COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:
Monday, February 10th, 2020

TIME:
7:00 P.M.

LOCATION:
DUNMORE COMMUNITY CENTER
1414 Monroe Avenue
Dunmore, Pennsylvania

COUNCIL MEMBERS:
MICHAEL DEMPESEY, President
THOMAS HALLINAN, Vice President - absent
CAROL SCrimalli
VINCE AMICO
THOMAS EHNOT
JANET BRIER
ELIZABETH ZANGARDI
JOHN ELLIS, Esquire, Solicitor
TIMOTHY BURKE, Mayor

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

MR. RUGGIERO: Mrs. McDonald Zangardi.

MS. ZANGARDI: Here.

MR. RUGGIERO: Mrs. Scrimalli.

MS. SCRIMALLI: Here.

MR. RUGGIERO: Mr. Ehnot.

MR. EHNOT: Here.

MR. RUGGIERO: Mr. Dempsey.

MR. DEMPSEY: Here.

MR. RUGGIERO: Mr. Hallinan. Mr. Amico.

MR. AMICO: Here.

MR. RUGGIERO: Mrs. Brier.

MS. BRIER: Here.

MR. RUGGIERO: Number three, public comment on agenda items. I'm sorry, Mayor Burke.

MAYOR BURKE: Here.

MR. DEMPSEY: Just before we get started on public comment on the agenda items, I just want to introduce Attorney John Ellis. He's filling in for Mary Dempsey Walsh tonight from the law firm of Ufberg and Associates.
Attorney Dempsey Walsh is unable to be here tonight. So he's just filling in. With that said, Vito?

MR. RUGGIERO: Number three, public comment on agenda items.

MR. DEMPSEY: Mr. Duncan.

MR. DUNCAN: 117 Barton Street -- Gary Duncan, 117 Barton Street, Dunmore. On the agenda items I have a couple questions. Dave, you're here. Are you going to review the ordinances or anything tonight is that part of Dave?

MR. DEMPSEY: Yeah, the reason Dave's here is he's going to give a brief explanation of the --

MR. DUNCAN: I either ask my questions after Dave's presentation or I could ask them beforehand.

MR. DEMPSEY: Do you want to wait? He may answer them.

MR. DUNCAN: Yeah, if that's okay if I could come back in at that time.

MR. DEMPSEY: Certainly.

MR. DUNCAN: One last thing and then also on the agenda items is the motion to
appoint a Dunmore Borough representative to the Scranton Sewer Authority. If I could ask a few questions briefly about that.

MR. DEMPSEY: Certainly.

MR. DUNCAN: I know that I asked questions at the October Scranton Sewer Authority meeting which we were at. I also know there's a meeting at Scranton Sewer Authority a week Thursday so we'll see you at that or whomever.

So my question was this. I asked at the Scranton Sewer Authority meeting back in October and in that same month at the Dunmore Council meeting I just want to make sure everything -- we have the 5 million in the indemnities and the 11.5 in the escrow accounts.

I know I asked at that time -- sorry. I asked at that time if none of the monies were touched for any municipal -- anything municipal involved, those monies were still as they were. I think that was with FN CB. And I think the other one was with the Delaware Trust. So I just wanted to make sure just to reiterate before there's -- it looks
like there's going to be a change in our representative.

MR. DEMPSEY: Correct.

MR. DUNCAN: You're currently with them so prior to anybody else taking over, nothing has been touched in terms of the indemnities. Nothing has been touched in terms of the escrow account in terms of any municipal projects. I'll word it that way.

MR. DEMPSEY: Not that I'm currently aware of. But again, that's probably a better question for Attorney Shrive to answer but not that I'm currently aware of from the last meeting that we --

MR. DUNCAN: Not that you're currently aware of, okay. I was concerned. And then when Dave gets done if it's okay, I would like to come back and ask some of the questions regarding the 20, 22, 3 and 4.

MR. DEMPSEY: That's not a problem.

MR. DUNCAN: Okay, thank you.

MR. DEMPSEY: Anybody else like to comment on agenda items only before we get going?

(No response.)
MR. DEMPSEY: Seeing none.

MR. RUGGIERO: Number four a motion to approve and pay the open bills.

MR. DEMPSEY: I'll look for a motion.

MR. EHNOT: I'll make a motion to approve and pay the open bills.

MR. DEMPSEY: Do I have a second?

MR. AMICO: I'll second it.

MR. DEMPSEY: I have a motion and a second. Anyone on the question?

(No response.)

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

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

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

MR. RUGGIERO: Number five, a motion to adopt Ordinance No. 2020-2 on stormwater management updating and replacing Section 516 of the Subdivision and Land Development Ordinance. The purpose of this Ordinance is to promote health, safety, and welfare within the
Borough and its watershed by minimizing the harms and maximizing the benefits.

MR. DEMPSEY: And I'll just look for a motion and a second. And then on the question I'll have Mr. Lopatka. I'll look for a motion.

MR. AMICO: I'll make that motion.

MR. DEMPSEY: Do I have a second?

MS. SCRIMALLI: I'll second that.

MR. DEMPSEY: I have a motion and a second. Mr. Lopatka, would you be able to give us a summary? Thank you.

MR. LOPATKA: Good evening all.

Basically the stormwater ordinance that's proposed --

MR. DEMPSEY: Dave, can you just introduce yourself so everybody knows who you are?

MR. LOPATKA: Dave Lopatka, Reuther-Bowen, Borough engineers also 618 and a half Throop Street, Dunmore. Dunmore Borough for years as part of the existing Subdivision Land Development Ordinance is lacking somewhat in some of the more up-to-date requirements from DEP.
So what I did is reviewed -- DEP has model stormwater ordinance. With Dunmore also being an MS4 which is a small municipality we have to meet certain requirements with regards to DEP as being a small MS4. So as part of that, the DEP ordinance that we're putting forth tonight we meet all the requirements for rain control, volume control, water quality with regards to Dunmore Borough and the MS4 in addition to what the overall stormwater management requirements.

