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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

C O U N C I L M E M B E R S :

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

1 (Pledge of Allegiance.)

2  
3  
4 MR. MCHALE: Mr. Cummings.

5 ATTY. CUMMINGS: Mrs. Scrimalli.

6 MS. SCRIMALLI: Present.

7 ATTY. CUMMINGS: Mr. Burke.

8 MR. BURKE: Present.

9 ATTY. CUMMINGS: Mr. Verrastro.

10 MR. VERRASTRO: Present.

11 ATTY. CUMMINGS: Mr. Dempsey.

12 MR. DEMPSEY: Present.

13 ATTY. CUMMINGS: Mr. Hallinan.

14 MR. HALLINAN: Present.

15 ATTY. CUMMINGS: Mr. Nardozzi.

16 MR. NARDOZZI: Present.

17 ATTY. CUMMINGS: Mr. McHale.

18 MR. MCHALE: Here.

19 ATTY. CUMMINGS: There being a  
20 quorum, item number three is public comment on  
21 agenda items. I will note in case the evening  
22 draws long that number five the proposed budget  
23 which will be proposed this evening, an  
24 advertisement will appear that the budget and  
25 the tax ordinance will be available for you at

1 the Borough Building and the advertisement will  
2 state that it will be voted on the December  
3 meeting.

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

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

16 ATTY. CUMMINGS: Absolutely.

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

20 ATTY. CUMMINGS: Certainly.

21 MR. MCHALE: Okay.

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

25 MR. MCHALE: Three and four -- is it

1 four and five? Okay. The one that I printed  
2 out it's three and four. So anything on the  
3 motion to approve the resolution on a Community  
4 Development Block Grant and the 2015 budget?  
5 If anyone would like to speak on that first?

6 (No response.)

7 MR. MCHALE: Seeing none.

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

10 MR. VERRASTRO: Wait.

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

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

25 I don't know if some of you have

1 looked at it. I know you have a CPA.

2 MR. MCHALE: There's actually about  
3 \$800,000 in cash right now on top of this.

4 MS. NARO: On top of this.

5 MR. MCHALE: Over the last two  
6 years --

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

9 MR. MCHALE: Sure.

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

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

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

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

19 MR. MCHALE: Absolutely. Anybody  
20 else?

21 (No response.)

22 MR. MCHALE: Tom.

23 ATTY. CUMMINGS: Item number four is  
24 a motion to approve a Resolution for the 2014  
25 Community Development Block Grant. Application

1 in accordance with Pennsylvania Act 179 for  
2 funds referencing the sewer water improvements  
3 on Laurel Street and a handicap accessible ramp  
4 off the playground in McHale Park. Projects  
5 totalling \$161,793.

6 MR. VERRASTRO: I'll make that  
7 motion.

8 MR. BURKE: I'll second it.

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

11 (No response.)

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

14 ALL MEMBERS: Aye.

15 MR. MCHALE: Opposed?

16 (No response.)

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

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

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

23 ATTY. CUMMINGS: Yes.

24 MR. MCHALE: Okay. Just for anybody  
25 I know Vito had left -- Vito left copies over

1           there. There was copies over there. This is a  
2           tentative budget. Just to give you some  
3           highlights, right now our taxes are at 54 mills  
4           for the real estate.

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

11                      To give you some -- there are some  
12          items still outstanding. Our healthcare costs  
13          are significant but not yet done. We did get a  
14          20-some percent increase on our healthcare that  
15          we're trying to knock down which we've done in  
16          the past several years.

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

23                      And that's really attributable to a  
24          fire truck, one of those notes being paid off  
25          in the current year. Our current -- 2014 debt

1 service 1.76 compared to 2015 projected at 1.6.  
2 So how these numbers come up our millage rate  
3 is at 87 million.

4 That translates into approximately  
5 4.4 million dollars of real estate taxes that  
6 are budgeted. To give you an idea, 54 mills  
7 translates into that number. We estimate a  
8 collection to be conservative of about 91  
9 percent.

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

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

22 Right now that's what's in the  
23 budget just so if any of those questions came  
24 up. Does anybody on Council want to add  
25 anything else?



1 (No response.)

2 MR. MCHALE: Not to bore everybody  
3 with numbers, but this will be available to  
4 everybody obviously for review for a month.  
5 And we'll have it put on the website as well.

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

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

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

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

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

25 As I said to Miss Naro, we do have

1           some cash. We're confident we're going to have  
2           some good reserves in the bank at the end of  
3           the year to translate into next year. So use  
4           of the TAN line has diminished over the several  
5           years.

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

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

19                      So it's -- even though it says only  
20          \$200,000, that's what we're anticipating on  
21          having to use in the current year. Does that  
22          answer you?

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

25                      MR. MCHALE: Anybody else?

1 MR. BURKE: I'd just like to thank  
2 you, Mike, for all the hard work you put into  
3 this.

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

6 MR. VERRASTRO: I'll make that  
7 motion.

8 MS. SCRIMALLI: I'll second that.

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

11 (No response.)

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

14 ALL MEMBERS: Aye.

15 MR. MCHALE: Opposed?

16 (No response.)

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

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

24 MR. MCHALE: No, why don't we call  
25 public comment.

1                   ATTY. CUMMINGS: Then we would have  
2 public comment. And again, limit yourself to  
3 five minutes if possible, one time to the  
4 podium in an orderly fashion, state your name  
5 and address for the stenographer. And we  
6 should have sufficient time for all to be  
7 heard.

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

10                   MS. CLARK: My name is Brian Clark,  
11 1608 Adams Avenue, Dunmore. A couple  
12 questions. Do we know how many counties other  
13 than Lackawanna are dumping in the landfill --  
14 garbage in Dunmore?

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

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

23                   There is a breakdown by DEP as to  
24 the origination of the waste and the particular  
25 number. A significant amount of the trash at

1           Keystone which everybody is aware of is from  
2           outside of Lackawanna County.

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

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

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

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

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

24                   In this particular case, it was  
25          originally a landfill prior to their being

1 zoning. Dunmore had a landfill up there as  
2 well as the DeNaples had a landfill that would  
3 be at least in the 1960s. After that, it was  
4 originally a mining area for a large part  
5 beyond the confines of where they were actively  
6 dumping at that time.

