COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Monday, July 8th, 2019

TIME:

7:00 P.M.

LOCATION:

DUNMORE COMMUNITY CENTER
1414 Monroe Avenue
Dunmore, Pennsylvania

COUNCIL MEMBERS:

MICHAEL DEMPSEY, President absent
THOMAS HALLINAN, Vice President
MICHAEL MCHALE
CAROL SCRIMALLI
VINCE AMICO
THOMAS EHNOT
MICHAEL HAYES
THOMAS P. CUMMINGS, Esquire, Solicitor
TIMOTHY BURKE, Mayor

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

ATTY. CUMMINGS: Mr. Amico.
MR. AMICO: Here.

ATTY. CUMMINGS: Mr. Dempsey. Mr. Ehnot.
MR. EHNOT: Here.

ATTY. CUMMINGS: Mr. Hallinan.
MR. HALLINAN: Here.

ATTY. CUMMINGS: Mr. Hayes.
MR. HAYES: Present.

ATTY. CUMMINGS: Mr. McHale.
MR. MCHALE: Here.

ATTY. CUMMINGS: Mrs. Scrimalli.
MS. SCRIMALLI: Present.

ATTY. CUMMINGS: Mayor Burke.
MAYOR BURKE: Present.

ATTY. CUMMINGS: First item is the suspension of the regular agenda to conduct a hearing on the application of Sheetz Market for the application to transfer a liquor license from 407 George Street in Throop a few blocks down to the Sheetz location on the O'Neill Highway. This is basically the same matter we've handled a dozen or so other occasions.
The LCB requires that they come in and present. The applicant is represented by Attorney Ellen Freeman. The application has been reviewed by the Borough Manager and by me. It is appropriate but open up to any questions that the Council may have first.

MR. MCHAILE: Tom, is it just a -- just like Price Chopper did. I assume you're the attorney?

ATTY. FREEMAN: I am, yes.

MR. MCHAILE: I assume they are just going to be selling 6 packs, 12 packs. They are not going to have seating, are they?

ATTY. FREEMAN: Well, they will have seating. And just for the record, Ellen Freeman with Flaherty and O'Hara. And just to answer your question they will have seating. That's a requirement for their liquor license. So they will be doing a slight remodel of that current location in order to include the 30 seats upfront.

And then, yes, they'll do a very similar arrangement as Price Chopper does where they're primarily selling to go, so 6 packs, 12 packs. They are permitted to sell 192 fluid
ounces of beer to go in a single transaction.
So that's roughly two six packs. And they will be permitted to sell 3,000 milliliters of wine.
That's roughly four standard bottles of wine.

MR. MCHALE: Are they going to do an expansion to put 30 seats in?

ATTY. FREEMAN: They will do a slight expansion. And they understand if there is any zoning requirements they will need to come back to the borough. Yeah, that will be the second step. Of course, if they don't get the approval this evening they wouldn't do the expansion. It wouldn't be necessary.

MR. MCHALE: We're putting the cart in the right spot?

ATTY. CUMMINGS: Absolutely. The first item is transfer of the license approval. And they go forward and contact Mr. Lorince to review all the requirements.

ATTY. FREEMAN: And that is also in the resolution.

MR. MCHALE: Thank you.

ATTY. CUMMINGS: Anybody from the general public, questions or comments?

(No response.)
ATTY. CUMMINGS: There being none it would be appropriate to close the hearing, go back to the regular meeting. Are there any public comments on agenda items?

(No response.)

ATTY. CUMMINGS: There being none, the next item on the agenda is a motion to approve the Resolution 2019-3, the transfer of Pennsylvania Liquor Control Board License R-15301 from Gangi, Inc., 407 George Street, Throop, Pennsylvania, current license municipality Throop, Pennsylvania, Lackawanna County to Sheetz Incorporated for the location of 1101 O'Neill Highway, Dunmore, PA 18512. Proposed license municipality will be Dunmore, in the county of Lackawanna.

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

MS. SCRIMALLI: I'll make that motion.

MR. HALLINAN: A second?

MR. AMICO: I'll second it.

MR. HALLINAN: All in favor?

ALL MEMBERS: Aye. I'm sorry, on the question?
(No response.)

MR. HALLINAN: Seeing none, all in favor?

ALL MEMBERS: Aye.

MR. HALLINAN: Opposed?

(No response.)

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

ATTY. CUMMINGS: Attorney Freeman should be excused from the balance of the hearing.

MR. HALLINAN: You're excused. Thank you.

ATTY. CUMMINGS: Next item is a motion to approve the minutes.

MR. HALLINAN: I'll look for a motion to approve the minutes, please?

