COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Tuesday, October 14, 2014

TIME:

7:00 P.M.

LOCATION:

DUNMORE COMMUNITY CENTER
1414 Monroe Avenue
Dunmore, Pennsylvania

COUNCIL MEMBERS:

MICHAEL MCHALE, President
PAUL NARDOZZI, Vice President
SAL VERRASTRO
TIMOTHY BURKE
CAROL SCRIMALLI
THOMAS HALLINAN
MICHAEL DEMPSEY
THOMAS P. CUMMINGS, Esquire, Solicitor

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

ATTY. CUMMINGS: Mrs. Scrimalli.

MS. SCRIMALLI: Present.

ATTY. CUMMINGS: Mr. Burke.

MR. BURKE: Present.

ATTY. CUMMINGS: Mr. Verrastro.

MR. VERRASTRO: Present.

ATTY. CUMMINGS: Mr. Nardozzi.

MR. NARDOZZI: Here.

ATTY. CUMMINGS: Mr. Hallinan.

MR. HALLINAN: Present.

ATTY. CUMMINGS: Mr. Dempsey.

MR. DEMPSEY: Present.

ATTY. CUMMINGS: Mr. McHale.

MR. MCHALE: Here.

ATTY. CUMMINGS: Item number three is public comment on agenda items.

MR. MCHALE: Is there any comment on agenda items tonight?

(No response.)

MR. MCHALE: Seeing none.

ATTY. CUMMINGS: Item number four is a motion to approve the minutes.

MS. SCRIMALLI: I'll make that
motion.

MR. NARDOZZI: I'll second.

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

(No response.)

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

MR. NARDOZZI: Aye.

MR. VERRASTRO: Aye.

MS. SCRIMALLI: Aye.

MR. BURKE: Aye.

MR. HALLINAN: Aye.

MR. DEMPSEY: Aye.

MR. MCHALE: I'm going to abstain.

It's 159 pages and I just got it today. I only got through a hundred of it. Just for technical purposes, I'm going to abstain. Go ahead.

ATTY. CUMMINGS: Item number five a motion to approve and pay the open bills.

MR. BURKE: I'll make that motion.

MS. SCRIMALLI: I'll second that.

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

(No response.)
MR. MCHALE: All those in favor signify by saying aye.

ALL MEMBERS: Aye.

MR. MCHALE: Opposed?

(No response.)

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

ATTY. CUMMINGS: Item number six is a motion to approve and accept the 2015 Minimum Municipal Obligation references MMO.

MR. NARDOZZI: I'll make that motion, Mr. Chairman.

MR. DEMPSEY: I'll second it.

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

MR. VERRASTRO: Yes, what's the split? Do we have that on there?

MR. MCHALE: It's 317 for firefighters' pension fund, police is --

MR. VERRASTRO: No, I'm sorry, what the State's contributing and what we're going to have to --

MR. MCHALE: Do you have that --

MR. RUGGIERO: I don't have it.

MR. MCHALE: Okay.
MR. VERRASTRO: I was just wondering, okay. What was the total amount?

MR. MCHALE: Total is 900 --

MR. VERRASTRO: So it's down quite a bit.

MR. MCHALE: 950,000, down about a 155,000.

MR. VERRASTRO: Thank you.

MR. MCHALE: Anybody else on the question?

(No response.)

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

ALL MEMBERS: Aye.

MR. MCHALE: Opposed?

(No response.)

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

ATTY. CUMMINGS: Item number seven is a motion to pass a resolution showing support for Marywood University Learning Center Commons grant application.

MR. NARDOZZI: I'll make that motion, Mr. Chairman.

MS. SCRIMALLI: I'll second that.
MR. MCHALE: I have a motion and a second. On the question.

MR. HALLINAN: On the question will that be open to Dunmore students, people, whatever residents? I mean, I see here it says opportunities for community members but what does that exactly mean? Because I know just to walk on their campus you would need an ID to get into anything there.

MR. MCHALE: Mr. Ruggiero, do you know by chance?

MR. RUGGIERO: I could address that with Maryellen Coleman. She's -- the way she portrayed it what she said to me on the telephone was that it is going to be open to all Dunmore residents, whether there's going to be an ID given for each Dunmore resident, I don't know. But I could find out.

MR. HALLINAN: Thank you, Vito.

MR. MCHALE: Anybody else?

(No response.)

MR. MCHALE: I have a motion and a second. All those in favor signify by saying aye.

ALL MEMBERS: Aye.
MR. MCHALE: Opposed?

(No response.)

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

ATTY. CUMMINGS: Item number eight is a motion to pass a resolution for support of the Sherwood Youth Association grant application for a splash pad at Sherwood Park.

MR. VERRASTRO: I'll make that motion.

MS. SCRIMALLI: I'll second that.

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

(No response.)

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

ALL MEMBERS: Aye.

MR. MCHALE: Opposed?

(No response.)

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

ATTY. CUMMINGS: Item number eight and a half is Mr. Hetman from Lackawanna County to present the County's information this evening.
MR. HETMAN: Can everyone hear me?
Is this on now? All right. I'll just speak a little bit louder. Good evening, ladies and gentlemen of Council, ladies and gentlemen, I'm Gerard Hetman from Lackawanna County's Community Relations Department.

Briefly this evening, as I mentioned at my last report, Lackawanna County Commissioners along with our Revenue and Finance staff are in the process of crafting and presenting Lackawanna County General Fund Budget for the 2015 fiscal year.

So with that in mind on Wednesday, October 15th, at 11 a.m., tomorrow morning, the Lackawanna County Commissioners will present the proposed 2015 Lackawanna County Budget.

Presentation will take place in the Commissioner's conference room on the sixth floor of the Lackawanna County Administration Building, 200 Adams Avenue in Scranton. The public is invited to attend the presentation.

Also the Lackawanna County Commissioners will host a series of four public hearings on the proposed 2015 Lackawanna County Budget. Members of the public are invited to
attend and offer comments and ask questions about the budget and the budget process.

The dates and locations for the hearings are as follows:

Wednesday, October 22nd at 11 a.m., in the Commission's conference room, sixth floor of the County Administration Building, 200 Adams Avenue in Scranton immediately following the scheduled Lackawanna County Commissioner's meeting.

The second is Monday, October 27th at 3 p.m., in Jefferson Township Municipal Building, 487 Cortez Road in Jefferson Township.

The third is Wednesday, October 29th at 6:30 p.m., at the Jermyn Borough Building, 440 Jefferson Avenue in Jermyn; and lastly Wednesday, October 29th at 8 p.m., at the Dickson City Borough Building, 901 Enterprise Street, Dickson City, PA.

Just as an explanation, last year Dunmore Borough Council was gracious enough to host this in this facility one of our four required public hearings.

However, the Home Rule Charter does
stipulate that we do have to move between
different locations for every three years. So
after last year, we can't come back to Dunmore
for the next three budget cycles. So we have
to go to some other places around the county.

The public is welcomed as anyone
here in this room certainly to come, ask
questions, give their input on any part of the
budget process because the Commissioners
haven't officially released the budget, I don't
have any details to offer on it tonight.

But I will be certain to give a
brief -- a thorough report on the budget when I
come to next month's Council meeting here in
Dunmore. The only other item that we have is
the Parks and Recreation Department of
Lackawanna County is holding their annual boys
and girls basketball clinics this month.

Three of them have already started.
Two locations around the county have yet to
begin. Those are at Scranton High School and
Valley View Intermediate School. We'll
certainly leave a flyer here -- a copy for
anyone interested in registering for that
program. And that's all we have for this
evening. Thank you as always, ladies and gentlemen.

MR. MCHALE: Thank you, sir.

MS. SCRIMALLI: Thank you.

ATTY. CUMMINGS: The next item is number nine, public comment presumably on non agenda items. For those who are not regular attendees, anyone wishing to address Council can come to the podium and simply state your name and your municipality of residence and you may proceed.

There is a procedure for five minute limit. That's basically at the discretion of the Council. Mr. McHale.

MR. MCHALE: Quickly before we open up the public comment, I want to make one apology. Last meeting I inadvertently totally my mistake closed open discussion thinking that everybody was done speaking. And especially Gary Duncan and his group, I mistakenly closed without allowing them to speak.

So I do apologize to Gary. I did reach out to him, totally my mistake, won't happen again. And again I apologize, but if anybody does want to speak, yes, the five
minute limit if we can keep it to that we'd appreciate it. We do have a lot of leniency and even though we do represent the Dunmore taxpayers, we've opened it up to anybody who wishes to speak and will continue to do so. So without further ado, please. Definitely you're going to get a chance, Gary, I promise.

MS. SMITH: Council members, ladies and gentlemen, my name is Alice Smith. I live at 1310 Adams Avenue, Dunmore. My concern is 547 Larch Street, Andy Vorachak's place. On October 8th, which was last week the dumpster was moved finally.

But it has been there for four weeks full right to the top, people coming rooting through looking to see what they can find. Now, they moved the dumpster in between the house and the garage which is great because it worked out perfectly for the people on Adams Avenue where they had room to park their cars and no problem.

Well, when they emptied the dumpster and brought the dumpster back, they threw it out in the street again away from their property, away from the curb. We have people
that are swerving to go down Adams Avenue
trying to stop at the stop sign and people
trying to park there, which is making it
impossible.

Is there something that could be
done that they could have their dumpster back
in between the house and the garage like it was
before?

MR. NARDOZZI: I think we have an
ordinance that allows them to put the dumpster
on the street. But I think there's a
definitive time limit that they can do it.

MS. SMITH: But it's sitting there
and, like, they're not doing nothing to their
house.

MR. NARDOZZI: That's something
Vito's going to have to work with Joe Lorince
on that.

MS. SMITH: I mean, I would really
appreciate if, like, the dumpster could be
moved further in so there doesn't create an
accident on our street.

MR. MCHALE: Absolutely.

MS. SMITH: Thank you.

MR. MCHALE: You're welcome.
MS. SCRIMALLI: Thank you.

MR. VERRASTRO: Hello, Gary.

MR. DUNCAN: All right, Gary.

Duncan, 117 Barton Street, Dunmore. I don't think I really need the microphone. I come up tonight and I appreciate what you said. And again, I think everybody from the Neighborhood Watch does because we have a large group here again tonight.

But I -- this is the good news for the evening. Vito is here tonight. Didge is here tonight. And we have a lot of people involved in doing corrections after the last Dunmore Neighborhood Watch meeting we had -- I think we had a grand total of three pages of notations, different things in the Borough that we had asked it be addressed and that included crosswalks being repainted, not just up by Rita's but over by the tank, new signage put in.

And the police were very beneficial in getting automobiles moved that some of the folks that came to the meeting complained about. So I know people take a hard look at things. And I know there's a lot of things
that we wish would be better.

But this is a situation where for
the public record, I have to thank those
involved, DPW, Didge, the street guys that got
out there and did everything for us, getting
the signs up.

And that really is a lot of work. I
have to thank the police because they come --
we have a liaison at every single meeting. A
week yesterday -- I keep thinking it's Monday.
But Monday the 20th, we have our October
Dunmore Neighborhood Watch meeting.

I talked to Chief DeNaples. He's --
October for those of you who don't know it is
fire prevention month. Last week it was the
week specific.

But it goes for the entire month of
October. Chief DeNaples is going to have one
of the captains on the fire department come
down. And he's going to address the group so
we can talk about home safety and those types
of things that deal with fire issues.

I think everybody that's here
tonight realizes, you know, we have had
fatalities at a fire in Dunmore in the not too
recent past.

So I think it's a great asset that we have the community support that the Captain from the Fire Department is going to be here to address it.

So I hope, you know, as many of you that are here tonight, I hope you can all join us at next week's Dunmore Neighborhood Watch meeting. Thanks again, Mr. McHale. And thanks everybody that, you know, works for the Borough that came out and really did do their due diligence and got everything corrected in such a rapid response.