7 They have now rezoned it. They've  
8 made it a conditional use for landfilling in  
9 2000 under that particular document.

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

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

19 ATTY. JONES: What they did in  
20 2000s, they made that particular area a zone.  
21 That means it's not a principal permitted zone.  
22 A lot of you live in residential areas for the  
23 large part. If you take a look at they use  
24 the -- they modify permitted by making it  
25 principal.

1                   In this case they made it a  
2 conditional use up in that particular area. A  
3 conditional use is something that goes in front  
4 of the Board as opposed to your elected Council  
5 as opposed to the Zoning Hearing Board which  
6 would be a special exception.

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

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

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

24                  ATTY. JONES: Historically you would  
25 have to take a look at your Zoning Hearing

1 Board and see if they have issued any variances  
2 or special exceptions for it. You'd also have  
3 to do a records review for the Council itself  
4 to see if they did that.

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

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

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

25 ATTY. JONES: The Zoning Hearing



1 Board does special exceptions. The Council  
2 does conditional uses.

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

7 MR. MCHALE: Are you asking him?

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

10 MR. MCHALE: Not while I was here.

11 MR. NARDOZZI: Not that I recall.

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

14 MR. BURKE: Not that I recall,  
15 Brian.

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

22 I think it's kind of important  
23 because if there's multiple counties, multiple  
24 states, where are the multiple variances that  
25 the Borough is supposed to issue?

1 MR. VERRASTRO: There's -- and I  
2 don't even know how to answer this for you  
3 other than if a conditional use came in front  
4 of use, we would have to review it and do it.

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

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

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

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

24 MR. MCHALE: Not on this.

25 MR. VERRASTRO: I didn't say we

1           tried to do it with the landfill. We tried to  
2           do it with another business.

3                   MR. CLARK: Not on the landfill.

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

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

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

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

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

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

24                           There's a zoning board. It's made  
25          up of five members. And they change from time

1 to time. You know, they have terms. And they  
2 are appointed by the Council. And they would  
3 have issued whatever decisions go. I think  
4 Mr. Clark was asking so it's not something that  
5 goes for an extended period of time.

6 I think his question was, did they  
7 issue any special exceptions since the year  
8 2000. So we can ask the current secretary of  
9 the Board and maybe he or she knows who was  
10 actually there before they were. So you're  
11 looking for a 14 year period if they have that  
12 record.

13 UNIDENTIFIED WOMAN: They have to  
14 look at the minutes.

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

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

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

21 ATTY. JONES: Yes.

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

24 ATTY. JONES: What they do is they  
25 issue their findings of fact and conclusions of

1 law. And they very well may have minutes from  
2 that. But their decision is in a document and  
3 it says findings of fact and conclusions of  
4 law. And they issue those.

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

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

17 MR. MCHALE: They do. There is.

18 MS. QUINN: So there has to be  
19 something.

20 ATTY. JONES: Yeah.

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

1 Board if this has happened.

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

7 MR. VERRASTRO: When did I say that?

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

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

16 MS. QUINN: We didn't say that.

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

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

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

1 research it.

2 MS. QUINN: Very good.

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

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

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

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

14 MR. MCHALE: Thank you.

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

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

1 nothing to do with the other right now.

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

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

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

10 MS. CUFF: All right.

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

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

24 Now, it's been a really long time  
25 since I went to school on this issue. But my



1           recollection is garbage was determined to be  
2           interstate commerce by the Supreme Court of the  
3           United States. So this Council is basically  
4           handcuffed. And the Borough of Dunmore as  
5           residents, we're handcuffed by such a decision.

6                     Now, that's how I read the law about  
7           whether we can dump or forbid Keystone from  
8           accepting out of town trash, out of state  
9           trash. I could be wrong. And I defer to the  
10          learned Counsel because that may help people  
11          understand what you've been trying to do and  
12          what this Council's been trying to do.

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

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

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

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

23                    ATTY. JONES: The State of  
24          Pennsylvania preempts in most areas with regard  
25          to landfills. There are exceptions for zoning.

1           There is a body of law that does say this type  
2           of trash can't be restricted from a particular  
3           area.

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

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

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

1           are coming from.

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

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

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

23                      And they'll come in with  
24          different -- they can come in with curative  
25          amendments to say you're -- and there's ways of

1 testing that outside of Federal Court  
2 administratively. You could go under the same  
3 document, the municipality's planning code.  
4 You could go with curative amendments. You  
5 could also go with substantive challenges right  
6 to the Zoning Hearing Board if you are a  
7 permittee.

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

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

22 MR. MCHALE: Thanks, Bill.

23 MS. SPANISH: Katharn Spanish,  
24 Swinick Drive, Dunmore. First I want to wish  
25 everyone in here and especially the Council a

1 very happy and blessed Thanksgiving. Let's not  
2 forget this holiday week. We have a lot of  
3 things to be thankful for.

4 MR. MCHALE: Thank you. You too.

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

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

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

22 So I'm hoping you guys could walk us  
23 through how we got to the table, you know, what  
24 our expectations were going into that original  
25 meeting and then perhaps a timeline thereafter.

1 MR. MCHALE: Do you want me to?  
2 I'll start. You guys chime in. I could tell  
3 you since I was on Council five years ago we've  
4 gone to the landfill several times a year.  
5 When I first got on it was all over the papers  
6 of us going bankrupt.

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

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

21 We've met several times trying to  
22 get an idea of what and where we could go with  
23 this if we could. We were constantly told that  
24 we had no standing so they don't have to do  
25 anything. And we kept fighting. You guys

1 joined the fight as well. That helped us.

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

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

14 So the money itself where we came to  
15 try to get something, there is no point where  
16 we want it to go. Yes, we wanted more than  
17 what's in this agreement. We wanted more than  
18 Throop. We lasted since 1999 with nothing but  
19 41 cents. But the problem is -- do you want  
20 to chime -- please --

21 MS. SPANISH: So we went in with a  
22 '99 agreement that essentially was a handshake  
23 for all intents and purposes. I don't know  
24 that we've necessarily seen a copy of it.  
25 There wasn't much in it.

1 MR. MCHALE: I have a copy of it.

2 MS. SPANISH: Okay.

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

5 MR. MCHALE: Please.

6 MR. NARDOZZI: I was on Council in  
7 '99 when that was done. And we tried for  
8 probably three years prior to that going over  
9 with Mr. DeNaples trying to get more money from  
10 the landfill.

