COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:
Thursday, November 24, 2014

TIME:
7:00 P.M.

LOCATION:
DUNMORE COMMUNITY CENTER
1414 Monroe Avenue
Dunmore, Pennsylvania

COUNCIL MEMBERS:
MICHAEL MCHALE, President
PAUL NARDOZZI, Vice President
SAL VERRASTRO
TIMOTHY BURKE
CAROL SCRIMALLI
THOMAS HALLINAN
MICHAEL DEMPSEY
PATRICK LOUGHNEY, MAYOR
THOMAS P. CUMMINGS, Esquire, Solicitor
WILLIAMS JONES, Esquire, Zoning Solicitor

MARIA McCool, RPR
OFFICIAL COURT REPORTER
(Pledge of Allegiance.)

MR. MCHALE: Mr. Cummings.
ATTY. CUMMINGS: Mrs. Scrimalli.
MS. SCRIMALLI: Present.
ATTY. CUMMINGS: Mr. Burke.
MR. BURKE: Present.
ATTY. CUMMINGS: Mr. Verrastro.
MR. VERRASTRO: Present.
ATTY. CUMMINGS: Mr. Dempsey.
MR. DEMPSEY: Present.
ATTY. CUMMINGS: Mr. Hallinan.
MR. HALLINAN: Present.
ATTY. CUMMINGS: Mr. Nardozzi.
MR. NARDOZZI: Present.
ATTY. CUMMINGS: Mr. McHale.
MR. MCHALE: Here.
ATTY. CUMMINGS: There being a quorum, item number three is public comment on agenda items. I will note in case the evening draws long that number five the proposed budget which will be proposed this evening, an advertisement will appear that the budget and the tax ordinance will be available for you at
the Borough Building and the advertisement will
state that it will be voted on the December
meeting.

Public comment as with the last few
weeks will be done in an orderly fashion. Come
to the podium, state your name and your address
for the stenographer, limit to five minutes,
and Council has opted to limit it because the
number of people, one person at a time.

MR. MCHALE: Tom, as long as Council
is okay with it and you're okay with this, can
we do what we did two meetings ago where we
just do the public comment right now on the
first two items and then we'll open public
comment before the fee agreement again?

ATTY. CUMMINGS: Absolutely.

MR. MCHALE: Just to take care of
the budget and everything else in case it gets
lost in the shuffle.

ATTY. CUMMINGS: Certainly.

MR. MCHALE: Okay.

ATTY. CUMMINGS: Then it will be
public comment on agenda items number four and
five.

MR. MCHALE: Three and four -- is it
four and five? Okay. The one that I printed out it's three and four. So anything on the motion to approve the resolution on a Community Development Block Grant and the 2015 budget? If anyone would like to speak on that first?

(No response.)

MR. MCHALE: Seeing none.

ATTY. CUMMINGS: Seeing none, item number four --

MR. VERRASTRO: Wait.

MS. NARO: Melanie Naro, 305 East Drinker Street. I'm looking over the budget. And I'm not sure -- I'm sure all of you had a little bit of input. But I was just running some numbers in the back.

And I know this is a working budget and it's subject to change. But just looking over the first two pages of this, your projected surplus if the projections are correct of what you're actually taking in through November, unless some great miracle happens in the last month of the fiscal year, you're lucky if you're going to break even on this.

I don't know if some of you have
looked at it. I know you have a CPA.

MR. MCHALE: There's actually about $800,000 in cash right now on top of this.

MS. NARO: On top of this.

MR. MCHALE: Over the last two years --

MS. NARO: You're hoping to at least break even --

MR. MCHALE: Sure.

MS. NARO: -- without raising taxes is your proposed --

MR. MCHALE: For next year absolutely. I'll go through the details of that, absolutely.

MS. NARO: Okay. I want to make sure there's no -- okay.

MR. VERRASTRO: This is a tentative one also, Melanie.

MR. MCHALE: Absolutely. Anybody else?

(No response.)

MR. MCHALE: Tom.

ATTY. CUMMINGS: Item number four is a motion to approve a Resolution for the 2014 Community Development Block Grant. Application
in accordance with Pennsylvania Act 179 for funds referencing the sewer water improvements on Laurel Street and a handicap accessible ramp off the playground in McHale Park. Projects totalling $161,793.

MR. VERRASTRO: I'll make that motion.

MR. BURKE: I'll second it.

MR. MCHALE: I have a motion and a second. On the question.

(No response.)

MR. MCHALE: All those in favor signify by saying aye.

ALL MEMBERS: Aye.

MR. MCHALE: Opposed?

(No response.)

MR. MCHALE: The ayes have it and so moved.

ATTY. CUMMINGS: Item number five is presentation of the proposed 2015 budget.

MR. MCHALE: Tom, we'll do -- present before we take a motion I assume?

ATTY. CUMMINGS: Yes.

MR. MCHALE: Okay. Just for anybody I know Vito had left -- Vito left copies over
there. There was copies over there. This is a
tentative budget. Just to give you some
highlights, right now our taxes are at 54 mills
for the real estate.

And, of course, the -- we have an
earned income tax of one percent as well that
we share with the school district. But as
Mrs. Naro said the highlights of this package
are projecting revenue of 10.3 million dollars
and right now expenses of 9.8 million dollars.

To give you some -- there are some
items still outstanding. Our healthcare costs
are significant but not yet done. We did get a
20-some percent increase on our healthcare that
we're trying to knock down which we've done in
the past several years.

I believe that's well over a million
dollars that is still outstanding. And we
still have to work on that number. To give
you -- our debt this year went down -- debt
service went down approximately $150,000 over
last year.

And that's really attributable to a
fire truck, one of those notes being paid off
in the current year. Our current -- 2014 debt
service 1.76 compared to 2015 projected at 1.6. So how these numbers come up our millage rate is at 87 million.

That translates into approximately 4.4 million dollars of real estate taxes that are budgeted. To give you an idea, 54 mills translates into that number. We estimate a collection to be conservative of about 91 percent.

We have been averaging a little bit better than that. But, of course, for budget purposes we'd rather average on the good side than being stuck looking for money at the end of the year. So we do think this is a conservative start of our budget season.

We do have another month to pass the final. Any questions here that have to do with the landfill, any landfill fees that we're going to speak about a little later are not included in here. It's based on the 41 cents and not paying any garbage.

Right now that's what's in the budget just so if any of those questions came up. Does anybody on Council want to add anything else?
MR. MCHALE: Not to bore everybody with numbers, but this will be available to everybody obviously for review for a month. And we'll have it put on the website as well.

MR. VERRASTRO: I'd like to thank you for the amount of time that you put into this again this year.

MR. MCHALE: Do you want to do a motion?

MR. VERRASTRO: I'll make a motion if nobody else has any questions.

MR. NARDOZZI: Mr. Chairman -- Sal, excuse me one second. Just a highlight on this budget, Mike, that you worked on which is awesome, the Tax Anticipation Note, can you highlight on that what we've done the last several years how much?

MR. MCHALE: We do a Tax Anticipation Note every year. And we get a million dollars. And what we've asked for in the past couple years is to get the million dollars more on a typical line of credit where we would draw if we need it.

As I said to Miss Naro, we do have
some cash. We're confident we're going to have some good reserves in the bank at the end of the year to translate into next year. So use of the TAN line has diminished over the several years.

I anticipate on a cash flow basis until taxes start rolling in, we may have to use up to $200,000 of that TAN. Where that comes into instead of drawing the entire million dollars and paying interest on that entire million dollars, in years past we never paid off the TAN.

And obviously that carries a significant amount of interest. Only borrowing what we need if we need it and paying it back in March and April we've done the last several years has saved us $25,000 every year or even more so.

So it's -- even though it says only $200,000, that's what we're anticipating on having to use in the current year. Does that answer you?

MR. NARDOZZI: Yes, sir. Thank you, Mike.

MR. MCHALE: Anybody else?
MR. BURKE: I'd just like to thank you, Mike, for all the hard work you put into this.

MR. MCHALE: Thanks, Tim. I'll entertain a motion.

MR. VERRASTRO: I'll make that motion.

MS. SCRIMALLI: I'll second that.

MR. MCHALE: We have a motion and a second. Anybody else on the question?

(No response.)

MR. MCHALE: All those in favor signify by saying aye.

ALL MEMBERS: Aye.

MR. MCHALE: Opposed?

(No response.)

MR. MCHALE: The ayes have it and so moved.

ATTY. CUMMINGS: Item number six on the agenda is a motion for decision on the host municipality fee agreement proposal with the updated language. You may call public comment or speak first.

MR. MCHALE: No, why don't we call public comment.
ATTY. CUMMINGS: Then we would have public comment. And again, limit yourself to five minutes if possible, one time to the podium in an orderly fashion, state your name and address for the stenographer. And we should have sufficient time for all to be heard.

MR. MCHALE: Anybody like to be first? I know someone wants to speak.

MS. CLARK: My name is Brian Clark, 1608 Adams Avenue, Dunmore. A couple questions. Do we know how many counties other than Lackawanna are dumping in the landfill -- garbage in Dunmore?

MR. MCHALE: Bill, do you have any idea?

ATTY. JONES: No, we can get that particular number. Under the Lackawanna County plan, the municipalities are required to dispose of their waste at Keystone. There is one exception to that. That's the Borough of Taylor.

There is a breakdown by DEP as to the origination of the waste and the particular number. A significant amount of the trash at
Keystone which everybody is aware of is from outside of Lackawanna County.

MR. CLARK: Do we know how many states other than Pennsylvania?

ATTY. JONES: I would imagine both New York and New Jersey are also involved in that.

MR. CLARK: Okay. The zoning ordinance of August 2000, is that your latest copy?

ATTY. JONES: Yes. There had been amendments. When they do amendments, they do them under the municipality's planning code. That's a state law that says what you can have by way of different areas that you can regulate.

There are different sections on the landfills within the 2000 Zoning Ordinance. But there had been amendments to that particular ordinance. Generally, the amendments deal with adding different sections to or changing a particular zone for landfilling.

In this particular case, it was originally a landfill prior to their being
zoning. Dunmore had a landfill up there as well as the DeNaples had a landfill that would be at least in the 1960s. After that, it was originally a mining area for a large part beyond the confines of where they were actively dumping at that time.

They have now rezoned it. They've made it a conditional use for landfilling in 2000 under that particular document.

MR. CLARK: Okay. My question to be specific to Chapter 5, 5.592 source of content, Paragraph B, it says no facility in Dunmore Borough shall accept solid waste generated elsewhere in the county except by a special exception given by the Borough.

Had the Borough ever given any special exceptions or variances for garbage other than Lackawanna County at the landfill?

ATTY. JONES: What they did in 2000s, they made that particular area a zone. That means it's not a principal permitted zone. A lot of you live in residential areas for the large part. If you take a look at they use the -- they modify permitted by making it principal.
In this case they made it a conditional use up in that particular area. A conditional use is something that goes in front of the Board as opposed to your elected Council as opposed to the Zoning Hearing Board which would be a special exception.

What they did in that case legislatively, they made that a permitted use in that zone and made the existing operation a conditional use --

MR. CLARK: No, sir. What I'm referring to is that for any county other than Lackawanna County that dumps their garbage there, the zoning says specifically that the Zoning Hearing Board shall determine disposal of solid waste operated at Dunmore shall not potentially be or hazardous to the health and safety.

And they have to issue a special exception for each county other than Lackawanna County. Has Council or the Zoning Board ever issued any special exceptions or variances for other counties to dump up at Keystone?

ATTY. JONES: Historically you would have to take a look at your Zoning Hearing
Board and see if they have issued any variances or special exceptions for it. You'd also have to do a records review for the Council itself to see if they did that.

But before you did any of that, you take a look at the area that was zoned. That means is that zoned for a landfill. And if it was, that means that they -- one, they had the right to be there.

With regard to restrictions on waste, there's a whole other body of law as to whether you could restrict whether that waste is generated within the county or outside of the county. I don't mean to prejudice any of the rights of any of the people in this room or what would ultimately go in front of a Zoning Hearing Board with regard to that type of decision as to whether, one, whether the Board issued anything; and two, whether that has validity whether you could restrict where somebody's business comes from.

MR. CLARK: Okay. Does the Zoning Hearing Board grant the special exceptions or is that a function of Council?

ATTY. JONES: The Zoning Hearing
Board does special exceptions. The Council does conditional uses.

MR. CLARK: Okay. So let me ask you guys, did you ever recall any special exceptions or variances given to dump garbage other than Lackawanna County --

MR. MCHALE: Are you asking him?

MR. CLARK: I'm asking you guys if you ever remember any.

MR. MCHALE: Not while I was here.

MR. NARDOZZI: Not that I recall.

MR. VERRASTRO: Not since 2008 when I was here, no.

MR. BURKE: Not that I recall, Brian.

MR. CLARK: Okay, so if that wasn't done, don't you think you should check it out because if we have a business operating here and you're going to consider entering a contract with a business that may not be conforming towards zoning regulations.

I think it's kind of important because if there's multiple counties, multiple states, where are the multiple variances that the Borough is supposed to issue?
MR. VERRASTRO: There's -- and I don't even know how to answer this for you other than if a conditional use came in front of use, we would have to review it and do it.

MR. CLARK: Not a condition use, a special exception. For every -- for every -- a special exception a hearing for every municipality -- or every county other than Lackawanna County in Pennsylvania and outside of Pennsylvania.

MR. VERRASTRO: We haven't had any here, no. Now, you brought it to our attention tonight. And we can have it looked into. It's something I could caution you on is we did one a couple years ago that went by our books. And we got buried because the state said something different than we said.

And for some reason there was some stuff that was in there that would make it prejudice to that company. And we lost our shirts.

MR. CLARK: So you're saying you did try to do a --

MR. MCHALE: Not on this.

MR. VERRASTRO: I didn't say we
tried to do it with the landfill. We tried to
do it with another business.

MR. CLARK: Not on the landfill.

MR. VERRASTRO: And we lost our
shirts because the state superseded what the
Borough was trying to do.

MR. CLARK: Okay. I would
appreciate if you could guys could get the
information to me. I could come and get it.
Just let me know how many days --

MR. VERRASTRO: We can look into it.
But I can't promise you it's something that we
would look at fighting until we --

MR. BURKE: Bill, would you be able
to look into that for us?