I know there's a couple outstanding issues. I talked to Vito. I know we're working on those. So I have every hope and I believe that we're going to get those fixed in the next week or so. So I think it's a done thing. So thanks, everybody. That's it.

ALL MEMBERS: Thanks, Gary.

MS. COYLE: My name is Maureen Coyle, 1100 Taylor Avenue in Dunmore. I'm here to thank Dunmore Council, Mr. Ruggiero, Dunmore Police Department and Dunmore Neighborhood Watch.
We have a lot of problems up in Buenzli Court. We have a light up there now, it's up. It's working. Thank you very much. The Dunmore Police are diving through. We have a lot of drug dealings going on. There's no cars there since the light went up. They're not dealing there anymore.

So from me and my neighbors up there, we just want to say thank you to all of you.

MR. NARDOZZI: Thank you, Maureen.

MS. SCRIMALLI: Thank you.

MR. MCHALE: Thank you. Anybody else?

MS. DEMPSEY: Hi, I'm Michele Dempsey. I live in Jefferson County, grew up in Dunmore. I just wanted -- this is just a followup to some information I'd given at an earlier Dunmore Council meeting.

And I just want to present it. So this weekend some excellent reporting in the Sunday Times confirmed what we suspected. The landfill has been leaking for years and our ground water is already contaminated and compromised.
Today there was an article in the paper in which a landfill consultant is telling us that suddenly there are only about five years left before the current landfill permit reaches its limit.

This is because after all these decades it has finally been deemed important to move trash from an old unlined landfill to a newer lined landfill. And we were being told that the cost to the taxpayers to transport trash out of the region would be enormous. The implication being that we cannot possibly survive without the landfill.

I have never been so absolutely certain that the opposite is true. The short term financial challenges mentioned by the consultant in today's article would be absolutely dwarfed by the long term negative financial, health, and environmental impacts on our community if the expansion is allowed.

This landfill is hurting your home and property values. The bigger it gets, the lower value of your homes. The landfill is damaging our health. It's leaking leachate into our ground water. And it's full of toxic
chemicals, some of which come from hazardous
fracking waste.

The runoff will go into our rivers
untreated. It's 450 feet from a backup water
supply that we drink. The air is foul and
seagulls carry disease in their droppings.

And worst of all, studies have shown
living near landfills can reduce immune system
function and lead to increase risk of certain
types of cancer including bladder, brain, and
leukemia and such among people who live near
landfills.

Further a study by researchers at
the London School of Hygiene and Tropical
Medicine also found that babies born to mothers
who live near landfills have a significantly
greater risk of birth defects.

What is the cost of all that? What
will be the cost along the way or in 50 years
when we have a mountain of garbage seething
leachate below the ground and liners fail? Who
will pay for that? We survived before the
landfill. We will survive when our garbage is
taken elsewhere because we have taken more than
our fair share.
In fact, it is the key to our survival to do so. Enough is enough. So finally as I mentioned in a previous meeting, I gave out information about an organization called Friends of Lackawanna. This group is now a registered nonprofit 501C3. And the website is WWW dot Friends of Lackawanna dot org.

There's also a Facebook page where you could get information. You could help our mission. We are committed to protecting the health and safety of our community as well as our property values regional and the environment.

We are working with an environmental lawyer and hiring experts to review the Phase III permit for the expansion of the Keystone Sanitary Landfill. Please help us stop this expansion. No donation is too small. And all donations are greatly appreciated and are tax deductible.

We will also have a causes dot com campaign site set up soon for online donations. In the meantime checks can be made payable to Friends of Lackawanna at our attorney's office.
That information is on the donations link on the website I mentioned. We need you. And you will make a difference. Thank you very much.

MR. MCHALE: Thank you.

MS. SCRIMALLI: Thank you.

MR. HALLINAN: Thank you.

MR. CLARK: Pat Clark, Dunmore. In general for the Council I think a lot of the people are probably here for an update on the landfill negotiations or lack thereof. Is there any information you could share publicly about where things stand or don't stand?

MR. MCHALE: There -- we've been trying to get something together. And I think what was presented to you last time fell short of your expectations. And in hindsight fell short of mine.

I'll take the personal blame for it even though Council had all the information, I should have known better than to -- you know, some of the questions that were brought up I should have known better. So nothing will come in front of this Council until it's clearly stated that we're -- what we're trying to do is not support Phase III expansion.
If I have a vote, I'll vote no to that, which we don't have a vote. But if I do, I would vote no. I'm against that. Publicly, I said it before and I'll say it again. But an agreement that comes to -- in front of us will take care of our past debt, take care of free garbage for life of the landfill whether it be 4, 5, 10, 50 years and increase our fee from 41 cents to whatever it's going to be clearly stated all that's going to be in the contract. And that is it.

MR. CLARK: Is there any expected timeline on the negotiations?

MR. MCHALE: No. No.

MR. CLARK: I think it's a good point I'd like to thank you -- I should rewind a little bit. I would like to thank you all for tabling the agreement last month. I know it was not as cordial of as a meeting probably typically should be. So I thank you for that.

I know that was not an easy thing to do most likely given all the work that went into it. You mentioned a point about you being personally being against the landfill. I think a lot of people here probably are.
I know we don't have a formal vote in that. But would it be all right to ask everyone on Council if they are personally for it or against the expansion of Phase III?

MR. MCHALE: Tom? Poll Council?

ATTY. CUMMINGS: At your discretion.

MR. MCHALE: It's up to you guys. If you guys want to speak that's -- you know, Pat, I just don't want to poll Council on my behalf but --

MR. CLARK: No, that's why I'm asking.

MR. MCHALE: Anyone want to speak?

MR. DEMPSEY: I'm against it.

MR. HALLINAN: I've said from day one that I'm not for the expansion of the 60 years. I can't predict what will happen. I said earlier two meetings ago I don't have a crystal ball. I couldn't imagine what would be out there.

Do I want to see some kind of fee agreement for the nine years or anything we have, why not? I mean, I think this Borough could use money. Mr. Duncan just said of all the improvements we just made, cost money.
People get lights. It costs money. Everything costs money.

I mean, it's easy to sit back and say, you know, hey, don't take that money. I'm not looking into Phase III. Trust me. You could come knock down my door if I ever approve Phase III if I have a count. I mean, what do we do? And I know it sounds so -- I'm talking too much --

MR. CLARK: No.

MR. HALLINAN: But am I for Phase III, no.

MR. NARDOZZI: Against but for a fee agreement.

MR. VERRASTRO: I'm definitely for a fee agreement as everybody is saying.

MR. CLARK: Okay.

MR. VERRASTRO: I have -- I get mixed feelings because I don't want to support the landfill. But I don't want to lose out on any money if it's stuck there. So do I want a landfill, absolutely not. Do I think we're going to be stuck with a landfill, absolutely because even if we say no if we have a vote which we really don't --
MR. CLARK: Right.

MR. VERRASTRO: It's in Throop. So we're talking about not being --

MR. CLARK: Sure.

MR. VERRASTRO: -- another, I don't know, 15 or 20 acres away or whatever it is or 40 acres from where we're at. So it's going to be there because -- I don't want to start a war.

I'm just curious, how many people went to Throop and complained because whatever we say doesn't -- isn't going to matter if it's still going to be in Throop. So that's something you guys have to think about.

But do I want one, no. Do I think it's going to be there? We're going to be stuck with one whether we want it or not because it's already there.

MR. CLARK: Right. Thank you.

MR. BURKE: I'm against the expansion. I think it's right that Council is trying to work to get a better fee because we've been screwed for 30 years. And I don't want to get screwed for another 50 years.

But as far as if I had a choice
expansion or the money, of course -- I mean close. I'd rather it close because I'm more worried about the health of this community than anything else. Do I trust DEP? I don't know -- I don't think anybody in this audience trusts DEP if they read the newspaper the last month.

I think we know whose side they're on. It's going to be a big battle with them because I don't think we're going to get any help at all with them. They were withholding information as you read in the paper.

It wasn't important for us to know -- if it wasn't for Kyle and the Times ask through the right to know to find out the information, we never would have even known that. So I know everybody here knows we're up against a battle, not only the landfill but DEP.

I think they protect him. It's a sin that they did not fine him that maybe did they think if they did fine him once in a while that 12 years maybe could have fixed the problems of the leachate leaking into the land? It doesn't make sense that they didn't fine
him.

But then again, you read the statements too about they didn't think it was a conflict of interest that his nephew was doing the study. And that's ridiculous. But everybody reads the paper or if they haven't, they've been told and they've been reading Friends of Lackawanna.

But you know we're up against the DEP on this too. They haven't -- and without any help too from any of our legislators increased the fee from 41 cents since it was enacted.

But landfill will increase their fees, they'll increase their monies. But I'll take the choice if I had a choice of a landfill closing, I'd rather close it and have my family feel safer.

I do agree with Council trying to make, you know, trying to make something out of this because we've -- like I said, we were screwed for 30 years. And I don't want to get screwed another -- well, 50, 60 years down the line. I don't want anything to happen to my family, my grandkids.
MR. CLARK: Thank you.

MR. VERRASTRO: Something -- I don't mean to interrupt you here. Sometimes what we think personally is even against what we want to do because it's our job to protect the town --

MR. CLARK: Yeah.

MR. VERRASTRO: -- not our personal views.

MR. CLARK: Yeah.

MR. VERRASTRO: That's why it becomes so much turmoil in what you're doing. I'm sorry, Carol, go ahead.

MS. SCRIMALLI: Well, it does matter. I know what I feel. I have mixed feelings. Do I want a landfill in my backyard, no. If it's going to be here I feel that it is my duty as I think my fellow Council members feel that any kind of money that can be brought to us would be worth getting.

That being said, I think that the hard efforts on all of us here that are working to work with the landfill as it is now and working with people like yourselves who are coming here and showing support because if you
didn't come, you know, we don't know how you
stand if you just, you know, but now that
you're here, now we have a very good
understanding of, you know, you residents how
you feel.

I would like to also let you know
that there are people who have fixed incomes
that have mixed feelings also. Do they want a
landfill in their backyard, no. But do they
want their taxes raised? I asked many people
this, especially those that are on the fixed
incomes. And they don't want their taxes
raised.

So any ideas that you could bring to
the table we're looking for all answers. And I
just want you to know I appreciate your coming
and supporting this town because that's what we
need. We need your physical presence. So
thank you very much.

MR. CLARK: If I could just add a
couple comments on that. I thank you. It's
interesting that we're 7-0, right, against a
landfill. I've done a little bit too much
research probably. I'll speculate here a
little bit. And you guys could say be quiet if
you want.

Council is in an impossible position right here. Here's the reason. We speculate why is the landfill negotiating now when they don't need to? What's going on? Well, there's a couple reasons they might, right?

They might want to maximize the profit. They might want to maximize the value of the landfill so if they ever wanted to sell it, they've locked in and got rid of all political risk for 40 years downstream.

They might want to get something in place before perhaps a new governor is in place and there's a more environmentally friendly regime -- Harrisburg and the DEP. They also might want to use it as leverage with their application to expand. And I think that's where the truth of the matter is.

If you read through the documentation in the application, it's about well over a thousand pages. It's 2 or 3000, maybe.

MR. MCHALE: Seven binders, yep.

MR. CLARK: So one of the key sections that the DEP looks at is called
the benefits and harm analysis. So really what they do is they say, here are all the benefits that the areas is going to get by expansion; here are all the harms.

The benefit they could put money to. The harms, there's no money to attach at all. The benefits are typically things like they're funding a program at Lackawanna College. They could go so far as to include the salaries they have to pay their people to run the landfill to make more money count as a benefit.

That's a DEP argument, not a Borough of Dunmore argument. What happens though is that the Borough either negotiates now or runs the risk of DEP making the decision and we're locked out of anything. So if we don't negotiate now, they could say -- DEP says grant it and then the landfill could say you got nothing.

