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COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Monday, November 14, 2016

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
- MICHAEL DEMPSEY, Vice President
- TIMOTHY BURKE
- CAROL SCRIMALLI - Absent
- THOMAS HALLINAN
- VINCE AMICO
- SAL VERRASTRO
- ANDREW GENOVESE, Controller
- THOMAS P. CUMMINGS, Esquire, Solicitor

MARIA McCOOL, RPR
OFFICIAL COURT REPORTER

1 (Pledge of Allegiance.)

2

3

4 ATTY. CUMMINGS: Mrs. Scrimalli.

5 Mr. Burke.

6 MR. BURKE: Present.

7 ATTY. CUMMINGS: Mr. Verrastro.

8 MR. VERRASTRO: Present.

9 ATTY. CUMMINGS: Mr. Amico.

10 MR. AMICO: Present.

11 ATTY. CUMMINGS: Mr. Dempsey.

12 MR. DEMPSEY: Present.

13 ATTY. CUMMINGS: Mr. Hallinan.

14 MR. HALLINAN: Here.

15 ATTY. CUMMINGS: Mr. McHale.

16 MR. MCHALE: Here.

17 ATTY. CUMMINGS: Public comment on
18 agenda items.

19 (No response.)

20 MR. MCHALE: Seeing none.

21 ATTY. CUMMINGS: Motion to approve
22 the minutes.

23 MR. BURKE: I'll make a motion.

24 MR. DEMPSEY: Second.

25 MR. MCHALE: I have a motion and a

1 second. On the question.

2 (No response.)

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

5 ALL MEMBERS: Aye.

6 MR. MCHALE: Opposed?

7 (No response.)

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

10 ATTY. CUMMINGS: Motion to approve
11 and pay the open bills.

12 MR. DEMPSEY: I'll make that motion.

13 MR. VERRASTRO: I'll second it.

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

16 (No response.)

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

19 ALL MEMBERS: Aye.

20 MR. MCHALE: Opposed?

21 (No response.)

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

24 ATTY. CUMMINGS: Item number six is
25 a motion to award the bid proposal to the

1 lowest responsible bidder for the HVAC
2 Renovation Phase I project at the Dunmore
3 Community Center as recommended by the borough
4 engineer, Reuther-Bowen. G. Weinberger Co.,
5 \$218,387.00, which includes the required
6 Performance and Payment Bonds.

7 MR. MCHALE: I'll look for a motion.

8 MR. VERRASTRO: I'll make that
9 motion.

10 MR. MCHALE: Do I have a second?

11 MR. AMICO: I'll second it.

12 MR. MCHALE: I have a motion and a
13 second. On the question. Just for the
14 audience, this is for the HVAC system on this
15 side of the building is malfunctioning.

16 For those of you who come in the
17 summer months understand how hot it was. The
18 air conditioning was broken. We put in a
19 portable unit for the time being and the heat
20 now is malfunctioning.

21 So this unit we've had many, many
22 experts in here trying to fix it and to no
23 avail. So we had engineers come in and draw
24 plans for a new system to better serve both the
25 seniors and the number of parties that we have

1 here and the offices over there.

2 So this is Phase I as we go through
3 the entire building and look to the HVAC system
4 that may have to be replaced over there as
5 well. Anybody else on the question?

6 (No response.)

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

9 ALL MEMBERS: Aye.

10 MR. MCHALE: Opposed?

11 (No response.)

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

14 ATTY. CUMMINGS: Item number seven
15 is a motion to accept the proposal from The
16 Guardian Group Life Insurance Company of
17 America for a short term disability plan in
18 compliance with Article 14, Section 1;
19 Sub-Section B of the DPW Collective Bargaining
20 agreement.

21 MR. HALLINAN: I'll make that
22 motion.

23 MR. DEMPSEY: I'll second it.

24 MR. MCHALE: I have a motion and a
25 second. On the question. Quickly on the

1 question, this is just to be in compliance with
2 the DPW contract that they are offered -- the
3 members are offered short term disability.
4 This is just a -- we put it out to bid and this
5 is the awarding of such bid. Anybody else on
6 the question?