MR. VERRASTRO: If we can look into
see if there was ever a special exception.

ATTY. JONES: If you could ascertain
who the secretary of the Zoning Boards were for
roughly a 30 year or 40 year period because
special exceptions they're in front of the
Zoning Hearing Board. It's a different body
than the Council.

There's a zoning board. It's made
up of five members. And they change from time
to time. You know, they have terms. And they are appointed by the Council. And they would have issued whatever decisions go. I think Mr. Clark was asking so it's not something that goes for an extended period of time.

I think his question was, did they issue any special exceptions since the year 2000. So we can ask the current secretary of the Board and maybe he or she knows who was actually there before they were. So you're looking for a 14 year period if they have that record.

UNIDENTIFIED WOMAN: They have to look at the minutes.

MR. VERRASTRO: Excuse me, you have to get up and ask a question.

MR. MCHALE: You're more than welcome honestly.

MS. QUINN: Sharon Quinn, Adams Avenue, Dunmore, Pennsylvania. Mr. Jones --

ATTY. JONES: Yes.

MS. QUINN: I would assume there are minutes of those meetings.

ATTY. JONES: What they do is they issue their findings of fact and conclusions of
law. And they very well may have minutes from that. But their decision is in a document and it says findings of fact and conclusions of law. And they issue those.

And I would assume that the Secretary of the Board probably retains those through time. And we can ask the Secretary of the Board for that. I just don't know if it was the same secretary over that same 14 year period.

MS. QUINN: There should be a history of who was on the Zoning Boards, who was the secretary. And I would assume the business of the Zoning Board should have some documentation for review later if mistakes were made.

MR. MCHALE: They do. There is.

MS. QUINN: So there has to be something.

ATTY. JONES: Yeah.

MS. QUINN: So what Mr. Clark brought up is a very solid point and it may take -- whether it's valid or not we will determine; but I would think that there should be a real study of what has gone on the Zoning
Board if this has happened.

And if not, there may be other legal things to consider. But to just assume, like, oh, maybe we'll find out who it is I think really is for us very -- it's not a professional way to run a Borough business.

MR. VERRASTRO: When did I say that?

MS. QUINN: No, I'm not saying you said that. I'm saying if we were to assume that there was no documentation, I'm sorry, I didn't phrase properly.

MR. VERRASTRO: But I specifically said and then this gentleman started to laugh at me is, it didn't happen while I was on Council.

MS. QUINN: We didn't say that.

MR. VERRASTRO: We would look into it and --

MS. QUINN: Yeah. My question is about the minutes specifically. There -- I would -- any time you ever hear of a board at all, there are minutes.

MR. NARDOZZI: Sharon, there was an issue that came up last month that goes back into the 80s. And Joe Lorince was able to
research it.

MS. QUINN: Very good.

MR. NARDOZZI: A gentleman from Mill Street was looking for info. He was able to supply him with that information.

MS. QUINN: So we can assume then that someone will go back over the minutes and look for that documentation or lack of?

MR. VERRASTRO: No, we won't assume. We will go back and look.

MS. QUINN: Thank you. Okay. Great. That's all we needed to know specifically. Thank you.

MR. MCHALE: Thank you.

MS. CUFF: Hi, Sharon Cuff, 315 Spring Street. Given what was just discussed, I would respectfully ask that we table any vote on this situation until you can look into the zoning laws.

MR. VERRASTRO: That's everybody up here's prerogative. To table it on -- one has nothing to do with the other right now. We're -- tonight we're going to look at what we're getting per ton. We're not looking at who he's allowed to get it from. One has
nothing to do with the other right now.

MS. CUFF: But how can you vote on anything to do with this if it's in violation of the zoning laws?

MR. VERRASTRO: If it's in violation of the zoning law we'll address it when we find out.

MR. MCHALE: He has to address it. Keystone has to address it.

MS. CUFF: All right.

MS. NARO: Melanie Naro, 305 East Drinker Street. We have two solicitors here. What Mr. Jones -- specifically here on the issue that's before you and perhaps maybe one or both of you could give an opinion especially when there is so many people here -- the issue comes up.

Mr. Clark had mentioned this about dumping for municipalities outside of Lackawanna County, different states that dump. I mean, anyone who drives on 81 sees New York, New Jersey, and the like of trucks being hauled here.

Now, it's been a really long time since I went to school on this issue. But my
recollection is garbage was determined to be interstate commerce by the Supreme Court of the United States. So this Council is basically handcuffed. And the Borough of Dunmore as residents, we're handcuffed by such a decision. Now, that's how I read the law about whether we can dump or forbid Keystone from accepting out of town trash, out of state trash. I could be wrong. And I defer to the learned Counsel because that may help people understand what you've been trying to do and what this Council's been trying to do.

It may not be a popular rendering of an opinion. But I think people need to know why we have all of that dumping here.

MR. VERRASTRO: That's basically what I was trying to get at about the state law superseding the --

MS. NARO: It's not a state law. It's a federal law.

MR. MCHALE: Bill, do you want to chime in?

ATTY. JONES: The State of Pennsylvania preempts in most areas with regard to landfills. There are exceptions for zoning.
There is a body of law that does say this type of trash can't be restricted from a particular area.

Now, that doesn't mean that you -- that there aren't other avenues with regard to zoning because they haven't completed preempted the field of zoning. And by that I mean where you could place a landfill. That's still dictated by zoning.

Generally waste controls are done by the State of Pennsylvania. And while I don't want to anticipate what a landfill would do, they would go under interstate commerce. They'll go under preemption. And they'll undoubtedly -- if it restricts their business or impacts their business, they'll seek other remedies that are under the municipality's planning code to make sure that they have redress against of anybody that goes down that street including Council.

So one, that's not the -- a particular area that's addressed in this agreement. But there would be -- you would be hard pressed with regard to restricting anybody's business as to where their customers
are coming from.

And in the area of waste outside of citing it -- there are other restrictions that zoning does allow. And that's for a different forum because if the Borough does want to entertain those types of actions which you can as this process -- this takes a different process.

Administratively there is always the Zoning Hearing Board. And there's also in the State would be contacting the Borough with the schedule for this particular expansion that this agreement in large part will track through time.

That also is an area where you could raise different types of issues with regard to that. I don't think it's the forum for it tonight. But I would anticipate that there would be strong arguments that any permittee just not this one that would raise as to the origin if you were just attacking the origin of it.

And they'll come in with different -- they can come in with curative amendments to say you're -- and there's ways of
testing that outside of Federal Court administratively. You could go under the same document, the municipality's planning code. You could go with curative amendments. You could also go with substantive challenges right to the Zoning Hearing Board if you are a permittee.

And maybe any and all of those will be undertaken by that landfill if the municipality were to move in that area or if any individuals -- individuals can still do that under the municipality planning code. By that, I mean the people that are sitting in this room or that would have standing or given standing by the Zoning Hearing Board.

But they would be hard pressed in that area to do it. You'd have to link it to other sections which obviously isn't the -- by that I mean other sections of your zoning ordinance. But that's not the subject of tonight's discussion.

MR. MCHALE: Thanks, Bill.

MS. SPANISH: Katharn Spanish, Swinick Drive, Dunmore. First I want to wish everyone in here and especially the Council a
very happy and blessed Thanksgiving. Let's not forget this holiday week. We have a lot of things to be thankful for.

MR. MCHALE: Thank you. You too.

MS. SPANISH: Hopefully tonight we'll have one more. So there are many people here in the room who have been perhaps following in the newspaper or even more closely.

And then those who might have just heard about the meeting tonight and came to learn more and perhaps hear what the Council had to say tonight in terms of the fee agreement.

I was hoping you guys would do me a favor and perhaps walk some of those who might be new to this process through the room as to how we get here. We've gone over almost ad nauseam the fee agreement time and again. But I don't think we ever solidified how we actually got to the table to begin with.

So I'm hoping you guys could walk us through how we got to the table, you know, what our expectations were going into that original meeting and then perhaps a timeline thereafter.
MR. MCHALE: Do you want me to?

I'll start. You guys chime in. I could tell you since I was on Council five years ago we've gone to the landfill several times a year. When I first got on it was all over the papers of us going bankrupt.

And I know all of us marched up there trying to get more and more and more. And conveniently I guess if you look at it this way, every year since this year we started to get some feedback. And obviously I'm not naive to say that the agreement coincides with a proposed expansion.

So, I mean, timeline -- what's today? We're at the end of November. Earlier in the year after April 15th I would say I started discussions along with Mr. Ruggiero, Mr. Nardozzi, Mr. Verrastro, Carol was there, Michael, Hal, just about everybody on Council, Tim.

We've met several times trying to get an idea of what and where we could go with this if we could. We were constantly told that we had no standing so they don't have to do anything. And we kept fighting. You guys
joined the fight as well. That helped us.

I'm not naive to say that -- not naive to forget that as well. We started to get somewhere. I think the first time we came it was about three months ago with an agreement. It was considerably different than this and we got blasted for it and rightfully so.

And I stood in front of you and told you, you won't see that again and you didn't. You may not like this agreement but it does look nothing like the first agreement, thankfully.

So the money itself where we came to try to get something, there is no point where we want it to go. Yes, we wanted more than what's in this agreement. We wanted more than Throop. We lasted since 1999 with nothing but 41 cents. But the problem is -- do you want to chime -- please --

MS. SPANISH: So we went in with a '99 agreement that essentially was a handshake for all intents and purposes. I don't know that we've necessarily seen a copy of it. There wasn't much in it.
MR. MCHALE: I have a copy of it.

MS. SPANISH: Okay.

MR. NARDOZZI: Can I chime in on that point?

MR. MCHALE: Please.

MR. NARDOZZI: I was on Council in '99 when that was done. And we tried for probably three years prior to that going over with Mr. DeNaples trying to get more money from the landfill.

MS. SPANISH: Was it always just Council? Were there attorneys involved?

MR. NARDOZZI: There were attorneys involved too. But we tried and we always got shot down. And if I may finish?

MS. SPANISH: Sure. I'm sorry, I thought you were finished.

MR. NARDOZZI: Some of the meetings that I attended we were told that, you know, different things would be taken care of for the Borough, you know, streets paved, whatever, in-kind services. And that's pretty much what has happened over the years.

MS. SPANISH: Okay. So around about April or May they actually sat down with us at
that point around that time.


MS. SPANISH: And what was the expectation for you guys going into the meeting? Was it always just about the fee or were there greater expectations going into that?

MR. MCHALE: Are you talking environmental?

MS. SPANISH: Yeah.

MR. MCHALE: Absolutely. I mean, I grew up here. I have kids here. I drive to New York City practically every day to -- and drive back here to raise my family here. I'm not -- this is my home. That park's named after my dad. We have a lot of family here.

Of course, that is number one. I said it publically 10 times. Having said that, the 41 cents what we can control -- what I perceive we can control is the money. It scares me to death that we have nothing in writing that we get anything for free -- we get garbage dumping for free.

Yes, could that happen? We could go to DEP and arbitrate and probably get that,
yes. But we don't have it in writing. We have the 4.8 million dollars held over our head -- the free tipping as I said and the 41 cents. We were on the brink of bankruptcy.

And, yes, I'm proud of sitting with the six people beside me and the several that helped out and getting us to the point where we can give you a budget that's more than balanced a half a million dollars the to good right now and hopefully getting better.

But the 41 cents still crippled us. And we should have gotten more a long time ago. We know that. We're just trying to get more. And expectationwise, I didn't have an expectation when I went in there. I could tell you the first agreement we got a dollar and 10 years later we got five cents for the next 10 years to up a dollar-fifty in year 25.

We were able to shift that out. That's a considerable amount of money to shift up and a cash value of money that we do talk about that quite often. Is it enough? No. No, it's not. But you do come a point where you're going to have to walk away and accept the 41 cents for the next 50 years.
That's where the balance -- that's where the trouble that I have dealing with this is when is the point that it's going to be pulled and they're going to move forward at the 41 cents. That's the problem I have.

And the applications that went out, I had a client that was a landfill that had horrible problems in Pennsylvania and got an expansion even with a ton of problems.

Yes, this Keystone has problems but not a lot of documented ones. That's the problem that I see. That's the real problem. But having said that, on paper they are ISO 14003 certified, whatever. They're a pretty high end landfill on paper.

So what is the probability of this landfill getting the application with our without us? That's where I struggle.

MS. SPANISH: Yeah, and I think where many of us in the room struggle is aside from the fee because I think that we know you guys went in with the expectation of getting a higher fee. It was all over the papers.

MR. MCHALE: Yes.

MS. SPANISH: We collectively
battled you guys at that one council meeting
and you were able to go back.

MR. MCHALE: And we met with you
too.

MS. SPANISH: And then we met with
you. I mean, like, we've gone a long way
together. I think part of the concern for us
is having done additional research on what
other landfills are getting and specifically
reading other agreements how this one outside
of the fee, outside of the economics pales in
comparison to those.

I think we've all expressed
specifically a lot of those folks who are
members of Friends of Lackawanna that the
environmental concerns are most important for
us. So we've gone out. And we've done a quick
Google search about what standard clauses are
in a fee agreement.

Standard clauses include the term of
the agreement which we have battled before,
type of waste deemed acceptable, municipal
indemnifications provisions, fee payments to
the governing body, recycling requirements,
validation of facility usage, inspection

procedures, insurance requirements, and enforcement provisions.

Those are a lot of things that seem to be missing from our agreement.

MR. HALLINAN: And not to -- wouldn't that be on DEP?

MS. SPANISH: No, they are all in the host municipality agreements.

MR. HALLINAN: I thought that DEP regularly inspects them like it's always -- I'm not being naive here.

MR. MCHALE: We do get inspection reports.

MR. HALLINAN: I'm sorry, I'm like you. We're trying to do the best thing we can for the Borough of Dunmore. And we know that there is a chance that -- I don't want to see -- I said it on the record of seeing the expansion. I hope to -- I pray to God Pat Clark and your Friends of Lackawanna that this is the battle that is going to happen.

This is where you in full force should come out. We're trying to get a fee agreement where like Michael, we went through the budget tonight. And I sat out there and
saw people talking about bankruptcy that we were in a situation worse than Scranton.