So this ordinance will actually replace the existing stormwater ordinance that is currently in effect in your SALDO, subdivision land development ordinance so that the Borough now is totally up-to-date. Anything that comes in for review by a developer or someone developing property in the Borough now will be reviewed in accordance with this stormwater ordinance.

MR. DEMPSEY: And, Dave, will you also address the fee schedule for the inspections?

MR. LOPATKA: Yeah, so currently what I mentioned to the board was that the
Borough really needs to update the fee schedule for submissions for subdivision land development projects.

So what I have been asked to do is put together a fee schedule and have it reviewed by the Borough so that when a project comes in, typically if they utilize the fee schedule there's a certain amount that gets paid and put into escrow.

And based off our review fees, the Borough shouldn't be paying our review fees. Whoever's project we're reviewing should be paying the review fees. So that review fee would go into an escrow account. As we invoice the Borough, the Borough could then draw off that escrow account.

If there is anything that's needed above and beyond that, they could go back and request addition funds from the developer. If there is anything that is left over, the Borough could reimburse the developer for any funds left over that aren't used for any review fees or inspection fees during the course of the project.

MR. DEMPSEY: Thank you. Anyone
from Council have anything on the question?

MS. SCRIMALLI: Yeah, Dave, just once again to be clear, this is for new land development, correct?

MR. LOPATKA: Correct.

MS. SCRIMALLI: Okay. So it's not residential. It's for new land development.

MR. LOPATKA: Well, if there's a residential development, they have --

MS. SCRIMALLI: Oh, I'm sorry. I mean for --

MR. LOPATKA: Not for someone -- well, technically for single family home depending on the amount of disturbance, the amount of impervious coverage. But not for someone who's doing work on their existing home. That's more for the Code Department.

MS. SCRIMALLI: Not for existing homes, okay. Thank you.

MR. DEMPSEY: Anyone else from Council have anything on the question? Seeing none I'll ask Mr. Duncan if you have any questions, please. You can stay there.

MR. DUNCAN: Dave, just do me a favor. I don't have the best hearing so I just
want to make sure -- so it's going to be for new developments. And it's not for existing residential or existing businesses?

MR. LOPATKA: No. This is for the SALDO. It's for the Subdivision Land Development Ordinance for anyone coming in to develop something in the Borough that is not currently existing.

MR. DUNCAN: Okay. It has nothing to do with condensation from pools or anything --

MR. LOPATKA: No, nothing to do with pools.

MR. DUNCAN: The other thing is fee schedules and those types of things. If they are not -- and I'm asking especially because with the Planning Commission and everything so I would like to know about these things.

So if you could just bear -- we're replacing the section -- are they major changes as opposed to what we have?

MR. LOPATKA: I'm actually reviewing what you have currently, and I'm going to update it. So we didn't propose a fee schedule for tonight. That's not on the agenda.
MR. DUNCAN: Is tonight more of an informational presentation for the general public or --

MR. LOPATKA: It's informational and they're looking to adopt this ordinance. This ordinance is the ordinance that is modeled from PA DEP. It's what they want to see. If the Borough wanted to, they could go and have someone put together a new ordinance which at that point would have to be sent to DEP for review for them to approve so it meets their requirements.

MR. DUNCAN: So as it stands right now we're good to go with this?

MR. LOPATKA: Yes.

MR. DUNCAN: Next question, just on the 2020-3, the illicit discharge, the non-stormwater discharge, can you just get into that a little bit? What would be an example of that?

MR. RUGGIERO: Excuse me. Chairman Dempsey, do you want to vote on it? Do you want to bring that one to the question first and vote on this one first before he answers --

MR. DEMPSEY: Yeah.
MR. RUGGIERO: So to just to keep it --

MR. DEMPSEY: Yeah, that's fine.
Are you done asking questions on number five, Mr. Duncan?

MR. DUNCAN: On 2020-2, I am, yes.

MR. DEMPSEY: I'll get back to you, okay? Anybody else on the question on number five?

(No response.)

MR. DEMPSEY: Seeing none I'll look for a -- all those in favor signify by saying aye.

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

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

MR. RUGGIERO: Number six is a motion to adopt 2020-3 on illicit discharge in connection with non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

This ordinance establishes methods
for controlling the introduction of pollutants into the municipal separate storm system in order to regulate contribution of pollutants, prohibits, illicit connection and discharges, and establishes a legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance.

MR. DEMPSEY: Okay. I'll look for a motion on that.

MR. EHNOT: I'll make a motion to adopt the ordinance.

MR. DEMPSEY: Do I have a second?

MS. ZANGARDI: I'll second.

MR. DEMPSEY: I have a motion and a second. On the question again, Mr. Lopatka, if you just want to briefly give a background on that, please?

MR. LOPATKA: So this ordinance again is another ordinance that is put up by DEP as a model for municipalities to adopt. Again, you're an MS4, municipal separate storm system borough. One of the issues that arises -- and this really is kind of dictated towards totally separate storm systems, not necessarily combined systems.
Combined systems end up going to the Sewer Authority, their treatment plant, get treated. An illicit discharge can be anything from somebody dumping oil into an inlet or paint or anything that gets dumped into it, strictly dedicated storm system that ends up going from the storm system basically directly to the river, Roaring Brook or Meadow Brook creek or whatever it may be.

So this is geared more towards just your MS4 stuff. Your inlets, they are dedicated and go directly to a waterway.

MR. DUNCAN: I still have a few questions. So based on this -- this is probably the first time I've had questions on, you know, these types of things probably ever. The ordinance establishes a preference for control --

MR. DEMPSEY: Gary, can you slow down for Maria, please?

MR. DUNCAN: Oh, I'm sorry. Here's my question. The one sentence it says and establishes a legal authority. So who is the authorized enforcement agency?

MR. LOPATKA: The Borough.
MR. DUNCAN: The Borough is. So they're going to do the monitoring for the procedures.

MR. LOPATKA: So as part of the MS4, what we'll be doing for the Borough is monitoring. We have to monitor at least once a year all of those out --

MR. DUNCAN: You as the engineer?