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

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

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

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

24 MS. SPANISH: Okay. So around about  
25 April or May they actually sat down with us at



1           that point around that time.

2                   MR. MCHALE:  Yep.  Sure.

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

8                   MR. MCHALE:  Are you talking  
9           environmental?

10                  MS. SPANISH:  Yeah.

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

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

24                   Yes, could that happen?  We could go  
25           to DEP and arbitrate and probably get that,

1           yes. But we don't have it in writing. We have  
2           the 4.8 million dollars held over our head --  
3           the free tipping as I said and the 41 cents.  
4           We were on the brink of bankruptcy.

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

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

19                        We were able to shift that out.  
20          That's a considerable amount of money to shift  
21          up and a cash value of money that we do talk  
22          about that quite often. Is it enough? No.  
23          No, it's not. But you do come a point where  
24          you're going to have to walk away and accept  
25          the 41 cents for the next 50 years.

1                   That's where the balance -- that's  
2                   where the trouble that I have dealing with this  
3                   is when is the point that it's going to be  
4                   pulled and they're going to move forward at the  
5                   41 cents. That's the problem I have.

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

10                  Yes, this Keystone has problems but  
11                  not a lot of documented ones. That's the  
12                  problem that I see. That's the real problem.  
13                  But having said that, on paper they are ISO  
14                  14003 certified, whatever. They're a pretty  
15                  high end landfill on paper.

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

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

24                  MR. MCHALE: Yes.

25                  MS. SPANISH: We collectively

1           battled you guys at that one council meeting  
2           and you were able to go back.

3                       MR. MCHALE:   And we met with you  
4           too.

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

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

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

1 procedures, insurance requirements, and  
2 enforcement provisions.

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

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

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

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

12 MR. MCHALE: We do get inspection  
13 reports.

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

22 This is where you in full force  
23 should come out. We're trying to get a fee  
24 agreement where like Michael, we went through  
25 the budget tonight. And I sat out there and

1 saw people talking about bankruptcy that we  
2 were in a situation worse than Scranton.

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

8 Do you think I want to see, you  
9 know, like this? But then I got to look at  
10 4,000 other homes in this town that might not  
11 pay their taxes because we didn't do the right  
12 thing and ended up with 41 cents. I don't want  
13 to be remembered as that Councilman.

14 And that's the bottom line for me  
15 because we have to do something. Are we  
16 getting the best deal? No. I know that. I  
17 figured it out if they are 60 percent and we're  
18 40, I realize in my mind I think just me  
19 personally I'm not a mathematician. I'm not a  
20 lawyer.

21 I think we're getting screwed out of  
22 about 20 to 30 cents a ton. That's mine if you  
23 do the 60/40. Their getting two, we're getting  
24 like a dollar maybe 40, 50 at the end. I'm  
25 thinking we should get more. I'm looking at

1           that. Then I know the DEP fight comes in.

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

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

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

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

1           this like you too.

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

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

8                       MR. MCHALE: Please.

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

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

24                       They don't have to do anything. And  
25 we're faced with a decision is something going



1 to be pulled off the table at any given time?  
2 You know, and this ends the debate anyway. You  
3 know, we're stuck with 41 cents whether the  
4 landfill goes on for nine years or whether they  
5 get approved by DEP for their expansion.

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

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

20 But again, it all goes back to  
21 according to the law and everything that's been  
22 hammered at us over the years, the landfill  
23 does not have to do anything. So everything  
24 you said there has a lot of merit. And I  
25 respect that and I agree with you.

1                   But that doesn't mean it's going to  
2 happen because it could be pulled at any  
3 minute. That's my little -- I wanted to  
4 interject with that.

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

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

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

1           you've already agreed to in '89, right.

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

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

15                      And I just want -- I want other  
16          people to know what exists out there because I  
17          think its important. I think one of the main  
18          things that they have in theirs aside from  
19          making sure that Keystone follows all the  
20          particular guides and regulations from the DEP  
21          is that they were allowed to have a dually  
22          authorized representative go onto the landfill  
23          and for the purposes of testing or monitoring  
24          to verify compliance with all applicable  
25          statutes and regulations.

1                   That's their borough is able to send  
2 someone there. I don't know that we have  
3 something like that. I don't think we have  
4 anything in an agreement that says that. But I  
5 think that is something to Mr. McHale's point  
6 we don't know. On paper they look great.

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

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

18                  Because this agreement in terms of a  
19 comparison is heavy on fees but very light on  
20 everything else. Many other agreements offer  
21 protection for in case there's a fire and  
22 having insurance claims for that and  
23 designating money and putting aside in case our  
24 fire department has to go up and spend 12 days  
25 up there putting out a fire and resources that

1 go with it.

2 There was a fire last week there,  
3 you know, I think we should all, one, be aware  
4 of that if you're not; and two, those are the  
5 types of things outside of the just the  
6 finances of what we can get per ton that could  
7 be considered in a host municipal fee that I  
8 think this one is lacking.

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

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

17 MS. SPANISH: Thank you.

18 MR. MCHALE: Bill --

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

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

24 MR. VERRASTRO: Like if there's an  
25 inspector going in there, does that mean that

1 we can't have one of the Dunmore side but they  
2 can have one at the Throop side?

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

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

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

23 They generally go on with DEP to  
24 conduct those. So to a limited extent they do  
25 have that. You do have a landfill inspector.

1 But that type of inspection is not -- you can  
2 broaden it by contract if that answers your  
3 question.

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

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

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

25 You protect yourselves in that area

1           by monitoring the types of permits that are  
2           issued. In this case you have them from a  
3           sewer treatment plan that goes on and then it  
4           gets into your waste lines. And the  
5           municipalities have already through EPA  
6           significant industrial users.

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

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

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

24                      ATTY. JONES: Does it what?

25                      MR. BURKE: Would it be -- the



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

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

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

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

24                   ATTY. JONES: No, I'm saying you  
25          could do that through the harms and benefits

1 analysis if you choose to do that and make it  
2 part of the permit application. You also have  
3 the right to have a landfill inspector do  
4 certain types of inspection up there. It's not  
5 as broad.

