
22 and just to take the first paragraph here,
23 "It's unfortunate for residents of North
24 Scranton that the city council super
25 majority uses it's power for obstruction

1 rather than progress concerning the plan for
2 a new city park on Perry Avenue."

3 You know, this administration has
4 used it's power to obstruct city council's
5 -- our initiatives, our ordinances, anything
6 to help this city. You know, they have
7 actually -- thereby they have actually --
8 they are biting their hand to spite their
9 face. Up behind Engine 8, which is three
10 blocks away from Perry Avenue, there has
11 been a park there for years that I think the
12 only time people use it are late in the
13 evening to do illicit things. You know,
14 anybody that can cut a grass area and call
15 it a park. You need a -- how many people
16 have you seen using these parks in this last
17 week? There is no drinking fountains there,
18 you know, maybe there is some rides, but the
19 kids aren't going to sit on the teeter-toter
20 and swings in the sweltering heat without
21 beverages or refreshments or anything. I
22 have heard that from several people.

23 MR. MCGOFF: Connor's Park is used
24 every day. I drive by it every day and
25 there are people there, kids playing there

1 every day.

2 MR. LOSCOMBE: That's one park.

3 MR. MCGOFF: Well, you asked.

4 MR. LOSCOMBE: Well, we have a
5 difference of opinion there. I just think
6 we need a lot more infrastructure than parks
7 at this point.

8 Another article in the paper,
9 "Doherty uses his veto to retain the pool
10 fees. Mr. Doherty's veto letter also states
11 that the legislation is both fiscally and
12 logically irresponsible because it reduces
13 the Authority's ability to raise revenue to
14 maintain the park, including it's two
15 pools."

16 Now, I don't know what -- who is
17 irresponsible here, but I think it was
18 irresponsible of the Rec Authority to lease
19 out the zoo for a dollar a year for 99
20 years. How could they use this argument
21 when they get something like that? I just
22 think it's ridiculous. If they are going to
23 lease it out they should have leased it out
24 for enough amount of money to cover swimming
25 for the children up there. And the

1 gentleman that spoke here regarding the
2 Connell Park and Nay Aug Park, the
3 difference, well, I happened to see a letter
4 to the editor that contradicts that in the
5 paper this week, and since you mentioned it
6 I'm just going to state what it said.

7 "Last weekend I paid \$12 to swim at
8 the pool at Nay Aug with my two sons. We
9 laid down our beach towels and I sat to
10 supervise my children at the pool. I
11 observed several people with inappropriate
12 behaviors, many older children and young
13 adults disregard pool rules, disrespect the
14 lifeguards direction and use inappropriate
15 vulgar language. As a taxpaying resident of
16 the Hill Section, I expect this pool
17 facility to be a family-oriented
18 environment. I witnessed the head lifeguard
19 be harassed and threatened by three patrons
20 with comments like, "You better watch your
21 face," after he told the one young man to
22 leave the pool area.

23 I understand that there are budget
24 problems in this city. When I asked the
25 head lifeguard why we are paying more money

1 yet swimming fewer minutes due to a
2 15-minute break every hour, he said that
3 there are fewer lifeguards this year. Many
4 lifeguards are working four to six days in a
5 two-week period. The mayor has placed a
6 tent in the park for shade, but he failed to
7 provide lifeguards staff with equipment in
8 case any patron has a heart attack or stops
9 breathing.

10 Not only am I frustrated taxpayer,
11 I'm a health and phys-ed teacher with a
12 background in aquatic instruction. The pool
13 at Nay Aug is not properly staffed with
14 medical equipment nor with lifeguards, the
15 atmosphere at this pool needs a weekend
16 police officer, umbrellas on every lifeguard
17 chair, and more respectful patrons. Until
18 those changes are made, I chose not to bring
19 any children to this facility."

20 So basically paying doesn't make a
21 difference. I remember, I believe it was a
22 quote in the newspaper, that one of the Rec
23 Authority members stated that charging keeps
24 the so-called rif-raff away, and maybe the
25 day you were at Nay Aug was a rare

1 exception, but it happens at all of the
2 pools, we just have to do some better
3 policing and the children have to show more
4 respect and, like you said, maybe get a
5 photo of these children that are
6 disrespectful and ban them from swimming.

7 But I don't think that the
8 difference is because is having to pay,
9 based on this letter to the editor, or not
10 paying. I think it's a matter of respect,
11 and it goes all around between the employees
12 and the swimmers, so I just wanted to touch
13 on that.

14 Speaking of parks, I believe it was
15 Mr. Spindler mentioned the article in the
16 paper about Lincoln Jackson, I think some of
17 these school sites have been very well
18 developed in the past sold to individuals,
19 some of them split in half, and nice single
20 family homes put on them. I think that's a
21 better use than parks because ironically I
22 had the same vision. Are we going to call
23 this City Park Town, Parkville, maybe, you
24 know, he wants to name it after another
25 mayor or something, I'm not sure. I love

1 parks, but we just don't have the capacity
2 at this point, especially trying to drive on
3 the roads to these parks.

4 Still speaking of parks, last week
5 we had a stabbing incident at Fellows Park
6 on Main Avenue and to jog my memory on a
7 program that we approved here last year, a
8 grant for some renovations at Fellows Park,
9 so I did some research on it because I was
10 curious. I said, boy, they haven't done
11 anything yet on Fellows Park and they are
12 interested in doing work in another park so
13 what's the status here? And I do have to
14 say I spoke to Tom Preambo in the OECD
15 Office, I called on the phone and he was
16 very cordial and it was ironic he happened
17 to be there that following day with the
18 surveyor. That he has whole timeline, he
19 actually e-mail me the timeline on the
20 progress and what they are doing there with
21 the park and the timeline after all of the
22 final biddings and contractor signups and
23 decisions, the final survey, selecting the
24 landscape architect for the project, it's
25 set to begin by his timeline on September 5.

1 That's the hopeful timeline if anything
2 falls in-between. It's \$50,000, it's not
3 going to be anything major at the park
4 there. They are creating some more sidewalk
5 area. As you know, two years ago they put
6 sidewalks on Main Avenue and some lighting,
7 but there is some work that has to be done
8 for parking and bumpers and some grass area,
9 take out some low spots, so I guess with all
10 of that it will eat up the \$50,000.

11 Next item is the our city bridges.
12 Last week, as I did the prior week, I
13 brought up the problem with the bridges, we
14 have the Rockwell Avenue bridge which is
15 falling down and the West Lackawanna Avenue
16 bridge, which for vehicular traffic is
17 structurally sound according to the PennDOT
18 engineer, however, there is a pedestrian
19 safety hazard there, and in the newspaper
20 article from two weeks ago, again I'll
21 mention it, "PennDOT engineer last week
22 recommended closing the sidewalk on West
23 Lackawanna Avenue to Councilman Jack
24 Loscombe after a visual review. Scranton
25 Department of Public Works Director Jeff

1 Brazil said neither Ben to the nor council
2 has told him the sidewalk, which requires
3 repairs, needs to be closed. If they
4 recommended me closing them, I would close
5 them absolutely, Mr. Brazil said."

6 Here we are two weeks later and
7 nothing has been done. The day after that
8 first meeting we sent out letter, our city
9 clerk had sent out letters to Mr. Brazil,
10 Mr. Pocius and the mayor and I spoke to the
11 mayor personally. And again, he is more
12 worried about parks than your pedestrian
13 safety. This is something that's serious
14 and he is just thumbing his nose at us when
15 we bring this stuff up. I just hope no one
16 gets hurt there because that sidewalk is
17 going go collapse because that cheek wall is
18 ready to go. The only thing holding it is
19 two wires, and they better start getting
20 serious on public safety in this city.

21 Back to lighter stuff. It just
22 gets -- it gets on your nerves when you are
23 trying to do things here and you are getting
24 obstacles continuously, trust me. The
25 Library Authority. In our mail packets last

1 week I came across something that said the
2 annual reports from municipal authorities
3 were do in June and the Library Authority
4 never submitted one? Do you know if that
5 has been completed?