MR. LOPATKA: Us as the engineer will be doing that. Technically there shouldn't be anything flowing out of any of these outputs. If there is, then we need to cite that on our report and potentially get it tested to find out what it is.

And then at some point the Borough would have to try to backtrack and find out who dumped it. Sometimes you're going to be able to find that out and sometimes you're not. Or it's seeing someone dumping something into it.

MR. DUNCAN: I asked the question because we had the situation up on Meade Street with a couple of -- where we had the sewer discharge up -- when I saw the agenda today that's why everything really triggered for me.

MR. LOPATKA: So, I mean, it's -- if
someone from the municipality sees something, you have to report it to the Borough and the Borough could investigate it at that point.

MR. DUNCAN: We are the enforcement agency.

MR. LOPATKA: Right.

MR. DUNCAN: Okay. Thank you.

That's it for that part.

MR. DEMPSEY: Thank you, Mr. Duncan.

MS. BRIER: Do we have this presently an ordinance --

MR. LOPATKA: For this? No. For illicit discharge, no.

MR. DEMPSEY: Anyone else on the question? All those in favor signify by saying aye.

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

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

MR. RUGGIERO: Number seven, motion to adopt 2020-4 requiring all persons, partnerships, businesses, and corporations to obtain a permit for any construction or
development; providing for the issuance of such permits; setting forth certain minimum requirements for new construction and development within the areas of the Borough which are subject to flooding and establishing penalties for any person who fail or refuse to comply with the requirements or provisions of this ordinance.

MR. DEMPSEY: I'll look for a motion.

MR. AMICO: I'll make that motion.

MR. DEMPSEY: A second?

MS. ZANGARDI: I'll second.

MR. DEMPSEY: I have a motion and a second. Vito, can you briefly explain on the question?

MR. RUGGIERO: Yeah, on the question, this is a state statute -- it's the Flood Plan Management Act of 1978. What it does is exactly what was just stated. Prior, someone who has to build or they have to obtain a permit in a flood plan area or a designated flood plan area, the state hasn't come up with the maps as of yet to see -- the updated maps of where the flood plan is.
When this goes to the Planning Commission what would happen is you would designate this -- prime example is down behind Heil's or where Serafina's was it's a flood zone on the side there. So if somebody is going to do -- need to take a permit out and do development in that area then it would come through the Planning Commission which would require them to do these certain things.

MR. DUNCAN: I'll refer the question over to you then?

MR. RUGGIERO: Sure.

MR. DUNCAN: Okay. So if there is a violation, what are the penalties that we're looking at? Is it $25? Is it 500? Is it --

MR. RUGGIERO: That's a fee schedule. I'm not sure. I will default that to the Solicitor whether the Borough could set the fees for the Planning Commission or the same fee schedule that Mr. Lopatka was just talking about can carry over to this as well.

And that would also be monitored then through Planning through the Borough Engineer to go and follow through with that. But this statute actually gives the Code
Enforcement Officer the ability to go out and set fines, correct.

MR. DUNCAN: Just from my research there is sets of numbers. I saw 500 and 600. And I saw as low as 25. Are they cumulative fees? Will it be a penalty for --

MR. RUGGIERO: I would suggest that you go to see what other municipalities adopt this ordinance and kind of see what their fee schedules are and come up with a combined hypothesis of what Planning and Council believes is fair.

MR. DUNCAN: Thank you.
MR. RUGGIERO: You're welcome.
MR. DEMPSEY: Anyone else from Council on the question?

(No response.)

MR. DEMPSEY: Seeing none. All those in favor signify by saying aye.

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

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

MR. RUGGIERO: Number eight is a
motion to approve the pension lawsuit settlement.

MR. DEMPSEY: And again, obviously that's vague. What I will do is if we get a motion and a second I'll have Attorney Durkin come up and explain what's going on there. I'm sure you've seen some newspaper articles on it. Once he's finished I will have Council ask any questions that they have.

And then I will -- since obviously there is not much for you guys to review, I'll open it up for questions from the public as well. So first I'll look for a motion to --

MS. BRIER: I'll make a motion, Mike.

MR. DEMPSEY: I have a motion. Do I have a second?

MR. EHNOT: I'll second it.

MR. DEMPSEY: I have a motion and a second. On the question. Anyone from Council? Actually on the question, Attorney Durkin, and if you would just identify yourself.

ATTY. DURKIN: Sure. Larry Durkin, I'm the Solicitor for the Pension Fund and I'm also a Dunmore resident. So I'm here tonight
on the litigation that we initiated against Joseph Riccardo.

Mr. Riccardo was a firefighter who retired from the Borough in 1996. In 2018 it came to the Borough's attention that he had been recipient of an overpayment from the Borough. Unfortunately, that overpayment began in 2001 and continued until early 2018.

It was a significant amount, approximately $230,000. The Borough initiated litigation against Mr. Riccardo for that amount. And the Pension Fund also was a party to the litigation as there had been a question regarding what, if any, survivor benefit was available to Mr. Riccardo under his pension.

It had been his position that either a niece or a granddaughter who was around two years old at the time he retired was going to be his survivor benefit. The Pension Board's position is that that was not an available option.

So we initiated litigation to address these two issues. The matter was before Judge Mazzoni initially on a question whether it should go to arbitration. He ruled
that it should go to arbitration.

We have an arbitrator in place. Judge Mazzoni also held a settlement conference with the parties which ultimately led to the settlement terms, you know, that I'm going to recommend for you tonight. It is -- I've worked with Attorney Dempsey on this issue. This is a -- we're both in agreement on recommending to Council of approval of this settlement.

MR. DEMPSEY: And that, Larry, is Attorney Walsh Dempsey.

ATTY. DURKIN: Right. Yeah. But we will be asking Attorney Dempsey to sign off on this.

MR. DEMPSEY: Yeah.

ATTY. DURKIN: So Mary and I coordinated on this. We both recommend it to the Borough. And the basic outlines of the settlement are that Mr. Riccardo will stipulate to a judgment being entered against him in favor of the Borough for the amount of $45,000. This sum represents four years of overpayments from the time of the -- from the time that the litigation was initiated. We
recommend this because we believe it is the most that the Borough could achieve in a judgment in any litigation.