You're in a no win position. I think a lot of people in this room realizes. It's not an easy decision. You've all said you don't want the landfill. I think that would be the majority of this room as well. Economics are tough.
I would suggest, however, that if we have any language in any revised agreement that either has an option clause in there or extends past the life of this existing permit, it will be used by DEP as rationale that the Borough is implicitly endorsing the expansion.

You may not have to say it. But the fact that the application itself already has revised numbers from the last contract in there it's called -- it's in the documents. It says year by year what they've agreed to what Dunmore negotiated. It's not finalized.

And they say, well, send the -- send the final agreement once agreed to. I think it's vital that if any agreement we strike has any language that crosses that threshold of when Phase III starts or is suspected to start, that we're in trouble through no fault of your own.

It's the way the harms and benefits analysis works. I think that's a struggle. I think you're in a tough spot. I don't envy it. But it's -- I think if we cross that line we're in trouble because it will be used against us. I would love to see some language
that specifically says this covers the existing life of the existing landfill and that's it, no more. We do not have any intention of going into Phase III. That puts us in a tough spot as well. The day could come when Phase III gets approved if it does. And then you say we're at zero. We're back at 41 cents I guess is the more realistic outcome.

And maybe we have to pay for our own garbage. That's, you know, negotiations, I guess. So I think it's important that everyone understands the difference there. It's not -- it's not we want the landfill or not. I think you're in a tough spot. But I think it's important that no language should ever cross the threshold of whether or not anything to do with Phase III is in there because it will be used against us.

My only other question is, you know, in reading through a lot of this stuff I have a couple zoning questions. I know this is not a zoning hearing board or anything like that. By my read on the zoning code -- and it's just my read. It's my read alone. We have height restrictions in Dunmore limiting a structure to
a certain height.

There's some new case law that defines a landfill as a structure. For Council, have we gone into investigating this and using it or not?

MR. MCHALE: This is the case that you're speaking of.

MR. CLARK: Yeah, and it's a landfill --

MR. MCHALE: We have. And Mr. Cummings has recused himself from dealing with the landfill for now -- or not for now, for negotiations and so on. And the attorney that we spoke to we're looking into it.

MR. CLARK: Okay.

MR. MCHALE: It's probably all I could tell you right now, Pat. I don't mean to be --

MR. CLARK: No, I just want to be sure that we're aware of -- and the other issue, you know, brought to light in today's story in the Times, the story says we're running out of space because of, you know, more garbage coming in there and we had to move things from the old dump.
There's language in our zoning code that specifically says any landfill in the Borough can only accept waste generated in Lackawanna County. We're looking into that issue as well?

MR. MCHALE: Well, that to my knowledge -- and, Tom, cut me off if you want. The interstate commerce when that was passed that voided our zoning restriction.

MR. CLARK: Yeah, my understanding is --

MR. MCHALE: Tom, is that correct?

ATTY. CUMMINGS: There's prior decisions regarding the state commerce clause. I think of greater import no one has ever raised the issue. And our zoning code is straightforward, follows the Municipal Planning Code either at the direction of Council or with written complaint, code officer, zoning officer is to investigate and issue an opinion.

And then either party aggrieved then has the ability to go before the Zoning Hearing Board to have a hearing within I believe 45 days and any party aggrieved from that can go
to county court.

So my suggestion -- I don't know if it would be premature because to my knowledge, the final application has not yet been accepted by DEP as a complete application.

But unless and until either the code officer of his own volition or at the direction of Council or because of a written complaint from somebody from the Borough either resident or taxpayer, I don't know that anything will be done.

But I do know that under the zoning code which is online on the Borough website, once the complaint or direction issues then it has to proceed. And it probably -- you're in 30, 45, 60 day time limit. So it's fairly quick.

MR. CLARK: Okay. But to be clear, we do have zoning -- potentially two zoning issues we could look into as a Borough and use as an affirmative --

MR. MCHALE: We have --

MR. CLARK: -- some leverage.

MR. MCHALE: We have -- I don't want to say have addressed those; but we have pushed
those onto our attorney.

MR. CLARK: Okay. My last question
is related to all of them. The zoning I think
is important that we look into. And I should
note that in the actual application itself,
Keystone has to speak to zoning and their
opinion is they have no outstanding violations
of any zoning issues or they don't see any
problems with it.

So I think we should look into that.
And I think we've got some affirmative actions
there. We always said required at negotiations
we don't have any leverage, well, I think we
might if we look into it. My last question,
Mr. Cummings, Mr. McHale said you recused
yourself from this issue. May I ask why?

ATTY. CUMMINGS: I don't think
Council was happy with my performance. So
rather than have a conflict since they were
looking at outside counsel cleanly only on this
issue, I offered that that would be fine if
that's their desire I'd recuse myself.

MR. CLARK: Was there any personal
conflict of interest --

ATTY. CUMMINGS: No.
MR. CLARK: No conflict of interest?

ATTY. CUMMINGS: None.

MR. CLARK: That's it. Thank you.

MR. HALLINAN: Thank you.

MR. KRANICK: Good afternoon, Council. Francis Kranick, 227 Chestnut Street. Just a point of order. Last meeting we had -- I posed a question whether or not any Council members had any conflict of interest, a potential conflict of interest.

And looking through the minutes, I realize that Mr. Verrastro and Mr. McHale were the only two that answered. So I thought just to clear the air if everybody could sign off yes or no if they feel there is any kind of conflict of interest in negotiations with the landfill, it would be better to know now than later on. So I would ask going down the line, Mrs. Scrimalli?

MS. SCRIMALLI: No.

MR. KRANICK: Mr. Burke.

MR. BURKE: No conflict, no.

MR. KRANICK: Mr. Nardozzi.

MR. NARDOZZI: None.

MR. KRANICK: Mr. Hallinan.
MR. HALLINAN: No. I'm retired.

MR. KRANICK: Mr. Dempsey.

MR. DEMPSEY: Absolutely not.

MR. KRANICK: Thank you so much.

With your recusal, Mr. Cummings, will the agreement that was proposed be nullified and a new proposal drawn up -- a new agreement drawn up?

MR. MCHALE: That's at both parties' discretion. If we're working on it -- like I said, an agreement that looks nothing like the last one will come in front of this Council if it does, it will be agreed to by both parties. It will look nothing like the last one.

MR. KRANICK: Very good. All right. Thank you very much.

MR. HALLINAN: Thanks, Francis.

MS. SPANISH: Katharn Spanish, 100 Swinick Drive. I believe at a previous Council meeting, it was mentioned that there was a letter that Dunmore sent to the DEP that said we had no intention of filing an objection to the expansion of the landfill. Is that correct?

MR. MCHALE: Yes.
MS. SPANISH: In light of the information that has been released in the newspapers and various articles, does Council have any intention of rescinding that letter at this time?

MR. MCHALE: A second letter was sent mainly because of Mr. Burke and he got us on the right track and a second letter was sent.

MS. SPANISH: Okay. Thank you.

MR. MCHALE: Thank you.

MR. PERRY: Mark Perry, 1302 Green Ridge Street. I just want to say one -- about a week or so ago in front of our house, we had a humongous branch fall off our tree Monday morning at quarter to seven. In ten minutes, the police were at my front door apologizing to me for bothering me.

The -- Sal, two crews came down and blocked the street off. Didge was there in 10 minutes with 15 people. And this was a -- this blocked traffic. They cleaned whole thing up as usual in about half an hour with 15 people there.

And so I just want to say thank you.
It's an example as you know we all know who
live here how good the cops and the DPW work
for the town. Just on this issue of contract,
can I ask you if you're going to negotiate and
enter into another contract or discussions, are
you going to then before you come to a meeting
distribute it so people can review it and then
comment on beforehand?

     MR. MCHALE: Sure. We can do that.
     MR. PERRY: Because last time I was
here on the 8th. And, you know, we talked. It
wasn't really a discussion about that
particularly. But we got into a discussion
about it. And at that time everyone said,
well, there is no -- even though you've had
some discussions at Keystone and you were
trying to open negotiations at that point while
Keystone was gracious enough to listen to you
several times, they weren't going to do
anything.

     And two weeks later as I understand,
I wasn't here. That went from there to zero to
170 where you have an agreement where you're
looking at it and you're looking to sign it.
So I think that's where people get uneasy where
within two weeks, you know, it goes from you've never even had discussions to a contract ready to sign.

I think that's what gets people anxious about what's happening. I think if you -- before something gets to that stage again if you could have a meeting where people could look at it, discuss it like you did last meeting, people get their input on it. And, you know, you could talk about it before that because I think what Pat says is right.

I think if you agree to a contract that extends beyond the nine years, if I were Keystone, I would certainly say, well, obviously the Borough -- one, I would say, one, they already sent a letter saying they have not objected to it which I guess has been rescinded?

MR. MCHALE: Well, a second letter was sent, yes.

MR. PERRY: What does the second letter say we -- what does it say in the letter?

MR. MCHALE: Tim, do you want to speak to it?
MR. BURKE: I didn't see the second letter.

MR. MCHALE: The letter that we sent to copy Throop.

MR. BURKE: That we sent to --

MR. MCHALE: DEP.

MR. BURKE: Oh, to DEP, I'm sorry.

Vito, do you have that letter?

MR. RUGGIERO: No, I don't have it with me.

MR. BURKE: I don't have it with me.

MR. PERRY: I'm just saying it looks like the vast majority of you agree that you don't want the landfill. I think most people don't. And I understand completely the position you're in obviously to try to get the best deal as possible. It's tough.

But if you tell -- obviously if you say you're not going to oppose it and then have said that you have an agreement that you're looking to sign it's going to extend for 50 years, if I were the applicant, I would say, well, look, obviously the Borough -- their elected officials don't disagree with this and they're willing to sign an agreement that
extends 50 years and have said they don't object.

So, I mean, I would ask at least at this stage -- you may come to that decision later on and say it's the best deal. For right now, why don't you just take some time to -- if you're going to do an agreement then at a meeting or at a public schedule where people can comment on it, look at it, say their peace before you -- and you might decide to do it.

Before we decide to do that, let's, you know, take a break and at least have a meeting like this where people can discuss it and, you know, look at it and review it. And on those concepts you -- has the -- on behalf of the Borough, have you looked at into hiring an environmental consultant or environmental lawyer or both to help you through the process?

MR. MCHALE: Yes. We put an offer -- well, an RFQ out for lawyers. I'm really -- the prices are a little staggering at this point.

MR. PERRY: Yeah. No, I know they're going to be expensive --

MR. MCHALE: Applicationwise --
MR. PERRY: -- given the enormity of what we're likely to look at getting into with the 50 year commitment, it's probably going to be unfortunately -- it's going to be expensive. I know you probably looked into it already. But it's probably going to be worth it to get -- at least someone on of the behalf Borough can independently look at it. Keystone has their folks. I mean, the Friends of Lackawanna that's great they're going to get independent folks looking at it too. The Borough could get their own, you know, someone from their standpoint to look at it from an environmental engineering standpoint but also a legal standpoint that could give some good advice.

MR. VERRASTRO: Well, that's for Phase III you're talking about. I don't mean to -- you're talking about Phase III.

MR. PERRY: Yeah.

MR. VERRASTRO: You're not talking about what we're trying to do with the other one --

MR. PERRY: -- that too I guess. I mean, the same with the landfill contract. I
mean, if you could get one -- obviously get a contract that goes for the nine years without any other commitment, great. Thank you very much.

MR. NARDOZZI: Mark, can I answer one point that you brought up?

MR. PERRY: Yeah.

MR. NARDOZZI: I think one of the reasons you don't see the fee agreement on the agenda right now is because this whole Council is taking baby steps. You know, we don't want to rush into anything. Of course, we appreciate all the input from everybody, including yourself. So that's -- the point being is that's what we're doing.

MR. PERRY: That's great.

MS. NARO: Melanie Naro, Dunmore. I'm really short. First, I want to thank all seven of you for your dedication to the Borough. It's really easy standing up here. But until you sit in those seats there, people don't realize what goes through your day to day problems, trying to analyze everything.