6 MS. KRAKE: I don't believe so.

7 MR. LOSCOMBE: Okay. So they are in
8 violation right now of that. Okay. And
9 then the Novembrino Pool that closed in
10 spite of council's funding for lifeguards.
11 The city administration hs chosen to keep
12 this West Side pool closed while spending
13 thousands of dollars just to block away to
14 tear down a building for a private owner. I
15 will be researching all demolition projects
16 conducted by and for the city over the past
17 ten years to make sure appropriate liens
18 have been placed upon each owner, and if
19 there are any discrepancies I will forward
20 the information to the proper authorities.

21 Mr. Shalck was here at the podium
22 speaking about his problems behind Price
23 Rite on Fellows Street, and he went through
24 it pretty quickly, they do have a major
25 problem there. I understand in the summer

1 you smell, you know, the garbage more than
2 in the winter, but that's only one minor
3 part of the problem there. It's a one-way
4 street heading east and what happens is
5 there's a split between the stores, a lot of
6 vehicles come out and come the wrong way.
7 So, Mrs. Krake, I'll give you this
8 information but we are going to have to
9 request a "Do Not Enter" sign up at that end
10 by the buildings so we don't have an
11 accident there because I saw several times
12 when vehicles came the wrong way.

13 They do have rats over there, and by
14 evidence I took a bunch of pictures, there
15 are rat traps setup all around the building.
16 Vehicles, it's a standing zone for tractor
17 trailers and stuff and vehicles running
18 continuously, especially refrigerated ones,
19 you know, 20 feet away from a home is a
20 violation, and from what I understand and
21 I'm still researching it, there was supposed
22 to be a retaining wall next to their loading
23 dock there to block the noise and that from
24 the vehicles and the dumpsters, so it is a
25 nasty situation and I hope I'm going to try

1 and get ahold of Mr. Seitzinger and rectify
2 the situation.

3 Washburn Street Cemetery, it's
4 interesting that we found out that the
5 citation was pulled on Washburn Street
6 cemetery and the owner was given a chance to
7 clean up, but I'll guarantee that's the last
8 time you see any grass cut this year and it
9 doesn't look too good if you walk through
10 there, but I have to say Channel 16 was
11 there and GO Lackawanna, and I'm sorry to
12 say it that you missed one of the most
13 important issues in that cemetery, the
14 garbage dump at the rear. There is
15 household garbage dumped there, there is
16 concrete dumped there, there is household
17 furniture dumped there and it accumulates.
18 I have taken pictures just about every day
19 for the last two weeks and this past Sunday
20 night there was a fire there. Some lit all
21 of that debris on fire. Now you got half
22 burned debris and half -- that's part of
23 what he is supposed to clean up. To me,
24 that's more of a problem with the rats and
25 everything than the grass cutting. I mean,

1 there is -- it's there a disrespect in both
2 ends there to the deceased in the cemetery.

3 But I'm going to speak to
4 Mr. Seitzinger on that issue, also, and I'm
5 going to keep following up on this because
6 it's a disgrace. It's turned into a
7 landfill and there is no one there to police
8 it. They should have a gate there at least.
9 Years ago they used to have a caretaker that
10 lived there full-time and he kept that place
11 closed every night.

12 And just finally, everybody is
13 saying thank you. Finally, I do have to
14 discuss Boscov's. I mean, that's been a big
15 issue, and it's not a vote that I took
16 lightly. You know, I didn't make this
17 decision for Al Boscov, I made this decision
18 in the best interest of the many employees
19 there and ultimately the taxpayers of this
20 city. I listened thoroughly to our
21 solicitor, I read the information, I saw
22 what was going on and, you know, there is an
23 issue there of whether or not they're good
24 paying jobs, even though they may not be the
25 best paying jobs, I still believe low pay is

1 no better than no pay.

2 You know, in two years, and I
3 believe Mrs. Evans touched on this, in two
4 years, that's all we are looking for an
5 abatement for two years, we may have an
6 administration who would be interested in
7 going to Court to get our money back. And
8 again, as I stated, a lot of people -- if
9 you know people that have fallen behind on
10 their home mortgages, they are having
11 federal programs out there, the state had a
12 program which is stopped, HEMAP I believe it
13 was called, but it is a mortgage
14 modification program, where they'll extend
15 mortgage or reduce your interest rate it's
16 very similar to that situation. You are not
17 getting away with anything, you are just
18 extending it, and I believe, you know, in
19 two years, and again, I hope my bets are
20 hedged properly, as Mr. Rogan stated, that
21 it is successful and the economy turns
22 around and I would hope by the help of his
23 congressman and the newly elected
24 congressmen that, you know, we will be able
25 to work this out all along. It takes a

1 concerted effort from federal government
2 down to the city government and, you know,
3 there is a lot of people having hard times
4 right now, but I just can't see increasing
5 the pain for a lot more people and that's
6 why I feel my decision on this vote was
7 proper, and I think that's all I have to
8 say. Thank you.

9 MS. EVANS: Thank you, Councilman
10 Loscombe. Councilman Joyce, do you have any
11 comments or motions at this time?

12 MR. JOYCE: Yes. Tonight I'm going
13 to begin by commenting on the article
14 written by the Scranton Times on the deficit
15 that the city is projected to face at the
16 end of the year.

17 First, what's important to realize
18 is that the city started 2011 with a \$4.5
19 million deficit from the administration's
20 2010 budget. This was not made aware to
21 council until 2011 after the operating
22 budget was passed. Since the
23 administration's projections prior to that
24 point, it stated that the 2010 budget would
25 not create a deficit.

1 In addition to this, because of our
2 inability to pay back our TAN-B payment in
3 2010, money was borrowed from the Workers'
4 Compensation Fund to the tune of \$7.6
5 million, which had to be paid back in 2011.
6 Obviously, this starts us off in a hole.
7 Council was also not made aware of this
8 until 2011.

9 Last night I had the opportunity to
10 speak with Mr. Mrozinski, the reporter from
11 the Scranton Times. While I do recognize
12 appreciate that he did include some of my
13 statements in the article, there were also
14 some that were left out, which I believe
15 will provide the whole picture of the story.
16 One of the comments that I made that was
17 printed in the article was that the 2011
18 operating budget was partly amended by
19 council and, furthermore, that it was a
20 product of the council and the
21 administration. It is a product of the
22 council's amendments and the
23 administration's projections as well.

24 City council did not change every
25 revenue item and every expenditure. Current

1 business administrator Ryan McGowan also
2 stated in the article that the city's
3 deficit that's projected at the end of the
4 year is truly an expense problem, and I
5 couldn't agree more with him on this
6 statement. Mr. McGowan further elaborated
7 and stated that the largest factor
8 contributing to the projected deficit was a
9 \$4 million under projection in health
10 insurance. I did comment on this when
11 speaking with Mr. Mrozinski, however, it was
12 not printed.

13 Though there is a \$4 million under
14 projection in health insurance costs, this
15 is a product of the administration. The
16 administration originally projected an
17 amount in the budget for health insurance.
18 Money was added to the health insurance
19 projections due in great part to the
20 addition of both the safety employees. The
21 amount that was added back to the budget for
22 the city's health insurance contributions
23 for public safety employees were the exact
24 figures provided by former business
25 administrator, Stu Renda. These numbers are

1 actually quoted in a Scranton Times article
2 that was published in late 2010 regarding
3 some of the union grievances and the results
4 of those grievances.

5 Mr. McGowan also stated in his
6 comments that in addition to the health care
7 costs, which essentially are a product of
8 the administration, there is a projected
9 shortfall in wage tax revenue. Currently
10 the amount -- the shortfall projected in
11 wage tax revenue has been somewhere in the
12 \$800,000 which council did adjust. In the
13 amount that this figure was adjusted to was
14 more conservative than PEL's projection of
15 their most recent Recovery Plan
16 presentation.

17 What Mr. McGowan failed to mention
18 though is that the revenue that the city is
19 projected to receive in current real estate
20 taxes is exceeding council's projection by
21 nearly \$1 million, well, on historical basis
22 throughout these reports it's been around
23 that. Therefore, when you combine the two
24 largest revenue sources that council
25 adjusted being real estate tax revenue and

1 wage tax revenue, current council's combined
2 projection is on track with what the city is
3 expected to realize when you combine those
4 two revenue sources at the end of the year.