And I know I'm cracking up here like I'm going to cry or something, but we are just trying to do the same thing. We're all trying to find a common goal. Do you think I want a mountain out there?

Do you think I want to see, you know, like this? But then I got to look at 4,000 other homes in this town that might not pay their taxes because we didn't do the right thing and ended up with 41 cents. I don't want to be remembered as that Councilman.

And that's the bottom line for me because we have to do something. Are we getting the best deal? No. I know that. I figured it out if they are 60 percent and we're 40, I realize in my mind I think just me personally I'm not a mathematician. I'm not a lawyer.

I think we're getting screwed out of about 20 to 30 cents a ton. That's mine if you do the 60/40. Their getting two, we're getting like a dollar maybe 40, 50 at the end. I'm thinking we should get more. I'm looking at
that. Then I know the DEP fight comes in.

Trust me, when you have your meeting
I think I'll be standing there with you. But I
want to do what's right for this budget coming
up. Michael McHale has saved this Borough
whether you believe it or not. How many people
have come to these meetings you saw what
happened.

We were almost Act 47 if that's what
it is in the City of Scranton. I'm pleading
with you people we're trying to do the right
thing here. Nobody is here to say I'm for
Mr. DeNaples. I'm for this one. Nobody has an
agenda. I got stopped at the last meeting. I
don't know if the gentleman is here.

I just want to tell you one thing he
said. We took a break. He stopped me in the
men's room. He goes, how's the vote going? I
said how do I know? The days of 4-3 are over.
I like this. And you should be proud as voters
that this is what you got.

This man and this other Council have
done a fantastic job. He's taken a beating in
the paper. And I'll get off my high horse now,
I'm sorry. I just -- I'm so passionate about
this like you too.

But I have to look out for the other taxpayers in this town as you are looking out for the environmental part. I hope we come to a balance. Thank you.

MR. NARDOZZI: Katharn -- if I could, Mr. Chairman?

MR. MCHALE: Please.

MR. NARDOZZI: The other thing, I don't see anybody here on Council that's not for the environment. I think that's the number one what everybody's concerned. And I listened to -- on the sheet on the printout you had there about all the other items that are in other agreements.

We have been battered and told and I guess by law, I checked with DEP myself. Listen, I know everybody -- people don't believe everything they say nor do I. But we're told that Mr. DeNaples and the Keystone Landfill don't have to do anything. They don't have to give us one red cent above the 41 cents that we're getting.

They don't have to do anything. And we're faced with a decision is something going
to be pulled off the table at any given time?
You know, and this ends the debate anyway. You
know, we're stuck with 41 cents whether the
landfill goes on for nine years or whether they
get approved by DEP for their expansion.

You know, we were polled I think by
Pat. I know myself said I was against the
expansion. I don't know if that's going to
have any bearing with DEP. It may. It may
not. But that's one thing that most of us if
not all are with you on that.

However, we're also looking at the
financial future of the Borough. We're trying
to put a little bit more money whether it's a
couple million dollars into our budget, maybe
to lower taxes, set up a rainy day fund, pay
down our debt, whatever it is. That's the
things we're balancing, we're trying to look
at, you know?

But again, it all goes back to
according to the law and everything that's been
hammered at us over the years, the landfill
does not have to do anything. So everything
you said there has a lot of merit. And I
respect that and I agree with you.
But that doesn't mean it's going to happen because it could be pulled at any minute. That's my little -- I wanted to interject with that.

MS. SPANISH: And I understand. We've heard that. And I think we're on the same page. And I don't want to say that the economics aren't one in the same as environmental issues because I think when we take a look at what many host municipality fee agreements have is they cover both.

And so I think if -- and again, the reason I wanted to go over the timeline for everybody here but make sure I didn't miss anything along the way.

I don't know whether or not you guys had a chance between when he gave you the dollar, we had our first meeting, and you guys went back to the table, whether there was any research done if had you an opportunity to look at the Throop agreement and see how it was structured so that you at least had a guideline of something that they had agreed to in the past that you might be able to put in front of them and say, hey, listen, we just copied what
you've already agreed to in '89, right.

Like, we're just taking this and
we're just changing some numbers in here
because we've looked at the Throop agreement.
Our attorney did a right to know. We got it.
It's 28 pages long. And it covers an immense
amount of environmental aspects while
addressing the fee agreement.

And that's because they had an
environmental attorney, very seasoned who often
went up against big cooperations draft it,
which kudos to them in '89 for doing that. But
they have some amazing protections in there
that are absent from ours.

And I just want -- I want other
people to know what exists out there because I
think its important. I think one of the main
things that they have in theirs aside from
making sure that Keystone follows all the
particular guides and regulations from the DEP
is that they were allowed to have a dually
authorized representative go onto the landfill
and for the purposes of testing or monitoring
to verify compliance with all applicable
statutes and regulations.
That's their borough is able to send someone there. I don't know that we have something like that. I don't think we have anything in an agreement that says that. But I think that is something to Mr. McHale's point we don't know. On paper they look great.

Wouldn't it be nice if we had the ability to go up and test that landfill ourselves to test those compliances. So when I'm taking a look at what the others have, I'm leaving economics out.

But you guys went back. You did your, you know, what you guys could do on the economics. I'm looking and saying where have we missed the opportunity to add in all of the environmental and safety and health precautions in order to have both ends, right?

Because this agreement in terms of a comparison is heavy on fees but very light on everything else. Many other agreements offer protection for in case there's a fire and having insurance claims for that and designating money and putting aside in case our fire department has to go up and spend 12 days up there putting out a fire and resources that
There was a fire last week there, you know, I think we should all, one, be aware of that if you're not; and two, those are the types of things outside of the just the finances of what we can get per ton that could be considered in a host municipal fee that I think this one is lacking.

And I think there is no rush on passing this tonight. I know you may disagree. But I think there's still a lot of work that we can do that doesn't touch the fees but still protect the public's health and safety.

MR. BURKE: Katharn, I did make a motion to hire an environmental lawyer. You were here. And it didn't happen.

MS. SPANISH: Thank you.

MR. MCHALE: Bill --

MR. VERRASTRO: Bill, I have a quick question if that's in Throop's agreement, it's Keystone Landfill does it mean that they can't do it regardless?

ATTY. JONES: That who can't do it?

MR. VERRASTRO: Like if there's an inspector going in there, does that mean that
we can't have one of the Dunmore side but they can have one at the Throop side?

ATTY. JONES: What Councilman Verrastro had asked is with regard to your landfill inspectors they can under the statute they have jurisdiction whether they are from Throop or they're from Dunmore to go on the entire landfill.

There are other duties beyond what a landfill inspector can do that are in agreements. And I think that's what the speaker was alluding to which were also discussed with Keystone within the context of this agreement isn't that Council didn't go down that particular path.

But to answer your question, state law allows Dunmore to have a landfill inspector and Throop to have a landfill inspector. They could do -- and do certain inspection duties. It's not as broad as carrying on certain testings that go on and generally for anything evasive as if it were a test.

They generally go on with DEP to conduct those. So to a limited extent they do have that. You do have a landfill inspector.
But that type of inspection is not -- you can broaden it by contract if that answers your question.

MR. BURKE: Bill, in other contracts that you have done, can you go on further on how other landfills protected themselves other than a person just being me or Carol going up and inspecting it and not knowing what to look for. Is there -- can you explain to the audience maybe how Taylor has protected themselves?

ATTY. JONES: There are different aspects of how you deal with it. One, you have the landfill inspectors. That's what people primarily do. There are other ways of building it in for other types of testing.

You also bring out by different permits that are issued outside of DEP there are permits for significant industrial users. If you look at this type of facility what it generates is leachate. That's the juice that comes out of it. They try to protect from water to sit -- you know, infiltrating from the top. Even if you do that, it breaks down.

You protect yourselves in that area
by monitoring the types of permits that are issued. In this case you have them from a sewer treatment plan that goes on and then it gets into your waste lines. And the municipalities have already through EPA significant industrial users.

So there's permitting like that that you try to protect yourselves with from time to time. You don't need it within this agreement. But you can do the types of reportings and who is going to do it and additional testing that you're going to have on it, you know, and what you monitored for.

There are some of the items that you can do additional testing as the last speaker had alluded to. That's in agreements that I've seen. I've had it with other types of language. I know that this Board also pursued that with dialogue with the landfill.

MR. BURKE: With our current contract, Bill, would we be allowed to do any of that testing ourselves other than rely on the landfill's nephew to do that testing?

ATTY. JONES: Does it what?

MR. BURKE: Would it be -- the
situation we're in now, would we be able to hire an engineer to do the work of this testing they're talking about where it's not -- it's somebody independent? Would that be allowed under our agreement now?

ATTY. JONES: You don't need an agreement to get appropriate environmental engineers to review data. There is a lot of data that comes out of a landfill that is already reported to DEP that you could interpret.

If you're going to go on and do independent testing, you generally are restricted from doing that. You have to do it with DEP. And that's, you know, they go in for certain -- if you bring something to their concerns in the upcoming process that you want certain testing and you want to coordinate it with the municipality, they could make that part of the permitting process.

MR. BURKE: So we can do that now without that being in the contract you're saying?

ATTY. JONES: No, I'm saying you could do that through the harms and benefits
analysis if you choose to do that and make it part of the permit application. You also have the right to have a landfill inspector do certain types of inspection up there. It's not as broad.

Just because it says an inspector can do things, it's not overly broad. So you're restricted with your own landfill inspector. You would have to use the harms benefits analysis process and see if you could add those particular sections to the permit outside of a host municipality agreement.

MR. BURKE: Thank you.

MS. DEMPSEY: Michele Dempsey, Jefferson Township, grew up in Dunmore in Swinick's Development. I'm the visual person. So I'm just going to maybe follow up with what Katharn was talking about.

It is very common for landfills to have landslides, land mine fires, and subsidence. And, you know, this is basically what we would be stuck with in those scenarios and I think what we want protection from in this case.

Another thing I think that is of
concern is the fact that back in '99 when the agreements were first made even when Throop first made their agreement, there was no fracking and residual waste, right, and now we're taking more and more and more of it every day.

There is a lot of radioactivity in the drill cuttings. You could read about this, just Google it online. A lot of landfills aren't even taking it anymore. So there should be -- I think you called this a trigger, Mr. Jones -- Attorney Jones.

I think it's a trigger when something different happens that the municipality should be able to go back to the table and negotiate because the terms have changed.

This was not there in '99. And we stand to gain a lot of fracking. If there's a fire in a landfill with radioactive drill cuttings, these are the kinds of environmental concerns I think that we want to be addressed in this agreement.

And I know you're thinking really hard about the money and, you know, we
appreciate that. But this is -- again, I'm visual. This is a 50 -- like a 60 page agreement for a Texas landfill. This is Throop's, little less. And you don't even need a clip for the one that we're considering now because it's just a few pages.

And so I think -- I think we really want to understand like there is no rush here. And I know the concern and I appreciate the concern is you do not want to be the Council that gets stuck with 41 cents, you know, ad infinitum because, you know, he walked -- you know, because the landfill walked away -- the owners walked away.

And I think -- I think that's negotiated from a position of weakness. I think we have a lot more leverage here than we care to acknowledge. You know, first of all, you can't do worse than 41 cents that we have right now.

And so short term gain is not worth the long-term loss. We do know that the future present value in year 50 is less than what we have today. So really, you know, although we may see some short term gain we don't have
long-term gain.

You know, if nothing happens here, it's the '99 agreement. I don't think we should sign an agreement unless it's better, you know, unless it's truly better. And that means that it protects us economically, our health, welfare, and safety, and our liability because we don't want to be stuck with this.

And this is Centralia. And these are real. These pictures are from landfill fires that are very recent as of this month. So I think we should be thinking about it on those three levels economically, safety, and liability and all of that should be covered in this agreement.

And I think we have more leverage than we believe we do. You know, there are things in the agreement even as it stands that obviously are of concern. You know, there's language in there about zoning. That's very important to the landfill owners.

I think that there's, you know, he wants assignment because there's probably an intent to sell, right? And that's in the language that's not in the '99 contract. And
there's four pages in the harms benefit
analysis that cover the agreement that never
even passed.

So clearly they want the agreement
to make the landfill look like it's being a
good neighbor to the host municipality. So I
do think there is more leverage here. I don't
think it's going to be simply we're walking
away.

I think there's too much that we
still hold. And that's why I don't see the
need to rush this. I think there are things
like property values that should be covered,
etc. So I will leave it at this.

And I will ask you sort of all each
of you to answer, you know, do you believe that
you have the right or want to be the Council
that bootstraps future generations to an
agreement that is an economic deal that is
worse than we have today, short term grain,
long term loss, an agreement that does not
protect our health, safety, and welfare, an
agreement that exposes us now and future
generations to incredible liability if
something -- some environmental catastrophe
happens.

And there have been even recently oil leaks and fires up at -- excuse me, generator fires that prove accidents happen. Do we want to be -- do we want to bootstrap future generations on those three levels? And I put that question to you.

MR. VERRASTRO: One quick question. You mentioned three times that moneywise it's worse now than it was before. Did you figure out what 41 cents is going to be worth in 25 years to compare it to what we have now our new deal would be worth?

MS. DEMPSEY: I understand. I'm just saying --

MR. VERRASTRO: Okay, but you're saying that --

MS. DEMPSEY: In year 50 it's worse than what it is today.

MR. VERRASTRO: But what will 41 cents be worth in year 50?

MS. DEMPSEY: The point is, I don't -- I think that we have more leverage than we believe we do, Sal. That's my point. I think we really need to go back and look
MR. VERRASTRO: You keep saying financially it's worse. Financially it's better. It's better than what we have now compared to '99.

MS. DEMPSEY: If we followed the State going up, you know, over time that will change.

MR. MCHALE: But the State hasn't gone up in --

MR. NARDOZZI: Twenty-seven years.

MR. VERRASTRO: If the State goes up, it goes above what we have.

MR. HALLINAN: And, Michele, aren't you already assuming that you're going to lose by doing this?

MS. DEMPSEY: No. I --

MR. HALLINAN: But you're telling us -- this is what you're telling us don't sign the agreement because what's going to happen 50 years out. I think you have a good plan. I hope you win. But -- so let's try to keep it on the up.