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

13 MR. BURKE: Thank you.

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

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

25 Another thing I think that is of

1 concern is the fact that back in '99 when the  
2 agreements were first made even when Throop  
3 first made their agreement, there was no  
4 fracking and residual waste, right, and now  
5 we're taking more and more and more of it every  
6 day.

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

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

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

24 And I know you're thinking really  
25 hard about the money and, you know, we

1 appreciate that. But this is -- again, I'm  
2 visual. This is a 50 -- like a 60 page  
3 agreement for a Texas landfill. This is  
4 Throop's, little less. And you don't even need  
5 a clip for the one that we're considering now  
6 because it's just a few pages.

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

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

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

1 long-term gain.

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

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

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

22 I think that there's, you know, he  
23 wants assignment because there's probably an  
24 intent to sell, right? And that's in the  
25 language that's not in the '99 contract. And

1           there's four pages in the harms benefit  
2           analysis that cover the agreement that never  
3           even passed.

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

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

15                      And I will ask you sort of all each  
16           of you to answer, you know, do you believe that  
17           you have the right or want to be the Council  
18           that bootstraps future generations to an  
19           agreement that is an economic deal that is  
20           worse than we have today, short term gain,  
21           long term loss, an agreement that does not  
22           protect our health, safety, and welfare, an  
23           agreement that exposes us now and future  
24           generations to incredible liability if  
25           something -- some environmental catastrophe

1 happens.

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

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

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

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

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

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

22 MS. DEMPSEY: The point is, I  
23 don't -- I think that we have more leverage  
24 than we believe we do, Sal. That's my point.  
25 I think we really need to go back and look

1 at --

2 MR. VERRASTRO: You keep saying  
3 financially it's worse. Financially it's  
4 better. It's better than what we have now  
5 compared to '99.

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

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

11 MR. NARDOZZI: Twenty-seven years.

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

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

17 MS. DEMPSEY: No. I --

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

24 MS. DEMPSEY: So I'm saying why are  
25 we rushing this agreement? Why aren't we



1           putting the language in that protects our  
2           environment, protects us, protects the  
3           community, protects our safety and welfare and  
4           our environment?

5                       MR. HALLINAN: Thank you.

6                       MR. NARDOZZI: Thank you.

7                       MS. DEMPSEY: That's what I'm  
8           saying.

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

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

1           that?

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

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

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

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

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

18                      MR. NARDOZZI: Thank you.

19                      MR. MCHALE: Thank you.

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

23                      MR. MCHALE: So do I.

24                      MS. CLARK: So I guess my big  
25          question tonight is two comments; one is, I did

1           thanks to Katharn Spanish see the Throop  
2           agreement. And I know I went over the other  
3           night about our contract and the lack of a lot  
4           of the essential elements.

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

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

19                    It would have definitions. It would  
20          have an exhibit that describes the landfill.  
21          It would have, you know, a section that  
22          governs -- Pennsylvania law would govern the  
23          agreement. It would have an amendment section.  
24          It would have all that they have and our  
25          numbers.

1 I don't understand why that's  
2 unreasonable or why they wouldn't agree to  
3 that. I don't know if that is something that  
4 you thought about or I don't even know if you  
5 guys have seen the Throop agreement. But like  
6 Katharn said, it's 28 pages. And it's very  
7 thorough. It's well written. I was very  
8 impressed. That's my first comment.

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

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

19 MR. VERRASTRO: I have something.

20 MR. MCHALE: Go ahead.

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

24 MS. CLARK: No, you don't offend me.  
25 It's okay.

1 MR. VERRASTRO: Sometimes I'll give  
2 a little joke and --

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

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

13 UNIDENTIFIED MAN: Sounds like this  
14 contract.

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

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

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

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

24 MR. VERRASTRO: Why didn't you bring  
25 these up -- this concern up last week or the

1           week -- is like the strategy on your part that  
2           every week we'll pick one different thing to  
3           try to try to stop it for another week?

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

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

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

12                   MR. VERRASTRO: We tried.

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

15                   MR. VERRASTRO: No.

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

19                   MR. VERRASTRO: No --

20                   MR. MCHALE: Our lawyer is --

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

24                   ATTY. JONES: What we did is, we had  
25          a template of what we were looking for,

1 obviously the final agreement is not reflective  
2 of what Council was looking at as well as what  
3 Council had taken and negotiated with Keystone  
4 over the last several months.

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

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

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

23 ATTY. JONES: They limited the  
24 complete body of their agreement and that --  
25 Council went, previous Council went. They were

1 not interested in increasing the breadth and  
2 width of the document whatsoever at this time.  
3 And they're still not.

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

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

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

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

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



1 poll Council.

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

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

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

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

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

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

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

1 would recommend tabling it.

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

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

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

14 MS. OVEN: Whoever.

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

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

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

21 MS. OVEN: Right. Well, we've  
22 already proved that that was pretty bad so --  
23 and I just want to go back to the environmental  
24 issue because I think that they're -- although  
25 the finances are very important; I think people

1 here are willing to work with you as far as the  
2 taxes and finances for their health and their  
3 children's health.

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

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

17 So when it's raining and that's  
18 going into the ground water and into the  
19 leachate, we're being exposed to chemicals that  
20 we have no idea. And there's radium in that.  
21 So as Council I understand you're working on  
22 the financial side of it.

23 Why aren't you looking into the  
24 environmental side? I mean, there's a reason  
25 why this landfill is taking stuff because no

1           one else wants it and he gets paid a higher  
2           premium to accept it.

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

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

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

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

21                      MR. MCHALE: It's the DEP.

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

24                      MR. MCHALE: With the DEP, yes.

25                      MS. OVEN: You're taking the

1 economic side of it. You got to start fighting  
2 environmental here. For the love of God, it's  
3 our families. It's our children. It's their  
4 health. I'm just saying you could take a  
5 stronger stance for the environment.

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

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

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

23 Will you make available to the  
24 public the lab reports I submitted to this  
25 Council, the Scranton Council, and to the

1 Throop Council prior to voting on the landfill?  
2 So you people understand, I had lab reports  
3 done on the stuff coming out of the Marcellus  
4 Shale.

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

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

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

24 It's adding ton after ton to them  
25 and you're not getting a dime for them. And

1           it's being ignored. I brought it up. You  
2           cannot sit back anymore and ignore what's going  
3           on here. You're worried about the economics.