5 Also, in regard to other revenue
6 items that council adjusted is one of those
7 the business privilege and mercantile taxes
8 were reduced by 25 percent. Because of
9 this, the city is expected to realize \$1.4
10 million in revenue from these two taxes.
11 Thus far through the first six months of the
12 year, the City has actually realized about
13 \$1.1 million, give or take, of that \$1.44
14 million dollar amount, meaning that the
15 amount realized at the end of the year
16 should be equal or greater than the amount
17 projected.

18 In the Scranton Times' article,
19 Mr. McGowan also stated that council made \$3
20 million worth of tax cuts. I wanted to
21 point out that this is inaccurate figure.
22 Scranton City Council cut the business
23 privilege and mercantile taxes by 25
24 percent. Originally, it was projected that
25 the city would realize \$1.92 million from

1 these taxes, a 25 percent reduction would
2 amount to \$480,000 for those two particular
3 taxes.

4 In addition, real estate taxes were
5 reduced by 10 percent. Originally, the
6 amount that was projected by the
7 administration was \$13.6 million. With this
8 in mind, 10 percent reduction of this is
9 \$1.36 million, so when you add the two of
10 them together the amount of the tax cuts are
11 actually more in the area of \$1.84 million
12 not \$3 million and I wanted to point that
13 out because that's a fairly large
14 discrepancy in figures.

15 Anyhow, what is more disturbing is
16 that while the city's health insurance
17 projection is nearly \$4 million in the red,
18 several city employees have contacted me and
19 informed me that grant money was available
20 to pay health insurance costs, however, the
21 city failed to apply for them. The amount
22 of the savings that the city employees have
23 informed me regarding the possible receipt
24 of grant funds in their estimate could have
25 been nearly a million dollars. So while the

1 city has time to apply for grants for parks,
2 which amount -- which, as you know, the one
3 that Mr. McGoff has been referring to the
4 past few meetings is \$50,000, it fails to
5 apply for grants that can contribute
6 possibly to funding health insurance costs
7 to the tune of about a million dollars.

8 Now, validity of the million dollar
9 figure I did not conduct a thorough
10 investigation into that number, but I highly
11 doubt that the employees that reported this
12 to me would be telling me a lie.

13 As far as the comments made by Mayor
14 Doherty, he stated in the Scranton Times'
15 article that council under estimated
16 expenses. Well, let me make it 100 percent
17 clear, a great part of why expenses are
18 under estimated is due to the fact that
19 Mayor Doherty does not followed the budget
20 that council has provided. Mayor Doherty
21 hired back four employees that were
22 previously eliminated from the 2011
23 operating budget in addition to providing
24 his own secretary a raise, which was not
25 budgeted for. When the individual in charge

1 of implementing a budget does not implement
2 the budget as it is set forth, of course
3 expenses are going to be under estimated,
4 the mayor is causing it. Expenses are also
5 under estimated due to the administration
6 providing for health insurance projections
7 which currently is projected to be \$4
8 million short.

9 As Mayor Doherty did state, however,
10 a plan was being developed to address the
11 city financial woes. Earlier in the summer
12 I have met with business administrator
13 Mr. McGowan as well as a representative from
14 the fire department union and Chief Duffy
15 who represented the police to discuss a plan
16 along with Councilwoman Evans, who was also
17 present at this meeting. In this meeting
18 the administration had demanded that all
19 information in the meeting be kept
20 confidential. During this meeting various
21 ideas were discussed, some of which I agree
22 with and some of which I do not agree with.
23 I have requested five times that the
24 administration, being business administrator
25 Ryan McGowan, and specifically Mayor

1 Doherty, meet with council in a public forum
2 to discuss how this deficit will be handled.
3 I think that the public has a right to know
4 the contents of that meeting. Thus far,
5 neither the administration or Mayor Doherty
6 has responded to those requests and claim
7 that they do not want to work with council
8 in a public setting, and it seems like they
9 do wish to keep everything behind closed
10 doors.

11 Now, I'm not going to beat a dead
12 horse here. Well, actually, I am.

13 MR. ROGAN: We all have.

14 MR. JOYCE: But I guess --

15 MS. EVANS: Mr. Rogan exhumed the
16 horse, so you beat it and then we'll bury
17 it.

18 MR. JOYCE: So it seems like, you
19 know, we do have some conflicting opinions
20 on the whole mall at Steamtown situation,
21 and this wasn't an easy decision to make.
22 In my ideology the way I looked at it was I
23 was going to take the utilitarian approach
24 and try to do what's best for all and in my
25 rationale what I thought was best for all

1 was to vote "yes" last week.

2 Now, my reasoning for this is I know
3 this year congress did cut a substantial
4 amount of money from our CDBG funds, and
5 taking a look, you know, I looked through
6 all of -- I looked through Ms. Aebli's
7 worksheet on the legislation that we will be
8 tabling tonight, and I looked at it and I
9 thought, well, to cut an extra \$880,000 what
10 would this entail? You know, I looked at
11 various approaches and this is what would
12 essentially would amount to \$880,000 worth
13 of cuts, and I'll just read off a few
14 examples here.

15 Case number one, if you cut some of
16 the smaller public services items this is
17 what would amount to \$880,000. The
18 elimination of funding to the Catherine
19 McCawley Center and basically what they do,
20 this is a housing program to assist ten
21 families to move to apartments, case
22 management, transportation, food, job
23 seeking and education training.

24 Beat officers, \$200,000. This pays
25 for the salary of five officers in our

1 neighborhoods.

2 New police department vehicles
3 \$150,000. That's for the purchase of the
4 five new police vehicles in low to moderate
5 income areas.

6 United Neighborhood Centers, Project
7 Hope, and this is a summer camp that ensures
8 educational, nutritional and educational
9 needs to children from low income families.
10 United Neighborhood Centers Condemnation
11 Assistance. This provides all case
12 management, 24/7, 365 days a year to
13 families displaced through the City of
14 Scranton's Code Enforcement.

15 The United Neighborhood Centers
16 Bellevue Youth Program, and those were costs
17 allocated in the CDBG fund to underwrite the
18 cost of Saturday programming at Bellevue
19 Youth Center.

20 The Boys and Girls Club park it
21 program. This is the neighborhood version
22 of the Boys and Girl Club program that
23 utilizes four school district sites in low
24 to moderate income areas.

25 Neighborhood Housing Services of

1 Lackawanna County to provide home ownership
2 and creation and preservation, counseling to
3 primarily low to moderate income families.

4 Two grants to the Community
5 Intervention Center to continue permanent
6 housing with support services to six
7 homeless families.

8 Meals on Wheels, young adults.
9 Elimination of funding for the alleviation
10 of waiting list for 18 young adult home
11 delivered meals to mentally or physically
12 challenged young adults.

13 The Deutsch Institute, elimination
14 of funding to promote the inclusion and
15 employment for persons with disabilities and
16 the elderly.

17 Scranton Public Theatre. A theatre
18 project for low to moderate income families
19 including the elderly.

20 St. Joseph's Center Mother and
21 Infant Program to provide funds for the
22 operation of St. Joseph's Center mothering
23 program.

24 Catholic Social Services Nativity
25 Place Family Shelter to provide essential

1 and nonessential services to an estimated 24
2 homeless families.

3 Catholic Services St. James' Manor
4 to provide essential and nonessential
5 services to the veteran clients of St. James
6 Manor, basically this is veteran's housing.

7 Catholic Social Services Permanent
8 Supportive Housing to provide essential and
9 nonessential services to a minimum of 13
10 clients in the Permanent Supportive Housing
11 Program.

12 And after adding up all of those
13 service activities the amounts that would be
14 cut that the city is going to allocate in
15 CDBG funds to these organizations is
16 \$519,870, so on top of that you would have
17 to find another \$360,130 to remove in order
18 to make the \$880,000, so here is some
19 possibilities: (A) you could remove
20 \$226,500 which is the funding that was
21 allocated towards the new fire engine, which
22 the fire department needs or you could
23 remove -- and you could remove rather
24 \$133,630 from blight removal or paving or
25 instead of doing that you could remove

1 \$75,000 from the Pinebrook Neighborhood
2 Association, which I know that nobody wants
3 to do, and you could remove \$58,630 from
4 blight removal or paving.