7 (No response.)

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

10 ALL MEMBERS: Aye.

11 MR. MCHALE: Opposed?

12 (No response.)

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

15 ATTY. CUMMINGS: Item number eight
16 is a motion to approve Lackawanna County accept
17 the sale price of \$2,000 for a property located
18 at 115 Gibbons Street in the borough as the
19 property was exposed to Tax Claim Bureau sale,
20 Judicial sale. Failed to garner a bidder at
21 either and is now in the unsold property
22 listing. This will return the property back to
23 the tax rolls of the Borough of Dunmore.

24 MR. MCHALE: I'll look for a motion.

25 MR. DEMPSEY: I'll make that motion.

1 MR. HALLINAN: I'll second it.

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

4 (No response.)

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

7 ALL MEMBERS: Aye.

8 MR. MCHALE: Opposed?

9 (No response.)

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

12 ATTY. CUMMINGS: Item number nine is
13 a motion to authorize borrowing from First
14 National Community Bank in the amount up to 9.4
15 million dollars at an interest rate not to
16 exceed 3.375 percent and to authorize the
17 President of Council and the Borough Solicitor
18 to take all actions necessary to bring the
19 matter to fruition. Mr. McHale, this requires
20 a voice vote -- roll call vote.

21 MR. MCHALE: Before I entertain the
22 motion, so that everyone is clear, if approved
23 the proceeds will be used to refinance
24 approximately 5 million dollars in current debt
25 for a better interest rate and thus savings to

1 the Borough.

2 And secondly, to pay capital
3 improvements such as the new heating system for
4 the Community Center that we just voted on and
5 to pay down the debt that we owe to the fire,
6 police, and nonuniform pension plans currently
7 listed as unfunded liabilities in the pension
8 plans. I'll look for a motion.

9 MR. VERRASTRO: I'll make that
10 motion.

11 MR. MCHALE: I have a motion. Do I
12 have a second?

13 MR. AMICO: I'll second.

14 MR. MCHALE: On the question.

15 (No response.)

16 MR. MCHALE: Roll call.

17 ATTY. CUMMINGS: Mr. Burke.

18 MR. BURKE: Yes.

19 ATTY. CUMMINGS: Mr. Verrastro.

20 MR. VERRASTRO: Yes.

21 ATTY. CUMMINGS: Mr. Amico.

22 MR. AMICO: Yes.

23 ATTY. CUMMINGS: Mr. Dempsey.

24 MR. DEMPSEY: Yes.

25 ATTY. CUMMINGS: Mr. Hallinan.

1 MR. HALLINAN: Yes.

2 ATTY. CUMMINGS: Mr. McHale.

3 MR. MCHALE: Yes.

4 ATTY. CUMMINGS: Item number ten is
5 a motion to adopt Resolution 2016-7:

6 Now, this 14th day of November,
7 2016, it is hereby resolved that any property
8 blighted or otherwise shall be brought into
9 compliance with the provisions of the
10 International Property Maintenance Code as
11 amended prior to and as a condition precedent
12 to receive a LERTA tax reduction or abatement
13 benefit.

14 MR. MCHALE: Tom, is this specific
15 to the property that is listed on the agenda?

16 ATTY. CUMMINGS: It will cover the
17 property listed on the agenda. It's specific
18 to all properties that comply for LERTA.

19 MR. MCHALE: Do we have to do a
20 second one for it?

21 ATTY. CUMMINGS: No, this would
22 cover this property. The property would be
23 subject to this resolution.

24 MR. MCHALE: Okay. I'll look for a
25 motion.

1 MR. AMICO: I'll make that motion.

2 MR. MCHALE: Do I have a second?

3 MR. BURKE: Second.

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

6 (No response.)

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

9 ALL MEMBERS: Aye.

10 MR. MCHALE: Opposed?

11 (No response.)