MS. DEMPSEY: So I'm saying why are we rushing this agreement? Why aren't we
putting the language in that protects our environment, protects us, protects the community, protects our safety and welfare and our environment?

MR. HALLINAN: Thank you.

MR. NARDOZZI: Thank you.

MS. DEMPESEY: That's what I'm saying.

MS. LESTRANGE: Hi, my name is Melissa LeStrange. I live at 10 Fern Road, Jefferson Township. I feel like an outsider here because I do not live in Dunmore. I live at Moosic Lake. And I just want to give you one simple visual. It's this pristine clean spring fed lake that we have taken such pride in.

I go home every day from work and this beautiful setting is covered with seagulls, hundreds and hundreds of seagulls. So you're not the only ones affected by this landfill. And I'm not well versed enough to stand here. But it's so simple. It seems so clear to me that I don't understand how we ever approved what we have existing. So why would any one of us in this room ever want to expand
that?

MR. NARDOZZI: We're not voting on that.

MR. VERRASTRO: We're not voting on that tonight.

MS. LESTRANGE: I just want that visual. I want you to go home with that visual in your minds.

MR. NARDOZZI: But, Melissa, just so you know, that decision never came from either Dunmore or Throop. That came from the State -- the DEP whatever went on up there.

MS. LESTRANGE: Well, our decision tonight really should not be rushed. There is too many issues, concerns, risks to be aware of and to think about before you do make that decision.

MR. NARDOZZI: Thank you.

MR. MCHALE: Thank you.

MS. CLARK: Hi, Kristen Clark, Jefferson Avenue, Dunmore. I feel like I was literally just here. Weren't we just here?

MR. MCHALE: So do I.

MS. CLARK: So I guess my big question tonight is two comments; one is, I did
thanks to Katharn Spanish see the Throop agreement. And I know I went over the other night about our contract and the lack of a lot of the essential elements.

One thing I couldn't stop thinking about today is if Keystone Landfill signed an agreement like that with them in 1989, what is the harm of them signing very similar agreement in form and substance to theirs that would offer us protection and maybe add a little bit more about the shale waste and what we can do in terms of testing for that.

I don't think it's unreasonable for Dunmore who shares the same body of land with Throop to go to Keystone and ask for that. So you would take your examples and your numbers and you would craft an agreement very similar to theirs.

It would have definitions. It would have an exhibit that describes the landfill. It would have, you know, a section that governs -- Pennsylvania law would govern the agreement. It would have an amendment section. It would have all that they have and our numbers.
I don't understand why that's unreasonable or why they wouldn't agree to that. I don't know if that is something that you thought about or I don't even know if you guys have seen the Throop agreement. But like Katharn said, it's 28 pages. And it's very thorough. It's well written. I was very impressed. That's my first comment.

And my second comment is like I said, I just saw you guys. So I guess my question is, why are we here again doing this tonight when, you know, everyone is kind of walking away from the last meeting still trying to wrap our head around strategy, what we can do, how we can get a better deal.

I guess, why are we doing this tonight again? What was the rush again to come with an agreement tonight?

MR. VERRASTRO: I have something.

MR. MCHALE: Go ahead.

MR. VERRASTRO: First, I want to apologize if I offended you at the last meeting because I didn't mean to.

MS. CLARK: No, you don't offend me. It's okay.
MR. VERRASTRO: Sometimes I'll give a little joke and --

MS. CLARK: I have tough skin. I'm from an Irish family --

MR. VERRASTRO: I had a solution to Melissa's problem but I didn't want to insult her with it. I was thinking we can take the stay cats from Dunmore and Tom can them to Moosic Lake with him on the way home and we won't have stray cats anymore and maybe they'll get rid of some of the birds. And we wouldn't have cats.

UNIDENTIFIED MAN: Sounds like this contract.

MR. VERRASTRO: But it was a joke. I didn't want to her to take it literally.

MAYOR LOUGHNEY: Sal, don't try another one.

MR. VERRASTRO: I'm just kind of curious. This week it seems like a lot of people are lined up to go over fires.

MR. NARDOZZI: Can we have some order, please?

MR. VERRASTRO: Why didn't you bring these up -- this concern up last week or the
week -- is like the strategy on your part that
every week we'll pick one different thing to
try to try to stop it for another week?

MS. CLARK: I'm not talking about
fires.

MR. VERRASTRO: No, it's just --

MS. CLARK: I'm bringing up the same
stuff I brought up last time. Why can't we
clean up the agreement? I'm going to let my
husband talk about the finance and numbers.
I'm just asking --

MR. VERRASTRO: We tried.

MS. CLARK: Okay, they said we won't
sign the same exact agreement as Throop has.

MR. VERRASTRO: No.

MS. CLARK: They won't actually sign
the exact same agreement that Throop has with
Dunmore?

MR. VERRASTRO: No --

MR. MCHALE: Our lawyer is --

MR. DEMPSEY: Bill, what was our
first draft? How many pages was our first
draft?

ATTY. JONES: What we did is, we had
a template of what we were looking for,
obviously the final agreement is not reflective of what Council was looking at as well as what Council had taken and negotiated with Keystone over the last several months.

So with regard to what Throop has or what I put in similar to that over in Taylor that has the particular items that you're talking about, are they in there? No, they're not.

They are not in there for a reason because in both of those instances for whatever the facts were that were dictating why they gave it to Throop at that particular time they weren't prevalent or they weren't available now. So Keystone was not allowing that into this particular agreement under those terms.

MS. CLARK: So, for example, where it says in Throop's agreement the landfill will be defined as and then it says -- refers Exhibit A where it draws out the landfill, they said, no, we don't want a description of the landfill?

ATTY. JONES: They limited the complete body of their agreement and that -- Council went, previous Council went. They were
not interested in increasing the breadth and width of the document whatsoever at this time. And they're still not.

And if you take a look in the Taylor agreement, it has similar language to start it in 1987 and went through 2006 which defines different areas what they dumped and how they get there. It has similar -- probably even more extensive definitional sections on it. That is not where Keystone's at at this time.

MS. CLARK: But that is disturbing to me at best because I'm confused as to what their motives are not wanting to define the scope of a landfill. But I also think it's another reason why it shouldn't be voted on tonight.

So I would love to -- is there any way -- can we talk about who wanted to put it out tonight and who did not? Are you willing to say who wanted it on the --

MR. VERRASTRO: I don't think that's an appropriate question but that's up to the President.

MR. MCHALE: I'm not going -- if these guys want to talk, but I'm not going to
poll Council.

MR. BURKE: I'm not in a rush.

MS. CLARK: You're not in a rush?

MR. BURKE: No. I think we should hire an environmental lawyer.

MS. CLARK: I again ask you as I have the last few meetings, I think this agreement should be tabled. I think that it's binding Dunmore for a very long time finances aside, numbers aside.

I just think it's a sloppy agreement. I think it's not thorough enough for how long it is. I do one year leases that have more detail in there than this agreement for 50 years for the Borough of Dunmore.

So I would recommend tabling it again. And I again am confused why they won't agree to some of the things we should have in there. But I think Dunmore should stand by getting at least what Throop has in terms of the environmental issues.

I think it could be updated for the shale waste for all the stuff that we are putting into that landfill that we don't even know enough about because it's so new. And I
would recommend tabling it.

And I could help you with anything you need. I'll do any contract review you want pro bono. I am at your service whatever you need. I'm happy to do it.

MS. OVEN: Kathryn Oven, Madison Avenue. I just have a couple questions for the Council. If you don't sign a new contract and you just stay with what is on the books right now, will that just stay into effect if Phase III is approved?

MR. MCHALE: Are you asking me? Me, being Council?

MS. OVEN: Whoever.

MR. MCHALE: Bill, I'll answer that yes. It's the state minimum so, yes.

MS. OVEN: So we'll basically just stay with what we're --

MR. MCHALE: Incidentally which is a three-page agreement.

MS. OVEN: Right. Well, we've already proved that that was pretty bad so -- and I just want to go back to the environmental issue because I think that they're -- although the finances are very important; I think people
here are willing to work with you as far as the
taxes and finances for their health and their
children's health.

I know my husband and I are.
Currently we have 63 percent coming in from
outside of state. So roughly we have 30 some
from in-state. Now, 30 percent of what is
in-state is coming from the fracking. The DEP
is telling us that the fracking -- the drill
cutting and the waste are safe.

But I'm confused because the
companies who make these cocktails will not
release the chemicals that are in them. So for
the DEP to say it's safe to go into our
landfill, which by the way most landfills won't
take, how can they say that it's safe for us?

So when it's raining and that's
going into the ground water and into the
leachate, we're being exposed to chemicals that
we have no idea. And there's radium in that.

So as Council I understand you're working on
the financial side of it.

Why aren't you looking into the
environmental side? I mean, there's a reason
why this landfill is taking stuff because no
one else wants it and he gets paid a higher
premium to accept it.

So now 20 years down the road when
everybody is getting all sorts of illnesses
they may -- the DEP may come back and say, oh,
you know what, that stuff is not good for you.
And in the 70s there was whatever that drug was
that they give pregnant women -- thalidomide
and they said you're safe.

It's no joke. They said you're safe
to take it. Thousands of babies were born with
severe birth defects. And only until then did
they stop taking it. So to say that it's fine
what's going into this landfill, it's not. No
one on this Council knows what it is.

MR. MCHALE: No one on this Council
is saying it's fine that it's going in there.
We have no say in that, Kathryn.

MS. OVEN: But what I'm saying you
keep pointing to the finances. You --

MR. MCHALE: It's the DEP.

MS. OVEN: Right, but, Mike, you
know you could fight this harder.

MR. MCHALE: With the DEP, yes.

MS. OVEN: You're taking the
economic side of it. You got to start fighting environmental here. For the love of God, it's our families. It's our children. It's their health. I'm just saying you could take a stronger stance for the environment.

Get an environmental lawyer. Get some type of environment group to come in here and help us determine if this stuff is really safe because I bet it's not. And there's a reason why he is accepting -- the landfill is accepting it and no one else is.

And my other question -- and I mean no disrespect for the attorneys but if they are getting paid by the Borough to represent us, why are private citizens coming up here and pointing out the shortcomings of this contract?

MR. BOLUS: Good evening, Council, Bob Bolus, former resident of Dunmore and a business owner on Drinker Street. I've been in the Borough about 35 years. I'm going to ask Council a question. And I'm going to ask the legal.

Will you make available to the public the lab reports I submitted to this Council, the Scranton Council, and to the
Throop Council prior to voting on the landfill?

So you people understand, I had lab reports done on the stuff coming out of the Marcellus Shale.

And the young lady that was just up here, the stuff is hot. By that, I mean in environmental terms you don't want it in your landfill. You don't want it in your yard.

This Council was fully aware of what those chemicals are. We did the lab and it came right out of the landfill in containers that were repossessed by Adler Container from DeNaples. We were ordered to pick them up. When we brought them, we did lab reports through our own environmental company which we are.

We sent them out to a certified lab and they're hot. That answers your question. And it's going in there by the ton after ton after ton. It's leachate. It's being mixed with lime. You're losing out on tonnage because you're not weighing the trucks after the lime is added to them.

It's adding ton after ton to them and you're not getting a dime for them. And
it's being ignored. I brought it up. You cannot sit back anymore and ignore what's going on here. You're worried about the economics.

Well, if you let a bully with money -- and I don't care who it is anywhere push you around when you have the strength of the municipality, let me tell you something. You can make this an economic windfall.

First of all, you could put a weight limit on the road. You want to play with a bully, stand up to him. You could put a clean air fee, an impact fee of $20 million dollars if you want because we're sick of the damn stench.

We're sick of people turning away. And don't tell me about DEP. I've called them. Don't forget, right across from that landfill is where my business used to be -- my dealership that we lost when they put this highway through. We lost over a hundred jobs there.

Nobody gave a damn because the landfill was protected. And we dealt with that stench. I deal with it in Throop. And I deal with it in Dunmore. Call DEP, tell them come
up and they get up there four hours later. Oh, we don't smell nothing. Yeah, because they don't want to smell it.

They don't want to show up. The stench cannot -- of garbage emanating from any facility, especially a landfill without being controlled. And there are no controls. That's why we're all in here talking about it. Drive down six. You're breathing the garbage.

You're breathing the stench. They raise that landfill up, they expand it, you're going to breath it even more. But what you are not paying attention to is they keep covering with Marcellus and the chemicals going in there.

It's being pulverized as the trucks go in and out. I haul garbage out of New York, New Jersey, and Philadelphia. I had contracts there in the 80s. And they went to different landfills that made sure your vehicles were washed before they left the landfill.

There's no wash there because he could get away with it. You leach -- all this in there is those trucks pulverize the leachate, the Marcellus Shale and everything
else there is. That winds blows -- and your environmentalists are here. You're breathing it.

Forget about what's going into the water. You're getting airborne carcinogens as that dust blows across this valley. It will blow all the way down to Wilkes-Barre and there's a blind eye. Let's put the economics.

How do you deal with a bully? I'm here about money now. You're allowing them to build a huge junkyard again on -- along the interstate. And as we all know, he signed a stipulation years ago to empty them on it and never pull them out of there again and stay on Mill Street. Who is D's U Pull It?

They are not grandfathered. But Dunmore is turning a blind eye. You cannot sit here. You need a bore test -- the landfills the old landfills that I brought up that were unpermitted that every chemical God every made over 100 years ago are in that landfill.

Yet nobody's here, Council or anybody else is boring those landfills. Why? Because you don't know what the hell is in it. You'll shut that landfill down tomorrow.
That's the economics here.

This bully is pushing the health and welfare and the economics down your throats here. You know you can't sit here and keep being pushed around. Put a scale in. Put out permits on trucks coming out of New York that have to be coming there. Mr. Jones?

ATTY. JONES: Yes.

MR. BOLUS: Can trucks be permitted when they come across there? Can the Borough put a scale in there to weigh vehicles as they come and could the Borough put a weight limit on that road?

ATTY. JONES: Under the Solid Waste Management Act, it provides for the weighing at the landfill itself. With regard to public roads, vehicles whether they are landfill truck or any other truck they have to comply with whatever the state laws are by way of weights. Municipalities, Dunmore may or may not have them.