MR. EHNOT: I'll make a motion to approve the minutes.

MR. HALLINAN: Second?

MR. AMICO: Second it.

MR. HALLINAN: On the question?

(No response.)

MR. HALLINAN: All in favor?

ALL MEMBERS: Aye.
MR. HALLINAN: All opposed?

(No response.)

MR. HALLINAN: The ayes have it.

ATTY. CUMMINGS: A motion to approve and pay the open bills.

MR. HALLINAN: I'll look for a motion to approve and pay the open bills. I need a motion, please?

MR. AMICO: I'll make that motion.

MR. HALLINAN: I need a second.

MR. EHNOS: I'll second it.

MR. HALLINAN: All in favor?

ALL MEMBERS: Aye.

MR. HALLINAN: Against?

(No response.)

MR. HALLINAN: Passes.

ATTY. CUMMINGS: Item number eight is a presentation by Patrick J. Tigue, Partnership Specialist, Philadelphia Regional Census Center.

MR. TIGUE: Hi everybody. Those of you that don't know me as Tom said, Patrick Tigue. I work for the U.S. Census Bureau. This is my counterpart Pedro Anes. He is also in Lackawanna County working with the Hispanic
And I'm just going to talk briefly, hopefully under two minutes, about the census and what impact it's going to have on the Borough and, you know, the citizens within. So thanks for having us here tonight.

This census is going to be -- 2020 census will be important, easy, and safe. It will be important because, first of all, it's in the Constitution, Article 1, Section 2 states that every resident within the United States government is counted every ten years.

That started in 1790 when George Washington was the president. And it's continued every ten years since then for redistricting for the states, reapportionment for Congress. It's a civic duty, you vote, jury duty, take part in the census.

It's also for funding. 675 billion dollars is given out to the states every single year based on the numbers. So that's important. It's going to be easy. For the first time you will be able to reply to the census online, laptop, iPad, desktop, phone, you could do it online and also the traditional
way of mail or telephone.

Telephone will have 12 languages. There will be 52 other languages to reply for those who don't speak English. That's the easy part.

The safe part, according to Title 13 of the U.S. Code, the Census Act strictly prohibits any personal or business identifiable information to be shared with any government agency or law enforcement agency such as ICE. It's a felony. It's against the law.

Pedro and I took a lifetime oath to uphold the secrecy of that data. If anything that we do gets out, we risk going to jail for five years or a $250,000 fine. So that's the safe part. A lot of people are untrust of the government. They're worried about, you know, coming after them. They cannot do that.

The funding is for programs for SNAP, Medicare, housing, roads, bridges, buildings, senior housing, section eight, SNAP. A lot of funding comes from the 675 billion. Pennsylvania, it's about 28 billion dollars a year. There is 12 million people in Pennsylvania. So you could do the math and
figure out how much per head that you are losing if you don't get people counted.

The key is to get people counted. This is a map of the low response areas. On census dot gov you could go to roaming outreach area map and tool and find out the dark blues are the high/low response areas. Those who of you like me from here, that's North Scranton, Green Ridge, South Side, over by the U. This is Dunmore right here.

We're roughly four census tracks within Dunmore. They're roughly between 16 percent and 20 percent in Dunmore. The average of the four tracks are 16.92 percent. So just round it to 17. So if you eliminate 7 percent, bring it to ten percent by getting people counted, you are talking about 2 million dollars a year times ten.

So the key is to get the people counted, okay? So that's the -- this is all on census dot gov. It's a great tool. You should go on it. Statistics in schools, another program, it lets teachers teach and students learn.

There are specific tailored lesson
plans that the teachers teach the students from K through 12, science, math, geography, everything. When the kids go home they tell mom and dad or grandma and grandpa, whoever, hey, I learned about the census today. It's important to get them counted.

The next one, counting young children. Children under five for some reason are not counted. They are high/low response. Different reasons, in between housing, you know, split parents. They don't count them. So it's a key that statistics in school is a key that the kids tell the parents to get counted.

Timing, August this year there will be address canvasses out comparing the addresses to our master address file. They'll have badges of handheld devices. They will be checking. They are not going to be knocking on doors. March, 20/20, everyone will receive their census form and reply. If they don't reply after three tries, then they get a knock on the door, people with their badges and in their hand will ask them questions.

And they will have to answer. That
is called non response followup. And the last thing I want to talk about is complete count committees. It's a volunteer of the community, trusted voices. Mayor, you would be the chair or you would designate a chair, religious leaders, business leaders, softball coaches, people in the community.

You get together and figure out ways to have these low response areas counted. One thing I thought of was National Night Out. We would join in with you and have some type of a census table or something to let everybody know. So the key would be to count everybody once, only once and in the right place. That's the motto.