5 Now, those are the service items.
6 Now, if you look at the some of the big
7 ticket items, I know that Mrs. Evans
8 mentioned some things, here is a list of
9 some big ticket items that would amount to
10 \$80,000 -- or \$880,000. City of Scranton
11 police department beat officers, that would
12 be the elimination for five officer's
13 salaries. City of Scranton DPW paving
14 program, that's \$600,000. Pinebrook
15 Neighborhood Association, that's \$75,000 and
16 Catholic Social Services Permanent
17 Supportive Housing, that's \$5,000. That's
18 also a total of \$880,000 so that's a way
19 that you could possibly eliminate \$880,000
20 worth of CDBG funds from Ms. Aebli's
21 worksheet.

22 And there is situation three that I
23 looked at, and this is partially removing
24 large items and large public service items:
25 One, you could remove the salaries of five

1 officers, that's \$200,000. You could remove
2 the destruction of blighted homes, take
3 \$200,000 off of that. You can remove the
4 police vehicles, that's \$150,000. You could
5 remove the Pinebrook Neighborhood
6 Association funding, that's \$75,000. You
7 could remove \$255,000 for paving on top of
8 that and that's a total of \$880,000 as well.

9 By no means am I a fan of Al Boscov,
10 and just to state for the record Al Boscov
11 has never contributed anything to my
12 campaign or when both myself and Mrs. Evans
13 and Pat Rogan ran for office, however, this
14 in my belief is what's in the best interest
15 of the City of Scranton. Being that
16 Congress made cuts in year, the city simply
17 in my opinion cannot afford to jeopardize
18 some of these programs that help out people
19 that really, really depend on them and I
20 don't know if anyone else could come up with
21 a better way to generate \$880,000 of
22 additional cuts off of Ms. Aebli's
23 worksheet, but feel free to --if you have
24 \$880,000 worth of additional cuts, feel free
25 to just provide them.

1 MR. ROGAN: In two years when we
2 might have to do it anyways we can just
3 divide the amount, if we had to, just divide
4 the amount of whatever it is and say 20
5 percent of everything which would share the
6 pain equally, but that's a bridge hopefully
7 we won't have to cross in two years.

8 MR. JOYCE: Hopefully we won't have
9 to cross it. That's all.

10 MS. EVANS: Okay.

11 MR. LOSCOMBE: Excuse me, Mrs.
12 Evans.

13 MS. EVANS: Yes.

14 MR. LOSCOMBE: Could I have five
15 seconds? I forget to reply to Mrs.
16 Schumacher, Mrs. Schumacher, we sent a
17 second request out, we didn't receive any
18 information. I know I have been told that
19 we have been short-handed on police a number
20 of occasions, so we are still trying get
21 that information, and also I have had
22 numerous calls from people on East Mountain
23 regarding Engine 10 being closed, the fire
24 department. They are calling it a brownout,
25 but a brownout to me is one week this

1 station closes and one week that station
2 closes. It's actually it happens like a
3 black out because the time they get the
4 pecking order for Engine 10, Engine 9 is
5 permanently closed, Engine 15 in Petersburg
6 would be closed, the ladder truck in the
7 downtown was closed and Engine 10 is closed.
8 I'm not sure what's next in the pecking
9 order, maybe South Side, but on many
10 occasions those four companies have been
11 closed recently.

12 MS. SCHUMACHER: Ten has only been
13 closed one brownout one day.

14 MR. LOSCOMBE: What's that?

15 MS. SCHUMACHER: Ten has been
16 browned out one day.

17 MR. LOSCOMBE: In the last week.
18 Two weeks ago it was closed, too. It was
19 closed twice, and I'll follow up on that,
20 but I don't know we should have any of them
21 closed to be honest with you, especially on
22 East Mountain. It's a lot harder climbing
23 uphill than going downhill.

24 MS. SCHUMACHER: That's operating
25 funds so that's not CDBG.

1 MR. LOSCOMBE: No, no, I'm
2 discussing public safety on the whole. I
3 think that should be important to everybody
4 not just CDBG funding, but public safety.
5 All I'm hoping is that through our vacation
6 that we don't have a catastrophe because of
7 this. They will pay overtime to certain
8 departments, but they won't pay overtime to
9 man others, and they're being pennywise and
10 dollar foolish and I hope it doesn't come
11 back to bite them because I stated before
12 I'll be the first one to stand up in court
13 if something happens, and I'm going to get
14 more information in the next four weeks on
15 these closures and the information you
16 requested from the police department which
17 we still haven't received in response. I'll
18 stop down personally and see what I can do.
19 Thank you.

20 MS. EVANS: Thank you, Mr. Loscombe.
21 Good evening. I wish to provide several
22 updates regarding the issues that directly
23 effect the city's operating budget and
24 financial status. First, the owner/operator
25 of the former Mercy Hospital and Moses

1 Taylor Hospital may file appeals for tax
2 reductions at the County Tax Assessor's
3 Office. It's imperative that city solicitor
4 Paul Kelly and business administrator Ryan
5 McGowan attend those hearing if and when
6 they are scheduled as well as attending all
7 other assessment hearings that effect not
8 individual homeowners, but all other city
9 properties. Their failure to attend these
10 hearings has caused the city to lose much
11 needed tax revenue:

12 Second, the parking meter revenue
13 from the CMC Hospital has not been received
14 because the administration failed to send a
15 letter and invoice to CMC requesting payment
16 to the city and directing the CMC to whom to
17 make the check payable. The total dollar
18 amount is entirely owed to the city. No
19 portion is owed to the Scranton Parking
20 Authority since legislation was legally and
21 lawfully adopted. The Parking Authority
22 provides no services at the CMC, the meters
23 were bagged in late Spring 2010, and the
24 city owns the parking meters.

25 Third, although the parking program

1 bids were rejected approximately a month
2 ago, the city has not rebid the project,
3 thus, postponing another revenue source
4 enjoyed by other Pennsylvania municipalities
5 because it intends to sell the parking
6 meters to the Scranton Parking Authority,
7 which very likely explains Councilman
8 Rogan's earlier comments and requests to the
9 Scranton Parking Authority regarding the
10 search for loans. On the other hand,
11 however, it could well be that their budget
12 is once again in the red for the third year
13 in a row or a combination of both.

14 Fourth, the revenue from the sale of
15 the Moses Taylor Hospital will not be
16 realized very likely until the end of 2011
17 or the beginning of 2012 according to BA
18 Ryan McGowan.

19 Fifth, the tax revenue realized from
20 the sale of the Mercy Hospital will be used
21 by the administration to cover increased
22 health care costs which it failed to budget
23 for in the 2011 operating budget. Only
24 approximately \$500,000 of that tax revenue
25 will be used toward the 2011 deficit

1 according to the business administrator.

2 Six, incremental raises for police
3 and fire were scheduled to be paid beginning
4 in July 2011.

5 Seven, the 2010 independent audit
6 has not been completed despite numerous
7 requests from the auditor for financial
8 information from the administration and
9 municipal authorities. It will be very
10 difficult for the city administration to
11 refinance debt and for the Pennsylvania
12 Economy League to draft an accurate revised
13 Recovery Plan without this audit. Any plan
14 that is not based at least in part on the
15 2010 audit will bring into question it's
16 reliability and validity, yet, PEL remains
17 silent and fails to press the administration
18 to cooperate with auditors in a timely
19 fashion.

20 These unresolved issues are costing
21 the City of Scranton a good deal of revenue
22 at a time when it is facing a multi-million
23 dollar deficit. As you can see, the ball is
24 in the administration's court. It must take
25 action to protect and defend the current

1 revenue. Collect revenues that are due.
2 Provide revenue generators included in the
3 2011 operating budget, and provide the
4 required and requested financial documents
5 to Rossi & Rossi, city auditor.