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

14 ATTY. CUMMINGS: Item number eleven
15 is a motion to adopt Resolution 2016-8 in
16 conjunction with the application for traffic
17 signal approval for the Pennsylvania Department
18 of Transportation. This resolution and
19 adoption will repair, replace, restore the
20 existing school warning system located in front
21 of 501 East Drinker Street Holy Cross High
22 School. The scope of the work will encompass
23 the work necessary to ensure proper safety and
24 operation.

25 MR. MCHALE: Do I have a motion?

1 MR. DEMPSEY: I'll make that motion.

2 MR. MCHALE: I have a motion. Do I
3 have a second?

4 MR. HALLINAN: I'll second it.

5 MR. MCHALE: A motion and a second.
6 On the question. Just for the audience, this
7 is school zone signs that are actually up.
8 This is just giving authorization I guess,
9 Tommy, to turn them on or to finish the
10 project?

11 ATTY. CUMMINGS: It will authorize
12 PennDOT to finish -- complete the work and sign
13 off on it.

14 MR. MCHALE: Anybody who could drive
15 by, you could see the majority of the work is
16 done. Anybody else on the question?

17 (No response.)

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

20 ALL MEMBERS: Aye.

21 MR. MCHALE: Opposed?

22 (No response.)

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

25 ATTY. CUMMINGS: Item number twelve

1 is a motion to adopt Resolution 2016-9 to
2 appoint United States Magistrate Judge Thomas
3 Blewitt, retired, to serve as hearing officer
4 to preside over local agency regarding
5 plaintiffs' certain retired police officer and
6 fire unions claims for cost-of-living
7 adjustments and to execute the necessary
8 paperwork for that appointment.

9 MR. MCHALE: I'll look for a motion.

10 MR. HALLINAN: I'll make that
11 motion.

12 MR. MCHALE: Do I have a second?

13 MR. VERRASTRO: I'll second.

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

16 MR. DEMPSEY: In June of this year,
17 certain participants of the Borough's fireman's
18 pension plan and police pension plan filed a
19 complaint against the borough and the Borough
20 Pension Board in Lackawanna County Court of
21 Common Pleas.

22 In this lawsuit, the participants
23 brought a mandamus action seeking cost of
24 living adjustments to their pension benefits.
25 Instead of immediately proceeding with this

1 action in the Court of Common Pleas, the judge
2 has ordered the parties to schedule a mutually
3 convenient time to conduct a hearing under the
4 local agency law regarding Plaintiffs' claims
5 for cost-of-living adjustments as set forth in
6 their complaint.

7 The Borough and the Plaintiffs have
8 agreed that former United States Magistrate
9 Judge Thomas Blewitt shall serve as hearing
10 officer to preside over a local agency hearing
11 regarding Plaintiffs' claims for cost-of-living
12 adjustments.

13 Therefore, I move to pass the
14 resolution appointing Judge Blewitt as a
15 hearing officer in this matter to execute the
16 necessary paperwork for that appointment. That
17 resolution reads as follows -- that we just
18 read.

19 MR. MCHALE: So we have a -- Tom,
20 correct me -- I have a motion and a second.

21 ATTY. CUMMINGS: Yes.

22 MR. MCHALE: Anybody else on the
23 question?

24 (No response.)

25 MR. MCHALE: All those in favor

1 signify by saying aye.

2 ALL MEMBERS: Aye.

3 MR. MCHALE: Opposed?

4 (No response.)

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

7 ATTY. CUMMINGS: Item number 13 is
8 personnel matters, three in number. The first
9 would be to appoint Benjamin Kimball as a
10 part-time firefighter.

11 MR. MCHALE: Tom, for the record, on
12 the prior motion just for -- just to close the
13 record. The motion passed. And the Borough's
14 special labor counsel the Ufberg Law Firm is
15 directed to number five Judge Blewitt on his
16 appointment to proceed accordingly. I
17 apologize, Tom, for doing that.

18 Number 13, personnel matters,
19 part-time firefighter Benjamin Kimball, look to
20 hire that gentleman. I'll look for a motion.