So our job is to work together with the municipalities and the towns. And we're here to help. If there is any questions I could take any questions.

MR. HAYES: I have a question. Do people receive proof that they've completed the census form and what kind of receipt do they have?

MR. TIGUE: Everyone is going to get an individualized number when they get the
form. So it will coincide with that address.

MR. HALLINAN: Anybody else have any questions for Mr. Tigue?

MR. DUNCAN: One more time, what is the timeline?


MR. HALLINAN: Thank you, Patrick.

MR. TIGUE: Thank you, ladies and gentlemen.

MR. HALLINAN: I'm looking for public comment on non agenda items.

ATTY. CUMMINGS: Mr. Duncan.

MR. DUNCAN: Gary Duncan, 117 Barton Street. Just a couple things, July 22nd will be the next neighborhood watch meeting. We're not going to have it next week. I talked to Chris already Kearney. And we're good with it. He's going to allow us to move it. You know, if we had two Council meetings a month it would have been the second Council meeting so the room is empty.

So Chris is going to let us move it. And I'll get it out like I always do. Did everybody get -- I have been sending the minutes out, Google doc. I hope everybody was
able to get them and open it, all of the
attachments. Okay, thank you.

I got a requested tonight for --
from neighbors actually. We got the --
originally from the Borough it's tri-fold
recycling brochure. It was a white brochure.
And it kind of told you. I don't know if we
have any of those up at the Borough Building.
And if we do, I need a couple if anybody seen
them over there or anything.

MR. AMICO: I'm fairly certain they
are on the counter there.

MR. DUNCAN: Okay. I'm going to
stop and grab a few of those.

MR. HAYES: I have photocopies that
I give out to all the customers at Nardozzi's
if you need some.

MR. DUNCAN: Maybe I'll do that,
Mike. I need about ten. Thank you. All
right. That's really it, everybody. Thank you
very much. I appreciate it.

MR. HALLINAN: Thank you, Gary.

MR. HAYES: Thanks, Gary.

MS. SCRIMALLI: Thanks, Gary.

MR. HALLINAN: Anybody else want to
address Council? Please step forward and announce your name and where you live.

MS. DAVIS: Good evening. I'm Michelle Davis. And I live at 611 Fourth Street. First of all, I would like to congratulate the Council and the Borough for revitalizing the Shade Tree Commission.

It's a fabulous effort. And I hope maybe we can get a hold of a lot of things that could happen. I brought information for the Council and also hopefully maybe you would be able to send it onto the commission. Take one each.

These -- each of these packets including information about the Tree Tenders Program which is a training program that is put on with the cooperation of Pennsylvania Department of Conservation and National Resources, the Pennsylvania Horticultural Association and Pennsylvania State Extension.

There is over 8,000 people who have been trained by that program in 150 communities in the state. The other information packet there is about the Tree Vitalize Grant Program.

That program has been going on for a
number of years. I don't have the actual number. But they provide grants to the communities who make an application each year to plant trees in their community. This year I don't think we'll be able to make or anyone would be able to make their deadline because we missed it.

It's actually next Friday and putting the grant process together by next Friday is not going to happen. But we can get a jump on the next one. Most of the grants last year were $4,000. They had to be matched on the dollar to dollar. But the dollar to dollar could be equated into volunteer hours and donations and other pieces.

The only thing the grant can't be used for is for actual labor. The information is all there. The grant guidelines I highlighted three, the grant guidelines. They also provide you with a list of approved trees to be planted in the State of Pennsylvania.

It's very important that we don't plant invasive trees. They cause all kinds of problems in our echo system and we certainly don't want to have that happen. There is
another program that is in there just very briefly, not a whole lot of information. It's Penn State Master Gardener Program.

Lackawanna County has 44 volunteers who work with Penn State Master Gardener Program. They are trained. They provide education and information on a regular basis. Over the last couple of years they've worked with Scranton Tomorrow on the Downtown Planter Project. And they work both with the Clarks Summit and Scranton Shade Tree Commission.

So I wanted to make sure that the information was here that people have it and that it could be possibly be passed on and made to be utilized. We can have a lot of nice trees planted.

MR. HALLINAN: Thank you, Michelle. Appreciate it. Anybody else want to address Council?

(No response.)

MR. HALLINAN: Seeing none we'll start with public officials. Chief DeNaples, do you have anything?

CHIEF DENAPLES: Nothing tonight. Thanks.
MR. HALLINAN: Chris?

MR. KEARNEY: Yes, we started the Summer Program last week on Monday. And our numbers are up from the previous years. Right here at McHale Park at the Dunmore Community Center we have 117 registered kids. Now, that doesn't mean there is 117 every day. But we have a master list of 117 kids who are using it.