6 Next, I wish to summarize for you,
7 ladies and gentlemen, the recent actions of
8 Mayor Doherty. Following the legal and
9 lawful adoption of ordinances by city
10 council for contracts between the City of
11 Scranton and local towing and Northeast
12 Revenue Services, the new collector of
13 delinquent taxes chosen by the Scranton
14 Redevelopment Authority and the mayor,
15 Mr. Doherty substituted his contracts for
16 those approved by Scranton City Council and
17 sent his towing contract to the police chief
18 to enforce and forwarded his delinquent tax
19 collection contract modeled on the NCC
20 previous contract to Attorney John Rogers of
21 Northeast Revenue Service for his signature.

22 The mayor did not sign the
23 legislation passed by city council. Also,
24 the mayor did not veto the legislation
25 passed by Scranton City Council. According

1 to the Home Rule Charter, the mayor has ten
2 days in which to sign or veto all
3 legislation approved and adopted by city
4 council. If he fails to sign or veto
5 legislation, the legislation takes effect
6 following the tenth day.

7 Several weeks ago, the Mayor drew a
8 line through his signature on a piece of
9 legislation months after he signed it in an
10 effort to ignore the ordinance. Now, the
11 mayor has substituted his own contracts and
12 his own legislation for council legislation
13 after it has been legally and lawfully
14 adopted. Perhaps Police Chief Duffy has no
15 choice but to obey the mayor and his
16 legislation because the mayor hired him and
17 the mayor can fire him, however, Attorney
18 Rogers of Northeast Revenue Service will not
19 sign the mayor's substituted contract and
20 will only sign the contract legally adopted
21 by Scranton City Council.

22 Now, this is a significant matter
23 because the SRA, the Scranton Redevelopment
24 Authority, defaulted on \$1.5 million owed to
25 Pennstar Bank for the collection of

1 delinquent taxes and the city is responsible
2 for paying that \$1.5 million to Pennstar
3 Bank. Rather than taking responsible action
4 to hire this firm immediately and begin
5 payments to Pennstar Bank, the mayor is
6 creating his own form of government in this
7 city, state and country whereby he can
8 remove pages of adopted legislation and
9 contracts, insert his own, and sign the
10 bogus legislation while simultaneously
11 failing to return council's documents.

12 His actions could cost the taxpayers
13 \$1.5 million in delinquent tax collections
14 and increased fees from the tower's contract
15 and at this time I will ask council
16 solicitor Boyd Hughes for his legal opinion
17 on the mayor's actions.

18 MR. HUGHES: Thank you, Madam
19 President. I think you have stated
20 everything pretty much very succinctly like
21 I was going to do. What happened is that
22 there were two ordinances, Ordinance No. 35
23 of 2011 which was Northeast Revenue
24 Services, that was passed by council on July
25 12, as amended. There were various

1 amendments made to it. As this legislation
2 was submitted by the solicitor's office to
3 the city there was no contract attached, all
4 it stated was that the mayor and other
5 appropriate city officials are authorized to
6 enter into a contract.

7 It's been my advice to council that
8 no legislation ever be approved without a
9 contract attached so that we know exactly
10 what is to be signed and that council can
11 make amendments to that contract. As
12 council said at caucus between the mayor and
13 business administrator, Mr. Lazor, Chairman
14 of the Redevelopment and John Rogers of
15 Northeast Revenue Services, that was
16 cancelled because the mayor and the business
17 administrator refused to come.
18 Subsequently, a caucus was held with
19 Mr. Rogers. Mr. Rogers and I had negotiated
20 a contract which was fully acceptable to
21 Northeast Revenue Services. It eliminated
22 many of the conflicts that were put into the
23 agreement regarding what I call the
24 supremacy clause so if there was ever any
25 conflict between the request for proposals

1 submitted by the SRA, the proposal submitted
2 to that bid proposal submitted by Northeast
3 Revenue that the contract would control.
4 Mr. Rogers was in full agreement of that.

5 That was attached to Ordinance No.
6 35 as amended by council, and as is stated
7 in the Rules of Council and, of course,
8 Mayor Doherty was a member of council in
9 knows the Rules of Council, and it's Article
10 IV, roman numeral 4-3 of the Rules of
11 Council regarding amendments, that they can
12 be made on the third reading, they must be
13 in writing, and that any ordinance can be
14 amended by council as it's submitted and
15 then that becomes the official ordinance
16 passed by the council.

17 When that was submitted to Mayor
18 Doherty on July 13 the next day he had ten
19 days to either sign the ordinance as
20 lawfully adopted or to veto it. He did
21 neither. What he did was extrapolate and
22 took from the ordinance that was passed by
23 council all of the amendments and the
24 contract and submitted a contract that was
25 not attached to the ordinance as submitted

1 by the solicitor's office.

2 It's my legal opinion that what has
3 happened is that the mayor has not within
4 ten days signed or vetoed the ordinance that
5 was lawfully adopted by council and that as
6 a result that ordinance has passed,
7 Ordinance No. 35 of 2011, has become law
8 and, Madam President, I believe that -- not
9 that I believe, but it's my recommendation
10 under Section 504 -- I'm sorry, under
11 Section 60918 of the Home Rule Charter that
12 the mayor must execute all contracts
13 authorized by council so that the only
14 contract that can be authorized between the
15 City of Scranton and Northeast Revenue
16 Services would be the one that was passed by
17 council and attached to the ordinance which
18 the mayor removed.

19 In accordance with Section 503 (5)
20 of the Home Rule Charter, it's my opinion
21 that you should instruct Mrs. Krake, the
22 city clerk, that the ordinance that says
23 "General Ordinance Procedures" every
24 ordinance shall, under paragraph five,
25 authenticated and entered into the ordinance

1 book. The one that should be entered into
2 the ordinance book is the official ordinance
3 of the City of Scranton is the one that was
4 passed on July 12, 2011, submitted to the
5 mayor and not signed. That's the law of the
6 City of Scranton.

7 Under the Home Rule Charter, Section
8 609 regarding the mayor, paragraph 18,
9 subsection 18, he has to execute all
10 contracts authorized by council and also
11 under subparagraph six of 609 he shall
12 enforce all ordinances and regulations of
13 the city. This is the lawful ordinance,
14 this is the one he must execute and he must
15 sign.

16 As to the towing ordinance, it's the
17 same scenario, it would be -- that's
18 Ordinance No. 37 of 2011, whatever he
19 extrapolated, deleted from that ordinance
20 and signed that is not the ordinance that
21 was passed by council. My comments would be
22 the same as under Ordinance 35, that the
23 ordinance that was adopted by council and
24 signed the night of June 12, 2011, that's
25 the official ordinance and in accordance

1 with the Home Rule Charter, Section 503.5,
2 that's the one that must be entered into the
3 ordinance book.

4 The actions of the mayor would be
5 just like -- in a legislative process,
6 although we are a council, either state or
7 federal where you have a House and a Senate
8 passing a law the versions are different,
9 there is a compromise, they finally agree on
10 the language, it would be like that being
11 passed by the House and the Senate,
12 President Obama taking it and saying, "I
13 don't agree with that, I'm going to rip all
14 of that out and I'm going to put this in and
15 sign it and that's the law."

16 It would be the same thing for the
17 governor doing that. You know that that
18 can't happen. It's an act that would be
19 invalid from the beginning, the mayor
20 signature of these ordinances after he took
21 out the -- took out the amendments that
22 council lawfully passed are totally void and
23 negatory and as a result the ordinances
24 adopted by council are the official
25 ordinances because the mayor did not veto or

1 sign it within the ten days required by law.

2 MS. EVANS: Thank you, Attorney
3 Hughes, and I just wanted to add briefly to
4 that if, indeed, any mayor, any governor,
5 any president can rescind his signature on
6 legislation, any mayor, governor, president,
7 can substitute legislation that has been
8 passed by the House and Senate for his own
9 and then sign it, then I really have to ask
10 what is the purpose of a city council, of a
11 State house of Representatives, a State
12 Senate, the US Congress and the United
13 States Senate? All serve no purpose if an
14 executive branch grants itself those powers.