You can't single out one particular entity. They put up -- and you have seen them. The state runs them all the time. I know Dickson City runs them, Taylor runs them where
you have truck traffic on a state route. You could weigh the weight of the trucks if they are over. I'm sure your trucks have been weighed from time to time also.

MR. BOLUS: Our trucks go back and forth and they are weighed. And they are inspected as they go by the landfill. It's not singling out a separate entity. It's money into the pocket of Dunmore. Okay, that's the bottom line. We're talking about economics.

If we sit there, should we have all this dirt out on Dunham Drive that we have to breathe every day? It's all economics. We have to wash our cars when you drive by that landfill. You don't want to rub your hand along the side of your car then rub your face or your mouth or your doors.

These are the issues I'm bringing up here. You could put the clear air impact fee on. And don't tell me you can't do that. Impact fees are able to be put on for the stench, for everything else that's going on there. You want to get your money what we're entitled to for the next five years.

Remember Alliance is there. And
better yet, Mr. DeNaples is such a great partner to the community here and I saw Mr. Verrastro here -- and, Leonard, it's nice seeing you again.

But Leonard was part of Councils and he could probably tell us a lot of the answers to the questions we just asked today when he was on this Council that we can't find. And that's a history book right here. He's been part of this community how many years?

MR. LEONARD VERRASTRO: Forty years.

MR. BOLUS: Forty years. So these are questions we need to get and the answers.

MR. NARDOZZI: Bob, you're on six.

MR. BOLUS: I understand I'm on six. I'm probably a little less.

MR. MCHALE: Can you wrap it up?

MR. BOLUS: I am. All we got to do is stop pushing the peas around the pot. We all know what the word assume means. Let's not use that on ourselves. And, gentlemen, what I'm going to give you today, here's your penny.

That is what Mr. DeNaples was going to give you per ton and you're willing to accept that penny and compromise this community
when you know you could make legislation to
make the changes and do what's right for the
people because this town belongs to the people
not Louie DeNaples.

MR. CLARK: Pat Clark, Jefferson
Avenue, Dunmore. Sixty-two or 63 days ago
first contract was out here. Sal, to answer
your question that you posed to my wife, why do
we keep poking one or two items? Because you
give us no time to review this.

The first contract was zero days on
the spot. Since that time, the value of that
contract has benefited Dunmore by 30 million
dollars. In the first 10 years it benefits
Dunmore by 7.5.

They can no longer cancel the
agreement that's proposed by themselves. And
we got a lot more protections. The second
contract you guys give us two days. You met on
Tuesday, meeting on Thursday. This time the
contract came out Friday afternoon at 5:00 for
a Monday meeting.

So to ask why are we taking these
one at a time because there is no time to
review this. The entire strategy that's been
used to negotiate this contract in public of a
scope of this deal -- a deal of this scope is
crazy.

We sit here and force a vote, force
a vote, force a vote instead of thinking.
Every time we have one of these meetings, more
benefit comes of it. Every time we revise this
contract you get more from it. You could say
no. Last meeting itself, now we get the upside
(inaudible) now the contract covers us more.

Every time we do this but we keep
being -- have to fight and say why are we
voting, why are we voting, another vote every
single time for two months straight. First
vote was on my daughter's birthday, second vote
was on son's birthday. Last night was my
wife's birthday.

I don't have any more kids left so
hopefully not until next year. We'll talk
about economics. Did we have a formal
financial analysis run from a financial
professional on the deal?

MR. MCHALE: No.

MR. CLARK: Okay. I did. So I just
want to pass this out and talk to you for a
brief minute. I don't want to get into too much of the detail. We talked about it last time the economics. What's the value of this deal worth, right?

So a dollar today is worth far more than a dollar tomorrow. Sal asked a question what is 41 cents worth. It's worth about a nickel 56 years from now, about a nickel. This massive deal that we're striking is worth about 32 cents. That's what it goes down to.

That's how fast this goes. Increasing at the 1 cent per ton per year 1.50 to 1.51 to 1.52 gets you out to 32 cents at the end of the day. What's the total value? If you add up all the money, it's 3.7 million we get, right, in year 2066 a long time. Sounds like a big number.

It's worth about 600 grand which is less than we get now. We've heard that -- and what's interesting when I ran these numbers and I looked at these charts and they're verified, there's a little spike in the beginning, right? We get good value up and down for the first three years, why? Short term gain.

More money up front in the first
couple years and then it just goes down and
down and down because it never ends. It's a
contract that doesn't have economics in place.
We keep talking about it and a person commented
before we have to do this now. The Borough
needs it.

Your budget tonight proves you don't
have to do it. You guys have saved this
Borough. We're cash flow positive. We're a
balanced budget. You've done it with the 44
cents. You're negotiating from point of
weakness. We don't need to do that anymore.
We've got the environmental concerns. We need
more money. We need more environmental
protections.

We don't have to sign this now. So
far, you know, if we were let history -- we
sold the dump to the company that owns it now
X years ago. Then for the next 25 years we got
the absolute minimum we can get.

You all just said we went up there
many times. Let's get more, no. Magically the
expansion comes and now we're talking. We all
know that because they want it in the
application.
Can they go forward without it? I don't know. Did we ask DEP if they've ever approved an expansion request with a state minimum contract, Attorney Jones?

ATTY. JONES: DEP's position from their Regional Director is they can approve a contract without a host municipality fee agreement in there. That is not a necessary element of it.

If there is a host municipality fee agreement and it's made part of the application they are required to take a look at the host municipality agreement and based upon the terms of that particular agreement that weighs in their decision. So that's their position.

MR. CLARK: So the terms they weigh into their decision contrary to their public statement last week in the paper where --

ATTY. JONES: I would say they were correct in their statement that if they don't have it they could go forward. If there is one there, it's part of the application -- it's physically part of the application. They are required to review it.

And they wouldn't commit whether
it's a positive or a negative. Obviously if there are positive things in it for a community, that's their prerogative to put a positive value on it.

If they think they're neutral, they'll consider them neutral. But they will consider it.

MR. CLARK: So but it is required to be in the contract --

ATTY. JONES: They will consider it.

MR. CLARK: They will consider it, right. So we're dealing with an entity that we sold them the landfill and actually kind of helped them get into this major business years ago. We got the minimum for 25 years.

They finally start talking the minute we walk in. They have an insulting offer that we since had a little bit more progress with. We're told we can't have environmental protection terms. We're told we can't negotiate with professionals at first.

We're told we can't have terms other counties have. And we're told basically take this or leave it, right, for lack of a better term. We're told if we don't sign this they're
going to pull it. We're told if we don't sign this they are going to put a bill on the Borough's office desk tomorrow for four point some million for garbage that they hadn't billed us for.

That's not negotiation. It's more like extortion. We don't need this agreement. Is there the chance that they would walk away from this agreement? I think that's what we're all fearful of, right? Are they going to walk and say, go ahead, guys. We're done. Right? Everyone gets to a breaking point.

We heard that phrase from a lot of people. Walking away from this deal when we are at the minimum strength we will ever have, we will never get back to the table with these people. This is the last chance you'll have at this.

An agreement that doesn't end, it will never get back on the table. We have 25 years of evidence to prove that they will not negotiate with us. And if you do this, you are binding the future generations of Dunmoreans to the worse contract in the State for 50 more years.
MR. MCHALE: Anybody else?

MR. KRANICK: Good evening, Council, Francis Kranick, 227 Chestnut Street. Others have spoken more eloquently than I can to the environmental points. So I will defer times two to their points that they've made.

One question -- so I'll kind of stay with the financial end of it. Can I get a clarification on number three where it says Dunmore shall have right to available air space for the operational life of the landfill provided that the landfill is open and accepting waste?

What specifically does that mean? Is that a hammer for us later on to say, no, we're at 300 feet you cannot build at 301? What does that mean to us as taxpayers?

ATTY. JONES: What it means if they're open and they have capacity that you have the ability to put your trash into Keystone and you're not going to pay a fee for it.

It doesn't allow you to restrict what they can take into that or the order in which they can take waste into the particular
landfill.

MR. KRANICK: So they can continue accepting waste from wherever they are accepting it from provided that they allow us as a municipality to continue our waste to be placed there.

ATTY. JONES: Yes.

MR. KRANICK: Like, there's no -- there's no -- I'm wondering why there's nothing written into this contract that gives us a stronger point considering that it goes up to 2020 I think is the last date that's mentioned but then it says thereafter.

So several months ago we were talking about the current operational life of the landfill which has been maybe around from five to eight years to nine years.

Now, it's thereafter. And there is no end to this contract -- this agreement. It can go on. You know, when Phase III comes around they are going to look and say Dunmore already signed off on this. You know, without specifying an end date 2021, 2022, whatever the date might be is thereafter.

And it leaves a lot of
interpretation open to what we're trying to get across here. I think that -- I think that, you know, it is short sided that we don't specify things much more tightly.

To have people come here who are more learned than me but to inject a new portion to this agreement and then have it picked apart so we have to come back in another month and please plead with you that we table it so we can get another clarification.

I think that, you know, yes, every evolution is a benefit to the Borough. But I would prefer to have something that was 50 pages long and had all the T's crossed and the I's dotted.

Aside from that, I sympathize completely with the positions you guys are in. It's not an easy decision. And it's not a good place to be. But we are where we are. Thank for your time.

MR. NARDOZZI: Thank you.
MR. MCHALE: Thanks.
MR. MCGRATH: Hi. My name is Bill McGrath. I was educated at Dunmore public schools. I raised my family here. I have two
grandchildren that live in Dunmore. And I think we -- this is the first meeting I've come to in I think about 40 years.

And I was only going listen tonight and not say anything. But listening to the back and forth I had to get up and say that I think that our priorities are completely wrong here, Michael.

We're talking about money. I'm thinking of my grandchildren getting cancer in 20 years. You know the -- to juxtapose the money as opposed to the value of a life of somebody that lives in this town is -- there's no comparison.

And for some of the Council members to say that they are not sure at this point whether they're for it or against it is very disappointing. Tom, you said earlier tonight that you don't have an agenda. I do. Mine is no expansion.

MR. HALLINAN: -- we don't want an expansion, Bill.

MR. DEMPSEY: I see that you have the paper there. Open it where it says Dunmore Council.
MR. MCGRATH: I saw it. I just think that we as Dunmore citizens have done enough for the Commonwealth of Pennsylvania in terms of what we have accepted so far in terms of garbage and we don't need anymore. And I think that we should really reevaluate our priorities. It's not money. And all the things that Pat Clark said a little earlier are very valid. There is no reason to make any decisions right now about money -- and others speakers as well.

But I really think that as a group, we have to look at our values. Money is not the most important value here. Thank you.

MS. LYONS: Kelly Lyons, Adams Avenue, Dunmore. I'll be very, very brief. I, like most of the people in this room are hoping and praying that you will table this vote. If that's the case, I'm asking all of you to bring five people with you to the next meeting.

Give them the help they need to turn this around. I'm watching you guys and I know you're trying. I know you're really, really trying. Bring people here to help them turn this around. It could work. Bring them here.
MR. BARTOS: Joe Bartos, Sunset Drive. I don't know if this happened or not, but did anybody on Council contacted anybody from Alliance Landfill and see what kind of deal we can get?

MR. MCHALE: Why would we do that?

MR. BARTOS: To have an alternative.

MR. MCHALE: For dumping garbage?

We don't pay for it.

MR. BARTOS: There's still things that can be done. At least you could go and look and talk in case something does happen. I just was wondering if anybody ever thought about it.

MR. VERRASTRO: I thought about it a little bit the ramifications if -- when we only have one landfill when we're done. You know what that creates? Only one landfill. And that means he has no competition for a certain radius of area.

So he's going to be able to name his price to all the local people that want to dump there. So whatever we're paying now --

UNIDENTIFIED MAN: That's an assumption.
MR. NARDOZZI: Sir, we follow rules here, okay?

MR. VERRASTRO: It is an assumption. You're absolutely correct. But I'm not -- what happens when you have to pay it? Even if that is the cheapest place to go the Alliance, right now the way the Borough of Dunmore works, a truck gets about five or six ton of garbage in it, has to go to the landfill.

We make that turnaround time in 45 minutes usually because they give us a preference to get in and out. When we have to drive to Alliance that's going to be an hour and a half. So we're going to have six men sit down and do nothing because the way the contract is written twice a day because they have to unload that truck twice a day.

So we're going to have to hire more drivers, buy more trucks just to move it over there if we accept the price that they give us. If we don't accept that price because we feel it's too much, I think the next closest one that we were looking at was Higgins or there might be one a little closer.

But we don't have a lot of options
when that landfill is closed. That's one of my fears, Mr. Bartos. And a lot of it is guessing. You're right. But that's all we can do right now is guess. A lot of things that we have to take our future on is a guess.

We don't know the foreseeable future. We have plans that we hope we're going to be. Like, how many people in this room would voluntarily take a 14 percent -- or -- tax increase for next year?

Now how many people will pay for the people that can't afford the 14 percent because there is even people in this room that can't always afford to pay all of their taxes and they go a year or two behind.

UNIDENTIFIED MAN: Hire me. I'll go after people.

MR. VERRASTRO: So we want to take a 75-year-old lady that worked -- lived in the Borough -- Dunmore her whole life and now we want her to leave this town because of what we're going to go after. It's our job to keep our taxes as affordable as possible within a budget.

UNIDENTIFIED WOMAN: What about
health?

MR. VERRASTRO: I didn't mean to --
I'm sorry, Mr. Bartos, I'll go on later. Are you done?

MR. BARTOS: Yeah, that was the main thing I had to say. I have a couple other things to say but I don't know. When I get up in the morning on Sunset Drive I could see the sun rise 6:00. I know people that aren't going to be able to see the sun rise until about 9:00 if that other end of it goes, okay?

They're going to be in the shade for a while. And I don't think that's right either, okay? We got this --

MR. VERRASTRO: I don't disagree with you.

MR. BARTOS: Over half of Dunmore is surrounded by garbage dumped in landfills. I mean, junkyards that people have had it up to here. Thank you.