St. Anthony is at 108 which, two or three years ago we were looking at not even using it. And it's really grown up there. And Sherwood has 75 registered now. But keep in mind Sherwood was only open two days last week and today was a rainy day so they didn't get a lot today.

But I have to thank Council for allowing me the extra help because, I mean, it's just -- they have their hands full. And it's going very well. We started the lunch program today. And that, you know, seemed to go over well. So everything is going good knock on wood. So you guys have any questions?

MR. HALLINAN: Chris, you know, every Friday now we'll have different sponsors
throughout the town that will sponsor pizza for the children which is very nice of these people.

MR. KEARNEY: The kids really look forward to it.

MR. HALLINAN: Thank you. Anything else? Mr. Judge?

MR. JUDGE: No.

MR. HALLINAN: Mayor Burke?

MAYOR BURKE: Yes, first of all, I want to thank you, Michelle, for bringing all that valuable information. I hope the tree commission takes advantage of it. Thank you very much.

Second of all, I'm going to go back to last Council meeting where I tried to get an ordinance passed which I have been trying since last year about the ATVs in Moosic. And I was hoping Council one way or another could give me an answer if they're at least thinking about this because it's over a year now.

And I really think it's time for us to either -- I mean, give me an answer yes or no. And if it's no, there's nothing I could do about it. I think it's a good ordinance. I
talked to Police Chief Janesko from Moosic Friday. And he told me, of course, we're not going to stop all the ATVs. But he said we're making it harder on them.

And if we're making it harder on them, I think that's part of our job for these kids to get gasoline at a gas station. Now there is people telling me that they have -- what's the different between that and like working at a store like this lady that just was here, they're serving beer. They are 18 years old and they're serving beer.

They are getting carded. If they serve them they get fined. What it basically is, is the gas station is not allowed to give gasoline to anybody who drives an ATV illegally onto their property. Any time you pull in it's illegal. It's a state law you cannot drive on roads with an ATV or any unlicensed motor vehicle. So they would have to be on a trailer or a truck to be legal.

Now, over in my neighborhood, the gas station you're looking -- I went behind the counter. I talked to these guys last year, the owners of the store -- the workers in the store
and just told them I was working on Council to try to get the ordinance Moosic passed. And this was brought up to me by my police department -- our police department that they thought it was a good ordinance that Moosic has.

Like I said, it's not going to stop it but if we could take some of the kids off the road which I'm getting so many phone calls. We had a horrendous accident here three months ago. We're lucky nobody was killed. I was going down Grove Street just three weeks ago down to Nina's and -- with a dirt bike flying down the middle of the road going through a stop sign, red light, must have been doing 60 miles an hour.

He has to get that gas by just pulling in unless he's on a trailer or truck. If we give the responsibility to -- fine the gas stations if they are giving gasoline illegally to anybody that pulls in with an ATV. I do believe that could slow it down. And that's what the chief told me it's making it tougher for them kids he says. He had cooperation from the gas stations down in
Moosic. So I would just like an answer. I've been asking about this since last year. And if Council says no, okay, I'll move on.

If you don't want it, there is nothing I could do about it. But I think it's a start. And I don't see it hurting us unless somebody could tell me legally how it would hurt us by enacting this ordinance.

MR. HALLINAN: Tom, do you have any opinion on this?

ATTY. CUMMINGS: It's entirely up to Council. If you -- you haven't taken any steps yet. If you wanted to go forward, the first would be to authorize a draft and then it would need to be published for public hearing. There are -- it's a multi-faceted question.

There are state regulations right now that you can't be on the road. You know, is your preference to try to enforce it and get into a constitutional question with the gas stations or do you assign a police officer to the gas station to fine them and seize the vehicle as they pull in.

There's a lot of different aspects to it. There is none that are all good and
there is none that are all bad. But it would be for Council to decide if they want to at least investigate it.

MR. HALLINAN: Do we need a motion to investigate that, Tom?

ATTY. CUMMINGS: If you want to draft a motion to formally present it you need a motion.

MR. HALLINAN: I'll ask for a motion to copy Moosic's. Would that be right ordinance or draft our own ordinance?

MAYOR BURKE: And anything else that Council might want to add in.

MR. HALLINAN: I'm looking for a motion to move forward into the ATV ordinance.

MR. EHNOT: Why don't we make a motion to table it and we can all sit down and discuss it with the Mayor and our solicitor to see exactly what the steps are?