15 MR. HUGHES: I'd just like to
16 briefly add, in accordance with the Home
17 Rule Charter Section 201, it says, "The
18 mayor and council jointly shall be the
19 governing body of the Scranton City
20 government," except that the mayor's
21 function is executive and that's really to
22 enforce the ordinance of the City of
23 Scranton to run the government, and the
24 council's function is from a legislative.
25 Every action that council took on both of

1 these ordinances is legislative in nature.
2 It's in accordance with the Rules of
3 Council, in accordance with the Home Rule
4 Charter, in accordance with the
5 Administrative Code, and the only option
6 that the mayor had was to sign the
7 ordinances as passed or veto them. Since he
8 did neither, in ten days the ordinance as
9 passed become law.

10 MS. EVANS: Thank you. The last
11 thing I wanted to say was that I listened
12 very carefully to what the Council Finance
13 Chair discussed tonight with regard to the
14 city's finances and it's deficit and, you
15 know, regardless of the spin produced by the
16 administration and printed in this
17 newspaper, you had to be living under a rock
18 for the last ten years not to realize this
19 is Chris Doherty's debt. He put the city in
20 historical long-term debt of over \$300
21 million. This council has been in office a
22 year and a half. It's amended only one
23 budget, much of which the mayor has ignored
24 and chosen not to implement. Let's apply
25 common sense to the spin, and that's it.

1 MS. KRAKE: 5-B. NO BUSINESS AT THIS
2 TIME.

3 SIXTH ORDER. 6-A. READING BY TITLE
4 - FILE OF COUNCIL NO. 49, 2011 - AN
5 ORDINANCE - AMENDING FILE OF COUNCIL NO. 40,
6 2010, ENTITLED "AN ORDINANCE AUTHORIZING THE
7 MAYOR AND OTHER APPROPRIATE OFFICIALS OF THE
8 CITY OF SCRANTON TO TAKE ALL NECESSARY
9 ACTIONS TO IMPLEMENT THE CONSOLIDATED
10 SUBMISSION FOR COMMUNITY PLANNING AND
11 DEVELOPMENT PROGRAMS TO BE FUNDED UNDER THE
12 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
13 PROGRAM, HOME INVESTMENT PARTNERSHIP (HOME)
14 PROGRAM AND EMERGENCY SHELTER GRANT (ESG)
15 PROGRAM."

16 MR. ROGAN: I make a motion to table
17 Item 6-A.

18 MR. JOYCE: Second.

19 MS. EVANS: On the question?

20 MR. ROGAN: On the question, I did
21 read the letter from Ms. Aebli in Fifth
22 Order and she requested that we table the
23 legislation.

24 MS. EVANS: Yes. And, Mrs. Krake,
25 if you would please send a letter to Ms.

1 Aebli tomorrow on behalf of Scranton City
2 Council stating the following: Until such
3 time as this ordinance shall be taken from
4 the table and voted on at the first regular
5 meeting of Scranton City Council on
6 September 6, 2011, no allocations shall be
7 increased, decreased or eliminated without
8 council's approval and legal and lawful
9 adoption. OECD Director Linda Aebli cannot
10 arbitrarily implement any changes to the
11 CDBG funding without council approval prior
12 to the legal and lawful adoption of this
13 ordinance.

14 Is there anyone else on the
15 question? All those in favor of tabling
16 Item 6-A signify by saying aye.

17 MR. MCGOFF: Aye.

18 MR. ROGAN: Aye.

19 MR. LOSCOMBE: Aye.

20 MR. JOYCE: Aye.

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

23 MS. KRAKE: SEVENTH ORDER. 7-A. FOR
24 CONSIDERATION BY THE COMMITTEE ON FINANCE
25 FOR ADOPTION-FILE OF COUNCIL NO. 44, 2011-

1 SALE OF TAX DELINQUENT PROPERTY MORE
2 COMMONLY KNOWN AS 2108 PRICE STREET, TAX MAP
3 NO. 14509-010-015, SCRANTON, PENNSYLVANIA,
4 TO FRANCIS J. WALSH, 217 NORTH GRANT AVENUE,
5 SCRANTON, PENNSYLVANIA, 18504, FOR THE
6 CONSIDERATION OF \$3,500.00.

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

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

13 MR. ROGAN: Second.

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

16 MS. CARRERA: Mr. McGoff.

17 MR. MCGOFF: Yes.

18 MS. CARRERA: Mr. Rogan.

19 MR. ROGAN: Yes.

20 MS. CARRERA: Mr. Loscombe.

21 MR. LOSCOMBE: Yes.

22 MS. CARRERA: Mr. Joyce.

23 MR. JOYCE: Yes.

24 MS. CARRERA: Mrs. Evans.

25 MS. EVANS: Yes. I hereby declare

1 Item 7-A legally and lawfully adopted.

2 MS. KRAKE: 7-B. FOR CONSIDERATION
3 BY THE COMMITTEE ON FINANCE FOR ADOPTION-
4 FILE OF COUNCIL NO. 45, 2011- SALE OF TAX
5 DELINQUENT PROPERTY MORE COMMONLY KNOWN AS
6 917 EYNON STREET, TAX MAP NO. 15609-080-035,
7 SCRANTON, PENNSYLVANIA, TO SEAN MCGAGHRAN,
8 1221 EYNON STREET, SCRANTON, PENNSYLVANIA,
9 18504, FOR THE CONSIDERATION OF \$600.00.

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

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

16 MR. ROGAN: Second.

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

19 MS. CARRERA: Mr. McGoff.

20 MR. MCGOFF: Yes.

21 MS. CARRERA: Mr. Rogan.

22 MR. ROGAN: Yes.

23 MS. CARRERA: Mr. Loscombe.

24 MR. LOSCOMBE: Yes.

25 MS. CARRERA: Mr. Joyce.

1 MR. JOYCE: Yes.

2 MS. CARRERA: Mrs. Evans.

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

5 MS. KRAKE: 7-C. FOR CONSIDERATION
6 BY THE COMMITTEE ON FINANCE FOR ADOPTION-
7 FILE OF COUNCIL NO. 46, 2011- SALE OF TAX
8 DELINQUENT PROPERTY MORE COMMONLY KNOWN AS
9 919 EYNON STREET, TAX MAP NO. 15609-080-036,
10 SCRANTON, PENNSYLVANIA, TO SEAN MCGAGHRAN,
11 1221 EYNON STREET, SCRANTON, PENNSYLVANIA,
12 18504, FOR THE CONSIDERATION OF \$600.00.

13 MS. EVANS: What is the
14 recommendation of the Chair for the
15 Committee on Finance?

16 MR. JOYCE: As Chairperson for the
17 Committee on Finance, I recommend final
18 passage of Item 7-C.

19 MR. ROGAN: Second.

20 MS. EVANS: On the question? Roll
21 call, please.

22 MS. CARRERA: Mr. McGoff.

23 MR. MCGOFF: Yes.

24 MS. CARRERA: Mr. Rogan.

25 MR. ROGAN: Yes.

1 MS. CARRERA: Mr. Loscombe.

2 MR. LOSCOMBE: Yes.

3 MS. CARRERA: Mr. Joyce.

4 MR. JOYCE: Yes.

5 MS. CARRERA: Mrs. Evans.

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

8 MS. KRAKE: 7-D. FOR CONSIDERATION
9 BY THE COMMITTEE ON PUBLIC SAFETY FOR
10 ADOPTION- FILE OF COUNCIL NO. 47, 2011-
11 AUTHORIZING THE VACATION OF THE RIGHT OF WAY
12 KNOWN AS PAGE PLACE LOCATED BETWEEN THE 200
13 BLOCKS OF FRANKLIN AVENUE AND MIFFLIN
14 AVENUE.