Mr. Riccardo will also stipulate that no survivor benefit is available to him under his pension. So we will eliminate the issue of any survivor benefit to any one with this settlement. Mr. Riccardo has agreed to answer what are called debtor's interrogatories where he will certify under oath what his assets are and his sources of income.

I've already had conversations with his attorney on what I anticipate those answers to be. And we will agree not to execute on the judgment as long as he remains compliant with the settlement terms. And then the final element of the settlement will be that he will agree to a reduction of the pension payment that he currently receives in the amount of $25 per month until he either passes away or, you know, the balance is paid.

We recommend these terms because we do not believe that we can achieve a better result by proceeding finally with the litigation. I told Council it's my opinion
that we would not be able to attach any sources of current income from him and that for all of these reasons our recommendation is for Council to approve a settlement on these terms.

MR. DEMPSEY: And, Larry, I have a question. We're -- it's a judgement of $45,000.

ATTY. DURKIN: Yes.

MR. DEMPSEY: Where it's -- you have had conversations with his attorney that he doesn't have any assets. So it's impossible to collect that $45,000 even if we continue to pay you, go forward with the litigation, execute on the judgment. We're not -- you can't get blood from a stone.

ATTY. DURKIN: Basically, yes. We can't -- if we were to pursue it further to the nth degree, it's my opinion, you know, based on everything that I have seen that we could not achieve a better result for the Borough. Obviously, you know, we would like to achieve a more significant financial payment.

But we don't -- I don't believe we could achieve that given his current status and what the law provides with respect to
protections to things like Social Security payments and pension payments. I think that it is the best -- the least bad outcome that we could, you know, achieve under the circumstances.

And most importantly, we eliminate this question of a future payment, you know, survivor payment with someone that young could be a significant liability.

MR. DEMPSEY: Thank you. Anyone else on Council have a question for Attorney Durkin?

MS. BRIER: I just want to say I appreciate this work, this approval. And it went on for years and years. And I would just like to thank Vito -- just acknowledge -- was the one that found it and brought it to light so at least it stopped.

ATTY. DURKIN: The overpayment stopped. The overpayment was coming out of the Borough. And it's stopped immediately, you know, once it was identified. But this -- from there I think this is the best outcome that we could reasonably expect to achieve.

MR. DEMPSEY: Sure. Just one
second. I just want to make sure no one else on Council has any other questions for Attorney Durkin.

(No response.)

MR. DEMPSEY: I'll open it up to public. Sir, your name and address?

UNIDENTIFIED MAN: The mistake was found. But what safeguards are put on now that it won't happen again? I'm addressing --

MR. DEMPSEY: Do we have any safeguards in effect --

MR. RUGGIERO: Just to bring it back, sir, what happened was, there was an agreement made between this gentleman and another gentleman when he retired from the Borough at that point that his vacation and holiday time, whatever he had accumulated would be paid out on a monthly basis for a period of time.

What happened was hands switched over in the payroll department a few times and this deduction coming out of the General Fund just kept coming out of the General Fund and nobody knew to stop it. So it's all documented now in somebody's file the retirement date,
what they're owed, when it's supposed to stop and it's tickled to -- in the future to make sure it does stop.

The way I found this was, it was just by random. And there would be no reason why anybody would look into payouts unless they suspected something. So what happened, it was supposed to stop after 60 month or five years, I believe, right, Attorney Durkin?

ATTY. DURKIN: Yes.

MR. RUGGIERO: And it just went from 2001 until I found it 17 years later.

UNIDENTIFIED MAN: So future Treasurers or whatever will --

MR. RUGGIERO: Everybody will be on the same page. It's written on everybody's jacket when -- in their file. So when they retire, that's the day -- what they're owed. That's the day. And it's looked at on an annual basis.

MR. DEMPSEY: Any other questions on the pension lawsuit settlement? Yes, sir. Can you, please just --

MR. ZANGARDI: Tony Zangardi, Dunmore resident. What happened to the second
fireman? Has he -- have you guys --

    MR. DEMPSEY: Can we just -- Mr. Zangardi, if you can just wait until public comment to ask that. I just have to get this motion out of the way. I apologize.

    Does anybody have any questions on this pension lawsuit specifically? Anybody else? Okay. I have a motion and a second. So all those in favor?

    ALL MEMBERS: Aye.

    MR. DEMPSEY: Opposed?

    (No response.)

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

    MR. RUGGIERO: Thank you, Attorney Durkin. Number nine, a motion to appoint the following individuals to the expired seats on both the Planning Commission and the Zoning Board, seat one on the Zoning Board, Robert Cuff. It's a five year term that will now expire 31st of December 2024. Do you want to do them individually?

    MR. DEMPSEY: No, just do them all together.

    MR. RUGGIERO: Do them all. Seat
one in the Planning is Joe Grochowski. He has
a four year term that will expire on the 31st
of December, 2023. And the second seat on
Planning is Dino Darbenzi, which is again is a
four year term that will expire on the 31st of
December, 2024.

MR. DEMPSEY: Okay. I will look for
a motion to adopt those three individuals.

MR. EHNOT: I'll make a motion to
adopt those three.

MR. DEMPSEY: Do I have a second?

MR. AMICO: I'll second it.

MR. DEMPSEY: I have a motion and a
second. Anyone on the question?

MR. RUGGIERO: On the question,
these seats -- two of them became vacant the
end of last year. And the other seat on
Planning is Councilwoman McDonald Zangardi's.
She had to step down when she was elected to
Council. So that is where the three vacancies
came.

MR. DEMPSEY: Thank you. Anyone
else on the question?

(No response.)

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

    ALL MEMBERS: Aye.

    MR. DEMPSEY: Opposed?

    (No response.)

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

    MR. RUGGIERO: Number 10 is a motion to appoint a Dunmore Borough representative to the Scranton Sewer Authority Board.

    MR. DEMPSEY: I'll look for a motion.

    MS. SCRIMALLI: I'll make that motion. I'd like to make a motion that we have Beth Zangardi as the Dunmore Borough representative to the Scranton Sewer Authority Board.