21 MR. BURKE: Motion.

22 MR. DEMPSEY: Second.

23 MR. MCHALE: I have a motion and a
24 second. On the question. This is just adding
25 to the ranks of part-time firefighter. Chief

1 DeNaples is in the audience. Chief, you did
2 all the interviews, background checks. I know
3 you're pretty detailed before you even bring
4 anybody in the part-time roster. And this just
5 covers vacation shifts and their union allows.

6 We'd like to get obviously more men
7 on the floor. We're doing so with part-time
8 firefighters. And Chief is doing his best to
9 shake the trees to get as many part-time
10 firefighters. This is the first one we've
11 seen. Hopefully we'll have a lot more just to
12 add. Again, they're at will employees when
13 there is available shifts Chief assigns them.
14 Correct me if I'm wrong, Chief.

15 CHIEF DENAPLES: That is absolutely
16 correct.

17 MR. MCHALE: Thank you, sir.
18 Anybody else on the question?

19 (No response.)

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

22 ALL MEMBERS: Aye.

23 MR. MCHALE: Opposed?

24 (No response.)

25 MR. MCHALE: The ayes have it and so

1 moved.

2 ATTY. CUMMINGS: Personnel matter
3 number two is retain Donna Kunda as a full-time
4 accountant for the tax office.

5 MR. MCHALE: I'll look for a motion.

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

8 MR. MCHALE: Do I have a second?

9 MR. AMICO: I'll second it.

10 MR. MCHALE: A motion and a second.

11 On the question. This is for the position in
12 the tax office that I believe three positions
13 over the past several years we hadn't filled.
14 We did advertise for the position.

15 Approximately 10 people applied for the job.

16 We went through the interview
17 process. Because of the salary some people
18 did turn it down. But we did have several
19 employees to interview. The majority, if not
20 all, picked Miss Kunda to -- for the position.
21 So, Tom, again forgetful me here, did I have a
22 motion and second?

23 ATTY. CUMMINGS: You did.

24 MR. MCHALE: I did. Anybody else on
25 the question? All those in favor of hiring

1 Mr. Kunda signify by saying aye.

2 ALL MEMBERS: Aye.

3 MR. MCHALE: Opposed?

4 (No response.)

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

7 ATTY. CUMMINGS: Item number three
8 under personnel matters, is a motion
9 to take Olena Shemchuk from part-time tax
10 collection office employee and promote her to
11 full-time status.

12 MR. HALLINAN: I'll make that
13 motion.

14 MR. DEMPSEY: I'll second it.

15 MR. MCHALE: I have a motion and a
16 second. On the question. Olena is an office
17 employee who has been with us several years.
18 And this is -- she's a -- how do I say it -- an
19 entry level clerical position that is just
20 moving to a full-time status.

21 Mr. Ruggiero did do an analysis of
22 the office and there is a -- there is probably
23 a need for several more individuals both in the
24 helping out at the Police Department Office,
25 the Code Office, and General Office slash Tax

1 Office. Olena has been a phenomenal employee
2 on a part-time basis.

3 So we're just moving her to
4 full-time basis as a clerical -- clerical entry
5 level person. I couldn't think of the word.
6 Forgive me, I'm fighting a cold. I can't hear
7 out of my ear. I'm falling apart here.
8 Anybody else on the question?

9 (No response.)

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

12 ALL MEMBERS: Aye.

13 MR. MCHALE: Opposed?

14 (No response.)

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

17 ATTY. CUMMINGS: Item number 14 is
18 public comment on nonagenda items.

19 MR. MCHALE: Anybody like to -- I'm
20 sorry, let's do our Lackawanna County
21 representative.

22 ATTY. CUMMINGS: Yes, sir.

23 MR. HETMAN: Good evening as always
24 folks, Gerard Hetman, Lackawanna County. At
25 this time of the year, we come up on our

1 Christmas and holiday events. So everybody
2 asks us when those happen, what time and where.
3 They changed a little bit over the past years.
4 And there's some changes in a good way for this
5 year.

6 The first one is the annual tree
7 lighting at courthouse square. This year it's
8 Thursday evening December 1st at 5:30. It
9 moves up to Thursday because on Friday evening
10 we have a bunch of fun good events coming up.
11 The first one which we'll leave a colorful
12 poster for you. Maybe we'll put up a couple
13 here at the building or the Borough Building.