MR. MCHALE: Can I ask on the question? Tim, do you have any -- I agree with you. I don't know what to do either. There are people at my house that do the same thing. And I'm at Schautz just about every night. There is a kid that goes there 60 miles an hour
on a quad every night. I agree with you. I don't know if I want to turn a gas station into a police station and, you know, get those guys.

Is there facts other than just you spoke to the Mayor and the Mayor thinks that his thing is good? Does he have facts to back up it up or --

MAYOR BURKE: I could only go by Chief of Police's word that it makes them tougher for them to get gas. He says he's had the gas station attendants -- are helping out. So I guess that means that they're --

MR. MCHALE: So he doesn't have -- and I'm just asking, Tim. I'm not being --

MAYOR BURKE: Right. No, I'm just saying, Mike.

MR. MCHALE: Does he have anything to back it up where he says we've arrested -- has he fined anybody? Do we know that? I'm just asking if it worked.

MAYOR BURKE: Not that I know of if he fined anybody. But that doesn't mean that we can't.

MR. MCHALE: I'm not saying that, Tim. And I'm not being argumentative with you.
I'm just trying to get to the bottom. I'll be quiet. I promise.

MAYOR BURKE: No, if you have any questions -- good question, Mike. I don't know of any fines being sent out by Moosic. I don't. But like I said, that doesn't mean we can't. I mean, I get my lottery tickets over one that's famous for serving quads and motor bikes gas. And I told them about this last year.

And I said last year I tried to get it going. And they let me come behind the counter. And I could see each gas tank. He said -- the workers told me, they could see if somebody comes in with a quad, you know. I think we got to make a start on something.

MR. HALLINAN: I couldn't agree with you more, Timmy. Obviously something has to be done. I don't know if that's the answer either. But why don't maybe we have before we even put it before Council, how about you, the Chief, and the solicitor sit down and maybe with somebody from Council and try to come up with a better plan than us just throwing around what this town did and that happened. This
might not have happened without any kind of facts, okay? Would that be fair enough for with you?

MAYOR BURKE: No, it's not okay with me.

MR. HALLINAN: Well --

MAYOR BURKE: I brought this up -- I think we've had over a year to look at it. I think that's ample time -- a little over a year.

MR. HALLINAN: Wait. Timmy, you've presented -- you're just talking to us. You didn't have -- you haven't brought us anything. There's no -- I mean, we looked at Moosic's ordinance but I think we need more to substantiate as Mr. McHale said. Does it work? Is it working? Isn't it working? We're not going to turn gas stations into police stations.

MAYOR BURKE: I didn't say that.

MR. HALLINAN: I know. But it gives that impression. We're putting a lot of burden on these gas station owners. I don't even know if that's legal.

I think it has to be looked into
more and then, you know, I don't want to see somebody get hurt. I don't think anybody up here does.

MAYOR BURKE: Okay, Tom, let me give an example. I work at a convenience store. A kid comes in and asks me -- he looks like he's under 21. He asks me for a pack of cigarettes and a six-pack. I'm carding him. Am I putting that store at risk for being a police agency because he is questioning that kid?

I'm working at that gas station. A kid comes in illegally on a quad. I see him pull in. He's sitting there in his quad. He comes out and he wants to fill up on tank number two where his quad is. The gas station attendant knows it's against the law if we tell them it's a state law you can't do that.

Am I putting him at risk for following the law and not serving him? I just don't see it. I mean --

MR. MCHALE: Again, I'm agreeing with you. If the attendant is letting him fill up he is breaking the law already. That was kind of my point. I agree if we put something else on, I don't know. I don't know. And I
agree with you. Maybe we have to do something. But if he -- if he or she is allowing them to fill up at their gas station, they are committing.

I'm not a cop but they are committing a crime because it is against state law to have that on the road. So is it just an extra, hey, guys watch out? I get it. And I agree with you. And again, I don't want to be argumentative. And I'm not. Please don't take it that way.

I see it worse than anybody. At Schautz it's absolutely horrendous and to the point where if they see a cop -- a cop doesn't chase them anyway. But I want to follow them home and find out where they are and then tell a cop to go up and see them. That's all I was getting at.

MAYOR BURKE: Right. I understand, Mike. I just thought it would at least make it tougher which I believe it's our job or maybe it's my job to make it tougher for them to get the gas. And I could see this as one passageway of making it tougher for them to get gas.
MR. MCHALE: Tim, I'm not speaking for Council and you know that. I can't write the ordinance. I mean, if you want us to vote on an ordinance tonight, there is nothing in front of us. I can't write the ordinance. If you ask Tommy to write it so be it. We can vote on it.