15 MS. EVANS: What is the
16 recommendation of the Chair for the
17 Committee on Public Safety?

18 MR. LOSCOMBE: As Chairperson for
19 the Committee on Public Safety, I recommend
20 final passage of Item 7-D.

21 MR. JOYCE: Second.

22 MS. EVANS: On the question? Roll
23 call, please.

24 MS. CARRERA: Mr. McGoff.

25 MR. MCGOFF: Yes.

1 MS. CARRERA: Mr. Rogan.

2 MR. ROGAN: Yes.

3 MS. CARRERA: Mr. Loscombe.

4 MR. LOSCOMBE: Yes.

5 MS. CARRERA: Mr. Joyce.

6 MR. JOYCE: Yes.

7 MS. CARRERA: Mrs. Evans.

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

10 MS. KRAKE: 7-E. FOR CONSIDERATION
11 BY THE COMMITTEE ON FINANCE FOR ADOPTION-
12 FILE OF COUNCIL NO. 48, 2011- AUTHORIZING
13 THE MAYOR AND OTHER APPROPRIATE CITY
14 OFFICIALS TO APPLY FOR AND EXECUTE A GRANT
15 APPLICATION AND IF SUCCESSFUL A GRANT
16 AGREEMENT AND ACCEPT THE FUNDS RELATED
17 THERETO THROUGH THE BJA FY 11 EDWARD BYRNE
18 JUSTICE ASSISTANCE GRANT ("JAG") PROGRAM
19 LOCAL SOLICITATION IN THE AMOUNT OF
20 \$29,216.00.

21 MS. EVANS: What is the
22 recommendation of the Chair for the
23 Committee on Finance?

24 MR. JOYCE: As Chairperson for the
25 Committee on Finance, I recommend final

1 passage of Item 7-E.

2 MR. ROGAN: Second.

3 MS. EVANS: On the question? Roll
4 call, please?

5 MS. CARRERA: Mr. McGoff.

6 MR. MCGOFF: Yes.

7 MS. CARRERA: Mr. Rogan.

8 MR. ROGAN: Yes.

9 MS. CARRERA: Mr. Loscombe.

10 MR. LOSCOMBE: Yes.

11 MS. CARRERA: Mr. Joyce.

12 MR. JOYCE: Yes.

13 MS. CARRERA: Mrs. Evans.

14 MS. EVANS: Yes. I hereby declare
15 Item 7-E legally and lawfully adopted.

16 MR. JOYCE: I make a motion to take
17 File of Council No. 42, 2011, from the table
18 and place it into Seventh Order for final
19 consideration.

20 MR. ROGAN: Second.

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

23 MR. MCGOFF: Aye.

24 MR. ROGAN: Aye.

25 MR. LOSCOMBE: Aye.

1 MR. JOYCE: Aye.

2 MS. EVANS: Aye. Opposed? The ayes
3 have it and so moved.

4 MS. KRAKE: 7-F. FOR CONSIDERATION
5 BY THE COMMITTEE ON FINANCE FOR ADOPTION-
6 FILE OF COUNCIL NO. 42, 2011(PREVIOUSLY
7 TABLED)- AMENDING FILE OF COUNCIL NO. 52,
8 2010, AN ORDINANCE ENTITLED "GENERAL CITY
9 OPERATING BUDGET 2011" BY TRANSFERRING
10 \$20,000.00 FROM ACCOUNT NO.
11 01.401.13090.4299 (NONDEPARTMENTAL OPERATING
12 EXPENSES - CONTINGENCY) TO ACCOUNT NO.
13 01.060.00000.4201 (LAW DEPARTMENT
14 PROFESSIONAL SERVICES) TO PROVIDE FUNDING TO
15 COVER VARIOUS ATTORNEY FEES.

16 MS. EVANS: What is the
17 recommendation of the Chair for the
18 Committee on Finance?

19 MR. JOYCE: As Chairperson for the
20 Committee on Finance, I recommend final
21 passage of Item 7-F.

22 MR. MCGOFF: Second.

23 MS. EVANS: On the question?

24 MR. ROGAN: Yes. I don't want to
25 make this meeting any longer, I didn't see

1 in the backup if the administration sent
2 down that information.

3 MS. EVANS: They never did. We
4 requested the attorneys, their fees, and
5 their services.

6 MR. ROGAN: Yes, and I looked
7 through it three times, I was looking for
8 it, so --

9 MS. EVANS: Nothing was sent.

10 MR. ROGAN: As I said, and I believe
11 my colleagues said a few weeks ago, I will
12 be voting "no." I'm not going to write a
13 blank check for \$20,000 for undefined
14 expenses through the law department.

15 MS. EVANS: Ditto. Anyone else on
16 the question?

17 MR. MCGOFF: Yes. Could I just ask,
18 I know in the past we have dealt with some
19 of the attorney fees, is it likely that they
20 will go to Court and ask for a judgment to
21 receive these?

22 MS. EVANS: I'm sure it is.
23 Attorney Greco did it often, you know, when
24 amassing his close to, I don't know, \$2
25 million in payments for a part-time

1 position. I think in that case the city has
2 always been defended by the city solicitor,
3 I don't think there is really any great cost
4 involved because the city simply sits back
5 and agrees with the law firm or the lawyer
6 and says, "Give them the money."

7 MR. MCGOFF: And I understand and
8 I'm in agreement that if these were
9 legitimate costs there is no reason why the
10 city shouldn't have provided some type of
11 documentation. There is no reason not to
12 and I agree with what's been said. There is
13 no reason to vote for this if they are not
14 going to, you know, provide us the
15 documentation necessary.

16 MR. JOYCE: Personally I'll add to
17 it, I actually did recommend it just so to
18 keep the voting consistent I guess, a yes or
19 no, so, no, I'm not voting for it either.
20 Essentially what's going to happen instead
21 of the money coming from the account that we
22 are voting on, what will probably happen is
23 whoever is owed this money will probably
24 take the city to Court and the city will
25 probably do nothing and then it will come

1 out of the Court awards account instead of
2 the account we are voting on tonight.
3 That's my estimate of what will probably
4 happen.

5 MS. EVANS: Is there anyone else on
6 the question? Roll call please.

7 MS. CARRERA: Mr. McGoff.

8 MR. MCGOFF: No.

9 MS. CARRERA: Mr. Rogan.

10 MR. ROGAN: No.

11 MS. CARRERA: Mr. Loscombe.

12 MR. LOSCOMBE: No.

13 MS. CARRERA: Mr. Joyce.

14 MR. JOYCE: No.

15 MS. CARRERA: Mrs. Evans.

16 MS. EVANS: No. I hereby declare
17 that Item 7-F has been legally and lawfully
18 defeated.

19 MR. JOYCE: I make a motion to take
20 File of Council No. 43, 2011, from the table
21 and place it into Seventh Order for final
22 consideration.

23 MR. ROGAN: Second.

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

1 MR. MCGOFF: Aye.

2 MR. ROGAN: Aye.

3 MR. LOSCOMBE: Aye.

4 MR. JOYCE: Aye.

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

7 MS. KRAKE: 7-G. FOR CONSIDERATION
8 BY THE COMMITTEE ON FINANCE FOR
9 ADOPTION-FILE OF COUNCIL NO. 43,
10 2011(PREVIOUSLY TABLED)- SALE OF TAX
11 DELINQUENT PROPERTY MORE COMMONLY KNOWN AS
12 SHORT AVENUE, TAX MAP NO. 13420-020-028,
13 SCRANTON, PENNSYLVANIA, TO CARMEN SAITA, 517
14 GREENBUSH STREET, SCRANTON, PENNSYLVANIA,
15 18508, FOR THE CONSIDERATION OF \$1,000.00.

16 MS. EVANS: What is the
17 recommendation of the Chair for the
18 Committee on Finance?

19 MR. JOYCE: As Chairperson for the
20 Committee on Finance, I recommend final
21 passage of Item 7-G.

22 MR. ROGAN: Second.

23 MS. EVANS: On the question? Roll
24 call, please.

25 MS. CARRERA: Mr. McGoff.

1 MR. MCGOFF: Yes.

2 MS. CARRERA: Mr. Rogan.

3 MR. ROGAN: Yes.

4 MS. CARRERA: Mr. Loscombe.

5 MR. LOSCOMBE: Yes.

6 MS. CARRERA: Mr. Joyce.

7 MR. JOYCE: Yes.

8 MS. CARRERA: Mrs. Evans.

9 MS. EVANS: Yes. I hereby declare
10 Item 7-G legally and lawfully adopted.

11 MR. LOSCOMBE: I make a motion to
12 take File of Council No. 39, 2011, from the
13 table and place it into Seventh Order for
14 final consideration.