So I commend each and every one of you for your public service because it's
difficult and you all know it. I only know what I've read in the paper. And I know what you read in the paper isn't always the truth and isn't everything.

The only thing I know was in August when I was reading after an August meeting Timmy Burke said this is the time that we should be negotiating. This is the chance of a lifetime.

Then in September, there was -- and I'm sorry, that was in July. In August there was comment that we should hire an environmental attorney versus -- first thing I thought about why aren't we hiring an engineer to look at the issue with the PennDOT application was the voids -- the mine voids.

But that's what I read and no decision. Then all of a sudden two weeks ago or three weeks ago, I'm reading that there's a contract out there and Council's been negotiating. And they sent a letter to PennDOT saying we're not going to oppose it.

And I was shocked at what happened. And again, I wasn't at any of the meetings so I don't know what was said just what was reported
in the newspaper. So maybe you guys need
better PR if you did something otherwise than
what was reported because one of the first
things I thought, a letter to PennDOT was it
voted on at a meeting. And I don't know
whether you all voted on it -- the letter to --

MR. BURKE: No, my words to Attorney
Cummings on when the landfill was asked -- and
it wasn't on the floor -- was do we have his
blessings. I told him, Tommy, absolutely not.
Tommy said I will -- he said I will make sure
he gets your message. That was my message to
Tommy, absolutely not he does not have my
approval.

MS. NARO: I don't know then how a
letter to the DEP got sent if it wasn't voted
on the floor saying that Dunmore's not going to
oppose it. Now I'm hearing a letter was sent
to DEP saying we're rescinding that letter.
Was that vote taken on the floor?

And I wasn't at any of the meetings
so I don't know. But I would think that's a
violation of the Sunshine Act either way that
you're supposed to have a public vote and
public comment -- more importantly public
comment.

And that's what I suggest to you. We've done it with the methadone clinic. We did it with other very controversial issues that before you start negotiating or going to Mill Street that you consider having a public meeting with some proposals so people can make some comments for you all to consider when you go to negotiate or your attorney can go to negotiate.

I did some research too about how high a landfill can be -- not what our ordinance says because Dunmore Zoning Ordinance has been overturned in court many, many times. So although it says we can't take out of county or out of Borough trash, I think on appeal that would be detrimental to our finances if we ever fought that.

So one of the things that if a landfill could go as high as it wants to be, in New York one was as tall as the Statue of Liberty. In California, one was as high as a skyscraper. There may not be any preclusion for the landfill going as tall as it wants to but for the voids.
And so unless we're going to have as a Borough an engineer saying, oh, this is a problem or an expert saying this is hurting our water or an expert saying this is going to cause birth defects, I think D -- the Department of Environmental Protection is going to dismiss those claims that you have to -- a lawyer -- there's a lot of lawyers here in the audience. You know you need expert testimony.

And if you're not going to have that, then I think the landfill is going to be able to expand. So I agree with some of your comments if this thing is going to expand, we should get the best deal possible. And I hate to be, you know, the devil's advocate here because nobody wants a landfill in their backyard.

I'm sure everybody who lives over in the Swinick Development in those beautiful homes don't -- they do not want to be looking out their door and seeing, you know, the future ski slope of Lackawanna County 50 years from now because that's what's going to happen.

It's going to be -- that's what happens to landfills. They become parks. They
become recreational areas. They become ski
slopes. And that's what's going to happen.
So, you know, is the Borough going to spend
money on an engineer? I don't know. It's
probably not in the budget, right -- 6,000 --

MR. VERRASTRO: I'm sorry, Melanie,
I don't mean to cut you off. But we hired one.

MS. NARO: Oh, did you?

MR. VERRASTRO: Yes.

MS. NARO: Okay. I didn't see that
in the paper. Well, that's good --

MR. VERRASTRO: We did it with
Throop. It was --

MS. NARO: Well, that's good to know
because I don't know unless you come to the
meetings the newspaper didn't report on that,
Sal. So again, I thank you for your public
service. I hope you diligently look at the
issues because if we're going to have that
monstrosity of a mound in our town, I hope that
Dunmore does get -- and my last thing and I
promise I won't say anything else.

I implore all of you and everyone
here to write to our State Senators, to our
representatives for them to increase the
minimum amount. It's been 41 cents too long. If it's $2, if it's $3, then our hands aren't tied. And we do not have to depend on this money to balance our budgets. Thank you.

MR. NARDOZZI: Thanks, Mel.

MS. SCRIMALLI: Thank you.

MS. OVEN: Kathryn Oven, Madison Avenue. Just to bring up a point you were asking about -- people were asking about an environmental lawyer. We have an environmental lawyer. He's on retainer. And it was set up through Friends of Lackawanna.

So the Borough keeps saying that they can't do anything, their hands are tied because it's a DEP decision. Yet you could financially help by contributing to this attorney. He's requested the water analysis. He has sent a letter and put the DEP on notice that he's representing us.

I mean, people can get involved by putting money towards this attorney. He has an excellent reputation. He's worked closely with the DEP. He was involved in Act 31 which had to deal with the fracking waste. So for people to say we can't do anything because it's up to
the DEP is frustrating.

And I think that also as a Borough Council you're doing a wonderful job, don't get me wrong. But you could put more information out there so all the residents of Dunmore are aware of what's going on. I mean, there's I don't know how many people in this room. There should be 20 times this amount of people because people are affected, their health, their water, financially.

And I think that you could put stuff on your website. You can get information and disseminate it to the residents so that the next meeting, there's more people here. And more people need to write Blake, Kevin Haggerty, sending letters to DEP. All the information is on Facebook Friends of Lackawanna.

And I think that unless people become more aggressive and show the DEP we don't want this, it's going to go through.

MR. NARDOZZI: Kath, can I make a point for you?

MS. OVEN: Yes.

MR. NARDOZZI: On Facebook I have a
forum for the Borough. You're free to post
anything on my --

    MS. OVEN: I'm not on Facebook but I
will get on --

    MR. NARDOZZI: Or anyone else.
You're free to post anything on my forum for
the Borough.

    MS. OVEN: Yeah, well, Friends of
Lackawanna is posting stuff pretty regularly.
But we will also jump on that as well.

    MR. NARDOZZI: You're free to jump
on that if --

    MS. OVEN: Okay. It tells you where
you could contribute and all the progress that
we're making with the --

    MR. BURKE: Kathryn, I will be
donating to your lawyer. I wish we could have
one too. But, I mean, I will donate what I
could.

    MS. OVEN: I appreciate it. I don't
think we need 10 lawyers. I think we need one
good one.

    MR. BURKE: I agree.

    MS. OVEN: And this guy is very
educated and very well versed in the goings on
with DEP and he's very familiar with the landfill. And he is very hopeful. But we need to support him. And we need to rally as a Borough or else we're going to get run over like we have been getting.

MR. BURKE: Great.

MS. SCRIMALLI: What is the attorney's name?

MS. OVEN: It's listed on Friends of Lackawanna. His name is Jordan Yeager. He's out of Doylestown.

MS. SCRIMALLI: Thank you.

MR. MCHAILE: Thank you.

MS. CLARK: Hi. Kristen Clark, Jefferson Avenue. I just have a couple quick questions. We talked about the negotiations. But I was wondering if we could have an update on the Phase III expansion and the DEP public hearing if you've heard anything about it being scheduled or --

MR. MCHAILE: Tom?

ATTY. CUMMINGS: To my knowledge, the DEP has not -- to my knowledge, they have not yet finalized acceptance deeming it a final application that would then open it up to the
review process, public meeting, public hearing.

The application that we gave to our reviewing engineer is substantially the same. But it is not final because of the drilling report was not part of it and is now been submitted. He does have a copy of that.

But I think it would be fruitless to have a public meeting without a final application because it would give somebody the chance to jump over and say, yeah, that was then but this is now and here's the new information that's in the actual final.

MS. CLARK: So when will the application be considered final?

ATTY. CUMMINGS: I'm not sure. I know the DEP has -- and I don't know -- I can't quote the days offhand. There's 60 or 90 days where they either have to say yes it's final or send a notice of deficiency.

MS. CLARK: Was the second letter that Dunmore sent included in that application to trump the first letter saying we support the expansion? Do you know?

ATTY. CUMMINGS: I don't sure. I don't know.
MS. CLARK: Do you know, Mike?

MR. MCHALE: I don't. Off the top of my head, I don't.

MS. CLARK: What did the second letter say or is there a way that you could make it available for everyone to view?

MR. MCHALE: We can definitely make it available. To quote it, I don't know -- do you guys --

MS. CLARK: Did it specifically say we rescind the first letter dated -- that's just my question.

MR. MCHALE: Honestly, Kristen --

MS. CLARK: You don't know?

MR. MCHALE: Off the top of my head, I don't know.

MS. CLARK: Okay. That's fine. Oh, did you -- I'm sorry and I couldn't hear you before. Did you say you have a Facebook page?

MR. NARDOZZI: Yes, forum -- a Council forum on Facebook. I said you're free to post.

MS. CLARK: Oh, okay. Thank you.

MR. NARDOZZI: As I allow everyone from Dunmore to post any information.
MS. CLARK: Okay. I just couldn't hear you because of the air conditioning. And my other question is, I know that you said you recused yourself from the negotiations. But --

ATTY. CUMMINGS: No, actually, more specifically, I mean, I'll take myself out of anything that Council prefer to use others for, specifically the review of the Phase III application and any contest thereof.

MS. CLARK: Okay.

ATTY. CUMMINGS: Statements I've made in the past may have tainted something I would say at a public hearing. I know at the last meeting some took me to be evasive. But you have to understand if I make a statement on behalf of the Borough of record and we're in litigation three years from now, I'm stuck with the offhanded comment at the meeting. So, I mean, the language is now out of play from the agreement.

MS. CLARK: Okay.

ATTY. CUMMINGS: But that's I guess the answer.

MS. CLARK: So has the Borough hired someone that will help with the Phase III
expansion like our -- our support or --

MR. MCHALE: We've hired -- yes, we have. We've hired an attorney to help us with negotiations, any legal -- and obviously the agreement would be a legal document. That's where we're starting right now.

And obviously some of the stuff that your husband brought up has been brought to his attention as well, things like that.

MS. CLARK: So it will be for the negotiations slash any sort of --

MR. VERRASTRO: We're going to meet with him next week --

MS. CLARK: Okay.

MR. MCHALE: We're in the infancy stage.

MR. VERRASTRO: -- and we don't know exactly what he's going to be responsible for in total. He might only accept a portion of it. He might accept all of it.

MR. MCHALE: Or we may need another. Who knows?

MS. CLARK: Okay.

UNIDENTIFIED MALE: Who's the attorney?
MR. MCHALE: Bill Jones.

MR. VERRASTRO: Bill Jones.

MR. MCHALE: Please don't -- if you want to come up and ask questions, you have to do it on the record.

MS. CLARK: Who is the attorney?

Who is he?

MR. MCHALE: I got yelled at last time.

MS. CLARK: What is the attorney's name?

MR. VERRASTRO: Bill Jones.

MR. MCHALE: Bill Jones.

MS. CLARK: Okay. And Marks and Marks, is that the environmental --

MR. MCHALE: The engineers?

MS. CLARK: The engineer.

ATTY. CUMMINGS: What's that?

MR. MCHALE: Marks and Marks.

ATTY. CUMMINGS: No.

UNIDENTIFIED WOMAN: Martin and Martin.

ATTY. CUMMINGS: Is that who it is?

MR. MCHALE: Martin and Martin.

MS. CLARK: Okay. So they're the
ones that you hired with Throop?

MR. MCHALE: With Throop.

MS. CLARK: Okay.

MR. MCHALE: To review the application.

MS. CLARK: Okay. I think that was my only question. I'm just having a hard time with when the DEP is going to consider it final and what Mr. Clark said about the harm benefit analysis and the financial information in the application. When does that timeline --

ATTY. CUMMINGS: That's at DEP. That's with the current application -- the harm benefit.