I'm not pushing it down the road. Don't take it that way. But Vince sent a copy of Moosic's ordinance this week, Saturday or Sunday. And that's the first I saw it. I got to be honest with you. I haven't even read it yet. But I definitely plan to. It's an issue. I think all of us agree on that. But to point us in the -- you say you brought it up for a year and we haven't done anything, that's not necessarily true either.

I know how important it is. On the grand scheme of things it's up there. It absolutely is. But it's not for lack of effort that we're not just doing anything. I don't think that is what you are trying to get across but I want to make sure that that's the point that I don't want to be made.

MAYOR BURKE: No.
MR. MCHALE: We definitely are killing ourselves doing everything here in this Borough for 3,000 a year. So that's not the point. The point is I want to get something done too. I think everybody here agrees with you.

But what's in front of us to vote on tonight? To tell Tommy to try to write something up or meet with you to -- what do you want? Let's do it. I think that's the point we're getting across. I apologize for --

MR. HALLINAN: We do have a motion on the table. I don't have a second. I didn't even have a motion yet.

ATTY. CUMMINGS: There was an intervening motion to table.

MR. HALLINAN: Right. So there is a motion to table this. Can I have a -- somebody want to second that?

MR. MCHALE: What are we tabling?

MR. HALLINAN: Timmy's proposal.

MR. MCHALE: I mean, what was the original proposal to ask you to do something?

ATTY. CUMMINGS: That is the second point. The President of Council can direct me
to write the ordinance.

MAYOR BURKE: Can I speak more?

What I would ask is -- my original question is, last year I had the ordinance sent to each Council person through Vito. Vito sent it to every Council person, their ordinance about the gas station. So we talked about it in executive session.

And then we -- I brought it up at the meeting. And at the meeting Mike says we'll have Tommy go through. And Tommy said I'll have it back to you next week. And then Council could decide on what -- you know, then. And so I did bring this up. I did give the ordinance through Vito, e-mailed everyone on Council, the ordinance.

And that's the ordinance I wanted passed, the one with the gas station. I'm not making this up.

MR. MCHALE: Tim, please don't think that I said that. I did not. I don't recall ever getting that ordinance and you probably did send it, did you write it?

MAYOR BURKE: I'll show you in the minutes.
MR. MCHALE: Timmy, did you write it? Who wrote it?

MAYOR BURKE: No. The minutes show it was -- I asked if the ordinance that Moosic had --

MR. MCHALE: So it's Moosic's ordinance.

MAYOR BURKE: Moosic's ordinance, right. That's what it was.

MR. MCHALE: That's what I was getting at.

MAYOR BURKE: Okay, I'm sorry, Mike. It was sent to us last year to each Council person, last year over a year. And we talked about it in executive session. And then at the meeting -- it's in the minutes here, Mike said we'll have Tommy go through it.

And Tommy says he'll agree to go through it. And then it's up to Council's discretion on whether to pass it. That's a year and a half ago. So I'll ask for the same thing that I asked for a year half ago that ordinance with the gas station if anybody wants to see it again I'll give it to you right here or else look in your e-mail.
I'll have Vito -- if you can't find it, I'll have Vito re-email it.

MR. AMICO: I sent it out again today and yesterday, Tim.

MR. HAYES: I didn't get anything.

MR. AMICO: I think I sent it to you, the same thing you're referring to.

MAYOR BURKE: Yeah, they added something new on it -- May.

MR. AMICO: They added something this past May, correct.

MAYOR BURKE: Right. And my original one was the exact same thing that they had before May. I think it's a good ordinance. That's my opinion.

MR. AMICO: I don't think we can agree or disagree that -- to pass an ordinance right now until everybody -- just give everybody an opportunity to read it. We're not saying yes or no, just give everybody an opportunity to read what was e-mailed this past week.

MAYOR BURKE: No, I have no problem with the e-mail if they want to add that to it, that would be great. But I was thinking a year is a long time.
MR. HALLINAN: So if we table this then everything is okay even though we all know we're moving forward with this.

MAYOR BURKE: I'll ask the same question next meeting.

MR. HALLINAN: Okay. Fair enough.

ATTY. CUMMINGS: There is no ordinance to table. The subject you can table. But there is no ordinance for you to review unless -- until the president or -- directs me to take that ordinance and conform it to Dunmore and then you could review it and then ask questions. And I'm not making judgment call. It's good or bad like I said --

MR. MCHALE: Tommy, that's not in the form of a motion.

ATTY. CUMMINGS: No.

MR. MCHALE: Can I ask you to take a look at Moosic's ordinance to put it the way, you know, in the means of Dunmore and run it by Tim to make sure Tim is okay with it.

ATTY. CUMMINGS: I'll give the Mayor a copy and I'll give Council a copy.