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

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

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

22                      Nobody gave a damn because the  
23          landfill was protected. And we dealt with that  
24          stench. I deal with it in Throop. And I deal  
25          with it in Dunmore. Call DEP, tell them come

1 up and they get up there four hours later. Oh,  
2 we don't smell nothing. Yeah, because they  
3 don't want to smell it.

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

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

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

22 There's no wash there because he  
23 could get away with it. You leach -- all this  
24 in there is those trucks pulverize the  
25 leachate, the Marcellus Shale and everything



1 else there is. That winds blows -- and your  
2 environmentalists are here. You're breathing  
3 it.

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

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

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

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

1           That's the economics here.

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

8                         ATTY. JONES: Yes.

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

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

22                        You can't single out one particular  
23 entity. They put up -- and you have seen them.  
24 The state runs them all the time. I know  
25 Dickson City runs them, Taylor runs them where

1           you have truck traffic on a state route. You  
2           could weigh the weight of the trucks if they  
3           are over. I'm sure your trucks have been  
4           weighed from time to time also.

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

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

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

25                       Remember Alliance is there. And

1 better yet, Mr. DeNaples is such a great  
2 partner to the community here and I saw  
3 Mr. Verrastro here -- and, Leonard, it's nice  
4 seeing you again.

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

11 MR. LEONARD VERRASTRO: Forty years.

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

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

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

17 MR. MCHALE: Can you wrap it up?

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

23 That is what Mr. DeNaples was going  
24 to give you per ton and you're willing to  
25 accept that penny and compromise this community

1           when you know you could make legislation to  
2           make the changes and do what's right for the  
3           people because this town belongs to the people  
4           not Louie DeNaples.

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

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

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

23                      So to ask why are we taking these  
24          one at a time because there is no time to  
25          review this. The entire strategy that's been

1           used to negotiate this contract in public of a  
2           scope of this deal -- a deal of this scope is  
3           crazy.

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

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

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

23                        MR. MCHALE: No.

24                        MR. CLARK: Okay. I did. So I just  
25          want to pass this out and talk to you for a

1           brief minute. I don't want to get into too  
2           much of the detail. We talked about it last  
3           time the economics. What's the value of this  
4           deal worth, right?

5                        So a dollar today is worth far more  
6           than a dollar tomorrow. Sal asked a question  
7           what is 41 cents worth. It's worth about a  
8           nickel 56 years from now, about a nickel. This  
9           massive deal that we're striking is worth about  
10          32 cents. That's what it goes down to.

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

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

25                       More money up front in the first

1 couple years and then it just goes down and  
2 down and down because it never ends. It's a  
3 contract that doesn't have economics in place.  
4 We keep talking about it and a person commented  
5 before we have to do this now. The Borough  
6 needs it.

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

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

21 You all just said we went up there  
22 many times. Let's get more, no. Magically the  
23 expansion comes and now we're talking. We all  
24 know that because they want it in the  
25 application.



1                   Can they go forward without it? I  
2                   don't know. Did we ask DEP if they've ever  
3                   approved an expansion request with a state  
4                   minimum contract, Attorney Jones?

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

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

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

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

25                  And they wouldn't commit whether

1           it's a positive or a negative. Obviously if  
2           there are positive things in it for a  
3           community, that's their prerogative to put a  
4           positive value on it.

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

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

10                    ATTY. JONES: They will consider it.

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

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

22                    We're told we can't have terms other  
23           counties have. And we're told basically take  
24           this or leave it, right, for lack of a better  
25           term. We're told if we don't sign this they're

1 going to pull it. We're told if we don't sign  
2 this they are going to put a bill on the  
3 Borough's office desk tomorrow for four point  
4 some million for garbage that they hadn't  
5 billed us for.

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

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

19 An agreement that doesn't end, it  
20 will never get back on the table. We have 25  
21 years of evidence to prove that they will not  
22 negotiate with us. And if you do this, you are  
23 binding the future generations of Dunmoreans to  
24 the worse contract in the State for 50 more  
25 years.

1 MR. MCHALE: Anybody else?

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

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

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

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

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

1 landfill.

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

7 ATTY. JONES: Yes.

8 MR. KRANICK: Like, there's no --  
9 there's no -- I'm wondering why there's nothing  
10 written into this contract that gives us a  
11 stronger point considering that it goes up to  
12 2020 I think is the last date that's mentioned  
13 but then it says thereafter.

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

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

25 And it leaves a lot of

1           interpretation open to what we're trying to get  
2           across here. I think that -- I think that, you  
3           know, it is short sided that we don't specify  
4           things much more tightly.

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

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

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

21                      MR. NARDOZZI: Thank you.

22                      MR. MCHALE: Thanks.

23                      MR. MCGRATH: Hi. My name is Bill  
24          McGrath. I was educated at Dunmore public  
25          schools. I raised my family here. I have two

1           grandchildren that live in Dunmore. And I  
2           think we -- this is the first meeting I've come  
3           to in I think about 40 years.

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

9                         We're talking about money. I'm  
10          thinking of my grandchildren getting cancer in  
11          20 years. You know the -- to juxtapose the  
12          money as opposed to the value of a life of  
13          somebody that lives in this town is -- there's  
14          no comparison.

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

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

23                        MR. DEMPSEY: I see that you have  
24          the paper there. Open it where it says Dunmore  
25          Council.

1 MR. MCGRATH: I saw it. I just  
2 think that we as Dunmore citizens have done  
3 enough for the Commonwealth of Pennsylvania in  
4 terms of what we have accepted so far in terms  
5 of garbage and we don't need anymore.

6 And I think that we should really  
7 reevaluate our priorities. It's not money.  
8 And all the things that Pat Clark said a little  
9 earlier are very valid. There is no reason to  
10 make any decisions right now about money -- and  
11 others speakers as well.

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

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

21 Give them the help they need to turn  
22 this around. I'm watching you guys and I know  
23 you're trying. I know you're really, really  
24 trying. Bring people here to help them turn  
25 this around. It could work. Bring them here.



1 MR. BARTOS: Joe Bartos, Sunset  
2 Drive. I don't know if this happened or not,  
3 but did anybody on Council contacted anybody  
4 from Alliance Landfill and see what kind of  
5 deal we can get?