MS. CLARK: But the fact that we pulled negotiations off the table on the one dollar which is possibly in the application, when does that come out of the application or will it come out or is that something we should raise at public hearings?

ATTY. CUMMINGS: I think that would be at Council's discretion.

MR. MCHALE: I think both. If it's still in there. We didn't agree to it.

MS. CLARK: Okay.
MR. MCHALE: If it's asterized, I haven't seen the latest harms and benefit. I did review it two weeks ago.

MS. CLARK: Okay.

MR. MCHALE: So --

MR. VERRASTRO: If they show they put an offer in and we rejected it --

MS. CLARK: But it is something we can discuss at public hearing.

MR. MCHALE: Absolutely.

MR. VERRASTRO: If they show they put an offer -- I'm sorry, Mike, I didn't mean to --

MR. MCHALE: No, no, no, please. She asked me a question. That's it.

MR. VERRASTRO: If they show they put an offer in, we can't tell them they can't put that in the application.

MS. CLARK: No, absolutely --

MR. MCHALE: If they --

MS. CLARK: -- as long as it doesn't say that Dunmore agreed to it.

MR. MCHALE: Accept it. Exactly. If it's asterized that this is what was offered is still pending. I don't know if that's how
it works. I don't.

MS. CLARK: That's my only confusion.

ATTY. CUMMINGS: I would suggest since we have sufficient time to take a look at the regulations of DEP regarding the public meeting --

MS. CLARK: Okay.

ATTY. CUMMINGS: And the public hearing --

MS. CLARK: Okay.

ATTY. CUMMINGS: There's different procedural and there's different requirements. One is almost conversational. The other requires responses that become part of the record.

MR. MCHALE: I think we'd all rather the latter.

MS. CLARK: So that would be a hearing. Okay. Do you have any recommendations for the people that are here in terms of the DEP and, you know, what can we do to help you in terms of fighting the expansion? I know that's kind of what everyone wants to know.
MR. VERRASTRO: You can stop yelling at me.

MS. CLARK: I did not yell. I didn't. That was my sister. I did not yell.

MR. VERRASTRO: The room was so dead, I had to say something.

MR. HALLINAN: I'd say the DEP meeting is going to be major.

MS. CLARK: Okay.

MR. HALLINAN: I mean, it's -- it's all I see -- I mean, obviously what we do I -- and we're look for --

MR. MCHALE: Hal, turn on your microphone. I've never heard anybody say you're quiet before they can't hear you.

MR. HALLINAN: I think the DEP meeting is really big show of support. I really do.

MS. CLARK: I think a lot of people are concerned when is it going to happen, is it going to happen. So we know it's going to happen. It's just a matter of when and then Dunmore could give us notice.

MR. MCHALE: We'll put it everywhere.
MS. CLARK: Okay.

MR. MCHALE: I mean, it's a meeting not for Dunmore. It's for everybody.

MS. CLARK: Yep.

MR. MCHALE: Obviously Throop is 60 percent of the landfill compared to us. They want to have theirs -- one as well. We would like to have ours first to get our questions out fresh and get responses. So the meeting is definitely going to happen it's -- unless something's pulled under all of our -- we want it.

But we want the engineers' report. We want DEP, all of them in the same room, ask all of them questions, probably same questions you're going to ask.

MS. CLARK: Okay. And last question I promise.

MR. MCHALE: We have the same concerns. But you probably have a few more questions.

MS. CLARK: No, last question, I promise. Has Council reached out to the politicians to see if they could give us any sort of support or any clout with DEP?
MR. MCHALE: I have spoken with -- through Vito with Blake's Office. And I've spoken to Kevin Haggerty several times.

MS. CLARK: Any updates or are they --

MR. MCHALE: I try to keep them updated on what we're doing because I think a lot of stuff that came out of last meeting -- again, I took a lot of fault for that. And believe me, I lost a lot of night's sleep over it.

But it's -- I'm just trying to keep everybody up to date what our intent is. Again, I may have not delivered on that intent in that last agreement. I will so next time. You'll understand my intent. And that's -- but I am trying to keep them up to date of where we stand so they understand our side as well. And I think we're all on the same page. That's --

MS. CLARK: Right.

MR. MCHALE: That's the problem I spoke to Pat about it a little bit. The intent here on all of our part is the same goal. Yes, we fell short of your expectations. And in hindsight my expectations last meeting. It
won't happen again.

MS. CLARK: I want to thank you all for your hard work. I know you work really hard. I know you come out here all the time at night and listen to people whine and complain. So I want to thank you. You do a great job for the Borough and our area so thank you.

MR. MCHAILE: Thank you.

MR. NARDOZZI: Thank you.

MR. HALLINAN: Thank you.

MR. DEMPSEY: Thank you.

MS. SCRIMALLI: Thank you.

MR. BURKE: Thank you.

MS. CLARK: I wasn't yelling. I wasn't yelling.

MR. BURKE: I think too that like Pat doing the research that he did, it kind of led us in a way. Well, we have Vito and Mike here to find out very important information that Pat knows about. And I think Pat by coming too and asking through the right to know about the zoning laws is energized -- Mike and Vito were our lawyers looking for information and found out important information.

And then all of a sudden,
Mr. DeNaples wants to negotiate again. And they find out the important information that Mike and Vito researched. So if you could do any research because it did help us. Believe me, it helped us big time. And thank you, Mike and Vito, for doing that for us because I know you're not lawyers but you did a hell of a job researching that.

MR. MCHALE: Anybody else?

MR. BOYANOWSKI: Jeff Boyanowski, Jefferson -- Madison Avenue. Two simple questions for Council. Number one, can we make a request that the new attorney Bill Jones is present moving forward at all Council meetings? I assume he had a conflict tonight.

MR. MCHALE: He had a Dickson City meeting. He had a conflict tonight, yes.

MR. BOYANOWSKI: I just wanted to make sure.

MR. MCHALE: We're going to do our best.

MR. BOYANOWSKI: Secondly, Mr. Nardozzi, you said on the forum, can we post the agenda a day or two ahead of time?

MR. NARDOZZI: Absolutely -- oh, our
agenda?

MR. BOYANOWSKI: The agenda for this meeting.

MR. NARDOZZI: Sometimes we don't get it.

MR. BOYANOWSKI: Who creates that or is there any way at least a day in advance?

MR. MCHALE: Vito creates it. It's really up to Council to do so. And sometimes at the last minute something -- Hal wanted to try to get something on at 4:00 today. Sometimes that happens. But, yes, we'll post it, maybe subject to one or two changes. We'll do that.

MR. BOYANOWSKI: I think what everyone in this room is probably -- the reason everyone is here tonight is they assumed that there was going to be an agenda item and obviously open forum that you could ask questions.

But at a minimum, if there's going to be something, I think advanced notice as a few mentioned already would be appreciative and that Facebook thing is obviously a way to stir it up.
MR. MCHALE: You're right.

MR. BOYANOWSKI: Thank you.

MR. MCHALE: Thank you.

MR. HALLINAN: Thank you.

MS. SPANISH: Katharn Spanish. Just one last question, when I came up at the last meeting it was stated that there would absolutely be no further negotiations. And for the record, that's changed, right? He is willing to renegotiate the contract?

MR. VERRASTRO: Absolutely. I was wrong.

MS. SPANISH: You're wrong.

MR. VERRASTRO: Well, I wasn't wrong. We were lucky.

MS. SPANISH: We were lucky.

MR. MCHALE: Do you want me to -- go ahead.

MR. VERRASTRO: Go ahead.

MS. SPANISH: Is there any details around that you can share?

MR. VERRASTRO: I was the one who made a statement and I could only -- I repeated what he said. We're lucky it didn't go that
MR. MCHALE: And I could tell you since that time, I think he saw all of your comments and said, you know, his intents -- their intents because we did meet with a few -- was not as bad as it came out to be. And again, put the blame on me. I should know better.

MS. SPANISH: And he's willing to have an external attorney be part of the process?

MR. MCHALE: That's ongoing.

MS. SPANISH: Okay.

MR. MCHALE: Honestly, I don't know. I mean, we may not have a deal period. So we're trying. That's all I could say.

MS. SPANISH: So he has recognized that he's -- he could come to the table but he still might say no depending on what we --

MR. MCHALE: We have a letter from DEP -- an e-mail from DEP saying he doesn't have to do anything.

MS. SPANISH: Right.

MR. MCHALE: Period. So, you know, yes, do we have some things especially what Pat
brought up and stuff that we have, we're trying. We're trying. That's all I can -- I'm not trying to be evasive and not tell you. I'm telling you the truth. There's nothing right now.

But we're working on trying to get something as you -- as Miss Naro said too, it's difficult to sit here against a landfill but what the reality is, there's a better than average chance that it may get passed.

So, yes, we struggle with that against our personal beliefs. I grew up here. I have three young kids. I'm going to stay here probably for a long time hopefully if I get past these meetings.

But it's just a matter of, you know, balancing that act. And again, if something comes in front of this Council, I will not vote on anything that does not implicitly or explicitly say anything about Phase III. That's all I could say to you.

MS. SPANISH: Will the agreement be presented at a Council meeting prior to negotiations happening with the landfill so we sort of understand what exists -- what you guys
are presenting as your offer to the landfill prior to that negotiation happening?

    MR. MCHALE: I think it's an ongoing thing because if we agree to something they could throw it out and vice versa. I like Attorney Perry's idea, yeah, maybe we do a public session a couple days before -- in advance to let you guys vet it.

    We can put it on your forum, put it on Paul's forum. There's nothing we're trying to hide. And that's probably again where we failed.

    MS. SPANISH: Okay. And lastly, to echo Michele and Kathryn's points, it would be incredibly beneficial for everyone here who is actively interested in getting involved to go to Friends of Lackawanna dot org, the Facebook page, make a donation.

    It could be anonymous if anyone is afraid to let someone know that you've donated. And I also urge the Council to get involved in that too. I think it's beneficial for us with the DEP process to have a united front so if we're all together in reviewing perhaps working with Martin and Martin and our attorney
collectively, we could really get to the bottom of some of these issues and hold the DEP accountable for not having any of the violations that have occurred at the landfill over the past few years and have them publically stated someplace.

I just think the more united we are collectively with Dunmore and Throop and the residents of both municipalities, I think the stronger our case is for the expansion. Thanks.

MR. MCHALE: Thank you.

MR. HALLINAN: Thank you.

MR. KELLY: Tom Kelly, Swinick Drive in Dunmore. I just had one question just doing some basic preliminary research regarding the initial contract that we're operating under right now with the landfill.

And I'm actually just looking for clarification from Council or anybody here that would know. My understanding is that it would appear that at a maximum, a contract could be signed for 10 years by a government agency in the State of Pennsylvania.

I'm confused as how we're still --
and again, maybe this is -- I'm just not aware of all the facts. But I'm confused at how we're still operating under -- what causes us to not to void the agreement and say we're 15 years, we're 5 years past my understanding of the longest length of a contract that was even legally allowed to be agreed to at that time. Is anybody aware of this issue or can anyone clarify that for me?

MR. MCHALE: Tom?

ATTY. CUMMINGS: I'll research and respond in writing with the particulars.

MR. MCHALE: Obviously I don't know. I don't know. This is a 1999 agreement that's handcuffing us period, handcuffing us.

MR. KELLY: Exactly. And that's --

MR. MCHALE: The negotiations that you want us to negotiate, this is handcuffing us. So --

MR. KELLY: If the contract --

MR. MCHALE: If it is null and --

MR. KELLY: -- cannot legally be --

the contract should be voided after year 10 is my understanding per Pennsylvania State Law. Again, I don't know, you know, this is the
State of Pennsylvania, you know, I'm not sure exactly all the particulars that would govern local government and how this would all work. But that's why I'm actually just looking for clarification if somebody would understand that.

But for my basic research and understanding, I don't understand -- in other words, how could you sign a contract through 2065 this Council? How can that even be?