    MR. DEMPSEY: I have a motion. Do I have a second?

    MS. BRIER: I'll second.

    MR. DEMPSEY: I have a motion and a second. Anyone on the question? Briefly on the question, I resigned from the Scranton Sewer Authority. I sent an e-mail to Attorney Shrive on January 27th, 2020 effective February 1st. Reason being -- and I have an e-mail. I'll
share it with whoever wants to see it -- just
time constraints with family, job, my duties as
President of Council and all the other
organizations that I'm involved with.

I don't have the time to --
necessary to put into that. And I know
Mrs. Zangardi goes to all the meetings. She's
a perfect replacement. She's hopefully
up-to-date on everything. And she knows any
questions that she has I'm always here to
answer.

So I appreciate her taking on that
role. It helps me out tremendously. So I
appreciate it. So with that being said, a
motion and a second. All those in favor?

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

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

MR. RUGGIERO: Number 11, public
comment.

MR. DEMPSEY: Mr. Zangardi, I cut
you off before, sir. Lead us off.

MR. ZANGARDI: My question is, the
second fireman who was overpaid, is there any
litigation or where does it stand now for him?

MR. DEMPSEY: Attorney Durkin, can
you address that, please?

ATTY. DURKIN: Sure. So we -- we
were also in front of Judge Mazzoni recently on
this. He directed this matter to arbitration.
We're in the process of agreeing to an
arbitrator with him with his attorney. We
haven't gone into court yet to have one
appointed. So it's in process.

UNIDENTIFIED MAN: Same overpayment?

MS. BRIER: It was less. It was
less, right?

ATTY. DURKIN: It was much less. It
was --

MR. RUGGIERO: Approximately I think
it was $79,000.

MS. BRIER: But the same four year
window.

MR. RUGGIERO: It was that same
window. They both -- these two gentlemen both
retired within weeks apart. And it was the
same structure and his should have stopped as
well as the first gentleman that we spoke
about.

MR. DEMPSEY: Mr. Zangardi, anything else on that?

MR. ZANGARDI: I'm good. Thank you.

MR. DEMPSEY: Thank you, sir. Mr. Duncan.

MR. DUNCAN: Want me just shout it out?

MR. DEMPSEY: No, please come up. You're a little bit quieter.

MR. DUNCAN: Gary Duncan, 117 Barton Street. Okay, just so you know a week tonight February 17th, 2020, we'll have the February Dunmore Neighborhood Watch. I forwarded all the responses from the last meeting.

So I'm going to hope that everybody got them. If you did not, let me know tonight I'll re-email them to you. I got all the responses from Joe Lorince. So I did pass them along to all the officials. Didge, if you have an e-mail somewhere, I'll gladly get it to you. You're one of the officials that I really don't have. So when issues come up I would love it if I could get one from you if that's possible.
So thank you very much for that.

And then I do have a question.

There's like 13,110 people in this town as per the 2018 census. Is there any possibility of restoring a second Council meeting a month?

MR. DEMPSEY: There's always a possibility.

MR. DUNCAN: I would at least like to put that out there and hopefully somebody will sit on it and maybe we can do something with that. I just think for 13,000 people, two meetings a month is certainly well within -- I think the need would be there. Thank you very much. Happy Valentine's day, everybody.

Congratulations, Mrs. Zangardi.

MS. ZANGARDI: Thank you.

MR. DEMPSEY: Anyone else like to address? Yes, sir, please.

MR. JOHNSON: David Johnson, 601 Shirley Lane. I came to you last month and I was talking about the road conditions. I wonder if anybody looked at it and if there is any plans to fix that. I see on February 1st you filled it. On February 3rd, it's worse than February 1st after you filled it.
MR. DEMPSEY: Where is it again, sir? I apologize.

MR. JOHNSON: 601 Shirley Lane.

MR. DEMPSEY: Didge, do you want to talk to him?

MR. JUDGE: Yeah, we're using coal patch. We can't get hot material. It's got to be cut out. We're trying to keep the patch there.

MR. JOHNSON: Like I said, you put it on the 1st. On the 3rd it was gone.

MR. JUDGE: It has to be redone.

MR. DEMPSEY: For the spring we'll get a bid and see, you know, if it's financially feasible for us to get it fixed.

MR. JOHNSON: Now I want to throw a monkey wrench into your meetings.

MR. DEMPSEY: Wonderful.

MR. JOHNSON: And your solicitor would probably agree with me. This meeting you should have a Treasurer's report, assets and liabilities should be shown at this meeting. And at this meeting your secretary report should be here, minutes from the last meeting should be presented at this meeting and should
be approved or asked for any additions or corrections.

Both of them should be standard operating procedures for your minutes. We should know what the assets and liabilities of the township is. And we should be able to see the minutes in its entirety. If the minutes are done correctly they should be boring. But it's your only permanent record of what you have to go back and look at. And I think they should be presented.

MR. DEMPSEY: We have one and Maria types it up.

MR. JOHNSON: Yeah, we know that but --

MR. DEMPSEY: Understood. Yeah, I don't disagree with you.

MR. HOULIHAN: My name is Mike Houlihan. I live at 107 Mortimer Street. Approximately October 15th, I sat in front of this Council -- first of all, welcome to the new Council members. They weren't here.

And I brought up a zoning problem that I felt was at 111 Mortimer Street. And without getting into great detail, the zoning
says you can't create parking in front of your house, a patch of grass. I know Mr. Ruggiero, Vince Amico -- I know Didge was there, maybe a police officer or two. They did assess the situation.

I want to thank Vince Amico. He's been on top of this texting me, calling me along with Officer Aronica. And there is movement in the process. But it's very slow. The truck did pull out. It has been back a couple times.

But I have contacted Vince and Officer Aronica. And within 15 minutes that truck is gone. But the yellow Volkswagen has not moved once, although it fixed a flat tire. I was told by somebody -- I'm not going to say names, but the person in the apartment doesn't own the yellow Volkswagen. I have it on video on my security camera, someone from the apartment pulling away, fixing the flat and coming back and going in the bottom door.