MR. MCHALE: And the police chief to make sure this is legal. I would love to
ATTY. CUMMINGS: Now you are getting into different territory there because then you have federal claims on --

MR. MCHALE: Well, then how do we pass --

ATTY. CUMMINGS: Well, I'm not saying you can or can't. You're asking questions. I'm answering them. There is a specific state law regarding the sale of alcohol and the identification requirement. There is a specific state law regarding the sale of tobacco products and the requirements. The Borough of Dunmore does not say that you can or cannot sell tobacco to an 18 year old. The Borough of Dunmore doesn't say or not say that you can or cannot sell tobacco to a 16 year old. I don't know if there is anything -- it's a good ordinance on its face. I don't know if it could be enforceable. I don't know what the authority for a Borough which is different than a second class city and a first class city, etc., etc., etc., I don't know what we have to restrict or restrain the sale of an interstate commerce
product like gasoline that has no state regulation.

The state regulation is that cannot be on the road with that vehicle. You just cannot. And it's supposed to be registered and it's supposed to be insured. So the problem is and especially in the more rural communities, I know chief -- the chief in Jefferson Township was severely injured by a quad that ran him over when he tried to stop him.

There is liability -- there may be liability if there is a hot pursuit that is not really necessary because it's a misdemeanor of driving an unlicensed vehicle. There is a lot of questions that come up. If you want, I will tailor it to Dunmore and present it and then you could ask those questions.

MR. MCHALE: That's kind of what I was getting at, Tom. I agree with Tim that something -- we can't sit and watch and wait for someone to die. That almost happened not too long ago. And it happened about ten years ago. It's going to happen again.

It's out of control. I agree with Tim in that respect. I don't necessarily agree
with just taking their ordinance and let's put it in front of Council. Let's make sure that it matches what we want to do or what Tim wants to do.

ATTY. CUMMINGS: But you have the -- do you have the authority to do that?

MR. MCHALE: Well, that's kind of why I'm asking you to make sure -- I don't want to say the word legal again, but could we do this?

ATTY. CUMMINGS: Is it enforceable?

MR. MCHALE: Yeah.

MR. HAYES: That was my concern when we brought up too, Mr. McHale, during the executive session was do we have the authority to kind of edge ourselves into the interstate commerce clause when it comes to the sales of fuels, especially gasoline. And do we want to have that court battle for the next 10, 15 years to begin with. I would love to hear Tom's opinion on that.

MR. MCHALE: When you say last year, was it the end of the year?

MAYOR BURKE: The meeting was June 11th, 2018 when Mike says I'll have Tommy go
through and Tommy says I'll have it for you next week.

MR. MCHALE: I think we've waited -- that wasn't at the top of my agenda. I'll apologize. But I agree that we at least have to try to do something. I'm not necessarily saying I agree with what Tim is saying. But I don't fault him for trying to continue to bring it up.

But I would like to see something in front of us before we're made to vote. So if you could put that on your agenda, Tom, for next meeting that we can review it a week or two prior, make any changes, give it to Mr. Burke to make changes. And we'll put it to a vote.

And my opinion -- I'm not speaking for everybody. But I just don't -- you know, the whole thing with the year sitting around. Tim knows -- and I don't think this is what he was talking about. But this Council does not sit around and put things on the back burner because Tim brought it up or Tommy brought it up or Carol brought it up. This is a full-time job.
It definitely is for just about everybody at these two tables. So I don't think that is what you were saying. I want to make sure that I say that out loud because it's definitely not the case that anybody or I definitely would not do anything on a personality point.

MAYOR BURKE: I know it's very important to you too, Mike, that something be done about this problem. I'm sure you get the phone calls that I get too. When we had that meeting with the water problems with Senator Blake last week I brought it to his attention. And he said he would look into himself.

And also I talked to Kyle Mullins' representative, Mr. Jones. And he said he would check into different areas to see what could help us curb the situation because the Senators told me too that they are having problems up in his town with the ATVs.

And I said it's something that I, you know, just when I seen in the news just last week, not even a full week ago the girl, 16-year-old girl on her birthday killed on an ATV. But it's just something -- if Tommy could
get something before next meeting that Council
could all read I would be happy. And I would
like it to mirror the ordinance about the gas
station. And if you don't want it, you just
vote no. That's all I'm asking.

MR. MCHALE: But if we just vote no,
Tim, that does not solve the problem.

MAYOR BURKE: No, then we can move
on to check --

MR. MCHALE: It's just moving on for
the sake of moving on. It's not the answer.
We got to do something. Maybe it's not this
ordinance. Maybe it's something. And to your
point of do I get phone calls? I do. Maybe
not as many as you because of the vicinity of
where I live.