MR. MCHALE: We signed -- I'm not arguing with you, don't get me wrong. But we also signed debt for 30 years too. I want to get your answer to you. Mr. Cummings will do so in writing.

MR. KELLY: Okay. Yeah, and again I'm just really looking for clarification. I'm not sure there's a lot of intricacies with, you know, contract law between states and local governments and things like that.

MR. MCHALE: I agree.

MR. KELLY: I don't claim to be an expert at all. But I was just curious. I just came across that. And it was just -- it just kind of had me shaking my head a little bit.
MR. MCHALE: No, I appreciate you bringing it up.

MR. KELLY: Okay. And just one clarification regarding the letters that were sent to DEP or regarding the first letter and the second letter. There seemed to be some confusion on the Council, like, the contents of the letters. When Council writes a letter, who writes it? Who signs it?

MR. MCHALE: The President has to sign on behalf of Council even if I agree with it or not. We spoke about this. Forgive me, my memory these days I'm in the middle of a tax deadline. My memory -- I think all seven of us were there and decided to send this letter.

Whether I wrote it -- Vito is very good at writing letters; he wrote it. I signed it as President. Okay. The second --

MR. BURKE: Mike, I did specifically say to Tommy that he doesn't have my blessings --

MR. KELLY: Well, that's my --

MR. BURKE: -- and Tommy specifically said I'll make sure he gets your message. I'm positive of that.
MR. MCHALE: I'm not arguing that, Tim. I just -- we spoke --

MR. KELLY: That's why I'm just curious if one Council -- like, what's the process when you write a letter if say five of you agree with it and three don't, does it go in the Council agrees with it? Would that be the language of the letter?

Or in other words, we have one Councilman who stated publicly he opposed it. Yet, a letter went saying we agree with it. So I'm confused as to how that happened.

MR. MCHALE: And a second letter went to --

MR. KELLY: The first letter.

MR. MCHALE: -- fix our mistake -- just to finish my sentence. Regarding the first letter, yes, if -- I said seven of us were there. I didn't say seven of us were in favor. My memory says that we all agreed to do so. So we sent it.

MR. KELLY: Okay. So the letter would be signed by you then.

MR. MCHALE: It has to be, yeah.

MR. KELLY: Okay. All right. Thank
MR. MCHALE: Thank you.

MR. KELLY: Thank you all for your time.

MS. BRIER: Hi, I'm Janet Brier from Monroe Avenue. I just have a couple quick questions. So you're saying the second letter then as well -- sir, you signed the second letter as well?

MR. MCHALE: As President I do. Whoever is President has to send the letter on behalf of Council.

MS. BRIER: Do you know who wrote it?

MR. MCHALE: Actually we -- on second letter Throop had sent a letter. Tim brought it to our attention. And we more or less copied Throop's letter to -- because we were all in agreement it was a letter -- I believe it was written by Throop's attorney, Attorney Cimini. Right, Tim?

MR. BURKE: Right.

MR. VERRASTRO: It was requesting that we wanted a hearing to show -- because we sent I think two or three of them.
MS. BRIER: Is there a point person on Council who is dealing with DEP?

MR. MCHALE: Our Borough Manager.

MS. BRIER: Oh, but not anyone on Council.

MR. MCHALE: He talks to -- I talk to him 10 times a day. But he talks to all of us.

MS. BRIER: I was just wondering how again someone brought up the process. It seems to be a little vague.

MR. MCHALE: It is to us too because we, you know, we've never been through this either so --

MS. BRIER: Sure.

MR. MCHALE: And obviously all of this happened at the DEP level. We're trying to stay informed as well.

MS. BRIER: Right. And, you know, in terms of the history with the DEP and the Borough, you know, in the mid70s they came in and said we needed a -- we're throwing our garbage in a hole and we needed a liner and, of course, we couldn't afford it then just as we can't afford not to do this now apparently.
So we sold it for a dollar to the person who still owns it. And then in the mid80s they needed someplace to run a leachate. So they went to the Scranton Sewer Authority at the time. And four of the five members approved of that. The only person who didn't approve of that was the Borough representative Harry -- the late Harry O'Neill at the time.

Subsequent to that, we had the cogeneration fight -- the incinerator fight. The Lackawanna County was going to flow a bond for a failed technology that everyone -- every citizen in Lackawanna County would have been on the hook for -- every taxpayer.

At that time, you know, we fought that. And the thing -- the reason we fought was that you can't fight this. So I just want to say thank you to this Council because they are not as contentious as past Councils.

And to the people -- the young people that came here today because I'm representing the grandmothers, it's a long struggle. And it's all about money as we all know.

And we all love Dunmore, fourth
generation. My grandchildren are at Dunmore --
Dunmore Elementary. But it won't be a good
place to live if this continues. I mean,
it's -- Melanie said, you know, they're
building these skyscraper landfills.

They are not building them on
environmentally degradated land. I mean, there
isn't -- there isn't a spot in this valley
under 1200 feet that isn't undermined.

So, you know, when you build on
stable subsurface, it's very different from
throwing garbage basically into a thin layer of
earth that has -- that's undermined. So I just
want to say there's a lot more considerations
here, especially our history -- our history of
environmental degradation and our history of,
you know, loving this town and how that
conflicts from time to time. So I just want to
say thanks again for all of you folks. Thank
you.

MR. MCHALE: Thank you.

MR. NARDOZZI: Thank you.

MR. DEMPSEY: Thank you.

MR. HALLINAN: Thank you.

MR. PASQUALICCHIO: Mike
Pasqualicchio, Dunmore. I just have a quick question. Can we send a third letter just to clarify? I'm not making a joke. I'm really not making a joke. I'm not really making a joke.

Seriously, can we send a third letter to DEP clarifying that you guys are against this expansion just plain and simple? Copy the second letter maybe make it public, put it in the Times. I don't know. That's all we want. Thank you.

MR. NARDOZZI: Thank you.

MS. SPANISH: Katharn Spanish. May the public receive a copy of the first and the second letter so that we can be very clear just about what was in each respective letter?

MR. MCHALE: Yes.

MS. SPANISH: Perfect. Thank you.

MR. MCHALE: Anybody else?

(No response.)

MR. MCHALE: Mr. Cummings?

ATTY. CUMMINGS: Public officials.

MR. MCHALE: Hold on one second.

Everybody make sure because last time I did close it early. Everybody's good? I felt
horrible last time that I did that to --
please come on up.

Like I said, Gary Duncan, I
apologize yet again. I still feel terrible
about that.

MR. MURRAY: Leo Murray, 711 Fifth
Street. I only have one question. The second
letter that you're talking about that went to
the DEP, when was that done and who was in
attendance?

MR. MCHALE: When was that done --
what do you mean --

MR. MURRAY: When was the letter put
together and signed off on by Council?

MR. MCHALE: I don't have an exact
date. Honestly, I can't -- months ago.

MR. MURRAY: Was it before or after
the last meeting?

MR. MCHALE: Well before.

MR. MURRAY: It was well before?

MR. MCHALE: Yeah.

MR. MURRAY: But it wasn't during a
Council session?

MR. MCHALE: I don't recall. Tom?

ATTY. CUMMINGS: I don't remember.
I remember it was discussed by Council. And it was the exact same letter that Throop had sent. It may have been under direction to inform DEP that we also wanted the hearing and a meeting and the ability to review it by engineering and legal standards.

MR. BURKE: I believe this is it. I don't know if, Tom, if it -- or Vito, do you know if this is the letter that was sent? I believe this was the letter that was sent. It was just a carbon copy of Louie Cimini's letter from Throop.

MR. RUGGIERO: Something very similar to this is what we sent. It had the same language as Attorney Cimini's.

MR. BURKE: I don't know if you want me to pass it around or just make copies and bring it at the next meeting or --

MR. VERRASTRO: Well, that's not the letter. That's the letter Throop sent.

MR. BURKE: Right. We just copied -- we copied exactly Throop -- the second letter.

UNIDENTIFIED WOMAN: Can you read it? Can you read it out loud? Just read it
out loud.

MR. BURKE: As you're aware, Throop Borough --

MR. VERRASTRO: One second, before you start to read it, Tom, being that we didn't send that letter specifically, that was sent by Throop. Is that something that -- I just want to make sure.

ATTY. CUMMINGS: He could read whatever he wants as long as he attributes it to Throop.

MR. VERRASTRO: I don't know.

ATTY. CUMMINGS: I think that --

MR. VERRASTRO: Do you know what I'm saying? He might have gotten this as an example from this gentleman to help us --

MR. BURKE: Well, no -- yes, this is --

MR. VERRASTRO: I just don't want to get you or him in trouble, Timmy. I'm not trying to hide anything.

MR. BURKE: No, you're not going to get me in trouble because I'm just going to say this is the letter from Throop that we carbon copied. That's all. This isn't our letter.
This is the letter we carbon copied from Throop. I mean, this is their letter and we carbon copied it.

As you're aware, Throop Borough President Thomas Lukasewicz made several requests in the May 20th, 2014, meeting. The purpose of these correspondence is to request a reply to the following request: Extension of time beyond 60 days to review and respond to the Phase III application.

Two, schedule a public meeting; three, schedule a public hearing. In addition, what is the availability of grant money funds to hire third party to review the application on behalf of -- this is Throop -- of Throop Borough.

We copied this almost to a "T", I believe, Vito. I don't have the original letter that we sent. But this was the reason for our letter going to DEP. And that was voted on I believe in Council.

MR. NARDOZZI: Timmy, what's the date of that letter?

MR. BURKE: This is May 29, 2014.

MR. NARDOZZI: Yeah, May. So May.
MR. MCHALE: So May, early June.

Pat, please be quick.

MR. CLARK: Pat Clark, one more
time, just one quick because this is going to
keep going on here. First letter went out --
the first letter for clarification I believe
was sent to the landfill, not DEP saying we do
not intend to challenge your application for
expansion.

The second letter copied Throop went
to DEP. I think what the people in this room
are saying, can you please write a letter to --
formally to either DEP and/or the landfill
saying, wait, we are not okay without
challenging. We are going to look into this
and we may challenge it. I think it's as
simple as that. Thank you.

MR. HALLINAN: Thank you.

MR. BURKE: Well, I'll make a motion
that we do that.

MR. HALLINAN: I'll second that.

Get it over --

MR. MCHALE: I have a motion and a
second. On the question. All those in
favor --
MR. VERRASTRO: I'd like to know the language of something before I -- I don't mind making a motion to draw something up. But I want to read the language before I vote to send a letter somewhere. I would like to read it.

MR. HALLINAN: We got to vote here.

MR. MCHALE: It's on the question. But I appreciate --

MR. VERRASTRO: I'm on the question and please don't speak out of turn. This has been a good meeting so far. I don't want it to turn into a circus because I'm concerned about something. That's the way it is. If you don't like it, I don't know what to tell you.

MR. MCHALE: Anybody else on -- we're still on the question. You got to hold on. Anybody else on the question?

(No response.)

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

MR. HALLINAN: Aye.

MR. NARDOZZI: Aye.

MR. VERRASTRO: But what are we voting to, Michael?

MR. MCHALE: He has a motion on the
floor. I got to go with it.

MR. VERRASTRO: Mike, I got to ask you -- Tim, I'm going to ask you to change your motion to have a letter drawn up for us to approve to the same level. Otherwise, you're telling him to send a letter. You don't know what Mike -- anybody could write the letter. You don't even know what it's going to say.

MR. BURKE: That we're against the landfill Phase III. And if anybody else wants to add anything onto it --

MR. MCHALE: Timmy, can I --

MR. BURKE: Well, maybe I should put the way Pat put it -- excuse me -- that we don't approve. I mean, we're not -- we don't approve of extension of the landfill, simple as that.

MR. VERRASTRO: I think that we should say we're interested in challenging the landfill, not that we don't approve of it.

MR. BURKE: Well, maybe our Solicitor, maybe, Tom, you could help us out on that.

ATTY. CUMMINGS: You already pulled me from it.
MR. BURKE: Well, you've been answering questions all night.