So if it's not the person that is owning the truck, someone else owns that vehicle that lives in the residence. So I'm asking the Council and Dunmore Police, I'm told
you could ticket the vehicle every 24 hours.

These cars were ticked once at $20 a piece. And I was told they were paid. But I know the Dunmore Police Department has a lot bigger things on their hands a lot of times. But if someone is going to be ignorant and not even attempt to move the vehicle -- and I was told by Vince that a second letter did go to the owner.

And Dave Aronica had gotten a copy of the first. So I know that our zoning officer is doing his job along with Council and along with Dunmore Police Department. But I think this car needs to be ticketed, the Volkswagen because it's not even attempting to move.

And Didge did bring up about a sign. I thought it was a bad idea, but if what happened from the last owner to this owner, he realized he got a double apartment. It's still only zoned as a single dwelling. And that's the reason why. There's no parking. The original owners was a Denoia. He had two kids, Michael and John.

The father passed away. Michael
never had a license ever until he died. So
there was never an issue. But then a landlord
from Scranton bought the house and without
talking to zoning, I guess, just said park in
the front of this house.

Now garbage goes on my property
because there's nowhere to put their garbage.
It's that tight. I showed photos to Mr.
Ruggiero and to Council at the time. It
clearly shows that you can't even put a garbage
bag. They don't have garbage cans. So what
leaks out of their bags come to my property.

It's not the biggest concern but
it's disgusting. And that's what you deal with
as a next door neighbor. I'm not blaming the
tenants. It's nothing personal. I don't even
know them. But the owner of the house when
zoning comes to them and says, hey, they can't
park there it should be a done deal.

But it's not. This has been going
on since October 15th. They did ask me to wait
30 days before calling Council which after the
holidays I did call Vince. He instructed Sal
to go up and ticket them. I know Aronica went
up and did it.
But since then once in a while the pickup comes back in like a test. I call Vince, Aronica goes right over or makes a phone call and the truck is gone. The car refuses to leave. So I hope we can address this. And, Didge, about the sign, I think future owners if this guy sells it and says, hey, I can't even rent this as another apartment there is no parking, then what's going to happen to the next owner?

They're going to say, yeah, they park there. And we're going to be doing this all over again. I hate to see a sign go in front of someone's house like that. But I think that's what we have to do. It's the only way to address it to make sure that it doesn't happen in the future. I thank you.

MR. DEMPSEY: Thank you, sir.

CHIEF MARCHESE: Joe sent a letter and it was sent to the owner that they are not -- with the copy of the ordinance saying they cannot park in front of the house.

MR. DEMPSEY: Can we stay on top of that and then maybe we can all meet and figure out a permanent solution? So we can hopefully
get some sort of resolution for you.

MS. ZANGARDI: Didge, what was the first sign? No parking on this side?

MR. HOULIHAN: Or no parking. Anything that they can't just pull the car there. I mean, if the owners aren't going to listen to Dunmore for that matter, then we have to stop them somehow. We can't have the Dunmore Police Department and Council being drowned with this all the time at one address.

I'm sure there is other -- people say this to me, well, there's other places in Dunmore. I'm not concerned about other places in Dunmore. This is next to me. I have tenants, neighbors, friends, babysitters parking in my property even though I have signs that say no parking, private parking because they don't care. There is nowhere for them to park.

It's basically a street but it's an alley and anyone that's gone up Mortimer Street -- it's one way. If you don't have off street parking there is nowhere to park except Chestnut and out on Apple. And I'll tell you what, when he pulls his truck out it's a public
road you could park anywhere.

    First thing I got a text by someone who said, oh, now that truck's in front of my mom's house. And that's what happens when a single dwelling home that's listed in Lackawanna County to this day becomes a double rental. There is nowhere for them to park. So what do they do? They filter on the other streets of Dunmore even though they're public. My mom's been parking there for 20 years. Now all of a sudden there's a car there.

    That's what happens. It bumps and bumps. And we all know in Dunmore, there's a lot of apartments like this. I grew up and my buddy's had four apartments, aunt, uncle, brother, sister, one driver, two cars, two sets of keys at the bottom of the steps, never a big deal back in the day.

    Whatever car was last in the driveway you pulled it out and that is it because it's was all family. Now it's not family. Dunmore is becoming a different society. People are selling these homes because the kids don't want them. They don't want to deal with them.
And someone from outside of Dunmore buys this house and that's exactly what happened and didn't sit down with zoning and whatnot and created a mess. It's a minor mess but it's my mess. So again thank you for addressing.

MR. DEMPSEY: Thank you, sir. Anyone else like to address Council tonight?

(No response.)

MR. DEMPSEY: Seeing none. Vito stepped out so we will move to -- oh, I'm sorry. I didn't see you back there. My apologizes.

MR. WITKOWSKI: Eric Witkowski, 324 Cherry Street. Underground water coming from across the street at 327 Cherry Street. I'm 90 percent sure every it's underground water because every time it rains, spring thaw, it comes out into the street -- way out into the street.

For instance, Friday it rained most of the day and the water came out of this one little spot. I have pictures if you guys want to see them and it froze overnight all the way down to the road 60 feet down. My wife went to
get into her car. It was dark out. She slid on the ice and slid the entire all the way down the street. I was wondering if somebody could go over there and check it out.

MR. DEMPSEY: Dave, can you take a look at that?

MR. LOPATKA: What's the address?

MR. WITKOWSKI: 327 Cherry Street.

MR. DEMPSEY: Didge, will you go over with Dave?

MS. BRIER: Are you talking about the stormwater backing up --

MR. WITKOWSKI: I wasn't sure where that was directed at. You could see where the tire marks are in the ice. She actually had to walk up the sidewalk and get in the passenger side door to get in her vehicle. And then it melts in the afternoon and freezes at night. It creates a mess.

MR. DEMPSEY: Okay. We'll have Mr. Lopatka, our Borough Engineer go look at it with Didge.

MR. WITKOWSKI: Thank you very much.

MR. DEMPSEY: Can you -- can you leave your name and telephone number? Thank
MS. BRIER: I just want to talk about this.