MS. HOGAN: Maryann Hogan, 126 Hill Street, Dunmore. There haven't been this many people at a Council meeting since Lenny tried to get rid of DPW many, many years ago. This is an agreement and I understand -- to my
understanding that you negotiated it.

But my words to you are, it's not
good enough for Dunmore. And you should not
vote for this. If you're not going to table
then vote it down and stick with what you have
because this is not for Dunmore. That's it.

MR. DOUGHERTY: Brian Dougherty, 124
Franklin Street in Dunmore. Like Mr. McGrath
I wasn't going to speak either. And my wife is
probably going to kick me for speaking. But I
felt compelled to come up here and just talk a
little bit about this deal and separately the
landfill itself.

I was born and raised in Dunmore.
Came back here after going to school, raising
my kids in Dunmore. If anyone knows me, they
know my two kids are the most important thing
in the world to me.

Just like most of you here the
thought of my kids getting sick or having
cancer it's unthinkable. And, you know, anyone
who says because I may have mixed feelings
about this deal that I don't care about cancer,
I don't care about my kids, is just not true.

If you want to push the issue
further we can have a discussion if you ever
want to talk about it. But I grew up here and
went swimming in the res which most of you
probably know as Dunmore 7.

Me and my friends used to swim in
Reservoir 1 right behind the landfill. We used
to go camping up at 3 and 4 which we
affectionately refer to as twin lakes.

I think the statute of limitations
is gone so Sal and Rich can't get me for that
one. But I have taken mouthfuls. I went
swimming in it. And the thoughts of what's in
there it makes me ill. The idea of that
landfill there it makes me sick.

The idea of this landfill growing
higher, it's unthinkable. I walk out of my
house in the morning on Franklin Street. I
smell it. My kids say, what is that? I never
give it much thought. I said I think it's the
rotting pumpkins from Halloween. It's probably
the landfill. It's bad in mornings, most times
on Saturday.

But this agreement is not approving
the landfill. This agreement is not agreeing
to expand the landfill. They are separate.
And most important thing I've seen today is a lot people every time the DEP is mentioned we laugh and we chuckle and we say, yeah, the DEP. You have said it yourself, sir, a couple of times. I saw you a couple times. I don't know you. I don't want to point you out. But guess who's making the decision on this landfill? The DEP. So we can sit here all we want and say don't approve this agreement because you're approving the landfill.

Well, we can say no to this agreement. We can say no to any agreement. We could say to hell with you landfill. We don't want any money. And we get the 41 cents state minimum. And the person making the decision on whether or not the landfill gets expanded is the DEP who we keep laughing at here today.

They're making the decision, not this Council. And I'll be first to donate when we fight the DEP -- the Friends of Lackawanna I'm going to donate. Let's fight the DEP. Let's stop this landfill. It's in everyone's best interest in this room to stop the landfill.

The agreement is not going to stop
the landfill. If they say no, nobody signs this agreement here today, it's not going to stop this landfill. The application process is going to go forward.

And a couple people said so what, then we get 41 cents. We're in no different position than we are today. But we are because we're only getting 41 cents for the next 50 years. And those pictures Michele showed are horrific of those fires.

But one of the alternatives is if we don't get something is, we have those fires getting 41 cents a ton and property values decrease. They may. Our property values may decrease if this landfill gets approved if the DEP approves this landfill.

Imagine what our property values are going to be if the DEP approves the landfill and we're only getting 41 cents. So then the Borough has to raise our taxes to pay for everything. Now we're out taxed facing a mountain of a landfill.

That's one of the options if we say no to this. And nobody wants it. No one up here wants it. I know they all have kids.
Nobody wants their kids to get sick.

Nobody wants their kids to have cancer.

Signing this agreement has nothing to do with that. But here's the problem. I could say as a person who's not making the decision to heck with it. Let's take the 41 cents. Who cares. It doesn't matter.

And that's an emotional decision because that's how I feel. But they are different because we elected them to govern. They have to govern for everybody. They have to look at the people who can't afford their taxes, the people who might be in a position if we don't have the funds in the Borough and our property values go down, they're not going to be able to sustain themselves.

So in the end I'm against the landfill. And I just felt the need to speak. I don't want my kids to have cancer either. But these people are good people and not addressing the specific -- we would always want better agreements.

I settled cases with Mr. McGrath. I wish he'd give me more money. He won't give it to me. But I can't go back and say (inaudible)
he gives me what he gives me. So in the end I'm glad to see everyone here -- no matter what happens, no matter what happens with this landfill, let's keep doing what we're doing here today for this Borough.

If we had so much involvement in this Borough on a daily basis, people would be begging to live here whether there's a landfill or not. Thanks.

MR. MALONEY: I'm Tim Maloney. I was born and raised in Dunmore. I currently live in Scranton. Please don't hold that against me. I just have to respond to what Brian just said. I've know Brian my whole life. I respect him. I respect his opinion. But I have to disagree completely.

The only tool that this Borough -- that this Board has to fight against the expansion which everyone seems to say, oh, we're against the expansion repeatedly -- the only tool that we have is to not sign this agreement.

Common sense has to play a role here. For years I've heard time and time in this room we went to him he said no. Finally
he needs something from us. He needs an  
agreement. He needs to improve his application  
to expand his landfill.

And now all of a sudden, look who's  
willing to come to the table. That's absurd.  
And now we're -- and we're saying we have no  
bargaining position? We can't argue for a few  
cents more? This agreement should be tabled.  
And once the -- if the landfill is expanded  
then go back to him.

Keep trying to go back to him.  
That's the best you're going to do. But if  
you -- by going to go him before it's approved,  
everybody who's ever sat on a board, a  
committee, you sit there and look at the  
application and you look at the different  
things.

Oh, the Borough approved a contract  
this year? Why -- oh, they must be all for it.  
Despite any kind of public statement that you  
might make, money talks and you would approve  
this agreement, therefore, implicitly approve  
his expansion.

It's absurd. Common sense has to  
play a role. As far as the finances are
concerned, Mr. Bolus brought up a number of potential sources of revenue. You can fight back. You can charge fees. There's a host of different things.

And even if there weren't, all these environmental concerns which have nothing to do with this agreement at all because this is strictly an economic agreement. I looked at the agreement the first time today. I was shocked just like Kristen said.

I negotiate agreements every single day. It's absurd. I thought it was a joke. It is -- I couldn't even believe that a lawyer actually drafted it. I mean, there is nothing in it that looks like a legal document.

And I understand the position you're in. It's a different one. And 41 cents is 41 cents. Maybe that amount will be raised, maybe it won't. But you can't sell your soul just for a short term gain to solidify the finances.

MR. MCHALE: Anybody else?

MR. HOGAN: My name is Bob Hogan. I live on Hill Street in Dunmore also. You -- if I may a little bit, you alluded to the fact of taxes and putting people out of their homes
because if it's not passed people may lose
their house.

You know what, our taxes are very
high in Dunmore to begin with. We're getting
them down for -- we're getting our budget down
finally. Maybe our taxes will come along with
that method that you guys are presently
following.

And we don't really have to be that
concerned. My second part is the contract. I
negotiate -- I was part of a negotiating
committee on several different occasions
through my lifetime.

And never was a contract that I
attended to or was involved with went into one
door and out the other door with a signature on
it. Didn't happen.

There's too many variables on both
sides. Negotiations is just what it means to
negotiate. One side speaks with the other
about their wants, vice versa. Apparently just
reading that paper if that's what you want to
call a contract, I don't know who authored it.

And I don't know who put it
together. And I don't know what strategies
were involved in negotiations. I was not privy to that. But somebody better go back to negotiating school in my opinion.

Now, as far as the gentleman down here with DEP. Yes, I had been at some meetings where DEP was involved. And they are not really the best people to deal with. They have their agenda set. They're going to follow the law as interpreted by that particular group of inspectors or whatever you want to call them.

And they are going to do what they want to. And, yes, they're either going to recommend, they're going to add something to it, take something out of the language. That's their prerogative.

That's by virtue of law or statute. Another thing was the sewer -- the leachate. You're on the Sewer Authority. Where does it go to out of the dump? Or who treats it?

MR. LEONARD VERRASTRO: He treats it before it comes down to us.

MR. HOGAN: Do we treat it?

MR. LEONARD VERRASTRO: Yeah -- not us, he does.
MR. HOGAN: Again we're getting burdened doubled. We're rate payers.

MR. LEONARD VERRASTRO: We don't -- Dunmore don't pay for the -- the landfill pays for it.

MR. HOGAN: Volume has a big thing to do with the fees with the Sewer Authority. Everybody knows in this place how they went up and how they are still going up. The more that's coming in, the bigger the volume that has to be treated the more expansion that occurs. Volume's going to go up dramatically.

They should have a plant there to begin with that finishes the treatment, not starts it. That's not happening. There's too many other variables that have to be addressed within the confines of, quote, contract.

And right now this should be put in abeyance until such a time as good deliberating minds can get together and say, listen, this is what we're going to do. This is how we have to have it and then come back and say to us this is what's been presented.

And now we're going to present to it to you. What should we do as your elected
officials? I thank you.

MR. MCHALE: Anybody else?

MR. MALONEY: Tim Maloney, Quincy Avenue, Dunmore. This gentleman asked about whether or not you talked to Alliance about tipping fees? You answered that we didn't need to because we're dumping it for free now.

We're not dumping it for free now because the bill keeps going up. The hammer keeps getting larger.

MR. MCHALE: As I explained and Mr. Clark actually -- he and I talked about this. There is a vehicle where, you know, that's not included -- never included in the Scranton Times as a benefit to us as well because there is an opportunity for us to go to the DEP and they'll arbitrate that fee whether it's zero or if it's something. We pay zero. We don't pay anything right now.

MR. MALONEY: By a gentleman's agreement we were supposed to pay nothing, right? But it's been billed but never delivered as a bill.

MR. MCHALE: That ended years ago, Tom?
ATTY. CUMMINGS: Yes. I gave a report four meetings ago. There was a date specific when it terminated.

MR. MCHALE: Yeah, that terminated Mr. Maloney years ago.

MR. MALONEY: So the bill keeps going up.

MR. MCHALE: True.

MR. MALONEY: Why wouldn't we be looking for an alternative because ultimately if we insult him, we're going to have to pay a bill or we're going to be charged with a bill anyway.

MR. MCHALE: My personal opinion, that hasn't come to that point yet. So would I rather not pay anything right now, we can't afford to pay it right now.

MR. MALONEY: Yeah.

MR. MCHALE: It's the truth. I don't mean to be --

MR. MALONEY: It seems that you want to -- this isn't casting any doubt on any of you --

MR. MCHALE: No, no, please --

MR. MALONEY: But it seems like
without enough information you want to get this
done because you're under pressure. Everybody
on this Council wanted to be on this Council.
This is what comes with it.

If someone came to this Council	onight and wanted to open a methadone
treatment center you'd be scurrying looking for
a way out even if they had every duck in order.

MR. MCHALE: There's one in Dunmore.

MR. MALONEY: But somebody came and
there was a war about it for months.

MR. MCHALE: Yep. And we ended up
paying a $300,000 settlement because it wasn't
done correctly.

MR. MALONEY: There was a war about
it. This wants to be done in 10 minutes. If
somebody wants to put an abortion clinic in
Dunmore if they had their ducks in order, there
would be a moral war.

If somebody wanted to put a strip
club in Dunmore even if they had all their
permits and everything else, there would be a
war. You'd want more information and that
would be the rationale for putting it off.

We have to gather more information.
We need more opinions. Why don't we want all the information we can get on this? Why aren't we -- our starting point should be the average of the landfills in the state, not a lousy dollar something -- a $1.50.

That's insulting. That's crazy. This man isn't going to walk away from a multiple billion dollar business because you want a dime more. We should be getting -- I don't want the landfill to start with. But we don't have a legitimate engineering study.

We have one done by someone that works for him pretty constantly. But maybe it's good. Maybe it's not. I don't know. But I know if it's like the Knox Mine Disaster where the river caved in and 10 billion gallons of water went into the mines and 12 people were killed.

That was supposed to be being policed but it wasn't. If millions -- hundreds of millions of tons of garbage that we have no idea what the inventory is but we do know there is radioactive fracking going in there, if that caves in and that goes in, do you think 12 years of a little bit of leachate leak is going
to be a problem? That's going to be a natural disaster.

We're going to have to be sitting on a great lake of leachate. And when it filters down to the rivers down to the Chesapeake Bay you're talking EPA. When the EPA comes in, they'll put a padlock on the place and you won't get the 41 cents. You'll get nothing.

Common sense. Get as much information as you can and don't act out of being ill-informed or ignorant on something. Do the work. Get as much as you can. There is no reason that anybody can -- if one of you could tell me why this needs to be voted on tonight, why anybody has to be pushed into an agreement I'm perfectly willing to listen to it.

But other than it's being pressed down your throats, I can't come up with any reason. And again, if I was coming with unpopular business, you'd find a way to drag it out for months and spend $300,000 and lose. So what's the hurry? Thank you.

MR. MCHALE: Anybody else?

MR. AMICO: Vince Amico, 1733 Adams.
I have been coming to the last couple meetings and I guess my only one question is, why is this agreement going to be for such a long stretch of time?

Like, why is there not -- and maybe this was brought up in the past and I just didn't catch it. Why is not like a five year agreement or ten year agreement? Why is it -- my wife told me to do this. I'm going to put the blame on her.

I had all kinds of thoughts in my head as to what I wanted to speak tonight. And part of me wanted to speak to the article in yesterday's paper where we talked about state legislators and local legislators.

And I wanted to say I commend you for, you know, I highlighted it -- I commend you for having an opinion -- putting your opinion in the paper.

That takes some guts, you know, other local officials whether they be state officials or state representative, future or current county commissioners, nobody was willing to put their name on the line. So again, I commend you.
But my question is why so long? And this will go back to my wife. And she said, well, you know, this may add a little power to your speech. Show a picture of your child. I have three children in Dunmore. And my youngest Celia is eight.

If we agree to a 50 year agreement, she'll be 60 -- at least 60 and still receiving, you know, money based on this contract. We'll all be -- most people in this room will be gone. And she'll be strapped with this. And how we can consider that is beyond ridiculous.

And maybe there's an answer, maybe the landfill says, well, we want it to be forever take it or leave. I don't know if that's been covered or not. I'm very curious about that.