6 MR. MCHALE: Why would we do that?

7 MR. BARTOS: To have an alternative.

8 MR. MCHALE: For dumping garbage?  
9 We don't pay for it.

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

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

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

24 UNIDENTIFIED MAN: That's an  
25 assumption.

1 MR. NARDOZZI: Sir, we follow rules  
2 here, okay?

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

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

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

25 But we don't have a lot of options

1           when that landfill is closed. That's one of my  
2           fears, Mr. Bartos. And a lot of it is  
3           guessing. You're right. But that's all we can  
4           do right now is guess. A lot of things that we  
5           have to take our future on is a guess.

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

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

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

18                      MR. VERRASTRO: So we want to take a  
19          75-year-old lady that worked -- lived in the  
20          Borough -- Dunmore her whole life and now we  
21          want her to leave this town because of what  
22          we're going to go after. It's our job to keep  
23          our taxes as affordable as possible within a  
24          budget.

25                      UNIDENTIFIED WOMAN: What about

1 health?

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

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

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

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

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

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

1           understanding that you negotiated it.

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

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

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

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

25                        If you want to push the issue

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

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

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

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

23 But this agreement is not approving  
24 the landfill. This agreement is not agreeing  
25 to expand the landfill. They are separate.

1           And most important thing I've seen today is a  
2           lot people every time the DEP is mentioned we  
3           laugh and we chuckle and we say, yeah, the DEP.

4                     You have said it yourself, sir, a  
5           couple of times. I saw you a couple times. I  
6           don't know you. I don't want to point you out.  
7           But guess who's making the decision on this  
8           landfill? The DEP. So we can sit here all we  
9           want and say don't approve this agreement  
10          because you're approving the landfill.

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

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

25                    The agreement is not going to stop

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

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

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

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

23 That's one of the options if we say  
24 no to this. And nobody wants it. No one up  
25 here wants it. I know they all have kids.



1                   Nobody wants their kids to get sick.  
2                   Nobody wants their kids to have cancer.  
3                   Signing this agreement has nothing to do with  
4                   that. But here's the problem. I could say as  
5                   a person who's not making the decision to heck  
6                   with it. Let's take the 41 cents. Who cares.  
7                   It doesn't matter.

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

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

23                  I settled cases with Mr. McGrath. I  
24                  wish he'd give me more money. He won't give it  
25                  to me. But I can't go back and say (inaudible)

1           he gives me what he gives me. So in the end  
2           I'm glad to see everyone here -- no matter what  
3           happens, no matter what happens with this  
4           landfill, let's keep doing what we're doing  
5           here today for this Borough.

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

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

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

23                    Common sense has to play a role  
24           here. For years I've heard time and time in  
25           this room we went to him he said no. Finally

1 he needs something from us. He needs an  
2 agreement. He needs to improve his application  
3 to expand his landfill.

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

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

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

24 It's absurd. Common sense has to  
25 play a role. As far as the finances are

1           concerned, Mr. Bolus brought up a number of  
2           potential sources of revenue. You can fight  
3           back. You can charge fees. There's a host of  
4           different things.

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

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

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

21                       MR. MCHALE: Anybody else?

22                       MR. HOGAN: My name is Bob Hogan. I  
23          live on Hill Street in Dunmore also. You -- if  
24          I may a little bit, you alluded to the fact of  
25          taxes and putting people out of their homes

1           because if it's not passed people may lose  
2           their house.

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

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

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

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

24                    And I don't know who put it  
25          together. And I don't know what strategies

1           were involved in negotiations. I was not privy  
2           to that. But somebody better go back to  
3           negotiating school in my opinion.

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

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

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

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

23                        MR. HOGAN: Do we treat it?

24                        MR. LEONARD VERRASTRO: Yeah -- not  
25          us, he does.

1 MR. HOGAN: Again we're getting  
2 burdened doubled. We're rate payers.

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

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

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

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

24 And now we're going to present to it  
25 to you. What should we do as your elected

1 officials? I thank you.

2 MR. MCHALE: Anybody else?

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

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

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

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

24 MR. MCHALE: That ended years ago,  
25 Tom?



1                   ATTY. CUMMINGS: Yes. I gave a  
2 report four meetings ago. There was a date  
3 specific when it terminated.

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

6                   MR. MALONEY: So the bill keeps  
7 going up.

8                   MR. MCHALE: True.

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

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

18                   MR. MALONEY: Yeah.

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

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

24                   MR. MCHALE: No, no, please --

25                   MR. MALONEY: But it seems like

1 without enough information you want to get this  
2 done because you're under pressure. Everybody  
3 on this Council wanted to be on this Council.  
4 This is what comes with it.

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

9 MR. MCHALE: There's one in Dunmore.

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

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

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

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

25 We have to gather more information.

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

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

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

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

1 to be a problem? That's going to be a natural  
2 disaster.

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

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

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

24 MR. MCHALE: Anybody else?

25 MR. AMICO: Vince Amico, 1733 Adams.

1 I have been coming to the last couple meetings  
2 and I guess my only one question is, why is  
3 this agreement going to be for a such a long  
4 stretch of time?

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

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

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

20 That takes some guts, you know,  
21 other local officials whether they be state  
22 officials or state representative, future or  
23 current county commissioners, nobody was  
24 willing to put their name on the line. So  
25 again, I commend you.

1                   But my question is why so long? And  
2                   this will go back to my wife. And she said,  
3                   well, you know, this may add a little power to  
4                   your speech. Show a picture of your child. I  
5                   have three children in Dunmore. And my  
6                   youngest Celia is eight.

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

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

19                  MR. VERRASTRO: It was. We  
20                  approached it a ton of different ways. I can't  
21                  even figure out which way was the first one  
22                  when we did it. We would go in and we would  
23                  start and it would be let's get something for  
24                  10 years.

25                  And then it's, well, at 10 years

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

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

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

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

1 decision.

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

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

17 MR. AMICO: You didn't turn it down.  
18 The other --

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

23 MR. AMICO: You are.

24 MR. VERRASTRO: But no matter what  
25 decision I make, we're making it for the



1 future. I mean, if we put a date on it then we  
2 can't get negotiations to move forward, we're  
3 locked into that date.

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

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

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

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

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

21 Well, some people in the room --  
22 we'll put it in simpler terms. Some people in  
23 this room are sports fans we'll say. And look  
24 at, like, Alex Rodriguez. The Yankees are  
25 strapped into that ridiculous agreement with

1           Rodrigues because they thought, well, this  
2           guy's our future. And now they are stuck with  
3           something that they can't get out of.