MR. DEMPSEY: Sure, when we get to public officials. Just want to make sure that nobody else wants to address Council tonight. Okay, seeing none it will be public officials. Mayor Burke, do you want to lead us off?

MAYOR BURKE: Sure. All I got today is I just went over with Sal, the problem on Meade Street with the trucks. They are having heavy truck traffic going through there that's not delivering. You know, deliveries are okay. But we're having so many trucks go through there now. And we have signs up on both sides.

Maybe the newspaper can help us out talking about this. But people are following their GPS and they're going down that road. But these are -- they are definitely seeing the signs. Sal said he would have officers check it out. That's all I have, Mike.

MR. DEMPSEY: Thank you, Mayor Burke. Chief Marchese, do you have anything?

CHIEF MARCHESE: Nothing.

MR. DEMPSEY: Chris?
MR. KEARNEY:  No.

MR. DEMPSEY:  Didge?

MR. JUDGE:  No.

MR. DEMPSEY:  Mrs. Brier, do you want to - -

MS. BRIER:  Yeah, hi. I was just assigned to the financial chairmanship of the Borough Council. So in that capacity I was looking at some of the financial statements in the past and kind of our present situation. And I just wanted to make the public aware of the fact that as of December 31st, 2018, we were $19,864,202 in debt, the Borough. I was unaware of that. I don't know how widespread that information is. But I think, you know, it's something that we all need to know.

I also want to talk about the Sewer Authority money. We did receive $17,272,595. January 1st, 2017. In the intervening three years we've earned $139,396.54 in interest. As of 12/31/2019. We had 9 million left, 9,447,000. And over the three years withdrawals have been made for debt refinancing, you know, some equipment,
purchasing, operating bills, you know, just
regular operating bills, payroll and Schautz
Stadium and some notes. In 2019, three of
those withdrawals is from the Sewer Authority
account went into the Schautz account, Schautz
Stadium account.

There was half a million dollars in
April. There was another 100,000 in June and
another hundred thousand in September. That
was in addition to the 1.5 million dollar loan
that was taken out in 2008 for Schautz. We
then purchased the land below the stadium off
Blakely Street for $242,500.

So right now the Borough of Dunmore
has paid over a quarter of a million dollars
for Schautz Stadium. So, you know, in light of
some of the issues that I've seen in just the
last five or six weeks I just wanted to bring
this to the attention of the public and say,
you know, going forward we're going to try to
address the budgetary situation a little
closer.

I think, you know, in terms of a
balanced budget, I don't think that's -- it's
been balanced for many years. But again, I
don't want to go backwards. My purpose here tonight is to inform people and to say that what I would like to do is just move forward from today on and make a plan within the Borough but understanding that, you know, we have some pretty severe financial constraints at this point.

MR. DEMPSEY: Thank -- is that --

MS. BRIER: That's -- if anybody has any questions or anything I don't know if I can answer them.

MR. DEMPSEY: Mr. Amico?

MR. AMICO: I just want to ask Chief Marchese, how often just out of curiosity can you ticket the same individual? Like is it --

CHIEF MARCHESE: 24 hours.

MR. AMICO: Every 24 hours. And then again --

CHIEF MARCHESE: We started doing it but then Joe got involved so he was trying to rectify it. And tomorrow I will actually call the homeowner and talk with him and explain to him the situation.

MR. AMICO: Just again so I could have an understanding, at what point or is
there such a thing as being a nuisance, not you
guys being a nuisance but like if you ticket
an individual for same thing X amount of times
does it ever reach the level of being a
nuisance?

CHIEF MARCHESE: That I'm not sure.

MR. DEMPSEY: Can you look into it,
Chief?

CHIEF MARCHESE: I will get this
rectified this week.

MR. DEMPSEY: Anything else, Mr.
Amico?

MR. AMICO: No, I'm good. Thank
you.

MR. DEMPSEY: Mrs. Zangardi?

MS. ZANGARDI: Nope. I'm just sorry
for the people for the mess we're in. And I
don't know why I'm crying but there's a lot of
money -- and it's a little upsetting.

MR. DEMPSEY: Mrs. Scrimalli? I'm
sorry. I didn't mean to cut you off.

MS. ZANGARDI: No, I'm good. I
don't know why I'm crying. There's no reason
for it but it's upsetting.

MR. DEMPSEY: Mrs. Scrimalli?
MS. SCRIMALLI: I do want to congratulate Councilwoman Zangardi on her appointment to the Scranton Sewer Authority. I also want to thank Didge for the great job of, you know, with all the roads that we had slippery with the ice and the snow. Thank you for having your crews out there and just thank everybody for coming.

And I also want to thank Janet for your -- Councilwoman Brier for your input with the finances. Thank you. And that's all I have for tonight.

MR. DEMPSEY: Mr. Ehnot.

MR. EHNOT: I'm good for tonight.

MR. DEMPSEY: Okay. I too would like to thank Councilwoman Brier for all of her due diligence with this -- it's not easy, especially getting in here in one month and being able to help us out this much. So I do appreciate it.

A lot of money was obviously moved from the Sewer Authority account to the General Fund. But we had a -- millions of dollars in the last three years of unforeseen expenses. I could list them out and I'm happy to afterwards
that were no fault of anyone on this Council or the prior Council. Some of the, you know, millions of dollars that we've had to expend. And I'm not a financial guy. I wasn't handling the finances. I'm not a CPA but just looking through the accounts for the last three years we've gotten hit pretty hard with some pretty large expenses.

And they're all public document for everybody to see. We're not trying to hide any expenses or anything like that. So I just wanted to qualify that, you know, with the expenses that we've had to incur with the last three years.

MS. BRIER: Some of the things that were paid out of it there were like operating expenses like payroll. So that's really concerning that, you know, that if we can't meet payroll, you know, we're in trouble. There is always contingent expenses every year.