MR. VERRASTRO: You know what I'm saying, Tim, I don't think we should put something down that we can't --

MR. BURKE: No, I understand, Sal. That's why I'm looking for help from a solicitor.

MR. VERRASTRO: That's why I'm saying if we're going to send a letter out, it should be that we are interested in challenging the petition, not that we're against it because how do you negotiate for more money when you're saying we don't want it?

I mean, I could only speak so much and not make myself look like a fool. But you let the cat out of the bag and you lose, you know --

MR. BURKE: You're right. And right now I'm looking from a solicitor which he has recused himself so --

MR. NARDOZZI: Guys, we have a meeting going on here. Can you please? Thank you.

MR. HALLINAN: On the question,
could you just vote then? Mr. Burke, you made a motion. I seconded it that your question would be that we are not in favor of Phase III. Would that be simple enough Council as a whole or whoever how they vote?

MR. VERRASTRO: I think that that's nuts to do.

MR. HALLINAN: Well, we can vote for it or against it and then you can bring up another --

MR. MCHALE: You already have -- Hal, we have a motion on the floor. Tim, you got to clarify your motion and we'll put it to a vote.

MR. BURKE: Okay, then my motion is for Phase III like Hal said. But we're going to have to come back to this anyway until we do have a lawyer, Bill Jones.

MR. VERRASTRO: What if our lawyer tells us you shouldn't have sent that?

MR. BURKE: Well, then we don't do it.

MR. VERRASTRO: Well, we're voting to do it. That's what I'm trying to get across here.
MR. BURKE: Okay, then I --

MR. VERRASTRO: I mean, we're trying to set up a meeting with an attorney next week and we're going to go --

MR. BURKE: Okay. We're going to have to vote -- if we table it then I'll have to take it off and table it because we don't have a lawyer present to handle it right now.

MR. MCHALE: Hal, do you do the same with your second --

ATTY. CUMMINGS: You have a motion and a second. Then you have to have a motion and a second to table otherwise it hangs in limbo.

MR. MCHALE: Can I have a motion to table?

MR. VERRASTRO: I'll make the motion to table.

MR. BURKE: Second.

MR. MCHALE: I have a motion and a second to table. All in favor signify by saying aye.

ALL MEMBERS: Aye.

MR. MCHALE: Opposed?

(No response.)
MR. VERRASTRO: Thank you, everybody.

MR. O'MALLEY: Just a couple questions.

MR. MCHALE: Your name for the record?

MR. O'MALLEY: Now, nobody remembered when this letter was sent --

MR. MCHALE: Your name?

MR. O'MALLEY: William O'Malley, Mill Street, Dunmore, across from where all the cars are. Okay, nobody remembers when the letter was sent? You don't have a copy of it here?

MR. MCHALE: Not with me. I have it in my files at home.

MR. O'MALLEY: And do you think before the next meeting you can hand it out -- the two letters?

MR. MCHALE: You know what, I'll do one better. It will be available tomorrow --

MR. O'MALLEY: All right.

MR. MCHALE: -- at the Borough Building.

MR. O'MALLEY: And you'll send the
two? You'll have the two letters?

MR. MCHALE: Send it to -- Mr.

Ruggiero will make them --

MR. O'MALLEY: The one you sent to

Keystone and the one you sent to DEP.

MR. MCHALE: You're not letting me

finish. Mr. Ruggiero will make them available
tomorrow.

MR. O'MALLEY: Okay. Pick them up

at the Borough Building?

MR. MCHALE: Sure.

MR. O'MALLEY: Okay, thank you.

MR. MCHALE: Sure.

MR. HALLINAN: Thank you, Mr.

O'Malley.

MS. OVEN: Kathryn Oven, Madison

Avenue. Just to answer my sister's question,

there is on Friends of Lackawanna on the

Facebook page, there is information Blake's

Office and DEP information.

If anybody wants to call them or

send a letter, I've called the DEP several
times. They said public sentiment does matter
to a degree. So I think as many people as we

get to call the office as well as send letters
it would be helpful.

And also Senator Blake has agreed to meet with Friends of Lackawanna. So if anybody else is interested in going to this meeting, they should call his office -- the Scranton office or the office up the line and just tell them that you would like to be involved in that.

So we did reach out to him. He's agreed to meet with us. I think the more people we get to contact the DEP either writing or calling would be helpful. Thank you.

UNIDENTIFIED WOMAN: Is there a date? When is the --

MS. OVEN: They haven't given us a date yet. They are trying to -- they actually just sent me an e-mail today and said they are trying to get some dates from Senator Blake and then they will e-mail all the people that called. They've taken names and e-mail addresses.

So if anybody is interested, I would encourage you to call the office and just give your name and your e-mail and then you would be on that thread as far as when Senator Blake can
meet with us.

MR. GROCHOWSKI: Hi, my name is Joe Grochowski. I was born and raised in Dunmore, Pennsylvania, 1302 Electric Street. Just came back a year ago. I now live at 1711 Adams in Dunmore. Actually this is the first Dunmore Council meeting I've ever been to. I never really left Dunmore, but it's good to be back.

MR. VERRASTRO: I'm sorry.

MR. GROCHOWSKI: And I -- but just as an observer I've, you know, I've been around the world. I've, you know, seen a lot of things. It's great to hear what the community is doing and how you're working hard. And I could understand how hard it is.

I don't really know all the facts. I hear -- newspaper facts what's going on with what. But just sitting in tonight I started out -- seemed like it was getting some clarity on things and then it starts -- it seems a little confusing.

So for -- just for general education if we can, you know, clarify letters who sent what. I'm getting a little bit more confused as we go here. But I appreciate all of your
efforts. Good luck to you. And I look forward to getting more educate -- I don't know about the issue right now to give you a comment. I know we should get more money. I'm sure there's environmental things. But I just want some facts, basic facts. I don't see them on the website. I lived in communities where they send out their budget.

Here's -- there's our borough. Here's how much we spent for the school, to the fire department, this, that. I look at the website and I see zoning ordinance that says see amendments. I just want some facts. I mean, just get them out there.

I mean, you have local citizens doing it on their own. And again, it's just more so we can be educated. That's it.

MR. VERRASTRO: Right when you walk in the door there's a whole budget for you the first of every month -- the first meeting of every month.

MR. GROCHOWSKI: The first council meeting. I don't know these things. And I appreciate it --

MR. VERRASTRO: And they are at the
Borough Building.

MR. GROCHOWSKI: -- and allowing me
to speak. But anyways, thank you for your
time.

MR. MCHALE: Thank you, Mr. Grochowski.

MS. NARO: Melanie Naro. I don't
know if this issue is moot because of what
Patrick said. But because this letter that was
okay to be sent with Timmy saying don't include
me, make sure that they know I don't agree with
this that you -- because you didn't do that in
a public meeting, I was going to suggest to you
that tonight before the meeting closes that you
affirm your position with the second letter
being sent.

But it seems kind of moot because it
looks like you're going to send a third letter
now. But I suggest that any motion that you
make, you know, you have your lawyer draw it up
who would be Mr. Jones that that would be an
appropriate motion to make perhaps tonight
that you ask him to draft it since Mr. Cummings
recused himself.

And the other thing, there was a
question about someone who lived in the Swinick
Development about the contract being over ten
years old. It seems to be moot because we get
only 41 cents which is the minimum. So whether
it's a hundred years old, it's 10 years old,
it's 20 years old, it doesn't matter. We're
only getting 41 so it doesn't matter.

MR. MCHALE: Thank you.

MR. HALLINAN: Thanks.

UNIDENTIFIED MAN: I just want to
clarify one thing. Do we have to agree to it?

MR. MCHALE: Your name one more
time.

MR. KELLY: Tom Kelly, Dunmore,
Swinick Drive. Do we have to -- let's say we
didn't agree to the 41 cents, what happens?

MR. MCHALE: We get the 41 cents
state mandated.

MR. KELLY: Okay. But we have this
agreement in place. So the agreement -- what's
the point of the agreement, I guess?

MR. MCHALE: The agreement is --
first of all, we have a handshake agreement on
getting free garbage so that's about 6,
$700,000 a year. We get about $800,000 out of
the landfill right now.

We have past payables -- he hasn't sent us a bill. So, yes, there's an argument whether he could enforce them or not. Our attorney who is working with us now said four or five years he could probably go after. And going forward and someone brought it up tonight if the landfill is sold, what do we do?

That's kind of where the problem comes in. But to answer your question directly, yeah, we get the 41 cents no matter what.

MR. KELLY: Okay. So if we -- even if we didn't agree to anything with him with -- we can't stop the garbage from him having a landfill there, correct? That's what I wasn't understanding. I thought we had to agree to that in some capacity.

MR. MCHALE: We don't have a vote with DEP. If we did, I think you heard seven-nothing we would vote no.

MR. KELLY: I mean, that's the expansion. I mean the existing --

MR. MCHALE: It's in existence now.

He has a contract that again is strangling us.
MR. KELLY: That's what -- we have a contract but if it's not legal then what happens if we void it?

MR. MCHALE: You're saying the ten year thing?

MR. KELLY: Yeah.

MR. MCHALE: Mr. Cummings is going to look into that.

MR. KELLY: Okay. All right. Thank you.

MR. MCHALE: Thank you.

MR. MCGRATH: Jack McGrath, I live on Monroe Avenue.

MR. MCHALE: Or if not -- I heard the comments. If not him, our -- Bill Jones will. So I apologize for the comments.

MR. MCGRATH: I'm confused about this garbage thing. We had a deal with Mr. DeNaples in 1971 that he would never charge us for garbage.

MR. MCHALE: That's not in writing.

MR. MCGRATH: But you said you have a handshake.

MR. MCHALE: I didn't have a handshake. I was two years old in 1971.
MR. MCGRATH: Well, you should research a little. It's your job now. Also Mr. DeNaples has a sewer on Mill Street where he dumps cars, thousands and thousands of them. And we have it in writing that he's not supposed to put cars there.

So we have a little kickback, you know, you could say to Mr. DeNaples, Mr. DeNaples, do you want to move all the cars off of Mill Street, you know? It's called negotiations. You should give it a shot.

MR. MCHALE: Thank you.

MR. VERRASTRO: We've been trying to do that.

MR. BURKE: Vito, could you look in tomorrow into what violations that are being broken on Mill Street and maybe have Bill Jones help you out with that since he is the zoning?

MR. RUGGIERO: I'll have to talk to Joe Lorince as well.

MR. BURKE: Thank you.

MS. TEEVAN: Joann Teevan, Dunmore, T-E-E-V-A-N. I just have a quick question about the letters. I know someone said they would be made available at the Borough
Building. I think it's a little hard for people to get to the Borough Building. So can you put them on the website?

MR. MCHALE: I say we can try because it's always a chore with our current website. Vito, can you try to do that? We'll do that.

MS. TEEVAN: You should get someone new.

MR. MANCOS: John Mancos, Throop. I'm a software developer by trade. So if you need help with that website, let me know.

MR. O'MALLEY: William O'Malley, Mill Street. You're going to have Mr. Ruggiero look into what violations are on Mill Street?

MR. MCHALE: That's what we just said.

MR. BURKE: I just asked him to, Bill.

MR. O'MALLEY: Okay. When will that report be available?

MR. NARDOZZI: We didn't even do it yet.

MR. O'MALLEY: I'd like to get a copy of it.
MR. MCHALE: We'll find out tomorrow. He'll go look at it tomorrow.
That's all we could --

MR. O'MALLEY: Okay. You'll have a report tomorrow?

MR. MCHALE: No.

MR. VERRASTRO: No.

MR. O'MALLEY: No idea then.

MR. MCHALE: He'll -- they have to do it first. What am I --

MR. O'MALLEY: But it's going to be done, right?

MR. MCHALE: You heard him ask.

MR. O'MALLEY: I heard a lot of things. Thank you.

MR. MCHALE: Mr. Cummings.

ATTY. CUMMINGS: Public officials.