14 The holiday market that's run by the
15 Scranton made local artist. The first year
16 they did it, it was at courthouse square. Last
17 year they did it in the former Bon Ton space
18 at the mall. It was well received there but
19 with some of the new tenants moving into that
20 space and with the Globe Store open at least
21 temporarily there is spaces in the building
22 after we purchased it.

23 The holiday market place will take
24 place in the former Globe Store first floor
25 this year. So it opens up Friday evening

1 December 2nd at 5:00. It runs through the
2 weekend. But we're going to have a special
3 celebration that Friday night.

4 We've got some donations from local
5 businesses to purchase some decorations, some
6 trees, and lights very similar to the sketch
7 here. And we're going to have a little
8 celebration right at 5:00 to open it up Friday,
9 December 2nd.

10 That same evening, the Festival of
11 Trees was held for a long time at the Electric
12 City Trolley Museum. And then last year it
13 went into the mall in the annex to the former
14 Bon Ton will open again in the annex of the
15 former Bon Ton in the mall that same night.
16 The Festival of Trees is open then from that
17 Friday through January 1st during normal mall
18 hours.

19 So you could track it down again in
20 the mall from what I see different community
21 groups and businesses have their trees
22 decorated in that space. And there's two other
23 ones I'll note on the Electronic City Trolley
24 Museum to kind of replace the Festival of Trees
25 is what they're calling trim a tree challenge.

1 I think they went to one or two
2 elementary schools in the school district and
3 asked them to decorate a tree. So if you
4 happen to visit the Trolley Museum at that
5 time, no extra charge admission. It's just
6 kind of an extra nicety for the holiday season.

7 And last but not least, the
8 Lackawanna Heritage Valley Santa train -- we'll
9 leave that flier also -- comes down from
10 Carbondale through the valley and sorts and
11 ends second year in a row now at Steamtown at
12 National Historic Site.

13 The first year we did it at
14 Steamtown we even in the rain it was 2014 we
15 had a great crowd. Last year it was a nice
16 day. We had a massive crowd. The problem is
17 trying to keep everybody fed and orderly in
18 line for pizza and food.

19 So if you get a chance to check out
20 any of these things, please do. Some of the
21 dates have changed. Some of them are new. So
22 that's all we have for now. And I will come
23 back in December and fill you in on the end of
24 the year. That's pretty much it.

25 One thing we will note is regarding

1 the Globe Store, we're hoping to offer some
2 public tours of the building over the next
3 couple of weeks. We'll try to make that
4 announcement as soon as we can. A lot of folks
5 have called and asked can we get into the
6 Globe, can we see anything, just check it out
7 for nostalgia sake.

8 A lot has changed since the first
9 time you've seen it. But we'll try to do our
10 best to give some public tours over the next
11 few weeks and, of course, give advanced notice
12 just to let anybody see the building before
13 construction begins who would like to check it
14 out.

15 MR. MCHALE: Thanks, Mr. Hetman.

16 MR. HETMAN: Thank you.

17 MR. MCHALE: Anybody else like to
18 address Council? Mr. Duncan?

19 MR. DUNCAN: Gary Duncan, 117 Barton
20 Street, next Monday neighborhood watch at 7:00
21 in this room. Mr. Genovese who has the
22 barbershop down on Blakely Street down by the
23 tank, I was there Saturday for a haircut.

24 He asked -- and I really don't know.
25 I know at one point we did some speed checks

1 within the Borough. I think Officer Lydon did
2 it at the time. I don't know. He asked if we
3 still do that. He said there's cars just
4 flying up and down Blakely Street, coming down
5 off of Short street right by the tank.

6 One of his customers almost got hit
7 last week. And I was hoping Sal or somebody
8 would be here tonight.

9 MR. VERRASTRO: I'll let him know.

10 MR. DUNCAN: But if you could, he
11 also said he lives over on Williams Street. Do
12 you know where the Hospice is at, Tommy, when
13 we took the walk that time right down at the
14 bottom of the hill. He's on Williams right
15 down by the Hospice and he said the cars are
16 flying down there too. He's just disgusted.