And again, I think that the issue is we need to budget for those contingencies as well as -- and if we can't balance the budget with those contingencies then we have to, you know, the financial situation that we're in is
a basis for making decisions for making the

1 correct decisions for the Borough going
2 forward. So that's my concern is that so we
3 all have this information -- the whole town
4 because I'm open to suggestion from anyone who
5 might have a suggestion to remedy this
6 situation. But first of all, we need to
7 acknowledge that it exists and then budget more
8 accurately going forward.

9 MR. DEMPSEY: Thank you. And I
10 think -- I apologize. I forgot your name.
11
12 MR. JOHNSON: That's the reason why
13 the financial report should be out at these
14 meetings.
15
16 MR. DEMPSEY: I agree with you and I
17 think we'll talk about that going forward. I
18 appreciate your input. Thank you.
19
20 MR. JOHNSON: And again, some of us
21 sitting here would see some of this stuff.
22 There would be a reason to question it before
23 it got too far out of hand.
24
25 MR. DEMPSEY: Thank you. And I see
26 Mrs. Cuff back there. If you could just state
27 your name.
28
29 MS. CUFF: Sharon Cuff, Spring
Street, Dunmore. I just -- I want to just ask two months ago we were told we had a balanced budget. That's where I'm concerned. I know I just want to know why I think it was stated on the record that we had a balanced budget. That is what just struck me.

MR. DEMPSEY: Right. And if you look at it I thought I had it here with me. It's balanced. What I think -- and again, I'm not a CPA. And I'm not a finance guy. But from looking at it if we got the AC and heat done at the DCC for $200,000 in -- I don't know the dates. But I'm giving you an example.

The DCC, the roof wasn't attached and the AC was all put in wrong. So that cost 200 and some thousand dollars. The police station, the fire station, the roofs, the security for the Borough Building, legal fees that were anticipated from all of these lawsuits that we're trying to correct from pensions and other things.

The winter storm that hit us in '17 cost us almost $400,000. All of those I believe -- and again, I'm not positive. I don't -- I didn't look at it closely. What I
think occurred was those expenses if they 
occurred in March they were paid out of the 
General Fund in March. And if you spend a 
million dollars in March and you get to the end 
of the year and you can't make payroll, I think 
that's what was occurring, all the unforeseen 
expenses were getting paid out of the General 
Fund. And then at the end of the year I think 
they were getting moved back in.

   MS. BRIER: That's not actually what 
happened.

   MR. DEMPSEY: And again, that's all 
I'm saying is --

   MS. BRIER: Those things were coming 
out during the year as well. We had a big 
payout at the end of year. Those types of 
expenses were coming out of that account during 
the year as well. And to address your 
concerns, Sharon, whatever happened in the past 
is in the past. We have to live with it. And 
in terms of the balancing the budget, I believe 
we need to get a more realistic budget.

   MR. DEMPSEY: Mr. Duncan?

   MR. DUNCAN: Can I ask Mrs. Brier 
one question again?
MR. DEMPSEY: Sure.
MR. DUNCAN: This will be my last one.
MR. DEMPSEY: Yep.
MR. DUNCAN: In light of the numbers that you gave us tonight, do me a favor. Reiterate for me in terms of Schautz Stadium and I'm quoting April 26th, WNEP report. So I am going to revisit the past.

THE REPORTER: I can't hear you back there. I'm sorry.

MR. DUNCAN: I'm basing this off of the April 26th report. I just need to ask you if you have you found anything that any escrow monies were utilized for Schautz Stadium.

MS. BRIER: Well, that money was not escrowed, the 17 million, the Sewer Authority money was not escrowed.

MR. AMICO: Gary, are you talking about that indemnity money that you asked about before? Are you asking about the money that you brought up before?

MR. DUNCAN: Yes.

MR. DEMPSEY: That's separate. We got 17 million from the sale of the Sewer
Authority, the Borough.

MR. DUNCAN: That's the money that was applied to Schautz.

MR. DEMPSEY: Correct.

MS. BRIER: That's what went into Schautz, yes, $700,000.

MR. DEMPSEY: Okay. I don't have anything else. Does anybody have anything else before we adjourn?

UNIDENTIFIED MAN: I have one question --

MR. DEMPSEY: Can you just again state your name for the record because this is sort of out of order, but I want to hear everybody so we'll do our best.

UNIDENTIFIED MAN: Well, the only thing that I'm saying now because of the deficit, was that put in this year's budget?

MR. DEMPSEY: What?

UNIDENTIFIED MAN: To take care of the deficit -- the 5 million dollars.

MS. BRIER: Twenty, 20 million dollars.

MR. DEMPSEY: There's debt services in the budget.
MS. BRIER: And it is, you know, servicing that debt is --

UNIDENTIFIED MAN: Okay, that's what I mean. It's in there the service --

MR. DEMPSEY: Yes, sir. Why not, Mr. Kranick, if you could please state your name and address. I do want to hear anybody --

MR. KRANICK: I have one question and it has to do with point of order. Francis Kranick, 227 Chestnut Street. These items were brought up during your comment tonight after which there is no public comment. We are out of order in this evolution right now. I'll have to wait a month to bring this back up.

MR. DEMPSEY: You can bring it up now, sir. I'm allowing you --

MR. KRANICK: It's either this or wait two weeks if you call a two week meeting or a month. Either -- I would suggest either a shorter period of time we can go back and stew on this for some period of time, maybe come back with our list of questions or provide public comment after what the Council members bring up.

MR. DEMPSEY: That's what we're
doing right now. So you're welcome to comment.

MR. KRANICK: That's all I have.

MS. ZANGARDI: Are you suggesting change the agenda order with public comment at the end?

MR. KRANICK: If you're going to receive questions from items like this at the end of the meeting when you look at the agenda, there is really no recourse for public comments.

MR. DEMPSEY: That's fair.

MR. KRANICK: That's all I ask.

MR. DEMPSEY: Thank you. Would anyone else like to address anything?

(No response.)

MR. DEMPSEY: Seeing none, I'll look for a motion to adjourn.

MR. AMICO: I'll make that motion.

MR. DEMPSEY: Do I have a second?

MS. SCRIMALLI: Second.

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

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)
MR. DEMPSEY: The ayes have it and

so moved.
CERTIFICATE

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