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

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

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

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

19                    MR. AMICO: I have one more  
20           suggestion then. This -- maybe I'm crazy for  
21           this. But Pat put himself out in the paper  
22           yesterday as guest editorial on our side and  
23           Mr. Magnotta put himself out in the paper with  
24           the landfill's argument. And their argument's  
25           been shot down numerous times.

1                   You guys are saying things tonight  
2                   on the record. We have a stenographer --  
3                   saying things on the record which are great.  
4                   Again, I'm sure in the past God forbid we would  
5                   upset the applecart with the landfill. Nobody  
6                   would talk ill about the landfill and Mill  
7                   Street years ago.

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

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

20                 He said you're speaking out against  
21                 the landfill. I said, yeah, I am. He said, do  
22                 you know how good Louie is to Dunmore? And I  
23                 said, let's talk basic economics. I said we're  
24                 getting -- right now as Dunmore, we're getting  
25                 41 cents when the state average is \$4.05.

1                   We're getting one-tenth of what we  
2                   should be getting what other people are getting  
3                   and we're supposed to be happy about that I  
4                   said. And he said, you get your roads paved  
5                   and you get fire trucks and you get all this  
6                   stuff.

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

16                  MR. NARDOZZI: Five minutes, Vince.

17                  MR. AMICO: Pardon me?

18                  MR. NARDOZZI: Five minutes.

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

25                  And I haven't come back since --

1 well, maybe about four or five weeks ago. I  
2 think you're making tremendous progress. I  
3 really do. I commend you. And do I think you  
4 should sign? No. Do I think this is the best  
5 we're going to get? I don't know. I hope not.

6 I really think -- I think we could  
7 do better or at least, you know, I think it's  
8 shameful that we would just say no mas, we're  
9 good. And I think you have more character than  
10 that. I really do. Thank you for your time.

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

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

24 MR. VERRASTRO: Which comments?

25 MR. CUFF: About it's your name on

1 the contract. But it's our town that has to  
2 deal with the contract.

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

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

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

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

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

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

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

22 MR. CUFF: I found it insulting.  
23 Did anybody else find it insulting? The second  
24 comment I want to make is about good governance  
25 practices. I work in Washington. It's kind of

1 a place of disfunction. I recognize that.

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

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

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

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

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

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

25 MR. CUFF: Well, even better. Even

1 better and that's very kind of him. Why would  
2 he include this piece in this contract? And I  
3 think it's because he wants to have the best  
4 possible contract for DEP when they look at the  
5 expansion. So these are linked. These are  
6 linked. The expansion and this agreement are  
7 linked.

8 MR. VERRASTRO: He didn't offer  
9 that.

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

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

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

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

25 MR. CUFF: No. I'm wondering --



1 MR. VERRASTRO: It's the same taxing  
2 body --

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

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

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

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

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

1 people are here.

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

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

9 MR. CUFF: I was not.

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

12 MR. CUFF: Okay. Good.

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

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

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

22 MR. CUFF: And can I ask you this,  
23 the long term impacts of that methadone clinic  
24 versus the landfill? So I'll end with this.  
25 You know, as elected officials representing a

1 community that's here tonight telling you what  
2 they want that they want you to negotiate a  
3 stronger contract that they want you to table  
4 this that at the end of the day we don't want  
5 this expansion.

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

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

12 MAYOR LOUGHNEY: If you're ready for  
13 me.

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

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

19 MR. LEONARD VERRASTRO: Thank you  
20 very much.

21 MAYOR LOUGHNEY: You're a good man.  
22 And you've done well for this Borough. And  
23 he's 87 years old. And he's here tonight --  
24 91. So thank you. You could applause for him.  
25 He's not the guy you're here against.

1                   And listen, everyone could say what  
2                   they want. You could smirk. You could have  
3                   your comments like this young lady here. Do  
4                   you want share with the rest of us? Do you  
5                   want to share your comment with the rest of us?  
6                   Then I would appreciate your attention.

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

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

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

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

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

19                  MR. MCGRATH: No, you let him --

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

22                  MR. MCGRATH: -- arguing with him.

23                  MR. VERRASTRO: He has the podium.

24                  MAYOR LOUGHNEY: You can argue with  
25                  me all you want, Jack. But these people have

1           been chirping all night, chirping all night.  
2           Get up to the podium --

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

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

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

9                     MAYOR LOUGHNEY: Jack, I've been  
10          here.

11                    MR. MCGRATH: Where?

12                    MAYOR LOUGHNEY: I've been here.

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

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

21                    And I stand before you and I'm  
22          telling you this Council should do the right  
23          thing for this town. It's not this Council  
24          that is going to approve the landfill. It's  
25          this Council that it's going to approve --

1           it's DEP that's going to approve the contract  
2           and the expansion.

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

9                         People talk about extortion.  
10          There's no extortion here. There's no  
11          extortion. There you go chuckling. You could  
12          chucking all you want. If you want to see me  
13          outside and talk about extorsion, feel free.  
14          People talk about cancer.

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

22                        So what I am doing, we have a  
23          relationship with the landfill. And this  
24          Council I would urge that they vote to approve  
25          the contract tonight. Listen to me. Say

1           whatever you like but I got the mic. When I'm  
2           done, see me outside and I'll be happy to speak  
3           to any one of you, any one of you.

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

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

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

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

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

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

21                      MAYOR LOUGHNEY: We do pay for  
22          garbage.

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

25                      MAYOR LOUGHNEY: Well, Timmy,

1           everybody pays for garbage. Okay. What I'm  
2           asking is that this Council approve the  
3           contract with the landfill.

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

6                   MR. MCGRATH: Sure.

7                   MR. MCHALE: Can we take five  
8           minutes?

9  
10                   (Whereupon, a brief recess was  
11           taken.)

12  
13                   MR. MCHALE: Can we start back up,  
14           please? Mr. McGrath.

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

20                   He got voted out for one reason and  
21           one reason only, fracking. That's it. That's  
22           why he's not the Governor anymore. We have a  
23           new Governor coming in. And we're going to  
24           have new people in DEP -- in charge of DEP.  
25           That's not -- that's two months from now.