17 I don't know if we still do speed
18 checks or anything. But I told him I come to
19 these meetings and he asked if he I could let
20 you know. So if you could follow up on it or
21 something. Thank's a lot.

22 MR. MCHALE: Absolutely.

23 MR. DUNCAN: Thank you, folks.

24 MR. MCHALE: Anybody else like to
25 address Council tonight?

1 MS. CUFF: Hi, Sharon Cuff, 315
2 Spring Street, Dunmore. Okay, so this morning
3 I received a notice from the Pennsylvania
4 Department of Environmental Protection. And I
5 was just wondering if Council -- you were
6 copied on this letter. I was wondering if you
7 received it yet. It was dated November 9th.
8 It was sent certified mail.

9 MR. MCHALE: We could have, Mrs.
10 Cuff. I don't go to -- we don't go to the
11 office every day. And they don't let us know
12 immediately. I will check tomorrow to make
13 sure that we did.

14 MS. CUFF: Do you mind if I read it
15 now into the record? You'll be getting it
16 anyway. So I just kind of want to ask a few
17 questions about it. So the letter is dated
18 November 9th, 2016. It's a notice of
19 violation. And it was sent to Keystone
20 Sanitary Landfill and Dunmore Borough Council
21 and Throop Council was also cc'd on this
22 letter.

23 Dear Mr. O'Brien, the Pennsylvania
24 Department of Environmental Protection has
25 determined that Keystone Sanitary Landfill was

1 in violation of the Solid Waste Management Act
2 as of July 7th 1980, Section 601 -- I won't go
3 into all the sections in the letter, I guess --
4 the Municipal Waste Management Rules and
5 Regulations found at 25 PA Code Chapters 271 to
6 285, as follows:

7 Number one, on April 25th, 2016,
8 Keystone notified the Department by telephone
9 that an overflow of the pretreated wastewater
10 from the effluent pump station had occurred
11 that day. The spill had been discovered by
12 Keystone at 5:58 a.m., but Keystone did not
13 contact the Department until 1:53 p.m.

14 Therefore, Keystone failed to
15 immediately notify the Department by telephone
16 to report the required information as required
17 by 25 PA Code 91.33 in violation of 25 PA Code
18 273.201.

19 The Department acknowledges that a
20 written report of the April 25th, 2016,
21 incident was received on April 29th, 2016.

22 Number two, as a result of the
23 department's review of files, including but not
24 limited to the March, 2016, Geophysical Survey
25 and Keystone's May 17th, 2016, response to the

1 Department's Environmental assessment review
2 letter dated October 13th, 2015, the Department
3 has determined that leachate the lagoon liner
4 leakage and/or pipe boot penetration leakage,
5 and/or pipe leakage has been occurring at the
6 west lagoon.

7 Therefore, Keystone failed to
8 maintain sufficient structural integrity to
9 prevent failure of the lagoons in violation of
10 25 PA Code 285.123 and 273.201C. The
11 Department acknowledges that Keystone has
12 applied and received approval for a minor
13 permit modification for leachate storage lagoon
14 improvements.

15 Number three, as a result of the
16 department's review of ground water analysis
17 data in the area of the leachate lagoons, the
18 Department has determined that groundwater
19 degradation has occurred.

20 Therefore, Keystone has failed to
21 store waste in a manner that does not cause
22 groundwater degradation in violation of 25 PA
23 Code 285.116 and 273.201. The Department
24 acknowledges that Keystone has conducted
25 investigations into potential sources of

1 contaminants and implemented measures in an
2 attempt to abate the introduction of
3 contaminants into the environment.

4 Within 15 days of receipt of this
5 notice, please submit a response to the
6 Department that identifies how Keystone will
7 prevent these violations from occurring in the
8 future. Keystone's response should also
9 include an explanation and status of how the
10 groundwater in the area of the lagoons and/or
11 effluent pump station has been or is currently
12 impacted.