MR. MCHALE: Carol.

MS. SCRIMALLI: Well, I do want to thank you so much for coming. Like I said, we can't do a thing without the support of you. We need to know how you feel. This thing has -- this whole issue we didn't know where you all stood. We wanted you to come back in May and here it is October. But we're so glad
you're here.

   It's just the more information that we get I think the better decisions can be made. So your questions are very important. We appreciate them. And again, thank you for coming. That's all I have tonight. Thank you.

   MR. MCHALE: Mr. Burke.

   MR. BURKE: I'd like to thank everybody for coming out. And I like to see the crowd growing and growing the way it is. And I'd like to see a lot more people at the next meeting. It shows your concern.

   The research we found a lot of it was part of -- because of the Clark's work at the last meeting and all of you really speaking up and Mike and Vito's hard work finding out what we did find out.

   But I'd like to see you all here and bring more friends and let people know what's going on in Dunmore. I mean, we are working hard. And like this Council here, we disagree on some things but you don't see us fighting up here like past Councils fighting.

   We're working together. We can agree to disagree on things. And on another
note, I'm hoping that we have a good turn out
for the Octoberfest up St. Anthony's this
Saturday from 1 to 5. It's for a good cause.
And it's in Don Rinaldi's name who has put in a
lifetime of service at the playground.

They're going to build a -- restore
a new basketball court up there. It's $20 per
person and children 10 and under are free; a
lot of great food. There will be gift baskets.
And there will be plenty of -- and there will
be entertainment by Dino Noto. Shawn Loughney
is going to be the DJ.

So it will be a really good time and
hoping people can turn out for the playground
in memory of Donald Rinaldi. That's it.
Thank you.

MR. MCHALE: Mr. Verrastro.

MR. VERRASTRO: Yes, a couple quick
things. First, we had talked in general about
changing the floor in this room a couple of
times. Maybe we can put something out -- maybe
we can call a couple people to get a couple of
quotes.

I don't think we should go with
carpet again my personal opinion -- even if we
did both. I'd like to see what we can do.

MR. RUGGIERO: Sal, I got the first one --

MR. Verrastro: I knew we started talking about it. I'd look at maybe getting it done, like, right after Christmas or something. This way we'll start the year out with something new instead of a Christmas party spilling it and starting the year out with what we already have.

Next we have for the first time we're trying something new. I don't know if you heard about it or saw any advertising on it. We have a promoter that rented our gymnasium this Saturday. He's going to be having some boxing matches that are usually at the Hilton and usually at Fiorelli's or wherever he rents -- Genetti's.

So if -- there's going to be a bunch of different amateur bouts and some professional bouts here. If you're interested, it might work out. Maybe we'll entertain doing it again, maybe we won't. Maybe he won't want to do it again here. He might think we're too expensive. I don't know.
But I wanted to let everybody know in case you didn't happen to see any of the advertisements out there that there is going to be something down here.

Next I do appreciate everybody's concerns. And I was thrilled with the way the meeting started out. I know people -- after a certain point people started coming back up because I don't know if they wanted to get clever, if they wanted to throw a shot.

We are trying to do our best up here. We don't have a photographic -- I don't have a memory that I can remember what everything that happened here in the last year or the order it happened in, I'm sorry. I appreciate the research you're doing.

And I'm just throwing this off the top of my head because, one, I said it and I thought I said it right, maybe I didn't. I'm not saying I'm for a landfill expansion. I'm not saying I'm against one right now.

I'm worried about us financially. And everybody seems to be doing a lot of research on how not to have a landfill here. So I'm going to put a little challenge out to
you because we always have the budget up here. I would like you guys to take it and research it and bring me a million and a half dollars for 2015 because that's what we're going to need if we don't have the landfill.

That's the first year. And it's a scary thought. So while we're doing all of this -- and I agree with you. And trust me, I go home and I don't want it, I want it. Help me find the money to sell me not to have a landfill.

They're up there. If you need more Vito will make a thousand copies for you. Show me a million and half dollars just for 2015 because that's what we're going to subtract. So thank you for coming.

I'm not doing it to be cocky. I'm not doing it to be nasty. Mr. Clark gave us a lot of good --

UNIDENTIFIED WOMAN: All we're asking -- all we're asking --


No, no, no, you can't -- you can't go back --

MR. VERRASTRO: I let everybody. And I was very polite.
MS. MCDONALD: You're a little too cocky.

MR. VERRASTRO: I'm not getting too cocky.

MS. MCDONALD: Yes, you are.

MR. VERRASTRO: I think I'm being very respectful. I want everybody to try to show me a million and a half dollars for 2015 without laying off the Fire Department, our DPW that we just worshiped up here.

We're going to have to cut police officers eventually, not right away, eventually. So I would like to see the plan that we're going to use --

UNIDENTIFIED WOMAN: Take it over --

MR. MCHALE: Ma'am, please, please.

MR. VERRASTRO: I'm not making this number up. If the landfill closes when it shuts down -- and I'm sorry I'm using the term 2015. It would be whenever it shuts down and we no longer get our big 41 cents. At that point we will have to subtract 800 and some thousand dollars from our budget.

We will no longer have free dumping.

So that's approximately $2,000 a day for every
day that we dump there five days a week. And we would lose the hundred thousand dollar donation for here that's in the budget. And we budget it every year to run this Community Center.

So -- and that doesn't include where we're going to pay to dump our garbage and where we're going pay to transport it to dump it. So -- I'm just -- let's think about our numbers. If you could buy a new car and you don't go buy a car and then see if you could afford it. You see what kind of car you could afford and then you go buy it. I'm just putting a little challenge out there. Help me with it. Thank you.

MR. MCHALE: Mr. Nardozzi.

MR. NARDOZZI: I'd just like to thank everybody for coming tonight. Excuse me, I'm talking. I'm sorry. Thank you. I would like to thank everybody especially Pat Clark and his wife did a lot of nice research and Kathryn and Michele. We thank you guys very much. It's a -- it's been an eye opener. I just want to say thank you very much.

MR. MCHALE: That's it?
MR. NARDOZZI: That's it.

MR. MCHALE: Mr. Hallinan.

MR. HALLINAN: Wow, what was I getting into. I'd like to let everybody know Michael Lydon is out of surgery. He's still in the hospital. And I wish everybody would just keep Officer Lydon in your prayers, please.

The top of Drinker Street, where do we stand with the light there? There was a horrific accident there. Nobody got hurt but it was a three car pileup and the light up on -- I still think the light up there at the get-off ramp on 81 North at Drinker would be an asset to slowing people down.

And I just don't know -- I know the State proposed it. Is there any other communications on that, Vito, or what are we doing there?

MR. RUGGIERO: It was up to Council.

MR. HALLINAN: Excuse me?

MR. RUGGIERO: It was up to Council's decision.

MR. HALLINAN: I'd like to -- I'd like us to look into see if we can -- what we can do and work out and get a light in there
because I know the State wants to propose something and they've been looking at it.

And it's -- it's not just one accident that's happened up there. It's pretty bad. And also best of luck to your Friends of Lackawanna. What can I say? Everything was said tonight. I'm not for the expansion. And whatever we can do to earn money for those years in between then that's what I'm for.

I'm sorry, but, you know, I'm trying to help the Borough. But I don't want an expansion either. So thank you very much. And thank you for all of your input from everybody. Thank you for coming.

MR. MCHAILE: Attorney Dempsey.

MR. DEMPSEY: I also want to echo what Hal said and please keep Officer Michael Lydon in your prayers. He's going through a tough time and his wife as well.

Also this is a great time to plug this even because it's a great event. And there's a lot of people here if we get half as many -- well, I'd like to get more than this many people at the game. But there is a Pink-Purple. It's a girl's volleyball game
Dunmore versus North Pocono, Wednesday, October 22nd at Dunmore High School. JVs start at 5:30. Varsity start at 7:05. Admission is $2 suggested donation.

There's going to be raffle baskets, T-shirt sales, refreshments, and some sort of T-shirt contest. And the proceeds go to benefit Kelcey Hallinan Memorial Scholarship Fund and Susan G. Komen Foundation of NEPA. So please come out and support that on Wednesday, October 22nd.

With regard to the landfill, we're doing the best we can up here. It's very hard. I think, Pat, you nailed it. It's an impossible decision. I think I've talked to you more than my own wife the last two weeks which has not been good for my home life. I'm sure not you either.

We're doing the best we can. It's tough to negotiate when you really don't have something the other party needs or wants. We're working on that. Those two issues that you brought up, we thought about them. They are getting researched.

But you got to be realistic because
to fight those issues, it's going to cost --
and I don't -- I think that case was a
Commonwealth Court decision or appeals
decision. I can't remember. But it's not a
Supreme Court decision.

So if that one was going to get
litigated, that's going to cost us a heck of a
lot of money and you don't know the outcome.
But, you know, we promise you we'll look into
it. And that's all I could really say.

But it is very different to
negotiate when you really don't have something
the other party wants. So that's all I have
for tonight. And thank you all for coming.
We appreciate all your input.

MR. HALLINAN: One more thing, Mr.
McHale.

MR. MCHALE: Mr. Hallinan.

MR. HALLINAN: I'd like everybody to
realize the hard work that -- Mike McHale
doesn't do this alone. When he's saying it's
his fault, it's a lot of our faults. And I
want everybody to realize that.

We kind of keep the decorum because
we're not going to just keep intervening and
talking and keeping here until midnight. But Mr. McHale is not alone. And I give him all the credit in the world for speaking up and saying that. Mike --

MR. VERRASTRO: Absolutely.

MR. HALLINAN: -- I'm with you. And I'm sorry sometimes it seems like we throw him under the bus. But we're just trying to keep decorum, keep things moving along. And sometimes you sit here and say, oh, they're keeping their mouths shut, but Mike's not alone at this.

I was part of it. We make mistakes. I'm sorry. I'm here nine months. I've been a Borough citizen all of my life -- well, for a short time in Scranton. But I just -- you know, I just want you to know my heart's in Dunmore.

And my heart's with Mike McHale because he's an asset that we're going to lose in a year because he's going to -- he's not running again. So thank you, Michael, for -- I stand behind you.

MR. NARDOZZI: I echo that.

MR. MCHALE: Thank you, Hal. I said
a lot tonight. And, you know, it's not been an easy three weeks because, you know, you get the accusations and the snide comments. And if anybody knows me -- and I do have a lot of friends here, know that my integrity is without question. There's a good one in the back that I see.

So it's hard hearing the snide comments. And I'm looking at you because you did it three or four times. So that's the stuff that gets to you as you sit up here. And, you know, I hadn't slept after last meeting -- and again a lot of it's on me.

And I apologize for what happened last meeting, you know, I apologized to Gary for what -- that was totally on me. And the agreement, like I said, we all had it but I should have known better. And I feel horrible about it.

And I promise you, it's not going to happen again. You know, we all have the same goal here. I think you heard tonight that we're all on the same page. It's just a matter of bridging the two gaps and trying to get some money for the town on the way out, whether it's
five years, nine years, fifty years, we're just trying to protect the town.

And I hope you all realize that. I think it was a pretty good forum tonight minus a few. But I do appreciate everybody coming out. You know, you could have my card, call my cell phone. A lot -- Pat and I texted 20 times just this week -- last couple weeks I should say.

You know, I'll keep everybody informed. The website comments, our website a prior Councilman brought it for -- wanted us to spend $30,000 on a website. We just didn't have the money at this point. Okay, so, yeah, it's something we need to look to. We're going to try to ramp stuff up.

Vito is trying to do it on his own. We're doing the best we can. And I promise you it's not going without, you know, without effort. So, you know, it's tough sitting up here and hearing the criticism.

But that's kind of why I put my name on the line to run for office. And, you know, I'm going to try to not let you down for the time that I'm here. So with that, I'll look
for a motion to adjourn.

MR. VERRASTRO: I'll make that motion.

MR. NARDOZZI: Second.

MR. MCHALE: We are adjourned.
CERTIFICATE

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