But the -- I do get a ton of calls
on the paving of the roads, on the flooding.
In front of my house I have a massive flood
every time it rains. I get the problems. I'm
working on them. I showed up at the American
Water meeting, which you know about.

I had American Water come to houses.
I get all the calls from everything not just
because of quads though. That's the problem
because the people who yell the most get your attention at that time.

You try to help everybody at once. But there is only so many hours in a day and try to take care of your family. That is not slighting your issue or anybody's issue. It's just the facts that, you know, there is only a few people doing everything. And unfortunately, this is waiting a year.

And that's not an excuse or backing why it's being put down for a year. It wasn't put down for a year. It's a matter of there is ten other fires that this Council has to put out every day and manage a 14 million dollar budget with 14,000 people. It's not an easy --

MAYOR BURKE: No, I understand that. I understand that.

MR. MCHALE: But I just don't want you to think I don't get the calls it's not important to me.

MAYOR BURKE: No, I understand that. What I said everybody is getting the calls. Okay, I'll move on from that. We did have a meeting with Senator Blake and a representative from Kyle Mullins, Mr. Jones was there and some
of the top bosses from American Water. They went over the map. Tommy, Mike was there, Joe Lorince. And they showed them the trouble spots.

And they are going to try to I think, first of all, work on the one by Rita's where the lid blows off. It happened this weekend again. I think they might have a fix for that. But that's just a short term fix because I think it will just lead to problems further down the road.

But just Senator Blake was here. He is concerned about our problems, the same as Council is concerned. Mike's cellar gets flooded. My cellar gets flooded. There is numerous -- there's probably people that haven't come to tell us about their cellars getting flooded. We're on top of this.

Hopefully American Water could move on this because they bought the combined system and we expect them to move on this quickly. And that's all I have for tonight. Thank you.

MR. MCHALE: For the record, we'll continue to push them to move on it. We definitely will continue and you're being one
of them. We meet with them on a monthly basis. And we will continue to push them.

We're talking a lot of money in repairs. But again, if you don't keep yelling you're not going to get it done.

MAYOR BURKE: I agree. That's why I am at every meeting with them.

MR. HALLINAN: And just to add, it's their money not ours that would be put into that, right, Mr. McHale, because they own the system --

MR. MCHALE: It's a combined system.

MR. HALLINAN: A combined system that's theirs. Thank you. Mr. Cummings?

ATTY. CUMMINGS: Nothing.

MR. HALLINAN: Carol, do you have anything?

MS. SCRIMALLI: Nothing tonight.

MR. HALLINAN: Mr. Ehnot?

MR. EHNOT: I'm good tonight. Thank you.

MR. HALLINAN: Mike?

MR. MCHALE: I think I spoke enough.

MR. HALLINAN: You had enough. Mr. Hayes?
MR. HAYES: Sure. Thank you, Mr. Chairman. Yeah, the Mayor opened the door so I'll just put my foot through it a little bit here. I do want to thank everyone for letting me be involved with the meeting with Senator Blake and American Water. Very eye-opening experience talking to the gentleman there and seeing what we can do short term, long term.

So I'm glad this project is in front of the radar for them. And I also live in that flood zone. But there is a lot people, other residents that are affected by that. So I'm glad to see that that is moving forward, not at an expense of Council but at the expense of the American Water.

And I just want to thank everybody for coming out tonight. And, Michelle Davis, thank you very much for the packet of information on the trees. And as you know, I'm a big into recycling and greenery and helping the environment. So I really appreciate you taking the time out of your own schedule on your own to do that for the betterment of the town. So I think it would be an injustice not to mention that that you did that for your
community. So thank you again for that.

That's all I have, Mr. Chairman.

MR. HALLINAN: Mr. Amico?

MR. AMICO: I just want to thank Miss Davis for coming out tonight. And that's all I have. Thank you very much.

MR. HALLINAN: I would like to thank Mrs. Davis for coming out. Thank you for doing that. And they are forming their -- Mr. Lorince is having them have their first meeting shortly to get them off the ground and get them running. But thank for your input and this definitely will be handed to them. I appreciate that. So with that I'll look for a motion to adjourn.

MR. HAYES: I'll make that motion.

MR. HALLINAN: Second?

MR. AMICO: Second.

MR. HALLINAN: All in favor?

ALL MEMBERS: Aye.

MR. HALLINAN: Thank you everyone for coming.
CERTIFICATE

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

Maria McCool, RPR
Official Court Reporter

The foregoing record of the proceedings upon the proceedings of the above-cause is hereby approved and directed to be filed.

Date HONORABLE [!JUDGE]

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