13 Keystone should include a plan for
14 any proposed abatement and a plan and schedule
15 to at, a minimum, monitor the MW-8, MW-4AR,
16 MW-15A, MW-23, which are the wells. The
17 response should be sent to my attention to the
18 letterhead address.

19 You are hereby notified both the
20 existence of the violations as well as the need
21 to provide for prompt correction. Under the
22 Solid Waste Management Act, each day a
23 violation continues is considered a distinct
24 and separate offense.

25 The violations noted herein may

1 result in enforcement action under the Solid
2 Waste Management Act. This notice of violation
3 is neither an Order nor any other final action
4 of the Department. It neither imposes nor
5 waives any enforcement action available to the
6 Department under any of its statutes.

7 If the Department determines that an
8 enforcement action is appropriate, you will be
9 notified of the action. It is signed Rachel
10 Miller, Compliance Specialist, Waste Management
11 Program; cc'd Dunmore Borough and Troop
12 Borough.

13 So, I guess -- I mean, I know you
14 didn't receive it yet. But I have two
15 questions; one, I would like to ask Council if
16 just hearing this -- and I know you'll want to
17 read it yourself and review it a little bit
18 more, if you are as outraged as I am that you
19 are now just finding out about something that
20 occurred six and a half months ago, groundwater
21 contamination.

22 That's a pretty big deal; wouldn't
23 you say? I would say all of us -- and this is
24 where I'm imploring Council to please get in
25 touch with DEP. Find out why this is

1 happened -- six and a half months. There has
2 to be somebody who needs to answer for this.

3 The next issue is, I'm just
4 wondering -- Joe, I think -- I'm not sure what
5 the --

6 MR. MCHALE: Miss Cuff, you got to
7 talk to Council because it's on the record. I
8 apologize. I don't mean to be --

9 MS. CUFF: Okay, sorry. I think Joe
10 is the -- our liaison -- I'm not sure,
11 enforcement up at the --

12 MR. MCHALE: Nope, not anymore.

13 MS. CUFF: He's not.

14 MR. MCHALE: Not anymore.

15 MS. CUFF: We don't have anybody?

16 MR. MCHALE: No.

17 MS. CUFF: Okay. We don't have
18 anybody that's -- okay. My next question was,
19 they should be just as outraged because they
20 weren't notified. And that's what they're
21 here -- I thought to kind of work between the
22 two entities. But I guess we don't have
23 anybody anyway.

24 The next thing that I will make you
25 aware of, is I did follow up when I received

1 this with another question. And my next
2 question was -- let's see. I'll try to read
3 exactly what I said.

4 I followed up with this and said do
5 you have any documentation surrounding any
6 incidents post 2016. You know what the answer
7 was? Yeah, there's a similar incident. It
8 occurred in October. We're currently under
9 investigation. So again, I just really -- you
10 know, we all need to work together.

11 This is a big deal. We're going to
12 end up with big fat superfund site -- all of
13 this. We don't want another Flint happening
14 right here. We have air. We have water. We
15 have soil. So I just really -- I'm just asking
16 on behalf of all the residents and myself.

17 I'll continue to follow up on my
18 own. But you guys as our elected officials,
19 please find some answers and address this
20 publically to Council what you find out from
21 them and how six and a half months have gone
22 by. And when you do receive this letter, if
23 you could put it up on the web site, make it
24 available.

25 MR. MCHALE: Will do.

1 MR. DEMPSEY: Sure.

2 MS. CUFF: Thank you.

3 MR. MCHALE: Thank you.

4 MR. HALLINAN: Thank you very much.

5 MS. CUFF: You're welcome.

6 MR. MCHALE: Anybody else like to
7 address Council tonight?

8 (No response.)