15 MR. ROGAN: Second.

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

18 MR. MCGOFF: Aye.

19 MR. ROGAN: Aye.

20 MR. LOSCOMBE: Aye.

21 MR. JOYCE: Aye.

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

24 MS. KRAKE: 7-H. FOR CONSIDERATION
25 BY THE COMMITTEE ON RULES FOR ADOPTION-FILE

1 OF COUNCIL NO. 39, 2011(PREVIOUSLY TABLED)-
2 AMENDING FILE OF COUNCIL NO.74, 1993 (AS
3 AMENDED), ENTITLED "THE ZONING
4 ORDINANCE FOR THE CITY OF SCRANTON" BY
5 CHANGING THAT PORTION OF A 17 ACRE PARCEL OF
6 LAND FRONTING ON THE 100 BLOCK AND 200 BLOCK
7 OF DAVIS STREET AND ITS SURROUNDING AREA, AS
8 MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"
9 ATTACHED HERETO FROM C-N (NEIGHBORHOOD
10 COMMERCIAL) TO R-1A (MEDIUM DENSITY
11 RESIDENTIAL DISTRICT).

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

15 MR. ROGAN: Second.

16 MS. EVANS: On the question?

17 MR. ROGAN: Yes, on the question,
18 I'll be extremely brief, I think the
19 Neighborhood Association made a very
20 compelling argument during our hearing and I
21 will be voting to make that area in question
22 in form with the rest of the neighborhood.

23 MR. MCGOFF: I -- I'm sorry.

24 MS. EVANS: I'm sorry, you go right
25 ahead, please.

1 MR. MCGOFF: We have received a
2 letter from Delaware Woods Development
3 indicating that they are in opposition to
4 this and there is a possibility that they
5 will contest our decision. I think on
6 behalf of the citizens of that area that at
7 least I'm willing to take that chance and to
8 fight that on their behalf. I think it's
9 something that the residents of that area
10 want and I think that's our purpose here is
11 to try and do what is best for the residents
12 of the city and in particular in this case
13 the residents of Minooka and I will be
14 voting in the affirmative as well.

15 MR. LOSCOMBE: I would echo with
16 what Mr. McGoff had to say. Definitely.

17 MR. JOYCE: And, Mr. McGoff, I
18 absolutely agree. I have listened to the
19 arguments made by the developer as well as
20 the residents of Minooka and Mr. Finnerty of
21 the Minooka Neighborhood Association who
22 presented a very -- an extremely strong
23 argument in favor of this legislation
24 tonight, and as you said, there is a
25 possibility that the developer may contest

1 this, however, as an elected official I was
2 elected by the residents of this Scranton --
3 or of this city, part of the residents of
4 this city live in the Minooka area and I
5 firmly feel that this is in their best
6 interest.

7 MS. EVANS: I can simply add to
8 that, we are merely returning this area to
9 it's original zoning designation. The next
10 step in the process will be the presentation
11 of this legislation to the Mayor of Scranton
12 for his signature or veto. I believe that
13 Scranton City Council has dotted all of the
14 I's, crossed the T's put on the belts and
15 suspenders in response to a petition
16 presented by the Minooka Residents
17 Association, and so I will be voting "yes"
18 as at well.

19 MR. HUGHES: Madam President, if I
20 could on this, that was tabled it was
21 approximately five weeks ago on my
22 recommendation that letters be sent to the
23 Lackawanna County Regional Planning
24 Commission, the City Planning Commission for
25 their comments because the resolution that

1 was passed by council was not the resolution
2 that was submitted to them. I believe just
3 for the record that any comments that came
4 back should be made part of the record
5 and --

6 MS. EVANS: That's fine.

7 MR. HUGHES: -- from a procedural
8 standpoint, and if no comments came back
9 they had 30 days to comment or if they
10 didn't they waived it, so just for the
11 record that should be made a part of the
12 record to complete this process.

13 MS. EVANS: Thank you very much.
14 That will be done. Is there anyone else on
15 the question? Roll call, please.

16 MS. CARRERA: Mr. McGoff.

17 MR. MCGOFF: Yes.

18 MS. CARRERA: Mr. Rogan.

19 MR. ROGAN: Yes.

20 MS. CARRERA: Mr. Loscombe.

21 MR. LOSCOMBE: Yes.

22 MS. CARRERA: Mr. Joyce.

23 MR. JOYCE: Yes.

24 MS. CARRERA: Mrs. Evans.

25 MS. EVANS: Yes. I hereby declare

1 Item 7-H legally and lawfully adopted.

2 MS. KRAKE: 7-I. FOR CONSIDERATION
3 BY THE COMMITTEE ON RULES FOR ADOPTION-
4 RESOLUTION NO. 42, 2011(OVERRIDE MAYOR'S
5 VETO)- AMENDING RESOLUTION NO. 174 OF 2003
6 BY PROHIBITING THE RECREATIONAL AUTHORITY
7 FROM CHARGING CITY RESIDENTS AN ADMISSION
8 FEE TO THE NAY AUG PARK SWIM COMPLEX.

9 MS. EVANS: As Chair for the
10 Committee on Rules, I recommend city council
11 override the mayor's veto of Item 7-I.

12 MR. ROGAN: Second.

13 MS. EVANS: On the question? One
14 thing I just wanted to bring to everyone's
15 attention in case you had not looked at the
16 this information or received it, it's very
17 questionable that the Recreation Authority
18 in 2011 is purchasing materials that were
19 delivered to Novembrino Pool Complex and the
20 Capouse Avenue Pool Complex when neither has
21 been open for this swim season, so there are
22 many questions about the Scranton Recreation
23 Authority and it's arbitrary to questionable
24 decisions that it produces for people of
25 this city, so I will be voting to override.

1 MR. ROGAN: I will just add that I
2 will also be voting to override for somewhat
3 different reasons and some of the same as
4 well. The Recreation Authority, as many
5 speakers on council and many other people
6 have pointed out, have seem to gone out of
7 their way to make children and residents of
8 Scranton pay to use Nay Aug Park and I know
9 some would like to see the fees stay in
10 place, many others would like to see it be
11 free for low to moderate income children,
12 and just as a safety issue, I think, you
13 know, I would much rather have tax dollars
14 spent on children's swimming in the pool
15 than children swimming in the gorge and risk
16 having a serious accident, so I will be
17 voting to override the mayor's veto.

18 MS. EVANS: And to respond to the
19 financial concerns, I think that the mayor
20 might have expressed monies available
21 through the UDAG secondary payment account
22 which was originally designated for the
23 opening of the Novembrino Pool Complex in
24 Scranton this summer, passed by council,
25 vetoed by the mayor, overridden by council

1 and the mayor has still not opened that
2 neighborhood swimming facility. The money
3 could be taken from that account or from
4 the UDAG secondary payment account and
5 applied toward the Nay Aug Pool if the
6 Recreation Authority still insists it needs
7 those funds so badly, though, as I said, I
8 have to question the use of the some of it's
9 funds. Is there anyone else on the
10 question? Roll call, please.

11 MS. CARRERA: Mr. McGoff.

12 MR. MCGOFF: No.

13 MS. CARRERA: Mr. Rogan.

14 MR. ROGAN: Yes.

15 MS. CARRERA: Mr. Loscombe.

16 MR. LOSCOMBE: Yes.

17 MS. CARRERA: Mr. Joyce.

18 MR. JOYCE: Yes.

19 MS. CARRERA: Mrs. Evans.

20 MS. EVANS: Yes. I hereby declare
21 the mayor's veto of Item 7-I, Resolution No.
22 42 of 2011, legally and lawfully overridden.

23 If there is no further business, I
24 will entertain a motion to adjourn.

25 MR. JOYCE: Motion to adjourn.

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MS. EVANS: This meeting is
adjourned.

(Meeting adjourned.)

C E R T I F I C A T E

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

CATHENE S. NARDOZZI, RPR
OFFICIAL COURT REPORTER