1                   There's something we should wait for  
2                   if nothing else to see what they do. Number  
3                   two, you're always talking about the cost. The  
4                   cost -- the nickel and dimes are ridiculously  
5                   low. And to say that you can't negotiate with  
6                   the man is ridiculous because you know that you  
7                   can because he came to us.

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

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

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

25                  The health -- the environmental

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

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

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

22 Why doesn't he send somebody down  
23 here to answer a question or two? We're about  
24 to enter into the largest contract of the  
25 history of the Borough, the most important

1 contract that we'll ever be involved in. And  
2 we have two days to look at the three-page  
3 contract and decide whether it's a good deal or  
4 not?

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

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

13 MR. VERRASTRO: Why not.

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

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

24 MR. KELLY: Negotiations or  
25 whatever.

1 MR. VERRASTRO: Negotiations stuff,  
2 not contract.

3 MR. KELLY: Okay. You did say  
4 that.

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

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

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

24 And that's a concern. And it's a  
25 valid concern. I could see your point with it.

1 But we'll worry about that 10 years from now.  
2 Let's put a contract in that has an end date.  
3 I just think it's -- I don't think anyone is  
4 going to look back at you or this Council in 10  
5 or 20 years and say, geez, I wish they signed a  
6 50 year deal. I'm not saying it to be funny.

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

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

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

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

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

25 MR. KELLY: It's valid to some -- I

1 understand what you're saying --

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

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

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

21 MR. NARDOZZI: It was shot down.

22 MR. KELLY: All right. I obviously  
23 just didn't know the answer to that question.  
24 Well, if we're not allowed to -- I mean -- and  
25 again, this is -- I'm not trying to take a shot

1 at anybody. Right now essentially we're paying  
2 two attorneys to negotiate a contract that  
3 we're not even allowed to negotiate.

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

9 MR. MCHALE: We drafted it.

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

14 MR. NARDOZZI: Thanks, Tom.

15 MR. MCHALE: Pat, I'll give you a  
16 minute. But last time you said a minute it was  
17 10 but as much as you know the respect I have  
18 for you but please.

19 UNIDENTIFIED MAN: This is more  
20 important than a minute.

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

23 MR. CLARK: Pat Clark, Jefferson  
24 Avenue, Dunmore. We talked about a lot nuances  
25 here and a lot of detail and sometimes we get

1 off the rails and the state and the DEP and the  
2 Borough's obligations.

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

11 They don't really want anything we  
12 want. As you take a vote on this and just ask  
13 you to consider whether or not you believe  
14 you're in a position -- these seven people up  
15 here with no professional guidance to sign a  
16 200 million dollar contract.

17 MR. MCHALE: Anybody else?

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

25 But I think without an end date



1 we're basically giving our tacit approval to  
2 the expansion. I think that this agreement is  
3 something for Dunmore. But I really feel very  
4 strongly it should have an end date just to the  
5 end of the current landfill. And then we won't  
6 be saying we probably think the expansion is  
7 all right. Okay? Thank you.

8 MR. MCHALE: Anybody else?

9 MR. NARDOZZI: Mr. Chairman --

10 MR. MCHALE: Do you want to say  
11 something?

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

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

23 However, seeing that being the case,  
24 there's a lot points that I personally  
25 disagree with. And I'm sorry. Mary Alice, I

1 don't agree with that statement. No disrespect  
2 whatsoever, but I do not believe that if we as  
3 a Council vote to accept this fee agreement  
4 tonight that that's giving any tacit agreement.

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

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

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

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

24 MS. SCRIMALLI: I'll second that.

25 MR. MCHALE: I have a motion and

1 second.

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

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

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

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

23 These are the rules. I set the  
24 rules, okay? And you better live by the rules  
25 because I've been good to you. Bullshit. He's

1 never been good to Dunmore. And everybody in  
2 this audience including the Mayor knows it.

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

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

14 UNIDENTIFIED MAN: The guy sitting  
15 next to you.

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

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

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

25 UNIDENTIFIED MAN: The mayor.

1                   MAYOR LOUGHNEY: No, I spoke for the  
2                   contract.

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

7                   AUDIENCE: No one.

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

14                  UNIDENTIFIED WOMAN: Why?

15                  MR. BURKE: I think you know why.

16                  UNIDENTIFIED MAN: Well, tell us.

17                  MR. BURKE: I was for it, okay? I  
18                  made the motion for it. I could only speak for  
19                  myself. I wanted one. I still want one. I  
20                  still think there's time to do the right thing  
21                  here. You know, I have nothing against  
22                  Council. They are good hard workers. This guy  
23                  to the left -- these two to the left of me are  
24                  the hardest working guys I ever worked with on  
25                  Council Sal Verrastro and Mike McHale.

1                   You'll never find harder working  
2                   guys than these two guys here. That's the  
3                   honest to God truth. And we can agree to  
4                   disagree on things. And we do disagree on  
5                   this.

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

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

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

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

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

25                 UNIDENTIFIED WOMAN: There's a

1 violation here that you might have to address.  
2 I'll just warn you.

3 MR. MCHALE: Anybody else on the  
4 question?

5 (No response.)

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

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

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

24 AUDIENCE: Thank you.

25 MR. MCHALE: Tom, do you want to do

1 a roll call?

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

6 MS. SCRIMALLI: Yes.

7 ATTY. CUMMINGS: Yes. Mr. Burke.

8 MR. BURKE: No.

9 ATTY. CUMMINGS: No. Mr. Verrastro.

10 MR. VERRASTRO: Yes.

11 ATTY. CUMMINGS: Yes. Mr. Dempsey.

12 MR. DEMPSEY: Yes.

13 ATTY. CUMMINGS: Yes. Mr. Hallinan.

14 MR. HALLINAN: Yes.

15 ATTY. CUMMINGS: Yes. Mr. Nardozzi.

16 MR. NARDOZZI: Yes.

17 ATTY. CUMMINGS: Yes. Mr. McHale.

18 MR. MCHALE: Yes.

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

20 MR. DEMPSEY: I make a motion to

21 adjourn.

22 MR. VERRASTRO: Second.

23 MR. MCHALE: We're adjourned.

24

25



C E R T I F I C A T E

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3 I hereby certify that the proceedings and  
4 evidence are contained fully and accurately in the  
5 notes taken by me of the above-cause and that this copy  
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