9 MR. MCHALE: Seeing none. I'll go
10 to public officials. Tom?

11 ATTY. CUMMINGS: Nothing, sir.

12 MR. MCHALE: Chief DeNaples, do you
13 have anything tonight, bud?

14 CHIEF DENAPLES: Nothing tonight.
15 Thank you.

16 MR. MCHALE: Chris Kearney?

17 MR. KEARNEY: No.

18 MR. MCHALE: Joe Lorince?

19 MR. LORINCE: No.

20 MR. MCHALE: Andy Genovese?

21 MR. GENOVESE: No, sir.

22 MR. MCHALE: Good seeing you here,
23 sir.

24 MR. GENOVESE: Thank you, sir.

25 MR. MCHALE: Mr. Ruggiero?

1 MR. RUGGIERO: Nothing.

2 MR. MCHALE: Mr. Burke, do you want
3 to lead us off?

4 MR. BURKE: Yeah, thank you, Sharon,
5 I will look into that, Sharon. I'll check my
6 letter box and I'll go through it. But I'll
7 definitely get in contact with DEP and find out
8 why it took so long to be informed of it.
9 Thank you for your work on it. I don't have
10 anything else.

11 MR. MCHALE: Thanks, Tim. Mr.
12 Verrastro?

13 MR. VERRASTRO: Nothing tonight.

14 MR. MCHALE: I'll go third. Again,
15 to Mrs. Cuff, I agree. If anything, why it
16 took so long is outrageous. I agree. I
17 couldn't think of a better word. But we didn't
18 get it yet, which leads us to believe it's
19 taking even longer to get us if it wasn't there
20 today.

21 If you got it today, maybe we got it
22 today too. But we will follow up as a group.
23 And I know individually we will as well. Just
24 for the people here, the budget process is well
25 under way.

1 In two weeks we're going to have our
2 other meeting where we will have the first
3 reading of the budget. It will not contain any
4 tax increases. We could say that with
5 certainty. We're very proud of where we've
6 come financially in this.

7 And for the record, the budget does
8 not include anything on Scranton Sewer
9 Authority, any monies that possibly may be
10 coming our way. It's based on hard numbers
11 that, you know, Chief DeNaples could attest to
12 beating people up every time they try to get
13 something, to refinancing stuff like we did
14 tonight, to making smart decisions in the
15 pensions plan to investing in our capital
16 infrastructure and having three or four very
17 good unions working with us in trying to make
18 this place a little bit better.

19 So we're very proud of where we've
20 come in five, six years from bankruptcy status
21 into financial stability. And we continue to
22 make strides in that way as well. It doesn't
23 go by. Every time we do a budget, every line
24 item is challenged. I will meet with Chief
25 DeNaples, Chief Marchese, Mr. Judge, Chris

1 Kearney, all the Department heads, Joe in his
2 area to see where -- I met with some of them
3 already where we can cut in additional areas
4 without hurting the taxpayers with services.

5 So it's an ongoing process. Next
6 meeting will be the first reading. And two
7 weeks after that we hope to have a final budget
8 to pass that we'll be proud of. That's all I
9 have tonight. Attorney Dempsey?

10 MR. DEMPSEY: I don't have anything
11 tonight.

12 MR. MCHALE: Mr. Hallinan?

13 MR. HALLINAN: Thank you, Sharon,
14 for that. It's -- I don't know what to say. I
15 got to get to it and find out what happened.
16 And I thank you for doing that tonight. That
17 was very enlightening. Also the Dunmore Pride
18 Committee as you know November 27th they are
19 going to have a tree lighting. Santa will be
20 there. And we'll be serving hot chocolate
21 again I hope. That's all I have.

22 MR. MCHALE: Mr. Amico.

23 MR. AMICO: Thank you, Sharon, and
24 I'll e-mail Roger Belles and Colleen tonight or
25 tomorrow and try to find out why we're just

1 hearing about this from a resident as opposed
2 to hearing it from him. It's not the way the
3 process is supposed to work. Thank you very
4 much.

5 MR. MCHALE: That's it. I didn't
6 miss anybody, did I? I'll look for motion to
7 adjourn.

8 MR. DEMPSEY: Motion to adjourn.

9 MR. MCHALE: Do you want to second?

10 MR. VERRASTRO: I'll second.

11 MR. MCHALE: All in favor?

12 ALL MEMBERS: Aye.

13 MR. MCHALE: We are adjourned.

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C E R T I F I C A T E

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