MR. VERRASTRO: It was. We approached it a ton of different ways. I can't even figure out which way was the first one when we did it. We would go in and we would start and it would be let's get something for 10 years.

And then it's, well, at 10 years
we're not going to renegotiate. They won't put that in the contract. So then at the end of 10 years you're going to go back down 41 cents. Whenever we would try to put something in there or do something we want, he would counteract it with what he wanted.

And in negotiation, you can only put on a piece of paper if you're going to agree on it. Why would we put everything everybody here's asking for tonight if he's not going to sign it? I would love to. I agree with a lot of what everybody here is saying.

I just point out things when you're talking. My fault, trust me. How do -- I don't want to be the guy that was on Council and 50 years from now somebody goes through looking at this agreement here, this guy only put it in for 10 years and it went back to 41 cents. What was he thinking? Why didn't he try to get more?

And then when you put something in there that put's it a little bit more indefinite, it's wait a minute. Stop. You're making a decision for my child's life, for my children. I don't want you to make that
decision.

Then you sit here and think I'm making that decision either way. If I vote to only put it in for 10 years and we're locked in at whatever the rate is and it could go back or if I put it in there and I put a number in there that's going to move forward and it's going to be a little bit more but it's still there.

I'm making a decision for the future no matter how I vote tonight, no matter what I do, no matter what try to get in this contract and what we don't get. I even asked to go back to an incinerator. And he looked at me and he said I tried to do that. You guys turned it down.

MR. AMICO: You didn't turn it down.

The other --

MR. VERRASTRO: Well, but it's me. It's Council. It's Dunmore. Dunmore turned it down. I don't know if I'm answering your question.

MR. AMICO: You are.

MR. VERRASTRO: But no matter what decision I make, we're making it for the
future. I mean, if we put a date on it then we can't get negotiations to move forward, we're locked into that date.

MR. AMICO: We're locked into that date. When you agree -- like I said, I'm far from being a mathematician. But I sat down last night and I said let's use 50 years as an easy number. A $1.50 I think if I'm correct maybe what's it 2017 or 2018 add 50 cents to that, that puts us at $2.

You said before what's 41 cents worth in 50 years, not a hell of a lot more than -- or less than $2.

MR. VERRASTRO: It's worth two-thirds more.

MR. MCHALE: It's worth $125,000.

MR. AMICO: But to lock yourself into an agreement for 50 years or not even 50 years for, you know, forever is -- it's just insane.

Well, some people in the room -- we'll put it in simpler terms. Some people in this room are sports fans we'll say. And look at, like, Alex Rodriguez. The Yankees are strapped into that ridiculous agreement with
Rodrigues because they thought, well, this
guy's our future. And now they are stuck with
something that they can't get out of.

I'd be more willing to say we're
going to go back to the table in 10 years and
roll the dice than say this is what -- that's
like us saying (inaudible) you guys are locked
into an agreement. And, you know, it sucks,
but that's the way it is, I'm sorry.

MR. VERRASTRO: And I appreciate
your opinion on it. But in 10 years, your
opinion might change. And my name is still
going to be on this piece of paper.

MR. AMICO: But, Sal, that's why
you're an elected official. You need to be
willing to take that --

MR. VERRASTRO: I try to get what I
can --

MR. AMICO: I have one more
suggestion then. This -- maybe I'm crazy for
this. But Pat put himself out in the paper
yesterday as guest editorial on our side and
Mr. Magnotta put himself out in the paper with
the landfill's argument. And their argument's
been shot down numerous times.
You guys are saying things tonight on the record. We have a stenographer --
saying things on the record which are great.
Again, I'm sure in the past God forbid we would
upset the applecart with the landfill. Nobody
would talk ill about the landfill and Mill
Street years ago.

So again, I give you guys all the
credit in the world for speaking against him or
at least shining light on what's going on. But
put this stuff out in the paper and let the
taxpayer -- let the people of the valleys know
what you are dealing with.

For example, today at work I work in
West Scranton. There's an old timer in my
building. I'll say he's a maintenance guy.
He's not a maintenance guy, but whatever. And
he said to me, Vince, I saw you were in the
paper today. You have an article in the paper.

He said you're speaking out against
the landfill. I said, yeah, I am. He said, do
you know how good Louie is to Dunmore? And I
said, let's talk basic economics. I said we're
getting -- right now as Dunmore, we're getting
41 cents when the state average is $4.05.
We're getting one-tenth of what we should be getting what other people are getting and we're supposed to be happy about that I said. And he said, you get your roads paved and you get fire trucks and you get all this stuff.

I said, yeah, that's great. It's kind of like -- I'll put it simple. It's kind of like if you worked at McDonald's, you know, and the minimum wage is whatever, say $10 an hour. And I'm the McDonald's owner. I'm giving my guy $3 an hour but every now and again I shoot him, like, a Big Mac and a Happy Meal (inaudible) so maybe it's time to put something in the paper.

MR. NARDOZZI: Five minutes, Vince.

MR. AMICO: Pardon me?

MR. NARDOZZI: Five minutes.

MR. AMICO: Okay. It's powerful. You know, like Pat said, we've come a long way in the last month and a half, like, lots -- we've come extremely far. And I used to come to Council meeting years ago. And I said this is a waste of my time.

And I haven't come back since --
well, maybe about four or five weeks ago. I think you're making tremendous progress. I really do. I commend you. And do I think you should sign? No. Do I think this is the best we're going to get? I don't know. I hope not. I really think -- I think we could do better or at least, you know, I think it's shameful that we would just say no mas, we're good. And I think you have more character than that. I really do. Thank you for your time.

MR. CUFF: I'm Matt Cuff. I currently live in Washington, DC. But I'm originally from Dunmore. I grew up 315 Spring Street. I have lots of family and friends here. I know so many of you and I'm so glad to see so many people here.

But I want to just take issue with Councilman Verrastro's most recent comments. I just want to point out that every one of you Councilmen exist to serve this community and it's not the other way around. So I hope that Councilman Verrastro in particular reconvenes his comments.

MR. VERRASTRO: Which comments?

MR. CUFF: About it's your name on
the contract. But it's our town that has to
deal with the contract.

MR. VERRASTRO: Absolutely. I
didn't mean anything different.

MR. CUFF: I just want to let you
know I take issue. I'm not the only one who
took issue. I heard a number of grasps when
that came out. I just want to bring that up.
So that was my first point.

MR. VERRASTRO: But I'm not lying.
I have to vote on this tonight.

MR. CUFF: What's more important to
you, Mr. Verrastro, your name being on a bad
contract or a bad contract for this community?

MR. VERRASTRO: A bad contract for
this community is definitely the worst thing
for here.

MR. CUFF: Okay. Good. At least we
have that clear.

MR. VERRASTRO: No. What do you
mean? I didn't insult anybody here.

MR. CUFF: I found it insulting.
Did anybody else find it insulting? The second
comment I want to make is about good governance
practices. I work in Washington. It's kind of
a place of disfunction. I recognize that.

But at least when people are making contracts they'll start with their best offer. Why hasn't this Council gone to the negotiating table with your strongest contract first?

Not assuming that you're going to win every piece you want but starting at least starting there. Why has Council not brought the Throop documents and just crossed out Throop and written Dunmore? Why was that not the starting place?

MR. VERRASTRO: I don't know what you mean.

MR. CUFF: Why did you -- it sounds to me as if this Council didn't do its due diligence in looking at all the levers you could pull to make the strongest argument possible.

For instance, if you look at point number five in the document, it has the Dunmore School District fee. How kind of Mr. DeNaples. And it is kind $25,000 a year is a nice fee.

MR. VERRASTRO: It's a hundred a year.

MR. CUFF: Well, even better. Even
better and that's very kind of him. Why would he include this piece in this contract? And I think it's because he wants to have the best possible contract for DEP when they look at the expansion. So these are linked. These are linked. The expansion and this agreement are linked.

MR. VERRASTRO: He didn't offer that.

MR. NARDOZZI: He didn't bring that up. We did.

MR. VERRASTRO: Mr. Jones, one of the things he said, hey, here's an idea for you to get some more money. It's in some of my other contracts. They usually don't shy away from this. Ask for it.

MR. CUFF: Back to my good governance point then, why would the Council for the Borough include something like that that would only strengthen the hand of Mr. DeNaples when he seeks this expansion?

MR. VERRASTRO: So you don't want us to -- you want us to take that out? You don't want to see the money?

MR. CUFF: No. I'm wondering --
MR. VERRASTRO: It's the same taxing body --

MR. CUFF: I'm wondering if this is the best thing you could possibly get.

MR. VERRASTRO: So you don't -- you want me to take the money but you want me to say no thank you for it --

MR. CUFF: No, I'm just trying to -- asking why you would employ that tactic when -- I mean, it's not clear to me who actually on the Council in its entirety supports the expansion and who does not. I know a number of you absolutely do not.

And I commend that. But I guess I'm just wondering -- it's seems like we're fighting -- we're coming at this from not a place from strength. We're not coming at this on the same team even. We have the Council offering this piece which is very good.

But that also strengthens the hand for what all of us, everyone here seems to be against. So I'll leave it at that. I guess the final comment I want to make as Council members, as elected officials, as people meant to represent this community, look how many
people are here.

When was the last time you've seen it this full besides these arguments we're having now? When was it this full before?

MR. VERRASTRO: When we had a methadone clinic meeting. We had to have it over there. I don't know if you were here for it.

MR. CUFF: I was not.

MR. VERRASTRO: And it was triple the people here for that.

MR. CUFF: Okay. Good.

MR. VERRASTRO: And I listened to the public instead of what I thought was good for the Borough and it cost us hundreds of thousands of dollars. I listened to a small group of people that was in the room.

MR. CUFF: Is this a small group of people?

MR. VERRASTRO: It's smaller than the group of people that was in that room.

MR. CUFF: And can I ask you this, the long term impacts of that methadone clinic versus the landfill? So I'll end with this. You know, as elected officials representing a
community that's here tonight telling you what they want that they want you to negotiate a stronger contract that they want you to table this that at the end of the day we don't want this expansion.

If you do not table it, if you do not go back and you vote yes, what right do you have to keep your jobs next election cycle? And that's all I have to say.

MR. MCHALE: Anybody else? Do you want to say anything?

MAYOR LOUGHNEY: If you're ready for me.

MR. MCHALE: You had asked if you could speak.

MAYOR LOUGHNEY: Sure. I'll come to the podium. First of all, Leonard, I want to thank you for all you've done for this Borough.

MR. LEONARD VERRASTRO: Thank you very much.

MAYOR LOUGHNEY: You're a good man. And you've done well for this Borough. And he's 87 years old. And he's here tonight -- 91. So thank you. You could applause for him. He's not the guy you're here against.
And listen, everyone could say what they want. You could smirk. You could have your comments like this young lady here. Do you want share with the rest of us? Do you want to share your comment with the rest of us? Then I would appreciate your attention.

And if this young man wants to go and get our bills, how you are you going to do that? Sir, you said you would collect our bills. How are you going to do that?

UNIDENTIFIED MAN: Well, I could come up with a plan. I'd probably talk to --

MAYOR LOUGHNEY: No, that's not what you meant.

MR. MCGRATH: That's not what we're here for tonight, is it?

MAYOR LOUGHNEY: I'm not going to get into this, Jack -- Jack -- Jack --

MR. MCGRATH: No, you let him --

MR. NARDOZZI: Jack, you're out of order.

MR. MCGRATH: -- arguing with him.

MR. VERRASTRO: He has the podium.

MAYOR LOUGHNEY: You can argue with me all you want, Jack. But these people have
been chirping all night, chirping all night.

Get up to the podium --

MR. MCGRATH: This is the first time I've ever saw you at one of these meetings.

MAYOR LOUGHNEY: Listen to me, well, it's the first time I saw you.

MR. MCGRATH: That's cuz you weren't here.

MAYOR LOUGHNEY: Jack, I've been here.

MR. MCGRATH: Where?

MAYOR LOUGHNEY: I've been here.

MR. MCGRATH: I know you have. And I know who else has been here too.

MAYOR LOUGHNEY: Jack, you want to call my phone, call my phone. You know what, everybody here has an agenda. Everybody. But let me tell you what. This Council has a fiduciary responsibility for this town, not for the landfill but for this town.

And I stand before you and I'm telling you this Council should do the right thing for this town. It's not this Council that is going to approve the landfill. It's this Council that it's going to approve --
it's DEP that's going to approve the contract and the expansion.

But this Council will approve the contract with the landfill. That means your garbage fee that everybody that I hear about all the time garbage fees that I hear about, that could be either eliminated or reduced at the minimum. But that's what will happen.

People talk about extortion. There's no extortion here. There's no extortion. There you go chuckling. You could chucking all you want. If you want to see me outside and talk about extortion, feel free.

People talk about cancer.

My dear friend lost a daughter to cancer. Do you think I want any of that? Jack Kelly, I'm looking right at you. Do you think I want any of that? There's no way. I stand before you -- I stand before you -- I have grandchildren. I have grandchildren. I would not, would not put anyone at risk.

So what I am doing, we have a relationship with the landfill. And this Council I would urge that they vote to approve the contract tonight. Listen to me. Say
whatever you like but I got the mic. When I'm done, see me outside and I'll be happy to speak to any one of you, any one of you.

MR. MALONEY: What does that mean? Are you threatening me? Meet me outside? What is that? Explain.

MAYOR LOUGHNEY: I'll be happy to talk to anyone after the meeting, not outside. You could talk to me now. Do you want to ask me a question? Go right ahead. Go ahead, Timmy.

MR. MALONEY: What's the great relationship we've had with the owners of the landfill?

MAYOR LOUGHNEY: They've been very beneficial to the Borough over the years.

MR. MCHALE: Nibs, Nibs. We got to --

MR. MALONEY: One question, we don't pay for garbage. So what's the garbage fee?

MAYOR LOUGHNEY: We do pay for garbage.

MR. MALONEY: We do or we don't depending on who you listen to at the time.

MAYOR LOUGHNEY: Well, Timmy,
everybody pays for garbage. Okay. What I'm asking is that this Council approve the contract with the landfill.

MR. MCHALE: Jack, can you hold on for five minutes so she can change the battery?

MR. MCGRATH: Sure.

MR. MCHALE: Can we take five minutes?

(Whereupon, a brief recess was taken.)

MR. MCHALE: Can we start back up, please? Mr. McGrath.

MR. MCGRATH: Thank you. Jack McGrath, Monroe Avenue. Just a couple quick things, we just gone through the worst Governor in the history of Pennsylvania as far as the environment is concerned.

He got voted out for one reason and one reason only, fracking. That's it. That's why he's not the Governor anymore. We have a new Governor coming in. And we're going to have new people in DEP -- in charge of DEP. That's not -- that's two months from now.
There's something we should wait for if nothing else to see what they do. Number two, you're always talking about the cost. The cost -- the nickel and dimes are ridiculously low. And to say that you can't negotiate with the man is ridiculous because you know that you can because he came to us.

And for the Mayor of this town to say he's been good to us when everybody here when they got a chance to talk said every time you went to see him this is what we got, nothing. Now, he throws us a fire truck now and then, a couple cop cars.

The streets would be paved with gold if we got what was coming to us over the years. And to think that we're going to put ourselves in that position again? I think 20 years from now, you know, my son is going to be standing here. Are you kidding me?

This is what you agreed to? We're not getting any money. Now we got to raise taxes. Now we got to do this. Now we got to do that. I'm fourth generation in this town. I'm not going anywhere, neither is my family.

The health -- the environmental
aspect, our lawyer -- our lawyer said he wouldn't talk to us about anything except the money. He wouldn't put anything else in the agreement. Well, sometimes you got to say, okay, see you some more and walk away.

Forty-one cents is better than nothing. We got a new guy in town -- a new governor. He may up that a little bit. I understand the financial constraints we're under. Everybody here does. But if it's not going to benefit us, he'll come back. He will. He wouldn't come to us if he didn't need something in the first place.

But to take this deal with no money and with no environmental protections is insane. You're doing a disservice to everyone in this town, not just to yourselves and your children. But to their children and my children and my children's children because this thing going on forever because we're afraid of Louie DeNaples is insane.

Why doesn't he send somebody down here to answer a question or two? We're about to enter into the largest contract of the history of the Borough, the most important
contract that we'll ever be involved in. And we have two days to look at the three-page contract and decide whether it's a good deal or not?

That's insane. It really is. And the reason we have three days to look at it is because somebody is putting a lot of pressure on the people in this Council. And they're not in this room tonight.

MR. KELLY: Tom Kelly, Swinick Drive, Dunmore. I just had a clarification question for Mr. Verrastro.

MR. VERRASTRO: Why not.

MR. KELLY: No, you made a statement earlier that there was several versions of the contract and that, you know, you were concerned about the contract resetting so-to-speak back to the 41 cent rate in the future. Say we signed a 10 year contract right now or something or 20 year --

MR. VERRASTRO: I -- let me -- it wasn't versions of the contract. It was stuff that was put on the table.

MR. KELLY: Negotiations or whatever.
MR. VERRASTRO: Negotiations stuff, not contract.

MR. KELLY: Okay. You did say that.

MR. VERRASTRO: You could walk in with a list this big or that big and end up with six things on it. It's --

MR. KELLY: Okay. I'm guess I'm just looking for a clarification. Did you guys have this contract with no end date because you were afraid of that and therefore chose this path or like in other words, can we put in a 10 year contract if we wanted to and, yes, risk that it might reset back to whatever the minimum rate is at that time 10 years from now?

But is that even an option? Was that ever -- because you kind of referenced that you were concerned because at some point it might reset back to this 41 cents or 42 cents whatever it is, 42 cents, 41 cents. Can we put a 10 year contract -- and we'll worry about that -- we'll worry about that 10 years from now.

And that's a concern. And it's a valid concern. I could see your point with it.
But we'll worry about that 10 years from now. Let's put a contract in that has an end date. I just think it's -- I don't think anyone is going to look back at you or this Council in 10 or 20 years and say, geez, I wish they signed a 50 year deal. I'm not saying it to be funny.

MR. VERRASTRO: I don't think that they'll say that they wished that we did. But I also don't think that, like, when we -- us on Council one of the things we deal with up here banging our heads off the table when we're trying to figure out stuff is, why did the contract end the way it ended? Why does it only say this and why --

MR. KELLY: Because it's a term like any contract. I've never seen a contract without one.

MR. VERRASTRO: Why was the garbage only for five years or eight years and now we have to worry about it?

MR. KELLY: I understand. It's a valid point.

MR. VERRASTRO: So I have to put as much thought -- I try to do --

MR. KELLY: It's valid to some -- I
understand what you're saying --

MR. VERRASTRO: And I wasn't the only one that negotiated the contract by the way. Everybody up here did. And I'm the only one stupid enough to bring up points.

MR. KELLY: Then I open it up to Council. I was directing it to you to because you were the one that brought it up. To the rest of Council, is it a possibility to go back and just say -- forget the environmental stuff. I realize that's not your guy's decision.

You don't approve the expansion. I understand that. Can we just have at the very minimum not even getting anything else put in this from environmental concerns that Throop has, can we just get an end date in the contract that's something reasonable in the foreseeable future? Is that even a possibility or has that been shot down because I'm not clear on that.

MR. NARDOZZI: It was shot down.

MR. KELLY: All right. I obviously just didn't know the answer to that question. Well, if we're not allowed to -- I mean -- and again, this is -- I'm not trying to take a shot
at anybody. Right now essentially we're paying two attorneys to negotiate a contract that we're not even allowed to negotiate.

I mean, at this point why even, you know, we could just have them draft a contract and not have to pay for it out of the Borough budget and just -- I mean, are we drafting this or are they? Did we actually type --

MR. MCHALE: We drafted it.

MR. KELLY: Okay. That's just something I know attorneys are not cheap and we're paying two of them right now. You know, just food for thought.

MR. NARDOZZI: Thanks, Tom.

MR. MCHALE: Pat, I'll give you a minute. But last time you said a minute it was 10 but as much as you know the respect I have for you but please.

UNIDENTIFIED MAN: This is more important than a minute.

MR. MCHALE: Sir, I appreciate your input but I'm trying to be fair to everyone.

MR. CLARK: Pat Clark, Jefferson Avenue, Dunmore. We talked about a lot nuances here and a lot of detail and sometimes we get
off the rails and the state and the DEP and the 
Borough's obligations.

I just want to summarize this before 
you make a motion to either vote or not. This 
is a 200 million dollar contract as Jack just 
said the biggest deal this Borough will ever 
sign. It's being done and potentially voted on 
with no professional environmental in it, no 
professional financial opinion, no end date. 
And we're told it's not a negotiation.

They don't really want anything we 
want. As you take a vote on this and just ask 
you to consider whether or not you believe 
you're in a position -- these seven people up 
here with no professional guidance to sign a 
200 million dollar contract.

MR. MCHALE: Anybody else?

MS. AQUAVIVA: Mary Alice Aquaviva. 
I live in Elmhurst. But I was born and raised 
in Dunmore. And I also own property in 
Dunmore. It seems to me that you have very 
difficult decisions. And I know that your 
fiduciary responsibility -- you're trying to 
get the best deal for Dunmore.

But I think without an end date
we're basically giving our tacit approval to
the expansion. I think that this agreement is
something for Dunmore. But I really feel very
strongly it should have an end date just to the
end of the current landfill. And then we won't
be saying we probably think the expansion is
all right. Okay? Thank you.

MR. MCHALE: Anybody else?

MR. NARDOZZI: Mr. Chairman --

MR. MCHALE: Do you want to say
something?

MR. NARDOZZI: Yes. I've heard a
lot over the last couple months personally. I
put my heart and soul into everything. I spoke
with guys like Tom. I've taken the time to
call, feel them out, see what they thought.

I expressed my opinions. Attorney
Mark Perry and I had a nice long conversation.
Listening to everybody, I respect what everyone
has had to say. I sat here and I listened.
And I don't think anybody in this room could
say that I didn't.

However, seeing that being the case,
there's a lot points that I personally
disagree with. And I'm sorry. Mary Alice, I
don't agree with that statement. No disrespect whatsoever, but I do not believe that if we as a Council vote to accept this fee agreement tonight that that's giving any tacit agreement.

And that's my opinion. People, you had your opinion. And I have mine and I'm expressing it. Okay? I listened to you, all right? And I didn't ooh and aah and say anything. I'm just expressing mine now, okay?

And I just appreciate the same respect that I gave you. You may disagree with what I have to say and that's fine. That's what we're here for. But I don't see that as any kind of tacit, you know, agreement for expansion because I have come out publically and said that I am against the expansion.

And I believe in that. And I mean that that I am. I don't want to see that large mound and I think I refer back to Michele's drawings which are awesome.

But anyway seeing that's the case, I'm still going to make a motion that we accept the host municipality fee agreement as stated.

MS. SCRIMALLI: I'll second that.

MR. MCHALE: I have a motion and
second.

MR. BURKE: On the question, I'm sorry, I was meaning to table. I didn't see this coming back that quick. And I apologize. This means a lot to me too. Okay, he's good to you. He's not good to me, Nibs.

He's not good to anybody else in here. He's not my friend. I don't know anybody that would negotiate -- he didn't -- Bill Jones didn't get into this ball game until a month ago, okay?

We had a professional get in this ball game a month ago. And you see how it improved. You had Pat Clark came up here a lawyer who knew what he was talking about and get -- got the people involved.

And all of a sudden we made 30 million dollars more. I just can't believe that we cannot -- I mean, when Bill came along we started moving better. And here's -- we started off where Mr. Landfill said we cannot have a professional go up against me, okay?

These are the rules. I set the rules, okay? And you better live by the rules because I've been good to you. Bullshit. He's
never been good to Dunmore. And everybody in
this audience including the Mayor knows it.

Like when Vince said with the
McDonalds thing, that's the truth. He threw a
Big Mac at us, okay? That was the greatest
analysis, you know, that's the truth. As far
as being good I'm just so sorry I didn't beat
to try to -- I couldn't table this. And I'm
sorry.

And I'm sorry because how many
people in here come up -- who spoke up for
landfill in this room? Who spoke up for the
landfill in the room?

UNIDENTIFIED MAN: The guy sitting
next to you.

MR. BURKE: I can't believe that we
can't table this.

MR. VERRASTRO: I didn't speak up
for the landfill. I spoke up for a contract to
keep money in the Borough and it had nothing to
do with the expansion.

MR. BURKE: No, I'm not saying you,
Sal. I'm saying for the people here who spoke
up for the landfill? No body.

UNIDENTIFIED MAN: The mayor.
MAYOR LOUGHNEY: No, I spoke for the contract.

MR. BURKE: You guys are disagreeing with the contract financially and environmentally. Who spoke up for the landfill environmentally here?

AUDIENCE: No one.

MR. BURKE: I apologize. We didn't get an environmental lawyer when we had 7-0 vote to get an environmental lawyer. And you guys forced us to get an environmental lawyer. You shouldn't have to force us. But we didn't get it anyway.

UNIDENTIFIED WOMAN: Why?

MR. BURKE: I think you know why.

UNIDENTIFIED MAN: Well, tell us.

MR. BURKE: I was for it, okay? I made the motion for it. I could only speak for myself. I wanted one. I still want one. I still think there's time to do the right thing here. You know, I have nothing against Council. They are good hard workers. This guy to the left -- these two to the left of me are the hardest working guys I ever worked with on Council Sal Verrastro and Mike McHale.
You'll never find harder working
guys than these two guys here. That's the
honest to God truth. And we can agree to
disagree on things. And we do disagree on
this.

Do I feel any different about these
two guys? No, I love them. They are great
guys and they've been a big plus for the
Borough. We seen how Mike -- they turned
around the Borough with the help of the rest of
Council.

But they are, you know, they were
the engine that drove the Council. But I just
don't -- I don't see you -- like I said, you
spoke up against this contract. And we're
going to go vote on it now. Who spoke up for
this contract? Nobody.

We're not listening to you. You,
the taxpayers, the voters, I guess we're not
going to listen to you.

UNIDENTIFIED WOMAN: Excuse me, can
I ask one question?

MR. MCHALE: No, you can't. I
apologize. Honest we've been --

UNIDENTIFIED WOMAN: There's a
violation here that you might have to address.

I'll just warn you.

MR. MCHALE: Anybody else on the
question?

(No response.)

MR. BURKE: I can't honestly vote
for this and look my grandchildren in the face
and said I have the best interest for you 50
years from now knowing that Marcellus Shale is
going in there and we didn't try to do anything
about it.

That alone, Bill can tell you,
that's a reason for increasing financial
monetary, you know, monies. It's -- that's a
hammer there. And I'm sure Bill will agree
with me on it. We didn't do -- because Louie
said this is -- you know, these are my rules.

You can't bring a lawyer. It's just
ridiculous. I apologize. But like I said, I
can't vote for this and have my grandchildren
say, Poppy, like, you knew that Marcellus Shale
was going in here. I'm sorry. That's all I
have.

AUDIENCE: Thank you.

MR. MCHALE: Tom, do you want to do
a roll call?

ATTY. CUMMINGS: The motion has been made to accept the agreement as presented. A yes vote would be an affirmative to approve the agreement. Mrs. Scrimalli.

MS. SCRIMALLI: Yes.

ATTY. CUMMINGS: Yes. Mr. Burke.

MR. BURKE: No.

ATTY. CUMMINGS: No. Mr. Verrastro.

MR. VERRASTRO: Yes.

ATTY. CUMMINGS: Yes. Mr. Dempsey.

MR. DEMPSEY: Yes.

ATTY. CUMMINGS: Yes. Mr. Hallinan.

MR. HALLINAN: Yes.

ATTY. CUMMINGS: Yes. Mr. Nardozzi.

MR. NARDOZZI: Yes.

ATTY. CUMMINGS: Yes. Mr. McHale.

MR. MCHALE: Yes.

ATTY. CUMMINGS: Yes, by 6-1 vote.

MR. DEMPSEY: I make a motion to adjourn.

MR. VERRASTRO: Second.

MR. MCHALE: We're adjourned.
CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me of the above-cause and that this copy is a correct transcript of the same to the best of my ability.

__________________________________________
Maria McCool, RPR
Official Court Reporter

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